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Congressional Record

SEVENTY-FOURTH CONGRESS, SECOND SESSION

SENATE

THURSDAY, JANUARY 30, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, January 27, 1936, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On January 22, 1936:

S. 1336. An act to amend paragraph (f) of section 4 of the Communications Act of 1934; and

S. 2434. An act for the relief of George W. Hallowell, Jr.

On January 23, 1936:

S. 2252. An act for the relief of Henry Hilbun; and

S. 2673. An act for the relief of certain persons whose cotton was destroyed by fire in the Ouachita Warehouse, Camden, Ark.

On January 24, 1936:

S. 2421. An act to amend the act entitled "An act forbidding the transportation of any person in interstate or foreign commerce, kidnaped, or otherwise unlawfully detained, and making such act a felony", as amended.

On January 27, 1936:

S. 2887. An act authorizing the Perry County Bridge Commission of Perry County, Ind., to construct, maintain, and operate a toll bridge across the Ohio River at or near Cannelton, Ind.;

S. 3120. An act to authorize and direct the Secretary of the Treasury to transfer certain moneys to "Funds of Federal prisoners";

S. 3131. An act to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland, at or near Cedar Point, and Dauphin Island, Ala.;

S. 3245. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg.; and

S. 3425. An act authorizing an appropriation for payment to the Government of Norway in settlement of all claims for reimbursement on account of losses sustained by the owner and crew of the Norwegian steamer *Tampen*.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4178) for the relief of the International Manufacturers' Sales Co. of America, Inc., A. S. Postnikoff, trustee.

The message also announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 459) to amend the joint resolution entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes", agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCREYNOLDS, Mr. BLOOM, and Mr. MARTIN of Massachusetts were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to a resolution (H. Res. 406), as follows:

Resolved, That the bill (S. 1421) to amend subsection (a) of section 313 of the Tariff Act of 1930, in the opinion of this House contravenes that clause of the Constitution of the United States requiring revenue bills to originate in the House of Representatives, and is an infringement of the prerogatives of this House, and that said bill be respectfully returned to the Senate with a message communicating this resolution.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3328. An act to provide an official seal for the United States Veterans' Administration, and for other purposes; and

H. R. 4178. An act for the relief of the International Manufacturers' Sales Co. of America, Inc., A. S. Postnikoff, trustee.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Keyes	Pittman
Ashurst	Connally	King	Pope
Austin	Coolidge	La Follette	Radcliffe
Bachman	Copeland	Lewis	Reynolds
Bailey	Costigan	Logan	Robinson
Bankhead	Couzens	Lonergan	Russell
Barbour	Davis	McAdoo	Schwellenbach
Barkley	Dieterich	McCarran	Sheppard
Benson	Donahey	McGill	Smith
Bilbo	Duffy	McKellar	Steiwer
Black	Fletcher	McNary	Thomas, Okla.
Bone	Frazier	Maloney	Thomas, Utah
Borah	George	Metcalf	Townsend
Brown	Gibson	Minton	Trammell
Bulkley	Glass	Murphy	Truman
Bulow	Gore	Murray	Tydings
Burke	Harrison	Neely	Vandenberg
Byrd	Hastings	Norbeck	Van Nuys
Byrnes	Hatch	Norris	Walsh
Capper	Hayden	Nye	Wheeler
Caraway	Holt	O'Mahoney	White
Carey	Johnson	Overton	

Mr. LEWIS. I announce that the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Missouri [Mr. CLARK], the Senator from New Jersey [Mr. MOORE], the Senator from New York [Mr. WAGNER], and the Senator from Rhode Island [Mr. GERRY] are necessarily detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Iowa [Mr. DICKINSON] and the Senator from Minnesota [Mr. SHIPSTEAD] are necessarily absent.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

NATIONAL CHARTERS FOR NATIONAL COMMERCE

Mr. WHEELER. Mr. President, on next Monday night at 10:30 o'clock the Senator from Wyoming [Mr. O'MAHONEY] will discuss on the national radio forum of the Washington

Star his bill to provide a system of national charters for national commerce. This measure, Senate bill 3363, is pending before the Committee on Interstate Commerce of the Senate, and we expect to start holding hearings on in the near future.

In general terms, the bill provides a national corporation system authorizing the formation under Federal charters of corporations to engage in commerce among the States. It provides for the issuance of licenses through the Federal Trade Commission to corporations already engaged in such commerce. By means of these charters and licenses, the powers of corporations so engaged in interstate commerce are defined. Provision is made for the protection of labor by writing into the charters and licenses a quaranty of the right of collective bargaining, a prohibition against child labor, and safeguards to prevent discrimination against female employees.

The bill also attempts to afford protection for the investor by providing primary safeguards against the manipulation and dissipation of funds invested in corporations.

In describing the bill on the floor of the Senate last August, the Senator from Wyoming said:

This bill would protect labor and foster commerce.

It would put an end to the most flagrant abuses of corporate power. It would solve the holding-company problem by giving to the stockholders of the companies which are strangled in the holding-company net the voting power to control their own capital.

It would protect the rights of the minority stockholder.

It would mean actual self-government in industry and would put an end to the expansion of bureaucracy.

It would confine the Government to its proper sphere, which is not to run the businesses of the country but to prevent one citizen or class of citizens from taking advantage of the rest.

It would mean a real distribution of the wealth of the country, not in the sense of destroying or distributing capital assets but by providing for a more equitable distribution of national income. Because it would do that, it would stimulate business.

EXPENSES OF NORTH AMERICAN WILDLIFE CONFERENCE (S. DOC. NO. 168)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of a proposed provision affecting an existing appropriation for the Biological Survey, Department of Agriculture, to provide for certain necessary expenses in connection with the North American Wildlife Conference to be held in Washington, D. C., February 3 to 7, 1936, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CHARLES E. MOLSTER

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Commerce, transmitting a draft of proposed legislation for the relief of Charles E. Molster, disbursing clerk, Department of Commerce, which, with the accompanying paper, was referred to the Committee on Claims.

REPORT OF UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the United States Employees' Compensation Commission, transmitting, pursuant to law, a copy of the annual report of that Commission for the fiscal year ended June 30, 1935, which, with the accompanying report, was referred to the Committee on Education and Labor.

REPORT OF AMERICAN WAR MOTHERS

The VICE PRESIDENT laid before the Senate a letter from the past national president of the American War Mothers, submitting the annual report of the American War Mothers for the period from October 1, 1934, to October 4, 1935, which, with the accompanying report, was referred to the Committee on Military Affairs.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Smithsonian Institution, reporting, pursuant to law, that there are now in storage at the National Zoological Park, Washington, D. C., an accumulation of papers (supply orders), which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Executive Papers.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. NORBECK members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Foreign Relations:

Joint resolution memorializing the United States Senate to ratify at the instant session of Congress the treaty between the United States of America and the Dominion of Canada for the building of the Great Lakes-St. Lawrence seaway

Whereas there is pending before the United States Senate a treaty between the United States of America and the Dominion of Canada for the building of the Great Lakes-St. Lawrence seaway; and

Whereas this project has been under scrutiny and analysis by boards composed of the members of the Corps of the United States Army Engineers, economic investigators of the Department of Commerce, the International Joint Commission, the United States St. Lawrence Commission, and many other groups over a long period of years and has had the approval of 4 Presidents of the United States, of 46 Senators of the United States, and of both the Democratic and Republican Parties in convention assembled; and

Whereas the International Joint Commission found that without considering the probability of new traffic created by the opening of the water route to the seaboard there existed between the region economically tributary to the Great Lakes and oversea points, as well as between the same region and the Atlantic and Pacific seaboards, a volume of out-bound and in-bound trade that might reasonably be expected to seek this route sufficient to justify the expense involved in its improvement; and

Whereas the United States Great Lakes-St. Lawrence Commission found the construction of this shipway from the Great Lakes to the sea to be imperative both for the relief and for the development of a vast area in the interior of the continent; and

Whereas the building of this seaway, by affording easy and cheap communication to and from the interior of the continent, would be the greatest farm-relief measure ever passed; and

Whereas no project now before the country in the public-works or any other program for work relief begins to have the economic justification this project has, and none will do so much to break the back of the depression, as the money spent on this project would be for durable goods and labor: Now, therefore, be it

Resolved by the House of Representatives of the State of Minnesota (and the Senate of the State of Minnesota concurring), That the State of Minnesota memorialize the Senate of the United States now in session, and by the adoption of this resolution the State of Minnesota does memorialize the Senate of the United States, to ratify at the present session of the Congress of the United States the treaty between the United States of America and the Dominion of Canada providing for the building, in accordance with the terms of said treaty, a deep waterway channel connecting the Great Lakes with tidewater; and be it further

Resolved, That the Governor of this State is hereby requested to forthwith transmit to the Senate of the United States a properly authenticated copy of this joint resolution of the House of Representatives and the Senate of the State of Minnesota.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of the State of New York, favoring the designation as an air-mail service station of the Floyd Bennett Field Airport in Brooklyn, N. Y., which was referred to the Committee on Post Offices and Post Roads.

(See resolution printed in full when presented today by Mr. COPELAND, p. 1193.)

The VICE PRESIDENT also laid before the Senate a resolution of the Amalgamated Labor League of Tidewater, Norfolk, Va., favoring continuance of the munitions inquiry by the Special Committee on Investigation of the Munitions Industry, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

He also laid before the Senate a letter in the nature of a petition from Mrs. W. N. La Roe, of Cleveland, Ohio, praying for an amendment to the Constitution allowing the levying of income taxes upon all employees of State and other governments in the United States, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a resolution adopted by Frank C. Armstrong Camp, No. 3, United Spanish War Veterans, of Topeka, Kans., favoring the enactment of the so-called

Philippine travel-pay bill for relief of officers and soldiers of the Volunteer service who were held in service in the Philippines after the ratification of the treaty of peace with Spain, which was referred to the Committee on Claims.

Mr. WALSH presented a letter in the nature of a petition from Local Union No. 2419, Upholstery and Drapery Workers, of Farnumsville, Mass., praying for the enactment of the bill (H. R. 9072) to rehabilitate and stabilize labor conditions in the textile industry of the United States; to prevent unemployment, to regulate child labor, and to provide minimum wages, maximum hours, and other conditions of employment in said industry; to safeguard and promote the general welfare, and for other purposes, which was ordered to lie on the table.

Mr. COPELAND presented the petition of the mayor and sundry officers and citizens of the city of Loiza, P. R., praying for the enactment of legislation extending the benefits of the Social Security Act to Puerto Rico, which was referred to the Committee on Finance.

He also presented a resolution of Lodge No. 325 of the Slovene National Benefit Society, of Gowanda, N. Y., favoring the adoption of the so-called workers' rights amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted at the annual convention of the National Guard Association of the State of New York, at Syracuse, N. Y., favoring the enactment of legislation authorizing an allowance of $35 per month for quarters to each enlisted man of the Army detailed to duty with the National Guard as sergeant-instructor, which was referred to the Committee on Military Affairs.

He also presented the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Post Offices and Post Roads:

Whereas the Floyd Bennett Field Airport, in the Borough of Brooklyn, city and State of New York, by reason of its accessible location, its splendid equipment and facilities, is one of the finest airports in the United States; and

Whereas said airport has been established at great expense to the city of New York; and

Whereas it has better visibility and less fog than other airports in the metropolitan area; and

Whereas New York City, as the metropolis of this hemisphere, is entitled to an air-mail-service station of its own; and

Whereas the interests of that city, our State, and this Nation demand that these excellent facilities be availed of to the fullest extent by the United States Air Mail Service: Therefore be it

Resolved (*if the senate concur*), That the Congress of the United States and the Postmaster General of the United States be, and they hereby are, respectfully memorialized to take appropriate steps to the end that the Floyd Bennett Field Airport, in the Borough of Brooklyn, city of New York, State of New York, be designated as an air-mail-service station; and be it further

Resolved (*if the senate concur*), That a copy of this resolution be transmitted to the Postmaster General of the United States, United States Senators ROBERT F. WAGNER and ROYAL S. COPELAND, the Secretary of the United States Senate, Congressman RICHARD J. TONRY, and the Clerk of the House of Representatives.

Mr. AUSTIN presented the following joint resolution of the Legislature of the State of Vermont, which was referred to the Committee on Commerce:

Whereas it is to the interest of all purchasers and consumers of manufactured products that such merchandise should be honestly advertised and labeled; and

Whereas it would be of great benefit to the maple-sugar industry of Vermont, as well as a protection to the health of consumers, if honest advertising and labeling of merchandise containing maple products were required by law: Now, therefore, be it

Resolved by the senate and house of representatives, That the members of the Vermont delegation in Congress be urged to work for the enactment of pure-food legislation requiring that the percentage of maple sirup or sugar and of other ingredients be specified in all advertising and on all containers of merchandise alleged to contain or to be prepared from maple products; and

That copies of this resolution be sent by the secretary of state to each member of the Vermont delegation in Congress.

PROTECTION OF INLAND PORTS

Mr. BARBOUR. Mr. President, I present and ask unanimous consent to have printed in full in the RECORD and appropriately referred copy of a resolution adopted by the City Council of the City of Trenton, N. J., memorializing Congress for the enactment of suitable legislation to protect inland ports.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolution memorializing Congress for suitable legislation protecting inland ports

Whereas the Congress of the United States of America has seen fit to enact into law certain provisions in the Intercoastal Shipping Act of 1933 to protect minor ports, developed by act of Congress at the expense of the Federal Government, from exploitation by various organized shipping monopolies; and

Whereas the inclusion of such protective provisions, which are permissive in their application and allow voluntary activities by individual steamship operators, has made possible a satisfactory and uninterrupted service to Trenton by vessels in the United States intercoastal trade route; and

Whereas indications point to attempts being made to repeal such protective legislation, to the detriment of the port of Trenton, which port was created and developed into a deep-water port by the Federal Government and at the expense of the people of the United States of America; and

Whereas certain ships' subsidy and shipping legislation is now being proposed for enactment by the Congress of the United States of America for the further development, regulation, and general benefit of the shipping industry of the United States of America; and

Whereas adequate protective legislation should be included in such subsidy and other shipping legislation for the benefit of ports developed through improvement projects authorized by the Congress or through it by any other agency of the Federal Government; and

Whereas the city of Trenton has, at the expense of its citizens, cooperated with the Federal Government's improvement project in the Delaware River by constructing a modern marine terminal and other water-front facilities for the public convenience; and

Whereas the city council of the city of Trenton, who supervise, operate, maintain, and furnish adequate facilities for the functioning of the port in this community are desirous of encouraging and maintaining commerce through the port of Trenton for the good of local industry, general industry, and the public at large: Therefore be it

Resolved, That the city council of the city of Trenton, in regular session, memorialize the Congress of the United States to give its favorable consideration to and include in suitable proposed legislation the following:

"*And provided further*, That without limiting the power and authority otherwise vested in the authority, it shall be unlawful for any common or contract carrier, by water, either directly or indirectly, through the medium of an agreement, conference, association, understanding, or otherwise, to prevent or attempt to prevent any other such carrier from serving any port designed for the accommodation of ocean-going vessels located on any improvement project authorized by the Congress or through it by any other agency of the Federal Government, lying within the continental limits of the United States at the same rates which it charges at the nearest port already regularly serviced by it"; and be it further

Resolved, That copies of this resolution be dispatched to the Honorable Senator W. WARREN BARBOUR, the Honorable Senator A. HARRY MOORE, and the Honorable Congressman D. LANE POWERS.

CLYDE P. BOGAN—PAPERS

Mr. ROBINSON presented papers to accompany the bill (S. 3816) for the relief of Clyde P. Bogan, heretofore introduced by him, which were referred to the Committee on Claims.

REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on Military Affairs, to which was referred the bill (S. 3313) for the relief of George W. Olney, reported it without amendment and submitted a report (No. 1480) thereon.

He also, from the Committee on Claims, to which was referred the bill (S. 3090) for the relief of Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne, reported it without amendment and submitted a report (No. 1483) thereon.

Mr. GIBSON, from the Committee on Claims, to which was referred the bill (S. 3684) to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War, reported it with an amendment and submitted a report (No. 1482) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (H. R. 4805) authorizing adjustment of the claim of the Adelphia Bank & Trust Co., of Philadelphia, reported it without amendment and submitted a report (No. 1484) thereon.

He also, from the same committee, to which was referred the bill (S. 3001) for the relief of Walter F. Brittan, reported

it with an amendment and submitted a report (No. 1485) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 2941. A bill for the relief of Izelda Boisoneau (Rept. No. 1486);

S. 2942. A bill for the relief of John Hoffman (Rept. No. 1487); and

S. 2943. A bill for the relief of John Morris (Rept. No. 1488).

Mr. SCHWELLENBACH also, from the Committee on Military Affairs, to which was referred the bill (S. 3430) for the relief of Walter M. Seesee, reported it with amendments and submitted a report (No. 1489) thereon.

AGRICULTURAL RELIEF

Mr. BANKHEAD. I ask unanimous consent to report favorably with amendments from the Committee on Agriculture and Forestry the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, and I submit a report (No. 1481) thereon.

I have consulted the majority leader and he agrees that request will be made of the Senate to take this bill up for consideration on Monday next.

The VICE PRESIDENT. Without objection, the bill will be received and placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. VAN NUYS:

A bill (S. 3833) for the relief of Percy Head; to the Committee on Claims.

A bill (S. 3834) making it unlawful to sell certain spirits containing alcohol produced from materials other than cereal grains, and for other purposes;

A bill (S. 3835) to prevent certain price discriminations in commerce, and for other purposes; and

A bill (S. 3836) to amend the Criminal Code with respect to the manner of inflicting the punishment of death; to the Committee on the Judiciary.

A bill (S. 3837) granting a pension to Mary M. Osborn; to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 3838) granting a pension to Georgene F. Jackson; and

A bill (S. 3839) granting a pension to Randall Krauss; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 3840) to amend section 29 of the Bankruptcy Act; and

A bill (S. 3841) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. LA FOLLETTE:

A bill (S. 3842) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the statehood of Wisconsin, and to assist in the celebration of the Wisconsin Centennial during the year 1936; to the Committee on Banking and Currency.

By Mr. BARBOUR:

A bill (S. 3843) to provide for the entry under bond of exhibits of arts, sciences, and industries, and products of the soil, mine, and sea, and all other exhibits for exposition purposes; to the Committee on Finance.

By Mr. PITTMAN:

A bill (S. 3844) for the relief of Mrs. M. N. Shwamberg; and

A bill (S. 3845) to amend section 11 of the act approved April 10, 1935, entitled "An act to establish a Commission for the Settlement of the Special Claims comprehended within the terms of the convention between the United States of America and the United Mexican States, concluded April 24, 1934" (Public, No. 30, 74th Cong.); to the Committee on Foreign Relations.

By Mr. DAVIS:

A bill (S. 3846) granting a pension to George F. Krapp; to the Committee on Pensions.

By Mr. REYNOLDS:

A bill (S. 3847) granting a pension to Robert Garrett; to the Committee on Pensions.

A bill (S. 3848) for the relief of George J. Leatherwood; to the Committee on Claims.

By Mr. MOORE:

A bill (S. 3849) for the relief of Clara Imbesi and Domenick Imbesi; to the Committee on Claims.

By Mr. STEIWER:

A bill (S. 3850) for the relief of Mrs. Foster McLynn; to the Committee on Claims.

By Mr. MINTON:

A bill (S. 3851) granting a pension to Charity Cooper (with accompanying papers);

A bill (S. 3852) granting a pension to Hazel G. White (with accompanying papers); and

A bill (S. 3853) granting a pension to Flora Deutschman Whitson (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 3854) granting an increase in compensation to William B. Lancaster; to the Committee on Claims.

A bill (S. 3855) to amend the act entitled "An act to incorporate the National Education Association of the United States", approved June 30, 1906, as amended; to the Committee on the District of Columbia.

By Mr. NEELY:

A bill (S. 3856) for the relief of Anise B. Dulaney; to the Committee on Military Affairs.

By Mr. WALSH:

A bill (S. 3857) for the relief of Eldon F. Tripp; to the Committee on Naval Affairs.

By Mr. SHEPPARD:

A bill (S. 3858) for the relief of the legal representatives of O. M. Roberts; to the Committee on Claims.

A bill (S. 3859) to authorize the procurement, without advertising, of certain War Department property, and for other purposes; and

A bill (S. 3860) to amend section 2 of the act entitled "An act to amend the National Defense Act", approved May 28, 1928; to the Committee on Military Affairs.

By Mr. BAILEY:

A bill (S. 3861) for the relief of the Alaska Commercial Co. of San Francisco, Calif.; to the Committee on Claims.

By Mr. O'MAHONEY:

A bill (S. 3862) for the relief of Robert Simpson, doing business as Casper Monument Works; to the Committee on Claims.

By Mr. ADAMS:

A bill (S. 3863) for the relief of Jack Wade, Perry Shilton, Louie Hess, Owen Busch, and William W. McGregor; to the Committee on Claims.

By Mr. TRAMMELL:

A bill (S. 3864) for the improvement of the organization, administration, and maintenance of the United States Naval Reserve and the Marine Corps Reserve; to the Committee on Naval Affairs.

By Mr. HATCH:

A bill (S. 3865) for the relief of Amalia G. Lujan; to the Committee on Claims.

A bill (S. 3866) to further extend the period of time during which final proof may be offered by homestead and desert-land entrymen; to the Commitee on Public Lands and Surveys.

By Mr. BURKE:

A bill (S. 3867) for the relief of Thomas J. Pryor; to the Committee on Claims.

A bill (S. 3868) to amend section 32 of the act entitled "An act to authorize the construction of certain bridges and to extend the times for commencing and/or completing the

construction of other bridges over the navigable waters of the United States, and for other purposes", approved August 30, 1935; to the Committee on Commerce.

By Mr. MURRAY:

A bill (S. 3869) to authorize payment to the Indians of the Fort Peck Reservation of the amounts due on certain delinquent homestead entries; to the Committee on Indian Affairs.

A bill (S. 3870) granting a leave of absence to settlers of homestead lands during the year 1936; to the Committee on Public Lands and Surveys.

By Mr. SCHWELLENBACH and Mr. BONE:

A bill (S. 3871) to amend section 24 of the Immigration Act of 1917, as amended; to the Committee on Immigration.

By Mr. THOMAS of Utah:

A bill (S. 3872) for the relief of the present leader of the Army Band (with accompanying papers); to the Committee on Military Affairs.

By Mr. DUFFY:

A bill (S. 3873) granting an increase of pension to Ellen Rock; to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 3874) to authorize payment to the Indians of the Fort Berthold, Fort Totten, and Standing Rock Indian Reservations, N. Dak., of the amounts due on certain delinquent homestead entries; to the Committee on Public Lands and Surveys.

By Mr. DUFFY:

A joint resolution (S. J. Res. 204) providing for the naturalization of Dr. M. Kellogg Mookerjee; to the Committee on Immigration.

AMENDMENTS TO SUPPLEMENTAL DEFICIENCY APPROPRIATION BILL

Mr. HAYDEN submitted an amendment intended to be proposed by him to House bill 10464, the supplemental deficiency appropriation bill, 1936, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 21, line 16, to insert the following: ": *Provided*, That this appropriation shall be allotted to the States cooperating under existing appropriations without the matching requirement, except in those States which already have State funds available for matching their Federal allotments."

Mr. HAYDEN also submitted an amendment intended to be proposed by him to House bill 10464, the supplemental deficiency appropriation bill, 1936, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 51, after line 19, to insert the following new section:

SEC. 6. That section 1 of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, be, and the same is hereby, amended by inserting at the end of the first proviso of the second paragraph thereof, a new proviso as follows: *"Provided further*, That the apportionment requirements of this paragraph shall not apply to loans or grants, or both, to States under limitation (g) of the first paragraph of this section, for public highways and related projects, including grade crossings."

PUBLIC HIGHWAY FUNDS—NOTICE OF MOTION TO SUSPEND THE RULES

Mr. HAYDEN submitted the following notice of motion to suspend the rules:

Pursuant to the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 10464) making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes, the following amendment, viz: On page 51, after line 19, to insert the following as a new section:

"SEC. 6. That section 1 of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, be, and the same is hereby, amended by inserting at the end of the first proviso of the second paragraph thereof, a new proviso as follows: *'Provided further*, That the apportionment requirements of this paragraph shall not apply to loans or grants, or both, to States under limitation (g) of the first paragraph of this section, for public highways and related projects, including grade crossings.'"

COTTON PRODUCTION IN THE UNITED STATES

Mr. GORE. I submit a resolution and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 222), as follows:

Resolved, That the Secretary of Agriculture is directed to transmit to the Senate immediately 1 of the 25 copies of the original draft of the unreleased manuscript entitled "Cotton Production in the United States", being part 2 of the work entitled "The World Cotton Situation."

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. ROBINSON. Let the resolution go over.

The VICE PRESIDENT. The resolution will go over.

ASSISTANT CLERK TO COMMITTEE ON ENROLLED BILLS

Mrs. CARAWAY submitted the following resolution (S. Res. 223), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Enrolled Bills hereby is authorized to employ until the end of the present session an assistant clerk to be paid from the contingent fund of the Senate at the rate of $1,800 per annum.

ASSISTANT CLERK TO INTERSTATE COMMERCE COMMITTEE

Mr. WHEELER submitted the following resolution (S. Res. 224), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce is hereby authorized to employ for the remainder of the session of the Senate an assistant clerk, to be paid from the contingent fund of the Senate at the rate of $2,000 per annum.

INVESTIGATION OF CAMPAIGN EXPENDITURES IN 1936

Mr. ROBINSON submitted the following resolution (S. Res. 225), which was referred to the Committee on Privileges and Elections:

Resolved, That a special committee consisting of five Senators, to be appointed by the Vice President, is hereby authorized and directed to investigate the campaign expenditures of the various Presidential candidates, Vice-Presidential candidates, and candidates for the United States Senate, in both parties, the names of the persons, firms, or corporations subscribing, the amount contributed, the method of expenditure of said sums, and all facts in relation thereto, not only as to the subscriptions of money and expenditures thereof but as to the use of any other means or influence, including the promise or use of patronage, and all other facts in relation thereto which would not only be of public interest but which would aid the Senate in enacting any remedial legislation or in deciding any contests which might be instituted involving the right to a seat in the United States Senate.

No Senator shall be appointed upon said committee from a State in which a Senator is to be elected at the general election in 1936.

The investigation hereby provided for, in all the respects above enumerated, shall apply to candidates and contests before primaries, conventions, and the contests and campaign terminating in the general election in 1936.

Said committee is hereby authorized to act upon its own initiative and upon such information as in its judgment may be reasonable or reliable. Upon complaint being made before said committee, under oath, by any person, persons, candidate, or political committee, setting forth allegations as to facts which, under this resolution, it would be the duty of said committee to investigate, the said committee shall investigate such charges as fully as though it were acting upon its own motion, unless, after a hearing upon such complaint, the committee shall find that the allegations in said complaint are immaterial or untrue.

Said committee is hereby authorized, in the performance of its duties, to sit at such times and places, either in the District of Columbia or elsewhere, as it deems necessary or proper. It is specifically authorized to require the attendance of witnesses by subpena or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, clerical and other assistants; and to employ stenographers at a cost not exceeding 25 cents per 100 words.

Said committee is hereby specifically authorized to act through any subcommittee authorized to be appointed by said committee. The chairman of said committee or any member of any subcommittee may administer oaths to witnesses and sign subpenas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee or who appears and refuses to answer questions pertinent to said investigation shall be punished as prescribed by law.

The expenses of said investigation, not exceeding in the aggregate $———, shall be paid from the contingent fund of the Senate on vouchers signed by the chairman of the committee or the chairman of any subcommittee.

All hearings before said committee shall be public, and all orders or decisions of the committee shall be public.

The committee shall make a full report to the Senate on the first day of the next session of the Congress.

TEXAS CENTENNIAL EXPOSITION—CONFERENCE REPORT

Mr. CONNALLY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 459) to amend the joint resolution entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

TOM CONNALLY,
PETER NORBECK,
ALBEN W. BARKLEY,
Managers on the part of the Senate.

S. D. MCREYNOLDS,
SOL BLOOM,
JOSEPH W. MARTIN, JR.,
Managers on the part of the House.

The report was agreed to.

REPLY TO HON. ALFRED E. SMITH—ADDRESS BY SENATOR ROBINSON

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD a very able and timely address delivered on last Tuesday night over the Columbia Broadcasting System by the Senator from Arkansas [Mr. ROBINSON].

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Ladies and gentlemen of the radio audience, I shall take for my text tonight Genesis, the twenty-seventh chapter, verse 22: "The voice is Jacob's voice but the hands are the hands of Esau."

Alfred E. Smith sought the Presidency in 1928 when a man who raised his voice on behalf of the great causes of social justice and Democratic principles was regarded by the stock-ticker patriots with smug toleration or as a potential enemy of his country.

Governor Smith, in 1928, waged a clean and honorable campaign in behalf of common men and women, but he was swept down to defeat by greed and privilege hiding behind a murky and malodorous smoke screen. Greed supplied the 30 pieces of silver and passion brought about the base betrayal of fundamental American principles.

Now, we are on the threshold of another national campaign with the same two armies facing each other along the battle line. The preliminary skirmishing is under way and what is our amazement to find Governor Smith enthroned in the camp of the enemy, warring like one of the Janizaries of old against his own people and against the men and women with whom he fought shoulder to shoulder in the past.

A few nights ago there was held in the city of Washington a banquet by the miscalled American Liberty League, and the main attraction on that occasion was none other than our old friend, the "Happy Warrior", who won his spurs battling for the rights of the plain people.

Let me read to you a description of that occasion from a Washington newspaper:

"Jammed elbow to elbow, tail coat to tail coat, fluttery bouffant dress to sleek black velvet dress, the tables set so closely together in the main ballroom that the ushers scarcely could wiggle between the anti-New Dealers, Democrats, and Republicans alike gathered to hear the magic rasping voice of Alfred E. Smith belabor the present administration."

Another writer in the same paper described it as a billion-dollar audience that glanced up with eyes of worship and love at the new champion who had come amongst them. It was the swellest party ever given by the Du Ponts.

Yes; Governor Smith not only has changed sides in the great battle but his whole outlook seems to have undergone a transformation. He has forgotten apparently the issues upon which he ran for the Presidency. The brown derby has been discarded for the high hat; he has turned away from the East Side, with those little shops and fish markets, and now his gaze rests upon the gilded towers and palaces of Park Avenue.

In the old days Governor Smith was one of the most constructive and penetrating critics in American public life.

But now, what a change; his hour-long harangue before the miscalled Liberty League was sterile, without a single constructive suggestion for meeting the great social and economic problems confronting this Government. He laid down a six-point program in which he proposed, somewhat childishly, that the Democrats should forget about the election, resurrect the platform of 1932, cease compromising with fundamental principles, discontinue efforts to change the structure of government, remember oaths of office, and regard the Constitution as a civil bible. Not a specific proposal in the whole batch. Just a rehash of confusing and meaningless generalities.

Why, the Happy Warrior went further than that. He boldly asserted that our great offensive to overcome the depression and adjust the Nation's economic life had accomplished nothing. Is that a serious declaration or is it oratorical license? I challenge the accuracy of that assertion. Why, a table recently compiled shows that in the 3 years of the New Deal, as compared to the last 3 years of the Old Deal, unemployment has declined 30 percent; cotton, wheat, and corn have increased 100 percent or more in price; industrial production has gone up 51 percent; listed stocks have increased 134 percent in value and listed bonds 22 percent.

The progress of our recovery is apparent to every man who looks about him, and the story of the onward march fairly leaps at you every day from the pages of the daily press. Bear in mind that when the Roosevelt administration came into power hungry and abandoned men in the cities were searching the garbage pails for waste scraps and the American farmers were halting court foreclosures by physical force, which borders close on revolution. And Governor Smith says there has been no progress.

President Roosevelt had not been in the White House 24 hours before bankers and other big businessmen now grouped in the Liberty League appealed to him to "do something", to "do anything", to relieve the paralysis of business and to save them.

The President and the Congress responded to their appeals, saved the banks, and in saving them also saved the insurance companies; saved the railroads, the farms, and the homes. No sooner had these suppliants been made secure than they began to complain of the very processes by which their fortunes had been preserved against bankruptcy. They did not, when they needed help, brand Government aid to private enterprises as socialistic or communistic; nor did they complain of the Government engaging in what is normally private enterprise. Now, being secure, they regard it as violative of sound principle to accord the same assistance to others which they themselves have enjoyed.

So much for what the Roosevelt administration has accomplished. Now let's look at Mr. Smith's other criticisms of the present Democratic administration. You recall that before the Liberty Leaguers he started to read the Democratic platform of 1932, but for some strange reason he never finished it. I wonder why? Was there something further along condemning stock-market manipulations that he didn't like to read before his wealthy friends?

In any event, he charged that the New Deal was fostering and promoting class hatred; second, that it enacted an unconstitutional farm program and an unconstitutional N. R. A.; third, that public money was being wasted; fourth, that Congress had abdicated its powers to the Executive; and fifth, in a flag-waving, soul-stirring crescendo he charged the New Deal with trying to undermine the Constitution and Supreme Court while it fastened a socialistic and communistic dictatorship upon this country.

Let's look at the record.

Why, Governor Smith, from your own lips, with your own words, with your own matchless talent for illuminating the dark places of public discussion, I shall prove that you have advocated and championed every basic principle that has been written into law by the Roosevelt administration.

In his speech on Saturday night, Mr. Smith made the ugly charge that the New Deal is fomenting class hatred. Let me read you what he said when he was addressing the alumni association of Harvard University on June 22, 1933:

"I remember when we first spoke about the Workmen's Compensation Act the Court of Appeals of our own State set aside the first enactment as being contrary to the Constitution. I remember when we enacted the Child Welfare Act it was referred to as paternalism and as socialism.

"Our whole democracy at that time seemed to be devoted to the part that constitutional law and statute law was intended only for the protection of property and of money, and the human element did not seem to enter into it.

"The same has to do with the factory code; the same has to do with the provision for modern, up-to-date housing for our small-income group; the same has to do with the development of State-owned water power and the ownership by the State of the power at the site. Twenty years ago those were regarded as socialistic. I was referred to many time by my political opponents as a socialist. But in the light of our present-day legislation, Mr. President, I claim I am one of the ultraconservatives.

"We have nothing to fear in this country from a dictatorship. There can be nothing of that kind in this country. It cannot live here. We are not organized to carry it on. We have no desire for it. Great as may be the grant of temporary power in an emergency that Congress may by congressional enactment put into the hands of a President the thing we have to fear in this country, to my way of thinking, is the influence of the organized minorities, because somehow or other the great majority does not seem to organize."

Yes; those were Mr. Smith's own words. Somehow I think there must be two Al Smiths. One is the happy, carefree fellow behind whom we marched and shouted in 1928, proud of his principles and eager to place him in the White House. Now we have this other Al Smith, this grim-visaged fellow in the high hat and tails, who warns us that we are going straight to Moscow. If I recall correctly, he came before the Senate Finance Committee in 1933 and urged us to recognize Soviet Russia and give it a 5-year moratorium on debt payments.

Throughout his 1928 campaign Governor Smith hammered at the Power Trust, denounced greed and special privilege, and promised the people that if he were elected he would establish a new

order of things and bring about what he called a "more equal distribution of prosperity." Now he talks about stirring up class hatred, but what he said then sounded a good deal more like "share the wealth" than it does like the comparatively mild statements of President Roosevelt.

I pass on to his next accusation. He charges the New Deal with fostering an unconstitutional farm-relief program. He forgets that in 1928 he advocated the principles of the McNary-Haugen bill which in many respects was far more drastic in its use of the taxing power than the A. A. A. ever was. That's just a case of second guessing. Let me quote you from his Jefferson Day speech on April 13, 1932. He said:

"It is a perfectly easy thing to say we must restore the purchasing power of the farmer. Fine! Of course we must. But how are we going to do it? I would sooner have a short shake hands with the fellow that knows how to do it, than listen for a week to the fellow who knows how to tell you what the trouble is."

Well, Governor Smith, you should have stepped out of that Liberty League banquet and taken a walk four blocks to the White House to shake the hand of the man who raised the purchasing power of the farmers more than $2,000,000,000 in 1 year.

In his speech on Saturday night, Mr. Smith denounced the N. R. A. as a giant octopus that entangled itself around all business big and small and tried to smother it to death. Another second guess. He made a radio speech on August 22, 1933, in which he called attention to the fact that N. R. A. was largely voluntary and he added, I quote:

"The slightest reflection on these facts should dispose of the claim, from whatever source it came, that the National Industrial Recovery Act shakes the firm foundations of our Constitution, or marks revolution in our Government and in the conduct of our everyday life.

"Let us see whether by shorter hours, higher wages, and increased employment we can avoid the dole, called home relief, and the disguised dole popularly known as relief work, the evil consequences of which we all know. It is infinitely better to pay the bill by the methods proposed in the National Industry Recovery Act than to pay it in the form of public or private charitable relief."

The next charge was that public money was being wasted and that the party had failed to fulfill its pledge of a 25-percent reduction in Government expenditures. He neglected entirely to state that no President ever could have refused the call of suffering humanity that existed during the crisis of 1933. He knows very well that any Chief Executive, too cowardly to use the national credit to save human life, would have been consumed in the burning hatred of his own people.

I'll go further than that. Governor Smith himself was urging appropriations for public relief at the very time that platform plank about which he boasts so loudly was being drafted. He made speech after speech urging a public bond issue to provide employment. He appeared before a committee of Congress for that purpose. Here is what he said at the Jackson Day dinner in Washington on January 8, 1932:

"Now, if it is all right to put the credit of the Government behind business, let the credit of the Government be used to keep the wolf of hunger away from the doormat of millions of people."

In that same speech Mr. Smith declared that the conduct of the Hoover administration was "indefensible" because States, cities, and private charities were out of funds and unable to cope with the relief situation. He forgot to mention that speech to his Liberty League friends. Once again he was second guessing.

Let's pass on to his fourth charge that Congress has abdicated its legislative powers and, as he said, the country is now run by bureaucrats. Why, what Congress did is the very thing he advocated. In that Jackson Day speech from which I just quoted Governor Smith said:

"I would therefore suggest that Congress empower the President of the United States to appoint a Federal administrator of public works and put the President in such a position as he can clothe him with plenary power to cut, slash, dig into, and run through all the red tape and through all the statutory restrictions that are placed upon the Government in the progress of public works.

"In other words, invoke the tactics of war instead of dotting all the i's and crossing the t's and going through all the cumbersome labor of the peacetime performance when it comes to public-works construction."

Oh, my, Governor Smith, what a short memory you have. Your charge that the Roosevelt administration is fostering socialism and communism is so ridiculous it's actually funny. I think you've been seeing things under the bed; you know those Communist spies that our good friend HAM FISH is always talking about. Where have I heard that charge of socialism and communism before? Oh, now I recall, that's the identical charge that Mr. Herbert Hoover made against you in 1928.

Remember, Governor, after you fearlessly advocated the public ownership, public control, and public development of water-power sites, poor old Herbert whimpered that it was state socialism, because he lacked any adequate or statesmanlike reply to the position you took. And how you nailed poor Herbert on that one. You reminded him that the same old cry had been raised against Theodore Roosevelt, Charles Evans Hughes, Woodrow Wilson, and every other public servant who ever attempted to perform a public duty on behalf of the whole people. Very properly you said that silly charges of that kind did more to promote socialism in this country than any other cause. Let me quote just two short paragraphs from your Boston speech on October 24, 1928. You said:

"The cry of socialism has been patented by the powerful interests that desire to put a damper on progressive legislation.

"Failing to meet the arguments fairly and squarely, special interest falls back to the old stock argument of socialism. The people of New York State are tired of the stock argument, have discovered that it means nothing, that it is simply subterfuge and camouflage, and I am satisfied that the people of the Nation, in their wisdom, will so appraise it."

Yes, Governor Smith, you very properly reminded Mr. Hoover that under his definition even Charles Evans Hughes, the present Chief Justice of the United States, was a socialist.

Now, then, Governor Smith, I wish to comment on one more portion of your speech. You quoted from President Roosevelt's message to Congress, and then by straining and distorting his meaning you charged the President with saying: "If you are going to have an autocrat, take me; be very careful about the other fellow." Now, the Chief Executive never said that, and he never hinted at any such thing. That looks just a little bit like a blow below the belt. Suppose I read the record on you—not what someone else said, but what you, yourself, said. I am now going to read you verbatim a news dispatch which appeared in the usually reliable New York Times, in the issue of February 8, 1933, just before Mr. Roosevelt entered the White House. I quote:

"Former Gov. Alfred E. Smith told 400 guests at a dinner of the Catholic Conference on Industrial Problems at the Hotel Astor last night that the Nation needs a director of public works with power to cut through red tape if appropriations of public funds are to count in the war against the depression.

"The former Governor asserted that the economic crisis had caused more domestic damage than participation by the United States in the World War, and he declared it must be fought as a democracy traditionally fights, by arrogating to itself the powers of 'a tyrant, a despot, or a monarch.'

" 'Let us look back a few years to 1917 and 1918', Mr. Smith proposed. 'What did we do then? Why, we took the Constitution, wrapped it up, and put it on the shelf and forgot it until it was over.' "

Just think of that! Alfred E. Smith proposing in 1933 that we wrap up the Constitution and put it on the shelf until the depression was defeated, and then coming down here in 1936 to lecture Democratic leaders on constitutional government!

Now, let me say something about the Constitution. In the whole United States there is not a single individual who can truthfully charge Franklin D. Roosevelt with advocating the suppression of freedom of speech, freedom of the press, freedom of assemblage, freedom of worship, or any of those other basic rights guaranteed us in the immortal Bill of Rights.

The idea that Governor Smith wished to convey in 1933 is the idea we all had, namely, that in a time of stress and torment, when every moment demanded action to preserve human life and prevent suffering, it was imperative to cease wasteful quibbling. He meant the time had passed for legal hairsplitting and pompous phraseology.

Governor Smith meant he was tired of boresome self-styled constitutional authorities like James M. Beck, the chief justice of the Liberty League, who has appeared 10 times before the Supreme Court on constitutional questions and been turned down 8 times.

History will show, and the record now will show, that President Roosevelt has never advocated the adoption of a single measure designed to curb in any way the just liberties of any man.

Of course, President Roosevelt was unable to say definitely and finally in the great emergency of 1933 just where State power ended and Federal power began. Of course, Congress was unable to say flatly and finally that the measures adopted would come within the limitations of the Constitution as interpreted by the Supreme Court. Who could say conclusively the A. A. A. was constitutional or unconstitutional? Why even the Court itself differed on that issue, and three of its keenest members gave their unqualified opinion that it was constitutional.

We anticipate unprincipled men, engaged only in promoting their own interests, to join the hypocritical and pharisaical chorus, to join the hue and cry of those who falsely accuse the President of trying to undermine the organic law of this country. But we don't expect it from high-minded individuals who know better, from men who themselves have advocated far more drastic policies and programs than Mr. Roosevelt has pursued. If you condemn the President, Governor Smith, you condemn yourself one hundredfold.

The list of directors and officers of the American Liberty League reads like a roll call of the men who have despoiled the oil, coal, and water-power resources of this country. With notable exceptions they were lined up against you in 1928 supplying the money with which Herbert Hoover went about the country denouncing you as a Communist and a Socialist.

It was strange to see you in such company, Governor Smith. Over here marches the same army with whom you fought for social justice for a quarter of a century—Franklin Roosevelt, Senator Wagner, Miss Perkins, Senator Norris, and those other comrades of your earlier and better days. The glamour of your presence and the brilliance of your personality so completely dominated that gathering on last Saturday night that in the half shadows were concealed the lurking figures of men who fought for 25 years against the principles of government you formerly espoused. Within a few feet of the table at which you sat were members of the Power Trust, some of whom you denounced by name in 1928.

I am sure Mr. Hoover was with you in spirit, his cherubic face agleam and his chubby hands applauding ecstatically as you repeated against Mr. Roosevelt the very speech which Mr. Hoover delivered against you in 1928.

Yes, Governor Smith; it was as difficult to conceive you at that Liberty League banquet as it would be to imagine George Washington waving a cheery good-bye to the ragged and bleeding band at Valley Forge while he rode forth to dine in sumptuous luxury with smug and sanctimonious Tories in nearby Philadelphia.

Perhaps in the heat of battle sometimes our commanding officer, President Roosevelt, has employed the wrong tactics. Perhaps there have been confusion and loss of energy. Those things always happen when human beings attempt mass operations in hurried formation under the pressure of adverse fate. But those things never yet have justified a change of allegiance in the face of the enemy.

It rests with no soldier who approaches the battlefield under the flag of his leader to retire while the war continues. Above all things, he must never go over to the enemy.

Yes; I agree with you, Governor Smith, that the Democratic Party belongs to no individual and no group. It cannot be purchased by the American Liberty League. The financial angels of the league will discover they cannot buy a monopoly over the name of freedom in the same way they have purchased monopolies over oil, coal, and water power.

Governor Smith, I have read you the record. You approved N. R. A.; you approved farm relief; you urged Federal spending and public works; you urged Congress to cut red tape and confer power on the Executive; you urged autocratic power for the President; and you exposed with merciless logic the false cry of communism and socialism. The New Deal was your platform as the "happy warrior."

The policies of the Liberty League have become your platform as the unhappy warrior.

ADDRESS BY SENATOR CLARK BEFORE MISSOURI STATE BAR ASSOCIATION

Mr. TRUMAN. Mr. President, I ask unanimous consent to have printed in the RECORD an able address delivered by the senior Senator from Missouri [Mr. CLARK] before the Missouri State Bar Association at Springfield, Mo., on September 28, 1935.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I consider it a real privilege to again have the opportunity of meeting with my brethren of the Missouri Bar and a distinct honor to be permitted to address you this evening. These are times when it is especially desirable for men and women trained in the law, men and women familiar with the history of our laws and of our institutions, men and women whose business of necessity brings them into the closest contact with the procedure and enforcement of our laws to take counsel together.

In the field of legal ethics and professional standards there have been notable advances in the last few years, and I am especially proud of the work which has been done in this State under the leadership of this association. In this work the bar is merely performing its plain duty to the public and to the courts whose officers we are.

There are times when it seems especially desirable for lawyers, indeed for all the people, to take stock of our fundamental law, to review our history under it, to consider whether it has outgrown its usefulness and whether it should be changed in such a way as to destroy its essential character, either as to the powers granted to the Federal Government and those reserved to the States, or as to the powers and duties of the coordinate branches of the Federal Government itself.

Such questions naturally arise during such periods of unrest and economic agony as the whole world has been enduring and in many nations have been answered by the overturn of governmental structure, the destruction of constitutional rights, and the establishment of brutal dictatorships.

The United States has from the earliest days of the Republic been the bulwark of liberty throughout the world. We set the example of republicanism to the nations of the earth. Our Government was created and stands as a monument to the proposition that men are fit to govern themselves. Twenty years ago it seemed that the principles upon which our Government has been founded were to encompass the earth, for nearly 30 nations had followed our example in setting up constitutional governments. Today, as a result of the events which have gone on in the latter years and of events which are being narrated in the daily press—news of murder and rapine and oppression—every lover of constitutional liberty in the world must bow his head in shame. But even in this time, this time of crisis, when, as a result of the brutal bestiality of war, of the lowering of standards, the destruction of morale which accompanied and followed that awful conflict, liberty is prostrate throughout the world, with brutal dictators in the ascendant in nearly every land, the United States still affords the last hope to the oppressed and liberty-loving peoples of the world.

We ourselves have been passing through the fiery furnace of the aftermath of war. We are emerging from a crisis more serious than any in the history of the United States with the exception of the Revolution and the period of the Civil War. The survival of our institutions and of our whole economic fabric has been tested to the uttermost. It is such conditions which give rise to discussions as to changes in our fundamental law. It is perhaps but natural and human for some to blame distressing conditions due to economic maladjustments and faulty administration upon the structure of our government.

Let me say, as clearly as I am able to give expression to my thoughts, that I am not one of those who believe that the Constitution should be sacrosanct, as immutable as the laws of the Medes and Persians, although I have always believed and still believe that it is the greatest document ever struck off by any group of men at any one time. The framers of the Constitution themselves wisely set up explicitly the means whereby the Constitution might be amended, cumbersome and difficult to be sure, but capable, as we have recently seen, of being employed with amazing rapidity and completeness once the people have made up their minds. It has also been demonstrated that it is sufficiently flexible to enable the people to try an experiment in government and, if proven unsatisfactory, to speedily repair their error. Indeed, the Constitution was wisely amended, at least by general agreement, by the insertion of the Bill of Rights before it was even adopted, else it had not been adopted.

The Constitution itself was a radical, not to say a revolutionary change from the form of government as it existed under the Articles of Confederation. Many of us are prone to speak of the period of the adoption of the Constitution as a settled period, when our governmental theories sprang full armed from the brains of a group of political Joves. Yet a century and a quarter ago, Thomas Jefferson wrote: "We have chanced to live in an age which will probably be distinguished in history for its experiments in government on a larger scale than has yet taken place." He recognized that the science of government is a progressive science and that advances must be made in the promotion of the welfare of the people lest they perish.

Nor do I see merit to the objection frequently advanced in these times that to amend the Constitution in a certain particular would have the effect of overruling a decision of the Supreme Court of the United States. In our own times we have seen that done when the decision of the Supreme Court in the income-tax case was in effect overruled by an amendment specifically giving Congress the power to impose the Federal income tax.

The test of whether changes should be made in the Constitution should be determined not by reverence for its antiquity and only by the question of whether changes would be in the interest of increasing the happiness and well-being of the people. Thomas Jefferson said: "The only orthodox object of the institution of government is to secure the greatest degree of happiness possible to the general mass of those associated under it." But in the determination of the question of proposed changes the greatest consideration should be given to the question of whether or not the prospect of success of the proposed change is sufficient to justify us in abandoning a system of government under which we have enjoyed a century and a half of amazing progress and of general though by no means universal prosperity.

Whether it be more sound in theory to have a written constitution such as we have or an unwritten constitution such as the British have I shall not attempt to argue. Those who see great merit in the British system of practically unlimited control of government by the House of Commons must consider that this enormous power is checked by a most uncertain tenure of office and that the government may be turned out of office at any moment. To entrust such power to a legislative body, or an executive elected for a fixed term might speedily lead to the worst of tyranny.

But certain it is that if we had not had a written constitution we would have had no constitution at all. Our States had lately been colonies. They were jealous of each other and more jealous and afraid of a central government so strong and unrestrained that it might subjugate their liberties. Moreover, they recalled that it was a subservient Parliament, controlled by a tyrannical King, unrestrained by a written constitution or by any judicial body capable of enforcing an unwritten one which had lately committed the acts of oppression which had caused the Revolution and created our independent States. Therefore in setting up the central government, with great care and precision, they set out explicitly the powers which the States were granting to the central government reserving all others to the people of the States. And then they set up a Bill of Rights, designed to protect to the fullest possible degree, the individual rights and liberties of the people themselves. And when they came to set up the central government they carefully divided it into three coordinate branches, each to perform its given function and to be a check upon the other so that no one or no two branches could take away the rights of people.

While it is true that there are those who conceive it to be desirable to wipe out our whole system of government, to abolish the Constitution of the United States, destroy every right of liberty or property, eliminate State lines entirely, and set up a system of unified state socialism, I shall occupy little time in a discussion of them, because I believe their theory to be obnoxious to an overwhelming majority of the American people.

But there are other and more subtle methods of changing the structures of our Government, some of which are being suggested by men in high position. One of those changes looks to the practical abolition of State lines by the giving to Congress power to control intrastate commerce as well as interstate, giving to the Federal Government power over even the smallest, most local, and most insignificant business. Another looks to extending the power of the legislative branch or the executive branch or both as against the judicial by either taking away from it the power to

declare acts of Congress unconstitutional or else so limiting it as to make the power ineffectual. Another change now being suggested would give to the Congress, with the consent of the President, or by two-thirds vote without his consent, the power to declare an emergency to exist and for the period in which they claimed an emergency to suspend the provisions of the Constitution.

Throughout the existence of the Constitution the Federal Government has constantly encroached against the rights and functions of the States. The extreme State rights contention was settled at Appomatox, but still the struggle has gone on, with the Federal Government constantly reaching out for more and more of the functions of the States. By preempting nearly all of the sources of taxation the National Government has put the States in the attitude of poor relations and dependents. By extending Federal aid in many functions formerly considered purely State or purely local the Federal Government has to a greater and greater degree assumed control of these activities. And the States have not only tamely submitted but have to a greater and greater degree come to Washington with their hats in their hands to beg for further Federal alms. No more pathetic spectacle has been seen in our times than that of Governors of great sovereign States of this Union coming to Washington to beg and plead on bended knees of an appointive official as to the terms upon which Federal funds would be extended for the relief of the distressed people of their States.

Even in the matter of interstate commerce, where Federal jurisdiction is strictly limited by the Constitution, there has been a constant extension by judicial interpretation. But the Supreme Court has established limitations beyond which these encroachments may not go. If now these limitations are to be removed and the whole subject of commerce be turned over to the Federal Government, giving an official in Washington the power to fix the price of pressing a pair of trousers in Springfield and enforce his decree with criminal process, the State governments might as well be abolished and the expense of a duplication of administration thus saved. I believe, as did the fathers of this Republic, that government is better as it is closer to the people and more burdensome as it is further removed.

Another suggested change in the Constitution is to take away from the judiciary its status as a coordinate branch of the Government by depriving it of its power to declare acts of Congress unconstitutional, or to so restrict it as to require some number larger than a majority before such decision could be made. Whatever may be the merits of the long dispute as to whether the framers of the Constitution intended the Supreme Court to have the power of declaring law to be in violation of the Constitution or whether it be true that John Marshall wrote that into the Constitution by construction, nevertheless it is a fact that by prescription and repeated construction it is a part of the Constitution. Nay, more; it is the very heart of the Constitution. Instances are not lacking in our history when a powerful congressional majority and a subservient or powerless President, or a powerful President with a subservient Congress, would have proceeded to extremes but for the action of the Supreme Court. It is the very key to our system of checks and balances. Under it the justices are appointed by the President and must be confirmed by the Senate. They in turn pass upon the validity of the laws, each branch with a check upon the other. We will be treading a dangerous course when we tear down that system.

Most dangerous of all suggested changes is that suggested by one so eminent as a member of the President's Cabinet, that when Congress may see fit to declare an emergency to exist it shall have leave to nullify the Constitution, set at defiance its every provision, usurp every power and in conjunction with the Executive to continue to exercise such powers as long as it claims the emergency to exist. But it is precisely in times of stress or emergency that the rights and liberties of the people are most endangered and that our constitutional guarantees are most in need. It would be better to have no written Constitution at all than to have one which can be suspended or abolished at will by the Congress and the Executive. In the splendid language of Mr. Justice Davis in Ex parte Milligan, "Time has proven the discernment of our ancestors; for even these provisions, expressed in such plain terms that it would seem the ingenuity of man could not evade them are now, after the lapse of more than 70 years sought to be avoided. These great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world has taught them that what was done in the past might be attempted in the future. The Consitution of the United States is a law for rulers and people, equally in war and in peace and covers with the shield of its protection all classes of men, at all times and under all circumstances. No doctrine, involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory on which it is based is false; for the Government within the Constitution has all the powers granted to it which are necessary to preserve its existence." Those words are as wise and as true today as when penned by Mr. Justice Davis in 1868.

My friends, we know both from the history of the world and from observation in our own country that extraordinary powers granted to or assumed by a good legislature or a good executive for beneficent purposes and beneficently used by him may be seized by a bad legislature or a bad executive and made an engine of tyranny.

We frequently heard it said that it was the custom of the ancient Roman Republic in time of danger to appoint a dictator with absolute powers as a measure of safety for the Republic. This is true, and I doubt not that there were times when this system worked well, but one fateful day there came a bad dictator who did not turn back his extraordinary powers and the Roman Republic was no more.

We have seen in the very present in an American Commonwealth a constitution sponsored by a Governor of good intentions and not misused by him, seized by a man of ravening ambition and used by him to destroy every vestige of a republican form of government and establish a dictatorship more complete than that of Mussolini or Hitler—only to be ended by assassination.

If the Constitution needs change, let us change it, but let us not authorize any Constitution to be nullified at will by a mere declaration on the part of Congress that an emergency exists.

James Madison once wrote: "The people who are the authors of this blessing must also be its guardians. Their eyes must ever be ready to mark, their voice to pronounce, and their arms to repel or repair aggressions on the authority of their Constitution."

The American people have been devoted to their Constitution. They know that wise men conceived it, strong men have administered it, brave men have fought for it, heroes have died for it. And it is my hope and belief that it will be long, indeed, before they consent to change the fundamental spirit in which it was conceived and the principles on which it was founded.

ADDRESS BY SENATOR DUFFY AT DEMOCRATIC CONFERENCE AT WISCONSIN RAPIDS, WIS.

Mr. ROBINSON. Mr. President, I ask leave to have printed in the RECORD an address delivered by the Senator from Wisconsin [Mr. DUFFY] at Wisconsin Rapids, Wis., on January 25, 1936.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Chairman and fellow Democrats, it is indeed a very good test of Democratic loyalty and Democratic spirit to find such a large and enthusiastic audience here at a time when the weather and the elements have made travel not only uncomfortable but very difficult. I am told that it was 31° below zero early this morning, and it is somewhere near that temperature at this time. I am also informed that there are more than thirteen hundred delegates and alternates registered from every part of Wisconsin. This is a remarkable demonstration of loyalty to the principles enunciated by the Democratic Party. In my opinion it is also a tribute to the able leadership and executive ability displayed by Mr. James A. Corcoran, chairman of your State central committee.

This conference has a very important and solemn duty to perform. A like conference which was held about 4 years ago in the city of Fond du Lac was extremely important, because of the effect it had in shaping sentiment in behalf of the then Governor of the State of New York. Many other States at that time were closely watching the recommendations which would be made by that great Democratic conference. There is no question in my mind but that the action of the Fond du Lac conference in January of 1932 was extremely important in crystallizing sentiment in favor of Franklin D. Roosevelt as the Democratic nominee for President.

Four years have passed since that time, and nearly 3 years have passed since President Roosevelt commenced his term of office, with a Democratic national administration to back him up.

The question before the American people is, Does the record of accomplishments made by President Roosevelt and his administration entitle him to an endorsement by reelection?

I will not take up your time today in recounting in detail the sad situation that confronted our country when President Roosevelt and the Democratic national administration assumed direction of the affairs of this country. The bitter experiences of our people are seared too deeply into their memories and their very souls for them to have forgotten.

Agriculture had been fighting a losing battle from the time of Harding, and it was practically prostrate in March of 1933. Business and industry were not only discouraged and disheartened but were on the verge of bankruptcy. The people had lost confidence in our banking institutions and the banks in large numbers were closing day by day. Over 13,000,000 unemployed walked our streets and nobody had been doing very much to relieve their distress.

I want to say to you that the credit of our Government and of our financial institutions was so low when March 4, 1933, arrived that we were on the brink of financial chaos. I recall that on March 2, 1933, just 2 days before the Hoover administration went out of office, it was necessary for our Government to do some short-time borrowing. When the credit of our Government was good, we had been able to obtain loans at a rate as low as one-eighth of 1 percent on what is known as 91-day bills; but at that time the Government's credit had become so shaky that interest at the rate of 4¼ percent was demanded. In terms of percentage, this meant a jump of nearly 3,000 percent increase, and any further movement in that direction would have meant that the Government's credit would have been shattered. This shows the really dangerous situation that we were in, because when a people begin to lose confidence in their government, then that government and that nation are in real immediate danger.

I have before me a table that was printed just this week in the Philadelphia Record. It compares a period under the Republican

administration of Herbert Hoover from April 1, 1930, to April 1, 1933, when the new administration actually began to function, with a period of 2 years and 8 months—that is, from April 1, 1933, to December 1, 1935—under the New Deal, the comparison being made on a number of articles and items.

I am not going to give all the figures that appear in this table except to read the percentages, which tell their own story in a graphic way. The first item is "unemployment." On April 1, 1930, under Hoover there were slightly more than 3,000,000 unemployed, and by April 1, 1933, there were 13,000,000. In other words, under the Old Deal in that 3-year period unemployment had increased 313 percent, while under the New Deal unemployment had declined 30 percent.

Let us consider agriculture. During that period under Hoover the price of cotton declined 61 percent, and under Roosevelt it has advanced 92 percent. Wheat, under the deal that provided "two chickens in every pot", declined 59 percent, while wheat under Roosevelt and his administration has advanced 111 percent. Corn, under this period of the Old Deal, declined 73 percent, and under the New Deal the price of corn has advanced 152 percent. Will agriculture forget what has been done for them? Will the farmers of America forget that last year they had $2,000,000,000 more in their pockets than they had in the last year of the Republican administration?

Well, let us see what is listed under the heading of "Industry." Under that period of the Old Deal, industrial production declined 44 percent, under the New Deal it has increased 51 percent. Steel production under that period of "good old times" declined 70 percent, but under Roosevelt and the Democratic administration, it has advanced 257 percent. Auto registration under that period of the Old Deal declined 66 percent, and under the Democratic administration in Washington, it has increased 326 percent.

Now, let us examine the item of commerce. Wholesale prices during that period under Hoover declined 34 percent, while wholesale prices under Roosevelt have advanced 33 percent. Total exports under that period of the Republican administration declined 56 percent, and under the New Deal they have advanced 33 percent. The total imports under the Republican administration declined 52 percent, but total imports under the Roosevelt administration advanced 37 percent.

Let us look into the security market. From March 1, 1930, and mind you, this was nearly 6 months after the stock market crash of 1929, the average listed stocks declined by March 1, 1933, 75 percent, but under Roosevelt they have advanced 134 percent. During that same period under Hoover, listed bonds declined 22 percent, while under Roosevelt they have increased 22 percent.

Power production from January 1, 1930, to January 1, 1933, declined 9 percent, and under Roosevelt it has increased 19 percent.

Do not these cold figures tell a story that no amount of argument and camouflage can hide? Oh, but our Republican friends say, "Yes; there may have been some bettering of conditions, but you have deficits now, while under our administration we had surpluses." But what are the facts? It amuses me very much when Mr. Hoover speaks of balancing the Budget. During the fiscal year ending June 30, 1931, was there a surplus? No; indeed, there was a deficit of $902,716,845. For the fiscal year ending June 30, 1932, under Herbert Hoover there was a deficit of $3,153,097,507, and for the 8 months of the fiscal year up to March 3, 1933, there was a deficit of $2,163,760,084. All during that period of 2 years and 8 months, up to the time Roosevelt took charge, a deficit of $6,219,574,436, or about $1,000,000,000 more than this administration has spent on relief to date, was incurred by Herbert Hoover.

It has been said many times that comparisons are odious. I should think they would be to our Republican friends, when they must contrast and compare what the Republican national administration did to this country alongside of the record of what Roosevelt and the Democratic administration has done for this country.

Several months ago I noted that Mr. Henry P. Fletcher, chairman of the Republican National Committee, had appointed a group of industrialists and business men to raise funds in order to defeat Roosevelt and his administration. Mr. Fletcher stated that most of these men had not mixed into politics before, but that they were sore at the way Roosevelt had "hurt business, harassed the propertied class, particularly security holders."

I believe Mr. William B. Bell is the chairman of this committee; he is also president of the American Cyanamid Co., which wanted Muscle Shoals. Well, let's see how that company has been ruined by the New Deal. On March 4, 1933, the common stock of American Cyanamid was 3½; yesterday it was 34¾. Can't you imagine how indignant the stockholders of that company are when the price of their holdings has gone up 10 times?

Another on the committee is Mr. Ernest H. Weir, who, I believe, is head of the National Steel Corporation. On March 4, 1933, the stock of that company was selling for 15½; now it is something around 33. In 1932 the net income of that corporation was $1,662,920; for the first 9 months of 1935 it was $8,603,758, or nearly seven times what it was in the last year of the Hoover administration.

Another member of the committee is Mr. Sewell L. Avery, president of Montgomery Ward & Co. On March 4, 1933, the common stock of that company was 8⅞. I looked in the paper yesterday and saw it quoted at 38½. For the 13 months ending January 1, 1933, Montgomery Ward had a deficit of over $5,000,000. For the 12 months ending January 31, 1935, the profits of that company were over $10,800,000. Why shouldn't the shareholders of Montgomery Ward be angry? For that year they were only about $16,000,000 better off than during the last year of the Hoover administration.

And then the chairman of the board of Westinghouse Electric & Manufacturing Co. is also on the committee; his name is A. W. Robertson. The stock of that company, since the Roosevelt administration came in has increased from 13½ to nearly 35.

For the year 1932 Westinghouse was nearly $9,000,000 in the red; for the first 9 months of 1935 Westinghouse showed profits of nearly $9,000,000. Think how the New Deal has destroyed that company!

In his address to the joint session of the Congress last January 3, the President issued a challenge which I have not heard accepted. He asked the opponents of his administration to tell which of the laws which have been enacted they would advocate should now be repealed. Since then the A. A. A. has been declared unconstitutional. The decision of that case is now the law of the land; at least until such time as the Court may reverse itself, or unless legislation can be devised to help agriculture, which will come within the rules laid down by the Court.

I have no disposition to criticize any court for its honest decision, although I will say very frankly that the opinion of the three judges who wrote the minority opinion seemed to me, as a lawyer, to be the opinion that should have been adopted by at least a majority of the Court. I really think the majority opinion was strained indeed, but nevertheless, it is now the law of that case. This administration will not be satisfied, however, to again permit agriculture to shift for itself while it still needs help and assistance.

It is very significant that the opponents of this Democratic administration in this coming campaign will speak in generalities; they will not get down to fine points. None of them will advocate the repeal of the Civilian Conservation Corps law, which has meant so much to the youth of our land, as well as preserving our forests and other natural resources for generations to come. I take it we will hear no voices raised urging the repeal of the bank insurance law. Even the Republicans say that it was a great piece of legislation. This law insures bank deposits up to $5,000, and 98 percent of the bank deposits of this country are for less than $5,000. In the Senate at the last session of Congress, I heard a Republican Senator, Mr. VANDENBERG, of Michigan, say, "From my observation, I think I have never seen a difficult and perplexing public responsibility more ably discharged than during the 18 months of the Federal Deposit Insurance Corporation, presided over by Mr. Crowley."

Will the opponents in the next campaign dare to advocate the repeal of the Farm Credit Act, or the act creating the Federal Housing Administration? Will they criticize the H. O. L. C. Act which saved so many homes for the modest home owners of our Nation? Will they criticize the Farm Credit Act which brought relief to so many distressed farmers throughout our land?

Oh, no, we will hear nothing of that, but there will be many general charges that somebody has lost his liberty and he should now go around trying to find it. My friends, in this next campaign, we can look to a very bitter fight being waged against us.

After the conventions are held next June I predict our opponents will spend hundreds of thousands of dollars in the purchase of radio time, telling the American people that they should oust Roosevelt and the Democrats if they want to get back their liberty. I suppose they mean their liberty to have bank runs, the liberty to have the credit of this Nation destroyed, the liberty to have the people lose faith in their Government, and the liberty to have people go hungry and starve.

But they will not be successful. The average man and woman realize that there has been a sincere effort to improve their condition. Most of our people are aware that for the first time in many years in the Roosevelt administration there has been an honest, determined effort to make the lot of the common man and woman a little easier to bear, and that the New Deal has brought much of happiness and contentment to the firesides of hundreds of thousands of American homes.

No, my friends, the great mass of our people will not forget. Industrialists and bankers, who in 1933 were crying in anguished voices to be saved, and who now feel secure, may forget; but the formerly "forgotten man" will not.

My prediction is that President Roosevelt will be reelected this fall by a handsome majority.

I had a visit with the President at the White House 2 or 3 days ago. I told him I was leaving the next day for Wisconsin, in order to attend this conference. I told him, further, that I felt very certain that 4 delegates at large and 20 district delegates would be here endorsed and would be elected next April who, first, last, and all the time, would be enthusiastically for Franklin D. Roosevelt.

The President asked me to say to you that he hoped he would receive the same loyal support from the delegates here endorsed as he did from those selected at the Fond du Lac conference in January 1932.

NATIONAL DEFENSE—ADDRESS BY SENATOR WALSH

Mr. TRAMMELL. Mr. President, I ask unanimous consent to have printed in the RECORD an address entitled "National Defense", which was delivered by the senior Senator from Massachusetts [Mr. WALSH] on Monday evening, January 27, under the auspices of the National Radio Forum, sponsored by the Washington Star.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

In the heart of every patriotic American is love of country. It is a deep and undying emotion. Implicit in love of country is defense of that country from any who plot it harm, whether from within or from without. Defense of the homeland from foreign aggressors who seek its conquest is as instinctive as defense of one's own life. It is the instinct of self-preservation. Defense of country means armed defense if the aggressor resorts to arms. Since the birth of our Republic a paramount function of the National Government has been the matter of national defense.

National defense is the subject of my radio talk tonight. In principle national defense is a simple and clear-cut proposition. But practical methods for its attainment is a many-sided question, affording countless controversies. I shall not attempt any lengthy historical review. Our concern is with the present rather than the past, and with facts rather than theories.

Certain events and realities, however, which have transpired in the years between the end of the World War and today are of transcendental importance to any intelligent and rational approach to the question of national defense in this year of 1936. All agree that when the World War was ended every loyal American citizen hoped and prayed that we had fought a war to end war, and that it might come to pass that the world would never see another war. Our prayers have not yet been answered. Our hopes have not yet been realized. Indeed, at the present time it almost seems that we are farther from instead of nearer to the goal of world peace.

The League of Nations was one of many attempted approaches to the goal of world peace. Disarmament by mutual treaty agreement was another approach to the same. Treaties to outlaw war was a third. Some centered their hopes on one expedient for world peace, others on different expedients. That none of these proposals have succeeded, and that some of them have conspicuously failed, admits of no dispute. The most that can be said is that they may succeed sometime when the world is in a different temper. The best that we can now say is that in some directions we have made limited progress toward the goal of universal peace. And even that modest assertion is hotly disputed by many.

The real pity of it is that so many high-minded Americans, strong in their devotion for peace, are seemingly so blind to the manifest realities of this day, to the present menace of war. So many cling to the notion that we can insure peace for our own country without any military preparedness. Idealism is fine, but what we need is practical idealism. As long as the rest of the world is in arms, then adequate means of national defense must be our best, if not indeed our sole guaranty of peace. In my discussion of national defense tonight I am not concerned with such raging controversies as to whether the League of Nations, as an agency of world peace, has been, will be, or can be effective, and if not, why and where lies the blame. Nor do I intend to argue the "pros" and "cons" of the Kellogg-Briand Peace Pact, whereby all nations professedly outlawed war as an instrument of aggression. Events have demonstrated the futility, as a practical matter, of this pact to prevent wars.

But what of world disarmament by compact, which looked so promising when the naval limitation treaty was signed in Washington in 1922? Suffice it to say that repeated efforts for 13 years to expand that treaty to embrace all naval craft, instead of simply one type of capital ships, have proven abortive. Conferences for the limitation of armaments on land and in the air have come to naught. Conference has followed conference, almost yearly, and all to no avail. With the Washington and London naval limitation treaties approaching their expiration this year we have seen this very month the complete collapse of the negotiations in London for renewal or extension of these treaties.

I freely concede that very many Americans attribute to our own Government some degree of blame for the failure of these agencies of peace by league and peace by pact and peace by voluntary relinquishment of the instruments of war to really remove the threat and danger of war and really to bring disarmament. Those who attribute to this Nation part of the blame for this failure to obtain world peace do not question our good intentions. They criticize our policies.

I do not personally hold any such opinion. It seems to me that our Government, since the armistice in 1918 to the present minute, has been unfailing, not only in its devotion to the cause of peace but also in its efforts to promote world peace and as a means to that end to bring about agreements for actual disarmament.

Let us now turn from the many efforts to obtain peace and look at the world about us. Is it not a fact that today all Europe, and the Orient as well, are shadowed by war or threats of war? Is not the world outside the United States, instead of moving in the direction of disarmament, expanding its armaments on land and sea and in the air? I believe the assertion, "that all the world is now an armed camp" is not exaggeration. How, therefore, can we consider the broad questions of national defense in their concrete application to our own Government and our own Army and Navy and air forces today, without dealing with actual facts rather than with theories.

The facts are that adequate national defense means today (1) a strong navy, and (2) a peacetime army, in terms of both regulars and reserves, which shall constitute a real basis of defense, and (3) a largely augmented air force in keeping with the tremendously expanding air forces of other nations. We are forging no weapons of attack, but we are urging potent weapons of defense. We are adhering to the doctrine that the way to insure peace is to be prepared against war; that by being strong to resist, we shall have immunity from attack. Without taking further time in discussion of the reasons and circumstances which shape our present policy of national defense, I desire, in the time remaining to tell you precisely where our Army and Navy stand today in comparison with those of other nations, and precisely what it is proposed to do with respect to their further strengthening.

First let us consider the United States Army, which is composed of three elements: The Regular Army, the National Guard, and the Organized Reserves. The Regular Army consists at present of 12,000 officers and 140,000 enlisted men. These are our professional full-time soldiers. For reasons of economy the size of the standing Army has been kept at the lowest possible minimum. For a number of years up to last July there were only 118,000 enlisted men in the Army. The new Budget proposes an increase of 7,000 to 147,000 men for the next fiscal year. The duties of the Regular Army include the defense of Hawaii, the Philippines, the Panama Canal, Puerto Rico, and Alaska. Nearly one-third of the Army is absent from the homeland on this duty. The Regular Army also must provide garrisons for our coast and harbor defenses, furnish a nucleus for rapid expansion in time of emergency, take charge of training our National Guard and Organized Reserves, and provide a force sufficiently strong to hold or repel an invader in the initial phases of war. Our standing Army is one of the smallest of any country. It ranks about on a par with that of Turkey and is smaller than the armies of such countries as Yugoslavia, Czechoslovakia, and Spain. Russia, for example, has a standing army of about a million and a quarter.

Our National Guard is a civilian force organized under the States and subject to call into the service of the Nation in time of emergency. The National Guard at present has an aggregate strength of approximately 200,000, which is less than half that authorized by the National Defense Act.

In addition to the National Guard there are 85,000 civilians composing the Officers' Reserve Corps who hold Reserve commissions in the Army and may be called to active duty in time of need.

Turning to the Navy, we find that it was not until 1933, 11 years after the Washington Naval Disarmament Conference, that we initiated any substantial naval building program. During these 11 years, as we were striving for disarmament by treaty, our own Navy stood still while all the other nations were strengthening and increasing their navies. During the period between 1922 and 1933, the British Navy laid down 394,000 tons of new naval craft, and Japan laid 360,000 tons for her Navy, while the United States total was 173,000 tons. As a consequence of this slowing down of our own naval building program, in 1933 we had 351,000 tons of ships yet to be built under the London Naval Treaty of 1930. Our Navy, instead of being the equal of any navy in the world, was distinctly inferior.

But even our substantially inferior naval tonnage, compared with other naval powers, fails to reflect the inadequacy of our Navy. An actual comparison has to take into account a nation's merchant marine which is available in case of war as naval auxiliary. Much has been said about the development of an American merchant marine. I myself have been an earnest advocate of the development of a large merchant marine under the American flag, not simply for considerations of national defense but as an agency for the promotion of American foreign trade. The fact is that we have no merchant marine worthy of the name, whereas Great Britain and other maritime nations have a large merchant marine, which is an additionally important element of their naval strength.

Turning to our air force in the Army, we find that the total force on December 2, 1935, for the Army is 1,060 planes; of supreme significance is the fact that only 200 of these are of the modern type. Six hundred and eighty-five airplanes are now under construction, and this includes planes for the National Guard and the Organized Reserves. It is estimated that approximately 777 modern airplanes will be in the Army's possession by July 1 of this year. How shockingly weak is our air defense can be best understood when we recall the fact that special civilian and military boards, headed by former Secretary of War Newton D. Baker, appointed by our Government to make a study, have reported that our minimum need is 2,320 planes for the Army air force.

As to the Navy aircraft, the number of planes on December 31, 1935, was 1,068, of which 817 are modern or semimodern, and include training planes, and the number of planes on order to be built this year is 638. The necessary proper naval air defense is fixed at 1,910 planes. Happily, because of President Roosevelt's special interest in the Navy, the past 3 years have brought a marked change with respect to our own national defense embracing the Army, Navy, and our air forces. The policy of rigid economy at the expense of national defense has been abandoned by the present administration. Very definite strides toward strengthening our national defense have been made. President Roosevelt's experience as Assistant Secretary of the Navy during the World War has given him a knowledge and understanding of our national-defense needs that has resulted in a new and forward-looking program.

Again, with respect to the Army, fast modern tanks and combat cars are being procured and our forces are being equipped with weapons of increased range and fire power. The Secretary of War has recommended to the present Congress a Regular Army of 14,000 officers and 165,000 enlisted men, increases in the strength and an extension of the training of the National Guard and Organized Reserves. He asks that 800 new military airplanes be procured annually for 5 years. Even when we include the trained

reserves, which, in the case of the United States, includes the National Guard as well as the Officers' Reserve Corps, we find that our organized military forces comprise only one-third of 1 percent of our total population; and Italy has close to 15 percent of her population in arms; and even Sweden, a peace-loving nation, has organized military forces of 15 percent of her entire population.

The British Empire has 390,000 soldiers in active service, 632,000 in trained reserves, and 46,000 in its separate air force. Germany has 426,000 soldiers in active service and trained reserves reported as 1,850,000. France has 600,000 men in her Regular Army, 5,500,000 in trained reserves, and 34,000 in her separate air force. Italy has approximately 1,200,000 soldiers in active service, more than 5,000,000 in trained reserves, and more than 200,000 in its separate air force. Japan has a standing army of 280,000 and active reserves of nearly 2,000,000. Spain reports a standing army of more than 200,000 and more than 2,000,000 in reserves. Poland, a standing army of more than 260,000 and nearly 1,500,000 in reserves.

Following the failure of the Geneva Disarmament Conference in 1926, President Coolidge took steps to correct appalling deficiencies in our own naval defense. Under President Hoover there was a suspension, but President Roosevelt has pushed forward new naval construction, with the result that during 1933 100,000 tons of ships were provided for. In 1934 there was laid down a total of 66,660 tons. There remains to be built a total of 51 vessels, comprising 36 destroyers and 15 submarines. But even at the present increased rate in naval building it will not be until 1942, 6 years from now and 6 years after the expiration of and consequent abandonment of the existing naval disarmament treaties, that the United States will have a Navy of treaty strength. In addition to the treaty strength, there is still a general class of ships required to round out the fleet and to make it a balanced whole, namely, tankers, repair ships, submarine tenders, hospital ships, and marine transports, which our own merchant marine is inadequate to supply.

Here are some interesting naval figures: As of today the United States has 16 large cruisers, Great Britain 19, and Japan 14. We have 10 small cruisers; Great Britain, 36; and Japan, 22. Italy has 11 battle cruisers and 17 smaller cruisers. Great Britain has six aircraft carriers, with a 22,000-ton vessel now in process of construction; we have four; Japan has four.

Comparative total naval tonnage by no means accurately measures comparative naval strength. The speed of ships, their armament, and their obsolescence are all matters that have to be taken into account, and as matters now stand, we still have much construction to do before we can truly say our own naval strength is second to none.

My fellow citizens, it is a fact, not altogether discreditable, that we have been so engrossed in our own domestic problems during the depression that we have scant appreciation of what is happening in the rest of the world with respect to armaments. The startling fact that today confronts an observer of the world's attitude toward military preparedness is the tremendous pressure being exerted everywhere to expand combat air forces. In Russia, the recent appropriation of 14,000,000,000 rubles, which at their valuation would be $2,650,000,000, is to be largely devoted to increasing the army from 940,000 to 1,300,000 and to bringing their air and mechanized forces far above even the present figures conservatively estimated at 4,500 combat airplanes and a number of tanks far above that of any other nation. In France, a recent allotment of $415,000,000 was set aside as a special armament fund, of which $150,000,000 is to be devoted to aviation and this in a country which is admittedly having a desperate fight to maintain some sort of a sound economic basis. The French plan to have 1,000 new combat planes by the end of the present year.

Dispatches from London reveal that just before the end of 1935, when $130,000,000 was spent to launch a rehabilitation of the Royal Air Force, the British Air Ministry had agreed on a $500,000,000 expenditure during the next 3 years. Within 2 years it was indicated there will be 71 new squadrons, requiring 2,500 new pilots. The plan was stated to form one new squadron a week until March 1937.

The recent determined and successful effort of Germany to rearm and place herself on a military footing, which has been taken by her neighbors as an evidence of offensive intention, is well known. Reports from that country indicate that the active professional army has already passed the half-million mark and that the air force, which reports placed at 2,000 combat planes on October 1, last, was to be increased by 1,500 additional planes in the following 12 months and a further accretion of 2,000 planes to complete the air program.

These efforts are over and above what people normally call the armament race. It has but one implication, which is that the dominant thought in these countries is that war is in prospect and they must be prepared for it no matter what sacrifices will be entailed.

All of this is not merely significant but is shocking in its revelation of the distance that our large and powerful neighbors in the international field have traveled toward what they must sincerely believe is large-scale combat. With forces such as these forming all about us, it seems to me it is the sheerest disregard of reasonable thought and sound statesmanship to believe that a relatively unarmed and defenseless nation, comprising the greatest wealth in money, in territory, and in raw material, can afford to be unprepared and neglect its own national defense.

Adequate national defense, in the present acceptance of that term and under existing situations in the world which are beyond our control, is costing our Government a huge sum. There is no disguising the greatly increased expenditures which are inseparable from the modernization of our land forces, the expansion of our air forces, and the strengthening of our naval forces.

Stated in terms of dollars, the appropriations for the Army and Navy loom very large indeed, but the fact remains that our annual expenditures for national defense, even with the large increase, represents less than one-quarter of 1 percent of our Nation's total wealth and less than 2 percent of our Nation's total annual income.

We discover that many of our European nations, though they profess to be unable to repay to us the money they borrowed from us in the World War, find themselves able, under the pressure of what they regard as their own necessities, to spend on their armaments anywhere from 5 percent to 25 percent of their total income.

Let me sum up this problem of national defense as I see it.

We are a peace-loving people. We have never in more than a century waged any war of conquest, or sought a quarrel with any other nation or people. In the conduct of our international relations we have always followed the precept "with charity to all nations, with malice to none."

We have sought to avoid those alliances and entanglements with foreign nations which might lead to war. We have taken the lead in encouraging efforts for the settlement of international disputes by courts of arbitration and the settlement of international quarrels by conciliation. We are now struggling with the very important question of neutrality in the hope of mapping out a policy that will keep us out of wars between other countries. We must continue to leave nothing undone to keep us out of war.

We have made, and we must continue to make, many real sacrifices in the name of peace. Our participation in the World War was undertaken in the name of peace, to free the world, as we then believed, from the menace of future wars. In the name of peace we sank or scrapped some of our finest battleships and suspended for years new naval construction. If there was ever an honest and sincere effort to promote peace by example, we have tried it since the World War. The American people yield to no group or nation in the world in their desire for peace and their abhorrence of war.

We do not say that any of our past sacrifices for peace were wholly in vain. However, it must be said that world peace in an unarmed world is still in the realm of a future utopia. Meantime we must today, as we have done since the birth of our Nation, dedicate ourselves to peace, but be prepared to defend our homes and our country from attack in the calamity of war. We must continue to adhere to the creed that adequate national defense is the surest guaranty of peace. I submit, my fellow citizens, events have conclusively proven that America can make no greater contribution to enduring peace for her citizens than by maintaining forces amply sufficient for her own defense and security.

THE CONSTITUTION AND THE SUPREME COURT—ADDRESS BY SENATOR WALSH

Mr. KING. Mr. President, I ask permission to have published in the RECORD an address delivered over the radio Tuesday, January 28, by the senior Senator from Massachusetts [Mr. WALSH] on the subject of the Constitution and the Supreme Court.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PLEA FOR CONSTITUTION

I have chosen for my talk this evening the Constitution of the United States. It seems to me most appropriate that we should open this forum with a plea, necessarily brief, for the preservation of the Constitution.

The Constitution is the guardian of the liberties of every individual under the flag and is the stabilizing influence that has contributed most to our national expansion and progress. It is the keel which insures, protects, and guarantees the inalienable rights which inspired the patriots to arms against the mother country at Concord Bridge on the morning of April 19, 1775.

Our Constitution embraces the experience of countless martyrs of religious persecutions—the experience of the hordes of political prisoners whose only offense was the exercise of free speech—the experience of the peasants of France who toiled in the field and were required to give 78 percent of their crops in tax; the experience of prison-bound debtors, the victims of usury laws; the experience of all those who through the ages have been the victims of intolerance, race prejudice, and class conflict.

The apprehension of those who have opposed the various forms of tyranny which our forefathers came here to avoid—forms of tyranny which denied mankind free speech, free assembly, free conscience, freedom of thought and action, freedom of the press—is incorporated in the Constitution. In a word, our Constitution reflected the sorrows, the hopes, and the aspirations of all the oppressed throughout the world who were the victims of tyrannical governments.

Yet at no time since the Civil War has the form of government established by the Constitution and under which we have lived for 150 years, a representative form of government, with independent branches, been challenged so openly in and out of Congress. A great national emergency has apparently awakened a movement for removal of the limitations upon Federal authority imposed by the Constitution. Few stop to realize that this very agitation may ultimately result in destroying the constitutional safeguards of individual liberty. Of course, on the surface this is not con-

templated nor desired, but the sweeping changes proposed can lead to no other end.

It is not to be wondered at, therefore, that throughout the land there are many who are gravely concerned and apprehensive lest in the name of relief to humanity and under the representation that the suspension of the Constitution may be temporary, we forget the indispensable requisites of American liberty, namely, fidelity and protection to the Constitution whenever its fundamentals are attacked.

PROPOSALS TO CURB COURT

Let us examine some of the many proposals, more than 25 are now before the Judiciary Committee of the Senate, seeking to restrict, limit, or nullify our constitutional safeguards and the powers of the Supreme Court. A bill is now pending in Congress to deny the Supreme Court the power of passing upon or considering any plea that makes illegal an act of Congress. This would make any act of Congress lawful and enforceable no matter how much it abridged the rights of the minority.

Another proposal is that when the Supreme Court declares an act of Congress unconstitutional, if after an intervening election a subsequent Congress, by two-thirds vote reenacts it—then it is law, in spite of the Constitution and in spite of the Supreme Court. This proposal would force into discard all the present requirements for amending the Constitution through ratification by three-fourths of the States.

Another proposal is that the Supreme Court be divested of all power to invalidate any acts of Congress. In other words, it is proposed that Congress by majority vote be given the power to make any law it sees fit.

Another proposal is that no act of Congress be set aside as unconstitutional unless the Supreme Court is unanimous in its verdict. If such a proposal became law, a mere minority of one justice would possess the power to prevent an act being declared unconstitutional.

Various other proposals pending before the Congress approve the suspension of the Constitution and the conversion of the Federal Government into a strongly centralized system on the ground of the existence of an emergency.

STRUGGLE FOR FREEDOM

Nothing illustrates the confused state of mind of the world today better than this agitation against the Supreme Court and the Constitution. For centuries the common people throughout the civilized world fought, bled, and died trying to wrest power from the State in order to give more freedom to the individual. That is why our forefathers left Europe, why they fought the Revolution, why they set up the Constitution to protect the people from too much encroachment from government. In other words, to make the government exist for the people rather than the people exist as pawns of government.

And now in the twentieth century, after 300 years of sacrifice and unending struggle by the common people in every land where freedom was sought, by taking power away from kings and the state in order to protect the common man from tyranny, we see a growing movement in our own United States to reverse the process of freedom of the individual, limit State rights, and concentrate great power in a centralized government.

Those who objected to the American Revolution and opposed the Constitution were called Tories. Are we now reaching the stage where those who defend the safeguards set up in the Constitution for the common man are to be called Tories?

LIMIT TO FEDERAL POWERS

The powers of the Federal Government under the Constitution are few and explicit. The powers not delegated to the Federal Government by the Constitution are reserved to the States and to the people. Once the invasion of the Federal Government on the rights of the State becomes a habit there is no knowing how far-reaching the consequence will be.

Which of you, my fellow citizens, would be willing to surrender to the Federal Government the right to pass laws to regulate marriage or divorce; or the right to determine under what conditions our colleges, public and private schools should be operated; or to regulate the entire public-school system in Massachusetts or any other State; to permit your school teachers to be officials of the Federal Government and in no way responsible to the local or State government; or right to control, supervise, or direct the granting of franchises or the business of manufacturing or of agriculture in your own State; or the right to prescribe qualifications for local, county, or State office; or the right to regulate or determine your local system of taxation; or the right to make laws or regulations as to the distribution of real and personal property by deed or will; or to invest the Federal Government with power to send Federal troops into your State at any time it sees fit, to supervise, regulate, and control local concerns of your State?

Suppose Congress should pass any such laws. They would be legal and enforceable unless there was an appeal to the Supreme Court with the present authority for the Court to declare the law void because prohibited by the Constitution. If Congress can enact laws without regard to the Constitution, there is then no need of a Constitution and our citizens become subject to the temporary whims or despotic rule of the Congress. There would be no protection whatever to the minority, which is one of the outstanding and distinguished characteristics of our Government and the greatest safeguard against violent revolution.

The Constitution has been created by the American people as the supreme law of the land. The Constitution binds every department of the Government, State and Federal, as well as all officials in their public acts. The Supreme Court is bound by the Constitution, and any justice who approves an act while believing it to conflict with the Constitution violates a solemn oath which he has taken to God. Not the force of popular appeal, but the Constitution itself can test the validity of an act.

THE RIGHT TO AMEND

The Constitution was not framed as an immutable document. The very men who wrote it provided in the Constitution itself the means of changing it, but until it is changed in the manner prescribed, it must be scrupulously obeyed.

I am not arguing against the right to amend the Constitution or the right to discuss the opinions of the Supreme Court. Those rights are clear, definite, and absolute. Let us not forget, however, that the Constitution may be as effectually destroyed by the amending process as by direct attack. What we must preserve above everything else are the principles that are basic and fundamental—the forms which go to the hearts of our liberties.

Proposed amendments should be openly and fully discussed. It is not the proposal and advocacy of amendments that is the greatest danger. In my opinion, before any constitutional amendment is approved, three things should appear, viz: (1) That there is a present necessity; (2) that the amendment proposed will remove the existing or threatened evil; (3) that, if adopted, the amendment will not in itself produce a greater evil.

ATTACKS UPON THE COURT

Now, a word about the attacks of numerous small minorities upon the motives of the Supreme Court in interpreting the Constitution.

Differences of opinion between so able and so conscientious a group as the Justices of the United States Supreme Court is unavoidable. Unanimity in the reasons of decisions in important cases on the part of Justices of such diverse experience, predilection, and methods of approach is impossible to attain in every case.

In the 147 years of its existence the Supreme Court, in my opinion, has never been stronger compositely than at present in breadth of view, in freedom from bias, in intellectual capacity, in devotion to the furtherance of the welfare of the people as far as that comes within the province of a court, and in freedom from ambition for political preferment. If we cannot get the answer as to the constitutionality of an act of Congress from the individuals of such a Court, we cannot expect to get it at all.

If the Supreme Court proves mistaken in their reading of the highest expression of the public will as embodied in the Constitution and the Constitution itself no longer conforms to the new types of social and industrial legislation which the people desire, then, by the very terms of the Constitution the people are guaranteed the right to make their desires effective through the solemn process of amendment.

Whatever may be our views with reference to the constitutionality of some economic or legislative proposal, let us never lose sight of the fact that the last stand for the preservation of the rights of the minority against the temporary autocracy of a legislative majority with respect to fundamental political truths and principles depends on the United States Supreme Court.

OUR INHERITANCE

My fellow citizens, throughout all the world's history there has never been such a miraculous growth of wealth and social advancement through the spirit of individual liberty as that which we have enjoyed. This has been due, next to the bounteousness of the Almighty, to the rigidly fixed basic political principles of the founders expressed in our Constitution.

All this, my fellow citizens, has come through inheritance. Shall we treat this inheritance like the idle, shiftless sons of rich men do? If there is any spirit of the founders left in us, we should stand ready to make whatever sacrifices may be necessary to preserve the liberties that our forefathers purchased at tremendous cost, and the principles which are so clearly stated in our Constitution, and which has guided us through stress and strain for more than a century and a half.

If I know the temper of the American people, they are not going to allow to be destroyed the foundations on which our freedom, success, and greatness have been built.

GOVERNOR LANDON'S ADDRESS ON NATIONAL ISSUES

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD the speech made last night at Topeka, Kans., by the distinguished Governor of my State, Gov. Alf M. Landon. The speech was delivered before the Kansas Day Club on the occasion of the seventy-fifth anniversary of the admission of Kansas to the Union.

I commend Governor Landon's speech to my colleagues and to the country for its straightforward, patriotic, common-sense discussion of national affairs. This speech is a reflection of the position taken and the course followed by Governor Landon in public life. It is free from ordinary political claptrap and partisan bitterness. It points out in unmistakable language some of the fundamental errors in principle and in administration of the present national administration. At the same time it gives full credit for good intentions on many of the things attempted by the administration.

Permit me to say, Mr. President, that the sound commonsense political philosophy of Governor Landon, as expressed in this Kansas Day speech, is worthy of the careful consideration of the people of this country; and it is my prediction that it is going to meet with that consideration, and also with continuing approval.

I send the speech to the desk for printing in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Seventy-five years ago today Kansas was born out of a mighty struggle for human liberty. We gather tonight to honor the memory of those who won that fight. Rather than attempt to heap praise upon them, let us take a lesson from their accomplishments. After all, experience is still the greatest teacher. From thousands of prairie firesides is handed down this homely warning: "Change does not necessarily mean progress. A social philosophy is not always bad because it is old, nor good because it is merely new."

In the progress of human rights the road has not been continuously upward. It has not followed a straight course in the best direction. Rather there has been a general rise, with ups and downs, depending upon the composite wisdom of the people. There have been curves and detours along the ways where some have wandered off after false gods.

As did the pioneers, we must always keep alive the inner fire of individual conscience. We must subordinate material rewards and enthrone the things of the spirit. We need emphasis on common honesty, character, and devotion to principle.

FIT CELEBRATION

It is fitting that a celebration of the admission of Kansas to the Union should evoke thoughts about constitutions. Our forefathers had a passion for self-government as a corollary to the individual right of self-determination. That is not a Kansas ideal alone but an American ideal. Through this yearning for orderly national existence, security, and individual liberty has come the written covenant we term the "Constitution of the United States." It is the militant manifestation of great spiritual force. These ancient rights only remain safe today as the Constitution stays written in our hearts. The people have been bound to their Government by the sacred tie of voluntary devotion. But today there are powerful forces trying to convince our people that the Constitution is not their charter of human liberties. Should these forces prevail, the American Government then becomes a source of oppression such as now afflicts various other peoples throughout the world.

A government is free in proportion to the rights it guarantees to the minority. The Constitution was not framed to give us anything, but to protect inherent rights we already possessed. It was framed to protect minorities against a government momentarily controlled by impulsive majorities. For a century and a half the Constitution has protected American citizens against such oppression. Against repeated onslaught it has preserved the right of trial by jury; it has been the safeguard of the American home and of churches in their most sacred right of religious freedom; it has protected the freedom of the press; it has safeguarded individuals in their right of free speech, and it has been the guaranty of the right to conduct lawful personal affairs without interference by meddling bureaucracy. This, fellow citizens, is the Constitution which was established to make the United States a sanctuary for every honest individual and for every honest interest.

CONSTITUTION NOT OBSTACLE

Let me make this emphatic, the Constitution of the United States is not an obstacle to progress. It is the balance wheel of progress. No flouting of the Constitution whether by executive evasion, loose legislation, or insidious propaganda can destroy our safeguard so long as courage and common sense are cherished in the hearts of the American people.

As we assemble to celebrate the diamond jubilee of our State, we are conscious that we confront in the next national election the most fateful decisions of our generation. Deceiving words and luring phrases may cloud the issues, but they cannot hide them. A nation will survive to correct its political mistakes. But if an unsound financial program is coupled with them, the Nation faces destruction. We have seen appalling waste and extravagance. We are exhausting our capital on useless projects which advance us no farther on our way.

The Budget proposed for the next fiscal period by the Nation's Chief Executive is the final grim proof of the financial vortex into which we are being drawn. Its prediction of a deficit of "only a billion" is delusive. Considering the admitted needs for relief and other realities, the period undoubtedly will end with a deficit greater than those of each preceding year of this administration. Bookkeeping tricks may be used, but the huge deficit will remain.

FINDS RISE IN SPENDING

Despite promises of a 25-percent reduction in Federal expenditure, Federal expenditures continue steadily to rise. It is true economic conditions have improved, as they do after every depression. That has been reflected in great increases in Federal income. They have not, however, been able to match the increases in spending, thus repudiating the assurances of the Budget messages of 3 and 2 years ago. The gap between income and outgo steadily widens. The billions on billions already added to the national debt are in themselves dangerous. They are doubly dangerous as an invitation to even wilder dissipation of our resources.

It has been said that the demands for relief have imperiled our Federal finances. That is only a half truth. The money actually reaching the unemployed and impoverished has not rocked the Treasury. The rocking has been done by abysmal waste through changes of policy, maladministration, and ruthless partisanship. Relief appropriations have been more than ample, but all too many on relief and work projects have been denied adequate aid because bureaucracy has eaten up too much of the funds intended for relief. We need desperately a cheaper, simpler, and more responsible relief administration throughout the Union.

Taking at its face value the solemn promises of the administration that politics would be kept out of all relief activities, I continued the relief organization of my distinguished Democratic predecessor. Here in Kansas we thought differences over methods could only injure the deserving. So we accepted what was offered and made an administrative success of Federal plans equaled by few other States. The records will show that no State cooperated more fully with the Federal relief administration than Kansas.

CHARGES "PORK BARREL"

With the passage of the $5,000,000,000 relief bill, however, came the melancholy discovery that a nonpolitical administration of relief was not intended. The W. P. A. was organized so that relief might be handled in familiar "pork barrel" fashion. It has permitted a party machine to spend the greatest peacetime fund in all human history. Our people are disappointed and amazed. They realize now that the promise to make human needs the sole guide for action has been broken. Victory is in the hands of the party spoilsmen.

Nonpolitical relief administrators have been forced out. Citizens have poured the evidences of intolerable conditions upon Washington. The only result has been loss of poise and a resort to abuse by the administration and its spokesmen, who take the undemocratic attitude that all criticism is abuse and that all who do not agree have base motives and selfish purposes. They seem to forget that true democracy thrives on honest criticism.

With some of the avowed objectives of those in Washington no right-thinking person can quarrel. But there has been a constant shifting back and forth in decisions. Utterly wasteful policies have prevailed. There has been too great an attempt to pass off just criticism of the administration of relief by branding the critics hard-hearted persons who propose to let everyone starve. Epithets, evasions, and sophistries do not answer.

COMMON SENSE NEEDED

If there is any place more than another where common sense in Government is needed, it is in the relief problem. Although many millions of our people still depend on relief and the outpouring of billions is greater than ever, I do not believe that the problems presented are unsurmountable in this land of potential plenty. No good American wants any of his fellow citizens to be hungry, much less starve. But if there is to be no hunger, it is imperative that the administration of relief be purged of waste and partisanship.

The emphasis on relief has obscured the fact that employment, not aid, is our larger problem. The clinching proof of the New Deal's failure is that almost as many persons are out of work today as there were when it first set up shop in 1933. The key to real stability is not boondoggling but permanent jobs with the laborer worthy of his hire. Theories will not produce them, nor can unemployment be made to vanish overnight. "Help wanted" signs will blossom out of restored confidence in the Nation's finances. Work for those who want it comes from the assurance to business and industry that they may plan wisely for the future. Employment comes from the common conviction that the American system of representative government is secure. Confidence is far more important than the exploitation of a multiplicity of pretentious plans which do not work.

History and experience alike teach us that "Government is protection." When it ceases to protect it ceases to be Government. As a Nation we have begun to protect childhood but the obligation to protect old age lies straight before us. This obligation is the legacy from the machine age in which we live. It is an essential part of the unemployment problem of a great industrial civilization.

HOLDS DEFECTS SHOWN

The hope that we will deal with our unemployment problem successfully lies in the fact that the hardships and suffering of the depression have made us conscious of certain defects in our society brought about by the rapid growth in our industrial structure.

We are aware that we must make our just contributions to the solution of the problems of the times. Each generation in turn has its own problems to solve for posterity. No age has escaped this inspiring responsibility. If such there were, then that was an age of stagnation.

Our problem of unemployment will not be solved by rabid partisanship on the one hand or wishful thinking on the other. We may differ as to methods and procedure, but there can be no difference as to the imperative necessity for a solution.

Fundamentally, we must always keep in mind the answer we seek is not based alone on the query "Am I my brother's keeper?" The resolution rests on considering it in a major sense from the viewpoint of a problem created by the rapid development of our industrial machine.

PROBLEM NATIONAL

The problem is national in scope and should be solved on a national basis. This involves the most careful consideration of the limitations of the Federal and State institutions.

Solving this problem of unemployment and old-age pensions is both humane and economic and we shall solve it in spite of our past neglect and recent well-intended but utterly unworkable, hastily thrown together, makeshift legislation.

We have witnessed bureaucratic agencies vying one with another in efforts to excel in experimentation. Fuzzy thinking and unorderly procedure has characterized the manner in which all of the goals have been approached. There has been confusion, reversal of policies, haphazard administration, bickering, and repeated delay.

There is much discussion whether reform of our social and economic system should go before recovery, or whether recovery should precede reform. My answer is that the greatest reform that we could have is recovery. We are going to be many years unscrambling the eggs cooked up by the kitchen cabinet of this administration. One of the greatest failures of these cooks was that they were unable to tell the bad eggs from the good. The result has been indigestion for all of us.

DISCUSSES FARM AID

It is necessary for all of us who are concerned with agriculture's welfare—and every American ought to be—to work together in the development of a program that will be both sound and legal. And I have faith that we shall develop such measures and the courage to put them into effect.

The problem of agriculture certainly must be approached on a nonpartisan basis. No one can justify any attempt to make political capital out of the national anxiety for the effective solution of the agricultural problem.

Solutions are not devised as easily as a magician produces an egg from his mouth. Low prices for farm products and increasing interest and taxes have forced too many farmers to exhaust their soil. Farmers have realized this, but under economic pressure for cash crops have been unable to do anything about it.

Low prices have been caused by the practical loss of the farm markets, both domestic and foreign. Of the markets, the domestic market has always been far more important for our farmers.

SURPLUS FIXES PRICE

But even in the case of the major cash crops, on which a surplus has been produced, our domestic farm prices have largely been fixed by the prices bid by our foreign purchases. In other words, the surplus has set the price for the whole crop.

The proper application of soil conservation principles would help materially to prevent the production of such price-depressing surpluses. As I have repeatedly said, it should be possible to develop a national program of soil conservation on the more than 65 percent of the Nation's crop land which already has begun to lose its food-producing value.

Equally impressed with the public interest is the problem of flood control. Flood control fits right in with the soil program. According to Government studies, a sound national conservation program in itself would reduce the damage from floods 25 percent.

The situation today emphasizes the urgent need for a sound national land-use policy. Our soil must not be exhausted by wasteful methods. The farmer is entitled to expect for his crop a fair price comparable to the price of the commodities he buys. A policy that is not limited in its benefits to immediate cash returns, but seeks as well to rebuild the fertility of the soil and meets the problem of flood control also, is impressed with national interest and entitled to national support.

BACKS "COMPENSATING TARIFF"

Such a policy would fit in with the demand of agriculture for equality with industry. I am advised from reliable sources that the costs of about 200 items the farmer has to buy are increased about one-fourth by the operation of the tariff. Because the farmer has been forced to sell on the world market, is he not entitled to some countervailing provisions, to some compensating tariff equivalent, in order that he may receive an equal benefit?

The purpose of the tariff is to protect workers and industry from the cheap competition of foreign labor. The farmer should be given this same protection.

Is it any wonder that the immediate concern of agriculture is tariff equality with the other groups comprising this Nation? There are supplemental factors which would be helpful to the farmers, such as the greater industrial use of farm products, the rebuilding of foreign markets, and last but not least, lower taxes and interest charges. Even more basic would be an expanding home market growing out of restored confidence in our future.

There is no single solution of the farm problem. The perplexity in one part of the country is not always the same as the problem in the other parts. A well-rounded farm policy must take note of agriculture as a whole. The extensive experience of these latter years should make it possible to develop workable measures which will be better than any heretofore tried.

CITES COOPERATION

Kansas from the first cooperated with much of the Federal emergency program. We felt that improved conditions were of greater consequence than any partisan considerations. In my judgment, the policy of condemning everything the opposition party does, has never produced better government. Nor am I one of those who believe that the Republican Party has a corner on patriotism and intelligence. We should go into the campaign prepared to be as fair in conceding the good points of the opposition as we are courageous to point out what we consider its errors. But I do condemn half-baked legislation, maladministration, and the dangerous short cuts to permanent change attempted in the name of emergency.

The administration has presented no permanent solution of our major problems. On the contrary it has created many new problems and its gross overcentralization of power reflects either ignorance or indifference in regard to our Federal system of government. All this in my judgment is actually delaying the return of prosperity.

Unfortunately, now as always, there are people today calling themselves liberal who regard any suggestion of economy as reactionary. They seem to think willingness to throw other people's money around without any consideration of value received is a peculiar sign of a pure heart. They show too little consideration for the toil which millions of American men and women will have to undergo in order to pay off the debt so gayly incurred. Already the average family spends one-fourth of its income for taxes, whether the family knows it or not. It will take much more than that to pay the bill which political wasters have contracted in the American people's name. Those in power responsible for this reckless extravagance are not liberals. They are more nearly benighted reactionaries.

BEGS THE QUESTION

When the record of the administration is challenged their only answer is, "What would you do?" That begs the question. Their program is not only ineffective, it is destructive of the American system. In the face of that fact, no reasonable citizen should ask us what to do. The American people propose to solve their problems under the American system.

Nor is the cry of "Tory" sufficient answer to those who question their delusions. If I know my fellow Kansans, and they are a good cross section of America, they do not approve anything smacking of a return to a system of exploitation of the many by the few. Nor do they want to go floating aloft in a stratospheric balloon of unkept promises. They think the alphabet has been overworked. They believe it is time to use simple addition and subtraction. They want neither reaction, on the one hand, nor radicalism, on the other. Let those who insist on the alphabet remember that America was built by energy, ambition, and enthusiasm, by courage, character, and common sense.

The choice ahead of the American people is not whether to keep on with the mistakes of the so-called New Deal or return to the mistakes of the old order. The old order belongs to the past, but sound American principles persist. The hands of the clock of political destiny move forward, not backward. But they must turn at a steady orderly pace. We have had too much palaver about old deals and new. Performance, to me, counts for more than phrases.

BACKS COURT RULINGS

The action of the Supreme Court in cutting away some of the errors in recent national legislation has given a healthful impetus to our entire economic life. The months following the voiding of the N. R. A. registered America's most marked upturn since the depression. In contrast, the 4 months following the passage of that act were marked by a drop in industrial production and employment equaled only by our greatest panics of the past.

What our Nation really needs today is better housekeeping. Our women could show the way. They have had more successful experience than any political spendthrift in getting full abundance out of living and in managing to put by something for a rainy day.

Kansas has tried to do this kind of housekeeping.

Through the cooperation of her officials, from the smallest political subdivisions to the statehouse, Kansas has succeeded to a conspicuous degree.

Since 1929 Kansas property taxes have been reduced 32 percent. The per-capita cost of State and local government has been cut $19, or 26 percent. Total revenues for State and local purposes in 1934 were 24 percent less than in 1932. Yet, while these tax reductions were being made, counties and municipalities reduced their bonded debt by $17,000,000, or 12 percent, during the period from 1932 to 1934.

CREDIT NONPARTISAN

The credit, as I have repeatedly said, does not belong to any one political party or State administration, but to thousands of local officials all over Kansas. Savings were not made by skimping of necessary services, or dodging new responsibilities of relief.

Throughout 1933 and 1934, according to the report of the Federal Relief Administrator, 30.6 percent of the relief burden in Kansas was financed from non-Federal funds. On this basis Kansas ranked fifteenth among all the States. Contrast this record to that of 14 States which spent less than 10 percent of non-Federal funds for relief.

The time has come for a direct attack on the attempt at Washington to substitute a tax-eating bureaucracy for a liberal democratic system. Business recovery offers more promise of employment than a thousand wildcat schemes. The return of fruitful productivity in the United States will be directly translated into higher living standards for us all. There must be a revival of confidence in national credit, confidence in soundness of the dollar, confidence in the Government at Washington. These guarantee the perpetuity of our American system of democracy, and under that guaranty will come a flood tide of recovery.

WHEAT FROM CHAFF

The good wheat must be separated from the great stack of New Deal chaff. This requires wise and effective administration, free from partisan bias. The hysterical tone of government must be

eliminated. Our high officials must think with their minds rather than with their emotions. The times demand economy and efficiency so that the regular and extraordinary services of government can be fully performed without threatening a mighty people with national bankruptcy.

We must build a new and better civil service that will fill Government positions with trained, trustworthy, and capable employees, and offer to our youth a career in public service based on merit and qualifications for the job. The political spoils system and the spoilsmen responsible for it must go, in the interest of economy and efficiency.

There never was a time when Government so needed factual information and expert-trained service. We must not allow our rising prejudice against mere experimentation to blind us to this fact. Here in Kansas we have found that a research department to collect facts—not to administer theories—is of the greatest importance and aid to members of the legislature and to the chief executive of the Commonwealth as well.

We are still in the throes of personal government. Only a government of laws, not men, can rescue us from this plight. A mere change in officials in Washington will not suffice. The next national platform of the Republican Party should be a straightforward declaration that will set forth the careful thought and serious convictions not of one person, but of many. Behind that platform must be an honest intention to redeem its pledges, not to throw it on the junk pile the day after election.

With a renewed confidence and a reaffirmation of faith, let us turn from an un-American doctrine of division and classes. As a united people, common in our hopes as in our purposes, we shall move forward to that greater destiny which is our just heritage.

CONSTITUTIONAL ASPECTS OF THE NEW DEAL

Mr. LEWIS. Mr. President, I present an address upon national legislation and the Constitution. This address, by one of the most eminent attorneys of the United States and one of the acknowledged great chief justices of the Western States of America, was delivered before the Economic Club of Chicago on December 5, 1935, by Justice Floyd E. Thompson, of Chicago, Ill., now a member of the law firm of Poppenhusen, Johnston, Thompson & Raymond, of Chicago.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

You asked me to examine for you the present trend in legislation in the light of the Federal Constitution. Our first difficulty in making this study will be to orient ourselves. If we approach the task as partisans attacking or defending the program of the present national administration, we shall be unable to see the truth. If we limit our examination to events of the last 3 years, we shall be looking through an inverted telescope. New deals have followed raw deals and these new deals have turned out to be misdeals in National, State, and local affairs with disheartening regularity throughout our history. Because I am privileged to address this group of my neighbors and contemporaries who, I believe, are interested in an impartial and impersonal survey of current trends in government, I shall not yield to the temptation to break lances with the partisan politicians panting for public office who prattle pusillanimous piffle about Communists, Fascists, and dictators in our National Government and other hobgoblins created to frighten the credulous. Our citizens who staggered out of the debris of the raw deal of the twenties, bewildered and doubting, are impatient with a leadership that can offer no more than carping criticism of those who took the wheel in 1933, when the old ship of state was headed for destruction on the rocks of indifference, privilege, and laissez-faireism. Let it be understood at the outset that I do not approach this examination as a critic or champion of the wisdom or necessity of specific measures recently adopted. The subject for discussion is not partisan appraisal of the Roosevelt administration but constitutional aspects of the New Deal. The task you have assigned me is not to inquire into the wisdom or necessity of the measures adopted; it is to apply to them the tests of the Constitution.

The Constitution of the United States is not a straight-edge or a measuring cup. It is not some fixed standard, which one can lay alongside a statute or into which one can pour an administrative regulation to test its conformity. It is a living, growing charter of government, ever constant in its purpose, but ever changing in its application. It is a mere framework on which the Government under which we live is built. It is in very few respects self-executing. It contemplates legislation to carry into execution the spirit and purpose which gave it being. It grants certain specific powers to the National Government, specifically forbids the National Government from exercising other powers which might have been implied from the powers granted, and reserves to the States and the people thereof all powers not granted or implied. That the preservation of this dual system of government is necessary to the maintenance of our liberties is declared by men of both historic parties, but it must be conceded by students of our political history that there has been from the beginning a constant withdrawal of power from the States. The fourteenth amendment took from the States the right to determine who should be citizens of the State and to legislate without Federal restraint with respect to the life, liberty, and property of its citizens; the fifteenth and nineteenth amendments limit the right of the States to determine who shall vote; and the sixteenth amendment extends to the National Government the right to levy a direct tax on incomes of the citizens of all the States. These were fundamental changes in our scheme of government. Obviously, the New Deal did not have its genesis in the present national administration.

Our National Constitution is the product of revolution. It was submitted and adopted in violation of the Articles of Confederation, which forbade any change in such articles, except such as were proposed by Congress and confirmed by the legislatures of all the Thirteen States. It has been the subject of debate and controversy from its adoption to this day. Being a framework of government designed for use under ever-changing conditions, there will be a difference of opinion regarding its interpretation and application to new situations as long as this remains a government of free men. He is indeed a confident man who undertakes to state with finality the principles of our Constitution. Those principles do not change but the opinions of men as to what those principles are and how they should be applied do change as conditions and circumstances change. The strength of our Constitution is its flexibility.

With the adoption of our Constitution there came into being a nation. There passed out of existence "the firm league of friendship" of States as political entities, each retaining "its sovereignty, freedom, and independence" provided by the Articles of Confederation, and there was erected in its place a government of the people. There was instituted one great consolidated government of the people of all the States instead of a government by compact with the States as constituent parts. "We, the people of the United States, * * * ordain and establish this Constitution for the United States of America" was the proclamation of the founders. But the framers of the Constitution wisely recognized the existing divisions of the people by established State lines and preserved to the people of the several States the right to regulate their own local affairs according to their own judgment. In this dual system of government there was and is a balance of power which gives strength and stability to our system, but the difficulty which our fathers found in determining what were the affairs of the people of the several States and what were the affairs of the people of all the States has increased many times in our day. It is still my deepest political conviction that the people of the several States should order and control their own affairs without interference from the National Government, and that the liberties of our citizens are imperiled when the votes of distant majorities, unfamiliar with local conditions and customs, dominate local governments. But I find myself more and more troubled when I try to determine just what are local affairs. What were the affairs of the people of a State yesterday may become national affairs tomorrow.

The spirit which gave birth to our Constitution was not ruthless individualism. That is the concept of the beast and the outlaw. The spirit of the American system of government is individual liberty founded on the concept of equal rights to all and special privileges to none. While liberty of the citizen is the cornerstone of our Government, yet it must be recognized that the freedom of action of the citizen living in his cabin on the shore of Lake Michigan in 1835 was, in the very nature of things, less restrained than that of the citizen living in a skyscraper apartment in Chicago in 1935; of the citizen driving his team along the country road at 4 miles an hour than that of the citizen driving his automobile along Michigan Avenue at 40 miles an hour; of the citizen farmer butchering a hog for his village neighbor than that of the citizen packer preparing meat for consumption by unknown thousands in many cities; and of the village blacksmith employing one helper than that of the manufacturing corporation employing thousands unknown even to the management. We must think in terms of today and tomorrow, not of yesterday. Quotations from George Washington and Thomas Jefferson and Abraham Lincoln, and others of revered memory, applying abstract principles to specific conditions in their day are neither helpful nor convincing when applied to wholly different conditions of this day. Affairs of the great body of our citizens 148 years ago when our Constitution was adopted—yes, 69 years ago when the first radical change came by amendment—were largely confined to their respective neighborhoods. Few of them had social or business contacts beyond their county lines, much less their State lines. As we view it now it was easy enough in the beginning to define the limits of the National and State Governments, but all will agree it is becoming more and more difficult to make the separation.

Furthermore, in the beginning the State boundaries were natural divisions of our people. The people of the United States were divided into distinct settlements, each having its local interests and problems. Today the State boundaries are altogether artificial. In no other human activity except government do we recognize them or know where they are. In everything except State government the people of southern Illinois are more closely identified with St. Louis than Chicago, and the people of northwestern Indiana with Chicago than with Indianapolis. Chicago land, embracing intimately parts of four States and less intimately but definitely double that territory, is in nearly every respect except that of government a better defined and more natural division of people than any existing State. Northern California is as distinct from southern California in origin and traditions of its people, industrial activities, and climatic conditions as Pennsylvania from Florida and Colorado from Louisiana. Let these examples suffice to show that we must recast our States and set them up with boundaries that have some reason for their establishment or we must accept the alternative of delegating the regulation of many of our affairs to the General Government because they are no longer the affairs of

the people of any one State alone. The Constitution prohibits the forming of a State by the junction of two or more States or parts of States without the consent of the legislatures of the States concerned as well as the Congress, and, it being improbable that any State will voluntarily extinguish itself, it appears that we must continue to suffer the burden of the extravagance and inefficiency entailed by the continuance of some absurdly small political units called sovereign States. And I need only add without discussion that counties, townships, and school districts as now set up are as outmoded as oxcarts, spinning wheels, and bed warmers. This matter of retaining small governmental units, once necessary and convenient, may be carried to absurd extremes.

If we were not such a restless lot our problems of government would be less complicated and our burdens of government much lighter. If we had not invented the cotton gin, the steel plow, and the reaper; built miles of railroad; discovered electricity and put it to work in so many ways; invented the telegraph, the telephone, and the radio; developed the gas engine and built more automobiles than all other peoples on earth; organized great industries and congregated people in great industrial centers; erected skyscrapers; invented fountain pens, typewriters, and linotypes; found the processes by which iron, copper, lead, oil, rubber, and other things too numerous to mention have been made available to mankind in seemingly inexhaustible forms and quantities; and developed livestock breeding and plant-life production to such high degrees; and discovered germs, glands, and vitamins—in short, if we had stopped human progress—we could still be living the simple life of the plainsman and not be bothered with all these problems that are increasing more and more the burdens of government and demanding of our citizens closer attention to their responsibilities as sovereigns in a nation of freemen.

These general observations are essential to a proper consideration of the constitutional aspects of the New Deal. Before we make specific application of constitutional limitations to any statute or program we must know what those limitations are, and we cannot know what the limitations of our National Constitution are until we read its language in the light of experience and present-day necessities and conditions. Certainly the provision granting Congress power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States" includes more subjects today than it did in 1787 or even in 1917. And the power "to regulate commerce with foreign nations and among the several States" is necessarily broadening as such commerce increases. Furthermore, with this broadening of granted powers by the advancement of science and the new concepts of society, what broader construction can properly be given the power "to make all laws which shall be necessary and proper for carrying into execution * * * powers vested by this Constitution in the Government of the United States or in any department or officer thereof"? It is for the President and the Congress to determine first what legislation, within the national field, is necessary for the general welfare, and their judgment is final unless the legislation is outside this broad and ever-broadening field or is in conflict with some constitutional limitation.

Let us examine some of this new legislation. The objections generally made are (1) that the Congress has delegated legislative powers to the President and others of the executive department, that the National Government has exceeded its granted authority and invaded the province of the States, (3) that the citizen is being deprived of his liberty and property without due process of law, and (4) that private property is being taken for public use without just compensation. Time will not permit mention of the 105 important acts and joint resolutions enacted from March 9, 1933, to August 26, 1935, and scores of others of similar import enacted since the turn of the century, nor detailed analysis of any of them. Many of these acts were amendments or extensions of existing legislation; fortunately some, but unfortunately too few, repeal existing laws; and others fall into that category of legislation to which we are accustomed and present no new constitutional problems. Most of the legislation which we should examine in this study can be grouped in more or less distinct classifications.

No class of legislation has done more to impair the principle essential to our dual system, that Federal power and State power are independent in their respective spheres, than the grant-in-aid legislation. The newcomer in this family is the Social Security Act of 1935, but it has many elder relatives. Through the years the grant-in-aid device has contributed to the establishment of colleges, the support of vocational rehabilitation and education, the advancement of agriculture, the building of railroads, the construction of highways, the fostering of maternity and infancy hygiene, and other projects, which all will concede are worthy in themselves and of general public benefit. This sort of legislation has been in our statutes for more than a century. The grants made to the States under the Maternity Act of 1921 are most nearly like those of the Social Security Act. This form of legislation is essentially a device for the distribution of Federal funds, and finds its support, if it has any in the Constitution, in the power of Congress to levy taxes to provide for the general welfare. The grant is made in order to encourage the States to pursue policies which the Congress desires to promote. These grants are made on the condition that the State also contribute and that the joint fund be used as some bureau set up by Congress directs. Since the sixteenth amendment gave the Federal Government a taxing power limited only by the incomes of the people, this 50–50 system of Federal aid has grown tremendously.

Federal aid is a tempting bait and many time-proven fundamental rights have been bartered for a paltry helping from the Federal pork barrel. Our people do not seem to realize that all Government "gifts" must come out of their pockets. In my opinion, this whole system of Federal subsidies to the States is morally, if not legally, wrong. Twenty years ago these subsidies amounted to less than $6,500,000 a year; in 1925 they aggregated more than $110,000,000, and today it is impossible to determine the total, but it exceeds a billion dollars a year. Vicious as the system is for the extravagance it breeds, its worst feature is the invasion by the Federal Government into matters local in character. Wholly apart from the question of power, the only way to assure proper accountability for the expenditure of public money and to maintain virility in State and local governments is for each unit to provide its own revenues for its own purposes. It is humiliating to any self-respecting citizen to see our governors and mayors going to Washington to beg for their handouts.

The purpose of the Social Security Act, as stated in its title, is "to provide for the general welfare by establishing a system of Federal old-age benefits and by enabling the several States to make more adequate provision for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws." Few persons will quarrel with these worthy objectives, but many will question the power and wisdom of the Federal Government undertaking them. Some of these purposes are the subjects of statutes passed under former administrations, but this is the first attempt of the Federal Government to establish a comprehensive social-security program. There are eight kinds of new grants-in-aid provided in the Social Security Act. In five instances grants are conditioned upon the cooperating State appropriating to a joint fund and submitting to Federal dictation in spending its own money. These five include grants-in-aid of State expenditures for promotion of maternal and infancy hygiene and for assistance to the aged, the blind, the dependent child and the crippled child. In two cases, public-health services and child-welfare services in rural areas, the grant is conditioned only on the States spending the funds for these purposes. The eighth grant is designed to finance the entire cost of administration of unemployment compensation in States which provide plans approved by a new Federal commission set up by the act.

For the first 100 years of government under our Federal Constitution social security was considered a matter of local concern. Strange as it may seem, there was a time when most of us were considered capable of looking after ourselves. We should not now accept the theory that whenever something is conceived to be of advantage to the people, that is of itself a reason why the National Government should do it. Only those provisions for the general welfare of the people which in their nature cannot be made as well by the several States should be made by the Federal Government, and then it alone should make the provisions and not in partnership with the States. There is no sanction in our plan of government for these 50–50 arrangements.

Tempting as it is to discuss the social and economic aspects of this form of legislation, our inquiry is as to its constitutionality. In this field our first problem is, Who may raise the question? Our Supreme Court has already held that the Commonwealth of Massachusetts could not question the constitutionality of the Maternity Act because it was not directly affected by it, and that a taxpayer could not because she had suffered no direct injury as a result of its enforcement, but suffered if at all merely in some indefinite way in common with taxpayers generally. Assuming some way may be devised to present the issue, What attack can be made on the grants-in-aid provided by the Social Security Act? Since all grant-in-aid statutes are mere devices for the distribution of Federal funds, the first question is, Do the funds come from taxes collected, or from other sources? If from taxes, for what purposes can the Federal Government impose taxes? If for the general welfare, then what are the limitations? May the courts inquire into the purpose of the expenditure? If so, and the Congress has determined the purpose is public and national in character, can the courts review that determination? Can the expenditure be traced to the source from which the fund was raised? Is the collection of the tax from one class and its expenditure for the benefit of another a taking of private property without due process or for a public use without just compensation? In the Maternity Act case, which involved the same Federal-State relation as most of the provisions of the Social Security Act, the Supreme Court said the question of whether such legislation infringed on State sovereignty was a political question which does not admit of judicial review. Obviously the collection, plus the disbursement of Federal funds, results in Federal regulation of non-Federal subjects, and the whole scheme involves a stretching of the Federal Constitution to the breaking point if it is to be sustained.

The limits of this discussion will permit only an outline of the constitutional questions. Where the grant-in-aid amounts to a mere distribution of Federal funds it seems to have the support of established decisions. Where a special tax is levied, as in the case of old-age annuities and unemployment insurance, difficult problems are presented. The sums involved are staggering in amount but this goes only to the wisdom of the legislation, a nonjudicial question. Whether the fact that as many people who earn their living by daily labor are excluded from the provisions of these titles as are included denies to these titles the cloak of the general-welfare clause presents an interesting question. The

old-age annuity venture is a Federal rather than a Federal-State venture, and so it will undoubtedly be argued that the tax on the employer to support the fund is an excise tax on the act of employing workers, and the tax on the employee is an income tax. The tax on the employer is similar in principle to a tax on manufacturing and selling, on making gifts, on dealing on an exchange, and on transferring property, all of which have been sustained. A tax on income received for personal services has also been sustained as an excise tax. To date the Supreme Court has not declared a Federal tax measure invalid because of unreasonable classification. It seems that the old-age annuity title would be fairly secure if it stood alone. Its weakness is that it is a part of a regulatory measure. The unemployment-insurance title does involve a Federal-State relation which renders its validity very uncertain. In fact, it is difficult to see how it can be sustained in view of the decisions invalidating the Child Labor Tax Act and the Grain Exchange Tax Act. In each of these cases the act reviewed was held to be a pretended exercise of the unquestioned authority in Congress to levy an excise tax, with the object of accomplishing a regulatory end not properly within the powers conferred upon Congress by the Constitution. It may well be argued upon sound authority that the unemployment-insurance title reveals on its face that it is enacted for the express purpose of forcing the States to enact unemployment-insurance laws of a character demanded by the bureaucrats at Washington and not for the purpose of raising revenue, and that it is an unwarranted invasion of the reserved rights of the States in violation of section 10 of the Bill of Rights.

The required conditions for the approval of the State statute by the Social Security Board can leave no doubt of the regulatory character of the title. Among other things, the act standardizes the methods of payment of benefits and of handling reserve funds and the types and conditions of work which the plan adopted may not force the employee to accept on pain of losing his benefit. The laudable purpose of directing public effort toward the prevention of destitution rather than the mere assistance of needy persons is manifest in this legislation, but the citizens of this Nation have not yet delegated to the Congress the authority to regiment all the people for the benefit of the few who need the benefactions of a paternalistic government.

Another device long used by the Federal Government to extend its power into private and local affairs is the proprietary corporation. The Bank of the United States is the first outstanding example of stock ownership in such a corporation by the National Government, and its character and its activities, many of them corrupt, furnished a subject of bitter political controversy from the Washington through the Jackson administrations. More recent examples are the Reconstruction Finance, Federal Deposit Insurance, Federal Farm Mortgage, Federal Housing, and Subsistence Homestead Corporations. The use of this device has grown in the past 20 years to such an extent that few know how many such corporations there are or what powers they exercise. They function like private corporations. Naturally their managers do not feel the accountability to the public that elected public officials should and usually do. These corporations ignore the distinction between public and private business. A conspicuous example is the R. F. C., one of the alphabet family which had cast off its swaddling cloth and was going strong when the present administration was in the embryonic stage. Through such corporations the Government engages in local and private activities which it could not enter otherwise. This device of indirect government is growing with possibilities of abuses and dangers to our institutions which few, if any, realize.

Here again there is the difficulty of presenting the issue of constitutional authority for these governmental agencies. The Bank of the United States Act was sustained more than a century ago under the implied powers of Congress on the ground that it was "a convenient, a useful, and an essential instrument in the prosecution of the Government's fiscal operations." And so it appears in the light of established decisions that these strange and dangerous instruments of expediency are safe from successful attack in the courts. They rest on the spending power of Congress which has been a subject of debate from the beginning. The Supreme Court has not chosen between the Alexander Hamilton view that the Government may spend its funds for any object, even though it cannot legislate on that object, and the James Madison view that the spending power is inseparably connected with the power to legislate. The present national administration, like its predecessor, seems to take the Hamiltonian view. If the Supreme Court adopts this view, the way will be opened for the complete subjugation of the States. Add to the power of Congress to confiscate all income of the people the power to spend the public funds for any purpose it deems for the general welfare and our priceless heritage of a separation of powers of government will be a mockery. The demagogue now buys his election to Congress with generous distribution of public funds. With the bars down, his taxing and spending will know no bounds.

With the extended use of the device of the proprietary corporation many constitutional questions will arise in the administration of these agencies of government. Conspicuous among those likely to present new questions is the Tennessee Valley Authority. This Federally owned corporation must stand not on any peculiar rule arising from the fact that it is a corporation but on some constitutional power in the Federal Government, such as the express power to collect and spend Federal funds to provide for the common defense and the general welfare, or the express power to regulate commerce among the States, or the implied power to provide the means necessary to these ends. As I read my Constitution and its history, I find no authority in the Federal Government to engage in the business of generating, transmitting, and distributing of electric energy or in any other business as such. These administrative corporations are governmental agencies and under no theory consistent with the Constitution can they be operated for profit. They are not subject to State regulation as foreign corporations, cannot be taxed by the State or local municipalities, and are otherwise free from the jurisdiction of the States in which they operate. If such corporations can engage in business in competition with private capital and persons, then private business cannot survive in such fields.

The economic soundness of Government-owned corporations entering the field of industry is not within the scope of our study. We are concerned now only with the power of the Federal Government to engage in business. There are no decisions of our Supreme Court sanctioning such a course. Absence of approving decisions is strong evidence that thus far in American history it has not been considered lawful for the Federal Government to engage in undertakings of a proprietary character in competition with its citizens. Because it has been held that States and local municipalities may engage in the utility business, it does not follow that the Federal Government may do so. Nor is there constitutional authority for the "yardstick" concept or the "birch rod" philosophy which adorn the bedtime stories used to lull our citizens into acceptance of these new fields of Government activity. The Federal Government, being one of granted powers, must find its authority in some particular grants. Surely the ownership of power sites deliberately acquired by the Federal Government on navigable streams (and some of these navigable only by canoes operated by skilled hands) over which the Federal Government has power of regulation does not give it authority to engage in business. When the Federal Government builds a dam under the guise of aiding navigation, preventing soil erosion, controlling floods, fostering irrigation, and supplying materials necessary for the common defense, some of these extensions of the granted powers to doubtful objects, will the courts shut their eyes to the obvious intent to engage in the hydroelectric business?

The Tennessee Valley Authority Act states expressly that the corporation was created "for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Ala., in the interest of national defense, and for the agricultural and industrial development, and to improve navigation in the Tennessee River, and to control the destructive flood waters in the Tennessee and Mississippi Valley basins." Only the most liberal construction of the Constitution gives the Congress power to do what the title says is the purpose of this gigantic undertaking. But our courts will be blind not to see that these declared purposes are only the window dressing to conceal what is generally known—that the real purpose of the sponsors of this project is to put the United States in the business of generating, transmitting, and distributing to the consumer electrical energy in direct competition with privately owned utilities. The building of dams in mountain streams which have only a remote connection with navigation and the direct acquisition by the Federal Government of privately owned utilities and the financing of local municipalities in the acquisition of such properties, or in the construction of competing plants to provide an outlet for the product of these projects, show beyond question that those executing this program consider that the Federal Government has the power to engage directly in the hydroelectric business. The State through which the navigable stream flows owns the bed of the stream, and there is sound basis for contention that it owns the power generated by the use of the water of that stream. But assuming the right of the Federal Government to sell at wholesale the excess electricity generated at a dam which was in fact built for a national public purpose, this right is no warrant for exceeding the granted powers by reversing the process and making the byproduct the first subject of the project. If the Federal Government has the power to engage in the business of furnishing to the public electricity, gas, and water, it has a like power to engage in the clothing business and the food business, and in short, in every business, because all are necessary to the common defense and the general welfare of the United States. Our whole constitutional background is at variance with the notion that the Federal Government has power to invade the domain of private business in the several States.

We come now to the attempt to regulate and destroy public-utility holding companies. Inasmuch as I do not now have and have never had any other relations with such companies than paying my monthly gas and light bills, what I have to say on this subject is at least free from the bias of a hired propagandist. As I read the 700-word first section of this act, which sets forth the alleged need for this legislation, I am reminded of the sweet young maid who received a 20-page letter from her lover. Her mother exclaimed, "A 20-page letter from the boy friend! What does he say?" And the daughter demurely replied, "He says he loves me." And so I sum up this preamble: It says we hate public-utility holding companies. This is the most extraordinary piece of legislation I have ever read. It holds the record for violating more provisions of the Constitution at once than any prior act. It seeks to control business which has no connection with commerce among the States; to deprive public-utility holding companies of the use of the mails in negotiation or performing service, sales, or construction contracts for any public-utility or holding company, and in offering for sale or exchange securities of its own or subsidiaries or affiliates or any other public utility, or in acquiring such securities without regard to whether the thing sent through the mails is itself harmful or dangerous; to set up arbitrary and capricious rules for keeping records of the companies and their subsidiaries and affiliates, and otherwise reg-

ulate the internal affairs of such companies; to compel such companies to divest themselves of their ownership of properties; and to delegate legislative powers to the executive department. This legislation is obviously the executioner that is to eliminate competition from the business field which the Federal Government is to enter through its power projects already established on the Tennessee River, the Colorado River, and the Columbia River, and others to be established on the St. Lawrence River, the Missouri River, and elsewhere.

All will concede that public-utility holding companies have engaged in practices harmful to the public interests, as have other gigantic business combines, but it does not follow that the States are impotent to correct these evils or that the Federal Government must be projected into private business with its attendant inefficiency, extravagance, and despotism. Never in peace time has any political movement been supported by such a flood of propaganda emanating from officialdom. There are evils crying out for adequate remedies, but the extravagant publicity given these evils has put the average citizen in the position of the New Jersey farmer who agreed to furnish a New York restaurant with 1,000 frog saddles a week. Some days later he wandered into the restaurant haggard and worn and besmeared with swamp mud and tendered three frogs. The restaurateur asked, "Where are the others you promised to furnish?", and the poor farmer replied, "This is all there were. I was fooled by the noise they made." Eighty percent of the transmission of electrical energy and substantially all of the generation and distribution are purely intrastate in character. Properly organized and managed, holding companies perform highly useful and necessary functions with reference to financing, management, and coordinating the service of underlying operating companies; and common sense argues against, if the Constitution does not forbid, the destruction of this private business directly by legislative process or indirectly by the regulatory or taxing power of the Federal Government. All necessary regulation can be provided by the States, and there is no justification for adding this problem to an overstuffed Federal Government now suffering from a surfeit of local problems. The supine submission of the States to this and kindred Federal aggression and the neglect of the State authorities to provide the necessary protection for the public mean the end of the dual system which has characterized our governmental structure and which has stood as a bulwark against invasion of individual liberty.

The National Industrial Recovery Act has already been declared unconstitutional because in its administration there was an attempt to regiment all business, to fix wages and prices in local industries, to regulate and control commerce wholly intrastate in character, and to transfer to the executive department the power to make and interpret laws, as well as to execute them. The Agricultural Adjustment Administration Act will probably suffer the same fate for similar reasons and the additional reason that by this legislation the Congress has undertaken to exercise powers specifically reserved to the States and the people thereof. The National Labor Relations Act is equally vulnerable to these constitutional objections.

It is not surprising that the tendency toward the Hamiltonian theory that the National Government has power to do all things considered necessary to the common good, which has been growing since the Civil War period, should culminate, in times like those in which we have been living since the economic collapse of 1929, in measures which many believe destructive of free institutions and which, if continued, must inevitably effect a complete change in our plan of government. At a time of experimentation to relieve economic and social distress and to promote recovery therefrom measures are sure to be adopted without considering carefully their constitutional validity. This is not the time for partisanship. Those who would like to have us believe that the New Deal was inaugurated March 4, 1933, would have us forget history and accept partisan mythology. Both of the major political parties must bear responsibility for present tendencies. Both will share the credit for the preservation of our institutions if they are preserved. Their preservation must not be permitted to become a partisan issue. Patriotic men and women must make common cause to preserve our priceless heritage.

We need not question, and I certainly do not question, the patriotic purpose of those in this and the preceding administration who adopted extraordinary measures to meet extraordinary conditions. The times have not been favorable to consider reflection upon constitutional limits of legislative and Executive authority. Where a power was assumed from patriotic motives, the assumption found ready justification in patriotic hearts. Many who doubted yielded their doubts; but those who believe measures have been adopted which attack our system of government at the heart and who believe we cannot justify, under pressure of an emergency, the tearing down of time-proven safeguards of individual liberty cannot longer remain silent, lest these temporary measures become permanent. Complacency often comes dangerously near complicity. We cannot yield to the dangerous delusion that in some way or somehow our plan of government will bring wisdom and justice in public service. It is as true today as it was when first uttered that "eternal vigilance is the price of liberty." Liberty is not the natural state of man, but is a right which only organized government established and conducted by an enlightened and vigilant citizenry can provide and preserve.

My consideration of constitutional limitations has thus far been confined to the written Constitution. But there is an unwritten constitution which is just as important to our scheme of government as the document drafted by the Convention of 1787 and the amendments thereto. This unwritten constitution is the aggregate of American institutions, traditions, and customs. It embraces the fundamental truths embedded in American hearts, that government derives all its just powers from the consent of the governed; that this is a Government of free men instituted to preserve the blessings of liberty to themselves and their posterity; that the best governed people are the least governed people; that the Federal Government should be confined to those relations which are essentially national and international in character; that all other powers of government should be reserved to the sovereign people acting through their State and local municipal governments; that the citizen should have complete freedom of thought; that his freedom of expression and action should be limited only insofar as unrestrained freedom would interfere with the rights of others; and that individual effort, initiative, industry, and ability should not be hindered by governmental regulations tending to establish a moribund mediocrity.

Large segments of these American institutions and traditions are not rendered immune from legislative change by the written Constitution, nor even by the doctrines of constitutional law established by the written decisions of our courts. We have seen that the device of grant-in-aid statutes and the proprietary corporation have given the Federal Government control over local affairs, individual action and private business which has palsied the individual responsibility which has marked the American with a resourcefulness hitherto unknown among men. We have also seen that the Federal Government has assumed powers incident to its powers to collect taxes, expend public funds, provide for the common defense, and regulate commerce among the States, which violate American institutions and traditions by so weakening the State and local municipal governments that they lack initiative and courage to discharge the functions committed to them. Perhaps the courts cannot apply this unwritten constitution in testing Federal legislation but the Congress can and should in enacting it. When a proposed statute is opposed to American traditions and customs and will effect a fundamental change in basic American institutions, it should be resisted in the Congress until it has been shown clearly that conditions call for a change in these basic institutions. The courts cannot protect us from departure from our traditional course except as some governmental act invades the field of individual liberty preserved by the Constitution. This negative judicial remedy is too tardy, hazardous, expensive, and cumbersome to be of practical benefit to the great body of our citizens. Our first line of defense is traditionally the people's representatives in Congress and there we must look for preservation of many of our most precious constitutional rights.

It is seldom that the constitutional validity of a statute can be judged from an examination of the words of the written Constitution alone. It is not likely that anyone who can read the plain language of the Constitution would doubt the invalidity of a statute which would require every citizen to embrace the Mohammedan religion or which would lay a duty on corn shipped from Illinois to any other State or foreign nation. But who can say what is the full scope of the power "to regulate commerce with foreign nations and among the several States"? What laws are regulations? What activities are commerce? What commerce is "commerce with foreign nations and among the several States"? Here we must go beyond the words of the Constitution and seek light from the unwritten constitution found in the traditions and customs of the American people and from the decisions of our courts. And this process which controls interpretation changes as the social, economic, and political philosophies of our people and our judges change. Within certain limits our judges must go outside the cloistered precincts of application of fixed limitations and act as statesmen by creating wise constitutional law through interpretation and construction. In his capacity of statesman the judge may err in interpretation or he may usurp authority which should be conceded to the written document. Regard for the public welfare under conditions of today—conditions vastly different from those of 1787 and 1867; yes, of 1927—may well prove an irresistible temptation to surreptitious amendment of the written document.

There is yet another field of constitutional law which is beyond the words of the document or the construction of its words. As it has been construed, the provision which declares that "no person shall be deprived of life, liberty, and property without due process of law" authorizes the courts to declare unconstitutional any statute which they deem arbitrary, capricious, or unreasonable. In pronouncing these decisions the judges act as statesmen and not as interpreters. Many doctrines of constitutional law embody tests of such a nature that the doctrine does little more than direct the court to decide the case before it as it thinks best for public interests.

There is evidence of a growing tendency through the years of a feeling on the part of most judges that no human being can achieve ultimate wisdom, and they are more and more unwilling to substitute their judgment for that of Congress and to veto changes deemed by the Congress to be necessary for the public welfare. Study of American constitutional law cannot leave other than a conviction that our body of constitutional law depends as much upon the patriotism and statesmanship of the judges of our Supreme Court as upon the wording of the document. This judicial process is merely further evidence that many of our traditional beliefs in the Government-citizen relation can be preserved only by the people's representatives in the Congress, which in the end means by the character and learning of the men the people send to Congress.

Significant facts to bear in mind in considering the constitutional aspects of any body of legislation having to do with the

Federal-State relation or the Government-citizen relation are that the Supreme Court, with few exceptions, has sustained legislation extending Federal regulation and control; that when once it has upheld an extension of Federal control over matters theretofore in the exclusive control of the States it has never retraced its step; and that when once it has upheld an extension of governmental regulation of personal liberty and personal-property rights it has never overruled that holding. This much seems to be settled. Decisions limiting or denying Federal power are likely under changed conditions to be overruled, but decisions upholding extensions of Federal power are not.

Many of the statutes which comprise the New Deal legislation delegate extensive administrative power to the President and others. The most conspicuous example is the N. I. R. A. and the Supreme Court has said that the powers delegated were legislative and the delegation extraconstitutional. This is the first time in the 148 years of our Supreme Court that this constitutional objection has been sustained. The document does not, in express terms, forbid Congress to delegate its powers. The judges have deduced from the provision which says, "All legislative powers herein granted shall be vested in Congress", by construction and interpretation, that legislative power is nondelegable. No one questions that the system of government outlined in our Constitution divides the agencies of government into three coordinate departments—the legislative, the judicial, and the executive—and it is generally recognized by students of government that this is our greatest contribution to the science of government. Notwithstanding this agreement on the form of our government, the problems of construction often presented throughout our history, when a statute has been challenged on the ground that it violated that theory underlying the Constitution which prohibits the exercise by one department of powers limited to another, have given rise to litigation which has had distinguished champions on both sides and has resulted frequently in division of our Supreme Court. Manifestly, the Congress is not permitted to abdicate or to transfer to others legislative functions with which it alone is vested and all good citizens deprecate the tendency on the part of the Congress to become subservient to the will of the Executive.

There is a middle course which should be followed. Legislation must often be adapted to complex conditions involving a host of details with which the Congress cannot deal directly, and the Constitution has never been regarded as denying to Congress the necessary resources of flexibility and practicability which will enable it to perform its function of laying down policies and establishing standards while leaving to selected instrumentalities the making of rules and regulations within prescribed limits and the determination of facts to which the policy as declared by the Congress is to apply. For instance, the Supreme Court has sustained the authority given by the Congress to the Secretary of War to determine whether a particular bridge constitutes an unreasonable obstruction to navigation and to remove such obstruction; the authority of the Interstate Commerce Commission in the exercise of the declared policy of the Congress in enforcing reasonable rates, in preventing undue preferences and unjust discrimination, and in requiring suitable facilities for transportation; the authority of the Radio Commission to determine the public convenience, interest, and necessity in assigning frequencies and wave lengths to different stations; the authority of the President to determine when conditions of production at home and abroad warrant a revision of the tariff up or down on some particular commodity, and scores of similar delegations of administrative powers.

Emergency does not give a power which the Constitution prohibits, but emergency does justify an exercise of power in a way that will get immediate results. In the complex life of today, and in emergency, the Government could not function efficiently without the delegation, in greater or less degree as conditions require, of the power to adapt the rule or the policy fixed by the Congress to the swiftly changing facts. From 1784, when Congress authorized President Washington to lay an embargo upon ships of the United States and of any foreign nation under such regulations as the circumstances required and to continue or revoke the same whenever he thought proper, down to this administration, there have been numerous instances of delegation of broad administrative powers to the executive department. There have been alarmists in every period of our history, as there are now, warning us that the other fellow was undermining the foundation and that the future security of the Nation depended upon the reins of government being transferred to them and their kind, but we have survived these alarmists as well as the policy which caused the alarm. We need not fear that our Nation will drift from its ancient moorings as a result alone of delegation of power by Congress to President Roosevelt in this emergency. When he took the helm millions of good citizens were out of employment and our whole economic and business structure was threatened with collapse. Something had to be done and done quickly. But at any time the tendency of the legislative department to shift its responsibility to the executive department is charged with great danger. When the power to make, the power to interpret, and the power to enforce the law are vested in an individual or a selected group tyranny is likely to follow. A study of the science of government will disclose that as these natural functions have been separated so has free government advanced.

The number and importance of the acts of Congress now being challenged and the regularity with which these challenges are being sustained has brought to the fore again the bewhiskered question of whether the Constitution grants to the Supreme Court the right to void a statute which it decides contravenes the limitations set by the Constitution or whether that power was usurped by the Supreme Court in the formative period of our Government under the Constitution. The document does not in express terms grant this power, but it does vest in the Supreme Court and inferior courts to be established the judicial power of the United States. This power necessarily embraces the power to determine controversies, and the second section of the judiciary article specifically states that the judicial power shall extend to all cases arising under the Constitution and statutes of the United States. The Congress has only such powers of legislation as are granted by the Constitution, and to prevent an assumption of power in certain fields the power to legislate in these fields was either specifically denied to Congress or greatly limited. While the President and the Members of Congress take an oath to support the Constitution, and it is intended they will observe that oath, there is no provision of the document which even suggests that the judgment of the executive or legislative department with respect to such observance shall be final. It is certain that the people, in adopting a written constitution to protect themselves from the excesses of government, intended that some agency of that government should have the authority to enforce compliance with the limitations they fixed in the document.

If the limits set by the people in the fundamental law may be transgressed by those intended to be restrained, to what purpose is their power limited and for what reason is that limitation committed to writing? It is a proposition too plain to be disputed that if the legislative department is to pass any legislation it pleases, without regard to conformity to the letter and spirit of the Constitution, then written constitutions are absurd attempts on the part of the citizens to limit a power which is itself illimitable. To deny to the Supreme Court the power by majority decision to determine constitutional questions is to change our system of government.

In considering the constitutional aspects of the New Deal, let us look for a moment at the conditions which brought forth some of this legislation. There can be no question that the money grubbers and some of the overlords of business and banking, who are protesting loudest against the New Deal, have brought upon themselves and their fellow citizens the excesses of Government regulation. Their misuse of the power of wealth and position and their seeking after and securing special privilege at the hands of the Government brought on conditions which impoverished millions of our citizens and created a situation in this land of plenty that no self-respecting citizen can defend. There are those who still adhere to the Hamiltonian theory that the masses fare well when the wealth of the country is centered in the few or that prosperity trickles down from the top. My whole being rebels against this theory. There are others who believe with Jefferson that every man should have an equal opportunity under the law, and that prosperity and happiness are with us when the abundance of our country is available to all. With this I am in full accord.

Under the privilege-tariff policy, which first protected struggling industries essential to our well-being and later secured industrial monstrosities in their entrenched positions which they maintained by "campaign" contributions to their puppets, this Government was projected into partnership with business. This policy, which favored one part of our people over another, was contrary to the American theory of "equal rights to all and special privileges to none." As I view it, the only defensible protective tariff policy is one that equalizes the cost of production here and abroad. Such a policy protects in the interests of all the people of the United States and does not favor a part of our people at the expense of the rest. Though the privilege-tariff system was more subtle than the dole system, it was nevertheless a hand-out from the Government. Under it the Government was placed in the position of supporting a scheme which took money from the pockets of the many and put it in the pockets of the few. Those who adhere to this theory that the power to levy and collect imposts carries with it the power to subsidize specially selected business should be enthusiastic supporters of the Agricultural Adjustment Administration Act. The farmers are right in their contention that the privilege-tariff policy which has been "sauce" for the industrialists has been "apple sauce" for them. I consider all forms of Government subsidy of private business wrong in principle and unconstitutional in the broad sense. Our experience has shown that when any business is supported to any degree by Government bounty the beneficiary is never satisfied, but is constantly clamoring for more help. Its partiality and artificiality necessarily result in creating a dependent attitude with its attendant weaknesses.

It will take a major operation to correct the evils of the era of the survival of the fittest, the law of the jungle, and no one ever came through a major operation, however successfully, without a great deal of pain and some damage. When and only when the powers of the Government, including the power to lay and collect taxes and to spend public funds, are exercised in the interests of the whole people and not in the interests of any favored part, will true happiness and prosperity return to our people. Then only will our Government be administered in the spirit of American traditions and the written Constitution.

Summing up, I regard the principles I have applied in testing the constitutionality of current legislation fundamental American principles of government. They cannot be ignored without changing the plan of government outlined in our Federal Constitution. They were not new when our Constitution was adopted. All, except the principle which separated the powers granted the Federal Gov-

ernment from the powers reserved to the people of the several States, had been written into the constitutions of the Colonies and had been established as fundamental American doctrines for a century and a half before the Colonies declared their independence. In view of my known activities as a member of the Democratic Party, I trust you will pardon the personal reference if I remind you that I am reannouncing in this discussion the principles of government to which I have long adhered. I stated them as chairman of the Democratic Illinois State convention in 1924 and as the candidate of the Democratic Party for Governor in 1928, and as a delegate to the Democratic National Convention in 1932 I voted for a platform which announced them. Given the opportunity, I shall again support these principles in 1936. I am not yet convinced that these fundamental principles of government are unsound.

Under a government founded on these principles this Nation has attained first rank among the nations of the world and our people have enjoyed a greater measure of happiness and prosperity than any other people. In no other country has it been possible for so many individuals of obscure and humble origin to rise to positions of wealth and influence. Our form of government is our most precious inheritance and our most sacred obligation is to preserve it for posterity.

In this study we have seen that the New Deal is not new and that it has not presented new constitutional questions. As the last stick of cordwood causes the overload which breaks the wagon, so have the latest additions to our paternalistic Federal laws shown the extent to which this mania for attending to other people's business may go and has brought home to our citizens once more the danger of centralizing their Government in Washington. The New Deal has rendered a distinct public service in awakening our citizens to a reexamination of our foundation stones. We have learned in this study that we cannot find security in the form of our government alone and that frequent recurrence to fundamental principles is essential to the maintenance of free institutions.

Whether this Government shall remain a representative republic or degenerate into a bureaucratic empire depends upon the wisdom and loyalty of the citizens. If the majority of our people regard the National Government as a representative republic of limited powers, it will remain so; but if our people conceive it to be a unitary, paternalistic state, it will become so notwithstanding the written Constitution to the contrary. Our Government gives much to the individual citizen and expects much of him in return. The real danger which confronts us is that too many of our citizens are more concerned with their privileges and immunities than with their duties and responsibilities.

There are too many slackers who refuse to interest themselves in public affairs, too many men who are so interested in their private affairs that they refuse to give thought to the political problems which must be solved. Without government there can be no private business, and the time is coming when this Government of free men will be transformed if the good citizen will not take time to attend to his public duty.

Our country's great need is that those blessed with positions of leadership take an attitude and cultivate a spirit, not of resignation to the seeming inevitable, but of aggressive hostility to every corrupting influence. Our scheme of government cannot long endure with individual initiative, individual responsibility, and individual sacrifice left. By no form of special pleading or specious argument can the lawyers escape their responsibility. We must step forward as individuals and take our stand for a Government under our Constitution which will secure to all our people the blessings of liberty, a fair share of our abundance, and the protection of the fruits of their industry. May a divine Providence open our eyes and our hearts, give us light to see the right, and the courage and wisdom to do it.

AMERICAN NEUTRALITY—LETTER FROM FREDERICK H. ALLEN

Mr. COPELAND. Mr. President, I ask consent to have printed in the RECORD an article on American neutrality by Mr. Frederick H. Allen.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

To the NEWS AND COURIER:

Notwithstanding the boldness of the President's statement last week before the Congress referring to the nations that "have impatiently reverted to the old belief in the law of the sword", the neutrality bill introduced in Congress does not support these strong utterances. It provides for embargoes against all belligerents alike, no matter how flagrant the case of the aggression may be. The bill abandons President Wilson's doctrine of international justice, which had in view the support of the victim of wanton aggression which is now the attitude adopted by the members of the League of Nations. The bill proposes an embargo against all belligerents alike. This policy of total indifference to good and evil is evidently not that which was formerly counted on to bring about a reign of peace in the world. Under the League, an aggressor can be punished and the victim aided, but the proposed bill provides that the United States shall apply the same sanctions against the aggressor and the victim alike.

There is no doubt of an almost passionate desire of our people to avoid getting into war. What is the surest way of securing this result? Evidently by preventing a war from breaking out. It is better to prevent a fire in a neighbor's house than to try to prevent the fire from spreading to one's own house after it has started. It would be wiser to prevent a war from breaking out than to seek to prevent it from spreading to our own shores and so disturbing our peace and safety after it has started. By the present neutrality resolution we seek to prevent a war from spreading to us after it has broken out.

If, however, power were to be lodged in the hands of the President to declare a state of war and in the hands of the President and Congress to name the aggressor when an aggression is perfectly plain, as in the present Italo-Ethiopian War, and the power be given in such case to allow the export of arms, munitions, and implements of war, and other material necessary for the conduct of war to the victim of such aggression, such a power would have great effect in preventing the outbreak of war. As we are the most powerful nation in the world today and the nation most plentifully supplied with the resources necessary to carry on a war, such a declaration would make any nation hesitate before rushing into the arbitrament of war. It will be said how can the President tell who is the aggressor? That may not always be clear; but if it is not clear, the President can prohibit the export of arms, etc., etc., to all belligerents alike. But when the case is clear, as in the present African war, the above suggestion would be a powerful deterrant against starting a war. If Great Britain had made it clear to Mussolini beforehand what would be its attitude in case he started a war in Ethiopia, there can be little doubt that Mussolini would have refrained from doing so. In the same way should we make our position clear in advance as to what we would do in the case of a war of aggression it would have a powerful influence in preventing it.

In the present case should a war be started and the embargo provided for in the neutrality resolution be proclaimed against all belligerents alike, the embargo would apply not only to Italy but to Great Britain, France, Greece, Yugoslavia, and the other nations that have agreed to act in concert. It is well to recall the catastrophe that resulted in our country upon the outbreak of the World War.

Farm prices were deflated, unemployment was serious, and the whole business of the country was depressed, and the result of the proposed embargo, it can be readily seen, would be even more catastrophic should the above-mentioned events come about. It may be well to remember what happened in the case of the embargo in the days of Jefferson. In the New England States there was talk of secession. The products of the planters and the farmers fell to half their usual price. Clothing, machinery, tools, etc., became very dear, and therefore the expenses of the planters and farmers increased while their purchasing power diminished, with the result that the Congress ended the embargo by large majorities. It would seem evident, therefore, that under the proviso of section 6 of the act that Congress would rapidly withdraw the restrictions that would make the embargo apply to all belligerents alike. If the above reasoning be admitted, it would seem wiser for us to proclaim beforehand that we would support the victim of an evident and flagrant aggression and to return again to the Wilsonian doctrine of international justice.

Should a world war break out, neutrality is an illusion. Peace can only be maintained by acting in concert with the liberal nations that seek to preserve it as against the nations that, as the President has said, "have impatiently reverted to the old belief of the law of the sword."

FREDERICK H. ALLEN.

CHARLESTON.

AGRICULTURAL PROGRAM

Mr. THOMAS of Oklahoma. Mr. President, the national farm organizations, acting through their informal group known as the National Agricultural Conference, adopted some very important policies in regard to agriculture during their sessions in Washington on January 16–17, 1936.

The statement of these farm organizations, unanimously agreed upon, provides a basis for national legislation in safeguarding the welfare of agriculture. The President of the United States, the Secretary of Agriculture, and all Members of Congress have been supplied with this statement, and its value is sufficient to justify printing it in full in the CONGRESSIONAL RECORD.

The farm groups which are members of the National Agricultural Conference and which participated officially in the deliberations last week are: The American Farm Bureau Federation, the National Grange, the National Cooperative Council, the Farmers National Grain Corporation, and the American Agricultural Editors Association. The National Farmers Union, through its proper representatives, attended the sessions of the National Agricultural Conference, participated as nonmembers of the conference in the discussions, and at the end of the last session of the conference applied for and was granted membership in the conference group.

The chairman of all sessions held by the National Agricultural Conference was Clarence Poe, editor of the Progressive Farmer, Raleigh, N. C., and the secretary was Chester H. Gray, Washington representative of the American Farm Bureau Federation. Present and speaking for

their respective organizations along with other official representatives were Edward A. O'Neal, president of the American Farm Bureau Federation; L. J. Taber, master of the National Grange; John D. Miller, president of the National Cooperative Council; C. E. Huff, president of the Farmers National Grain Corporation; Clarence Poe, member of the American Agricultural Editors Association; and E. H. Everson, president of the Farmers Educational and Cooperative Union of America.

I ask unanimous consent to have printed in the RECORD a copy of the unanimous report of the National Agricultural Conference which recently met in Washington.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

UNANIMOUS REPORT OF THE NATIONAL AGRICULTURAL CONFERENCE, WASHINGTON, D. C., JANUARY 16–17, 1936

The National Agricultural Conference, representing the leading farm organizations of America, requested by last week's conference of farm leaders to further promote plans safeguarding agricultural welfare, hereby presents the following statement and appeals to you, and through you to the American people.

We first of all assert the unanimity of the organized farmers regarding the major objectives in the battle for equality for agriculture that has now been in progress for almost a score of years. We declare that in this long battle our farmers have become fully convinced of the soundness and the justice of two principles that we have neither inclination nor authority to surrender or to compromise, and to which we first of all direct attention. These two principles are:

1. The right of American farmers to be given machinery by which they can adjust supply and demand by legal means with something like the same effectiveness with which American industry adjusts supply and demand—but with provisions safeguarding farmer control and also safeguarding consumer welfare against extending adjustment into scarcity.

2. The right of the American farmer to receive for his products prices which will give him average purchasing power equal to that he had in 1909–14.

TWO MAJOR OBJECTIVES

We repeat that we have neither inclination nor authority to surrender or compromise on these two principles. For us to surrender them or for government to deny them can mean only one thing, namely, that the American farmer will be driven to economic chaos.

We have not advocated a policy of scarcity and of high prices to the consumer's hurt. We have advocated balanced abundance and just prices protecting the interests of both producers and consumers. In a period of enormous surpluses, such as faced us in 1933, any policy of genuine crop adjustment had to be downward. But, in like manner, where crop deficiencies develop, adjustment should be upward. And consumer welfare has been safeguarded by providing that such reduction of surpluses as has occurred should aim only at giving the farmer purchasing power equal to that he possessed in 1909–14. In these years the farmer's price returns were certainly not excessive.

DETAILS OF LEGISLATION

This conference has not attempted to define the details of legislation. The leadership of the farm organizations represented, acting within the general principles here set forth, will be available to the Congress for this purpose. We are, however, in agreement as to the following basic principles:

We, therefore, recommend:

1. Agricultural adjustment:

(a) Unity of action by all groups represented in this conference to secure expansion of outlets for farm products in both the domestic and foreign markets in such manner as would be beneficial to the domestic market and profitable to the producers of these products in net average returns.

(b) The development by Congress of the most effective legal means for Government to assist farmers in adjusting the volume of production to the demands of markets. We believe this can best be achieved through a comprehensive and well-coordinated program providing for the withdrawal from commercial production, at equitable rates, such lands as may be necessary to enable the stabilization of farm commodity prices at parity levels.

(c) Continuance and expansion of a policy of commodity loans to handle seasonal surpluses in such manner as would be most effective in stabilizing farm commodity prices in the interest of both producers and consumers.

2. Whether such program is based upon the conservation of soil fertility or otherwise, to be permanently successful and to best protect the interests of the family-size farm, which should be a constant objective of government, legislation must be coordinated covering all phases of this recommendation.

EQUALITY IN CREDIT AND MONETARY POLICIES

Because of the present emergency with respect to agricultural adjustment, we have, first of all, referred to our two major objectives relating to that subject. Another principle for which organized agriculture has battled from the beginning is the following:

3. The farmer is entitled to a national credit and monetary system which will (a) provide credit to agriculture at the lowest rates possible consistent with sound-financing policies, and (b) will provide an honest and stable currency to safeguard him against the fluctuations in monetary values which have bankrupt millions in the past. To this end the farmer insists upon the support and maintenance of our Farm Credit Administration and an enlarged degree of farmer control of its operations. American agriculture, while demanding a monetary policy fair to debtors, has at no time favored a policy unfair to creditors. We have denounced unfair inflation as well as unjust deflation. We have repeatedly insisted upon monetary policies looking only to restoring price levels so that debtors will pay and creditors will receive the same real values, the same purchasing power, that creditors lent and debtors borrowed. And to promote justice and honesty between debtor and creditor, we furthermore insist upon a permanent monetary policy which will stabilize price levels and thereby prevent farmers from having to pay with 30-cent wheat and 5-cent cotton debts incurred on a basis of $2 wheat and 25-cent cotton, or vice versa.

To this end the conference unanimously adopts the following resolution:

The desire and objective of the National Agricultural Conference is that our monetary system be so revised and currency and credit so managed as to establish and maintain the dollar with a constant purchasing power, preserving the equity of contracts between debtor and creditor, and avoid the dangers and losses that are inevitably involved in excessive and uncontrolled inflation or deflation. To accomplish this, there should be established a monetary authority (by whatever name called); this monetary authority should be as largely as possible nonpartisan and nonpolitical; their tenure of office should be of such length as to protect this body from sudden change; the members, through pensions or otherwise, should be adequately provided for throughout life; and this authority should be directed by definite mandate from Congress under that section of the Constitution which directs Congress to coin money and regulate the value thereof, to establish and maintain a unit of value (the dollar) with a constant purchasing power; a monetary currency regulated on an index of basic commodities on their world price, considering gold and silver as commodities, and dealing with them in terms of their market value.

Congress should vest in this authority the power to control price adjustments through monetary action by means of (a) repricing of gold; (b) regulating the value of the dollar; (c) declaring the gold content of the dollar; (d) regulating the issuance and volume of currency; (e) and such other powers over money and credit as Congress may see fit to give to it for the accomplishment of the congressional mandate, always reserving, however, to Congress at designated periods, the right of review and direction of the operation under this mandate.

We recommend that Congress consider placing in their mandate to such authority the requirement that they bring about basic commodity price adjustment either to the 1926 level, or the period 1922–29, inclusive, whichever, in the opinion of Congress is fairer.

We recommend that this authority be given a reasonable length of time to attain this result and that when such price level is attained that the powers vested in this authority be used in such a manner as to maintain such price level within a reasonable range (for example 5 percent), to the end that the purchasing power of the dollar may remain constant.

We further recommend:

1. Appropriate legislation adequate for the complete discharge by the Government of all obligations to farmers who have discharged, or are in the act of discharging, adjustment contracts of 1935, those prior thereto and agreements entered into in the fall of 1935 for the reduction of winter wheat production.

2. We urge Congress immediately to enact appropriate revenue legislation to require payment into the Treasury of the United States of all processing taxes levied and unpaid up to January 6, 1936, upon all commodities taxed under the Agricultural Adjustment Act, and that all such sums, whether unpaid, deposited in escrow, or impounded under orders of Federal courts, be covered into the Treasury in accordance with legal procedure.

3. The early enactment of pending legislation to regulate commodity exchanges.

4. To continue all valid provisions of the Agricultural Adjustment Act.

5. We oppose efforts to transfer the Forest Service and the Biological Survey from the Department of Agriculture to any other department of Government.

6. We insist that wherever practicable Capper-Volstead cooperative marketing associations be more universally and extensively used in the handling of all farm commodities coming under the control of the Government.

7. This report is premised upon the fundamental assumption that the American market must be preserved for the American farmer.

Many matters of great interest to agriculture are omitted from discussion in this report because of the conviction it was better to concentrate on major problems confronting agriculture. Other important resolutions that have been adopted will be referred to the conference committee for legislative action.

THE YOUNG MEN GO TO WASHINGTON—ARTICLE BY PROFESSOR FRANKFURTER

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have inserted in the RECORD an article from the

magazine Fortune, entitled "The Young Men Go to Washington", by Prof. Felix Frankfurter, of Harvard University.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE YOUNG MEN GO TO WASHINGTON

By Felix Frankfurter

About 10 years ago, one of the most eminent of Europeans, visiting this country, was disturbed to find a photograph of Mussolini, signed by the Duce himself, occupying a proud place in the studies of a leading banker and of a famous university president. This, to the knowing sniff of a statesman, revealed a change of political climate in high places and ominous loss of robust faith in the traditional ideals of the United States. Our visitor was indeed correct in finding evidences of influential distrust of democracy. It had become the fashion to deify what was called efficiency, to concentrate on the difficulties of democracy, to compare the practical workings of democratic society with the paper advantages of omniscient dictatorship. As long ago as the third century B. C., Aristotle explained definitely how dictatorships come into being and how they maintain themselves until chaos and ruin overtake their victims. But we learn very little from books. Old forms of tyranny with new labels, sponsored with blood-and-thunder oratory, began to make alluring appeal to people who were not fired by the realization that democracy, especially in a country like ours, is not an automatic device for good government, but a continuous and exacting demand for the exercise of reason on the most extensive scale.

Men learn little from books, but they respond to experience. Better than if contrived as laboratory experiments for our especial benefit, the last 2 years have disclosed before our eyes the inevitable operations of dictatorship. They have brought to life the exact fidelity of Aristotle's pictures of tyrannies painted more than 2,000 years ago. We have been nauseated by "purges" both in Berlin and in Moscow, and we have recalled—what we had too quickly forgotten—the brutalities and violence which followed the march on Rome. As a result our democratic faith has been invigorated. Doubts about the validity of our great past, though still vigorous, are by no means universal; perhaps the visitor of 10 years ago might not now find Mussolini's photograph in a place of pride even in the studies of the leading banker and the famous university president. One hears from time to time much shallow talk about the elimination of politics, as though politics—the free exchange of opinion regarding the best policy for the life of a society—were not the essence of a free and vigorous people. A dictatorship means precisely the prohibition of politics. Nothing has more vindicated democracy than the unhampered exercise of freedom of discussion, howsoever hostile and misrepresentative, during 3 years of gigantic effort to meet the greatest economic and social crisis within the framework of the traditional American political system.

Democracy is the only way, rough as that way may be, to a civilization that adequately respects and thereby helps to unfold the richness of human diversity. Men to whom the future is an anxious concern no less than those to whom the past is a treasured heritage have no choice but to make democracy work better. For acceptance of the democratic idea by no means implies exhaustion of the various forms in which the idea can be made to work better. If the depression and the Government's attempts to master it have done nothing else, they have revealed, as never before, the intimacy between government and the welfare of the individual, have revealed that government is not something outside of or in opposition to the public, but is the expression and agent of society. Bankers and businessmen and railroad executives have as a matter of course come to expect government to finance them in their difficulties. The farmer has dumped his surplus on its doorstep. Men and women in every walk of life have come to assume that government must safeguard economic security and, as a last resort in an economic world too unmanageable for individual mastery, even provide such security. To have aroused this new intensity of interest in government—without which democracy cannot effectively function—may, if sustained, appear in the perspective of history as the most important political achievement of our time.

This interest in government on the part of the general public is both the result and the cause of a shift in the conception of the functions of government from that of a big policeman to that of a powerful promoter of society's welfare. "Governments have come to be engaged", according to that wise student of politics, the late Graham Wallas, "not merely in preventing wrong things from being done but in bringing it about that right things shall be done. A negative government only requires courage and consistency in its officials, but a positive government requires a constant supply of invention and suggestions." Rugged individualism, in the sense of the fullest possible opportunity for development of American men and women, will, one hopes, always continue to be the ultimate aim of American society. But "rugged individualism" as a theory of political nonaction and as a practice of hands off by government has been dead in England since the days of Gladstone and Disraeli, and in this country was buried by Theodore Roosevelt beyond resurrection even by Harding and Coolidge.

Party slogans are one thing, party actions quite another. The elder Huxley once said that old theories survived long after their brains were knocked out. So, old shibboleths continue to enlist feelings long after they have ceased to correspond to reality. In our day no government, whatever its party livery, can avoid responsibility for insuring minimum economic security. Undoubtedly the arrangements by which this general end is sought will vary from time to time. In the give-and-take of minor issues of political partisanship, the people may in turn prefer the solicitations of different political parties asking for responsibility to execute such a program. Undoubtedly also, in the future as in the past, there will be differences of emphasis in the division of responsibility between the States and the National Government in translating our Federal tradition into daily practice. But the fact itself, and the tremendous implication of the existence of an enlarged governmental responsibility for the welfare of the people are—like all humanitarian advances in the history of the English-speaking people—here to stay. Alphabetical agencies will continue, or analphabetical agencies will take their place.

Administratively that means much more than the supervision of old-age and unemployment benefits. Let us consider aspects of governmental activity quite outside the field of controversy. As part of any fundamental effort at economic security, both as a stabilizing factor upon business and as a necessary public protection, we are certain to continue the regulation of businesses affected with a public interest which, for the Nation, began with the Interstate Commerce Act in 1887 and has steadily increased since, as to both the area and the intensity of regulation. Again, the reports of the Mississippi Valley Committee and of the National Resources Board are in direct line of descent from Theodore Roosevelt's conservation policies. Our national welfare will not long permit that they remain dust gatherers or unexecuted blue prints. The economic security of the country as a whole, not any doctrinaire or sentimental theory, will compel a program for the protection and utilization of our natural resources which will cast upon government responsibilities that private enterprise could not possibly assume, and may well make of government in this country the greatest builder of all times.

To translate such general policies into wise legislation is sufficiently difficult. But it is child's play compared with the task of giving the words on the statute books meaning in action, to translate policy into life. The reality of the words of a statute appears only in the human administration of the statute, and that is especially true of statutes dealing with the large complicated affairs which now belong to government. Profound experience in the history of liberty is expressed in the noble words of John Adams in formulating the American ideal of "government of laws not of men." But there can be no government of laws except through men. Administration of a statute, like the administration of a business, depends on the quality of its administrator. Sensible and humane government is impossible without well-trained, disciplined, imaginative, modest, energetic, and devoted administrators. Indeed, with its modern tasks, government will need even better talent than that which private enterprise enlists. For with us not until individual initiative has proved its inability to manage enterprise does government take it over. Nor does government begin new enterprises unless private business cannot undertake them.

If, then, democracy is to work, we must in the future, more than ever before, temper the romantic American political tradition that everyone is competent for everything with the common sense of John Stuart Mill's observation: "Mediocrity ought not to be engaged in the affairs of state." How it would baffle the understanding of Mill and even more the purity of his heart to find men of influence today erecting such mediocrity into a philosophy. A former president of the United States Chamber of Commerce was apparently not indulging in subtle irony when he expressed these views: "The best public servant is the worst one. * * * A thoroughly first-rate man in public service is corrosive. He eats holes in our liberties. The better he is and the longer he stays the greater is the danger." And more recently the following advice was publicly tendered to the President concerning the class of men of unusual ability whom this Administration has attracted to Washington: "They are not the typical bureaucrats interested in obeying the routine and holding their jobs as inconspicuously as possible, for as long as possible. They are an active, inventive, pushing bureaucracy with many achievements to their credit that would have been beyond the imagination of an ordinary bureaucracy. But they will become a nuisance to the President if he does not promote the good ones to the status of ordinary officials and send the rest of them home with love and kisses." One is reminded of Mr. Gladstone's superb efforts more than 80 years ago in making the beginnings of the British civil service of today.

"The effect of such a change", says Lord Morley of Gladstone's share in establishing the great British civil service, "has been enormous not only on the efficiency of the service, but on the education of the country, and by a thousand indirect influences, raising and strengthening the social feeling for the immortal maxim that the career should be open to the talents. The lazy doctrine that men are much of a muchness gave way to a higher respect for merit and to more effectual standards of competency." Doubtless Mr. Gladstone's reforms were also characterized by some contemporary as the introduction of an "active, inventive, pushing bureaucracy." They were certainly resented as such. This is the contemporaneous picture of the old system which offered such stubborn resistance to Mr. Gladstone when he sought to put the bureaucracy on the basis of professional competence.

"The existing scores of civil servants do not like the new plan, because the introduction of well-educated, active men will force them to bestir themselves, and because they cannot hope to get their own ill-educated sons appointed under the new system. The old-established political families habitually batten on the public patronage—their sons legitimate and illegitimate, their

relatives and dependents of every degree, are provided for by the score."

This cult of mediocrity certainly did not commend itself to the New England railroads who urged the reappointment of Mr. Eastman as a member of the Interstate Commerce Commission, although they disagreed with his views on vital railroad issues. Fear of brains will not advance the solution of problems that call exigently for solution. "Typical bureaucrats interested in obeying the routine and holding their jobs as inconspicuously as possible for as long as possible" will never solve the intricate problems confronting the Social Securities Board in establishing a system of minimum security for the masses. Nor will they succeed in liquidating without loss the $5,750,000,000 which the Reconstruction Finance Corporation invested to save private industry; nor be able to supervise wisely the chameleonlike financial transactions which the Securities and Exchange Commission has been instructed to protect, in the interests of both the investment market and the public.

Surely the common sense of the American people has become thoroughly aware of that fact. The tide of public conviction favors able and trained men in Government, not only among the masses who have hitherto had little feeling of identification with Government, but also with the great majority of businessmen, big and little. They would be less than sensible did they think otherwise. Since there had to be an R. F. C. to come to the rescue of business, it is obviously advantageous to the complicated and often desperate circumstances that confront businessmen that the personnel of the R. F. C. be competent, resourceful, and energetic. And since the regulation of capital issues and of the exchanges was bound to come and is bound to stay, it is to the selfish interests of those subject to regulation in this highly technical hair-trigger business that the administrative operations of the S. E. C. be technically informed, skillful, sagacious, flexible, and courageous. Industry and finance, no less than the general public, have been more than fortunate that both of these new agencies of Government have managed, by extraordinarily competent leadership, to acquire staffs which, according to a consensus of opinion, compare favorably with the representatives of finance and industry who seek either to cooperate with, or to circumvent, them. Whether these commissions, so profoundly important to the economic and social well-being of the country, continue to maintain a high administrative level or sink into ineffective mediocrity will depend largely on the prevailing atmosphere of public opinion regarding public service. The esteem in which Government work is held will determine whether men of parts are drawn to governmental posts. The attraction of such posts is not money but the opportunity for men of genuine ability to do really useful work and to try their mettle on problems worthy of their best powers.

Complaints concerning the quality of Federal administration are not new, though at the moment more vociferous than usual. The critics echo Mark Twain: "There is no end of the laws and no beginning to the execution of them." Whosoever had come to power on March 4, 1933, would have been confronted overnight with new tasks of overwhelming magnitude for government to assume. A recovering patient never remembers, fortunately perhaps, how devilishly sick he was. It is easy to pick flaws in the administration of the spate of new measures which had to be improvised for emergencies—too easy. But the fair-minded public should keep in mind considerations that will move the historians of our time. It is essential to observe certain canons of criticism that are usually neglected because they are so obvious. Headlines announce the occasional egregious blunder, but day-by-day achievement is unchronicled. The clash of politics, the friction between executive and legislature, the taste for scandal, the preoccupation with personalia make us know whatever goes wrong in government. It is right that it should be so. The critics of government cannot be too Argus-eyed. But no like conjunction of forces educates the public to a knowledge of the good in government. Virtue is proverbially not news, and appreciation of achievement in government, except when attained on the colossal scale of a Panama Canal or in the dramatized conflict of foreign relations is all too dependent on dull technical details. The public is therefore surprisingly uninformed of the extent to which its servants contribute to the public good. And so the all-to-common depreciation of men in public service is at once shallow and cruel. It debilitates where it should encourage. A collection of condemnatory comments on the Presidents alone, from Washington down, would make a choice anthology of abuse, but it would be a nonsensical history of the United States.

Take the usual uncritical comparisons between business and government. One need not subscribe to the personal views of Henry Cabot Lodge, shared by his friend Theodore Roosevelt, that "The businessman dealing with a large political question is really a painful sight", nor even to the similar testimony of Lloyd George, as war Prime Minister, about businessmen as administrators. Certainly the undramatic reports of the United States Supreme Court reveal authoritatively that business and finance have their ample quota of favoritism, sharp practices, incompetence, and failures. Moreover, it is too often overlooked that government as a rule undertakes no services or regulations except after private agencies have proved themselves incapable or unwilling. Under such circumstances, to succeed even measurably is proof of initiative and invention in public enterprise. Hence, in addition to the legitimate criticisms of public administration, there is the much larger faultfinding due to comparing preconceived theories about government with the best practices of business, instead of the prevailing practices of government with the prevailing practices in business. In a word, government has the benefits as well as the burdens of being subjected to the judgment of higher standards than those which are conventional in private business.

Certainly the student of history will place contemporary administrative problems in the perspective of history. The vital consideration was put by an undisputed leader of the New York bar whose office is very close to Wall Street. He was overheard to say that the central task of the present administration was to correct, overnight, conditions which were allowed to go unattended for 20 or 30 years. The war not only interrupted the execution of Woodrow Wilson's domestic program, it aggravated and enlarged the problems the solution of which were being neglected. With the inevitable growth, in the soil of our political traditions, of administrative duties which the depression created, the wonder is not that administrative difficulties have arisen, but that the improvisations function so well. People talk glibly about principles of government as though there were a pharmacopoeia of politics and economics to which one could go for prescriptions. More than a hundred years ago, one of the greatest of the Justices, speaking for the Supreme Court, shattered this illusion of simplicity, and a hundred years have multiplied out of all proportion the intricacy and novelty of our problems. "The science of government", said Mr. Justice William Johnson, "is the most abstruse of all sciences; if, indeed, that can be called a science, which has but few fixed principles, and practically consists in little more than the exercise of a sound discretion, applied to the exigencies of the state as they arise. It is the science of experiment."

Inevitably, with the problems of administration created by the depression, younger men have found their way into places of great responsibility. The political law of gravitation has operated as it usually operates when new problems call for new endeavor. It was not accident that the founders of the Republic were mostly youngish men. Disinterested enthusiasm, freedom from imprisoning dogmatism, capacity for fresh insight, unflagging industry, ardor for difficulties—these are qualities that in the main youthful years must supply. Moreover, except under the romantic and compelling circumstances of war, men who have already succeeded in life seldom can be induced to abandon an assured career or to sever the manifold ties of private life at the call of public service. Of course much valuable part-time work has been done, with fine public spirit, by important business and professional men. But Government business, like private business, cannot be conducted effectively except at full time and with undivided allegiance. For various reasons, therefore, it would not have been possible to meet the burdens which the depression thrust on government by recruiting dollar-a-year men as was done during the war.

The tasks of these younger men have been vastly more complicated and diverse than even those that faced the winners of the war, and they have been subjected, as the price of our democracy, to the most bitter partisan criticism, whereas it was deemed unpatriotic to criticize the mistakes and deficiencies of war administrators. By their disinterested contribution of energy, ability, training, and imagination to the public service, hundreds of unknown young men and women have demonstrated beyond doubt that the indispensable step for improving the public service lies in some method of keeping a constant flow of qualified young people attracted to it.

Much of the work of government makes very little demand on that political sense and shrewdness in negotiation which age and experience alone can give. Scientists and lawyers in government work need little of such skill. And as the world becomes more complicated, no man's experience can possibly encompass all the problems of his specialty. Moreover, specialized experience more and more tends to restrict the horizon, to hamper the mind rather than guide it wisely in the disposition of a new combination of factors in interrelated complexities of public problems. A first-rate, well-trained, lively mind of 25 is better economy for the Government than the services of those who, in the language of Civil Service Commissioner Leonard D. White, "have failed to achieve success in the competitive world, and who in middle life seek refuge in the official world." "I always regard men and women", once said Sir Robert Morant, the greatest of recent British civil servants, "who work at all seriously at things, as falling into two classes roughly—those who leave absolutely no stone unturned to make the thing they are at a success, and those who turn just enough stones to make it just about do." It is the younger official mostly who leaves absolutely no stone unturned, especially when stones to be turned are new. The younger man's enthusiasm and capacity for learning rapidly assimilate the wider field of which his particular routine task is only a part. He is freed from complicated ramifications of private life; he is diverted by a minimum of vanities and jealousies; he is more resilient, more cooperative in taking orders; and his technical preparation for his work is on the whole much better than the equipment of the generation that preceded him.

Under the direction of leadership capable of utilizing energy and imagination and disciplined intelligence in subordinates, a continuous supply of this type of young man would furnish constant renewal of energy and ability and disinterestedness to public administration. To evolve such a system for government would merely imitate the practice of the biggest law offices of this country. Annually these recruit their lower ranks from the best men of the graduating classes of the leading law schools. From such recruits the Government could hope to develop at least a portion into permanent public servants of higher grade. Even those who left after a few years would not be completely lost to

public service. To the communities where they were engaged in private enterprise they would bring that continuing interest in public affairs which a former public servant seldom loses. From them might come, 10 or 15 years later, the mature leaders of public affairs in their generation. Many of the older able men in the Federal Government today had a youthful place in the affairs of government 15 or 20 years ago. In every administration, the occasional really first-class man willing to leave established success in private enterprise for the new risks of an important post on the firing line of governmental affairs has more often than otherwise been one who, in his youth, tasted the joy of disinterested public service.

How young men of first-rate caliber can, year by year, be won for Government service, in periods of calm no less than in days of excitement, and how an adequate proportion of them can be retained permanently, are problems that do not divide parties. They seem unimportant in comparison with the economic and political slogans that rend the air. But upon their answer may well depend the success of whatever economic and social program theoretically prevails.

Government cannot compete with private employers for the most desirable recruits through the ordinary inducements. The best of the annual crop of the good law schools, for instance, will normally be offered places in the great private law offices of New York and other centers with promises of immediate professional opportunity that are exceedingly alluring. The great potential rewards with which business tempts able young lawyers, engineers, and economists serve as a powerful attraction to ambitious youth. Moreover, the impalpable pressure of the conventional standards of achievement is overwhelmingly on the side of private gain. Nevertheless, even before the depression, there was a perceptible drift of interest to the public service. Successful practitioners, distinguished judges, and industrial leaders were eager to see their sons start rather than finish their careers in public life. The depression has given vigorous momentum to this tendency. In no section of public opinion is there greater sensitiveness to the inadequacy of old catchwords and obsolete theories to meet the needs of our day than among the young who have to face life on their own. More and more, the ablest of them—in striking contrast to what was true 30 years ago—are eager for service in Government. They find satisfaction in work which aims at the public good and which presents problems that challenge the best ability and courage of man.

PROF. FELIX FRANKFURTER

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have inserted in the RECORD an article from the magazine Fortune concerning Prof. Felix Frankfurter, of Harvard University.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FELIX FRANKFURTER IS "THE WOST INFLUENTIAL SINGLE INDIVIDUAL IN THE UNITED STATES"

Or so at least opines Gen. Hugh S. Johnson, who has had considerable experience in the influencing business himself. The general's reasons are given, Mr. Frankfurter has insinuated his boys into "obscure but key positions in every vital department" of the present administration and is presumably therefore boring at the Constitution of the United States and the American plan of government from within.

It is an interesting scenario and one which, in the absence of proof, will be accepted or rejected according to the preferences of the reader. But one thing the mere publication of the statement has already accomplished. It has made Mr. Felix Frankfurter a mysterious personality. "This Frankfurter—this silent man . . ." hoarsely whispers Mr. Hearst's New York American; adding impressively "the Iago of this administration." As a silent man, as an Iago, Mr. Frankfurter becomes a legitimate object of the public curiosity. And as the most influential single individual in General Johnson's United States he becomes a proper subject of historical investigation. The country has an altogether understandable desire to know on what grounds it is possible, whether rightly or wrongly, to attribute such unusual significance to a professor in a private law school.

So far, and despite the fact that a considerable body of information relative to that question is easily available, very little information has been published. Newspaper readers are more or less aware that Mr. Frankfurter is a man in his early fifties who teaches law at Harvard. Some of them are even aware that he was born in Vienna of Jewish parents, that he came to this country without a word of English at the age of 12, and that 10 years later he was leading his class through the bitter competition of the Harvard Law School with nothing to show for his Vienna nativity but an eager spirit and a slight thickening of the letter "s." But how he came to occupy a position in public affairs which makes possible in any man's mouth the allegation that he wields the greatest private influence exerted in America is a matter of complete mystification to the great majority of his fellow citizens.

The actual facts of the matter are in no way mysterious. Mr. Frankfurter's relation to the appointment of bright young men to fill Washington jobs remains today about what it has been for twenty-odd years. The only difference is that under Presidents Taft and Wilson and their successors bright young men in Washington were not an issue. The story begins roughly about 1906, when Felix Frankfurter, 2 months out of law school and safely tied to a clerk's desk in the top-flight New York law office of Hornblower, Byrne, Miller & Potter, was suddenly transferred to the public service. It begins with Henry Stimson. Mr. Henry L. Stimson, later to serve as Secretary of War under Taft and Secretary of State under Hoover, had in 1906 yielded to President Theodore Roosevelt's request that he dissolve his partnership with Elihu Root and accept the office of United States district attorney for the southern district of New York, in order there to attack the malefactors of great wealth and the wicked corporations with whom Mr. Roosevelt was engaged.

Mr. Stimson had made only one condition—that his office handle all the legal business of the district instead of farming out important cases as had been the previous practice. And the result of that condition was the meeting of Henry Stimson and Felix Frankfurter, for only by hiring inexperienced young lawyers of high law-school stand could the district attorney, with his limited budget, build up the necessary staff. It was a meeting which had important consequences for both Mr. Stimson and Mr. Frankfurter. Mr. Stimson found an assistant who became an intimate friend and a source of considerable legal strength, and Mr. Frankfurter found an urbane and able chief and a useful avocation. The avocation was the collecting of brains. Partly because he was the first assistant United States attorney selected, partly because he was fresh from the country's leading law school and partly because he had by nature a large, exuberant, catholic, likable liking for human beings, he became the recruiting agent of the office. And becoming its recruiting agent, he took the first steps in an activity which was eventually to acquire the curious significance of which General Johnson is now so sensitively aware. From 1906 until 1935, whatever his office and wherever his work, Mr. Frankfurter was never long out of touch with the problem of placing young men of brains in positions where they could use them.

He began with a fairly impressive list. Mr. Stimson's assistants, with the exception of his fellow Yale man, Tom Thacher, later Solicitor General of the United States and Federal district judge, were Frankfurter selections, and Thacher was a close Frankfurter friend. They included Winfred T. Denison, later Philippine secretary of the interior; Goldthwaite H. Dorr, later president of the Cotton Textile Institute; Emory Buckner, now of the New York firm of Root, Clark, Buckner & Ballantine; and Wolcott Pitkin, now counsel for the International Telephone & Telegraph Corporation, having been attorney general of Puerto Rico and adviser to the King of Siam in the interim. As individuals they were competent lawyers, and as a team they were close to unbeatable. Mr. Roosevelt in his autobiography refers on two occasions to the work of Mr. Stimson's office and specifically to Mr. Frankfurter, and on both occasions with praise. Mr. Stimson and his young associates handled successfully such matters as the rebate cases against the New York Central and the American Sugar Refining Co., the sugar-weighing fraud cases against officers of the Sugar Trust, the prosecution of Charles W. Morse for his attempts to rig a steamship pool and to corner the ice market, and the Interstate Commerce Act proceeding against Edward H. Harriman. And in most of them Felix Frankfurter was active; in the sugar fraud cases, for example, though then a youngster in his middle twenties, he carried alone the successful argument of the appeals.

(His success in appellate work was to continue. He has since won every case he has argued before the Supreme Court and the Circuit Courts of Appeal with a single exception. In that case he carried with him in leading dissent not Justice Brandeis but Chief Justice Taft.)

The fact is important, because it bears upon Mr. Frankfurter's now famous radicalism. Mr. Frankfurter's radicalism was learned in the 1906, T. R., trust-busting era, when a radical was a man who wanted to knock down the monopolies and restore the practice of private competition. It is still radicalism of that vintage. Like Mr. Justice Brandeis, who belongs intellectually to the same generation, Mr. Frankfurter continues to hanker nostalgically after the lost (and perhaps utopian) world of small business, free competition, and economic independence. The two New Deal measures with which he is known to have been associated are the Securities Act and the Public Utility Act, which attempt, the one to establish free and fair competition on the stock exchanges, and the other to break down the huge holding companies in the utilities field. Both proposals Theodore Roosevelt would unquestionably have backed. Theodore Roosevelt's much publicized hostility to Mr. Frankfurter at a later period was not caused by a disagreement on principles. It was caused by a disagreement on facts. Mr. Frankfurter's report on the Tom Mooney case for the Wilson Mediation Commission struck the Colonel as subversive Trotskyism. And the same Commission's report on the deportation by vigilantes of a thousand Bisbee, Ariz., miners and their marooning in a desert town struck the ex-President as a Bolshevik attack on his old friend, Jack Greenway, late husband of Congresswoman GREENWAY, who had acted as one of the vigilantes. Today most historians of the period agree that the facts were pretty much as Mr. Frankfurter reported them. The Mooney findings in particular would now be accepted as mild even in California.

But it was not only T. R. radicalism that Mr. Frankfurter absorbed in the United States attorney's office. He absorbed also a liking for the public service. An attempt in 1909 to retire with Mr. Stimson to Mr. Stimson's private practice failed in less than a year. In 1910 Mr. Frankfurter was back in the United States attorney's office in charge of appellate work, and in 1911, when Mr. Stimson became Taft's Secretary of War, Mr. Frankfurter followed him as law officer of the Bureau of Insular Affairs.

Theoretically the duties of that position were limited to the fairly broad field of legal advice and service touching the colonial administration of the United States. In practice, however, Mr. Frankfurter remained what he had been in New York, the general legal assistant of his superior. Mr. Stimson scandalized the Judge Advocate's office by asking Mr. Frankfurter's advice even on Army matters. And in the field of public works, directed by the Secretary of War in the exercise of his jurisdiction over rivers and harbors, Mr. Frankfurter was the Secretary's active counsel. It was a particularly interesting field at the moment because Theodore Roosevelt had made an issue of water power in connection with his conservation program and Taft had inaugurated a new policy of issuing no permits to build dams on navigable streams without a quid pro quo to the Government. From this policy was to develop the Federal Power Commission and the present "yardstick" extension of Federal activity into the public-utility field. And from it also was to result an extension of Mr. Frankfurter's War Department career. When Wilson took office in 1913 his new Secretary of War, Garrison, asked the law officer of the Bureau of Insular Affairs to continue to serve in connection with water-power litigation.

It was not only Mr. Frankfurter's War Department career, however, which was expanding. The "silent man" of the Hearst editorials (incidentally one of the least silent of God's creatures) was also expanding his avocational interest in bright young men. Since he was still in the early thirties himself, he knew the recent law-school graduates. And since he continued for professional reasons to read the Harvard Law Review, he knew something of the abler men still in the school. With the result that Attorney General Wickersham, who ran his office on the merit system, made frequent requests for Frankfurter suggestions, as did others in the executive departments. And with the further result that a regular Washington practice of calling upon Mr. Frankfurter for able young lawyers was established.

The upshot of the whole thing was that when in the fall of 1914 Mr. Frankfurter left Washington to become Professor Frankfurter he had had some 8 years of experience in finding youngsters for legal jobs in New York and in Washington. From 1914 on, but from the Harvard Law School rather than from the bar, he continued the practice. He was asked regularly by the larger New York firms to suggest law clerks for them, such offices as Sullivan & Cromwell; Simpson, Thacher & Bartlett; Davis, Polk; Root, Clark, Buckner & Howland; Cravath & Henderson, and like concerns in Boston, Chicago, and Philadelphia made annual requests for his recommendations. And he became in consequence the regular and all but official channel by which bright young Harvard Law School men became bright young New York or Chicago or Cleveland or Atlanta law clerks. Not all able Harvard men found their first law clerk's job through Felix Frankfurter, but more of them made use of his good offices than of those of any other man. He knew the needs of the offices, particularly the New York offices. He knew the tastes of the hiring partners, particularly the New York partners. And he knew the youngsters.

But if his relation to the annual recruiting for the New York offices was close, his relation to the rarer recruiting for the public services was even closer. There too, Mr. Frankfurter, keeping in touch with Washington through his work as a professor of public law, knew the demand and knew the supply and was interested in the personalities of both. Very early in his teaching career he began supplying Justices Holmes and Brandeis and four judges of lower Federal courts with one high-stand graduate a year apiece to act as legal secretary. These appointments, which often went to the top men in the graduating class, became honorable distinctions in the law school. The Holmes and Brandeis posts have been held by such men as Dean Acheson, lately Under Secretary of the Treasury; James M. Nicely, lately of John W. Davis's firm and now a vice president of the Guaranty Trust; Thomas G. Corcoran, now of the R. F. C.; Alger Hiss, now special attorney in the office of the Attorney General; William McCurdy, W. Barton Leach, Calvert Magruder, and Henry Hart, now professors of law at Harvard; James M. Landis, now chairman of the S. E. C.; Robert Page, formerly of Root, Clark, Buckner & Ballantine, now with the S. E. C.; Harry Shulman, associate professor of law at Yale; and William Gorham Rice, Jr., of the International Labor Office in Geneva.

But the recruiting for public office did not stop there. In 1914 when the Federal Trade Commission was set up, Commissioner George Rublee naturally turned to Mr. Frankfurter for suggestions and so too did such bodies as the Interstate Commerce Commission. Harvard Law School infiltration in Washington, begun under Taft, reached a highest point during the war, when the demand for good young lawyers was enormous; continued through the Republican administrations of the twenties (Mr. Wickersham, for example, asked Mr. Frankfurter to suggest technical personnel for his famous committee), and rose to a record peak with the legal demand created by the New Deal. And Harvard Law School, from the Washington point of view, meant out of Harvard Law School by Felix Frankfurter.

The war was largely responsible for this point of view, for the war considerably extended Mr. Frankfurter's acquaintance among officials. In April 1917 he had packed his bag in Cambridge for a week-end with Secretary of War Newton D. Baker and had run his week-end into a 2-year stay. He had served as Assistant Secretary of War, as counsel to the President's Mediation Commission above referred to, as assistant to the Secretary of Labor, and finally as Chairman of the War Labor Policies Board, which attempted to deal with the problem created by the competition for skilled labor of the various purchasing departments of the Government. And in all this work he had needed, and had been associated with men who needed, expert assistance.

The war, moreover, had had another effect of some interest in this general connection. It had produced the physical conditions under which Mr. Frankfurter's genius for human relationships could develop, and the development of that genius had in turn produced a Washington coterie of considerable fame. The notion that Mr. Frankfurter is a conspirator by nature probably owes more to the fact that he lived with a group of his contemporaries in a modest dwelling on Nineteenth Street than to any other fact. Except, perhaps, the fact that Mr. Justice Holmes, with facetious intent, referred to that dwelling as the "house of truth." The "house of truth" was nothing more extraordinary than the quarters which Mr. Frankfurter shared with Robert G. Valentine, who had been Indian Commissioner under Taft; Loring C. Christie, later legal adviser to the Canadian Prime Minister; and Lord Eustace Percy, of the British Embassy, now a member of the Baldwin Cabinet. But the name gave it mystery. It was the scene of a good deal of talk, much of it good, most of it legal, and all of it fairly idealistic. Its breakfasts, luncheons, and dinners were attended by generals, judges, and lovely ladies. And it had, in consequence, that faint odor of the cabal which the salon always exudes. But even so, it would hardly have been remembered but for Mr. Justice Holmes' too-happy phrase.

That the end of the war did not mean the end of the demand for law clerks is of course obvious. With the return of business to the businessmen the demand, if anything, increased. The market was merely removed from Washington to New York and Chicago. Felix Frankfurter remained the key to the Harvard production. From 1919 on he was an institution in American law. There were some high-stand men from Cambridge who did not go after their jobs with a letter to "Dear Jack" or "Dear Joe" signed with the double F. And there were some metropolitan law offices which did not try to pick over the Harvard graduating class with the aid of F. F.'s experienced eye. But they were few in either category. By the time Franklin Delano Roosevelt was nominated at Chicago, Mr. Frankfurter was the most famous legal employment service in America—the more famous because his activities were unofficial, unpaid, and entirely disinterested. He was the man you went to if you wanted a good young Harvard lawyer. And Harvard Law School being what it is, it was quite often good young Harvard lawyers you wanted. Both in his capacity as member of the Federal Reserve Board and in his capacity as Hoover's Chairman of the R. F. C., Mr. Eugene Meyer, to take one example, asked for the Harvard brand of legal product. And it is worth noting in passing that one of the products he got was the now famous Tom Corcoran. Mr. Corcoran is not a Frankfurter appointee to the Roosevelt administration. He is a Frankfurter nomination to Mr. Eugene Meyer. And his last address before Mr. Meyer hired him away to Washington was the New York corporation-law office of Cotton, Franklin, Wright & Gordon.

What happened after the nomination of Mr. Roosevelt was merely that Mr. Frankfurter, who had known the Democratic nominee intimately when they were young lawyers in Washington meeting weekly on the War Labor Policies Board, supported him. And what happened after Mr. Roosevelt was elected was merely that Mr. Frankfurter went on supplying names of able young lawyers. The Harvard professor was no part of the "brain trust", which had a strong Columbia flavor with noticeable anti-Harvard whiffs. He was a personal friend of the President's and as such he saw him on two or three occasions before the inauguration (largely to discuss matters within his experience as a professor of administrative and public law), and somewhat more frequently (save for a year spent in England) after the inauguration was over. Aside from his refusal of the Solicitor Generalship in March 1933, most of these contacts were informal. Under Mr. Roosevelt as under previous Presidents he was asked to advise on certain appointments, with the result that a score or so of younger graduates of the school went to Washington with his benediction and that his opinion was asked upon such friends or former pupils as Prof. O. M. W. Sprague; John Dickinson, now Assistant Attorney General; Assistant Attorney General Harold Stephens, now a judge of the District of Columbia Court of Appeals; Dr. Leo Wolman; Commissioner Raymond B. Stevens, of the Tariff Commission; Lloyd Garrison, formerly chairman of the Labor Board; and Chairman John G. Winant, of the Social Security Board. Any complete list of the "boys" Mr. Frankfurter has "insinuated" into the administration should contain these names as well as the names of his brilliant young friends, Messrs. Corcoran and Ben Cohen.

No one knows, perhaps not even the President himself, and certainly not General Johnson, whether Mr. Frankfurter has more influence with Mr. Roosevelt than Mr. Roosevelt's other advisers. General Johnson, for example, is publicly proud of the fact that Mr. Frankfurter had nothing whatever to do with the establishment of his N. R. A.—an emotion which Mr. Frankfurter may share. If Mr. Frankfurter had nothing to do with the New Deal's noisiest experiment, it is open to the public to wonder whether Mr. Frankfurter's influence can be as ubiquitous as the general pretends. In any case the question is not one which can be answered with factual proofs. Only upon the charge that Mr. Frankfurter has packed the administration with his boys can the light of fact be thrown. When so illuminated, it appears that Mr. Frankfurter has done little more to place intelligent lawyers in contemporary Washington than he has been doing for the past 25 years.

THE LATE DR. ELWOOD MEAD

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that there may be printed in the RECORD an article by M. A. Schnurr on the late Dr. Elwood Mead.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Explosives Engineer for June 1929]

ELWOOD MEAD, B. S., M. S., C. E., D. E., LL. D., UNITED STATES COMMISSIONER OF RECLAMATION

By M. A. Schnurr

Doctor Mead was born in Patriot, Ind., on January 16, 1858. His early life was spent on a farm where the foundation was laid for a sympathetic understanding of the problems of rural life, in which he was later to take such a prominent part.

In 1882 Dr. Mead graduated from Purdue University with the degree of bachelor of science. In the following year he received the degree of master of science. In the following year he received the degree of civil engineer, and in 1904 that of doctor of engineering, the first honorary degree ever conferred on anyone by that university. In 1883 the degree of civil engineer was conferred on him by Iowa State College. Honor was accorded Dr. Mead by the University of Michigan in 1925, by conferring the degree of doctor of laws, accompanied with the statement:

"Dr. Elwood Mead, Commissioner of the Bureau of Reclamation, engineer, lawgiver, and administrator, whose labors will endure through ages yet to come. By framing and putting into operation the irrigation laws of the State of Wyoming, he established a precedent followed not only by the newer States of the West, but also by Canada, Australia, South Africa, and New Zealand. He brought order out of confusion and opened a way where none had been."

Following his graduation from Purdue, Dr. Mead served as assistant engineer in the Army on a survey of the Wabash River and, for 5 years, as professor in irrigation engineering in Colorado Agricultural College.

In 1888 Wyoming needed a State engineer. Governor Moonlight appointed Dr. Mead. One of the State's largest industries, irrigated farming, was in a chaotic condition. This was the beginning of Dr. Mead's administrative engineering activities in the field of irrigation and drainage which was destined to become his specialty later on. The law regarding water rights was considered by the new State engineer as the hub of all the trouble. Conflict ensued between those who claimed control of streams under the English common-law doctrine of riparian rights and those claiming rights based on diversion and use. Continuous litigation, involving heavy expense, was the result.

Although not a lawyer, this young engineer, employed to carry on the State's engineering work, with keen foresight, would not go on in his field knowing the water-right tangle would only, in the end, retard Wyoming's irrigation development. He, therefore, drafted a new code of irrigation procedure which was revolutionary and under which all waters, surface and underground, were declared State property. Diversions from all streams were controlled by State officials. There was a victorious fight against the opposition in the State and the Elwood Mead code was passed and became law.

Wyoming's code has been adopted by many Western States and some foreign countries.

Dr. Mead entered the Federal service in 1897 and for 10 years served as Chief of Irrigation Investigations, United States Department of Agriculture. He demonstrated his qualities so thoroughly that he attracted the attention of the University of California and, for 8 years, he served as professor of irrigation institutions of that university.

In 1907 Australia recruited this outstanding American engineer and expert in rural economics to advise on its problems, and principally to take over the construction of new irrigation works to cost $15,000,000. He advised the government that its primary need was not more stored water and canals to carry water to the land, but the supplanting of large wheat and sheep ranches with group settlements, and the creation of a kind of agriculture suited to irrigation. His views were accepted by the Victorian government and the decision to make closer settlement the cornerstone of irrigation law in that country was the turning point in the State's agricultural progress. He was appointed chairman of the State Rivers and Water Supply Commission of Victoria and rendered a service in that capacity that places Australia in the class of a model for the rest of the world to pattern after in the practice of planned rural development and aided and directed settlement.

Australia commissioned Dr. Mead and Hon. Hugh McKenzie, Minister for Lands, to travel abroad, visiting Italy, Ireland, Denmark, and Germany, to observe what their governments were doing to bring about a home-owning population. They journeyed to Great Britain for a different purpose, however, and that was to attract settlers to Australia, in which mission they were successful.

Dr. Mead is an outstanding international figure. He has since acted as adviser to the Governments of New South Wales, Canada, Hawaii, Java, and Mexico.

In 1923, while Dr. Mead was in Australia, he was appointed, by the Secretary of the Interior, a special adviser on reclamation to serve with four others on a fact-finding commission, set up to investigate Federal reclamation projects. At the completion of this assignment, in 1924, President Coolidge appointed him Commissioner of Reclamation, where his constructive leadership has won confidence and admiration for him in the task of placing Federal reclamation on a businesslike basis, and by his policies creating more happy homes than ever existed before on Federal reclamation projects, this in spite of the fact that the law makes of this officer a collector of charges which usually would be a very unpopular role.

In 1927, securing a leave of absence as Commissioner of Reclamation, Dr. Mead went to Palestine on his second trip (the first being in 1923) as consultant for the Zionist Organization of America. On this trip Dr. Mead headed a commission of six members, all specialists in their fields, and their report, approved and accepted by the organization, forms a working basis for those in responsible charge of reclaiming Palestine for the Jews. Specifically, a colonization program was outlined. Agricultural education, soils of Palestine, economic conditions, in the Zionist settlements, horticultural development and water supply available for irrigation and its utilization, form the detailed studies presented in the report.

Now, Dr. Mead is charged with the building of the highest dam in the world—Boulder Dam in Black Canyon. The things which go into such a stupendous task must be in the hands of a level-headed engineer, administrator, and economist. They are.

The outstanding policy dictated and vigorously pursued by Dr. Mead as Commissioner of Reclamation is the emphasis placed on the human element. He contends a happy and contented settler and one who is able to meet his payments when due is an asset. A disgruntled settler, and one who is always seeking relief, is just the reverse.

A number of effective reforms have been brought about, principally among which may be named the selection of settlers. Simply the desire to possess a farm on a Government irrigation project is now not sufficient. Under regulations promulgated by Commissioner Mead, further precautions are taken to secure the return of the Government's investment in those projects, by putting on farms men with experience and sufficient capital to get a start. Experience proves this policy to be sound.

Dr. Mead was one of the consultants retained by the city of Los Angeles to report on the St. Francis Dam disaster in California in March 1928.

Elwood Mead is a Hoosier by birth, but a cosmopolitan statesman, if one is to judge by the many who zealously acclaim him. He is a member of the American Society of Civil Engineers, American Society of Agricultural Engineers, and British Institute of Civil Engineers. He is a member of the Columbia River Allocation Board, member of the Committee on Prize Essays, American Chemical Society, Government representative, Division of Federal Relations, National Research Council, and a director of the National Bureau of Economic Research.

Summing up the activities in which he has participated, and in each of which he has acquitted himself creditably, we must admit the Government has at the head of its Bureau of Reclamation the ideal man for the position.

THE SUPREME COURT

Mr. NORRIS. Mr. President, I ask unanimous consent to have printed in the RECORD what seems to me to be a very able editorial from a rather conservative viewpoint appearing in the Anniston Star of Anniston, Ala. The title of the editorial is The Supreme Court on Trial.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Anniston (Ala.) Star of Sunday, Jan. 12, 1936]

THE SUPREME COURT ON TRIAL

The Anniston Star has refrained from any comment on the validity of the Supreme Court's decision against the Agricultural Adjustment Act in the Hoosac Mills case for the simple reason that this paper does not feel qualified to pass judgment on so profound a subject of constitutional law as was involved in the question at issue. It was the first time in history that any tribunal has attempted to give definition to the "general welfare" clause of article I, section 8, of the Constitution that has as its effect the limitation of the taxing power of Congress. Yet, there can be no gainsaying of the truth of the statement made by the President in his Jackson Day address that this decision will have an effect on the lives of the American people for many generations to come. It will become as potent an instrument in the hands of those who hold to the theory of property rights as opposed to human rights as has the "due process" clause that was written into the fourteenth amendment in 1866 by John A. Bingham, a Republican Representative from Ohio and a former railroad lawyer.

From the very earliest days of the Republic, American Chief Justices have been drawn from the propertied classes. Jay, Rutledge, and Ellsworth, the first three, represented vast landowners, as did John Marshall, who was beholden to Lord Fairfax, whose property had been confiscated during the Revolution. Roger B. Taney, author of the Dred Scott decision, whom Marshall picked as his successor, was in the same category, and as industrialism has assumed the place of political dominance once held by agriculture, the Presidents often have named corporation lawyers to preside over the deliberations of the judicial branch of the Government. Almost invariably this has been reflected in the decisions that have been rendered; for, as Justice Holmes once said,

"theories follow interests instead of controlling them." Justice Van Arsdel, of the District of Columbia Appellate Court, said recently: "It should be remembered that of the three fundamental principles which underlie government, and for which government exists, the protection of life, liberty, and property, the chief of these is property." And this thought has been carried so far in comparatively recent decisions that there is danger of another uprising of the masses such as took place in Jackson's period, their objective this time being a liberalization of the fundamental law of the land.

When Marshall rendered his famous decision in the Marbury case of 1803, Jefferson termed it an "obiter dissertation", a kind of stump speech from the bench; and since Justice Roberts has been spoken of as a possible candidate for the Republican Presidential nomination, his decision in the A. A. A. case has been regarded by some of the present-day liberals in the same light. Senator HUGO BLACK, of this State, says that "five men now rule 120,000,000 people" and that "under this decision they have left themselves free to decide all legislation in any manner they see fit. They have thrown away the charts." Indeed, it is the belief of many that the original charts were thrown away when John Marshall usurped the right to nullify acts of Congress, thereby setting up the judicial branch of the Government as superior to the legislative and executive authorities. Dr. J. G. de Roulhac Hamilton of the history department of the University of North Carolina, in an arresting article in the July 1935 issue of the Virginia Quarterly Review, seems to hold to this point of view. He says:

"What the Constitution means now is whatever Congress, the President, the Supreme Court, or, ultimately, the majority if insistent enough for long enough, may say it means. The Court, in the apt phrase of a former member, sits as a 'continuous constitutional convention', presumably interpreting the Constitution, but actually altering and remaking it in its own way. More fitly, perhaps, the members of the Court may be compared to a sort of priesthood, revealing to the people the will of the god whose mouthpiece they are. But the people who bow down seem seldom or never to realize that the god has died on them; that the old Constitution, revered, worshiped, is dead, dead these many years, cut down in the prime of life by that great foe of law, armed force; and that an imposter rules in its stead—public opinion." It is this voice of public opinion now for which the President and his advisers are listening before they act.

The Anniston Star believes that the people of the United States as a whole are loath to invoke a constitutional amendment as a means of attaining the ends that were sought in the passage of the Agricultural Act and other New Deal legislation. Certainly we here in the South have much to lose by centralizing in Washington—if this is not already accomplished, as Senator Black seems to believe with respect to the Supreme Court—an authority that would tend to wipe out the rights of the sovereign States. This section is out of power too often for us safely to vest too much of arbitrary authority in the hands of either the President or the Congress; and yet we believe it to be wholesome that we reexamine the power that has been assumed by our highest tribunal of justice. Donald Richberg stated in a thoughtful address in New York recently that the zeal with which the Constitution is being defended by the conservatives threatens to undermine its very foundations by leading to the adoption of amendments that would be injurious to American institutions of government, and we believe he is well advised in that opinion.

One thing especially must be given deep consideration if we would restore to the Supreme Court that profound respect which it once held. It must not be made the resting place for lame ducks and it is questionable if any man who has ever been a candidate before the people as the representative of a political party should be eligible for elevation to the bench. There should be an unwritten law, at least, that no man who wears the ermine should be considered for political preferment and closer scrutiny should be given to the environmental background of judicial appointees in order that their decisions may be detached from any suspicion of prejudice by reason of previous interest. This paper believes that the cloistered walls of the college law schools, whence came the late Justice Holmes and the present Justice Stone, provide the most wholesome atmosphere from which our judiciary can be drawn.

HUMAN LIFE THE CHEAPEST THING ON EARTH—ARTICLE BY JIM MARSHALL

Mr. BONE. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Mr. Jim Marshall, one of the editors of the Seattle Star, on Human Life the Cheapest Thing on Earth.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Seattle Star of Jan. 14, 1936]

SEATTLE À LA CARTE

By Jim Marshall

THE CHEAPEST THING ON EARTH

At a munitions' racket hearing the other day one suave arms salesman tapped on the table with his fingernails and thought that, after all, old chap, this stuff about the sanctity of human life is a bit overdone, y'know. His partner, adjusting his monocle and brushing a dust speck from his lapel, said that "y'know, old chap, there are lots of things worse than war."

* * * * * * * * * * * * *

* * * and across the plains of death the armies march in silence, rank on rank—in silence save for the shrieks of agony in which they died. Above the ghostly dust cloud stirred by their shuffling feet there travels a litany of pain wrung from white, bitten lips that mumble every language ever heard on earth.

In the army are wild barbarians, hacked and battered to death in some forgotten fight back in the dim dawn of history, the dried blood caked in their tangled hair, their dull eyes reflecting the last horror of the downswinging club in the foeman's fists. They marched and fought and died because some blue-streaked tribal chieftain thought his honor tarnished.

THE MARCHING ARMIES OF THE DEAD

Across the plains march men in armor—men without arms, men without legs, men without faces. They were the men who fought at Agincourt and on many another stricken field—fought in a quarrel between dim-witted kings whose very names today are forgotten. Men who slashed each other to death with swords, plunged pikes into each other's bodies, sent clothyard arrows zinging through slits in steel helmets—for what reason none now knows.

And still the ranks tramp on—archers and halberdiers, broadsword swingers and the gunners who fired the wood stave and leather pieces of 600 years ago—before the munitions salesmen could boast of perfected artillery. Greek and Roman, Persian and Arab, and ancient Sumerian. Aztec and Spaniard, Saxon and Norman, Frenchman and Russian. Men of Carthage and men of Alexandria and Marathon.

And the old guard that died, but never surrendered—and died in futile agony on the plain of Waterloo.

AND IN THE END FOR WHAT?

Across the plains of death they march, in never-ending millions, to show what man's inhumanity to man may do with steel and powder and gas to make human bodies into carrion for the buzzards that wheel so surely aloft. In all these ranks there is not one body that has not been torn and tortured until the soul inside it could no longer endure—and so escaped to march forever in the armies of the slain.

So the army marches, never endingly, along its bloody track, gazing from sightless eyes into nothing—winding over hill and down dale to chant its grim song of agony and bitter woe across the ages. So through the dust cloud of history, pass the millions who died in terror, and pain, and hate—and died uselessly, futilely, accomplishing nothing—except a rebirth of hate.

But, of course, as the munitions salesmen said so suavely, this stuff about the sanctity of human life is a bit overdone, you know, old chap.

ESTABLISHMENT OF AIR CORPS TECHNICAL SCHOOL

The Senate resumed the consideration of the bill (S. 3398) to establish the Air Corps Technical School, and to acquire certain land in the State of Colorado for use as a site for said Air Corps Technical School and as an aerial gunnery and bombing range for the Army Air Corps.

Mr. DIETERICH. Mr. President, I desire to reiterate what I said last Monday, that if I did not sincerely believe that my own State was being unjustly discriminated against and if this bill were passed an injustice would be done, I should not ask the indulgence of the time of the Senate. I have a reluctance in charging bad faith to any agency of my Government, but when a record such as we have before us discloses what this one does I feel that I should not be fulfilling my duty, either to my State or to the Nation, if I did not point out what I feel is a wrong attempted to be committed.

The bill proposes to remove an established institution from my State and relocate it in a State some 1,200 miles away. It proposes to follow the recommendations of a committee which relied upon the facts ascertained by a board appointed to investigate sites for the location of an Air Corps technical school. A report was submitted by that board which discloses that it acted upon erroneous information, not charging necessarily that its members were improperly motivated, but the board refused and failed to avail itself and inform the Congress of the best information obtainable.

In relation to an Air Corps technical school Colonel Yount, who was chairman of the board, in response to a question as to what is done at such schools, the question being propounded by the Senator from Indiana [Mr. MINTON], said:

The exact curricula for this school is the training of officers and enlisted men, in care of, operation, and maintenance and repair of Air Corps equipment. It is not a flying school except that there is considerable flying which is incident to the curriculum and the testing of the equipment.

The exact courses which are taught there for officers are aircraft engineering, both airplanes and engines; armament; communications, principally radio; photography, special maintenance engineering; and certain other courses for officers of the National Guard.

For enlisted men the courses are airplane mechanics; aircraft armaments, which have to do with the question of machine guns and bomb racks and releases and aircraft welders and sheet-metal workers; parachute riggers, photographic and radio mechanics; and supply and technical clerks.

Among the purposes to which the school is adapted there is nothing in the nature of bombing, and there is nothing in the nature of practice in machine gunnery, which never was connected with the school and never will be. It is simply a school to qualify certain persons in mechanical proficiency so they can take care of the equipment used by those who fly in the air and those who engage in combat.

Rantoul was considered a proper site for this school when the activities were removed from Kelly Field, Tex., to Rantoul. There was no objection to climatic conditions. That matter had received consideration. Rantoul had been a school to train aviators in the art of flying and had served a useful purpose during the war.

The geographical location of the school, as disclosed by the report of the committee investigating the sites, was most favorable. We find in the hearings before the subcommittee, at page 36, a copy of the report of the board, which reads in part, as follows:

The geographical location of Chanute Field is good in relation to other Air Corps stations, recruiting areas, and supply points. It is also a good strategical location for a school.

So far as location is concerned, as stated in the report itself, Chanute Field is most nearly centrally located. It is better located in relation to its distance from supplies and recruiting activities. What was lacking at this school seems to be a bombing field and machine-gun range, something that never before had been used in connection with such a school.

I read again from the report of the hearings before the Senate committee, in which the statement is made:

As far as the flying is concerned, in practically all of these courses, we have a very thorough theoretical course, in classrooms and in the laboratories, and this classroom and laboratory work is followed by practical demonstrations in the air.

Of course, photography can't be more than half taught on the ground. The men must be taken into the air to teach them the use of the apparatus. As far as our armament is concerned, we feel that the greatest thing which is lacking at Chanute Field is a possibility—

Not a necessity, but a possibility—

of a bombing field, and a machine-gun range.

At this school, located at Chanute Field, there is nothing lacking so far as activities for which the school is intended are concerned. The bombing field and machine-gun range were matters which occurred to this board long after they had started on their tour of investigation. It was an afterthought on the part of the particular board. I read from page 83 of the report of the hearings before the Senate subcommittee, where we find this significant language:

Major LYONS. When we went to Chanute Field we had already put out the requirements, but as far as a bombing- and machine-gun range was concerned we knew they were desirable, but whether or not they were necessary we weren't sure.

Congressman DOBBINS. This question was asked of Mr. Clark, on page 11:

Representative DOBBINS was referring to questions asked upon the visit to Chanute Field of a Mr. Clark, and inserted the following in the record at the committee hearings:

Question. If at any time it should become necessary to expand the field, either in time of war or for bombing and gunnery ranges, what are the surroundings of this place, and would the cost of expansion be exorbitant?

That question was asked by a member of the board. The response by Mr. Clark was:

How much of an area would you suggest that might be necessary?

The answer from the board was:

Let us say another half section.

The answer was:

Land around here at this time is ranging from $85 to $105 an acre. Of course the land around here was very high priced at one time. A half section of land could be purchased at any time without difficulty.

So that is what we get from the record as the board's idea of the additional land necessary to be acquired for a bombing field and a machine-gun range. Anyone familiar with these activities necessarily knows that such a tract of land would be sufficient. The Army aviators do not explode bombs on these ranges. They do not waste the ammunition. They simply drop at a target bombs that are not explosive but that are made for practice purposes; bombs of the size and of the weight of the ordinary air bombs. They do this in the practice work, and never do they waste the Nation's money in using explosives. Those tests are made in other fields; and those tests are not necessarily connected with any activity or any purpose for which this school could be established.

So the only pegs upon which the members of this board could possibly hang their hats were temperature and flying conditions. I desire to call the attention of the Senate to the state of the record as contradicting the report that they made as to what those conditions were. Even the eminent Senator from Texas [Mr. SHEPPARD] was misled by that report. In his address to the Senate on last Monday he stated that some 86 sites had been investigated before a determination was made. That language appears at page 1031 of the CONGRESSIONAL RECORD of January 27. He said:

The Secretary of War, in communicating with the Senate Military Affairs Committee on March 13, 1935, stated in part that in order to obtain an intelligent estimate of the factors involved he had appointed a board of Air Corps officers and directed them to make a comprehensive survey of all localities involved. After personally investigating some 86 different sites in all sections of the United States, this board came to the conclusion that the present location at Rantoul, Ill., was unsuitable as a location for the Air Corps Technical School and that the best location for the school it could find, after investigating these 86 sites, was Denver, Colo.

As against that statement, the report of the board, at pages 55 and 56 of the hearings before the Senate committee, quoting Colonel Yount, who was the chairman of the board, states:

We inspected 57 localities during this trip, and at several of these places we were asked by members of committees if political influence would be of any advantage, if there was anything that they might do politically toward influencing the selection of this site. In every case we informed them that, as far as we were concerned, there was absolutely nothing political in our investigation, and naturally there couldn't be.

It stands to reason that in the short time during which this board carried on its activities it could not make a proper investigation and determination of 57 sites, much less of 86 sites. I do not know where those 57 cities or 57 fields were located; I do not know how far apart they were; but certainly the investigation could not have been a very thorough one.

As I said, Rantoul Field was established during the war to train men in aviation. At that time no objection was urged against the climate, against the conditions, against the surroundings. It was considered a perfectly proper place to locate this school; and it was located, I think, with the very least of interference. I have a right to assume that in locating this school at Rantoul, those who were charged with the duty of selecting a site performed that duty and gave consideration to every element necessary to enter into the proper location of the school. But, of course, when there is a contest on temperature and weather, I will admit that those localities which have advertised themselves and which have majored upon their beautiful climate and their healthful location are a little more expert in contesting the matter than Illinois.

I do not know what correspondence passed between the chamber of commerce and the chairman of this board, I desire again to call the attention of the Senate to the language in a letter written by Representative LEWIS to this same Col. B. K. Yount, in which he says:

As requested by Mr. Shinn and by you—

By the chairman of the board who had a school to locate and by the one who represented the agency which was there for the purpose of inducing the school to be located at that place.

As requested by Mr. Shinn and by you, I can assure you that there will be no "leak"—

L-e-a-k—

from this office concerning the correspondence between you and the Denver Chamber of Commerce.

When I find that language there I must look to this record to ascertain and determine for myself what might have been in the mind of the author of the letter when he used the word "leak", because ordinarily when we are locating an activity of this kind we do not care how many leaks there are. The transaction should be open and aboveboard. In seeking to ascertain what might be in the author's mind in reference to a "leak", I am making no charges at all. I am letting the record speak for itself. The record stands as its own impeachment. The report stands as a misrepresentation of the facts upon which it was founded.

In the first place, the advocates of this bill major on the fact that no member of this board served at Rantoul. Why that was done I am unable to say. They seem to think that it implies a lack of prejudice because they did not select anyone who knew that location, who knew the climatic conditions there, who knew all the conditions that were necessary properly to locate this air school. I have my suspicions that the reason why they did not select someone who served at Rantoul is that they were not anxious that someone should be there to know what this particular record should contain.

The first impeachment of this record is that the language on page 36 is absolutely unfounded upon any evidence in the record. I am reading now from the report of the board of four appointed to locate the school, found at page 36 of the Senate subcommittee's hearing:

The climate in this section is very poor for the operations of the Air Corps Technical School. The reduced visibility, due to dense and light fog and haze, and to rain and snow, interferes a great deal, particularly in the execution of photographic machines. The unsatisfactory climatic conditions were commented upon in all departments of the school. Chanute Field is in a section where there are great extremes of temperature both winter and summer, the thermometer recording temperatures in the winter well below zero, with an average of 38 days continuously below freezing, and in the summer going many times to over 100, with 60 days having temperatures over 90. The humidity is high, making the cold weather very penetrating and the hot days of the summer very uncomfortable.

That is about as bad a condition for a human being to live in as one could describe.

Let us see what the record shows.

I read, from page 30 of the hearings, the record of the weather conditions of Chanute Field, as embodied in a letter written to Mr. W. Lloyd Keepers, of Champaign, Ill., by H. P. Etler, weather clerk, under date of March 26, 1935:

MY DEAR MR. KEEPERS: In response to your inquiry about weather conditions in this area, I am glad to submit data from our files and regular reports.

Now, pay attention to this—

This station has been in existence since 1888 as a cooperative station of the United States Weather Department.

He refers to the station at Rantoul.

Our records show that over the last 5-year period, from 1930–34, inclusive, the average number of days that temperature reached 90 degrees is 39.2.

It was 39.2 as against 60, just about two-thirds.

Another letter, written to Representative DOBBINS, found on page 28 of the report of the subcommittee, reads as follows:

HON. DONALD C. DOBBINS,
House of Representatives, Washington, D. C.

DEAR MR. DOBBINS: The following is the number of days with a maximum temperature of 90° or over at Rantoul, Ill., for the years 1924 to 1934, inclusive.

In 1924 there were 10 days; in 1925 there were 38 days; in 1926 there were 20 days; in 1927 there were 15 days; in 1928 there were 7 days; in 1929 there were 8 days; in 1930 there were 31 days; in 1931 there were 34 days; in 1932 there were 16 days; in 1933 there were 44 days; in 1934 there were 44 days.

There is no record on which they could base the statement in the report that there were 60 days on which the temperature was over 90°. The letter continues:

These data are from the records of the Signal Corps meteorological station at Chanute Field, Rantoul, Ill.

Why did they not take those into consideration when they were making their report as to weather conditions, upon which they were to impeach the present location of this field? What is their excuse?

On page 58 we find some significant testimony. I read now from the report of the proceedings before the Senate subcommittee. Senator SCHWELLENBACH asked the following question:

The point they raise on that, they say that your report says that the number of days at Rantoul when the temperature gets over 90 is 60, and they then submit a letter from the office of the Chief Signal Officer of the War Department, shown on page 28, showing in 1924 there were 10 days, 1925 there were 38 days, 1926 there were 20 days, 1927 there were 15 days, 1928 there were 7 days, 1929 there were 8 days, 1930 there were 31 days, 1931 there were 34 days, 1932 there were 16 days, 1933 there were 44 days, and 1934 there were 44 days.

Colonel YOUNT. Major Lyon has made quite a study of that, Senator, if he may reply to that question.

Listen to this, Senators:

Major LYON. When we were at Chanute Field, we didn't obtain any figures like those obtained here, and we didn't obtain anything but a general statement on climate. In order to get the best available testimony, we took the city of Springfield, at which the United States Weather Bureau maintains a station. The witness here states it is grossly exaggerated in either sense.

I call your attention to the United States meteorological report for Springfield for 1933, which shows a total of 60 days, with temperatures over 90.

Senator SCHWELLENBACH. Is it a fact that the Signal Corps maintains a meteorological station at Chanute Field?

Major LYON. These figures are taken by privates, although they are considered fairly good, a private is rather a low-paid individual to take as against the report.

These boys, who have to have a high-school education, these boys, who are the flower of this country, as intelligent, I dare say, as the gentleman who tries to contradict them, are referred to in this way, and their word is not taken, although they are serving the Government, because, he says, they are rather low-paid individuals to take against the report. In other words, they are anxious for the report to stand against any statement of evidence in the record.

Going further, Senator SCHWELLENBACH said:

He doesn't have to be so smart to look at the temperature.

Colonel YOUNT. May I just say a word there? There certainly was no effort made to mislead at all. The weather data furnished us at Rantoul contained no information of maximum temperatures, and we didn't discover that until we were ready to prepare our report.

Can we believe a thing of that kind? They did not know, he says, until they were ready to prepare the report that there was nothing in the record concerning the maximum temperatures at Chanute Field.

There is another thing which I think is possibly significant in the consideration of this matter. I refer to a letter by the Air Line Pilots Association, by Mr. David L. Behncke, president. That particular gentleman ought to know something about that of which he speaks, and in his letter I find the following:

Chanute Field is certainly everything I have claimed for it, and there is not a doubt in the world that it should remain as a permanent Government flying-field site. During the war it was one of the most successful flying fields and turned out hundreds of trained student flyers.

Furthermore, it seems that all other sections of the country have been amply provided with Army or Navy stations, whereas the Middle West is not. In addition to being an excellent training center for any type of flying, this field would also make an excellent concentration point for aircraft in time of war should our boundaries be invaded because of its centralized location. It is also in the heart of the wealthiest all-around section in the country, and certainly deserves consideration in the air-defense scheme of this country.

Continuing, he said:

I do not believe, however, that you will find much support from the "brass hats" of the Army—

I do not know what he means by that—

because Army officers seem to be partial to social life and prefer to be stationed near large cities. But from all practical viewpoints, Chanute Field is an excellent flying base, and I would be glad to testify before the Military Affairs Committee any time to that effect.

It is said Chanute Field is foggy. In the report of the hearings, on page 33, we find the following:

There is an annual average of 9 days of dense fog with a relatively high percentage of days with moderate or light fog. No recorded data on haze conditions are available, but it is known there are a great many days of light fog—8 per month in 1933.

I do not know where they got this information. They do not give the basis upon which the statement is predicated. Continuing, it is said:

The number of poor flying days, especially for photographic work, is exceedingly high. This was the subject of much complaint in the investigation of the officers in charge of the various activities of the school.

What do we find the conditions to be as disclosed in their own report? Peoria is in the same latitude with this field, perhaps less than a hundred miles west of Champaign, and they have incorporated in this record the data furnished from the station at Peoria, which show that the wind average hourly velocity in Peoria is 7.7, as against that in Denver of 8.1.

Let me call attention to this: They show that the number of clear days at Peoria in 1934 was 178, as against 120 in Denver. In other words, there were 58 more clear days, 58 more days when there were blue skies above the city of Peoria than in the city of Denver.

I am now reading from their own evidence. The number of cloudy days in Peoria was 95, as against 79 in Denver. Sixteen more cloudy days in Peoria than there were at Denver. The number of partly cloudy days was 92 in Peoria, as against 166 in Denver. That makes a difference of some 74 days. And they say from that record that they are taking the weather conditions into consideration and are impelled to move this school because of the foggy condition of the weather at Rantoul Field.

I shall not take the time of the Senate to go into the other colors painted in the report. Those making the report paint a health condition for Rantoul Field which I resent. I would not be doing my duty on the floor of the Senate if I were to permit Colonel Yount to go unchallenged in his slander of my State and one of its institutions by stating in the record before the Senate committee that that country was unhealthy and almost uninhabitable.

The seasons are just as fair in Illinois as they are anywhere. The climate may not be as cool in the summer as in Colorado. However, human beings can live there and enjoy themselves. The spring rains come and the country around the field is not a marsh or a bog. The April showers leave a clear sky behind them. The summer comes without fog, without haze. When it comes to the autumn season in September, October, and extending on into November, the autumn climate is the most beautiful in the land.

I am not going to let a chamber of commerce and a board of officers speaking for a more socially advantageous location than Rantoul Field slander my State and slander the university of my State where its children are educated, a university established in a city of some 40,000 and having some 20,000 students. I am not going to have it discriminated against and have misinformation concerning it spread abroad by means of a false report emanating from a board appointed for the purpose of taking an institution away from my State and placing it somewhere else where the entertainment of the chamber of commerce is such that they cannot possibly resist its influence and certain negotiations are had which are of such character that there must be no "leak" so that the public will know what those transactions are.

There is talk about a bombing field. That only occurred to those investigating the question when they went to Denver and determined to locate there. They can get vast areas in the Rockies. They need not have them 10 miles square; they can get areas 50 miles square on which a crow could not light and which are not fit for anything. Do we want our boys, while engaged in experimental flights, to come down in that kind of territory? Every time a plane is forced to land it means the death of the aviator. But that was a matter of after consideration. When they were at Rantoul Field all they considered necessary for bombing practice was an additional half section of land.

Reference is made to machine-gun ranges. We have machine-gun ranges in Illinois. Machine-gun ranges can be established anywhere where there is a hillside. Such a range does not need a mountain thousands of feet high, with the eternal snows above. It just needs a bank back of the target to avoid danger.

I do not know that I care to take any more of the time of the Senate on this subject. I think the proposal is an outrage sought to be perpetrated on my State. On the state of the record, I think if there is any community in the United States which is not deserving of having this field located in it, it is the city of Denver, Colo. Better locate it at the place where the junior Senator from Colorado lives. Better locate it at Colorado Springs.

The Senator from Texas [Mr. SHEPPARD], with all the beautiful conditions surrounding the fields in his State, reported at least more favorably to Chanute Field than some of the others. Why he should so humbly surrender and lend such powerful assistance to those who wish to move the field to Colorado I am unable to understand. I know his patriotism for his State is intense. I know he is loyal, and he is true, but why he should aid in this attempt I am unable to understand. There is not a man in the Senate for whom I have more respect and more love than I have for the Senator from Texas; and I am satisfied if he understood what the facts were, if those studying this question had not been imposed upon by the fixing up of the record and the report, that he would be as militant as I am in opposing the removal of this field from its present site.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). Does the Senator from Illinois yield to the Senator from Kentucky?

Mr. DIETERICH. I yield.

Mr. BARKLEY. I wish to ask a question purely as a matter of information. I have no prejudice whatever as between Illinois and Colorado, and I am equally devoted to the very able and distinguished Senators who represent both States. However, there is one matter about which I am somewhat in doubt, and that is the ability to secure at the present site sufficient unoccupied land or territory for use as a bombing field. Knowing a little something about airports and training schools, some in my family having had certain experience in that connection, the matter presents itself to me as the stumbling block with respect to the maintenance of the school at its present site. What is the fact about that?

Mr. DIETERICH. The fact is that it depends upon how much land is necessary to be acquired.

Mr. BARKLEY. I was told that they wanted a tract of land 10 miles square.

Mr. DIETERICH. There is no necessity for that, whether they say so or not, because the actual testing of the explosives will not occur there. The bombing practice is carried on by dropping sand bags from a plane at a target. That can be done over a comparatively small area. If they want a larger field, there is in the neighboring State of Indiana a field 5 or 10 miles square which can be acquired cheaply. That field is in close proximity to Chanute Field.

Mr. BARKLEY. Where is Chanute Field located geographically?

Mr. DIETERICH. Chanute Field is located along the western side of Illinois, near the center of the State, a little north of the center.

Mr. BARKLEY. How far would it be from there to the Indiana field the Senator refers to?

Mr. DIETERICH. I judge a flight of 50 or 60 miles would take one to that field. The Senator must understand that this field and this school are there simply for the purpose of instructing the mechanics in the subject of perfecting the mechanisms which are necessary to be used in air activity, those mechanisms which drop the bombs, the engines, and everything about airplanes and their equipment. It is a mechanical school; it is not a flying school.

Mr. BARKLEY. Yes; but still they have to be able to demonstrate.

Mr. DIETERICH. The demonstrations are not conducted with actual bombs. They demonstrate with dummy bombs. They never demonstrate with actual bombs.

Mr. BARKLEY. To what extent does the absence of the sort of field the Army wants at Rantoul affect the thoroughness of the training of those for whom the school is established?

Mr. DIETERICH. I will answer the Senator by saying it does not affect it at all. The record shows that when they went to Rantoul they had not decided upon whether it was even necessary to acquire a field of that kind. They were not certain whether it was necessary to acquire it in close proximity to the present field. However, the record discloses that west of Denver, in the mountains which rise abruptly some distance from the field, they can find spaces of land where they can create testing grounds. They have them now.

It is upon this question that the Senate is confused, and that is where the board's report is confusing. A testing ground and this field are not necessarily connected, and it is not necessarily economy to connect them. When they first talked about moving the field they used the argument that they wanted to move it to Dayton, Ohio, where other air activities were located; that they were doing it as a matter of economy and as a matter of giving enlisted men and others who entered that course of study that additional training. When they said it was a matter of economy and when they said it was a matter of raising efficiency the Senators from Illinois could not make much of a protest against it in favor of a local institution. But the present proposed removal is not for that purpose.

Mr. BARKLEY. I do not have any expert knowledge about the subject, but it occurs to me to be rather incongruous to have a training school at one place and to have a testing field for the very people who are in the training school 60 miles away, or any other great distance away, whether it be in Illinois or in Colorado.

Mr. DIETERICH. They do not expect to have it near the proposed Colorado field according to their report.

Mr. BARKLEY. How close do they expect to have it?

Mr. DIETERICH. I think some 30 or 40 miles away.

Mr. BARKLEY. In other words, the men have to rise at the school in their planes, fly 30 to 60 miles, and then test what they have learned in the school.

Mr. DIETERICH. No. Let the Senator understand that the men at these schools do not do the rising in the planes and the testing. The aviator does the rising and testing.

Mr. BARKLEY. Is the aviator attached to the school or is he brought there?

Mr. DIETERICH. Not necessarily. Aviators are attached to the schools to try out the equipment, but it does not take any extensive area to try out equipment.

Mr. BARKLEY. One thing troubles me, and I think it affects other Members. It is that the more we find out about this matter the less we seem to know.

Mr. DIETERICH. That is true, and the more Senators read the record the less they will know. So I say the bill should be recommitted, and there should be an investigation where an opportunity will be afforded to present all the facts. The record discloses that great secrecy as to their activities was maintained by the board in other localities. They said they pursued that course because they did not want it generally known that they were in other localities; that they would have been annoyed by chambers of commerce and interested citizens; but when they went to Denver they did not maintain such secrecy; they began immediately to let all the people of Denver know they were there, and they conducted correspondence concerning which they did not want any leaks.

Mr. BARKLEY. The Senator understands, of course, the activities of chambers of commerce everywhere——

Mr. DIETERICH. Yes.

Mr. BARKLEY. All chambers of commerce, from the United States Chamber of Commerce down to the smallest chamber of commerce. Whenever there is a rumor that any activity is to be moved from one place to another every chamber of commerce, of course, properly becomes active in undertaking to secure it. We have all had that experience here for years and years, especially since the World War, when the Government has been establishing these institutions at one place and another. I recall when the chamber of commerce of my own home city became very active years ago in respect to the location of an armor-plate factory, and I did all I could to secure its location there. Other chambers of commerce were equally active, and the armor-plate factory was located elsewhere, not because of the activity of any chamber of commerce but in spite of it, probably. So I do not think that we can afford to be influenced here by the activity, or the lack of it, on the part of any chamber of commerce which undertakes to justify its existence by bringing new institutions to its town.

Mr. DIETERICH. The Senator does not understand that I am not trying to interfere with any logical reasoning he might adopt?

Mr. BARKLEY. I understand.

Mr. DIETERICH. I am not built that way. The Senator's own conscience is responsible for any determination he may make, and his own investigation must disclose what he should do.

Mr. BARKLEY. I appreciate that.

Mr. DIETERICH. But I am simply setting forth what I feel is justice in this particular case.

Mr. BARKLEY. I have found it a little difficult to really get the background of this situation.

Mr. DIETERICH. And the Senator will find it difficult until the bill is recommitted and an investigation is had and more information is elicited as to the five sites which were proposed. These matters usually go into a Senate committee—and this is no criticism of the Senate committee—and when they are investigated and any agency of the Government represents that it has found certain facts and certain conditions in a certain place, the representations are usually taken as true, and the committee acts upon them. The Senator understands that. When I state that the conditions which the board has painted around the Chanute Field and which they claim to be the impelling motive actuating them, especially with respect to their statement that the sky is so hazy so much of the year that they cannot possibly train those in the school in photography, and when I show that those conditions are not so bad and are no worse than the conditions at the place where they intend to locate the school, does not the Senator think that should be given consideration? Does the Senator believe that a board of this kind should in any way misrepresent anything connected with the matter; and does not the Senator believe that such a board should avail itself of all the data, of all the authentic records that are necessary, in order that it may make a just determination of the purposes and the subject matter which they are appointed to consider?

Mr. BARKLEY. If I were presiding in the trial of the case, I would say that there is a scintilla of evidence which ought to be submitted to the jury with respect to the matter.

Mr. DIETERICH. I am submitting it to the jury. I think it is the first time that it has been submitted to a jury, and that is exactly the purpose for which I am here. I am submitting it to the jury of the Senate, and if the jury of the Senate feel that they want to place the institutions of

defense of this Government subject to the purchase of communities, and they want negotiations carried on that are not brought out to the light of day, whether they be good, bad, or otherwise, then that is for the Senate and the conscience of the Senate to determine; but I am going to do my duty in the matter and protest against this, because I think it is one of the greatest injustices that has ever been perpetrated.

I am reluctant even to point the finger of suspicion against any agency of my Government but certainly the board that was appointed to investigate this matter, wanted to remove this school from Rantoul, for what purpose I know not, except possibly there may have been some environment not at all entering into the training of the men at this school which motivated them. I am not saying that it was proper or improper.

I am somewhat surprised at the senior Senator from Colorado [Mr. COSTIGAN], for whom I have the greatest respect and admiration, and who, I think, has always stood on peaceful grounds. I do not know whether or not he understands they are going out there and starting bombing operations in the Rocky Mountains. If it is necessary to do that, they can throw the bombs into Lake Michigan and submerge them in water or throw them on waste land; but they are not going to explode bombs there. They are just going to practice with dummy bombs, and when they become expert enough they will be able to drop near a target a bomb that will carry destruction with it.

Mr. COSTIGAN. Mr. President, in view of the reference to the senior Senator from Colorado, I feel I should say at this moment, reserving the right to discuss the subject more fully later, that I have thus far today patiently awaited the conclusion of the statements of the Senator from Illinois [Mr. DIETERICH] and have refrained from making any comment because, when the subject was before the Senate last Monday, the Senator at one time said very definitely that he would "brook" no interruption of his discourse. I recognize his right under the Senate's rules to take that position, but I now ask the Senator from Illinois whether he does not feel there should be a fuller discussion by him on the basis of the record before the Senate, of certain statements made by the Representative from Illinois [Mr. DOBBINS], who represents the congressional district in which Rantoul is located, to the following effect, first that he saw no impropriety—and I think I quote his exact words—about the so-called "leak" letter; and second, that an adequate bombing field of the sort described by the Army, Navy, and Air Corps officers is not available in the vicinity of Rantoul because the cost would be prohibitive?

Mr. DIETERICH. I do not so understand the attitude of the Member of Congress representing the district in which Rantoul is located. I derive that understanding from the very last page of the hearings before the subcommittee, which evidently is the last thing that reflects his mind, in which he talks about the bombing field. If the Senate will permit me, I will read the extract again:

Congressman DOBBINS. Were not these requirements that were prepared, which listed eight or nine necessary factors, weren't they prepared before your visit to Chanute Field?

Major LYONS. When we went to Chanute Field we had already put out the requirements, but as far as a bombing and machine-gun range was concerned we knew they were desirable, but whether or not they were necessary, we weren't sure.

Congressman DOBBINS. This question was asked of Mr. Clark, on page 11.

He refers to Mr. Clark of Rantoul.

Question. If at any time it should become necessary to expand the field, either in time of war or for bombing and gunnery ranges, what are the surroundings of this place, and would the cost for expansion be exorbitant?

That is the very question which was asked by a member of the board. The answer by Mr. Clark was:

How much of an area would you suggest that might be necessary?

The question, again by a member of the board, was:

Let us say another half section.

That is one-half mile by 1 mile.

Answer. Land around here at this time is ranging from $85 to $105 an acre. Of course, the land around here was very high-priced at one time. A half section of land could be purchased at any time without difficulty.

It is my idea that until they got out to the mountains, where they could get waste land, they never thought of any greater area than this.

Mr. COSTIGAN. Mr. President, will the Senator yield further?

Mr. DIETERICH. Very well.

Mr. COSTIGAN. May I ask the Senator from Illinois why the answer of Major Lyons, who was testifying and whose attention was directed to this quoted interchange between Mr. Clark and whoever was propounding the question, was not also read by the Senator from Illinois? It appears on page 84 of the subcommittee's record. If the Senator does not wish to read it, I wish particularly to call his attention to it:

Major LYONS. Now, may I comment on that?

He was referring to the precise testimony to which the Senator from Illinois has just called the attention of the Senate:

Now, may I comment on that? At that time we were trying to see whether it would be possible to obtain at Chanute Field a range which could be used for dropping bombs, and so forth; that is, dummy bombs.

The following statement is the one to which I especially ask the attention of Senators, including the Senator from Illinois:

As far as a machine-gun range would be concerned, that would be very impractical, a half section.

To which Congressman DOBBINS answered with his usual fairness:

I should think so, offhand; but that was the statement made to the committee presenting the case.

That is all.

Does the Senator from Illinois interpret the language to which I have now called his attention, namely, that with respect to a machine-gun range, as worthy of additional comment, because it implies actual use of machine guns on a so-called machine-gun or bombing aerial gunnery or bombing range.

Mr. DIETERICH. I do not interpret that as significant at all. I do not know how much area is required for a machine-gun range, except that I know, or I think I know, or I had better say that I have the opinion that it would not require 10 miles square. It would not take any more than a mile square. It is said this is enough for a bombing range, so that is out of the question. As to the machine-gun range, the answer is that these are activities which are not now and never were connected with any such school activities.

FUNERAL EXPENSES OF THE LATE SENATOR SCHALL

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 213) submitted by Mr. MCNARY for Mr. SHIPSTEAD on the 6th instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of Hon. Thomas D. Schall, late a Senator from the State of Minnesota, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

FUNERAL EXPENSES OF THE LATE SENATOR LONG

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 212) submitted by Mr. OVERTON on the 6th instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the

actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of Hon. Huey P. Long, late a Senator from the State of Louisiana, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

ADDIE MOORE TRINKLE

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 216) submitted by Mr. BYRD on the 9th instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for miscellaneous items, contingent fund of the Senate, fiscal year 1935, to Addie Moore Trinkle, widow of Clarence M. Trinkle, late an employee in the office of the Secretary of the Senate, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

EXPENSES OF SPECIAL COMMITTEE ON INVESTIGATION OF THE MUNITIONS INDUSTRY

Mr. BYRNES. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the resolution (S. Res. 221) reported by the Senator from North Dakota [Mr. NYE] on the 27th instant from the Special Committee on Investigation of the Munitions Industry. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Carolina?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 221), which was read, as follows:

Resolved, That the special committee appointed by the Vice President, under authority of Senate Resolution 206, agreed to April 12, 1934, to investigate the munitions industry, hereby is authorized to expend from the contingent fund of the Senate $7,369 in addition to the amount heretofore authorized to be expended for the purposes set forth in said resolution: *Provided*, That the committee is requested to make its final report to the Senate, with recommendations for legislation at this session of Congress.

Mr. BYRNES. Mr. President, in this connection I wish to make a very brief statement. The Senator from Georgia [Mr. GEORGE], a member of the Munitions Committee, came before the Committee to Audit and Control the Expenses of the Senate. He advised us that the committee conducting the munitions inquiry had unanimously agreed to ask for the amount carried in this resolution, with the statement that $2,754 is necessary to meet a deficit and that the balance of the $7,369 is for the purpose of conducting additional hearings, for proofreading, and to make up the final report of the committee. The Senator from Georgia stated that the opinion of the Munitions Committee was unanimous, that not exceeding $7,500 would be needed, and that this amount would be asked upon the definite understanding and agreement and concurrence of all members of the Munitions Committee that that committee would complete its hearings and make its report within the appropriation. The Senator from Georgia said the committee would bring the hearings to a final end, complete the investigation, and make their report.

The Senator from Georgia further informed the committee that hearings would be conducted for not to exceed 10 days; that in his opinion 7 or 8 days would be sufficient; that in his opinion a final report could be filed during the month of February or certainly very early in the month of March.

After hearing the statement of the Senator from Georgia that $2,754 is needed to pay a deficit and that the balance is to be used to wind up the hearings, and the Senator from Georgia having stated that the agenda of the hearings to be held had met with the approval of the entire Munitions Committee, our committee favorably reported the resolution, and I ask for its adoption by the Senate.

The PRESIDING OFFICER (Mr. BACHMAN in the chair). Is there objection to the request of the Senator from South Carolina?

Mr. McKELLAR. Mr. President, I have no objection to the resolution; I have no objection to its adoption by the Senate, but a few days ago I introduced a resolution, which I desire to read at this time, and which I ask the Senator from South Carolina to accept as an amendment to the resolution which he has just reported, to be inserted at the end thereof. My proposed amendment reads:

Resolved further, That it is the sense of the Senate that hereafter no special or standing committee of the Senate shall receive or accept funds from any private or public source, nor shall any allocation of funds be made to any such committee from the Works Progress Administration, or from any other Federal or State agency, except from the Senate, for use in connection with any investigation being carried on by such committee.

I offer that as an amendment to the resolution, and hope the Senator from South Carolina will accept it.

The Senate will recall what arose with reference to the Munitions Committee accepting funds from the Works Progress Administration. Upon that information coming to light, it was published in some of the newspapers that some gentlemen wanted to offer private funds or raise funds from private sources for carrying on this and similar investigations. It seems to me that investigations made by the Senate should be paid for by the Senate, and that no outside, extraneous persons or organizations or associations, either public or private, ought to be permitted to contribute money for investigations made for the purposes of the Senate. For that reason I am offering the amendment.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. McKELLAR. Certainly.

Mr. BYRNES. I have no objection to the purposes intended to be accomplished by the Senator's amendment. In some instances the Senate heretofore has authorized committees to accept the services of employees from departments of the Government. I do not think this amendment would prevent such action. However, the Senate can meet that situation hereafter. I have no objection to the amendment.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Kentucky?

Mr. McKELLAR. I yield.

Mr. BARKLEY. I have in mind a situation now existing. The Senate authorized the Interstate Commerce Committee to investigate the financing of railroads. The Committee on Interstate Commerce has requested the Interstate Commerce Commission to allow it to make use of a number of employees of the Commission, some of whom are familiar with the whole history of the financing of railroads, so that it is much more desirable that we get assistance from clerks and bureau chiefs and others in the Interstate Commerce Commission than to go outside and employ an entirely new staff.

Mr. McKELLAR. My amendment would not interfere with that procedure.

Mr. BYRNES. I have read the Senator's amendment just now for the first time. I had in mind what the Senator from Kentucky has just suggested. The amendment of the Senator from Tennessee provides against "any allocations of funds being made to any such committee from the Works Progress Administration", and so forth. The Senate has heretofore and could hereafter authorize the securing of information, but as I understand the language of the amendment as it now reads, there is to be no allocation of funds from Federal or State agencies except from the Senate itself.

Mr. McKELLAR. The amendment would not interfere with the situation the Senator from Kentucky has in mind.

Mr. BARKLEY. The Senator does not intend by his amendment to prevent the Interstate Commerce Commission assigning to our committee a clerk or several clerks to assist the committee?

Mr. McKELLAR. In my judgment the amendment would not have that effect, because the Senator's committee has a right to require assistance from the Interstate Commerce Commission at any time.

Mr. WHEELER. Mr. President, if the Senator will yield——

Mr. BYRNES. I yield to the Senator from Montana.

Mr. WHEELER. It will be recalled that the resolution adopted by the Senate authorizing an investigation of the railroads was amended in the committee of the Senator from South Carolina by the adoption of an amendment directing the committee to call upon the various departments of the Government for aid and assistance. I have not a copy of the resolution before me, but I have sent for a copy.

Mr. BYRNES. I remember the language of it, and I had it in mind when the amendment of the Senator from Tennessee was offered. If that amendment would interfere with what the Senator from Montana has in mind—namely, the authority contained in that resolution to call upon the departments for assistance in securing information—I certainly should object to the amendment. The language of the amendment is, however, "shall receive or accept any funds", "nor shall any allocation of funds be made." I do not understand that any department is allocating funds to the committee of the Senator from Montana.

Mr. WHEELER. No.

Mr. McKELLAR. And they should not do it.

Mr. BYRNES. It has not been done and it was not authorized, and that is the only reason why I agreed to the amendment of the Senator from Tennessee.

Mr. McKELLAR. May the amendment be stated?

Mr. NYE. Mr. President, before the amendment is stated, I should like to ask the Senator from Tennessee a question. Does he consider that at the present time the rules or the law will permit any Senate committee to accept private funds in the conduct of an investigation?

Mr. McKELLAR. No, I do not; but, whether that is true or not, I recall that immediately after this controversy arose a gentleman gave an interview about it which was widely published in the newspapers, in which he said that he would undertake to raise the funds necessary for this committee to complete its work.

I do not believe either the Senator from North Dakota or any other Member of this body would approve a policy of permitting private or public funds to be raised for the purpose of aiding the Senate in making its investigations. All this amendment does is to announce the sense of the Senate that it is opposed to anything of that sort; and I think it is.

Mr. NYE. I hope the Senator from Tennessee has observed that when, a week ago, an offer was made of private funds with which to continue the investigation, I made it very clear that there was no rule or law which would permit the acceptance of any such private offer.

I may say to the Senator from Tennessee that thousands upon thousands of dollars have been offered by other individuals who have written offering to underwrite the investigation. Each one has had to be advised that the rules and the law would not permit the acceptance of any such help. In addition thereto, there have been many contributions of dollars and of half dollars and of quarters, all of which have had to be returned because of what is understood and known to be the law forbidding the acceptance of private funds in the conduct of an investigation by a Senate committee.

Mr. BYRNES. I have no objection to the amendment. However, I will say to the Senator from Tennessee that I asked for recognition at this time, believing that since this was a unanimous report from the committee, it would not provoke any lengthy debate. I hope we can get a vote on the resolution.

Mr. McKELLAR. I did not think the amendment would provoke any lengthy debate, because I believe the Senate without a single exception is in favor of the policy therein announced. I hope the amendment may be stated and then adopted.

Mr. WHEELER. Mr. President, before the amendment is acted upon I desire to state, in order to make this matter clear, that I think what we are going to run into if this provision shall be included in the resolution is that the Department is going to say, "We cannot assign anyone to assist your committee because that may be interpreted as an allotment of funds."

If that is the case, let me call attention to this fact: The Interstate Commerce Committee has asked the Interstate Commerce Commission at various times to assign persons to help us in the work of the committee. At the last session of Congress—and it has been the practice, not only since I have been chairman of the committee, but when the former Senator from Indiana, Mr. Watson, was chairman, I think, and when the Senator from Michigan [Mr. COUZENS] was chairman—somebody was assigned to the committee for the purpose of assisting us in doing that work. The same thing is true in the pending investigation. We have called upon various departments to assign somebody to us to assist us in getting certain information. I am afraid that unless there is a provision in this resolution permitting that to be done, the amendment of the Senator from Tennessee would lead to its discontinuance.

Mr. BYRNES. Mr. President, I agreed that I would not interrupt the consideration of the pending measure with a matter which would lead to lengthy discussion. Therefore, if I cannot induce the Senator from Tennessee to offer at another time his resolution, about which I think we could have an agreement, I shall have to withdraw my request for consideration of the resolution reported by me at this time.

Mr. COSTIGAN. Mr. President, before the Senator from South Carolina takes his seat I desire to ask whether he regards the resolution of the Senator from Tennessee as a suspension or amendment or modification of any rule of the Senate.

Mr. BYRNES. Mr. President, of course it would not be. It is simply an expression of the sense of the Senate; and, as a matter of fact, when the Committee to Audit and Control the Contingent Expenses of the Senate shall report another resolution as to an investigation the Senate may authorize anything that it wishes to authorize at that time. A resoluion of this kind cannot govern the future action of the Senate. The Senator from Tennessee has said that it merely presents an expression of the view of the Senate.

Mr. McKELLAR. That is all; but that expression should be made while this resolution is under consideration, or some other resolution that appropriates money.

Mr. BYRNES. I withdraw the resolution.

Mr. McKELLAR. May the amendment be read by the clerk, so that we may have it before the Senate when it is again brought up?

The PRESIDING OFFICER (Mr. HOLT in the chair). The amendment will be stated for the information of the Senate.

The CHIEF CLERK. In Senate Resolution 221, at the end of line 9, it is proposed to add:

Resolved further, That it is the sense of the Senate that hereafter no special or standing committee of the Senate shall receive or accept any funds from any private or public source, nor shall any allocations of funds be made to any such committee from the Works Progress Administration or from any other Federal or State agency, except from the Senate, for use in connection with any investigation being carried on by such committee.

Mr. BYRNES. Mr. President, this resolution is lying on the table and may be called up by the Senator from Tennessee. I desire to ask the Senator from Tennessee whether he will not permit the resolution which has been read to be adopted and then call up his resolution?

Mr. McKELLAR. I hope the Senator from South Carolina will not ask to have that done, because the resolution reported from the committee of the Senator from South Carolina specifically provides for closing the investigation of the Munitions Committee. This whole matter arose out of the actions of the Munitions Committee, and the two resolutions ought to be considered together. I hope, therefore, the Senator will let the matter go over at this time.

Mr. BYRNES. I desire to say to the Senator from Tennessee that the Committee to Audit and Control the Contingent Expenses of the Senate reported the resolution, as I advised the Senate, upon the statement of the Senator from Georgia [Mr. GEORGE] as to the exact purposes for which this money is to be used, and I have set it forth in the RECORD; so we are assured by the committee that the

question in which the Senator is interested will not arise in any further conduct of hearings by this particular committee. If it affects any committee, it is the committee of which the Senator from Montana [Mr. WHEELER] is the chairman; and if the resolution of the Senator from Tennessee may be called up at some subsequent time, the Senator from Montana will have opportunity to investigate it and determine whether or not it will interfere with the work of his committee.

Mr. McKELLAR. I hope the Senator from Montana and all other Senators who are interested in the resolution will look at it and see. I am quite sure, when they look at it, they will find that it is in entire accord with what they believe is the right method of making these investigations; and I am sure we can bring it up——

Mr. HASTINGS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Delaware will state it.

Mr. HASTINGS. Is it or not true that the Senator from South Carolina [Mr. BYRNES] has withdrawn his request?

Mr. BYRNES. I have withdrawn the request.

PIERRE S. DU PONT

Mr. HASTINGS. Mr. President, I was not present on Thursday when the junior Senator from Washington [Mr. SCHWELLENBACH] addressed the Senate upon the subject of the American Liberty League. I do not rise now for the purpose of defending that organization, but in the course of the Senator's speech he made such a vicious attack, uttered such an infamous slander, against one of the most distinguished citizens of my State that I feel called upon to make a brief reply.

If the Senator from Washington had made that speech anywhere in Delaware, before a gathering of either its wealthiest citizens or its poorest citizens, it would have met with unanimous condemnation.

Mr. Pierre S. Du Pont does not take a very active part in politics in my State, but he did actively support Alfred E. Smith for President in 1928 and he did actively support Franklin D. Roosevelt for President in 1932. I have always believed that his close personal friend, Mr. John J. Raskob, who was made chairman of the Democratic National Committee in 1928 and who advanced to the Democratic Party something like a half million dollars, was largely responsible for Mr. Du Pont's activities in trying to elect Democratic Presidents. I do not know that to be a fact, but it has always been my personal opinion.

While I admit that I am a partisan in politics, I hope it may never be said of me that I refused to come to the defense of an honorable resident of my State who had been scandalously abused by a Member of the United States Senate, regardless of whether such person be a Republican or a Democrat. This duty is emphasized when such an attack is made in the Senate, where the cloak of the distinguished office prevents any kind of redress. This attack becomes the more reprehensible because it undertakes to convict without knowing the facts, or before any opportunity has been given to Mr. Du Pont and Mr. Raskob to disclose the facts.

On March 15, 1930, Mr. Du Pont filed his 1929 income-tax return, and paid to the Federal Government, on the dates required by the statute, a total of $4,443,702.17. When the revenue agents examined his accounts and examined these very transactions between Mr. Du Pont and Mr. Raskob, it was discovered that an agent of Mr. Du Pont had, during the 30-day period, without Mr. Du Pont's knowledge, purchased some of the stocks which Mr. Du Pont had sold. Revenue agents claimed a deficiency of $120,286.70, and Mr. Du Pont paid that sum on October 31, 1931, 2 days after the revenue agent's report was received. This made a total paid in taxes for the year 1929 of $4,563,988.87. Mr. Du Pont had claimed deductions for charitable contributions of $774,332.44. The revenue agents found the amount that was actually deductible to be $982,473.85, an increase over the amount Mr. Du Pont claimed of $208,141.41.

Subsequently, however, the Bureau of Internal Revenue reversed the position it had taken for many years, and ruled that charitable contributions should be measured by taxpayer's ordinary net income, without reference to his capital gains. On the basis of this new ruling, the Bureau asserted a deficiency tax against Mr. Du Pont of $164,477.31. That was the one question, and the only question, that was in dispute in the Revenue Department with respect to Mr. Du Pont's income tax of 1929.

It was agreed by Mr. Du Pont's counsel, and the counsel for the Bureau, that nothing should be done with this matter until the Supreme Court had decided a similar case then pending. This case was decided—and against the Government—on November 5, 1934. The last continuance agreed to by Mr. Du Pont was a continuance from May 7, 1934, to the fall calendar of 1934.

In the month of March 1935, however, after the Liberty League had become somewhat active, Mr. Du Pont was requested to appear before the Internal Revenue Department, and when he appeared he was asked some questions with respect to these transactions between himself and Mr. Raskob. He was asked the important question whether or not they were bona-fide transactions. He assured the Department that they were bona fide.

Here was the implication of a charge of fraud. Here was the intimation of terrorism in government. It is impossible for reasonable persons to believe that there is not a direct relation between this intimation made by the Department to Mr. Du Pont and the relation of Mr. Du Pont and Mr. Raskob to an organization opposing New Deal policies.

However, nothing more was heard of it until September 12, 1935, when the Commissioner of Internal Revenue mailed a notice to Mr. Du Pont advising him that another audit of his accounts would be made. Four auditors shortly thereafter appeared to make this examination.

In the meantime, the counsel for the Commissioner, not Mr. Du Pont, procured continuance in this case from December 3 to December 21, 1935, and on December 21 the Commissioner procured a still further extension of time in which to file an amended answer until January 6, 1936. It was not until this answer was filed on January 6, 1936, that the Government ever set up any claim of fraud in these transactions between Mr. Raskob and Mr. Du Pont in 1929. And may I call the Senate's attention to this fact: The amount the government now claims as a deficiency because of these transactions is $486,000, or approximately 10-percent increase over the taxes paid. Mr. Du Pont paid one one-hundred-and-eighty-third part of all taxes paid by individuals for 1929. That is, if we divide the whole amount collected by the Treasury from all individuals for that year into 183 parts, we find Mr. Du Pont paying one of those full parts.

This man who paid more than 4½ millions of dollars to the Government as an income tax for 1929; this man, who contributed to charity during that year but slightly less than a million dollars, or a total of more than 5½ million dollars to his Government and to charity, is now held up by the junior Senator from Washington as being guilty of "as high a degree of criminality as has ever been perpetrated by racketeers who were finally put in the penitentiary." He refers to Mr. Du Pont and his friends as "leeches", "bloodsuckers", as "rascals", and "crooks", and it seems to me that it is not too much to say that that speech will ever remain a blot upon the Senator's record, if not a blot upon the record of this great body itself. It does no credit to the Senator who delivered it; it does no credit to the person or persons who conceived it. It does one thing, however; it bears out the prediction of Mr. Farley that the 1936 campaign is to be the dirtiest campaign in all history. But this unwarranted attack, this outburst of vituperation, can do but little harm to one of the finest characters this or any other generation has produced in America.

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Washington?

Mr. HASTINGS. I yield.

Mr. SCHWELLENBACH. Does the Senator from Delaware desire to have the Members of the Senate understand

that he places his stamp of approval upon the transactions between Mr. Raskob and Mr. Du Pont during the months of November and December 1929, and during the early part of 1930? Does he want the Senate to understand that he approves those transactions?

Mr. HASTINGS. I do not approve or disapprove, but I say in reply to the Senator, that I condemn any effort to try in the Senate a case that is pending before the Board of Tax Appeals. I complain of the Senator for making this statement to the country about this man being a crook and a rascal without knowing the facts. That is of what I complain. And may I inquire of the Senator whether, after consideration, he thinks he was justified in making that allegation upon the floor of the Senate, when he knows he would not dare go to any other place in this country and make it? May I ask that question of the Senator?

Mr. SCHWELLENBACH. The Senator has submitted a question which I will be very glad to answer. The statement I made upon the floor of the Senate was made as a result of a full examination upon my part.

Mr. HASTINGS. Examination of what?

Mr. SCHWELLENBACH. If the Senator will yield until I finish my sentence he will know.

Mr. HASTINGS. I beg pardon.

Mr. SCHWELLENBACH. It was made after a full examination on my part of the records of the transactions. I did not make it without knowing the facts. I made it realizing what the facts were, and realizing the implication involved when I said that when any two men would have a transaction of that kind for the purpose of attempting to defraud their Government out of money to which the Government was lawfully entitled under the law, I thought those two men were rascals and crooks. I made that statement on last Thursday, and I still believe it, and I think that when the record in the case is complete, it will be determined that I was correct in my contention.

Mr. HASTINGS. Mr. President, I do not care to get into any argument with the Senator with respect to the outrageous statement which the Senator made on the floor of the Senate about a reputable citizen of this country. If he wants to stand by it, let him do so.

Mr. SCHWELLENBACH. The Senator asked me a question, and I was simply responding to the question which he propounded.

Mr. HASTINGS. I ask unanimous consent to have printed at the end of my remarks an article appearing in the New York Times, quoting the president of the Bankers' Trust Co., and denying statements made about him by the Senator from Washington at the time he made his speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

[From the New York Times of Jan. 26, 1936]

S. S. COLT REPLIES TO SCHWELLENBACH—HEAD OF BANKERS TRUST CO. CONTRADICTS STATEMENTS MADE IN SENATE

S. Sloan Colt, president of the Bankers Trust Co., authorized yesterday the following statement relative to a speech made on Thursday in the United States Senate by Senator SCHWELLENBACH, of Washington, and reported in newspapers on Friday, in which the Senator named the Bankers Trust Co. and John J. Raskob:

"Senator SCHWELLENBACH is quoted as making three references to this institution in a speech in the Senate on January 23. One statement was to the effect that the Bankers Trust Co. 'is today contributing $20,000 to the American Liberty League.' The fact is that this company has never made a contribution to the American Liberty League either directly or indirectly. On Februray 28, 1935, a fully secured loan of $20,000 was made to the American Liberty League, which was repaid in full on May 29, 1935.

"The Senator was further quoted as saying that in November 1929, this bank 'honored the check of Mr. Raskob for $4,582,750 when he did not have the funds in the bank to cover it.' The Senator was also quoted as making a similar reference to another check drawn by Mr. Raskob in December 1929, in the amount of $1,560,000. The facts are that Mr. Raskob made deposits on the days the checks were presented which were sufficient to pay the checks referred to and to leave a credit balance in his account on each day."

Mr. HASTINGS. I also ask unanimous consent to have printed in the RECORD a statement made by Mr. Raskob which was referred to by the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

STATEMENT BY JOHN J. RASKOB, CENTERVILLE, MD.

One could secure no better illustration of the tyranny which a Government bureau can inflict on a citizen than that presented in the United States Treasury Department attack on Mr. Pierre S. Du Pont, in which my name is mentioned and in which we both are charged with making pretended sales of securities to each other.

This attack on Mr. Du Pont is quite well timed with respect to the dinner of the American Liberty League to be given in Washington next week, and strongly emphasizes the need of a work such as the American Liberty League is undertaking if our citizens hope to avoid losing our constitutional form of government and instead having substituted a government of innumerable alphabetical bureaus to dictate the conduct of the daily lives of each and every one of us.

The facts in this tax case may be simply and clearly stated. In my case—and I understand the same is generally and substantially true in Mr. Du Pont's case—my 1929 tax return was completely audited by the Treasury Department and all the transactions passed several years ago. There was but one item in dispute. A case involving a similar item was carried to the Supreme Court of the United States and decided against the Government. By reason of this litigation our 1929 tax returns are still open, and it is only under this technicality of law that it is now possible for an administration, hostile to a citizen honestly opposing its socialistic policies, to carry on these proceedings.

It is true that in 1929 both Mr. Du Pont and I had substantial profits arising from the sale of securities. It is also true that due to the great drop in security prices during the latter part of that year we both had substantial losses in other securities. The income-tax laws, however, demanded that to establish these losses it was necessary to actually sell such securities. Neither of us had any desire to dump securities on the market and thus add to the fears and uncertainties of the panic and depression then existing. I, therefore, offered to sell certain securities to Mr. Du Pont at the then current market prices, which he purchased from me. He offered and sold to me certain other securities the law required him to sell in order to establish his losses. I purchased these securities from him at market prices then current and paid him by check, which was duly honored and paid against my account with the Bankers Trust Co. of New York. All of these securities were stocks actively dealt in on New York stock markets.

There was absolutely no agreement, written, oral, or implied, on the part of either of us with respect to repurchasing these securities as charged by the Treasury Department, nor has that Department one scrap of evidence to support that charge. Instead the Treasury Department has known all about these sales and purchases between Mr. Du Pont and me ever since it audited our 1929 income-tax returns 4 or 5 years ago, and it has never questioned the bona fides of these transactions until now. What better evidence could be offered to support a charge of tyranny and cheap politics against high administration officials? It would be interesting to know what my many Democratic friends in Congress think of this conduct.

The 1929 tax laws permitted a taxpayer to repurchase securities sold after a lapse of 60 days, and accordingly, after the lapse of proper time, I did repurchase from Mr. Du Pont the securities sold to him. But these repurchases were made at the then current market prices, which were substantially different than the prices at which I sold the securities, with the result that I incurred a substantial loss on the transactions. Mr. Du Pont repurchased the securities he sold to me, but only after the lapse of the proper legal time and at market prices then current.

All these transactions were deliberately entered into for the purpose of definitely establishing losses in the only way that such losses could be established under the law. The law definitely provided this opportunity for a taxpayer to establish definite losses to offset definite gains. And as previously stated, these transactions were never questioned until now—more than 6 years after their consummation.

It will be many months before the courts will have opportunity to render final decision in this matter.

The publicity given the case by the Government, the prominence of Mr. Du Pont and myself, and particularly our active interest in the American Liberty League are some of my reasons for inflicting the public with this statement of the facts in a case in which it is apparent that the Government's chief interest is in publicity. Fortunately, even the Government, let alone a few administration heads politically interested, is not strong enough to destroy by slander or otherwise the reputation of Mr. Du Pont—a really great and fine character, and a citizen whose integrity, honor, and love of country have become firmly established in the hearts and minds of his fellow citizens through nearly 50 years of active life in industry, philanthropies, and the political and social welfare of his State and country.

FEDERAL EMERGENCY RELIEF ADMINISTRATION

Mr. VANDENBERG. Mr. President, the Federal Emergency Relief Adminstration under date of January 2, 1936, issued an exceedingly illuminating and significant summary of the amount of Federal contribution made to relief necessities in each of the various States of the Union from Janu-

ary 1933 to October 1935. These are the latest available statistics. In the first instance I ask that that table may be printed in the RECORD and referred to the Committee on Appropriations.

There being no objection, the table was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Federal Emergency Relief Administration—Amount of obligations incurred for emergency relief,[1] by sources of funds, by States, January 1933 through September 1935

States	Obligations incurred for emergency relief						
	Total amount	Federal funds		State funds		Local funds	
		Amount	Percent	Amount	Percent	Amount	Percent
Alabama	$45,650,584	$43,344,257	94.9	$163,742	0.4	$2,142,585	4.7
Arizona	17,959,396	15,295,050	85.2	2,280,797	12.7	383,549	2.1
Arkansas	40,541,707	39,077,384	96.4	301,712	.7	1,162,611	2.9
California	211,768,197	140,863,701	66.5	32,146,270	15.2	38,758,226	18.3
Colorado	44,529,523	37,462,453	84.1	2,036,569	4.6	5,030,501	11.3
Connecticut	49,059,911	21,523,055	43.9	4,861,938	9.9	22,674,918	46.2
Delaware	4,981,449	1,992,118	40.0	2,107,943	42.3	881,388	17.7
District of Columbia	18,661,386	13,887,413	74.4	----------	------	4,773,973	25.6
Florida	40,333,624	38,804,727	96.2	14,949	(2)	1,513,948	3.8
Georgia	46,344,221	44,036,621	95.0	5	(2)	2,307,595	5.0
Idaho	14,836,814	12,574,052	84.7	606,612	4.1	1,656,150	11.2
Illinois	284,717,559	214,093,934	75.2	57,107,827	20.1	13,515,798	4.7
Indiana	77,104,759	51,237,302	66.5	162,409	.2	25,705,048	33.3
Iowa	38,531,661	22,735,998	59.0	3,254,753	8.4	12,540,910	32.6
Kansas	51,570,543	37,789,204	73.3	373,860	.7	13,407,479	26.0
Kentucky	42,470,263	36,832,157	86.7	2,049,271	4.8	3,588,835	8.5
Louisiana	51,233,011	49,619,549	96.9	1,697	(2)	1,611,765	3.1
Maine	21,637,222	11,205,661	51.8	1,809,071	8.4	8,622,490	39.8
Maryland	42,951,449	31,084,022	72.4	9,428,332	21.9	2,439,095	5.7
Massachusetts	200,320,810	104,653,291	52.2	530,686	.3	95,136,833	47.5
Michigan	162,221,634	118,874,501	73.3	25,195,184	15.5	18,151,949	11.2
Minnesota	82,212,927	64,063,953	77.9	4,529,996	5.5	13,618,968	16.6
Mississippi	30,201,995	29,418,788	97.4	164,000	.5	619,207	2.1
Missouri	75,480,249	58,799,757	77.9	7,631,674	10.1	9,048,818	12.0
Montana	24,313,663	21,428,131	88.1	446,556	1.8	2,438,976	10.1
Nebraska	25,581,236	19,532,473	76.4	2,748	(2)	6,046,015	23.6
Nevada	5,443,939	4,934,836	90.6	143,935	2.7	365,168	6.7
New Hampshire	11,258,168	6,053,310	53.8	2,255,945	20.0	2,948,913	26.2
New Jersey	126,167,602	87,207,842	69.1	29,238,779	23.2	9,720,981	7.7
New Mexico	14,468,923	14,022,237	96.9	269,202	1.9	177,484	1.2
New York	675,173,407	366,086,913	54.2	110,066,179	16.3	199,020,315	29.5
North Carolina	37,818,222	36,566,565	96.7	----------	------	1,251,657	3.3
North Dakota	26,549,650	23,209,237	87.4	----------	------	3,340,413	12.6
Ohio	203,940,530	159,228,341	78.1	23,251,833	14.3	15,460,356	7.6
Oklahoma	49,107,114	42,532,700	86.6	348,422	.7	6,225,992	12.7
Oregon	25,816,947	20,683,428	80.1	2,555,384	9.9	2,578,135	10.0
Pennsylvania	408,626,915	294,326,381	72.0	90,102,066	22.1	24,198,468	5.9
Rhode Island	18,757,029	7,573,790	40.4	4,836,161	25.8	6,347,078	33.8
South Carolina	35,457,271	34,787,803	98.1	----------	------	669,468	1.9
South Dakota	34,714,502	31,316,698	90.2	----------	------	3,397,804	9.8
Tennessee	35,024,690	32,663,478	93.2	893,323	2.6	1,467,889	4.2
Texas	91,964,961	72,241,060	78.5	18,723,004	20.4	1,000,897	1.1
Utah	23,426,055	18,711,815	79.9	3,021,197	12.9	1,693,043	7.2
Vermont	5,799,505	3,313,730	57.1	39,845	.7	2,445,930	42.2
Virginia	24,645,377	22,157,155	89.9	31,606	.1	2,456,616	10.0
Washington	45,042,026	36,367,312	80.7	5,761,451	12.8	2,913,263	6.5
West Virginia	54,033,284	48,266,089	89.3	4,410,296	8.2	1,356,899	2.5
Wisconsin	102,710,410	76,346,944	74.4	2,384,317	2.3	23,979,149	23.3
Wyoming	7,415,807	6,878,868	92.7	124,372	1.7	412,567	5.6
Total [3]	3,808,578,127	2,725,706,094	71.6	461,665,918	12.1	621,206,115	16.3

[1] Includes obligations incurred for relief extended under the general relief program, under all special programs, and for administration; beginning April 1934 amounts are included covering purchases of materials, supplies and equipment, rentals of equipment (such as team and truck hire), earnings of nonrelief persons employed, and other expenses incident to the emergency work relief program.

[2] Less than one-twentieth of 1 percent.

[3] Continental United States.

Source: Division of Research, Statistics, and Records, Jan. 2, 1936.

Mr. VANDENBERG. Then, Mr. President, I have taken from this table a summarizing statement indicating more simply the vast divergence of contributions made by the Federal Government to the various States—a divergence which runs from 98.1 percent in one instance to as low as 40 percent in another instance. In other words, the Federal contribution made to 48 States and to the District of Columbia represents 49 different formulae for the contribution of Federal funds to State and local relief. No two States are treated alike. There is a wide discrepancy, as I indicate when I repeat that that spread is between 40 percent and 98 percent. I feel that the summation is not only illuminating but challenging.

Presumably the theory is that the differing allocations are made on the basis of need, which is to say on the basis of the exhaustion of State credit. But it hardly seems probable that the public credit of individual States could be exhausted in the proportions indicated by the figures. Indeed, I imagine the States would resent a credit rating based upon any such hypothesis. But here we are. I do not presume to prejudge the figures. They can speak for themselves. I only make the point, for the time being, that no discretionary power of this nature, no matter how nobly meditated, could be used satisfactorily or equitably in the absence of a legislative formula dictated by those constitutional authorities in Congress to whom is committed responsibility for the public purse.

I ask that this table be printed in the RECORD, and I ask that both tables be referred to the Senate Committee on Appropriations for study in connection with any subsequent request for relief appropriations. My feeling is that regardless of the good faith of the Relief Administration—which I do not remotely bring into question for the purposes of this observation—regardless of its good faith, it is utterly contrary to the theory and spirit and genius of republican institutions that an authority so vast in respect to the distribution of public funds should rest in any relatively subordinate administrative officer. I am submitting the tables to the Appropriations Committee in the hope that if additional relief appropriations are desired, we may add a legislative formula for the distribution of the funds so that this sort of challenge shall not again confront us.

I ask that this table be printed in the RECORD at this point, and that both tables be referred to the Committee on Appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

The second table was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

States grouped in order of size of Federal relief contribution

[Percentages are the ratio of Federal contribution]

South Carolina	98.1
Mississippi	97.4
Louisiana	96.7
New Mexico	96.9
North Carolina	96.7
Arkansas	96.4
Florida	96.2
Georgia	95.0
Alabama	94.9
Tennessee	93.2
Wyoming	92.7
Nevada	90.6
South Dakota	90.2
Virginia	89.9
West Virginia	89.3
Montana	88.1
North Dakota	87.4
Kentucky	86.7
Oklahoma	86.6
Arizona	85.2
Idaho	84.7
Colorado	84.1
Washington	80.7
Oregon	80.1
Utah	79.9
Texas	78.5
Ohio	78.1
Missouri	77.9
Minnesota	77.9
Nebraska	76.4
Illinois	75.2
District of Columbia	74.4
Wisconsin	74.4
Kansas	73.3
Michigan	73.3
Maryland	72.4
Pennsylvania	72.0
New Jersey	69.1
Indiana	66.5
California	66.5
Iowa	59.0
Vermont	57.1
New York	54.2
New Hampshire	53.3
Massachusetts	52.2
Maine	51.8
Connecticut	43.9
Rhode Island	40.4
Delaware	40.0

NATIONAL RESOURCES COMMITTEE—STUDY OF HEADWATER STREAMS AND OTHER LITTLE WATERS (S. DOC. NO. 167)

The PRESIDING OFFICER (Mr. TRUMAN in the chair) laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Agriculture and Forestry and ordered to be printed, as follows:

To the Congress of the United States:

I transmit herewith for the information of the Congress a letter from the chairman of the National Resources Committee with the accompanying report entitled "Little Waters: A Study of Headwater Streams and Other Little Waters: Their Use and Relations to the Land."

This report treats of a subject with which the physical well-being of our people is intimately bound up, yet to which, in the past, too little attention has been paid. We have grown accustomed to dealing with great rivers, with their large problems of navigation, of power and of flood control, and we have been tempted to forget the little rivers from which they come. The report points out that we can have no effective national policy in those matters nor in the closely related matter of proper land uses until we trace this running water back to its ultimate sources and find means of controlling it and of using it.

Our disastrous floods, our sometimes almost equally disastrous periods of low water, and our major problems of erosion, to which attention has been called by the reports of the National Resources Board, the Mississippi Valley Committee, the Soil Erosion Service, and other agencies, do not come full-grown into being. They originate in a small way, in a multitude of farms, ranches, and pastures.

It is not suggested that we neglect our main streams and give our whole attention to these little waters but we must have, literally, a plan which will envisage the problem as it is presented in every farm, every pasture, every wood lot, every acre of the public domain.

The Congress could not formulate, nor could the Executive carry out, the details of such a plan, even though such a procedure were desirable and possible under our form of government. We can, however, lay down certain simple principles and devise means by which the Federal Government can cooperate in the common interest with the States and with such interstate agencies as may be established. It is for the Congress to decide upon the proper means. Our objective must be so to manage the physical use of the land that we will not only maintain soil fertility but will hand on to the next generation a country with better productive power and a greater permanency of land use than the one we inherited from the previous generation. The opportunity is as vast as is the danger. I hope and believe that the Congress will take advantage of it, and in such a way as to command the enthusiastic support of the States and of the whole public.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 30, 1936.*

ESTABLISHMENT OF AIR CORPS TECHNICAL SCHOOL

The Senate resumed the consideration of the bill (S. 3398) to establish the Air Corps Technical School, and to acquire certain land in the State of Colorado for use as a site for said Air Corps Technical School and as an aerial gunnery and bombing range for the Army Air Corps.

Mr. ADAMS obtained the floor.

Mr. LEWIS. Mr. President, with the consent of the Senator from Colorado, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Black	Caraway	Donahey
Ashurst	Bone	Carey	Duffy
Austin	Borah	Chavez	Fletcher
Bachman	Brown	Connally	Frazier
Bailey	Bulkley	Coolidge	George
Bankhead	Bulow	Copeland	Gibson
Barbour	Burke	Costigan	Glass
Barkley	Byrd	Couzens	Gore
Benson	Byrnes	Davis	Harrison
Bilbo	Capper	Dieterich	Hastings
Hatch	McGill	O'Mahoney	Thomas, Okla.
Hayden	McKellar	Overton	Thomas, Utah
Holt	McNary	Pittman	Townsend
Johnson	Maloney	Pope	Trammell
Keyes	Metcalf	Radcliffe	Truman
King	Minton	Reynolds	Tydings
La Follette	Murphy	Robinson	Vandenberg
Lewis	Murray	Russell	Van Nuys
Logan	Neely	Schwellenbach	Walsh
Lonergan	Norbeck	Sheppard	Wheeler
McAdoo	Norris	Smith	White
McCarran	Nye	Steiwer	

The PRESIDING OFFICER. Eighty-seven Senators have answered to their names. A quorum is present.

Mr. ADAMS. Mr. President, I desire to continue the discussion of the bill providing for the establishment of the Air Corps Technical School. From the argument which has been made by the junior Senator from Illinois [Mr. DIETERICH] the inference might readily be drawn that the city of Denver was responsible for everything which has taken place in connection with the proposed relocation of the school. I wish first to state—and the statement is supported by the record and the facts—that the city of Denver did not inaugurate the effort to move this school from Rantoul. Neither did the Senators nor the Representatives from Colorado. The speech of the able Senator from Illinois points out by very clear inference that for many years since the school has been operating Rantoul has been regarded as an unsuitable place for such an institution, and that the Army had from time to time been looking for an opportunity to establish the school in some more suitable location according to their judgment.

On February 12, 1934, The Adjutant General, by order of the Secretary of War, appointed a committee or a board to investigate sites for the location of the Air Corps Technical School. The very act of the appointment of the board confirms the suggestion of dissatisfaction on the part of the Army with the then location. The order reads, and it directed "immediate action":

> The Chief of the Air Corps will convene a board of Air Corps officers to consider all views and recommendations relative to the question of the location of the Air Corps Technical School and submit a report setting forth the views and recommendations, with its conclusions and recommendations.

The order requires the investigation to be conducted with the least possible delay.

Four Army officers, members of the Air Corps, were appointed. That board, after spending considerable time laying out the details and specifications that should be required for a technical school, spent 5 months investigating sites. They personally visited 57 different cities throughout the United States. There was hardly a section of the country which was not visited, and there were some additional sites investigated through the medium of questionnaires. The board made its report in reference to the two phases of their inquiry, as there are two distinct phases. The first is as to the suitability of the Chanute Field and the other follows only in the event that field were determined to be unsuitable. Upon those questions the special Army Air Corps Board reported. They reported in much detail, but this was the conclusion which they make and their comment. They say—quoting their report:

> After studying the problem for a period of more than 5 months, after visiting 57 communities throughout the United States, and after analyzing the data submitted by these and several other towns and cities not visited, the board has come to the unanimous conclusion that Chanute Field, Rantoul, Ill., is unsuitable as the location of the Air Corps Technical School.
>
> The board was presented with facts which proved conclusively that the present morale of the school personnel is low and will always be low as long as the station is retained at its present location. A low morale means a decreased efficiency.
>
> In addition, the climatic features are unsuitable for the successful completion of the curriculum, and the acquisition of a bombing range is impracticable in that locality. The present buildings at Chanute Field are of temporary, wartime construction and are in deplorable condition. If the school were to be permanently located on that site, all of these buildings would have to be demolished and the station completely reconstructed.

The conclusions and recommendations of the board are as follows—and again I quote:

> The board concludes that Chanute Field, Rantoul, Ill., is unsuitable as a location for the Air Corps Technical School, and that the best location which it has been able to find is at Denver, Colo.

The board recommends that the site described in the Denver, Colo., brief (see exhibit D–1) be acquired by the War Department, and that the Air Corps Technical School be located thereon.

This being the unanimous report of the board.

This report was submitted to the War Department and by the War Department was transmitted to the Committee on Military Affairs of the Senate and of the House of Representatives. The Senate Committee on Military Affairs appointed a subcommittee. That committee not only considered this report but it held hearings, at which evidence was taken from those who opposed the report and at which the Army officers who submitted the report were examined.

It should be said—and I think it is an accurate statement—that at no point in the investigations or in the hearings before the subcommittee or elsewhere did those who sponsor the city of Denver make any attack or offer any criticism of the Chanute Field. They merely undertook to show that if Chanute Field was unsatisfactory, the Denver site was the most desirable, but the Colorado Senators and the Colorado Representatives undertook to make no attack on and no criticism of Chanute Field. Whatever criticism there is of that field it is in the official report of the board and of the committee of the Senate.

The Senate committee reported unanimously in support of the recommendations of the board. The same questions were raised before the subcommittee which have been raised on the floor, including the suggestion that there was some unfairness in the conduct of the proceedings of the Air Corps board. That matter was discussed before the subcommittee and the subcommittee stated that they found no reasons and no facts to impeach the findings of the Army board.

The subcommittee then reported to the full committee and that committee has reported the bill to the Senate with the recommendation that it pass. The bill was drafted pursuant to communications between the Senate committee and the War Department. This is the essential part of the report. I quote:

The Committee on Military Affairs, to which was referred the bill (S. 3398) to establish the Air Corps Technical School and to acquire certain land in the State of Colorado for use as a site for said Air Corps Technical School and as an aerial gunnery and bombing range for the Army Air Corps, having considered the same, report favorably thereon with a recommendation that it do pass.

On March 13, 1935, the War Department transmitted to the Senate Military Affairs Committee report of a board of Air Corps officers, recommending that certain property in Denver, Colo., be acquired by the War Department and that the Air Corps Technical School be located thereon. The board concludes that Chanute Field, Rantoul, Ill., is unsuitable as a location for the Air Corps Technical School, and that the best location which it has been able to find is at Denver, Colo.

The committee recommends the passage of the bill and states in its findings that "the subcommittee reported that it found nothing that would impeach the findings of this board of officers." The whole committee approved the subcommittee's report.

The report of the Army board is challenged by the Senator from Illinois upon the ground that the findings were not fairly arrived at.

It seems to me that we cannot escape this situation, that if there was unfairness on the part of the board it was participated in by the four officers appointed to make the investigation and not by one only, that the hearings before the subcommittee led that committee to confirm the unfairness and the subcommittee, in turn, by its report led the committee, as a whole, to be involved in an unfair recommendation. Furthermore, if that contention be correct, not only were the four officers involved in unfairness, but the chief of the Air Corps who approved the report was also involved; and so it goes on down the line.

There are a few comments I desire to make before discussing in detail the criticisms which have been made by the Senator from Illinois.

I think the Senators from Illinois and the Senators from Colorado will agree that national, not local, interests ought to control in this case. It is true that the interest of the Senators from the States immediately involved is enlisted, and, from that point of view, they may be prejudiced; but the case that we must make is not whether our action will benefit Illinois or hurt Illinois or whether it will benefit or hurt the State of Colorado; the question involved is whether it is for the welfare of the Nation and its national defense. I do not think there can be any question as to the soundness of that declaration.

The State of Illinois is one of the greatest in the American sisterhood of States. It is great in population; it is great in resources; and, I say without any reservation, great in its representation in this body. I have a personal affection for the State of Illinois. My mother spent her girlhood in that State before going to Colorado, under the necessity of a change of climate.

The Senator from Illinois pointed out Monday that his great State is one of the richest in the Union and one of the largest contributors to the Treasury of the United States; that Colorado is a lesser contributor and receives benefits in excess of its contributions. There is no discounting the richness of Illinois nor the greatness of its contributions to the National Treasury. There is no discounting the fact that Colorado is lesser in resources and lesser in wealth. But it occurs to me that a great rich State like Illinois cannot be very seriously concerned over a comparatively small institution, while the lesser State might have more concern about it. I wondered about the actual benefits—and this, again, is beside the point. It does not matter how great is the wealth of the State or how large its contributions to the National Treasury. The question here is the contribution to the national defense. That is the important question involved. Where should the school be located to promote best the national defense?

To illustrate, however, Illinois, acre for acre, is unsurpassed in the Nation for richness of soil. I venture to say that the 640 acres of land occupied by the school, if devoted to the rich agricultural purposes of Illinois, would produce almost as much in financial resources as can come from this school at which the attendance is about 600 men, each receiving $30 a month. In other words, it does not involve a great loss to this great State to move the school, and certainly not a loss which the able Senators from Illinois would begrudge if convinced it was in the interest of their country.

No State and no man can possess all qualities and all capabilities. One man may do certain things better than another. The State of Illinois is rich in its agricultural capacities, and, in order that these may produce effectively and profitably, Illinois necessarily must have rainfall in excess of what Colorado has. The corn which makes Illinois rich in certain areas comes from its rainfall, its humidity, its warmth in the summer days and summer nights. Illinois cannot expect to be the great corn-producing area and at the same time be a summer resort or winter resort or an ideal place for an air field. In other words, I am willing to concede to Illinois its greatness of riches, its greatness of people. The point is that it is not as good a place to locate an air technical school, and that is the inevitable accompaniment of the very things which make Illinois rich. Illinois cannot have everything. There must be a few things to slip over the borders of the rich State into the States not so fortunately circumstanced.

Mr. President, much has been said about bombing fields. On page 53 of the testimony before the committee appear the consequences of the absence of a bombing field in this area. I refer to the testimony of Colonel Yount, which, of course, the junior Senator from Illinois would discount. This is the statement:

Up to date we have had to return our enlisted men and officers to the technical units without any experience whatever in the use of this equipment in the air, and, therefore, we consider that one of the most valuable characteristics of this field should be that a good bombing and machine-gun range is available. It is not available in the vicinity of Chanute Field.

In this testimony is pointed out what seems the very obvious fact that if we are going to have men trained in the mechanical arts and sciences which go with the Air Service, there should be a chance to test out the equipment they produce and repair and install. We should not be compelled to transport our airplanes and machinery hundreds

of miles to test them. To talk of a half section of land as adequate for a bombing field and machine-gun range is to defy actual knowledge and experience in connection with those activities.

There is submitted with the Denver field a proposal for a bombing field containing 100 square miles, not a place that would be limited to dropping sand bombs and dummy bombs, but a place where the actual conditions of warfare can be duplicated, where engines and airplanes can be tested. To test machine guns on 320 acres of level, flat country is utterly and absolutely beyond the possibilities. That is not the fault of Illinois. The fact that a bombing field is not available is due to the very richness of her soil. It is our misfortune in Colorado that we have great areas of land of low value, and that when we gather together 100 square miles to devote to this service it can be done without prohibitive cost. But when in Illinois we take 100 square miles, with its 64,000 acres of land, we run into many millions of dollars of cost, a prohibitive figure. Yet these officers say that a bombing field is essential. As was quoted by my colleague earlier in the day, when they first began their investigation they thought the air bombing field desirable, but they then came to the conclusion that it is absolutely essential.

It is said no real investigation was made. The board of Army officers took 5 months in their investigations. They personally visited 57 selected cities.

The distinguished junior Senator from Illinois [Mr. DIETERICH] said that Denver was selected because—I do not want to misquote the Senator in any particular, but the statement was made that the field was located in Denver by reason of the entertainment which was afforded by the chamber of commerce. Here is the exact quotation from page 1039 of the RECORD:

> The fact is that the irresistible entertainments of the Chamber of Commerce of Denver are responsible for the removal of this field.

I am unable to find, after a careful examination of the record, any record of entertainments on the part of the Chamber of Commerce of Denver. I am unable to find any record that the Chamber of Commerce of Denver ever, in any wise, participated in formulating a conclusion that Chanute Field was unsuitable.

When this board met they laid down a set of specifications as to their procedure. They sent this set of specifications to every city. In the case of cities which had airfields, they sent them to the commanding officers of the airfields, as they did at Chanute. In the case of cities without airfields, they sent these specifications, these questionnaires, to the chambers of commerce. The Denver Chamber of Commerce was but one of perhaps 50 or more that received this prospectus, setting out the needs and the requirements of a site for the air school.

It has been said that Chanute had no chance to talk about the airfield. As a matter of fact, in the prospectus which was sent out the desirability of a bombing field was pointed out—not so affirmatively as they subsequently came to do, but the statement was made to all the cities that an extensive area on which bombing and machine-gun work can be done was desirable. Then the prospectus says:

> It should be uninhabited. The area should not be more than 50 miles from the school site and preferably closer; * * * and in the case of a distant area, an emergency landing field should be contained therein.

I believe that my very good friend the junior Senator from Illinois has forgotten some of the geographical situations in Denver. He speaks as if the only location for a bombing field must be up on the granite Rockies. It is not contemplated that the bombing field should be located in the Rockies, but that it should be located in the vast semiarid prairies to the east and southeast of the city of Denver; and the photographs submitted in the record disclose that fact.

Another thing of which the Senator has made great point is that the city of Denver, through its chamber of commerce, has sought to buy the favor of the committee and the favor of the Government by offering a free site, and that no such thing was afforded anywhere else.

In the set of specifications sent to every city in the land was set out this requirement:

> The terms upon which the site might be obtained must be stated. If the site is to be donated, it should be so stated, as the cost of the entire project when sent to Congress must include information on this item. The property must finally be held in fee simple by the Government. If condemnations are necessary in respect to any part or all of it, this must be stated.

The Senator from Illinois indicated that this was most unusual, even though contained in the specifications, but I call his attention to the fact that there is nothing new in this.

In the act providing for the location of aviation fields, contained in the United States Code of Laws, title 10, chapter 30, section 1342, is this provision:

> The Secretary of War is hereby authorized to accept for the United States from any citizen of the United States a donation of a tract or tracts of land suitable and desirable in his judgment for the purposes of an aviation field.

Then, again, in an act passed during the past session for the establishment of air bases—the act of August 12, 1935—it was provided, in section 2, as follows:

> To accomplish the purposes of this act, the Secretary of War is authorized to accept, on behalf of the United States, free of encumbrances and without cost to the United States, the title in fee simple to such lands as he may deem necessary or desirable for new permanent Air Corps stations and depots.

So that it is nothing new. It is a policy established in two statutes and in the specifications.

Mr. DIETERICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. ADAMS. I do.

Mr. DIETERICH. If I correctly understand the Senator, and if I remember the geography of Denver and the immediate vicinity, the mountains rise to the west of the city. Is that correct?

Mr. ADAMS. That is correct.

Mr. DIETERICH. And the arid regions about which the Senator speaks lie to the east of the city. Is that correct?

Mr. ADAMS. The east and south.

Mr. DIETERICH. Let me ask the Senator if he is familiar with the statement contained in the record of the proceedings before the subcommittee of the Committee on Military Affairs, on page 37, which sets out the report of the board appointed for the purpose of determining the location for this Air Corps Training School, in which they say, under paragraph 4, "Bombing and machine-gun ranges":

> No specific site was visited by the board, but it was stated that an extensive area could be acquired for a nominal sum within a few miles from the site. This area would be in the mountainous country to the west of the city.

Mr. ADAMS. Mr. President, the Senator correctly quotes a section of the report which says that no specific site was visited, but that sites might be available to the west of Denver, toward the mountains. Attached, however, to the prospectus filed by the city of Denver were photographs of available bombing fields of practically flat prairie land lying to the east and southeast; and in a report from Norman D. Brophy, captain, Air Corps, instructor, Forty-fifth Division Aviation, Colorado National Guard, who investigated the bombing-field possibilities, he reports that there are available farming and gunnery ranges 10 miles by 10, and the location is approximately 12 miles east by southeast of the proposed site of the school, and that the ground is slightly rolling prairie land with no obstructions to the approach, with at least four available emergency landings.

It is our misfortune to have more land available for bombing fields than we wish we had. We should gladly surrender any possibility of a school if our land could be watered as is the land of fertile Illinois; and we regret, from the standpoint of wealth, that we do have land so easily and economically obtainable for bombing fields. In this particular instance, however, the bombing field is an essential; and it does occasionally happen that those whose

resources are not of the greatest may in some way be advantaged by that fact.

One thing of which much was said was a letter written by Representative LEWIS. The letter appears on page 24 of the report, and in connection with it I wish to read the statement of Colonel Yount. It was partly read upon yesterday, but I think the whole statement should be put into the RECORD. The Senator from Illinois makes great point of the fact that in the letter the Representative said that he could assure his correspondent there would be no "leak" from his office concerning the correspondence.

I think this should be kept in mind, that here was a board of officers sent out under the auspices of the War Department in order to locate the best available site for the air school. They started out, according to their own plan, to avoid publicity, to communicate with leading people and with chambers of commerce, but to avoid publicity. They did that in every community. They asked every community to keep from the papers the fact that they were making investigation, because they knew that instead of investigating 57 cities they would have 570 cities to investigate, if it were published that they were making investigation.

In that connection Mr. Yount said—and I quote from page 56:

> The letter, which is referred to as written by Congressman LEWIS, was written at my request because Denver had failed to submit certain information, information which we had asked for, for inclusion in our report, covering the possibility of a railroad siding to the field, and I believe covering also the question of the acquisition of the property, and it was a statement which we could include in our report.
>
> As I remember, I called Congressman LEWIS' office and called his attention to the fact that this information had not been furnished in connection with the site at Denver, and asked that it be furnished. That certainly was in connection with the site and perfectly legitimate.
>
> Congressman LEWIS used the word "leak." I think by using that word he simply meant that the confidence which we had asked in every case, the confidential nature which we had imposed or attempted to impose upon all of these proceedings, would continue to be kept. There were two or three reasons why we tried to keep our visits confidential.
>
> In the first place, whenever our visits were announced in the press, it meant that every town in the vicinity desired an inspection, and it was utterly impossible for us to do that.
>
> In the second place, we were fearful that if communities knew that we were making this inspection, that it would set up false hopes, and we knew that only one out of a great number could be selected; and, in the third place, it was the experience of the War Department that whenever it is even anticipated that a War Department activity may be located in any community, that the price of real estate immediately goes up.
>
> So that in beginning our inspection we asked each community to keep our visit confidential. This was not done in two or three cases, and it resulted in our inspection trip being practically doubled.
>
> So when Congressman LEWIS speaks of a "leak", I am certain that he did not mean in any sense that there was anything underhanded about it, and certainly there wasn't, but that the confidence which we had asked to be imposed should be continued.

Let me say, Mr. President, that I have known Representative LEWIS, as man and boy, for over 40 years, and I am prepared to stake my reputation upon his absolute integrity and character. I hold him above any improper action of any kind in connection with public business. I regret that a phrase or a word should have crept into the correspondence which could be strained to reflect upon him in any way.

I think this explanation is perhaps one which Senators and Representatives will understand. Here was the War Department dealing with things they did not wish spread over the headlines of the papers. I think they have had some contact, as we all have, with Representatives and Senators, and know of their desire for publicity, and I think it not an unwise precaution to call the attention of Senators and Representatives to the fact that you do not care to have publicity about something, unless you expect to get it, because the political lives of Senators and Representatives are fed and nourished by publicity. I think that is the utmost here, that there was a request that publicity be not given, and the Representative in substance assured them that out of his office no publicity would go.

Mr. COSTIGAN. Mr. President——

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from Colorado yield to his colleague?

Mr. ADAMS. I yield to my colleague.

Mr. COSTIGAN. My colleague from Colorado, in stating his high opinion of Representative LEWIS, of Denver, has expressed a friendly view, which is shared not only by him and myself but generally by members of the bar of Colorado. We speak, however, as friends of Representative LEWIS from long-time knowledge of his professional attitude toward ethical practices. But it is possible at this place to incorporate in the RECORD testimony which will be regarded as less influenced by personal association. I therefore ask my colleague to permit me to cite here statements of witnesses referred to while the junior Senator from Illinois was speaking, but not considered, in the exact words used, because of the reception then given suggestions.

When this so-called "leak" letter was brought to the attention of the subcommittee of the Senate, Representative LEWIS interrogated Representative DOBBINS, of Illinois, on the implications of the criticism of the letter offered by Representative DOBBINS. I think it fairly summarizes the testimony of Representative DOBBINS which is reported at the opening of the first part of the hearings of the subcommittee to say that the criticisms directed by Representative DOBBINS against this letter, which were fully discussed before the subcommittee, did not reflect on Representative LEWIS, as has been done on this floor by the junior Senator from Illinois, but were intended to establish that the Air Corps board had been prejudiced in making its findings. That was one subject under review when the subcommittee, headed by the Senator from Indiana [Mr. MINTON], definitely reported to the Committee on Military Affairs and when the Military Affairs Committee reported finally to the Senate.

With respect to Representative LEWIS' participation and its significance to the correspondence of and with the Denver Chamber of Commerce, if my colleague will further indulge me, the testimony shows very definitely what Representative DOBBINS stated to the subcommittee. I quote from page 23 of the report of the hearings:

> I said before that, that I didn't see anything wrong in it.

Referring to the implications that the "leak" letter reflected on Representative LEWIS. By the reference to what Representative DOBBINS had said before, it would appear that he was recalling his own statement reported on page 3 of the hearings, as follows:

> I do not think it reflects at all upon their deliberations if they had been in communication or if they were not in communication with Members of Congress. I do know I never was in communication with the board. But in the report itself, or in the Denver prospectus accompanying the report, is included a confidential letter of my colleague, Mr. LEWIS of Colorado, addressed to the chairman of the board, dated in August of last year, on the subject of constructing a railroad spur from Denver out to the field, stating it was necessary to afford railroad facilities to the field. At the conclusion of the letter there is this statement, that in accordance with the desire of Colonel Yount, chairman of the board, and Mr. Shinn, whom I understand to be president of the Denver Chamber of Commerce, there would be no "leak" from his office as to the correspondence between him and the board.

This subject was expressly revived later by Representative LEWIS, as appears in the hearings on pages 22 and 23, and it was discussed at some length. Representative LEWIS stated, as reported on page 23:

> By the way, there was one thing at the outset which I didn't quite understand. There was a statement made in there to the effect—not directly, but by implication—that the Congressman from Denver had done something irregular. I should like to have Mr. Dobbins specify that a little more clearly.

It was in answer to that inquiry of Representative LEWIS that Representative DOBBINS replied:

> I am afraid that the Congressman did not hear the first statement. I said before that, that I did not see anything wrong in it * * *.

Then followed an interchange which, if thought by any Member of the Senate necessary to a complete understanding of what was intended, might well be fully incorporated in the

RECORD. However, I wish to proceed more directly, with the further indulgence of my colleague, to the language reported on page 24, following the full text of the letter of Representative LEWIS to Colonel Yount of August 8, 1934, about which there has been so much discussion. With that letter the issue, Representative DOBBINS made this definite statement:

I could see no impropriety in such correspondence, but only in their statement that they had not had such correspondence.

To which Representative LEWIS replied:

There is no impropriety in the correspondence. I can assure you of that.

I thank my colleagues for permitting me to make this statement.

Mr. ADAMS. Mr. President, in conclusion of these observations I wish to call the Senate's attention to a fact which indicates the viewpoint of those concerned as to the propriety of this letter. The letter complained of was put in the forefront of the prospectus of the city of Denver, and was available for the committee and all those who might be interested. If there had been any suggestions of impropriety, Representative LEWIS and those to whom the letter was addressed would not have attached the letter to the very forefront of the prospectus which was being submitted.

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. DIETERICH. I desire rather to take exception to what the senior Senator from Colorado has said. I have tried to keep myself as clear from inference as possible. I have only inferred what I understood the language of the letter implied, as well as the lengthy explanation placed in the RECORD in defense of Representative LEWIS. I am not acquainted with Mr. LEWIS. I assume he is an honorable man. This language occurs in the letter:

As requested by Mr. Shinn and by you, I can assure you that there will be no "leak" from this office concerning the correspondence between you and the Denver Chamber of Commerce.

Following that, Representative DOBBINS said:

I can see no impropriety in such correspondence * * *.

That is, he could see no impropriety in the correspondence between the chamber of commerce and the board, but only in their statement that there had not been such correspondence. So evidently the board were told there would be no "leak" in a correspondence which it was claimed did not exist.

That may be taken for whatever it may be worth. I do not know what was in the correspondence. I am not saying that there is anything improper about it, except that they did not produce the correspondence.

Mr. ADAMS. Mr. President, the final and essential question is not as to whether or not somebody did this or that, but as to the suitability of the two sites for purposes of national defense. The Senators from Colorado and those representing Denver, as I know, have made no statement on their own responsibility reflecting upon the Chanute Field. They have operated exclusively upon the theory that the War Department desired a change. As a matter of fact, the War Department treated the school as if it were obviously improper; and the question was not suggested whether the school should be moved, but where should the school be established? They realized that the school, as it was, was unsatisfactory.

My distinguished friend the junior Senator from Illinois, in two instances in his speech of yesterday, pointed this out. On page 1038 of the RECORD he said:

True, conditions at Rantoul Field are not good. Why that field was not properly prepared for a flying field, no one except those who had to do with the expenditure of the appropriations can tell. Appropriations have been available year after year to correct the drainage of that field, about which this commission complained, and to erect at the field permanent buildings to take the place of those whose decay and depreciation is said to have caused a bad morale. The appropriations were made, and the money was lying in the Treasury, but no appeal could induce the authorities to do for this field what they should have done, and what they expect to do if the proposed field is established in Denver.

In view of those facts, in view of the existence of appropriations running back years before Denver ever dreamed of having the school located there, it seems to me the War Department and the aviation authorities have said in the most emphatic way, "We are not willing to expend Government money in the enlargement of the school at this point"; and that was said even in the face of the appeals of the able and persuasive junior Senator from Illinois, who was in the House of Representatives when the appropriations were made.

I read another statement from the Senator's speech of yesterday as to which I think I will leave to Senators the conclusion to be drawn. The Senator said:

Bless you, when we fight wars, we cannot take the boys up along the mountain sides and into rarefied atmosphere. We have to fight them where the battles take place, and if we are to train them in a wonderful climate such as exists in Denver, if they have to go down in the swamps somewhere, they will not know what to do.

I wonder what inference we can draw from that as to where they shall be trained in order to know how to handle themselves if they are obliged to land their airplanes in swamps.

Mr. President, allurements have been held out to the board dealing with this problem; but what were the allurements? The board members were primarily interested as patriotic officers of the American Army in securing the best site, and they visited city after city. Denver was not included in the early list of cities investigated. Denver was included only in subsequent lists.

They came out to Denver, after visiting Chanute Field, after visiting cities all over the country, and they came into the clear, bright air of Colorado. They saw the glorious mountains of the West, the wide sweep of plains to the east, the beautiful city with its schools, its churches, its theaters and hotels, its places of amusement and of education, and they were allured. Naturally, they felt that the Queen City of the Rockies is a place for such a school. It was those allurements which led the board to make its report recommending Denver as against other places.

In conclusion, let me simply reread, Mr. President, the findings of the Army board. It says in its report:

The board concludes that Chanute Field, Rantoul, Ill., is unsuitable as a location for the Air Corps Technical School and that the best location which it has been able to find is at Denver, Colo.

The board recommends that the site described in the Denver, Colo., brief be acquired by the War Department and that the Air Corps Technical School be located there.

Mr. President, this report was approved by the Chief of the Air Corps. It was approved, after hearings, by the subcommittee of the Senate Military Affairs Committee, and finally approved by the great Military Affairs Committee, headed by the distinguished Senator from Texas [Mr. SHEPPARD], although cities from his own State were competing for this school and field.

If the Senate shall fail to pass this bill, it seems to me it must repudiate the findings of an Army board as to whose fairness I say to the Senate no genuine, no substantial charge has been made, as to the fairness of whose findings there is no charge substantiated by real evidence in the record. If they fail to pass the bill, Senators must impute incompetence to a Senate committee that approved the findings and said there was no improper influence; and Senators must repudiate the report of the great Military Affairs Committee of the Senate.

Mr. LEWIS. Mr. President, information has come to this body that the subject matter of the pending bill is now undergoing some investigation by a committee of the other House. In view of what has transpired in connection with the whole subject, the range which the debate has taken, the developments and disclosures, of whatever nature they are, and the reports and testimony, I think it essential that this measure should be reconsidered.

Mr. ADAMS. Mr. President, will the Senator yield for the suggestion of the absence of a quorum?

Mr. LEWIS. I yield.

Mr. ADAMS. With the indulgence of the Senator, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Keyes	Pittman
Ashurst	Connally	King	Pope
Austin	Coolidge	La Follette	Radcliffe
Bachman	Copeland	Lewis	Reynolds
Bailey	Costigan	Logan	Robinson
Bankhead	Couzens	Lonergan	Russell
Barbour	Davis	McAdoo	Schwellenbach
Barkley	Dieterich	McCarran	Sheppard
Benson	Donahey	McGill	Smith
Bilbo	Duffy	McKellar	Steiwer
Black	Fletcher	McNary	Thomas, Okla.
Bone	Frazier	Maloney	Thomas, Utah
Borah	George	Metcalf	Townsend
Brown	Gibson	Minton	Trammell
Bulkley	Glass	Murphy	Truman
Bulow	Gore	Murray	Tydings
Burke	Harrison	Neely	Vandenberg
Byrd	Hastings	Norbeck	Van Nuys
Byrnes	Hatch	Norris	Walsh
Capper	Hayden	Nye	Wheeler
Caraway	Holt	O'Mahoney	White
Carey	Johnson	Overton	

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

Mr. LEWIS. Mr. President, I move that the pending bill be recommitted to the Committee on Military Affairs for such investigation as may be necessary to ensure both a hearing and complete development and disclosure of facts necessary to enable the Senate to reach a conclusion.

Mr. COSTIGAN. Mr. President, the subject before the Senate has perhaps been adequately discussed for fair judgment of the reasons for and purposes of the original measure and the motion now made by the eloquent and persuasive senior Senator from Illinois. It appears necessary to me to make only one or two additional comments.

The final suggestion, as I interpreted it, of the senior Senator from Illinois prior to making his motion, was to the effect that there is available near Rantoul, in the State of Illinois, an adequate area of ground for bombing-site purposes.

There has been some confusion during the discussion with respect to the testimony about a bombing site. It is fairly clear to the Senate, and was, I think, entirely clear to the members of the subcommittee who heard the testimony—and, if I am not mistaken, during the hearings the senior Senator from Illinois did not appear in person—that the testimony conclusively shows the availability, without cost to the Government, of a tract of land at Denver for bombing and aerial gunnery purposes; that such a tract should be much larger than is any available tract at Rantoul, in Illinois; that the Congressional Representative in the House of the district in which Rautoul is located frankly conceded before the subcommittee the prohibitive cost of such a site at Rantoul, Ill.

A community located in a rich farming country; and that witnesses impressed on the committee by inescapable inference, if not expressly, the fact that there is to be more than dummy practice above this ground; in fact actual machine-gun practice from the air, requiring an ample unoccupied area.

The record shows that the city of Denver, by a vote of the qualified taxpayers at an election at which this question was specially submitted, authorized the issuance of $750,000 in bonds, and that these bonds are available in part to purchase a site approved by a representative of the Air Corps branch of the Army service.

How there can be uncertainty on the subject after the testimony of Major Lyon, a member of the General Staff of the Army, as recited in the record, I am utterly unable to comprehend. As stated to the Senate this morning, Major Lyon testified when this very subject was under inquiry, as reported on the last page of the second part of the report of the hearing, that a small area, "a half section", suggested as available at Chanute "would be very impractical" as a "machine-gun range." I quote in part the exact language Major Lyon used while this subject was expressly under discussion.

It further appears in the testimony at the outset of the hearings, as reported in part 2, following by close resemblance the very criticisms which have been drawn to the attention of the Senate today by the two able Senators from Illinois, that a qualified representative of the Air Corps board testified in answer before the subcommittee that finally approved the recommendation of the Air Corps board.

The able senior Senator from Illinois has appropriately referred to the fact that many Members of the Senate are members of the bar, are familiar with the technical professional rules of evidence, and know by exceptional training how to weigh credibility.

As before stated, the senior Senator from Illinois was not in attendance at these hearings. He did not have the advantage of examining these witnesses personally and judging their credibility by observation. On the other hand, each member of the subcommittee was and is an able member of the bar of his own State. This subcommittee of members of the bar, well known as such to the Senate, after interrogating witnesses faithfully and fully, expressly directing their attention to the detailed charges of prejudice and bias made by the Representative from Illinois, Mr. DOBBINS, affirmatively found the charges not sustained.

Nothing is now offered here to challenge the validity of those findings or the validity of the final report of the Committee on Military Affairs of the Senate, except the suggestion that a recommitment of this issue will open the door and permit an application by every community of reasonable size in the country to show its availability as the best location for the Air Corps Technical School so long and fully discussed.

If the Senate in this instance surrenders to that sort of appeal, however plausibly made, the Senate must concede, I think, its impotence to deal legislatively with this problem. The same argument can be renewed, again and again, with like or greater force, whenever testimony is reviewed on any subsequent similar report. There is no escape from the conclusion that if the Senate approves this motion to recommit it will sanction years of future inefficiency in the face of scrutinized, credible technical testimony as to the importance of the measure the recommitment of which is now sought.

I was vividly reminded as I followed this discussion—and this is the last suggestion on the subject I expect to make to the Senate before the vote—of a personal experience in France in October 1918.

About a month before the armistice I was traveling, in an Army auto, with some other representatives of our Government, in France, in the region between Chateau Thierry, Soissons, and Rheims. At one point on the highway our attention was directed to a wooden sign, cut to resemble an extended hand, with the index finger pointing to the right. On this wooden sign were words that may be translated roughly as follows:

One thousand meters in this direction will be found the grave of Quentin Roosevelt.

We asked that the car stop and walked to the grave of the son of a former President of the United States, a relative of the present President of the United States. That heroic youth was well known and well loved by some Members of the present Congress. He fell to his death in a battle in the air in America's drive to aid the Allies in their resistance of the German invasion of France.

Quentin Roosevelt was buried approximately at the spot at which he fell, a stricken, nationally known young volunteer in the Air Service of his country.

Later I took occasion to write Colonel Roosevelt, who was still living, my impressions of the reverence with which that grave was being treated by the French peasants in that vicinity, and by all others who visited it. Quentin Roosevelt was to them the symbol of the generous sacrifices of the youth of that generation—one of the first in the list of the Air Corps of our country's fatalities following our entry into the World War.

I speak of the incident in some detail because later, visiting, before the war ended, a community a few miles south of Paris, it was my further experience to talk with some officers then in charge of American activities directly connected with

the training of young men for actual air-combat service at the war front. One of these officers said, in substance, referring to Quentin Roosevelt, that, with the impetuosity characteristic of his family and his own individuality, he had insistently pressed for actual air service in advance of full scientific preparation for flying combat with the experienced veteran air forces of Germany; and that it was my informant's opinion that if better equipped by preliminary training Quentin would have been alive at the hour of our conversation to render such further similar services as our Nation's commitments might appear to require and Quentin Roosevelt had already proven himself unstintedly ready to offer.

One effect of Colonel Yount's testimony about this Air Corps measure has been, in part, to convince me, at least, that at Rantoul, Ill., due to described limitations, students have been passed for years without actual practice in using bombing and aerial gunnery machinery from the air. This restriction of those being trained to theoretical familiarity with such use may result in the needless sacrifice of the lives of future Quentin Roosevelts and other typical sons of America if called by our country, as he was in 1917, into its war service. That was the significance of the statement of Colonel Yount, as interpreted by me, when he reported that measure before the Senate.

Mr. President, I think nothing further need be said. But it has been suggested this afternoon that other communities were not given a reasonable opportunity to know what was being officially done with respect to this proposed legislation. Let me recall one or two dates. It was on February 12, 1934, that this investigation officially began by order of the War Department, with the approval of the Secretary of War. The officers' committee was then appointed. It visited, according to the testimony of Colonel Yount, some 57 cities in this country, with a view to determining a suitable air base.

It conferred openly on its mission with representative citizens of all those communities. It made a report, which was presented to the War Department in or about October of that year. That report was taken under consideration and was checked as to accuracy from October until the spring of the following year—approximately 5 months—and was then brought by reference to the attention of the Committee on Military Affairs, of which the distinguished Senator from Texas [Mr. SHEPPARD] is chairman.

Since then there has been ample publicity. There has been an opportunity to consider that report, not only for those who are interested in this particular legislation but also representatives of all those competing communities that knew about the investigation and were particularly in a position to be advised of the significance of its findings. It is extraordinary that, if dissatisfied, representatives of those communities did not appear at the public hearings of the subcommittee in June and July 1935—the later hearings being held with a view to permit those interested to answer charges emphasized on the opening day of those hearings.

There have also been open hearings on the House side on the question involved. There has been full discussion of the issues; and if there is ever to be a statute of limitations operating to bar motions to recommit—and I refer to a reasonable legislative practice, not a literal statute of limitations—it seems to me fair to ask that it be invoked by a deliberative Senate now with respect to the motion of the Senator from Illinois.

Mr. SHEPPARD. Mr. President, before a vote is taken I desire, as chairman of the Military Affairs Committee of the Senate, to submit a few further observations.

The War Department advises me that the reasons for using Chanute Field, Ill., as the location for the Air Corps Technical School were that in 1921 there existed at Chanute Field buildings which could be utilized for this purpose, and that the Department was without funds to build the school at any other location.

Some of the work of this school had previously been done at St. Paul, Minn., in temporary facilities which had to be abandoned, and part of the personnel of the school was at San Antonio, Tex., in a location which also had to be abandoned. Therefore, as the only available buildings existed at Chanute Field, and as the War Department was without funds for any other buildings at any other location, the school was established at Chanute Field. Those buildings were war-time buildings, and by this time have become so dilapidated and so outworn that, in any event, whether the school is retained at Chanute or whether it is moved, a new set of buildings must be constructed.

In March of last year I received the following letter from the Secretary of War:

> For several years the question has been discussed in Congress as to the location of the Air Corps Technical School. Many communities and localities have been intensely interested in this subject. In order to obtain an intelligent estimate of the factors involved I appointed a board of Air Corps officers and directed them to make a comprehensive survey of all localities involved. They have submitted their report, which I enclose herewith, with the request that the Congress finally decide this matter so that the necessary appropriations may be obtained to push the project to fruition.

The concluding comments of a statement of the board of officers appointed to make this investigation are as follows:

> After studying the problem for a period of more than 5 months, after visiting 57 communities throughout the United States, and after analyzing the data submitted by these and several other towns and cities not visited, the board has come to the unanimous conclusion that Chanute Field, Rantoul, Ill., is unsuitable as the location of the Air Corps Technical School.

I wish to say here that when I stated at the opening of this debate that 86 cities were visited personally by the board I was somewhat inaccurate. I should have said that 57 cities were visited personally and that the remaining number were passed upon through the medium of questionnaires.

The board then proceeded to say in the statement to which I am referring:

> The board was presented with facts which proved conclusively that the present morale of the school personnel

Meaning the school at Chanute Field—

> is low and will always be low as long as the station is retained at its present location. A low morale means a decreased efficiency. In addition, the climatic features are unsuitable for the successful completion of the curriculum, and the acquisition of a bombing range is impracticable in that locality. The present buildings at Chanute Field are of temporary, wartime construction and are in deplorable condition. If the school were to be permanently located on that site, all of these buildings would have to be demolished and the station completely reconstructed.

Let me say that whatever may be the decision of the Senate, it should be remembered that the city of Denver made no effort to secure the location of the school until the board had advised it of its selection.

After receiving the report of the board, the Senate Committee on Military Affairs appointed a subcommittee, headed by the Senator from Indiana [Mr. MINTON], to consider the report, and after the subcommittee had held a number of hearings, it concluded that the findings were based on ample evidence.

In view of that situation, the Senate Committee on Military Affairs reported the pending bill to carry out the recommendations of the board that the Air Corps Technical School be located at Denver. I trust, therefore, that the motion to recommit will be defeated and that the bill will be passed.

Mr. LEWIS. Mr. President, may I ask the Senator did he not fall into error in stating that Denver had made no effort to obtain this school until after the report of the board of officers?

Mr. SHEPPARD. Not until after the board had notified Denver of its selection.

Mr. LEWIS. That Denver had made no effort until the board had first reported in its favor?

Mr. SHEPPARD. That Denver had made no offer of the site until Denver had been selected by the board.

Mr. LEWIS. That is different. The able Senator fell into error, and left the impression that Denver had made no effort to secure this school until after the report of the Army board in its favor.

Mr. SHEPPARD. I mean Denver made no effort on its own original initiative. Of course, every city inspected by the board, including Denver, made representations in response to

inquiries from the board, but none of them started this movement for a change in the location of the school.

Mr. LEWIS. What stimulated Denver, then, to make the proposition giving land and offering money and having a vote of the people to involve it in debt in behalf of the Government and the War Department?

Mr. SHEPPARD. When the board had asked it what it could offer. The board took the initiative and not the city of Denver.

Mr. LEWIS. That is what I wanted to have the Senator correct, because it was the board that initiated in behalf of Denver.

Mr. SHEPPARD. The board initiated examinations in 80 or more cities throughout the country, including Denver, and not in Denver alone.

Mr. DIETERICH. Mr. President, will the Senator yield further?

Mr. SHEPPARD. Yes, sir.

Mr. DIETERICH. Do I understand correctly that the city of Denver made no effort to submit its offer until the board had advised it that they had selected Denver as the site?

Mr. SHEPPARD. Denver made no original offer of its own until the board endeavored to secure from Denver a statement as to what it could offer the Government in the matter of sites.

Mr. DIETERICH. Did not the question as submitted by Denver include an offer of the site?

Mr. SHEPPARD. Not until the board had told Denver what showing was required, just as it had told every other city which it had investigated.

Mr. DIETERICH. And it told them by questionnaires.

Mr. SHEPPARD. Some were told by questionnaires and some were told after personal inspection.

Mr. DIETERICH. Did not the city of Denver submit their questionnaire offering to donate this site before the board determined to go to Denver?

Mr. SHEPPARD. Not until the board announced that it would consider Denver.

Mr. LEWIS. Would consider Denver?

Mr. SHEPPARD. Yes. And it did that with every other city which it visited. That is the point I wish to make.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois [Mr. LEWIS] to recommit the bill to the Committee on Military Affairs.

Mr. COSTIGAN. Mr. President, it is my desire to ask for a record vote, and in advance of that I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Lewis	Pope
Austin	Connally	Logan	Reynolds
Bachman	Copeland	Lonergan	Robinson
Bankhead	Costigan	McCarran	Russell
Barkley	Couzens	McGill	Schwellenbach
Benson	Dieterich	McKellar	Sheppard
Black	Donahey	McNary	Smith
Bone	Fletcher	Maloney	Steiwer
Borah	Frazier	Minton	Thomas, Utah
Brown	Gibson	Murray	Townsend
Bulkley	Glass	Neely	Trammell
Bulow	Hatch	Norbeck	Truman
Burke	Johnson	Norris	Van Nuys
Byrnes	Keyes	Nye	Wagner
Capper	King	O'Mahoney	Walsh
Carey	La Follette	Pittman	Wheeler

The VICE PRESIDENT. Sixty-four Senators having answered to their names, a quorum is present. The question is on agreeing to the motion of the Senator from Illinois [Mr. LEWIS], to recommit the bill to the Committee on Military Affairs.

Mr. COSTIGAN. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. GIBSON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mrs. CARAWAY]. Not knowing how that Senator would vote, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. McNARY (when his name was called). On this vote I have a pair with the Senator from Pennsylvania [Mr. DAVIS]. If he were present, he would vote "yea"; and if I were permitted to vote, I should vote "nay."

Mr. NEELY (when his name was called). I have a general pair with the junior Senator from Maine [Mr. WHITE]. I do not know how he would vote, and therefore I am compelled to withhold my vote.

The roll call was concluded.

Mr. AUSTIN. I desire to announce the following general pairs:

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Iowa [Mr. DICKINSON] with the Senator from Mississippi [Mr. BILBO];

The Senator from Rhode Island [Mr. METCALF] with the Senator from Maryland [Mr. TYDINGS]; and

The Senator from Delaware [Mr. HASTINGS] with the Senator from North Carolina [Mr. BAILEY].

I also wish to state that if the Senator from Rhode Island [Mr. METCALF] were present he would vote "yea."

I also announce that the Senator from Maine [Mr. HALE] would vote "nay" if present. He has a pair with the Senator from Missouri [Mr. CLARK], who, if present, would vote "yea."

Mr. LEWIS. I desire to announce that the following-named Senators are necessarily detained from the Senate: The Senator from Missouri [Mr. CLARK], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New York [Mr. WAGNER], the Senator from New Jersey [Mr. MOORE], the Senator from Rhode Island [Mr. GERRY], the Senator from Mississippi [Mr. HARRISON], the Senator from Georgia [Mr. GEORGE], the Senator from California [Mr. McADOO], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Arizona [Mr. ASHURST], the Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. BYRD], the Senator from Massachusetts [Mr. COOLIDGE], the Senator from Wisconsin [Mr. DUFFY], the Senator from Oklahoma [Mr. GORE], the Senator from Arizona [Mr. HAYDEN], the Senator from West Virginia [Mr. HOLT], the Senator from Iowa [Mr. MURPHY], the Senator from Louisiana [Mr. OVERTON], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS].

The result was announced—yeas 11, nays 49, as follows:

YEAS—11

Bachman	Connally	King	Smith
Bankhead	Dieterich	Lewis	Van Nuys
Bulkley	Donahey	Russell	

NAYS—49

Adams	Chavez	McCarran	Robinson
Austin	Copeland	McGill	Schwellenbach
Barkley	Costigan	McKellar	Sheppard
Benson	Couzens	Maloney	Steiwer
Black	Fletcher	Minton	Thomas, Utah
Bone	Frazier	Murray	Townsend
Borah	Glass	Norbeck	Trammell
Brown	Hatch	Norris	Truman
Bulow	Johnson	Nye	Walsh
Burke	Keyes	O'Mahoney	Wheeler
Byrnes	La Follette	Pittman	
Capper	Logan	Pope	
Carey	Lonergan	Reynolds	

NOT VOTING—35

Ashurst	Dickinson	Hastings	Overton
Bailey	Duffy	Hayden	Radcliffe
Barbour	George	Holt	Shipstead
Bilbo	Gerry	McAdoo	Thomas, Okla.
Byrd	Gibson	McNary	Tydings
Caraway	Gore	Metcalf	Vandenberg
Clark	Guffey	Moore	Wagner
Coolidge	Hale	Murphy	White
Davis	Harrison	Neely	

So Mr. LEWIS' motion was rejected.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Illinois.

The amendment was rejected.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPENSES OF SPECIAL COMMITTEE ON INVESTIGATION OF THE MUNITIONS INDUSTRY

Mr. BYRNES. Mr. President, I ask unanimous consent that the Senate resume at this time the consideration of Senate Resolution 221, submitted by the Senator from North Dakota [Mr. NYE], and reported by the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Carolina?

There being no objection, the Senate resumed the consideration of the resolution.

The VICE PRESIDENT. The amendment offered by the Senator from Tennessee [Mr. MCKELLAR] will be stated.

The LEGISLATIVE CLERK. It is proposed to add at the proper place in the resolution:

Resolved further, That it is the sense of the Senate that hereafter no special or standing committee of the Senate shall receive or accept any funds from any private or public source, nor shall any allocations of funds be made to any such committee from the Works Progress Administration, or from any other Federal or State agency, except from the Senate, for use in connection with any investigation being carried on by such committee.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BARKLEY. Mr. President, as the amendment was corrected I understood that there was a proviso which does not seem to have been read.

Mr. MCKELLAR. I thought the proviso was read. I am perfectly willing that it shall be made part of the amendment.

The VICE PRESIDENT. The clerk has a piece of paper in his hand. Just where is comes from the Chair does not know. The Chair is informed that the Senator from Tennessee sent up this piece of paper as an amendment to the resolution.

Mr. MCKELLAR. That is true; but since that time the Senator from Montana [Mr. WHEELER] has suggested a proviso which is entirely satisfactory to me.

The VICE PRESIDENT. The Senator from Montana will offer the proviso.

Mr. WHEELER. The proviso is as follows:

Provided, however, That this shall not be construed as prohibiting the assignment of employees of departments or agencies of the Government to assist a committee of the Senate or their rendering it other assistance.

Mr. ROBINSON. Is that intended as an amendment to the amendment now pending?

Mr. WHEELER. Exactly.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to. The question is on agreeing to the amendment, as amended.

The amendment, as amended, was agreed to.

The VICE PRESIDENT. The question is on agreeing to the resolution, as amended.

Mr. MCNARY. Mr. President, I think it would be a little more orderly, and considerably more understandable, if the whole proposal might be read at this time.

The VICE PRESIDENT. The clerk will state the resolution, as amended. The Senate then will have before it the entire matter.

The legislative clerk read as follows:

Resolved, That the special committee appointed by the Vice President, under authority of Senate Resolution 206, agreed to on April 12, 1934, to investigate the munitions industry, hereby is authorized to expend from the contingent fund of the Senate $7,369 in addition to the amount heretofore authorized to be expended for the purposes set forth in said resolution: *Provided*, That the committee is requested to make its final report to the Senate, with recommendations for legislation at this session of Congress.

Resolved further, That it is the sense of the Senate that hereafter no special or standing committee of the Senate shall receive or accept any funds from any private or public source, nor shall any allocations of funds be made to any such committee from the Works Progress Administration or from any other Federal or State agency, except from the Senate, for use in connection with any investigation being carried on by such committee: *Provided, however*, This shall not be construed as prohibiting the assignment of employees of departments or agencies of the Government to assist a committee of the Senate or their rendering it other assistance.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

Mr. CONNALLY. Mr. President, I do not care to delay the Senate unduly with respect to the pending resolution, but I desire to have the RECORD show certain things before it is adopted.

It will be remembered that some days ago the Senator from North Dakota [Mr. NYE], in addressing the Senate, provoked the discussion of this matter by statements he had made in the press with reference to President Wilson and Mr. Lansing. In the colloquy that followed the Senator from Texas asked the Senator from North Dakota how he had secured possession of the secret diary and memoranda of Mr. Lansing. I will ask to have the clerk read what transpired.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

[From p. 567 of the CONGRESSIONAL RECORD of Jan. 17, 1936]

Mr. CONNALLY. I will ask the Senator this question: These are the private diaries of Mr. Lansing. I understand that in his will he provided that these notes should not be published until 20 years after his death, and that they are now in the custody of some friend. Will the Senator tell me how he got them?

Mr. NYE. Yes; I think I can tell the Senator how we got them. We got them with the consent of the Library, after approval by the trustees of the Lansing estate.

Mr. CONNALLY. Did the Senator know that Lansing left the injunction not to publish them until 20 years after his death?

Mr. NYE. No; I did not know that. I have never been told that. Many of them have been published.

Mr. CONNALLY. Mr. President, the chairman of the committee, the Senator from North Dakota [Mr. NYE], solemnly told the Senate that he secured possession of these documents with the consent of the Library, after approval by the trustees of the Lansing estate. I will ask the clerk to read another communication from one of the trustees of the estate.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

[From the New York Times of Jan. 23, 1936]

JANUARY 21, 1936.

Senator GERALD P. NYE,
United States Senate, Washington, D. C.

DEAR SIR: The CONGRESSIONAL RECORD of Friday, January 17, 1936, at page 567, and of Saturday, January 18, 1936, at page 654, contain the following:

January 17:

"Mr. CONNALLY. I will ask the Senator this question: These are the private diaries of Mr. Lansing. I understand that in his will he provided that these notes should not be published until 20 years after his death, and that they are now in the custody of some friend. Will the Senator tell me how he got them?

"Mr. NYE. Yes; I think I can tell the Senator how we got them. We got them with the consent of the Library, after approval by the trustees of the Lansing estate."

January 18:

"Mr. NYE. The question is raised concerning the understanding by and through which we came into possession of the diary of Secretary Lansing. Before answering that I ought perhaps to make quite certain my ground. My recollection at this time, however, is, and I think it will be shared by the Senator from Missouri, that the response to our subpena for this record came only after the estate of Robert Lansing had indicated to the Library an agreement to permit that to be done. If I find myself mistaken in this assertion, I shall gladly report it to the Senate before the day is over."

General publicity has been given to your statement of January 18, 1936, in the New York Times of Sunday, January 19.

I trust that upon refreshing your memory from our past correspondence you will correct the inaccurate statement appearing in the CONGRESSIONAL RECORD, as you indicated you were prepared to do if you found yourself mistaken.

NO CONSENT ON DIARIES GIVEN

The diaries were turned over to the Library of Congress by Mrs. Lansing during her lifetime; but insofar as the estate of either Mr. or Mrs. Lansing is concerned, or any of their relatives, no consent to your committee's examination of the private diaries has ever been given.

After I learned that the diaries had been made available to your committee under subpena, I wrote you under date of August 20, 1935, as follows:

"I am advised by the Library of Congress that, under subpena from the special committee investigating the munitions industry, a representative of your committee has recently been given

access to and has examined certain personal and private diaries of Robert Lansing.

"These diaries were put in the possession of the Library of Congress by Mrs. Lansing on the express condition, which I understand embodied Mr. Lansing's own wish, that the papers should be kept sealed for a period of 20 years, the only qualification being that my brother, John Foster Dulles, and I, Mrs. Lansing's nephews, could have access thereto. Neither my brother nor I has exercised this right.

SAW "UNWARRANTED INVASION"

"In view of the very personal character of the diaries and the circumstances under which they were deposited with the Library of Congress, I respectfully request that no public use be made of any material contained therein. I consider that any such public use of these diaries would be an unwarranted invasion of personal and private papers. Isolated excerpts from private diaries of this character could hardly be of any value in an official investigation such as that of your committee.

"Further, if publicity resulted, it would create a most unfortunate precedent and would render it most unlikely that private papers would hereafter be placed in a depository such as the Library of Congress, since this deposit would then only tend to facilitate examination and publicity at a time and under conditions contrary to the desire and intention of the writer.

"CONTINUED PRIVACY" DESIRED

"I trust that your committee will give this matter careful consideration and that you will be in a position to tell me that Mr. Lansing's wishes in connection with the continued privacy of these papers will be respected. I am sure that it would have been Mr. Lansing's wish that any papers relating to his work as a public official should be available to your committee to the extent that the Department of State considered to be in the public interest."

I beg further to call your attention to the letter dated October 3, 1935, sent to me over your name per Stephen Raushenbush, in which you state:

"It is not the intention of the committee to make use of any of the material in the private diaries. We have not, therefore, had any of this material either copied or photostated.

"Should there be any change in regard to this matter, the committee would, of course, inform you of it."

According to the CONGRESSIONAL RECORD, copies of excerpts from the diaries have been circulated among certain Members of the Senate.

As both Mr. and Mrs. Lansing were most scrupulous in turning back to the Department of State all papers and documents which formed a part of Mr. Lansing's work as an official of the United States Government, it is hard to understand why their wishes with respect to this personal diary should have been disregarded.

Very truly yours,

ALLEN W. DULLES.

Mr. CONNALLY. Mr. President, I believe that is the letter from Mr. Dulles, the nephew of Secretary Lansing, addressed to the Senator from North Dakota, is it not?

The VICE PRESIDENT. It is the letter referred to by the Senator.

Mr. CONNALLY. Mr. President, in view of the statement on the floor of the Senate by the Senator from North Dakota that he had the permission of the Librarian of Congress to use these papers, I called up the Librarian of Congress and asked him about the matter. I should like to have read a letter from the Librarian of Congress.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

LIBRARY OF CONGRESS,
Washington, January 23, 1936.

Hon. TOM CONNALLY,
Room 453, Senate Office Building.

DEAR SENATOR CONNALLY: Referring to certain discussion in the Senate on Friday last (the 17th), you have just telephoned me requesting a statement as to the exact circumstances which led to the examination here in behalf of the so-called Munitions Committee of the diaries and certain personal memoranda of the late Robert Lansing.

I have had occasion to state those circumstances in answer to an inquiry from Mr. Justice Edward N. Smith, of Watertown, N. Y., received by me on Monday (the 20th) and answered on the same day. You have indicated that copies of his letter and my response may serve your purpose. I am sending them herewith.

Faithfully yours,

HERBERT PUTNAM, *Librarian.*

Mr. CONNALLY. Mr. President, I have here a letter from Edward N. Smith, justice of the Supreme Court of the State of New York, which I should like to have read.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

SUPREME COURT CHAMBERS,
WATERTOWN, N. Y., *January 18, 1936.*

LIBRARIAN CONGRESSIONAL LIBRARY,
Washington, D. C.

DEAR SIR: I was somewhat disturbed at reading, in the United Press reports, a copy of a letter dated April 7, 1917, from the late Robert Lansing to me. This was the day after the United States entered the World War.

This was a personal letter to me, and marked "Personal." I had a voluminous correspondence with Mr. Lansing, who was a very close personal friend of mine, from 1913 up to shortly before his death, which correspondence I have preserved in confidence. Some of these letters are of the deepest interest, especially those written from Paris while Mr. Lansing was a member of the American Commission at the Peace Conference; these were personal and confidential letters, largely, however, upon the subject of public affairs of the day.

After Mr. Lansing's death I was informed reliably that Mrs. Lansing had made a deposit of Mr. Lansing's correspondence which was of any public interest with the Congressional Library, under instructions that such correspondence was not to be exposed to the public eye until 20 years after the date of Mr. Lansing's death.

Knowing that the Senate committee could not have received the letter of April 7, 1917, from my files, I have been wondering how the Senate Committee came into possession of it, and as to whether the seal of secrecy had been broken.

I would thank you for any information you can give me upon this subject, for the reason that I intended to preserve the secrecy of this correspondence in accordance with the wishes of Mrs. Lansing. In any event it is a great shock to me to think that personal correspondence, as distinguished from official correspondence would ever be brought to public view by a public body. If, however, the publication of this personal correspondence was authorized under the terms and conditions of its deposit with the Congressional Library, the ban of secrecy, which I have personally held sacred, would seem to have been removed.

Sincerely yours,

EDWARD N. SMITH.

Mr. CONNALLY. I should also like to have read the reply of the Librarian of Congress.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

LIBRARY OF CONGRESS,
Washington, January 20, 1936.

Hon. EDWARD N. SMITH,
Justice of the Supreme Court of the State of New York,
Watertown, N. Y.

DEAR MR. JUSTICE: I have this morning your note of the 18th, which has had, of course, my immediate attention.

The stipulation by Mrs. Lansing in depositing here a portion of Mr. Lansing's papers (the major portion went, we understood, to the Department of State) was that certain of them (certain memoranda and the diaries enclosed in a tin box) should not be accessible until the year 1950 without her permission or that of one of her two nephews. When access to them was demanded by the committee, our immediate course was to put the committee in touch with one of the nephews. No arrangement satisfactory to the committee having resulted, we declined to permit the access until we had been served with a formal subpena. To that we yielded to the extent of permitting a representative of the committee, under the supervision of our Chief Assistant Librarian, to examine the papers and make copies of certain of them.

By way of assuaging our scruples, it was represented that such a subpena would have produced the papers even if in the hands of Mrs. Lansing herself.

Will you refer me to any publication which gives in full the letter you mention—unless the one in the New York Times of the 17th is complete?

Faithfully yours,

HERBERT PUTNAM, *Librarian.*

Mr. CONNALLY. I shall not read, but I ask to have printed in the RECORD at this point the official subpena issued by the committee of which the Senator from North Dakota is chairman, requiring the production of the secret diaries which the Librarian said he declined to furnish the committee, and which the trustees of the Lansing estate say they declined to furnish the committee. Consent was obtained by compulsory process; and yet the Senator from North Dakota said on the floor of the Senate that they had gotten the diaries from the Library of Congress with the consent of the trustees of the estate. In other words, this was consent obtained by forcible process which invades the grave and tears from the dead hand of the honored dead these private papers, left with an injunction that they be not divulged until 1950.

I ask to have the subpena printed in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The subpena is as follows:

UNITED STATES OF AMERICA,
CONGRESS OF THE UNITED STATES.

To FRED W. ASHLEY,
Library of Congress, Washington, D. C., greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the United States Senate Committee Investigating the Munitions Industry of the Senate of the United States, on Friday, July 26, 1935, at 5 o'clock p. m., at their committee room, 332 Senate Office Building, then and there to testify what you may know relative to the subject matters under consideration by said committee; and you, the said Fred W. Ashley, to bring with you that part of the diary of Robert Lansing, Counselor of the Department of State and Secretary of State during the World War, which covers his official career from the beginning of the World War on August 1, 1914, up to and including his resignation as Secretary of State on February 13, 1920.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To Josephine Burns to serve and return.

Given under my hand, by order of the committee, this 24th day of July, A. D. 1935.

———, ———,
Chairman, Committee on ———.

Service accepted July 24 at 3 p. m.

FRED W. ASHLEY.

Mr. CONNALLY. Mr. President, I do not care to oppose the resolution. I said the other day that I was not favorable to continuing the kind of investigation that had been conducted by the Munitions Committee within the few days preceding the remarks I submitted. We have assurances, however, from members of the committee that $2,700 of this money is already obligated. It is a deficit. I do not want clerks and stenographers going around unpaid. The committee, of course, had no right to contract a deficit until it came to the Senate and received authority to do so. However, it has done it and the clerks ought to be paid. I have no objection to the committee proceeding to wind up its transactions and file its report with the Senate; but I do protest that the committee must stay within its jurisdiction and devote its efforts and its energies to a proper investigation of the matters it was directed to investigate.

Mr. President, it has been charged in the press that somebody is afraid of some revelations. So far as I am concerned, I do not care what the Committee on Munitions reveals so long as it reveals the truth, so that when its members speak on the floor of the Senate we may know they speak the truth, and we may rely upon the statements of its chairman and its members. I have no fear of any revelation regarding the conduct of any Member of the Senate who was either a Member of the Senate during the World War or occupied any other position in the Government service. So far as the Senator from Texas is concerned, whatever revelations may be made regarding his actions during that period will show that he was on the side of his own country, not on the side of those who were enemies of his own country. They will show that the Senator from Texas, when he voted for war, did so for the real reasons for which we went into the war; and that he was not one of those who were sneaking around sympathizing with the enemy and pretending that we were dragged into the war for other than the real reasons.

So, Mr. President, let the investigation proceed. Let the committee have these funds—$7,500, $2,700 of which have already been spent. Let the committee stay within its jurisdiction. Let it investigate the truth. Let it, when it speaks on the floor of the Senate, speak the truth. Nobody in this Chamber will object to that kind of conduct on the part of the munitions committee.

I see by the newspapers that there are great secrets which are going to be revealed if they do not get the money. The committee is now going to get the money; let the committee go ahead and reveal those secrets.

NYE vows new war secrets.

That is a headline—"New war secrets." Why, in 18 months, have not these great "war secrets" been revealed?

Here is another headline:

NYE threatens to reveal all.

Going to reveal everything! Going to reveal all! Mr. President, let the Senator reveal all. What is it that is being hidden from the country? What is it that is slumbering in the breast of the Senator from North Dakota that affects his country and that affects the Senate and affects the integrity of our record in the war? Bring it out into the open, and let us see what it is. Let us know what it is. He "threatens to reveal all"! He "threatens"!

The headline continues:

Says he'll air Soviet recognition "deal" if inquiry funds are stopped.

Why do so if the funds are stopped? Why threaten here that he will "air" something if we do not give him some more money? I am willing to give him some more money so that he may "air" everything that has anything to do with this inquiry. But, Mr. President, some of us are weary; some of us have lost patience with gentlemen who threaten what they are going to do to the Senate, and to the country, and to Senators, and to private individuals.

Now that the committee has the money, let them do their worst. Let them tell all these terrible "secrets" that they are holding back, and with which they are threatening public characters and public figures.

With that, Mr. President, I am willing to have the resolution adopted. Let the committee pay the girls and the young men who have been working for it. Let it pay them what it had no right to contract. Let the committee wind up its investigation, and investigate anything on earth that is pertinent to the inquiry. Let it get the truth, and bring it back here.

After these dire threats, I really did not feel much like voting any further funds; but when I read the threat that if we did not grant the committee some more funds the chairman was going to "reveal all", I lost my courage. We do not want everything revealed, of course; but I am perfectly willing for the committee to have the other $7,500 just so long as they will stay within their proper jurisdiction, and come back from the cemeteries and the catacombs and get out in the light of day and investigate the truth. If they will do that, I shall not have objection to voting the $7,500.

The VICE PRESIDENT. The question is on agreeing to the resolution, as amended.

The resolution, as amended, was agreed to.

Mr. NYE. Mr. President, I appreciate the Senate's approval of the resolution furnishing the additional money which will permit the committee to round out its work and report to the Senate.

Before proceeding, I should like to ask a page to bring to me the clippings from which the Senator from Texas has been quoting, for I think those clippings will be clear evidence that the Senator from North Dakota—myself—has at no time threatened anything if the committee got its money or if the committee did not get its money.

I observe that the Senator has been quoting from the Washington Herald of January 20, 1936, an article under the heading:

Fight to the finish; NYE vows new war secrets; squabble for funds; President may get Senate argument for decision; by Don Ewing.

I follow down through the article, and I find myself quoted as saying:

The committee is especially anxious to learn why certain companies are permitted to supply potential enemies of the United States with the latest American military inventions and devices.

I find myself quoted again as saying:

It would be greatly to the financial advantage of certain powerful industrial interests to have this report buried, and the subject forgotten.

And I find myself in this article quoted again as saying:

There are some doubtless who feel, for sentimental reasons, that my personal comment on the official acts of two men constitute sufficient reason for putting a summary and premature end to the broad constructive work of the committee.

A vastly larger number may simply be eager to seize upon any weapon and resort to any subterfuge to kill legislation which threatens the bloody profits to be made from war.

That, so nearly as I can ascertain from the clipping from which the Senator has read, constitutes the extent of the occasion for the headline NYE Threatens to Reveal All.

I repeat, Mr. President, that I have not threatened, and, so far as I know, no other member of the Munitions Committee has threatened anything in the event the money was appropriated or in the event the money was not appropriated. Very clearly the Senator from Texas has sought today to put me in the light of one who falsified to the Senate. Had the Senator from Texas withheld his remarks until after the adoption of the resolution which has just been agreed to, he would have found me before the Senate offering my apologies for what was said on the floor one day and offering full and complete explanation of what was said.

I did say one day last week that it was my opinion that the Lansing diary in the Library of Congress had been made available to the committee by and with the consent of the trustees of the Lansing estate and the Library itself, and that if I found the facts to be different than I have stated, I would report to the Senate—my exact words were—before the end of the day.

I sought that afternoon to ascertain from a member of our staff who had sought this information precisely what the facts were. He was not available, and not until some days later were the full facts in connection therewith made available to me. I came to the Senate today prepared, after the adoption of the resolution appropriating the money to continue the investigation, to make a full and complete statement covering the entire matter. There has been at no moment any desire on my part or any intent on my part to deny the facts in connection therewith to the Senate.

On January 21, Mr. Dulles addressed a letter to me which the Senator from Texas has had read in the Senate this afternoon. I should have asked as much to be done. I should also have asked—which I shall do now—for consent to have read my answer to that letter, under date of January 23, in which, incidentally, it was acknowledged that my statement on the floor had not been correct. I send to the desk my answer of January 3 to Mr. Dulles' letter, which, incidentally, was made available to the public through the press as was Mr. Dulles' letter originally, and ask that it may be read.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

JANUARY 23, 1936.

ALLEN W. DULLES, Esq.,
48 Wall St., New York City.

DEAR SIR: I am in receipt of your letter of January 21, 1936. It appears that you hold that the showing of a certain small extract of the Lansing Diary to certain Senators was equivalent to making that part of the diary public. The extract in question deals with a very important piece of official business. It had nothing to do with the private affairs of the late Secretary. The showing of the extract to certain Senators was not equivalent to making the diary public. I specifically refrained from inserting into the public record the significant language of that extract.

In a letter of August 20, 1935, I informed you that "You will be interested to know that in the examination to date of the Lansing diaries no personal items of any sort were encountered. The diaries consist of notations of official meetings and comments on the course of foreign affairs. There were no family items whatsoever."

At that time I was under the impression that some of the diary was being copied and photostated, and assured you that such material would be considered by the committee very carefully before being entered into the public records. I was later informed that no official copies or photostats had been made, but was shown the notes made of certain sections. It was only when the extract in question became of material evidence in discussion that I asked that a typed copy of those notes be made and showed that to certain Senators. This is not equivalent to the official use of the material in the public record.

Speaking on the floor on January 18, in reply to a question, I stated, with qualifications, my memory that the subpena was not objectionable to the estate. I find now that there is nothing on record to this effect and will correct my statement by inserting this letter into the RECORD. What I had in mind was the committee's offer to have some representative of the estate sit with the committee's representative during the examination so that nothing personal pertaining to his family and other nonofficial matters would be examined. I had been informed by my staff that you had, by telephone, expressed the belief that that was unnecessary. Later I was told that the diary dealt entirely with official matters.

I am enclosing herewith a full typed copy of all the notes which, you will see, are covered for 1915 and 1916 in the war memoirs of Robert Lansing, and from 1917 on deal with the origins, character, and future of the League of Nations, and the terms of the Treaty of Versailles which the members of the American delegation to the peace conference helped negotiate, and other matters of foreign policy of great importance to the present discussion of neutrality.

Sincerely,

GERALD P. NYE, *Chairman.*

Mr. NYE. Mr. President, I think no record of this particular controversy would be complete without a portrayal of the committee's effort to gain access to information which was not of a private nature in any sense, a matter that did deal with large and ever larger public questions, facts which ought to be available to the public since they were written by a man in public life. I do not know why it should be possible, as it is, for a Senate committee to obtain the records of the files of any man alive, and yet be forced to feel that once a man dies, history which he has written, memoranda which he has recorded, die with him.

In contact with the member of our staff who had sought the information, which was locked up in the Library of Congress, I prevailed upon Mr. Lawrence Brown, the member of our staff referred to, to prepare a memorandum concerning the efforts which had been his with Mr. Dulles to gain access to this information. I beg the moment of the Senate which will be required to hear that memorandum. The heading is:

MEMORANDUM OF A CONVERSATION WITH JOHN FOSTER DULLES AT HIS OFFICE, SULLIVAN & CROMWELL, WALL STREET, NEW YORK, JUNE 13, 1935

I introduced myself and told him I wished to discuss the Lansing diary in the Library of Congress. I told him that I understood that the diary was sealed for a number of years yet, but that Mrs. Lansing (Mr. Dulles' aunt) had provided, in accordance with Mr. Lansing's express instructions, that Mr. Dulles and his brother, Allen W. Dulles, might at any time have access to it and make such use of any material as they chose.

He confirmed this, but stated emphatically that he thought the secrets of prominent men ought to be preserved, particularly their personal secrets.

I agreed, pointing out that the committee had no desire to break the seal on the diary and make it public, but that there were certain events during the period in which Mr. Lansing was Secretary of State on which the committee's information was inadequate, and that it had occurred to the committee that some light might be cast on these events by Mr. Lansing's diary. I pointed out further that even the personal memoirs of a Secretary of State, assuming for the moment that the Lansing diary was entirely personal, might contain a great deal of important and impersonal historical information. I suggested that for the moment we discuss not the question of making any of the diary public but first settle whether in his opinion the committee ought not to be permitted to see whether the diary contained any material relevant to its inquiry. If there were such information, we could then discuss with Mr. Dulles the propriety of making any of it public.

He agreed to consider the matter from this view.

I then asked him why he and his brother had the right of access.

He said this was because Mr. Lansing feared to lock the diary up altogether, thinking that at some time after his death but before the release of the diary important questions of fact of great public interest might arise and that it would be wise and in the public interest to be able to settle questions of this nature, or at least cast light on them, by permitting access to and some public use of the diary.

I asked him if he did not think the Munitions Committee's inquiry was not exactly the situation that Mr. Lansing had foreseen and made provision for.

He thought possibly, but was not sure.

I then pointed out that the committee had a large amount of material about the war and wartime munitions financing from the files of various banks; that this material pointed to certain conclusions, but might, in the last analysis, be somewhat one-sided, and that in fairness to everyone the committee should have access to all the important material available, so that neither it nor the public would draw conclusions from only part of the evidence.

I then suggested as a working arrangement that either he himself or someone he designated go over the diary with someone from the committee and determine whether in their joint judgment any of the diary should be made available formally to the committee.

He agreed to consider this and discuss it with his brother, who was returning from Europe in a few days. He agreed to get in touch with me shortly.

I heard nothing further from Mr. Dulles for a month, and then raised the question with him myself. He then declined absolutely to cooperate with the committee in any way.

In contrast it seems proper to point out that the committee has freely been given access to the personal papers of Benjamin Strong, Paul M. Warburg, Lelland L. Summers, B. M. Baruch, Colonel House, President Wilson, William B. Hale, Frank L. Polk,

Charles Altschul, George Blumenthal, Charles S. Hamlin. In no case has there been any objection to the committee's request or criticism of the papers taken or the use made of them.

This memorandum was signed by Lawrence Brown, of our staff.

I have read this to point out that Mr. Dulles himself at one time was strongly inclined to believe that he might be authorized to let the committee have access to this private diary. We could not get it in that manner. We subpenaed it from the Library. Now the committee is charged directly and indirectly with having betrayed a confidence.

What was that confidence? What was the assurance that we had given? That we would not publish it without consent. It has not been published. It is true that a violent temper and an unruly tongue broke loose here on the floor of the Senate some 10 days ago, and called for proof of some things that had been said on the previous day. After that unruly tongue and that temper had broken away from their moorings in the manner that they did, I felt called upon to lay before the Senate proof of what I had said. I think the proof was laid down here amply; and yet, to make doubly convincing the allegation that had been made, I felt at liberty, as a Member of the Senate who had access to information, to make that information available to other Members of the Senate; and the memoranda, being from the diary of Secretary Lansing, were passed to three or more Members of this body, including the Senator from Texas [Mr. CONNALLY]. The Senator from Texas had demanded proof, and now that he has received it, as he did on that day, he seems to be angry because it was proven.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. NYE. I yield to the Senator from Texas.

Mr. CONNALLY. The Senator is not angry about the proof. All the Senator has done is to quote the language of the Senator from North Dakota, giving the Senate not his opinion but his absolute statement that he got these papers with the consent of the Library and with the consent of the trustees; and the Senator from Texas simply called attention to the fact that the Senator from North Dakota got them neither with the consent of the Library nor with the consent of the trustees.

Mr. NYE. Mr. President, I have called attention to the fact that that information would have been available to the Senate without any prodding whatsoever on the part of the Senator from Texas.

In the light of the explanation afforded by Mr. Dulles, it seems to me the purpose of Mr. Lansing would have been well served by public use of extracts from his diary, which were laid confidentially before Members of the Senate last week. For the life of me I cannot understand why the entire diary should not be published. It does not deal with personal matters. It deals with public matters. It deals with history-making facts. Yet back into the Library goes that diary, sealed and locked up for 13 or 15 more years, during which time, under the seal of confidence, we are going to have to pursue courses blindly when we might pursue courses that were well and plainly laid out for us by reason of the experience of men in other days.

Why is it that there is such insistence upon secrecy for so many public documents? Why is it that Secretaries in Cabinets, at the expiration of their terms, will take endless reams from the official files and truck them away into their homes with them? The law says it shall not be done, but it is done. Why must we conceal facts when they mean so much to a people who are trying to prevent recurrence of a thing that has laid upon the doorsteps of millions of Americans such misery as has never heretofore been laid upon the doorsteps of Americans?

Woodrow Wilson himself would not tolerate that sort of secrecy. It was Wilson who said:

> If there is nothing to conceal, then why conceal it? Everybody knows that corruption thrives in secret places and avoids public places; and we believe it a fair presumption that secrecy means impropriety. So our honest politicians and our honorable corporation heads owe it to their reputations to bring their activities out into the open.

There are many records in existence today which would mean much to our history and to our law making in the future if they were made publicly available; but they are not available, and when we have made approach to win access to some such records during these last 18 months we have been put off for one reason or another by men in whose custody those records were.

The Lansing papers are very important from a historical standpoint, very important as revealing facts to which every American ought to have access. But I repeat, under that veil of secrecy and confidence, back into the secret recesses of the Library they go, to become available to a people wanting truth and facts only after another 10 or 15 years shall have passed.

I shall not speak longer on this subject this afternoon, but I probably shall on another occasion reveal how Lansing, himself, and others have resorted to that diary which is in the Library, and have builded on it memoirs of the war which are public today, and which only indicate in a small way what America might know if only all the truth could be laid before the people of America.

Here we were, in days approaching our entry into the World War, with our neutrality in the custody of a man who 2 years before we entered the war became Secretary of State, and yet who that early, 2 years before we entered the war, professed a prejudice and a belief, an assurance, it seemed to be, that sooner or later we were going to be in the war on the side of the Allies. Indeed, he felt we ought to be in it then.

But the people of America would never tolerate it at that time, and he said it would therefore be necessary to resort to a program of converting the American mind to the cause of the Allies, this man who had the faith and the confidence of the people of America as the custodian of an honest, sincere neutrality policy. Yet for 2 years that kind of man, believing as he did believe, was leading in our neutrality, keeping America out of the war.

Mr. BONE. Mr. President, will the Senator yield for a question?

Mr. NYE. I yield.

Mr. BONE. I have never examined the documents to which the Senator refers, because I was not present in the Senate when all the debate occurred to which the Senator has adverted, but I should like to ask the Senator from North Dakota now whether or not these papers prepared by Mr. Lansing dealt with his personal and private affairs or whether they dealt exclusively with public affairs?

Mr. NYE. Mr. President, not having seen the diary itself, I am unprepared to say. The notes which were copied from the diary by members of our staff who had access to it under the subpena related in no degree to any personal matter. They related wholly to public matters.

Mr. BONE. Let me ask the Senator another question, then, for the purposes of this record. Did those portions of the Lansing papers which have been under discussion in the Senate during my absence relate exclusively to public matters—matters which are of historic interest?

Mr. NYE. Wholly and exclusively.

Mr. BONE. Are we to assume that the public acts of a man are to be buried for 50 years and may not even be discussed when there is a possibility of this country going into another war and millions of our boys dying?

Mr. NYE. Evidently, I will say to the Senator from Washington, we are under obligations to turn our backs upon those facts.

Mr. BONE. I want to know whether the possibility of the destroying of hundreds and thousands of our boys in another war is not more important than keeping hidden from the public gaze certain public documents. I think it is important that we should know what our attitude is to be in a matter of this kind.

Mr. NYE. Mr. President, I fully join with the Senator from Washington in his point of view. Yet, under the confidence to which I have been sworn in connection with this Lansing diary, no man is ever going to have access to

knowledge which is mine by reason of my having been able to see excerpts taken from that diary.

I shall not take longer of the Senate's time this afternoon, but there is coming a day when I shall speak at great length upon the question of neutrality as it was practiced in other days, and as it was built around Robert Lansing and other officials of that hour.

In concluding this afternoon, I wish only to say that the Senate is led to believe that there is a frightful crime committed when a committee of the Senate creates a deficit and comes back to the Senate asking for additional funds to take up the deficit. It may be that it has been a long time, perhaps a few months, since another committee of the Senate has incurred a deficit. It may be there has not been a deficit of a committee since the Senator from Texas [Mr. CONNALLY] was chairman of a committee investigating campaign activities down in Louisiana, not since the day when the Senator from Texas came to the Senate and asked for an additional $5,000 to take up a deficit which his committee had created—how long ago was it—2 years or 3 years ago?

Mr. President, I wish once again to thank the Senate for its liberal consideration, which has made available the additional funds which the Munitions Committee expect will be ample to round out the study, the tremendous study, it has made, and in completing that study. I am prepared to say to the Senate that in all probability it will not be later than the 15th of March when the committee will have made additional reports and recommendations to the Senate based upon that study, and that study and the committee's reports and findings will, whether the Senator from Texas wants to believe it or not, be based upon facts, founded in fact, and will deal only with the truth as we have found it.

Mr. ROBINSON obtained the floor.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. CONNALLY. Mr. President, the Senator from Texas is not concerned so much with what is in the Lansing diaries; the Senator from Texas does not care whether they related to private matters, concerning his health and what he had for dinner, or whether they were the private notes he made about public affairs. The Senator from Texas is concerned about what statements are made on the Senate floor by Senators representing committees appointed by the Senate. He is interested in having some assurance that when they make statements the Senate can rely upon them.

The Senator from North Dakota seems to think that because he and his committee believe that secret matters, tied up by a dead man's will for a certain number of years, ought to be revealed, they have a right to reveal them. He says he is against secret and private things. Many people entertain views like that. The burglar who breaks into your house at night and steals your property does not believe in private property or private security. The thief who pilfers from your pocket on the train does not believe in your possessing that which is yours, and keeping it in your pocket if he wills otherwise. The jackal or the hyena which invades the cemetery and, in order to fatten his own body, digs up the dead does not believe in the sanctity of the cemetery or the sanctity of the tomb.

Mr. President, the Senator from Texas was not referring to the statement which the Senator from North Dakota made on the 18th; the Senator from Texas was referring to what he said on the 17th. There was no expression of opinion. There was no expression of belief. He made the unequivocal statement that these papers had been obtained with the consent of the Librarian of Congress and the trustees. This is what he said:

> We got them with the consent of the Library, after approval by the trustees of the Lansing estate.

They got the papers with a subpena. They got them with force. They got them with a threat of punishment if the Librarian did not obey the subpena. That is what the Senator from Texas is talking about.

The Senator from Texas does not care anything about what is in these private papers of Mr. Lansing. I understand the committee has copied them. I understand the Committee on Munitions has preserved copies of all the Lansing papers that it desires; has preserved copies of all the secret transactions of the State Department with foreign governments which the State Department required the committee to return to their files.

The committee has kept copies. No one knows what will become of those copies after the committee shall adjourn. No one knows what use will be made of them.

I cannot make any charge about what use will be made of the copies, because, of course, I do not know. But why does the committee desire to retain for its own use, public or private, papers or copies of papers which it obtained under a solemn promise that their contents would not be divulged? The Senator from North Dakota said in effect, "We promised not to divulge them, and we only divulged a little of them. We only divulged them to three or four Senators. We only referred to them in the public press, but did not divulge the text."

Mr. NYE. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON. I yield to the Senator from North Dakota. Then I shall ask that a Senate bill be taken up for consideration.

Mr. CONNALLY. I thought the Senator from Arkansas had yielded to me.

Mr. ROBINSON. I yielded to the Senator from Texas for the purpose of making a brief statement.

Mr. CONNALLY. I said I wanted 5 minutes. I do not think I have used 5 minutes. However, of course, the Senator from Arkansas has the right to take the floor, and I give it up.

Mr. ROBINSON. I desire to be courteous to all Senators.

Mr. CONNALLY. The Senator from Arkansas may decline to yield to me and yield to the Senator from North Dakota if he so desires.

Mr. ROBINSON. The Senator from Texas has no right to make that statement. If the Senator from Texas wishes to conclude his statement now, he may do so.

Mr. NYE. Mr. President, I withdraw my request that the Senator yield to me.

CORRECTION OF ERRORS IN PRIVATE ACT NO. 349

Mr. WALSH. Mr. President, I ask unanimous consent to have Senate Joint Resolution 196, Calendar No. 1533, taken up for immediate consideration.

For the information of the Senate, I will state that this joint resolution proposes to correct an error in a bill which was passed at the last session of Congress. It is necessary to have the error rectified in order that the Comptroller General may meet the obligations under the bill. The joint resolution is brought before the Senate with the recommendation of the Comptroller.

The VICE PRESIDENT. Is there objection to the immediate consideration of the joint resolution?

Mr. McNARY. Mr. President, I have conferred with the Senator from Massachusetts. I think the joint resolution comes within the class of emergency measures, and I have no objection to its immediate consideration.

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 196) to correct errors in the enrollment of Private Act No. 349, Seventy-fourth Congress, approved August 29, 1935, and to clarify the duties of the Comptroller General in connection with said act, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

> *Resolved, etc.*, That section 3 of Private Act Numbered 349, Seventy-fourth Congress, approved August 29, 1935, be, and the same is hereby, amended by striking out the numerals "10" wherever they appear therein and inserting in lieu thereof the numerals "20."
>
> SEC. 2. That the payments authorized in section 3 of the said act to be made to the "attorney or attorneys who performed services toward securing provision for the payment herein of the amounts so found" shall be made to Clarence W. DeKnight.

LOANS FOR CROP PRODUCTION

Mr. ROBINSON. I move that the Senate proceed to the consideration of Calendar No. 1527, being Senate bill 3612,

to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes.

I will state that it is not my intention to proceed with the consideration of the bill today, further than to have it made the unfinished business.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas that the Senate proceed to the consideration of the bill referred to by him.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes, which had been reported from the Committee on Agriculture and Forestry, with an amendment.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nominations of the following officers in the Diplomatic and Foreign Service:

H. Earle Russell, of Michigan, now a Foreign Service officer of class 3 and a consul general, to be also a secretary in the Diplomatic Service;

Cornelius Van H. Engert, of California, now a Foreign Service officer of class 3, to act as minister resident and consul general to Ethiopía; and

Henry S. Villard, of New York, now a Foreign Service officer of class 8 and a consul, to be also a secretary in the Diplomatic Service.

The VICE PRESIDENT. The reports will be placed on the calendar.

NATIONAL MEDIATION BOARD—JAMES W. CARMALT

Mr. WHEELER. From the Committee on Interstate Commerce I report back favorably the nomination of James W. Carmalt, of the District of Columbia, to be a member of the National Mediation Board for the term expiring February 1, 1939. This is a reappointment, and I ask unanimous consent that the nomination be considered at this time. I will state the reason for my request.

I have a letter from the chairman of the Mediation Board, as follows:

NATIONAL MEDIATION BOARD,
Washington, January 28, 1936.

Hon. BURTON K. WHEELER,
Chairman, Interstate Commerce Committee,
U. S. Senate.

MY DEAR SENATOR WHEELER: You have before your committee for consideration the President's reappointment of Mr. James W. Carmalt as a member of this Board.

Mr. Carmalt's term expires on January 31 and he is now in St. Louis handling a very important case, a threat of a strike on the Mobile & Ohio Railroad. Our understanding is that Mr. Carmalt will not be authorized to act for the Board or to incur any expenses after January 31 unless he has been confirmed by the Senate.

I am taking the liberty of calling this matter to your attention and urging that, if it is at all possible, the matter of Mr. Carmalt's confirmation be handled before February 1 so that he should not have to drop the Mobile & Ohio case before it is completed.

Sincerely yours,

WM. M. LEISSERSON, *Chairman.*

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

Mr. McNARY. Mr. President, may I ask the Senator from Montana if the committee has reported favorably on the nomination?

Mr. WHEELER. Yes; it has reported favorably. In addition to that it also reported favorably at the last session of Congress, and the Senate confirmed Mr. Carmalt for the short term.

Mr. McNARY. This involves a reappointment?

Mr. WHEELER. A reappointment.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none.

The question is, Will the Senate advise and consent to the nomination? Without objection, the nomination is confirmed.

Mr. WHEELER. I ask unanimous consent that the President be notified of the confirmation of this nomination.

The VICE PRESIDENT. Without objection, it is so ordered.

GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. FLETCHER. From the Committee on Banking and Currency, I report back favorably the following nominations:

Ralph W. Morrison, of Texas, to be a member of the Board of Governors of the Federal Reserve System for a term of 2 years from February 1, 1936, vice J. J. Thomas;

Marriner S. Eccles, of Utah, to be a member of the Board of Governors of the Federal Reserve System for a term of 4 years from February 1, 1936 (reappointment);

Ronald Ransom, of Georgia, to be a member of the Board of Governors of the Federal Reserve System for a term of 6 years from February 1, 1936, vice George R. James;

John McKee, of Ohio, to be a member of the Board of Governors of the Federal Reserve System for a term of 10 years from February 1, 1936, vice Charles S. Hamlin;

M. S. Szymczak, of Illinois, to be a member of the Board of Governors of the Federal Reserve System for a term of 12 years from February 1, 1936 (reappointment); and

Joseph A. Broderick, of New York, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1936, vice Adolph C. Miller.

I ask unanimous consent that these nominations be considered now, because the terms of service of the present Board expire on the 1st of February.

The VICE PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. McNARY. Mr. President, in the practice we have usually followed here, nominations of this character go over for a day. The Senator from Florida discussed this particular matter with me and told me the emergency situation which exists. I have conferred with most of the members of the committee on the Republican side. I understand the Committee on Banking and Currency, to whom these nominations were referred, has reported them favorably.

Mr. FLETCHER. Yes.

Mr. McNARY. If the committee is favorable to the confirmation of the nominations—and I believe it is—the Members on this side, under the circumstances, will make no objection.

The VICE PRESIDENT. Without objection, the nominations are confirmed.

Mr. FLETCHER. I ask unanimous consent that the President be notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified.

If there are no further reports of committees, the clerk will state the first nomination in order on the calendar.

POSTMASTERS IN MINNESOTA

The legislative clerk proceeded to read sundry nominations of postmasters in Minnesota.

Mr. McKELLAR. I have no objection to the nominations of postmasters in Minnesota being confirmed. I ask that they be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed.

THE JUDICIARY

The legislative clerk read the nomination of T. Whitfield Davidson to be United States district judge, northern district of Texas.

Mr. CONNALLY. Mr. President, I ask that the nomination be confirmed.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John J. Quinn to be United States attorney, district of New Jersey.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

PRISONS INDUSTRIES REORGANIZATION BOARD

The legislative clerk read the nominations of Gustav Peck, of New York, and James P. Davis, of New York, to be members of the Prisons Industries Reorganization Board.

Mr. COPELAND. Mr. President, may I ask about the two appointments to the Prisons Industries Reorganization Board? I notice that both of them are from New York. Does any Senator present know whether these are reappointments?

The VICE PRESIDENT. The Chair cannot advise the Senator.

Mr. COPELAND. Without any prejudice to the Senators involved, I ask that the nominations go over.

The VICE PRESIDENT. The nominations will be passed over.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. Mr. President, I ask that the nominations of postmasters be confirmed en bloc except the nomination of Eugene C. Jones, of North, S. C., and that that nomination be passed over.

The VICE PRESIDENT. Is there objection? The Chair hears none. All nominations of postmasters with the exception specified by the Senator from Tennessee are confirmed, and the exception will be passed over.

WAR DEPARTMENT—NATIONAL GUARD BUREAU

The legislative clerk read the nomination of Albert Hazen Blanding to be chief of the National Guard Bureau of the War Department, with the rank of major general.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. FLETCHER. Mr. President, I ask that the President be notified of the confirmation of the nomination.

The VICE PRESIDENT. Without objection, the President will be notified.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the nominations in the Army be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations for promotions in the Navy.

Mr. WALSH. For the Committee on Naval Affairs I ask that nominations for promotions in the Navy be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc. That concludes the calendar.

The Senate resumed legislative session.

MEMORIAL TO EARLY SETTLERS IN THE DISTRICT OF COLUMBIA

Mr. BARKLEY. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1537, being the joint resolution (H. J. Res. 307) authorizing the erection of a memorial to the early settlers whose land grants embrace the site of the Federal City. As the title indicates, the joint resolution merely proposes to grant consent for the erection of a monument or memorial in the District of Columbia. It is desired that the authority be given so that appropriate ceremonies may be held.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H. J. Res. 307) authorizing the erection of a memorial to the early settlers whose land grants embrace the site of the Federal City was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant permission for the erection on public grounds of the United States in the city of Washington, other than those of the Capitol, the Library of Congress, and the White House, of a memorial of simple and artistic form and design to those early settlers whose land grants embrace the site of the Federal City, by the National Society of the Daughters of the American Colonists, a corporation, one of whose objects is the erection of memorials to commemorate historic persons, sites, or events of the colonial period of this country in the several States and the District of Columbia: *Provided*, That the site chosen and the design of the memorial shall have the approval of the National Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial.

REGULATION OF SMALL LOANS IN DISTRICT OF COLUMBIA

Mr. McNARY. Mr. President, upon the last call of the calendar the bill (S. 1162) to regulate the business of making small loans in the District of Columbia, and to amend an act to regulate the business of loaning money, and so forth, approved February 4, 1913, was passed without objection. Since the passage of this bill I have been advised by the former secretary of the late Senator Schall that during his lifetime he opposed the passage of the particular bill.

I desire to ask unanimous consent that the vote by which the bill was passed may be reconsidered. In the absence of the Senator from Utah [Mr. KING], who had the bill in charge, I shall postpone the request, but I give notice that when the Senate convenes on Monday next I shall submit the request.

Mr. ROBINSON. Mr. President, is the Senator advised as to whether the papers have passed out of the possession of the Senate?

Mr. McNARY. Yes; but first I desire to obtain unanimous consent for reconsideration of the vote by which the bill was passed, and then I shall ask unanimous consent for the return of the papers.

Mr. ROBINSON. Very well.

COMMITTEE REPORTS DURING SENATE RECESS

Mr. ROBINSON. Mr. President, inviting the attention of the Senator from Oregon [Mr. McNARY], I ask unanimous consent that during the recess of the Senate, committees of the Senate may report and may file their reports with the Secretary of the Senate.

Mr. McNARY. Mr. President, I consented to such an arrangement a few days ago under rather peculiar conditions, but the vice of the situation is that when we have no unfinished business and a report is made during a recess of the Senate, a particular bill may be called up at the next session of the Senate, and sufficient time is not given to Members to study the report of the committee. Ordinarily under the rule, such reports go over for a day, which gives Senators a better opportunity for studying them. With that statement I think the Senator should not urge the request.

Mr. ROBINSON. With the indulgence of the Senator from Oregon may I make a further statement about the matter?

Mr. McNARY. Certainly.

Mr. ROBINSON. The Appropriations Committee is about ready to submit a report on a general appropriation bill. I should not like to have the filing of its report deferred until Monday.

Mr. McNARY. If the request is limited to appropriation bills and legislative bills are not included, I shall make no objection.

Mr. ROBINSON. Very well. I ask that the Appropriations Committee may have leave to file with the Secretary of the Senate during the recess of the Senate such reports as it may desire to make.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

RECESS TO MONDAY

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon Monday next.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until Monday, February 3, 1936, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 30 (legislative day of Jan. 16), 1936

DIPLOMATIC AND FOREIGN SERVICE

Charles S. Reed, 2d, of Ohio, now a Foreign Service officer of class 8 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

APPOINTMENTS IN THE REGULAR ARMY

TO BE MAJOR GENERALS

Brig. Gen. Henry Wolf Butner, United States Army, from February 1, 1936, vice Maj. Gen. Robert E. Callan, United States Army, to be retired January 31, 1936.

Brig. Gen. Stanley Hamer Ford, United States Army, from March 1, 1936, vice Maj. Gen. Halstead Dorey, United States Army, to be retired February 29, 1936.

Brig. Gen. Stanley Dunbar Embick, United States Army, from May 1, 1936, vice Maj. Gen. Dennis E. Nolan, United States Army, to be retired April 30, 1936.

Brig. Gen. Herbert Jay Brees, United States Army, from June 1, 1936, vice Maj. Gen. Paul B. Malone, United States Army, to be retired May 31, 1936.

TO BE CHIEF OF COAST ARTILLERY, WITH THE RANK OF MAJOR GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE, WITH RANK FROM APRIL 1, 1936

Col. Archibald Henry Sunderland, Coast Artillery Corps, vice Maj. Gen. Harry L. Steele, Chief of Coast Artillery, to be retired March 31, 1936.

TO BE QUARTERMASTER GENERAL, WITH THE RANK OF MAJOR GENERAL, FOR A PERIOD OF 4 YEARS FROM THE DATE OF ACCEPTANCE, WITH RANK FROM APRIL 1, 1936

Brig. Gen. Henry Gibbins, Assistant to the Quartermaster General, vice Maj. Gen. Louis H. Bash, Quartermaster General, to be retired March 31, 1936.

TO BE CHIEF OF FINANCE, WITH THE RANK OF MAJOR GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE, WITH RANK FROM APRIL 23, 1936

Col. Frederick Wegener Boschen, Finance Department, vice Maj. Gen. Frederick W. Coleman, Chief of Finance, whose term of office expires April 22, 1936.

TO BE BRIGADIER GENERALS

Col. Daniel Van Voorhis, Cavalry, vice Brig. Gen. Henry W. Butner, United States Army, nominated for appointment as major general.

Col. Walter Schuyler Grant, Cavalry, vice Brig. Gen. Stanley H. Ford, United States Army, nominated for appointment as major general.

Col. Ben Lear, Cavalry, vice Brig. Gen. Stanley D. Embick, United States Army, nominated for appointment as major general.

Col. George Redfield Spalding, Corps of Engineers, vice Brig. Gen. Herbert J. Brees, United States Army, nominated for appointment as major general.

TO BE ASSISTANT TO THE QUARTERMASTER GENERAL, WITH THE RANK OF BRIGADIER GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE

Col. Augustus Bennett Warfield, Quartermaster Corps, vice Brig. Gen. Henry Gibbins, assistant to the Quartermaster General, nominated for appointment as Quartermaster General.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

To be Major General, National Guard of the United States

Maj. Gen. Dudley Jackson Hard, Ohio National Guard.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 30 (legislative day of Jan. 16), 1936

NATIONAL BOARD OF MEDIATION

James W. Carmalt, to be a member of the National Mediation Board.

FEDERAL RESERVE SYSTEM

MEMBER OF THE BOARD OF GOVERNORS

Ralph W. Morrison to be a member of the Board of Governors of the Federal Reserve System.

Marriner S. Eccles to be a member of the Board of Governors of the Federal Reserve System.

Ronald Ransom, to be a member of the Board of Governors of the Federal Reserve System.

John McKee, to be a member of the Board of Governors of the Federal Reserve System.

M. S. Szymczak, to be a member of the Board of Governors of the Federal Reserve System.

Joseph A. Broderick, to be a member of the Board of Governors of the Federal Reserve System.

UNITED STATES DISTRICT JUDGE

T. Whitfield Davidson to be United States district judge, northern district of Texas.

UNITED STATES ATTORNEY

John J. Quinn to be United States attorney, district of New Jersey.

CHIEF OF THE NATIONAL GUARD BUREAU

Albert Hazen Blanding to be Chief of the National Guard Bureau of the War Department, with the rank of major general.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Lt. Col. Russell Brown Patterson to Adjutant General's Department.

Maj. Harry Russell Evans to Quartermaster Corps.

Second Lt. William Jack Holzapfel, Jr., to Corps of Engineers.

Second Lt. Nathaniel Macon Martin to Corps of Engineers.

Capt. Robert Kelsey Haskell to Ordnance Department.

Second Lt. Marshall Bonner to Air Corps.

PROMOTIONS IN THE REGULAR ARMY

Louis Felix Williams to be first lieutenant, Medical Administrative Corps.

Frank Randle Day to be first lieutenant, Medical Administrative Corps.

PROMOTIONS IN THE NAVY

TO BE REAR ADMIRALS

George J. Meyers
Edward J. Marquart
Gilbert J. Rowcliff

TO BE CAPTAINS

Richard B. Coffman	Oscar Smith
Richmond K. Turner	Herbert A. Jones
Alexander M. Charlton	Henry T. Markland
Henry F. D. Davis	Abel T. Bidwell

TO BE COMMANDERS

Robert A. Dyer, 3d	Edward E. Hazlett, Jr.
Paul W. Fletcher	Scott Umsted
James E. Boak	Powell M. Rhea
Francis K. O'Brien	Hubert E. Paddock
Karl R. Shears	Theodore E. Chandler
Robert C. Starkey	William S. Popham
Robert P. Luker	Walter W. Webster
Oliver O. Kessing	Garland Fulton
John H. Brown, Jr.	Samuel J. Zeigler, Jr.
Ralph G. Pennoyer	Ernest M. Pace, Jr.
Arthur C. Davis	Donald Royce
Arthur D. Struble	William Nelson
Louis R. Moore	Frederick W. Pennoyer, Jr.

TO BE LIEUTENANT COMMANDERS

William H. Galbraith
Robert Bolton, Jr.
Herbert G. Hopwood
Frederick W. McMahon
Carroll L. Tyler
Harold C. Fitz
Paul R. Heineman
Drayton Harrison
Maurice E. Curts
Jennings B. Dow
Samuel H. Arthur, an additional number in grade
Paul W. Steinhagen
Maurice E. Hatch
Forrest M. O'Leary
Charles B. McVay, 3d
Charles F. Grisham
William L. Peterson
Harry F. Carlson
James E. Dyer
Steven W. Callaway
William M. McDade
James J. McGlynn
Russell C. Bartman
Clarence V. Lee
Mead S. Pearson
Clarence F. Swanson
James B. Donnelly
Robert Holmes Smith
Thomas B. Brittain
John E. Whelchel
Winfield S. Cunningham
Oscar A. Weller
Roy W. M. Graham
William G. Tomlinson
Maurice E. Browder
Martin J. Gillan, Jr.
Edmond P. Speight
Charles D. Edmunds
Willard M. Downes
Elmer S. Stoker
Neill D. Brantly
Thomas J. Bay
Albert McI. Wright
William B. Goggins
Earl LeR. Sackett
Felix L. Johnson
Marcy M. Dupre, Jr.
Marion E. Crist
Benton W. Decker
Warner W. Angerer
Edward E. Pare
Richard S. Morse
Robert D. Threshie
John Perry
Felix L. Baker
Oberlin C. Laird
Thomas S. Combs
Leo B. Schulten
Lewis Corman
Hugh E. Haven
Robert E. Melling
Robert E. Robinson, Jr.
Delmar S. Fahrney
John B. Longstaff
Henry R. Oster
Lawrence B. Richardson
James R. Allen
Charles A. Nicholson, 2d
Ralph S. Barnaby
Raymond D. MacCart
Walter S. Diehl
Lucien M. Grant
George V. Whittle
Roland G. Mayer
Cornelius V. S. Knox
Karl Schmidt
Lloyd Harrison
Lisle J. Maxson
Calvin M. Bolster

TO BE LIEUTENANTS

Willis A. Lent
Thomas C. Thomas
Franklin W. Slaven
Terrence R. Cowie
James M. Miller
George E. Fee
Douglas E. Smith
Francis R. Stolz
Charles A. Bond
Richard W. Reither
Jesse C. Sowell
Herbert P. Rice
Edward L. Schleif
William O. Gallery
Thomas Burrowes
Donald C. Varian
Carleton C. Hoffner
Lee F. Sugnet
Charles S. Weeks
Kenneth C. Hurd
William L. Wright
Warren W. Johnson
Rex S. Caldwell
William L. Turney
James H. Carrington
Malcolm D. Sylvester
Albert E. Jarrell
Howard T. Orville
Oliver F. Naquin
James D. Taylor, 3d
William L. Benson
Waldeman N. Christensen
Hunter Wood, Jr.
Roland B. Vanasse
William R. Headden
Barton E. Bacon, Jr.
Watson T. Singer
Paul C. Crosley
Edward L. Beck
George A. Leahey, Jr.
Raymond R. Lyons
William A. New
William H. Truesdell
Richard Davis, Jr.
William H. Standley, Jr.
Frank P. Tibbitts
Fremont B. Eggers
John S. Chitwood
Fred R. Stickney
Harold H. Pickens
Reuben T. Thornton, Jr.
Walter S. Mayer, Jr.
Julian B. Jordan
Warren P. Mowatt
James O. Banks, Jr.
Carter A. Printup
George F. O'Keefe
Herman E. Schieke
Cecil L. Blackwell
Theodore Wolcott
Carroll D. Reynolds
Aubrey B. Leggett
Bennett W. Wright
Samuel D. Simpson
William G. Beecher, Jr.
Walter B. Davidson
Tillett S. Daniel
Joseph M. Carson
Reginald C. Johnson
Austin C. Behan
Harold F. Dearth
William S. Howard, Jr.
Hamilton L. Stone
John B. Brown
Joseph H. Nevins, Jr.
Thomas C. Parker
Harry B. Heneberger
Max H. Bailey
Clarence E. Gregerson
Elijah W. Irish
Burton L. Doggett
Harrell W. Hall
Joseph W. Adams, Jr.
Hugh J. Martin
Harold B. Edgar
Neville L. McDowell
Edward F. Gallagher
Joseph M. Worthington
Edward N. Parker
Stanley P. Moseley
Edward K. Walker
Robert E. Cronin
Cecil B. Gill
Eugene E. Paro
Bruce D. Kelley
Carlyle L. Helber
Nicholas A. Draim
Alden R. Sanborn
John B. Pearson, Jr.
Robert S. Hatcher
Edward W. Clexton
Franklin D. Karns, Jr.
Morton C. Mumma, Jr.
Anthony L. Rorschach
Chester C. Smith
George C. Wright
David M. Tyree
Jackson S. Champlin
Clarence C. Ray
Clarence E. Haugen
Wilfred B. Goulett
Lewis S. Parks
Harman B. Bell, Jr.
Harold C. Pound
Roger B. Nickerson
Merle Van Metre
Cameron Briggs
William L. Messmer
Clement R. Criddle
William J. O'Brien
Frederick N. Kivette

TO BE LIEUTENANTS (JUNIOR GRADE)

Edwin W. Hurst
Charles M. Keyes
Chauncey S. Willard
William E. Townsend
Gordon W. Underwood
Anthony H. Dropp
Paul H. Harrington
Richard V. Gregory
Alfred L. Cope
Charles J. Odend'hal, Jr.
William T. Zink, Jr.
Richard H. Blair
William A. Thorn
William Outerson
John D. Andrew
William E. Kenna
George P. Rogers
Frank D. Latta
Charles S. Hutchings
Daniel C. Goodman
Lawrence W. Smythe
Charles K. Mallory, Jr.
Francis E. Nuessle
George M. Ottinger
Frederick Wolsieffer
John P. Lunger
Brooks J. Harral
Edmond G. Konrad
Martin M. Koivisto
George L. Hutchinson
John A. Moore
John J. McCormick
Fred Connaway
James A. Flenniken
George S. James, Jr.
Everett L. Phares
Joseph F. Witherow, Jr.
John D. Lamade
David H. McDonald
Louis W. Mang
William J. Catlett, Jr.
Robert E. Goodgame, Jr.
Lloyd H. McAlpine
William J. Widhelm
Clifford A. Johnson
John O. Speer
Lloyd W. Parrish
Jack A. Binns
John D. Shea
Charles E. Perkins
Harry E. Townsend
Charles H. Everett, Jr.
Philip D. Quirk
Samuel A. McCornock

TO BE ENSIGNS

John F. Mooney, Jr.
Henry H. Strozier
Kerfoot B. Smith
Francis R. Drake
Seth S. Searcy, Jr.
William B. Porter
Clarence M. White, Jr.
Ned J. Wentz
Russell Kefauver
James L. Jordan
Charles H. Keyser
Philip K. Sherman, Jr.
William C. P. Bellinger, Jr.
Carl G. Drescher
Glenn L. Dunagan
Earnest G. Campbell

TO BE MEDICAL DIRECTORS

John M. Brister
Clyde B. Camerer
Joseph J. A. McMullin

TO BE MEDICAL INSPECTORS

Brython P. Davis
Percy W. Dreifus
Albin L. Lindall
William T. Lineberry

Benjamin F. Norwood
Eben E. Smith
Edwin D. McMorries
Walter J. Pennell
Guy B. McArthur
John G. Powell
Raymond B. Storch
Otto W. Grisier
George D. Thompson
Claude R. Riney
Robert E. S. Kelley
Lewis G. Jordan

TO BE DENTAL SURGEONS

Clark E. Morrow
Harold A. Daniels

TO BE ASSISTANT DENTAL SURGEONS

Wilbur N. Van Zile
Stanley W. Smith
Alfred F. White
Joseph W. Campbell
James L. Townsend
James J. Dempsey
Joseph L. Parker

TO BE PAY DIRECTOR

Duette W. Rose

TO BE PASSED ASSISTANT PAYMASTERS

John K. Lynch
George W. Bauernschmidt
Austin S. Keeth
Walter E. Gist
Malcolm W. Pemberton
Ralph J. Arnold
John J. Jecklin
Julian J. Levasseur
Joseph E. Wolowsky
James B. Ricketts
Francis M. Hook
James J. Cunningham
James R. Hanna

TO BE ASSISTANT PAYMASTERS

Charles J. Naumilket
Yates Stirling, 3d
William A. Gerth
Walter E. Fratzke
John C. Bernet
William L. Knickerbocker
Byron C. Gwinn
Donald S. Gordon
Walter N. Gray
Allan McL. Gray
Milton C. Dickinson
Albert P. Kohlhas, Jr.
Jack Agnew
Lee DeV. Boyle
Hiram W. Spence
Carlos M. Charneco
Albert Konigsberg
Hugh C. Haynsworth, Jr.
George W. Foott, Jr.
Jesse S. McAfee
Charles R. Almgren
Carl A. Lizberg
John F. Castree
Bryant A. Chandler
John W. Crumpacker
John F. Just
Robert M. Bowstrom
Sidney A. Ernst
Hugh L. Hendrick, Jr.
George C. Hunter
Thomas J. Montgomery
Ralph M. Humes
John C. DeWitt, Jr.
Lawrence Smith
Carl F. Faires, Jr.
J. Harry Hayes
Frederick O. Vaughan

TO BE CHAPLAIN

Thomas F. Regan

TO BE NAVAL CONSTRUCTORS

Alva B. Court
Lew M. Atkins
Philip G. Lauman
Ralph T. Hanson

TO BE CHIEF ELECTRICIANS

William J. McPhee
Elwood L. Knaus

TO BE CHIEF RADIO ELECTRICIAN

Clifton Evans, Jr.

TO BE CHIEF MACHINISTS

Daniel Osburg
Edward H. Brady
Clarence L. Price

TO BE CHIEF CARPENTER

Joseph T. Zumsteg

TO BE CHIEF PAY CLERKS

Ollie Z. Whitt
Inman F. Elliott

POSTMASTERS

ALABAMA

Albert H. Thompson, Rockford.

CALIFORNIA

Walter L. Haley, Associated.
Percy W. Helena, Los Altos.
John H. Canning, Oxnard.

FLORIDA

Avie L. Hansford, Altha.
Douglass G. Perry, Avon Park.
James A. Chadwick, Gainesville.
John F. Yearty, Gulf Hammock.
Chauncey Smith Daniel, Tavares.

HAWAII

Arthur W. Carlson, Lanai City.
Virginia S. Mathias, Waiakoa.

IOWA

Kenneth F. Baldridge, Bloomfield.
Wilford S. Smiley, Grinnell.
Nelle Cullen, Sioux Rapids.

MINNESOTA

Lloyd A. Ahles, Albany.
Lindley B. Hanna, Austin.
Edward E. Vig, Belgrade.
Alfred Erickson, Bronson.
Arthur Elmer Imsdahl, Brooten.
Bertha H. Anderson, Byron.
Lucy M. Berczyk, Clarissa.
Olger B. Weibye, Eagle Bend.
Herman Ten Cate, Edgerton.
Virgia Poole, Effie.
Norman O. Nelson, Fertile.
Herman Frajola, Gilbert.
Sam Bogen, Hendricks.
LeRoy S. Burnett, Hewitt.
Oscar A. Olson, Keewatin.
Catherine G. T. Lydon, Kellogg.
Herman H. Krenzke, Lewiston.
Charles Mechura, Lonsdale.
Jacob Egerman, Melrose.
John R. Coan, Minneapolis.
Russell C. Mills, Montevideo.
Rudolph S. Viitala, Mountain Iron.
John C. Christensen, Ruthton.
Philip A. Weis, Sartell.
William R. Kleven, Sebeka.
George W. Phares, Sturgeon Lake.
Alvi Hanord Auenson, Ulen.
Elmer E. Swenson, Warren.
Burt Mason, Warroad.
Josephine D. Smith, Wayzata.

MISSOURI

Emmett H. Bond, Osceola.

OKLAHOMA

James R. Hankla, Geary.
Tip J. Hammons, Hammon.
James M. Crabtree, Weatherford.

PUERTO RICO

Juan D. Rivera, Coamo.

SOUTH CAROLINA

Robert W. Evans, Cameron.
George Allard Douglass, Whitmire.

SOUTH DAKOTA

Grace M. McGillivray, Garden City.
George Kremer, Lesterville.

WEST VIRGINIA

James A. Rowan, Kingston.
Hugh V. Burt, Mannington.

WYOMING

Alvah J. Macy, Moorcroft.
Mayme A. Jackson, Osage.

HOUSE OF REPRESENTATIVES

THURSDAY, JANUARY 30, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Ever blessed Lord God, our Heavenly Father, we praise Thee for the abiding realities which are shown forth in Thy loving and ever-living providence; we therefore trust Thy perfect government and Thy glorious purpose. We ask Thee to manifest Thyself today by blessing us with grace and self-possession. These will sustain us in the severest trials and hold us from being swayed by vain and inordinate desire. We pray Thee to make us wise in our conceptions, firm in our convictions; grant that the purest instincts of our being may find full fruition in obedience to Thy holy laws. As we journey on through life's rugged way, may we glorify Thee in a faithful service to our fellow men. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On January 21, 1936:

H. R. 1550. An act for the relief of Douglas B. Espy; and

H. R. 4799. An act to provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the Navy and Marine Corps for personal property lost, damaged, or destroyed as a result of the earthquake which occurred at Managua, Nicaragua, on March 31, 1931.

On January 24, 1936:

H. R. 1299. An act giving jurisdiction to the Court of Claims to hear and determine the claim of the Cherokee Fuel Co.; and

H. R. 4436. An act conferring jurisdiction upon the United States District Court for the Western District of Washington to hear, determine, and render judgment upon the claims of Alta Melvin and Tommy Melvin.

On January 27, 1936:

H. R. 6137. An act for the relief of the Otto Misch Co.

COMMITTEE ON MILITARY AFFAIRS

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may have permission to sit during the session of the House this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CARPENTER. Mr. Speaker, I ask unanimous consent to address the House for 6 minutes.

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, permit me to say that during the last 3 days I have yielded time to 30 Members on this side of the House, who have made speeches; and about as many Members on the other side have made speeches. Besides that, 38 other Members obtained permission to extend their remarks in the RECORD. A hundred Members have got speeches in the RECORD during the last 3 days, and out of them all only two men even briefly referred to the bill that is before the House. If we are to conclude the Interior Department bill this week we have got to commence on it now, and even then we may have to sit on Saturday. I am in hopes we may adjourn over Saturday, but we absolutely must commence reading this bill if we are to pass it this week. The Treasury and Post Office appropriation bill is ready to be taken up next Monday. This is not the last opportunity there will be to make speeches. There will be ample time for additional general debate next week, and the additional Members now desiring to speak can then be accommodated. I feel I must object to any further requests to address the House today, and confine discussion to the bill itself, and thereafter consider the bill under the 5-minute rule.

Mr. CARPENTER. I merely ask the gentleman to withhold his objection for 6 minutes.

Mr. TAYLOR of Colorado. Four or five other Members will insist upon addressing the House this morning if I make an exception in the gentleman's case.

Mr. DUNN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. I yield.

Mr. DUNN of Mississippi. The gentleman has no objection, of course, to Members asking permission to revise and extend their remarks?

Mr. TAYLOR of Colorado. Not at all; I have no objection to that; but when it comes to taking up more time on general debate after we have had 100 speeches in the last 3 days, I feel that the limit has been reached and that we should confine our discussion to this Interior Department appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

Mr. TAYLOR of Colorado. Mr. Speaker, I object.

GREAT DEMAND AND NEED FOR EXTENSION OF TITLE I, FEDERAL HOUSING ACT, ONE OF MOST SUCCESSFUL RECOVERY MEASURES

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. HOUSTON. Mr. Speaker, under the terms of the National Housing Act of June 1934, that portion of the statute known as title I expires on April 1, 1936. That is, that part of the act which authorizes the issuance of insurance for loans made for modernization purposes will cease on and after that date.

The act as originally passed placed the limitation of the life of this provision on January 1 of this year, and the amendment of May 28, 1935, extended the time to April 1, 1936.

By the terms of section 2 of the act the Administrator is authorized and empowered upon such terms and conditions as he may prescribe, to insure banks, trust companies, personal finance companies, mortgage companies, building and loan associations, installment lending companies, and other such financial institutions, which are approved by him as eligible for credit insurance, against losses which they may sustain as a result of loans, advances, and purchase of obligations representing loans and advances of credit, made by them subsequent to the date of enactment of this act and prior to April 1, 1936, or such earlier date as the President may fix by proclamation, for the purpose of financing alterations, repairs, and improvements upon real property, and the purchase and installation of equipment and machinery on real property.

It was further provided that in no case shall insurance granted by the Administrator under this section to any such financial institution exceed 20 percent of the total amount of the loans, advances of credit, and purchases made by such financial institutions for such purposes; and the total liability incurred by the Administrator for such insurance shall in no case exceed in the aggregate $200,000,000.

When the act was amended it was further provided that no insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, first, unless the obligation bears such interest, has such maturity, and contains such other terms, conditions, and restrictions as the Administrator shall prescribe; and, second, unless the amount of such loan, advance of credit, or purchase is not in excess of $2,000, except that in the case of any such loan, advance of credit, or purchase made for the purpose of such financing with respect to real property improved by or to be converted into apartment or multiple

family houses, hotels, office, business, or other commercial buildings, hospitals, orphanages, colleges, schools, or manufacturing or industrial plants, such insurance may be granted if the amount of the loan, advance of credit, or purchase is not in excess of $50,000.

Under the authorization and empowerment of the act the Administrator has set up certain rules and regulations governing the issuance of insurance of notes held by financial institutions representing loans they have made for modernization purposes. In August of 1934, immediately after the plan had been placed in effect, the total of the insured notes amounted to a little more than a quarter of a million dollars—$251,595, to be exact. In September of that year the total increased by more than $3,000,000, reaching the sum of $3,274,425. During the next month—October—this was nearly tripled. In the spring of last year there began a very pronounced increase in the volume of insured notes, showing the extent to which advantage was taken of this measure for home improvement and modernization, and for the equipment of commercial buildings and industrial plants, as its provisions became known.

In April of last year it had reached more than $11,000,000, and it jumped more than $3,000,000 to $14,415,746 in May. Since then its increase has been marked and steady, the peak being more than $31,000,000 in November of last year, and there was an average in excess of $29,000,000 for the last 4 months of 1935, until the total to and including January 4, 1936, was $257,371,682, or more than a quarter of a billion dollars. More than $225,000,000 of this amount represented the volume of business insured during the year 1935 under the provisions of title I of the National Housing Act. This is exclusive of a sum, slightly larger, representing the insurance of loans under title II, so that the aggregate of the insured business of the Federal Housing Administration to January 4, 1936, is in excess of $517,000,000.

As of December 31, 1935, in Kansas, there were 4,309 modernization and repair notes insured under title I. Under title II, as of December 31, 1935, there were 2,293 Kansas mortgages selected for appraisal, with fees paid, in the amount of $5,783,907. The 4,309 modernization and repair notes insured under title I in my State amounted to $1,312,187.

There is no time limitation upon the provisions of title II, which covers the insurance of mortgage loans upon real property, but there is a limitation of $2,000,000,000 in amount. This does not include the limitation of $200,000,000 of liability on modernization insurance under title I. Thus, under the provisions of the law as it now stands, with slightly more than a quarter of a billion of dollars of insured modernization notes, the total amount of Government liability is only a little more than $50,000,000, whereas the law fixes the limitation at two hundred million. Losses on insured loans have been negligible, only about thirteen one-hundredths of 1 percent, as a matter of fact, of the amount of the insured loans. You can readily see that the Government has been called upon for practically nothing under this liability. Mr. Speaker, this bespeaks the care and discretion with which these loans made by private financial institutions are insured. It has been the means of giving confidence to lending institutions that these loans, which are, in fact, character loans, would be secure and that their money advanced for the modernization and repair and improvement would be repaid.

The result is reflected in the manner in which this business has grown during the past 6 months as the knowledge of the advantages of the Federal Housing Administration's program has been disseminated among the people. It may be said to be fairly hitting its stride which, there is every reason to believe, will be maintained during the coming months of the spring season. The amount of needed modernization, repairs, and improvements to the homes of American citizens to bring them up to what we term American standards, runs into many billions of dollars, according to a survey made a little more than a year ago. A part of this is being done without insurance, under the stimulus given to such undertakings by the activities of the Federal Housing Administration.

In more than 8,000 communities throughout the United States volunteer better-housing committees have been established through the aid and with the cooperation of the Federal Housing Administration, and these committees have acted to instill into the minds of home owners the necessity and desirability of home modernization and improvement. The amount has far exceeded a billion of dollars in work done and contracted for. This means that this vast sum of money has been placed in the channels of trade and industry for durable goods and the re-employment of tens of thousands of workers in the building and allied trades industries. It means that men and women have been taken off the relief rolls and placed on pay rolls.

In addition to the home modernization activities, vast improvements have also been made in commercial buildings, such as hospitals and so forth. This legislation has been the means of improving and increasing more kinds of businesses than one would imagine. Mr. H. G. Fischer, president of the H. G. Fischer & Co., Inc., Chicago, manufacturers of surgical and medical equipment, reports that Title I of the Federal Housing Act has been most beneficial in many ways to his corporation, the 300 families connected with the corporation, and their numerous customers. It has enabled them to enlarge their factory and office force and to increase the earnings of the members of their force by substantial bonuses based upon salaries or wages received.

Their salesmen have earned more commissions on account of the increased volume of sales they have enjoyed. It has enabled the users of the surgical and medical equipment—those engaged in the relief of human suffering—to purchase necessary modern, result-producing equipment at substantially lower finance or carrying charges than have heretofore been available, on terms more commensurate with their ability to pay and on a basis which largely enabled them to make their payments out of their increased income. This has enabled the customers of this manufacturing firm to not only serve their suffering patients more effectively, but to increase their own earnings. The benefits derived from title I of the Federal Housing Act will enable the H. G. Fischer & Co., as well as many, many other manufacturing firms in all lines of equipment, to remit to the Government a much larger amount in the form of income taxes.

It is highly desirable that this effort should be continued—that it should not lapse on April 1, when there is vast opportunity for this character of construction during the summer season. Its continuation means still further opening up of opportunity for idle capital for profitable and safe investment, and it means the improvement, repair, and modernization of American homes, increasing their real and substantial worth, as well as the comfort, convenience, and well-being of those who own them. Moreover, it means a continuance of employment for the workers, not only who supply materials, but for those who actually perform the labor of construction.

The trade publication Domestic Engineering (1900 Prairie Ave., Chicago), in its November 1935 issue, began a campaign to unite all business publications in the building industry back of a concerted movement for continuance of title I after April 1, 1936. Letters were sent editors and publishers of trade publications. Excerpts from their replies, as published in the November and December issues of Domestic Engineering, include:

Samuel O. Dunn, president, American Builder & Building Age.—"The program has undoubtedly done a great deal to improve conditions in the building industry and has been a stimulus to much-needed private construction and repairs."

F. P. Keeney, president, American Artisan & Heating, Piping & Air Conditioning.—"We believe that F. H. A. is one of the soundest measures advanced by the present administration to stimulate business."

A. L. Ford, managing editor, The American Lumberman.—"We believe it has been a real factor in increasing employ-

ment in the building trades, in creating business for manufacturers and dealers. We certainly are in favor of the continuance of the F. H. A."

Edwin A. Scott, president, Sheet Metal Worker.—"* * *. Nothing should be left undone to promote the continuance of F. H. A. beyond April 1."

S. B. Williams, editor, Electrical Contracting.—"With new residential construction just opening up, it would be a mistake for F. H. A. to be abandoned."

Bertram Caddle, director, Copper and Brass Research Association, is quoted in the New York Journal of Commerce on December 18 as saying:

If title I is continued, the small home owner, through increasing confidence, will be a forceful factor in causing * * * a home-building and rehabilitation activity which has never been experienced before.

A. R. Herske, vice president and general manager of sales, American Radiator Co., is quoted in the Washington Star (Nov. 16, 1935) as saying that—

The continuation of F. H. A. beyond April 1 is without doubt most necessary if the construction industry is to contribute through its activities to any recurrence of what we formerly called prosperity.

An editorial in the American Builder and Building Age, in its December issue, under the caption of Two Years More at Least, says:

Not only every building industry man, but every business man in any line should join the campaign to extend the provisions of title I * * * another 2 years.

The editorial says further that modernization in the past year and a half has been 75 percent talk and that in 1936 and 1937 it will become 75 percent orders and action, and declares the low-cost installment financing under F. H. A. regulations are "essential" to this program.

The American Roofer, in its December 1935 issue, editorially declares it seems "foolhardy" to scrap a program which has proven "so vastly beneficial", and just when it is "getting into stride."

Following is a list of some of the other leaders of building and allied industries who have endorsed the effort for a continuance of title I of the Federal Housing Act beyond April 1, 1936:

Frank Carnahan, secretary, National Retail Lumber Dealers Association.

H. M. Reed, president, Standard Sanitary Manufacturing Co., Pittsburgh.

Don D. Smith, sales director, plumbing division, Briggs Manufacturing Co., Detroit.

Herman W. Steinkraus, vice president, Bridgeport Brass Co., Bridgeport, Conn.

C. H. Hall, assistant manager, Johns-Manville.

W. A. Scherff, manager, oil furnace sales, General Electric Air-Conditioning Department.

Wm. C. Groeniger, president, American Society of Sanitary Engineering.

Howard Myers, editor, The Architectural Forum.

L. E. Moffatt, editor, Electrical Merchandising.

Leod D. Becker, publisher, Fuel Oil.

C. H. B. Hotchkiss, editor, Heating and Ventilating.

Howard H. Bede of National Real Estate Journal.

Kenneth Reid, managing editor, Pencil Points.

Findley M. Torrence, editor, Wood Construction.

Mat H. Friedman, merchandising director, National Sheet Metal Contractor.

Henry S. Rosenthal, editor, American Building Association News.

Contractors, real-estate operators, carpenters, painters, home builders, architects, millmen, engineers, salesmen, floor layers, material dealers, and so forth, are unanimous in their acclaim of the benefits that have been derived from this legislation.

Mr. Speaker, the building and construction industries and those that are allied with them represent the second largest number of industrial workers in the country, being exceeded only by those engaged in the agricultural industry. That these industries are overwhelmingly in favor of advancing the time limit on the provisions of this act is shown by the demand they are making upon Congress for extension. They are militant in their activities in this respect. The increased business that has been created by this worthy effort, amounting to hundreds of millions of dollars, has afforded employment directly and indirectly to such a large number of people as to have caused other necessary National and State expenditures to be decreased. This has brought about the net result that the insured modernization loans of the Federal Housing Administration have, in the final analysis, not cost the taxpayer anything but have actually been a means of saving him large sums. Certainly, if there is anything that deserves our consideration, it is legislation of this nature, which provides such a great amount of business without the spending of vast sums of Government money.

SOCIAL-SECURITY BILL

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point two short letters written by myself, one to my colleague the gentleman from California [Mr. MCGROARTY], and the other to Mr. R. E. Clements, secretary of the national Townsend organization, being the only letters written by me to persons of national authority in the Townsend movement.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The letters referred to follow:

LETTER TO REPRESENTATIVE JOHN S. M'GROARTY

WASHINGTON, D. C., *April 9, 1935.*

Hon. JOHN S. MCGROARTY,
Member of Congress, Washington, D. C.

MY DEAR MR. MCGROARTY: I have your letter of April 4 regarding the pending social-security bill and your new Townsend plan bill.

The bill reported out by the Ways and Means Committee will, as you say, prove a serious disappointment to all sincere advocates of security for old age. We should unite to vote down a gag rule on the bill and amend it.

Your new old-age-pension bill has been very carefully read and analyzed by me, and I consider it a great improvement over the original bill. It is clearly drafted. It presents a plan. I don't see how a bill could be more clear and simple in its language. Your speech in the House on April 1 was an admirable appeal for its consideration.

I approve the change, cutting out persons having an income of more than $2,400 per year and deducting from the pension the amount of income earned under $2,400 per year. This will lighten the burden of the bill and these benefits can go to the millions who have no income whatever.

Another material change is that your new bill does not require the Government to pay a pension of $200 per month, but instead gives the pensioner his or her pro rata of the tax collected up to $200. This change, however, raises a question which must be considered with great care. The question is, that since pensioners will only get their pro rata of the tax collected, it may result in uncertainty as to just what the pension will be from month to month. Whatever the pension is, it ought to be fixed and certain.

The only feature of the bill I fear is the burden of taxation. Even a pension of $50 per month paid to 8,000,000 people would involve new taxes of nearly $5,000,000,000 per annum. In the Seventy-third Congress the Senate put an amendment in the revenue bill adding 10 percent to income taxes, just as your new bill proposes. The House voted it out. I voted for it. But the statistics showed that it would only add about $55,000,000 of revenue. I would say that it would be a liberal estimate if we got $100,000,000 from the increased income tax and the 2-percent levy on inheritance and gift taxes, in your bill. Therefore, nearly all of the tax burden would fall upon sales and services.

The real question is not whether I am in favor of your bill but whether I can stand up for a plan of taxation sufficient to finance it and get the backing of the people who will have to pay the tax.

I wish I could be assured that my people, when they know just what it will be, would back me up in voting a tax of $5,000,000,000 a year. I am for the most liberal pension we can finance. I would like to see your bill brought out on the floor and thoroughly considered. I stand ready to help you get this done.

As you know, I helped get Dr. Townsend the use of the caucus room for the meeting at which he presented his plan, and I also signed the petition to take your first bill from the Ways and Means Committee and place it on the House Calendar.

I am taking the liberty of mailing a copy of this letter to several hundred of my constituents who have written me concerning the original bill.

With my kindest regards, I am,

Very truly yours,

JOHN A. MARTIN, M. C.

LETTER TO R. E. CLEMENTS, NATIONAL HEADQUARTERS, OARP

PUEBLO, COLO., *December 13, 1935.*

Mr. R. E. CLEMENTS,
National Headquarters, OARP,
Southern Building, Washington, D. C.

MY DEAR MR. CLEMENTS: I have your letter of December 3 regarding Townsend plan legislation.

I voted for the McGroarty bill, and have stated here in public meetings that I would do so again. I also signed the discharge petition on the second Townsend bill.

The first question—Are you in favor of the Townsend plan?—calls for more than a "yes" or "no" answer.

The first bill, H. R. 3977, was recognized by those in charge of it to be inadequate and in some material respects impracticable, and was superseded by H. R. 7154, which was a very great improvement.

The so-called McGroarty amendment, which was voted on in the House as a substitute for title 1 of the social-security bill, was in the nature of additional amendments to H. R. 7154. In my judgment these amendments still further improved the bill, but I think the debate indicated that it needed further revision. I think the bill ought to be placed in the hands of one or more highly competent attorneys aided by economic and tax experts and further revised.

That question of the chain stores escaping most of the transaction taxes, which would fall on the independents, will require very thorough consideration. The chain-store system could be quickly copied generally. It is known that the intermediates in the holding-company structure can be taxed out of existence; that is, the system would dispense with them rather than pay the tax.

I am asked repeatedly if I am in favor of the Townsend plan by people whom I don't believe know what the Townsend plan is. If they think it is a mere matter of going to the bank and getting $200 the 1st of every month, and ultimately learn, as they must, that it is a matter of levying and collecting the tax and prorating the proceeds, which may be far less, they may be no better satisfied in the long run with their leaders than they are now with their Congressmen.

The plan is very simple. It is a matter of levying a certain tax and distributing it to a certain well-defined class of people. The question is, How much can be raised by the tax? I am for all the pension that can be financed.

I hope to see you sometime this winter. I want to talk over some aspects of the Townsend movement in Colorado which has made it look to me like a Republican-controlled movement. I notice Dr. Townsend declares for a third party. I doubt whether this will be relished by this other movement which is hoping to elect Republican Congressmen from Colorado. My voting for the McGroarty amendment would not help me with these people. In fact, they have gone around to public meetings and said I voted against it when they knew to the contrary. The Republican Party is not even in favor of the very limited social-security bill, to say nothing of the Townsend plan.

No doubt the group which voted for the McGroarty amendment will confer at Washington.

Very truly yours,

JOHN A. MARTIN, *Member of Congress.*

HON. SMITH W. PURDUM, FOURTH ASSISTANT POSTMASTER GENERAL—A TRIBUTE TO AN EXECUTIVE IN THE POST OFFICE DEPARTMENT OF THE UNITED STATES

Mr. DUNN of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a personal tribute to the Fourth Assistant Postmaster General, Hon. Smith W. Purdum.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. DUNN of Mississippi. Mr. Speaker, of all the virtues possessed by mortal man I think the greatest of these are true devotion to duty and undying loyalty, which, of course, should include one's work in life, his friends, family, and party faith. These admirable characteristics are exemplified by no one any better and more plainly than they are by Hon. Smith W. Purdum, Fourth Assistant Postmaster General, a grand gentleman and one whom I am proud to call my friend. His very presence lends dignity and confidence to any situation, and upon meeting him for the first time one is immediately impressed by the genuine sincerity and humanness of the man. Behind dark, quiet eyes rests the brain of an able executive, and in the bosom of the man beats the heart of a kind and gracious gentleman. These are the qualities that Smith Purdum unconsciously and unintentionally displays, not on certain occasions but at all times, regardless of whether the occasion is momentous or casual.

The life of this great man, and he has every attribute of greatness, reads like the fascinating novels that children the length and breadth of this land know intimately—the Horatio Alger, Jr., books, and the adventures of the characters which this author so ably presented were little different from the adventures in life of the Fourth Assistant Postmaster General of the United States.

The village of Darnestown, in Montgomery County, Md., welcomed a little stranger for the first time in 1877, and for many years Montgomery County felt the presence of the boy, Smith Purdum. At the age of 21 he qualified himself for duty in the Postal Service as railway-mail clerk. His path was filled with the usual trials and tribulations that beset the path of young men trying desperately to make headway in our complicated scheme of things, plus many unusual ones which made his task all the harder. However, in spite of heart-breaking obstacles, he rose steadily in his chosen life's work and was appointed United States postal inspector before he was 30 years of age, a remarkable accomplishment then, and even now. When unusual and difficult assignments needed expert handling, it was always Smith Purdum who was called in for these special assignments, and he successfully continued in this capacity until the beginning of the World War, when he was given the signal honor of being appointed post-office inspector in charge of the Washington office. Among his duties in this connection, one of them was to safeguard and supervise the shipment of billions of dollars of Government securities, which were distributed to all parts of the country, and it is noteworthy that not one dollar's loss was ever recorded against the spotless record of this able executive during those difficult and trying times.

Smith Purdum's ability has long been recognized by the officials of the Post Office Department. However, because of his stanch party faith and affiliations, his true worth was not formally recognized until the beginning of the Democratic administration in 1933, at which time he was appointed Deputy Fourth Assistant Postmaster General, and the following year saw his promotion to Acting Fourth Assistant Postmaster General. His multitudinous duties include the supervision of the entire motor-vehicle service of the Department; supervision of all leases for Post Office and Federal buildings; he has full administration of 1,600 Federal buildings, as well as the equipment and supplies for these buildings; prepares all postal zoning and route maps; together with the shipping of all supplies used in the entire Postal Service in the United States.

It can be said truthfully and without prejudice, that General Purdum knows more about the administration and operation of the Postal Service than any other living man. As a matter of fact, our genial and most efficient Postmaster General Farley, upon appointing him as Fourth Assistant Postmaster General, had this to say:

> Mr. Purdum has an unusually fine record of service in the Department. He is a man of the highest integrity and he possesses splendid executive ability. I am happy to give this much-deserved promotion to Mr. Purdum.

Devotion to duty obviously and ultimately has its own reward. Family and friends are the inspiration and serve as a guiding light. Loyalty, as well as party faith, oftentimes obstructs and slackens one's speed toward a chosen goal and dampens the ardor of all but the strongest. Success and the fulfillment of life's ideals cannot be kept from one inspired by such qualities, fostered and aided by the true devotion and faith of family and friends of one who first had faith in himself and who recognized the fact that victory is bound to come to him who rides under the banner of loyalty.

In my humility I am proud to salute a grand gentleman, a true friend, and an able executive—one who is small and yet so big; one who is meek, but never weak; one who loves and is loved in return, and may his memory in our heart ever burn.

The Government of the United States is fortunate in having such an executive in the greatest public-service organization in the world, and I congratulate the Postmaster General on having selected Smith Purdum as a general in the ranks of this mighty army of public servants.

NEW DEAL

Mr. FORD of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FORD of California. Mr. Speaker, those who view the New Deal with alarm because they see in it a frontal attack on privilege, an honest and determined effort to pro-

LIBRARY PUBLIC WORKS ADMINISTRATION

tect the masses from exploitation and profiteering, and a determination to use every possible method in order to put all employable men and women to work, and to see that no one starves, are now charging this Democratic administration with having disregarded the party platform, drawn up and adopted in July 1932.

The charges come largely from the representatives of privilege and entrenched power who are determined to bring back to this country an administration that shall be servile to their wishes. Others making the attacks do so from personal ambition and the love of publicity.

The cry of "broken pledges" seems a good one to try on the people. It might be if our people could neither read nor reason. But to an intelligent electorate, such a cry is recognized as hot air, signifying nothing.

CRISIS INTELLIGENTLY MET

Let us look at the platform we Democrats are charged with having disregarded or violated. There are many planks in that platform. The first and second advocate a drastic curtailment of governmental expenditures and a balanced Budget. The national platforms of the two great parties regularly begin with two planks advocating a drastic curtailment of governmental expenditures and a balanced Budget. Those are sound planks, popular planks, drawn according to standard specifications. We all recognize their soundness. And we all know that only in times of depression, with the grave national emergency that confronted this country on March 4, 1933, there was an imperative need for enormous Government expenditures for relief and rehabilitation. Any administration that had dared to disregard that situation and to insist on retrenchment would have lost the confidence and the respect of every class of our citizens. We made an honest attempt to cut the recurring annual expenditures through the Economy Act, which was supported by both parties. Then we faced the situation and made appropriations for relief. And we entered upon a great program of useful and necessary public works—one which should have been started in 1929. Now, my friends, I wish you to take notice. The Democratic platform explicitly advocated both relief and public works and pledged the party to their support.

BANKING SYSTEM SAVED

Upon coming into office on March 4, 1933, the President found that the banks of the Nation had collapsed. All over the country banks had been failing; everywhere bank moratoriums were being declared. Panic was in the air; the people were in despair. With characteristic courage and promptitude the President declared a national bank moratorium. This prevented more failures and it stopped the panic. Just as rapidly as possible banks that were sound were reopened and the public was given Government assurance that funds deposited in them after their reopening world be safe. Those banks that were found to be temporarily embarrassed or worse were placed in the hands of conservators. With the aid of Government loans, these banks were rapidly rehabilitated and reopened. And just as soon as it was possible to frame a bill and pass it Congress guaranteed bank deposits. Was this in accordance with the Democratic platform? It was, as a specific plank in the platform advocated quicker methods of realizing on assets for the relief of depositors in closed banks and a more rigid supervision of national banks for the protection of depositors. Perhaps our critics will say we went beyond the specific recommendation of the platform when we guaranteed bank deposits. We did. And I, for one, am proud of it. But in doing this we were carrying out the spirit of the platform and of a particular plank of the platform. And we were doing it in the interest of the people.

Another measure put through in those early months was one divorcing commercial banks from investment banking, thus putting an end, until the Republican Party gets back to power—if it ever does—to the vicious and shameless exploitation of trusting depositors by the sale to them of securities in which the banks were themselves interested and from the sale of which they made huge and dishonest profits. That, too, was in accordance with the platform. Look it up.

At that same special session of the Seventy-third Congress we redeemed those platform pledges which advocated the saving of farms and homes; the conservation, development, and use of the Nation's water power in the public interest; and in the N. I. R. A. we boldly put into law two planks—one advocating the spread of employment by a substantial reduction in the hours of labor and another advocating measures to prevent monopoly and unfair trade practices for the better protection of labor and the small producer and distributor. We took the most direct and effective way. It proved to be unconstitutional. We abandoned it.

In adopting the A. A. A. we were mindful of that plank which reads as follows:

Extension and development of farm cooperative movement and effective control of crop surpluses so that our farmers may have the full benefit of the domestic market.

And of the next, which advocates:

The enactment of every constitutional measure that will aid the farmers to receive for their basic farm commodities prices in excess of cost.

PUBLIC-WORKS PROMISE KEPT

In the second session of the Seventy-third Congress we made larger appropriations for public works and for relief in accordance with the platform; we passed a law empowering the President to make, under certain conditions and restrictions, reciprocal trade treaties, specifically advocated by the platform; and we continued our successful efforts to restore agriculture and thereby to restore business and employment throughout the Nation.

Two of the measures passed in the Seventy-third Congress that have been most bitterly criticized by those interests that think the public welfare is promoted by cheating and exploitation are the Securities Act of 1933 and the Securities and Exchange Act of 1934. And yet the platform specifically advocates both measures. The trouble with the disgruntled agents of the exploiters is that we did meticulously and honestly follow the platform instead of forgetting it and thus warding off the attacks now being prompted by Wall Street.

In November 1934 most Members of Congress went before the people and asked for their verdict on the New Deal. They endorsed it unmistakably and sent back to both branches of Congress a larger Democratic majority than before.

With this direct mandate of the people, we proceeded with our constructive and progressive program. Under the spirited and able leadership of our greatest liberal President, Franklin D. Roosevelt, we liberalized the Banking Act and brought the control of credit into the hands of an enlarged Federal Reserve Board appointed by the President and responsible to him and to Congress. We did not go far enough, but we went as far as the platform warranted and as public opinion approved. And we made permanent the guarantee of bank deposits.

EXPLOITERS CURTAILED

And then we deliberately redeemed a pledge of the platform that all who favor the exploitation of the many for the enrichment of the few; all who oppose just restraints on the predatory interests; and all reactionaries of every type and every party oppose and will continue to oppose with their last breath. That platform pledge reads thus:

We advocate regulation to the full extent of Federal power of holding companies which sell securities in interstate commerce.

And there, my friends, we got into trouble. For this threatened to put a stop to the biggest and most profitable and most outrageous and unconscionable racket this or any country has ever known. The holding company as it has developed in the United States and most especially in the utility field is a national disgrace. It has for its object unearned profits, resulting not from honest effort, but from dishonest methods protected by unjust laws. Through holding companies thousands of innocent investors have been cheated and ruined. Securities have been issued with little

or no value behind them and sold at high prices to widows and orphans, who were thereby ruined. I have not time today to go into this. It is not necessary, as every intelligent man in this House knows the facts. The Insull operations are typical of the worst practices. Unfortunately there are many other examples of fraud, corruption, and dishonor in utility holding companies.

We all knew that. We Democrats had plainly written the remedy in our platform. We passed the bill, in spite of the worst lobby that has ever attempted to thwart legislation in the interest of the people. And then every organization in the country dedicated to the continuation of fraudulent practices in business, dedicated to exploitation and profiteering, began the attack. That attack, my friends, has not subsided. It will not subside. Even after next November 3, when Franklin D. Roosevelt has been reelected by the largest majority ever given a Presidential candidate, it will not subside. For these piratical despoilers of the investing public and of the consuming public have taken for their slogan: "Rule or ruin." They will never rest until they again own and run the United States Government.

PLATFORM PLEDGES KEPT

I have shown that it is not true that this Democratic administration has failed to keep the solemn pledges of the platform. And I have indicated why the attack is made on the administration on that false charge. The opposition, Mr. Speaker, simply does not dare to face the facts and to attack us for the progressive measures we have passed in the interest of the people. It does not dare come out in the open and attack us, because we have kept our platform pledges and have striven, in the words of that platform, to maintain and promote "the continuous responsibility of government for human welfare."

We have seen that the main planks of our platform advocated relief and public works, rehabilitation of the banks for the protection of depositors, the divorcing of commercial and investment banking, the saving of farms and homes through Government loans, the development of the Nation's water power in the public interest, the shortening of the work day and week, the passage of measures to prevent unfair trade practices and to protect labor, the control of farm surpluses and the enactment of measures to promote fair prices for farm products, reciprocal trade treaties, protection of the investing public through a securities act, and the control of holding companies.

Every one of these pledges has been redeemed. And yet we are accused of having forgotten the platform. It is not we who have forgotten.

EXTENSION OF REMARKS

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a letter received by me from a farmer in my district who writes about the Constitution.

Mr. RICH. Mr. Speaker, reserving the right to object, I may say to the membership of the House that requests from Members to publish in the RECORD something sent them by constituents are becoming more frequent. It is not my desire, nor am I attempting to withhold from the Members the opportunity to publish anything, but it is the desire of the Joint Committee on Printing to keep the CONGRESSIONAL RECORD a record of the proceedings of the House of Representatives. If Members do not read the letters to the House I do not think they should ask permission to insert them in the RECORD. I feel they should give some consideration to the fact that the CONGRESSIONAL RECORD is a record of the proceedings of the House of Representatives and not a bulletin for everybody in the United States.

Mr. DUNN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. DUNN of Mississippi. Does not the gentleman admit that he consumes just about as much, if not more, time as any three Members here in the matter of colloquy which has nothing to do with legislative affairs?

Mr. RICH. Mr. Speaker, I have no objection to my friend, or any other Member of the House, speaking on any subject. All I am trying to do is to carry out my duty of protecting the character of the RECORD. I think, however, this is also the duty of all the Members of the House. If the gentleman would like the job, I would be happy to turn it over to him.

Mr. DUNN of Mississippi. No; the gentleman has that job; let him keep it.

The regular order was demanded.

The SPEAKER. The regular order is, Is there objection to the request of the gentleman from Minnesota?

Mr. YOUNG. Mr. Speaker, I object.

A BIG NAVY PROVIDES LITTLE DEFENSE

Mr. WITHROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech delivered by my colleague from Wisconsin [Mr. BOILEAU] on January 23, 1936, at Washington, D. C., before a conference held under the auspices of the Women's National Committee on the Cause and Cure of War.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. WITHROW. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech delivered by my colleague from Wisconsin, Hon. GERALD J. BOILEAU, before a conference held on January 23, 1936, at Washington, D. C., under the auspices of the Women's National Committee on the Cause and Cure of War:

Only a few years ago the principal nations of the world signed a solemn agreement known as the General Pact for the Renunciation of War, sometimes known as the Kellogg-Briand Peace Pact. The United States Senate ratified this agreement on January 15, 1929, and in doing so agreed with the other principal nations of the world that war should no longer be resorted to for the purpose of settling international disputes. Today the very life of that agreement is being threatened in many parts of the world. The United States Government took the initiative in bringing the nations together in this agreement and, consequently, has the responsibility of urging its compliance upon the world at large. This does not mean that we should resort to war to enforce the provisions of the treaty outlawing war, but it means that we should by our every action give evidence of our intention to refrain from war. We must prove to the world that we propose to perform our part of the agreement.

Some of the nations who joined with us in this solemn agreement have violated its provisions by resorting to armed conflict for the purpose of settling international disputes. Such conduct on their part, however, does not justify us in scrapping the treaty as though it no longer announced a sound and enlightened principle. On the other hand, the threat of its continued violations should urge us on to greater efforts in behalf of its preservation.

While it is our duty as one of the world powers to urge that the conduct of nations should be such as will result in continued world peace, our greatest obligation to ourselves and to the entire world is to take such action as will prevent us from becoming engaged in armed conflict. While we pray for world peace, we must let it be known definitely that should our prayers be unanswered, that we, at least, will not become involved in settling disputes by barbaric and uncivilized methods.

During the closing days of the last session, the Congress of the United States enacted a temporary law designed for the purpose of preserving our neutrality in the event that war should break out in any part of the world. We realize that our insistence upon our traditional demand for freedom of the seas was largely responsible for our having become involved in two wars. In our neutrality law, we stated that we would no longer give protection to American ships if they persisted in flying the American flag while carrying arms and munitions of war to one or the other belligerent nation. We made it clear that in the future this Government would not permit its nationals to make profit out of war by supplying any nation with the arms and munitions with which to carry on the war. We declared it to be our policy to remain neutral in the event of hostilities, and we have attempted to lay down a course of conduct that will give us every possible protection against our becoming involved in such disputes. We have gone further than merely taking steps to maintain our neutrality. We have let it be known that we do not intend to profit from anyone else's misery—we will not permit our nationals to exploit the misfortunes of others by increasing our trade relations with warring nations.

The temporary neutrality law will expire on February 29 of this year, so it will be necessary for the Congress to act before that date if such a policy is to become permanent. Although there are slight differences of opinion as to detail among those who are advocating the enactment of new legislation, the Nation is almost unanimous in demanding that our policy of neutrality be continued. Without a doubt, Congress will immediately enact

a permanent neutrality law designed to prevent entangling commercial or financial relations with belligerents and to prevent American citizens and American ships from traveling in danger zones so as to obviate, so far as is humanly possible, tragic incidents such as have in the past inflamed public opinion to the point where the people permitted Congress to declare war.

It is not enough to renounce war and announce our neutrality. While we should prepare ourselves against any probable invasion of our territories, we must, nevertheless, give to the entire world concrete proof of the fact that we do not propose a war of aggression. We should retain such parts of our national-defense establishments as are necessary for the proper protection of our borders and possessions, but should eliminate from our defense establishments all such agencies and activities as are designed and primarily useful only for aggressive or foreign warfare. While we are talking peace and neutrality and attempting to urge our views upon the world, there is no possible justification for the tremendous expenditures we are making in order to strengthen our Navy.

In 1917 the men and women of the country were asked to lend their efforts to the cause of peace. They were told that the best way to have peace was to fight for peace. They were told that in order to outlaw war we must fight a war to end wars. The great masses of our people did not think for themselves but accepted the statements of national leaders at their face value, and millions of our young men entered into the military service of our country and went to war firmly believing that in doing so they were advancing the cause of peace. They fought a war firmly believing that in doing so they were definitely fighting for the principle that war should no longer be resorted to among civilized nations for the settlement of international disputes.

Our military forces and those of our allies were victorious in that war—at least the enemy was subdued and the spoils of war were distributed among the victors. Our share, however, has proved to be only the cancelation of billions of dollars of debts due us from those nations with whom we joined in that nightmare. In reality, however, history will not record a moral victory for us if, at some future time, we should again become involved in warfare.

While we are loudly proclaiming our intent to remain neutral in the event of any possible outbreak of hostilities, and at the same time urging the world at large to keep faith with the treaty outlawing war, we are actually spending more money in building up a war navy than ever before in the peacetime history of our country. During the present fiscal year we are spending approximately $1,000,000,000 on our Army and our Navy, the large part of which is intended only to prepare us for aggressive warfare. The crying need of the present day is to reorganize our military establishments in conformity with our avowed intention of remaining at peace with the world so far as it is humanly possible for us to do so. We should make it clear that we are prepared to defend our borders against any possible invasion, but we should at the same time, by our every action, make it clear that we do not propose to again send our young manhood to fight a battle on foreign soil. We should prepare for national defense, but should eliminate from our policy the militaristic, imperialistic, unsound slogan: "The best defense is the offensive."

Unquestionably our present naval construction program is out of harmony with the wishes of our citizenship. The large Navy we are building is absolutely unnecessary from the standpoint of national defense. To continue with this program of increased naval armaments can be interpreted in no other way than that we expect to engage in warfare for purposes other than for the protection of American lives and property here in America. Throughout the ages history has recorded that a large navy is not needed to repel invasion. Nowhere in history is it recorded that troops have ever been landed from the seas upon hostile territory. No one seriously believes that a large navy is necessary in modern times to prevent foreign troops from landing on our shores, because other methods are used and are more effective in the protection of our harbors.

On January 9, 1932, Admiral Bristol, then Chief of Staff of the Navy, said: "* * * I might state in addition to that, we do not contemplate devoting the fleet to the defense of harbors. We have harbor defenses by mines, fortifications, patrols, submarines, and aircraft. * * * The modern idea of the United States, and one I think that prevails now, is that the fleet would not be there for the protection of the coasts."

Such eminent authority should convince us that from the standpoint of defending the continental United States or any of its possessions, land fortifications, mines, submarines, and aircraft, are the only practical and effective instruments, together with an adequate land force composed of a civilian army of men and women possessing the willingness to die, if need be, in defense of their homes and homeland. It is not necessary to have a large Regular Army for defense purposes, because the National Guard, the Organized Reserve, the men and women from all walks of life who would frown upon fighting another foreign war, would cheerfully give their lifeblood in defense of their country in a fight, not of aggression, but of self-defense.

Let me also remind you of a statement recently made by Lt. Comdr. L. D. Webb of the United States Navy in which he said: "History records no instance of major land fortifications having been reduced and captured by naval vessels."

Believing as I do, that a large navy would be ineffective from the standpoint of defending the continental United States or its possessions from invasion, and that the only way to accomplish this is through proper fortifications, mines, submarines, and aircraft, there remain only two other possible uses for a navy that even slightly justify our tremendous expenditures for such purposes. One excuse offered by the big navy interests is that we need all of the battleships, cruisers and what nots to protect our commerce with foreign nations.

As a matter of fact Secretary Swanson of the Navy says that one of the purposes of a large navy is "to protect the broad maritime interests of the American people, including their foreign policies and commerce on the high seas." Even if it were not for the fact that it is a matter of general knowledge that a navy can destroy merchant ships but cannot protect them, we can eliminate this excuse for building battleships, cruisers, destroyers, etc., by formulating and enacting a strong neutrality policy that will prevent American ships from carrying cargoes in danger zones or to the ports of belligerent nations.

The only other claim that I have heard advanced in an effort to justify the building of our Navy up to treaty strength is that we should be prepared to strike first in a great offensive in the event of a declaration of war. Those who entertain this view oftentimes express it by saying, "The best defense is the offensive."

It might be well to refresh our recollection of some of the experiences that have been recorded in history. It will be recalled that in 907 A. D., 10,000 Russian vessels, carrying 400,000 men, under the command of Igor, son of Rurik, the Swedish adventurer, who first ruled Russia, sailed across the Black Sea to attack Constantinople, which then belonged to Greece. Efforts on the part of the Grecian emperor to buy off the invaders were unsuccessful, and it was necessary, therefore, to immediately organize such forces as were at his command to offer resistance to the would-be conquerors. Only 15 ships were available to defend the capital against the attack of these savage hordes, but the Greeks defended the city by the use of streams of flame which destroyed the Russian men and ships and sent Igor in retreat with less than a dozen remaining ships. This demonstrates that the size of the fleet does not predict the outcome of the battle.

We have also recorded in history the fate of the Spanish Armada, which was leisurely making its way up the English Channel and was met by a handful of privately owned British ships manned with patriots determined to resist the onslaught of the enemy, and who, finally, by sniping and other unorthodox methods, prevented the great armada from accomplishing its objective.

During the World War the British Fleet, under the command of Admirals Beatty and Jellico, was unable to score a victory over the German Fleet, which was only about one-half as large as the former.

Those who claim that we must be prepared to strike first seem to forget the fate of those large fleets in history which have attempted to attack the enemies' territories from the sea. With the development of submarines, mines, airplanes, and other modern war equipment, such an attack by us or upon us is positively doomed to failure.

It is possible that in time of war the two opposing fleets might encounter one another either accidentally or as a result of willful maneuvering on the part of their respective commanders. Would the outcome of such an encounter be predetermined because of the superior strength of either fleet, or would the outcome be purely a matter of chance? Is it not a matter of fact that a large fleet operating as one unit would be handicapped because of the lack of communication between various divisions and units of the fleet? Certainly no one believes that in any future war the admiral of the fleet will be able to give directions to the other component parts thereof by hoisting flags upon the flagship. This method of communication and the use of semaphore, wigwagging, blinkers, etc., have been made entirely useless through the development of smoke screens and other devices used to lessen visibility in time of battle.

Can we rely upon the radio as a means of directing the movements of all of the battleships, battle cruisers, cruisers, submarines, destroyers, and airplanes, which are all parts of our fleet? Obviously, we cannot rely upon the radio because every nation in the world that has experimented with the radio for use in such an emergency has developed methods of creating radio interference to prevent the enemy from using a method of communication they themselves hope to employ. Certainly, the art of creating interference has kept up with the art of radio communication. In peacetimes we have enough trouble with interference with radio reception when everything possible is done to prevent such interference. If human ingenuity has not and cannot develop radio interference sufficient to prevent directing fleet operations by use of the radio, then certainly the tremendous number of radio channels that must be kept open to communicate with all of the various units of the fleet, on the water, beneath the water, and in the air, combined with similar activities on the part of the opposing fleet, would result in such confusion that it would be impossible for the admiral on the flagship to transmit orders that would be accurately received by his subordinates. One slight error might turn victory into defeat. There can be no practical means of communicating orders from the first ship in the fleet to others in modern warfare on the high seas.

The navies of the world have tried to be so efficient in preventing the enemy from recognizing them as such that they have employed means of identifying themselves through secret codes, which of necessity change so rapidly that mistakes are likely to happen and, as in the World War, ships are likely to fire upon members of their own fleet, believing them to be the foe, because they did not identify themselves soon enough or because the signal was improperly executed or received.

Modern navies are, as Mr. Wayne Francis Palmer, a former naval officer, has said, "deaf and dumb"; and, as Miss Jeannette Rankin has said, "also blind." After all, if we are to admit that naval forces cannot successfully attack harbors properly fortified for defense, it seems to me that a battle engaged in between opposing fleets would have little, if any, effect upon the outcome of a war. Such battles are not decisive. If we are to have foreign wars and are again to send the youth of our land across the high seas to fight in order to avenge some fancied wrong, or if we are to permit our flag to go in a battle to protect the money invested by American citizens in some other country, then, and then only, would a large navy be of any value to us. If we are to send soldiers on army transports to fight on foreign soil, we will need battleships and cruisers to convoy such troops. It is true that the benefit of such protection has been greatly exaggerated, but there may be something that can be said in favor of having a battleship escort the transports over the high seas. At least the knowledge that a battleship is somewhere on the other side of the horizon might give a little comfort to those on their way to battle and at least would not do any harm.

But we do not propose to have any foreign wars. No responsible citizen of our Republic would dare to tell the American people that we will again send troops across the ocean to fight a real or imaginary enemy of our country. We do not intend to become embroiled in the troubles of the Old World, and we have said in announcing our new policy of neutrality that should war break out there, that we would, under no circumstances, take a part in it. We must not break faith with those men who now lie in Flanders Field. They gave their lives believing that they were making the sacrifice in order to prevent future generations of American citizens from going through the hell that they experienced. We must not—we will not send our troops to fight in foreign lands, and if we adhere to this resolve—which is entirely within our own control—we will not need a large navy to convoy soldiers to foreign battlegrounds. We should reduce, rather than increase, the amount of money that we are spending on so-called national defense, and should discontinue such expenditures as are now being made to prepare us for a war at any other place than here in the United States of America.

It should be the policy of the United States to use the governmental powers of national defense for defense only, to refrain from maintaining or establishing agencies of warfare other than those necessary for defense, to fulfill the commitments of the General Peace Pact for the Renunciation of War by adjusting the military system of the Nation to the policy of such pact, to maintain a defense policy designed to defend the boundaries of the Nation against invasion, and to eliminate from the defense establishments such agencies and activities as are designed and primarily useful only for aggressive or foreign warfare. To that end and for the purpose of avoiding unnecessary expenditure of the taxpayers' money, we should unite the entire Army, Navy, and air force, under one department, to be known as the Department of National Defense. I have introduced in Congress a bill, known as H. R. 9134, which, if enacted into law, will reorganize our entire military establishments under one head for defensive purposes only. Such a law would result in a great saving of the taxpayers' money, and it would prove that we are sincere when we denounce war as a means of settling disputes among nations.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, may I say in reply to the gentleman from Pennsylvania [Mr. RICH] that I feel correspondence between a Member of Congress and his constituents can very properly be placed in the RECORD. The Senate has great latitude in this respect and prints newspaper articles and the like in the RECORD. I do not, however, feel that is necessary. I believe we are doing our duty, however, as Members of the House if we include that correspondence which is of vital importance to the American public.

[Here the gavel fell.]

TENNESSEE VALLEY AUTHORITY

Mr. McLEAN. Mr. Speaker, I desire to address the House on a question directed to the privileges of the House.

The SPEAKER. The gentleman will state his request.

Mr. McLEAN. Mr. Speaker, a practice has grown up here of permitting the records of the House to be removed from the custody of the House. The particular matter I wish to call attention to is the report of the Tennessee Valley Authority, which report was laid before the House on the 3d of January and ordered by the Speaker to be printed. On the 20th of January I directed attention to the fact that the report had not yet been filed in the document room. The same afternoon I received a wet-proof copy from the Printer, which contained a statement that certain provisions of the report, as directed by law, were not to be printed. Attention was called to this fact and steps were taken to have the report properly printed. That was some 13 days ago, but the report has not yet been filed and made available to Members in printed form.

Mr. RANKIN. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, I make the point of order that the gentleman from New Jersey [Mr. McLEAN] is not speaking on a question of personal privilege or on a question of the privileges of the House. If there is a question of the privileges of the House involved, the gentleman must introduce a resolution, which resolution must state the question of the privileges of the House.

The SPEAKER. The Chair is ready to rule.

Mr. McLEAN. Mr. Speaker, may I be heard on the point of order?

The SPEAKER. The Chair is ready to rule. It is very clear that the gentleman's remarks are directed to a question which should be raised by either a motion or resolution. The Chair may say that on a previous occasion when this matter was brought before the House the Chair announced that he had ordered this report printed. Of course, there is nothing further that the Chair can do now, inasmuch as he has already ordered this report to be printed.

Mr. McLEAN. But the printing is being delayed by persons who are not connected with the House.

The SPEAKER. The Chair thinks that the point of order made by the gentleman from Mississippi is well taken.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10630) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes; and pending that, I ask unanimous consent that general debate be limited to 2 hours, to be confined to the bill, one-half of the time to be controlled by the gentleman from Kansas [Mr. LAMBERTSON] and one-half by myself.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. DOUGHTON in the chair.

The Clerk read the title of the bill.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield myself such time as I may desire in the presentation of this bill.

This in the fifteenth annual Interior Department appropriation bill that I have assisted in presenting to the House. As I recollect, this is the largest bill ever presented. It carries $81,221,330.05, which is $4,179,754.05 more than last year; but, notwithstanding that, it is $1,721,111.70 less than the Budget recommended.

Mr. Chairman, the reason that the Interior Department appropriation bill continues to grow in amount each year is because many new activities are added to this Department every year. During the past 3 years 21 large activities have been added to the Interior Department. There are four new ones in this bill this year for the first time, which is one of the reasons for it being so much larger this year. The new activities are the Bituminous Coal Commission, the War Minerals Relief Commission, the Petroleum Hot Oil Administration, and the Puerto Rican hurricane relief.

All of these items carry quite a large sum. The National Petroleum Coal Commission carries $990,000 and the Petroleum Administration $300,000, and so forth.

In this regular appropriation bill no appropriations for construction are included, with the exception of several items submitted in the Budget as a part of the public-works program but included in this measure because our Interior subcommittee is familiar with them. It is really a maintenance bill for the activities of the Interior Department,

which are scattered, as you all know, from the Arctic Circle to the Equator, a myriad of activities.

Consideration of the bill has required about 3 weeks of constant hearings. The volume containing our hearings is over 1,200 pages, the largest it has ever been for this Department. They contain, however, a full and frank justification for practically every item in the bill. We have required the bureaus to submit detailed statements of their activities, where they spent the money we gave them last year, and where they expect to spend it this coming year, and we feel if anyone will take the time to look at the hearings he will find a complete answer to anything he may desire to know about this bill, and for this reason I shall ask to be allowed to proceed without interruption and give you simply a few of the high spots on the bill itself.

I may say there is an item of net increase of $850,000 for public works and $400,000 for the Grazing Division. The item for the Grazing Division, under the so-called Taylor Grazing Act, is really not a large increase. It consists partly of $68,000 transferred from the Geological Survey to the Grazing Division and $250,000 is granted them only upon condition they collect it from the stockmen as grazing fees and pay it into the Treasury. If it is not paid into the Treasury, they do not get it.

Of the money they pay in as grazing fees on the public domain, 25 percent goes into the Treasury, 25 percent goes to the States for schools and roads, and 50 percent for improvement of the public domain. This gives funds for the destruction of predatory wild animals, to destroy a large amount of poisonous weeds that kill thousands of cattle every year, to improve the watering places on the range so that many of the cattle will not choke to death by the drought as they did last year, also build some necessary drift fences, and do many other things to improve the range. They do not herd on the public domain in the West. They turn out many millions of sheep and thousands of cattle and they guard the range they are put on, and in order to do this they have to build what are called "drift" fences. These drift fences prevent the stock from getting far out of their accustomed range.

We feel this activity is one that is going along as energetically and satisfactorily as can be expected, and it is being administered for very much less than the same amount of land is administered in the forest reserves.

The President's $400,000,000 public-works program includes estimates amounting to $26,600,000 for certain activities under the Interior Department. These are items which have been considered heretofore in this bill and for that reason they are put on this bill. However, they are continuations of present construction.

Three million five hundred thousand dollars is for Indian roads and trails. These are for the 100 or more Indian tribes, reservations, and agencies.

There is $9,600,000 that is a continuation, and I understand a completion, of the Boulder Canyon Dam project.

There is $6,500,000 for the all-American canal. This money is all obligated to be paid back to the Federal Treasury within 40 years, without interest, under the reclamation law.

There is $250,000 for the construction of a new building over at the St. Elizabeths Insane Asylum. They asked for two buildings, but we only gave them one. We cut down the estimate $250,000, because they are just completing a new building there that will take care of 300 additional patients, and this new building we are authorizing will take care of 160 more. So that 460 additional insane patients at St. Elizabeths Asylum will be taken care of. At the present time it is estimated the population will increase only about 100 next year, so that we feel this elimination can be made without hurting the institution.

As I have said, all of these projects, except the new building at the insane asylum, are continuations of projects that have been heretofore authorized by law.

We have eliminated a new section that was recommended by the Budget, authorizing an interchange of 10 percent of the total amount of appropriations among the bureaus of the Department. We felt that this was giving too wide a latitude, and for this reason we have eliminated it in this bill with the understanding that the same action will be taken by the other nine subcommittees of the Appropriations Committee. However, I may say in passing that within the bureaus themselves, in some instances, there is authority for such an exchange to the extent of 10 percent, and we feel it has been and is being wisely exercised.

In the office of the Secretary of the Interior there is an increase of $400,000, but that is simply the $400,000 I mentioned concerning the grazing item.

There is one item for the Mount Rushmore Memorial Commission for the carving on the mountains of South Dakota. We have hoped that that would come to a determination before this. They have nearly completed the carving of George Washington and Thomas Jefferson, and they are now starting work on Lincoln. I understand the people doing this work hope to add to that a stone reproduction of President Theodore Roosevelt and possibly others.

I may say that these figures that are carved on the side of the mountain are costing the United States Government $100,000 apiece, and we members of this subcommittee feel that is very expensive work to be carrying on in these times of depression.

However, it is expressly authorized by law, and we are obeying that law rather reluctantly. Congress passed a bill through the last session adding $200,000 more for this work. Nevertheless, we have allowed only $100,000 of that in this bill because we doubt either its wisdom or necessity.

We have put in a provision that no new figure shall be started that has not already been begun, because we felt that there would be no limit to the distinguished citizens that might have their figures carved on that mountain. I may say there are a lot of good mountains in my district that we could place carved figures on. [Laughter.] Anyhow, that is the action the committee took on the matter.

I should say further that when this performance was started it was distinctly provided that that State or private citizens would contribute an equal amount to be raised by the Commission. The Commission contributed $96,000 and then quit. They requested a law relieving them from further contributions, and that was passed by Congress.

Now concerning the Petroleum Administration, we recommend $300,000, which is $200,000 less than was appropriated last year and $50,000 less than the Budget.

The Chairman of the Petroleum Board made an investigation recently and Governor Scrugham checked up on that work, and the Chairman of the Board agreed that they could afford to take that cut.

For the Bituminous Coal Commission we have allowed the recommendations made by the Budget. They have set up quite elaborate machinery; they have five commissioners appointed, but there is no fund appropriated. Employees have been loaned from the Interior Department and the National Recovery Administration. The act provides for a set-up of 9 minimum-price areas and 24 district boards.

Concerning the General Land Office, we decreased that allowance $112,000, and we made one little increase of $15,000 for maps.

You know these large United States maps are splendid for schools of the country, and nearly every Congressman has had many requests for those maps.

They have run out, and the Budget did not recommend anything for any more. We have added $15,000 to this bill to reproduce a large number of those maps. Under the allotment each Member of Congress will have 12 of those large United States maps allocated to him to use in such manner as he feels appropriate.

Mr. MARTIN of Colorado. That is not enough.

Mr. TAYLOR of Colorado. I know it is not enough. We ought to have 100 each for the schools of our districts. They are educational and are the most authentic and best United States maps published. They are entirely official. Two years ago the Budget declined to recommend any more money, but we added $15,000 ourselves at that time and obtained a new allotment of these United States maps. They are economically printed and are splendid maps.

Concerning the Bureau of Indian Affairs, 44 pages of this bill are occupied with that Bureau. The bill itself is 116

pages long, the longest that we have ever had, and I imagine it is the longest that will be reported from any of the subcommittees this year. We have appropriated $27,101,170.05 to the Indians, and that is $1,086,509.95 less than the last year's appropriation, and $1,413,061.70 less than the Budget recommended. There is a total appropriation also in addition to that out of tribal funds of $1,507,820. The Wheeler-Howard Act was passed last year for the reorganization of the Bureau of Indian Affairs. That act has just been set up with a total appropriation of $3,825,000. The estimates were $3,675,000, and we have allowed $2,140,000. A cut of $1,520,000 in the estimate of $2,500,000 for the revolving fund is responsible for that cut. They have not yet got started with all the machinery set up under the Wheeler-Howard bill. Under this amount that we have allowed, and in addition to what they have not expended, there is available $3,480,000, which we feel is amply sufficient to get the work of the revolving fund started.

For industrial assistance to Indians, the amount recommended is $2,283,000. Last year the appropriation was $3,720,000. In other words, we have cut off $1,437,000 less than last year's appropriation, and, as I say, $1,492,000 less than the Budget. The cut of $1,520,000 in the Wheeler-Howard item, to which I have referred, is responsible for this saving.

We have included an item of $42,500 for development of what they call Indian arts and crafts. That is a new enterprise. The Budget recommended paying a man at the head of this new activity of arts and crafts, $10,000 a year. Inasmuch as the Commissioner of Indian Affairs received only $7,500 a year until about a year or two ago, when his salary was raised to $8,000 a year, we thought it absolutely ridiculous to put some man under him to take charge of an activity under that Bureau and pay that man $10,000, so we cut the amount down to $7,500 and would not be surprised if somebody would cut it even less than that. The Budget allowed $45,000, and we cut that amount $2,500.

For education of the Indians we have appropriated $9,295,375. Last year's appropriation was $9,776,000. There is included $981,000 in the appropriation of last year for cooperation with school districts in the construction of school buildings. This is an apparent decrease in education, but as a matter of fact there is an actual increase because of the amount of increased cost of operation and additional pupils and the depletion of tribal funds. A great many tribes have had funds of their own, but during this depression those funds have largely disappeared, and hereafter we are going to be compelled to appropriate more money for the Indians than we have been doing heretofore. There is no way of getting away from it. Two thousand one hundred and seventy-six pupils have been provided for in this bill over and above the number of pupils provided for last year. We allow so much per person ordinarily for pupils, but that varies in different localities.

For the conservation of the health of the Indians, the amount recommended was $4,417,360. We gave them $3,849,620 in the appropriation bill of last year. This is an increase of $567,000, which is divided up in this way: $374,150 for the operation of new public-works hospitals and for increased cost of operation of hospitals. We have quite a number of new hospitals, and we will have to have more. There is a large percent of tuberculosis and trachoma and other diseases of the Indians that we have to take care of if we are not going to permit the extermination of the red people in this country, and it costs a large amount of money. There is $73,730 for the operation of hospitals that were formerly paid out of tribal funds.

Then they set up a new activity. We have allowed $34,000 for what is known as pneumothorax clinics. They want to experiment among the Indians, and they have used this treatment among some colored people and others, and they have discovered what they think is going to be very beneficial treatment, and in many cases a substantial cure of tuberculosis, by closing up one lung at a time until that gets well and then opening that up and using it and closing up the other one. That may seem peculiar, but on page 1036 of the hearings you will find a very good description of that proceeding, which they feel is going to be quite beneficial to the Indians.

We added an item of $30,000 that was not recommended by the Budget. There are only a very, very few things that we put in here which were not recommended by the Budget. At Point Barrow, Alaska, the most northerly port of that whole country, away up above the Arctic Circle, nearly a thousand miles from any place on earth, the Presbyterian Church of this country has been maintaining a hospital for the Eskimos. There are about 1,700 Eskimos who live up there. That hospital has been maintained by the Presbyterian Church for many years. They built a building that cost $50,000 and equipped it, and they have been taking care of those Eskimos. The building is on solid ice and it never melts. In the past year the number of patients treated there was over 2,847. The Presbyterian Church has absolutely got to quit.

They say they cannot stand that expense any longer. They have had a wonderful man up there in charge. He was a minister and he has been ministering to the welfare of these people in a religious as well as a medical way. He has become deaf. I think he is blind, too, and he is very old, and he has had to leave there. The Presbyterian Church wants to donate the whole property to the Federal Government without a cent of remuneration, but they say we must take it over. We made a study of it and we learned that we can carry that on for $30,000 a year, so we put that item in this bill to carry on that hospital and improve it some and secure a competent physician and surgeon and at least one nurse, because whenever an Eskimo within a distance of 1,500 miles along that farthest northern country gets sick he must either die or go to this hospital.

Mr. TABER. Will the gentleman yield there?

Mr. TAYLOR of Colorado. I yield.

Mr. TABER. With reference to this all-American canal item, will the gentleman tell us whether or not this is the first time that has appeared in any appropriation bill?

Mr. TAYLOR of Colorado. Yes; that is right. This is the first time it has appeared here. I might say the Department of the Interior and the Bureau of the Budget sent up an estimate to this committee for some new construction, additional construction, quite a large item, for reclamation. We decided not to put it in this bill and I decided not to put it in the deficiency bill that was passed last week, because I think that will more properly come in the first regular deficiency bill which we will take up very soon. That will be the first regular deficiency bill. We feel that that item of $30,000 is a humane and very necessary item, and we put it in.

The amount recommended in this bill for the general support of the Indians is $2,360,000. This is an increase of $105,650 over last year. That increase is due to the depletion of tribal funds largely. It amounts to $44,000. There is $36,550 for additional clerical assistance. I may say that many of these Indian agencies do not have practically any help at all, and they must make a great many reports. We felt it was absolutely necessary to allow a few additional clerks at some of the Indian agencies, so that accounts for this item of $36,000. Then we allowed an item of $30,000 for the consolidation of the supervision of the Navajo and Pueblo Indians. Those are very large tribes and extend over a wide part of Arizona and New Mexico. This activity is authorized, and we felt it would be advantageous to give them that appropriation.

Under the Bureau of Reclamation we have added $75,000 for the establishment of an operation and maintenance administration. I may say to the House that at the present time the Government has an investment of over a half billion dollars in these reclamation projects when those under construction are completed. I think it will be nearer $750,000,000. This organization is necessary to look after that. I might say in passing—and I presume we will have some debate on this later on by the gentleman from Pennsylvania and others—but every dollar of this money and every dollar of the appropriation that is coming in the next deficiency

bill, $64,710,000, comes under the reclamation law. It is obligated to be paid back to the Government, dollar for dollar, within 40 years without interest.

Of course, it takes some machinery to look after it. But let me say as strongly as I possibly can that, considering all the Government reclamation projects up to this good hour, less than 2 percent of all the money that is now owed the Government of the United States is in default. There is no other large institution in the United States that can make as good a report as that. We do feel that the slurs and criticisms which have been made are not only wrong but are an outrage upon the people who are building up that vast western half of the United States, which Daniel Webster referred to as the great American desert, and making homes for thousands of people, making a market for every manufacturing concern in the United States which ships goods to it.

This Commission is also to advise settlers as to the most economic use of water, and so forth.

We made an increase of $67,000 in the Geological Survey. I might say that we made a great many cuts, but there is a total increase of $67,000. The amount recommended was $2,352,560. The amount appropriated last year was $2,285,560. This increase is $40,000 for additional topographic surveys. We have very insistent demands upon us from all over the United States for topographic surveys, and we have allowed that item.

Then we have allowed $38,000 for geological surveys. Fourteen thousand dollars additional for printing and binding; $25,000 for mineral leasing on the public domain. We feel that all these matters are of tremendous importance, and we have assumed to make these appropriations, but they are still well within the recommendation of the Budget.

We have allowed $50,000 for land classification, but that has been transferred from the Geological Survey over to the public grazing supervision to which I have referred heretofore, so that that is merely a transfer of funds. We have made a saving of $10,000 in this item by reducing the estimates for mineral resources in Alaska. We felt that considering the large amount of money Alaska has obtained from the public-works fund, we could make this cut from $70,000 to $60,000. I may say in passing that I shall ask the gentleman from Nevada [Mr. SCRUGHAM], who himself is a distinguished engineer, to answer any detailed questions there may be concerning the Bureau of Mines and the Geological Survey, which he is eminently qualified to answer. I will simply touch a few of the high spots.

The amount recommended for the Bureau of Mines is $1,992,050. The appropriation last year was $1,970,000. We made an increase of $22,000 over last year's item, but we have eliminated $20,000 from the estimate for the repair of one helium-gas well. There are four wells now in active operation. We felt, in view of the decreased demand for helium gas since the loss of the *Macon* and the *Akron*, that four wells were sufficient to supply all the helium we would need. We therefore made this slight reduction.

Other Budget items which we have denied are $26,150 for demonstrations of mine explosions. We felt there was sufficient left without that and that they could very well stand this cut. We cut $20,000 from the item "Testing of fuel." We have added $12,000 for a survey of the stored oil in the United States. We have also added $84,400 for experimental work at Boulder Dam with regard to the utilization of surplus power in testing ores and minerals in that area. I come now to the National Park Service.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. I yield only for a brief question.

Mrs. ROGERS of Massachusetts. Is there an appropriation for an investigation of the granite industry in the United States; the quarrying and distribution of granite? I understood that would be included in one of the items.

Mr. TAYLOR of Colorado. At the moment I do not recall specifically. I would have to look over those items before I can answer definitely.

Mrs. ROGERS of Massachusetts. It might be included in one of the items?

Mr. TAYLOR of Colorado. I am not sure whether the Bureau of Mines would have authority over that. It would be a matter I would have to look into before I could answer the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I understand; but some might be obtained for this purpose.

Mr. TAYLOR of Colorado. Possibly.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield right along this line?

Mr. TAYLOR of Colorado. Briefly; yes.

Mr. JOHNSON of Oklahoma. Ten thousand dollars is specifically set forth in the bill for a study of the occurrence of granite in the northeastern States.

Mr. TAYLOR of Colorado. The gentlewoman from Massachusetts, of course, understands there are something less than a million items provided for in this bill and it is impossible for me to remember all of them without checking up on them.

Coming to the National Park Service. Let me say that the amount recommended was $16,022,080. We gave them $15,871,390. This represents an increase of $150,000 over last year's appropriation, but there is a decrease under the Budget of $6,000. No individual park item has been increased. Of all the national parks in the United States we have not increased one.

The President has directed the Park Service to make an investigation as to whether or not charges or fees could be exacted by these parks to take care of some of the expense.

Mr. Chairman, in the matter of these national parks may I say that I think they are one of the outstanding important activities of this generation. Twenty years ago the total number of visitors to all our national parks was about 300,000 in a year. Last year, 1935, over 7,000,000 people visited our national parks. In other words, we are building up the sentiment "See America First." And millions of Americans are seeing America first. The people come to these parks from all over the United States, and in these parks are suitable accommodations for people with all kinds of means, or with scarcely any means. A man can put his family in a car and without much expense spend as much time as he wants in these parks. Really it is an investment in good citizenship and is a wonderful health-producing and invigorating service. I doubt the wisdom of charging the public much, if anything, for the use of the parks. They do make a nominal charge of $1 a car or something of the kind partially for the purpose of keeping a tabulation on the traveling public. There is, of course, always some criticism by somebody about everything.

Speaking from long experience with these bureaus, I think the National Park Service in its showing, its justification, and the frankness with which it presents its claims to our committee is not exceeded or equaled by any other bureau of the Government. I feel it is a splendid organization and I have always been proud of them. It has always been a delight for me to be of service in upbuilding and improving our national parks.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. I yield for a short question.

Mr. COLDEN. What portion of the expenses of the Park Service do these admission charges defray?

Mr. TAYLOR of Colorado. I have forgotten for the moment, but it is a comparatively small amount.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. For a question only; I want to proceed, I am taking too much time.

Mr. KRAMER. Does the gentleman know how it is that such companies as the Standard Oil Co., the Shell Oil Co., and others secure the right to sell gas in these parks? Does the Government receive any revenue from these concessions?

Mr. TAYLOR of Colorado. Mr. Chairman, when Mr. Mather was originally appointed—and I may say in passing that he is entitled, I think, to more credit for the creation of our National Park Service and for the enactment of the law which created our national parks than any other one human being. Soon after the passage of the law it was apparent that a definite system must be followed with re-

gard to the furnishing of service in these parks. It was felt it would be ruinous and disgraceful to let everybody run wild and make a racket of it. All the parks would have soon been ruined. After exhaustive consideration it was decided—and that policy has been carried out ever since—that they would grant exclusive concessions under strict regulations, strict supervision, and strict authority to cancel them whenever they were violated; and these regulations apply to all the parks. These concessions are let out to responsible parties. Some furnish food, some transportation, some sleeping quarters, some one thing and some another.

Now, Mr. Chairman, I must decline to yield further.

So that we do have a definite system throughout these parks. They have what are called concessionaires or operators in each one of these parks who have practically a monopoly. Take, for instance, the national park in my own State. When the weather was fine if anybody came in on the train to Denver and wanted to go up to the Rocky Mountain National Park they would probably take them up there for $5, but if the weather was bad they would be charged $25 apiece. That became such a raw swindle that steps were taken to fix and limit the price. It is now fixed. The service is limited and everything about the matter is under the control of the Secretary of the Interior, and the charge is the same, rain or shine, and whether the bus carries 1 or 15 people. In other words, it is systematized. These contracts, of course, run a certain length of time for each concession. If anyone knows of any better system than that, and one which will any better protect the public, of course, I feel that the Secretary of the Interior and Director Cammerer would welcome the suggestion.

I must pass on now to the Bureau of Education. The amount recommended for the Bureau of Education was $7,159,300. The amount appropriated in 1936 was $5,761,220. We have given them an increase this year of $1,398,080, which increase is due to the following items:

Five hundred thousand dollars is authorized by the act of June 29, 1935, and covers land-grant colleges throughout the United States.

Eight hundred and forty-one thousand dollars is an additional amount to cover vocational rehabilitation under the Social Security Act. This is one of the things that has been added on, and there is no way of getting away from it. It has been enacted into law, and we have to carry out that act.

There is an addition of $20,000 added for the Hawaiian Islands and Puerto Rico. We have disallowed an item of $50,000 in the estimate, due to the fact there will be an unexpended balance of at least that amount in connection with the vocational-education item. There is $4,100 more disallowed due partly to the disallowance of traveling expenses. We reduced this item to $2,300.

I come now to the Territory of Alaska. There was recommended a reduction in the 1936 appropriation of $20,000 for construction of roads and trails. The sum of $50,000 is cut from the Alaska Railroad item. I might say that a number of years ago before I became chairman of this subcommittee the Alaska Railroad was obtaining from a million to a million and a quarter a year in addition to all its receipts. During the first year I became chairman the item was cut in half to $500,000; the next year we cut it to $250,000, and the next year we cut it off altogether. But they came back and received a deficiency appropriation of $250,000.

Mr. Chairman, as a matter of fact, that railroad cannot be run on its receipts for many reasons. One is the Richardson Highway competes with it. This is a broad highway and almost free. The trucks use this highway in the summertime, and, of course, most of the produces moves up there in the summertime, and people use the highway in stead of the railroad. It was a very expensive railroad to build, having cost the Government $57,000,000. There were hopes at the time of its construction that it would be self-supporting and might repay for itself, but that has not proven to be the case. We cannot very well abandon the railroad because if we did we might as well abandon Alaska. The superintendent of that railroad, Colonel Olson is doing a splendid job. He deserves great credit. This railroad does take people from Seward to Fairbanks and it does maintain quite largely the morale and the business of the Territory. We therefore feel that $200,000 is necessary and for this reason we have added that amount to the appropriation. We did cut off $50,000 below last year.

The increases in Alaska consist of $46,000 for the legisture. We pay the expenses of the legislatures in Alaska and the Hawaiian Islands. They meet every 2 years. They meet this year, so that we have this item of $46,000 to take care of the legislature, and there is no way of getting away from that.

We have added $11,600 for the care of the insane. I might say that the problem of the Alaskan insane is a very serious problem. The Morningside Hospital in Oregon has the contract at the present time to take care of the Alaska insane and have had it for a number of years, but the arrangement is not at all satisfactory. On the other hand, we advertised for bids and did not get a lower bid from a single hospital in the United States to do this work. We have to carry it on, and we will have to add a sum for the additional expenses involved in the care of the insane for the coming year. As I stated, the Morningside Hospital has a contract and they are taking care of these people at the present time. There is a large number of insane. Many of them I do not think ought to be there, but these people go to Alaska, they become insane, and then are shipped down there. We cannot throw them out. It is simply a humane matter.

We have added $25,000 for repair of roads and trails.

Now, with reference to the Territory of Hawaii, we recommend $68,650, an increase over the current year of $47,000. This increase is necessary for the Hawaiian Legislature, just as was the case with the Alaskan Legislature.

Referring to the Virgin Islands, we recommend $290,000, which is $26,500 less than the current appropriation. An increase in the revenues of the municipal government permits this corresponding decrease, we feel.

The appropriation for St. Elizabeths Insane Asylum; the Columbia Institute for the Deaf; Howard University, the largest Negro university in the world; and Freedmen's Hospital are provided for in practically the same amounts as in the current year.

Mr. Chairman, this in a general way covers the high lights of the main activities of the Interior Department. As I stated, we have held exhaustive hearings. Our committee consists of seven members, and we feel that this report is eminently just. At the same time we have endeavored to save the Government some money.

Mr. RICH. Will the gentleman yield?

Mr. TAYLOR of Colorado. Just for a question; not for argument.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield for just a moment?

Mr. TAYLOR of Colorado. I yield first to the gentleman from Pennsylvania.

Mr. RICH. I would like to ask the gentleman from Colorado [Mr. TAYLOR], for whom I have the highest regard, and who, I believe, is better qualified to discuss this bill than any Member of the House——

Mr. TAYLOR of Colorado. I thank the gentleman.

Mr. RICH. I would like to know whether moneys are going to be appropriated from Public Works funds to the Interior Department, as they were last year, which would naturally increase the amounts carried in this bill over what may be represented by the bill itself.

Mr. TAYLOR of Colorado. The gentleman will realize it is utterly impossible for this subcommittee to tell what the Public Works is going to give to any activity. I do not know what they will do, I am sure.

Mr. RICH. Last year when you submitted your report you knew there would be $200,000,000 or more spent, and I thought perhaps the gentleman had the same information now.

Mr. TAYLOR of Colorado. No; I anticipate they will get quite a good deal for some of these activities, but how much they will get I cannot tell.

Mr. RICH. This bill represents an increase of $4,179,000 over what it was a year ago.

Mr. TAYLOR of Colorado. Yes.

Mr. RICH. And each appropriation bill that has been brought into the House up to this time has contained increases.

Mr. TAYLOR of Colorado. We have had increased activities put on us that we did not ask for.

Mr. RICH. I am not criticizing the gentleman at all, but I want to bring to the attention of the House of Representatives the fact that every bill that comes in here carries an increase in appropriations. Now, we say we are going to try to balance the Budget, but if the membership of the House of Representatives is going to permit these additional authorizations as represented in every one of these bills that come to the House, then how can we ever expect to balance our Budget?

Mr. TAYLOR of Colorado. Let me answer the gentleman from Pennsylvania in this way: As long as the House of Representatives and the Senate keep on passing an avalanche of bills by unanimous consent that create new charges and many large new appropriations, which ought not to be done, we are bound to obey the law and make larger appropriations.

Some of these bills are utterly unnecessary, but every week such bills are passed by unanimous consent; and they put more burdens on the Appropriations Committee and the Federal Treasury, because, when you pass a bill and the President signs it, you are authorizing and directing additional expenditures; this committee is obligated to appropriate the money to carry them out. That is how all this increase comes about.

Mr. RICH. Then it is the fault of the membership of the House of Representatives?

Mr. TAYLOR of Colorado. It is the fault of the House of Representatives and the Senate and the President. If we could cut out a lot of these bills that increase the charges on the Federal Treasury it would not put the burden on the Appropriations Committee of coming in here and asking the House to approve these increases.

Mr. RICH. I agree with the gentleman.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. I yield.

Mr. ZIONCHECK. I want to submit a parliamentary inquiry. How much additional time has the chairman of the subcommittee?

The CHAIRMAN. The gentleman from Colorado has 6 minutes remaining.

Mr. ZIONCHECK. May I at this time ask unanimous consent that the time of the gentleman from Colorado be extended 15 minutes?

The CHAIRMAN. The Chair will state that the time for general debate has been fixed by the House.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. COCHRAN. Right in line with the suggestion that the gentleman from Colorado has just made with reference to passing bills by unanimous consent, carrying larger appropriations, does not the gentleman think this House made a very serious mistake in changing the Private Calendar rule, which enables committees to bring in and pass omnibus bills?

Mr. TAYLOR of Colorado. Yes; I do.

Mr. COCHRAN. Does the gentleman know that Tuesday afternoon the House agreed to a conference report on a private bill carrying $900,000? The report was printed in the RECORD, but it was agreed to immediately. The report did not even go over under the rule, as unanimous consent was given for its immediate consideration.

Mr. TAYLOR of Colorado. As long as the House and Senate shut their eyes and continue to pass bills which create large obligations on the Government, you will have the Appropriations Committee coming in here with increased appropriations all the time.

Mr. RICH. And if we continue to make such appropriations, there is no man in the House on either side who is able to tell where you are going to get the money.

Mr. TAYLOR of Colorado. That is true.

Mr. Chairman, I reserve the balance of my time.

Mr. LAMBERTSON. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. WIGGLESWORTH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein a table prepared by the Park Service and two letters, one addressed to the Bituminous Coal Commission, and the reply thereto.

Mr. ZIONCHECK. Mr. Chairman, reserving the right to object, I have been trying to get a little time to talk here, and I have tried to get it on that side, and they will not give it to me over there, so I am going to object unless I can get a few minutes.

Mr. MILLARD. Object to what?

Mr. ZIONCHECK. To the unanimous-consent requests. Five minutes is all I have asked.

Mr. WIGGLESWORTH. I may say to the gentleman——

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WIGGLESWORTH. Mr. Chairman, I have a great regard for the distinguished chairman of the Appropriations Committee, both for him as an individual and for his ability, and I am happy to learn this morning that he is on the road to recovery and may be expected back with us in the very near future.

Last November I received a letter from the chairman stating that at a recent conference with the President it had been decided that this House should pass all appropriation bills, one legislative bill desired by the President, and then adjourn in the middle of March, or at the latest by the 1st of April. He added that as a result of this decision it would be necessary for the subcommittee in charge of this bill, and the subcommittee in charge of the independent offices bill, to meet simultaneously.

Needless to say, in spite of every consideration by the majority members of both subcommittees it was impossible for me to be in two places at the same time. Being assigned to both subcommittees, it was therefore necessary for me in reporting this bill to the full committee to make full reservation of rights on many items carried by the bill.

I want to speak this morning on a few features in the bill, and a few only, reserving such further comments as may seem advisable for the 5-minute rule.

First. As to the totals carried in the bill. For the fiscal year 1934 the appropriations carried in this bill amounted to about $43,200,000. For 1935 the total rose to something less than $46,900,000. Last year the bill carried about $58,800,000. Deficiency items during the year brought the total up to $77,000,000.

The present bill carries a total of over $81,200,000, a reduction, to be sure, of over $1,700,000 as compared with the Budget recommendations, but almost $4,200,000 more than the bill for the present fiscal year and about $38,000,000 in excess of the bill 3 years ago.

In addition there is an item of $64,710,000 carried in the Budget for reclamation projects which has not been considered by this committee. If subsequently allowed through a deficiency bill, we shall have a total increase compared with the present fiscal year of $69,000,000, with a total for the fiscal year 1937 of about $103,000,000 as compared with $43,000,000 3 years ago.

Furthermore, I have just been advised that the following emergency funds have been made available to the Interior Department under the present administration:

Emergency funds allocated to the Interior Department

Public Works funds	$193,148,028.95
Emergency Relief funds	129,583,372.00
Emergency conservation work, Indians	31,601,200.00
Total	354,332,600.95

The principal increases and decreases in this bill as compared with the present fiscal year are set forth in the report. If there is no objection, I will insert them at this point in my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

Increase in appropriations: As has been stated above, this bill appropriates a total is $4,179,754.05 greater than the 1936 appropriation. The major increases are as follows:

Public-works program	$850,000.00
Grazing control	400,000.00
Bituminous Coal Commission	990,000.00
Compensation to Indians for loss of lands	594,041.05
Conservation of health, Indians	567,740.00
Indian irrigation	129,464.00
Support of Indians	130,650.00
Operation, protection, and maintenance of public buildings, Park Service	1,086,900.00
Office of Education, including vocational education	1,398,080.00
Miscellaneous net increases	262,644.00
Total increase	6,409,519.05

The major decreases are as follows:

Petroleum Administration	$200,000.00
General Land Office (surveying)	112,000.00
Indian industrial assistance (revolving fund)	1,437,020.00
Education of Indians	480,745.00
Total decrease	2,229,765.00
Net increase	4,179,754.05

Mr. WIGGLESWORTH. I may mention in this connection that the increase of $850,000 for the public-works program reflects an increase of about $2,200,000 for reclamation, less reductions in respect to roads and trails in national parks and Indian reservations.

Before we finish discussion of the bill I hope someone will explain in detail the necessity for the four substantial increases under the Indian Service amounting to over $1,400,000. The increase of $400,000 for grazing control represents an increase of $250,000 for the construction and maintenance of range improvements, dependent for expenditure upon the realization of grazing fees, plus an increase of $150,000 for examination and classification of 80,000,000 acres of land under control of this agency. Of the latter sum, about $68,000 represents a transfer from "Classifications of lands, Geological Survey."

The Members of the House will recall that in my remarks on the floor a year ago I suggested that before creating the office of Under Secretary of the Interior Congress was entitled to some showing of necessity in the matter. I pointed out at that time that we had never had until recently more than two Under Secretaries in the Government, one in the Department of State with representatives in every part of the world and one in the Treasury Department vitally affecting the lives of all American citizens. I pointed out at that time that there had been little or no showing of necessity made before either the House or Senate committees and that the Department of the Interior was not in a position to give any information as to the assignment of duties contemplated should the office be created.

The testimony of the Secretary of the Interior before the committee this year is to the effect that no reallocation of duties among the Assistant Secretaries of the Department had been made as a result of the appointment of an Under Secretary and that no duties had been assigned to the Under Secretary up to the date of the hearings other than special assignments from time to time.

We are all familiar, I think, with the character of those assignments. It seems to me that we are today in the same position as a year ago without justification for the creation or maintenance of this office.

The National Bituminous Coal Commission appears in the bill for the first time this year. It creates a little N. R. A. in the bituminous coal field pursuant to legislation enacted after receipt of the letter of the President in which he stated:

I hope your committee will not permit doubts as to constitutionality, however reasonable, to block the suggested legislation.

Almost a million dollars is provided for this activity, with strong indication of substantial increase in the event that the Court holds the legislation constitutional. The Commission is to operate through 23 district boards. It desires a total personnel of 310 with $200,000 or thereabouts for a legal force of 80; with $83,000 for a statistical force of 34; and with $18,509 for an information and editing force of 9.

Section 14 (b) of the act creating the Commission reads as follows:

Each contract made by the United States, or any department or agency thereof, with a contractor for any public work or service, shall contain a provision that the contractor will buy no bituminous coal to use on or in the carrying out of such contract from any producer, except such producer be a member of the code set out in section 4 of this act as certified to by the National Bituminous Coal Commission.

Under authority already accorded, I insert at this point two letters, the first dated November 11, 1935, addressed to the Commission by the Procurement Division of the Treasury Department, the second the reply of the Commission dated November 15, 1935:

CORRESPONDENCE RELATIVE TO INTERPRETATION AND APPLICATION OF SECTION 14 (B) OF THE BITUMINOUS COAL CONSERVATION ACT IN RELATION TO GOVERNMENT CONTRACTS

TREASURY DEPARTMENT,
PROCUREMENT DIVISION,
Washington, November 11, 1935.

CHAIRMAN, NATIONAL BITUMINOUS COAL COMMISSION,
Washington, D. C.

SIR: Reference is made to the meeting on November 11, 1935, in this division of the representatives of the several departments of the Government designated to confer with the Director of Procurement with reference to general policies pertaining to contract procedure, at which meeting were present Messrs. Hosford, Tetlow, Ansell, and Hunt, of your Commission.

At the said meeting certain questions were presented relative to the effect of the Bituminous Coal Conservation Act of 1935 upon Government contracts, and the procedure to be followed in giving effect to the act. It was agreed that the departments and establishments of the Government should follow a uniform procedure, and that for the purpose of advising Government agencies thereof your Commission should be formally requested by this Division to decide the following questions in connection with section 14 of the act, which reads as follows:

"SEC. 14. (a) No bituminous coal shall be purchased by the United States, or any department or agency thereof, produced at any mine where the producer has not complied with the provisions of the code set out in section 4 of this act.

"(b) Each contract made by the United States, or any department or agency thereof, with a contractor for any public work, or service, shall contain a provision that the contractor will buy no bituminous coal to use on or in the carrying out of such contract from any producer except such producer be a member of the code set out in section 4 of this act as certified to by the National Bituminous Coal Commission."

1. Where a coal contract, which contains the provision required pursuant to section 14 (a) of the act, is with a dealer (not the producer), what are the obligations of the contracting officer and such contractor (dealer) with respect to the determination of the origin of the coal?

2. Where a contract contains the provision required by section 14 (b) of the act, and the contractor purchases coal from a dealer (not the producer) to use on or in the carrying out of such contract, what are the obligations of the contracting officer, the contractor, and the coal dealer, with respect to the determination of the origin of the coal?

3. Which contracts (if any) are excluded from the application of section 14 (b), which refers to each contract "for any public work, or service"? For example, shall the provision required by section 14 (b) be included in—

(a) All supply contracts, whether the items are from stock or manufactured especially for the Government under Government specifications.

(b) All leases of improved premises, regardless of the origin of the funds (Government appropriation or private contribution) from which the rent is payable.

(c) All contracts for service regardless of whether it is known to the contracting officer that bituminous coal will not be used on or in the carrying out of such contract.

4. Does the term "contractor for any public work, or service", in paragraph 14 (b), extend to subcontractors, etc.? If so, what are the obligations of the contracting officer, the contractor, subcontractor, etc., and dealers from whom they purchase coal, with respect to the determination of the origin of coal used on or in the carrying out of the principal contract?

5. What is the obligation of contracting officers, before awarding contracts, with respect to the determination as to whether the lowest responsible bidder has been, or is, in default (as to the coal provision) in the performance of other contracts with the United States, or any department or agency thereof?

6. What procedure is to be followed in cases where questions arise as to whether or not there have been violations of the contract provisions relative to the use of bituminous coal, and in

cases where it is evident to the contracting officer that there have been such violations?

7. Do cooperative agreements (Agricultural Department) come under the act? It is understood that such agreements are entered into with individuals, firms, and corporations and, conceivably, may be in the nature of public work or service. However, from the very nature of the agreement there is no profit accruing to the cooperator.

8. What should be the procedure where the contract is for telephone, electric, gas, and similar service, and the contractor, which controls the source of supply, refuses to include the coal provision in the contract?

Respectfully,

H. E. COLLINS,
Acting Director of Procurement.

NOVEMBER 15, 1935.

ACTING DIRECTOR OF PROCUREMENT,
Treasury Department, Washington, D. C.

SIR: Your letter of November 11, 1935, addressed to the chairman, referring to the meeting on that day of the representatives of the several departments and other establishments of the Government designated to confer with the Director of Procurement with reference to general policies pertaining to contract procedure, at which meeting certain questions were raised relative to the applicability of the Bituminous Coal Conservation Act of 1935 to Government contracts, has been considered by the Commission.

Your letter stated that at the meeting it was agreed that the departments and establishments of the Government should follow a uniform procedure in applying the act to Government contracts, and that for this purpose the Commission should be requested by the Procurement Division to decide questions in connection with section 14 of the act.

The questions which your letter states are set out below in the order in which they appear in your letter and are answered as follows:

"1. Where a coal contract, which contains the provision required pursuant to section 14 (a) of the act, is with a dealer (not the producer), what are the obligations of the contracting officer and such contractor (dealer) with respect to the determination of the origin of the coal?"

Answer. The contracting officer must require the submission of evidence to him that all coal delivered under the contract by the dealer has been produced at a mine where the producer has complied with all the provisions of the code set out in section 4 of the act and promulgated by order of the Commission dated October 9, 1935. Satisfactory evidence of such compliance shall consist of (1) an affidavit executed by the dealer upon each delivery of coal setting forth the name of the producer thereof and (2) appearance of the name of such producer on the latest list of members of the code, issued by the Commission to the various departments and establishments of the Government. So far as the dealer's obligations are concerned, he is obviously under the duty to conform to the terms of the contract. The Commission is unable to advise you with reference to any obligations of the dealer existing outside the contract.

"2. Where a contract contains the provisions required by section 14 (b) of the act, and the contractor purchases coal from a dealer (not the producer) to use on or in the carrying out of such contract, what are the obligations of the contracting officer, the contractor, and the coal dealer, with respect to the determination of the origin of the coal?"

Answer. As in the answer to question 1, the contracting officer must require the submission of evidence to him that all coal delivered to the contractor by the dealer for use on or in the carrying out of such contract has been furnished by a producer who is a member of the code set out in section 4 of the act and promulgated by order of the Commission dated October 9, 1935. Satisfactory evidence of such membership shall consist of (1) an affidavit executed by the contractor upon each delivery of coal setting forth the name of the producer thereof and (2) an appearance of the name of such producer on the latest list of members of the code, issued by the Commission. So far as the contractor's and the dealer's obligations are concerned, they are under the duty to conform to the terms of their contracts. The Commission is unable to advise you with reference to any obligation of the contractor or of the dealer existing outside the contract.

"3. Which contracts (if any) are excluded from the application of section 14 (b) which refers to each contract 'for any public work or service'? For example, shall the provision required by section 14 (b) be included in:

"(a) All supply contracts, whether the items are from stock or manufactured especially for the Government under Government specifications.

"(b) All leases of improved premises, regardless of the origin of the funds (Government appropriation or private contribution) from which the rent is payable.

"(c) All contracts for service regardless of whether it is known to the contracting officer that bituminous coal will not be used on or in the carrying out of such contract."

Answer. The only construction which is consistent with the liberal and remedial purposes of section 14 (b) requires that that section be applied to every contract entered into by or on behalf of the Government. The transactions described in subquestions (a), (b), and (c) would therefore require the inclusion of the provision of section 14 (b).

"4. Does the term 'contractor for any public work or service', in paragraph 14 (b), extend to subcontractors, etc.? If so, what are the obligations of the contracting officer, the contractor, subcontractor, etc., and dealers from whom they purchase coal, with respect to the determination of the origin of coal used on or in the carrying out of the principal contract?"

Answer. The term "contractor" as used in section 14 (b) applies to subcontractors. Accordingly, the obligation of the contractor under section 14 (b) extends to an obligation upon his part to require his subcontractor to buy no bituminous coal to use on or in the carrying out of the subcontract from any producer not a member of the code. So far as the obligations of the contracting officer, contractor, and subcontractor are concerned, the procedure set out in response to your questions 1 and 2, above, would appear to be sufficient.

"5. What is the obligation of contracting officers, before awarding contracts, with respect to the determination as to whether the lowest responsible bidder has been, or is, in default (as to the coal provision) in the performance of other contracts with the United States, or any department or agency thereof?"

Answer. If the name of the producer delivering coal to the contractor appears on the latest list of code members furnished by the Commission, the obligation of the contracting officer will be satisfied.

"6. What procedure is to be followed in cases where questions arise as to whether or not there have been violations of the contract provisions relative to the use of bituminous coal, and in cases where it is evident to the contracting officer that there have been such violations?"

Answer. The ultimate determination of the matter of violation is vested by the act exclusively in the Commission. Any question of violation of contract provisions required by the Coal Conservation Act of 1935 should be submitted to the Commission by the contracting officer or his proper superior. Provision should be made in each contract for the suspension of acceptance of performance in respect of the coal provisions thereunder until the Commission shall determine the fact of violation.

"7. Do cooperative agreements (Agricultural Department) come under the act? It is understood that such agreements are entered into with individuals, firms, and corporations, and, conceivably, may be in the nature of public work or service. However, from the very nature of the agreement there is no profit accruing to the cooperator."

Answer. The Commission is not now sufficiently informed in respect of the nature of "cooperative agreements (Agricultural Department)" to answer this question. It is suggested that a complete description of these transactions and of the authority therefor be submitted to the Commission so that it may undertake to respond to the question.

"8. What should be the procedure where the contract is for telephone, electric, gas, and similar service, and the contractor, which controls the source of supply, refuses to include the coal provision in the contract?"

Answer. The Commission can advise you in respect of such procedure only by reference to its answer to question 3 above.

Respectfully,

NATIONAL BITUMINOUS COAL COMMISSION,
By C. F. HOSFORD, Jr., *Chairman.*

The Committee will note that while the act speaks of contracts for any "public work or service" and deals with purchases from a "producer" by a "contractor", nevertheless the Commission interprets the section as applicable to every contract entered into by or for the Government as including dealers as producers and subcontractors as contractors, even down to those furnishing incidental service, such as gas or electric light.

The interpretation of the Commission seems to me extreme, to say the least. The testimony of the Chairman before the subcommittee 1 month after the writing of this letter, appearing on page 126 of the hearings, suggests that he, too, has perhaps come to this conclusion.

Many of us have felt that this legislation was unconstitutional from the outset. Regardless, therefore, of the merit of the broad objectives of the legislation, over which there would perhaps be little difference of opinion, the question presents itself if the House should appropriate the sum of a million dollars prior to action by the Supreme Court, which no doubt will be forthcoming in the near future. The House having withheld only a few days ago the appropriation for the potato-control bill, it would seem to follow that similar action should be taken in this connection.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. Yes.

Mr. DONDERO. I notice there is no appropriation for the Bituminous Coal Commission for 1936. Where did all the money come from to pay the expenses for this year?

Mr. WIGGLESWORTH. There has been a deficiency appropriation, and my impression is there have been certain transfers during the present year to take care of the Commission until July 1 next.

The subject of reclamation has already been discussed and time does not permit of any detailed consideration on my part. In passing, however, I may emphasize the fact that the bill provides for an increase of about $2,200,000 as compared with the present fiscal year, not including the sum of $64,710,000 recommended by the Budget but not considered by the committee. The record indicates that some 70,000 new acres of land have been brought into cultivation, 45,000 under the Reclamation Service, 25,000 under the Indian Office, this despite the money expended under the A. A. A. with a view to taking land out of cultivation. The total investment of the Federal Government in reclamation projects is said to be about $250,000,000 in respect to those constructed and about $250,000,000 in respect to those under construction.

The National Park Service is now entrusted in large measure with the operation, protection, and maintenance of public buildings, parks, and highways. The bill reflects an increase in this respect as compared with the present year of $1,086,900.

Under leave already accorded, I shall insert at this point in my remarks a table prepared by the National Park Service showing a list of buildings in the District of Columbia leased wholly or in part by the Government.

List of buildings in the District of Columbia leased wholly or in part by the Government, Jan. 11, 1936

Building and address	Occupants	Net square feet	Annual rental	Rental per square foot	Date of acquisition	Contract no.
Adams, 1333 F St. NW.[1]	Federal Emergency Relief Administration	850	$1,200.00	$1.41	July 1, 1935	
Do.[1]	Resettlement Administration	4,345	4,344.96	1.00	June 3, 1935	
Albee, 15th and G Sts. NW.[1]	Labor Department	384	480.00	1.25	Apr. 1, 1935	
Do.[1]	do	949	1,518.48	1.60	Nov. 1, 1934	
Do.[1]	do	351	561.80	1.60	July 7, 1934	
Do.[1]	do	4,851	7,761.60	1.60	Apr. 6, 1934	
Total[1 3]		6,535	10,321.88			
Albee, 15th and G Sts. NW	Bureau of Labor Statistics (Labor)	2,082	3,000.00	1.44	Dec. 16, 1935	
Appeals, 426 5th St. NW	Soil Conservation Service (Agriculture)	2,286	2,971.80	1.30	Nov. 26, 1935	
Arlington, 1025 Vermont Ave. NW.[3]	Resettlement Administration	54,696	63,500.04	1.16	Sept. 10, 1935	
Atlantic, 928 F St. NW.[4]	Forest Service (Agriculture)	38,337	30,000.00	.7825	July 1, 1934	
Barber & Ross, 11th and G Sts. NW.[3 4]	Federal Communications Commission	23,082	23,082.00	1.00	Nov. 1, 1935	I-lp-4908.
Barber & Ross warehouse, 4th and Bryant Sts. NE.	Resettlement Administration	8,824	3,100.00	.35	Nov. 18, 1935	
Do	do	2,952	900.00	.305	Dec. 18, 1935	
Total		11,776	4,000.00			
Barr, 910 17th St. NW[1]	Reconstruction Finance Corporation	2,037	3,720.00	1.826	Feb. 25, 1935	
Do	do	1,701	3,060.00	1.80	Oct. 1, 1935	
Total		3,738	6,780.00			
Barr, 910 17th St. NW[1]	Special Mexican Claims Commission	2,296	3,900.00	1.6986	Aug. 16, 1935	I-lp-4886.
Do.[1]	do	231	300.00	1.30	Sept. 1, 1935	I-lp-4893.
Total		2,527	4,200.00			
Barr, 910 17th St. NW.[1]	Commerce Department	16,457	24,544.50	1.49	July 1, 1934	I-lp-2465.
Do	do	829	1,380.00	1.6646	Mar. 8, 1935	
Total[3]		17,286	25,924.50			
Barr, 910 17th St. NW.[1]	American Commission on Mexican Claims	1,000	1,490.04	1.49	Nov. 1, 1934	I-lp-2985.
Do.[1]	do	154	308.04	2.00	Dec. 4, 1935	I-lp-4912.
Total		1,154	1,798.08			
Barr, 910 17th St. NW.[1]	Export-Import Bank	6,361	9,541.50	1.50	Nov. 1, 1935	I-lp-2465.
Bond, 14th St. and New York Ave. NW.[1]	National Park Service (Interior)	425	722.52	1.70	July 1, 1935	I-lp-3466.
Do.[1]	do	1,051	1,786.68	1.70	do	I-lp-3468.
Do.[1]	do	1,852	3,075.36	1.66	May 15, 1935	I-lp-3406.
Do.[1]	do	3,236	4,900.56	1.5147	Feb. 1, 1935	I-lp-3385.
Do.[1]	do	1,735	2,613.96	1.5066	Mar. 15, 1935	I-lp-3388.
Do.[1]	do	5,319	7,437.49	1.3982875	Mar. 1, 1935	I-lp-2987.
Do.[1]	do	1,606	2,832.06	1.48	Jan. 18, 1935	I-lp-3382.
Do.[1]	do	245	342.48	1.398	Sept. 16, 1935	I-lp-4900.
Do.[1]	do	496	843.24	1.70	Oct. 4, 1935	I-lp-4899.
Total		15,965	24,554.35			
Bond, 14th St. and New York Ave. NW.[1]	Resettlement Administration	217	368.88	1.70	July 1, 1935	I-lp-3467.
Do.[1]	do	1,922	2,687.51	1.3982875	Mar. 15, 1935	I-lp-2987.
Do.[1]	do	770	1,211.70	1.574	Jan. 18, 1935	I-lp-3382.
Total		2,909	4,268.09			
Bragg, 12th and G Sts. NW.[3]	Bureau of Internal Revenue (Treasury)	1,490	999.96	.67	Oct. 15, 1935	I-lp-4902.
43, 45, 47, and 49 Capitol Court SW.[3 6]	Department of Agriculture	2,500	900.00	.36	Dec. 16, 1935	
Carpenters, 10th and K Sts. NW.[1]	Federal Power Commission	11,443	12,282.96	1.073	May 1, 1934	I-lp-3449.
Do[1]	do	1,042	1,041.96	1.00	Aug. 1, 1934	I-lp-2470.
Do[1]	do	1,729	2,161.20	1.25	Dec. 1, 1935	I-lp-4913.
Total		14,214	15,486.12			
Carry, 927 15th St. NW[1]	National Bituminous Coal Commission	6,713	9,398.16	1.40	Oct. 16, 1935	I-lp-4901.
Do[1]	do	756	1,058.40	1.40	Dec. 2, 1935	I-lp-4910.
Do[1]	do	89	124.56	1.40	Dec. 19, 1935	I-lp.
Total		7,558	10,581.12			
Columbian, 416 5th St. NW.[1]	Soil Conservation Service (Agriculture)	1,265	1,770.96	1.40	May 31, 1935	
Do.[1]	do	4,749	6,648.60	1.40	May 6, 1935	
Do.[1]	do	210	294.00	1.40	July 22, 1935	
Do.[1]	do	940	1,316.04	1.40	July 25, 1935	
Do.[1]	do	2,521	3,529.44	1.40	July 15, 1935	
Do.[1]	do	209	292.56	1.40	Aug. 21, 1935	
Do.[1]	do	372	520.80	1.40	Sept. 16, 1935	
Do.[1]	do	421	589.44	1.40	Sept. 12, 1935	
Do.[1]	do	404	565.56	1.40	Sept. 11, 1935	
Do.[1]	do	227	317.76	1.40	Nov. 2, 1935	
Do.[1]	do	204	285.60	1.40	Dec. 9, 1935	
Do.[1]	do	204	285.60	1.40	Dec. 23, 1935	
Total		11,726	16,416.36			

[Footnotes at end of table]

List of buildings in the District of Columbia leased wholly or in part by the Government, Jan. 11, 1936—Continued

Building and address	Occupants	Net square feet	Annual rental	Rental per square foot	Date of acquisition	Contract no.
Commercial National Bank, 14th and G Sts. NW.[1]	National Emergency Council	22,343	$39,100.25	$1.75	Jan. 1,1935	
1108 Connecticut Ave. NW.[3]	Resettlement Administration	1,429	1,200.00	.839	Oct. 18,1935	
Courts, 6th and Indiana Ave. NW.[6]	Department of Agriculture	5,373	8,400.00	1.56	Jan. 4,1936	
119 D St. NE.[1 3 6]	General Accounting Office	35,688	40,187.55	.701	Dec. 27,1933	
Do.[1 3 6]	Loans and Currency (Treasury)	21,610				
DeMoll, 12th and G Sts. NW.[1]	Internal Revenue (Treasury)	15,243	15,243.00	1.00	May 18,1934	I-lp-3450.
Denrike, 1010 Vermont Ave. NW.[1]	National Labor Relations Board	10,418	17,096.76	1.64	Sept. 10,1935	
District National Bank, 1406 G St. NW.[7]	Treasury Department	470	705.00	1.50	Aug. 16,1935	
	do	3,535	5,302.50	1.50	Apr. 15,1935	
Total		4,005	6,007.50			
801 E St. NW.[6 3 4]	Agricultural Adjustment Administration	20,424	18,000.00	0.881	Dec. 1,1934	I-lp-2998.
1345 E St. NW.[3]	Bureau of Public Roads (Agriculture)	7,541	7,674.00	1.0172	Oct. 7,1935	I-lp-4911.
Evans, 1420 New York Ave. NW.[1]	Bureau of Customs (Treasury)	5,234	5,233.92	1.00	Mar. 18,1934	I-lp-3452.
Do	Resettlement Administration	5,870	6,750.48	1.15	Dec. 5,1935	
Evening Star, 11th St. and Pennsylvania Ave. NW.[1]	Federal Communications Commission	4,226	6,032.16	1.427	May 15,1935	
920 F St., NW.[4]	Forest Service (Agriculture)	1,230	600.00	.4878	July 1,1917	
1417-1419 F St. NW.[3 6 4]	Works Progress Administration	11,000	22,500.00	2.045	May 4,1935	
1423 F St. NW.[6 3]	National Emergency Council	9,000	15,000.00	1.667	Apr. 25,1935	
1724 F St. NW.[3 6 1]	Bureau of Census (Commerce)	39,872	24,592.00	.617	Feb. 1,1935	
Federal Housing Administration, 1001 Vermont Ave. NW.[6 1]	Federal Housing Administration	100,414	155,000.00	1.5436	Jan. 24,1935	
50 Florida Ave. NE.	Alcohol Tax Unit (Treasury)	2,500	1,200.00	.48	July 1,1934	
60 Florida Ave. NE.[3 6 1]	War Department	27,200	10,000.08	.367	May 12,1935	I-lp-3455.
1328 G St. NW.[3 6]	Resettlement Administration	4,000	4,800.00	1.20	June 17,1935	
Do.[3 6]	Works Progress Administration	8,536	6,000.00	.7029	Nov. 1,1935	
1340 G St. NW.[6]	Works Progress Administration	8,360	13,749.96	1.64473	Sept. 1,1935	
1342 G St. NW.[3]	do	3,190	3,000.00	.94	July 1,1935	
1712-1722 G St. NW.[3 6 1]	Shipping Board Bureau (Commerce)	72,938	53,000.04	.726	Feb. 1,1935	I-lp-2979.
1415 H St. NW.[7]	Public Works Administration	6,347	6,000.00	.945	Mar. 4,1935	
1510 H St. NW.[6]	Federal Housing Administration	8,738	9,611.76	1.10	July 8,1935	
1825 H St. NW.[3 6 1]	Reconstruction Finance Corporation	150,867	132,474.96	.847	June 20,1934	I-lp-2431.
Do.[3 6 1]	Commodity Credit Corporation	5,552				
Hill, 839 Seventeenth St. NW.[1]	Reconstruction Finance Corporation	14,958	22,267.56	1.48867	July 1,1935	
Do.[1]	do	264	396.00	1.50	Nov. 2,1935	
Do.[1]	do	522	783.00	1.50	Jan. 2,1936	
Do.[1]	do	970	1,860.00	1.9175	do	
Total		16,714	25,306.56			
Hitz, 1106 Connecticut Ave. NW.[1]	Reconstruction Finance Corporation	7,163	9,000.00	1.256	July 1,1935	
Hurley-Wright, 18th St. and Pennsylvania Ave. NW.[1 3 6]	Indian Office (Interior)	35,090	57,000.00	.87478	July 5,1933	I-lp-3442.
Do.[1 3 6]	Bureau of Education (Interior)	30,069				
1004 I St. NW.[1]	Forest Service (Agriculture)	489	1,000.00	2.045	July 1,1929	
Investment, 15th and K Sts. NW.[1]	State Department	7,661	13,406.75	1.75	July 1,1935	
Do.[1]	National Bituminous Coal Commission	4,277	7,484.76	1.75	Nov. 20,1935	I-lp-4904.
Do.[1]	Commerce Department	5,143	9,000.00	1.75	Nov. 10,1934	
Do.[1]	do	2,105	3,683.75	1.75	Feb. 1,1934	
Do.[1]	do	667	1,167.25	1.75	Mar. 1,1934	
Do.[1]	do	15,859	27,753.25	1.75	Jan. 16,1934	
Total[8]		23,774	41,604.25			
2214 M St. NW.[3 6]	Resettlement Administration	9,317	6,960.00	.747	Dec. 10,1935	
220 John Marshall Pl. NW.[6]	Resettlement Administration	3,350	1.00	.0003	Nov. 1,1935	
1415 K St. NW.	Bureau of Public Roads (Agriculture)	5,374	8,061.00	1.50	Oct. 10,1935	I-lp-4897.
1435 K St. NW.[1 3 6]	Panama Canal	15,000	15,000.00	1.00	July 1,1935	I-lp-4887.
1518 K St. NW.[1]	Rural Electrification Administration	7,144	11,414.40	1.60	Sept. 14,1935	
Do.[1]	do	3,488	5,580.84	1.60	Nov. 15,1935	
Total		10,632	16,995.24			
Kellogg, 1416 F St. NW.[4]	Bureau of Public Roads (Agriculture)	4,715	6,129.50	1.30	June 1,1935	I-lp-3405.
LaSalle, Connecticut Ave. and L St. NW.[1]	Commerce Department[9]	49,416	69,182.40	1.40	Jan. 5,1935	
Leary Garage, 24th and M Sts. NW.[1 3 6]	War Department	53,000	15,000.00	.283	Aug. 1,1935	I-lp-4868.
Lemon, 1729 New York Ave. NW.[1 3 6]	Petroleum Administrative Board (Interior)	10,677	8,840.04	.40236	July 1,1928	I-lp-3453.
		11,293				
Lenox, 1523 L St. NW.[6 1]	Commerce Department[10]	10,462	10,462.00	1.00	Mar. 21,1934	
Lincoln, 514 10th St. NW.[1]	Bureau of Internal Revenue (Treasury)	6,234	5,147.40	.8257	Oct. 19,1934	I-lp-2991.
Do.[1]	do	4,674	3,859.32	.8257	Sept. 5,1934	I-lp-2992.
Do.[1]	do	1,554	1,283.16	.8257	Jan. 9,1935	I-lp-3377.
Do.[1]	do	1,476	295.20	.20	Feb. 4,1935	I-lp-3379.
Total		13,938	10,585.08			
2513 M St. NW.[6 4]	Department of Agriculture	2,200	1,000.00	.4545	July 2,1917	
Marine Corps garage, 26th St. between E and F Sts. NW.[6]	U. S. Marine Corps	15,000	4,050.00	.27	July 1,1932	
Maryland, 1410 H St. NW.[4]	Resettlement Administration	3,054	3,600.00	1.17878	June 26,1935	
Do.[4]	do	860	999.96	1.1627	Sept. 16,1935	
Total		3,914	4,599.96			
2000 Massachusetts Ave. NW.[3 6 1]	Rural Electrification Administration	11,956	18,750.00	1.568	May 18,1935	
2020 Massachusetts Ave. NW.[3 6]	Resettlement Administration	19,242	19,242.00	1.00	July 22,1935	
Mather, 916 G St. NW.[4]	do	6,051	7,624.32	1.26	Sept. 17,1935	
Do.[4]	do	6,427	6,941.16	1.08	July 29,1935	
Do.[4]	do	11,842	12,789.36	1.08	June 4,1935	
Total		24,320	27,354.84			
Mather, 916 G St. NW.[4]	U. S. Employees' Compensation Commission	2,626	1,313.04	.50	Aug. 4,1935	
Do.[4]	U. S. Civil Service Commission	1,045	1,201.80	1.15	July 22,1935	I-lp-4881.
Do.[4]	do	16,035	16,997.04	1.06	Aug. 28,1934	I-lp-2974.
Total		17,080	18,198.84			
McGill, 906 G St. NW.[7]	Bureau of Mines (Interior)	19,417	19,416.96	1.00	Mar. 1,1934	I-lp-3448.
McKinley, American University[3 4 6]	Bureau of Chemistry and Soils (Agriculture)	65,633	12,800.00	1.9496	July 1,1921	
McLean, 1500 I St. NW.[3 6]	Works Progress Administration	20,000	25,000.00	1.25	Sept. 15,1935	
McReynolds Garage, Kansas Ave. and Upshur St. NW.[1 3 6]	Veterans' Administration	43,723	12,825.00	.2933	Sept. 16,1933	I-lp-2425.
Mills, 17th St. and Pennsylvania Ave. NW.[1]	Turkish Claims Commission	837	1,290.00	1.541	Apr. 1,1935	I-lp-3391.

[Footnotes at end of table]

List of buildings in the District of Columbia leased wholly or in part by the Government, Jan. 11, 1936—Continued

Building and address	Occupants	Net square feet	Annual rental	Rental per square foot	Date of acquisition	Contract no.
Moses, 11th and F Sts. NW.[3 4]	General Accounting Office	97,378	$112,071.96	$1.15	Aug. 23, 1935	I-lp-4894.
Munsey, 1329 E St. NW	Puerto Rico Reconstruction Administration	2,994	7,500.00	2.505	Nov. 2, 1935	
National Press, 14th and F Sts. NW.[1]	Works Progress Administration	600	1,440.00	2.40	Aug. 16, 1935	
	Federal Deposit Insurance Corporation	31,807	54,071.90	1.70	Oct. 1, 1933	
National Savings & Trust, 15th St. and New York Ave. NW.[1]	Resettlement Administration	1,192	1,609.20	1.35	Jan. 8, 1935	
National Union Building, 918 F St. NW.[4]	U. S. Employment Service (Labor)	3,848	3,921.00	1.019	July 26, 1935	
	Forest Service (Agriculture)	528	696.00	1.32	July 1, 1934	
1214 New Hampshire Ave. NW.[6 1 3]	Veterans' Administration	23,414	6,300.00	.269	Sept. 16, 1933	I-lp-3434.
Octagon House, 1741 New York Ave. NW.[4]	Public Works Administration	593	560.39	.945	Mar. 4, 1935	
	do	590	557.55	.945	Jan. 26, 1935	
Total		1,183	1,117.94			
Otis, 810 18th St. NW.[7]	War Department	14,344	18,747.60	1.307	Dec. 15, 1933	I-lp-4866.
Ouray, 801 G St. NW.[1]	Resettlement Administration	17,557	22,385.16	1.275	Jan. 1, 1936	
Do[1]	U. S. Employees' Compensation Commission	3,511	3,862.08	1.10	July 1, 1935	
1653 Pennsylvania Ave. NW.[4]	Indian Affairs (Interior)	652	734.86	1.12694	June 1, 1935	I-lp.
Do[4]	Soil Conservation Service (Agriculture)	2,636	2,755.20	1.045	Nov. 25, 1935	
1778 Pennsylvania Ave. NW.[6 1 3]	Securities and Exchange Commission	134,149				
Do[6 1 3]	Bureau of Education library (Interior)	9,027	118,149.96	.797	Nov. 10, 1934	P. B. P. 828
Do[6 1 3]	Indian Affairs (Interior)	5,075				
Premier, 718 18th St. NW.[6 2]	Federal Trade Commission	17,600	25,143.00	1.4286	Dec. 21, 1935	I-lp.
Printcraft, 930 H St. NW.[1]	Federal Power Commission	8,085	7,276.44	.90	May 1, 1934	I-lp-4865.
Do[1]	do	1,075	967.56	.90	Oct. 16, 1934	I-lp-2983.
Do[1]	do	5,387	4,848.36	.90	Sept. 25, 1934	I-lp-2978.
Do[1]	do	5,227	4,704.36	.90	June 11, 1934	I-lp-2953.
Do[1]	do	8,744	9,618.40	1.10	Nov. 10, 1935	I-lp.
Total		28,518	27,415.12			
Printcraft, 930 H. St. NW.[1]	Soil Conservation Service (Agriculture)	1,927	1,665.00	.864	Nov. 5, 1935	
Do.[1]	do	6,628	6,627.96	1.00	Nov. 1, 1935	
Total		8,555	8,292.96			
Pythian, 12th and U Sts. NW	Resettlement Administration	19,823	6,600.00	.333	Nov. 1, 1935	
Radcliffe, 907 16th St. NW.[4 6]	Prison Industries Reorganization Administration	5,115	6,420.00	1.255	do	
Rizik, 1737 L St. NW.[3 6]	Resettlement Administration	15,983	10,800.00	.6757	Oct. 15, 1935	
Rochambeau and Annex, 815 Connecticut Ave. NW.[3 6]	Federal Trade Commission	80,750	115,625.00	1.43	Jan. 6, 1936	I-lp.
Shoreham, 15th and H Sts. NW.[1]	Federal Reserve Board	26,384	46,714.10	1.77	Mar. 1, 1934	
401 South Capitol St.[6]	National Park Service	55,080	26,680.75	.484	Aug. 10, 1935	I-lp-4869.
South Capitol and Canal Sts.[6]	Resettlement Administration	39,253	22,029.84	.5612	Nov. 1, 1935	
Sparks Garage, 1126 21st St. NW.[1 3 6]	National Park Service	60,784	28,899.96	.475	Sept. 10, 1930	I-lp-2420.
Standard Oil, 261 Constitution Ave. NW.[1]	Soil Conservation Service (Agriculture)	293	498.12	1.70	July 22, 1935	
Do.[1]	do	998	1,696.56	1.70	Sept. 1, 1934	I-lp-3383.
Do.[1]	do	2,776	4,719.24	1.70	Feb. 4, 1935	I-lp-3384.
Do.[1]	do	12,507	21,261.96	1.70	Aug. 8, 1934	I-lp-2982.
Do.[1]	do	1,618	2,750.64	1.70	Oct. 5, 1934	I-lp-2995.
Do.[1]	do	6,423	10,919.16	1.70	Mar. 30, 1935	I-lp-3396.
Total		24,615	41,845.68			
Standard Oil, 261 Constitution Ave. NW.[1]	Home Owners' Loan Corporation	11,450	19,465.00	1.70	Nov. 9, 1933	
Tower, 14th and K Sts. NW.[1]	Electric Home and Farm Authority	3,723	6,031.32	1.62	Sept. 1, 1935	
Do.[1]	Bureau of Narcotics (Treasury)	14,022	23,838.30	1.70	July 1, 1935	
Do.[1]	Committee on Enrollment and Disbarment (Treasury).	2,412	3,907.44	1.62	do	
Do.[1]	Railroad Retirement Board	7,712	12,493.44	1.62	Sept. 24, 1934	
1212 V St. NW.[6]	Federal Emergency Relief Administration	6,000	2,880.00	.48	July 24, 1935	
1020 Vermont Ave. NW.[6]	Federal Housing Administration	3,693	5,650.32	1.53	Aug. 22, 1935	
1126 Vermont Court[3]	Panama Canal	13,631	1,800.00	.132	July 1, 1935	I-lp-4880.
Victor, 724 9th St. NW.[1]	Forest Service (Agriculture)	18,219	17,153.03	.94	Aug. 16, 1933	
Walker-Johnson, 1734 New York Ave. NW.[1 3 6]	Works Progress Administration	84,047	50,000.00	.5949	June 13, 1934	
Washington Auditorium, 19th and E Sts. NW[1 3 6]	Federal Emergency Relief Administration	70,000	50,000.00	.7143	June 9, 1936	
Washington Bldg., 15th St. and New York Ave. NW.[1]	Resettlement Administration	9,841	21,278.04	2.16	Aug. 3, 1935	
	Bureau of Customs (Treasury)	26,167	45,792.24	1.75	Mar. 12, 1934	I-lp-3451.
	Federal Reserve Board	18,791	43,039.69	2.29	Aug. 4, 1934	
Washington Loan & Trust, 9th and F Sts. NW.[1]	Bureau of Mines (Interior)	15,698	19,622.52	1.25	Mar. 1, 1934	I-lp-4885.
Willard, 513 14th St. NW.[1 3 6]	Bureau of Public Roads (Agriculture)	26,543	15,000.00	.565	Apr. 1, 1915	
1248 4th St. NE	Resettlement Administration	1,000	2,400.00	2.40	Nov. 1, 1935	
826 7th St. NW	do	10,683	11,000.04	1.03	Nov. 16, 1935	
1918 10th St. NW.[3 6]	Interstate Commerce Commission	39,000	26,500.00	.679	Jan. 1, 1936	I-lp.
502 13th St. NW	Soil Conservation Service (Agriculture)	1,400	2,100.00	1.50	July 1, 1935	
	do	1,400	2,100.00	1.50	July 17, 1935	
	do	1,195	1,922.04	1.6084	Sept. 23, 1935	
Total		3,995	6,122.04			
509 14th St. NW.[1 3]	Bureau of Public Roads (Agriculture)	6,540	6,000.00	.9174	Sept. 1, 1934	
821 15th St. NW.[6 7]	Resettlement Administration	10,446	12,500.04	1.20	June 15, 1935	
1200 15th St. NW	U. S. Coast Guard, Treasury	13,364	33,283.60	2.49	Aug. 5, 1935	
532 17th St. NW.[4]	Federal Emergency Relief Administration	1,031	900.00	.8729	Mar. 25, 1935	
1503 21st St. NW.[3 6]	Resettlement Administration	5,500	3,863.52	.70	July 1, 1935	
501–513 26th St. NW.[3]	do	22,200	6,300.00	.28378	June 5, 1935	
510 26th St. NW.[3]	do	8,646	4,200.00	.486	Oct. 28, 1935	
517 26th St. NW.[3 6]	do	5,000	1,800.00	.34	Oct. 8, 1935	
Total		2,610,636	2,564,834.25			

[1] Fireproof, with fireproof protection equipment.
[2] Space transferred from N. R. A. to Labor Department, Jan. 1, 1936.
[3] Maintained by Government.
[4] Nonfireproof, with fire-protection equipment.
[5] Space transferred from N. R. A. to Commerce Department, Jan. 1, 1936; 16,457 square feet to be re-leased to Resettlement Administration.
[6] Leased in entirety.
[7] Fireproof, without fire-protection equipment.
[8] Space transferred from N. R. A. to Commerce Department Jan. 1, 1936, to be vacated approximately Jan. 25; approximately 14,000 square feet of this space to be re-leased by the National Bituminous Coal Commission.
[9] Space transferred from N. R. A. to Commerce Department Jan. 1, 1936.
[10] Space transferred from N. R. A. to Commerce Department Jan. 1, 1936, and to be vacated approximately Jan. 15 and re-leased by the Bureau of Public Roads, Department of Agriculture.

The Members of the House will note that over 40 private residences in addition to some 46 standard office buildings are included in the list, rent as high as $2.50 per square foot being paid for some of these residences. As of December 1, 1932, the Government rented space in the District to the extent of 1,123,847 square feet. Today the figure is 2,610,636 square feet, calling for an annual expenditure of $2,564,834.

Information as to space rented outside of the District is not available through the Park Service. I assume that when available it will show an equally striking expansion.

I hope that someone will tell the committee something of the Matanuska colonization project, giving some idea of the total expense involved in the undertaking and the chance of its success. From the Budget it appears that some $671,500 is available out of emergency funds for the construction of roads to Matanuska or in the Matanuska Valley. This represents an expenditure of over $4,000 per family on the basis of 166 out of 204 families said to have remained in the valley. Further expense is reflected in the furnishing of all the essentials of life which seem to have been made available to the colony.

Last year having been moving year, this year being clearing year, it will presumably be 3 years before, in terms of production, we can estimate the chances of success. The record indicates that the growing season is 120 days and that only 10 percent of the people in the colony have ever actually made a living on a farm at any time previously in their lives.

The testimony of Dr. Gruening, Director of the Division of Territories and Island Possessions, indicates that the project is the beginning of a colonization program to be carried on during the next 5 years. Also, that the colony reflects the President's desire to get more people up there for various reasons, including military defense. I cannot but read this testimony in the light of the statement of the gentleman from Washington appearing in the hearings to the effect that he has been informed that one of the colonists sent to Matanuska had a wooden leg from the hip down, that several had bad cases of diabetes, that there was a case or two of pernicious anemia, and that several others were tubercular to the point where a couple of them had one lung just about entirely gone.

My time is limited, and I do not want to trespass on that of one or two of my colleagues who desire to speak on the bill this morning. I shall therefore confine the remainder of my remarks to the Office of Education.

Some of you have no doubt received a request from the Commissioner of Education for a list of so-called forums in your State or district. I confess that in spite of the testimony of the Commissioner in this connection I am still in doubt as to just what his definition of a "forum" is. The fact remains, however, that in his judgment the creation of forums throughout this Nation is a vital need in the field of education and that he would like to have appropriated a sum of, say, $7,000,000 for the creation of forums over a period of 3 years. No money is carried in this bill for this purpose. I may point out, however, that about one-third of a million dollars is said to have been made available out of emergency funds for the creation of 10 of these forums in the near future on an experimental basis for a period of from 5 to 8 months. Confronted as we are with the possible expenditure during the next fiscal year of some $11,700,000,000 and a possible deficit in the absence of drastically increased taxation or resort to unexpended balances amounting to over $6,000,000,000, it does seem to me that this is one item that might properly be deferred until better times.

I turn now to the matter of vocational education, conducted under the supervision of the Office of Education, and wish to state that in my judgment the evidence indicates that there has been a totally inadequate supervision of vocational education programs in this country and the expenditure of Federal funds in that connection. I refer particularly to the so-called plant-training programs which have been set up in this country recently, particularly in some of the Southern States. It appears that there have been many complaints directed at these vocational-training programs—complaints from organized labor, complaints from industry, complaints from other sources—and that as a result of these complaints in February last, just about a year ago, it was decided to conduct an investigation into the matter, one investigator being appointed by the Department of Labor, another being appointed by the Office of Education. These investigators conducted an investigation covering some 13 plant-training programs under public supervision and control, 7 day trade schools under similar control, and 3 plant-training programs supervised and financed entirely by the firms concerned. The investigation was limited to the garment and textile field, and a report was submitted on June 8 last. That report has never been made public.

Without going into detail, and without inferring that all of the elements I am going to speak of occurred in each instance, I may say that the report indicates, among other things, that all sorts of inducements have been held out to industrial plants to move into certain States, particularly in the South. These inducements have included the gift of factory buildings, the assurance of exemption from local and State taxation, the promise of labor trained partly at public cost, and the striking fact is that these plant-training schools to which I have referred, reimbursed out of State and Federal funds, under the Smith-Hughes Act, have been a definite feature in the inducements which have been offered.

Now, what have these plant-training programs amounted to? From the report it appears that the instructors in various instances have not been instructors at all in the accepted sense of the word. They have been foremen or managers or employees of less experience, from the firm for which the particular school has been operated. Students have been obtained locally and instructed in schools conducted in the plant of the firm for which they have been taught. Courses have consisted in the training for no more than a single operation in the course of the manufacturing process of the plant operating the school.

If we look at the question of wages, we find that the so-called students have been compelled to work for as much as 6 to 9 months at a time without receiving a single cent, and thereafter on a basis of partial payment only. Raw materials have been advanced by the firm interested, and the finished commodity has been offered in the general market in competition with legitimate enterprise in other States of the Union.

Mrs. KAHN. Will the gentleman yield?

Mr. WIGGLESWORTH. I am glad to yield to my colleague from California.

Mrs. KAHN. Is it not a fact that there are no academic or cultural subjects taught, but purely mechanical subjects, and that many of the operators in these schools—because they are nothing but operators—are children, and that this is a way of avoiding the child-labor law?

Mr. WIGGLESWORTH. I would say to my colleague that it is certainly true, in instances included in the report, that there has been no related instruction whatever.

Mrs. KAHN. It is merely a mechanical school, where they are taught the principles of this trade for a number of months, and their services are given free, and many of them are minors whose parents sign contracts, relieving the workmen's compensation act of responsibility in case of accident?

Mr. WIGGLESWORTH. I cannot say to what extent the students have been minors.

Mrs. KAHN. But there are minors.

Mr. WIGGLESWORTH. But I do know that the report indicates that students at those schools have been required to sign exemptions from the applicable workmen's compensation act.

Mrs. KAHN. And the State of Mississippi has a number of cities in which a number of these training schools are being operated.

Mr. WIGGLESWORTH. I want to say, Mr. Chairman, that the impetus for these so-called training schools appears

to have come through State departments of education, local schools being used as disbursing agencies, pay rolls being advanced subject to reimbursement from State and Federal funds. Also that the investigators found that 10 out of 12 plants examined had moved during the last 2 years, 3 of them having operated previously with prison labor, 1 of them having moved out of the State of Connecticut, where it had experienced serious labor difficulty.

Mr. Chairman, the investigators who made the report to which I have referred concluded their report by stating that the conditions under which these plant-training programs were operated and the reasons given for promoting them suggest certain questions. Rather than take the time to read those questions, I ask unanimous consent to insert them in my remarks at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The questions suggested:

1. Can training solely on the repetitive performance of a single operation according to a method used in a single plant with the object of obtaining sufficient speed on production to become an asset to a company be classified as vocational education reimbursable under the Smith-Hughes Act?

2. What is the difference between "vocational training" given according to factory production methods with no related instruction and the initial training given any inexperienced worker on entrance to employment?

3. Is it sound public policy to use Federal money for reimbursing the salaries paid instructors of vocational education:

(1) When this instructor is a foreman engaged in production and instruction is only incidental to the job?

(2) When a mechanic engaged in installing and servicing machines is appointed as an instructor?

(3) When the funds are used to offset in part the fee of an industrial engineering firm by naming as a teacher an employee of that firm which is installing an efficient system of production?

4. Should persons who have had from 3 to 6 weeks experience in a plant-training program and no experience in a trade be considered eligible for appointment and temporary certification as vocational teachers when Federal approval of a State plan is contingent upon requiring 2 years or more of experience in the trade above apprenticeship level for a vocational teacher?

5. Has the Vocational Division of the Office of Education any responsibility for expenditures made by the State boards out of State funds appropriated by the legislatures for the same general purposes as the Federal funds and included in the annual reports? or

6. Does the fact that Federal funds are not being used release the Federal Division of Vocational Education from all responsibility for maintaining educational standards in programs promoted by State departments administering grants in aid to State?

7. Have public-school officials administering a program of vocational education any responsibility for upholding the reputation for integrity accorded the public-school system by informing local school boards as to what vocational education is and the purpose of a vocational training school?

8. Can a plant-training school, where the superintendent of schools must request permission from the plant officials and the local chamber of commerce for authority to take an agent of the United States Office of Education into the training class, be considered under public supervision and control?

9. Under standard-line production an operative is normally trained to piece-rate standards in a period not to exceed 2 weeks. What justification is there for a public school prolonging such training for a period from 6 to 12 weeks?

10. Is a State supervisor of trade and industrial education under obligation to finance any training program requested by a taxpayer, provided an unexpended balance of State or Federal funds is available?

11. Since vocational education deals with the training of workers, should some provision be made in each State for the official representation of labor on the State board for vocational education?

12. Is the argument that persons are being taken off of relief and given jobs a valid reason for promoting and subsidizing the plant-training programs described in this report?

13. If the relief argument justifies a subsidy of a training program in a community which the industry is entering does the United States Government have any responsibility and official concern for the plight of the skilled workers thrown out of work in the community the industry left?

14. What training is a legitimate charge against industry on the one hand, and what training is a legitimate charge against the public-school funds on the other?

15. What can be done to coordinate the activities of the various Federal departments, so that one branch of the United States Government does not sanction practices which, in effect, assist in breaking down standards which have been established by other branches of the United States Government to eliminate unfair competition and to safeguard conditions of employment?

Mr. WIGGLESWORTH. Mr. Chairman, the report recommends a review of all the facts with a view to determining upon a national policy for the safeguarding of Federal grants in aid and the maintenance of acceptable standards in the application and promotion of educational programs.

I call the attention of the House in this connection to the views of Mr. Green, president of the American Federation of Labor. Writing to the Commissioner of Education under date of November 5, 1935, Mr. Green stated, in part, as follows:

> It seems to me that the Federal Board for Vocational Education should review the whole field of vocational training with a view to restating purposes and standards. * * * It seems to me imperative that the reorganized Board for Vocational Education should set up some very definite standards for the expenditure of Federal funds. It does not seem to me that the Federal authority has assumed its full responsibility unless it provides the standard for guiding local projects in vocational education.

Mr. Chairman, I merely desire to state that I find myself in entire accord with the views expressed by Mr. Green in this connection.

Mr. Chairman, the report raises squarely the question of legality insofar as Federal funds have participated in these programs. The extent to which they have participated is not clear, but to the extent that they have participated in programs which do not fall within the proper definition of the term "vocational education", the participation seems to be clearly illegal and without justification.

The report also suggests the possibility of serious abuse in the use of vocational funds, in effect, as a subsidy to industrial plants in the South in competition with industrial plants throughout the Nation. It indicates the existence of intolerable conditions for the workers in those plants and resulting exploitation of labor. It raises squarely the whole question of the responsibility of the Federal Government for the safeguarding of grants in aid, and for the maintenance of proper standards for vocational programs.

I mention in passing, Mr. Chairman, that the Assistant Commissioner in charge of this work stated to the subcommittee that there were but four inspectors to supervise the Federal vocational education programs throughout this country; that they were physically unable to visit all the schools which are federally aided; that they visited one group one year and another group another year. Nevertheless, he went on to say that he felt—

> That we are adequately complying with the provision in the act which states that we shall annually ascertain whether or not the States are using these funds in accordance with the provisions of the act of Congress.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. FITZPATRICK. What is the total number of people attending these schools throughout the United States?

Mr. WIGGLESWORTH. I am sorry I cannot give the gentleman detailed figures in that respect.

Mr. FITZPATRICK. It would be very important to show whether they were a menace in certain States or not.

Mr. WIGGLESWORTH. I agree with the gentleman.

Mrs. KAHN. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mrs. KAHN. It might be well to add that the report has not been published. It is very difficult to get a copy of it or even a sight of it. This report was made by Miss Burdick and Miss Scandrett, one from the Department of Labor, the other from the Office of Education. The report has not been published, but some who were fortunate enough to get a sight of it have been scandalized by its revelations, for it shows that this system is practically an exploitation of labor, an exploitation of child labor. I think the whole picture should be opened up, because I understand that factories have been induced to move from New England to the South; they have been assured they would be free of labor troubles, that their plants would not be unionized. In a number of instances where plants have had labor trouble they have come forward and offered to move them. They have been moved to Mississippi, particularly from the New England States. I think Willimantic, Conn., is one place from which a plant was moved to a location in Mississippi on account of labor trouble. I am sure the Office of Education, through its Division on

Vocational Training, even if it has not used Federal funds, has lent moral support to this type of vocational training where children and young people are brought into these factories for 6 long months and made to waive provisions of the Workmen's Compensation Act. Their training is not broad; it involves one operation only.

Mr. FITZPATRICK. That is why we should find out the number of people involved.

Mr. WIGGLESWORTH. I agree with the gentleman.

Mr. FITZPATRICK. But we have been making this appropriation for vocational training for many years.

Mr. WIGGLESWORTH. The criticism I am making goes to the supervision and the application of funds.

Mr. FITZPATRICK. We have been appropriating for this item for many years.

Mr. WIGGLESWORTH. We do not know how long this phase of it has been going on.

Mr. TABER. It does not reach back far enough to get into the preceding administration.

Mr. ZIONCHECK. If we should give them another $600,000 maybe they would find a solution for the problem.

Mr. WIGGLESWORTH. Mr. Chairman, in conclusion may I say that I agree with the observation of my colleague, the gentlewoman from California.

Almost 8 months has elapsed since the submission of the report. Little or no action appears to have been taken. I see no reason why the report should not be made public with a full statement by the board of its future plans.

It seems to me the country is entitled to know what steps have been taken to meet the situation already brought to light in the garment and textile field; what steps, if any, are in contemplation to investigate conditions in other fields; what steps if any are proposed with a view to proper supervision in the future both of programs of education and of the expenditure of Federal funds. If the board is not prepared to act in the matter, affirmative action should be taken and taken promptly by the Congress. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. LAMBERTSON. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, in order that we may approach the consideration of this appropriation bill with a broad understanding and knowledge of its background, it is necessary to present certain pictures.

In his message to the Congress of the United States, delivered on the 3d day of January 1936, the President of the United States said:

> In March 1933 I appealed to the Congress and to the people in a new effort to restore power to those to whom it rightfully belonged. The response to that appeal resulted in the writing of a new chapter in the history of popular government. You the Members of the legislative branch, and I, the Executive, contended for and established a new relationship between government and people.
>
> What were the terms of that new relationship? They were an appeal from the clamor of many private and selfish interests, yes, even an appeal from the clamor of partisan interest, to the ideal of the public interest. Government became the representative and the trustee of the public interest. Our aim was to build upon essentially democratic institutions, seeking all the while the adjustment of burdens, the help of the needy, the protection of the weak, the liberation of the exploited, and the genuine protection of the people's property.

Soon after the advent of this administration on the 4th of March 1933, there was passed—and I believe the date was the 16th of June 1933—an appropriation bill calling for $3,300,000,000. Those of you who were present at that time will recall that that appropriation was put through Congress on the representation that it was to be used for the relief of the needy and the distressed. Soon after that a large sum of money was allotted to what they called the P. W. A. under the direction of Harold L. Ickes, the Secretary of the Interior. A large allotment was made out of that fund for slum clearance in the city of New York, and a site was acquired from the property of Vincent Astor at the assessed valuation of that property—and everyone who knows anything about assessments on real estate knows that these assessments are at least 150 percent of what sales can be made for on the open market.

These particular properties had been vacant and unoccupied for a considerable period, and they had been unproductive. These properties were acquired from Vincent Astor on Third Avenue, between First and Third Streets, in New York City. The buildings were razed, large sums of money were spent in building buildings thereon, and these buildings are now rented at the rate of $6 per month per room, which rentals barely pay the cost of the maintenance of these properties. And so this appropriation of $3,300,000,000 passed by the Congress of the United States for the relief of the needy became an instrument for the relief of Vincent Astor, upon whose magnificent yacht, the *Nourmahal*, the President of the United States has been accustomed to consort with his rich friends. Thus the statement of the President in his message to the Congress of the United States is borne out, and we have a little sample of the administration of governmental affairs by Harold L. Ickes. That you may know a little more about the operations of this gentleman and the way he has handled the people's business, I desire to call attention to a bill which was presented in Congress from the Indian Affairs Committee, S. 1968, and a similar House bill, H. R. 6019.

Let me call to your attention the fact that on the 20th day of July 1931 the Secretary of the Interior under the administration of President Hoover presented to the President of the United States an appraisal covering certain Indian lands supposed to contain coal and on which it was claimed that the Ute Indians had a claim against the United States. This appraisal, made on the 20th of July 1931, amounted to $62,165.75.

Under the administration of Harold L. Ickes a reappraisal of this land was submitted to the Committee on Indian Affairs boosting it to $977,796, an increase of at least 17 times in the course of 2 years. This particular land was 65 miles from a railroad, where the grades ran up to 65 percent, and absolutely inaccessible. That bill made such an appeal to the House of Representatives that upon a roll call it was defeated to the everlasting credit of the Congress of the United States.

Let me tell you some of the things that have been done to the United States Treasury under the operations of this gentleman as Secretary of the Interior. In the fiscal year 1935 the appropriations for this Department amounted to $60,464,000, but the expenditures, including allotments from the P. W. A., under Harold L. Ickes' control, totaled $132,168,039.16. The appropriations made by Congress for the fiscal year 1936 for this Department totaled $89,061,576, but the expenditures during that same period it is estimated by the Bureau of the Budget and the President in his Budget estimates, submitted to Congress on the 6th day of January, will amount to $177,303,400. It will be noticed, Mr. Chairman, these expenditures are planned to run at least twice the amount of appropriations. The Budget estimates which were sent up here for this year amount to $160,602,441. The estimates considered in this bill only amount to $82,942,000, indicating that there is being held back and evidently will be followed by another bill covering the activities of this Department an amount of $77,000,000 or $78,000,000. I am not going into the details of the operation of the Interior Department at this time, because I have not the time. Let me say that millions upon millions of dollars of the three hundred-odd million waste that has gone on and the $195,000,000 waste that is contemplated were for the development of reclamation projects, many of which were so rotten they had been turned down by Congress, most of which were nonproductive from the standpoint of honest mathematics, and all of which tended to put under cultivation acre upon acre of land to compete with that which belonged already to the farmers of America and creating a more distressing condition to the farmers.

Mr. WOODRUFF. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. WOODRUFF. The irrigation projects, to which the gentleman has raised an objection, are those irrigation projects that were started as a result of Executive orders and have not in any sense been authorized by the Congress of the United States?

Mr. TABER. That is the situation exactly, and in almost every case where there has been a project of that kind without authority of Congress it has been a bad project. This is what we would expect under the operations of Harold L. Ickes.

Mr. Chairman, that situation will never permit of agricultural recovery so long as it is continued. It is doing more damage to the cause of agriculture in America than any bill which could possibly be considered here in the House of Representatives would do good. I am just skimming over the tremendous figures that are presented in this bill, and, frankly, I am going to hit some of the details when the bill is being read for amendment. It ought to be enough to arouse the membership of this House to an understanding of their responsibilities in order that we may stop these terrific expenditures and point the way, not toward greater expenditures and greater taxes—and greater expenditures mean greater taxes—but toward lower expenditures and a balancing of the Budget of the people of the United States.

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 5 minutes to the ranking member of the subcommittee [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman, it seems to be the customary thing among members of these committees to compliment one another on the good work done, as well as the popular pastime of a small minority of this House to berate and deride most any committee, regardless of its efforts to cut expenses of government by charging a committee with reckless spending of money.

Let me say at the outset, that this subcommittee came to Washington a month before the convening of Congress. It began holding hearings on December 3 and held them almost continuously until January 14, when the last hearing was held.

It is only fair to say that each member of the subcommittee labored unselfishly in the task assigned, and the committee has presented a report that no member of the committee or of this House has any reason to be ashamed of.

The chairman of this subcommittee, the distinguished and able gentleman from Colorado [Mr. TAYLOR], a man whom every Member of this House, irrespective of politics, has the utmost confidence in, was on the job day in and day out. Although now far up into his 70's he has set a pace for work and perseverance that some of us 30 to 40 years younger found no easy task to follow. There is no question but what he knows more about the details of this bill than any other member of the subcommittee and personally I feel highly honored to be able to serve with him and under him.

It will not be my purpose at this time to answer the tirade of abuse that we have just heard on this floor from the gentleman from New York [Mr. TABER] against our distinguished and able Secretary of the Interior. The personal and official record of Harold Ickes needs no defense at my hands but I refuse to permit such uncalled for and unjustified tirade to go unchallenged.

It seems to be sort of a fad these days among some of the minority leaders and especially among some who think they are Republican leaders to stand in the well of this House and deride the President or any member of his official family. It simply happens to be Mr. Ickes today; but Harold Ickes is a patriotic American citizen who is rendering unselfish service to his country. Secretary Ickes recently took a little hide off the Liberty League that has now joined hands with the Republican Party and is a thorn in the flesh of the old stand-pat Republican crowd that almost wrecked and ruined this country. So, I presume that it is only natural that the gentleman from New York should vent his spleen and tear his hair as he rants against one of America's outstanding public servants, the Secretary of the Interior. [Applause.]

Now, my good friend, the gentleman from Massachusetts [Mr. WIGGLESWORTH] who, with his colleague from Kansas, Mr. LAMBERTSON, rendered valuable service on this subcommittee, in his remarks this afternoon asked a fair question and I shall try in my limited time to answer it fairly and frankly. He has asked for someone to explain some of the major increases in the pending bill.

The outstanding increase is the general-support item for education. Your committee felt, after hearing all of the testimony, that these increases were justified. Not only did the committee feel justified in increasing the item for education, but it has also increased the items for agriculture and public health in the Indian Service.

Great strides have been made by the Indian Office under the supervision of Mr. A. C. Cooley, who, I believe, is director of extension work. I know at this time it is usually the customary procedure for someone to stand on the floor of this House and berate the Indian Office, from the Commissioner on down the line. I hold no brief for the Indian Office, but if Members of this House only knew of the splendid work being carried on by the Indian Office through Director Cooley, of the Extension Division, I am sure there would be no question about this important item for encouraging the Indians to become self-supporting. Indians are being taught to raise better cattle, hogs, sheep, chickens, and other things so necessary to the success of home life of the Indians as well as the whites who reside on the farms.

Your committee has also increased the item for the conservation of health among the Indians. The report plainly shows that a substantial increase in this item is due to the increase in hospital facilities that are being made available by public-works construction.

Another cause for increase in this health item is the fact that the Indian Office is making every possible effort to stamp out tuberculosis so prevalent among the various Indian tribes. Certainly no one will complain if this Congress renders every possible assistance in combating this dreaded disease that has taken such a toll of our people of all races within the past few years.

Much has been said today and probably more will be said about the increases in the items under the pending bill, but the fact remains that this committee brings you a report considerably below the estimate of the Bureau of the Budget.

In the Indian Service alone, there is a cut of over $1,400,000 under the Budget estimates. And bear in mind, also, that this is over a million dollars under what was expended in the Indian Service during the current year. First and foremost, there is a decrease of $1,520,000 in what is called the revolving-loan fund, created as you will recall, by an act of Congress known as the Wheeler-Howard Act.

[Here the gavel fell.]

Mr. LAMBERTSON. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. JOHNSON of Oklahoma. I thank the gentleman and will endeavor to be as brief as possible. As I just stated, this item, authorized under the Wheeler-Howard Act, has been cut $1,520,000. The committee last year allowed $2,500,000 under this item, but none of the money had been spent and few if any obligations had been incurred, and, therefore, the committee felt justified in cutting $1,520,000 off of this item alone.

Now, let me call your attention to a little item some of you may have overlooked in the bill with respect to a research assistant asked for by the Indian Office and allowed by the Budget, amounting to only $2,600. The committee eliminated this item for the reason it has been our experience that a research assistant whose business is to go through a department and reclassify the positions of the employees of the department, always manages to reclassify the positions upward. No one ever heard of one of them employed for such a task reclassifying the positions downward.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. ZIONCHECK. If they reclassified them downward and kept going downward, where would they be when they got through?

Mr. JOHNSON of Oklahoma. No one expects such an assistant to reclassify positions downward, but the committee undoubtedly feels that the positions in the Indian Office, with very few exceptions, are comparable with positions in the other departments of the Government and therefore it was unwilling to invite a reclassification of all the positions in the Indian Office upward, as they believed would happen should this seemingly small item be allowed.

Mr. ZIONCHECK. I think the gentleman misses my point. I meant if they reclassified them downward enough, it would get awfully hot for them and they would not like that.

Mr. JOHNSON of Oklahoma. I understand the gentleman perfectly.

There is no money allowed in this bill for construction, except for improvements and repairs, but the bill reappropriates $981,000 that was appropriated last year for the cooperation with county-school districts in the construction of school buildings.

There is a decrease in the item for roads and trails of $500,000. We appropriated last year $4,000,000 and this year only $3,500,000.

Your committee cut the item for the Mount Rushmore National Memorial Commission from $150,000, which was the Budget estimate, to $100,000 and added a proviso that none of this amount shall be spent for work or projects not already started. I might add that I voted against the entire item in the committee, even though it has been authorized by Congress, I frankly do not think it can be justified at this time from any standpoint.

There is a decrease of $100,000 for transportation of supplies in Indian Service and many other smaller items. May I again remind you that there is a total decrease in the Indian Bureau alone of $1,413,000, which in my judgment, is a mighty good showing. If every department of the Government or if every subcommittee in Congress would bring in a decrease under the budget estimate at the same ratio that this committee has, and a decrease under what was actually expended last year, as this committee has in connection with the much abused Indian Office, the Congress would not be called upon now to raise additional taxes to carry on the functions of Government. [Applause.]

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. MAY. Is there any way under present conditions to reduce bureaucratic administration in Washington other than to reduce the appropriations for the various departments?

Mr. JOHNSON of Oklahoma. I know of no other way, certainly, that is the most substantial way and a way that gets the job done.

[Here the gavel fell.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

OFFICE OF THE SECRETARY

SALARIES

Salaries: For the Secretary of the Interior, Under Secretary, First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia, $392,970: *Provided*, That in expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the First Assistant Secretary and the Assistant Secretary the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Mr. TABER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 6, after the comma, at the end of line 5, strike out "$392,870" and insert in lines 3 and 4 the words "Under Secretary" and insert in lieu thereof "$382,970."

And on page 3, after line 11, insert "*Provided*, No part of this appropriation shall be used for the salary of the Under Secretary of the Interior."

Mr. TABER. Mr. Chairman, a year ago, on representation to the Congress that it was absolutely necessary for the performance of the work of the office of the Secretary of the Interior, the Congress created, over the protest of some of us who thought it was unnecessary, the office of Under Secretary of the Interior. To date, as I understand, no duties have been assigned to the Under Secretary of the Interior, as no duties are performed by the Under Secretary of the Interior in the office of the Secretary of the Interior or in that Department.

Just so that the membership may have that information, I call attention to the testimony on page 9 of the hearings before the committee, as follows:

Mr. WIGGLESWORTH. Has there been any reallocation of duties among the Assistant Secretaries of the Department as the result of the addition of an Under Secretary?

Secretary ICKES. No; there has not yet.

Mr. WIGGLESWORTH. Do you contemplate such?

Secretary ICKES. I am not sure that I do. I have under consideration the idea that perhaps Under Secretary West should have, under the Secretary himself, more or less general supervision.

Mr. WIGGLESWORTH. No specific duties have been assigned to that officer?

Secretary ICKES. Special assignments go to him from time to time.

Mr. WIGGLESWORTH. Is that proving to be a full-time position?

Secretary ICKES. Oh, yes.

Mr. WIGGLESWORTH. Those duties, I assume, will not include, in the future, any large amount of time spent in connection with legislative matters on the floor of the House and Senate?

Secretary ICKES. Well, of course, we have had legislative matters in which the Department itself has been interested. If the question implies whether the Under Secretary might not be interested in those, I do not know.

Mr. WIGGLESWORTH. Of course the question was directed at ascertaining whether his new duties in the Interior Department would curtail, perhaps, some of those duties in connection with general legislative matters, which were pursued in the past.

Secretary ICKES. The appointment was made toward the close of the last session. Naturally, of course, Under Secretary West completed the assignments that he had in connection with his old duties. Since then he has come over to the Interior Department, and we expect he will find he has a full-time job there. If he has any extra work, it will be extra.

That is over in the Interior Department, and no duties have been assigned to this Under Secretary. Why should we go on and appropriate money for someone in the Department who is performing no duties?

I hope the Congress will strike this from the appropriation and strike out the position. It is absolutely ridiculous for us to go on in this way with the appropriation.

Mr. TAYLOR of Colorado. Mr. Chairman, as the gentleman from New York says, when the bill came up a year ago there was a strong showing, I thought, that the Secretary of the Interior needed an Under Secretary. As a matter of fact that Department is as much, if not more, overworked than any department of the Government. The appointment to this position was not made until long near the close of the last session of Congress on August 26. For that reason they have not fully coordinated or reallocated the work. However, the Department of Agriculture has an Under Secretary, the Department of the Treasury has an Under Secretary, the Department of State has an Under Secretary, and the Department of War has an Assistant Secre-

tary at $10,000 a year. There is no question but that there is very great need for this office. The gentleman from New York while reading should have gone on a little further and completed the sentence, or at least completed what the Secretary of the Interior said. The Secretary of the Interior said:

> The appointment was made during the close of the last session. Naturally, of course, Undersecretary West completed the assignments that he had in connection with the old duties. Since then he has come over to the Interior Department, and we expect he will find that he has a full-time job there.

In other words, Mr. Chairman, he had to complete assignments he had in his hands at the time he was appointed before he could take up the activities of the Interior Department, and the Secretary of the Interior expressly says, as I have just read, that since then he has come over to the Interior Department and that they expect he will find that he has a full-time job. There is no question about that. I trust the amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 13, noes 62.

So the amendment was rejected.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word. I call attention to the language on page 2, line 5, of the bill which states:

> And other personal services in the District of Columbia.

You will find that that language "other personal services in the District of Columbia" recurs in almost every paragraph of the present bill and for every agency which exists or which has been newly set up. Personal services conveys the idea of employing people, and that in turn draws attention to the number of people who are already on the Federal pay roll in the National Capital. My only purpose in contributing to the discussion today is to say a word with reference to this as it bears on the thousands who are on the pay roll and resident in Washington, and the rental situation in Washington, D. C. When I came here in 1933 and found myself suddenly a member of the board of aldermen of the District of Columbia, namely, as a member of the House District Committee, I found considerable complaint about high rentals, not only from Members but from secretarial and stenographic help. People who came from the various States and who were working in the different bureaus and departments were making complaint. Incidentally, the townspeople, workers in the navy yard and elsewhere were complaining.

At that time I carried on a sort of independent investigation and came to the conclusion that perhaps a rental commission might be a splendid means to effectuate reasonable rentals for the city of Washington. After examining the work of the Rent Commission during the war, and the statute and conditions under which it was created, I felt that a rental commission was unconstitutional. It appeared that there was no military emergency or any other emergency under which the due-process clause of the Constitution could be stretched or distorted. Then I discussed the matter with the District officials and particularly the assessor, and he thought perhaps some legislation could be devised to freeze rents as of some day on which rental levels in Washington were reasonable. That, too, is open to objection for the simple reason that any fiat measure of that kind might retard a housing recovery which has been under way in Washington, and certainly the most important thing before the country today is the need for an acceleration of home building and other construction in order to diminish the vast number of unemployed. Restrictive measures which might make investment capital timid and afraid to invest would doubtless impair such activities. However, I have continued to give attention to this problem of congestion in the Capital and to the corollary problem of excessive rentals and traffic dangers for a long time in the hope of finding some way of effectuating relief for the thousands of people that are here.

As an evidence of what the situation is, there is eloquent testimony in the report which accompanies this bill in the statement that there are approximately 42,000 people on the pay roll of the Department of the Interior, and that approximately 12,000 or 13,000 of those have been added since 1933. Consider all the bureaus, commissions, and departments in Washington with more than 100,000 workers on the Federal pay roll and you have the crux of the rental situation. You have so many thousands of people here that landlords obviously are going to take the opportunity to increase rentals on existing housing and get what they can in the belief that at some time this overcrowded condition will be dissipated and the net income from their properties diminished accordingly. In seeking to find a way to establish a reasonable rental for thousands of people here it seems to me only one thing can be done, and that is to decentralize some of the bureaus. The more bureaus, the more employees; the more employees the heavier the traffic, and the worse the congestion. Heavier traffic means more accidents; more employees mean a larger rental market and higher rents. A new bureau is set up in this bill. How we are going to do anything for the people who pay exorbitant rentals and solve the traffic problems in the Capital City unless we decentralize these bureaus and diffuse a lot of that personnel help in all sections of the country, I am sure I do not know. Right now Uncle Sam occupies 103 of his own buildings in the city of Washington and rents 101 others. He has 12,000,000 square feet of floor space of his own and rents two and a half millions additional. As yet we have made no provision for the Social Security Board and I suppose they will have 10,000 or 12,000 people. There has been some suggestion that they will send them to Baltimore. That will help matters very little. It will mean that the highway between Baltimore and Washington will become a ghastly speedway and avenue of death. Diffusion must be greater than that. I have a better suggestion. If we are going to continue to set up new bureaus, or if it is contemplated that only those which now exist be kept in operation, let us find out what particular section of the country their interest more nearly affects and then set up offices there and diffuse this help and get rid of the rent and traffic problems here. A portion of the Security Board could very well be set up in Chicago for the western division. The inland waterways work to some extent could be transferred to St. Louis and some of the Agricultural Department work could be transferred to Des Moines and Peoria; other agencies could be sent to San Francisco and Spokane and elsewhere, and so we could reduce all these appropriations for personal services in the District of Columbia very substantially.

Just why every agency must be dragged to the National Capital is difficult to understand. If the work of this agency affects the West, or the central West, the Mississippi Valley or New England, the Northwest or the South, why not set them up in those areas where the work is located and skeletonize the central offices here. The benefits will be twofold. First, it will aid other communities in rehabilitating purchasing power. It will diffuse employment in other sections of the Nation, and secondly, it will relieve the immense burdens here.

When we do, we will solve this problem of congestion that has cost almost one life every 2 days since the 1st of January 1936. Then we will also solve the housing problem in Washington and the problem of excessive rentals without trying to get through Congress some sumptuary legislation with which to beat the landlords over the head.

Mr. MAY. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MAY. Might we not encounter more grave danger than the question of rentals in Washington if we establish a Government operating agency in the different cities over the country and invite the people of those cities and communities to sponsor those bureaus and undertake to enlarge them from time to time, and hammer Congress to vote for appropriations?

Now comes the additions to the forces of the Veterans' Administration to handle the bonus. I have heard it said that 2,500 or 3,000 extra people will be required. Where will they be housed? How will augmented traffic be handled without further fatalities? Obviously the increase in employees will present an excellent chance for landlords to boost rents, and the only escape from this condition is decentralization.

There is still another aspect to this matter. The Select Committee of the House to Investigate Real Estate Reorganizations, on which I served, learned in the course of their investigations in Chicago, Detroit, St. Louis, and elsewhere that millions of square feet of commercial floor space is still vacant in large buildings. Vacant space in buildings on which bonds were sold to the public means diminished earnings and diminished dividends or no dividends at all to the holders of these securities. If the Federal Government, instead of filling Washington to overflowing with bureaus and commissions, would establish some of them in other cities, some of this available space could be used. Its use would mean income for many real-estate bondholders and funds with which to pay taxes and maintenance costs of these buildings.

Therefore I most respectfully suggest that some of these Government functions be transferred to Chicago, Peoria, Detroit, Cleveland, Boston, Dallas, and elsewhere as the solution of many problems. It would be a bit of a "break" for the taxpayers in such communities.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DIRKSEN] has expired.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

Mr. ZIONCHECK. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ZIONCHECK. Mr. Chairman, I rise in opposition to the amendment, and I ask unanimous consent that the Clerk again report the amendment.

The Clerk read as follows:

Page 3, line 11, strike out the last word.

Mr. ZIONCHECK. Mr. Chairman, all the committee wanted was the exact language of the amendment offered by the gentleman from Illinois. If it was germane, we agree to the amendment. We would all like to have rents lowered in Washington, D. C., and we would like to have it put into this bill, if possible; but striking out the last word will not do it. So therefore that is the end of the argument.

The pro-forma amendment was withdrawn.

Mr. KENNEY. Mr. Chairman, I move to strike out the last three words.

Mr. ZIONCHECK. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ZIONCHECK. Only one pro-forma amendment to each paragraph is permissible.

The CHAIRMAN. The point of order is overruled.

Mr. KENNEY. Mr. Chairman, I hesitate to vote for this appropriation. I am one who would like to see all appropriations cut 25 percent or more. We must do something more than appropriate money in this Congress. That is about all we seem to be doing, appropriating and borrowing money to make good the appropriations.

On top of our heavy appropriations, ordinary and extraordinary, we shall have to appropriate a high sum in accordance with the communication just sent by the President to our Speaker. I believe the communication is now on the way to the Committee on Appropriations to remain there. A large appropriation is going to be made for over $2,000,000,000 to raise money to pay the bonus, which we have rightly authorized to be paid by recent legislation. For the life of me, I cannot understand why a copy of that communication was not sent over to the Committee on Ways and Means for action on the part of that committee to raise the income account to offset the other and overburdened outgo side of the ledger.

We must be concerned with more than one side of the ledger. We cannot go on appropriating money indefinitely without providing the means for raising the money to pay the bill. The Ways and Means Committee has made it plain that it does not plan any new taxes this year. It does not have the heart to go to the country with another tax bill, and this Congress does not have the heart to exact more taxes from the taxpayers. But there is one thing the Ways and Means Committee can do. It has before it now a bill that will raise, without hardship on anyone, a huge sum of money which may be used to defray the expenses of government.

What we need today is a Robert Morris to come to the aid of our Government. There is none such in the country. The only alternative is that our people must club together and contribute to a fund to be collected so that we may offset the large appropriations and the ever-mounting national debt.

The best way and the only way we can do it without taxation, and I have not heard anybody on this floor or in this Congress suggest a better plan, is to get the Ways and Means Committee to report to the House for a vote or my bill for raising the needed money by the conduct of a national lottery. [Applause.] So, Mr. Chairman, tomorrow morning, in order to spur the committee, there will be placed on the Speaker's desk a petition to discharge the committee from further consideration of the bill. Two hundred and eighteen Members by signing the petition can bring the bill to the floor of this House for vote. Members of Congress can make this petition a new declaration of economic independence. Our patriots of old resorted to the lottery in times of stress and emergency. We do not want to neglect our piling debt nor are we willing to break further the already broken backs of the taxpayers. We shall do neither of these things, but, on the contrary, shall fulfill a duty we owe to the taxpayers, the Government, and the Nation if we resort to the lottery—the old aristocrat of all emergency measures.

Down in the Isthmus of Panama, where there is a population of something like 472,468, exclusive of the occupants of the Canal Zone, the lottery provides each week for charitable purposes a sum ranging between twenty-five and thirty thousand dollars. The yearly lottery revenue exceeds more than a million and a half dollars. That averages in income amounts to more than $3 per capita per person. In this country with our resources we could do better than twice as well. We have a population of 120,000,000 people, and if we could do twice as well as Panama, and we can, we could, without bearing down on the taxpayers, raise an amount equal to $6 per capita. On that basis the revenue to be gained from this source would amount to $720,000,000 a year. By doing a little better than twice as well the yearly lottery revenue would grow to a billion.

The passage of my lottery bill would not only retain firmly the confidence which we have restored, but the funds from the lottery would be enough to retire the whole national debt within a reasonable period of time. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. KENNEY] has expired.

The pro-forma amendment was withdrawn.

The Clerk read as follows:

DIVISION OF GRAZING CONTROL

For carrying out the provisions of the act entitled "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes", approved June 28, 1934 (48 Stat. 1269), including traveling and other necessary expenses, not to exceed $55,000 for personal services in the District of Columbia, not to exceed $20,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles, and not to exceed $150,000 for examination and classification of lands with respect to agriculture and agricultural utility as required by the public-land laws and for related administrative operations and for the preparation and publication of land classification maps and reports, $300,000; for payment of $5 per diem while actually employed in lieu of subsistence and for payment of 5 cents per mile for actual necessary travel expenses of members of advisory committees of local stockmen, $100,000; in all, $400,000.

For construction, purchase, and maintenance of range improvements within grazing districts, pursuant to the provisions of sections 10 and 11 of the act of June 28, 1934 (48 Stat., p. 1269), and not including contributions under section 9 of said act, $250,000:

Provided, That expenditures hereunder in any grazing district shall not exceed 25 percent of all moneys received under the provisions of said act from such district during the fiscal years 1936 and 1937.

Mr. MOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOTT: On page 5, line 9, after the word "all", strike out "$400,000" and insert "$250,000."

Mr. MOTT. Mr. Chairman, reference to page 18 of the committee's report will show that for grazing control, in the matter of salaries and expenses, while the 1936 appropriation amounted to only $250,000, this year the Secretary of the Interior is asking for $400,000.

If you look at the hearings before the Public Lands Committee for last session and the session before, you will find it was contended there by those opposed to this bill that if the Congress ever passed an act of this kind, turning the entire public domain of the United States over to the arbitrary, discretionary jurisdiction of the Secretary of the Interior, an autocratic bureau would be set up which would become larger and larger every year, and that each year the Secretary of the Interior would be asking the taxpayers for a huge additional amount of money. That contention has been borne out by experience. In my opinion, the act under which this appropriation is asked is one of the most useless and one of the most damaging pieces of legislation that the Congress has passed. This year the Secretary of the Interior, to operate that Bureau set up under the Taylor Grazing Act, is asking for almost twice as much money as he asked for last year. Next year the activities of this Bureau will be still further increased, and the Secretary of the Interior will ask for a still larger amount of money. He will keep going on and on and on until this alleged grazing-control proposition will be one of the largest and one of the most irresponsible bureaus in the executive department of our Government. I think it is time to call a halt on the kind of discretionary authority and dictatorial power given by the Congress to the Secretary of the Interior under this act, and we ought to begin now by confining this appropriation, if we appropriate anything, to the amount given the Secretary at the time the bill was originally passed.

As I say, he is asking nearly twice as much now and next year will probably ask twice as much as he is given this year. I think my amendment, which cuts down the amount for salaries and other expenditures to the amount the Secretary had under the original bill, should be adopted.

Mr. TAYLOR of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I well remember that the gentleman from Oregon bitterly fought this law all the way through the Public Lands Committee and the House, and tried his utmost to prevent its passage. It was enacted, however, and heartily approved by the President on June 28, 1934, and has proven one of the most popular and beneficent laws ever enacted in this country. It has for its purpose the conservation and orderly use of the remaining 143,000,000 acres of public domain, and the stabilization of the livestock industry throughout the Western States. Instead of having a large bureau here in Washington, it is the only very important activity we have set up for years which is practically controlled and administered out in the field among and by the people directly affected by it. Every district has its managing committee composed of an equal number of cattlemen and sheepmen who apportion the range among those most entitled to use it, and in numbers and amounts, and times and places, and thereby conserving the range, and they are doing splendid work. This law is becoming more and more popular every day.

In my general remarks I explained how this apparent large increase came about. As a matter of fact, it is not in reality any increase whatever. The Secretary has been keeping absolutely within the amount of money we appropriated for the purposes intended. In this amount of $68,000 transferred from the Geological Survey for land classification is because this land has got to be classified in order to intelligently use it, and for the purposes of its use this Grazing Division can more suitably do it than the Geological Survey can.

This amendment, in my opinion, Mr. Chairman, is simply a continuation of the persistent attack that has been kept up for 2 years on this measure. If the House will permit a personal reference, I confess to being more proud of being the author of this so-called Taylor Grazing Act than of any of the about a hundred laws I have piloted through Congress during the past 27 years. Thousands of people have praised it as one of the most far-reaching and constructive measures looking to the preservation and improvement of the remaining public lands of our country and for the stabilization of the livestock industry and of the Nation-wide benefit that has ever been enacted by Congress. There is no way of estimating the value of this law to the West throughout the years to come. I have always lived among the stockmen, and my home has been on the range all my life, so I know those people.

This amendment is simply an effort to hamstring the administration of this law.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. MOTT. Is it not a fact that since the original appropriation was made under this bill the Secretary of the Interior has spent very little of that appropriation, because there was not anything to do?

Mr. TAYLOR of Colorado. He has not until recently had time to consult the wishes of all the local stockmen throughout all those States and get the grazing districts organized. That has required an immense amount of time and consideration.

Mr. MOTT. No. He has not done anything in the past, and there is no very good reason to believe he is going to do much more in the future.

Mr. TAYLOR of Colorado. The gentleman is entirely misinformed. If he will read the hearings he will find that some 30 or more districts have already been organized, and they are now in active operation all over the Western States even in the gentleman's own State, and many more would be organized if the acreage had not been limited to 80,000,000 acres instead of all of the public domain as it was in the bill as it originally passed the House.

Mr. MOTT. He has practically all of the $225,000 we gave him last year, has he not?

Mr. TAYLOR of Colorado. No, he does not. It has been and is a slow process to entirely change the customs of many thousands of stockmen and ranchmen. This law had to be fully and repeatedly explained to large numbers of those people. There has been no disposition to force it on them. All districts have been organized by the wishes of the people affected by them. There is no activity in the Government that is run so economically as this. The Secretary needs every dollar we are giving him in this bill.

Mr. MOTT. Mr. Chairman, if the gentleman will yield further, the point I am making is that, as I understand it, he has practically all that money left.

Mr. TAYLOR of Colorado. No; he does not.

Mr. MOTT. He is asking now, if the gentleman please, $55,000 for personal service; $28,000 for the purchase and maintenance of automobiles; $150,000 for administrative expenses; and $300,000 for making reports and maps. This is what he wants under this bill. He wants this in addition to the $225,000 we gave him but which he has not expended.

Mr. TAYLOR of Colorado. The $300,000 figure the gentleman mentioned is the total of the other items he mentioned.

Mr Chairman, I ask that this amendment be voted down.

Mr. PIERCE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, my colleague the gentleman from Oregon has presented an amendment. The gentleman certainly does not know very much about the public domain in the United States. The public domain of Oregon lies in my district and not in his district. I happen to know much about the activities of the group of men that has been classifying these

grazing lands. I know they have been very active and very capable. I know further that no act passed by this Congress is so popular with the majority of the stockmen as this act. It is going to be fully self-sustaining when it is in operation. The men who use the public domain for sheep and cattle will pay fees to the Government that will more than take up the expenses of enforcement. This appropriation is simply for organization. My colleague's fears are groundless, and his amendment will hamstring those who operate under one of the most beneficial acts this Congress has passed. I hope the amendment is defeated.

By unanimous consent, the pro-forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment of the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 13, noes 41.

So the amendment was rejected.

The Clerk read as follows:

Contingent expenses, Department of the Interior.

Mr. TABER. Mr. Chairman, I have an amendment to offer to a paragraph which I did not hear the Clerk read.

Mr. ZIONCHECK. Mr. Chairman, I raise a point of order against going back to a previous paragraph after the Clerk starts reading a subsequent paragraph.

Mr. TABER. The paragraph could not have been read, because I was watching for it.

Mr. ZIONCHECK. To which paragraph does the gentleman refer?

Mr. TABER. Page 5, lines 10 to 18.

Mr. ZIONCHECK. The paragraph was read.

Mr. TABER. I was watching every word, and I did not hear it read. I heard the part down below, but I did not hear this one.

Mr. ZIONCHECK. Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. The Chair is informed that the paragraph was read before the gentleman from Oregon [Mr. MOTT] offered his amendment.

Mr. TABER. Mr. Chairman, the gentleman from Oregon [Mr. MOTT] was on his feet offering an amendment and asking for recognition immediately at the conclusion of the reading of line 9, page 5. He offered his amendment at the proper place. If the next paragraph was read before that, it was improperly read. It certainly was not read after the amendment offered by the gentleman from Oregon [Mr. MOTT] was acted upon.

The CHAIRMAN. The gentleman's amendment is offered to a previous paragraph.

Mr. TABER. An amendment was offered to the paragraph on page 5, beginning at line 9, reducing the figure from $400,000 to $250,000. It is true that the Clerk did read some of the following paragraph after the gentleman from Oregon [Mr. MOTT] rose and demanded recognition, but it is not true that the subsequent paragraph was properly read.

Mr. ZIONCHECK. Mr. Chairman, I feel that my point of order is good, but I am going to withdraw it, because the amendment to be offered by the gentleman from New York [Mr. TABER] is not going to be adopted anyway. I withdraw my point of order if the gentleman will not talk over 5 minutes.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 5, lines 10 to 18, strike out all of lines 10 to 18, inclusive.

Mr. TABER. Mr. Chairman, I have been over the hearings very carefully and I have been unable to find anything except a general statement as to how it is proposed to use this $250,000 for construction purposes, nor anything in reference to what the construction shall be, the character of it, or whether or not it would amount to anything. There is nothing in the hearings to disclose any information. Frankly I do not believe in increasing these appropriation bills, even if there is a limitation on the source of the money, for any purpose which is not fairly and openly disclosed to the Members of Congress. I have offered this amendment to strike out those lines. I do not believe we can get anywhere by continually increasing the sums of money we appropriate for these things. I am, therefore, giving the Members of Congress another chance to vote down proposed increases in expenditures.

Mr. TAYLOR of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from New York [Mr. TABER] evidently does not understand this law or its provisions. The $250,000 is to be collected from these people themselves, the stockmen who use the range. If the money is not collected from these men who range their cattle and sheep on the public domain this appropriation will not be made. If the gentleman from New York will read page 20 of the hearings he will find a full explanation and description of this item.

Mr. Chairman, I hope the amendment will be rejected.

Mr. PIERCE. Mr. Chairman, I move to strike out the last word merely to explain to the gentleman from New York what this appropriation means.

Mr. Chairman, on these big ranges hundreds of miles across buildings are erected where men may stay overnight, feed themselves, and care for their horses. Sheep and cattle have to be counted; corrals must be provided for counting. They have to provide water in these camps or headquarters. These facilities must be provided in different parts of the range, sometimes miles apart. This appropriation my colleague seeks to reduce is to provide facilities much the same as the patrols or guards use in the forest reserve. This money will all be repaid by fees collected for use of the public domain from the sheepmen and cattlemen themselves.

The pro-forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was rejected.

The Clerk read as follows:

PERRY'S VICTORY MEMORIAL COMMISSION

For administration, protection, maintenance, and preservation of the Perry's Victory Memorial at Put in Bay, Ohio, including traveling and other expenses of members of the Commission in connection with official matters pertaining to the memorial, printing and binding, personal services, and the purchase of souvenirs for resale, $4,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I offer this pro-forma amendment for the purpose of stating to the House in connection with this Perry's Victory Memorial Commission that there is a bill pending on the Union Calendar, H. R. 8474, for the erection of Perry's Victory Memorial and International Peace Memorial at Put in Bay, at precisely the same place where the monument covered by this paragraph is located.

I am not insensible to the fact that the present memorial is more or less self-maintained; but, I believe, in line with the admonition of the distinguished chairman of the subcommittee, that something ought to be said about these bills which appropriate small amounts for little things and are subsequently followed with requests for appropriations in larger amounts. Very briefly, let me tell you some of the things that are covered by bills now on the Union Calendar. There is, for instance, a bill to establish a park at Saratoga, N. Y.; one to enlarge Baker Park out in Washington. There is a bill to build a monument at San Juan, in Puerto Rico.

Also a bill to enlarge or to build a colonial national monument in Virginia; another one to make a park out of the Daniel Freeman Homestead, in Nebraska; another one to commemorate the Battle of Blackstock; another one to commemorate the Battle of Musgrove's Mill; still another to commemorate the Battle of Big Dry Wash, in Arizona—and, may I say parenthetically, I have been a rather assiduous student of history, but I never realized that a knowledge of all these battles and their commemoration made any difference in the ordinary processes of government so far as I

could determine, or that they were of sufficient concern to the public to warrant the expenditure of the taxpayers' money.

Then our good friend the gentleman from Texas [Mr. MAVERICK], the other day, had a bill on the calendar to create a commission to study the feasibility of establishing national monuments in Texas, New Mexico, Arizona, and California. If enacted, such a commission would doubtless recommend monuments by the dozen instead of singly.

Then there is another bill for a monument on St. Simon Island, down in Georgia, and also a monument to Lafayette, and also a national monument at Camp Merritt, N. J., and a bill for the enlargement of the Everglades National Park in Florida, a Mark Twain anniversary commission, and here is a prize winner, a monument to commemorate the entry of the first steam railroad into Washington, D. C. Now, that is something to write home about. Then a monument to commemorate the one hundredth anniversary of Prattville, Ala.

Maybe this has some bearing upon national history, but here you have a list of some of the things that call for appropriations. If we stick a monument down on St. Simon Island in Georgia, you know what the next stanza will be in that story. They will buy some area around that monument to create a little park, and then there will be a bill introduced in the Congress to create a St. Simon Park or some other kind of park, followed by demands for annual appropriations to dust off the monument and keep the grass green.

Gradually, these inroads are being made on the Federal Treasury for things that have no particular national import, and I think the gentleman from Colorado [Mr. TAYLOR] is exactly right when he says that we ought to be cautious about this sort of thing. These bills, for the most part, ought to be firmly objected to and never allowed to pass the House.

Michael Angelo once said that trifles make perfection, and we may achieve perfection in Government economy if we start with some of these little things and then work up to the top, and I suggest we start right now and wipe the slate clean of these little things which are gentle, little creatures that are almost as prolific as a certain noted family way up in Callander, Ontario. [Laughter and applause.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

NATIONAL BITUMINOUS COAL COMMISSION

Salaries and expenses: For all necessary expenditures of the National Bituminous Coal Commission, in performing the duties imposed upon said Commission by the Bituminous Coal Conservation Act of 1935, approved August 30, 1935 (49 Stat., p. 991), including personal services and rent in the District of Columbia and elsewhere, traveling expenses, contract stenographic reporting services, stationery and office supplies and equipment, printing and binding, and not to exceed $2,500 for newspapers, reference books, and periodicals, $900,000.

Mr. WIGGLESWORTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: Page 11, line 6, after the figures "$300,000", strike out the section down to and including line 3, on page 12.

Mr. ZIONCHECK. Mr. Chairman, is there not a mistake in the amendment as read? Is it not the gentleman's intention to strike out the paragraph about the National Bituminous Coal Commission?

Mr. WIGGLESWORTH. Yes.

Mr. ZIONCHECK. Then the amendment should strike out all of line 6 and through line 16, including the period following the amount $900,000.

Mr. WIGGLESWORTH. That is correct.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WIGGLESWORTH: Page 11, line 6, after the figures "$300,000", strike out the section down to and including line 16, on page 11.

Mr. WIGGLESWORTH. Mr. Chairman, this item for the National Bituminous Coal Commission appears, of course, for the first time in this bill this year. It appears as a result of the enactment of legislation during the last session of Congress—legislation enacted after the receipt of a letter from the President of the United States, in which, as I have already stated this morning, he expressed the hope that the committee would not permit any "doubts as to constitutionality, however reasonable, to block the suggested legislation."

The item calls for the expenditure of almost $1,000,000. The hearing indicates a further increase in the appropriation should this activity be declared constitutional by the Court.

The item includes about $200,000 for a legal force of 80 persons and about $83,000 for a statistical force of 34 persons, although it was suggested this work might be done more cheaply by the Bureau of Mines. It includes also about $18,500 for an information and editing service of nine persons.

The amount involved is substantial. Many of us have felt from the outset that this legislation was clearly unconstitutional. The recent findings by the Supreme Court, insofar as my judgment is concerned, have tended to confirm my original conclusions and have made almost certain to my mind a finding by the Supreme Court that this particular bill is unconstitutional.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. WIGGLESWORTH. I yield.

Mr. VINSON of Kentucky. The gentleman understands that an entirely different constitutional power is relied upon for the support of the validity of the Guffey coal bill than in the support of the Triple A.

Mr. WIGGLESWORTH. I understand, of course, that the two questions are not on all fours.

Mr. VINSON of Kentucky. I want to call attention to the fact that the clause in the Constitution relied upon for the support of the Guffey coal bill is not the same clause that was relied upon for the support of the Triple A.

Mr. WIGGLESWORTH. I am not going to argue the constitutional question with the able gentleman from Kentucky. I say that in my judgment the recent action of the Supreme Court tends to confirm my original opinion that the act was unconstitutional. I might refer the gentleman from Kentucky to the very able argument made by his distinguished colleague the gentleman from Tennessee [Mr. COOPER] at the time the legislation was considered.

I want to say in conclusion, Mr. Chairman, that I offer this amendment without reference to the merits of the broad objectives of the bill, in respect to which there may be little difference of opinion. The House having taken the exceptional action which it did recently in respect to the potato-control bill, it seems to me that the same action should be taken in respect to this legislation, withholding for the time being the appropriation of nearly a million dollars pending action of the Supreme Court, which no doubt will be taken in the near future.

Mr. VINSON of Kentucky. Mr. Chairman, I rise in opposition to the amendment. This same matter was fought out last week on the deficiency bill. It seems to me that the opponents of the Guffey coal bill, in the consideration of this appropriation bill, should not try to by indirection that which they were unable to do directly, when the original bill was under consideration.

Now, I cannot say—and no Member of this House can say—what the Supreme Court will do when the matter of the constitutionality of the coal act is presented to them on its merits.

It is easy for a person to say that a bill is unconstitutional. But I want to call the attention of the House again to the fact that the constitutional power relied upon in the Guffey coal bill is not the same power relied upon for the support of the A. A. A.

Mr. TABER. Will he gentleman yield?

Mr. VINSON of Kentucky. I yield.

Mr. TABER. Is it not a fact that the Supreme Court has already held that the commerce clause does not cover the mining of coal?

Mr. VINSON of Kentucky. Mr. Chairman, my friend from New York, Mr. TABER, who is one of the hardest-working Members of this body, certainly was absent when I endeavored to treat this subject when debating the original bill. I then called attention to the Coronado case, written by Chief Justice Taft, to which the gentleman referred. That is the case which says that mining of coal is an intrastate transaction; but immediately after Chief Justice Taft, a distinguished leader of the gentleman's party and a distinguished President of the United States and a distinguished Chief Justice of the Supreme Court, said that mining of coal was an intrastate transaction, he said with the same voice and with the same pen that Congress had the power of control and supervision of those acts if Congress saw fit to use it.

It was in this first *Coronado case* (259 U. S. 354) that Chief Justice Taft, on June 5, 1922, held that coal mining is not interstate commerce and that the power of Congress does not extend to its regulation as such. Following are direct quotations from this case:

Coal mining is not interstate commerce, and the power of Congress does not extend to its regulation as such.

The making of goods and the mining of coal are not commerce, nor does the fact that these things are to be afterward shipped or used in interstate commerce make their production a part thereof.

Obstruction to coal mining is not a direct obstruction to interstate commerce in coal, although it, of course, may affect it by reducing the amount of coal to be carried in that commerce. We have had occasion to consider the principles governing the validity of congressional restraint of such indirect obstructions to interstate commerce in *Swift* v. *United States* (cases cited).

Now, one of the cases cited in the last quotation next above is the packers and stockyards' case decided May 1, 1922 (*Stafford* v. *Wallace*, 258 U. S. 495). This case was the one in which Chief Justice Taft made the following statement:

The reasonable fear by Congress that such acts, usually lawful and affecting only intrastate commerce when considered alone, will probably and more or less constantly be used in conspiracies against interstate commerce or constitute a direct and undue burden on it, expressed in this remedial legislation, serves the same purpose as the intent charged in the Swift indictment to bring acts of a similar character into the current of interstate commerce for Federal restraint.

Further quoting from the *Stafford* v. *Wallace* (258 U. S. 495):

"Whatever amounts to more or less constant practice and threatens to obstruct or unduly to burden the freedom of interstate commerce is within the regulatory power of Congress under the commerce clause, and it is primarily for Congress to consider and decide the fact of the danger and meet it.

"This Court will certainly not substitute its judgment for that of Congress in such a matter unless the relation of the subject to interstate commerce and its effect upon it are clearly nonexistent."

Immediately after this Stafford citation, Chief Justice Taft said:

It is clear from these cases that if Congress deems recurring practices, though not really part of interstate commerce, likely to obstruct, restrain, or burden it, it has the power to subject them to national supervision and restraint.

We submit that Chief Justice Taft laid down the rule that findings of fact by the Congress of the United States precludes even the Supreme Court from substituting its judgment for that of Congress in such a matter unless the relation of the subject to interstate commerce and its effect upon it are clearly nonexistent. He said that in the case of *Stafford* v. *Wallace* (258 U. S. 495). He upheld the finding of facts by Congress that certain recurring practices, intrastate in nature, was a burden and interference upon interstate commerce in the case of *Board of Trade* v. *Olson* (262 U. S. 1).

It was in the case of *Hill* v. *Wallace* (259 U. S. 44) that a decision very similar to the A. A. A. decision appeared. The taxing power was relied upon to regulate and control the grain marts of the country. That act was held unconstitutional by Chief Justice Taft.

In the opinion he said that the taxing power alone was the source of power relied upon; that mention of the commerce clause could not be found in the statute from the beginning to the end. It was held in that case that tax was invalidated, as it sought to regulate intrastate transactions which were beyond constitutional power. That is exactly the situation in the Hoosac case; the levy is stricken down there because, as Mr. Justice Roberts said, the thing sought to be regulated was not within constitutional power because it was intrastate transactions. After the case of Hill against Wallace, Congress passed a second act endeavoring to regulate the grain marts of the country, but in this act the commerce power in the Constitution was relied upon. There were findings of facts by the Congress that there were constant and recurring practices—intrastate transactions—that burdened and hindered the flow of interstate commerce. Chief Justice Taft upheld the validity of the act in a very illuminating opinion. This law is on the books today; it is in full force and effect today. We respectfully submit that the Taft philosophy with respect to the commerce clause is the groundwork and the foundation rock of the power that creates the Bituminous Coal Commission.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. Yes.

Mr. CROWTHER. What has the gentleman got to offer with regard to A. A. A. decision in the matter of taxes, in relation to the decision of Chief Justice Taft in the second child-labor decision?

Mr. VINSON of Kentucky. There is a marked distinction in the A. A. A. case. The tax is held invalid, as I read the decision, because it was to be used for the regulation of that which was beyond constitutional power. In the Guffey Coal Act we maintain that the acts sought to be regulated by this tax is within the constitutional power and therefore valid.

My good friend from New York, Mr. CROWTHER, will distinctly recall that in the hearings on the Guffey coal bill we agreed that if our case is not brought under the commerce clause of the Constitution, that it cannot be supported under the taxing power. This is not a new position. This position was taken while the committee was considering the bill, during the hearings on the bill, and this has been our position from that day to this present day. If we do not bring our case within the commerce clause, I can say to my good friend from New York that we would fall under the adverse rulings of the Supreme Court, namely, the Child Labor case, where the taxing power alone was involved; and Hill against Wallace, where the taxing power alone was involved; and the Hoosac case—the A. A. A.—where the taxing power alone was involved. The opinion of the Supreme Court in the Hoosac case, as I read it, very clearly states that the invalidity of the tax is due to its being used to regulate that which is beyond constitutional power.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SCRUGHAM. Mr. Chairman, I move to strike out the last three words. The hearings on the Guffey coal bill are given in some detail on pages 104 to 109 of the hearings. The point to which I wish to call special attention is that the Guffey-Snyder Act will contribute a very considerable revenue to the Treasury of the United States, subject to the disposition of Congress. The production of bituminous coal in 1934 was approximately 360,000,000 tons and the average value of this coal at the mine was something like $2 per ton. The tax provided in the bill is 1½ percent, or something like 3 cents per ton. Based on the production of 1934 the yield from this tax would be over $10,000,000, and with the undoubted increase in the production of the coming year to approximately 400,000,000 tons the tax would amount to something like $12,000,000. The cost of the maintenance and operation of the Guffey Bituminous Coal Commission, including the consumers' counsel, would be approximately $990,000, as provided for in the Budget. Therefore, there is no net charge on the Treasury of the United States.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. SCRUGHAM. Yes.

Mr. RANDOLPH. I want to say at this point that the Guffey Coal Act and the creation of the National Bituminous Coal Commission have operated in my State and in other mining States to put an industry that was crippled and down for the count of nine on its feet and show the

first ray of hope not only to the miner but to the mine operator as well. Congress, after passing this much-needed legislation, cannot fail to provide proper funds to provide for the maintenance and operation of the offices that are necessary to the functioning of the same. This is a responsibility that I am certain we will not shirk.

Mr. HOLLISTER. Mr. Chairman, the gentleman from Kentucky [Mr. VINSON] has contended with his usual force and skill that the Guffey coal bill is based on a proper exercise of congressional power under the commerce clause. The gentleman, however, refers continually to that line of cases where the regulation by Congress of an act which might appear at first to be purely intrastate has been held by the Supreme Court to be such an integral part of a movement of goods from their source to their final point of distribution that it constitutes a part of the stream of interstate commerce. That line of cases is, of course, familiar to every lawyer, and if the Guffey coal bill were properly based on that line of cases or could be placed under it, there would be ground for contending that it is within the constitutional power of Congress. However, the Guffey coal bill places a tax on the sale of coal—not somewhere in the stream of commerce but when the coal first begins its trip from the mine. The Supreme Court has held on any number of occasions—I am sorry that, not realizing this was to come up today, I am not prepared to cite them all, although I could give them to the gentleman—that manufacturing, mining, and agriculture are not within the control of the Congress under the commerce clause.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. HOLLISTER. If the gentleman will permit me first to finish my statement, then I shall be glad to yield. I can refer the gentleman from Kentucky at the present time, with reference to the question of whether or not mining is within the control of Congress under the commerce clause, to the case of *Heisler* v. *Thomas Colliery Co.* (260 U. S. 245) and the case of *Oliver Iron Co.* v. *Lord* (262 U. S. 172).

Mr. VINSON of Kentucky. It is in connection with the Coronado case I wanted to ask the gentleman a question.

Mr. HOLLISTER. The Coronado case is a conspiracy case.

Mr. VINSON of Kentucky. There are two Coronado cases. Justice Taft wrote both opinions, but in the case where Justice Taft said that the mining of coal was an intrastate transaction, the gentleman will agree, in the next paragraph he said that Congress had the power the control the facts.

Mr. HOLLISTER. The gentleman is asking me a question which I am not able, without the report before me, to answer by stating just exactly what a particular justice did or did not say.

Mr. VINSON of Kentucky. It was an express invitation.

Mr. HOLLISTER. The gentleman will please wait until I finish because I have a limited amount of time. The gentleman will also realize that obiter dicta, in cases where the court sometimes goes beyond the particular question under consideration, cannot be cited as authority in other cases. The Supreme Court has held over and over again that mining, manufacturing, and agriculture themselves are not in interstate commerce and may not be regulated by Congress. Here is an attempt under the Guffey coal bill to bring about the regulation of actions not in the stream of interstate commerce. Here is an enactment which almost any lawyer would stake his reputation will be held unconstitutional, and it does not seem fit that we should go ahead and appropriate millions of dollars to enforce statutes of this kind and delude poor, innocent individuals who are trying to comply, only to find, as they did under the A. A. A., that they were deluded, and that the whole taxation situation and the whole legal situation is in a worse mess than it was before.

Mr. MAY. Will the gentleman yield?

Mr. HOLLISTER. I yield to the gentleman from Kentucky.

Mr. MAY. I voted for the Guffey coal bill, and I am very much interested in it being upheld by the Court, but I am fearful of one feature of it, which the gentleman has not discussed, and that is the taxing provision, which provides that a tax shall be levied upon the market sales price of coal at the tipple, and that that shall be used or rebated to the operator who accepts the provisions of it and withheld from one who does not. Whether it is a revenue measure or a punitive tax is the question.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. HOLLISTER] has expired.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last four words.

Mr. Chairman, I voted against the Guffey coal bill, but I am opposed to the motion made by my distinguished colleague from Massachusetts [Mr. WIGGLESWORTH].

I have enjoyed very much listening to the constitutional argument. I have found it very, very interesting, but it seems to me it is entirely irrelevant, or only remotely connected, with the issue which is presented by the pending motion.

The Guffey coal bill was passed last year. This is an authorization in order to put it into operation. The legal steps taken by those who are raising the question of the constitutionality of the Guffey coal bill, have been instituted and are now pending in the courts. It seems to me that the basic question of constitutionality was properly discussed last year. It interested me with respect to the tax. I have my views as to whether or not it is constitutional in that respect. I believe that the objective sought, in a constitutional way, is something that most of us would admit is a worthy and deserving objective, namely, the ability of business to control itself against unscrupulous competitors, or to regulate those disintegrating influences which have a harmful effect upon both the employer and the employee, and upon society in general. We have to go along. Congress must pass legislation and it must be submitted to the courts for judicial determination. That is the pathway of legislation under our scheme of Government, the written Constitution—Congress passing legislation and the courts interpreting it, so that the legislative activities of this country are twofold. First, the legislative act, either being approved or disapproved by the Chief Executive, and then in the final analysis, interpretation by the Supreme Court as to whether or not the Congress acted within the powers granted by the Constitution.

The interesting question of the constitutionality was well discussed last year. As one who was impressed by it, and for other reasons, I voted against the bill, although I am in favor of the objective sought. I feel that the constitutional question on this occasion is not properly before the committee. It is an argument interesting to listen to, but should not be a reason for any Member, no matter how he voted last year, for voting against the appropriation this year. For these reasons, while I voted against the bill last year, I am equally opposed to the amendment offered by the gentleman from Massachusetts.

Mr. HOLLISTER. Will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. HOLLISTER. I have listened with much interest to what the gentleman has said, and as an ordinary matter the gentleman is absolutely right. I believe that ordinarily these things should be left for settlement as the gentleman suggests, but when we have a situation, as we have today, of act after act being passed with the practical knowledge of a great many, at least, who are voting for them that these acts will be held unconstitutional, it does seem wrong and unfair to allow people to be deluded into thinking they can get the protection which the gentleman and I would equally like to give them by legislation of this kind. It does not seem right that they should be sold a gold brick.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. VINSON of Kentucky. It seems to me the gentleman from Ohio should not use that expression, "deluding the people", when two Federal district courts, one in the District of Columbia, Justice Adkins, upheld the stabilizing feature of the bill, and another district judge, Judge Hamilton, has

also upheld it. If that is true, then why does the distinguished gentleman from Ohio continually say that we are handing somebody a "gold brick" because those courts did not agree with him?

Mr. HOLLISTER. I would ask the gentleman to wait until the decision comes down from the Supreme Court of the United States.

Mr. McCORMACK. I am glad the distinguished gentleman from Ohio [Mr. HOLLISTER] agrees with the substance of my argument. I feel quite pleased that the thoughts which I entertain are in harmony with the thoughts of the distinguished gentleman from Ohio.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

Mr. ZIONCHECK. Mr. Chairman, I object.

Mr. Chairman, I rise in opposition to the amendment. I may say to the gentleman I shall be glad to yield to him.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. ZIONCHECK. Yes; but first I would like to find out from the gentleman from Ohio just what constitution he is talking about, the Constitution of 1787, or the Constitution of 1936 with the fourteenth amendment and everything else included, amongst which are many bad Supreme Court decisions.

Mr. HOLLISTER. Mr. Chairman, will the gentleman yield?

Mr. ZIONCHECK. Yes; which constitution is the gentleman talking about?

Mr. HOLLISTER. I am talking about the Constitution I understood the gentleman from Washington and I were both operating under, the Constitution of the United States.

Mr. ZIONCHECK. Mr. Chairman, I object to so much time being taken up about this particular section. As a member of this subcommittee, I watched the preceding section pass without a minute of debate when $300,000 was appropriated for oil control for Texas, for Tyler, Tex., because they found a lot of oil in a hurry down there, because a lot of little fellows happened to find it on their ranches; so the Government of the United States is going to spend $300,000 to help the big fellows freeze the little fellows out, and not one word was said about it.

Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. ZIONCHECK. Yes.

Mr. McCORMACK. I cannot, of course, comment on the remarks of my friend who just spoke, because they apply in a different way than I have expressed myself. However, I want to refer to the remark of the gentleman from Ohio about "deluding the people."

The Constitution of 1787 is the Constitution of today, and I am perfectly contented and satisfied with it. Thus briefly do I express my views, but the gentleman from Ohio realizes that government itself is a living organism. While the human rights contained in our fundamental law are definite, the structure called government is a living organism, and it must go forward. We have got to look at things differently today than we did 100 years ago or 150 years ago when we were a nation of five or six million souls and 13 States. Economic development has brought changes; the situation that confronts us is entirely different in character. I am not going to go through the whole picture with which you gentlemen are better acquainted than I.

The progress and changes of economic laws bring with it social and political changes; bring abuses which must be controlled; which must be regulated; abuses arising out of private industry, which private industry is unable to control, the continuance of which will be harmful to the general welfare. It is only natural; it is only proper that the people look for a control of these abuses to the Government, whether the Republican Party is in control of the Government or the Democratic Party.

The legislative branch of the Government must experiment, must keep going forward in order to make and keep Government a living organism, meeting and performing its duties. This is all that we are doing, and this is not "deluding the public." I do not think the gentleman, in all sincerity—he is a fair and a distinguished man—means to let that charge remain in his remarks. I hope upon reflection he will express himself differently.

The N. R. A., many of us realize, was more of a temporary expedient in order to meet an emergency situation than it was long-range legislation. We have got to legislate from the angle of emergency when one exists, just the same as we must legislate from the angle of long-range permanency. The N. R. A., as originally passed, was never intended as permanent legislation; but you and I know that something is going to come out of the N. R. A. We know that when a proper public opinion has been formulated that something is going to be done along the line of the N. R. A., and demanded by business itself.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairmain, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Industry cannot continue subject to the unfair competition of the unscrupulous 10 percent of business, a minority undermining and disintegrating the entire business structure. Ninety percent of business men want to do the right thing; want to pay their employees a living wage; want to give them reasonable working hours; but cannot because of the unscrupulous competition of a small minority. Competition is not a community matter like it used to be; today it is Nation-wide, yes, world-wide.

We did not know that the N. R. A. was unconstitutional at the time we passed it; not until the Court passed upon the law did we learn that. But we are all agreed with its objectives and feel that some of its objectives must be accomplished, whether by this administration or some future administration.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts may proceed for 1 additional minute.

Mr. McCORMACK. I thank the gentleman, but I have finished.

Mr. ZIONCHECK. I wish to ask the gentleman a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ZIONCHECK. Will the gentleman from Massachusetts tell me whether he believes in competition in the future or not?

Mr. McCORMACK. Why does the gentleman ask that question?

Mr. ZIONCHECK. The gentleman said something about competition being ruthless.

Mr. McCORMACK. I said that competition of unscrupulous business men and their relation to the operations of the honorable business men had a disintegrating effect upon business in general.

Mr. ZIONCHECK. Which are in the majority, in the gentleman's opinion?

Mr. McCORMACK. Why, the number of honorable business men are in the great majority.

Mr. ZIONCHECK. Well, I disagree with the gentleman.

Mr. McCORMACK. We all have a right to our individual opinions.

The pro-forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 32, noes 51.

So the amendment was rejected.

The Clerk read as follows:

For the Commissioner of Indian Affairs and other personal services in the District of Columbia, $493,770.

Mr. TABER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question. It seems to me this is one of the items in which there is a substantial increase. I have been unable, after examining the hearings, to see any reasonable justification for this increase, which amounts to $21,860. Does not the chairman of the subcommittee think we could get along if we appropriated the same amount allowed last year?

Mr. TAYLOR of Colorado. I may say to the gentleman that we have only provided for three new employees. That is my recollection.

Mr. TABER. The amount of increase is $21,000.

Mr. TAYLOR of Colorado. My understanding is, I may say to the gentleman from New York, that there were a good many lapsed salaries and administrative furloughs which will not occur to such a great extent next year. That is one explanation given to us.

Mr. TABER. The Budget figures seem to indicate seven new employees. It does seem as if we might be able to get along without continually increasing the employees of these various departments. I think that we really ought to reduce this item to what it was last year.

Mr. TAYLOR of Colorado. You will find at the top of the tabulation on page 697 there is one clerk provided for at $2,300 and two file clerks at $1,440 each. We thought the showing justified this increase. They have an immense amount of work to do, and I thought the hearing justified it. That is the reason our committee granted it.

Mr. TABER. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 16, line 21, strike out "$493,770" and insert in lieu thereof "$471,910."

Mr. TABER. Mr. Chairman, I have offered an amendment to reduce this appropriation to the exact amount it was last year. I do not see how we can continually increase these appropriations without getting into trouble. Frankly, I think we ought to adopt amendments that will reduce these appropriations and this Committee should as far as it can cut them down. There are no new activities in connection with this operation which would justify, in my opinion, an increase in personnel, and I believe that the amount should therefore be reduced to what it was last year. They will certainly have enough money to get along on if they receive the same amount they have for the current year. I hope, Mr. Chairman, that this amendment will be adopted.

Mr. TAYLOR of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, at the bottom of page 698 there is an additional explanation of this particular item. The gentleman from New York will realize that there are reallocations and promotions under the Classification Act, and this increased item is merely to take care of the regular promotions and reallocations under that law. That is all set forth in the last paragraph. It says:

From July 1, 1934, to June 30, 1935, there were 13 employees reallocated in the higher grades. The reallocations involve an increase in pay of $6,000 annually. A corresponding increase in appropriations has not been made. Since July 1, 1935, 13 other positions have been reallocated involving an additional pay of $5,180. At the time of our Budget hearings only three of these reallocations had been approved.

They then go ahead and show the salaries paid to these officials during various administrations. These increases are merely automatic reallocations and increases in salary under the classification law. We have simply carried out the law and made these additional appropriations to comply with the law. It would be an overturning of the law if we did not allow the increases.

Mr. TABER. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. I yield to the gentleman from New York.

Mr. TABER. It appears on page 301 of the Budget that this appropriation carries an increase of seven employees. There has been no justification for this whatever, and it seems to me we ought to adopt the amendment and stop this increase.

Mr. McGROARTY. Mr. Chairman, I offer a substitute for the amendment of the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. McGROARTY as a substitute for the amendment offered by Mr. TABER: On page 16, line 21, strike out "$493,770" and insert in lieu thereof "$25,000."

Mr. McGROARTY. Mr. Chairman, you have now come to a place in this appropriation bill where this House should be filled, with every Member in his seat and every Member alert and reading every word of the bill under this Indian Bureau appropriation. I sat for 5 months in the past session of the House on a subcommittee of the Committee on Indian Affairs when we held hearings from all sources, executives of the Indian Bureau and the Department of the Interior and Indians themselves from all parts of the United States. Back of this for years and years I have followed the activities of the Indian Bureau with keen interest and close attention. I have written about it, I have protested against it, I know the Indian people and I know what this Bureau has done.

Now, in order to bring it more drastically and more vividly before the minds of the Members of this House I have made what might look to you as an extravagant proposal, that the expenses of the office of the Indian Bureau here in the city of Washington be cut from almost one-half million dollars down to $25,000. From my knowledge of the situation and of the Indian Bureau and what it does, I believe with all my heart and all my judgment, that $25,000 is plenty to run this office.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. McGROARTY. I have just 5 minutes and let me go on, please. This is the only chance I will get, I guess, to take a whack at this thing that I have tried for 40 or 50 years to get a whack at, and let me have it, will you not.

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent that the gentleman from California be given 5 additional minutes. Forty years of waiting is entitled to 10 minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the time of the gentleman from California be extended 5 minutes. Is there objection?

There was no objection.

Mr. McGROARTY. I thank the gentleman.

Envisage a harassed Secretary of the Treasury burning the midnight oil, sitting in his chair in the "dog watches" of the night, with cold compresses on his head, wondering where he can get money to meet the appropriations made by this Congress. Here is where we can help this distressed gentleman.

If I could, I would deny all these appropriations to the Indian Bureau. It is an infamous thing. It has blackened the history of this Republic with its dirty fingers for 100 years. If we could abolish the thing, it would do two things. It would take the Indian Bureau off the back of the Government and it would take it off the backs of the Indians. It has never done anything but harm to the Indians, and here comes this impudent proposal in two lines, characteristic of the effrontery of this little, nasty oligarchy that exists in this Government—in two lines, asking for the Commissioner of Indian Affairs and personal expense in the District of Columbia—that is all it says—$493,770. They ought not to have a cent of it.

They pile up work, they create work. Why, they have 7,300 employees in the Indian Bureau, one for every 40 Indians in the United States. There is nothing like it in any civilized country in the world. It has been damned for 100 years by Presidents of the United States, by Mem-

bers of the Congress, both in the House and in the Senate, and still it defies every attack that was ever made on it and sits snug and serene in its own arrogance.

Think of the Indian people of this country, Mr. Chairman, who have been wronged and outraged and robbed through a century of dishonor, and realize, as I know from the hearings of the subcommittee of the House Committee on Indian Affairs, that this Bureau is no better now than it ever was, and in some ways it is a lot worse. If I had the time I could tell you things here that you would think hard to believe, but which are true; things like when the Commissioner of Indian Affairs wanted to reorganize the Indian schools he sent to Mexico for a man to do it. He sent to the Republic of Mexico for a man who comes from a country where every teacher in every public school has to take an atheistic oath. Nobody in the United States being capable of reorganizing the Indian schools he sent to Mexico; and on the agrarian question, when the lands were to be surveyed and reorganized, he sends to Turkey or Russia for another foreigner. There is nobody in the United States available.

This Indian Bureau is so vile that it makes the blood of an honest American run cold in his veins and brings the blush of shame to his cheeks. Now is the time to quit talking about it and do something to curb these vicious activities.

So I trust the amendment offered by the gentleman from New York to cut the amount down a few thousand dollars will give way to my substitute and cut it down to $25,000. This is plenty for this office in Washington with a Commissioner of Indian Affairs and a few clerks. I can take the few clerks in my office and run the whole business. [Applause.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from California for the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. MCGROARTY) there were 36 ayes and 21 noes.

Tellers were demanded, and 18 Members rose, not a sufficient number.

Mr. KVALE. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Minnesota makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and three Members present, a quorum. The question recurs on the amendment offered by the gentleman from New York [Mr. TABER], as amended by the substitute by the gentleman from California [Mr. MCGROARTY].

The question was taken; and on a division (demanded by Mr. TABER) there were 51 ayes and 28 noes.

Mr. KVALE. Mr. Chairman, I make the point of order that there is no quorum present, and object to the vote on that ground.

The CHAIRMAN. The gentleman from Minnesota makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and two Members present, a quorum.

The Clerk read as follows:

For expenses of organizing Indian chartered corporations, or other tribal organizations, in accordance with the provisions of the act of June 18, 1934 (48 Stat., p. 986), including personal services, purchase of equipment and supplies, not to exceed $10,000 for printing and binding, and other necessary expenses, $160,000, of which not to exceed $41,060 may be used for personal services in the District of Columbia.

Mr. BURDICK. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BURDICK: Page 18, line 7, after the word "exceed", strike out "$10,000" and insert in lieu thereof "$5,000"; on page 18, line 8, after the word "expenses" strike out "$160,000" and insert in lieu thereof "$10,000"; and in line 9, after the word "exceed", strike out "$41,060."

Mr. BURDICK. Mr. Chairman, I call the attention of Members to a situation among the Indians to which I believe Congress should pay some attention. It will be recalled that in June 1934, Congress passed an act known as the Wheeler-Howard Act, a reorganization act affecting the lives and destinies of the American Indians. When the act was presented to the Indians for their ratification, the law was interpreted to be this: Suppose they had 800 Indians capable of voting, and 398 of those Indians voted "no", and 2 of them voted "yes", the Indian Bureau decided that the 2 had won that election, that it took a majority against the act to exclude it; and this Congress in the first session, by unanimous vote, corrected that defect in the bill, which really never existed at all, because it was nothing but an interpretation rather than law. One hundred and sixty thousand dollars is provided in this bill for expenses of securing the approval of the Indians to this act. This provision in the bill I move to strike out, and why? One hundred and sixty thousand dollars for what? One hundred and sixty thousand dollars to keep the Indians stirred up, to keep these agents out among the Indians telling them of the advantages of this New Deal among the Indians, that it is self-government, when it does not mean self-government at all. They are to be governed by a board of business managers, elected by the Indians themselves; but, as it happened in Oregon, if the business managers do not satisfy the Indian Bureau, then the Indian Bureau, through the Department of the Interior, has the right to remove the whole committee, and has done so. So instead of giving the Indians self-government, they have given them more bureaucratic control. One hundred and sixty thousand dollars! The bill provides:

For expenses or organizing Indian chartered corporations, or other tribal organizations, in accordance with the provisions of the act of June 18, 1934.

That refers to the Wheeler-Howard Act. Then for printing, $10,000.

I am reminded of this situation because I have lived among the Indians for over 50 years. Some people believe that I am one, but if I am it is only through the fact that I have lived with them so long. In 1888 an act was passed in this Congress opening up the Indian reservation for settlement in our territory, and the Indians had to vote upon that subject by a vote of three-fourths of all male Indians over the age of 18 years. When that matter was submitted to the Indians of my territory, they voted "no." They did not want to open up their reservation. But what happened? As soon as that vote was recorded this Indian Bureau, their agents and employees, were put to work in that territory, their employees and all of them, and hordes of speakers went among the Indians and put on another election, and that second election caused the outbreak of the Sioux Indians against the Government of the United States, resulting in the Battles of Grand River and Wounded Knee, all because the Indian Bureau insisted on making them vote again. What have they done in North Dakota again this year? The Indians voted to go into the act before they knew what it was, and when it came to adopting rules and regulations, bylaws, they said "no", and they voted last fall "no", but what is the situation today? This Indian Bureau is out there with employees stirring up those Indians, family against family, to get them to vote again on the same thing, and all over this country the Indians are stirred up because of the influence of this Bureau.

I say you were dead wrong when you were appropriating $160,000 for this Indian Bureau to stir up more trouble among the American Indians. I say to you that $10,000 is enough. The Indians have a right to know what an act is and the Bureau has a right to tell them, but they have not the right to send hordes of speakers and employees out there. Do you know that the Department of the Interior has sent a letter out to every employee of the Indian Bureau actually threatening them with dismissal from the service if they opposed the act or advised their people to oppose it?

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for 5 minutes.

Mr. BURDICK. No; you need not do that. I move to strike out the last word.

Mr. ZIONCHECK. Mr. Chairman, I make the point of order that the gentleman cannot do that.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. ZIONCHECK. Mr. Chairman, I rise in opposition to the motion. I do not know very much about the Indian matters in this appropriation bill, but I have a sympathy for the Indian, although I have not an Indian in the district which I represent. I feel some responsibility for the asinine action of the committee just a moment ago, and I am speaking rather frankly, because I asked that the lovable gentleman from California [Mr. McGROARTY] have an additional 5 minutes, in which time he could say what he has wanted to say for 40 years and this was the first time he has had a chance to say it, that $25,000 is enough to administer Indian affairs rather than $496,000. It was the opinion of the committee that one of the Members would answer the gentleman from California, because there is an answer to it, but that Member thought some other Member was going to answer it and through inadvertence no answer was made.

As far as the Indians are concerned, in 1832 our Government, under and after solemn treaty to the contrary, took every Indian from east of the Mississippi by armed force, thousands of them, in the dead of winter, and dropped them in Oklahoma, and that is the reason Oklahoma has so many Indians today.

The white man stole this country from the Indians, gave them diseases of all kinds, tried to get them to emulate his way, and now they are suffering from tuberculosis and everything else. Then the kind gentleman from California [Mr. McGROARTY] says, "Now, the poor creatures, let us take the Indian Bureau off their backs and let them take care of themselves", when they are no longer able to do so. [Applause in the gallery.]

Mr. BANKHEAD. Mr. Chairman, a point of order. There seems to be some confusion in the gallery.

Mr. ZIONCHECK. Oh, that is all right. I have no objection to it.

Mr. BANKHEAD. But it invades the privileges of the House. I make the point of order that the privileges of the House have been invaded. I do not know who it was, but the Doorkeeper should certainly look into the proposition.

Mr. ZIONCHECK. Mr. Chairman, at this time I ask unanimous consent that I have an additional 10 minutes.

The CHAIRMAN. Is there objection?

Mr. HOOK. Mr. Chairman, I object.

Mr. ZIONCHECK. Oh, you would object.

Mr. HOOK. Yes; I will object.

Mr. ZIONCHECK. My time has not yet expired.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. HOOK. I object, Mr. Chairman.

Mr. ZIONCHECK. Now, Mr. Chairman, as far as this appropriation is concerned, that speech of Mr. McGROARTY might have been proper 3 or 4 years ago, when under the allotment plan they were stealing the land from the Indians and taking it away from them, robbing and exploiting them, aided by the Government, but under the present plan they are trying to rehabilitate them so that they can help themselves and get off the back of the Government.

Then the kind, sympathetic gentleman from California [Mr. McGROARTY] comes and says, "Let us not let them do it." You know. Save money, just the same as the watchdog of the Treasury over there. Penny-wise and pound-foolish. Were you serious or were you clowning?

Mr. McGROARTY. Oh, you will burst a blood vessel.

Mr. ZIONCHECK. Oh, no; I will not burst a vein.

Mr. McGROARTY. Do not get mad about it.

Mr. ZIONCHECK. I am not mad. I am a little warmed up. I resent it when five gentlemen who have Indians in their districts vote as they did on the previous amendment just because they want to demonstrate their ill will against our Indian Commissioner. They would cut off their noses to spite their faces. As to the gentleman from California, when he learns the true facts of the Indian situation he will regret his hasty and ill-advised action in submitting that amendment and will be the first to admit his mistake.

The present amendment is the same type as the one just passed. It is my hope that the Members present will be big enough and fair enough to do right and vote it down.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. NICHOLS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the particular amendment under consideration is an amendment affecting Indians exclusive of my State. At the time the Wheeler-Howard Act was adopted by this Congress, Oklahoma was excepted from its provisions, and very wisely so, I think, by reason of the fact that the then representatives of that State thought that the provisions of the bill did not fit the situation of our Indians.

Only a minute ago I walked into the Chamber when the appropriation of $493,770 for the Bureau of Indian Affairs was cut to $25,000. Some of you Members who voted for that appropriation, I presume, did so because you felt that you were taking a cut at some of the personnel in the Indian Office itself. I presume you voted for that appropriation because you wanted to punish the Commissioner of Indian Affairs or the Assistant Commissioner of Indian Affairs or somebody else. I want to say this to you, that probably you did punish them some, but they will be the last to suffer. If you leave any appropriation here, those boys will get their salaries, no doubt; so that you have punished the Indians of this Nation, the Indians with whom your Government many years ago negotiated treaties to reimburse and protect them for the right and privilege of occupying and improving and taking the land which was theirs.

Mr. McGROARTY. Mr. Chairman, I make a point of order. The gentleman is not speaking to the amendment.

Mr. KVALE. Will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. KVALE. In line with the gentleman's timely observation, will he ask the Committee for unanimous consent to reconsider the frivilous and very ill-timed action which it took, to which he refers?

Mr. NICHOLS. No; I will not, because I could not get unanimous consent, and I do not think it makes any difference, because I think we will put it back in when we get back into the House.

Now, let me address my remarks to this particular appropriation for a moment. I do not know whether it is so frivolous or not, despite the fact that it does not apply to Oklahoma. Do you know what they are attempting to do with these funds? Do you know what they are attempting to do under the Wheeler-Howard Act? They are attempting to take the poor Indian and put him back on land so that he will become self-supporting and self-sustaining. Of course, I see a smug grin on the face of some of my distinguished Republican colleagues from the industrial North and the financial East, who do not have any Indians in their districts, nor do they care what becomes of any of them.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. NICHOLS. Yes; I yield.

Mr. MARCANTONIO. The gentleman is mistaken. As a matter of fact, on Manhattan Island we have a tribe of Indians, a very famous and historic tribe known as the Tammany Indians, and my objection to this bill is that we make no appropriation for that tribe of Indians. As a matter of fact, they need more help now than ever before, especially since their big chief with the brown derby has decided to take a walk. [Laughter.]

Mr. NICHOLS. I was not referring to the gentleman from New York, but if he were grinning I am sorry I did not see him. I really was not referring to him. As for the big chief in the brown derby, he may keep walking until his feet are worn to stumps before his actions or statements will have any effect on the vote cast by the rank and file of the people of this Nation.

Mr. McCORMACK. I think the gentleman's remarks about the industrial East are not correct, because some of us from that section voted for and will continue to vote for these appropriations. I think the gentleman ought to correct his statement in this regard.

Mr. NICHOLS. No doubt my statement was too general in its terms. Certainly I do not want to alienate any Member who did go along with it; I do not want to do an injustice to him.

Mr. McCORMACK. The gentleman could not alienate me, but such a message as that contained in the gentleman's statement sent out to these good people might have the effect of making them feel that the industrial East was against them.

Mr. NICHOLS. I do not want to do any injustice, neither do I want this House, in the spirit that was evidenced a minute ago, to do irreparable damage to the Indians of this Nation. That is what is being done by these amendments.

[Here the gavel fell.]

Mr. HOOK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I, too, happen to come from a district that has two Indian reservations in it. I happen to have been born and raised in the Northern Peninsula of Michigan and to have worked on an Indian reservation in northern Wisconsin. I happened to see the ravages of the Indian Bureau that took away from those Indians every cent the Government ever appropriated for their benefit. I saw the actions of the Indian Bureau and its agents in the past result in the loss of millions of feet of white pine and Norway pine and millions of dollars, leaving those unfortunate people destitute and at the mercy of unscrupulous exploiters.

Mr. ZIONCHECK. When; what year?

Mr. MAVERICK. What year was that?

Mr. HOOK. Mr. Chairman, I refuse to yield.

Mr. ZIONCHECK. The gentleman cannot answer that.

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. HOOK. Mr. Chairman, I refuse to yield.

Mr. Chairman, I resent the attack that was made on the gentleman who had nerve enough to stand up here and fight to cut down the appropriation of the autocratic Indian Bureau. I resent the attack that was personally made upon him. I resent the fact that any man or any Member of this House would sarcastically refer to another bill that probably is not quite so popular, which I think I shall vote against, to try to arouse this House against the good work of this gentleman from the West, the gentleman from California [Mr. McGROARTY].

I want to call attention to the fact that I believe some appropriations should be made for the Indian Bureau, but I believe also that we should cut down the enormous amount of money that has been appropriated to them and which they have squandered in the name of the Indian. I believe it is about time that we as Members of this House not only cut down on the appropriations for that Bureau but also on appropriations that have been allotted to a good many of the other bureaus. [Applause.]

I think that when gentlemen of the caliber of our colleague from California, Mr. McGROARTY, take this floor that they should not be personally slandered from this floor. When we have nerve enough to stand up here and tell these bureaucrats administering Indian affairs that they are not going to act in the high-handed manner in which they have been acting for a great many years past we shall probably get some efficiency from that Bureau and the Indians will get something with the money that is being appropriated by this Congress.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I yield.

Mr. RICH. Can the gentleman tell us how many of Mr. Collier's relatives and family are employed in that Bureau and drawing down big salaries?

Mr. HOOK. I do not know.

Mr. MAVERICK. How long ago was it that the gentleman saw these abuses of the Indian Bureau to which he called attention?

Mr. HOOK. I have seen it from 1909 right up until the present time. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. MAVERICK. Mr. Chairman, I object.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 5 minutes.

The motion was agreed to.

Mr. MAVERICK. Mr. Chairman, I get mighty tired hearing indiscriminate talk about bureaucracy and Members talking about it in a general and vague way without any facts on which to base their conclusions. Now, I have not any specific information concerning the Indian Bureau except what I have seen.

Personally I think Mr. Collier, whom I have met only once, is a pretty good man. I went through the Indian pueblos in New Mexico and Arizona this summer and I saw some of the finest work that is being done in the United States in the way of preventing soil erosion and the general work of conservation. They have put up dams in certain places and fences in others; and you will see where the Indian land is being built up and growing grass, but you will see the white man's land is going down, going to ruin.

Another thing you will see in this Indian reservation for these people who have been suffering for 5 years, and maybe 50 years, dentists going there and fixing the teeth of the Indian children. Health in general is being improved and protected. Now for the first time in a great many years the Indians are having a square deal.

As far as I am concerned, I think Harold L. Ickes knows and understands the Indian question, and I believe the Department of the Interior and the Indian Bureau are doing a good job. [Applause.] I do not know whether the Indian Bureau needs all of this money or not, but I presume the Committee on Appropriations has given it their attention and intelligent consideration. To come up here and say that we are going to cut something from $160,000 to $10,000 without any scientific consideration is just absolutely criminal foolishness. It is utterly crazy. I think we ought to leave it as it is, and the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The amendment was rejected.

The Clerk read as follows:

Authorization for attending health and educational meetings: Not to exceed $7,000 shall be available from applicable funds for expenses (not membership fees) of employees of the Indian Service when authorized by the Secretary of the Interior to attend meetings of medical, health, educational, agricultural, forestry, engineering, and industrial associations in the interest of work among the the Indians.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer an amendment, which I send to the desk. This amendment merely corrects a typographical error. The word "the" appears twice, once at the end of line 16 and at the beginning of the line 17. My amendment cuts out one of the words.

The Clerk read as follows:

Amendment by Mr. TAYLOR of Colorado: Page 19, at the beginning of line 17, strike out the word "the."

The amendment was agreed to.

The Clerk read as follows:

For the acquisition of lands, interest in lands, water rights and surface rights to lands, and for expenses incident to such acquisition, in accordance with the provisions of the act of June 18, 1934 (48 Stat., p. 985), including personal services, purchase of equipment and supplies, and other necessary expenses, $1,000,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1936, of which not to exceed $30,540 shall be available for personal services in the District of Columbia: *Provided*, That within the States of Arizona and Wyoming no part of said sum shall be used for the acquisition of lands outside of the boundaries of existing Indian reservations: *Provided further*, That in addition to the amount herein appropriated the Secretary of the Interior may also incur obligations, and enter into contracts for the acquisition of additional land, not exceeding a total of $1,000,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment

of the cost thereof, and appropriations hereafter made for the acquisition of land pursuant to the authorization contained in the act of June 18, 1934, shall be available for the purpose of discharging the obligation or obligations so created.

Mr. TABER. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. TABER: On page 23, line 8, strike out line 8, page 23, to page 24, line 4, inclusive.

Mr. TABER. Mr. Chairman, there are about $2,000,000 involved in this paragraph which will come out of the Treasury of the United States. This entire thing means the purchase of $2,000,000 of land. I have gone over the hearings in connection with this matter, appearing on page 771 and subsequent pages, and I can see no justification whatever for this appropriation. There is no evidence whatever that these Indians have not plenty of land on which they can work if they desire to work. There is no evidence to show that they cannot get along with what they have. There is no evidence that this proposition will do anything more than just spend the money of the Treasury of the United States uselessly and to no good purpose whatever.

Mr. Chairman, if we do not begin we shall never stop spending money. I hope the Members of the House will adopt this amendment and save the Treasury of the United States $2,000,000.

Mr. TAYLOR of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this section embodies the whole principle and purpose of the Wheeler-Howard Act. It provides for the acquisition of land, water rights, surface rights, and other property rights that are necessary for the rehabilitation of the Indians. It is a tremendously important section and necessarily does involve a large amount of money. But I feel that the Commissioner of Indian Affairs is very earnestly and honestly trying to do something worth while for all the Indians. We do not all agree with some of his methods or ideas. I did not approve of that act. That is, I feared its administration might do more harm than good. At the same time I feel that we ought not to recklessly and impetuously destroy an act that Congress passed after long consideration and which the Commissioner is now in the process of administering. It would be as utterly wrong as it was to adopt the previous amendment. If we are going to deliberately repeal the Wheeler-Howard Act and throw all these matters into a scrap heap and go back to where we were before, this is the route to take.

I think we should uphold the Interior Department, uphold the Administration, uphold the action of Congress and the action of the Appropriations Committee last year and this year. It seems to me some gentlemen are making a mountain out of a molehill in connection with some of these items. The real question involved here is whether or not you want to destroy the whole Indian Service and wipe out the Commissioner's office. That is what it amounts to.

Mr. MAVERICK. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes; I yield to the gentleman from Texas.

Mr. MAVERICK. Is this money to be used out in Arizona and New Mexico for the assistance of the Navajo Indians?

Mr. TAYLOR of Colorado. It is for all the Indians. The Navajos are the largest tribe.

Mr. MAVERICK. Does it not include the Navajo Tribe, which has increased 10 times in number, and does it not take care of land that has been overgrazed, and does it not provide for a situation where these people are going to starve to death unless proper conservation methods go through?

Mr. TAYLOR of Colorado. The gentleman is correct.

Mr. MAVERICK. Then there will be a drain on the public purse unless we protect these Indians?

Mr. TAYLOR of Colorado. Yes; unless we can make it possible for these Indians to become self-supporting by giving them land and stock, and seed, and the necessary implements, water rights, and opportunities of helping them get on their feet, we will have to let them die or feed them on a dole. I feel this is a constructive provision that we ought to keep in the bill.

Mr. TABER. Will the gentleman yield?

Mr. TAYLOR of Colorado. I yield to the gentleman from New York.

Mr. TABER. Is there any evidence that these Indians have become self-supporting as a result of this legislation?

Mr. TAYLOR of Colorado. A sufficient time has not elapsed to find out how it will work. They have hardly got started going yet.

Mr. PIERCE. Will the gentleman yield?

Mr. TAYLOR of Colorado. I yield to the gentleman from Oregon.

Mr. PIERCE. What proportion of the Indians are taking advantage of the Wheeler-Howard Act?

Mr. ZIONCHECK. Two hundred and seventy-six tribes.

Mr. TAYLOR of Colorado. I understand a large number of the various Indian tribes are in process of organizing—not all of them.

Mr. PIERCE. All of Oklahoma is exempt; all of Oregon is out and practically all of Washington.

Mr. TAYLOR of Colorado. The hearings show the situation. Of course, there are hundreds of tribes of Indians and they all have different conditions, different characteristics, different treaty rights, and different property rights.

Mr. PIERCE. I just wondered how many have taken advantage of this act.

Mr. TAYLOR of Colorado. About one-third of all of them are located in Oklahoma. The rest are scattered around over about 20 States.

Mr. KVALE. Mr. Chairman, will the gentleman yield for a question on that point?

Mr. TAYLOR of Colorado. Yes.

Mr. KVALE. Is it not true that a law of this magnitude, with its complexity of administrative problems, cannot get into its stride in the space of a few months?

Mr. TAYLOR of Colorado. Certainly. These offered amendments are intended to destroy the law before it can be put into operation.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last two words.

I am not familiar with this appropriation bill, and it was not my purpose to take any part in the debate upon it, but there seems to be some little element of passion and feeling engendered in the discussion of these items that I do not think ought to sway or impel the judgment of the members of the committee.

Now, what is the proposition advanced by the gentleman from New York [Mr. TABER] in his amendment? Here is a bill that was considered for a number of years by the Congress of the United States. We had some sharp issues upon its merits before it was passed. It was the judgment of the Congress and of the Executive that it was a bill that ought to be put into operation, and in due course the Bureau of the Budget, in order to carry out the provisions of the measure in an orderly fashion, sent to the Appropriations Committee these estimates.

I fully agree with the chairman of the subcommittee that, certainly, it is not the proper method of filing objections to the administration of a bill to take the indirect method of seeking to emasculate its operation by striking out the appropriation. This, in a measure, is a left-handed attack upon the wisdom of the legislation itself.

This appropriation is justified by all the rules of appropriation bills. The bill was duly passed and is in operation. I am no special pleader for the Indians. I know nothing about them; I have none of them in my section of the country, but they are dependent upon this appropriation to carry out an act of Congress, and certainly it seems to me it would be acting in bad faith to them for a member of the Appropriations Committee here, without any opportunity to be heard with reference to the merits of the matter, to strike out the whole appropriation which is intended to carry out the provisions of what I regard to be a humanitarian measure, whether it is wise in all its aspects or not; and I trust

the committee will sustain the Committee on Appropriations in making these items available for carrying out the purposes of the bill.

Mr. PIERCE. Mr. Chairman——

Mr. BANKHEAD. I may say to my friend from Oregon I am not familiar with the details of the measure, but I am discussing the propriety of providing the necessary appropriations to effectuate an act of Congress.

Mr. PIERCE. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I voted against the Howard bill. I did so intentionally and knowingly on the advice of the Indians in my district. There are three tribes of very intelligent Indians in my district. I am well acquainted with them and many of them are highly educated and talented. They have all rejected the Howard Act by their votes.

I am going to vote for the amendment of the gentleman from New York. It seems to me the committee should have specified where this money is to be spent and on what reservation and given us some knowledge which we are unable to obtain from the hearings. Many people who ought to know do not have a high regard for the competence of the Indian Bureau.

There is one small tribe of less than 200 Indians living in my State, out on the garbage ground of the little city of Burns, in central Oregon. For months we have been trying to have those Indians moved about 2 miles to some land in the valley, so they might milk their own cows and gather their own eggs and help to take care of themselves. These little houses, built a couple of miles away from the land that was finally purchased, are still standing out there among the garbage cans and I do not know how much the Indian Bureau has spent in inspecting this piece of land and trying to arrange for the removal. I do know that trip after trip has been made, by air and otherwise, going out there to look the land over. I intend to learn how many thousands have been spent without result. They have had the counsel of the Indian agents at the different agencies in Oregon until the Bureau has just worn out the patience of everyone trying to help them carry out the proposition in anything like a businesslike way. If they are going to spend this $2,000,000 in the way the Bureau spent $20,000 at Burns you can depend upon half of it being wasted.

Mr. DIMOND. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, the Wheeler-Howard Act extends only in part at the present time to the Territory of Alaska, and may I say that I probably represent as many Indians as almost any other Member in Congress, since there are 30,000 of them—Indians and Eskimos and Aleuts—residing in my Territory.

Before proceeding further, let me pay a deserved tribute, if I may, to the operation of the Office of Indian Affairs in Alaska. In Alaska, within my personal knowledge, the Bureau, or Office, of Indian Affairs has never become involved in partisan politics but has operated for the benefit of the natives, but with an improved and increasing efficiency as the years have passed. And in fairness and justice I must say that the present administration has worked wholeheartedly for the benefit of the Territory which I represent in Congress. During my tenure of office as Delegate from Alaska, while I may not have agreed upon every point of policy with the officials of the Bureau, I am confident that they have always acted with a single mind for the benefit of my native constituents. The Alaska office of the Indian Affairs Bureau is becoming increasingly efficient, and my prayer is that no backward step be taken now to destroy that efficiency and the service we are receiving. If the Indian Bureau is destroyed—and that seems to be the object of some of the Members of this body—I fear and almost despair of the welfare of my native friends in Alaska. They are the ones who will suffer most, not the employees or the officials of the Bureau in Washington.

Somehow I am unable to believe that the membership of this House wishes to abolish the Indian Bureau at one fell swoop. Of course, I have heard the reports of the distant past, as to which it was said that the Bureau was the official agency through which the white people were enabled to legally despoil the Indians. But I have no personal knowledge of such matters. I do know that at the present time, and in Washington as well as in Alaska, I find, and have found, since I have been Delegate in Congress from Alaska, a most heartening disposition on the part of the officials of the Office of Indian Affairs to help and aid my native Alaska friends in every possible manner. Somehow I am unable to believe that in their actions in other parts of the United States the officials and employees of the Indian Bureau are either fools or satans faintly disguised. Let us remember that with one exception no human being has ever achieved the crowning glory of perfection. Unless we are unduly sanguine, we shall admit that we all may make mistakes.

When the Wheeler-Howard Act was passed—or rather, was in course of passage—I sought to have the provisions relating to economic benefits and to educational aid extended to Alaska. With this view the Commissioner of Indian Affairs, Mr. Collier, was most sympathetic and helpful. Accordingly the bill as passed by the House and a companion bill, or perhaps the same bill, as passed by the Senate, adequately covered Alaska. But in conference, through what was evidently an oversight, Alaska was omitted from a large portion of the benefits of the act. That should now be corrected. You will understand that I was not a member of the conference committee of the House and the Senate on the bill, and hence I was unable to prevent the inadvertent mistake which was made with reference to Alaska.

The Wheeler-Howard Act, as I have said, extends only in part to Alaska, but I have introduced and am pressing for passage as forcibly as I can a bill which will extend the entire act to the Territory of Alaska. I do it because the best organized body of Indians in Alaska have held a convention and have decided that the Wheeler-Howard Act offers the only possible opportunity for them to become self-supporting and to raise their economic status.

The Wheeler-Howard Act means not only funds to provide food and clothing, which would only last for a day or a year, it means money to put them in a position where they can help themselves. We are trying to help them, and this act is the wisest step ever taken, to my knowledge, for the benefit of the Indians not only in the United States but in the Territory of Alaska. [Applause.]

It would be a terrible, a tragic mistake, to sustain the motion of the gentleman from New York and thus cut out funds which are designed to be used in carrying out the provisions of the Wheeler-Howard Act. If this is done, it would have been better not to have enacted this statute at all. From a legislative standpoint I suggest that the lucid and convincing argument of the distinguished majority leader [Mr. BANKHEAD] which he has just expressed is unanswerable. But from the more important standpoint of human right, and human justice, and human need, the position of those of us who oppose the proposed amendment and support the appropriation is still more unassailable. We are dealing with the permanent welfare of human beings, not mere legislative abstractions or legislative policies. Are we so fickle and so lacking in calm and considered judgment as to pass a law one day and on the next cast it into the outer darkness?

The Wheeler-Howard Act has not even been tried out. There has not been time to try it out. That was clearly indicated in the question asked by the able gentleman from Minnesota [Mr. KVALE] who is always solicitous of the rights of those who are relatively poor in this world's goods, and the answer given by the brilliant and beloved chairman of the subcommittee, Mr. TAYLOR. The Wheeler-Howard Act was passed by both Houses of the Congress and signed by the President, and it is the law of the land. It was passed so recently that the signatures are scarcely dried on the enrolled bill. But apparently because it has not already accomplished positive miracles, an attempt is now being made to prevent being put into operation its most promising benefits for the Indians of the Nation.

Few voices were raised when the Indians were being robbed of their heritage. Why should we be now so solicitous to prevent what I am confident is an intelligent and an honest attempt to restore to the children in a small way, in a feeble way, a little portion of the equivalent of the patrimony of their fathers.

I know what has happened in Alaska. The white men have come in and they have taken over almost everything with scant, if any, regard for the property or other rights of the natives. The Indians and Eskimos and Aleuts have simply been all but crowded out, the result not so much of malice as of careless selfishness. These native people are kindly, they are generous, they are intelligent. I have lived in Alaska many years. It is my home. At the end of my span of life I hope to be buried there. I have traveled extensively over the Territory, particularly during the years when I was a prospector, and never in all of my journeys have I met with anything but hospitality and kindliness from the native Eskimos and Indians and Aleuts of Alaska. If to love one's neighbor as himself is a virtue the natives of Alaska possess that virtue. Let us give them a chance to build up their own domestic economy and thus gain the self-respect and spiritual development which always accompany, within reasonable limits, an improved economic condition.

As I pointed out in remarks which I made on the floor of the House on January 28 of this year, Alaska is paying her own way, and the Territory is the Nation's greatest undeveloped resource. With respect to the native inhabitants of Alaska, it must be said that the present white residents of the Territory have benefited little, if at all, by the losses suffered by the natives. The natives have lost their well-recognized rights and claims to the lands, to the fisheries, and to the wild game, and the furs. But generally all of those rights of property have fallen into the hands of persons who do not reside in Alaska. This is especially true with respect to rights as to the fisheries. This does not affect our obligation to do justice to the natives. We can do justice in only one practicable way, and that is in furnishing them sufficient financial assistance under the Wheeler-Howard Act to give them a fair degree of economic security. Adopt the proposed amendment, and you again rob my friends of hope.

May I repeat, that the adoption of the proposed amendment, and the consequent elimination of the item of appropriation for carrying out the Wheeler-Howard Act, would be a lamentable mistake. This piece of progressive and humanitarian legislation would be blasted before there is even afforded a chance to try it out. I am unable to believe that Congress will follow such a course.

The distinguished and lovable gentleman from California [Mr. McGROARTY], has secured the adoption of another amendment which, if it stays in the bill, will substantially abolish the Office of Indian Affairs. Again I am unable to convince myself that the House will adopt this policy. But if the House tomorrow or the next day, when the Committee of the Whole House on the state of the Union reports this bill back to the House, adopts the McGROARTY amendment, and the amendment now under consideration, then we shall have the melancholy distinction of having participated in an act which has brought to a sad climax, a disgraceful culmination, the "century of dishonor" which has marked, and indeed, encompassed the relations of the white races of the United States with its original native inhabitants, for we will have taken away from our Indian citizens, including the Eskimos, Indians, and Aleuts of Alaska, the only fair opportunity to help themselves which they have been afforded in my generation. [Applause.]

The Clerk read as follows:

For an additional amount to be added to the appropriation of $2,500,000 contained in the Interior Department Appropriation Act, fiscal year 1936, for the establishment of a revolving fund for the purpose of making loans to Indian chartered corporations, in accordance with the act of June 18, 1934 (48 Stat., p. 986), $980,000, of which amount not to exceed $50,000 shall be available for personal services in the District of Columbia and in the field, for purchase of equipment and supplies, and for other necessary expenses of administering such loans.

Mr. TABER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 29, line 18, strike out line 18, page 29, to line 2, page 30, inclusive.

Mr. TABER. Mr. Chairman, the purpose of this amendment is to save $980,000 to the Treasury of the United States. Under the Wheeler-Howard Act an appropriation of $2,500,000 a year, as I understand it, was authorized for the purpose of making loans to Indian chartered corporations. No such loans have been made down to the time of the hearings on this bill, and the committee cut the Budget estimate of $2,500,000 to $980,000. No such loans have been made; no such corporations have been organized down to the time of the hearings. I refer the Members to the report of the committee on page 7:

Loans cannot be made until charters are issued, and none had been issued at the time of the hearings on the bill. As the issuance of charters is a condition prerequisite to the making of loans, the progress made to date would indicate that the amount recommended will be entirely sufficient for the next fiscal year.

The situation is this. They have available the two million and a half dollars which was appropriated a year ago, and they do not need it because they have nothing to loan to, and $980,000 carried in paragraph is unnecessary. I believe we ought to save that amount for the Treasury instead of appropriating the money.

Mr. SCRUGHAM. Mr. Chairman, the reason the full appropriation has not been made is that it requires considerable time to organize the Indians into chartered corporations. The money has not been needed up to the present time. The entire two and a half million dollars will be needed in addition to the $980,000 provided for. Your committee has gone into this very thoroughly. We have examined all the circumstances and we believe it to be necessary.

Mr. ZIONCHECK. And the original act calls for $5,000,000, and this is much less.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 15, noes 33.

So the amendment was rejected.

The Clerk read as follows:

For operation and maintenance of the San Carlos project for the irrigation of lands in the Gila River Indian Reservation, Ariz., $98,750, reimbursable, together with $99,250 (operation and maintenance collections) and $106,000 (power revenues), of which latter sum not to exceed $25,000 shall be available for major repairs in case of unforeseen emergencies caused by fire, flood, or storm, from which amounts expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934; in all, $304,000.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado for the committee: Page 33, line 10, after the word "amounts", insert "of $99,250 and $106,000, respectively."

Mr. TAYLOR of Colorado. Mr. Chairman, this is a clarifying amendment. It does not change the total amount. It changes the phraseology in a way we felt necessary to make it clear and make the appropriation available.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

The Clerk read as follows:

For operation and maintenance of the irrigation systems on the Flathead Indian Reservation, Mont., $12,000, reimbursable, together with $80,000 (operation and maintenance collections) and $45,000 (power revenues), from which amounts expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934; in all, $137,000.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado: Page 35, line 14, after the word "amounts", insert "of $80,000 and $45,000, respectively."

Mr. TAYLOR of Colorado. Mr. Chairman, that is for the purpose of clarifying the phraseology as in the last amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read down to and including line 4, on page 39.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DOUGHTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 10630, the Interior Department appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 459) entitled "Joint resolution to amend the joint resolution entitled 'Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes.' "

THE CASE OF HOOVER VERSUS THE FARMER

Mr. LUCKEY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. LUCKEY. Mr. Speaker, coming from an agricultural State, Nebraska, and having been engaged in farming for many years myself, I am deeply impressed at this time with two vital needs: One, a satisfactory and workable substitute for the Agricultural Adjustment Act; the other, the need for accurate understanding of the present agricultural problem, without which no satisfactory program can be built.

Such an understanding must exist, not only in the three branches of our Government—executive, legislative, and judicial—but also in the minds of the people, who, in the final analysis, are the highest tribunal in the land. This tribunal of 125,000,000 justices is vitally concerned with the general welfare. These justices are appointed for life by virtue of their citizenship. This is the court which never recesses and which, in our Government of checks and balances, writes the final majority or minority opinion—public opinion, if you please.

It is true that justice in this highest tribunal is sometimes slow. Legal technicians may delay the final verdict. Misrepresentation of facts or short-sighted leadership may confuse the deliberations and prolong the delay, perhaps for generations. That has been done. But an enlightened and accurately informed public opinion will in the end guard the general welfare.

Some time ago in my home city, Lincoln, an address was delivered by Herbert Hoover, the former President of the United States. Since in that address Mr. Hoover attempted to assail the present administration's farm program and also attempted to point out "roads to relief", I feel impelled to make a few observations. I do this, not in the spirit of personal or party criticism, but for the reason that the record may be kept straight. I rise to the defense of American agriculture.

I was deeply gratified to note the extent to which Mr. Hoover, during the period for reflection which has been his these past 3 years, now embraces many of the fundamental policies which are inherent in the philosophies and practices of the New Deal's agriculture program. His adoption of these principles, during this period given him for unburdened contemplation by a considerate Nation following his 12 years of official service ending in those trying days of March 1933, is all the more notable in view of his record during those years of his official life.

Let me review some points expressed in his Lincoln speech:

First. With the rest of us, Mr. Hoover pleads for increased consumption of foods to be brought about by restoring employment. It had become fully apparent that cheap food, as represented by $3 hogs, $4 cattle, 20-cent corn, and 30-cent wheat, would not solve this problem, because, in the face of these prices, the supplies of these commodities had piled up until they were the largest in our history, untaken by our consumers at any price.

It was not cheapness of foods that would do the trick. That much was apparent. One of the aims and problems of the Triple A was to bring about reemployment in the factories through revived farm-buying power. A prostrate agriculture could not buy industrial goods in 1932. Industry has always practiced "production control", which means producing only what can be sold at a profit, even if it requires "plowing up" half or more of the factory acres, or plowing laborers out into the ranks of the unemployed. The farmer, finding no market and receiving a below-cost-of-production price, found himself confronted with ruin and the inability to buy even the mere necessities of life. This restricted buying power went far toward the aggravation of the unemployment problem. The challenge was to restore farm-buying power by increasing farm income so that laborers, again at work in the factories, could once more buy food at fair prices. Mr. Hoover neglected to mention the fact that by 1935 farm-buying power increased 50 to 55 percent over that of 1932. This brought an unquestioned amount of employment to industry. Consumption of practically all farm products was greater in 1935 than in 1932. Consumption of flour was apparently somewhat less in 1935 than 1932, but flour consumption has been steadily declining since 1926. It continued its decline at about the same rate as it did in the years of Mr. Hoover's administration.

Meat consumption fell about 10 percent in 1935, but several things need be considered. Our supply of pork is always consumed at some price, even though our farmers may almost give it away. But I know that neither hog producers or consumers want to go back to the 1932 price conditions, not even for an extra strip of bacon in ten. Such a condition of almost giving pork away to get people to eat it was making the farmer carry the relief load single handedly. The other factor to be considered was the drought. Mr. Hoover, as a relief expert, well knows the effect of disaster on the diet and food supplies. He knows from those saddening experiences how truly remarkable it was that following our 1934 drought—the worst in our history—our food supplies and consumption were not cut down to the scarcity level and that farm prices did not reach the parity level. The criticism of a 10-percent decline in meat consumption following 1932, when our farmers practically gave meat away, is certainly unjust.

Second. Mr. Hoover asks for our own home market for our farmer, and the restoration of a reasonable export market. How different this present situation might have been had Mr. Hoover recognized this fundamental principle when he was in a position to do something about it. Instead, he allowed and encouraged just the opposite. Today everyone in the New Deal joins with Mr. Hoover in this fervent wish for our home and export market and in his regrets for having lost so much of them during the years before 1933.

Mr. Hoover did not point out that during the last 10 years of his own public life, ending in 1933, our pork exports to foreign countries fell by the equivalent of more than 8,000,000 head of hogs annually. That is more hogs that we produce annually in the whole hog-producing State of Nebraska! He neglects to mention that during the same period of his official life, before 1933, our wheat exports showed an almost steady decline from 254,000,000 bushels in 1924 to 124,000,000 in 1931 and 25,000,000 in 1933. That is a loss

of more than 200,000,000 bushels of export a year during 10 years of Mr. Hoover's administration. That is more wheat than we grow in the whole State of Nebraska in 3 years! I ask that those who are straining at a gnat in deploring our export-import situation today, following the drought, remember the Smoot-Hawley tariff and other causes which combined to cost us the major part of our once lucrative export market and brought us up to 1933 with that export market all but gone completely. Our total agricultural exports declined much more during the period before 1933 than they did later; that is, they declined much more during the Hoover regime than during the New Deal regime. This is clearly illustrated by showing the value of all agricultural exports from 1925 to date, expressed in billions of dollars:

	Billions of dollars
1925	2.3
1926	1.9
1927	1.9
1928	1.8
1929	1.8
1930	1.5
1931	1.0
1932	.8
1933	.6
1934	.8
1935	.8

These illuminating figures would certainly not be comforting to one who was in power up to the low export point, 1933. No wonder Mr. Hoover now asks for a restoration of our export market. The farmers should be warned, however, that it will be a slow process to overcome the various factors which produced this export decline during Mr. Hoover's regime. Some progress was made during the drought year but not enough to overcome the greater tragedy of th eshort-sighted statesmanship which caused the decline.

Just to make the facts still more convincing, let me remind anyone who joins with Mr. Hoover and with me in deploring the debacle of our lost exports during the Hoover era that, expressed in terms of quantity instead of value, and using the 1909–14 period as an index of 100, our total agricultural exports, except cotton, showed an almost steady decline from an index of 218 in 1922 to 64 in 1933.

And this brings us to cotton. Mr. Hoover says:

> We will take that worst year (1932) and compare it with the New Deal year of 1935. From that worst year exports of cotton have decreased 4,250,000 bales.

This was apparently based upon the data for the 1931–32 crop year beginning August 1, as compared with 1934–35. Mr. Hoover has deplored the decrease in number of bales—and he is only a little high—but let us look at the value, the returns to the Nation and to our farmers. The declared value of exports and unmanufactured cotton for the crop year 1934–35 was $328,000,000 for 5,000,000 bales, as compared with $342,000,000 for 9.2 million bales during Mr. Hoover's year of 1931–32. I ask this high court of public opinion which is the better record? Incidentally, the two largest consecutive cotton-export years on record were 1931–32 and 1932–33 when we exported 18,000,000 bales of cotton—but the other side of that picture is that the farm price of cotton for those 2 years was 5.5 and 6.5 cents per pound—which is, of course, below the cost of production and the lowest price in this century. Yet Mr. Hoover deplores the fact that "from that worst year—1932—exports of cotton have decreased 4,250,000 bales." Naturally foreign buyers loaded up their supplies for the future when they could buy it at record low prices.

Third. Mr. Hoover would retire submarginal lands. This is being done at a moderate rate.

Fourth. Mr. Hoover advocates further strengthening of the farm-credit machinery. This, of course, has been strengthened under this administration far more than under any previous administration.

Fifth. Mr. Hoover would "encourage cooperative marketing and those marketing agreements which contribute to prevent gluts in the flow to market." There are now in effect under the original adjustment act marketing agreements and licenses, or licenses alone, for 28 fluid-milk marketing areas, in addition to those for the dry skimmed-milk industry and the evaporated-milk industry and for the 12 fruit and vegetable industries. It has been the policy under these agreements to move the surpluses into regular or nonroutine commercial channels. I do not blame Mr. Hoover for wanting to prevent gluts in the flow to market following his disastrous glut that was heard around the world when his Farm Board was caught with huge quantities of wheat and cotton they could not unload.

Sixth. Mr. Hoover says that—

> We should endeavor to expand another crop which can be marketed or which would improve the fertility of the soil * * *. We need to replenish our soil with legumes and restore coverages.

The Triple A programs have done exactly that. They have not only encouraged the planting of soil-improving and erosion-preventing crops but have required it in positive performance asked for in contracts. Estimates based on reports from the land-grant colleges and experiment stations show that more than 90 percent of the 35,000,000 acres in 1934, and 30,000,000 acres in 1935, that were shifted from the production of surplus crops were used for soil-improving and erosion-preventing crops, or constructive fallow to conserve moisture and control weeds, planting farm wood lots, or for other purposes in which Mr. Hoover would by nature be equally interested, namely, for the production of emergency forage crops in the drought year and for crops for home feed and feed use. Alfalfa production for the Nation increased by 15 percent in 1935 over 1934; soybean acreage by nearly 300 percent in 1935 over the average acreage from 1928 to 1932, and lespedeza acreage increased more than twofold. The total pasture crop, according to census report, increased by 19,000,000 acres in the cotton States, or 15 percent. The hay and forage crops increased by 4,600,000 acres, or about 60 percent. Mr. Hoover will be relieved to learn that in the great drought region it is estimated that over 16,000,000 tons of forage crops best suited to meet drought conditions were produced on the acres taken out of production of surplus crops. One of the farmers who lives in my district in Butler County, Nebr., said that he grew more feed in 1934 on his 20 contracted acres taken out of corn production and put in emergency feed than on his 120 acres of land planted to corn on the same farm.

Seventh. Finally, Mr. Hoover, after subscribing now, if somewhat belatedly, to all these things I have mentioned which have been advocated and accomplished by the adjustment programs, lines up with the proposed substitute program when he says:

> I believe we must be prepared to subsidize directly such special crops until agriculture has again been brought into balance. At the end of such a road we could hope for a balanced agriculture in full production and increased fertility in our soils. I am advised that it can be done within the spirit as well as the letter of the Constitution.

Apparently Mr. Hoover not only endorses these principles of our past program which I have mentioned but has so seen the light that he wants to go along with the proposed future program.

Now, unfortunately, Mr. Hoover did not confine himself to these constructive suggestions, but went carelessly into some criticism of the New Deal agricultural program, and in his criticism he made some grave misstatements. To keep the record straight before the high court, it seems wise to answer.

First. Mr. Hoover says, "To stop the production of 50,000,000 acres is not progress." Nothing like that was done, in spite of what Mr. Hoover says. In the first place, the curtailment was 36,000,000 acres in 1934 and 30,000,000 acres in 1935, instead of 50,000,000. In the second place, as I have already shown, production was not stopped on those acres. They were used for the highly valuable and constructive purposes which Mr. Hoover himself recommended in another part of his talk. My own farmer friends in Nebraska know this, of course, as do 3,000,000 contracting farmers over the United States, but the rest of the high court to which Mr. Hoover spoke may not have known how inaccurate and misleading his implication was.

Second. Mr. Hoover says this:

The Chicago Tribune is authority for the statement that the farmers' income for many uncontrolled commodities has been greater in proportion than from those which have had the attention of the New Deal.

In the first place, the people of my district know, of course, that the Chicago Tribune is not accepted as an authority on anything agricultural but, on the contrary, is a source of a vast amount of misinformation and discordant statements. I assume Mr. Hoover refers to two editorials I saw in that paper, one entitled "I Found Agriculture Prostrate", and the other "Why Farmers Are More Prosperous", in the December 15, 1935, and September 30, 1935, issues, respectively. The one title, of course, refers to the condition of agriculture when Mr. Hoover turned over his office to his successor, and the other to the present condition of agriculture. The editorial says:

Cash incomes of farmers for 1935 have been estimated at four hundred and thirteen millions larger than a year ago. But the larger part of this increase appears to have come from commodities whose production and prices were not managed by A. A. A.

Now, in the first place, all the farmers in my district of Nebraska, and I assume farmers in general know—even if the Chicago Tribune does not—that because of the competitive effect on each other all grain prices move up or down generally together, and that all livestock prices behave similarly. Were it not that the editorials misrepresented actual facts, I should be glad to let this rather ridiculous suggestion wither in its own weakness before the public judgment. But the editorial says that—

The Government report showed that actual receipts from the sale of grain last year were not more, but less by $68,000,000 than in the year before. Income from raising hogs, under Government management, fell off by $4,000,000. Those who live off sugar crops realized $18,000,000 less than the year before.

The Chicago Tribune ignored completely the rental and benefit payments to farmers. When these are included, grains show not a loss of $68,000,000, as the Tribune says, but a gain of fifty million; hogs not four million less, as the Tribune says, but actually two hundred million more; sugar crops not eighteen million less, as the Tribune says, but seven million more.

Third. Mr. Hoover quotes President Roosevelt opposing "the shipping of our soil fertility to foreign nations" and declares that "the logical conclusion of all that is to stop exports altogether." He has twisted President Roosevelt's expressed concern over the loss of our soil fertility which results when farmers have to sell at prices so low they cannot afford to maintain the fertility of their farms. An export subsidy that means in effect giving away our soil fertility without financial return is not good policy, nor is it Roosevelt's policy. Secretary Wallace and Administrator Davis have repeatedly urged maintaining our export markets but not unprofitable markets. They do not join with Mr. Hoover in urging maximum export shipments abroad for below-cost-of-production returns, thus subsidizing foreign consumers. If Mr. Hoover wants the home market for the American farmer, should he not be equally considerate of our consumers?

Fourth. Mr. Hoover says:

The execution of these principles required 120,000 part- or full-time Federal officials. Their pay was assessed against the farmers. This new breed of middlemen every day tried hard to bring agriculture into balance with politics.

Mr. Hoover has belittled the farmers of my district and of the United States and ignored the fact that most of them were, instead of being Federal officials, actually farmer committeemen, working a few days and getting a few dollars a day for their service, elected by their neighbors to act for them in an economic democracy functioning in its purest form rather than a bureaucracy in any sense. It made the word "democracy" a word of real significance to the farmers, instead of the mockery it meant in 1932 when their corn went to 20 cents and wheat to 30 cents.

Fifth. Mr. Hoover spoke of unemployment caused by growing less of agricultural crops. This overlooks the far greater amount of employment in industry caused by the increased farm income. It is true that this greater farm income did not all flow into the industrial market; much of it went to pay interest, overdue principal on farm debt, taxes, and other fixed charges, according to Administrator Davis.

But—

Says Mr. Davis—

diverted to farmers, this income, as the evidence shows, has resulted in a heavy volume of purchases of manufactured goods. Louis Bean, economic advisor to the Adjustment Administration, finds that approximately 40 percent of the 1932–34 increase in factory employment can be attributed to the improvement in rural trade. Sample studies have indicated that in the first year after the farm program was launched shipments of manufactured goods used by farmers in farm production increased 75 percent, and shipments of all industrial and manufactured goods to agricultural areas increased nearly 40 percent.

It took employment to make these additional goods.

Sixth. In reading Mr. Hoover's speech I could not help comparing his present utterances with his past performance during the 12 years he was in power:

All parts of the economic system inevitably come back into balance with time. But farm recovery is longer drawn out. That is the higher economics of it.

The painful symptoms of it appear in the farmer's pocket in the slump of purchasing power of his dollar. Many farmers cannot hold on against these delays in readjustment. I have held that we cannot see the capable and industrious driven from their homes during these periods if they want to make a fight for them.

But over and against these words of Mr. Hoover lie the bitter facts that the various parts of our economic system did not come into balance during the 12 long years when he was in power, and many farmers, including the capable and industrious, could not hold out against the delay in readjustment. The capable and industrious found themselves driven from their homes, and no fine words of Mr. Hoover today can blot out now the memory of what they went through then, nor will they forget. He may ask them to wait yet a few more years, but the people of my district do not want to wait.

Seventh. Finally, Mr. Hoover referred to the era of great fear when the electorate, alarmed apparently at what they had done so enthusiastically, tightened the depression. "Fright over the coming of the New Deal skidded the country into the money and bank panic," he says. But I was interested to read in my Washington Post the next morning—which is published incidentally by Eugene Meyer, who was Governor of the Federal Reserve Board during Mr. Hoover's administration, this statement:

The attempt to saddle the present administration with responsibility for the banking debacle of 1933 and the collapse of the incipient recovery movement of 1932 will not hold water. Fear of New Deal policies was not the cause of a banking weakness of long standing.

Moreover—

Continues Mr. Meyer's newspaper—

Mr. Hoover is significantly silent about the miscarriage of the abortive stabilization efforts of the Farm Board. That ill-fated experiment in agricultural relief should have made him more charitable in judging his successor in office. He also weakens a strong case by an imaginative attack upon the reciprocal tariff policies of the administration, which, he says, are opening up the American market to farmers of Cuba, Canada, Spain, and Italy, with the last two of which no agreement has been concluded.

Mr. Hoover neglected to mention eight other countries with whom reciprocal agreements have been made, while mentioning Spain and Italy, with whom no agreements have been made.

At the outset of his speech Mr. Hoover says the New Deal—

Sets up a glorious ideal with which all of us agree unanimously, and then they drive somewhere else over into the ditch.

I should like to forget, with him, the glorious ideal which he set up of two cars in every garage—both of which were so promptly driven into the ditch.

Our need rises far above the plane of partisan political bias and criticism designed to make the farm problem the playground of politicians greedy for preferment. This problem is a challenge to all of us to forget party strife and to cooperate for a new and better farm program. Few, if any,

contend that the A. A. A. was perfect or that it had no faults. Practically all agree that it was the most salutary step ever taken to meet our farm problem. The mistakes can be discarded and the achievements retained. We have taken a step forward on the road to final solution, and we must not and cannot turn back now. Before this bar of justice I appeal for united support in bringing to our farmers and those dependent upon agriculture a life of economic equality and opportunity based upon the broadest principles of social justice.

TEXAS CENTENNIAL EXPOSITION

Mr. McREYNOLDS submitted a conference report on the resolution (H. J. Res. 459) to amend the joint resolution entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes".

ESTIMATE FOR APPROPRIATION FOR ADJUSTED-SERVICE CERTIFICATES

Mr. BACON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BACON. Can the Speaker inform the House if and when he intends to lay before the House a recent communication he received from the President on a very important public matter involving over $2,000,000,000?

The SPEAKER. The gentleman is referring to the estimate for payment of the adjusted-service certificates?

Mr. BACON. I was referring to that.

The SPEAKER. That has already been, under the rules, referred to the Committee on Appropriations and ordered printed.

Mr. BACON. A further parliamentary inquiry, Mr. Speaker. In view of the fact that it obviously involves raising money that does not now exist in the Treasury, should that not have been sent to the Committee on Ways and Means?

The SPEAKER. The Chair does not think so, under the Rules of the House. It applies only to an appropriation. No question of taxation is involved in this particular estimate.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Was not the order of the Speaker referring that communication from the President to the Committee on Appropriations, an official order, made here in the House from the Speaker's desk?

The SPEAKER. It was.

Mr. BLANTON. And it is not the fault of anybody in the House other than the gentleman from New York [Mr. BACON] that he does not keep up with the proceedings of the House?

The SPEAKER. The gentleman from New York, the Chair assumes, simply overlooked it.

REPORT FROM NATIONAL RESOURCES COMMITTEE (S. DOC. NO. 167)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Flood Control:

To the Congress of the United States:

I transmit herewith for the information of the Congress a letter from the Chairman of the National Resources Committee, with the accompanying report, entitled "Little Waters: A Study of Headwater Streams and Other Little Waters: Their Use and Relations to the Land."

This report treats of a subject with which the physical well-being of our people is intimately bound up, yet to which, in the past, too little attention has been paid. We have grown accustomed to dealing with great rivers, with their large problems of navigation, of power and of flood control, and we have been tempted to forget the little rivers from which they come. The report points out that we can have no effective national policy in those matters nor in the closely related matter of proper land uses until we trace this running water back to its ultimate sources and find means of controlling it and of using it.

Our disastrous floods, our sometimes almost equally disastrous periods of low water, and our major problems of erosion, to which attention has been called by the reports of the National Resources Board, the Mississippi Valley Committee, the Soil Erosion Service, and other agencies, do not come full-grown into being. They originate in a small way, in a multitude of farms, ranches, and pastures.

It is not suggested that we neglect our main streams and give our whole attention to these little waters, but we must have, literally, a plan which will envisage the problem as it is presented in every farm, every pasture, every wood lot, every acre of the public domain.

The Congress could not formulate, nor could the Executive carry out the details of such a plan, even though such a procedure were desirable and possible under our form of government. We can, however, lay down certain simple principles and devise means by which the Federal Government can cooperate in the common interest with the States and with such interstate agencies as may be established. It is for the Congress to decide upon the proper means. Our objective must be so to manage the physical use of the land that we will not only maintain soil fertility but will hand on to the next generation a country with better productive power and a greater permanency of land use than the one we inherited from the previous generation. The opportunity is as vast as is the danger. I hope and believe that the Congress will take advantage of it, and in such a way as to command the enthusiastic support of the States and of the whole public.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *January 30, 1936.*

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 4178. An act for the relief of the International Manufacturers' Sales Co. of America, Inc., A. S. Postnikoff, trustee.

ADJOURNMENT

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly the House (at 5 o'clock and 8 minutes p. m.) adjourned until tomorrow, Friday, January 31, 1936, at 12 o'clock noon.

COMMITTEE HEARINGS

Committee on the Public Lands: Friday, January 31, 1936, 10:30 a. m.

Committee on Merchant Marine and Fisheries: Friday, January 31, 1936, on H. R. 4991 and H. J. Res. 247.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

636. A communication from the President of the United States transmitting supplemental estimates of appropriations for the Veterans' Administration, fiscal years 1936 and 1937, $2,242,500,000, and for the Treasury Department, fiscal years 1936 and 1937, $6,678,375, amounting in all to $2,249,178,375, for the purpose of carrying out the Adjusted Compensation Payment Act, 1936 (H. Doc. No. 402); to the Committee on Appropriations.

637. A letter from the Secretary of War transmitting a draft of a bill to authorize an appropriation for improvement of ammunition-storage facilities at Aliamanu, Territory of Hawaii, and Edgewood Arsenal, Md.; to the Committee on Military Affairs.

638. A letter from the Secretary of War transmitting a draft of a bill to authorize the acquisition of land for cemeterial purposes in the vicinity of New York City, N. Y.; to the Committee on Military Affairs.

639. A letter from the Secretary of Labor transmitting the report of statistical studies performed by the Department of Labor for other than governmental activities; to the Committee on Labor.

640. A letter from the Secretary of War, transmitting a draft of a bill to amend the act of February 7, 1913, so as to remove restrictions as to the use of the Little Rock Confederate Cemetery, and for other purposes; to the Committee on Military Affairs.

641. A communication from the President of the United States, transmitting a letter from the chairman of the National Resources Committee with the accompanying report entitled "Little Waters: A Study of Headwater Streams and Other Little Waters: Their Use and Relations to the Land"; to the Committee on Flood Control.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DARDEN: A bill (H. R. 10750) to authorize the Secretary of the Treasury to convey to the city of Norfolk, Va., the old post-office site in such city, and the building thereon, for municipal purposes; to the Committee on Public Buildings and Grounds.

By Mr. DEMPSEY: A bill (H. R. 10751) to further extend the operation of the act entitled "An act to further extend the operation of the act entitled 'An act to further extend the operation of the act entitled "An act for the temporary relief of water users on irrigation projects constructed and operated under the reclamation law", approved April 1, 1932', approved March 27, 1934", approved June 13, 1935; to the Committee on Irrigation and Reclamation.

By Mr. McGROARTY: A bill (H. R. 10752) to amend Public Law No. 383, Seventy-third Congress (48 Stat. L. 984), relating to Indians, by exempting from the provisions of such act any Indians of California in the State of California; to the Committee on Indian Affairs.

By Mr. RANDOLPH: A bill (H. R. 10753) to provide for the construction of a post office at Parsons, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. COLLINS: A bill (H. R. 10754) to authorize the Secretary of the Interior to make an engineering survey of conditions in the Palo Verde Valley and Cibola Valley on the Colorado River in California and Arizona, and for other purposes; to the Committee on Flood Control.

Also, a bill (H. R. 10755) to provide for an engineering survey by the Secretary of the Interior of certain lands of the Colorado River Indian Reservation in California and Arizona; to the Committee on Indian Affairs.

By Mr. HILDEBRANDT: A bill (H. R. 10756) to provide for the issuance of permanent contracts to all contractors and subcontractors on star routes, compensation thereon, establishing a preferred list covering former contractors, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. HOPE: A bill (H. R. 10757) to increase agricultural purchasing power and provide for the payment of tariff-equivalent benefits on that part of the production of certain farm commodities which is consumed within the United States, and for other purposes; to the Committee on Agriculture.

By Mr. RANKIN: A bill (H. R. 10758) to provide for the construction of a Government building at State College, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. ZIONCHECK: A bill (H. R. 10759) to amend the Emergency Relief Appropriation Act of 1935, with reference to the employment of labor; to the Committee on Appropriations.

By Mr. BEITER: A bill (H. R. 10760) to provide Braille medals for ex-service men who are blind as the result of injuries in action; to the Committee on Military Affairs.

By Mr. McSWAIN (by request): A bill (H. R. 10761) for the relief of the present leader of the Army Band; to the Committee on Military Affairs.

Also (by request), a bill (H. R. 10762) to authorize the procurement, without advertising, of certain War Department property, and for other purposes; to the Committee on Military Affairs.

Also (by request), a bill (H. R. 10763) to amend section 2 of the act entitled "An act to amend the National Defense Act", approved May 28, 1928; to the Committee on Military Affairs.

By Mr. MONAGHAN: A bill (H. R. 10764) to amend section 15 of the act of Congress of August 31, 1935, entitled "An act to amend an act entitled 'An act to improve the navigability and to provide for the flood control of the Tennessee River; to provide for reforestation and the proper use of marginal lands in the Tennessee Valley; to provide for the agricultural and industrial development of said valley; to provide for the national defense by the creation of a corporation for the operation of Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes' "; to the Committee on Military Affairs.

Also, a bill (H. R. 10765) to amend section 15 of the act of Congress of August 30, 1935, entitled "An act to stabilize the bituminous coal mining industry and promote its interstate commerce; to provide for cooperative marketing of bituminous coal; to levy a tax on bituminous coal and provide for a draw-back under certain conditions; to declare the production, distribution, and use of bituminous coal to be affected with a national public interest; to conserve the bituminous-coal resources of the United States; to provide for the general welfare, and for other purposes; and providing penalties"; to the Committee on Ways and Means.

By Mr. CELLER: A bill (H. R. 10766) authorizing the Secretary of War to purchase lands for the purpose of carrying into effect the provisions for national cemeteries; to the Committee on Military Affairs.

By Mr. KRAMER: A bill (H. R. 10767) to amend the act entitled "An act to safeguard the estates of veterans derived from payments of pension, compensation, emergency officers' retirement pay, and insurance, and for other purposes", approved August 12, 1935; to the Committee on World War Veterans' Legislation.

By Mr. PATMAN: A bill (H. R. 10768) to provide that interest on bonds issued to veterans under the Adjusted Compensation Payment Act, 1936, shall accrue and be payable for any period elapsing between the date of the bonds and the date of payment thereof; to the Committee on Ways and Means.

By Mr. STARNES: A bill (H. R. 10769) to protect World War disability pension and compensation awards, and for other purposes; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 10770) to make World War disability and death compensation and pension awards permanent after 5 years from the awarding thereof, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. UTTERBACK: A bill (H. R. 10771) granting pensions and increase of pensions to widows of certain sailors, soldiers, and marines of the Civil War, and for other purposes; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 10772) to amend the Public Buildings Act of May 25, 1926, to authorize the construction of buildings for post-office stations, branches, and garages, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. COLDEN: Joint resolution (H. J. Res. 476) declaring the birthday of Thomas Jefferson to be a legal public holiday; to the Committee on the Judiciary.

By Mr. CROSBY: Joint resolution (H. J. Res. 477) authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. GILLETTE: Joint resolution (H. J. Res. 478) authorizing the construction of lighting facilities and radio aids for the air route flown under air-mail contract no. 26 from Omaha, Nebr., via Sioux City, Iowa, and Sioux Falls,

S. Dak., to Bismarck, N. Dak., and Minneapolis, Minn., and for other purposes; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of New York, re Floyd Bennett Field Airport as an air-mail service station; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of New York: A bill (H. R. 10773) for the relief of Gerlando Mirasola; to the Committee on Immigration and Naturalization.

By Mr. BARRY: A bill (H. R. 10774) for the relief of Gladys E. Faughnan, guardian; to the Committee on Claims.

By Mr. BEAM: A bill (H. R. 10775) for the relief of Patrick Joseph O'Connor; to the Committee on Military Affairs.

By Mr. DEMPSEY: A bill (H. R. 10776) for the relief of Thomas F. Cooney; to the Committee on Claims.

By Mr. ECKERT: A bill (H. R. 10777) for the relief of Marjorie M. Mills; to the Committee on Claims.

Also, a bill (H. R. 10778) for the relief of Willard Webster; to the Committee on Claims.

By Mr. EDMISTON: A bill (H. R. 10779) for the relief of Anise B. Dulaney; to the Committee on Military Affairs.

Also, a bill (H. R. 10780) for the relief of Sarah M. Waugh; to the Committee on Invalid Pensions.

By Mr. HARLAN: A bill (H. R. 10781) for the relief of Herman País; to the Committee on Immigration and Naturalization.

By Mr. HESS: A bill (H. R. 10782) for the relief of the heirs of Haym Salomon; to the Committee on Claims.

By Mr. KNUTE HILL: A bill (H. R. 10783) granting a pension to Randall Krauss; to the Committee on Pensions.

By Mr. McSWAIN: A bill (H. R. 10784) for the relief of William Thomas Genobles; to the Committee on Naval Affairs.

By Mr. MARSHALL: A bill (H. R. 10785) for the relief of John B. H. Waring; to the Committee on Military Affairs.

By Mr. REED of New York: A bill (H. R. 10786) granting an increase of pension to Minnie M. Darrow; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 10787) granting a pension to Mary E. Brewer; to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 10788) granting a pension to Katrine Rautman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10789) for the relief of Frank Charles Robie; to the Committee on Naval Affairs.

Also, a bill (H. R. 10790) for the relief of Martin DeVries; to the Committee on Military Affairs.

Also, a bill (H. R. 10791) granting a pension to Margaret Teed; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10792) granting a pension to Peter Lafayette Turpin; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 10793) for the relief of Jack Wade, Perry Shilton, Louie Hess, Owen Busch, and William W. McGregor; to the Committee on Claims.

By Mr. UTTERBACK: A bill (H. R. 10794) for the relief of Merton E. Bent; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9875. By Mr. BLOOM: Petition of the members of the National Guard Association of the State of New York, requesting the enactment of legislation authorizing an allowance of $35 per month for quarters to each enlisted man of the United States Army detailed to duty with the National Guard as sergeant-instructor while on such duty, and that such payments and also any payments heretofore made for rental of quarters for such noncommissioned officers shall be considered as an allowance to the individual; to the Committee on Military Affairs.

9876. Also, petition of the American Institute of Steel Construction, Asphalt Shingle and Roofing Industry, Brick Manufacturers Association of America, Concrete Reinforcing Steel Institute, Metal Lath Manufacturers Association, Metal Window Institute, National Crushed Stone Association, National Door Manufacturers Association, National Electrical Manufacturers Association, National Federation of Builders Supply Association, National Lime Association, National Lumber Manufacturers Association, National Paint, Varnish, and Lacquer Association, National Retail Lumber Dealers Association, National Sand and Gravel Association, National Slag Association, Portland Cement Association, and Structural Clay Products, Inc., urging the extension of title 1 of the National Housing Act for a period of 1 year to April 1, 1937; to the Committee on Appropriations.

9877. By Mr. COLDEN: Petition containing 40 names of inventors, asking that the Congress pass immediately legislation establishing an inventors' loan fund; to the Committee on Patents.

9878. Also, resolution adopted by the National Restaurant Association at its convention in Chicago, October 11, 1935, objecting to the continuance of Government competition with private enterprise in the operation of restaurants; to the Committee on Expenditures in the Executive Departments.

9879. Also, resolution passed at the quarterly meeting of the board of directors of the Los Angeles County Farm Bureau, urging all who have the welfare of our country at heart to cooperate in the support of such legislation as is needed to make agricultural stabilization a permanent reality; to the Committee on Agriculture.

9880. By Mr. CULLEN: Resolution authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

9881. By Mr. ENGEL: Petition of Roland W. Kelderhouse and others, of Glen Arbor, Mich., favoring legislation to extend existing star-route mail contracts and increasing the compensation thereon; to the Committee on the Post Office and Post Roads.

9882. Also, petition of E. D. Voice and others, of Empire, Mich., favoring legislation to extend existing star-route mail contracts and increasing the compensation thereon; to the Committee on the Post Office and Post Roads.

9883. Also, petition of Joseph A. Schwarz and others, of Leland, Mich., favoring legislation to extend existing star-route mail contracts and increasing the compensation thereon; to the Committee on the Post Office and Post Roads.

9884. By Mr. GOODWIN: Petition of the League for American Neutrality, New Haven, Conn., protesting against certain provisions of the neutrality bill; to the Committee on Foreign Affairs.

9885. Also, petition of the National Association of Cotton Manufacturers protesting against continuing the present policy of the Government with respect to imports from foreign countries; to the Committee on Ways and Means.

9886. By Mr. MURDOCK: Petition of numerous citizens of Washington County, State of Utah, and patrons of star route no. 69200, urging Congress to enact legislation at this session indefinitely extending all existing star-route contracts, and increasing the compensation therefor, so that it will be on a basis equal to the compensation paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

9887. Also, petition of numerous citizens of Carbon and Emery Counties, State of Utah, and patrons of star route no. 69168, urging Congress to enact legislation at this session indefinitely extending all existing star-route contracts, and increasing the compensation therefor, so that it will

be on a basis equal to the compensation paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

9888. By Mr. TONRY: Memorial of the New York State Assembly, memorializing Congress to take appropriate steps for the establishment of an air-mail base at Floyd Bennett Airport in Brooklyn, New York City; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES

FRIDAY, JANUARY 31, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we pause in that name which is above every name in heaven and in earth. We thank Thee that Thou art mightier than human burdens, deeper than human grief, and vaster than human needs. Heavenly Father, how helpless we feel in the sight of suffering humanity. Give us grace to do unto others as we would have them do unto us; may our breasts be full of that charity which suffereth long and is kind. Vouchsafe Thine especial thought and wisdom to the Congress. Give light and clarity of judgment to any who may be in perplexity, patience to those whose trials continue, and courage to any who may be grievously tempted. Blessed Lord, lift us all to the higher planes of thought and life until we reach the sweet tablelands of the heavenly places. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 307. Joint resolution authorizing the erection of a memorial to the early settlers whose land grants embrace the site of the Federal City.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 3398. An act to establish the Air Corps Technical School and to acquire certain land in the State of Colorado for use as a site for said Air Corps Technical School and as an aerial gunnery and bombing range for the Army Air Corps; and

S. J. Res. 196. Joint resolution to correct errors in the enrollment of Private Act No. 349, Seventy-fourth Congress, approved August 29, 1935, and to clarify the duties of the Comptroller General in connection with said act.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. NORBECK members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments", for the disposition of executive papers in the Smithsonian Institution.

PERMISSION TO ADDRESS THE HOUSE

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute for the purpose of making an announcement.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. KOPPLEMANN. Mr. Speaker, I have the honor to announce the arrival of another Democrat. Mrs. Shanley, the wife of my colleague, JAMES A. SHANLEY, gave birth to a son at New Haven last evening. The latest bulletin from the bedside is that both mother and baby are doing very well. Naturally, my colleague is in New Haven, and I respectfully request that his absence be noted and that he be given permission to remain away as long as he feels like celebrating the event.

Furthermore, I feel that he should be congratulated, because the date of the new arrival coincides with the President's birthday. [Applause.]

HISTORY OF THE PASSAGE OF H. R. 6995, PROVIDING FULL RESTORATION OF PENSIONS TO THE VETERANS OF THE SPANISH-AMERICAN WAR

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address which I delivered before the National Encampment of the United Spanish War Veterans at San Antonio, Tex.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert an address delivered by me before the Thirty-seventh Annual Encampment of the United Spanish War Veterans at San Antonio, Tex., September 18, 1935, being the verbatim transcript as taken down by the official reporters of that great convention and published in the National Tribune, Washington, D. C., October 31, 1935.

The address is as follows:

Comrade Commander in Chief McCord, distinguished guests, officers of the United Spanish War Veterans, and my comrades, this is one of the happiest and proudest moments of my life, for it is indeed a great honor to have the happy privilege of addressing this magnificent national convention.

My memory of the Spanish-American War goes back to the time when I was a little boy and lived in the city of Chicago. I thought at that time that the war was a good thing, because I used to sell newspapers. I sold the Chicago Daily News, and, of course, as a result of the war I was able to sell more papers, and I was hoping it would last longer than it did. [Laughter.]

My parents took me down on Michigan Avenue when they had the great peace jubilee in Chicago, when the treaty of peace had been signed with Spain. My father held me in his arms, because I was a little chap then. There were a lot of people lined up on both sides of Michigan Avenue, where Grant Park is now, in Chicago, and I saw the returned veterans of the Spanish-American War march by. President McKinley was there in a carriage. I remember seeing Theodore Roosevelt in his Rough Rider's uniform. General Miles was there, Admiral Schley, Gen. Joe Wheeler, and, if I am not mistaken (I do not think I am), it seems to me that Admiral Hobson, who is here, was in the line of march there in Chicago that day. [Applause.] That occasion made a very deep impression upon my mind and my heart, and I have always remembered it.

I think one of the finest things that Shakespeare ever wrote was the line: "For justice, all groves a temple; all seasons, summer."

My friends, all we did down there in Congress in the last session, in passing H. R. 6995, was to try to do simple justice to the veterans of the Spanish-American War. [Applause.]

Those of us who serve in public life often receive more praise than we deserve, and sometimes we get more blame than we are entitled to. There is a popular story they tell down in the Capital about Senator ASHURST, of Arizona, a colleague of Senator MCGILL, of Kansas. The Senator has probably heard this story, but most of you probably have not. Last summer Senator ASHURST went back to Arizona, where he met an old friend of his. They met on the street. His friend greeted him and said to the Senator, "I am not going to vote for you this time." The Senator was rather surprised, and said, "Why are you not going to do it?"

He said, "I supported you last time, and I even contributed to your campaign and helped elect you, but during these years while these matters have been going on down in Washington I have lost my home in town, I have lost my house in the country, my bank has closed, and I haven't very much money."

The Senator, in pained surprise, said, "Well, you don't hold me responsible for all that, do you?"

His constituent said to him, "No; I do not; but you were there when it happened, and now I am against you." [Laughter.]

In talking about H. R. 6995, the most that Senator MCGILL and I can say is that we were down there in Washington when it happened. But I give the most credit for the passage of that law to you, and you, and you, the 150,000 members of the United Spanish War Veterans. [Applause.] It was the prestige and the influence and the numbers of the United Spanish War Veterans that caused that bill to be enacted into law and to be signed by the President of the United States. [Applause.] Don't fool yourselves about that. Also, it was because of the arduous labors of your splendid national legislative committee.

I agree with Chauncey M. Depew, who said one time that he would rather have taffy while he was living than epitaphy after he was dead. [Laughter.]

PRAISE FOR MEANS

In all sincerity and earnestness I am going to present a few little sticks of taffy to some of your national officers. I want to mention first the man without whose efforts this law never would have been passed, that gallant soldier, that distinguished former Member of the United States Senate, that great lover of his fellow men, whom I learned to love in my contacts with him down there in Washington as I followed his superb leadership in this fight—Rice W. Means. [Applause and cheers.]

Then I am thinking of the vice chairman of your national legislative committee, Justice Matthias, of the Supreme Court of the State of Ohio. [Applause and cheers.] He made a very effective presentation before the House Committee on Pensions. I am also privileged to mention Comrade Grayson, of Savannah, Ga. [Applause and cheers.] Then I want to mention Al Kennedy, of Tammany Hall, New York. [Applause and cheers.]

We were just talking here on the platform about Tammany Hall. When you want to get things done in Congress sometimes it is a pretty good idea to have somebody on your side who knows the Representatives in Congress from Tammany Hall; and it was necessary in our fight in Washington to have the friendly support of JOHN J. O'CONNOR, chairman of the Rules Committee of the House of Representatives, as well as Speaker JOSEPH W. BYRNS, holder of the second highest and most powerful position in the Federal Government; and I want to say to you men that both of these distinguished leaders of Congress were with us heart and soul in this fight. [Applause.]

Al Kennedy also went to the White House and talked to the President, and could call him "Frank", because he has known him intimately for many years; and I don't think that hurt us either in getting the President's signature to our bill.

TRYING TO BURY BILL

Then, of course, your distinguished commander in chief, Judge McCord [applause], happens to be the Democratic national committeeman from the State of Alabama. He is a sort of Dr. Jekyl and Mr. Hyde. I would say that as your commander in chief he is Dr. Jekyl, and as national committeeman he is Mr. Hyde. [Laughter.] In all the conferences we had, particularly that important conference we had with the Speaker, with the chairman of the Rules Committee, and with the chairman of the Committee on Expenditures in the Executive Departments, where for a long time they had our bill embalmed and were going to bury it, and we had to resurrect it (that was my original bill, H. R. 100, and we introduced 6995 to take its place); it was the tact, the diplomacy, and the wit of Judge McCord that poured oil on the troubled waters, because that old saying is still true that oftentimes molasses is more effective than vinegar. We used the molasses as well as a firm, determined attitude when that was necessary.

It may interest you to know that our bill is the most important piece of major legislation, involving the appropriation of the greatest sum of money which has ever been passed on the Consent Calendar in the House of Representatives of the United States Congress in 150 years, without a dissenting vote. [Applause.] That, to my mind, is evidence of the justice of our cause.

Many of our people do not appear to realize the importance of the War with Spain, nor the value and extent of the services rendered by those who served in that conflict.

Until very recently the Spanish-American War was deemed to embrace the insurrection in the Philippines and the China Relief Expedition, and as such was the longest war in which the United States has been engaged. The Civil War continued for 4 years, but the Spanish-American War lasted 4 years and 2 months, and the World War 1 year and 7 months. The average length of service per soldier in the Civil War was 11 months, the Spanish-American War 14 months, and the World War 11 months.

The Spanish-American War is the only war from which our country gained a profit. Without intending for one moment to detract one iota from the glory due to the veterans of any other wars, all of which reflect great credit and honor upon the participants, let us record the fact that the Civil War cost the Federal Government $8,500,000,000, conferred no new territory, and caused billions of dollars of damages in the Southern States. The World War cost the American people at least $50,000,000,000 and the loss of 120,000 lives, we acquired no property and incurred the ill-will of Europe. What about the Spanish-American War? It cost our Government $1,200,000,000, and we acquired Puerto Rico and the Philippines, estimated to be worth $8,000,000,000 or a net profit of $6,800,000,000, and additional billions in increased trade and commerce which flowed to us as a result of new world-wide relations resulting from the war.

A comparison of the pensions paid to the veterans of the Spanish-American War and the profits gained from the war is illuminating. According to figures compiled by the magazine Foreign Service about a year ago, the sum paid to the veterans from 1899 to July 31, 1932, was $796,765,232. If we deduct the cost of the war, $1,200,000,000, from the value of the territory acquired, $8,000,000,000, the balance is $6,800,000,000, and we, if we deduct from the latter sum the pensions, still have a net profit to our Government of $6,003,234,768. If our Government would allow interest of 2 percent on this amount it would be sufficient to pay the Spanish War veterans the pensions they have been receiving. Furthermore, the pensions are decreasing because the average age is now 62 years, and the veterans are dying at the rate of 500 per month or 6,000 per annum.

Let us not forget that as a result of the Spanish-American War we conquered yellow fever, which had previously been nigh a curse to the South. Also the knowledge of the disease, which was derived from the frightful toll of lives of the Americans who suffered in Cuba and Puerto Rico, enabled us to build the Panama Canal, which would otherwise have ended in failure the same as it did for the French, who were unable to combat the scourge of yellow fever.

CEMENTED THE UNION

From a national standpoint, the Spanish-American War conferred a benefit, the value of which can hardly be measured, by wiping out the last vestige of sectionalism and cementing the Union as it had never been united before. The war caused us to become recognized as a first-class world power, and brought us new commercial relations worth billions of dollars, and was directly responsible for the industrial reconstruction of the Southern States.

The veterans of the Spanish-American War suffered to a greater extent from unpreparedness than those of any other war, for six men out of every thousand died from all causes in the Civil War, seven out of every thousand in the World War, while 25 out of every thousand died in the Spanish War.

I desire to quote briefly from an address delivered by Hon. H. B. Leavitt, of Asheville, N. C., past commander of the Department of North Carolina, United Spanish War Veterans:

"The American soldier in the War with Spain volunteered his services for the princely stipend of $13 a month, or $15.60 a month if they went outside the United States. For that sum they died like flies in the insanitary camps at Chickamauga Park, Jacksonville, and Montauk Point. For that monetary consideration they fought the Spaniards in Cuba, Puerto Rico, and the Philippines while equipped with old-fashioned Springfield rifles and facing the deadly and mangling dumdum bullets fired from Mauser rifles with which their foes were armed. For this large sum they went to tropical climates to fight yellow fever in woolen uniforms which a thoughtless government in its inexperience had furnished them. For this they stalked the Igorote in the Philippine jungle and many of them fell, mangled by the native bolos. For this they helped quell the Boxer Rebellion and many times did not have even their usual wormy hardtack and embalmed horse meat, upon which conscienceless contractors waxed rich by selling to the American Government.

IMPLIED PROMISES

"There were 458,000 men who answered the call of President McKinley for volunteers when the War with Spain was declared. They were made no promises by their Government, it is true, other than the implied promise that they would receive the same treatment which had been given other veterans. In early wars the veterans were given land grants. Even Abraham Lincoln was a beneficiary under this plan. What the Spanish War veteran had the right to expect was the same treatment as that accorded to the veterans of the War between the States. They had never asked any other treatment. It was not until they reached the same average age recognized as pensionable for the Civil War veteran that they asked or received any general compensation for themselves or their widows."

I have the honor to be an honorary member of John D. Roberts Camp, No. 7, Washington and Alaska unit of the United Spanish War Veterans. [Applause.] I want to say to you that I am as proud of that membership as I am of my membership in Congress. We have been told that the pen is mightier than the sword. The swords that are wielded in war are indeed mighty, but there is a time when the pen is mightier than the sword. I am very happy to be able to go back to my home State of Washington, from which come Brother Guy Groff, Brother John Knox Witherspoon, Ed Clifford, Tom Kennedy, Comrade Collins, and others who are here from our Evergreen State out on the Pacific coast, and take with me a pen which has on it a gold plate on which is this inscription: "With this pen President Franklin D. Roosevelt signed H. R. 6995, Spanish-American War pension bill."

I am going to present that pen to my home camp, John D. Roberts Camp, No. 7, Washington and Alaska unit of the United Spanish War Veterans, to remain in its archives. [Applause.] When I do that, it will be one of the happiest and proudest moments of my life.

PERMANENT POLICY

Comrades, when we secured the enactment of 6995—and Senator MCGILL will tell you about the great opposition he encountered and the fight which he so ably led in the Senate—and it was finally signed by President Roosevelt I believe we wrote firmly into our Federal statutes again the policy in regard to the Spanish-American veterans which was applied first to the Civil War veterans in the act of 1890, when they were of the average age of 46 years. You waited, as they had done, until your age was 46 years, approximately, and went before Congress in 1920 and secured the enactment of the first law granting pensions to the veterans of the Spanish-American War, when they were placed upon the same basis as the veterans of the Civil War. After that bill had been passed and was on the statute books, it was amended in 1926, and then in 1930 the present rates were stipulated in the act which passed Congress that year, and that was the law which was passed over the veto of President Hoover. There were only 14 votes to sustain the veto in the House and 18 votes in the Senate. It is that measure, and the pensions which are stipulated in it, which are reenacted by H. R. 6995. It reaffirms and reestablishes the policy which was first enunciated in 1890, so we have almost 50 years, half a century, of tradition and of policy and of precedent to support this legislation. My friends, we know it will remain the

law as long as you and I live, and it is a credit to our Government, because we do not want any step-children in this Republic. [Applause and cheers.]

It has well been said, and truthfully, sad to say, that republics are ungrateful. My friends, those republics of which it has been said they are ungrateful no longer exist. We only read about them in the history books, and we do not want it ever again to be said about the richest, the noblest, the grandest, and the most glorious republic upon which the sun has ever shone, our own beloved United States of America. [Long-continued applause and cheers, the audience rising.]

GOVERNMENT'S ALLY—THE CONSUMER COOPERATIVE

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include therein the summary of a bill I introduced today.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCOTT. Mr. Speaker, "liberty demands eternal vigilance." These words should be on the walls of every classroom, meeting hall, and public building in every democracy in the world. The average citizen will slip down into slavery unless he acts with intelligence and in union with his brothers. He must keep himself informed on matters of common interest, and on the basis of what he knows, be prepared to organize and act with his fellow citizens to fight the forces which threaten the people's freedom.

Only with citizens of this kind can any government protect its people. Government's job as police officer extends further than protection of its citizens from physical violence and their tangible property from theft or destruction; it includes protection of every citizen's intangible property—his freedom and his opportunity to work, to earn, to buy, to live the "more abundant life."

"Big business" and "big finance", which concentrate economic power in a few people's hands, operate to rob the average citizen of his intangible property. Sometimes they do so very openly—ironically enough, even under the banner of "patriotism" and "liberty"—as in the antilabor killings recently reported by the Methodist Federation for Social Service. More often they whittle away his opportunity to earn, his freedom to speak openly and publicly, his right to organize, so that he who is most affected by the change hardly notices what is happening to him until one day he finds himself without a job and without another in sight.

Government's major problem today is how to prevent this—how to protect the average citizen's intangible property. One way, which has been tried often, is to substitute government for private control of business and finance. That only means that centralized power is transferred from a few capitalists to a few political bureaucrats, and that change alone has never brought protection to the average citizen.

The other way, which has been followed successfully but has received less attention, because it is quiet, orderly, and undramatic, is to break down centralized power step by step, whether that power is in the hands of government officials or is vested in private persons, and thereby pave the way for truly democratic control.

Democratic control means that every adult man and woman has equal power to decide what shall be done on matters of equal importance to all. Government cannot impose democracy on its citizens; it only reflects the democracy which its citizens create. But it can, and does, help them to create and maintain democratic control. It helps most today by providing schools where the average citizen can acquire a knowledge of our most necessary tools, reading and writing, and learn something about how to use them. Without these tools, it is almost impossible for the people to act together effectively. The dictator's best material is an illiterate people.

It is now proposed that our American Government take another step in assisting its citizens to reestablish democratic control; and that is by helping them to finance and develop the one kind of economic organization in which democracy actually is practiced—the cooperative.

Cooperatives of consumers have demonstrated over the last three decades in at least five important nations how healthy their influence can be on government. Although their members and patrons do not exceed a quarter of the total populations of those countries, their doctrine and practice affect all the people. Every cooperative member is a witness to the success of economic democracy; every cooperative member learns from participation in his society's councils how democracy works, what democracy means, what democracy demands of the people. He learns also much that it is important the citizen should know about the way goods are made and distributed. His society, federated into a great international system of cooperatives, shows the community how much goods should cost, and in that way acts as a sort of measuring stick by which monopoly can be detected. Where monopoly is persistent in exacting its uneconomic tribute, the federated cooperatives go out trust busting. They do not pass laws; they build factories, sink mines, send ships to distant ports for needed raw materials, and they "bust" the trust in the most effective possible way: they break it by economic competition. Trusts busted that way stay busted.

Few of the individual members who compose this great system of cooperatives joined for the purpose of bettering society of breaking trusts. Most of them joined because the cooperatives offered them immediate advantages in the purchase of food and clothing or in obtaining credit or insurance or some other service. In other words, cooperation is economically as well as socially advantageous.

Many different kinds of business ventures have been called "cooperative." Some of them have the fundamental principles of organization and control that characterize the true cooperative; but many of them, either from ignorance or from malice, are cooperative in name only. Mr. Udo Rall, Director of the Division of Self-help Cooperatives, Federal Emergency Relief Administration, has defined cooperation as follows:

> Organized economic action on an equitable basis for the mutual benefit of the participants who have an equal voice in its control.

It may be maintained that other economic systems aim at equity, mutuality, and democracy; the fact is, however, that the very nature of cooperative organization embodies these principles.

Cooperatives composed of people who pool their purchasing power to buy things they use or consume personally are called consumer cooperatives, while those made up of producers who join together to market their products or purchase materials and supplies that are used in production are called producer cooperatives. In the United States producer cooperatives have had the greater growth, because farmers, more than any other group of common garden-run citizens, have felt the need of united action. Farmers not only have marketed their crops cooperatively, but have purchased large volumes of farm supplies. The Cooperative Division of the Farm Credit Administration estimates that in 1934 farmers' cooperatives bought $250,000,000 in supplies, or about one-eighth of the total purchased by all farmers in that year.

Through cooperation, some 750,000 farmers have benefited from their collective power to bargain with those who sell them their supplies and equipment. Alone, the individual farmer is at the mercy of the monopolist, of the great financial dictators who control many of the manufacturing industries. Only through his union with other small buyers has he been able to make the full force of his demand felt by those who control the supply. As a result, cooperative buying has provided him with better supplies at a lower cost.

Cooperative purchasing of supplies that enter directly into production is not far removed from cooperative purchasing of goods that people eat and wear and use personally. Many farmers' purchasing cooperatives are now buying gasoline, oil, and various automobile accessories which farmers use not only in their tractors and trucks but in their pleasure cars as well. Since the farmer and his family are the ultimate consumers of his pleasure car, he is acting as a consumer in buying fuel and accessories for his automobile. This, then, becomes cooperative purchasing by consumers of goods for their own use. It yields to the individual farmer the same benefits as does cooperative buying of farm supplies.

The city and town dweller is in the same boat as the farmer. He is almost equally weak when dealing individually with large-scale business. To effect a fair balance between the mass of small consumers and the few who control production and distribution, the small consumers must organize. Government cannot protect them from exploitation as consumers any more than government, unaided by labor unions, can prevent their exploitation as wage earners by employers.

Consumers' cooperation is, in fact, an invaluable ally to organized labor. Organized labor seeks to protect the small citizen from the theft of his property as a producer, while consumers' cooperation, working on the other front, enables him to protect himself as a consumer.

No consumers' organization is worthy of the name "cooperative" that does not recognize the right of labor to receive a fair wage. This important feature of the true consumer cooperative is brought out in the following definition, also supplied by Mr. Rall:

> A consumer cooperative is a voluntary association of consumers organized democratically to secure for themselves goods or services of known quality at the lowest cost compatible with fair labor conditions.

These are the characteristics of the great systems of consumer cooperatives that have strengthened democratic government and the power of labor in Great Britain, Sweden, Finland, and Norway. From an infinitesimal beginning among 28 mill hands—then called "weavers"—of Rochdale, England, just 92 years ago, consumers' cooperation now embraces about a quarter of the populations of these countries. Here in the United States there are some 10,000 consumers' societies doing business, with a million and a half members, to the extent of $365,000,000 a year—a million dollars a day!

The mechanics of operation are universally the same—factory workers, unskilled laborers, professional men and women join together in what may be called a "fraternal" organization, membership in which is open to all. Control of the society is vested in all the members, each of whom has one vote and only one vote. The well-to-do member may invest in the society 10 times as much as his poor neighbor; yet he has no greater voice in its affairs, because its success is due not so much to his investment as to the loyal patronage of every member. The society may be set up either to handle groceries, clothing, gasoline, or other consumers' goods, or to supply services like credit, insurance, health, or housing. The range of products and services in which cooperative societies deal includes almost every need of the ordinary consumer. Generally, societies charge current prices for the goods and services they offer and return annually their "profits" or surplus earnings to their member patrons. Each member's share in these surplus earnings—his so-called "patronage dividend"—is proportionate to his purchases. In this way the individual consumer gets back, either in cash or in capital or membership stock, the excess value he has paid for his purchases, and which would ordinarily go into the pockets of the middleman and retailer.

This direct material benefit to the individuals who participate in the cooperatives is the most obvious of cooperation's benefits. Far greater, however, are those benefits whose tangible evidence appears only with time—slowly, indirectly, but surely. The recognition on the part of every man and woman of his or her responsibility for group action in vital economic fields; the knowledge of forces which affect every man and of the problems involved in their proper direction and control; the practice of democracy, not only in that segment of life we call "government" but in all the business of living; these are the great and abiding benefits of cooperation.

A group-conscious, well-informed, and cohesive citizenry, active in agriculture, industry, and commerce, is the sole foundation upon which civil liberties can flourish. The government of such a citizenry can truly represent the people; it can protect the intangible property of all and defend minorities from injustice. These are the great purposes of democracy. Let us implement the American Government to attain them.

It is fitting, therefore, that the Federal Government should use its constitutional powers for the benefit of this economic and social movement that offers itself as an invaluable ally to that government. Farmers' cooperatives, engaged in marketing products and in purchasing farm supplies and services, have been furnished a source of cheap credit on a sound basis through "banks for cooperatives", established by the Farm Credit Act of 1933. This law provides that bona-fide farmers' marketing and purchasing cooperatives may receive loans up to 60 percent of the value of their assets at interest rates not to exceed 6 percent a year.

A bill now being drafted for early presentation to the Seventy-fourth Congress would offer similar but more liberal service to consumer cooperatives. Administration of its provisions would be placed in the hands of a board of 13 appointed by the President and called the Consumers' Advisory Council. Under this council a Government bureau would be established to represent the interests of the consumer, much as the Bureau of Standards and the Department of Commerce represent the interests of industry and commerce. Also, under the council's general control, a central bank and local banks for consumer cooperatives would be formed. These banks would be empowered to make loans to consumer cooperatives, whether composed of country, town, or city dwellers. Loans would carry no more than 6-percent interest and would be restricted in amount to 100 percent of the borrower's tangible assets.

More liberal terms than these are not thought desirable, since the Government would almost surely be led to take too large a part in the management of the borrowing society's affairs if its loans were less well secured. Such interference would, of course, result in the same centralization of power that cooperatives are trying to eliminate.

These provisions cover cooperative societies of consumers engaging in the purchase and distribution—both wholesale and retail—of consumers' goods. The bill goes one step further: It provides for loans to cooperatives of producers engaging in the purchase of raw materials, supplies, and so forth, or in making goods—but with this one and very important limitation, a producer cooperative may receive a loan only if one-half of the total capital required is furnished or pledged by one or more bona-fide consumer cooperatives.

This limitation expresses the purpose of the bill to provide financing only to an enterprise for whose products a definite and effective consumer demand is guaranteed. The very nature of the consumer cooperative guarantees the patronage of its members. If those consumer-members are willing to go one step further and put their capital into a cooperative-production enterprise, they must, of course, be prepared to buy its products.

Thus the bill would in no way stimulate unhealthy multiplication of productive and distributive facilities. For example, consumers who form a community which now inadequately supports three independent grocery stores and one chain store might pool their small savings and, with a Government loan to an equal amount, buy out the "independents", partly in cash, partly in stock, and partly by offering to employ the owners in managing and operating the cooperative store. The three former store owners would find themselves in a much more secure, and probably more lucrative, position as employees of their customers than as competitors not only with one another but also with a great chain-store system. For the small independent shopkeeper the organization of a consumer cooperative in his community is actually a boon.

The same condition applies with equal force to small and medium-sized manufacturing units. The owner-manager of a small shoe plant, dressmaking shop, cosmetic factory, or cannery finds himself owner in name only. He must fight competitors whose products are nationally advertised and distributed, whose manufacturing costs are far lower than his because of mass production, and whose capital is so much greater that they can afford to sell below cost in order to freeze him out. His position is far better as manager of the producer cooperative that, with the help of the ultimate con-

sumers of his products, buys him out and guarantees a steady market, blow high, blow low.

Economically, then, from the point of view of the consumer, of the small store and factory owner, of the workers in stores and factories, warehouses, and service industries, consumers' cooperation is sound. And, since the Nation is composed largely of these people and of people like them, it is economically sound for the Nation as a whole. More than that, it is an invaluable ally to the Nation's Government in its struggle to protect the average citizen from the theft and destruction of his liberty.

OUTLINE OF BILL TO ESTABLISH CONSUMERS' ADMINISTRATION AND COOPERATIVE BANK

1. To be known as Consumers' Credit Act of 1936.

2. Purposes: To "effect a more perfect distribution of buying power among the masses * * *" and to "aid in establishing and developing sound economic institutions whose principles of management and control are consistent with the democratic principles by which the Nation's Government is ordered, which institutions, being the products of collective investment on the part of people of small means, shall constitute a further market for securities of the United States."

3. President authorized to establish the Consumers' Advisory Council, composed of 13 members appointed at his pleasure.

4. Chairman to receive $10,000 a year; other members only per diem and traveling expenses.

5. Purposes and functions of council: "To stimulate interest in the problems of the consumer, to review public policy insofar as it relates to the consumer * * *", etc., and "to assist organized consumers to form and operate cooperative institutions" to extend democracy in the economic field, reduce maladjustments between supply and demand, and "control and reduce the uneconomic exactions of monopoly."

6. Council directed to establish "the Consumers' Administration", purposes and functions of which are those of the council except as they relate to cooperatives. Chairman of the council to be the executive officer of the administration.

7. Sum of $500,000 appropriated for the administration's and council's overhead.

8. Chairman of council directed to charter the "Central Bank for Consumers' Cooperatives" and "Banks for Consumers' Cooperatives", the latter "to the extent as to number and location as he deems necessary and proper * * *."

9. Sum of "not to exceed $75,000,000 or so much thereof as may be necessary * * *", appropriated for the banks, to be put into a fund established by the Secretary of the Treasury called "Consumers' cooperative revolving fund."

10. Central Bank's board of directors: Six members appointed by council's chairman, who shall be the seventh member and chairman of the board; staggered terms of office for all directors except chairman; three members whose terms expire first to be succeeded by selection from persons nominated by eligible borrowers.

11. Council to appoint from among board members the bank's executive officer, to be known as the governor, who shall receive $8,000 a year, etc. * * * Powers of board to be described in charter and bylaws.

12. Central Bank's capital stock: Amount to be determined by the council; stock to be divided into $50 shares, to be subscribed by the chairman of council on behalf of the United States.

13. Central Bank authorized to make loans to consumer cooperatives and, provided half of their capital needs are pledged by consumers' cooperatives, to producer cooperatives.

14. Loans shall bear a rate of interest no higher than 6 percent per annum. One hundred percent collateral required.

15. Borrowers must own stock in the bank to the extent of 5 percent of the loan for which they apply or pay equivalent amount into the bank's guaranty fund.

16. Central Bank authorized to issue debentures up to five times paid-in capital and surplus and secured by equal amount of collateral consisting of cash, "direct obligations of the United States, or notes or other obligations discounted or purchased or representing loans * * *."

17. Each bank for consumers' cooperatives set up like central bank, board of directors initially appointed by the governor. Chairman of board appointed by governor and to act as executive officer for compensation set by Governor with approval of council's chairman (secs. 18 and 19 of draft).

18. Amount of each bank's capital stock to be determined by Governor and to be divided into shares of $25 each (sec. 20).

19. Banks authorized to make loans to consumer and producer cooperatives under same conditions as central bank (sec. 21).

20. General powers and requirements apply to all corporations covered in the act (secs. 22 through 26).

21. Definitions of consumer and of producer cooperatives (quoted in full):

SEC. 27. (a) As used in this act the term "consumers' cooperative society" means any society in which consumers act together in collectively processing, purchasing, wholesaling, and retailing products, commodities, and goods of any description, character, or kind for the ultimate consumption of the persons so organized: *Provided, however,* That such societies are operated for the mutual benefit of the members thereof as consumers and conform to the following requirements:

First. That no member of the society is allowed more than 1 vote because of the amount of stock or membership capital he may own therein;

Second. That no member of the society is allowed to cast his vote by proxy;

Third. That membership shall be open to all applicants able to pay the membership fees as provided in the bylaws of the society;

Fourth. That the society shall not supply products to nonmembers to an amount greater in value than such as are supplied by it to members;

Fifth. That the surplus earnings of the society after meeting all costs and providing for such reserve benefit and other funds as the members may elect to establish, shall be returned to the members in proportion to their patronage; and

Sixth. That the society shall not give dividends on stock or membership capital in excess of 5 percent per annum.

(b) As used in this act, the term "Producers' Cooperative Society" means any society in which persons act together in collectively producing, manufacturing, fabricating, or processing or preparing for market and marketing products, commodities, and goods of any description, character, or kind: *Provided, however,* That such societies are operated for the mutual benefit of the members thereof and conform to the following requirements:

First. That no member of the society is allowed more than one vote because of the amount of stock or membership capital he may own therein;

Second. That no member of the society is allowed to cast his vote by proxy;

Third. That the society shall not deal in the products of or supplies for nonmembers to a greater value than such as are handled by it for members;

Fourth. That the society shall not employ the services of nonmembers except in cases of emergency;

Fifth. That the surplus earnings of the society after meeting all costs and providing for such reserve benefits and other funds as the members may elect to establish, shall be returned to the members in proportion to the value of the products which they have supplied to the society; and

Sixth. The society shall not give dividends on stock or membership capital in excess of 5 percent per annum.

NEUTRALITY LEGISLATION—INDIFFERENCE—THE NEW INSURANCE AGAINST WAR

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of neutrality legislation.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICHARDSON. Mr. Speaker, can we stay out of the next war? We should all be thankful that at last this question is being given the attention it deserves by the American people. Throughout the entire country public opinion is urging some action upon the Government, and the result has been the introduction of numerous bills in the Congress which are popularly termed "neutrality legislation."

The proposals contained in this so-called neutrality legislation are startling in their revolutionary character and far-reaching in their possible effect upon the fundamentals of American foreign policy. It is perhaps well at this time to reexamine America's position and the various suggested plans of action.

Every thinking person today, especially if he be old enough to have witnessed the World War, realizes that the greatest threat to our national well-being and to civilization itself is the threat of another world conflict. Another world war would probably destroy the last vestige of democracy in Europe. It would tear down all post-war progress toward economic recovery made in that part of the world. It would threaten the national economy and the political institutions of the United States with destruction.

Today there is a general feeling that the world, especially the Old World, is drifting toward another great war. The American people have suddenly become alive to that possibility, and many of them are rushing to Washington, almost in panic and hysteria, to seek protection from an impending calamity through governmental action. They realize that if war comes, it will be tremendously difficult, in this modern, interdependent world, to keep America from being involved. But they want to be kept out and "want something done about it" at once.

Perhaps we are waking up just a bit late. We have had ample opportunity to "do something about it" since 1918. Rightly or wrongly, we have since the war refused to join any cooperative organization for keeping the peace among na-

tions. In the face of an impending world war, we seem to be as helpless as we were in 1914.

If war threatens tomorrow, we find ourselves practically without any instrument of action in the international field. We can make no official protest as a member of any international organization. Under our policy of isolation we have tied our hands as far as effective cooperative action with other nations to prevent war is concerned. In order to protect ourselves from war, we find that we must act alone.

There seem to be two ways of trying to prevent war:

I. BY COOPERATIVE ACTION

This method involves the joining or associating with an organization or group of nations for the purpose of taking united action to prevent war or to prevent its spreading after it has broken out. It contemplates positive action on the part of neutral nations against belligerents. In practice, it logically develops into a method of discouraging aggressors and protecting the nation which is being attacked.

II. BY SINGLE ACTION

This method involves the setting up of as many lightning rods as possible in the hope that there are enough to prevent the lightning from striking the house. It might be said that this method contemplates negative action. At all events, it is a policy of never taking sides, no matter how serious or vital the issue. It is not totally unlike the practice of the ostrich when danger threatens.

The United States has not adopted the first policy—that of cooperative action. A representative body of the American people has turned down all recommendations made by five successive Presidents—Wilson, Harding, Coolidge, Hoover, and Roosevelt—that this Nation adopt a policy of international cooperative action. We still stand alone.

What, then, can we do to prevent our becoming involved in war by our own single action?

The suggestion is now put forward that Congress pass neutrality legislation which will enable the President to keep the Nation out of war. The theory behind this suggestion is that it is possible, through domestic legislation, to so isolate ourselves in wartime that we cannot become involved. Congress is asked to pass legislation which will keep us neutral at all times, thereby preventing our being drawn into any armed conflict.

That is asking for a very big order. But we in Congress are not surprised; we are prepared for anything. It has become a national habit in our country since the war to say, "Pass a law about it", just as though "passing a law" were an easy and final solution of every problem. After amazing results at home, this "pass a law" cure-all remedy is now to be prescribed for foreign ills.

We in Congress have tackled that job. We have had advice—good, bad, and indifferent—from every quarter. We have been bulldozed by organizations and individuals, many of whom not only do not know what they want, but have never even taken the trouble to look up the definition of neutrality.

It is very unfortunate that this legislation should have been labeled "neutrality legislation." The purpose of the contemplated legislation is to keep us out of war and should be called "domestic war-prevention legislation."

NEUTRALITY

Neutrality has two meanings: In one sense it means a policy; in another sense it means a status which attaches to a nation at peace in time of war.

The policy of neutrality means the policy of refraining from interference in a contest. It is the policy of a nation of not taking sides and not lending aid to either nation engaged in a war.

The status of neutrality, on the other hand, is that status attaching to a neutral nation under which it has certain rights and obligations in time of war. A neutral nation, for instance, has had the right to sail the seas unhindered except in blockade zones; to travel on peaceful errands to and from countries at war; to sell goods which are not contraband to belligerents; and, generally, to act along lines approved by international law and the custom of nations.

The position of those who are now advocating domestic legislation seems to be that we should adopt, as nearly to perfection as possible, a policy of neutrality, and also sacrifice as many of our rights as neutrals as may be necessary in order to keep us out of war.

The effectiveness of such legislation is based, first, upon the assumption, correct or otherwise, that in a fight a mere bystander never gets hurt; and, second, upon the supposition that it was our insistence upon neutral rights as against German submarine warfare which brought us into the World War.

These mixed ideas of neutrality run throughout the different forms of legislation now being brought before the Congress. All of these proposals seek peace through domestic legislation which defines and limits our position as a neutral in time of war.

THE PROPOSED LEGISLATION BEFORE CONGRESS

History has few instances of a solo flight into the nebulous realms of neutrality such as is contemplated under the terms of this proposed neutrality legislation. It is not often that a nation adopts a lone policy of forfeiting and limiting in advance its rights as a neutral, seeking thereby to better its chances of staying out of war. To take such action in conjunction with other nations is nothing new. But for a single nation, acting alone, to adopt this policy as a practical method of keeping out of war is not only unusual; it is almost revolutionary. Nevertheless, the various bills now under consideration in Congress all point toward the adoption by our Government of this unique procedure.

All of the so-called neutrality bills which have been introduced in the present Congress are based on the belief or fond hope that a nation acting alone can prevent its being dragged into war by passing domestic legislation limiting or terminating its various contacts with nations at war.

We find a great many bills before Congress dealing with this subject. There is the McReynolds-Pittman bill, which has now been reported out and is generally considered to have the blessing of the administration. This bill shows evidence of hard work, careful thinking, and thorough preparation. Then there is the bill sponsored by those gentlemen who charge the great peace-loving President, Woodrow Wilson, with perfidy, and assert that munitions makers and greedy financiers caused that President to lead us into the World War. We also have the sweeping Ludlow bill and others.

Throughout the various bills we find numerous provisions and sections upon which the sponsors are in more or less general agreement, and which are reasonably certain of being included in such legislation as may be finally enacted.

All seem agreed to continue munitions control. This provision sets up governmental machinery to supervise and control the manufacturing and international traffic of arms and munitions through a system of registration and license. This is a wise and practical measure and a distinct step forward.

Another section lays down the general rule that in time of war American citizens should be made to travel on belligerent vessels at their own risk.

A further section provides that if American citizens trade with warring countries or their nationals they may be made to do so only at their own risk. In some bills this rule is mandatory; in others, at the discretion of the President.

Submarines of belligerent countries may be excluded from American waters in another section.

By another provision it is sought to make certain that no ships shall carry arms, fuel, supplies, and materials from American ports to belligerent warships.

In another section it is provided that warring countries cannot finance their wars in the United States by selling bonds or floating loans in this country.

The present law forbidding the sale and export of arms, ammunition, and munitions of war to belligerents is to be continued as a part of the new legislation.

The foregoing provisions are not considered to be seriously controversial, and, in one form or other, seem quite certain of inclusion in such neutrality legislation as might be enacted.

CONTROVERSIAL PROPOSALS

Now, however, we shall consider the controversial proposals. The great majority in Congress agree that there

should be an embargo upon the shipment of arms and implements of war to belligerents. But what shall we do about other materials and commodities which are also essential in the waging of war? In truth, in modern warfare cotton, iron, steel, tin, oil, rubber—in fact, almost all goods and raw materials—are indispensable to the fighting countries. During the World War Great Britain placed all of these articles and many more upon the contraband list and sought to prevent their shipment into Germany. The United States followed suit after it entered the war. Even wheat and foodstuffs have been classed as contraband.

How far, if at all, shall we go in embargoing these materials and commodities? How far may we go without destroying our own trade and economic well-being? How far could we go without inviting retaliation by foreign countries? These are serious questions affecting all of our citizens.

Some say, with sweeping gesture, "Embargo all goods to belligerents. Let them starve if necessary. We can make up our loss to shippers and exporters through taxation." Others say, "Limit the belligerents to quotas based on their average normal peacetime trade with America." Then, again, we hear, "Don't monkey with the buzz saw! The embargo of materials and goods will be much more likely to get us into a war than to keep us out. And, furthermore, we should run great danger of destroying our peacetime commerce. Also, if we refuse to sell during a war, we shall find after the war is over that other countries have stolen our markets."

These proposals to embargo materials and commodities are highly controversial. No one seems able to foretell what result might follow the passing of such legislation. The more study given to the problem, the more complicated and intricate it becomes, which seems an excellent reason for eliminating the proposals from the bill.

TREAT THEM ALL ALIKE!

And now we reach the most important and most significant of all the provisions in the suggested neutrality legislation. This provision states that—

> Any embargo, provision, or restriction * * * shall apply equally to all belligerents.

This, on its face, seems to be a most just and proper provision, and, therefore, for the best interest and welfare of the United States. But is it?

Immediately we hear from those who would in no case have the embargoes and restrictions apply to nations in the Western Hemisphere. "How about the Monroe Doctrine?" say they. "Shall we allow foreign countries to attack South American and Central American countries and give them our blessing? Shall we permit an attack upon Canada by some powerful foreign nation and watch our good neighbor being conquered without furnishing her with even the raw materials and commodities necessary for her people, let alone arms and implements wherewith to defend herself? Shall we wait until she is beaten, and then try to defend ourselves against her powerful conqueror along that great undefended and unmilitarized Canadian border? Or how about Mexico under similar conditions?"

Food for thought? Yes; and perhaps at the very least a good reason for an amendment.

But let us examine this provision more carefully. There is no doubt but that it is the very heart of the whole question. It is the core of the neutrality apple. In it is contained the whole philosophy of the new neutrality doctrine. "Embargoes and restrictions must be applied equally to all belligerents." This provision is both logical and essential if one accepts this type of legislation as a guaranty of peace. All belligerents must be treated alike.

Make no distinction between belligerents. When two nations are fighting, treat them both alike. Right or wrong, just or unjust, good or evil, aggressor or victim, Christian or heathen, yellow or white, tyranny or democracy, master or slave, strong or weak—what is the difference? Treat them all alike. Yes even friend or foe, for this kind of neutral must not have friend or foe, but must place all belligerent nations in a sort of submoral, yellow, twilight zone of equality. All are to receive from civilized America exactly the same consideration and be equally honored.

To those who wonder whether we should place America in a position where she is unable to side with the right, certain legislators would probably say, as did Lenin, and Trotsky before him:

> Don't be sentimental and old-fashioned. Right and wrong are purely relative terms.

It is true, of course, that such legislation has no moral basis. It is purely practical. It seeks to save our hides; not our souls.

POSSIBLE EFFECTS OF NEUTRALITY LEGISLATION

Beyond doubt, the kind of domestic legislation now suggested is a very radical departure from all our previous methods of seeking to prevent war. We are, however, justified in adopting even this unique type of legislation if it tends to keep us out of war. This test, therefore, should be applied to every provision and every proposal contained in the various bills. And in considering whether such proposal is likely to keep us out of war we should consider not only whether it may do so temporarily during a sudden outburst, but also whether it would be effective as a permanent policy to prevent our becoming involved in war.

This proposed legislation should, therefore, be examined carefully. It is very serious legislation affecting all of us. None of it should be enacted into law unless we feel sure it will carry out its purpose. In no case should a provision be mandatory unless we are sure it will accomplish its objective. If we are not sure, then whatever power is given should be discretionary.

Let us, therefore, first, examine some of the separate provisions of the bills to see whether they are likely to carry out their peaceful purpose; and, second, examine the general policy and theory contained in this type of domestic legislation to see if the adoption of such policy and theory would tend to insure us against war.

There is much in these suggested proposals that is good. Many of the provisions which have been previously referred to as noncontroversial should be of great assistance in helping us to steer a safe course if suddenly confronted with a wild outbreak, such as the World War.

(a) The control of the manufacture and export of munitions is excellent.

(b) It might also be very wise, under certain circumstances, to warn our citizens that if they travel on belligerent ships or trade with warring nations, they must do so at their own risk. On the other hand, it might be well to remember that what we Americans should like to see is a world in which it is safe for people to travel at all times. To announce in advance that if the safety of our citizens is threatened while they are abroad, we shall do nothing about it but shall abandon them is hardly a way of making the world safe for American travelers or traders.

(c) The exclusion of belligerent submarines and the prevention of the use of our ports as a base of supply for belligerent warships should assist in avoiding awkward situations.

(d) The proposal to close our financial and investment markets to warring nations, especially at this particular time when funds for investment are increasing in this country, seems at least prudent. Most of the European nations against whom this prohibition would apply are, however, already excluded under the terms of the Johnson Act. Whether this should be a permanent American policy is, of course, another question.

THE EMBARGO OF MUNITIONS

(e) The proposal to forbid the sale of arms, ammunition, and munitions to nations at war expresses the abhorrence of the American people of the practice of hastening killing in a conflict by selling instruments of death to belligerents. It is a concrete expression of America's strong feeling against war, which all of our people share. This proposal cannot be dismissed, however, without considering certain possibilities which might arise.

Such a general policy might encourage world armament. Many countries, especially the smaller ones, do not manu-

facture their own arms and munitions, and count on being able to buy them if faced with warfare. If they no longer had that assurance, they would be forced to build complete arms and munitions plants of their own. This policy, therefore, might encourage armament everywhere, and might build up each nation into a fortress bristling with arms, which is hardly a situation conducive to the insurance of world peace.

On the other hand, some nations would be unable to build their own munitions plants. These nations, therefore, would be helpless against a powerful nation which possessed the money, resources, and patents wherewith to equip itself fully with arms, gas, and all the many weapons of modern warfare.

In this way we might encourage a fully armed nation to attack a weaker one now unprepared for war. If such aggressor knew in advance that its victim could not buy arms after the war started, it might hasten to the attack. Thus imperialistic nations could wage aggressive warfare upon weak, unprepared nations with impunity.

We are not interested in encouraging our munitions plants to sell munitions abroad. But if this legislative provision prevents such sale, would it have any effect upon our own plans for defense and preparedness? The enforcement of this provision would probably end all peacetime sales to foreign countries by our factories engaged in the manufacture of arms, airplanes, and munitions of war. If foreign countries felt that they could not renew their supply from American manufacturers in time of war, they would stop buying from them during peacetimes. If these manufacturers could not exist without foreign trade, then the American Government would find it necessary to subsidize them or build Government factories to replace them. God forbid that this Government and every other government should be forced to build government-owned war material plants and officially enter the armament business. When that happens we shall see such an armament race as might well destroy the wealth of the world. American efforts should always be directed in the other direction—that of world disarmament.

When we speak of preventing the selling of war materials it might also be well to remember that without foreign equipment our great Army would have been entirely unable to operate in 1918, although we entered the World War in April 1917.

An analysis of the possible effects of even this worthy legislative provision is somewhat discouraging, and discloses probable developments not exactly pleasant. The situation would be altogether different if all nations would agree not to ship arms to an aggressor. That would be a tremendous deterrent to aggressors. But remember that this legislation contemplates that we do not handicap an aggressor. Aggressors and victims are to be treated exactly alike.

THE EMBARGO OF MATERIALS

(f) The proposal to extend the war embargo to materials and commodities which may be used in the conduct of war, such as cotton, oil, iron, and so forth, deserves very careful examination.

A total embargo, which is advocated by some people, would be most serious. Foreign countries would not buy from us at all if they knew they could get nothing during wartime. They would seek other markets, even in peacetimes. What then would happen to the cotton-producing South, which is dependent for a living on the export of cotton, if it lost its market to Egypt and Brazil?

The quota system of exports is hardly a guarantee against war. Would German submarines in the World War have refrained from sinking ships laden with quota cargoes? Would England have allowed our goods to go through to Germany because they were quota goods? Hardly! Quotas would not have solved our difficulties in the World War.

Even under a quota system of exports it is well to consider what might be the effect on our peacetime trade. A foreign country is not likely to patronize a market wherein the seller says, "Sometimes I shall sell to you all that you wish to buy. At other times I shall limit your purchases by an act of Congress." Under such circumstances a foreign country would be likely to seek other markets or try to build up economic self-sufficiency within its own borders. Such practice encourages economic isolation and nationalism throughout the world.

Advocates of this embargo provision would say, "Sacrifice all of our trade rather than kill one of our citizens in war."

Certainly life is more important than trade, and we should be willing to run the risk of losing trade under the proposed embargo provision if it seemed a practical measure to keep us out of war. On the other hand, we hear none of the sponsors of this provision advocate the economic destruction of the city of Detroit as a practical means of preventing automobile accidents, which are taking the lives of our people more rapidly than did the guns of the enemy during the Great War.

History teaches that an embargo is a two-edged sword. If we place embargoes against nations, we can be sure that they will retaliate with embargoes against us. We produce no high-quality tin, and we could not wage war without tin. We need to import other commodities, such as rubber and manganese. To be deprived of some of these commodities might render us defenseless in time of war.

The proposed embargoes would be a breach of most of our present trade treaties with foreign countries. If authorized by law, we would have to start negotiations for the cancelation and rewriting of practically all of these treaties.

These are but a few of the possible results which might ensue from embargo legislation. Again we find difficulties which do not appear at first blush. It would seem that we must go very slow in placing mandatory embargoes which might lead us into unforeseen tangles and difficulties.

INTERFERENCE BY LEGISLATION

Throughout our history the conduct of our foreign affairs and treaty-making powers have been vested in the President and the State Department. We in Congress do not wish the President to interfere with our legislative functions. Why, then, should we interfere with his Executive functions? He and the State Department are as patriotic as other peace-loving Americans and know infinitely more about the international situation. Wisdom requires that we keep the President as free as possible in the carrying out of his constitutional powers.

DISPUTES BETWEEN NATIONS

It is naively simple but entirely accurate to say that international disputes cause war between nations. As long as there are separate sovereign nations in this world there will be international differences. America will continue to have differences with other nations. It is inevitable. But it is not inevitable that international differences must be settled by war. The effective way to make war less likely is to help build up and encourage peaceful means of settling international disputes. Naturally and logically that means dealing with foreign nations and cooperating with them. This has been the world-wide method encouraged and supported by American leaders before and since the World War.

ISOLATION

Has this movement been wrong? Is it all a mistake? Must we now adopt a neutrality program of indifference which refuses to distinguish between the nation in the right and the nation in the wrong? The philosophy of the present neutrality movement is the philosophy of isolation. Isolation is not the philosophy of freedom. A very complete state of isolation is slavery. A most complete form of isolation is death. A nation can reach the latter state of perfect isolation by committing suicide.

INDIFFERENCE OR COOPERATION

To guard against being involved in war by legislation is difficult. To do so by domestic legislation is almost impossible. The best guarantee of peace is the preservation of free institutions. Autocracy breeds war. Democracy fosters peace. It is only in a world of free nations, in which the power of government is held by the people who pay the price of war, that we can look for real cooperation to prevent war. Peace for us in America can best be preserved by stressing our faith and belief in free institutions and by keeping the American Government free to take every possible action to

protect and preserve those free institutions in the international field. Our safety lies in maintaining interest in and not indifference to the principles of liberty, freedom, and democracy at home as well as abroad.

If we wish to keep America at peace the policy to adopt is one of positive action. Indifference and apathy are not weapons of defense. A free country in order to survive in the present-day world—where free institutions are threatened with destruction by the growth of aggressive autocracy, and where the act of every nation is bound to have its effect upon every other nation—must be ever willing to protect and defend free institutions by every available instrument of peace or every available weapon of war. American institutions cannot survive if our Government places the national seal of approval on a policy of international cowardice.

Some problems are not so simple as to admit of solution by enactment of domestic law. Conditions change, especially in the international field, and some situations must be met as and when they arise. In order to meet them successfully it is necessary that they whom we have authorized to act for us should have freedom of action.

It is quite proper and desirable that we should enact domestic legislation to protect ourselves against the shock of a sudden war. Such legislation is good emergency legislation. It may be wise to give the Executive the power to impose an embargo on arms and perhaps even materials of war, and power to forbid war loans, and to curtail the movement of our citizens and ships in time of war. But as far as possible, this power should be permissive and discretionary. We should not place the President and State Department in a strait-jacket while conducting our foreign affairs. To do so would be more likely to involve us in war than preserve the peace, which is the hope of all American citizens.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1937

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10630) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. DOUGHTON in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

For reimbursable loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools, including colleges and universities offering recognized vocational, trade, and professional courses, in accordance with the provisions of the act of June 18, 1934 (48 Stat., p. 986), the unexpended balance of the appropriation for the fiscal year 1936 is continued available until June 30, 1937: *Provided*, That not more than $50,000 of such unexpended balance shall be available for loans to Indian students pursuing liberal-arts courses in high schools and colleges.

Mr. MAVERICK. Mr. Chairman, I have no especial interest in the Indians. I know very little about Indians, except what I have seen by going through the reservations and from a more or less superficial study. When I came into the House yesterday I saw what I thought was poor treatment of the Indians, more or less "scurvy" treatment. It seemed to me it was cruel and thoughtless treatment, productive of nothing but destruction for them and more expense later for this Government. For many years they have been treated this way by previous administrations. The fact is notorious. So I got the help of some people—I guess the Republicans would call them "brain trusters"—some people from the Department of the Interior, Indian Service. I looked through records last night and studied about Indians, and dreamed about them. Some of them scalped me in my sleep; but it was only a dream. Let us not consciously and wide awake scalp the Indians. Permit me to refer to some things that went in the RECORD yesterday, because I think that by passing the McGroarty amendment we made a serious mistake. That was hasty action, and we should reconsider.

REAL FACTS CONCERNING INDIAN SERVICE

For instance, as it is, on page 1282 of the RECORD, the gentleman from Pennsylvania [Mr. RICH] asked the following question of the gentleman from Michigan [Mr. HOOK]:

Can the gentleman tell us how many of Mr. Collier's relatives and family are employed in that Bureau and drawing down big salaries?

To this the gentleman from Michigan [Mr. HOOK] replied:

I do not know.

The answer to this question is that Mr. Collier has no relatives whatsoever in the Indian Bureau. Innuendoes of this kind, however, destroy good legislation. No accusation had been made that Mr. Collier did have any relatives employed in the Indian Bureau; but such was the innuendo, and it creates prejudice against this act. Mr. Collier, by the way, is one member of the administration who is of outstanding ability, who does his duty, and has been a friend of the Indian for many years. He deserves praise instead of insinuation and innuendo.

The gentleman from California [Mr. MCGROARTY] said, as appears on page 1279 of the RECORD:

Why, they have 7,300 employees in the Indian Bureau—1 for every 40 Indians in the United States.

The answer to this is that the regular employed force of the Indian field service, including Alaska, is 5,756, of whom 1,862 are Indians—that is, Indians on the reservation, who have very small jobs, from which they receive very small remuneration. This total consists of 2,470 school employees and 1,401 health employees. The remainder are superintendents, forestry, extension, and irrigation workers, and the clerical forces in 95 field headquarters stations. I have made no extended research, but the administration of Indian affairs seems to have a very few officers at the top. Most of those on the pay roll are actual workers—teachers and health employees doing worth-while and essential work.

These people are working on conservation projects all over the West and are doing a good and an essential work in preserving the land for the benefit of the Indians, but not only for the benefit of the Indians, for the benefit of ourselves, the people of this country, the taxpayers, who will have to support these Indians if this land is destroyed and the Indians are then unable to support themselves. The whole program is for the purpose of making the Indians self-supporting.

At the Washington office there were employed in 1935 only 165 persons, which include the Commissioner and Assistant Commissioner, chiefs of all departments, the attorneys of the Bureau, and the clerical forces which operate the far-flung Indian-property guardianship.

The idea has gotten out that there are over 7,000 employees in the District of Columbia. This is not so. There are only 165 employed here.

The Federal Indian Service carries out for the Indians all of those services carried out for the whites by the Federal Government, plus the State and county governments and the municipal and school governments. You will understand the Federal Government bears the entire burden.

You will understand the various cities and counties and other governmental subdivisions do not recognize and should not recognize the Indians. To repeat, all of this burden must therefore be borne by the Federal Government.

I must remind you that 70 percent of the Indian Service men and women are engaged in nursing, medical ministration, teaching, and other direct necessary human services. The ratio between employed persons and the number of Indians is not greater than the ratio between employed persons and the number of whites when the Federal, State, and local branches of Government are considered. If the Indian Bureau were abolished, all of these services to Indians would be thrown upon the local branches of government, which

would refuse any assistance. This means the Indians would be left unserved.

HUMANITY AND COMMON SENSE DICTATE DECENT TREATMENT TO INDIANS

Mr. Chairman, from the view point of humanity we have to do this work; but aside from the humanitarian feature and using just good business sense, which the Republicans claim we have not got, but, repeating, just from a good sound business viewpoint, we are going to have to bear much greater expense later on if we do not act wisely now.

Mr. DISNEY. Will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from Oklahoma.

Mr. DISNEY. Has not this service got to be rendered, and unless we do it with this Department have we not got to make an appropriation for some other department to do this work?

Mr. MAVERICK. Yes. If we do not do this work now we will have to do it through some other department, and if we do it at all it is going to cost us 10 times more later on, of course.

Mr. Chairman, we always refer to the gentleman from California [Mr. McGROARTY] as that lovable poet from California. Of course, the gentleman from California [Mr. McGROARTY] is not lovable all the time. He sometimes says things that are not so lovable. I get tired of the Democrats talking about how lovable is Mr. McGROARTY and I get tired of the Republicans talking about the evils of bureaucracy without giving any definite facts.

[Here the gavel fell.]

Mr. MAVERICK. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

RUSSIANS, TURKS, AND MEXICANS

Mr. MAVERICK. Mr. Chairman, this is old stuff dug out of the grievance committee hearings of the House committee of last year and repeated with no reference to essential facts which were completely established in these hearings. Nobody from Mexico was sent for to reorganize the Indian schools. Dr. Moises Saenz, an eminent educator who had created the cooperative and largely self-sustaining rural schools in certain areas of Mexico, was invited to come to the United States for a period of 3 months to make observations and report them. He had no administrative functions whatever. I happen to know Dr. Moises Saenz. He lived in a State next to me, Nuevo Leon, Mexico. He was Minister of Education for the Republic of Mexico at one time, also Governor of the State of Nuevo Leon, Mexico, and he came over here for 3 months only. That disposes of the Mexican issue. That was one Mexican who came to the United States, a highly intelligent, educated man, and one who speaks English as well as anyone in this Congress.

NOBODY SENT FROM TURKEY OR RUSSIA

But Mr. McGROARTY is still more wild in other assertions. Nobody was sent for from Turkey or Russia to survey or reorganize the land or for any other purpose. I have looked the matter up, and I find that there is only one man, named Dr. Richard Shevky—a Russian-sounding name—formerly of Leland Stanford University, who was born in Turkey but a resident of the United States since about 1918, married to an American woman. He is the only one anyone could possibly be referring to. This gentleman is not in the Indian Service at all, but in the Soil Conservation Service of the Department of Agriculture. This gentleman is endeavoring to give technical education as it applies to soil conservation and not with reference to Indian organizations.

Mr. BURDICK, page 1280, entirely misdescribes the self-government feature of the Indian Reorganization Act. Now, get this: The Indian Bureau, in the absence of the act, has the right to dictate tribal organization or prohibit it. In other words, in the absence of this act they can dictate to the Indians, but with this act they cannot dictate anything. The act is not compulsory on the Indians. In the absence of it they can make them do it, and with the act they cannot.

It has been stated that the Reorganization Act was primarily for the benefit of the Indians. Of course, it was for the benefit of the Indians. Why should we not legislate for the benefit of the Indians? They have a right to the same decent service from the Congress of the United States as anybody else. We legislate for the benefit of the other people of the United States. We should legislate for the Indians in order to make them self-supporting, good citizens, and healthy, so they can live on their reservations, where they will not be a burden on the other people of the United States. Take the agricultural loan system. That was devised so that they can make their lands productive, so that they can keep their soil fertile and conserve it. This is the reason for the Indian Reorganization Act. It enables them to operate their own reservation lands and not be exploited by white men on the outside.

MAJORITY OF EMPLOYEES TEACHERS, DOCTORS, NURSES, AND WORKERS

As I previously stated, a large majority of these Indian Bureau employees are school teachers, who are giving as good service as is given in the elementary schools of the United States. They are school teachers—they are not bureaucrats—and I get so tired hearing about bureaucrats. The doctors and nurses who are serving the Indians are not bureaucrats. Whenever a Member has not anything else to say he picks on the word "bureaucrat." It is like a second lieutenant in the United States Army. When they cannot think of anyone else to bawl out they holler, "What the 'hell' is the matter. You have the butt of your gun left."

Mr. Chairman, we should go into this matter in a scientific way.

Mr. BURDICK. Will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from North Dakota.

Mr. BURDICK. Does the gentleman understand that the Indian Reorganization Act, placing authority in an Indian committee to handle the business of the community, is not subject to the control of the Bureau?

Mr. MAVERICK. Yes; if they accept it voluntarily. They accept the superintendence of the Bureau; but in the absence of the act it is compulsory. They can make the Indians do whatever they want them to do. If the Indians accept the act, they have certain joint responsibilities, as I understand the matter.

Mr. BURDICK. Perhaps I did not make myself clear. We will suppose they have the Indian organization set up, the community being controlled by representatives elected by the Indians, creating Indian self-government. My question is, after the organization is set up, can the Indian Bureau discharge the committee at their, the Bureau's, will?

Mr. MAVERICK. They cannot.

Mr. BURDICK. The Commissioner says they can, and I think so, too.

INDIAN REORGANIZATION ACT EXPLAINED

Mr. MAVERICK. The Indian Reorganization Act was passed in June 1934, and was submitted to all the tribes except in Oklahoma, which was excepted by the act. The act provided that the tribes should vote to accept or to reject it. One hundred and seventy-six tribes accepted the act and are now living under it. I will briefly explain, in answer to the gentleman from North Dakota, that one part of the act deals with Indian local self-government. When a tribe that has accepted the act is ready to organize under it, a constitution and bylaws are adopted by a majority vote of the adult members of the tribe and approved by the Secretary of the Interior. Thereafter under the terms of the act no executive official, not even the President, has power to rescind or even amend the constitution except through a majority vote of the tribe itself. The committee or governing body of the tribe, under its constitution, is elected by the tribe and is subject to removal by the tribe alone. Considerable powers are given to the organized tribe by the act, and in addition, I am informed, the Interior Department in the constitutions surrenders to the tribes various additional authority which under existing law can be delegated by the administration to the tribes.

After a tribe has organized under the act it then can go further and make itself into a chartered corporation with still broader powers for action in the business field.

I find on page 737 of the printed hearings on this appropriation bill a complete statement as to the actions by tribes in accepting or rejecting the act and in organizing or proceeding to organize under it. These printed hearings contain in full a sample tribal constitution already adopted by a tribe, confirmed by the Secretary of the Interior, and made effective. It is the constitution of the Flathead Tribe of Montana, and I refer Members of the House to this precise and elaborate document.

The Indian Reorganization Act contains a great deal more than the self-government features. The fundamental purpose of the act is to stop the further wastage and pilfering of the Indian properties. The act repeals the ruinous and infamous Allotment Act of 1887 for all those tribes that have voted to come under the new law. Through the Allotment Act the Indians of the United States have been deprived of no less than 90,000,000 acres of their best land in the past 49 years. Over a hundred thousand of the Indians have been made totally landless and homeless and have been cast into utter poverty through the Allotment Act. That act is repealed by the Reorganization Act, and the act further recognizes that it is a matter of good business, as well as good conscience, for the Government to restore to these landless Indians enough farm and grazing land so that they can make a living through their own efforts. In addition, the act has set up a farm-credit system for Indians, because without credit, heretofore denied them, obviously the Indians cannot stock their land and farm it. Further the act provides educational loans to enable Indians to go ahead and equip themselves for agriculture and for the professions through attending colleges and vocational and professional schools.

THE NEW POLICY COMPARED WITH THE OLD

In sum, the Indian Reorganization Act has reversed the historic policy of our Government toward Indians. That historic policy was the Indian property must pass to whites; that Indian organization must be repressed or prevented; that Indian family life must be dismembered through land allotment and through compulsory confinement of Indian children in institutions remote from their homes. The historic policy has taken it for granted and has decreed that the Indians as a race must die. The new policy, which is embodied in the Indian Reorganization Act, seeks exactly the opposite results. The new policy says that Indian property shall not pass to whites; that Indian organizations must be encouraged and assisted; that Indian family life must be respected and strengthened; and that the Indian as a race must not die but shall be allowed to live and to increase.

Many interests have been antagonized by the Reorganization Act and by the administration which is faithfully applying that act. These include those interests which have been confidently expecting to gain possession of the remaining Indian lands and trust funds. They include cattle interests and sheep-grazing interests which until now have been occupying many millions of acres of Indian land and which are being displaced in order that the Indians may run their own stock on their own lands and not be encroached upon by exploiting white trespassers. They include timber companies which are outraged by the policy that Indians shall be encouraged to log and mill their own timber instead of selling the stumpage to whites. And they include elements of the population of these United States who believe that Indians are incurably inferior and that they cannot make use of opportunity and are too worthless even to be entitled to the rights guaranteed under the Constitution. These elements have attacked the Indian Reorganization Act since the day it became law, and their campaign has climaxed in the vote of this House, which if it stands unchanged will paralyze the Government's guardianship activity in behalf of Indians and demoralize the educational and medical services being rendered Indians by the Government.

TESTIMONY OF COMMISSIONER COLLIER

Mr. Chairman, I have read with some care the printed testimony of Commissioner Collier given before the subcommittee of the committee of this House dealing with Interior Department appropriations. That testimony is lengthy, and I cannot in my brief time today summarize it. The testimony is supported by numerous statistical tabulations. It reveals the striking fact that the Washington office of the Indian Service, with manpower severely cut since 1932, is carrying a load of work three times multiplied since 1932. This testimony fully develops and supports the Indian policies of this administration. It shows the all but unbelievable poverty of the great majority of the Indians, and it shows that this poverty is the direct and the recent result of those earlier policies which were superseded by the Indian Reorganization Act.

The testimony shows what measures are now under way to revest the landless Indians with land, to organize them for self-help on their lands, and to extend to them with genuine effectiveness the privileges of American citizenship which have been denied them until now. I find in these hearings and in the annual report of the Commissioner a detailed and highly interesting description of those new Government day schools for Indians in Oklahoma, in New Mexico, in Arizona, and in South Dakota, which are crowded all day with Indian children and every evening with grown Indian men and women, and which are giving to the Indians a knowledge of the English language and a mastery of the practical matters of soil, grass, animal husbandry, hygiene, and trade, upon which their success in life depends. This same testimony reveals the grave situation which as yet prevails in Indian health—a death rate twice that of the white population, a tuberculous death rate eight times that of the whites, and more than 30,000 Indians suffering from infectious and blinding trachoma. If we have any humanity, we will protect the Indians, and if we have any sense at all we will protect ourselves from devastating expansion of disease and epidemics among the rest of the population of the United States. And the testimony describes with fulness the medical and health drive which the Government is now conducting to meet the unfair and miserable conditions. I wish that Members of this body would take the time to read Commissioner Collier's testimony. I venture to say that none who do read it will join with those seeking to destroy the Indian Service and thus to destroy the Indians.

The yesterday's vote in the House struck at the District of Columbia pay roll of the Indian Service. Necessarily the guardianship of Indian properties centers at Washington. The direction not only of property operations but of health, schooling, forestry, irrigation, agricultural extension, and the relief of Indian distress is all covered within the District of Columbia pay roll. The blow struck at the District of Columbia pay roll has been designed to impair and even destroy the entire Federal guardianship over Indian property and those activities of assistance and upbuilding upon which the entire hope of the Indian race is now dependent.

[Here the gavel fell.]

Mr. MAVERICK. Mr. Chairman, I ask unanimous consent for the reconsideration of the McGroarty amendment at this time.

Mr. BLANTON. The gentleman cannot do that.

Mr. MAVERICK. Yes. I am asking unanimous consent. If there is any objection, that is another matter.

Mr. BLANTON. We will attend to that McGroarty amendment through a vote of the House later.

Mr. MAVERICK. Mr. Chairman, I make the unanimous-consent request. If anyone wants to object, he may do so. I ask unanimous consent for the immediate reconsideration of the McGroarty amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BLANTON. Mr. Chairman, I object because of its importance. When this Committee of the Whole reports this bill to the House we are entitled to a separate vote on the McGroarty amendment, and we then want to have the vote by yeas and nays to see just how many Members will vote for the McGroarty amendment on the roll call. If we reconsider it in this Committee of the Whole we would have no way of getting the vote on it by yeas and nays. I object.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 10 minutes.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I think we ought to have a decisive vote on this McGroarty amendment, which is known as the Taber amendment, when we get back in the House. There were only 57 Members of the House present when the McGroarty amendment was voted on, and here is the amendment:

Amendment offered by Mr. McGROARTY: Strike out "$493,770" and insert in lieu thereof "$25,000."

In other words, this McGroarty amendment, if we do not vote it down in the House and kill it, will take away from the administration of Indian affairs in the United States $468,770 and leave for administration only a small sum that will be wasted. I quote from the speech of our friend the gentleman from California [Mr. McGROARTY]:

If I could, I would deny all these appropriations to the Indian Bureau. It is an infamous thing. It has blackened the history of this Republic with its dirty fingers for 100 years. If we could abolish the thing—

And so forth.

Then the gentleman from California [Mr. McGROARTY] winds up by saying, "They ought not to have a cent." I do not think that he expressed the sentiment of the membership of this House. I quote from the RECORD the result of the vote on the McGroarty amendment:

The question was taken; and on a division (demanded by Mr. McGROARTY) there were 36 ayes and 21 noes.

Only 57 Members voted. Thirty-five Members voted with Mr. McGROARTY to deprive the Government of needed administration expense to care for our Indians.

Is this the sentiment of this House—that you should rob the administration of needed expense to care for Indians, and prevent the Indian—the original American citizen—from having fair treatment at the hands of this Government?

Mr. DONDERO. They are wards of the Government.

Mr. BLANTON. Of course, they are wards of the Government. There are lots of them aged men and women. Many are feeble and decrepit. There are lots of them over 60 years of age. There are lots of them 70 and 80 and even 90 years old, aged and decrepit, in bad health, and they need looking after and they need the protection of the strong arm of this Government around them to keep them from being robbed and pillaged.

Has caring for and looking after them been a disgrace for a hundred years? I know the Indians have been robbed? but it has been the strong arm of the Government that has kept them from being robbed more than they have been.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield for a friendly question.

Mr. MAPES. The gentleman asked if the McGroarty amendment represented the sentiment of the House. Of course, the McGroarty amendment is extreme——

Mr. BLANTON. The gentleman can get his own time. I am sorry I cannot yield. Is the gentleman from Michigan in favor of taking $468,770 away from Indian administration?

Mr. MAPES. Will the gentleman give me just a moment to answer the question?

Mr. BLANTON. Is the gentleman in favor of that? Answer "yes" or "no."

Mr. MAPES. Will the gentleman yield to me to answer his question?

Mr. BLANTON. If the gentleman cannot answer that question "yes" or "no", I do not yield.

Mr. MAPES. I would like to answer the gentleman's question.

Mr. BLANTON. I am sorry, but I will not yield further, except for a "yes" or "no" answer. I may say to the gentleman from Michigan we are going to have a separate vote on this McGroarty amendment in the House under the rule, and we are going to demand a roll call with the yeas and nays. We are entitled to it, and I will guarantee you that my good friend from Michigan [Mr. MAPES], who is a Republican straw boss in this House, will never vote for this McGroarty amendment. He will vote against it, and I do not think there will be many over 30 votes in the House in favor of this McGroarty amendment when we ask the membership to walk up and put their John Hancocks on the dotted line. Why, it is a ridiculous amendment, and I think the House will attend to it properly when the time comes.

Since the McGroarty amendment was adopted as a substitute for the Taber amendment, it is now known as the Taber amendment, so when in the House we call for a separate vote on the Taber amendment, it will be the McGroarty amendment upon which the vote will be taken.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I simply want to make a statement to my colleague the gentleman from Texas [Mr. MAVERICK].

Yesterday, when I asked the gentleman from Michigan [Mr. HOOK], "How many of Mr. Collier's relatives and family are engaged in that Bureau and drawing down big salaries?"—if I for any reason left a misapprehension among the membership of the House, or if I did anything that was wrong to Mr. Collier, I humbly beg his pardon. I did not have any intention of doing him any injury or harm, but upon investigation, if we find that the case is as I thought it was, then I shall ask the gentleman from Texas to call it to his attention.

Mr. MAVERICK. I have made an investigation. Will the gentleman take my word for it?

Mr. RICH. If the gentleman has made such an investigation, then I apologize to Mr. Collier.

Mr. MAVERICK. I thank the gentleman very much. Now everything is fine; the record is straight.

Mr. RICH. I certainly do not want to criticize anybody unjustly.

The Clerk read to line 14 on page 48 of the bill.

Mr. DIMOND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 48, between lines 13 and 14, insert a separate paragraph, as follows:

"For relief of destitution of the Eskimos, Indians, Aleuts, and other natives of Alaska, to be expended under the direction of the Secretary of the Interior, $25,000."

Mr. DIMOND. Mr. Chairman, I am impelled to offer this amendment on account of the grave condition of the natives of Alaska. Examination of the bill will show that it carries no direct item for relief among the natives of that Territory. During the past several years small amounts of emergency appropriations have been allotted to them, and I am informed that the language appearing on page 47 at line 17 with reference to support and education of the Eskimos, Indians, and Aleuts would enable the Department to set aside small amounts from this appropriation to be diverted from the item for supplies; that the word "support" has been deemed broad enough to enable the Department to take some of the money appropriated for supplies and give it to the destitute Indians in form of supplies.

But I know from my own personal knowledge that the amounts that may be set aside for the relief of these poor Indians has been sadly insufficient.

I have in my hand here a list of some of the destitute natives of Alaska, many of them children, some of them adults, eight of them blind, who must get their support somehow from some appropriation made here if they are going to live.

There seems to be no alternative for it, and I know that not sufficient money can be diverted from the appropriation contained in this bill for support and education to take care of these people.

One thing, perhaps more than another, which impelled me to propose this amendment is the terrible case that is reported in the newspaper that I received from Alaska.

It is the case of a baby 22 months old whose mother neglected him and stayed out all night, and when the neighbors discovered the child in the morning its hands were frozen, and the report says that his legs were frozen stiff to the knee and he was frostbitten about the body. It is a terrible, a tragic case.

The sad part of it is that apparently not very much can be done about it, because, according to the newspaper article, the marshal's office—that is, the United States marshal—was reluctant to take action against the mother because, under the present appropriation, there are no funds available for the care of the child if taken away from the mother.

What a picture this presents! A child of 22 months frozen, and no funds available for its care. The article further relates that the full-blood Indian grandmother of the baby is bedridden and helpless. But evidently the Indian Office, with the best will in the world, can do nothing because there is not at hand any money that can be used for that purpose. This shows a condition that ought not be permitted to exist anywhere, least of all among the descendants of the original inhabitants of the country.

May I refer once more to the list which I have here of the destitute natives in Alaska, who need relief right now, and who will need it, if they live, all through the fiscal year 1937. This list was prepared by the local office in Alaska of the Bureau of Indian Affairs. It is a depressing document. It lists by name these orphan children who will receive distressingly inadequate relief, if any, unless we in this Congress provide funds for their food, clothing, and shelter. I shall not read their names, lest in future years they may consider that it shames them, though it is never shame in a child to be an orphan and helpless, and it is seldom shame in an old and helpless person to be in that condition. The list contains more than 100 children—children ranging in age from mere infants to 14 years of age. In fact, I believe there is one, a girl, who is 16 years of age. But all of them are helpless in this fiercely competitive world. We have the choice of aiding them adequately—and that alternative choice is supported by all of the teachings of religion and humanity and sound morality—or the alternative choice of leaving them to the ill-fortune that is all but certain to overtake them. I do not wish to overstate the case, but it would be difficult to overstate it. And I quite realize that at this time the natives of Alaska are not the only ones who suffer. But my native friends and constituents in Alaska are so terribly helpless that I must in conscience urge this House to make some proper provision for their relief.

Not only are there children named in this list who need attention. There are a number of cripples. And, perhaps most distressing of all, eight men who are totally blind. Some in the late stages of tuberculosis who are entirely unable to work. This document constitutes one of the saddest stories of misery and helplessness that I have ever seen. Let me cite a few examples: Mrs. ———, 10 small children and 2 orphans in home. Another widow has two small children. Another three little children. Seven orphan children of another family.

Now, it may be said that we should apply to the relief agencies or administrations. We have. But the funds received are always insufficient. So we have no hope there. May I point out to the Members that even if relief funds should by some miracle be adequate, nothing will be lost to the Federal Treasury by adopting this amendment which I have proposed, because this appropriation, if made, will take that much burden off the relief administration. There will be no duplication and no waste. So why not give us this money in a regular appropriation and not depend upon the remote chance that somehow, somewhere, in another fund relief can be obtained for these helpless people?

The condition of the native inhabitants of Alaska is aggravated by one source of distress which is entirely attributable to the white man. I refer to the dread disease of tuberculosis. The natives of Alaska at the present time, I am told by my friend, Dr. Council, the Territorial health physician, have about 12 times the number afflicted with this terrible disease as compared with residents of Alaska of the Caucasian race. In other words, the prevalence of tuberculosis among the natives is 12 times as great as among the white people of the Territory. No wonder that the natives need relief. We know that they are not to blame for that condition, for tuberculosis among them was unknown until the white man came.

In addition to the cases of persons in desperate need of aid which is contained in this list, I recently learned that since the list was made up in Angoon, Alaska, a native village, approximately 40 deaths of adults had occurred, most of them from influenza. I learn that at Kake, Alaska, a boy, or young man, of 24 years of age is supporting, and is the only support, of three families. At Klawock, Alaska, the mother of eight children was recently drowned, and most of these children are minors.

But what is the need or the use of continuing this sad tale of distress and suffering? Our Indian people need help, and they need it now and here. What is the use of waiting until tomorrow or of postponing the matter or of waiting until another appropriation is made? My request is modest, indeed. I believe it really ought to be four or five times as large in order to take care of the real and pressing needs of the native peoples of Alaska. The request I am making will be adequately and, indeed, overwhelmingly supported by the records of the Office of Indian Affairs in Alaska. I am sure that the records of the Office of Indian Affairs in Washington will furnish full proof of every assertion I have made.

Someone may say, "Why does not the Territory of Alaska take care of this?" To such a question there are two answers: One, and the first one, is that the United States Government is the trustee for the Indians and it is the primary obligation of that Government to take care of them. The second answer is that the burden is too great for the Territory to sustain. The obligation lies in this Congress, and there is no escaping that obligation as a question of right and morals.

I must not pass by this opportunity to pay a deserved tribute and express my gratitude to the Subcommittee on Appropriations and to its able chairman, Mr. TAYLOR, who have considered this bill and who gave me and others interested a full and ample hearing; and it is only the tragic necessity of the situation that impels me to offer an amendment which has not been approved by the committee. But the need for relief of suffering human beings takes precedence of all legislative formulas.

Mr. TAYLOR of Colorado. Mr. Chairman, first, no estimate has come to Congress or to this committee for this item. If it were proper, it should have been first presented to the Budget and sent up to the House with a regular estimate, the same as the rest of it. If we open up this bill for indiscriminate additions to it, there is absolutely no limit to it. We may as well not have any Budget. We desire to cooperate with the administration, with the Interior Department, and with the Budget, and we have kept out practically all of the amendments or provisions which we thought should not come in. There is one outstanding and main exception which we have made by a grant of $30,000 which did not come from the Budget for that hospital up at Point Barrow, up near the North Pole. The Delegate from Alaska [Mr. DIMOND] came before the committee and presented that to us.

He did not present this relief matter. The place for these people to go to get relief is to the relief fund. There is no reason why the Indians of Alaska should not get necessary relief from the public relief fund the same as other people throughout the United States are doing. The people of the Matanuska Valley project are now being financed from relief funds. That is the source from which the Indians of Alaska should obtain this money. They are not debarred from getting relief if they are entitled to it. Neither the white people nor the Indians nor the Eskimos of Alaska are debarred from relief.

If every State or city or distressed community could apply to this committee for additional relief, heaven only knows what would become of this bill. It is not because I have any unfriendly feeling or objection whatever to the Indians of Alaska obtaining all the relief they need. I have been up there twice and have visited them rather extensively, and I feel there is no doubt whatever but that many of them need relief. But there is a proper place to go to get it, and there is no reason why a portion of the enormous sums that we have appropriated for relief should not be allocated to the Alaska Indians.

Mr. DIMOND is a very exceptionally able and efficient representative of Alaska. That Territory never has had—and I

predict it never will—a better. He faithfully works for those people all the time, and we have extended him a great deal of consideration in this bill. I do not want to criticize or discuss the matter, but I really believe the people of Alaska, in proportion to the population, are given more consideration and money from the Federal Treasury than any other place under our flag. I feel it is unwarranted to insert this appropriation for Alaska at this time, and I ask that the amendment be disapproved.

Mr. RICH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the subcommittee presents this bill for consideration. I cannot help thinking that when a subcommittee brings a bill in here that committee has given due consideration to the various appropriations in the bill. Members of Congress come in here and ask for additional funds for things that pertain to their particular locality, and I do not refer now to the district of Alaska any more than I do to districts of other Members of Congress. Harry Hopkins has at his disposal millions and millions of dollars under the $4,880,000,000 relief program that was put through Congress a year ago. That is the place to go get this money for relief, because those funds are available.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. RICH. Not now. The thing that rings through my ears is the statement made by the gentleman from Virginia [Mr. WOODRUM], when we considered the appropriation bill last week. He said the Budget estimates are one thing and what Congress appropriates is another. I think that is one of the most serious things that we have to consider in the House of Representatives. The various bureaus ask for funds, and then the membership of the House come in and try to increase those amounts for this thing and for that thing. There is nothing more serious to be considered in this country today than the statement that is issued and comes to our desks every day from the Treasury Department showing the mounting national debt. We are building our house upon sand, and more sand is being entrenched under the Treasury every day by this Congress. There is but one thing for us good, conscientious American citizens to do, and that is to think of what we can do to protect the Treasury of the United States—protect our national credit—and keep us from going into bankruptcy.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. RICH. Yes.

Mr. FITZPATRICK. Is it not a fact that the Appropriations Committee cuts down the recommendation of the Budget more often than it increases it?

Mr. RICH. I think probably that is the case, and the Budget should be watched by each individual Member of Congress. It is your responsibility and it is mine. If we are going to permit Members of Congress to come in here and ask for something for each particular district there will be no end to our appropriations. When the gentleman from Colorado [Mr. TAYLOR] gets up here and asks the membership of the House to cut a lot of these things out, he is doing his duty, and we should support him in keeping appropriations to the minimum, and I feel that I am doing my duty by cooperating and trying to get nearer to balancing the Budget. Read the Treasury statement of January 28 and you will find that we are going in the red about $400,000,000 more up to this point this year than we did a year ago. I think it is appalling. Where are you going to get the money? We have not any business sense if we permit it to go on. I hope that the Members of the House of Representatives will not permit a lot of these proposals to come in here now from individual Members of Congress, because the Treasury cannot stand it. I yield to the gentleman from Idaho.

Mr. WHITE. Is the appropriation for the care of Indians the only item in this $81,000,000 bill that the gentleman from Pennsylvania objects to?

Mr. RICH. No. I object to many other items. I have been consistent in voting to prohibit ruthless expenditures. We need more Members in the House of Representatives to object to them; every Member of Congress has the same responsibility. We must have less expenditures or more taxes. I feel sure both will be the case. Where will we get the money?

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. RICH] has expired.

The question is on the amendment offered by the gentleman from Alaska [Mr. DIMOND].

The amendment was rejected.

Mr. SCOTT. Mr. Chairman, I offer an amendment.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 10 minutes.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: On page 48, line 13, after the word "Interior", add: "*Provided*, That hereafter no part of any appropriation for these Indian schools shall be available for the salary of any person teaching or advocating the legislative program of the American Liberty League."

Mr. TAYLOR of Colorado. Mr. Chairman, I make a point of order against the amendment. It is legislation on an appropriation bill.

Mr. MAVERICK. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. Does the gentleman from California [Mr. SCOTT] desire to be heard on the point of order?

Mr. SCOTT. Briefly, Mr. Chairman. May I call attention to a provision contained in the District of Columbia appropriation bill for last year from which I copied this particular amendment? The wording is exactly the same. It is in the District of Columbia appropriation bill with this exception: The provision in the District of Columbia appropriation bill is—

Provided, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person teaching or advocating—

Up to that point my amendment is exactly the same. In the District bill it says "communism", and my amendment reads "the American Liberty League."

I am simply trying to protect the Indian students from the teaching of the principles of the American Liberty League in the same manner as students in the District are protected from the teaching of the subject of communism.

Mr. TAYLOR of Colorado. Mr. Chairman, simply because nobody made a point of order against it. That does not make it in order. It was not in order at that time if anybody had made a point of order against it, but no one did. I make the point of order now that this proposed matter is legislation, and very improper legislation, upon an appropriation bill.

Mr. MAVERICK. Mr. Chairman, I should like to be heard for 1 minute on the point of order. The Communists are supposed to be trying to overthrow the Government of the United States. The Liberty League got out a pamphlet in which they compared the President of the United States tc King George III in various and sundry ways, which action on the part of King George led to the Revolution.

This is known as Document No. 75, issued by the American Liberty League November 1935. It has a very nice title, "Economic Planning—Mistaken But Not New." Then it says it is a—

Discussion of similarities between the New Deal and the medieval mercantilist system which reached its climax under King George III and precipitated the American Revolution.

The pamphlet says:

The very thing that caused the American Revolution is what is taking place today. The present course of our Government is not new. It is history repeating itself. The things that oppress today—arbitrary economic planning and excessive taxes—helped to cause our Revolutionary War.

It also says:

In one of its most important aspects, the Revolution was a deadly blow aimed at the old system of trade restrictions.

Throughout insidious statements are made comparing the President and King George III, and under the proposed military disaffection bill and the Kramer bill this would put the Liberty Leaguers in jail—which, of course, would grieve me—for all their suggestions really advocate, indirectly, the overthrow of the Government of the United States as we overthrew the British Government under the King; it further suggesting, covertly and indirectly, the same treatment for Roosevelt that we gave King George III.

Now, Mr. Chairman, as you know, I am an advocate of the widest type of freedom of speech. I believe there should be no limit. But the District bill prevents the teaching of communism—whatever that means—but upon very wide and diverse theories of its proponents, and if we prevent any kind of teaching, let us also prevent teaching of the Liberty Leaguers. Of course, I do not oppose the Liberty League teaching anything; they should have unlimited rights; but I maintain it is just as much in order to gag the Liberty League as the Socialists, Democrats, Republicans, or some theosophical society. Limitations on learning, persecution of teachers, are just methods of harassing honest people. So really we should not prevent learning at all, but we should be fair to all alike, and this amendment is just as germane and relevant as the one which Mr. SCOTT, the gentleman from California, describes. Of course, Mr. SCOTT, as well as most of us, opposes any curb on learning, but this is a good example of the difference between a shoe on one foot and a shoe on another—a red shoe or a purple shoe.

Mr. MARCANTONIO. Mr. Chairman, I ask to be heard on the point of order.

I submit that the amendment is in order because it is in the form of a negative limitation. We have a right to either appropriate or not appropriate for certain purposes. We are simply limiting the scope of the appropriation. It is by no means legislation. It is simply in the nature of a negative limitation, and there are many precedents to substantiate the propriety of the amendment.

Mr. BLANTON. Mr. Chairman, the two cases mentioned by the gentleman from California [Mr. SCOTT] are not analogous. The amendment that related to keeping communism out of Washington schools was legislation, and for that reason it had to be brought to the floor of the House and reported to this House, and the House had to vote upon it. It was reported to the House because it was legislation, and the House did vote upon it. For the same reason, because it was legislation, that amendment had to go to the Senate, and it was reported to the Senate by Senator THOMAS, and the Senate voted on it because it was legislation. The amendment now before the House with the word "hereafter" in it is clearly legislation and subject to the point of order.

Mr. ZIONCHECK. Mr. Chairman, I ask for recognition on the point of order. The only reason that this is permanent legislation is because the word "hereafter" is in the amendment. If the word "hereafter" is deleted, it will be a limitation and in order.

The CHAIRMAN (Mr. DOUGHTON). The Chair is ready to rule. The word "hereafter" in the amendment makes the provision permanent legislation. Permanent legislation on an appropriation bill would not be in order. The language of the amendment here offered not only applies to the appropriations of this bill but it would apply to subsequent appropriations. Therefore, the amendment contains legislation; and the point of order is sustained.

Mr. SCOTT. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: On page 48, line 13, after the word "Interior", add: "*Provided*, That no part of this appropriation for Indian schools shall be available for the salary of any person teaching or advocating the legislative program of the American Liberty League as set forth in Bulletin No. 83 of the league."

Mr. SCOTT. Mr. Chairman——

Mr. YOUNG. Will the gentleman yield for a question?

Mr. SCOTT. I yield.

Mr. YOUNG. Does not the gentleman agree with me that the only difference between the American Liberty League and the Communists is that Communists seek to divide all, and the American Liberty League seeks to take all? [Laughter.]

Mr. SCOTT. I think the gentleman's point is well taken. He is to be congratulated on his discernment.

Mr. Chairman, on yesterday my colleague from California, Mr. MCGROARTY, sought to protect the Indians from the Bureau of Indian Affairs. I have no intention of intruding in that scrap. Today I am merely making an attempt to protect the same Indians from the dissemination of vicious and subversive propaganda that is being put out by the American Liberty League. [Laughter.]

Mr. MAVERICK. Will the gentleman yield?

Mr. SCOTT. I yield.

Mr. MAVERICK. I rise as the champion of the freedom of speech in defense of the Liberty League. [Laughter.] Does the gentleman mean to tell me he intends to deny the pure doctrines of James M. Beck and his pal, Newton Baker, who received $50,000 to decide the T. V. A. before it came into court, and further the work of other impeccable and self-righteous citizens for the Du Ponts and the holding companies from being taught our Indian children?

"SIXTY GRAND" SHOUSE, CONCESSION COMMUNISTS, MOSCOW TORIES, AND BIG BUSINESS SOVIETS

Does the gentleman mean that he would prevent the general doctrine of Mr. Shouse—"Sixty Grand" Shouse—who gets a salary of $36,000 a year and "allowable expense" to the extent of $24,000 a year—that is, $60,000 a year, or sixty grand—from letting the Indian children know the benefits of his great doctrines? Indians should know about horses—they probably know about Twenty Grand—but they should know the Du Pont horse known as "Sixty Grand." I myself am somewhat dubious of whether or not the Liberty League would not corrupt our Indian children, but under the Constitution they have a right of freedom of speech, and I would hardly deny it.

We hear a lot about Communists, so let me in passing call a name or two; the Liberty Leaguers are a different kind of Communist, they are "concession Communists." They want a concession for a monopoly, a free monopoly of private exploitation, and these "big-business soviets" would do as they please, take all the profit and enjoy the license from a subservient government which they think they should own. They speak of the "road to Moscow", so let me speak of them as "Moscow Tories", inasmuch as they would like to have the dictatorial powers of a Lenin and call it by the name of liberty. I get sick over all this name calling; I am only calling names in order that I can get in the swim. It sounds as foolish as when Al Smith yelled about the road to Washington and the road to Moscow. In passing I would remind my Republican friends, and some of my others, that when Benedict Arnold walked out on America to the British, on the side lines of the British there was applause and loud cheering. But it did not last long; the British soon had sick faces, and got sick of him, too, and Benedict Arnold looked like a poor, hungry, deserted prairie dog who was neither fish, fowl, nor animal, and had not friends this side of paradise. No; Mr. Scott, I would even let the Liberty League talk. Would you deny these gentlemen who claim to be sole guardians of the Constitution to also be guardians of our Indian children?

Mr. SCOTT. That is exactly what I am trying to do; but let me refer to the program for Congress put out by the American Liberty League. I want to show that it is subversive. First, they refer to the Budget and say this:

Appropriations are the most important matter of the coming session and bear vitally upon the preservation of American institutions. Treasury deficits should be brought to an abrupt end by reducing expenditures to the level of receipts.

It says nothing about increasing taxes but merely advocates cutting down expenditures. I submit that were we to do this it would be impossible for us to appropriate any more money for direct relief. If we cut out any of our relief in the future, it is liable to stir up those people who have been on relief in the past; and when they know they are not going to get any more, they will make some kind of a violent protest.

I am afraid the American Liberty League is making an attempt to "bait the proletariat into madness." [Laughter.]

Their second reference is to taxation:

Provisions of the 1935 act in which the taxing power is used to accomplish social objectives rather than to raise revenue should be repealed.

Mr. Chairman, I think that the protective tariff we have had in the United States has become an established American institution. It was shaped in the first instance for social purposes, not for revenue. The social purpose, of course, was for the benefit of the manufacturers.

Mr. MAVERICK. Talking about subversive doctrines, the American Liberty League would destroy our Nation.

Mr. SCOTT. Mr. Chairman, the reason for presenting the amendment is to prevent the spread of subversive propaganda, particularly this subversive propaganda.

Mr. TAYLOR of Colorado. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The gentleman from California has the floor and has one-half minute remaining.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. RANKIN. There never has been any more subversive propaganda spread in this country than that spread by the advocates of the high protective tariff in this country for the past 50 years.

Mr. SCOTT. I agree with your sentiment but allow me to return to my point. The protective tariff achieved a social objective. The protective tariff seemingly is an American institution. They object to the use of the taxing power to accomplish social objectives. I charge that they are subversive in that they are attempting to overthrow an American institution. Now let me call your attention to the third item. Referring to government and business, they say:

Such legislation as may be necessary to withdraw the Government from competition with private business should be enacted.

Perhaps I am looking a little far ahead, but it seems to me such a program would require the Government to withdraw from the operation of the Panama Canal. Suppose you turn the Panama Canal over to private interests.

Mr. MAVERICK. The Du Ponts.

Mr. SCOTT. Yes; perhaps; or to the Du Ponts. What would happen if the Government should turn the Panama Canal over to the Du Ponts and the Du Ponts might want to sell the Panama Canal? It seems to me it would not take much use of my imagination to build up a line of argument on this doctrine that would show that under it the Government would have to turn the Canal over to private interests, who might in turn see fit to sell the Canal to some foreign government.

Mr. MARCANTONIO. What would happen if the Government were to rent the tower of the Empire State Building to tie our dirigibles onto? Would this constitute competition with private business?

Mr. SCOTT. I suppose so.

Mr. RANKIN. That would do no harm; there is nothing in there now but Al.

Mr. SCOTT. Another thing, Mr. Chairman, suppose the Government should turn the postal business over to private interests.

Mr. MAVERICK. Or turn the War Department over to private interests and hire foreign mercenaries such as was the situation in the Revolution. Instead of buying guns from the Du Ponts and killing our men for their profit, let us give them men and all and pay them a set fee as was paid for the Hessians during the Revolution. A war fought by mercenaries would be for a profit—therefore for a laudable and virtuous purpose. We could change the name from Duke of Hesse to Duke of Du Pont; then the Du Ponts—all 12 of them—could sit home, organizing an army, and refuse to fight unless they got the cash in advance. That, my distinguished friend, to use most unparliamentary language, would be swell.

Mr. SCOTT. Yes; or the War Department.

If the Post Office Department were run by a private enterprise, would it not be possible for them to refuse to carry mail they did not approve of? They might even sell it to a foreign country, and our mail service would be subjected to the censorship of a foreign power. I might go on to the rest of the program, but my time is up. I hope that Members will vote for this amendment so that the American Indians may be fully protected from the vicious propaganda of a subversive nature put out by the American Liberty League.

Mr. TAYLOR of Colorado. Mr. Chairman, has all time expired?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MAVERICK. Mr. Chairman, I rise in opposition to the amendment.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado, a member of the committee.

Mr. TAYLOR of Colorado. Mr. Chairman, no one on the floor of this House has any more contempt for the so-called American Liberty League than I have. But an amendment of this kind has no place on this or any appropriation bill. I feel that when the time comes the officials administering our Government, particularly the President, the State Department, and the Members of the Senate and House of Representatives and the loyal citizens of our country generally will suitably attend to that association.

Mr. MAVERICK. Would the gentlemen limit the teaching of anything?

Mr. TAYLOR of Colorado. Matters of that kind have no place in an appropriation bill.

Mr. MAVERICK. Does the gentleman think an appropriation bill should limit the teaching of anything, the teaching of factual matter to students? Children should have knowledge; only upon knowledge can they gain learning. The gentleman certainly would not say it was right to restrict school teachers from teaching factual matter.

I am not talking about advocacy of anything; I am talking only about the teaching of factual matter. Suppose the facts were that Russia had an army of 15,000,000 men. What possible objection could there be to our children knowing such a fact?

Mr. TAYLOR of Colorado. The amendment offered is legislation and permanent legislation, and it is a violation of the rules of the House to try to put it on this bill.

Mr. MAVERICK. I understand. Of course, the gentleman states an obvious fact, and this applies to all such legislation. Surely the gentleman would not restrict the teaching of facts.

Mr. TAYLOR of Colorado. And as chairman of this committee it is my official duty to protect this bill from having improper matter injected into it.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. TAYLOR of Colorado. I yield to the gentleman from New York.

Mr. MARCANTONIO. Does the gentleman think it proper to attach legislation of this kind to an appropriation bill?

Mr. TAYLOR of Colorado. I certainly do not.

Mr. MARCANTONIO. It was done in connection with the District of Columbia appropriation bill.

Mr. TAYLOR of Colorado. I am not responsible for the District of Columbia appropriation bill.

Mr. MARCANTONIO. I simply wanted to have the gentleman's opinion.

Mr. TAYLOR of Colorado. I am responsible to this House as chairman of this subcommittee to protect this bill, and I am going to do so if I can, and also keep it within the bounds of proper legislation and the rules of this House. I will also, as far as possible, keep this appropriation bill within the bounds of the administration's recommendations. There is nothing personal about this matter with me at all.

Mr. Chairman, I ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. SCOTT].

The amendment was rejected.

Mr. AYERS. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. AYERS: Page 48, line 14, insert a paragraph, as follows:

"That portion of section 1 of the act approved August 12, 1935 (49 Stat. 571–584), known as the Second Deficiency Appropriation Act, fiscal year 1935, providing $806,000 for construction, enlargement, or improvement of public-school buildings as authorized by and in conformity with numerous acts of the Seventy-fourth Congress, approved June 7, 1935, fiscal year 1936, is hereby amended so as to repeal the provisions for recoupment by the United States, on account of expenditures thereunder, and the amounts appropriated for assistance of the said public-school districts are hereby declared to be an outright grant to the various public-school districts mentioned therein."

Mr. TAYLOR of Colorado. Mr. Chairman, I make a point of order against the amendment on two grounds; first, it is clearly legislation and has no business in this bill; and, secondly, it is not germane, because we have considered and passed the provision in the bill where it should have been offered.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Montana [Mr. AYERS] proposes to repeal legislation; therefore the point of order is sustained.

The Clerk read as follows:

New Mexico: Albuquerque Sanatorium, $100,000; Jicarilla Hospital and Sanatorium, $61,000; Mescalero Hospital, $24,000; Eastern Navajo Hospital, $32,000; Northern Navajo Hospital, $39,700; Taos Hospital, $20,000; Zuni Sanatorium, $50,000; Albuquerque Hospital, $52,100; Charles H. Burke Hospital, $12,000; Santa Fe Hospital, $43,000; Toadlena Hospital, $12,000.

Mr. RANKIN. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. TAYLOR of Colorado. Mr. Chairman, reserving the right to object—I do not desire to object to my friend from the sunny Southland proceeding for 10 minutes, but I want to say to the House that I am in hopes we can pass this bill today. If we do pass it, we expect to adjourn over tomorrow. If these amendments are continued to be offered and this debate carried on indefinitely, we will be compelled to hold a session tomorrow, because the next appropriation bill is ready and consideration must start on it at the first opportunity next week. We cannot give more than 1 whole week to an appropriation bill. If we should give a week each to the 12 appropriation bills, we will be here until the Fourth of July.

Mr. RANKIN. Mr. Chairman, replying to the gentleman from Colorado, may I say that, in my opinion, we will probably be here until the Fourth of July, at any rate. However, I withdraw my request for 10 minutes. I do not wish to help prolong the agony.

Mr. KENNEY. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I would be derelict to my cause if I allowed to pass unnoticed the statement uttered in the eloquent address of our distinguished colleague who has just addressed the House. The gentleman made the statement that you are faced with one of two things: First, heavy taxes to be imposed upon the American people on top of already existing heavy taxes, or, secondly, an expansion of the currency.

I have to take issue with that statement. I am one of those who do not see any immediate necessity for an expansion of the currency despite the problem of appropriating large sums of money in the immediate future. The American public, although it will not lend its money any more to foreign countries, is every year sending to foreign shores many hundreds of millions of dollars of money that goes out of the country never to return. In addition to this, there is a huge sum of money, a vast amount of treasure, amounting to somewhere between three and six billion dollars which is not circulating within the economic realm but is employed in private operations. This money is the money spent in foreign and domestic lotteries.

We should harness the huge supply of lottery money before we undertake to create additional money or go to the country for additional taxes. The Government can do this by establishing a Federal lottery commission to conduct a governmental lottery. Then the moneys now circulating outside our country can be made to circulate through economic channels. A national lottery would be the most economic operation of the Government at the moment—it might not be economic under other conditions, but the most economic thing I know at the present moment is a national lottery. A national lottery is the answer to the problem submitted by my colleague who has just addressed the House.

Members of the Congress ought to study finance and look into the history of finance in Europe, and especially to the action of that great prime minister whose financial genius saved Europe in the eighteenth century. Pitt it was who saved the great British Empire when all the other nations of Europe were tottering into insolvency. He was able to balance his budget and reduce the national debt by means of a Government-operated lottery.

Therefore I appeal to the membership of the House, before inflation is considered or before new taxes are anticipated, that we make use of the lottery money which is now available, to the end that we may keep this Nation on a sound basis, retain the confidence that this Congress has brought back to the country, and go forward with its house in order—master of its debt and economically free and independent. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read as follows:

Oklahoma: Quapaw (Seneca), $200; Shawnee (Iowa), $300; in all, $500.

Mr. ROGERS of Oklahoma. Mr. Chairman, I move to strike out the last word. I am asking unanimous consent at this point to insert a short statement in relation to the amendment adopted yesterday reducing the appropriation for the Indian Bureau in the city of Washington. I am asking this in the interest of saving time.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ROGERS of Oklahoma. Mr. Chairman, the bill now under consideration, making appropriations for the Interior Department as submitted by the Appropriations Committee, carried an item of $493,770 for the administration of the Bureau of Indian Affairs. On yesterday, while the bill was being read for amendment in the Committee of the Whole, that item was reduced from $493,770 to $25,000. When the bill is reported by the Committee of the Whole to the House we hope to be able to secure a separate vote on the amendment adopted yesterday which reduced the appropriation for the administration of the Indian Bureau as above indicated. I hope the House will strike the amendment from the bill. I make no effort to defend the Bureau of Indian Affairs, nor the personnel of the organization. I merely want to call to the attention of the Committee the fact that, if the amendment reducing the appropriation from $493,770 to $25,000 is allowed to remain in the bill, it will be equivalent to abolishing the Indian Office for the ensuing year. It would be utterly impossible for the Indian Bureau to function on $25,000. The amount appropriated last year was $471,910. The $493,770 comes within the Budget and was recommended by the House Committee on Appropriations. It is an increase of approximately $21,000 over the amount appropriated last year. This increase provides for three additional clerks in the Indian Bureau, which are necessary to take care of the work of the Bureau. Although I am chairman of the House Committee on Indian Affairs, I make no attempt to speak for our committee, since this matter is

the business of the Appropriations Committee, but, as a member of the House Committee on Indian Affairs and representing the whole State of Oklahoma, which has one-third of the Indian population in the United States, I feel that it is my duty not as a defender or champion of the Indian Bureau but in the interest of a great race of people, to do my part to see that the Indian Bureau is supplied with funds to administer Indian problems throughout the Nation. I do not care what you do to the Indian Bureau so long as our Indians do not suffer. Those who sponsored the amendment adopted by the Committee yesterday are just as anxious as I am to protect, defend, and administer to our Indian people, but in my opinion they make a mistake when they argue that they are befriending the Indian by making it impossible for the Bureau to function.

Abandonment of the Indian Bureau in Washington would be equivalent to an ocean liner without a rudder. It is a fundamental fact that in all government there must be at some point a planning group. In the Federal service these miscellaneous small groups are responsible to the head of a department and to the Congress itself.

Section 463 of the Revised Statutes prescribes the duties of the Commissioner of Indian Affairs in the following language:

The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeable to such regulations as the President may prescribe, have the management of all Indian affairs and of all matters arising out of Indian relations.

This is no new enactment; in fact, the law was passed on July 9, 1832. Since that time hundreds of treaties with Indian tribes have been negotiated and several thousands of laws have been passed, some of general application, but many having reference to specific groups of varying sizes.

Thus the Indian Bureau in Washington is not only a policy-making group but a group engaged in administering the laws enacted by Congress. And the Indian problem is not confined to any one subject. It involves the education of Indian children, many of whom are denied facilities provided for other citizens; it provides medical and hospital services; protects timber, grazing, oil, gas, and other assets; develops and maintains irrigation projects; encourages, through its extension employees, the development and utilization of lands; serves as a conservator for the estates of thousands of individuals; determines the heirs of deceased Indians, and directs the distribution of those estates; and in many other ways serves to promote the general welfare of an Indian population consisting of about 327,000 individuals residing in 26 States of the Union.

The problems enumerated exist on nearly all reservations, and it is highly essential that somewhere in such a vast organization a planning and coordinating group should exist. In every other service of the Federal Government these groups are centered at the seat of government—the only logical place if they are to be of service to the Department as a whole and to the entire Federal structure. Formulation of plans and policy, promotion of needed legislation, final analysis of the expenditure of Federal funds, and numerous other functions associated with the general administration of the Indian Service would require a sufficient administrative staff in Washington. Employees in the Washington office are less than 3 percent of the total in the Indian Service as a whole. The appropriation involved—less than 2 percent—is an extremely low ratio, considering the complexity of the Indian problem.

Mr. Chairman and members of the Committee, I hope the House will return to this bill the appropriation which was approved by the Budget and recommended by the Appropriations Committee.

The Clerk read as follows:

The appropriations for education of natives of Alaska and medical relief in Alaska shall be available for the payment of traveling expenses of new appointees from Seattle, Wash., to their posts of duty in Alaska, and of traveling expenses, packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station within Alaska, under regulations to be prescribed by the Secretary of the Interior.

Mr. TABER. Mr. Chairman, I move to strike out the last word. I do this for the purpose of calling attention to the tremendous rise in appropriations for the Bureau of Indian Affairs.

When I first came to Congress 10 years ago the bill that was worked upon then, in 1925, appropriated $12,929,281.80.

There has been a progressive rise in these appropriations until now the figure has been reached of $27,101,000 of direct appropriations and $1,507,000 of tribal funds—more than double.

Frankly, I do not believe the Indians are as well cared for today as they were in those days when we spent less money, and I think they are more dependent, less self-interested, and more demoralized than they were at the time I first came here 10 years ago.

Now, it seems to me that we ought not to go on spending all this money. We ought to begin to cut down. When the present Secretary of the Interior went into office the bill for 1934 was $18,000,000, and this bill is $27,000,000.

It seems as if those increases were way beyond all reason, and we ought to put a stop to it.

I am going to ask the privilege of inserting in the RECORD a table showing the appropriations for each year out of the Treasury and out of the tribal funds since 1925.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The statement is as follows:

Bureau of Indian Affairs—Appropriations

Year	Exclusive of tribal funds	Tribal funds
1925	$12,929,281.80	$2,270,800.00
1926	11,918,270.00	2,159,010.00
1927	12,901,160.00	2,354,520.00
1928	16,421,486.00	2,535,555.00
1929	14,284,509.00	3,566,500.00
1930	16,673,215.78	4,714,829.60
1931	22,363,430.74	3,230,989.17
1932	24,989,496.73	3,275,963.98
1933	21,951,141.35	2,190,262.21
1934	18,966,545.67	2,249,700.52
1935	20,268,564.38	1,424,915.00
1936	28,187,680.00	1,499,933.20

Mr. BLANTON. Will the gentleman yield?

Mr. TABER. I yield.

Mr. BLANTON. I agree with my colleague the gentleman from New York [Mr. TABER] that the increases year after year have been abnormal and out of reason. I want to ask, Is my friend in accord with those who favor the amendment to reduce the administration expenses of the Bureau of Indian Affairs to $25,000?

Mr. TABER. I offered an amendment reducing that appropriation.

Mr. BLANTON. Is the gentleman going to vote for the McGroarty amendment?

Mr. TABER. It is the only thing in sight. I think we might let it go and let the Senate put it back.

Mr. BLANTON. But suppose the Senate does not put it back.

Mr. TABER. They can come in for a deficiency. They will not get into any serious difficulty.

Mr. BLANTON. I know that the gentleman from New York is too good a legislator to favor any such foolish amendment.

Mr. TABER. It is too big a cut. The cut I proposed was right; to keep it down where it was last year.

Mr. THURSTON. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. THURSTON. The gentleman is the ranking member of the Committee on Appropriations. Is it not true that about every supply bill that has come up here has asked for substantial increases?

Mr. TABER. Very large increases.

Mr. THURSTON. Will there be any opportunity to balance the Budget if we make these excessive appropriations?

Mr. TABER. I think I can present the gentleman a pretty fair picture of that. The expenditures so far this fiscal year for regular operations of the Government are $400,000,000 more than they were last year. The program, according to the Budget estimates sent up here for 1937, involves another increase nearly as large.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Clerk read as follows:

Salaries and expenses: For the Commissioner of Reclamation and other personal services in the District of Columbia, $115,000; for travel and other necessary expenses, $35,000, including not to exceed $15,000 for printing and binding; in all, $150,000.

Mr. TABER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 60, line 15, after the comma in line 14, strike out "$115,000", and in line 17, after the comma, strike out "$150,000" and insert in lieu thereof the following: In line 15 insert "$76,500" and in line 17 insert "$11,500."

Mr. TABER. Mr. Chairman, this amendment has been offered for the purpose of cutting the Reclamation Office down to the appropriation for last year. I think that an increase in the appropriation for this particular purpose is wholly indefensible. I believe that right on the face of it we should not go on expending items in the Bureau of Reclamation to go into more reclamation projects, to go deeper into reclamation projects we are already in, and to put more land in cultivation at the same time when there is a tremendous talk on the part of the administration of paying farmers large sums of money for taking good land out of cultivation. The adoption of this amendment will be an indication that the House wants to stop this reckless expenditure along the line of reclamation purposes. I hope the House will adopt the amendment.

Mr. SCRUGHAM. Mr. Chairman, I rise in opposition to the amendment. The increased appropriation for the District of Columbia just objected to is due to the fact that the Reclamation Service has reorganized its Engineering Division and the Department of Maintenance and Operation has been moved from Denver to the Washington office. It is therefore necessary to have available the amount set forth in the bill. The committee has given careful attention and study to these items of appropriation for the Reclamation Service and we believe them to be necessary. I trust the proposed amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 31, noes 52.

So the amendment was rejected.

The Clerk read as follows:

Operation and maintenance administration: For necessary pay of employees, traveling and other expenses incident to the general administration of reclamation projects, either operated and maintained by the Bureau or transferred to water users' organizations for operation and maintenance, including giving information and advice to settlers on reclamation projects in the selection of lands, equipment, and livestock, the preparation of land for irrigation, the selection of crops, methods of irrigation and agricultural practice, and general farm management, the cost of which shall be charged to the general reclamation fund and shall not be charged as a part of the construction or operation and maintenance cost payable by the water users under the projects, $75,000.

Mr. DITTER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. DITTER: Page 67, line 6, after the comma, strike out "$75,000" and insert in lieu thereof "$20,000."

Mr. DITTER. Mr. Chairman, the purpose of the amendment that I offer now is simply to bring back the amount with respect to this particular project in reclamation to the figure that was in the bill last year. Last year $20,000 was the amount used for the purpose indicated by this particular appropriation. I have searched the hearings to find some excuse or cause for an increase of $55,000. Apparently the only thing that can be found is that we are to disseminate information. It seems to me that disseminating information with respect to reclamation projects hardly warrants an expenditure of this kind. I invite information from the gentleman from Colorado [Mr. TAYLOR]. If he can give us any cause for the unusual increase in this item, I should be very glad to have him tell us where in the hearings anything is set forth to warrant an increase from $20,000 to $75,000. I yield to the gentleman for that purpose.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield to the gentleman from Nevada.

Mr. SCRUGHAM. Mr. Chairman, in the report upon the Interior Department appropriation bill on page 11 a complete explanation is given, reading as follows:

The Government has invested $250,000,000 in the construction of reclamation projects and projects are now under construction which will cost a like amount. The successful operation of this one-half billion dollar investment will require an efficient administrative staff which will be in large part responsible for the collection of money due the reclamation fund as well as to protect the investment of the United States. This proposed agency will also be charged with the duty of advising and assisting settlers on the various projects as to the most profitable crops to be raised; the efficient and economical use of water; and in giving other information which will enable the water users to maintain a good standard of living and earn sufficient to pay operating costs and construction charges.

Mr. DITTER. Mr. Chairman, if my distinguished friend will just bear with me for a moment, may I say that I appreciate the platitudes that the paragraph contains. These platitudes are not convincing. To be specific, I direct the gentleman's attention to page 30 of this committee report and remind him and the other Members of this House that this particular item to which I refer is distinctly labeled "Giving information to settlers."

It has nothing to do with the matter of collecting money. It has nothing to do with the general administrative program of this reclamation fund. It simply says, "giving information to settlers." It seems to me it is a part of the general program, "Tugwellian" in theory and in philosophy, by which a beneficent paternalism is to be created for these sturdy pioneers of the West, of whom I recognize none finer than the distinguished gentleman and former Governor of his State [Mr. SCRUGHAM]. It seems to me that he cannot be in sympathy with this program of petting and pampering these sturdy pioneers of the West or that they need information with respect to their methods of meeting the problems of life. I feel confident that the former Governor certainly is not in sympathy with that kind of philosophy.

Then may I direct the gentleman's attention to this further fact? He will admit that in the paragraph he was reading this particular item is even in excess, as generous as that Budget estimate is, of his own administration Budget item. How can you possibly balance the Budget if you persist in this wild spending orgy? How can you possibly approximate balancing the Budget if you are going to approve this item to increase the rather extraordinarily generous estimate made by the Budget Director? I suggest that the Democratic Members help their administration fulfill campaign promises by making at least a gesture of economy.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, I move to strike out the last word just to answer the gentleman from Pennsylvania. The exact information is given on page 171 of the hearings. I think on page 171 the gentleman will find that the Commissioner of Reclamation asked for $90,000 as a business proposition. I think that is the information that the gentleman wishes. He really wanted $90,000, and we kept him down to $55,000, so we saved $35,000.

Mr. DITTER. Will my distinguished friend yield right there?

Mr. ZIONCHECK. I yield.

Mr. DITTER. Of course, the gentleman has served on the Appropriations Committee long enough to know that every one of these men who come before the Committee on Appropriations to justify the claim that they make always exceed what they hope to get. So probably the Director asked for $90,000 in the hope that he would get the $20,000 that he had last year. You members were too generous in trying to satisfy his demands.

Mr. ZIONCHECK. But the point is this, that as far as information to settlers is concerned, as a business proposition, as long as this great investment is there, why not make it profitable to those who are operating it and profitable to the taxpayers later on, and particularly profitable to the consumers?

Mr. DITTER. Then I was correct in saying that this is simply for the purpose of disseminating information?

Mr. ZIONCHECK. And knowledge.

Mr. DITTER. And nothing further than that?

Mr. ZIONCHECK. And helping them in a cooperative effort to create and produce more.

Mr. DITTER. There is nothing other than this simple statement here to justify this increase of more than 200 percent?

Mr. ZIONCHECK. And also to help collect money for the Government.

Mr. DITTER. Will the gentleman yield further?

Mr. ZIONCHECK. Yes; I yield.

Mr. DITTER. Does the gentleman favor the matter of exceeding the Budget estimates in these appropriation bills?

Mr. ZIONCHECK. If necessary, yes; if not, no.

Mr. DITTER. Does the gentleman feel we should go on without trying to even attempt to balance the Budget?

Mr. ZIONCHECK. It is impossible to balance the Budget at this time, and the gentleman knows it.

Mr. DITTER. The gentleman means under the present administration?

Mr. ZIONCHECK. Or any other administration that you could even imagine. It has been the policy of the Department to turn over to the water users the care, operation, and maintenance of irrigation works when completed, leaving the maintenance and collecting of charges to them. While this policy has been quite satisfactory, contact between the Bureau and the local organization is badly needed for protection of the Government's interest and investment; $55,000 is a small amount to insure returns on an investment of two hundred and fifty millions.

[Here the gavel fell.]

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, every Member of this House who seeks to reduce governmental expenses commends highly our distinguished friend from Colorado, Mr. TAYLOR, the chairman of this subcommtitee, for having kept his bill far below the estimates of the Bureau of the Budget. I think he is entitled to great commendation for the hard work he has done in doing that; and it requires hard work, because he has to turn down requests here, there, and everywhere.

But when it comes to exceeding an item like this, where $20,000 is recommended in the President's Budget and it is raised $55,000 to $75,000, I cannot support such waste but must go along with the gentleman from Pennsylvania [Mr. DITTER]. I wish that amendment could have come from my side of the aisle.

Mr. DITTER. Will the gentleman yield?

Mr. BLANTON. Yes; I yield.

Mr. DITTER. I will withdraw the amendment if the gentleman from Texas will offer it.

Mr. BLANTON. No. I will not filch anything from my colleague.

Mr. DITTER. I reserve no degree of honor to myself.

Mr. BLANTON. Because I can recognize something good, even if it does come from across the aisle. [Laughter.] My friend knows the high regard I have for him.

The other day we refused to allow the sum of $1,000,000 for potato information that was proposed by one of our distinguished leaders in charge of the bill because we all thought it would be wasted. We saved that million dollars.

Mr. LAMBERTSON. Will the gentleman yield?

Mr. BLANTON. In just 1 minute, please. I want to use this 5 minutes because I do not want to use any other time. How many acres of land was it that the Secretary of Agriculture announced yesterday he wanted to withdraw from production?

Mr. CRAWFORD. Thirty million.

Mr. BLANTON. Thirty million acres. Now, if he is withdrawing 30,000,000 acres of land from production in the United States to cut down surplus crops, why is it that we are giving him $75,000, which is $55,000 more than the Budget approved, for information to give to farmers on reclamation projects to increase the surplus crops of the country? It is inconsistent.

I remember when he was shooting cattle all over my district. I remember when he was killing the young gilts to stop hog production.

I remember when he was telling the farmers to plow under every other row of cotton and paying farmers to curtail the planting of corn, wheat, and peanuts to stop production. What was he doing it for? It was to enhance the market price of crops so the farmers of the country could make a living when they did raise something; and I, representing an agricultural district, where they raise crops, where they raise livestock, am not willing when the Secretary of Agriculture tells us in one breath that he is going to withdraw 30,000,000 acres out of production, and then wants us to let him spend $75,000 in an attempt to furnish information to increase production. I am not willing to do it.

[Here the gavel fell.]

Mr. LAMBERTSON. Mr. Chairman, I move to strike out the last word to ask the gentleman from Texas [Mr. BLANTON] a question. The Interior Department bill is only $3,000,000 or $4,000,000 more than it was last year and is under the Budget estimate. I would ask the gentleman, representing the subcommittee handling appropriations for the War Department, how the bill his subcommittee expects to report out next week compares with this bill in the matter of increase.

Mr. BLANTON. The War Department appropriation bill which we are going to bring in here next week will be within the Budget estimates.

Mr. LAMBERTSON. How does it compare with the amount appropriated last year?

Mr. BLANTON. Of course, we are going to take care of and provide for adequate national defense.

Mr. LAMBERTSON. Last year is what I am talking about.

Mr. BLANTON. Let me say to my friend from Kansas, that upon the insistence of various Members who are interested in the items, the Budget has approved various rivers and harbors projects, which are in no way military, aggregating the stupendous sum of $197,673,795, which comes to us in this War Department bill. This $197,673,795 for nonmilitary purposes should not be in a War Department bill. Yet burdened with $197,673,795 that should not be in our bill, our subcommittee, of which our friend TILLMAN PARKS is chairman, is nevertheless going to keep the aggregate of military items within the Budget estimates, and also the aggregate of nonmilitary items within the estimates of the Budget Bureau. I admit that it is a problem that is giving us all a headache, but we are going to solve it, I can assure my friend from Kansas.

Mr. LAMBERTSON. But the gentleman's subcommittee is going to report a bill that will be several percentages higher than last year's bill.

Mr. BLANTON. If that is so, it is so only because about 400 Members of Congress insisted on putting $197,673,795 of nonmilitary activities in the bill, and succeeded in getting the Budget Bureau to approve same. That is the reason it will exceed the bill reported a year ago.

Mr. LAMBERTSON. The gentleman is willing to whittle down the little Interior Department bill, while he adds millions to the War Department bill.

Mr. BLANTON. Oh, we are refusing to allow several hundred million dollars of the aggregate demands made by the various branches of our Military Establishment. The amounts we have approved will barely provide adequate defense absolutely necessary.

Mr. TAYLOR of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I feel that all these amendments touching reclamation should be voted down and rejected. It must be

borne in mind that every dollar of this money that is here appropriated comes out of the reclamation fund, not out of the Federal Treasury.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. No; excuse me, but I decline to yield for the moment.

Mr. Chairman, the money comes entirely from these sources: Sale of public lands in the Western States, mineral leasing on public lands, potassium royalty, and Federal power licenses. All this money comes from the Western States. We supply that fund, we create it, and how we apportion it, or how we spend it, is, it seems to me, a matter primarily of our own concern. It comes out of our earnings. If we think it more beneficial to take $20,000 from one item and put it onto another item, I feel that the residents of States that contribute nothing to that fund have no ground for complaint about it.

We people from the West know where the money can best be expended and where it needs most to be expended. We are endeavoring to make this money go as far as possible.

I appreciate the compliment of the gentleman from Kansas [Mr. LAMBERTSON] because he and the gentleman from Massachusetts [Mr. WIGGLESWORTH] have worked loyally with us and have rendered splendid service upon this committee. They have very greatly helped reduce these appropriations. I do feel, however, that when reclamation matters are discussed it should be remembered that it has absolutely nothing whatever to do with the Federal Treasury. It is a special fund raised from our own country by hard work and by our own developments and is intended to be expended for the benefit of that country, and I feel that it is inappropriate for Members from the East to be continually nagging at us about how we spend our own money in developing our own country.

Mr. DITTER. Mr. Chairman, will not my distinguished friend from Colorado yield for just one question?

Mr. TAYLOR of Colorado. Yes; certainly I yield to my former colleague on this subcommittee.

Mr. DITTER. I know that he is fair. I admire him. I have a high regard for him. I pay him my respects today. When he says, however, that the money is their own money I hardly think it is a fair statement. Is it, I ask the gentleman from Colorado? It is money that comes from the Public Treasury. While the original source of this money may have been projects such as the gentleman has suggested, nevertheless it finds its way into the Public Treasury. Otherwise we could not appropriate a cent of it, for we would have no authority to touch it.

Mr. TAYLOR of Colorado. Mr. Chairman, that money is, as I stated, derived from those sources and put into a special fund called the reclamation fund in the Federal Treasury, to be used only for the purposes herein provided, and that money never would have gotten into the Federal Treasury or never would have been created in the first instance had it not been for our muscle, our brain, our tenacity, and heroic courage in going to that wilderness and settling and developing it under frightfully disadvantageous circumstances and discouraging handicaps.

Mr. DITTER. All of which we in the East admire.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 31, noes 53.

So the amendment was rejected.

The Clerk read as follows:

Boulder Canyon project (All-American Canal): For continuation of construction of a diversion dam, and main canal (and appurtenant structures) located entirely within the United States connecting the diversion dam with the Imperial and Coachella Valleys in California; to acquire by proceedings in eminent domain, or otherwise, all lands, rights-of-way, and other property necessary for such purposes; and for incidental operations, as authorized by the Boulder Canyon Project Act, approved December 21, 1928 (U. S. C., Supp. VII, title 43, ch. 12A); to be immediately available and to remain available until advanced to the Colorado River Dam fund, $6,500,000, which amount shall be available for personal services in the District of Columbia and in the field without regard to the civil-service laws and the Classification Act of 1923, as amended, and for all other objects of expenditure that are specified for projects included in the Interior Department Appropriation Act for the fiscal year 1937 under the caption "Bureau of Reclamation."

Mr. TABER. Mr. Chairman, I make the point of order against the paragraph beginning on page 69, line 10, and running through to page 70, line 3, inclusive, that it is not authorized by law.

Mr. Chairman, this is the first appropriation that has ever been made for this particular purpose. The item is for what they call the All-American Canal. Section 6 of the so-called Boulder Canyon Act limits the operations of this proposition to the present perfected rights in pursuance of article 8 of said Colorado River compact. This goes beyond the provisions of that article. This All-American Canal proposition is beyond that feature and is not authorized by law. Therefore the paragraph is out of order in this bill.

The CHAIRMAN. Does the gentleman from Colorado desire to be heard upon the point of order?

Mr. TAYLOR of Colorado. Mr. Chairman, I have in my hand a copy of the Boulder Canyon Act of December 21, 1928. In section 1 there is this language. I will not read the whole section, because it is quite a long section, but just quote a few lines as follows:

And incidental works in the main stream of the Colorado River at Black Canyon or Boulder Canyon adequate to create a storage reservoir of a capacity of not less than 20,000,000 acre-feet of water and a main canal and appurtenant structures located entirely within the United States connecting the Laguna Dam, or other suitable diversion dam, which the Secretary of the Interior is hereby authorized to construct if deemed necessary or advisable by him upon engineering or economic consideration, with the Imperial and Coachella Valleys in California, the expenditures for said main canal and appurtenant structures to be reimbursable, as provided in the reclamation law.

Mr. Chairman, I insist that that law specifically authorizes this appropriation in this bill, and that this item is made directly in consequence of that authorization in that law.

Mr. TABER. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. I yield to the gentleman from New York.

Mr. TABER. What does the gentleman say about this language, line 21, page 69?—

which amount shall be available for personal services in the District of Columbia and in the field without regard to the civil-service laws and the Classification Act of 1923.

It is clearly legislation.

Mr. TAYLOR of Colorado. I admit that that particular provision may be legislation. If the gentleman wants to strike that out, I could not object to such an amendment.

Mr. TABER. I made a point of order against the whole paragraph.

Mr. TAYLOR of Colorado. Mr. Chairman, because two lines in a long and important paragraph may be subject to a point of order, I do not feel that necessarily makes the whole paragraph subject to a point of order.

However, if the gentleman insists upon his point of order I will offer an amendment embracing the same section without those two lines in it. I shall offer the amendment now if the gentleman insists upon his point of order.

The CHAIRMAN. The Chair is ready to rule. The gentleman from New York [Mr. TABER] makes the point of order that this is legislation in an appropriation bill.

In line 23, page 69, we find the following language:

without regard to the civil-service laws and the Classification Act of 1923, as amended.

That, it appears to the Chair, is new legislation; therefore the point of order is sustained.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer an amendment to take the place of the section, which eliminates the language to which the gentleman objects.

The Clerk read as follows:

Amendment by Mr. TAYLOR of Colorado for the committee: On page 69, after line 9, insert a new paragraph to read as follows:

"Boulder Canyon project (All-American Canal): For continuation of construction of a diversion dam and main canal (and appurtenant structures) located entirely within the United States connecting the diversion dam with the Imperial and Coachella Valleys in California; to acquire by proceedings in eminent do-

main or otherwise all lands, rights-of-way, and other property necessary for such purposes; and for incidental operations, as authorized by the Boulder Canyon Project Act, approved December 21, 1928 (U. S. C., Supp. VII, title 43, ch. 12–a), to be immediately available and to remain available until advanced to the Colorado River Dam fund, $6,500,000, and for all other objects of expenditure that are specified for projects included in the Interior Department Appropriation Act for the fiscal year 1937 under the caption 'Bureau of Reclamation.'"

Mr. TABER. Mr. Chairman, I make the point of order against the amendment that it is an appropriation not authorized by law.

The CHAIRMAN. Will the gentleman be more specific?

Mr. TABER. I make the same point of order that I did against the whole paragraph.

Mr. TAYLOR of Colorado. If the Chair desires to have this law before him, I will send it to the desk.

The CHAIRMAN. The Chair has the law before him.

Mr. TABER. Mr. Chairman, it seems to me clear that section 6 controls the situation.

The CHAIRMAN. The Chair will state that the appropriation proposed in the amendment offered by the gentleman from Colorado [Mr. TAYLOR] is authorized by the Boulder Canyon Project Act (U. S. C., title 43, sec. 617), a portion of which the Chair will read:

And incidental works in the main stream of the Colorado River at Black Canyon or Boulder Canyon adequate to create a storage reservoir of a capacity of not less than 20,000,000 acre-feet of water and a main canal and appurtenant structures located entirely within the United States connecting the Laguna Dam, or other suitable diversion dam, which the Secretary of the Interior is hereby authorized to construct if deemed necessary or advisable by him upon engineering or economic consideration with the Imperial and Coachella Valleys, Calif.

That provision of law seems to the Chair to authorize the appropriation; therefore, the point of order is overruled.

Mr. TABER. Mr. Chairman, I ask recognition on the amendment.

This is the first time that an appropriation has been brought in here for this All-American Canal project. It opens up for irrigation millions upon millions of acres of land in the Imperial Valley of California, land on which I have seen tremendous crops and where there are great fields of corn and wheat and tremendous orange groves and where all sorts of small melon crops are produced in abundance. It seems to me we ought not to get into an expenditure of this tremendous amount of money for this particular purpose.

Mr. COSTELLO. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from California.

Mr. COSTELLO. Is it not a fact that this appropriation does not open up new territory through the building of the canal, but simply changes the location of the canal that is now running partly through the United States and partly through Mexico and brings it entirely into the United States and on American soil.

Mr. TABER. It does that and also the other thing I have stated.

Mr. COSTELLO. The valley is already opened up.

Mr. TABER. The valley is already opened up, but this will add a great many more acres of land that will be used on this side of the line.

Mr. COSTELLO. But there is already a canal there.

Mr. TABER. There is a canal there that supplies part of these people but not all of them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

The Clerk read as follows:

Gaging streams: For gaging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $660,000, of which amount not to exceed $130,000 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be expended in cooperation with States or municipalities except upon the basis of the State or municipality bearing all of the expense incident thereto in excess of such an amount as is necessary for the Geological Survey to perform its share of general water resource investigations, such share of the Geological Survey in no case exceeding 50 percent of the cost of the investigation: *Provided further*, That $458,000 of this amount shall be available only for such cooperation with States or municipalities.

Mr. MAHON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAHON: Page 72, line 12, strike out the sum "$660,000" and insert the sum "$710,000"; page 72, line 23, after the word "municipalities", add the following: "*And provided further*, That $50,000 of the total sum of $710,000 herein appropriated shall be used for a survey of the underground water currents and resources of the High Plains area of Colorado, Kansas, Oklahoma, New Mexico, and Texas, and which said sum shall not be spent in cooperation with the States."

Mr. TABER. Mr. Chairman, I reserve all points of order against the amendment.

Mr. MAHON. Mr. Chairman, this amendment is simply one providing for an increase of $50,000 in the appropriation for gaging streams and, under this provision for gaging streams, the right to investigate the underground water currents and the underground water resources is recognized.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. MAHON. Not at this moment.

The High Plains area of the United States embraces portions of five States, involving Texas, Colorado, New Mexico, Oklahoma, and Kansas, and therefore this is clearly an interstate proposition which could not well be taken care of by cooperation on the part of the States, as is required of the $458,000 item.

I would not offer this amendment, Mr. Chairman, if it were not vitally important to these five States, and particularly to my district.

The underground water resources are the most valuable resources we have in this High Plains area. We do not have surface water, and irrigation is developing on a wide scale in a large area. In one of my counties there are 30,000 acres of land under irrigation, and the cities as well as ranchers and farmers are becoming apprehensive because of a lack of knowledge with reference to the extent of the underground water resources. Reliable information and data on this problem is essential to a wise development of land policies and a proper policy of conservation regarding the water supply. Ten thousand dollars was spent by the Geological Survey in 1934 in a preliminary survey, the funds having been obtained as a Public Works Administration project. In 1935 the Geological Survey made application for a $100,000 Federal project—N. E. C. No. 1914—from the Public Works Administration to make a more thorough survey and complete the program already undertaken. I talked with Dr. Mendenhall concerning my interest in this project, and also filed a letter with him expressing my desire to cooperate with him in any way possible. His interest in the proposed survey is expressed in the following letter:

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, May 11, 1935.

Hon. GEORGE H. MAHON,
House of Representatives.

MY DEAR MR. MAHON: I am in receipt of your letter of May 8 concerning the possibilities of the United States Geological Survey undertaking a thorough study of the underground water resources of the High Plains area in Texas and other States.

The main purpose of the reconnaissance investigation on the High Plains, under the direction of Mr. Theis, of which you are informed, was to obtain information that would serve as the groundwork for future more intensive study. The Survey, therefore, is in cordial accord with your desire to have a comprehensive investigation made in the area, and the project has been listed among those that will be undertaken this coming year if funds are available.

Yours very cordially,

W. C. MENDENHALL, *Director.*

This project application was denied, not for lack of merit in the work to be done, but because the technical work involved made the cost per man-year beyond emergency-program regulations. Therefore my alternative is to offer an amendment to this bill at this time. Such a survey would be of great value to farmers seeking loans from the Farm Credit Administration. This fact is emphasized in the following letter from Land Bank Commissioner Goss to Secretary Ickes on July 27, 1935:

JULY 27, 1935.

Hon. HAROLD L. ICKES,
Chairman, Advisory Committee on Allotments,
Room 6044, Interior Building, Washington, D. C.

DEAR MR. ICKES: We are in receipt of information to the effect that the Advisory Committee on Allotments has under consideration application NEC 1914 in the amount of $100,000 for a survey of the plains country of Texas to determine the amount of underground water. It is our understanding that this survey was originally a Federal project under the Geological Survey of the Department of the Interior. It has likewise been reported to us that some preliminary investigation has been made, involving the expenditure of approximately $10,000.

Farmers in this area having pumping irrigation systems, who have applied for loans from the Federal Land Bank of Houston, have consistently complained about the bank not recognizing the advantage of this potential irrigation in estimating the value of their farms. The bank has advised such applicants that, in the absence of definite information as to the amount and adequacy of the underground water supply, it could not give increased values to the properties by reason of any increment arising from the use of irrigation water.

The results of the survey contemplated under the above application would be of assistance to the Farm Credit Administration in definitely determining the advisability of giving consideration to enhanced values on irrigated farms in this area.

Very truly yours,

A. S. GOSS,
Land Bank Commissioner.

Hence the great advantage of such a survey to farmers of this area is evident. The information sought to be secured through the expenditure of this sum would be of great value not only to the Farm Credit Administration but the Soil Conservation Service and the Resettlement Administration. Though my district is not properly in the "dust bowl", portions of the High Plains are, and this work would be invaluable in dealing with a vital problem in this great area.

In view of the tremendous importance of this amendment, I trust my colleagues will join me in being of assistance to those of us who live in this area embracing portions of these five States. [Applause.]

Mr. TABER. Mr. Chairman, I make the point of order that it is legislation on an appropriation bill, not authorized by law.

Mr. LANHAM. Will the gentleman yield?

Mr. TABER. I yield.

Mr. LANHAM. I should like to ask the gentleman if, in his judgment, the sum is increased, it would obviate his objection? In other words, if the amount were increased, under existing law could that increased amount be used for this purpose?

Mr. TABER. I have some doubt about it.

Mr. LANHAM. If it could, if there are provisions of existing law to permit such expenditure for such a purpose, would not that part of the amendment which does not relate to the amount be a limit on the appropriation which would make it in order?

Mr. TABER. I do not think the part that does not relate to the appropriation would be in order.

Mr. LANHAM. If the amendment were offered to increase the amount without reference to the part here in which it should be expended the amendment would then be in order, because it would be an increase of amount; and if the amount was increased under existing law, could not that increase be used for the purpose specified in the proviso?

Mr. TABER. Provided certain requirements of the statute were followed.

The CHAIRMAN. The Chair is ready to rule. The last line of the amendment offered by the gentleman reads:

And which said sum shall not be spent in cooperation with the States.

It seems to the Chair that the last clause of the proviso is new legislation, and for that reason the Chair sustains the point of order.

Mr. MAHON. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Page 72, line 12, strike out the sum of "$660,000" and insert "$710,000."

Mr. MAHON. Mr. Chairman, in view of the point of order that has just been sustained, I think that the amendment that I now offer providing for $50,000 additional will meet the emergency I spoke of, because the Director of the Geological Survey has already expressed his desire to undertake the survey if funds are made available.

I wish to enforce the tremendous importance of this proposition. This is not a matter of a wild speculative scheme. It is to determine the underground water supply. The water level has been reduced in places, and this is for the purpose of finding what portion of the underground water can safely be used for irrigation. It must be borne in mind that underground water is all that we have to sustain the High Plains area.

We have had irrigation meetings over that country, interest in irrigation is increasing constantly, and if farmers were to put down so many wells that the water supply should be depleted in this area, five States, and find the people without water, we would have an emergency that would call for an expenditure of a good many times the small sum asked for by my amendment. On the other hand, if the water supply could be shown as sufficient to justify a reasonable program of irrigation development, and I feel that a thorough study of the problem will reveal such a condition, the value to this great fertile agricultural area cannot now be estimated.

Mr. Theis, of the Geological Survey, the man who made the preliminary investigation, in his report said that the purpose of further investigation as outlined would be, first, to enable a policy of underground water conservation in the high plains area to be formulated; second, to determine how much pumping irrigation should be encouraged in the area; third, to acquire data on which to base a land-use policy for the area; fourth, to furnish the Federal land bank and other governmental agencies with necessary information to use in making loan appraisals in the area; and fifth, determine the basic principles concerned in the ground-water reserve.

It is vital not only to my district but to others, and the P. W. A. project which was filed by Dr. Mendenhall, Chief of the Geological Survey of the Department of the Interior, having recently been rejected upon the ground that the cost per man-year would be too great, therefore the necessity of the passage of this amendment, insofar as my section of the country and the section embraced in High Plains area is concerned, is evident to all.

Mr. FERGUSON. Mr. Chairman, will the gentleman yield?

Mr. MAHON. Yes.

Mr. FERGUSON. This survey would add to the knowledge we now have and would look toward solving the problem in the so-called "dust bowl", and I think it is a commendable amendment, and I am glad to support it.

Mr. TAYLOR of Colorado. Mr. Chairman, I rise in opposition to the amendment. I am as enthusiastically in favor of this investigation as the gentleman from Texas [Mr. MAHON], and I realize its tremendous importance. The subcommittee has considered this paragraph. If gentlemen will look on page 252 of the hearings, they will find there a table in which we set forth this item, "Ground-water investigation." We allowed for the State of Texas $10,000; for Utah, $5,000; for Virginia, $1,000; for Washington, $1,500; for Hawaii, $5,250. Those items were based upon hearings and upon investigation. In other words, we gave to all the States $72,050, and now the gentleman comes and asks us for $50,000 additional for his own State.

Mr. MAHON. Oh, no.

Mr. TAYLOR of Colorado. The thing that it seems to me ought to determine the question is this: This matter is not new. It is something that has been known for years. I ask this great delegation from Texas why they have not presented it to the Interior Department, to the Reclamation Bureau, and the Geological Survey, the Budget Bureau, and come here with an official estimate for this purpose? If they will do that, and do it now or at anytime, we will be glad to entertain and very likely approve this item. I do feel they ought to take the regular course that the other States have. They should go before the proper authorities and get an official approval and bring it here. If there is any emergency about this matter, there is no reason why

they should not do it now and present it to the deficiency committee to be inserted in the next deficiency bill that will come in sometime before long.

If the House approves this amendment, it will encourage others to offer all kinds of amendments and load this bill down with matters that have not been considered by the department or by the Budget or anyone else. That is not fair to the House, it is not fair to the Appropriations Committee, it is not fair to the administration. There is no reason why the great State of Texas cannot demonstrate the importance of this work and secure that kind of estimate if it is proper to have it. I feel that this would be bad legislation. We have already given great consideration to this subject, and given all those States what the proper authorities think they are entitled to.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. MAHON. The gentleman will note on page 52 from a table that this $10,000 and $70,000 are to be spent on local projects within the State on the basis of cooperation. This is a Federal project which is not proposed to be worked upon the basis of cooperation, because five States would get the money. I am not asking for $50,000 for my own State.

Mr. TAYLOR of Colorado. If it is an interstate matter, as I think it is, I think probably Colorado is as much interested as any other State, and this is all the more reason why it should be taken up in an orderly way by those States and brought here with appropriate estimates. Let it come up in the hearings and give the Appropriations Committee as a body as well as this subcommittee an opportunity to consider it. I feel the amendment ought to be rejected, not because of lack of merit but because it is improper to bring it in at this time without official authority or any sufficient showing.

Mr. MAHON. Mr. Chairman, I ask unanimous consent to proceed for 1 minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MAHON. The chief of the Bureau filed an application for $100,000 in order to get the money. He has estimated it for $50,000 a year. I do not ask for $50,000 for Texas but for the five States heretofore mentioned, portions of which are in the area geologically known as the High Plains.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. MAHON. I only have a moment.

Mr. TAYLOR of Colorado. I yielded about 2 minutes to the gentleman.

Mr. MAHON. He deems it a worthy project. Therefore I ask your support for this amendment.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent to proceed for half a minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. TAYLOR of Colorado. I think everyone knows that every bureau chief could spend a great deal more money than his bureau gets, and when a Congressman asks him if he could not use some more money he is very likely to acknowledge that he could. However, that does not warrant us in ignoring the Budget and giving it to him.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. MAHON].

The question was taken; and on a division (demanded by Mr. TAYLOR of Colorado) there were ayes 42 and noes 48.

So the amendment was rejected.

Mr. PITTENGER. Mr. Chairman, I ask unanimous consent to proceed out of order for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. PITTENGER. Mr. Chairman, I simply want to join with other colleagues in the tribute which was paid to the memory of Carl D. Ruth, a newspaperman, whose funeral was held last Wednesday.

There is no finer body of men in the world than the correspondents of the newspapers who sit in this gallery. Included in that list of men was our late friend, Carl D. Ruth. He was correspondent for two newspapers in Minnesota—the Duluth Herald and the Duluth News Tribune. I endorse all of the fine sentiments uttered by the gentleman from New Jersey [Mr. EATON] and the gentleman from Indiana [Mr. LUDLOW]. We have all lost a friend. The world was better by reason of Carl Ruth having lived and gone about doing good.

Well fitted for his chosen occupation, Carl D. Ruth will be missed, not only by his coworkers but by thousands of readers throughout the United States. In a Republic those charged with furnishing information to its citizens have a great responsibility. They must be men and women who will give facts correctly and without bias. They must be people of ability and integrity. Carl D. Ruth was such a man.

I met him when I came to Washington in 1929. Throughout the sessions of Congress I saw him almost daily. He was an ideal citizen, a fine friend, and the type of man whose memory all of us will revere.

I quote the following fitting tribute from an editorial in the Duluth Herald of Monday, January 26:

CARL D. RUTH

One of the saddest duties of a newspaper is the recording of the passing of those who have helped to make it. Today the Herald reports the death of its Washington correspondent, Carl D. Ruth, whose dispatches from the Capital have appeared in almost every issue since 1929, recording and explaining the complicated events of those years.

As a native of Minnesota, educated in South Dakota, and trained in newspaper offices in Cleveland, Columbus, Cincinnati, and Washington, Mr. Ruth was well fitted to write Washington news as it pertained to this region and to the country at large.

His readers, his employers, and his coworkers here and in Washington will learn with regret of his death at the early age of 51. His passing also will be mourned by many Duluthians who have come in contact with him while on visits to the National Capital.

I wish to incorporate, Mr. Chairman, with your permission, a short editorial from a Duluth paper in reference to his death, and also I ask permission to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NICHOLS. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, as many members of this Committee know, on yesterday there was an amendment adopted to this bill which reduced the appropriation for the office of Commissioner of Indian Affairs from $490,000 to $25,000. I think that this probably was done as a gesture and a jest and in fun, but it is quite a serious problem. Of course, I am sure that when this House has an opportunity to vote on this amendment on a separate vote it will place the appropriation back in the bill in its original amount. In the event that is not done, I should like to take this brief opportunity of apprising the members of this Committee of some of the effects upon the Indians. I could liken the office of the Commissioner of Indian Affairs in Washington to a big central telephone exchange. If you were to destroy the central exchange of a big telephone system in any city, of course, you would not tear down the lines that are on the poles that lead into the exchange, but you would paralyze those lines and make them inoperative. That is just what would happen if this appropriation remains at its present figure. All of the field operations of the Indian Office will be paralyzed. The operation of Indian schools, Indian hospitals, Indian reclamation projects, Indian field projects of every nature will be paralyzed.

I am sure it is not the sense of this House that in order to take a slap at the Commissioner of Indian Affairs you would punish the entire Indian citizenship of the United States. As to whether or not Mr. Collier should be slapped, as to whether or not Mr. Collier is a good Indian Commissioner, I am not prepared to argue at this time. You might be surprised, but if you want to bring the fight out into the open and make your fight directly on the gentleman or directly upon any other of the personnel in the office, I might be with you; but do not take this method of doing it and punish the Indians

themselves more than you will punish the personnel in the Washington office, which, by the way, forms less than one-third of the personnel working out of the office. In other words, there are two-thirds more people working out of the office than there are working in the office under this particular appropriation.

I simply take this opportunity of calling it to your attention again in the hope that when the proposition comes before the House on a separate vote you will support the proposition of putting back into the appropriation bill the original figure of $490,000 plus. In the event you do not, then be warned and let all Indians know that then you will be doing great harm to every Indian in your district and every Indian in this Nation. Study well before you do irreparable damage to the people who were here on this continent when your forefathers and mine landed.

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oklahoma [Mr. NICHOLS].

Most of us will agree, I think, that the amendment adopted in the Committee of the Whole yesterday afternoon, to which the gentleman from Oklahoma refers, was an extreme amendment, but it seems to me the Bureau of Indian Affairs might well take notice that it expresses a sentiment of criticism and disapproval of some of the activities of the Bureau, and that the Bureau of Indian Affairs might well consider the question of jacking itself up, so to speak, on some of those activities in view of that sentiment as expressed by the passage of the amendment.

The gentleman from Oklahoma speaks about paralyzing some of the activities of the Bureau on these Indian reservations. I may say to the gentleman that certain church organizations feel that the Bureau of Indian Affairs has already paralyzed some of the activities of the churches, and has undone a great deal of the good which it has taken those churches years and years to do among the Indians on some of the Indian reservations. It is in accordance with that sentiment, I think, largely, that the Committee of the Whole yesterday expressed itself in this very extreme way, having no other way to give expression to the feelings which the constituents of many of us feel and which are shared by many Members of the House of Representatives.

Mr. NICHOLS. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman.

Mr. NICHOLS. Does not the gentleman think that the more orderly and probably the more effective way to correct some of the wrongs which he mentions on particular reservations or in particular States would be to direct attention at specific things rather than this very drastic action?

Mr. MAPES. As far as I am individually concerned, I am not in sympathy with the extremes to which the amendment went, but I am in sympathy with the criticisms of some of the church organizations, notably the Christian Reformed Church, which centers very largely in my own district, against some of the activities and doings of the Bureau of Indian Affairs.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I yield.

Mr. JOHNSON of Oklahoma. Does the gentleman know whether or not any of the criticisms to which he has just referred have been brought to the attention of the subcommittee which has been holding hearings on these matters since the 3d of last December?

Mr. MAPES. I cannot state whether they have been called to the committee's attention since that date, but I know they have been called to the attention of the Bureau of Indian Affairs time and time and time again.

Mr. EKWALL. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I join with my colleague from Oklahoma in saying that it is child's play to approach this proposition in the manner in which it was approached yesterday. I have visited the Bureau of Indian Affairs on several occasions and have been treated with every consideration. I do not suppose this Bureau should escape all criticism. It may be some of the Members here do not like the way Commissioner Collier combs his hair, or do not like some other things about him personally, but he is in charge of this Bureau by reason of the fact that superiors have placed him there. They undoubtedly have confidence in him. The main point is this, that we have the Indians of this country to look after. This land was taken away from the aborigines without their consent. Their descendants are here as wards of the Government. They are citizens of this country and are entitled to be treated as free, decent American people, and, so far as my vote is concerned, I propose to see that they are.

I do not believe we have approached this problem in the proper way. If it is a question of spite work or of disagreement with Mr. Collier, let these points be taken up in the proper manner; but let us not take it out on the Indians, who have no way of protecting themselves. They have to look to this Congress to take care of their rights.

I have not an Indian in my district, so far as I know. My two colleagues from Oregon each have Indian tribes in their districts, but I have not. I may have people in my district with tomahawks out who would like to lift my scalp, but no Indians.

I feel that we should deal with the Indians of this country in a proper and orderly manner. It is a shame to have reduced this appropriation in the manner in which we did. I think as an honorable body of legislators we should avail ourselves of the first opportunity to reverse our decision and raise this appropriation to the proper amount.

Mr. DISNEY. Mr. Chairman, will the gentleman yield?

Mr. EKWALL. I yield.

Mr. DISNEY. If we leave the appropriation as it now stands at $25,000, it will not provide sufficient funds to distribute the money we have elsewhere appropriated in the bill for Indian affairs.

Mr. EKWALL. The gentleman is correct. It is an unconscionable thing in my estimation. I feel that we should reverse ourselves and appropriate a proper and necessary sum for this Bureau.

The Clerk read as follows:

Appropriations herein made shall be available for payment of the costs of packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior.

Mr. DITTER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DITTER. Mr. Chairman, I make the point of order with respect to that portion of the bill beginning with line 4, on page 75, and ending with line 9, on page 76, that it is legislation on an appropriation bill.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask to be heard on the point of order. Aside from the question of whether or not it is legislation, the gentleman from Pennsylvania is, I think, familiar with the fact that this provision has been carried in this Interior Department bill for quite a number of years. We have always felt that inasmuch as the House, the Senate, and the administration have approved it for a number of years and inasmuch, also, as it is a matter of great benefit to several different departments and of such a comprehensive nature, that even though there may be a technical objection to some of the language on the ground of being legislative in effect, it should be continued in this bill. I hope the gentleman will not insist upon his point of order. I am not conceding that it is subject to a point of order, but I just want to call his attention to these facts.

Mr. DITTER. If the gentleman cares to challenge the point of order I shall be glad, of course, to argue the point of order. If, however, the gentleman desires me to extend to him courtesy in connection with the matter, I think so much of him that I should probably not be technical. If, however, it is a matter of challenge, then, certainly, sir, I shall argue the point of order.

Mr. TAYLOR of Colorado. I appreciate very highly indeed the gentleman's expression of good will, which I heartily reciprocate, and I am not intending to challenge the point of order; I am simply trying to point out that this provision

is such beneficial legislation that I feel that we are amply justified in overlooking a point of order to it.

Mr. DITTER. I rather take it that while the gentleman is not conceding, yet he admits the fact that it is subject to a point of order.

Mr. TAYLOR of Colorado. I think the gentleman may be warranted in taking that construction of my remarks, and I would appreciate his courtesy in doing so.

Mr. DITTER. Mr. Chairman, in view of the statement of the gentleman from Colorado, I withdraw the point of order. [Applause.]

The Clerk read as follows:

Operating mine rescue cars and stations and investigation of mine accidents: For the investigation and improvement of mine-rescue and first-aid methods and appliances and the teaching of mine safety, rescue, and first-aid methods; investigations as to the causes of mine explosions, causes of falls of roof and coal, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, statistical studies and reports relating to mine accidents, and other inquiries and technologic investigations pertinent to the mining industry; the exchange in part payment for operation, maintenance, and repair of mine rescue trucks; the construction of temporary structures and the repair, maintenance, and operation of mine rescue cars and the Government-owned mine rescue stations and appurtenances thereto; personal services, traveling expenses and subsistence, equipment, and supplies; travel and subsistence, and other incidental expenses of employees in attendance at meetings and conferences held for the purpose of promoting safety and health in the mining and allied industries; purchase not exceeding $5,000, exchange as part payment for, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work; purchase and exchange in part payment therefor of cooks' uniforms, goggles, gloves, rubber boots, aprons, and such other articles or equipment as may be necessary in connection with the purposes of this paragraph; including not to exceed $67,100 for personal services in the District of Columbia, $583,215: *Provided*, That of this amount not to exceed $500 may be expended for the purchase and bestowal of trophies in connection with mine-rescue and first-aid contests.

Mr. GRAY of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAY of Pennsylvania: On page 78, line 2, strike out "$583,215" and insert in lieu thereof "$610,215."

Mr. GRAY of Pennsylvania. Mr. Chairman, the origin of this amendment is this: In the spring of last year an appeal came to me from the Holmes Safety Association to have a mine rescue car stationed in the bituminous district in Pennsylvania, from which I come. I took the question up with the Bureau of Mines, but they were unable to supply one of these cars because there were only two in commission. I then took it up with the President of the United States, who referred it back to the Department. The final result was that the people in that section did not get any rescue car for instruction in safety work. There used to be—and I say this particularly to the Democrats—for some time there used to be about 10 mine rescue cars in operation. That was, I believe, under the Republican administration.

Economy struck the Democratic membership, and those 10 cars available for use in mine rescue instruction and accident-prevention work were reduced to 2. I took this matter up with Mr. Finch, of the Bureau of Mines, and he told me that last year the Senate put in a provision increasing the appropriation, but the House conferees struck it out.

To rehabilitate two cars for this work of training and instruction in safety rescue and first aid in the mines would require about $27,000. Whether these are railroad cars or automobile trucks is a matter to be left to the Bureau of Mines. Some people have a sort of mental feeling of sympathy for the laboring men. Some of us have a feeling in our hearts for laboring men. I may say to the Committee that nobody who is interested in the lives and the limbs and the families of the men who work in the mines will vote against a sufficient appropriation to provide for at least a fairly adequate number of mine rescue cars or trucks.

I wish some of you could have witnessed a mine explosion, as I have, a disaster of considerable magnitude, and could have seen the wives, the children, the daughters, and sisters of those who are trapped in a mine where there has been a gas explosion stupefied, shocked, and deadened by the thought of their loved ones down in a mine shaft.

[Here the gavel fell.]

Mr. GRAY of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GRAY of Pennsylvania. Mr. Chairman, as I stated, if the Members could have seen, as I have, the families of those trapped in a mine waiting anxiously and, as I say, stupefied beyond expression, there would be a realization of the vital importance of this increased appropriation for safety instruction.

The Bureau of Mines appropriation has been reduced this year $48,785. If the appropriation for the Bureau of Mines for this particular safety work was inadequate last year to provide a sufficient number of cars or trucks, how can it possibly be adequate in the coming year with a reduced appropriation to the extent of $48,000? Let not the argument be made that we should not change this appropriation bill. Last year I offered a resolution to appropriate $27,000 for the operation and rehabilitation of two mine cars. The Appropriations Committee had notice of that fact. It is not a valid argument against an amendment which seeks a justifiable increase in this appropriation to say that it would change the character of the bill or to say that the bill should not be disturbed.

Mr. GRISWOLD. Will the gentleman yield?

Mr. GRAY of Pennsylvania. I yield to the gentleman from Indiana.

Mr. GRISWOLD. The gentleman is talking about rescue cars and these other things after an accident occurs.

Mr. GRAY of Pennsylvania. No.

Mr. GRISWOLD. Can the gentleman tell us what cooperation his own State bureau of mines gives to the National Bureau of Mines in connection with the prevention of accidents?

Mr. GRAY of Pennsylvania. There is plenty of cooperation. As a matter of fact, it has been taken up by the Bureau of Mines nationally, which Bureau goes to the mining centers before accidents and trains men how to mine coal, how to prevent explosion, how to use powder and any number of things, how to set props, and so forth. These cars are placed on a siding and there visited by the miners.

Mr. GRISWOLD. As I understand it, the gentleman's State does not cooperate with the Federal Bureau of Mines.

Mr. GRAY of Pennsylvania. I may say to the gentleman that must be an erroneous statement, because if there is any State in the Union that would be interested in complete cooperation with the National Bureau of Mines it would be the State of Pennsylvania.

Mr. GRISWOLD. Other States do cooperate. The Bureau of Mines puts out preventive measures, and there is hardly a State in the Union that cooperates with them.

Mr. GRAY of Pennsylvania. I do not know the results, because I am not a miner. I have no doubt Pennsylvania cooperates to the fullest extent.

Mr. GRISWOLD. There is no way on earth for the Federal Bureau to enforce its decrees.

Mr. GRAY of Pennsylvania. The Federal Bureau of Mines did good work in Pennsylvania, but it is not now sufficiently equipped. That is the difficulty. I am not complaining about the Bureau and the work they have done, and I am not talking about the results of a mine accident. I am talking about prevention.

Mr. ZIONCHECK. Has not the State of Pennsylvania the largest experimental station in the country and the only experimental mine?

Mr. GRAY of Pennsylvania. I am not speaking for Pennsylvania alone. I am talking for the authracite- and bituminous-coal regions all over the country.

Mr. ZIONCHECK. Is this money to be spent in Pennsylvania?

Mr. GRAY of Pennsylvania. No; not entirely. It is for the equipment and maintenance of two railroad cars or two automobile trucks for the United States of America, wherever there may be use or need for them.

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto be limited to 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SCRUGHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the committee is much in sympathy with the point of view expressed by the gentleman from Pennsylvania [Mr. GRAY]. The 1935 appropriation for mine safety work amounted to $452,000. The 1936 appropriation was increased to $632,000. The question of rehabilitation of mine rescue cars was presented to the committee and carefully considered. In the opinion of the committee, this method of safety and rescue work is more or less obsolete. The modern method is by way of fast, specially equipped trucks. Then, too, the mine rescue cars require a considerable length of time to prepare. They are much more expensive to maintain than the auto trucks. A much cheaper and more efficient method is provided in the mine rescue and safety trucks. I ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GRAY].

The amendment was rejected.

The Clerk read as follows:

Testing fuel: To conduct inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and use of mineral fuels, and for investigation of mineral fuels belonging to or for the use of the United States, with a view to their most efficient utilization; to recommend to various departments such changes in selection and use of fuel as may result in greater economy, and upon request of the Director of the Bureau of the Budget, to investigate the fuel-burning equipment in use by or proposed for any of the departments, establishments, or institutions of the United States in the District of Columbia, $165,400, of which amount not to exceed $29,400 may be expended for personal services in the District of Columbia.

Mr. KOPPLEMANN. Mr. Chairman, I move to strike out the last word.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. KOPPLEMANN. Mr. Chairman, I ask unanimous consent that I may proceed out of order for 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

TED WALLEN

Mr. KOPPLEMANN. Mr. Chairman, on January 19 death prematurely took from us one who, although he had no official connection with the Government either in its legislative or administrative functioning, was a definite part of its personnel. Theodore C. Wallen, who since 1929 had been chief of the Washington bureau of the New York Herald Tribune, by the force of his personality, the depth of his understanding, his alertness, sound judgment, and fairness of opinion, had won the friendship of all who knew him, their admiration and affection.

It was my good fortune to have known Ted since the days he covered the Connecticut Legislature for the Hartford Courant. When I first came to Congress in March of 1933 he called on me, and amidst our mutual congratulations, his for my having won a seat in Congress, mine for his brilliant advance in the field of journalism, he remarked that our paths seemed bound to run alongside each other. "I watched you in the Connecticut Senate, and now I am going to watch you again, this time in the National Congress."

For my part I was pleased beyond words that this man whose name was spoken with admiration by old associates in Connecticut journalism, and with reverence by those who had entered the field after he had left Hartford, was again going to be near at hand to counsel with me, this time in my work as a Congressman.

Friend and adviser as he had been, he continued to be. Frequently I sought his advice, frequently relied on his wisdom, confident of his fairness and judgment.

My admiration for him as a journalist increased, and so did my affection for him as a friend.

The CONGRESSIONAL RECORD reported the proceedings in Congress long before Ted was born. I hope it will continue to report these proceedings long after all of us have been called to our reward. I think it fitting that this outstanding journalist, who had been honored over and over again for his reportorial achievements, be given a page in the CONGRESSIONAL RECORD, a tiny monument, as it were, to one who recorded for the world at large the events which first were woven into history through the pages of this journal.

Many tributes have been paid to Ted. A book would be needed to compile all of them. I offer only the tribute paid him by the New Britain Herald, where he began his career, the Hartford Courant, where his career was developed, and of the New York Herald Tribune, where he achieved the heights of journalism and the profound respect of the countless outstanding national and international personalities with whom he came in contact.

Already he is sorely missed.

The New Britain Herald said:

A newspaperman who began his life and labors in New Britain and who reached the pinnacle of a notable career as the friend and confidant of Presidents and statesmen in Washington left the scene of life's labors in the death in Washington of Theodore C. Wallen. Those who knew him in New Britain are bowed with sorrow. The indefatigable industry and efficient methods of Mr. Wallen were not far enough in the past to be local journalism legends. Almost everyone who had been in contact with him during the formative years of his profession knew of remarkable instances of achievement even at that early period. These expanded and grew as Mr. Wallen became nationally known.

The distinguished journalistic career of Theodore C. Wallen began in New Britain, and some of his colleagues at the time are still with the organization at the Herald. Mr. Wallen, at that time a youthful reporter who had made good on the Herald after being graduated from the high school, thought long and seriously before leaving the city of his birth. This was due to the fact that he was exceptionally conscientious and he feared that he could not maintain this high standard of work elsewhere. After he finally risked leaving this city for Hartford he discovered that his earlier fears had been groundless. When he finally reached Washington he learned that the same indefatigable industry and energy that guaranteed success in New Britain brought it in the Nation's Capital.

It was always a satisfaction to his local friends that Mr. Wallen climbed so high from his beginning in this city as the boy editor and proprietor of the homemade sheet the Sporting Gazette. This effusion of his boyhood days indicated effectively in which direction lay his inclinations. From then to his final position as chief of the Washington bureau of the Herald Tribune were successive steps in the career of a native son in whose veins the urge for journalistic achievement came naturally.

The Hartford Courant said:

Death found a shining mark when it struck Theodore C. Wallen, chief of the Washington bureau of the New York Herald Tribune and a former member of the Courant staff. He was stricken in November while at a task of the sort he loved, reporting for a national public the issues and trends of the Kentucky State election. From his hospital bed he had looked forward to being in the thick of what he believed would be the most interesting political campaign of a generation. A sudden halt to his abounding energy, preferably as he completed his day's file from whatever sector had the biggest news, undoubtedly would have been his own choice for his last deadline.

The task he performed with outstanding ability—recording and interpreting governmental and political activities—has seldom, if ever, been of more importance to all the citizens than it is today. The task will be carried on and will take on even more importance as citizens realize their responsibilities in government and the necessity of bringing knowledge and understanding to bear upon its problems. The death of Mr. Wallen at this time is the more tragic because his talent was not given opportunity to ripen further, through the decades which his years seemed to offer, into the achievements and service of which his career gave clear promise.

The passing of "Ted" Wallen comes as a shock to hundreds in Connecticut with whom he was associated during his years of active political writing in this State. He had an easy manner that drew even casual acquaintances into the bonds of friendship. The many who knew him here had followed his career through his writings and took sincere pride in his progress. When the absence of the familiar "By-Line" was first noticed, it was assumed that he was out of Washington temporarily on another of those national surveys that were among his outstanding accomplishments.

All Connecticut took pride in "Ted" Wallen, but he was, in a special sense, of the Courant. The newer members of the staff, to whom he was one of the traditions of the paper, share keenly in the regret felt by the entire profession. To those who were associated with him in the intimacies of daily work, his passing comes as a deep personal loss.

The New York Herald Tribune said:

In the death of Theodore Clifford Wallen this newspaper and American journalism in general have lost a standard bearer of peculiar value. Not only did he translate his great energies and splendid physique into a machine of tireless industry in the gathering, organizing, and writing of news, but he maintained throughout his incessant labors an objectivity of mind which made his dispatches a model of fair statement. In the hurly-burly of the Washington scene, and especially under the pressure of the startling succession of major events there in the last 3 years, this required, in addition to a judgment of the highest order, a rare type of courage. "Ted" Wallen combined the two in perfect balance.

He had been head of the Washington bureau of the Herald Tribune since the spring of 1929. Before that he had been this paper's Albany correspondent and had served it as a political reporter locally, at national conventions, and on extensive trips throughout the country. He came to it from the Hartford Courant, where in various capacities, ranging from reporter to assistant managing editor, his superiors recognized in him, as did everyone with whom he dealt, a man whose character was a match for his extraordinary vitality and his great abilities.

Many distinguished tributes were paid "Ted" Wallen in the course of his career, now so tragically abbreviated. We select from them the citation from George Washington University, when a year ago it conferred on him the honorary degree of doctor of laws. "Clear-minded student", it read, "able in reporting public action, a good citizen who tempers judgment with high loyalties. The mold of his life bespeaks strength dedicated to right thinking." It is a thousand pities that in so short a time this eloquent epitome should have become his epitaph, but we can think of none better deserved.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1937

The Clerk read as follows:

Helium production and investigations: The sums made available for the fiscal year 1937 in the acts making appropriations for the War and Navy Departments for the acquisition of helium from the Bureau of Mines shall be transferred to the Bureau of Mines on July 1, 1936, for operation and maintenance of the plants for the production of helium for military and naval purposes, including laboratory gloves, goggles, rubber boots, and aprons; purchase, not to exceed $2,500, and exchange as part payment for, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in field work, and all other necessary expenses, and including $11,300 for personal services in the District of Columbia.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LANHAM. Mr. Chairman, I have made this pro-forma motion for the purpose of bringing to the attention of the Committee a matter which I think is important. It is not my purpose now to discuss helium with reference to our lighter-than-air craft, but my remarks are prompted solely by a humanitarian impulse.

Perhaps you have all noticed in the papers recently that through very diligent research the medical fraternity has discovered that a combination of helium and oxygen is most efficacious in the treatment of the disease of asthma. Cures have probably been effected in some instances and relief to sufferers uniformly given through the ministration of this mixture.

The medical fraternity has brought it to the attention of some of the Members of this House that the only source through which they can procure this helium is the commercial companies, and that prices charged by commercial companies are, in their opinion, exorbitant, and that sufferers from this trouble, who are greatly relieved by this remedy, are having therefore in many instances to pay more than they can well afford to get this relief.

Under our present law, the Bureau of Mines, through its Helium Division, is authorized to dispose of not exceeding 5,000,000 cubic feet of helium per year for scientific and research purposes. This volume is adequate. However, very little of this helium gas has been disposed of in this way, about 200 tanks, I think, each tank containing about 200 cubic feet of helium, and that has gone to the Bureau of Public Health for purposes of scientific research. It seems to me, inasmuch as this research has resulted in a remedy so efficacious to these sufferers, that there should be both a disposition on the part of the Government and the necessary provision, within the limitations of the present law, which are sufficient, to use some of this helium for this wonderful purpose. I understand that the commercial companies, the only present source for obtaining this helium for this purpose by the medical fraternity, object to such disposition on the part of the Bureau of Mines of any of our stores of helium because it necessarily restricts the market of the commercial companies; but when it is to be used for this great humanitarian purpose of relieving human suffering and human misery, it seems to me, with our stores of this wonderful element, some of it ought to be put into the hands of those who can administer it to their patients without exorbitant charge.

[Here the gavel fell.]

Mr. BACON. Mr. Chairman, I rise in opposition to the pro-forma amendment.

I am very pleased that my friend from Texas has brought up this question and I should like to ask him whether in his opinion the existing law is sufficient to permit the Bureau of Mines to sell helium to hospitals and to the medical profession generally?

Mr. LANHAM. I think it is, with one possible exception. The present law is that the Bureau of Mines can dispose of not exceeding 5,000,000 cubic feet a year for scientific and research purposes, but now that scientific research in this particular field has been satisfactory and has resulted in the discovery of a remedy for this trouble, it might not, technically, therefore, be for research; but in my judgment, it certainly should be applied to this humanitarian purpose.

Mr. BACON. Will the gentleman join with me in communicating with the Bureau of Mines to determine what change in law is necessary so that congressional action can be had?

Mr. LANHAM. I shall be pleased to do so, and I wish at this time to bring this matter to the attention of the committee in order that the committee and the House may understand the situation. I think, perhaps, there might be no objection to the offering of such an amendment at this time, if we can get permission to return to this paragraph after we have had an opportunity to prepare such an amendment.

Mr. BACON. I think that is a very good suggestion. I am particularly interested because I have here a letter from a very distinguished physician who has had a great deal to do with the development of the use of helium and oxygen in the relief and cure of asthma. This letter is directed to the Surgeon General of the United States, and he complains that the average person in the hospital is unable to afford the excessive cost that he has to pay for the helium procured from commercial companies.

Mr. Chairman, at this point in the RECORD I should like to insert this letter addressed to the Surgeon General of the United States for the information of the members of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The letter referred to follows:

JANUARY 22, 1936.

Hon. H. S. CUMMING,
The Surgeon General,
United States Public Health Service, Washington, D. C.

DEAR SIR: I am sending you two reprints indicating the therapeutic efficacy of helium in asthma and in other forms of obstructive dyspnea. We have sufficient evidence now to say that the use of this gas mixed with oxygen is in some instances a life-saving measure as well as a provision of relief in other cases.

My work has been recently confirmed by a group of investigators at the Mayo Clinic (Boothby et al.), who have reported three patients with asthma appearing clinically to be on the verge of death for whom all other measures had been tried and found to be inefficacious. These three patients, in whom, according to Boothby, it seemed as though death would soon occur, obtained prompt subjective and objective relief on the inhalation of helium-oxygen gas.

I mention this in order to form a basis for the request that the Government helium be made available to the medical and lay public at a cost that will not prevent people from being able to make use of it. As it is now, a tank of helium 80 percent, oxygen 20 percent, cannot be obtained for less than $20 from the Helium Co., Louisville, Ky. Even this is a sharp reduction in their previous price. A charge of $30 a tank is made in New York by the Ohio Chemical Co.

I am informed that helium could be sold as cheaply as $5 a tank if there were a sufficient volume; that the United States Government cost of making helium is somewhere in the neighborhood of $3 or $4 a tank. The Helium Co., Louisville, formerly sold helium at a much smaller cost when the Government obtained its supply from them—as I remember, at $5 a tank.

Since our investigation has shown the therapeutic value of helium in medicine, and since this discovery has been confirmed by a reliable group of investigators, I hope that you will take such steps as to make it possible for helium to be procured by patients throughout the United States at a cost that is comparable to that which the Government pays for the filling of dirigibles.

I think this has in some way to become a matter for Congress to pass on, but I am hopeful that you will give this subject your earnest consideration.

I wish to express again my deep appreciation for the help that you have extended through the United States Public Health Service which has enabled me to continue with this work.

I am, very sincerely,

ALVAN L. BARACH.

Mr. BACON. Would the chairman of the subcommittee be willing to consent to a unanimous-consent request to return to this paragraph in the bill in order that the gentleman from Texas may offer a slight amendment that will not in any way cost the Government any money?

Mr. TAYLOR of Colorado. I may say that the committee considered that exhaustively, and we felt——

Mr. LANHAM. We are referring simply to the proposal to sell to the medical fraternity some of this helium, because the Bureau of Mines is already authorized to dispose of not exceeding 5,000,000 cubic feet a year. This will be no expense to the Government, but simply authority to place at the disposal of the medical fraternity, by sale, certain stores of helium for the treatment of disease.

Mr. TAYLOR of Colorado. And it does not involve any increase of appropriation?

Mr. LANHAM. Oh, no.

Mr. BACON. It would be legislation on an appropriation bill, but it has a large humanitarian appeal, and I am sure that none will object.

Mr. GRISWOLD. Will the gentleman yield?

Mr. BACON. I yield.

Mr. GRISWOLD. Will the gentleman give us the name of the doctor he spoke of?

Mr. BACON. Dr. Alvan L. Barach.

Mr. GRISWOLD. I am asking that because there was testimony before the Labor Committee the other day that asthma is incurable.

Mr. LANHAM. Mr. Chairman, I ask unanimous consent that we may return to this paragraph later for the purpose of offering an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Total, Bureau of Mines, $1,992,050.

Mr. HOOK. Mr. Chairman, I move to strike out the last word. I rise to call the attention of the Committee to a bill that I have introduced, which is now before the Ways and Means Committee, asking for an embargo on copper.

I notice on page 81 of this bill that the question of economics in the mineral industry is mentioned. I want to call your attention to the fact that there are millions and millions of pounds of copper being imported from foreign countries into this country which are destroying the copper-mining industry of this Nation.

I will tell you why. There have been three companies—the Endicott Copper Co. and the Phelps Dodge Co. and the Anaconda Copper Co.—bringing in copper from foreign nations—millions of pounds of cheap copper produced by semislave labor and paying only 4 cents a pound excise tax.

These companies are fabricating copper, and the result is that the miners who rely upon mining copper for their living are now without employment and on relief.

All I am asking is that we be given a hearing on my bill so that we may bring before this Nation the facts in regard to the copper industry. Within a short time I expect to be able to obtain permission to present to the Members of this House a full and complete description of the methods by which the Big Three—the barons of the copper industry—have brought ruin to the copper-mining laborers and businessmen in the copper areas, thus throwing thousands of our laborers on relief and ruining hundreds of small independent merchants.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. HOOK. Yes.

Mr. RICH. Does the gentleman not think we ought to protect American industry, regardless of whether it is copper or anything else, farming and every other industry, in order to give the American laborer work?

Mr. HOOK. Let me say to the gentleman from Pennsylvania that all during the time the Republican Party was in charge and during the time the tariff he is probably alluding to was supposed to be in effect our copper-mining industry was dragged to the depths of degredation—and why? Because of the fact that J. D. Ryan and the Guggenheim interests had control of that part of the Republican Party.

Mr. RICH. If we protect American industry, and then put everybody who does not agree to it in prison, regardless of how big he is, we would stop that and give the American laborer work.

Mr. HOOK. That is true, and that is what we are trying to do through reciprocal-trade agreements.

The Clerk read as follows:

National military parks, battlefields, monuments, and cemeteries: For administration, protection, maintenance, and improvement, including not exceeding $6,800 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, $257,900.

Mr. LANHAM. Mr. Chairman, under the unanimous-consent agreement, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: Page 82, line 23, after the semicolon at the end of line 23, insert the following: "*And provided further,* That for the treatment of disease the Bureau of Mines may sell helium at not less than cost to hospitals and members of the medical profession, subject to the approval of the United States Public Health Service."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Further endowment of colleges of agriculture and the mechanic arts: For carrying out the provisions of section 22 of the act entitled "An act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935 (Public Act No. 182, 74th Cong.), $1,480,000.

Mr. CRAWFORD. Mr. Chairman, I move to strike out the last word. I rise at this time on a pro-forma amendment to discuss for a few minutes vocational-education work. Yesterday the gentleman from New York [Mr. FITZPATRICK] raised the question as to how many students are engaged in

this work at the present time. Dr. Studebaker has furnished me with a statement which shows that the number of part-time courses conducted in industrial plants is 66; the number of States in which classes were conducted, 11; the enrollment in all of these classes, 5,071; and the total enrollment in all federally aided trade and industrial schools and classes in the 48 States, Hawaii, and Puerto Rico, 504,865. Total fund used by the States for part-time trade-extension classes in industrial plants, $65,000; and the total funds expended by the 48 States, Hawaii, and Puerto Rico for training in industrial education, $3,291,901.

I ask unanimous consent to insert in the RECORD the statement of Dr. Studebaker and the figures which cover a period ended June 30, 1935.

The CHAIRMAN. Is there objection?

There was no objection.

VOCATIONAL TRAINING IN INDUSTRIAL PLANTS

By Commissioner of Education J. W. Studebaker

Some publicity has been given recently in the press to the development of vocational-training programs conducted in industrial plants for unemployed persons who wished to be employed in textile and garment factories, especially factories migrating to or opening branches in new centers. Some of the newspaper articles implied a widespread misuse of Federal funds for such vocational-training programs and led some people to believe that these programs have been rather generally utilized by employers to exploit labor. It was alleged that persons enrolled in such training were engaged in productive work for extended periods as learners without receiving any compensation or at reduced wages.

As a result of this publicity requests are being received by the Department of Labor and the Office of Education from interested officials of various organizations and citizens for copies of the report on which the press articles were based. The report has not been printed or made available for public distribution, as it is but a routine part of the regular work of the Office of Education in safeguarding the use of Federal funds in accordance with the purposes specified under the National Vocational Education Act.

Because of complaints received from time to time at the Department of Labor, the Office of Education, and the National Recovery Administration regarding practices being followed in training programs in certain communities, the United States Commissioner of Education, J. W. Studebaker, in February 1935, invited the Secretary of Labor, Miss Frances Perkins, to join in a field investigation of the centers against which complaints had been registered. Accordingly an agent of the Vocational Division of the Office of Education, accompanied by a representative of the Department of Labor, made an intensive study of training in the textile and garment trades in a number of States and centers.

In the course of this study, 13 training programs, conducted in industrial plants in four States, in which the possible use of Federal funds had been questioned, were inspected. Three plant-training programs in three States which were being financed entirely by the firms involved were also visited, as well as seven public day vocational schools in three States which had been operated under the provisions of the National Vocational Education Act for a number of years in full accord with its purposes, in order to afford a fair basis of comparison. Following the field work a report on the pertinent facts uncovered was submitted for the information and guidance of those responsible for the administration of the acts of Congress providing for the promotion of vocational education in cooperation with the States.

It was evident from the report that the State authorities in charge of vocational education acted in good faith in attempting to supply needed vocational training to unemployed people in certain localities where new opportunities for work were opening up through the migration of industrial plants. Yet, a few instances of irregular practices developed to a point where certain of the Federal requirements and standards were being violated, at least in spirit, and the use of Federal funds could not be justified from the standpoint of public policy.

The proper administrative action, called for by the facts disclosed, was accordingly taken, and these local programs which were found to be not in conformity with Federal and State policies have either been modified to meet accepted and approved standards for vocational schools or the States concerned have given assurance that Federal funds would not be used in reimbursement for the work.

In proportion to the total number of people served through vocational training during the years of the depression, the number of instances where there was a real basis for charges of exploitation constitute an almost insignificant fraction of the total number of wage earners and workers who were helped toward employment by appropriate forms of vocational education made available as a part of public education and under the direct control of State and local boards of education. The 1935 annual report to Congress of the Secretary of the Interior, pages 314 to 327, gives considerable detailed information concerning the nature and scope of this program as carried on throughout the country.

An examination of the annual report of the 48 States, Hawaii, and Puerto Rico for the year ended June 30, 1935, results in factual data as follows:

Number of part-time courses conducted in industrial plants (sometimes designated as "pant training")	66
Number of States in which classes were conducted	11
Enrollment in these classes	5,071
Total enrollment in all federally aided trade and industrial schools and classes, 48 States, Hawaii, and Puerto Rico	504,865
Total Federal funds used by the States for part-time trade extension classes in industrial plants (sometimes designated as "plant training") (estimated)	$65,000
Total Federal funds expended by the 48 States, Hawaii, and Puerto Rico for trade and industrial education	$3,291,901

More detailed data on part-time trade extension classes (sometimes designated as "plant training") are:

State	Number of schools or programs, 1935	Enrollment
California	1	100
Connecticut	1	40
Maine	1	42
Mississippi	3	816
North Carolina	1	12
Ohio	44	2,064
Pennsylvania	5	1,139
Tennessee	3	209
Virginia	5	546
Washington	1	91
West Virginia	1	12
Total	66	5,071

While the vocational programs of these 66 schools were being conducted generally in full compliance with the standards set up in State plans and in harmony with Federal and State administrative policies, of the cases against which complaint had been received, only three instances were found where the work could not be approved as meeting the requirements. No Federal funds have been used in these three schools since the facts became known to the Office of Education, and the only funds received by these schools have been grants ($4,153.20) which were obligated before the agreement to discontinue Federal aid was made.

Vocational-education programs generally are organized under public supervision and control primarily for the benefit of the workers enrolled. The safeguards provided in the Federal act, in the administrative policies of the Federal office, in the State plans, and in the administrative policies followed in the States, have generally been adequate to prevent misuse of Federal funds.

It is somewhat disconcerting to see represented as characteristic of the National-State vocational education program the few instances where these safeguards have been inadequate to prevent small expenditures for programs which, on investigation, could not be approved for reimbursements out of Federal funds. Such instances should be recognized for what they are—as entirely exceptional local developments which have been promptly and adequately dealt with by the Federal, State, and local agencies responsible for the administration of the thousands of vocational programs now in operation throughout the country.

Mr. CRAWFORD. In addition to that, a report has been made by a lady from the Department of Labor and one from the Department of Education, which was referred to yesterday in the debate. This is a departmental report. It has not been published, but it is available for the reference of any Member of Congress. I have looked over the report and today, this very afternoon, and I suppose this very hour, a committee of nine is in session, made up of three members representing labor, three members representing employers, and three members representing the State administration of vocational education. This committee is at work at the direction and suggestion of Dr. Studebaker to go into the whole program with reference to vocational training.

I have in my hand a report which gives in detail a record of the 16 complaints which have been made, and I invite the attention of this House to this work. I have gone into it quite thoroughly in the limited time I have had since the hearings were completed, and I believe, based on what I have seen in the record, that this work is being handled about as well as any department in the Government.

Personally, I am a great believer in vocational training, and at this time I bring this to the attention of the House to clear up any doubts that might have been created in the mind of any Member by reason of what took place on the floor yesterday, and particularly with reference to the report filed by the two ladies who were sent out to make this investigation—Miss Burdick and Miss Scandrett—from the

Department of Labor and the Department of Education. Every evidence I have been able to secure convinces me Dr. Studebaker and Mr. Cushman are handling this work in accordance with the laws under which they operate and doing all in their power to prevent irregularities creeping in and to have the money spent strictly in accordance with the law. Naturally, they have to work through State local boards and according to the State plans after having been approved by the Federal Department of Education, and all in accordance with the law. If the State boards are negligent, of course, Dr. Studebaker and Mr. Cushman cannot control that situation directly. Such control is beyond their power.

Mr. KENNEY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. KENNEY: Page 100, line 22, strike out the figures "$1,480,000" and insert "$1,450,000."

Mr. KENNEY. Mr. Chairman, the amount $1,480,000 is intended as an increased appropriation for colleges of agriculture and the mechanical arts. My amendment proposes to lop off $30,000 of that appropriation. The appropriation for the colleges is designed for purposes which have not been carried into effect. It is a wholesome objective to promote the mechanical arts, but if Congress is going to do so, it ought to broaden the base. For that reason I ask that you deduct $30,000 from the colleges and reserve that amount of money for another purpose. The purpose I have in mind is to meet a growing demand from all parts of the United States and the Territories for comprehensive information regarding suitable aviation instruction courses for the public schools.

This Congress has done nothing looking to the dissemination of accurate and comprehensive aviation information for the youth in the schools of the country. Aviation is progress. It is a vital part of our Army forces and our naval forces, of our post-office facilities and of our commerce. This Congress should foster and promote aviation. The place for it to begin is in the public schools. If we are going to appropriate moneys to disseminate information regarding reclamation, if we are going to spread propaganda to the extent of $160,000 among the Indians, then we ought not delay having our Commissioner of Education make available for the public schools of this country accurate and much-desired information regarding aviation and its place in our commercial, industrial, and social life.

While the Congress has stood by, an organization of youth has been developed to promote interest in aviation. I refer to the Junior Birdmen of America, which has been in existence now about 2 years. The sponsor of that organization is William Randolph Hearst. Through his private support and personal interest great numbers of our youth are receiving the benefit of limited instruction in aerodynamics and the theory of flight, the airplane and its engine, and meteorology. The membership now approximates 500,000. If the new generation should prove to be air-minded, as it ought to be, the greatest credit will go to Mr. Hearst. But shall we continue to stand by and allow one man to carry on this great movement unassisted and unaided by the Government? When will this Congress take cognizance of this forward-looking activity going on about us? And shall we not get down to fundamentals? If aviation is to develop in a way worthy of us, we should make accurate and comprehensive information and instruction available to the youth in our schools so that the new generation may grow up to know the plane and its uses, without superstitions or prejudices, and with enthusiasm for the expansion of an industry that may bring economic prosperity to our country in the same manner that the automobile did a decade ago and as the railroads did back in the last century. It is a generous amount that is given to these colleges, and $30,000 can be spared for the purpose of disseminating suitable aviation data to our public schools upon application. The Commissioner of Education at this small cost can supply the information for teaching in our schools, and true and accurate information will be made available for courses of instruction. After all, if we want an air-minded nation we shall have to accomplish our goal by education. I have heard on this floor repeated reference to communism and proposed drastic legislation to prevent communism. We shall never prevent it by legislation. No matter what law we pass or how drastic, even though it be more drastic than the Jones 5-and-10 law, it will avail nothing. Education is the solution, and it should be supplied to our youth in aviation. [Applause.]

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I rise in opposition to the amendment. The law specifically authorizes this appropriation, and it is made in conformity with the act.

I ask that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. KENNEY].

The amendment was rejected.

The Clerk read as follows:

Promotion of vocational rehabilitation of persons disabled in industry in Puerto Rico: For extending to the island of Puerto Rico the benefits of the act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry", approved June 2, 1920, as amended (U. S. C., title 29, secs. 31–44), in accordance with the provisions of the act entitled "An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Puerto Rico", approved March 3, 1931 (U. S. C., title 29, sec. 45a), $15,000.

Mr. DINGELL. Mr. Chairman, I move to strike out the last word.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that all discussion on this paragraph and all amendments thereto be limited to 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DINGELL. Mr. Chairman, I want to call the attention of the House to what I believe is a much-neglected problem of the Congress. I want to predict, and in making such prediction I want to make it clear that I am not a calamity howler nor in any sense a prophet, but unless this Congress takes definite action in clearing up the mess across the river at the Washington-Hoover Airport, and unless this Congress makes some provision and the committees charged with that duty see fit to take specific action, we are going to be the blame for having permitted a condition to exist which will prove disastrous.

I frequently make use of the Washington-Hoover Airport. Other Members of this body and of the Senate use it on many occasions. It is a port which could be made reasonably safe, but because of selfishness on the part of certain departments, because of the blindness of certain Members of Congress, a condition is permitted to exist which may mean the death of any number of our colleagues.

I have harbored this thought for a long time, and I say to you that at the present moment the safety of the Washington-Hoover Airport can be increased 100 percent if Military Road is closed, and without any loss to the War Department or anyone else.

In addition to that, Mr. Chairman, this situation needs correction, because it debars the use of this airport to some of the larger planes that have been recently designed. The 24-passenger planes being built by the commercial builders cannot use this important field at all. How amout the 36- to 50-passenger planes of the near future? Airport facilities are retarding aerial development. The Washington-Hoover Airport is situated within 10 or 15 minutes of the Capitol, and it is used by the people and officials of Washington. It should be made the finest and safest field in the world. I am told that the closing of the Military Road and filling in of the lagoon would make the field so big as to permit a runway, the narrow length of the field, about 5,400 feet and about 7,400 feet the long way. There is no excuse for permitting Military Road to bisect this important field and adding to the danger of flying. Military Road is no more a military road than is Pennsylvania Avenue. The War Department will close it voluntarily when a big plane crashes into a bus or automobile and kills passengers in both conveyances. At the present time some of the 10-, 12-, or 14-passenger planes, which are not the largest in use, are un-

able to safely use this airport. The smaller planes make it, it is true, but not with the maximum degree of safety. That condition should be corrected.

Mr. NICHOLS. Will the gentleman yield?

Mr. DINGELL. I yield to my friend from Oklahoma.

Mr. NICHOLS. As a matter of fact, Military Road now runs through the middle of the Washington-Hoover landing field and cuts that field half in two, does it not?

Mr. DINGELL. That is right.

Mr. NICHOLS. And that road is controlled by the War Department?

Mr. DINGELL. That is right.

Mr. NICHOLS. The War Department, because they want to use the road, will not permit the road to be closed, even though the Department of Commerce and many other departments of the Government are insisting that every day they endanger life and that the road should be closed. Is that not the situation?

Mr. DINGELL. That is right.

Mr. DIRKSEN. Will the gentleman yield?

Mr. DINGELL. I yield.

Mr. DIRKSEN. I believe a bill has been introduced by the chairman of the Committee on Military Affairs to close Military Road.

Mr. NICHOLS. That is right. Of course, there is a bill now which is in conference, upon which we have not been able to confer, because the gentlemen at the other end of the Capitol will not confer, which would remedy this situation and provide for the acquisition of some airport that will be adequate.

Mr. DINGELL. I intend to introduce a resolution calling upon the Secretary of War to give Congress a specific reason for the continuation of this dangerous nuisance.

First of all, however, I will call this matter to his attention by transmitting a letter on the subject now under discussion.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Clerk read as follows:

The Alaska Railroad: For every expenditure requisite for and incident to the authorized work of the Alaska Railroad, including maintenance, operation, and improvements of railroads in Alaska; maintenance and operation of river steamers and other boats on the Yukon River and its tributaries in Alaska; operation and maintenance of ocean-going or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for the transportation of freight, passengers, or mail, when deemed necessary, for the benefit and development of industries and travel affecting territory tributary to the Alaska Railroad; stores for resale; payment of claims for losses and damages arising from operations, including claims of employees of the railroad for loss and damage resulting from wreck or accident on the railroad, not due to negligence of the claimant, limited to clothing and other necessary personal effects used in connection with his duties and not exceeding $100 in value; payment of amounts due connecting lines under traffic agreements; payment of compensation and expenses as authorized by section 42 of the Injury Compensation Act approved September 7, 1916 (U. S. C., title 5, sec. 793), to be reimbursed as therein provided, $200,000, in addition to all amounts received by the Alaska Railroad during the fiscal year 1937, to continue available until expended: *Provided*, That not to exceed $6,000 of this fund shall be available for personal services in the District of Columbia during the fiscal year 1937, and no one other than the general manager of said railroad shall be paid an annual salary out of this fund of more than $6,000: *Provided, further*, That not to exceed $10,000 of such fund shall be available for printing and binding: *Provided further*, That $100,000 of such fund shall be available only for such capital expenditures as are chargeable to capital account under accounting regulations prescribed by the Interstate Commerce Commission, which amount shall be available immediately.

Mr. ZIONCHECK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am not offering an amendment to this bill, but I would like to make a statement at this time for the benefit of the RECORD.

Being a member of the Subcommittee on Appropriations that appropriates for the Department of the Interior, having taken a trip to Alaska this last fall, I came to what I considered the reasoned conclusion that after this deficiency appropriation of $200,000 for the Alaska Railroad there should be no further appropriation for this particular activity. In the year 1912 the Richardson Highway from Valdez to Fairbanks was completed to the point where automobiles and trucks could use it. The Alaska Railroad starts from Seward and goes to Fairbanks, following approximately the same line as the highway, only in a different valley. So far as getting any materials or supplies into Fairbanks was concerned from the standpoint of mining and mining development, normal mining development, they did not need this railroad. The only reason the railroad was built in the first place—and they started the survey in 1915—in my opinion was to get heavy dredging machinery up to Fairbanks for the Fairbanks Exploration Co. Anything but heavy dredging machinery they could have taken over the highway. To date this railroad has cost the Government of the United States almost $72,000,000. This is Government interference in private business in my opinion, Government interference in the business and activities of the Fairbanks Exploration Co., which has six or seven dredges up there developing Alaska. They dig the soil up, dredge that off first, then when the dredges go on they leave piles of rocks in their wake.

That is development! I do not want to be facetious about it, but at this time they are getting $35 an ounce for gold at the hand of the Government in Washington, and we are still making a contribution, whereas if they would only raise the rate upon the lignite coal that comes from Healy, which they must use in Fairbanks, the Fairbanks Exploration Co. could take care of this deficit and the railroad would not have to run at a loss. If they would only raise the rate upon heavy machinery and not penalize the little man up there who gets gasoline, and maybe a little equipment, there would be no deficit.

At this time I am not going to make serious opposition to this particular appropriation of $200,000, but had I been here when the bill was marked up I would have made vigorous opposition to it. It was not my fault that I was not here, being absent on a funeral mission, and I will take my medicine as a member of the committee and vote for this particular appropriation, but with the strict assurance of never again. It is a steal.

The Clerk read as follows:

For defraying the deficits in the treasuries of the municipal governments because of the excess of current expenses over current revenues for the fiscal year 1937, municipality of St. Thomas and St. John, $70,000, and municipality of St. Croix, $60,000; in all, $130,000.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am reluctant to trespass upon the time of the committee at this late hour in the afternoon, and I do not intend to do so at length. This item for the Virgin Islands, however, inspired the recollection that the Federal Government is in the business of manufacturing rum. Incidentally, this island is one of the sources of a very dark, heavy, scummy material which is known to the trade as blackstrap molasses, which comes to this country to be converted into all forms of neutral spirits and alcohol. Congress passed a bill last year dealing with the regulation of the manufacture, sale, and distribution of distilled beverages. There seem to be several jokers in the copious regulations which have been formulated by the Federal Alcohol Administration to give effect to the F. A. A. measure.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD at this point; and I would ask the Members to read this statement tomorrow, because there they will find the jokers. They will find that under these regulations the people of this country will probably be drinking whisky which is made of 20 percent grain whisky and 80 percent neutral spirits which are distilled from this dark, sirupy, dirty, scummy molasses that is imported from the offshore possessions.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. WILLIAMS. Who made those regulations?

Mr. DIRKSEN. The Federal Alcohol Administration, under Mr. Hoyt, the Administrator who succeeded Mr.

Choate. However, Judge Hoyt resigned before the regulations were approved, and they were actually issued under a temporary Administrator named Miss Josephine Roche. This, of course, will be set out at length in the statement that will appear in the RECORD tomorrow.

Very briefly I call the attention of the House to what might be considered administrative distortion of the intent of Congress in a most direct way.

The Pure Food and Drugs Act of June 30, 1906, achieved after a determined crusade by Harvey Wiley, required truthful and informative labels on certain articles shipped in interstate commerce. The products within the act included whisky. Differences of opinion arose as to what constituted whisky, which provoked a very lengthy opinion by President Taft and by two different Attorneys General of the United States. All three agreed that whisky was a distillate from a grain base. They agreed that a distillate made from molasses is not entitled to bear the name "whisky." Accordingly, the Department of Agriculture thereafter issued a ruling as to what mixtures were entitled to be called blended whiskies and held that a mixture of whisky and neutral spirits distilled from molasses was not in fact whisky and must be designated as a compound of whisky and molasses spirits. To implement this ruling, the United States Pharmacopoeia defines whisky as a grain distillate. After the act of 1906 every State in the Union adopted similar laws and regulations. When the Code of Fair Competition for the Distilled Spirits Industry was adopted it was agreed between the distilled-spirits industry and the then Federal Alcohol Control Administration that the definition of whisky should be confined to a distillate from grain. For 30 years the American public, by rule, precept, and regulation, has been disciplined to the belief and the fact that whisky was a grain distillate and that when a consumer purchased a bottle of spirits bearing the name whisky he could conclusively assume that the contents were made from grain.

The Federal Alcohol Control Authority carried out its agreement with the industry and enforced the understanding that only a distillate from grain was entitled to bear the name whisky. Subsequently the F. A. C. A. was legally demolished because it was a part of the N. I. R. A. and the Supreme Court invalidated the N. I. R. A.

Congress then passed an act which was approved on August 29, 1935, which established the F. A. A.—Federal Alcohol Administration—as a division of the Treasury Department, and gave it plenary power to control and supervise the matter of permits, the manufacture, sale, distribution of distilled beverages, and the regulation of unfair competition and unlawful practices. In fact, section 5 of that measure is titled "Unlawful competition and unlawful practices." Very carefully, section 5 deals with exclusive outlets, tied houses, commercial bribery, consignment sales, labeling, and advertising. Paragraph (e) of that section, dealing with labeling, and paragraph (f), dealing with advertising, recite that it shall be unlawful to sell or ship or introduce in interstate commerce spirits and beverages unless they conform to the regulations of the Administrator with respect to—

> Packaging, marking, branding and labeling, and size and fill of container as will prohibit deception of the consumer with respect to such products. * * *

Other portions of the section use the language:

> As the Administrator finds to be likely to mislead the consumer.

The whole spirit and intent of the act was to protect the public, and every Member of this House who heard the discussion on that bill will recall the emphasis that was placed upon that phase of the pending legislation.

When the F. A. C. A. was invalidated, Joseph Choate, the Administrator, resigned. When the F. A. A. became effective, Judge Franklin Hoyt was made Administrator. Regulations were drafted to carry the F. A. A. into effect, and hearings were held on the proposed regulations.

Among the regulations was one to the effect that where blended or rectified distilled spirits contained or were made of neutral spirits which had been distilled from blackstrap molasses, it would be sufficient to state that the neutral spirit has been made from "cane products." You will find this item in section 38, paragraph (a), of the regulations. I filed a protest on the ground that distilled spirits made from molasses and labeled as being made from "cane products" was wholly misleading, defeated the spirit and purport of the act, and was in contravention to the expressed intent of Congress. However, the regulations have finally been approved and issued as of January 18, 1936, over the signature of Josephine Roche, Acting Administrator of the F. A. A., and Henry Morgenthau, Secretary of the Treasury, so that distilled spirits, made by blending or rectification, in which molasses spirits have been used, can be marketed to the American public with a statement on the label that the contents of the bottle contain a certain percentage of neutral spirits distilled from cane products. It begins to look as if the American public must be warned to carefully read their labels to make certain that they are not purchasing beverages made from a dirty, scummy molasses, a byproduct of the manufacture of sugar, and imported from Cuba, Puerto Rico, and the Philippines. Distilled beverages made from molasses can be made considerably cheaper than from grain, and the lure of the lower price may induce the public to patronize this product. The ultimate result, of course, is that once more the poor old American farmer, who had hoped that the Government would give him a "break" after repeal and help expand his industrial grain market, finds that he has been beautifully but firmly hoodwinked by a Government that seems to be long on assurances but short on action.

Even more alarming and disconcerting, in view of the general belief for more than a quarter of a century that whisky was a distillate from grain, is the regulation dealing with blended whisky. By way of proof let me first quote from article II, section 21, of the regulations, which states that—

> Neutral spirits * * * are distilled spirits distilled from any material at or above 190° proof, whether or not such proof is subsequently reduced.

Mark well, therefore, that neutral spirits can be made from "any material." That includes imported blackstrap molasses. Now look at the language of paragraph (b) of the same section, which states that—

> Straight whisky is an alcoholic distillate from a fermented mash of grain * * *.

Then examine paragraph (g) of the same section, which states that—

> Blended whisky (whisky—a blend) is a mixture which contains at least 20 percent by volume of 100-proof straight whisky, and separately or in combination whisky or neutral spirits * * *.

The result of this admixture of administrative language is what? Simply that you can take a bottle, fill it with 20 percent of straight whisky made from grain, add 80 percent neutral spirits made from blackstrap molasses, stick a label on this concoction stating that 80 percent of the contents are made from neutral spirits distilled from cane products, and offer it to John Q. Citizen as whisky.

Talk about administrative distortion of the intent of Congress and of settled practices that have obtained for more than a quarter of a century! There it is. The Treasury and the F. A. A. win every known laurel for nullifying the intent of Congress. It all seems very strange—very strange, indeed.

At this point I am compelled to add an observation or two on the remarks of the gentleman from Washington [Mr. ZIONCHECK], which are recorded immediately following this statement. Had he been attentive to my remarks he might have observed that I said nothing about "dirty, scummy rum." The reference which I did make was to "dark, sirupy, dirty, scummy molasses", and if the gentleman from Washington needs any proof on that point I suggest that he take the trouble sometime to inspect this product, which is a byproduct of sugar refining, and observe how it is made, how it is loaded, how it is handled.

As for his observations about the Hiram Walker Distillery, which happens to be situated in Peoria, he again displays a curious lack of knowledge on the subject. For his information let me state that this distillery uses only American corn, produced on American farms by American farmers in the manufacture of distilled beverages. Moreover, these

beverages are produced in the most modern distillery in the world, under sanitary conditions, by American labor which is well paid.

Instead of processing cheap imported molasses into distilled beverages, with which to satisfy the palate of our people, they are engaged in giving the American farmer a break by affording an outlet for corn to the extent of 20,000 bushels per day. Perhaps it is safe to assume from the general temper of the gentleman's remarks that he would prefer to see these importations and use of blackstrap molasses for the production of distilled beverages, instead of using corn, while at the same time carrying on a program of crop reduction by paying millions of dollars to curtail corn production.

The gentleman's observation that this distillery does not buy Virgin Island rum because it does not blend in with the type of whisky which they sell is indeed an intriguing bit of information, even though wholly unrelated to the matter which was being discussed. The record will disclose that I was discussing the importation and use of molasses, not rum. As for blending whisky with rum, I confess that is a new one on me.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ZIONCHECK. Mr. Chairman, there is one thing I rather resent. It is the manner in which the gentleman from Illinois [Mr. DIRKSEN] referred to the "dirty, black, scummy rum" manufactured by our Government in the Virgin Islands. The very distilleries he usually speaks for are buying this "dirty, black, scummy rum" to sell to our people of the United States. Why do they buy it? Why do they insist upon buying all of it? Why will they not let the Government sell it? Why? Because they profit by the purchase.

The fact of the matter is that the rum from the Virgin Islands is only 16 months old and is considered by experts to be the best rum of that age produced. They have the best chemist in the country down there today. If the gentleman resents it—the only reason he resents it—is because the Hiram Walker Distillery at Peoria, Ill., the gentleman's home town, does not use it. The reason they do not use it is because it does not blend in with the type of whisky which they sell. The real way to settle this is to bring about complete Government manufacture and sale of all intoxicating beverages. That is the only solution.

[Here the gavel fell.]

The Clerk read as follows:

FREEDMEN'S HOSPITAL

For officers and employees and compensation for all other professional and other services that may be required and expressly approved by the Secretary of the Interior, $212,840; for subsistence, fuel and light, clothing, to include white duck suits and white canvas shoes for the use of interns, and rubber surgical gloves, bedding, forage, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, replacement of X-ray apparatus, furniture, purchase of ambulance at not to exceed $2,500, and maintenance and operation of passenger-carrying vehicles, including not exceeding $300 for the purchase of books, periodicals, and newspapers; and not to exceed $1,200 for the special instruction of pupil nurses, and other absolutely necessary expenses, $100,260, of which sum not to exceed 12 percent may be transferred, with the approval of the Director of the Bureau of the Budget, to the sum herein appropriated for personal services; in all, for Freedmen's Hospital, $313,100, including reimbursement to the appropriation for Howard University of actual cost of heat and light furnished, of which amount of $313,100 one-half shall be chargeable to the District of Columbia and paid in like manner as other appropriations of the District of Columbia are paid.

Mr. NICHOLS. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the subcommittee a question. May I ask the chairman of the subcommittee if it is his intention to demand a separate vote on the Taber amendment?

Mr. TAYLOR of Colorado. Yes; certainly.

Mr. NICHOLS. When a separate vote is demanded, in order to place the appropriations back to the original figure contained in the bill, we will vote "no"?

Mr. TAYLOR of Colorado. That is my understanding of the way the Speaker will put the question.

Mr. NICHOLS. That is, to vote down the Taber amendment the vote will be "no"?

Mr. TAYLOR of Colorado. The gentleman is correct.

The Clerk concluded the reading of the bill.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, now that the Committee has concluded its work on the pending bill, may I say a word with reference to the Taber amendment that was agreed to by the Committee yesterday before the Committee reports to the House? I am sure that the membership of this House does not intend to permit such an amendment to remain in the bill. It will be recalled that there were only a handful of Members present on the floor yesterday, and in a hilarious moment and in a jesting way the Committee voted to practically do away with the Indian Office as a slap or a rebuke to the Commissioner of Indian Affairs.

Let me say that I hold no brief for the Indian Office. Nor do I hold a brief for the Commissioner of Indian Affairs. But I might suggest that if Members who have been speaking in generalities will be specific, we will at least ascertain what this is all about. If any Members have complaints that can be justified, let me suggest such be made in a direct manner. Let us not come in here in a back-handed way and vote to slash over $400,000 from the Indian Office item in order to slap the Commissioner of Indian Affairs. That does not appeal to me as the logical or sensible thing to do. Surely the House will not sustain that action.

Within a few moments this House votes on the Taber amendment, and I sincerely trust and firmly believe that an overwhelming majority will vote "no." Let us vote that amendment down and permit the Indian Office to function.

There are, as I recall, only a little over 300,000 Indians in the entire United States. Of that number 127,000 live in Oklahoma. The Indians in my State are interested in this item, and I am sure the Members of the House have no desire to do an injustice to them.

Mr. KVALE. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Minnesota.

Mr. KVALE. Is this not about the same as permitting telephone service to all of the offices in the National Capitol, then taking out the central switchboard?

Mr. JOHNSON of Oklahoma. I would say that the analogy given by my friend is somewhat similar.

[Here the gavel fell.]

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. MURDOCK. Mr. Chairman, I object.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 5 minutes.

The motion was agreed to.

Mr. MURDOCK. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I rise at this time to call the attention of the committee to the amendment adopted yesterday, known as the Taber amendment, an amendment to which was offered by the gentleman from California [Mr. McGROARTY]. For 2 months during the last session of Congress I acted as chairman of a subcommittee of the Indian Affairs Committee, investigating the administration of the Indian Bureau. There is no man in the House for whom I have a higher regard than the gentleman from California [Mr. McGROARTY], who served on my committee. I think that he demonstrated courage yesterday when he took the position he did. I think he was absolutely sincere in what he

did. I can agree with him in many of the statements that he makes, but I must disagree with him in connection with the amendment to the Taber amendment proposed by him, and also the amendment proposed by the gentleman from New York.

Mr. Chairman, for 8 weeks we listened to complaints against the Indian Bureau. Many of them were substantial. Many of them had substance and many of them were constructive and should be taken into consideration in determining the future policy of Congress relative to the Indian Bureau; but I agree with the gentleman from Minnesota who just stated that to adopt this amendment would mean doing away with the central office here in Washington, thereby crippling the entire Indian administration.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK. In just a moment.

As chairman of that subcommittee, notwithstanding the complaints that were made, notwithstanding the fact that there was a lot of complaint against the Indian Bureau, I think today that if the House does not correct the mistake that was made yesterday we will be guilty of making a colossal blunder in connection with the Indians of the United States and our government of them. It is easy to criticize, but it is much more difficult to accomplish a worth-while job. I believe that the Indian Service is open to some criticism, but I fervently believe that, by and large, the Indian Service is accomplishing a worth-while job. And at this time I cannot refrain from calling the attention of the Congress to the splendid and constructive work that is being accomplished by the Secretary of the Interior, under whose jurisdiction the Indian Service operates. Seldom in the history of our country has a man been charged with such overwhelming responsibility as that which rests upon Mr. Ickes, and never, I believe, have the American people been blessed with an administrative officer of broader vision, sounder integrity, or nobler purpose. This administration and the party of the people can well be proud of the accomplishments of Mr. Ickes.

I now yield to the gentleman from Minnesota.

Mr. KVALE. I appreciate the gentleman's very fair statement, and will he not also call attention to the fact that this item involves less than 2 percent of the total expenditures for the Indian Service and less than 3 percent of the entire personnel, the rest of them being in the field?

Mr. MURDOCK. If that is so, I am pleased to have it called to my attention.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DOUGHTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 10630) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. TAYLOR of Colorado. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. TAYLOR of Colorado. Mr. Speaker, I demand a separate vote on the Taber amendment, occurring at page 16, line 21, of the bill.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 16, line 21, strike out "$493,770" and insert in lieu thereof "$25,000."

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 12, noes 104.

Mr. BLANTON. Mr. Speaker, I object to the vote because it shows there is no quorum present, and I make the point of order that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and seventy-nine Members present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 28, nays 305, not voting 97, as follows:

[Roll No. 12]

YEAS—28

Andrews, N. Y.	Colden	Hamlin	Mead
Bacon	Colmer	Hess	Moritz
Beiter	Costello	Hook	Rich
Binderup	Faddis	Jenckes, Ind.	Sutphin
Bolton	Ford, Miss.	Kenney	Taber
Brewster	Goodwin	Lord	Thurston
Carter	Gray, Pa.	McGroarty	Wadsworth

NAYS—305

Amlie	Drewry	Kvale	Polk
Andresen	Driscoll	Lambertson	Powers
Andrew, Mass.	Driver	Lambeth	Quinn
Arends	Duffey, Ohio	Lanham	Ramsay
Ashbrook	Duffy, N. Y.	Larrabee	Ramspeck
Bankhead	Duncan	Lea, Calif.	Randolph
Barden	Dunn, Miss.	Lee, Okla.	Rankin
Barry	Dunn, Pa.	Lemke	Ransley
Beam	Eagle	Lewis, Colo.	Rayburn
Bell	Eaton	Lewis, Md.	Reece
Berlin	Eckert	Lucas	Reed, Ill.
Biermann	Edmiston	Luckey	Reed, N. Y.
Blackney	Eicher	Ludlow	Reilly
Bland	Ellenbogen	Lundeen	Richardson
Blanton	Engel	McAndrews	Risk
Boehne	Englebright	McClellan	Robertson
Boileau	Farley	McCormack	Robinson, Utah
Brown, Ga.	Fenerty	McFarlane	Robsion, Ky.
Buck	Ferguson	McGehee	Rogers, Mass.
Buckbee	Fiesinger	McGrath	Rogers, N. H.
Buckler, Minn.	Fitzpatrick	McKeough	Rogers, Okla.
Burch	Fletcher	McLaughlin	Romjue
Burdick	Focht	McLean	Rudd
Burnham	Ford, Calif.	McMillan	Russell
Caldwell	Frey	McReynolds	Sabath
Cannon, Mo.	Fuller	McSwain	Sadowski
Carlson	Fulmer	Maas	Sanders, Tex.
Carpenter	Gasque	Mahon	Sauthoff
Cartwright	Gassaway	Mansfield	Schaefer
Casey	Gearhart	Mapes	Schneider, Wis.
Castellow	Gehrmann	Marcantonio	Schuetz
Cavicchia	Gildea	Marshall	Schulte
Chandler	Gingery	Martin, Colo.	Scott
Chapman	Goldsborough	Mason	Scrugham
Christianson	Granfield	Massingale	Sears
Church	Greenway	Maverick	Secrest
Claiborne	Greenwood	May	Short
Cochran	Greever	Meeks	Sisson
Coffee	Gregory	Merritt, Conn.	Smith, Conn.
Cole, Md.	Griswold	Merritt, N. Y.	Smith, Va.
Cole, N. Y.	Gwynne	Michener	Smith, Wash.
Collins	Haines	Miller	Smith, W. Va.
Cooley	Halleck	Mitchell, Ill.	Snell
Cooper, Tenn.	Hancock, N. Y.	Mitchell, Tenn.	Snyder, Pa.
Cox	Harlan	Monaghan	South
Cravens	Hart	Montague	Spence
Crawford	Harter	Moran	Stack
Creal	Hartley	Mott	Starnes
Crosby	Healey	Murdock	Stefan
Cross, Tex.	Hennings	Nichols	Stubbs
Crosser, Ohio	Hildebrandt	Norton	Sumners, Tex
Crowe	Hill, Knute	O'Brien	Sweeney
Crowther	Hoffman	O'Connor	Tarver
Cummings	Hope	O'Leary	Taylor, Colo.
Curley	Houston	Oliver	Taylor, S. C.
Daly	Huddleston	O'Neal	Terry
Darrow	Hull	Owen	Thomason
Deen	Imhoff	Palmisano	Thompson
Dempsey	Jacobsen	Parks	Tinkham
DeRouen	Jenkins, Ohio	Parsons	Tobey
Dietrich	Johnson, Okla.	Patman	Tolan
Dingell	Johnson, Tex.	Patterson	Tonry
Dirksen	Johnson, W. Va.	Patton	Treadway
Disney	Kennedy, Md.	Pearson	Turner
Ditter	Kerr	Perkins	Turpin
Dobbins	Kleberg	Peterson, Fla.	Umstead
Dockweiler	Kloeb	Peterson, Ga.	Underwood
Dondero	Kniffin	Peyser	Utterback
Dorsey	Knutson	Pierce	Vinson, Ga.
Doughton	Koppelmann	Pittenger	Vinson, Ky.
Doxey	Kramer	Plumley	Wallgren

Walter	Whelchel	Wilson, Pa.	Young
Wearin	White	Withrow	Zimmerman
Weaver	Whittington	Wolcott	Zioncheck
Welch	Wigglesworth	Wolverton	
Werner	Wilcox	Wood	
West	Williams	Woodruff	

NOT VOTING—97

Adair	Cullen	Hobbs	Pettengill
Allen	Darden	Hoeppel	Pfeifer
Ayers	Dear	Hollister	Rabaut
Bacharach	Delaney	Holmes	Richards
Bloom	Dickstein	Jones	Ryan
Boland	Dies	Kahn	Sanders, La.
Boykin	Doutrich	Kee	Sandlin
Boylan	Ekwall	Keller	Seger
Brennan	Evans	Kelly	Shanley
Brooks	Fernandez	Kennedy, N. Y.	Shannon
Brown, Mich.	Fish	Kinzer	Sirovich
Buchanan	Flannagan	Kocialkowski	Somers, N. Y.
Buckley, N. Y.	Gambrill	Lamneck	Steagall
Bulwinkle	Gavagan	Lehlbach	Stewart
Cannon, Wis.	Gifford	Lesinski	Sullivan
Carmichael	Gilchrist	McLeod	Taylor, Tenn.
Cary	Gillette	Main	Thom
Celler	Gray, Ind.	Maloney	Thomas
Citron	Green	Martin, Mass.	Warren
Clark, Idaho	Guyer	Millard	Wilson, La.
Clark, N. C.	Hancock, N. C.	Montet	Wolfenden
Connery	Higgins, Conn.	Nelson	Woodrum
Cooper, Ohio	Higgins, Mass.	O'Connell	
Corning	Hill, Ala.	O'Day	
Culkin	Hill, Samuel B.	O'Malley	

So the amendment was rejected.

The following pairs were announced:

General pairs:

Mr. Warren with Mr. Cooper of Ohio.
Mr. Boland with Mr. Bacharach.
Mr. Buchanan with Mr. Gifford.
Mr. Gavagan with Mr. Hollister.
Mr. Richards with Mr. Lehlbach.
Mr. Samuel B. Hill with Mr. Martin of Massachusetts.
Mr. Cary with Mr. Seger.
Mr. Bulwinkle with Mr. Wolfenden.
Mr. Kelly with Mr. Thomas.
Mr. Sandlin with Mr. Main.
Mr. Clark of North Carolina with Mr. Kinzer.
Mr. Corning with Mr. Taylor of Tennessee.
Mr. Jones with Mr. Millard.
Mr. Cullen with Mr. Stewart.
Mr. Dies with Mrs. Kahn.
Mr. Nelson with Mr. Allen.
Mr. Woodrum with Mr. Ekwall.
Mr. Steagall with Mr. Guyer.
Mr. Gambrill with Mr. McLeod.
Mr. Bloom with Mr. Holmes.
Mr. Sullivan with Mr. Culkin.
Mr. Hancock of North Carolina with Mr. Fish.
Mr. Boylan with Mr. Higgins of Connecticut.
Mr. Keller with Mr. Doutrich.
Mr. Lamneck with Mr. Gilchrist.
Mr. Delaney with Mr. Montet.
Mr. Dear with Mr. Thom.
Mr. Flanagan with Mr. Wilson of Louisiana.
Mr. Evans with Mr. Shanley.
Mr. Fernandez with Mr. Dickstein.
Mr. Darden with Mr. Somers of New York.
Mr. Maloney with Mr. Connery.
Mr. Sirovich with Mr. Ryan.
Mr. Celler with Mr. Hobbs.
Mr. Pfeifer with Mr. Boykin.
Mr. Adair with Mr. O'Connell.
Mr. Sanders of Louisiana with Mr. Kee.
Mr. Kennedy of New York with Mr. Citron.
Mr. Brown of Michigan with Mr. Kocialkowski.
Mr. Shannon with Mr. Clark of Idaho.
Mr. Hill of Alabama with Mr. O'Malley.
Mr. Ayers with Mr. Gray of Indiana.
Mr. Brooks with Mr. Gillette.
Mrs. O'Day with Mr. Rabaut.
Mr. Carmichael with Mr. Higgins of Massachusetts.
Mr. Pettengill with Mr. Green.
Mr. Cannon of Wisconsin with Mr. Buckley of New York.

Mr. MICHENER changed his vote from "aye" to "no."

Mr. RUSSELL. Mr. Speaker, my colleague, Mr. HIGGINS, of Massachusetts, is unavoidably absent. If present, he would vote "no."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. TABER. Mr. Speaker, I offer the following motion to recommit.

The Clerk read as follows:

Mr. TABER moves to recommit the bill to the Committee on Appropriations with instructions to report the bill back forthwith after reducing the total appropriation carried by the bill to $77,041,576, the amount provided for the fiscal year 1936.

Mr. TAYLOR of Colorado. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

Mr. TABER. Mr. Speaker, I ask for a division on the motion to recommit.

The House divided; and there were 51 ayes and 170 noes.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADJOURNMENT OVER

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection?

Mr. SNELL. Reserving the right to object, and I do not intend to object, I should like to ask the chairman of the Committee on Rules if he can tell us what the program is going to be next week.

Mr. O'CONNOR. I understand that Monday is consent day, Tuesday the Private Calendar, and on Wednesday an appropriation bill will be ready.

Mr. SNELL. And general debate on Wednesday.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, the following leave of absence was granted:

To Mr. MITCHELL of Illinois, for 5 legislative days, on account of official business.

To Mr. BOYKIN (at the request of Mr. STARNES), on account of important business.

To Mr. BUCHANAN, for 1 week, on account of illness.

To Mr. CARMICHAEL (at the request of Mr. STARNES), on account of illness in family.

To Mr. HILL of Alabama (at the request of Mr. STARNES), on account of illness in family.

To Mr. STEAGALL (at the request of Mr. STARNES), on account of illness in family.

CORRECTIONS

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the clerks be permitted to correct references in the bill to amend the United States Code and Supplement VII of the code.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

ADJOURNMENT

Mr. O'CONNOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House, under its previous order, adjourned until Monday, February 3, 1936, at 12 o'clock noon.

COMMITTEE HEARING

COMMITTEE ON THE PUBLIC LANDS

The Committee on the Public Lands will meet at 10:30 a. m., Monday, February 3, 1936, to consider H. R. 8137.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

642. A letter from the vice president and comptroller of the Capital Transit Co., transmitting a report covering the operations of the Washington Interurban Railroad Co. for the calendar year 1935; to the Committee on the District of Columbia.

643. A letter from the vice president and comptroller of the Capital Transit Co., transmitting a report covering the operations of the Capital Transit Co. for the calendar year 1935, with balance sheet as of December 31, 1935; to the Committee on the District of Columbia.

644. A letter from the Secretary of Labor, transmitting the annual report of the Department of Labor; to the Committee on Labor.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6823) granting a pension to Laura B. Perley, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AYERS: A bill (H. R. 10795) to amend section 1 of the act approved August 12, 1935 (49 Stat. 571–584), known as the Second Deficiency Appropriation Act, fiscal year 1935; to the Committee on Appropriations.

By Mr. GIFFORD: A bill (H. R. 10796) providing for an examination and survey of Padanaram Harbor at South Dartmouth, Mass.; to the Committee on Rivers and Harbors.

By Mr. SIROVICH: A bill (H. R. 10797) to adjust the use of traps, weirs, and pound nets for fishing in the waters of Alaska, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. NORTON (by request): A bill (H. R. 10798) to provide for the establishment of magistrate courts in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SCOTT: A bill (H. R. 10799) to establish Consumers' Administration and Cooperative Bank; to the Committee on Banking and Currency.

By Mr. AYERS: A bill (H. R. 10800) to provide for the issuance of permanent contracts to all contractors and subcontractors on star routes, compensation thereon, establishing a preferred list covering former contractors, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. BUCKLER of Minnesota: A bill (H. R. 10801) authorizing a per-capita payment of $50 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation; to the Committee on Indian Affairs.

By Mr. CROWE: A bill (H. R. 10802) to amend section 66 of the Hawaiian Organic Act; to the Committee on the Territories.

By Mr. KERR: A bill (H. R. 10803) to authorize a compact and agreement between the States of Virginia, North Carolina, South Carolina, Georgia, and Florida, providing for the control of the production of bright flue-cured tobacco in the said States, and for the further purpose of regulating, protecting, and preserving a fair price for said commodity; to the Committee on Agriculture.

By Mr. MONAGHAN: A bill (H. R. 10804) to amend section 33 of the act of Congress of June 6, 1934, entitled "An act to provide full and fair disclosure of the character of securities sold in interstate and foreign commerce and through the mails, and to prevent frauds in the sale thereof, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10805) to amend section 32 of the act of Congress of August 26, 1935, entitled "An act to provide for control and regulation of public-utility holding companies, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BERLIN: A bill (H. R. 10806) granting an increase of pension to Hattie C. Knox; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 10807) granting a pension to Della Rankin; to the Committee on Invalid Pensions.

By Mr. CARLSON: A bill (H. R. 10808) for the relief of John C. Cadwell; to the Committee on Claims.

By Mr. DUNCAN: A bill (H. R. 10809) for the benefit of the residuary beneficiaries under the wills of Whipple S. Newell, deceased; James A. Gordon, deceased; and Minnie Goodwin Barnett, deceased, to extend the time for refunding of certain estate taxes illegally assessed and collected; to the Committee on Claims.

By Mr. HALLECK: A bill (H. R. 10810) granting a pension to Mary Long; to the Committee on Invalid Pensions.

By Mr. IMHOFF: A bill (H. R. 10811) granting a pension to Viannie M. Walters; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 10812) granting an increase of pension to Alice Jordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10813) granting an increase of pension to Cynthia A. Mitchell; to the Committee on Invalid Pensions.

By Mr. KENNEY: A bill (H. R. 10814) for the relief of the estate of Patrick Henry Walsh; to the Committee on Claims.

By Mr. KRAMER: A bill (H. R. 10815) granting a pension to Edith M. Cruise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10816) granting a pension to Charlotte M. Spaulding; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 10817) granting a pension to Mary A. Schnepel; to the Committee on Invalid Pensions.

By Mr. LAMNECK: A bill (H. R. 10818) for the relief of Jack L. Welker; to the Committee on Naval Affairs.

By Mr. MAIN: A bill (H. R. 10819) granting a pension to Sylvia Campbell; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 10820) granting an increase of pension to Mary E. Guliver; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 10821) granting a pension to Dwight L. Trent; to the Committee on Pensions.

Also, a bill (H. R. 10822) granting a pension to Herthe L. R. Whitney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10823) for the relief of Milt Lewis; to the Committee on Claims.

Also, a bill (H. R. 10824) for the relief of W. S. Rosenbalm; to the Committee on Military Affairs.

By Mr. REED of New York: A bill (H. R. 10825) authorizing the retirement of Joseph F. Becker as lieutenant commander, United States Navy; to the Committee on Naval Affairs.

By Mr. SNELL: A bill (H. R. 10826) granting an increase of pension to Martha A. Santway; to the Committee on Invalid Pensions.

By Mr. THOM: A bill (H. R. 10827) granting a pension to Ammon Barkman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10828) granting a pension to Tom Teeters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10829) granting an increase of pension to Emma B. Korn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10830) granting a pension to William Barkman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10831) granting a pension to Susan Van Pelt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10832) granting a pension to Mary J. Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10833) granting an increase of pension to Rachel Ann Barr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10834) granting an increase of pension to Emma Wiley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9889. By Mr. COLMER: Concurrent resolution of the Mississippi Legislature, deploring invalidation of Agricultural Adjustment Act and assuring the President and Congress of its appreciation and confidence; to the Committee on Agriculture.

9890. By Mr. DOBBINS: Memorial of the General Assembly of the State of Illinois, advocating the early enactment of legislation now under consideration designed to preserve the fertility of the soil and sustain the farmers' purchasing power; to the Committee on Agriculture.

9891. By Mr. FERGUSON: Petition of the patrons of star route no. 53162 from Kenton, Okla., to Edler, Colo.; to the Committee on the Post Office and Post Roads.

9892. By Mr. JOHNSON of Texas: Petition of Henry Ripley, Bill Martin, Martin Ward, George Jackson, Martin Lowrance, Cap Ponder, Ed Walls, Sam McCluskey, Jess Ward, Jim Simmons, Earl Coody, Warner McBee, Willie Campbell, Luke Curlee, Wallace Clark, Ovie Clark, Arthur Martin, Lace Stanley, Pete James, Quince Taylor, Otto Hicks, and R. Riples, all of Blum, Tex., favoring legislation to take the place of the Agricultural Adjustment Act declared unconstitutional by the Supreme Court; to the Committee on Agriculture.

9893. Also, petition of Berry T. Baxter, of Franklin, Tex., favoring legislation to take the place of the Agricultural Adjustment Act declared unconstitutional by the Supreme Court; to the Committee on Agriculture.

9894. By Mr. PIERCE: Petition of Weston Grange, No. 670, Weston, Umatilla County, Oreg., January 10, 1936, favoring a program of agricultural control; to the Committee on Agriculture.

9895. By Mr. PEYSER: Resolution of the National Guard Association of New York, adopted at the annual convention, Syracuse, January 18, 1936; to the Committee on Military Affairs.

9896. By Mr. PIERCE: Resolutions of the Eastern Oregon Wheat League, Pendleton, Oreg., January 16, 1936; to the Committee on Agriculture.

9897. By Mr. POWERS: Resolution of the New Jersey State Planning Board, requesting that the United States Coast and Geodetic Survey give priority to completion in New Jersey of the triangulation and precise level control; to complete the New Jersey geodetic control; and for the Congress to make appropriations for the work in the amount deemed necessary by the United States Coast and Geodetic Survey; to the Committee on Military Affairs.

9898. By Mr. SEGER: Petition of Mrs. A. Swan Brown and 19 citizens, of Passaic and Clifton, N. J., requesting the passage of House bill 8739; to the Committee on the District of Columbia.

9899. By Mr. POWERS: Resolution of the City Council of Trenton, N. J., suggesting certain changes to the Intercoastal Shipping Act of 1933; to the Committee on Interstate and Foreign Commerce.

9900. By Mr. THOMASON: Resolution of Pass City Lodge 316, Brotherhood of Railway Clerks, urging passage of House bill 3263, to amend the provisions of the fourth section of the Interstate Commerce Act, known as the long-and-short-haul clause; to the Committee on Interstate and Foreign Commerce.

9901. By the SPEAKER: Petition of the Federation of Standard Railway Crafts and Auxiliaries of the Toledo Area; to the Committee on Interstate and Foreign Commerce.

9902. By Mr. EATON: Petition of 15 residents of Dover, Morris County, N. J., urging reenactment of a prohibition law for the District of Columbia by passing House bill 8739; to the Committee on the District of Columbia.

SENATE

MONDAY, FEBRUARY 3, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, January 30, 1936, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Coolidge	Lewis	Reynolds
Ashurst	Copeland	Logan	Robinson
Austin	Costigan	Lonergan	Russell
Bachman	Couzens	McAdoo	Schwellenbach
Bailey	Davis	McCarran	Sheppard
Barbour	Dieterich	McGill	Shipstead
Barkley	Donahey	McKellar	Smith
Benson	Fletcher	McNary	Steiwer
Bilbo	Frazier	Maloney	Thomas, Okla.
Black	George	Metcalf	Thomas, Utah
Bone	Gibson	Minton	Townsend
Borah	Glass	Moore	Trammell
Bulkley	Gore	Murphy	Truman
Bulow	Guffey	Murray	Tydings
Burke	Harrison	Neely	Vandenberg
Byrd	Hastings	Norbeck	Van Nuys
Byrnes	Hatch	Norris	Wagner
Capper	Hayden	Nye	Walsh
Caraway	Holt	O'Mahoney	Wheeler
Carey	Johnson	Overton	White
Chavez	Keyes	Pittman	
Clark	King	Pope	
Connally	La Follette	Radcliffe	

Mr. LEWIS. I announce that the Senator from New Hampshire [Mr. BROWN], the Senator from Rhode Island [Mr. GERRY], and the Senator from Wisconsin [Mr. DUFFY] are necessarily detained from the Senate, and that the Senator from Albama [Mr. BANKHEAD] is absent because of illness.

Mr. AUSTIN. I announce that the Senator from Iowa [Mr. DICKINSON] is necessarily absent.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

MUNITIONS COMMITTEE INVESTIGATION

Mr. NYE. Mr. President, I ask unanimous consent to make a correction in the RECORD.

In my remarks before the Senate on January 17, the second paragraph on page 563 has occasioned an exchange of telegrams which I ask unanimous consent to have printed in the RECORD.

Mr. CONNALLY. Mr. President, reserving the right to object to the request of the Senator, I did not understand what his correction is.

Mr. NYE. Mr. President, I repeat that on the 17th of January, in an address before the Senate, I made a statement which is incorporated in the second paragraph on page 563, which has occasioned an exchange of telegrams between J. P. Morgan & Co. and myself, which I ask unanimous consent to have printed in the RECORD.

Mr. CONNALLY. The Senator is not asking that the RECORD be changed?

Mr. NYE. I am not asking that the RECORD be changed in any respect.

The VICE PRESIDENT. Without objection, the telegrams will be printed in the RECORD.

The telegrams are as follows:

NEW YORK, N. Y., *January 17, 1936.*

Senator GERALD P. NYE,
United States Senate:

The news ticker quotes you as saying on the Senate floor today that members of J. P. Morgan & Co. present at the munitions hearing yesterday passed around notes among themselves announcing that "embarrassing statements would be made on the Senate floor about the work of the committee." If you have been correctly reported, we beg to inform you that the statement is wholly untrue and we shall appreciate your making correction of it. None of us had information of any kind as to Senator CONNALLY'S intention until advised through members of the press that he was already making the speech later reported.

J. P. MORGAN & Co.

JANUARY 17, 1936.

J. P. MORGAN & Co.,
New York City:

Glad to make correction if you will say you had no knowledge of Senator POPE'S plans as well.

GERALD P. NYE.

NEW YORK, N. Y., *January 17, 1936.*

Senator GERALD P. NYE,
United States Senate, Washington, D. C.:

In reply to our telegram to you of this afternoon, in which we denied the incorrect statement made by you about us on the

Senate floor this morning, we have your response reading as follows: "Glad to make correction if you will say you had no knowledge of Senator POPE'S plans as well." It is incomprehensible to us why you should make your correction of a misstatement about us conditional upon something else, but for your information, we had not the slightest previous knowledge of Senator POPE'S action, and his appearance was complete surprise to us.

J. P. MORGAN & Co.

RUDYARD KIPLING

Mr. GIBSON. Mr. President, I voice what is the opinion of all when I say that the world recently suffered a great loss by the death of that genius of the literary world, Rudyard Kipling.

It may not be generally known that he lived and wrote in America. In 1892, soon after his marriage to Carolyn Balestier, a Vermont girl, he came to Dummerston, in my home county, built a home, and spent 4 fruitful years, producing the Jungle Books, Captains Courageous, and other works.

The United Press recently covered that period of his life in a brief press dispatch. I ask that it may be inserted in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KIPLING'S NEIGHBORS OF NINETIES RECALL HIS YEARS IN VERMONT—POET-NOVELIST'S HOME IN DUMMERSTON, WHERE HE WROTE THE JUNGLE BOOKS AND CAPTAINS COURAGEOUS, WAS MAGNET FOR LITERARY TITANS

DUMMERSTON, VT., January 17.—Nowhere in America was the passing of Rudyard Kipling mourned more deeply than in this hamlet in the hills, where he wrote some of his most famous works.

For 4 years—1892 to 1896—the poet-novelist and his Vermont bride lived in Dummerston, near Brattleboro town line, in an extraordinary house which they built and named Naulahka, after one of Kipling's books.

The house, still known by its original name, stands on a picturesque hillside whose vista includes the broad sweep of the Connecticut Valley to the southeast and New Hampshire's slate-blue Mount Monadnock far to the east.

MARRIED NOVELIST'S SISTER

It was in 1890 that the late Wolcott Balestier, Vermont novelist, and his sister Caroline went to London. Soon after entering the publishing field Balestier met Kipling, fresh from India. They became fast friends and, collaborating, wrote The Naulahka, a novel, in 6 weeks.

Kipling met Caroline at the Balestier home, fell in love with her, and married her in 1892. Homesick, Mrs. Kipling induced her husband to go to Vermont for their wedding trip.

The writer soon discovered that he shared his wife's love for Vermont. They bought land here and built Naulahka, a two-story wooden building, all rooms of which are on the east side, leading off halls that run the length of the building.

It was in his American home that several masterpieces came from Kipling's pen, including the Jungle Books, many of the poems in Seven Seas, and Captains Courageous, the material for which Kipling gathered at the famed Massachusetts fishing port of Gloucester.

HAD OWN POST OFFICE

Naulahka became a magnet for literary giants of the day, and Kipling's world-wide popularity produced so much fan mail that finally in desperation he arranged with the Federal Government to establish a personal post office for him. This little office, known as the Waite, was situated within a stone's throw of his home.

Two daughters, Elsie and Josephine, were born to the Kiplings while they lived here.

Although 40 years have elapsed since the Kiplings returned to England, Dummerston folk never lost their neighborly interest in them.

In slate-colored Naulahka now live Cabot Holbrook, apple grower, his wife, and three children. Of the many Kipling mementos that the house contains, Holbrook treasures most highly an antique desk at which the author worked. Each summer brings hundreds of tourists to Naulahka, but Holbrook, who inherited the house from his father, bars all visitors.

A brother-in-law of Kipling, Beatty Balestier, elderly retired gentleman farmer, still lives here.

Mr. GIBSON. In this connection I am requested, Mr. President, and I am glad to acquiesce in the request, that a short poem entitled "Rudyard Kipling", written by Horace C. Carlisle, of the Architect's Office of the Capitol, may be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

RUDYARD KIPLING

R-udyard Kipling, with his pen—
U-ntil three score years and ten
D-rew his efforts to a close—
Y-ielded to the call for men,
A-nd, in poetry and prose,
R-ose to heights among his peers,
D-reamed not in his younger years.

K-ipling, without question, stands,
I-n all English-speaking lands,
P-eerless, as a poet, whose
L-exicon of life expands
I-nto ideas and views,
N-ational—and more—in scope,
G-iving mankind cheer and hope.

—*Horace C. Carlisle.*

COMMITTEE REPORTS FILED DURING RECESS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Senate, which was read and ordered to lie on the table, as follows:

UNITED STATES SENATE,
OFFICE OF THE SECRETARY,
February 3, 1936.

To the PRESIDENT OF THE SENATE:

Under the order of the Senate of the 30th ultimo, reports from the Committee on Appropriations were filed with me as Secretary of the Senate on January 31, 1935, as follows:

By Mr. GLASS, with amendments, the bill (H. R. 9863) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1937, and for other purposes, with an accompanying report (No. 1490); and

By Mr. ADAMS, with amendments, the bill (H. R. 10464) making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes, with an accompanying report (No. 1491).

Very respectfully,

E. A. HALSEY,
Secretary of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House had passed a bill (H. R. 10630) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 307) authorizing the erection of a memorial to the early settlers whose land grants embrace the site of the Federal City, and it was signed by the Vice President.

SUPPLEMENTAL ESTIMATE—NATIONAL PARK SERVICE (S. DOC. NO. 169)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior, National Park Service, fiscal year 1936, amounting to $15,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF STATISTICAL STUDIES—NONGOVERNMENTAL ACTIVITIES

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Labor, reporting, pursuant to law, relative to statistical studies performed by the Department of Labor for other than Government activities, which, with the accompanying paper, was referred to the Committee on Education and Labor.

DECEMBER REPORT OF RECONSTRUCTION FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation, reporting, pursuant to law, relative to the activities and expenditures of the Corporation for the month of December 1935, including statements of authorizations made during that month, showing the name, amount, and rate of interest or dividend in each case, which, with the accompanying

papers, was referred to the Committee on Banking and Currency.

REPORT OF WASHINGTON GAS LIGHT CO.

The VICE PRESIDENT laid before the Senate a letter from the president of the Washington Gas Light Co., transmitting a detailed statement of the business of that company, together with a list of the stockholders for the year ended December 31, 1935, which, with the accompanying papers, was referred to the Committee on the District of Columbia.

REPORT OF THE GEORGETOWN GASLIGHT CO.

The VICE PRESIDENT laid before the Senate a letter from the president of the Georgetown Gaslight Co., transmitting, pursuant to law, a statement of the business of that company, together with a list of stockholders, for the year ended December 31, 1935, which, with the accompanying papers, was referred to the Committee on the District of Columbia.

REPORT OF CAPITAL TRANSIT CO.

The VICE PRESIDENT laid before the Senate a letter from the vice president and comptroller of the Capital Transit Co., transmitting, pursuant to law, a report of the operations of that company for the calendar year 1935, with balance sheet as of December 31, 1935, which, with the accompanying report, was referred to the Committee on the District of Columbia.

BALANCE SHEET, WASHINGTON RAPID TRANSIT CO.

The VICE PRESIDENT laid before the Senate a letter from the treasurer of the Washington Rapid Transit Co., transmitting copy of the balance sheet of that company as of December 31, 1935, which, with the accompanying paper, was referred to the Committee on the District of Columbia.

REPORT OF WASHINGTON INTERURBAN RAILROAD CO.

The VICE PRESIDENT laid before the Senate a letter from the vice president and comptroller of the Capital Transit Co., transmitting, pursuant to law, a report covering the operations of the Washington Interurban Railroad Co. for the calendar year 1935, which, with the accompanying report, was referred to the Committee on the District of Columbia.

REPORT OF POTOMAC ELECTRIC POWER CO.

The VICE PRESIDENT laid before the Senate a letter from the president of the Potomac Electric Power Co., transmitting, pursuant to law, the report of that company for the year ended December 31, 1935, which, with the accompanying report, was referred to the Committee on the District of Columbia.

REPORT OF WASHINGTON RAILWAY & ELECTRIC CO.

The VICE PRESIDENT laid before the Senate a letter from the president of the Washington Railway & Electric Co., transmitting, pursuant to law, the report of that company for the year ended December 31, 1935, which, with accompanying report, was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Illinois, which was ordered to lie on the table:

House Joint Resolution 2

Whereas thousands of Illinois citizens are directly and acutely interested in the farm problem; and

Whereas because of the unusual nature of agricultural production, which does not lend itself readily to adjustment policies used by labor or industry, there is a definite need for some permanent legislative plan to preserve the fertility of the soil, and to raise the farmer's purchasing power, thereby promoting all business activity: Therefore be it

Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Illinois, convened in the second special session thereof (the senate concurring herein), That the Congress of the United States be respectfully urged to enact as soon as possible constructive farm legislation similar to, and taking the place of the Agricultural Adjustment Act, and especially requests Illinois' representatives in the Congress of the United States to use every effort consistent with honorable practices to secure enactment of such legislation; and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, the President of the Senate, the Speaker of the House of the Seventy-fourth Congress, and each Senator and Congressman from Illinois.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Minnesota favoring the enactment of legislation to continue the W. P. A. program until January 1, 1937, on a liberalized basis so as to permit the employment of needy unemployed persons who are no longer capable of self-support without first requiring them to accept public relief, which was referred to the Committee on Appropriations.

(See joint resolution printed in full when presented today by Mr. BENSON.)

The VICE PRESIDENT also laid before the Senate papers transmitted by the Secretary of the American Homestead Protective Association, Inc., Chicago, Ill., submitting a plan and resolution pertaining to the relief of depositors in closed banks, which were referred to the Committee on Banking and Currency.

He also laid before the Senate papers in the nature of petitions from the Maratime Co., of Boston, Mass., praying for payment of the war debt claims of that company, which were referred to the Committee on Claims.

He also laid before the Senate a letter from William F. Verdi, M. D., of New Haven, Conn., enclosing resolutions adopted by the League for American Neutrality, New Haven, Conn., protesting against the enactment of certain sections of pending neutrality legislation, which, with the accompanying paper, was referred to the Committee on Foreign Relations.

He also laid before the Senate resolutions adopted by the Federation of Standard Railway Crafts and Auxiliaries of the Toledo, Ohio, area, favoring the repeal of the Transportation Act of 1920, and the enactment of the so-called Black-Crosser 6-hour-day bill, the Brown-Griswold train-limit bill, the Neely-Griswold full-crew bill, the signal and track inspection bill, and other transportation measures, which were referred to the Committee on Interstate Commerce.

He also laid before the Senate the memorial of John K. Turton, of White Plains, N. Y., remonstrating against the validity of the first 12 amendments to the Constitution on the ground that the resolution embodying them was not presented to the President of the United States for his approval, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a petition of sundry citizens of Augusta, Kans., praying for the enactment of legislation to prohibit advertising intoxicating liquors, which was referred to the Committee on Interstate Commerce.

Mr. WAGNER presented a concurrent resolution of the Legislature of the State of New York, favoring the designation as an air-mail service station of the Floyd Bennett Field Airport in Brooklyn, N. Y., which was referred to the Committee on Post Offices and Post Roads.

(See resolution printed in full when presented by Mr. COPELAND on the 30th ultimo, p. 1193, CONGRESSIONAL RECORD.)

Mr. BENSON presented the following joint resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Appropriations:

Joint resolution memorializing Congress to enact legislation to provide for the continuation of the WPA program until January 1, 1937, on a liberalized basis which will permit the employment of those needy unemployed who are no longer able to support themselves and their dependents without first requiring them to accept public relief in addition to those who are certified from the public relief rolls

Whereas the legislature of the State of Minnesota, convened in special session, has been requested to make additional appropriations for the care of the unemployed, which appropriations are necessary because of the inability of the local communities in the State to finance the relief bill without outside assistance; and

Whereas statistics have been presented to the legislature by the representatives of the State Emergency Relief Administration and the Works Progress Administration of Minnesota indicating that there are approximately 85,000 persons certified as eligible for employment under the present rules and regulations of the Works Progress Administration while the Works Progress Administration

of Minnesota is authorized to employ a maximum of 65,000, which leaves a residue of 20,000 employable relief cases which must be supported by the State of Minnesota and its political subdivisions; and

Whereas there is a minimum of an additional 10,000 employable relief clients who are not eligible for employment under the present rules and regulations of the Works Progress Administration, which limits employment to those persons who received public relief at some time between May 1 and November 1, 1935; and

Whereas there were, as of January 1, 1936, a total of 71,444 unemployed persons exclusive of those receiving public relief registered as seeking employment in the offices of the National Reemployment Service and the State of Minnesota, which individuals are all potential relief clients unless they are provided with either public or private employment; and

Whereas the Works Progress Administration of the State of Minnesota has received Presidential approval of 4,443 projects, involving a total amount of Federal funds of $102,190,572, of which only approximately $20,000,000 has been made available to the Works Progress Administration of Minnesota: Now, therefore, be it

Resolved by the House of Representatives of the State of Minnesota (the senate concurring), That we most earnestly request the Congress of the United States to provide for the continuation of the WPA program at least until January 1, 1937, by appropriating additional funds; and be it further

Resolved, That the present regulations of the Works Progress Administration be amended to permit not only the employment of those certified from the public relief rolls, but also for the needy unemployed who, unless they are given employment, will soon be forced to make application for public relief, and that sufficient additional funds be appropriated to provide employment for this group: Be it further

Resolved, That the Secretary of the State of Minnesota be instructed to send a copy of this resolution to both Houses of Congress and to each Member in Congress from the State of Minnesota.

FAIR TRADE BILL—PETITIONS

Mr. NEELY. Mr. President, I present 84 telegrams in the nature of petitions received from constituents during the last 24 hours favoring the enactment of the so-called Robinson-Patman bill. I ask that the telegrams be noted in the RECORD, with the names of the senders, and referred to the Committee on the Judiciary.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegrams in the nature of petitions, praying for the enactment of Senate bill 3154 (House bill 8442) the so-called Robinson-Patman fair-trade bill, presented by Mr. NEELY and referred to the Committee on the Judiciary are from—

The Crescent Grocery, Raleigh Association of Retail Groceries, Raleigh Cash Grocery, and H. D. Irwin, of Beckley; L. A. Poe, proprietor of the Poe Store, Goodykoontz Drug Stores, Inc., by H. A. Goodykoontz, Lamanca Sites Drug Co., by John Lamanca, Gotts Pharmacy, H. H. Wassum, owner Wassum Cash Market, and president, Bluefield Princeton Unit of Quality Service Stores of America, of Bluefield; O. J. Cox Trading Co., Amick Williams Brokerage Co., Thomas J. Straughan Capitol Feed Co., E. D. Martin & Co., C. H. Ross, Busy Bee Grocery, George W. King, president of West Virginia Association of Retail Grocers, of Charleston; The Blair Willison Co., The Hornor Gaylord Co., C. W. Leggett Co., merchandise brokers, B. D. Bailey & Sons, A. & L. Stores, The Retailers Grocers Association of Harrison County; Crimm Store, of Wolf Summit; Barker Stores, of Nutterfort; Lawson Bros., Hyre Bros., P. A. Romano, Colombo Market, Harold Ross, Allman Bros., A. M. Ridenour, Ralph Swiger, of Adamston; D. M. Davis, J. F. Strother, John Parrill, John Stamm, Bert Stamm, B. & R. Grocery, Nicols Store, Wholesale Brokerage Co., Chicago Dairy & Baking Co., D. J. Walters, Ice's Market, Cabell County Retail Druggists Association, Clyde N. Roberts, secretary-treasurer, Lawrence Drug Store, Sam S. Lawrence, Clyde W. Roberts, Robert F. Scott, J. P. Woods & Co., John H. Christian, The Duling Bros. Co., Hagen Ratcliff & Co., Shands, Inc., C. R. Jackson, manager, Gibson Boston Pharmacy, C. E. Gibson, proprietor, Vaughans Red Cross Pharmacy, M. M. Vaughan, Herman R. Wild, Pittmans Drug Store, Highlawn Pharmacy, M. M. Thomas, Jas. Murphy & Son, F. W. Campbell, H. B. Crummett Drugs, of Huntington; Elkhorn Valley Grocery Co., of Keystone; C. G. Meadows, manager, Aracoma Drug Co., Inc., of Logan; James A. Patterson, of Martinsburg; Fayette Wholesale Grocery Co., H. H. Andrews, president, P. H. Kelly, druggist, J. C. Thomas, druggist, of Montgomery; H. S. Harner & Co., Rogers Pharmacy, Moore & Parriott Drug Store, J. C. Raese, of Morgantown; Star Grocer Co., W. C. McConaughey, president, The Shattuck & Jackson Co., Wood County Association of Retail Grocers, G. N. Keenan, president, of Parkersburg; Retail Grocers Association, Irvin Schaffner, president, Gay Force, secretary, Rothers Bros., Inc., H. Kalbitzer & Son Hardware Co., Schenks Meat Market, Inc., Wm. Schaffner & Son Grocery, Chas. Norteman, Miller Bros., W. A. Driehorst Grocery, Community Builders, Inc., Albert J. Mooney, acting secretary, Doepkins Market, Holly Sayre Grocery, Joseph Reinacher, Richard Aubreys Grocery, W. H. Fords Grocery, of Wheeling, all in the State of West Virginia; and Ward K. McNeill, of Lansing, Mich.

PROPOSED AMENDMENT OF SECURITIES ACT, 1933

Mr. FLETCHER presented a letter from the city manager of St. Petersburg, Fla., together with a resolution adopted by the council of that city, which were referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

CITY OF ST. PETERSBURG, FLA.,
January 31, 1936.

Hon. DUNCAN U. FLETCHER,
United States Senator, Washington, D. C.

DEAR MR. FLETCHER: I take the liberty of enclosing herewith, for your information, copy of my letter and a resolution passed by our council which has been mailed to the administratives of approximately 150 cities and towns within the State.

Your consideration of and cooperation in the premises will be much appreciated.

Yours cordially,

A. F. THOMASSON,
City Manager.

Whereas the Securities Act of 1933, passed and adopted by the Congress of the United States, provides in substance regulations for the marketing of securities including therein a requirement that a statement must be filed with the Securities Commission giving full information affecting the contemplated issues and that no issue of securities can be made until after the statement containing full information in relation to said securities is accepted by the Securities Commission, created by said act, and further providing that the Commission may restrain the sale of securities in the event information reaches the Commission that any material fact has been omitted in the statement required to be filed. The act also provides penalties for misstatements in any such statements required to be filed or the withholding of any material facts from said statements. The act also provides that dealers, brokers, bond committees, or syndicates must disclose to buyers the material data in such statements under penalties provided by said act; and

Whereas the said act in its present form, under paragraph 77–C, section 2 thereof, exempts from the provisions of said act political subdivisions of any State or Territory; and

Whereas it is the sense of this council that if the class of political subdivisions hereinafter listed came within the purview of this act it will be of lasting benefit to these communities and the investing public, in that it would prevent the issuance of securities based upon a fictitious representation of the community's ability to pay, and would assure the investor that he had received full information as to the community's ability to meet its obligation before the purchase thereof; and

Whereas it has been recommended to the Honorable J. MARK WILCOX, United States Congressman, that the 1933 Securities Act, passed and adopted by the United States Congress, be amended so as to provide that securities of the following political subdivisions come within the purview of said act, to wit:

1. Political subdivisions of any State or Territory having a city charter and a population less than 300,000 people, if—

A. Any political subdivision with a city charter has not been free of default in prompt payment of principal and interest when due to holders of its securities for at least 10 years previous to exemption from provisions of the Securities Act.

B. Any such political subdivision with a city charter that has outstanding a total net debt exceeding 20 percent of the total real and true salable value of the property within its area taxable for debt service.

C. Any such political subdivision with a city charter that has a total net debt including its proportion of overlapping debts of other taxing units for which debt service taxes are levied against property in its area; exceeding $250,000 per capita of the population shown by the last United States census; and

Whereas this council is of the opinion that said suggested amendment is meritorious and will be of lasting benefit to the class of communities heretofore recited and the investing public at large: Now, therefore, be it

Resolved by the City Council of the City of St. Petersburg, Fla., That this body do go on record as endorsing the purpose and in-

tent of the amendment heretofore suggested and to urge Hon. DUNCAN U. FLETCHER, United States Senate; Hon. PARK TRAMMELL, United States Senate; Hon. J. MARK WILCOX, House of Representatives; Hon. J. HARDIN PETERSON, House of Representatives; Hon. W. J. SEARS, House of Representatives; Hon. R. A. GREEN and Hon. MILLARD CALDWELL, House of Representatives, to lend their earnest efforts in the procurement of the suggested amendment for the obtaining of legislation accomplishing the purpose herein set forth; be it further

Resolved, That a copy of this resolution be spread upon the minutes and that each of the representatives of the people of the State of Florida in the United States Congress be furnished with a copy hereof.

REPORTS OF COMMITTEES

Mr. BAILEY, from the Committee on Claims, to which was referred the bill (H. R. 3709) for the relief of the Norfolk Southern Railroad Co., reported it without amendment and submitted a report (No. 1492) thereon.

Mr. LOGAN, from the Committee on Claims, to which was referred to the bill (S. 1123) for the relief of William Sulem, reported it with an amendment and submitted a report (No. 1493) thereon.

He also, from the same committee, to which was referred the bill (S. 2654) to confer jurisdiction on the Court of Claims to hear and determine the claim of George B. Marx, Inc., reported it with amendments and submitted a report (No. 1494) thereon.

He also, from the Committee on the Judiciary, to which was referred the bill (S. 3154) making it unlawful for any person engaged in commerce to discriminate in price or terms of sale between purchasers of commodities of like grade and quality, to prohibit the payment of brokerage or commission under certain conditions, to suppress pseudo-advertising allowances, to provide a presumptive measure of damages in certain cases and to protect the independent merchant, the public whom he serves, and the manufacturer from whom he buys, from exploitation by unfair competitors, reported it with an amendment and submitted a report (No. 1502) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (S. 277) for the relief of the Perkins-Campbell Co., reported it with amendments and submitted a report (No. 1495) thereon.

Mr. BENSON, from the Committee on Claims, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 903. A bill for the relief of the Holyoke Ice Co. (Rept. No. 1496);

S. 2042. A bill for the relief of Grace Park (Rept. No. 1497); and

S. 3274. A bill for the relief of Mary Hobart (Rept. No. 1498).

Mr. GIBSON, from the Committee on Claims, to which was referred the bill (S. 1828) for the relief of Mrs. Frank G. Sanford, reported it with an amendment and submitted a report (No. 1499) thereon.

He also, from the same committee, to which was referred the bill (S. 3683) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department, reported it with amendments and submitted a report (No. 1500) thereon.

Mr. MINTON, from the Committee on Military Affairs, to which was referred the bill (H. R. 4858) for the relief of Edward Shippen West, reported it without amendment and submitted a report (No. 1501) thereon.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on January 30, 1936, that committee presented to the President of the United States the enrolled bill (S. 3328) to provide an official seal for the United States Veterans' Administration, and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. AUSTIN:

A bill (S. 3875) granting an increase of pension to May S. King; and

A bill (S. 3876) granting an increase of pension to Florence E. Southwick; to the Committee on Pensions.

By Mr. WAGNER:

A bill (S. 3877) for the relief of Mrs. Stephen Toth; to the Committee on Claims.

By Mr. WALSH:

A bill (S. 3878) for the relief of Joseph F. Bolger; to the Committee on Claims.

By Mr. BAILEY:

A bill (S. 3879) for the relief of James W. Grist; and

A bill (S. 3880) for the relief of Charles E. Molster; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 3881) to grant to United States district courts jurisdiction over administration of decedents' estates on Federal reservations; to the Committee on the Judiciary.

By Mr. JOHNSON:

A bill (S. 3882) to amend the act entitled "An act to safeguard the estates of veterans derived from payments of pension, compensation, emergency officers' retirement pay, and insurance, and for other purposes", approved August 12, 1935; to the Committee on Finance.

A bill (S. 3883) providing for the advancement on the retired list of the Army of A. W. Barry; to the Committee on Military Affairs.

By Mr. TRUMAN:

A bill (S. 3884) for the relief of Sidney E. Mobley and Lucille E. Mobley; to the Committee on Claims.

By Mr. NYE:

A bill (S. 3885) to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, N. Dak.; to the Committee on Commerce.

By Mr. DAVIS:

A bill (S. 3886) granting a pension to John Vandever; to the Committee on Pensions.

By Mr. BARKLEY:

A bill (S. 3887) granting a pension to Fieldon Adkins;

A bill (S. 3888) granting a pension to Nancy C. Buck;

A bill (S. 3889) granting a pension to George W. Gardner;

A bill (S. 3890) granting a pension to Sam H. Hadley;

A bill (S. 3891) granting a pension to Minnie Harrison;

A bill (S. 3892) granting a pension to Lydia Ann Hollingsworth;

A bill (S. 3893) granting a pension to Juriah Hyden;

A bill (S. 3894) granting a pension to Sarah Jane Lewis Langdon;

A bill (S. 3895) granting a pension to Ella Noe;

A bill (S. 3896) granting a pension to Elizabeth M. Runnels;

A bill (S. 3897) granting a pension to Mattie Sebastian;

A bill (S. 3898) granting a pension to Maggie Wilson; and

A bill (S. 3899) granting a pension to Ellanor Green; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3900) for the relief of Wilhelm Schaffer; and

A bill (S. 3901) for the relief of George Yusko; to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 3902) for the relief of Zion's Cooperative Mercantile Institution; to the Committee on Claims.

A bill (S. 3903) to provide for a geologic survey of the Tushar Range of mountains in the State of Utah; to the Committee on Public Lands and Surveys.

By Mr. BENSON:

A bill (S. 3904) to enable consumers and farmers to recover from processors the amounts of processing taxes which were passed on by the processors to such consumers and farmers but which have now been turned over to the processors by the courts; to the Committee on the Judiciary.

By Mr. METCALF:

A bill (S. 3905) granting a pension to Viola May Snow; to the Committee on Pensions.

By Mr. NORBECK (by request):

A bill (S. 3906) to provide for the purchase of certain agricultural lands, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. PITTMAN:

A bill (S. 3907) for the relief of the State of Nevada; to the Committee on Claims.

A bill (S. 3908) to amend section 1 of the act of June 7, 1924, entitled "An act for the relief of settlers and townsite occupants of certain lands in the Pyramid Lake Indian Reservation, in Nevada, and for other purposes"; to the Committee on Public Lands and Surveys.

By Mr. SCHWELLENBACH:

A bill (S. 3909) providing for loans by the Reconstruction Finance Corporation to municipalities in certain cases; to the Committee on Banking and Currency.

A bill (S. 3910) to exempt the real property of the American War Mothers from taxation; to the Committee on the District of Columbia.

By Mr. GORE:

A bill (S. 3911) for the relief of Mrs. Earl H. Smith; to the Committee on Indian Affairs.

(Mr. POPE introduced Senate bill No. 3912, which was referred to the Committee on the Judiciary and appears under a separate heading.)

By Mr. WHEELER:

A bill (S. 3913) for the relief of Dr. Charles A. Swanson; to the Committee on Indian Affairs.

By Mr. SMITH:

A joint resolution (S. J. Res. 205) providing for the disposition of certain cotton held by the United States; to the Committee on Agriculture and Forestry.

HOUSE BILL REFERRED

The bill (H. R. 10630) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AGRICULTURAL RELIEF—AMENDMENTS

Mr. BYRNES and Mr. RUSSELL each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, which were ordered to lie on the table and to be printed.

AMENDMENT TO RIVER AND HARBOR BILL

Mr. WHEELER submitted an amendment intended to be proposed by him to the bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. WHEELER submitted an amendment intended to be proposed by him to House bill 10630, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill to insert the following new paragraph:

"That portion of section 1 of the act approved August 12, 1935 (49 Stat. 571–584), known as the Second Deficiency Appropriation Act, fiscal year 1935, providing $806,000 for construction, enlargement, or improvement of public-school buildings as authorized by and in conformity with numerous acts of the 74th Congress, approved June 7, 1935, fiscal year 1936, is hereby amended so as to repeal the provisions for recoupment by the United States, on account of expenditures thereunder, and the amounts appropriated for assistance of the said public-school districts are hereby declared to be an outright grant to the various public-school districts mentioned therein."

MYRTLE C. PATTERSON

Mr. PITTMAN submitted the following resolution (S. Res. 226), which was referred to the Committee to Audit and Control the Contingent Exenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for Miscellaneous items, contingent fund of the Senate, fiscal year 1935, to Myrtle C. Patterson, widow of C. C. Patterson, late messenger to the Committee on Foreign Relations, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

AMERICAN NEUTRALITY—ARTICLE BY WALTER LIPPMANN

Mr. KING. Mr. President, I ask unanimous consent to have referred to the Committee on Foreign Relations and printed in the RECORD a most excellent and enlightening article by Walter Lippmann, one of the keenest and ablest writers on governmental and public questions, whose articles appear in many of the newspapers of the United States. This article is on the question of a neutral policy for the United States. I commend it, may I say in passing, to the members of the Committee on Foreign Relations who are considering this very important question.

There being no objection, the article was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

TODAY AND TOMORROW

By Walter Lippmann

NEUTRAL POLICY FOR THE UNITED STATES

Underlying all the proposed neutrality laws there is the optimistic assumption that the United States will never have to fight a great war on its own account. Everyone seems to assume that for us there is only one road to war, namely, by becoming entangled in somebody else's war, and more particularly a general European war.

The notion that the United States might become engaged in a war of its own, that it might be a belligerent and that other nations might be neutral, seems not to have been considered. If it has been considered, it seems to be taken for granted either that the United States could wage a great war without importing large quantities of essential war materials or that nations to whom we propose to refuse necessary supplies if they are at war will sell us all the supplies we need if we are at war.

Let us hope that all these reassuring assumptions are correct. Let us hope that the possibility of a direct conflict with any great power is for us forever impossible. Let us hope that, even if a war of our own is not impossible, we can count upon such assistance from the nations that are then neutral as we propose now to deny them if we are neutral. But is it wise to base a national policy on a hope of this sort, and to legislate on the unexamined assumption that we shall never need help, that we have only to decide how much help we are willing to give?

It is very unwise. For no man can guarantee all these things, and no prudent statesman will take a position without inquiring carefully into the effects on American war power if a neutral policy such as is now proposed were applied to the United States. At the very least, Congress ought, before legislating, to hear not merely the professors of international law and the advocates of peace but those men in the Navy and the Army and elsewhere who can tell it what the United States would need from the outer world if the United States were at war.

Congress will find, if it studies the tables in Mr. Brooks Emeny's The Strategy of Raw Materials, that America's position is about as follows: In respect to what Mr. Emeny calls "the great essentials"—food, power, iron, machinery, chemicals, coal, iron ore, and petroleum—the United States is self-sufficient, but in respect to a list of 19 "critical raw materials" there are 12 of which the United States must import from about half to all its supplies. The principal ones are rubber, manganese, nickel, chromite, tungsten, antimony, and tin. Most of these supplies would have to come from British countries; practically all of them from countries that belong to the League. And this does not take into account the fact that any great American war would be fought at sea and that our shipping is less than one-fifth of the tonnage of the world.

These considerations may not be conclusive, but they should be sufficient to make us hesitate before serving notice on the world that no one may count on our supplies in the event of war. For once that notice is given, the other great powers that may be drawn into war will be compelled to reorganize their commercial relations so as to insure themselves the supplies we propose to deny them. What this will mean in the way of new military alliances no man can clearly foresee. But that it will force a regrouping of the powers both for war and peace is almost certain.

And where does it leave the United States as a neutral? It puts the United States under a self-imposed blockade. To the belligerents this would mean that we had become so pacifist that we would resist no injury and that, having blocked our own trade, we had no power, short of a declaration of war, to injure them. We should be helpless to protect ourselves abroad by reprisals and helpless to protect ourselves at home against the depression we had imposed on ourselves.

It is true enough to say that an abnormal war trade may entangle us in a war, and I am not arguing against measures of credit control to prevent a war boom. But it seems to me perfectly evident that in laying ourselves open to insult and injury by rendering ourselves defenseless abroad and by legislating a depression at home we are insuring the development of a war party in the United States. If anyone thinks that unemployment, unsalable surpluses, financial disorder in the United States, and a series of insults abroad will make the American people like their neutrality, he is mightily deceiving himself. If, as many think,

excessive prosperity made us war-minded in 1917, they may be certain that misery and humiliation will make us even more war-minded.

If we look closely at the reason why there is so much sentiment in favor of rigid legislation, we shall find that it lies in the fear that a President would use discretionary power to entangle America in a war between the League and a European aggressor. I do not myself believe that the United States should take action against the aggressor, and the administration's effort last autumn to put pressure on Italy seems to me to have been a serious mistake.

Yet this fact has to be faced squarely: The League does exist as a European system of international law, and in the event of a grave conflict in Europe the question presented to us would not be: Shall we collaborate with the League? The question would be: Shall we oppose the League and destroy its effectiveness, or shall be permit the League to operate in Europe? The Ethiopian war did not raise this question, because in the affair the League did not blockade Italy. But in a great conflict the League would have to blockade the aggressor, and then we should have to decide whether we would recognize that blockade or whether we would attempt to break through it.

My own view is that if the League applies full sanctions to a European aggressor, and stops trade with him, that it would be dangerous and unwise for us to ally ourselves with the aggressor and try to break down the League's sanctions. Our wisest course will be to let the League function by denying diplomatic protection to our own traders. If, on the other hand, the League does what it has done with Italy—that is to say, applies "mild sanctions"—then we cannot and should not collaborate to make mild sanctions stronger by embargoing our own trade.

For it is one thing to refuse to interfere with the League, to remain passive while the League acts. It is a wholly different thing for us to judge the aggressor and on our own initiative to take positive measures against him. The policy of passive assent to the League's action recognizes the fact that we do not belong to the League, but that we recognize its existence in Europe and do not desire to challenge it in the interest of a European aggressor. It is a realistic policy. For it would be wholly unrealistic for us in a quarrel not our own to challenge the League. It is a policy which accurately, I believe, reflects the prevailing American feeling, which is that though we do not wish to participate in the League we do wish it well in its efforts to keep the peace in Europe.

RESOLUTIONS OF AMERICAN FARM BUREAU FEDERATION

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the resolutions adopted by the American Farm Bureau Federation at its recent annual convention in Chicago. This great farm organization is representative of the thought of a great body of farmers in almost every State in the Union.

I desire particularly to call attention to the resolutions calling for neutrality legislation which shall include prohibition of loans to belligerents, a national-defense program adequate to the defense of the United States and its insular possessions, general conscription of industrial and financial resources of the country as well as of man power in the event of war.

Also I invite the attention of my colleagues to the long-time agricultural program advocated by the American Farm Bureau Federation, which has in it much merit, and I believe is along the right lines. I intend to discuss the farm problem and a farm program in the near future and will not now further trespass on the time of the Senate. I send the resolutions to the desk and ask that they may be printed as part of my remarks.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

[From American Farm Bureau Federation Official News Letter, Dec. 10–24, 1935]

RESOLUTIONS ADOPTED BY SEVENTEENTH ANNUAL CONVENTION OF THE AMERICAN FARM BUREAU FEDERATION, AT THE CLOSE OF THE 3-DAY SESSION HELD IN CHICAGO, DECEMBER 9, 10, 11

We, the voting delegates of the American Farm Bureau Federation, resolving for its vast membership in 37 States and 1,800 counties, and representing a unified, organized American agriculture, do hereby enunciate the following principles, beliefs, and resolutions as expressing the ideals and objectives toward which our organizations is working, not only in the interest of American agriculture in its entirety, but also in the interest of our great Nation:

We reaffirm our faith in the established order of our Government, and in the ideals upon which that Government is founded, with such modifications and changes in the organic laws as experience and mature judgment show are necessary to preserve our long-established political and economic liberties, and maintain economic balance and social justice as between all groups and classes, so as to guarantee complete freedom of opportunity to each and every citizen to enjoy the fruits of his efforts, to improve his well-being, and to preserve human and property rights.

In pursuance to these great purposes, we do hereby resolve:

AGRICULTURAL ADJUSTMENT

We reaffirm our previous pronouncements on the Agricultural Adjustment Act and its amendments, and the necessity for simplifying its administration.

The great farm policy embodied in this act is the culmination of a 12-year fight by organized agriculture to obtain from Government necessary recognition of, and assistance and cooperation in, an economic program by which farmers may obtain fair and equitable prices for their products in terms of relationships with industry and labor.

The administration of this act during the past 2½ years has proved the soundness and justice of the basic principles embodied in this measure. We rededicate our efforts to improve and perfect this measure in every way so as to make it function equitably in the interest of the entire agricultural industry of the Nation.

We serve notice on all individuals and groups, who are opposing agricultural adjustment for political, personal, or other reasons, that this program was formulated by the farmers themselves, acting through their own organizations, and will be protected and defended by the farmers and their friends on the basis of its fairness to agriculture, its beneficial contributions to continued national economic recovery, and in the interest of permanent prosperity for all the economic groups and classes of our Nation.

We reaffirm our position that the processing tax is a tariff for agriculture, and must be continued as the most effective means by which agriculture may work toward parity prices.

We reaffirm that the long-time objectives of agricultural adjustment necessitates a properly balanced and coordinated land-use policy for the Nation, and include the control of soil erosion, maintenance of soil fertility, and withdrawal from production of submarginal farm lands.

We ask that the controlled acreage of basic crops, when withdrawn from production, shall not be planted to other than soil-building crops, except for home and farm use.

We again reaffirm our previous position on the need for adjustment contracts to be so drawn as to apply in terms of individual farm units instead of being applicable to individual farm commodities. The American Farm Bureau Federation endorsed this principle nearly 2 years ago. We commend the President of the United States for having enunciated this very principle in a recent message to the Nation.

We know that great benefits will accrue to producers of nonbasic agricultural commodities through the use of marketing agreements permissible under the Agricultural Adjustment Act. We, therefore, urge cooperative marketing associations in all sections of the United States to take advantage of the various provisions of the act for the purpose of stabilizing prices of the respective farm commodities handled by such cooperative marketing associations.

We commend the President of the United States, the Secretary of Agriculture, the administrator of the Agricultural Adjustment Act, and the Congress of the United States for accepting the recommendations of organized agriculture to amend the original law, thereby giving American agriculture a permanent legislative vehicle for continuous adjustment of production in relation to supply and demand domestically and throughout the world.

MONETARY POLICIES

In view of the fact that changing price levels have resulted in a succession of business booms and depressions for more than a century, permitting uncontrolled inflation and devastating deflation, we urge and request the President of the United States to—

1. Extend for 1 year the authority to raise and lower the price of gold as authorized under existing law.

2. Establish a definite policy of currency management to maintain stable price levels in line with fixed costs from generation to generation.

Business depressions, of the character from which we now are emerging, result in the ruination of families, devastation of homes, stagnation of business and industry, and decay of agriculture and labor.

Such depressions automatically take from our people the guaranties under the Constitution of life, liberty, and the pursuit of happiness.

Depressions are man-made and they can be man-controlled.

We request Congress to set up a joint committee, representative of the House and Senate, to study thoroughly and factually the causes of business depressions.

We ask that the results of such studies be used as a basis upon which the Government of the United State may develop ways and means of preventing recurrence of such depressions. We believe that one of the principal contributing causes of such depressions lies in the inflexibility of a fixed monetary unit.

RURAL CREDIT

The Wheeler amendment to the Farm Credit Act of 1935, which reduced the interest rate on both old and new farm-mortgage loans originating in national farm-loan associations to 3½ percent for 1 year, has been of great value in the present emergency.

It appears that there is ample justification for a continuation of this rate policy for at least 2 more years. We believe that credit to agriculture should be on the basis of the lowest possible interest rates commensurate with sound methods of financing, without resorting to subsidy from the Federal Government.

We favor the amendment of farm-credit laws so that a majority of the directors of farm-credit institutions, owned by farmer-borrowers, may be elected by such borrowers.

We recognize the tremendous importance of home ownership in agriculture. In many districts the large percentage of tenancy is resulting in unwholesome economic and social conditions.

There is a need for making it possible for worthy tenant farmers on good land eventually to become landowners.

We, therefore, recommend that the Federal Government should use its facilities to meet this need, and that the method employed should supplement but not compete with the Federal Land Bank System.

In the administration of this financial aid to qualified tenant farmers we recommend that use be made of the United States Department of Agriculture and the Farm Credit Administration.

FEDERAL FISCAL POLICIES

We believe the credit of the Government should be used to its full limit during periods of stress and emergency, both internal and external, and that when such periods of stress and emergency have ended, our Government's credit should be conserved for use when again needed.

A sound fiscal policy for our Government is fundamental. Its financial affairs should not long continue out of balance. The business confidence of the people of our Nation, both agricultural and industrial, is directly related to a well-managed Federal fiscal policy.

We recommended that the fiscal policy of our Government be so modified that its revenues shall be increased and its expenditures decreased, to the end that, within the next few years, a balance shall be attained.

When this balance is attained we believe there should be no reduction in taxation policies until the Federal debt shall have been greatly diminished.

DISTRIBUTION

In many sections of the country marketing facilities, both terminal and regional, and information on methods of marketing functions do not make for maximum efficiency in the distribution of farm products.

Extreme congestion in our larger city markets, many of which are obsolete, is costly both to producers and consumers of farm products.

We request the United States Department of Agriculture to expand its research in marketing, so that a more efficient system of marketing may be developed, with emphasis upon grower control, and also that modernization of regional and terminal marketing facilities may be effected. We urge the Federal Government to take leadership in this important project.

Conditions in livestock marketing differ widely in various sections of the country. Methods of marketing are affected by such conditions. Insofar as possible, marketing practices should be developed which will reflect back to the producer true values of livestock. Competitive conditions for buyers of livestock should be maintained and safeguarded.

We favor broad, discretionary powers to the Secretary of Agriculture in the administration of the Packers and Stockyards Act, so as to adjust and regulate the handling and marketing of livestock as it moves in interstate commerce to the terminal markets.

We request that the Packers and Stockyards Act should be amended so that such records of processors and packers will be available to the Secretary of Agriculture as are necessary for determining the effects of the several types of marketing methods, now in existence, upon producers of livestock.

In any changes to be made in the regulation of livestock markets, we ask that such changes be made only after all aspects of the problem have been analyzed through governmental studies, and that such changes be put into effect only in cooperation with livestock producers and the organizations which speak for them.

Excessive or unnecessary costs of distribution cause the farmer to pay more for his supplies and receive less for his products.

We commend efficient and economical methods of distribution which reduce distributive costs between producer and consumer.

We believe that modern farmers' cooperative organizations render maximum service in the field of distribution of farm products and farm supplies and urge our membership to support such cooperative organizations.

We oppose the use of agricultural "loss leaders" by retail stores as being inimical to sound methods of distribution and sales.

We request the Federal Government, through properly designated agencies, to expand its studies of the cost of distribution of farm products so as to make available to the public information which may be used in reducing the distributive spread between producers and consumers of farm products. We especially urge an investigation of the costs and selling prices of tin containers.

Meat which moves in interstate commerce should be so marked and labeled by the United States Department of Agriculture as to permit the consumer to identify the different grades and qualities. Imported meats and agricultural food products should be so labeled at the point of importation that the purchaser may know foreign products are being bought.

TRANSPORTATION

For 15 years the Farm Bureau has worked strenuously to have farm-to-market roads included in the general Federal roads system of the country.

During the past year a real beginning has been made in this direction, and we are gratified that large allocations of emergency Federal funds now are being employed for the construction of genuine country roads. In commending the Works Progress Administration for its enthusiastic support of the farm-to-market road project, we urge that this work should be expedited and stressed in every possible way.

We reiterate our previous position on the general problem of transportation as it affects agriculture. We ask that the railroads should be given freer opportunities to meet competition.

We continue our opposition to the water-carrier bill of 1935. We believe that the Federal Government should proceed no further in regulating motor carriers than to protect public safety on the highways and to protect the highways themselves.

We ask that the Motor Carrier Act of 1935 be amended to remove its rate-making features and to include the dimensional regulations omitted in this act.

We request the discontinuance of diversion of revenues obtained from all gasoline taxes for any purposes other than highway building, maintenance, and the payment of outstanding highway obligations. We recommend that States which continue to divert such revenues should be penalized by receiving lesser or no funds for highway building and maintenance from the Federal Government.

We urge the earliest possible completion of the St. Lawrence waterway, of the Lakes to the Gulf waterway, the Inland waterway of the Northwest, and of such other waterway projects which have been declared practicable by the United States Army Corps of Engineers, so as to reduce the Nation's freight bill and equalize transportation advantages to all sections of the Nation.

We urge that the State legislatures and the Congress be requested to protect the farmer-owned trucks from excessive taxation where said trucks are used for the transportation of the farmers' own products to and from markets.

INDUSTRIAL TARIFFS

In the case of many industrial products, excessive tariffs have fostered a monopoly and increased the cost of living to an unreasonable degree. We urge that the consumer be given the same consideration and protection under industrial tariffs that he is now given under the Agricultural Adjustment Act as to agricultural prices through the requirement in that act that processing taxes shall not exceed an amount necessary to maintain parity with other prices.

RECIPROCAL TRADE AGREEMENTS

We reaffirm our position of last year on reciprocal-trade agreements, as follows:

Historically the United States is an agricultural exporting nation. The prosperity of the producers of basic farm products has during most of our history been dependent on profitable foreign markets for our surplus production. Our policy of high industrial tariffs coupled with our change in status from a debtor to a creditor nation has made it impossible for foreign countries to sell enough industrial goods and services to enable them to buy our agricultural products in normal volume.

We are in accord with the purpose of reciprocal-trade treaties, which is, primarily, to restore agricultural exports by judicious lowering of industrial tariffs, thus admitting more goods into this country and making it possible for us to sell more of our farm products abroad. We insist that this purpose be adhered to in framing reciprocal-trade treaties and that there be no reduction in present agricultural tariffs on any farm product that would have the effect of holding or reducing domestic price levels below parity on such products.

REGULATION OF COMMODITY EXCHANGES

The pending measure to control speculation on commodity exchanges which has passed the House of Representatives and been favorably reported by the Senate Committee on Agriculture and Forestry, should be enacted into law speedily in the next session of Congress.

LAND-USE PROGRAM

We recognize the need for a national land-use program. We urge the American Farm Bureau Federation board of directors to formulate at an early date the details of such a program.

RURAL ELECTRIFICATION

Economically, socially, and culturally, American farmers would be benefited vastly by a wider use of electricity in their homes and on their farms, provided the rate per kilowatt-hour is reduced so that there is a greater consumption of electrical energy.

We recommend that, where the need exists, cooperative activities by farmers should be organized to manufacture and distribute electricity at the lowest possible cost, and that adequate funds be provided by the Federal Government for this purpose.

We commend the Rural Electrification Administration and the Tennessee Valley Authority for the work these two Federal agencies are doing in the expansion of the use of electricity on our farms, and we urge that this work be expedited in every possible way.

PUBLIC HEALTH

The pending food and drugs act is not yet satisfactory and does not fully comply with long-established Farm Bureau policies which seek to protect the public in the purchase and use of foods and drugs.

We reiterate our former position on this measure with special reference to advertising by mail or radio of foods and drugs; honest labeling to include grade and quality of products, and such other provisions as we have recommended from time to time.

CHILD LABOR

We approve the pending child-labor amendment to the Federal Constitution and request the State Farm Bureau Federations to give it serious and sympathetic consideration.

PROPOSED ARGENTINE TREATY

We oppose the proposed sanitary convention with the Argentine which, if approved by the Senate, will more directly expose our livestock and dairy producers to losses from foot-and-mouth infestations.

SAFETY ON HIGHWAYS

We recommend that the board of directors of the American Farm Bureau Federation give careful consideration to the matter of prevention of highway accidents, including the support of Federal legislation that will tend to reduce the tragic toll in deaths and injury resulting from automobile accidents and to promote safety on our highways.

MEDICAL CARE

Rural people do not have medical care anywhere near commensurate with that given in cities. Therefore the American Farm Bureau Federation should advocate and promote study and research to the end that rural families have the benefit of increased facilities for health services such as clinics, hospitals, and nursing services.

We recommend that the American Farm Bureau Federation set up a committee to work with this objective in view.

WORLD PEACE

We commend President Roosevelt and Secretary Hull for their humanitarian and patriotic efforts to maintain neutrality in the present international situation. The time has come when this Nation must recognize that citizens traveling in war zones or in nations at war, and individuals and corporations doing business in war zones or with nations at war, are liable to draw the United States into wars in which otherwise our Nation need not become involved. The time has come to change international practices and precedents so that citizens who travel and corporations which do business in war zones or in warring nations, do so at their own risk and cannot feel assured that the United States marines and later the entire military strength of our great Nation will come to their personal or financial protection.

As a method to prevent our Nation becoming involved in war, we recommend that legislation be enacted immediately authorizing and directing the Federal Government, in event the United States enters war, at the moment which will best achieve international peace and security, to proclaim:

1. An embargo on the shipment of arms, ammunition, and implements of war, including loans, credit, and secondary war materials, to any nation going to war in violation of its international obligations.

2. General conscription of the industrial and financial resources of the Nation as well as citizens, in case the United States goes to war.

3. A national-defense program based on the requirements for defending the continental United States and its insular possessions.

4. Cooperation with other associations of citizens, the objectives of which are to secure and maintain world peace.

OMNIBUS

We favor:

1. An adequate appropriation for the Forest Products Research Laboratory at Madison, Wis.

2. Increasing the acreage eligible for inclusion in grazing areas in the Taylor Grazing Act, to the end that the public lands may be conserved by reducing the number of head of livestock that may be grazed thereon.

3. Pooling by farmers of the underground mineral resources, particularly petroleum, similar to the very successful plan long in operation for the Osage Indians, with an allotment of emergency funds to organize the pools.

4. More equitable loan values on livestock in several farm credit administration districts.

5. The adoption of a system in production credit associations which will permit a borrower to establish his credit rating at the time of the first loan, which rating subsequently may be used as a basis for establishing the amount of the loan instead of adding costs and charges every year in addition to the original interest rate.

6. Longer terms of payment on production credit loans to dairymen.

7. We favor the strengthening of the production credit associations and national farm loan associations as farmer-owned and farmer-controlled credit cooperatives and urge all farmers to attend business meetings and otherwise to help build these local organizations.

8. The elimination or modification of the so-called luxury tax on furs which now has a depressing influence on prices received by farmer-trappers for raw furs.

9. Adequate funds to put into effect the Tobacco Grading Act of 1935.

10. An appropriation of approximately $40,000 by Congress to send official delegates to the Seventh World Poultry Congress to be held in Leipzig, Germany, in the summer of 1936, principally for the purpose of bringing that Congress to the United States in its next meeting, to be held in 1939.

11. The establishment of official Federal grades and standards on cottonseed and price reporting thereon.

12. Expansion of the Federal Crop Reporting Service to include all crops and livestock to be issued more frequently than monthly, with reports issued on daily or weekly schedules during the marketing seasons on certain fruits and vegetables. Special reports should be issued promptly regarding crop damage by freeze, flood, hurricane, drought, or hail. Poultry reports should include commercial and farm flocks in excess of 400 birds. Cotton reports which have been discontinued by law should be resumed.

13. In order that livestock producers using the public domain or forest reserves may be eligible for loans from Farm Credit Administration, we recommend that rules and regulations be adopted which recognize an economic unit in range livestock operations, consisting of privately owned lands and publicly owned range lands operating jointly, with such earning power as will pay fixed charges and provide amortization payments for retirement of the loan.

We urge that the single authority which is given regulatory control over grazing areas guarantee that qualified permittees who are now running livestock on public domain or in the forest reserves, be privileged to operate well-balanced economic units consisting, if necessary, of privately owned lands and publicly owned ranges.

14. The control and elimination of noxious weeds is a proper function of the Federal Government in cooperation with State and local agencies. Individual farmers, or concerted activities in limited areas, cannot be effective in controlling or exterminating noxious weeds which already are spread widely, or by methods of propagation are easily spread over vast areas.

It is advisable that adequate funds be provided from regular or emergency appropriations to extend weed control beyond its present limited scope. Chemicals for use in killing noxious weeds should be manufactured at Muscle Shoals and distributed for use at the lowest possible cost in all parts of the country. The tariff rates on sodium chlorate and other chemicals which may be used in weed control should be reduced.

15. The Federal Government is to be commended for its purchases of surplus hides in 1934 and for its withholding of these hides from the market with the result that prices have now increased materially. The Government hides now should be gradually placed on the market without, however, doing so in quantities sufficient to break the market prices on hides.

16. All imitation leather products which move in interstate commerce should be stamped, labeled, or identified under the authority of the Federal Government.

17. We recommend and favor legislation at the next session of Congress which will impose at least a 5-cent per pound additional tax on all oleomargarine manufactured from domestic products and sold in the United States and which will impose at least a 10-cent per pound additional tax on all oleomargarine manufactured in whole or in part from imported products and sold within the United States.

18. The complete and successful operation of the Agricultural Adjustment Administration requires that competitive products from abroad be not allowed such free entrance to our markets as will permit foreign products to disrupt the adjustment plan of producing more or less, as may be necessary, of a basic and nonbasic crop to supply domestic requirements. Accordingly, excise taxes on tropical starches, eggs and egg products, and blackstrap molasses when imported for distillation purposes, should be imposed so that these products when imported must be sold at least equal to those secured by our own farmers, and that these items be not bound at their present status on the tariff list in any reciprocal-trade agreement.

The forestation and land-utilization policies of the Nation demand that pulp, cord, and block wood be given excise taxes so that our farmers may have profitable sales for forestry and woodlot products.

19. We insist again that no law be enacted and no rule or regulation promulgated which will remove or limit the right of the American farmer to enjoy our domestic markets for their products, both for edible and inedible uses. We will not surrender either the edible or the inedible field of use of any farm product in the home market and will resist any privilege sought by importing interests, to secure free entrance to the American markets of an edible product if such product is made inedible for the purpose of such free importation, because of the price relationships between such products.

HOME CONSTRUCTION—ADDRESS BY SENATOR WAGNER

Mr. COPELAND. Mr. President, my colleague [Mr. WAGNER] delivered before the Building Congress in New York, January 30, 1936, an illuminating address on the subject of home construction. I ask unanimous consent that the address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

My friends of the Building Congress, a few months ago one of the keenest business observers in the world said:

"To my mind, Americans ought to be ashamed to allow an acute home shortage to creep upon them while at the same time millions of men are idle and billions of dollars have no work to do."

This suggestion that the key to complete revival is held by the construction industry is doubly significant in view of its source. Mr. Gordon Selfridge, the famous British merchant, understands our institutions and national phychology because he is a native

American. Moreover, he knows as well as anyone can what the English people have accomplished by a housing program when confronted by economic hardships incomparably greater than our own.

There is another reason why Mr. Selfridge's statement should be read with deference wherever businessmen congregate. It reaffirms the principle that creating new employment opportunities for idle labor and new profitable opportunities for idle private capital are part and parcel of the same problem. Some time ago we might have regarded this as a truism hardly worthy of repetition. But more recently there has developed an unhealthy tendency to consider reemployment as a purely social rather than a business concern and to assume that those interested in reemployment are only secondarily devoted to business recovery. The truth is that employment is a prime index of business. To infer that those who count the number of the jobless are cold to industry's needs is as superficial as to argue that those who gaze upon a barometer are not interested in weather conditions.

The large volume of unemployment today is the most serious obstacle to absolute industrial recovery. This is true because no civilized country will countenance widespread starvation; and the cost of relief must in the final analysis be borne by the business community without receiving labor in return. It is true because enforced idleness saps the health and morale of millions of men and women, thus making them unfit to take their places in industry when better times return. It is true because misery breeds among its victims a resentment against a system which, rightly or wrongly, they blame for their misfortunes. The dole is not good for business.

In our distrust of the dole we have devised a widespread system of public works. These have overcome part of the lull in private construction. They have built permanent improvements at a time when materials and labor could be procured easily. They have eliminated the wholesale waste of opportunities that stagnation means. I am convinced that experience has justified my long advocacy of priming the business pump.

But priming cannot go on forever. The ideal situation exists when unemployed labor and idle private capital are brought together in a mutual enterprise. Our major economic task in the United States is to find that enterprise and set it in motion. The undertaking is made less difficult because all the signposts guide us in the same direction. When we examine the composition of our reserve labor supply we find that at least 50 percent is due to the comparative stagnation in the building trades and its effect upon allied industries. When we seek the causes for idle capital we learn that while the index of industrial production has risen to 103 percent of normal the index of construction still lingers at 25 percent. When labor and capital are united there is still need for a market. The greatest potential market in the country today is the market for homes. Every factor is thus eagerly awaiting the inception of an extensive home-building program.

Let us survey a bit more minutely the need for home construction in the United States. The depression alone cannot account for the shocking living conditions in this country. Millions of homes do not decay in 5 years. Only the amazing neglect of housing even when our technical ingenuity along other lines was startling the world will explain why at least one-third of the population dwell in 10,000,000 homes that imperil their health and shock their sense of decency. Even people with comfortable incomes accept poor living quarters that violate the high standards which they observe in respect to other niceties of life. American housing is not consistent with our standing as the wealthiest of nations.

We have fallen so far behind in housing, that it would be fantastic to contemplate an immediate housing program wholly commensurate with our needs. We cannot tear down 10,000,000 homes overnight. But there is no reason why we cannot build at least 10,000,000 new housing units within 10 years, thus lifting the standards of all sections of our people, and raising even the most underprivileged out of the mire of unhealthful surroundings. This modest estimate makes no allowance for periodic obsolescence, or for a normal population increase of about 450,000 families a year. When we plan for 1,000,000 new family quarters annually, we are not being over generous. We are merely meeting the bare necessities of the situation.

No less important than the existence of a market is the character that it discloses. If a home-building program is not to become an orgy of speculation, awaiting the bursting of an inflationary boom, it must be adapted to the normal purchasing power of the people. At the present time, 93 percent of the families of the United States have incomes of less than $3,000 per year. We may naturally expect their earning power to be augmented in the future. But no legitimate financial venture could contemplate supplying such customers with homes, except those ranging between $2,500 and $6,000 in cost, with emphasis upon an average of $4,000. Successful endeavor must be scaled primarily toward that magnitude.

Before exploring further the field open to private business, we should make the honest confession that there is a portion of the home-building task that private industry alone cannot accomplish at a profit. Private industry acting alone will not, and cannot be expected to, provide better living quarters for those millions of American families who have incomes of less than $1,500 per year. They cannot buy $4,000 homes. Some of them, it is true, will move into vacated dwellings when those in the higher-income group build or buy new ones. But the majority of the poor, particularly in the congested city slums, need a renovating and building program of their own. To provide them with American standards, the Federal Government should extend partial assistance to local authorities, in the form of loans of money at nominal rates of interest, or by some other method. This, indeed, is the special objective of the low-rent housing legislation which I have been sponsoring.

It is a grievous mistake to entertain fears that a low-rent program would encroach upon private industry. In the first place, it would by very definition be confined to that section of the population which individual enterprise alone cannot serve. Its tenants would be limited to those whose incomes would not permit them to seek similar quarters elsewhere. Secondly, the strict decentralization of administration among the various localities would guarantee that all activity would be carried on in close contact with the general business needs of the community, and would be quickly responsive to them.

In fact, a low-rent program would give a decided impetus to private industry. It would create purchasing power by swelling the volume of employment. It would increase the demand for the raw and fabricated materials that business produces. It would open an area for some investment by private capital. It would tone up the residential standards of every element of the population.

But the real benefits of a low-rent housing program must be gaged in broader terms. The disease and crime that are generated in slum areas produce an appalling social waste. They multiply the costs of fire and police protection, of hospitals, reformatories, and prisons. They pyramid taxation and decrease industrial efficiency. They undermine the strength of free institutions. All these evils would be mitigated by the removal of the slums. The British have found, in a low-rent housing program, the most concrete reinforcement for political democracy and individual enterprise in a troubled and unsettled world.

There is no business group that will not bend every effort toward giving all the youth of America a chance—a chance to breathe fresh air, to play in safe places, to be free from the threatening influences of sordid home surroundings.

Now we may revert to our survey of the predominant area open for development by the private construction industry. In my opinion, it is unnecessary to quibble about whether low-rent housing with public assistance should have an upper limit of a $1,000 income or a $1,500 income. In either event purely private housing will have a larger market than it can supply. It seems clear that at least 75 percent in number of the 10,000,000 family units to be built during the next 10 years, or 7,500,000 of them, will be built by private industry alone. This includes, of course, apartments and small homes. At an average capitalized cost of $4,000 for each family, the private building program involves investment opportunities of $30,000,000,000, or about $3,000,000,000 per year.

Despite the accelerated tone of residential construction, the Federal Government should continue to add pace to a lagging development. One of the barriers to home buying today is that the average prospective owner of a $4,000 or $5,000 home cannot afford to make the down payment of about 20 percent that is required before the Government will protect the mortgage loan. The Government might obviate this difficulty by encouraging private mortgage institutions to bear a larger portion of the initial cost of this type of home building. Let me give a concrete example. It is reasonable to believe that the purchaser will be able and willing to make a down payment of approximately 10 percent. Today 80 percent can be supplied by private first-mortgage loans, amortized over a 20-year period, and secured by Government insurance. I think that the wheel of the construction industry would be set in rapid motion if the Government would extend its insurance of mortgages up to 90 percent. Thus, if the Government were willing to increase its protective undertakings by only one-eighth, it would provide the final incentive for private investment of $3,000,000,000 per year and of $30,000,000,000 within a decade. This proposal should be coupled with the British practice of requiring the builder to guarantee the payment of the mortgage down to 75 percent. In this way the British have generated a tremendous home-building program that has put decent quarters within the reach of millions.

In conjunction with this action, the Federal Government should assist in other ways. It should continue the work of the Federal Housing Administration in reducing mortgage costs by eliminating multiple-financing and sharp practices. It should lend its influence toward keeping private first-mortgage interest rates at a level that will not prove enormous to borrowers. The Government might also guide improvements in the relevant laws of the States and municipalities.

In addition, the Government should widen the areas of eligibility for Federal protection. Under the present law, while mortgages issued prior to July 1937 are ultimately guaranteed by the Government itself, those issued subsequently are to be protected only to the extent of the insurance fund. While we all have just confidence in the adequacy of this fund, the more complete security should be afforded in both types of cases. Amendment to the existing law should raise from $1,000,000,000 to two or three times that sum the limitation upon the public protection of mortgages upon new construction.

Another course of action is slightly novel, but eminently desirable. Though there are many institutions eager to make loans upon completed structures, existing conditions make it difficult for a building operator to secure capital for his project. The Government ought therefore to insure small construction loans just as it now protects assistance for modernization and repair.

Yet another change suggests itself. Today, insurance of large-scale mortgages is confined to rental projects. It should be extended to cover the large-scale development of small individual homes.

There is little reason why the powers of the national mortgage associations, which are private institutions, should not be expanded. They ought to be allowed not merely to purchase the insured mortgages of other institutions, as now provided, but also to make mortgage loans on large-scale projects that are insured by the Federal Housing Administration. Their debentures against insured mortgages instead of being limited by law to 12 times the amount of their capital funds should be allowed a margin at least twice as large. With these improvements in law and practice, the full possibilities of the Federal Housing Act will come closer to realization.

In concluding let me stress the central significance that a building revival occupies in our whole economic program. We are now witnessing the most gladdening signs that the depression has been defeated. Industrial output in December stood at 103 percent of normal, reaching the highest level in 5 years. The basic industries, such as steel and automobiles, are marching forward rapidly on a united front. Their production is larger and their employment is greater. Every trade journal is punctuated with increasing reports of higher profits and larger dividends.

Interest must now be focused upon retaining and improving this progress. Everyone is listening intently for any sound of discord in the chorus of improvement. Everyone is fearful of the slightest sign that might indicate a relapse.

It is natural that well-informed persons should regard the construction industry as a weather vane of solid business progress. We may recall that the index of residential activity dropped 33 percent between 1928 and 1929, thus sounding the storm signal of the depression. The complete collapse of building was the vital single factor in prolonging hard times. Taken alone, it accounted for fully one-third of the total unemployment in early 1933.

In days of revival, as in days of recession, we must listen for the ring of the hammer and the buzz of the saw. The first stages of recovery in 1933 and early 1934, caused by increasing the purchasing power of the farmer and factory worker, were abbreviated because the gain was not reflected in the building trades. On the other hand, the surest tokens of permanent improvement today are to be found in the quickening of construction. The whole building industry is now pulsating with life. Residential construction during the second half of 1935 was more than 100 percent greater than during the second half of 1934.

But, while these signs are encouraging, they are not sufficient. Only 70,000 homes were built last year, while the imperative demand was at least 10 times that large. With records being smashed in other fields, the index of construction, as I have indicated, still dallies at 25 percent of normal.

All the materials for consolidating recovery are waiting to be used. Both men and capital are eager. Industry is prepared to assume its responsibilities with the same self-command and intelligence that weathered the storm. The Government is eager to lend a helping hand, profiting by its experience and careful not to encroach upon the field of individual initiative. The vast majority of our people, too long denied the congenial home surroundings that they identify with the American way of life, are pleading for the satisfaction of this basic demand. In this conglomerate of business and social needs are blended everything that in the past has stimulated our Nation to feats unparalleled in history. I am sure that the same response will be forthcoming in the future, and that a well-tempered building drive will preserve the welfare of business along with the health and faith of our people.

PHILLIPPINE INDEPENDENCE—ADDRESS BY THE SECRETARY OF WAR

Mr. SHEPPARD. Mr. President, I present for incorporation in the CONGRESSIONAL RECORD an address on Philippine Independence delivered by the Honorable George H. Dern, Secretary of War, at the Commonwealth Club, San Francisco, Calif., on December 12, 1935.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Philippine independence is a vital subject in the Philippines. Every Filipino is interested in it and knows about it. Every American ought to be interested in it, too, and ought to know about it, for it involves our honor in keeping our promises and our sincerity in professing to believe that governments derive their just powers from the consent of the governed.

Thirty-five years ago every American who could read, and many who could not, had a fair knowledge of the Philippines, because imperialism was the paramount issue in the Presidential campaign of 1900. Today I doubt that one American in a thousand knows or cares anything about our relations with the Filipinos. This lack of interest does us about as much credit as would be due a parent who had neglected his child. The wonder is that our record in the islands has been so good in spite of it. We have much reason to be proud of what we have done over there.

The Philippine Islands are the only Christian country in the Orient, and are about to become the only true republic in the Far East. How does it happen that a Malay people has this unique distinction of belonging to our western civilization? I must cite a little history to show how the stream of Philippine development has been so profoundly influenced by two contacts with the western world.

In 1521, or more than 4 centuries ago, the first man who ever sailed around the globe—Ferdinand Magellan—by chance brought a Spanish squadron to the Philippines. Sailing across the Atlantic, around South America, which Columbus had discovered only a few years before, through the straits which now bear his name, he struck boldly out across the vast unknown western ocean which he named the Pacific, landed first on Guam, now an American island, and then discovered the Philippine Archipelago. He came to the island of Cebu, with the Bible in one hand and the sword in the other, for he was not only an intrepid explorer but also a fanatical missionary. He claimed the country for Spain, and within a few days he had baptized the King and most of the population of Cebu. A little group of unreasonable men on the small island of Mactan, who had never heard of the great King of Spain, and who objected to having Christianity crammed down their throats, gave battle, and Magellan was killed near the spot where his monument now stands.

Magellan's missionary methods apparently did not have a very deep spiritual effect, for when he was gone all his converts slid back into their old faith, if they had any, and for 40 years more the brown people had to worry along without the white man's guidance. However, Magellan's exploits caused other Spanish expeditions to be sent from Mexico, for the Philippine Islands were colonized and governed through the Viceroy of Mexico until Mexico threw off the Spanish yoke and became an independent nation early in the nineteenth century. Forty-three years before the first permanent English settlement in the United States at Jamestown, Va., Legaspi sailed from Mexico and finally conquered the islands. He named them for the prince who became Spain's great King, Philip II. Gradually Spanish civilization and culture were established among the natives. This was the first contact of the Philippine Islands with western civilization, and it lasted more than 300 years.

Nobody doubts the piety, heroism, and disinterestedness of the early missionary priests who came to the Philippine Islands and won the inhabitants over to the Christian faith, but Spain from the start ruled the colony by brute force. It was the medieval policy of overawing the people and subjugating them with fear. It is true that the Spaniards gave the Filipinos a religious ideal and the beginnings of education and increased knowledge, as well as better buildings and roads, something like uniform laws, and the outline of a coordinated political system. Nevertheless, the Filipinos were never contented under Spanish rule. During the three centuries between 1573 and 1872, it is estimated that there were more than a hundred revolts, large and small, 31 of them being of serious proportions, which in itself is strong evidence of abuses and injustice.

On June 19, 1861, was born the great Filipino patriot, Jose Rizal, whose monument now stands in the plaza of practically every considerable town in the islands. He is revered as the national hero and martyr who brought about the downfall of Spanish misrule. He is an outstanding example of that small, select group of men in human history who have profoundly influenced the destiny of their people, and whose names symbolize their national aims and aspirations.

Rizal exposed the oppressive system that had grown up, and the wrongs that the Filipinos had suffered at the hands of a selfish, greedy ruling class, which had no objective except shamelessly to exploit them. He maintained that the courts were operated for the benefit of the rich, and that there was no justice for the poor man, who could be arrested and imprisoned on the merest suspicion of disloyalty, and perhaps even executed without the semblance of a trial.

Through novels and other writings, Rizal laid bare the whole sorry spectacle, and in so doing he aroused the Filipinos to a keen sense of their wrongs and a passionate longing for relief. He himself never counseled a violent revolution, but hoped to bring about reforms by peaceful means under the Spanish flag. He thought that by holding up Spain to the contempt of the civilized world she could be shamed into giving the people justice and decent government. He felt that the first need was education and enlightenment, and that his people had been kept in a condition of ignorance and inferiority so long that they were not prepared to rule themselves, although he never doubted their natural ability to do so.

The ruling class, instead of granting reforms, became enraged, and began to hunt down this dangerous man, who threatened to take away their special privileges. It was ever thus. Their persecutions only aroused the people to greater resentment and excitement. Since Rizal would not lead them to revolt, other leaders did so, and on August 26, 1896, the Philippine revolution against Spain began. Rizal was arrested and unjustly accused of having incited the revolution. In spite of his denial and his expressed disapproval of the revolution, he was found guilty, and on December 30, 1896, was executed. But his soul goes marching on.

Bear in mind that this was only 39 years ago. Spain had continued her medieval practices right down to our own times.

The revolution gained increasing force, and soon a new leader came to the front. He was a youth of 27 years, only lately out of college, but Emilio Aguinaldo quickly showed great talents of command. Under his direction rapid military progress was made in every Province until he had driven the Spanish troops into Manila and had the city surrounded and besieged, except by way of the sea, the avenue through which the Spanish Army could still get supplies and reinforcements.

Then, on February 15, 1898, the U. S. S. *Maine* was blown up in Habana Harbor, precipitating war between Spain and the United States, which was declared on April 21. On May 1, 1898, occurred the Battle of Manila in which the Spanish fleet was destroyed by the United States Asiatic Squadron under the command of Commodore Dewey.

Six weeks later the independence of the Philippines was proclaimed by General Aguinaldo's so-called dictatorial government. Aguinaldo and his followers first looked upon the Americans, who had closed the Spanish Army's access to the sea, as friends and deliverers, and he claimed that Dewey had encouraged him to believe that the United States would help them achieve their independence. Dewey denied this, and there is nothing in the records to substantiate Aguinaldo's claim. The interview between Dewey and Aguinaldo was conducted through an interpreter, and perhaps this accounts for the misunderstanding.

At any rate, since a fleet alone cannot take and hold territory, American soldiers were sent to Manila, and on August 13 the Spanish authorities surrendered the city to the United States forces. Aguinaldo was not permitted to enter the city with his troops, and friction between him and the Americans developed. On January 21, 1899, General Aguinaldo promulgated the constitution of the Philippine Republic, and 2 weeks later the Philippine Insurrection against the United States commenced.

And so we found ourselves fighting the Filipinos—a people who were struggling for independence.

Our occupation of the Philippines was not premeditated, but had come about entirely through the fortuitous chance of war. Whatever may be said of us, we certainly did not take the islands with any thought of territorial aggrandizement.

The Liberty Bell in Independence Hall at Philadelphia is one of America's most sacred relics. It bears the inscription, "Proclaim liberty through all the land unto all the inhabitants thereof." That was the spirit of 1776, and that spirit has been bred in the bone of every American since our country was born. That is why Americans instinctively sympathize with all peoples who aspire to freedom and self-government. The Philippine Insurrection against Spain was such a struggle for freedom. What was then to be the attitude of the United States toward a freedom-loving and freedom-seeking colony which it had so accidentally acquired?

There were some imperialists among us who looked toward a policy of colonial expansion and exploitation and who said, "Where the American flag once goes up it never comes down." Such a departure from our national ideals never commended itself to the American people. The permanent government of one people by another without their consent is not the American system.

Wisely or unwisely, we had taken the Philippines. Wisely or unwisely, we had assumed the burden and responsibility of governing them. And yet we said the Philippines belonged to the Filipino people, that we were merely their trustees, and that when they were competent to take care of themselves we would resign our trust and let them govern themselves.

Colonial exploitation was repugnant to our minds. We declared that the good of the colony, not our own good, must be the first consideration, which was perhaps a brand new idea in a world which had always colonized for quite different reasons. We harked back to the spirit of 1776, and we conceded that the Filipinos had the same rights as we claimed when we were colonists of Great Britain. Moreover, we recognized that we had the same duties toward the Philippines that Great Britain should have had toward us at the time of the American Revolution.

Having declared this unheard-of colonial policy, there arose the practical question of how and when it should be carried out; whether the Philippines should be given their independence forthwith, or whether they should first be given a period of education and training to prepare them for independence. Through no fault of their own the people of the Philippines had not been trained in the difficult art of self-government, and had never been given an opportunity to demonstrate whether they could rule themselves or not, nor whether they would respect the rights and property of others.

How could we tell whether they had been disciplined, as Anglo-Saxons had been disciplined for centuries, to submit to the expressed will of the majority, no matter how wrong the individual might deem that decision to be? Where that principle is not accepted democracy must fail.

Moreover, it was difficult for us to comprehend how popular government could be possible without popular education. We Americans think education is essential to democracy. Rizal himself had complained that Spain had kept the Filipinos in ignorance, and that they must be educated before they could be qualified to rule themselves.

And so we set up a military government and proceeded to put down the insurrection. We soon discovered that we had a first-class war on our hands. At first there was heavy fighting between the two armies, in which the Filipino forces were driven back and broken up into small bands. A period of guerrilla warfare ensued, which lasted more than a year and a half. We had more than 70,000 troops scattered all over the Philippines, and we had a garrison in every town of importance and in many places that were mere villages. But the guerrilla warfare continued, under the direction of General Aguinaldo, who was in a remote hiding place. The Filipinos showed that they had courage, fortitude, and tenacity of purposes, and proved a worthy foe. There is no telling how long the insurrection might have lasted if Gen. Frederick Funston had not accidentally learned the whereabouts of General Aguinaldo, and, by bold stratagem, captured him.

The capture of General Aguinaldo soon terminated the insurrection, and the islands were rapidly pacified. The military government, after having established peace and order, and after having made the beginnings of the American type of administration and jurisprudence, of popular education, of building roads, and of modern sanitation, was superseded by a civil government, and step by step self-government was introduced. The second contact of the Philippines with western civilization had begun, this time according to the American style of liberty, enlightenment, and progress. What has been accomplished in the last 37 years is a marvelous story.

Popular election of municipal and provincial officers was instituted 3 years after American occupation, and so the school for democracy was under way. So apt were the native officials that 5 or 6 years later the popular election of the lower house of the Philippine Legislature went into office. The results were entirely satisfactory, and in 1916, with the encouragement of President Wilson, the Jones Act was passed, making the entire Philippine Legislature elective, and giving the Filipinos an enlarged part in administrative affairs. This was a long step toward self-government.

Let me invite your attention to the preamble of the Jones Act, which was passed by almost the unanimous vote of both parties in Congress.

"Whereas it was never the intention of the people of the United States in the incipiency of the war with Spain to make it a war of conquest or for territorial aggrandizement; and

"Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and

"Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States in order that by the use and exercise of popular franchise and governmental powers, they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence."

This preamble can only be construed as a definite promise of eventual independence. The Jones Act gave the Filipinos such a large measure of self-government that one might almost be justified in saying that they remained connected with the United States by but a slender thread, namely, American control of the executive department through the office of Governor General. The Filipinos responded magnificently to their new responsibilities and opportunities, and their record of accomplishment since the Jones Act went into effect reflects the greatest credit on their ability and character.

Meanwhile, that great symbol of democracy, the little red schoolhouse of the Unitted States, was transplanted to the Philippines, and universal popular education became and remains as much a Philippine ideal as it is an American ideal. The hunger of the Filipinos, young and old, for education has been remarkable.

At the beginning of American occupation there were practically no decent roads in the Philippines. Today there is an excellent system of highways, those indispensable requisites to agriculture, commerce, industry, and social intercourse. I wish I had time to tell you how the health and well-being of the people has been improved through modern sanitation since American occupation; how public works of various kinds have added to the security, comfort, and self-respect of the people; how the courts have been made temples of justice for rich and poor alike; and how the economy of the islands has been improved by introducing and fostering new industries which increase the national income, furnish employment, and raise the standard of living.

Perhaps the greatest thing that the United States has done for the Philippines is to give them free access to our markets. Since they have been able to ship their sugar, coconut oil, hemp, tobacco, and other products to the United States without paying duty, they have prospered marvelously, and are now enjoying a higher standard of living than any other country in the Orient.

Notwithstanding the tremendous benefits which the Filipinos had received from their connection with the United States, their longing for independence continued, and finally the Tydings-McDuffie Act, which is entitled, "An act to provide for the complete independence of the Philippine Islands", etc., was passed. I have just returned from the Philippines where, on the 15th of November, I participated in the inauguration of the new government which was thereby authorized.

By virtue of the Independence Act there has been created a government called the "Commonwealth of the Philippines", which gives the islands almost complete autonomy in their local affairs, putting not only the legislative but also the executive and judicial departments into the hands of the Filipinos. The Commonwealth government was organized in accordance with the provisions of their own constitution, formulated and drafted by delegates of their own selection and adopted by their own votes. The people elect their own president and vice president, and also the members of their own legislative department, which consists of one house, known as the National Assembly.

The inauguration of the Commonwealth of the Philippines deserves to be rated as an historic event in the annals of both the United States and the Philippines. The ceremonies were excellently planned and were carried out in an impressive, picturesque manner, in the presence of a throng estimated at 200,000

persons. There was a lot of early rising that beautiful day, for the program began at 8 o'clock in the morning, to avoid the midday heat.

After the invocation, Governor General Murphy introduced me as the personal representative of the President of the United States, and I delivered an address, at the conclusion of which I asked the Governor General to read the proclamation of the President of the United States declaring that the persons therein named had, respectively, been elected members of the national assembly. Thereupon the oath of office was administered to them, after which I formally declared the old government at an end and the new Government in effect. President Quezon then delivered his excellent inaugural address, which ended the ceremonies.

It is not often that a new nation is launched with such cordial friendship and mutual good will. Usually new nations are born in the welter of battles and bloodshed. Because this occasion was so unique in human annals I have said that it was of historic significance.

President Manuel L. Quezon and Vice President Sergio Osmena are the two undisputed leaders of the Filipino people and have been intimately connected with the development of self-government and the movement for independence. Their long experience in governmental affairs affords every reason to expect a successful administration of the Commonwealth.

Under the terms of the Tydings-McDuffie Act independence is not yet complete and the islands will remain under American sovereignty for another 10 years, at the end of which period American sovereignty will be withdrawn and the Philippine Republic will supersede the Commonwealth of the Philippines as a completely independent nation.

The 10-year transition period was deemed wise and prudent, principally to enable the Philippines to make the necessary readjustments in their economic life. If they were given the status of an independent nation immediately and suddenly, and were accordingly required to pay full tariff rates on their exports to the United States, it was feared that it would ruin some of their most important industries, thereby throwing a great many people out of employment and causing much hardship and suffering. In that event the Filipinos would probably conclude that independence had been a delusion and a snare. The transition period is therefore intended to benefit the Filipino people and to give the new nation a better chance for success. Moreover, the transition period will give the Filipinos a period of training in the executive branch of the government, which has heretofore remained in the control of the United States.

Inasmuch as the United States still retains sovereignty over the islands, it has important responsibilities there. We reserve certain powers, namely, direct supervision and control over their foreign affairs and, in general, the right to intervene in case of serious disorders or failure of the Commonwealth Government to meet its obligations. In order that the rights, prerogatives, and interests of the United States may be sustained, we keep a United States High Commissioner in the islands as the representative of the sovereignty of the United States. The first High Commissioner is the last Governor General, the Honorable Frank Murphy, who has made such an outstanding record during the past 2½ years that he deserves to be ranked among the greatest Governors General whom we have sent to the Philippines.

The philosophy of the Independence Act is that we are voluntarily surrendering a valuable dependency to its inhabitants and launching a new democratic nation. Who says there is nothing new under the sun? History is replete with stories of conquest and of struggles for freedom, but examples like this are rare, indeed.

Those who have been in a position to observe closely the part the Filipinos have played in the development of their civil government have nothing but admiration for them and have no misgivings about their fitness for self-government and independence. I see no reason why the Commonwealth should not be a success, and why complete independence should not be achieved on schedule time. Certainly, we ought to do everything we can to help them on their way, for this new venture is ours as well as theirs.

The steps whereby the Filipinos have gradually gained self-government bring out three things:

The first is that the United States is keeping its word to give the Philippines independence. And, as President Roosevelt said a few weeks ago, "It is good for a nation to keep its word."

The second is that the American record in the Philippines, despite its mistakes and vicissitudes, has been creditable. As Mr. Root said when he was Secretary of War, "The country which exercises control over a colony is always itself on trial in the public opinion of mankind." We are human enough to hope that the world will say of us that our work has been well done. But especially we hope that the people of the islands may feel that our sojourn there has been a benediction to them, even though it has deferred their independence. The people of the United States may justly feel proud if they have built such an enduring monument in the hearts of the Filipinos.

The third point that is brought out in the evolution of Philippine self-government is more important than the other two. It is that the main credit is due to the Filipinos themselves. They have been tried and not found wanting. They have had a passion for independence for many, many years, and with each new opportunity they have, in the most convincing manner, demonstrated their capacity to perform the varied and intricate tasks of government. We have had good material with which to carry on our work.

As Americans, therefore, we may be pardoned a natural feeling of gratification over having been true to our national ideals and doing a deed worthy of our ancestry. We rejoice at having had this opportunity to "proclaim liberty through all the land unto all the inhabitants thereof", and to give the world an example of the true meaning of American democracy. May we never falter in putting human rights, human liberties, and human welfare above all selfish ambitions, individually or nationally, at home or abroad, and thereby help to make the world safe through democracy, which may, after all, be more to the point than making the world safe for democracy.

If our own cooperation with the Filipinos in a practical way to establish a new democratic republic, fashioned after the American plan, shall renew our devotion to the high principles which gave birth to our own Nation, then our sojourn in the Philippines will have been a blessing to ourselves no less than to the Filipinos. Men always benefit by obeying their noble impulses, and so do nations. The performance of one righteous, unselfish act by America makes it easier and surer for her to be just and upright in all her international relations. It is a proper ambition for her to deserve the esteem and affection not of the Filipinos alone but of all right-thinking nations. To deserve them she must keep on high ground.

TRANSPACIFIC AIR-MAIL FLIGHT—ADDRESS BY POSTMASTER GENERAL FARLEY

Mr. McADOO. Mr. President, I ask permission to have printed in the RECORD an address by Postmaster General James A. Farley at Alameda Airport, Alameda, Calif., in connection with the ceremonies incident to the inauguration of the first scheduled trans-Pacific air-mail flight Friday afternoon, November 22, 1935.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Just before leaving Washington I received a letter from the President of the United States. It read:

"MY DEAR MR. POSTMASTER GENERAL: Please convey to the people of the Pacific coast the deep interest and heartfelt congratulations of an air-minded sailor. Even at this distance I thrill to the wonder of it all.

"They tell me that the inauguration of the trans-Pacific sky mail also celebrates the one hundredth anniversary of the arrival of the first clipper ship in San Francisco. The years between the two events mark a century of progress that is without parallel, and it is our just pride that America and Americans have played no minor part in the blazing of new trails. There can be no higher hope than that this heritage of courage, daring, initiative, and enterprise will be conserved and intensified.

"Very sincerely yours,

"FRANKLIN D. ROOSEVELT."

With the inauguration here today of the first scheduled trans-Pacific air-mail flight a new chapter in aviation history is being written. In fact, it records the beginning of the greatest and most significant achievement in the marvelous and fascinating development of air transportation.

More than 8,000 miles of ocean are to be spanned by this new service, which will bring Asia within 5 days of the United States, thus reducing the period of travel between these two continents to less than one-third of the time now required by the fastest steamships, which is 17 days. There will be a corresponding saving in time between the United States, the Hawaiian Islands, Guam, and the Philippines, and all will benefit by this time saving. The Hawaiian Islands, now 5 days away by the fastest steamships, will be overnight from San Francisco.

Very soon the superplanes flying over this route will be transporting passengers and express. A person or letter will arrive in China within 6 days after leaving New York. This is, indeed, an epoch-marking achievement and one which rivals the vivid imagination of a Jules Verne.

It has been the experience of the United States that when better communications and faster transportation have been established between this and other countries better understandings have resulted and an improvement in trade and commerce has followed. Therefore, I anticipate that our friendly relations and our commerce with the countries of the Orient will be strengthened and stimulated by the trans-Pacific air-mail service.

I wish to offer my congratulations to the officials of the Pan-American Airways, whose vision, enterprise and resources have pioneered this great service and brought new laurels to American aviation; to the American aviation engineers and manufacturers, whose research and skill have made possible the superplanes which will fly this route, and to the Congress of the United States for providing the necessary appropriation. I am proud that this history-making service was inaugurated during my administration of the Post Office Department.

The United States easily leads the world with its air-mail services and these services have by no means reached their peak. In the near future it will be advisable to further improve the services in the United States and Alaska and I am confident that within a year or 18 months we will have a trans-Atlantic service from the United States to Europe.

Each year brings new triumphs in American aviation, but it will be a long time before any of them overshadow the achievement which we acclaim here today.

PAYMENT OF ADJUSTED-SERVICE CERTIFICATES—ADDRESS BY GENERAL HINES

Mr. HARRISON. Mr. President, I ask consent to have published in the RECORD a radio address delivered by Brig. Gen. Frank T. Hines, Administrator of Veterans' Affairs, on January 30, 1936, relative to the payment of the adjusted-service certificates of World War veterans.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

First of all, I desire to thank the Columbia Broadcasting System for the opportunity presented to me to use their facilities to convey this message to World War veterans and those interested in the payment of the adjusted-service certificate known as the bonus.

I know that many radio listeners would possibly prefer to listen to a program of a more entertaining nature, but I also know that there are three and one-half million veterans who are vitally interested in knowing all about the additional bonus benefits which have just been granted to them and that one of the thoughts uppermost in their minds is, "What will I get?"

The bill which has just become a law provides for veterans who have been issued adjusted-service certificates to receive in exchange for such certificates bonds of the United States in $50 denominations, with a value up to the face amount of their adjusted-service certificate less any loans which have been made thereon; interest on such loans to be charged only up to October 1, 1931, and that which has accrued thereafter is forgiven or canceled. No provision is made, however, for refunding any interest which has been paid. Odd amounts over and above the highest multiple of $50 in the amount due will be paid by check.

As an example: Sergeant Hill had a $1,000 certificate upon which he borrowed $500 on March 30, 1931. There will be deductible from his certificate the $500 which he borrowed, together with interest of $11.25, which is the amount accrued from the date of his loan up to October 1, 1931. All interest charged thereafter is canceled. Sergeant Hill, if he makes application for payment, will receive nine $50 bonds and a check for $38.75.

Now, let me tell you something about the character of the bonds which are to be issued. These bonds are not of the ordinary type but have several unusual features which make them extremely valuable. They may be redeemed at any time during the first year at their face value, and if held 1 year from the date of issue they may be redeemed at any time thereafter not only for the face value but, in addition, 3-percent interest. Thus, holders of these bonds are fully protected against any fluctuation in value. They are nontransferable, nonassignable, not subject to attachment by any legal proceedings, so that the veteran is assured of getting the money himself. No one can take these bonds from him.

All bonds will be dated June 15, 1936, and will run to June 15, 1945. Bonds will be redeemable by the United States Treasury at such places as the Secretary of the Treasury may designate, and it is quite certain that the necessary arrangements will be made so that redemption of the bonds will be a simple procedure insofar as the veteran is concerned.

My urgent advice to veterans is to hold these bonds so that they may serve as a nest egg, because they represent the safest possible investment and an attractive one. To those veterans whose need is so pressing as to require immediate funds I would strongly advise them to cash only so many of the bonds that may be necessary to meet the actual need.

These bonds have been variously referred to as baby bonds, bonus bonds, and thrift bonds, and the veterans should, by holding them, prove that the latter name is the most suitable. Whether they are thrift bonds or spendthrift bonds will be dependent very much upon what the veteran does with them after they are received.

Application forms for the payment of the bonds are now available throughout the country at regional offices of the Veterans' Administration and at posts or comparable units of the various service organizations so that every veteran may secure one. The final date for applying for benefits under the World War Adjusted Compensation Act has not been changed and remains as January 2, 1940. Application for exchanging the adjusted-service certificate for bonds may be filed at any time prior to the date of the maturity of the certificate. Regardless of the date the veteran applies for conversion of the certificate into bonds the bonds issued will be dated June 15, 1936, and will draw interest from that date. Those veterans who have loans outstanding against their certificates should send their applications only to the office from which the outstanding loan was made. I want to repeat and particularly stress this caution, because it is highly important. Those veterans who have loans outstanding against their certificates must send their applications only to the office from which the outstanding loan was made. Veterans who have no outstanding loans upon their certificates should send their applications, together with the certificates, to the Veterans' Administration regional office activity nearest the place of their residence. Veterans who have loans outstanding with banks should send their applications to the central office of the Veterans' Administration at Washington, D. C. As to veterans who are mentally incompetent, application should be made in their behalf by a legally authorized representative.

After filing your application, do not write to the Veterans' Administration, as to do so will only cause delay in handling your case, except where you desire to change the address to which the bonds are to be sent which appeared on your application form. Veterans must expect that a very considerable time will elapse between the filing of the application and the receipt by them of the settlement. This is because of the tremendous amount of administrative work involved and because of its technical nature it is not possible to expand the working operations beyond a certain degree, as only trained personnel acquainted with procedure and the governing law will be valuable in discharging the duties devolving upon the governmental departments.

Comparisons have been cited so often—they sometimes become tiresome—but in this matter I know of no better way of impressing you with the gigantic task confronting us. For instance, if the issuance of bonds had been started at the time of the beginning of the present calendar and 50 a day had been issued thereafter, and the work had been continuous, including holidays and Sundays, we would still have about 2,000,000 more bonds to issue. I know that the next illustration has in its general sense been overworked, but I cannot refrain from asking what your reaction would be if I told you that the bonds to be issued, if laid end to end in the usual manner, would reach from Washington to New York. I am quite certain you would be greatly amazed. Well, I have only told you a small part of the story. Actually, if the bonds to be issued were laid end to end, they would reach from New York to London and then still go on almost to Moscow. The amount of money which will be represented in the settlements would approximate the pay of 500 men receiving $40 a week continuously for the last 1,935 years.

May I again urge that veterans consider these bonds thrift bonds or savings bonds. They are valuable to you and should be retained or at least as many of them as possible for future protection of yourself or yourself and family. These thrift bonds which you will receive in exchange for your adjusted-service certificate are better than cash for this reason: You can always obtain cash for them, and after the first year you receive the cash plus additional cash from interest. You have an attractive investment, and it is to your advantage to hold your bonds. The bonds which will be sent to you in exchange for your adjusted-service certificate will always be worth the face value, and if you hold them they will be worth more than their face value after the first year because they bear interest at the rate of 3 percent per annum, and the value increases each year to June 15, 1945.

In conclusion let me give three admonitions—first, after filing your application do not write to the Veterans' Administration unless you wish the settlement of your case delayed. Second, be patient and don't expect to receive your bonds for a reasonable time after June 15, 1936. Remember, if you hold your bonds they will draw interest from June 15, 1936, without regard to the date they are delivered to you. Third, after you get your bonds hold on to them. If you think you need the money now—just think a bit harder and realize how much more badly you may need it in the future. Be thrifty—hold your thrift bonds.

Thank you and good night.

THE BRYAN PEACE TREATIES—ARTICLE BY HERBERT WRIGHT

Mr. MURRAY. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Prof. Herbert Wright, professor of international law, Catholic University of America, dealing with international matters.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star of Feb. 2, 1936]

BRYAN PACT WITH ITALY MAY FOIL EMBARGO PLAN—SUCH PROPOSALS AS OIL SHIPMENT BAN HELD STYMIED BY TREATY THAT CALLS FOR ARBITRATION

(By Herbert Wright, professor of international law, Catholic University of America.)

It would be a strange quirk of fate if the hand of Democratic Secretary of State William Jennings Bryan should reach from the grave to prevent Democratic Secretary of State Cordell Hull and Democratic Secretary of the Interior and Petroleum Administrator Harold L. Ickes from applying a virtual embargo upon shipments of oil and other key products to Italy and thus supporting the supplementary sanctions program of the League of Nations. And yet that such may be the case is not beyond the realm of possibilities. And thereby hangs a tale.

It seems that President Wilson, in the months intervening between the presidential election of 1912 and his inauguration in 1913, was considering the formation of his Cabinet. He requested an interview with Mr. Bryan, the upshot of which was the offer to and the acceptance by Mr. Bryan of the Secretaryship of State. However, Mr. Bryan laid down as a condition of his acceptance that the President should allow him to negotiate a series of treaties in accordance with a draft which he produced. This was a typewritten draft of the so-called treaties for the advancement of peace. Mr. Wilson read the draft and stated that he would have no objection to Mr. Brayn's proposal. But Mr. Bryan was not satisfied with a mere nihil obstat. He desired to make these treaties an integral part of his foreign policy. It was only upon Mr. Wilson's assurance on this point that Mr. Bryan consented to accept the portfolio.

What were these treaties which were destined to have such far-reaching effects then as now? For a long time Mr. Bryan had been interested in labor troubles, and in the course of his experience he had found that the greatest difficulty in the solution of

labor controversies was the ascertainment of the facts at the basis of the controversy. He had observed that, once the facts had been ascertained, very frequently the question would decide itself, or at least the way would be paved for an easy solution. From this he argued, quite reasonably, that if the nations would agree to a procedure by which some impartial body would ascertain the facts at the basis of a controversy, nations might be expected, like labor groups, to reach a satisfactory solution and thus avoid possible bloodshed.

COMPULSION IDEA INCLUDED

It is no discredit to Mr. Bryan, a man of practical affairs and admittedly not an expert in international law and relations, that he was not aware that such a procedure was made available to the nations by convention I on the Pacific Settlement of International Disputes of The Hague Conferences of 1899 and 1907.

But under the procedure established at these conferences there was no compulsion for the nations to follow this course of action; they were merely recommended to follow it. Mr. Bryan's idea was that the United States should take the lead in making such a procedure compulsory in any international dispute in which the United States was an interested party. And he set about effecting this in a most realistic manner.

He knew that treaties of this nature must receive the advice and consent of the United States Senate. He accordingly waited upon the Committee on Foreign Relations of the Senate and laid before its members his projects, asking them if they would accept treaties of this nature if he were able to negotiate them. Upon assurance of their acceptance he negotiated some 30 treaties, every one of which was advised to in advance and some of which were immediately consented to when they were submitted to the Senate in their negotiated form.

By many people Mr. Bryan has been looked upon as a visionary and it is natural for such people to brush aside Mr. Bryan's treaties for the advancement of peace as the emanations of a pious but misguided mind, or at least as the innocuous efforts of a dreamer. Many, even experts in the field, have cavalierly consigned them long since to the limbo of forgotten things, for certain it is that there is no known instance of any of these treaties coming into active operation. It might be asked, of what use is such an institution as a commision of inquiry to ascertain facts if the nations have not seen fit to make use of the institution. This, on its face, would seem to be a valid argument. And yet it is a strange phenomenon in human affairs that frequently the mere existence of political machinery for a given objective obviates the necessity for its use. Thus, for example, in the entire 146 years of the existence of the United States there have been only an even dozen cases in which the impeachment process has been invoked.

HAD WORLD-WAR BEARING

So it is with the commissions of inquiry provided for by the Bryan treaties for the advancement of peace. The mere availability of them with the attendant compulsion to submit controversies to them obviates the necessity for their use, because the nations, with that possibility in mind, have settled their controversies by direct diplomatic negotiation or in some other peaceful fashion. It would surprise and even startle many individuals to learn that the existence of one of Mr. Bryan's treaties possibly prevented the United States from entering the World War against Great Britain over a year before she actually entered it against Germany and on the side of Great Britain. Yet such is the fact.

In the latter part of 1915, when President Wilson was much disturbed over the fact that Great Britain, through orders in council and other governmental measures, was interfering disastrously with the neutral trade of the United States, he directed Mr. Lansing, then Secretary of State, to lay a request before the Neutrality Board of the United States, of which Dr. James Brown Scott was chairman, for recommendations of forceful measures short of war which the United States might employ to compel Great Britain to perform its international duties toward the United States as a neutral. An individual opinion was requested of each of the members, but the naval members were able to agree upon the reply which they were willing to make as a joint recommendation to the President.

The chairman was temporarily absent from Washington at the time of the request, but upon his return found the request and the proposed joint recommendations of the naval members. Asked if he would join in their report, he felt bound to reply that he was unable to do so because of the fact that the Government of the United States was a party to one of Mr. Bryan's treaties, signed with Great Britain on September 15, 1914, and proclaimed 2 months later, requiring, upon the failure to obtain a settlement of an outstanding dispute by direct negotiation, its submission to a commission of inquiry for investigation and report.

Therefore, he maintained, the United States, by the terms of the treaty, could not resort to any act of force, much less war, to compel Great Britain to recognize the neutral rights of the United States until the commission had made its report. Since the treaty allowed a year for the Commission of Inquiry to make its investigation and formulate its report, that was the last heard of the President's request as to what means should be taken to compel Great Britain to comply with its duties toward neutrals, for within a year the very subject of the controversy might have become purely academic.

NO TREATY WITH GERMANY

As a matter of fact, within a year and a half the ruthless submarine campaign of Germany caused a similar controversy between the United States and Germany. At that time there was no Bryan treaty for the advancement of peace between the United States and Germany, and so it happened that on April 2, 1917, President Wilson, in an address before a joint session of the two Houses of Congress, recommended a declaration of war against Germany, and the Congress formally declared the existence of a state of war on April 6.

Happily the United States now has a conciliation treaty with Germany, signed May 5, 1928, and proclaimed February 25, 1929, which is modeled on the Bryan treaties, so that the situation of 1917 is not apt to be repeated. But suppose no such treaty had existed with Great Britain in 1915, and in a moment of irritation some act of force should have been committed against Great Britain in retaliation for her interference with the neutral rights of the United States, it would have been possible, as indeed it seemed probable to those ignorant of the Bryan treaty, that the very great moral and physical power of the United States would have been alined against the Allied Powers and virtually on the side of Germany. And what a different picture the world would now present!

The above instance was recounted by Dr. Scott to the members of the American Society of International Law, of which he is president, at their annual meeting in Washington in 1929 and was repeated, at the instance of the present writer, to the same group in April 1935. It is a story which bears constant repetition, because its significance is incalculable. It is no wonder, then, that Dr. Scott says of Mr. Bryan, "that he of all the peacemakers is the one who has contributed most to the peaceful settlement of international disputes by holding the hands of war, by staying the sword until such time as nations can resort to the forum of reason in which there is neither great nor small, powerful nor weak, but nations composed of human beings who merit a better fate than that of food for powder and shell to satisfy the ambitions of the wordly great."

But what has all this to do with Italy? Among the first of the Bryan treaties for the advancement of peace was one with Italy, signed at Washington, May 5, 1914, and proclaimed March 24, 1915. Under this treaty (art. 1) the two nations engage to submit for investigation and report to a commission to be constituted as described below "all differences of whatever nature they may be which may occur between them which cannot be composed by diplomatic methods or are not submitted to a tribunal of arbitration." Moreover, "they bind themselves not to declare war nor to open hositlities during the examination of the Commission and before the Commission has presented its report."

Under a supplemental treaty, signed at Washington, September 23, 1931, the members of this Commission of five are appointed in the following manner: One member is appointed from each country by the government of that country, and the remaining three members, who shall not be nationals of or domiciled in either country, are designated by the two governments in common agreement. The members serve indefinitely, but the appointment of any member may be revoked at any time when no case is pending before the Commission. Replacements are made in the same manner as original appointments.

Under the provision of these treaties, the Commission was set up with Mr. Henry P. Fletcher, former Under Secretary of State of the United States, and Prof. Vittorio Scialoja, Senator of the Kingdom of Italy, as the national members, and Dr. Jose Pedro Varela, professor private international law, of Uruguay; M. Paul van Iseghem, honorary president of the Court of Cassation of Belgium, and Mr. Helge Klaestad, of Norway, president of the Anglo-German Mixed Arbitration Tribunal, as joint commissioners. At the present time there are two vacancies on the Commission, due to the death of Prof. Scialoja on November 19, 1933, and the resignation of Mr. Fletcher on September 19, 1935.

ONE PARTY CAN APPEAL

In case the two countries "shall have failed to adjust a dispute by diplomatic methods or by means of a tribunal of arbitration, it shall at once be referred, either by common agreement or by one or the other party, to the International Commission for investigation and report" (art. 3). It will be seen that all that is necessary for the Commission to take jurisdiction of a dispute is that one of the parties shall make a claim that the activities of the other are against international law or against its treaty obligations, and that the other shall deny the alleged claim. Then the injured party appeals to the Commission and the latter is bound to inform the two governments of the date on which it will begin its labors. The two governments by the treaty "engage to furnish all the documents, and to afford all facilities", provided this is not incompatible "with the laws and with the supreme interests of the State" or prejudices "the interests and rights of third States." This does not constitute a limitation on the jurisdiction of the Commission, which, as pointed out above, extends to "all differences of whatever nature", but refers simply to the furnishing of documents and the affording of facilities.

The report of the Commission must be presented within a period of 1 year after the beginning of its labors, unless the term is modified by mutual agreement. The Commission controls its own procedure, and, of course, may use only a small portion of this time, but, on the other hand, it may exhaust the full year, if it deems it necessary. Meanwhile, the two parties are estopped from opening "hostilities." The two governments reserve "the right to act independently on the subject matter of the dispute after the Commission shall have presented its report." But this is only after the report is rendered, and it goes almost without the saying that no self-respecting nation will act counter to the findings of the Commission then.

But how could this treaty and its International Commission be invoked in the present situation? Suppose the United States exerts pressure upon American shipping companies indebted to the Federal Government, as it was reported in the press on November 23, 1935, impliedly threatening that ocean carriers engaged in carrying certain raw materials to Italy (and Ethiopia) might have difficulties in future financial arrangements with the Government, and that Italy objects to this as an unneutral act directed primarily at her, since Ethiopia can secure these materials from other sources closed to Italy by the sanctionist actions of the League of Nations. Suppose Italy claims that the action just mentioned or the action proposed by Secretary Hull a week earlier, when he declared that trade with Italy (or Ethiopia) in such commodities as oil, copper, trucks, tractors, scrap iron, and scrap steel "is directly contrary to the policy of this Government * * * as it is also contrary to the general spirit of the recent neutrality act"—suppose Italy should claim that such trade prohibitions contravened the Treaty of Commerce and Navigation between Italy and the United States, signed at Florence September 26, 1871, and still in force. Either of these questions might result in controversies which could properly be submitted to the International Commission created by the treaty of 1914. And, what is more to the point, while the Commission would be considering the validity of Italy's claim, the United States would be obliged by treaty to refrain from hostile acts.

LEGAL GROUNDS NUMEROUS

Upon what legal grounds could Italy base such a claim in the cases just mentioned? The treaty of 1871 provides (art. 1) that "there shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation" and that "Italian citizens in the United States and citizens of the United States in Italy, shall mutually have liberty to enter with their ships and cargoes all the ports of the United States and of Italy, respectively, which may be open to foreign commerce."

It provides, moreover (art. 4), that the citizens of neither country shall be liable in the territory of the other "to any embargo, nor shall they be detained with their vessels, cargoes, merchandise, or effects" for any "public or private purpose whatsoever" without indemnification, previously agreed upon when possible. Not only this, but the two nations agree (art. 5) "that whatsoever kind of produce, manufactures or merchandise of any foreign country can be from time to time lawfully imported into Italy in its own vessels, may be also imported in vessels of the United States * * * and they further agree that whatever may be lawfully exported and reexported from one country, in its own vessels, to any foreign country, may in the same manner be exported and reexported in the vessels of the other country * * *."

This is strong language, indeed, and quite comprehensive, but the parties also agree (art. 13) that in case a state of war exists between one of them (read "Italy") and a third power (read "Ethiopia") this "shall not, except in the cases of blockade and contraband of war, affect the neutral commerce of the other" (read "the United States"). Moreover (art. 15), "the liberty of navigation and commerce secured to neutrals by the stipulations of this treaty shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war." And what was included under the term "contraband of war"? The treaty makes this quite clear. "And in order to remove all causes of doubt and misunderstanding upon this subject, the contracting parties expressly agree and declare that the following articles, and no others, shall be considered under this denomination." Then follow four categories: (1) Cannon and other arms and their ammunition and all other things "expressly manufactured for the use of these arms"; (2) infantry belts, implements of war, defensive weapons, and clothes for military use; (3) cavalry belts, war saddles, and holsters; (4) "And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land."

CONSULTED UNITED STATES IN 1915

Of course, there has been much advancement in the manufacture of arms and ammunition for war purposes since 1871. The World War showed that there is probably no section of the international law of war in such an unsatisfactory state as that of "contraband of war." And yet, when the Italian Government was preparing its list of contraband during the World War it remembered this treaty of 1871 and its obligations thereunder and refrained from adding to this list mentioned above without consulting the United States. On May 24, 1915, the Italian Embassy in Washington notified the Department of State of the United States that the list which it was preparing would "include goods not enumerated in the list of contraband of war contained in article 15" of the treaty of 1871 because of the "exigencies of modern warfare." While pointing out that the United States had "implicitly admitted the list of 1871 to be obsolete", still, "desiring to follow a scrupulously correct course, the Royal Italian Government have instructed this Embassy to submit the above considerations to the United States Government in order to obtain their previous consent to the issuing of a list more extensive than the one contained in the aforesaid treaty of 1871."

The Department of State, on the following day, replied that, in view of the considerations presented by the Italian Government, "the Government of the United States is inclined to raise no question as to the list of contraband proposed to be issued by the Italian Government on the ground that it does not conform to the list in article 15 of the treaty of 1871 above mentioned."

In view of the "scrupulously correct" treatment of the United States by Italy in the instance mentioned, would not the Italian Government come into court with clean hands, if it should suggest to the International Commission that without Italy's consent oil and other key products could not be added, either by direct or indirect action, to the virtual list of contraband of war contained in the proclamation of the President issued on September 25, 1935, and applied to Italy (and Ethiopia) by the proclamation of October 5, which declares that "a state of war unhappily exists between Ethiopia and the Kingdom of Italy."

Italy's position would be strengthened by the fact that Public Resolution No. 67, Seventy-fourth Congress, approved August 31, 1935, under the authority of which the President issued these two proclamations, authorized the President to "enumerate the arms, ammunition, or implements of war" prohibited by the act, and oil and the other key products are not ipso facto in that category, certainly not "manufactured, prepared, and formed expressly to make war" in the sense of the treaty of 1871.

It might be alleged that the provisions of the treaty of 1871 refer primarily to the illegality of discriminatory tariffs on the one hand and in the present situation to the neutral rights of the United States against Italy rather than the rights of Italy against the neutral United States. This appears to be without serious merit for the purpose of the present argument, because the fact remains that the treaty of 1871 contains a comprehensive "most-favored-nation" clause (art. 24), and Italy could allege that an embargo on oil and other key products would constitute an act of hostility and a violation of the treaty, unless it were made applicable to all other nations, including the sanctionist members of the League of Nations.

The suggestion has also been made in some quarters that the virtual effect of an embargo on these key products to Italy might be obtained by new legislation applying a quota restriction on the export of these products to all nations, say, an average of the 5-year normal quantity exported to the respective nation. However, if such proposed legislation were not dictated by the domestic needs of the United States, as seems clearly not to be the case, and were obviously intended to support the sanctions policy of the League of Nations against Italy, it would seem that Italy would still have a grievance for controversy with the United States.

At any rate, enough has been adduced above to show that Italy would have a sufficient basis to refer a question of such a character to the International Commission created by Bryan's Treaty of 1914. And this brings us back to the suggestion made in the beginning of this article, namely, that it would be a strange quirk of fate, if the hand of Mr. Bryan would be the one to prevent the United States from becoming embroiled in what the late Frank H. Simonds, in a brilliant article in the Saturday Evening Post, recently referred to with biting sarcasm as "another war to end war", or as Dr. Charles Pergler characterizes it, the system of "collective insecurity."

SUPREME COURT DECISION IN A. A. A. CASE

Mr. TRUMAN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the St. Louis Star-Times of January 7, 1936, relative to the decision of the Supreme Court of the United States in the A. A. A. case.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Louis Star-Times of Jan. 7, 1936]

A NEW DRED SCOTT DECISION

The opinion of Justice Roberts in the A. A. A. case goes far beyond the destruction of the A. A. A. In its reasoning it closes the door to practically every present or future attempt to attack new national problems through existing national power. It makes the authority of Congress narrower in theory than it has been since the Articles of Confederation.

The fact that three justices dissented from the opinion of Justice Roberts is enough to prove that the A. A. A. is unconstitutional only because there are six conservatives and three liberals on the Supreme Court. If there were five liberals and four conservatives, the A. A. A. would be constitutional. This shows that there is nothing sacred, nothing unchangeable, about the principles relied on to knock out the law. The Constitution means what the Court majority says it means.

This was undoubtedly the narrowest and most restrictive interpretation of the Constitution since the Dred Scott decision of 1857 and remarkably like it in logic. Starting with the premise that in a government of delegated powers all powers not delegated are prohibited, Justice Roberts said:

"None (no power) to regulate agricultural production is given, and therefore legislation for that purpose is forbidden."

In 1857 the Supreme Court used exactly the same reasoning to deny the power of Congress to regulate slavery in the Territories. No power to regulate slavery in the Territories was given in the Constitution, therefore legislation for that purpose was forbidden. Every student of American history agrees today that the Constitution granted implied power to regulate slavery, and that the judicial denial of it was the most calamitous act of the Supreme Court in American history, helping to bring on the Civil War.

Holding that a tax "signifies an exaction for the support of the Government" and "has never been thought to connote the expropriation of money from one group for the benefit of another", Justice Roberts strikes down the processing taxes but cleverly prevents the use of this argument against the protective tariff. The protective tariff is not a tax for the support of the Government, and it takes money from one group for the benefit of another.

This is permissible, says the Justice, when both groups affected by the tax are interested in the matter it is sought to regulate, and when the matter regulated is otherwise within the power of Congress. That means that the protective tariff is constitutional, because everybody affected by it is concerned in the prosperity of industry, and the tariff falls within the power to regulate foreign commerce. Thus, while knocking out the use of taxation to regulate agricultural production, Justice Roberts by inference upholds the use of taxation for the regulation of manufacturing—along lines desired by manufacturers—but holds that farm prosperity benefits nobody but farmers.

The actual test of constitutionality, under this point, is whether the collapse of American agriculture due to overproduction and disordered marketing sufficiently affects interstate commerce to make it subject to regulation under the commerce clause. If it does, there is just as much constitutional warrant for the use of the taxing power to aid agriculture as there is to use the taxing power to aid manufacturing, since in both cases legality is determined by the relationship between taxation and the power to regulate commerce. Six Justices say they can see no connection between agricultural prostration and the flow of interstate commerce.

Besides adopting a dangerously narrow view of what affects interstate commerce, the Supreme Court has narrowed the taxing power to a degree inconceivable in the light of history. And finally, it has suggested a clear intention of wrecking the historic interpretation of the general welfare clause.

True, Justice Roberts subscribes in theory to the broad view of that clause stated by Justice Story and Alexander Hamilton, but at the same time he denounces the processing-tax payments to farmers as money used "for purchasing with Federal funds submission to Federal regulation of a subject reserved to the States." That reasoning would knock out a good share of the Federal-aid appropriations made under the general welfare clause, despite the fact that the justice tries to draw a distinction between mere conditions for the use of Federal funds, and coercive provisions. Every State-aid appropriation is coercive, for it penalizes the States that do not take their share.

Justice Roberts asserted a principle which the Supreme Court has rejected every time it has come up since the Nation was founded—the right of the Supreme Court to judge whether an appropriation is for the general welfare, or whether it may be declared unconstitutional on the ground that it is for local benefit. Always before, the Supreme Court has stated that it rests with Congress alone to decide what use of money is for the general welfare. Reversing that historic policy, Justice Roberts steps boldly ahead and declares that the farmers' problems are unrelated to the general welfare.

"It does not help," he says, "to declare that local conditions throughout the Nation have created a situation of national concern; for this is but to say that whenever there is a widespread similarity of local conditions, Congress may ignore constitutional limitations upon its own powers and usurp those reserved to the States."

Under that reasoning, Noah's flood was of local concern, since at each spot on earth only one spot was under water. The future possibilities of such an argument are unlimited. To deny the right to appropriate money for old-age pensions, it is only necessary to hold that the plight of each victim of insecurity is a local matter, not affecting the general welfare.

What will immediately result from this decision it is impossible to say. Luckily it comes after the A. A. A. has succeeded in building up farm income and has reduced most agricultural surpluses. The cotton problem is most serious, with a year's supply stored up, but a collapse in most farm prices should logically await the building up of new surpluses.

More ominous is the general paralysis of Federal power in dealing with future emergencies, and the suggestion of other nullifications yet to come. Cotton- and tobacco-control acts are sure to be voided, which would be of no concern if the way were left open to more moderate legislation. The Guffey Coal Act seems doomed, with chaos lying ahead. The narrowing of the general welfare clause suggests that the Wagner Social Security Act will be destroyed.

Politically, the most explosive sort of a situation is created. The state of mind of the farmers, as they discover that Government exists for the benefit of the manufacturer but not for them, will vary according to the effect of this decision upon their pocketbooks. The Federal Budget is knocked into a cocked hat—a billion dollars taken away at one clip. If the contracts with farmers are upheld, Congress will have to raise something over $600,000,000 in new taxes, or add that to the deficit.

No doubt the Supreme Court majority feels that it has saved the country from an unwise pampering of the farmers, but, as Justice Stone said in his dissenting opinion, it is part of the function of Congress to correct its own errors. The Federal Government is now in a straitjacket from which it will not escape until two more men like Justice Stone go onto the Supreme bench. There will be renewed agitation for constitutional amendments, which are almost impossible to enact because any 13 States can block them. The real need is what it was when a similar situation existed in the days of Abraham Lincoln—new blood in the Supreme Court.

BENEFICIARIES AS OPPONENTS OF THE NEW DEAL

Mr. GUFFEY. Mr. President, I ask unanimous consent to have printed in the RECORD an article by J. F. Beaman published in the Pittsburgh Press on January 31, 1936, relating to attacks on the New Deal by those who have benefited from it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Pittsburgh Press of Jan. 31, 1936]

TODAY'S BUSINESS—THOSE WHO CRY LOUDEST AGAINST NEW DEAL ARE ONES WHO REAP BIGGEST PROFITS

By J. Frank Beaman, Press Financial Editor

Ironically, it seems those who have been in the vanguard against the New Deal, legally and oratorically, are among those who have profited most from the Rooseveltian policies.

Whether the answer is that these big corporation heads are unappreciative of recovery efforts at Washington through which they have benefited, that opposition has become profitable or that they have been ingenious enough to succeed in spite of change, depends upon your individual viewpoint.

But there is no latitude for disagreement with the facts presented in the annual reports of some of these antiadministration corporation executives just being made public.

The increases in earnings in 1935 over the previous year run as high as 679 percent in the instance of the Bethlehem Steel Corporation, of which Eugene Grace is president. In others they run up to more than 100-percent increase, while in some cases the best showing since the depression were made by these corporations in 1935.

1935 EARNINGS SET RECORD

The organization headed by Ernest T. Weir, of Pittsburgh, the National Steel Corporation, yesterday reported a net profit nearly twice that of 1934, when he became really energetic against the new order.

For the year 1935 the National Steel Corporation showed a record net profit of $11,136,451, which is equivalent to $5.16 a share, and compares with a net profit of $6,050,721 in 1934, or the equivalent of $2.80 a share. Thus Mr. Weir, while vigorous for the opposition to President Roosevelt, was practically doubling his company's earnings in 1935.

These earnings of $11,136,451 might be compared with a profit of $1,662,919 in 1932, at the depths of the depression, or with $2,812,406 the following year, the first of the Roosevelt administration.

Again, the earnings might be compared with the previous best showing of the corporation, made in its initial full year of operations, in 1930, when earnings totaled $8,415,822.

BETHLEHEM PROFITS SOAR

Such is the improvement in National Steel's earnings during the period when Mr. Weir fought his famous fight on section 7 (a) of the N. R. A., helping to crumble that ambitious structure.

And so it is with Mr. Grace and his Bethlehem Steel Corporation. During the time of his opposition to this and that of the New Deal his corporation's earnings record has progressed and for the year 1935 shows a net profit of $4,291,253, the best since 1930, against a mere $550,571 for the year 1934.

The fourth quarter, being practically a present-day performance, is the more surprising. During the last 3 months of 1935 Bethlehem showed net earnings of $2,396,026, compared with only $411,099 for the same period in 1934. Thus the fourth quarter of 1935 made up more than half of the year's record of profits.

Over in the motor field the records are pretty much the same. Alfred Sloan, head of General Motors Corporation, has been as frank as almost anyone in his criticisms. Recently he capped them all with a demand that the whole New Deal be junked.

While he was preaching against regulation of business and regimentation, his own corporation's earnings in 1935 were doubling those of 1933. The preliminary statement just issued showed profits of this organization totaling $167,226,000. Yet in the first year of the New Deal they were but $83,423,726, and last year they amounted to $94,940,771. That is an increase of $72,286,000 in the past year of the Roosevelt administration.

STOCKHOLDERS BENEFIT

From the standpoint of stockholders, who in many corporations have been whipped into a frenzy of opposition over possibilities of loss of income, the General Motors business means an increase in dividends from $1.73 in 1933 to $2 in 1934 and an estimated $3.40 for the year just closed.

Even the Du Ponts, the founders of the Liberty League, can point to an improved picture in the last 3 years.

The earnings in 1933 were $38,895,330, and then they stepped up to $41,701,465 in 1934; and while the 1935 report is not yet available, the figures for the first 9 months leave no doubt of the situation. For 9 months in 1935 this company's earnings were $40,154,667. And these were 9 months in which the Liberty League was most aggressive.

Another corporation head who has plainly stamped himself as an anti-New Dealer is Sewell Avery, president of U. S. Gypsum as well as Montgomery Ward. The performance of Montgomery Ward is well enough known to everyone. U. S. Gypsum, the firm with which Mr. Avery prefers to be identified, has shown a profit of $2,888,935 for only 9 months of 1935, as against $2,155,369 for all of 1934 and $1,738,927 for the year 1933. The earnings for 1935 are estimated at $2.50 a share, compared with a payment of $1.10 in 1933 and $1.43 in 1934.

On this basis the annual report of General Foods, which until a few months ago was headed by "Gang-up" Hutton and some other big businesses, will be of special interest when published in the near future.

OPEN LETTER TO HON. ALFRED E. SMITH AND OTHERS

Mr. GUFFEY. Mr. President, I ask consent to have printed in the RECORD an open letter, addressed to Hon. Alfred E. Smith and certain directors of the Empire State Building, signed by James J. Bambrick, president of the Greater New York Council Building Service Employees, International Union, A. F. of L., appearing in the New York Post of Thursday, January 30, 1936.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Post of Jan. 30, 1936]

(Advertisement)

AN OPEN LETTER TO THE HONORABLE ALFRED E. SMITH AND THE FOLLOWING DIRECTORS: ROBERT C. BROWN, VICE PRESIDENT; JOHN J. RASKOB, VICE PRESIDENT; PIERRE S. DU PONT, VICE PRESIDENT; AUGUST HECKSCHER, DIRECTOR, AND HAROLD G. SEARS, DIRECTOR, OF THE EMPIRE STATE BUILDING

I listened very attentively to every word of your broadcast on Saturday night, realizing very well that I would learn something of value. I was not disappointed. As the president of the Greater New York Council of the Building Service Employees International Union, affiliated with the American Federation of Labor, representing many thousands of workers who service New York's buildings, I was looking for a ray of hope from your radio speech—one that would help these workers in their desire to attain better conditions. The following points, I believe, can be listed as the high lights of your speech:

1. You demanded that the "gate" be left open to all.
2. You see "danger" in class being pitted against class.
3. You are against autocracy in any form.
4. You are helping the "great middle class."
5. You admit that the poor cannot pay anything.
6. You say that you favor old-age and unemployment insurance.
7. You stress the advisability of sticking to State laws against Federal statutes.
8. You say that "some brilliant individual has conceived the idea of getting up 48 A. A. A.'s, or what have you, 1 for each State."
9. You mention that your taxi driver asked: "Governor, ain't there any lawyers in Congress any more?"
10. You said: "N. R. A.! A vast octopus set up by Government that wound its arms around all the business of the country, paralyzed big business, and choked little business to death."
11. You spoke of Government subsidies on a large scale.
12. You mentioned that the Democratic platform looked like the Socialist platform.
13. You said: "Speaking for the rank and file of the American people * * *."
14. You seem to be worried about "shots in the dark" at the Constitution.
15. You end by inquiring: "Shall it be Washington or Moscow?"

The above is a summary of what I heard over the radio. In the name of the thousands of building service workers of this city whom I represent, I should like to reply.

1. Having been selected by the building service employees in the Empire State Building as their representative, I wrote you a communication on December 31, 1935, and met you personally on January 3, 1936, presenting for the employees of the building a program which, in effect, would restore the 25-percent wage cut that had been imposed upon them and thereby open the "gate" to better living conditions for them. I was requested by you at that time to see a Mr. Chapin Brown, and did so immediately. Again I repeated the requests of the men for better wages and conditions, and was informed by him that the matter would be presented to the board of directors on the following Tuesday, January 7, and a decision would be forthcoming at that time. Upon telephoning Mr. Brown on January 8, I was informed by him that the board of directors had unanimously turned down the requests of the men and refused to deal with their selected representatives. We did not jump at conclusions, but after much deliberation wrote you the following letter on January 22:

JANUARY 22, 1936.

Hon. ALFRED E. SMITH,
Empire State Building, New York City, N. Y.

HONORABLE DEAR SIR: In our conference of January 3, acting for the building service workers in the Empire State Building, I presented for your consideration the following:

1. A union agreement.
2. Restoration of the 25-percent wage cut that had been applied to all employees who have been receiving over $25 per week.
3. Twenty-five percent increase on all employees receiving less than $25 per week.
4. Forty-hour week.

At your request, I presented the foregoing program to Mr. Chapin Brown with the understanding that it be presented to the board of directors on the following Tuesday, after which time I was to receive a reply. I called Mr. Brown on January 8 and was informed that the Empire State flatly rejected the proposals and would not negotiate with the men under any circumstances. I asked for formal verification of Mr. Brown's statement. However, it has not been forthcoming up to this date.

Would you please advise me as to what action was taken, so that I may inform our members in the Empire State Building.

Very truly yours,

JAMES J. BAMBRICK,
President, Greater New York Council,
Building Service Employees International Union, A. F. of L.

Up to this moment the Union and the men have been ignored. Why shut the gate in the face of your own men in your own building?

2. Speaking about pitting class against class. With 11,000,000 unemployed Americans at the present time and the apparent indifference of the bankers and leading industrialists toward their plight, your fear of danger is justified. Their utter contempt for these 11,000,000 people is bringing on class warfare. You are right about that.

3. On the question of autocracy. Your contempt, and the attitude of the board of directors toward your own men in the Empire State Building appears rather ironical in view of your radio speech.

4. "The great middle class!" For the first time in my life I have been told that a person getting $100 a month and supporting a family is part of the "great middle class." That's one on me. I have before me figures from the Brookings Institute in Washington, D. C., showing that a total of 19,558,000 families are getting less than $2,500 a year—71.2 percent of the total number of families in the country. The next group is that of 5,666,000 families, or 20.6 percent, who get from $2,500 to $5,000 a year. That group, conservatively speaking, has always been considered the lower fringe of the middle class. The next group of 2,256,000 families, constituting 8.2 percent of the population, have an income of $5,000 a year and over. How you arrived at your "middle class" is rather mysterious.

5. You speak of the "poor." Our records show that quite a few men in the Empire State Building, with large families, are getting wages that barely keep body and soul together—$23 a week for a man with a family is hardly a "middle-class" salary—and these people work in the Empire State Building, not in Oshkosh.

6. On the question of old-age and unemployment insurance you say you are in favor of it, but only under State supervision. You know, and everybody does, that there's about as much chance of the 48 States, one by one, putting those laws into effect as there is of the man in the moon dropping down here for a visit. Through one blanket Federal law, the entire country would be on a fair competitive basis instead of each State cutting the heart out of one another.

7. On the matter of State laws against Federal statutes, the greatest evil New York City is facing at the present time is the unfair competition of low-wage centers throughout the country, who are taking work and business away from this city. Only through Federal legislation can fair competition be established.

8. You ridicule the idea of creating 48 A. A. A.'s, and yet that's what a blanket Federal law intended to eliminate. Your own bitter satire on this point conclusively proves the necessity of a Federal statute instead of leaving it up to the individual State.

9. On the question of lawyers in Congress, Governor, the answer is that there are entirely too many of them there now. The American Yearbook of the New York Times for 1933 shows that out of a total of 528 Members in both upper and lower Houses, that there are 244 lawyers in the lower House and 63 in the upper House, making a grand total of 307 lawyers. Entirely too many.

10. N. R. A.! You forgot to mention when you sarcastically disposed of the N. R. A. that it also called for the elimination of child labor, limitation of hours of work, and at least endeavored to establish minimum wages. Even the most cynical have admitted that it eliminated at least some evils, and since its death all the good old "rugged individualist chiselers" are back skyrocketing hours and pushing children into industry.

11. Government subsidies. If ever there was a Government subsidy it was that of the Gunpowder Trust during the late and unlamented World War. The distinguished Du Pont family, I understand, made quite a penny out of that war. If that isn't a Government subsidy, I don't know what is.

12. You are worried about the Democratic platform looking like the Socialist program. That's a new fear for you, because I distinctly recall voting for you when the reactionaries of New York were leveling that accusation against you—and you were proud of it. What brought this change of heart?

13. The great "rank and file of the American people * * *." When I saw the roster of the "rank and file" who attended the American Liberty League dinner it gave me a great laugh. Rank and file. Be yourself!

14. "Shots in the dark at the Constitution." What a joke! Elimination of child labor, the right of workers to bargain collectively, and many other inalienable rights due every one of us by the law of decency and common sense nullified and thrown aside. If you study the record, you will find that the constitutional rights of the poor man and woman of whom you spoke have been kicked all over the lot, and it is time for them to raise a rumpus. The Constitution was designed to serve the people—not to crush them.

15. Then, my dear Governor, you reach a climax by fretting about "Washington or Moscow." Our old red-baiter friends, William Randolph Hearst and J. HAM. FISH, must have been green with envy on Saturday night when you reached such heights. Don't worry about Moscow. The real danger to America is much

closer to home. In fact, it was sitting in the Mayflower Hotel listening to you that night.

You may well wonder, my dear Governor, why the president of a labor union comes out flat-footed in the public press and challenges you on your whole statement of last Saturday. Frankly I have viewed with a certain amount of disgust the propaganda under the guise of "protecting the Constitution" and calling everyone a "red" who speaks of a more equitable distribution of wealth. That feeling prompted me to write this open letter. Again I was motivated by your inconsistency in your public utterances and private actions.

As the President of the Greater New York Council of the Building Service Employees International Union of the American Federation of Labor, I am definitely interested in improving the living conditions of all our members, and very much to my regret I find that your attitude of complete indifference toward the workers in the Empire State Building is at variance with many other realty owners of much smaller buildings who are willing to sit down and work out a fair wage scale for their employees. "Rugged individualism" would seem to be the dominant note in your radio address, and I wish to say that each and every one of the men and women working in the Empire State Building have a full right to express their desires through their chosen representative—a "constitutional" right, by the way. You invoked a 25-percent wage slash without consulting your employees, and you absolutely refuse to consider the restoration of even a part of that 25-percent wage slash.

I was also authorized by the workers in your building not only as members of the union but by a petition which I have in my office to request that a collective bargaining union agreement be negotiated. I was notified that the management absolutely refused to consider this proposal. What about autocracy there?

As part of the demands of your workers, they asked for the 40-hour week and, judging by your flat refusal, you must have thought our demands were "unconstitutional." The head of the Kellogg Co., according to a report over the radio a short time ago, stated that the 30-hour 5-day week which has been in effect in his plants for some years has proven extremely profitable both to himself as well as to his workers. I would respectfully suggest that you find out how he does it instead of turning the men down flat on what is a reasonable request.

Every one of your workers has urged me repeatedly, as their representative, to present their honest and reasonable demands, and you have seen fit to ignore their every request. You surely cannot accuse them or me of being "reds." They ask at least a living wage, which, according to the most conservative authorities in this country, is $1,530 a year for a family of five.

As Governor you championed the cause of the workingman. You were elected time and time again by their votes, including that of the undersigned. Therefore, your attitude at this time is incomprehensible.

The average workingman doesn't ask for much. He is very reasonable. He only asks that he receive at least a living wage. He is patient. He expects to be treated with courtesy by his employer. However, when he is completely ignored, and that goes for the Empire State Building as well as any place else, he resolves to fight for what he considers his rights.

Very truly yours,

JAMES J. BAMBRICK,
President, Greater New York Council of the Building Service Employees International Union, Affiliated with the American Federation of Labor.
570 SEVENTH AVENUE, *New York.*
PEnnsylvania 6-6511.

LEST WE FORGET—EDITORIAL FROM ATLANTA CONSTITUTION

Mr. GEORGE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Atlanta Constitution of January 29, 1936.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Atlanta Constitution of Jan. 29, 1936]

LEST WE FORGET!

In his recent address in denunciation of the Roosevelt administration and in criticism of the methods adopted to bring about a return to national prosperity former Gov. Al Smith asked the public to make comparison of conditions now with those existing 3 years ago, saying, "We are no better off now than we were then."

In his powerful and convincing answer of last night Senator JOE ROBINSON said: "Governor Smith boldly asserts that our great offensive to overcome the depression and adjust the Nation's economic life had accomplished nothing and brought us nowhere—I challenge the accuracy of that assertion."

Well might he challenge it, since the charge of Governor Smith brings to the front the real issue—whether or not the country has been benefited by the Roosevelt policies.

If what Smith said is true, then the country might well give serious consideration to his criticism. As to the accuracy of his attack on the Democratic administration, it is well enough, lest we forget, that the country take stock of conditions now and, as suggested by Smith, compare them with those existing 3 years ago, when a progressive and virile Democratic administration took over the Government after 12 years of reactionary Republican control.

In February 1933 cotton was selling for 5.95 cents per pound, as against the 11.95 cents it is bringing today; the increase in the price of wheat has been from 47 cents a bushel to $1.02; of corn, from 24 cents to 56 cents; of oats, from 16 cents to 31 cents; of hogs, from $3.25 per hundred to $10.25; of beef, from $5.75 to $11.75.

Three years ago southern farmers were receiving only $2.72 for their cottonseed oil, now they receive $9.48, while the 12 cents a dozen for eggs has increased to 27 cents on the Atlanta market, with hens increasing from 10 cents a pound to 16 cents.

The total income of the farmers of Georgia in 1932 from their products of all kinds was $67,000,000. In 1935 these same products sold for more than $200,000,000, the total being but little less than the largest amount received in any year for the agricultural products of the State.

So it has been with the farmers of all the agricultural States of the Union. Where 3 years ago their homes were being foreclosed and they were in debt to bankers, grocers, and supply men, they now are largely free of debt, have money in the bank, are riding in new automobiles, and have replenished their farm stock and machinery.

Three years ago there were 8,000 closed banks in the country, and the financial outlook was the darkest in the history of the country. Today the banks of Georgia and of practically every other State have more money on deposit than ever in their history and are in sound and prosperous condition.

In other phases of the Nation's economic life equally revolutionary changes have taken place. Unemployment has declined 30 percent, industrial production has gone up 51 percent, stocks have increased 134 percent in value, and bonds 22 percent. There has been a sound and material increase in the value of business and residential real estate and credit has been created where 3 years ago there was practically no credit.

An entire economic structure that had been flattened out by the effect of 3 years of depression has been rebuilt and again stands on a solid foundation.

No wonder Senator ROBINSON reminds the country that "when the Roosevelt administration came into power hungry and abandoned men in the cities were searching the garbage pails for waste scraps and the American farms were halting court foreclosures by physical force, which borders little short of revolution, and Governor Smith says there has been no progress."

The best answer to Governor Smith's unfortunate speech is to be found in the speeches he delivered in 1928, when he was himself a candidate for the Presidency and while he was still in intimate touch with the masses of the people.

But it will at least serve a good purpose in enforcing upon the minds of the American people the strides forward from the depths of devastating depression that have been made under the inspired leadership of President Roosevelt—steps designed for the dual purpose of rescuing the country from its plight and erecting safeguards against a recurrence of such an economic catastrophe in future.

Look at the figures—lest we forget!

THE HORSE AND THE BLUEGRASS—EDITORIAL FROM THE LEXINGTON HERALD

Mr. LOGAN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Lexington Herald of January 30, 1936, the title of which is "The Horse and the Bluegrass."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Lexington (Ky.) Herald of Jan. 30, 1936]

THE HORSE AND THE BLUEGRASS

The Herald presents today its twelfth annual horse edition. Every year since 1925 it has been the custom of the Herald to devote an edition at some time during the year chiefly to the horse, the idea being originated by Desha Breckinridge. A review of these editions would give a complete account of the development, not only of thoroughbred racing in America but of the revival of the saddle horse and of harness racing.

Today's edition features, from a local viewpoint, the formation of the Keeneland Association which in the future will carry forward racing in Lexington, with the intention of providing, in the home of the thoroughbred, racing such as Americans naturally expect in such a setting. Before the Keeneland Association was formed there had been continuous racing for 108 years at the old Kentucky Association track, recently sold to the Federal Government for a housing project.

As a horse center, Lexington grows and develops steadily. Its trotting track, with a reorganized Kentucky Trotting Horse Breeders' Association and a new grandstand, and with the active assistance of the Gentlemen's Driving Club, again is a bright spot on the grand circuit; and keeping pace with the expansion of the running-horse sport in 1935 was the enlargement of the circuit to include several tracks in the Far West.

In the show-horse field Kentucky horses in 1935 again dominated the expositions. Further accentuating the superiority of the bluegrass as a breeding center was the purchase of a large estate here by Mrs. M. F. Yount, of Beaumont, Tex., and its remodeling into an up-to-date saddle-horse nursery.

With resumption of thoroughbred racing at Keeneland, Lexington again should become one of the world's leading training spots for thoroughbreds—"the Ascot of America", to use the name suggested in a previous horse edition of the Herald.

Meanwhile the great thoroughbred breeding industry of the State continues to grow, and the figures compiled by Thomas B. Cromwell for the Daily Racing Form and published by permission in this edition will give a good indication of the importance of this industry. And Man o' War continues to be the principal tourist attraction of the bluegrass. About 30,000 persons signed the guest book in a single year, indicating the widespread interest in famous stars of the turf that now are retired on bluegrass farms.

Thoroughbred racing has expanded until it is now being conducted in nearly half of the American States. There are 22 State racing commissions at the present time in contrast to the situation a few years ago, when only Kentucky and Maryland had legalized racing under control of an official board.

Inasmuch as Kentucky furnishes a larger number of horses for this racing than any other State, it has a keener interest in the manner in which racing is conducted than any other. It has always been made clear, however, that Kentucky horsemen have looked toward the perpetuation rather than the expansion of racing. Toward that end such organizations as the Thoroughbred Club of America and the American Thoroughbred Breeders' Association are working.

International racing, as proposed by Herbert Bayard Swope, chairman of the New York State Racing Commission, at the recent meeting of the National Association of State Racing Commissioners in Miami, may be one of the innovations needed to place the emphasis in racing where it ought to be—upon the thrill of the contest and the glamour of the sport.

In recent years the races of Papyrus and Epinard have attracted widespread interest, and the death of Phar Lap, the Australian horse, was a severe blow to racing. Americans are keenly interested in the invasion of England by Omaha, which will carry the silks of William Woodward, American sportsman, in the hope of winning the Ascot Cup. Mr. Woodward, honored by the Thoroughbred Club of America for his outstanding contributions to the turf during the year, on that occasion emphasized the unfairness of the refusal to permit the entry of names of American horses in the English Stud Book.

Despite the virtual elimination of doping, the claiming racket, and other disagreeable features, many turf writers still are not emphasizing the phase of racing that makes it worthy of popular support and lasting public favor. Today's horse edition of the Herald, like its predecessors, shows why the citizens of the bluegrass have been clinging to their racing traditions and "watching them run" for these hundred years and more.

Kentuckians always look forward, as do all who love the horse, to the Kentucky Derby as the big event of the year. An annual feature in the horse edition of the Herald has been the Derby page, outlining the records of the contestants and forecasting the result. This year Neville Dunn, with the amazing and abundant optimism that ever stamps the handicapper, undertakes not only to detail how each horse will finish but by how many lengths.

Others will disagree—which, after all, is what makes horse racing such an interesting sport. But the Kentucky Derby will remain the great show window of the breeding industry and Kentucky's idea of what a race should be.

In this connection attention should be paid to the warning of Joseph E. Widener in Miami this month that the name "Derby" would be cheapened by scheduling too many of them. Very wisely he asked why Americans should borrow English names that mean nothing to them when they have names of their own that are fitting indeed. With that in mind, he intends to change the name of the Hialeah Derby to the Flamingo next year.

The Kentucky Derby also is becoming more than just a glamorous race lasting slightly more than 2 minutes. The Kentucky Derby festival committee, of which Mayor Neville Miller, of Louisville, is the head, and Arnold Strode-Jackson the director, has done excellent work in providing for a Kentucky Derby festival week and for inviting all Kentucky to the derby celebration.

Also featured in today's edition is the race course now being built at Keeneland. This track, located on one of the most picturesque estates in the bluegrass, will be conducted on a nonprofit basis, and the conviction that racing is a sport and a privilege will ever be uppermost in the minds of those whose duty it is to guide its policies.

From the standpoint of physical attractiveness, Keeneland, when completed, will be second to no other racing establishment in the United States. Just as its programs will exemplify the inherited regard and respect of Kentuckians for the horse, so will its architecture and its landscaping be a mirror that will reflect the beauty of the bluegrass section, horse capital of North America.

In addition to the wealth of information on the horse industry, today's edition of the Herald contains a section devoted chiefly to farming in the bluegrass, with particular emphasis on central Kentucky's leading cash crop—tobacco. Certainly too much emphasis cannot be given to this crop, as the sales to date on the Lexington market alone, totaling approxiamtely $10,000,000, will testify. Facts concerning the value of the livestock industry also are contained in an article citing the importance of the livestock auction markets which play so vital a part in central Kentucky agriculture.

Another section is devoted to Lexington itself—the capital of this interesting horse and tobacco country—and the articles and pictures published in this section reveal vividly the contrast between the Lexington of the "gay nineties" and the Lexington of today. The information contained in this section was obtained from the files of the Herald of 1898, that particular year being selected not only because it was a good example of a very interesting period in the progress of Lexington and the United States as a whole, but because it was what newspapermen call "a good news year." The section will bring back to the older readers memories long forgotten, of the Spanish-American War days and the part Lexington played in that war; of the tollgates, the first street cars, the modest business houses that long since have been replaced by modern buildings.

The horse, the farm, and the city of Lexington—all are linked inseparably, in fact as well as in the columns of today's Herald. The future progress of Lexington depends chiefly on the well-being of the horse industry and agriculture; and the Herald, in presenting to its readers a record of the facts concerning horse and farm, expresses Lexington's sincere hope that during the years to come, they will reap the reward of prosperity they so richly deserve.

GAULEY BRIDGE TUNNEL DISCLOSURES

Mr. HOLT. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Tacoma (Wash.) Times of January 24, 1936, relating to the deaths in connection with the construction of the tunnel at Gauley Bridge, W. Va.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Tacoma (Wash.) Times of Jan. 24, 1936]

"WALKING DEAD MEN"

When fear rides his shoulders, no man wastes much time picking the road down which he will run.

That explains why the hard-rock men of Gauley Bridge, W. Va., took the jobs in that mountain tunnel in spite of the fact that they knew a painful, long-drawn-out death was waiting for them in its remote corridors.

Fear? The commonest fear in the world these days—fear of unemployment, of hunger, of family suffering. That fear is merciless and inexorable; when it gets astride of a man and digs in with its spurs, its victim has to ignore all other fears and take the first road that opens.

So the hard-rock men went into that tunnel, by the scores and the hundreds; and it is hard to think of them without thinking of a military parallel—a silent, white-lipped infantry company, slipping up a communication trench to take its collective chance on a death which it knows will strike down at least half of its number.

This Gauley Bridge story is a ghastly thing, any way you look at it. Its first effect must be to light in the breasts of its hearers a quick flame of indignation against any industrial system which can use men as the system under which that tunnel was driven used them.

But beyond that there is this other consideration—this illustration of the terrible force which fear of unemployment can be in the lives of working men.

It can be argued, of course, that these West Virginia workers were not compelled to take jobs in that tunnel. This is a free country; they enjoyed the constitutional freedom of contract; if they were afraid of silicosis, why didn't they stay away from that dust-filled hole in the mountain?

And it is that argument which shows how terrible the worker's fear can be.

For the man who is looking for a job in time of economic depression is not a free agent. As far as he is concerned, his country is not a free country.

The force which drives him compels him to take the first job he sees—any job at all, no matter how poorly paid or onerous or downright dangerous it may be, so long as it has a pay check attached to it.

That is why a contractor can ignore safety precautions. That is why greed can inflict lingering death on a community of workers. That is why some authority, be it State or Federal, must step in at times to see that men are protected against the risk of certain types of employment.

This Gauley Bridge affair is unspeakably shocking. But its victims will not have died altogether in vain if their tragedy makes us understand what a merciless and compelling thing the worker's fear of unemployment can be.

UNTOUCHABLE—POEM BY MARLEN PEW

Mr. WHEELER. Mr. President, I send to the desk and ask to have printed in the RECORD a poem by Marlen Pew entitled "Untouchable."

Mr. Pew is the publisher of Editor and Publisher. He is one of the brilliant journalists of the country. This poem was written by him immediately after leaving Bombay in December. It is a pen picture of conditions in that city.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

UNTOUCHABLE

Tonight a sight has seared my eyes,
A sight that all God's love denies:
On Bombay's reeking pavement stones,
Sheeted bundles of skin and bones,
Ten thousand homeless wretches lie—
Ten thousand such as you and I.

Born of woman, with soul and heart,
Sent by Heaven to play a part
In the great game of life on earth,
To suffer pain, to yield to mirth,
To feast and fast, to multiply,
To laugh and weep and then to die.

But these outcasts on stony bed
At infancy were of the dead;
A ghastly fate declared their doom,
Marked each unclean in mother's womb—
In serried ranks on every street
These living lie in winding sheet.

Denied to them man's right meed
By all just laws of life decreed:
Some place apart, a modest plot
On which to rear one's castle cot,
Shut out the world. The ecstasy
Of family life in privacy.

The right to dream, the right to play
Shuttered against the shameful day;
The soft embrace of maid and man,
The miracle of love's brave plan
To have and hold, to procreate,
And thus the gods propitiate.

But how can the dead uphold its head,
Ten thousand dead on the Bombay bed?
How can the blind the pale moon see
Or sense the vile atrocity
Worked on them by the white vulture
In the name of his thrift culture?

Pinioned by caste, no jungle cat
More fiercely hates the nether rat;
Insensate worm, he dare not feel
The crushing weight of the iron heel;
Godless are they, no jeweled shrine
Offers to them a faith divine.

Crusted over by customs stale,
Ten thousand creep beyond the pale;
Dragging their rags, staring in fright,
Showing their wounds, wailing their plight,
Scratching their sores, skeleton palms
Wildly outstretched imploring alms.

India's vast wealth, siphoned o'er seas,
Naught but the crumbs are left for these—
These helpless waifs, motherless sons—
Cowed in the dust by guns,
Unasked, they rule! For right is might,
And India's streets are dark by night.

On Bombay's reeking pavement stones,
Sheeted bundles of skin and bones,
Ten thousand ghostly humans lie,
The foulest blot beneath the sky;
A timeless crime, an endless shame,
All Nature's proudest boasts defame.

—*Marlen Pew.*

BOMBAY, *December 16, 1935.*

LOANS FOR CROP PRODUCTION

The Senate resumed consideration of the bill (S. 3612) to provide loans for farmers for crop production and harvesting during the year 1936, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee, which will be stated.

The amendment reported by the Senate Committee on Agriculture and Forestry was, in section 2, paragraph (b), page 2, line 24, after the word "exceed", to insert "$1,000", so as to make the section read:

SEC. 2. (a) There shall be required as security for any such loan a first lien, or an agreement to give a first lien, upon all crops of which the production or harvesting, or both, is to be financed, in whole or in part, with the proceeds of such loan; or, in case of any loan for the purchase or production of feed for livestock, a first lien upon the livestock to be fed. Fees for recording, filing, and registering shall not exceed 75 cents per loan and may be deducted from the proceeds of the loan. Each loan shall bear interest at the rate of 5½ percent per annum. For the purpose of carrying out the provisions of this act and collecting loans made under other acts of the same general character, including loans made by the Governor with funds appropriated by the Emergency Appropriation Act, fiscal year 1935, the Governor may use the facilities and services of the Farm Credit Administration and any institution operating under its supervision, or of any officer or officers thereof, and may pay for such services and the use of such facilities from the funds made available for the payment of necessary administrative expenses; and such institutions are hereby expressly empowered to enter into agreements with the Governor for the accomplishment of such purposes.

(b) The amount which may be loaned to any borrower pursuant to this act shall not exceed $1,000: *Provided, however,* That in any area certified by the President of the United States to the Governor as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations as to amount, under such regulations and with such maturities as he may prescribe therefor.

(c) No loans shall be made under this act to any applicant who shall not have first established to the satisfaction of the proper officer or employee of the Farm Credit Administration, under such regulations as the Governor may prescribe that such applicant is unable to procure from other sources a loan in an amount reasonably adequate to meet his needs for the purposes for which loans may be made under this act.

Mr. McNARY. Mr. President, this bill represents the annual appropriations asked of the Congress on behalf of farmers for seed loans and feed loans and fertilizer. I am not very familiar with the bill, as I am sure other Senators are not, and I think the chairman of the committee should make an explanation concerning this bill, its purposes, and the plan that usually has been followed heretofore in bills of this kind.

Mr. SMITH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. McNARY. I merely offer the suggestion. Certainly I yield to the Senator.

Mr. SMITH. Mr. President, I wish to state that this bill is of the same nature as those that have been passed by this body for now this is the eighth year. It differs from any other effort to aid agriculture in that it is designed to benefit those who cannot get credit otherwise. The policy of those who administer the law is to require those who apply for seed loans to make an affidavit that they cannot obtain credit otherwise. In other words, as farmers are considered as being bad risks anyway, these are the worst and lowest of the bad risks, and yet they have, wherever there have been no drought and no seasonal disaster, paid back as great a percentage or a greater percentage than have those who have put up collateral.

I want to state that this, in the opinion of the majority of the committee, and I am sure of the Senate, is the most practical and helpful procedure in which the Government has engaged in aid of tenant and other farmers, for the reason that if they cannot get this credit they will be in the relief line.

Mr. President, there is published, and it is available, the percentage of these loans that has been returned to the Government. In the year 1935 there were collected some loans that were not repaid in 1931. The Government is still collecting as the farmers make crops. The subsequent crop not only pays the immediate loan of the year in which the crop was made, but the Government has collected the delinquent indebtedness that has been incurred in previous years.

In this day of handing out relief to the unemployed I think no one should object to the bill because it would give employment and the Government would get back its money. The plan would help the farmers to maintain their self-respect because no dole would be handed out. The farmers give a lien on their crops and pay back the loan.

We found that the amount any one farmer could get under the previous measures was so small and limited that it really did not adequately meet the purpose for which the legislation was intended. Therefore the committee thought the maximum amount that anyone could borrow should be $1,000 rather than $500 as provided in preceding measures.

I think it is unnecessary for me to explain to this body any further than I have the necessity for this kind of legislation.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Michigan?

Mr. SMITH. I yield.

Mr. COUZENS. Will the Senator state the outstanding delinquent amount for the past several years?

Mr. SMITH. I think there are outstanding several million dollars, but the amount is being cut down every year. The Senator must understand that in some of the western

States no crops at all were raised for several years and therefore practically nothing could be paid on account of the loans. I am sorry I do not have the total outstanding amounts. I shall get the figures and have them incorporated in the RECORD.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. SMITH. Certainly.

Mr. McNARY. I think I can answer the inquiry, although I state the figures from memory. Last year about 63 percent or 63 cents of every dollar loaned was repaid.

Mr. SMITH. I think the Senator is approximately correct.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. SMITH. Certainly.

Mr. KING. In view of the policy inaugurated by the Secretary of Agriculture, Mr. Mordecai Ezekiel, and the other able and practical farmers in the Department of Agriculture, which has resulted in a large decrease in production during the past few years, I am wondering what is the necessity for the measure now before us. The claim is made by the defenders of A. A. A. and other measures formulated by the so-called experts in the Department of Agriculture that great prosperity came to the farmers; that the destruction of livestock and pigs and the limitation placed on crop production greatly increased the profits of all agriculturists. If these claims are valid, it would seem that additional loans are not now needed.

Mr. SMITH. The necessity for the measure is to keep the small, helpless farmer at home, to enable him to make a living for himself and at the same time to pay back to the Government what he has borrowed, and to prevent his being placed on the dole. That is the object.

Mr. KING. May I ask the Senator whether the farmers who fall within the category which he has mentioned have not been beneficiaries of the policies of the administration to which I have just referred?

Mr. SMITH. I think not. These are farmers who make an affidavit with respect to their condition, and all of us know it is true that they cannot get the wherewith to carry on their farming operations. The Government extends a loan, takes a lien on their crops, and, be it said to the credit of the honesty of these men, they have repaid a larger proportion than have some in the higher brackets of risk.

Mr. KING. Is it the opinion of the Senator that all the crop reduction and other so-called farm measures which have been so aggressively urged by Mr. Wallace and those associated with him, have not been effective in lessening the difficulties of the agriculturists who are covered by the terms of the bill?

Mr. SMITH. Many of those measures do not even touch the proposed beneficiaries of the pending bill.

Mr. ROBINSON. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Arkansas?

Mr. SMITH. Certainly.

Mr. ROBINSON. We have provided in other laws for production credit corporations and other agencies through which loans are made to farmers to assist them in the making of their crops, the loans being made on reasonably good security. The class of farmers provided for in the bill now before the Senate, as stated by the Senator from South Carolina, are unable to supply the collateral or to furnish security other than liens on their crops, which have not as yet been planted. If the arrangement for this class of loans should be discontinued now and no provision made for that class of farmers, the result would be that large numbers would be unable to go ahead with their production and would be thrown entirely out of employment, and some other provision would have to be made for taking care of many of them.

As stated by the Senator from South Carolina, it is my information that, except in those areas where some such catastrophe as a drought or flood has occurred to prevent the growing of crops, the borrowers have met their obligations with gratifying and astonishing rapidity. In some States they have paid practically the entire amount borrowed for given years, and, as stated by the Senator from South Carolina, they are still paying on the maturities of other years which could not be met by reason of drought or flood or some other condition which prevented the maturing of their crops.

Mr. SMITH. The amount of loans repaid by the borrowers and collected by the Government where there was no security except a lien on the crops compares very favorably with loans repaid by those who borrowed and put up collateral and took 5 percent of the proposed loans in stock, had their notes discounted at 6 percent, which made 11 percent to start with, and then paid 2 percent for investigating the case and recording the papers. In spite of the fact that the Government required, under loans of that character, ample collateral and took a mortgage on all the farmer had, the percentage repaid by those who had nothing but their growing crop is as great as or even greater than the amount repaid by the first class to which I have referred.

Mr. KING. Mr. President, will the Senator yield for another question?

Mr. SMITH. Certainly.

Mr. KING. May I say to the Senator that I believe this measure has greater merit than many of the measures which come from the officials of the Department of Agriculture. I wish to ask the Senator whether the committee reporting the bill took into consideration the condition of the Treasury, the measures to be adopted to meet the enormous appropriations authorized by Congress. Did the committee favor paper inflation or an increase in the burdens of taxation resting upon the people?

May I say to the Senator that if I shall vote for the bill I shall do so with the understanding that there shall be no inflation, but that the Congress of the United States before it adjourns will materially increase taxes in order that the deficit which is daily mounting may be reduced with the objective of balancing the Budget in the near future. There must be increased revenues if the spending policy of the Government is to be continued. The Committee on Finance of the Senate and the Committee on Ways and Means of the House, in my opinion, should be giving attention to this important question.

Mr. McKELLAR. Mr. President, I merely wish to say that in my judgment no recent activity of the Government has done more good to a needy class of people than this seed-loan proposal has done to those who obtain money from it for making crops. They are a class of persons who cannot make crops in any other way.

Hundreds of thousands of persons in my section of the country, both white and colored, obtain these loans, and they could not make a crop otherwise. When they obtain the loans they go to work and make their own way. They are not on charity. They pay their debts. In my part of the country they pay them up with remarkable promptness. My recollection is that in the district in which I live more than 90 percent of the loans are uniformly paid back.

Wonderful good has been done by previous measures of this kind, and I hope the Senate will unanimously pass this bill.

Mr. GEORGE. Mr. President, I wish to ask the Senator from South Carolina if this proposed loan is in line with seed loans made during prior years.

Mr. SMITH. It is exactly in line with them.

Mr. GEORGE. And the interest rate is still 5½ percent per annum?

Mr. SMITH. It is.

Mr. GEORGE. Do I understand also that the amount which may be advanced to any one farmer is now increased from $500 to $1,000?

Mr. SMITH. Yes.

Mr. GEORGE. May I also ask if the bill carries a provision that in areas peculiarly affected by drought or otherwise, even that limitation may be raised?

Mr. SMITH. Yes, sir; exactly the same as previous bills

Mr. GEORGE. Mr. President, while I am on the floor I wish merely to add to what has been said by the Senator from South Carolina, the Senator from Tennessee, and others, that this form of loan has been of more benefit to a class of farmers who otherwise do not receive any great direct benefit from other activities of the Government than any other class of loans or efforts made by the Government. It has reached and relieved in very great measure a distressing situation among tenant farmers and farm laborers.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee on page 2, line 24.

The amendment was agreed to.

Mr. NORBECK. Mr. President, I should like the attention of the Senator from South Carolina [Mr. SMITH]. I desire to offer what I think may be called a clarifying amendment, simply permitting the cost of crop insurance to be included in the provisions of the bill. The Senator will recall that we took up that matter in the Agricultural Committee, and the committee took a favorable attitude toward it.

After the word "crops" in line 8, page 1, I move to insert "including the cost of crop insurance within the discretion of the Secretary of Agriculture."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Dakota.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF PROCESSING TAXES

Mr. LOGAN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from G. M. Moffett, president of the Corn Industries Research Foundation, relating to the refund of processing taxes.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CORN INDUSTRIES RESEARCH FOUNDATION,
New York, N. Y., February 1, 1936.

Hon. MARVEL M. LOGAN,
Senate Office Building, Washington, D. C.

DEAR SENATOR LOGAN: I am glad to be able to advise you that the corn refining industry has taken a position of flat refusal to profit by the return of any processing taxes refunded through the action of the Supreme Court in its recent decisions on the Agricultural Adjustment Act.

Ten companies which have refunds coming to them will pass these refunds along just as soon as the way is legally clear and the necessary computations and adjustments can be made. These 10 companies feel that the burden of the processing taxes in general was borne by the ultimate consumer and that the industry would consider itself unjustly enriched unless it attempted to the best of its ability to restore the refunded taxes to the people who actually paid them.

We are addressing you directly on this matter in order to put the facts clearly before you so far as this industry is concerned.

Very truly yours,

G. M. MOFFETT, *President.*

CALIFORNIA-PACIFIC INTERNATIONAL EXPOSITION

Mr. JOHNSON. Mr. President, I ask unanimous consent for the present consideration of a bill which has passed the House, and which is emergent in character, concerning the San Diego Exposition.

The bill, as I say, has passed the House. It is favorably reported by the Foreign Relations Committee; and I ask unanimous consent that it may be taken up at this time.

Mr. ROBINSON. What is the calendar number of the bill?

Mr. JOHNSON. It is Calendar No. 1538.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from California?

There being no objection, the Senate proceeded to consider the bill (H. R. 9871) to amend an act entitled "An act providing for the participation of the United States in the California-Pacific International Exposition to be held at San Diego, Calif., in 1935 and 1936; authorizing an appropriation therefor, and for other purposes", approved March 7, 1935, to provide for participation in the California-Pacific International Exposition to be held at San Diego, Calif., in 1936, to authorize an appropriation therefor, and for other purposes, which was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the United States continue its participation in the California-Pacific International Exposition at San Diego, Calif., in 1936.

SEC. 2. For this purpose the act entitled "An act providing for the participation of the United States in the California-Pacific International Exposition to be held at San Diego, Calif., in 1935 and 1936; authorizing an appropriation therefor, and for other purposes", approved March 7, 1935, as hereby amended, is extended and made applicable to the continuance of the participation of the United States in the said exposition in 1936 in the same manner and to the same extent and for the same purposes as originally provided in said act, except insofar as the provisions of that act specify the erection of a building or group of buildings.

SEC. 3. In addition to the sum of $350,000 authorized by the aforesaid act to be appropriated for the participation of the United States in the California-Pacific International Exposition to be held at San Diego, Calif., in 1935 and 1936, and appropriated under the section entitled "California-Pacific International Exposition" of the act entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1935, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1935, and for other purposes", otherwise known as Public Law No. 21, Seventy-fourth Congress, and approved March 21, 1935, there is hereby authorized to be appropriated the sum of $75,000.

REGULATION OF SMALL LOANS IN THE DISTRICT

Mr. McNARY. Mr. President, I ask the attention of the Senator from Utah [Mr. KING].

During the lifetime of the late Senator Schall, of Minnesota, he objected to the consideration of Senate bill 1162, regulating the rate of interest in the District of Columbia. Since his demise the bill passed, about a week ago, under the rule whereby bills were passed which were not objected to. At that time I was not advised of the objection. Subsequently, the late Senator's secretary requested that I ask unanimous consent that the vote by which the bill was passed might be reconsidered and it might be returned to the Senate.

At the time the bill came up I made no objection, because I had no knowledge of the opposition of the late Senator from Minnesota to the bill. I recognize that the rules do not permit a motion to be made, because the time for making a motion to reconsider has elapsed. Therefore, in order to complete the record, I ask unanimous consent that the votes whereby Senate bill 1162 was ordered to be engrossed for a third reading and passed be reconsidered, and that the House be requested to return the bill to the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon?

Mr. KING. Mr. President, any request of my friend from Oregon is almost equivalent to a command, and it is with the utmost regret that I feel constrained to deny the request.

In explanation of my position I submit a few words. The measure in question is one in connection with which there were hearings conducted, and it received serious consideration, not only by the District Committee of the Senate but by citizens' organizations within the District of Columbia. Representatives of various organizations came before the committee and urged its passage. Full opportunity was afforded to all persons to present their views, either for or against the bill. After full consideration the bill was unanimously reported by the committee.

When the bill was reached on the Unanimous Consent Calendar the late Senator from Minnesota, whose death we regret, objected, and later stated to me—I hope I shall be pardoned for mentioning a conversation where there is no other person who might throw light upon it—that he should not object to the consideration of the bill if he could have opportunity to insert in the RECORD a letter which he had received, and to make such observations as he desired. I stated that of course I should gladly accede to his request. Later the letter was inserted in the RECORD, and my recollection is that the Senator had read from the desk some observations which he desired to make in respect to the bill. I think it would have passed the Senate at that time except for the fact that the able senior Senator from Nebraska [Mr. NORRIS] felt constrained to object until he had further

considered the bill. Thereupon it went over, and was not brought up again until the 16th of last month.

Upon the call of the calendar at that time the bill was reached and was passed by the Senate. It has gone to the House and is now being considered by the House Committee on the District of Columbia. I am not advised as to how far the committee has gone in its deliberations, but I assumed that bill will receive the approval of the House committee.

The measure is a meritorious one. As stated, it received the full support of the District Commissioners, and the corporation counsel urged its passage.

I object to the recall of the bill.

The PRESIDENT pro tempore. Objection is made.

SUPPLEMENTAL DEFICIENCY APPROPRIATIONS

Mr. ADAMS. Mr. President, I move that the Senate proceed to the consideration of House bill 10464, being the supplemental deficiency bill.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 10464) making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. ADAMS. I ask unanimous consent that the formal reading of the bill may be dispensed with and that the bill may be read for amendment, the amendments of the committee to be first considered.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading, "Title I—General appropriations—Legislative—Senate", on page 2, after line 3, to insert:

To pay to Rose M. Long, widow of Hon. Huey P. Long, late a Senator from the State of Louisiana, $10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 5, to insert:

To pay to Margaret Huntley Schall, widow of Hon. Thomas D. Schall, late a Senator from the State of Minnesota, $10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to insert:

Office of Sergeant at Arms and Doorkeeper: For clerk to the secretary of the minority, at the rate of $1,800 per annum from February 1, to June 30, 1936, both dates inclusive, $750.

The amendment was agreed to.

The next amendment was, on page 2, after line 12, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1936, $75,000: *Provided*, That no part of this appropriation shall be expended for services, personal, professional, or otherwise, in excess of the rate of $3,600 per annum: *Provided further*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert:

For miscellaneous items, exclusive of labor, fiscal year 1936, $100,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 7, to insert:

LIBRARY OF CONGRESS

Legislative reference: For printing the Index and Digests, prepared in the Legislative Reference Service, of bills pending in the second session of the Seventy-fourth Congress, fiscal year 1936, $3,800.

Care and maintenance, salaries: For an additional sum required for personal services for the fiscal year 1936, $443.55.

The amendment was agreed to.

The next amendment was, under the heading "Independent offices—Central Statistical Board", on page 5, line 17, after the name "District of Columbia", to insert a colon and the following proviso:

Provided, That of the funds hereby appropriated there shall be available from and including January 16, 1936, such sums as may be necessary for the payment of obligations incurred by the Central Statistical Board created by Executive Order No. 6225, dated July 27, 1933.

The next amendment was, under the subhead "George Rogers Clark Sesquicentennial Commission", on page 8, line 1, after the figures "1937", to strike out "$40,000" and insert "$50,000", so as to read:

For carrying out the provisions of the act approved August 15, 1935, entitled "An act to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928", fiscal years 1936 and 1937, $50,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 21, to insert:

VETERANS' ADMINISTRATION

The Administrator of Veterans' Affairs is hereby authorized and directed to transfer $30,000 of the funds of the Veterans' Administration for the fiscal year 1936 to the Navy Department, for disbursement by it under the various headings of its applicable appropriations, for 40 beds at the United States Naval Hospital at Portsmouth, N. H., for the care and treatment of beneficiaries of the Veterans' Administration, including minor repairs and improvements of existing facilities under their jurisdiction necessary to such care and treatment.

The amendment was agreed to.

The next amendment was, on page 14, after line 7, to insert:

The Administrator of Veterans' Affairs is hereby authorized and directed to transfer $140,000 of the funds of the Veterans' Administration for the fiscal year 1936 to the Treasury Department, for disbursement by it under the various headings of its applicable appropriations, for 90 beds at the United States Marine Hospital at New Orleans, La., for the care and treatment of beneficiaries of the Veterans' Administration, including minor repairs and improvements of existing facilities under their jurisdiction necessary to such care and treatment.

The amendment was agreed to.

The next amendment was, on page 14, after line 17, to insert:

Administrative expenses, Adjusted Compensation Payment Act, 1936, Veterans' Administration, 1936 and 1937: For administrative expenses in carrying out the provisions of the Adjusted Compensation Payment Act, 1936, including personal services in the District of Columbia and elsewhere; supplies; equipment; traveling expenses; rentals in the District of Columbia and elsewhere; communication services; purchase, maintenance, and operation of passenger-carrying motor vehicles; and for other necessary expenses to enable the Administrator of Veterans' Affairs to perform such duties as are required by said act, fiscal years 1936 and 1937, $5,500,000.

The amendment was agreed to.

The next amendment was, under the heading "District of Columbia", at the top of page 16, to insert:

Filtration system, workhouse and reformatory, District of Columbia: For an additional amount for construction of a sand filter for the permanent water supply system, fiscal year 1936, $5,250.

The amendment was agreed to.

The next amendment was, on page 16, after line 4, to insert:

Filtration system, workhouse and reformatory, District of Columbia: For an additional amount for construction of a permanent water supply filtration system (no year), $2,250.

The amendment was agreed to.

The next amendment was, under the heading "Department of Agriculture", on page 17, after line 10, to insert:

FOREST SERVICE

Fighting forest fires: For an additional amount for fighting and preventing forest fires, including the same objects specified under this head in the Agricultural Appropriation Act for the fiscal year 1936, $1,276,709.

The amendment was agreed to.

The next amendment was, on page 17, after line 15, to insert:

FOOD AND DRUG ADMINISTRATION

Sea-food inspectors: For personal services of sea-food inspectors designated to examine and inspect sea food and the production, packing, and labeling thereof upon the application of any packer of any sea food for shipment or sale with the jurisdiction of the Federal Food and Drugs Act, in accordance with the provisions of an act entitled "An act to amend section 10A of the Federal Food and Drugs Act of June 30, 1906, as amended", approved August 27, 1935 (49 Stat. 871), fiscal year 1936, $33,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 3, to insert:

BUREAU OF BIOLOGICAL SURVEY

The sum of $12,500 of the unexpended balance of the appropriation of $6,000,000 provided by title VII of the act entitled "An act to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, and certain other acts relating to game and other wildlife, administered by the Department of Agriculture, and for other purposes", approved June 15, 1935 (49 Stat., pp. 378–384), is hereby made available for the payment, by the Secretary of Agriculture, of expenses in connection with the North American Wildlife Conference called by the President of the United States, to be held in Washington, D. C., February 3–7, 1936, including the employment of persons and means in the District of Columbia and elsewhere by contract or otherwise, printing, binding, and other miscellaneous expenses: *Provided*, That no part thereof shall be available for travel or subsistence expenses.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous", on page 20, line 10, after the name "Secretary of Agriculture", to strike out "to carry out all the purposes of and"; in line 12, after the word "heretofore", to strike out "or hereafter"; in line 17, after the word "sum", to insert "not exceeding $700,000"; in line 25, after the word "include", to strike out the comma and "but shall not be limited to,"; on page 21, line 3, before the word "purchases", to strike out "past"; in line 20, after the word "otherwise", to insert "substantially"; and in line 21, before the words "of the", to strike out "regulations" and insert "requirements", so as to read:

Payments for agricultural adjustment: To enable the Secretary of Agriculture to meet all obligations and commitments (including salaries and administrative expenses) heretofore incurred under the provisions of the Agricultural Adjustment Act, as amended, or regulations heretofore issued thereunder, except refunds pursuant to section 21 (d) of that act, an additional amount of $296,185,000, together with a sum not exceeding $700,000, equal in amount to the unexpended balances of the funds heretofore established by the President under authority of section 15 (f) of the Agricultural Adjustment Act, as amended, and directed by the Secretary of Agriculture, with the approval of the President, to be spent for the benefit of agriculture in Puerto Rico and Hawaii; said sums to remain available until expended. The expenditures authorized under this appropriation shall include rental and benefit payments, expenditures for rent and personal services in the District of Columbia and elsewhere, stenographic reporting services, supplies and equipment, purchases and exchange of law books, books of reference, directories, periodicals, newspapers, traveling expenses, printing and binding in addition to allotments under existing law, and such other expenses as may be necessary for the accomplishment of the purposes of this appropriation. No part of the sums appropriated herein shall be used for rental or benefit payments in connection with adjustment contracts entered into on or after January 6, 1936, and as to those contracts entered into prior to January 6, 1936, no part of the sums appropriated herein shall be used for rental or benefit payments in connection with adjustment contracts unless there has been partial performance by the farmer: *Provided*, That such funds shall be available for rental and benefit payments in an amount that the Secretary determines to be fair and equitable to farmers who have applied for contracts, and who prior to January 6, 1936, have in good faith made adjustments in acreage and otherwise substantially complied with the requirements of the Secretary of Agriculture in connection with a crop program, regardless of whether contracts have been signed. Funds herein made available for administrative expenses shall be available for allotment to the bureaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal or State Governments as the Secretary of Agriculture may request to cooperate with or assist in the administration of the work under this appropriation or of the Agricultural Adjustment Act, as amended, including necessary investigative work.

The amendment was agreed to.

The next amendment was, on page 23, line 18, after the figures "1935", in the text pertaining to the 1935 cotton price adjustment payment plan, to insert a colon and the following additional proviso:

Provided further, That in carrying out clause 2 of said section 32, the Secretary of Agriculture may, if he finds that the purposes of said section will be accomplished thereby, purchase without regard to section 3709, Revised Statutes, agricultural commodities and products thereof, including purchases for donation to the Federal Surplus Commodities Corporation.

The amendment was agreed to.

The next amendment was, under the heading "Department on Commerce", on page 25, after line 19, to insert:

BUREAU OF FISHERIES

Fish cultural station in the State of Nevada: For the establishment of a fish cultural station in the State of Nevada, in accordance with the provisions of an act entitled "An act to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries", approved May 21, 1930, fiscal year 1936, $60,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of the Interior", at the top of page 27, to insert:

NATIONAL PARK SERVICE

Ackia National Memorial Commission and Battleground National Monument: To carry out the provisions of the act entitled "An act to provide for the commemoration of the two hundredth anniversary of the Battle of Ackia, Miss., and the establishment of the Ackia Battleground National Monument, and for other purposes", approved August 27, 1935, fiscal year 1936, $15,000.

The amendment was agreed to.

The next amendment was, under the subhead "National Bituminous Coal Commission", on page 28, line 10, after the name "Commission", to strike out the colon and the following proviso:

Provided, That if the Bituminous Coal Conservation Act of 1935 is declared to be unconstitutional by the Supreme Court of the United States, no money herein provided shall thereafter be spent and all money herein appropriated and unexpended shall be immediately covered back into the Treasury.

The amendment was agreed to.

The next amendment was, under the heading "Navy Department", on page 35, line 12, after the figures "297", to insert "and Senate Documents Nos. 150 and 151", and in line 14, to strike out "$120.29" and insert "$2,291.87", so as to read:

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the act entitled "An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collision with naval vessels", approved December 28, 1922 (U. S. C., title 34, sec. 599), as fully set forth in House Document No. 297, and Senate Documents Nos. 150 and 151, Seventy-fourth Congress, $2,291.87.

The amendment was agreed to.

The next amendment was, under the heading "Treasury Department—Office of the Secretary", on page 42, line 12, after the figures "1936", to strike out "$750,000" and insert "$851,000", so as to read:

Expenses, Emergency Banking, Gold Reserve, and Silver Purchase Acts: For expenditure under the direction of the Secretary of the Treasury for any purpose in connection with the carrying out of the provisions of the Emergency Banking Act, approved March 9, 1933 (48 Stat. 1), the Gold Reserve Act of 1934, approved January 30, 1934 (48 Stat. 337), the Silver Purchase Act of 1934, approved June 19, 1934 (48 Stat. 1178), any Executive orders, proclamations, and regulations issued under the foregoing acts, and section 3653 of the Revised Statutes, including rental at the seat of Government and elsewhere, costs of transportation, insurance, and protection of gold coin, gold bullion, and gold certificates transferred to Federal Reserve banks and branches, United States mints and assay offices, and the Treasury, after March 9, 1933, losses sustained by Federal Reserve banks due to abrasion of gold coin, and reimbursement to Federal Reserve banks and branches for expenses incurred by them in carrying out instructions issued by the Secretary of the Treasury after March 4, 1933, fiscal year 1936, $851,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 12, to insert:

Administrative expenses, Adjusted Compensation Payment Act, 1936, Treasury Department, 1936 and 1937: For expenditure under the direction of the Secretary of the Treasury for any purpose in connection with the carrying out of the provisions of the Adjusted Compensation Payment Act, 1936, in the District of Columbia and

elsewhere, including the employment of necessary personnel, rental of quarters, supplies and materials, equipment, furniture, communication service, stationery, printing and engraving, postage, insurance, travel, and subsistence expenses, and such other services as may be necessary, fiscal years 1936 and 1937, $6,678,375.

The amendment was agreed to.

The next amendment was, on page 43, line 25, after the figures "1936", to increase the appropriation for salaries and expenses of the Federal Alcohol Administration from $180,000 to $225,000.

Mr. KING. Mr. President, I should like to ask the Senator having charge of the bill the reason for this increase in the item for the Federal Alcohol Bureau.

Mr. ADAMS. Mr. President, I take pleasure in giving the reason to the Senator from Utah.

The administrative officers of the Bureau came before our committee and said that, by reason of the previous reduction, they had had to lay off their field force, and that this appropriation was essential in order to put men back to work in the field force, so that they could secure efficient administration of the law. They said that without the appropriation they could not do the field work which they were required to do in order both to protect the tax phases and to protect the label phase. It seems that under the law label registration is required, and this enables them to check as to the label phase. Part of the appropriation will run out after the labels have gone through the registration process. They said it was absolutely essential for successful administration that this appropriation should be made.

Mr. KING. I may say to the Senator that there is too much overlapping and duplication in the operations of the executive agencies of the Federal Government. Departments and bureaus and other Federal organizations overlap each other to a degree which may not be defended and which result in large expenditures. Many persons hoped that the President would exercise the authority conferred upon him under the economy law, and that he would merge or consolidate many of the Federal agencies, thus relieving the American people of a part of the enormous burden of taxation which rests upon them.

I regret to say that instead of there having been consolidations and a reduction in the number of Federal agencies, there have been increases, so that expenditures of the Federal Government for the salaries of employees of the Government are several hundred million dollars more, perhaps four or five hundred million dollars more than they were before the war.

I appreciate, of course, that during this so-called emergency additional Federal organizations were required, but it seems to me that the time has come to abolish some of these agencies, and to reduce the personnel in others. I am advised that there are considerably more than 1,000,000 persons on the Government pay rolls. I repeat, it is time for consolidation of agencies, and for drastic cuts in Federal expenses.

The Federal control of liquor should be under one organization instead of two. There is now before the Committee on Finance, and before a subcommittee of that committee, of which I am chairman, a bill of 50 or more pages dealing with the control of the liquor question, but it does not touch the Federal Alcohol Bureau. It is believed by some that there ought to be a consolidation of the activities of the Treasury Department in dealing with the collection of taxes on various kinds of liquor, wines, and so forth, with the organization for which an increase in the compensation is sought by this amendment.

I shall not object to the consideration of this amendment. Perhaps under the circumstances, and until the consolidation is effected, we must submit to these constant increases in compensation. I do desire to call attention to the fact, however, that with the mounting expenses of the Government reaching more than 20 percent of the entire earnings of all the people of the United States, there must be a halt called sometime and somewhere. The American people cannot indefinitely meet the enormous expenditures of the Federal Government, together with the very large expenditures of the State governments and various municipalities and local subdivisions.

In the United States News of the 3d instant appears a graph showing the national income for a number of years. In 1929 it was nearly $79,000,000,000; in 1932 it was only forty-five billion eight hundred million; in 1933 it was forty-three billion six hundred million; in 1934 it was forty-nine billion nine hundred million; in 1935 it was fifty-three billion seven hundred million. Notwithstanding the increase for the year 1935, the total income is less by more than $24,000,000,000 than it was in 1929. Yet the expenditures of the Government are billions of dollars greater.

I asked the Senator from South Carolina [Mr. SMITH] a few moments ago, during the consideration of a bill calling for an appropriation of $60,000,000, whether the committee had considered the question as to where the money was to come from. I voiced my opposition to any policy which called for inflation, as that term is employed, and insisted that, with these enormous expenditures which create stupendous deficits, it is imperative that the revenues of the Government be increased. I again emphasize that view and urge that the two committees of the House and Senate which have to do with revenue legislation meet at an early date for the purpose of devising ways and means of increasing the revenues of the Government.

I sincerely hope that the inflationary spirit which seems to be pervading some parts of the United States will find no support in the Congress of the United States, and that Congress will resolutely set its face in favor of legislation that will provide for a balanced Budget within the next year or two. Certainly, the spending mania must end, and a return to realities be achieved.

The PRESIDENT pro tempore. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The next amendment was, on page 44, after line 4, to strike out:

PROCUREMENT DIVISION, PUBLIC WORKS BRANCH

Acquisition of premises designated as 1724 F Street NW., Washington, D. C.: For purchase of premises designated as 1724 F Street NW., Washington, D. C., and described as lot 28 in square 170 on the records of the surveyor of the District of Columbia, comprising a six-story and basement brick office building and approximately 13,200 square feet of land, to provide necessary office space for permanent Government organizations, $200,000.

The amendment was agreed to.

The next amendment was, under the heading "Title II, Judgments and authorized damage claims", on page 47, after line 3, to insert:

(b) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent establishments under the provisions of the act entitled "An act to provide for a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case", approved December 28, 1922 (U. S. C., title 31, secs. 215–217), as fully set forth in Senate Document No. 152, Seventy-fourth Congress, as follows:

Federal Civil Works Administration, $661.05;
Federal Emergency Relief Administration, $488.96;
Works Progress Administration, $334.33;
Veterans' Administration, $21;
Department of Agriculture, $4,735.41;
Department of Commerce, $1,323.59;
Department of Interior, $567.26;
Department of Justice, $240.91;
Department of Labor, $83.66;
Navy Department, $1,073.03;
Post Office Department (out of postal revenues), $380.55;
Treasury Department, $1,494.92;
War Department, $11,676.01;
In all, $23,080.68.

The amendment was agreed to.

The next amendment was, under the subhead "Judgments, United States courts", on page 49, line 3, before the word "under", to insert "and Senate Document No. 153"; in line 5, after the name "War Department", to strike out "$335.62" and insert "$905.48"; and in line 7, after the words "In all", to strike out "$835.62" and insert "$1,405.48", so as to read:

(b) For the payment of judgments, including costs of suits, rendered against the Government of the United States by United States district courts under the provisions of an act entitled "An act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (U. S. C., title 46, secs. 781–789), certified to the Seventy-fourth Congress in House Document No. 298 and Senate Document No. 153 under the following departments, namely:

Navy Department, $500;

War Department, $905.48;

In all, $1,405.48, together with such additional sum as may be necessary to pay interests, where specified in such judgments, at the rate provided by law.

The amendment was agreed to.

The next amendment was, under the subhead "Judgments, Court of Claims", on page 49, line 21, after the figures "296", to insert "and Senate Documents Nos. 154 and 155"; after line 23, to insert "Federal Trade Commission, $3,043.06"; after line 24, to insert "Veterans' Administration, $5,900"; on page 50, line 1, after the name "Navy Department", to strike out "$34,156.77" and insert "$35,339.64"; in line 3, to insert "War Department" and strike out "$93,439.34" and insert "$696,279.87"; and in line 4, after the words "In all", to strike out "$128,659.40" and insert "$741,625.86", so as to read:

SEC. 3. (a) For payment of the judgments rendered by the Court of Claims and reported to the Seventy-fourth Congress in House Document No. 296 and Senate Documents Nos. 154 and 155, under the following departments and establishments, namely:

Federal Trade Commission, $3,043.06;

Veterans' Administration, $5,900;

Navy Department, $35,339.64;

Treasury Department, $1,063.29;

War Department, $696,279.87;

In all, $741,625.86, together with such additional sum as may be necessary to pay interest on certain judgments as and when specified therein.

The amendment was agreed to.

The next amendment was, under the subhead "Audited claims", on page 57, after line 18, to insert:

(c) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U. S. C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1933 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U. S. C., title 5, sec. 266), as fully set forth in Senate Document No. 157, Seventy-fourth Congress, there is appropriated as follows:

Independent offices: For traveling expenses, Civil Service Commission, $3.60.

For Interstate Commerce Commission, $1.50.

For operations under Mineral Act of October 5, 1918, $40,875.20.

For Army pensions, $47.17.

For investigation of pension cases, Pension Office, $1.25.

For Navy pensions, $10.

For medical and hospital services, Veterans' Bureau, $46.57.

For salaries and expenses, Veterans' Bureau, $40.

For salaries and expenses, Veterans' Administration, $4,387.71.

Department of Agriculture: For salaries and expenses, Bureau of Dairy Industry, $7.25.

For salaries and expenses, Bureau of Plant Industry, $19.51.

For salaries and expenses, Forest Service, $1.50.

For salaries and expenses, Bureau of Animal Industry, $536.88.

For salaries and expenses, Bureau of Entomology, $1.50.

For salaries and expenses, Bureau of Agricultural Economics, $15.

Department of Commerce: For mineral mining investigations, Bureau of Mines, $1.30.

For air navigation facilities, $1,851.18.

For expenses of the fifteenth census, 1932–December 31, 1932, 29 cents.

For salaries and expenses, Bureau of the Census, 42 cents.

For salaries and expenses, Patent Office, $9.90.

For testing railroad and mine scales, etc., Bureau of Standards, $12.50.

For general expenses, Lighthouse Service, $36.

Department of the Interior: For Geological Survey, $1.06.

For National Park Service, $88.80.

For roads and trails, Office of National Parks, building, and reservations, emergency construction, $2,954.34.

For purchase and transportation of Indian supplies, $20.24.

For education, Sioux Nation, $44.20.

For Indian school support, $157.78.

For conservation of health among Indians, $11.66.

For agriculture and stock raising among Indians, $1.86.

For support of Indians and administration of Indian property, $33.15.

For Indian boarding schools, $80.10.

Department of Justice: For fees of commissioners, United States courts, $118.80.

For fees of jurors, United States courts, $21.50.

For fees of witnesses, United States courts, $6.

For detection and prosecution of crimes, $17.85.

For miscellaneous expenses, United States courts, $1,319.29.

For salaries and expenses, Bureau of Prohibition, $416.51.

For salaries, fees, and expenses of marshals, United States courts, $653.31.

For fees of jurors and witnesses, United States courts, $93.

For prison camps, $43.

For salaries and expenses, Bureau of Prisons, $1.

For support of United States prisoners, $173.81.

For United States Industrial Reformatory, Chillicothe, Ohio, maintenance, $14.09.

Department of Labor: For employment service, Department of Labor, $5.43.

For salaries and expenses, Bureau of Immigration, $1.65.

Navy Department: For pay, subsistence, and transportation, Navy, $17,210.58.

For gunnery and engineering exercises, Bureau of Navigation, $5.

For transportation, Bureau of Navigation, $185.60.

For maintenance, Bureau of Supplies and Accounts, $101.30.

For engineering, Bureau of Engineering, $1.92.

For medical department, Bureau of Medicine and Surgery, $137.

For pay of the Navy, $2,595.10.

For pay, Marine Corps, $782.66.

For maintenance, Bureau of Yards and Docks, $243.08.

Department of State: For contingent expenses, foreign missions, $3.67.

For transportation of Foreign Service officers, $10.33.

For contingent expenses, United States consulates, $49.70.

Treasury Department: For collecting the revenue from customs, $2.80.

For collecting the internal revenue, $41.95.

For enforcement of Narcotic and National Prohibition Acts, internal revenue, $2.50.

For salaries and expenses, Bureau of Industrial Alcohol, $2.50.

For stationery, Treasury Department, $7.48.

Fof pay and allowances, Coast Guard, $9,609.29.

For contingent expenses, Coast Guard, $348.38.

For fuel and water, Coast Guard, $190.79.

For outfits, Coast Guard, $155.49.

For pay of personnel and maintenance of hospitals, Public Health Service, $47.89.

For collecting the war revenue, $115.56.

For increase of compensation, Treasury Department, $17.33.

For furniture and repairs of same for public buildings, $103.83.

For operating supplies for public buildings, 36 cents.

For repairs and preservation of public buildings, $11.17.

War Department: For pay, etc., of the Army, $12,792.81.

For pay of the Army, $5,296.

For general appropriations, Quartermaster Corps, $2,708.91.

For Army transportation, $854.98.

For barracks and quarters, $296.51.

For National Guard, $722.88.

For subsistence of the Army, $1.50.

For extra-duty pay to enlisted men as clerks, etc., at Army division and department headquarters, $21.50.

District of Columbia: For general expenses, public parks, District of Columbia, $152.50.

Post Office Department—Postal Service (out of the postal revenues): For city-delivery carriers, $5,307.36.

For clerks, first- and second-class post offices, $2,642.90.

For clerks, third-class post offices, $257.09.

For compensation to postmasters, $6,287.28.

For freight, express, or mail transportation of equipment, 60 cents.

For foreign mail transportation, $10.

(Sea post service)

For indemnities, domestic mail, $333.47.

For indemnities, international mail, $215.03.

For miscellaneous items, first- and second-class post offices, $30.72.

For post-office equipment and supplies, $7.25.

For Railway Mail Service, miscellaneous expenses, $629.40.

For railroad transportation and mail messenger service, $230.66.

For rent, light, and fuel, $4,082.01.

For Rural Delivery Service, $141.90.

For separating mail, $36.

For special delivery fees, $110.95.

For temporary clerks, $91.93.

For unusual conditions at post offices, $13.91.

For vehicle service, $2,616.16.

For village delivery service, $123.44.

Total, audited claims, section 4 (c), $132,183.52, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

(d) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U. S. C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1933 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U. S. C., title

5, sec. 266), as fully set forth in Senate Document No. 156, Seventy-fourth Congress, there is appropriated as follows:

Independent offices: For Interstate Commerce Commission, $4.35.

For operations under Mineral Act of October 5, 1918, $5,748.87.

For Army pensions, $155.

For investigation of pension cases, Bureau of Pensions, $2.25.

For medical and hospital services, Veterans' Bureau, $3.25.

For salaries and expenses, Veterans' Bureau, $8.25.

For salaries and expenses, Veterans' Administration, $1,075.61.

Department of Agriculture: For salaries and expenses, Extension Service, $4.

For salaries and expenses, Bureau of Animal Industry, $2.

Department of Commerce: For air-navigation facilities, $43.70.

For domestic commerce, Department of Commerce, $1.50.

For general expenses, Lighthouse Service, $5.70.

Department of the Interior: For industrial work and care of timber, $19.

For purchase and transportation of Indian supplies, $30.94.

Department of Justice: For salaries and expenses, Bureau of Prohibition, $41.

For miscellaneous expenses, United States courts, $25.

For fees of jurors and witnesses, United States courts, $52.50.

For salaries, fees, and expenses of marshals, United States courts, $465.33.

Navy Department: For pay, subsistence, and transportation, Navy, $1,348.82.

For organizing the Naval Reserve, $34.30.

For pay, Marine Corps, $22.86.

Department of State: For bringing home criminals, $14.87.

Treasury Department: For collecting the revenue from customs, $70.61.

For collecting the internal revenue, $12.31.

For pay and allowances, Coast Guard, $12.75.

For fuel and water, Coast Guard, $10.50.

For suppressing counterfeiting and other crimes, $1.25.

For furniture and repairs of same for public buildings, $5.05.

War Department: For general appropriations, Quartermaster Corps, $357.61.

For arrears of pay, bounty, etc., $9.62.

For increase of compensation, Military Establishment, $660.02.

For National Guard, $1,099.15.

For pay of National Guard for armory drills, $133.96.

For Reserve Officers' Training Corps, $113.19.

For clothing and equipage, $155.92.

For Army transportation, $172.37.

For pay, etc., of the Army, $4,539.46.

For pay of the Army, $1,907.64.

For ordnance service and supplies, Army, $345.62.

For Air Corps, Army, $12.43.

For Air Service, Army, $33.

For mileage of the Army, $11.20.

For Organized Reserves, $18.05.

For arming, equipping, and training the National Guard, $101.26.

For subsistence of the Army, $99.65.

For supplies, services, and transportation, Quartermaster Corps, $7.11.

For power plant, Fort Mills, Corregidor, P. I., $3,002.

For pay of Military Academy, $182.

For clothing, camp, and garrison equipment, $12.12.

For pay, etc., of the Army, War with Spain, $10.

Post Office Department—Postal Service (out of the postal revenues): For indemnities, domestic mail, $60.75.

Total, audited claims, section 4 (d), $22,265.70, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

Mr. ADAMS. Mr. President, I ask unanimous consent that the amendments involving claims be agreed to en bloc.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendments are agreed to en bloc.

The next amendment of the Committee on Appropriations was, on page 68, line 14, after the figures "285", to insert "and Senate Document No. 158"; in line 18, after the figures "1935", to strike out "$2,862.20" and insert "$17,505.46"; and in line 22, after the words "In all", to strike out "$3,959.20" and insert "$18,602.46", so as to read:

SEC. 5. (a) For payment of claims allowed by the General Accounting Office pursuant to private acts of the Seventy-fourth Congress and certified to such Congress in House Document No. 285 and Senate Document No. 158, as follows:

Under the War Department: For payment to claimants under the provisions of Private Act No. 38, approved May 15, 1935, $17,505.46;

For payment to the Jay Street Terminal, New York, under the provisions of Private Act No. 39, approved May 15, 1935, $1,097;

In all, $18,602.46.

The amendment was agreed to.

The next amendment was, on page 69, line 11, after the name "Senate", to strike out "Document No. 129" and insert "Documents No. 129, 159, and 160", and in line 13, after the name "Department of Labor", to strike out "$12,598.60" and insert "$30,353.65"; so as to read:

SEC. 6. Judgments against collectors of customs: For the payment of claims allowed by the General Accounting Office covering judgments rendered by United States District Courts against collectors of customs, where certificates of probable cause have been issued as provided for under section 989, Revised Statutes (U. S. C., title 28, sec. 842), and certified to the Seventy-fourth Congress in House Document No. 295 and Senate Documents Nos. 129, 159, and 160, under the Department of Labor, $30,353.65.

The amendment was agreed to.

The PRESIDENT pro tempore. That completes the committee amendments. The bill is before the Senate and open to further amendment.

Mr. WAGNER. Mr. President, I should like to ask the Senator from Colorado, in charge of the pending bill, whether or not at the invitation of the subcommittee, members of the National Labor Relations Board appeared before that committee on the question whether the $275,000 provided for in this deficiency bill was sufficient for their operation for the rest of the fiscal year, and whether or not the committee came to any conclusions on that subject matter.

Mr. ADAMS. Mr. President, the members of the board appeared before the committee. There was some uncertainty as to whether the item would carry them through; and it seemed wiser to allow them to go ahead with the money available, and look to a deficiency bill hereafter if the amount should prove insufficient. In other words, we thought they should proceed with the funds available for expenditure, in view of the uncertainty as to the actual amount needed, with the idea that if additional amounts should be needed the appropriation of such amounts would be recommended by the Committee on Appropriations.

Mr. WAGNER. What I wanted to ask the Senator particularly, if he is willing to give his views upon that subject, was whether the Board members persuaded the committee that $275,000 probably would not be sufficient to prosecute their work efficiently between now and the end of the fiscal year.

Mr. ADAMS. I will say to the Senator from New York that there was an element of doubt because the estimated expenditures were based upon court proceedings. If the Supreme Court of the United States should render a decision at a relatively early date deciding the debatable questions, it might eliminate some of the proceedings in the district courts and circuit courts of appeals, and thereby avoid the expenditures which are now apprehended.

Mr. WAGNER. Exactly. I thank the Senator very much. May I ask the Senator a further question, he being an expert and I not an expert?

In view of the legal questions arising all over the country, if those questions shall multiply, as some apprehend, before the United States Supreme Court shall finally pass upon the question, and the sum provided shall prove insufficient properly to enforce the law or to enable the Board to be represented before the different courts in the prosecution of the law will the Board be absolutely helpless to continue? Will the Board then be paralyzed and unable further to function, or are there some other sources from which it may secure sufficient funds properly to protect those who are entitled to protection from the Government?

Mr. ADAMS. Mr. President, the idea of the committee was that Congress will be in session for some months, and that other appropriation bills, both regular and deficiency, will be under way, and the developments can then be met as they may arise. However, I will say for the members of the Appropriations Committee, and not going beyond its membership, that they were desirous of seeing that adequate funds were available for this board.

Mr. WAGNER. That was my understanding, and I wished to have that fact very clearly set forth. I thank the Senator from Colorado very much.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. BYRNES. One of the difficulties confronting the subcommittee with reference to this particular matter was that there was no estimate from the Budget Bureau for the addi-

tional amount, and, as the Senator from New York knows, we are precluded from going into matters when there is no estimate. The committee was greatly impressed by the showing made by the members of the Board, and it was suggested that they endeavor to have an estimate submitted by the Budget. Certainly my thought is—I am not speaking for the other members of the committee—that if the amount available shall prove insufficient to carry on the work of the Board, it will have an opportunity before there is another deficiency bill to present its cause to the Budget Bureau. I am satisfied the Budget Bureau must be impressed as we were impressed with the reasonableness of the request.

Mr. ADAMS. I may add that the members of the Board decided they would not make an appeal to the Budget Bureau at this time.

Mr. BYRNES. I think they went before the Budget Bureau, but the question was whether or not they would insist upon the matter going to the President with a request for another estimate.

Mr. GLASS. Mr. President, as a matter of fact, the committee authorized the chairman of the committee to communicate with the Budget Bureau and to ask them to hear the board members. They had stated to the committee that the Budget Bureau would not hear them, and the chairman of the committee communicated with the Budget Bureau, and the Budget Bureau agreed to hear them; but they did not reappear before the committee.

Mr. BYRNES. Mr. President, I must say that one member of the Board did communicate with me about the matter simply to state what I have now stated to the Senator—that they recognized that to have an estimate submitted the matter would have to be resubmitted to the President, and they thought it wiser to go ahead without an estimate being made at this time; that there is to be another deficiency bill, and if additional funds shall be necessary in order to maintain their organization they will then present their case to the Budget Bureau in the regular form.

Mr. WAGNER. I think it should be clearly stated also that it was not of its own initiative that the Board appeared before the subcommittee of the Committee on Appropriations seeking this additional appropriation. I requested that an invitation be extended to the Board to appear, which, of course, was readily assented to by the subcommittee, the members of which were extremely courteous in the matter, and I wish to express my appreciation of that courtesy.

The PRESIDENT pro tempore. The bill is still before the Senate and open to amendment.

Mr. GEORGE. Mr. President, I should like to ask the chairman of the committee or the Senator in charge of the bill if an item or a sum is included in the bill to compensate the ginners for extraordinary services rendered by them under the Cotton Control Act, the so-called Bankhead Act. If the Senator himself is not very familiar with the subject, I am sure some other Senator who is can furnish the information.

Mr. ADAMS. Mr. President, I think the junior Senator from Georgia [Mr. RUSSELL] had the matter of the ginners' appropriation up before the committee.

Mr. GEORGE. Was it included in the bill?

Mr. ADAMS. No. The junior Senator from Georgia, I understand, will offer an amendment.

Mr. RUSSELL. Mr. President, I send to the desk and ask to have stated the amendment which I offer.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 20, line 8, after the figures "1935" and before the period, it is proposed to add the following:

> And shall remain available until expended, whether or not said act of April 21, 1934, as amended, continues in force and effect.

Mr. RUSSELL. Mr. President, there is some question as to whether the Comptroller would approve the expenditures incurred under the compulsory Cotton Control Act, commonly known as the Bankhead Act, if it should be declared unconstitutional by the Supreme Court or repealed by the Congress. I am advised by the Department of Agriculture that if my amendment is adopted, it will obviate that difficulty and will assure the payment of this just claim against the Government.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BYRNES. May I ask the Senator from Georgia whether he has received the information which was communicated to the committee with reference to the amendment?

Mr. RUSSELL. I received a copy of a letter written to the committee, and I received a subsequent letter in which it was stated that there was some question whether the Comptroller would approve the expenditures if this legislation should be declared unconstitutional by the Supreme Court or repealed by the Congress, unless an amendment substantially in the form of the one I have offered should be adopted.

Mr. BYRNES. Mr. President, in a letter dated February 1, 1936, to Mr. Rea, the clerk of the Appropriations Committee, signed by Paul A. Porter, executive assistant to the Administrator, it is stated—

> That out of the $100,000,000 appropriated by section 12 (a) of that act there remains a sum clearly sufficient to carry out present commitments and obligations and to make the payment to ginners contemplated by the bill. The expenses of administering the Bankhead Act have amounted to more than the taxes collected.

If the Senator has any subsequent information, it is information of which I am not aware; but in this letter the committee was advised that the sum was sufficient to pay the ginners. I know the Senator is as interested as I am in knowing that the necessary amount is available.

Mr. RUSSELL. I have the letter referred to by the Senator from South Carolina; and I received a subsequent letter under date of February 1, which reads in part as follows:

> While it may be urged that the provision in the bill constitutes a specific appropriation of a sufficient amount out of the funds available for administering the Bankhead Act to make the payments to the ginners and that this provision accordingly is an appropriation for a special purpose and therefore would not be affected in the event of the Bankhead Act being repealed or being declared invalid by the Supreme Court, it is by no means certain that the Comptroller General would not hold that the appropriation for the ginners lapses in such an event because it merely makes funds set aside for the expenses of administering the Bankhead Act available for this purpose and the entire appropriation would lapse and because section 17 (b) of the Bankhead Act makes it clear that the expenses of ginners which would be reimbursed under the provision in the bill are expenses incurred in connection with the administration of the Bankhead Act, as indicated by the language of section 17 (b).

There is no question that the language contained in the bill is sufficient, if the Bankhead Act is upheld by the Supreme Court or is not repealed by the Congress; but we have run into the difficulty of a possible adverse decision from the Comptroller General in the event the Bankhead Act is declared unconstitutional. The effect of the language of the amendment is clearly to make the appropriation available in the event the Bankhead Act is declared unconstitutional by the Supreme Court or repealed by Congress.

Mr. BYRNES. May I ask the Senator from Georgia who wrote the letter he has just read?

Mr. RUSSELL. Mr. Paul A. Porter, executive assistant to the Administrator. I think he signed the other letter to which the Senator from South Carolina referred.

Mr. BYRNES. That is true.

I wish to make a suggestion to the chairman of the subcommittee. I have not seen the letter from which the Senator from Georgia has read, and I do not know whether the Senator from Colorado has seen it; but, in view of the language read, I ask the Senator from Colorado if it might not be wise to accept the amendment of the Senator from Georgia. The House language, in the opinion of the House, was sufficient to authorize the payment of this money; but, if there is any doubt about it, certainly that doubt can be dispelled by ascertaining definitely from the Comptroller at once whether or not the amount is sufficient. If the amendment of the Senator from Georgia is adopted, the differences can be straightened out in conference with the conferees on the part of the House.

Mr. RUSSELL. If the amendment I have offered should be adopted, then there would be no question on earth that this fund would be available, without regard to the ultimate fate of the Bankhead Act.

Mr. ADAMS. With the understanding that the matter shall be gone over in order to reconcile the situation, I have no objection to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. RUSSELL].

The amendment was agreed to.

Mr. HAYDEN. Mr. President, I am authorized by the committee to offer the amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 69, after line 13, it is proposed to insert a new section, as follows:

SEC. 7. That section 1 of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, be, and the same is hereby, amended by inserting at the end of the first proviso of the second paragraph thereof, a new proviso as follows: "*Provided further*, That the apportionment requirements of this paragraph shall not apply to loans or grants, or both, to States under limitation (g) of the first paragraph of this section, for public highways and related projects, including grade crossings."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. President, the object of the amendment is to make clear the intent of Congress in the enactment of the legislation which it seeks to amend. The Senate will remember that in the original appropriation of $3,300,000,000, $400,000,000 was definitely earmarked for highways in a subsection of the National Industrial Recovery Act of 1933. It was specified in that act that the money appropriated by that subsection should be apportioned among the States according to their area, their population, and their mileage of post roads. When Congress subsequently made the appropriation of $4,000,000,000 in the Emergency Relief Act of 1935, we, in a measure, earmarked $800,000,000 for Federal-aid highways, placing a limitation of not more than that sum for public roads and related projects, but the act did not refer directly to the subsection that specified the $800,000,000. Therefore, the Comptroller General took the position that the only money which could be expended upon the Federal-aid system was money apportioned among the States. It is to correct that situation that I offer this amendment. A complete justification for it will be found in the hearings before the Senate Committee on Appropriations on this deficiency bill.

Mr. McNARY. Mr. President, I join with the Senator in the effort to have the amendment adopted in order to remedy the situation brought about by the rulings of the Comptroller General, a situation not contemplated by Congress when the bill was passed. I hope the amendment may be attached to the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Arizona.

The amendment was agreed to.

Mr. NORRIS. Mr. President, I am going to offer an amendment to the bill. A provision similar to the amendment I offer was included in the bill at the last session, and I do not know that there is any objection to it. For some reason the provision is not now in the bill, but it was in the bill which was defeated as the result of a filibuster. I send the amendment to the desk and ask for its adoption.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 7, after line 20, it is proposed to insert the following:

PRINTING AND BINDING

For the printing of 1,000 additional copies of each of those numbers of Senate Document 92, Seventieth Congress, first session, which are out of print or the supply of which is about to be exhausted, $50,000; and for the purpose of printing 10,000 additional copies of No. 71–A of Senate Document 92, Seventieth Congress, first session, $2,800.

Mr. NORRIS. The documents referred to are reports made to the Congress by the Federal Trade Commission in connection with its investigation of the water-power question. They have been exhausted, and there is a great demand for them still coming in.

Mr. ADAMS. Mr. President, that item was included in the deficiency bill at the last session?

Mr. NORRIS. It was in that bill, in the identical language, I think, in which I have now offered it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

Mr. McNARY. Mr. President, I should like the attention for a moment of the Senator from Colorado. Early in the present session I introduced a bill to provide for certain benefit payments to farmers who conformed to the A. A. A. Act which was held unconstitutional in the case of the United States against William M. Butler et al. The committee reported the bill favorably, and it is now on the calendar. A similar bill passed the House carrying a different sum than the one contained in the bill which I offered. I observe on page 20 of the pending bill a sum is appropriated which is probably sufficient to meet the situation; but is the language complete in itself without providing for an authorization bill, legislative in character? I ask that question of the Senator who is in charge of the bill.

Mr. ADAMS. All I can say is that was the understanding of the committee in including the item in the bill. It came from the House and was intended to cover that purpose.

Mr. McNARY. The bill that I proposed was general in character. But in line with a letter from Mr. Chester Davis, Agricultural Adjustment Administrator, I was going to propose an amendment as a substitute, but I understand the committee language will take care of certain unexpended balances, and the transfer of certain records. I do not care to pursue that course if the language is sufficiently general and specific in the appropriation bill. That is the reason I have propounded the question to the Senator in charge of the bill.

Mr. ADAMS. I will state to the Senator that I have stated my judgment about it; but I do not presume to have accurate knowledge concerning it, and I should not like to have the Senator rely on what is an understanding rather than the result of careful study.

Mr. VANDENBERG. Mr. President, may I ask the Senator a question on that point?

Mr. ADAMS. Certainly.

Mr. VANDENBERG. Would the Senator say that obligations incurred under the Jones-Costigan Sugar Control Act would be included within the language on page 20, to which he has just been referring?

Mr. ADAMS. Does the Senator see any ground of distinction between those payments and the others?

Mr. VANDENBERG. No; not in principle, but in definitions there might be. I find that this refers to obligations incurred under the provisions of the Agricultural Adjustment Act.

Mr. ADAMS. The Jones-Costigan Act was an amendment to the Agricultural Adjustment Act.

Mr. VANDENBERG. So that the Senator's opinion is that obligations under the Jones-Costigan Act would be included in the general terms?

Mr. ADAMS. Yes.

Mr. HAYDEN. By direction of the committee, I offer a further amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 27, line 15, after the figures "$350,000", it is proposed to insert a colon and the following proviso:

Provided, That this appropriation may be expended without the matching requirement by the States cooperating under the existing appropriations of Congress for vocational rehabilitation.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. BONE. Mr. President, I should like to ask the Senator from Colorado about an item appearing on page 11, dealing with grants to the States for old-age assistance. Our fiscal year begins July 1, and this language is unchanged from that which appeared in the bill that was under debate here when the last session closed. I wish to ask the Senator whether he thinks the money made available by the Congress to States for old-age assistance would be available to those States as of date of July 1, because many States which have State old-age-pension systems, such as my own State of Washington, are desirous of securing this Federal contribution. Both Senators from Washington, at any rate, are very much interested in ascertaining whether or not this money would be made available in a retroactive way to the States, including my own State, that have provided money to make old-age payments.

Mr. ADAMS. I think the answer is rather completely contained in the paragraph. We are dealing with the deficiency bill for the fiscal year which began July 1, 1935, and will end on July 1, 1936. This provision makes the appropriation for that fiscal year to be expended as authorized by the Social Security Act. So that whatever was authorized by the Social Security Act would be included within this appropriation, and, therefore, the only limitation would be the limitation in the Social Security Act.

Mr. BONE. Then, I take it, the Senator's view is that the States such as the State of Washington would have this money made available to them to take up, if possible, some of these back payments?

Mr. ADAMS. I think so, unless the Social Security Act in itself provides a limitation.

Mr. HAYDEN. On page 27, line 19, I move to strike out "$4,500" and insert "$9,000", which is the Budget estimate. I do not know why the House cut that item in half. I should like to have the amendment taken to conference.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Arizona.

The amendment was agreed to.

Mr. McADOO. I offer an amendment to the pending bill and ask that it be read.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 5, after line 4, it is proposed to insert the following:

CALIFORNIA-PACIFIC INTERNATIONAL EXPOSITION

For the purpose of carrying into effect the provisions of the act entitled "An act to amend an act entitled 'An act providing for the participation of the United States in the California-Pacific International Exposition to be held at San Diego, Calif., in 1935 and 1936; authorizing an appropriation therefor, and for other purposes', approved March 7, 1935, to provide for participation in the California-Pacific International Exposition to be held at San Diego, Calif., in 1936, to authorize an appropriation therefor, and for other purposes", approved ———, and for each and every object authorized by said act, $75,000, together with the unexpended balance of the appropriation for the California-Pacific International Exposition held in 1935 as contained in the act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1935, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1935, and for other purposes, to remain available until June 30, 1936.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from California [Mr. McADOO].

Mr. McNARY. Mr. President, earlier in the day the senior Senator from California [Mr. JOHNSON] had passed a bill relating to this matter. Whether the bill provides authorization for an appropriation I am not advised. Is the Senator familiar with the measure his colleague had passed this morning?

Mr. McADOO. I did not catch the Senator's question.

Mr. McNARY. Is the amendment now offered by the Senator the same as the bill passed earlier in the day on motion of the senior Senator from California?

Mr. McADOO. The senior Senator from California offered a bill, which was unanimously passed by the Senate, authorizing the appropriation that now I am trying to have included in the deficiency bill. A bill authorizing this appropriation has passed the House and has also passed the Senate. I merely want to add to the pending bill a $75,000 item.

Mr. McNARY. Then the bill passed on motion of the senior Senator from California [Mr. JOHNSON] earlier in the day was an authorization of the amount now proposed to be appropriated by the junior Senator from California?

Mr. McADOO. Yes. This is merely effectuating the appropriation authorized by the bill to which the Senator refers, and which has passed the House previously and passed the Senate today.

Mr. McNARY. What is the amount involved?

Mr. McADOO. Seventy-five thousand dollars.

Mr. KING. Mr. President, will the Senator yield for an inquiry?

Mr. McADOO. Certainly.

Mr. KING. My recollection is we made a very liberal appropriation sometime ago for the San Diego Exposition. Why is the Senator asking for additional appropriations?

Mr. McADOO. The original appropriation was to carry the exposition through to the closing date last year, but there has been an insistent demand that the exposition be carried on for another 6 months. The Government's exhibits and the necessary attendance and attention required for them constitute the reason why this additional appropriation is asked. It is all for educational purposes.

Mr. KING. Was not the enterprise self-supporting? Were not the receipts sufficient, as they were at Chicago, to pay all expenses?

Mr. McADOO. I cannot answer the Senator specifically on that point. The purpose is to assist in carrying forward the exposition for another 6 months. The Government has erected a very fine building there out of the $350,000 heretofore appropriated. This was done in accordance with the act of Congress. The amount which has been approved by both Houses is a very modest sum to enable us to continue the Government exhibits to the conclusion of the exposition.

Mr. ADAMS. Mr. President, will the Senator from California yield?

Mr. McADOO. Certainly.

Mr. ADAMS. Earlier in the day the Senate unanimously passed a measure authorizing the appropriation. I understand this item is fully in accord with that bill.

Mr. McADOO. It is intended to be, and I believe it is.

Mr. ADAMS. If it is in accord with that bill, it would, of course, meet the approval of the Appropriations Committee.

Mr. McADOO. The amendment has that distinct object in view.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. HOLT. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. It is proposed, on page 3, lines 7, 8, and 9, to strike out the words, "attorneys of record for the contestant and the memorialists, to wit: Grant T. Hall, George H. Williams, and Thomas H. Barnett" and to insert in lieu thereof the words "attorney of record for the contestant, to wit: Grant T. Hall"; and in lines 12 and 13, to strike out "each; in all, $1,800", so as to make the paragraph read:

For payment to attorney of record for the contestant, to wit: Grant T. Hall, for services rendered and expenses incurred in the contested-election case resulting from the election of a United States Senator from West Virginia on November 6, 1934, fiscal year 1936, $600.

Mr. HOLT. Mr. President, Williams and Barnett came before the Senate committee representing neither Mr. Hatfield nor myself. They came claiming to be so-called friends of the court. Mr. Barnett presented a petition signed by 97 men whom he and Mr. Williams were supposed to represent. Seven of the men claim their names were forged on the petition, 2 of them are dead, and we could not find out about the other 88.

I am perfectly willing for Mr. Hall to be paid, because he did present Mr. Hatfield's petition legally and rightfully, but the other two men should not be paid because such a payment would create a precedent allowing any lawyer to come before the Senate committee and claim to represent a group of citizens or themselves, and ask to be paid by the Senate for their services. For that reason I am asking that the two names be stricken from the item.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from West Virginia.

The amendment was agreed to.

Mr. ADAMS. Mr. President, I ask unanimous consent that the clerks be authorized to correct the totals and renumber the sections where necessary.

The PRESIDENT pro tempore. Without objection, it is so ordered. The question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

AGRICULTURAL RELIEF

Mr. ROBINSON. I move that the Senate proceed to the consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, being the bill introduced by the Senator from Alabama [Mr. BANKHEAD] for the purposes indicated by its title.

I may state that the author of the bill is ill today and not able to be present. It is my thought that the bill may be made the unfinished business and that after an executive session a recess may then be taken until tomorrow when the bill may be proceeded with if the Senator from Alabama is able to be present. It may be desirable to lay aside the unfinished business and take up another appropriation bill in the meantime.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to, and the Senate proceeded to consider the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. RUSSELL. Mr. President, I desire to offer an amendment to the pending bill and ask that it be printed and lie on the table.

The PRESIDENT pro tempore. Without objection, the amendment will be received, printed, and lie on the table.

LIMITATION OF POWER OF SUPREME COURT TO DECLARE LAWS UNCONSTITUTIONAL

Mr. POPE. Mr. President, I desire to speak briefly in behalf of a bill which I am about to introduce.

Mr. President, May 29, 1787, Edmund Randolph laid before the Constitutional Convention a resolution giving the Supreme Court power to pass upon acts of Congress. The power proposed to be granted was the exercise of a suspensive veto by a committee of the Court, and Congress could override the veto by a vote to be determined by the Convention. The Convention rejected the proposal by a vote of 8 to 3 after full debate, believing it "quite foreign from the nature of offices of judges to make them judges of the policy of public measures." I suspect that the Constitutional Convention prophetically anticipated that an inordinately powerful judiciary would some day make the general welfare of the Union subservient to the palsied hand of out-worn tradition and to the letter which killeth.

In the case of the United States of America against Hoosac Mills Corporation, the Supreme Court interpreted the letter of the Constitution as an unyielding bar to any control of agricultural production by the Government of the United States. The majority said:

> From the accepted doctrine that the United States is a Government of delegated powers, it follows that those not expressly granted, or reasonably to be implied from such as are conferred, are reserved to the States or to the people. * * * The same proposition, otherwise stated, is that powers not granted are prohibited. None to regulate agricultural production is given, and therefore legislation by Congress for that purpose is forbidden.

Mr. President, since the United States ceased to have frontiers, since the phrase "Westward Ho" was dropped from our vocabulary, the agricultural industry, representing some 31,000,000 people, has pleaded for legislation which would give to those who produce our food and raiment the same advantages in production and marketing as are enjoyed by their industrial brethren. The Agricultural Adjustment Act gave them those privileges, and they have now been taken away.

The basic truth of Adam Smith's theories of supply and demand has in no wise been weakened; and it is inconceivable to me that agricultural prices can be improved unless through the coordination of tangible supply with effective demand.

In his eighth annual message to Congress, President George Washington had this to say of agriculture:

> It will not be doubted, that, with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse; and to what object can it be dedicated with greater propriety? Among the means, which have been employed to this end, none have been attended with greater success than the establishment of boards, composed of proper characters, charged with collecting and diffusing information, and enabled by premiums, and small pecuniary aids, to encourage and assist a spirit of discovery and improvement. This species of establishment contributes doubly to the increase of improvement, by stimulating to enterprise and experiment, and by drawing to a common center the results everywhere of individual skill and observation, and spreading them thence over the whole Nation. Experience accordingly has shown, that they are very cheap instruments of immense national benefits.

Nevertheless, the Supreme Court has placed agricultural production beyond the will of Congress. Nature has placed it beyond the power of States. It seems, therefore, appropriate to go to the root of the problem, the judiciary, for a solution.

There are those who would place the halo of sanctity on the pronouncements of the Supreme Court as expositions of basic, fundamental, and eternal truths. If there existed a metaphysical body of eternal law from which decisions could be drawn, I should not for a moment question the decision. The dissent of three able jurists, however, indicates either that no such body of law exists or that our judiciary is not uniformly endowed with psychic power.

I do not for a moment lack in respect for judicial authority, and my knowledge would suffer in comparison with that of the Justices. I am impelled to speak, however, by a statement by Thomas Jefferson in 1820:

> You seem—
>
> Jefferson said—
>
> to consider the Judges as the ultimate arbiters of all constitutional questions—a very dangerous doctrine, indeed, and one which would place us under the despotism of an oligarchy. Our Judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. Their maxim is, "Boni judicis est ampliare jurisdictionem"; and their power is the more dangerous as they are in office for life, and not responsible, as the other functionaries are, to the elective control. The Constitution has erected no such single tribunal, knowing that, to whatever hands confided, with the corruption of time and party, its members would become despots. It has more wisely made all the departments coequal and cosovereign within themselves.

Lest my motives be questioned on the ground of party passion, permit me to recall Abraham Lincoln's comment on another famous case, the Dred Scott decision:

> Judicial decisions are of greater or less authority as precedents according to circumstances. That this should be so accords both with common sense and the customary understanding of the legal profession.
>
> If this important decision had been made by the unanimous concurrence of the Judges, and without any apparent partisan bias,

and in accordance with legal public expectation, and with the steady practice of the departments throughout our history, and had been in no part based on assumed historical facts which are not really true; or, if wanting in some of these, it had been before the Court more than once, and had there been affirmed and reaffirmed through a course of years, it then might be, perhaps, would be, factious, nay even revolutionary, not to acquiesce in it as a precedent.

But when, as is true, we find it wanting in all these claims to the public confidence, it is not resistance, it is not factious, it is not even disrespectful, to treat it as not having yet quite established a settled doctrine for the country.

I do not regard a decision apparently barring all governmental assistance to agriculture as the settled doctrine of the country. Neither do I desire to place this Nation under the absolute rule of nine men, however wise, where rules are grounded in nothing more firm than majority opinion. The people of the United States demanded in overwhelming majority just such an agricultural program as was given them. Two years later they approved it, in my opinion, by an even greater majority.

Mr. HATCH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. POPE. I do.

Mr. HATCH. Not having had the benefit of the Senator's entire remarks, I desire to ask him a question. He has just stated that he did not regard as sound the decision which barred all aid and assistance to agriculture, or words to that effect. Does the Senator from Idaho regard the recent decision as barring all aid and assistance to agriculture by Congress?

Mr. POPE. If one follows the strict language of the Supreme Court which I have already quoted, I think he must come to that conclusion. I will say, however, that certain other language was used by the Court indicating that perhaps a distinction would be made in case of grants upon conditions.

Mr. HATCH. It is not the Senator's opinion, then, that all avenues of aid to agriculture are closed by the decision?

Mr. POPE. I expect later to say something with reference to the bill which is now the unfinished business of the Senate. I shall then point out that I believe there is good reason to think the Supreme Court would not follow the strict language which I think is the heart of its decision, and which I have already quoted, but might make a distinction which would permit the pending bill to be held constitutional.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. POPE. I do.

Mr. KING. I regret to interrupt the Senator, and would not do so had not my friend from New Mexico set the example.

Mr. HATCH. Mr. President, if the Senator will yield just a moment, the Senator from New Mexico does not wish to be charged with setting the example of interrupting Senators.

Mr. KING. It was a good example in this instance.

The Senator from Idaho referred to Abraham Lincoln's condemnation of the Dred Scott decision.

Mr. POPE. Yes.

Mr. KING. I think the Senator must confess that even Presidents may sometimes permit their views, partisan or nonpartisan, to lead them into criticisms that may not be vindicated. I think time has vindicated the decision of Chief Justice Taney. Everybody, I think, who is familiar with constitutional law, concedes that Chief Justice Taney gave a proper interpretation of the Constitution of the United States in that case.

The Senator also referred to the statement by Thomas Jefferson. I do not know anyone who more greatly reveres Thomas Jefferson than myself; and yet Thomas Jefferson upon occasions made statements quite at variance with the one to which the Senator has referred. The Senator will recall that for many years Mr. Jefferson violently criticized Chief Justice Marshall, and we all know that between those two great men there was a very bitter feeling. Mr. Jefferson, with all his statesmanship, his love of liberty, and his announcement of the principles which find expression in the Declaration of Independence, was not always right in his appraisement of judicial questions; and, as stated, upon occasions he made statements at variance with the one to which the Senator referred.

Mr. POPE. I will say to the Senator I have no doubt that Presidents are human, as Justices of the Supreme Court are human; but I submit this language of these two eminent statesmen as being very well reasoned and applicable to the present situation.

Fundamentally, sovereignty is vested in the people of a democracy. I hope such an investiture shall be made a living force in our national affairs rather than a tradition to which lip service occasionally is paid. The House of Representatives, the Senate, and the President are authorized representatives of the American people, and are held responsible to them. It is incongruous, inappropriate, and out of accord with the spirit of our Constitution that their enactments shall be swept aside on the basis of a majority judicial opinion.

The Constitution itself has given Congress power to deal with this situation, and the Supreme Court recognized the congressional prerogative. In the case of *Ex Parte McCardle* (74 U. S. 513), Chief Justice Chase said:

It is quite true * * * that the appellate jurisdiction of this Court is not derived from acts of Congress. It is, strictly speaking, conferred by the Constitution. But it is conferred "with such exceptions and under such regulations as Congress shall make."

The advances of time and the battles of party have gradually undermined procedural democracy. The people of my State, in my opinion, demand a change, and I endeavor to voice their wishes.

I send to the desk a bill which I introduce, and ask unanimous consent to have it printed in the Record following my remarks.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho?

There being no objection, the bill (S. 3912) to amend the Judicial Code was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 215 of the Judicial Code (sec. 321, title 28, U. S. C., 1934 ed.) is hereby amended by adding the following:

"In cases arising under the Constitution or involving the constitutionality of an act of Congress, the concurrence of more than two-thirds of the Justices present shall be required to hold unconstitutional any law enacted by Congress."

PROPOSED REPEAL OF CERTAIN ACTS OF CONGRESS

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read and referred to the Committee on Agriculture and Forestry, as follows:

To the Congress:

I recomend to the Congress the prompt repeal of the act of April 21, 1934, as amended, known as the "Bankhead Cotton Act"; of the act of June 28, 1934, as amended, known as the "Kerr-Smith Tobacco Act"; and of title II of the act of August 24, 1935, known as the "Potato Act of 1935." This recommendation is made because of the termination of the programs of agricultural production adjustment under the act of May 12, 1933, as amended, known as the "Agricultural Adjustment Act", to which the three acts mentioned were auxiliary.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 3, 1936.*

REPORT OF ASSISTANT DIRECTOR GENERAL OF RAILROADS

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read and referred to the Committee on Interstate Commerce, as follows:

To the Congress of the United States:

I transmit herewith for the information of the Congress the annual report of the Assistant Director General of Railroads for the calendar year 1935.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 3, 1936.*

(NOTE.—Report accompanied similar message to the House of Representatives.)

CLAIM OF HOMER BRETT, ESQ.

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

I enclose herewith a report which the Secretary of State has addressed to me in regard to a claim of Homer Brett, Esq., American consul at Rotterdam, Netherlands, for the sum of $116.58, such sum representing the unrecovered amount stolen when, on the night of September 27, 1935, burglars entered the consulate with a false key to the front door and with a powerful tool cut open the back of the safe and abstracted therefrom the iron cash box containing such money.

In view of the fact that the funds were in a locked iron cash box enclosed in a safe provided by the Government, it is apparent that no negligence can properly be imputed to Consul Brett, and, since he made good the loss so occasioned, I recommend that an appropriation in the amount suggested by the Secretary of State be authorized in order to relieve this officer of the Government of the burden such loss has occasioned.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 3, 1936.*

(Enclosures: Report of Secretary of State, with enclosures.)

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations (and withdrawing a nomination), which were referred to the appropriate committees.

(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. ASHURST (for Mr. DIETERICH), from the Committee on the Judiciary, reported favorably the following nominations:

Robert P. Butler, of Connecticut, to be United States attorney, district of Connecticut; and

Mell G. Underwood, of Ohio, to be United States district judge, southern district of Ohio, vice Benson W. Hough, deceased.

Mr. McCARRAN, from the Committee on the Judiciary, reported favorably the nomination of Bernard Fitch, of Connecticut, to be United States marshal for the district of Connecticut.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for appointment in the Regular Army.

He also, from the same committee, reported favorably the nomination of Maj. Gen. Dudley Jackson Hard, Ohio National Guard, to be major general, National Guard of the United States.

He also, from the same committee, reported favorably the following nominations:

Brig. Gen. Henry Gibbins, assistant to the Quartermaster General, to be Quartermaster General, with the rank of major general, for a period of 4 years from date of acceptance, with rank from April 1, 1936, vice Maj. Gen. Louis H. Bash, Quartermaster General, to be retired March 31, 1936;

Col. Frederick Wegener Boschen, Finance Department, to be Chief of Finance, with the rank of major general, for a period of 4 years from date of acceptance, with rank from April 23, 1936, vice Maj. Gen. Frederick W. Coleman, Chief of Finance, whose term of office expires April 22, 1936; and

Col. Augustus Bennett Warfield, Quartermaster Corps, to be assistant to the Quartermaster General, with the rank of brigadier general, for a period of 4 years from date of acceptance, vice Brig. Gen. Henry Gibbins, assistant to the Quartermaster General, nominated for appointment as Quartermaster General.

The PRESIDENT pro tempore. The reports will be placed on the calendar.

If there are no further reports of committees, the calendar is in order.

THE JUDICIARY

The legislative clerk read the name of Gustav Peck, of New York, to be a member of the Prisons Industries Reorganization Board.

Mr. COPELAND. Mr. President, on Friday I asked that this nomination and the next one go over. I am very happy to recommend now that the nominations be confirmed. These appointees are splendid men, and I think their nominations should be confirmed.

The PRESIDENT pro tempore. Without objection, the nomination just read is confirmed.

The legislative clerk read the nomination of James P. Davis, of New York, to be a member of the Prisons' Industries Reorganization Board.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

EUGENE C. JONES

The legislative clerk read the nomination of Eugene C. Jones to be postmaster at North, S. C.

Mr. McKELLAR. Mr. President, at the request of one of the Senators from South Carolina I ask that this nomination go over.

The PRESIDENT pro tempore. Without objection, the nomination will be passed over.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Cornelius Van H. Engert, of California, to act as Minister Resident and consul general of the United States of America to Ethiopia.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of H. Earle Russell, of Michigan, to be secretary in the Diplomatic Service of the United States of America.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Henry S. Villard, of New York, to be secretary in the Diplomatic Service of the United States of America.

Mr. COPELAND. Mr. President, I understand that Mr. Villard, who is accredited to New York, is a career man, and therefore I shall not interpose objection. I say this because whenever an appointment of a man from New York comes before us I take rather seriously my constitutional obligation that the appointment must be in line with the advice of the Senate, and I take it that as to the appointment of men who come from the State of New York my colleague and I must in some way convey to the Senate our wishes and desires regarding the appointment, because we are theoretically better informed to pass upon them than are other Senators. Having made that statement, I wish to say that, Mr. Villard being a career man, I have no objection to the confirmation of his nomination.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. Mr. President, I ask that the nominations of postmasters be confirmed en bloc.

Mr. NORRIS. Mr. President, before that request is granted, I should like to see a list of the nominees.

Mr. McKELLAR. There are three from Nebraska.

Mr. NORRIS. I ask that the nomination of the postmaster at Cody, Nebr., be not included in the request for unanimous consent.

Mr. McKELLAR. I omit that nomination and ask that the others be confirmed en bloc.

Mr. NORRIS. I ask that the appointment of the postmaster at Cody, Nebr., go over.

The PRESIDENT pro tempore. Without objection, the nomination for postmaster at Cody, Nebr., will be passed over, and, without objection, all the other nominations of postmasters are confirmed en bloc.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 1 o'clock and 40 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, February 4, 1936, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 3 (legislative day of Jan. 16), 1936

RESETTLEMENT ADMINISTRATION

The following-named persons to be regional directors of the Resettlement Administration:

Robert W. Hudgens, of South Carolina, vice Philip Weltner.

Lillo H. Hauter, of New Mexico.

Jonathan Garst, of California.

CENTRAL STATISTICAL BOARD

Stuart A. Rice, of Pennsylvania, to be Chairman of the Central Statistical Board.

UNITED STATES DISTRICT JUDGE

Matthew T. Abruzzo, of New York, to be United States district judge for the eastern district of New York, under authority granted by Public, No. 385, an act to provide for the appointment of an additional district judge in the United States District Court for the Eastern District of New York, approved August 28, 1935.

ATTORNEY GENERAL OF PUERTO RICO

Benigno Fernandez Garcia, of Puerto Rico, to be attorney general of Puerto Rico. (Mr. Garcia is now serving under a recess appointment.)

APPOINTMENT IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenant with rank from date of appointment

First Lt. Oscar Samuel Reeder, Medical Corps Reserve.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Maj. Joseph William George Stephens, Infantry, with rank from March 22, 1928.

Capt. John Orn Roady, Infantry, with rank from January 22, 1929.

Capt. William Edward Smith, Infantry, with rank from January 11, 1933.

TO CORPS OF ENGINEERS

First Lt. Cyrus Lawrence Peterson, Coast Artillery Corps, with rank from August 1, 1935.

Second Lt. Charles Warren Schnabel, Cavalry, with rank from June 12, 1934.

TO CAVALRY

Maj. Edwin Eugene Schwien, Infantry, with rank from March 9, 1929.

TO COAST ARTILLERY CORPS

Second Lt. Charles John Bondley, Jr., Infantry, with rank from June 12, 1934, effective June 12, 1936.

TO INFANTRY

First Lt. Andrew Mark Wright, Jr., Signal Corps, with rank from August 1, 1935.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 3 (legislative day of Jan. 16), 1936

PRISONS INDUSTRIES REORGANIZATION BOARD

Gustav Peck to be a member of the Prisons Industries Reorganization Board.

James P. Davis to be a member of the Prisons Industries Reorganization Board.

DIPLOMATIC AND FOREIGN SERVICE

Cornelius Van H. Engert to act as minister resident and consul general of the United States of America to Ethiopia.

E. Earle Russell to be a secretary in the Diplomatic Service of the United States of America.

Henry S. Villard to be a secretary in the Diplomatic Service of the United States of America.

POSTMASTERS

COLORADO

Lloyd W. Failing, Craig.
Mae L. Sharpe, Gilman.
Ira O. Martin, Keenesburg.

MISSOURI

William H. Kendrick, La Belle.

MONTANA

Stephen Nuerenberg, Missoula.

NEBRASKA

Henry C. Paquin, Dakota City.
Edna M. Miner, Ericson.

NEW YORK

Francis D. Lynch, Stony Point.

NORTH DAKOTA

Mary M. Held, Beulah.
Janette O. Gray, Wilton.

RHODE ISLAND

Edgar J. Peloquin, Manville.

UTAH

William L. Sargent, Coalville.

VERMONT

James J. Ransehousen, Bridgewater.

WITHDRAWAL

Executive nomination withdrawn from the Senate February 3 (legislative day of Jan. 16), 1936

POSTMASTER

NORTH DAKOTA

Florence M. Law to be postmaster at Halliday, in the State of North Dakota.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 3, 1936

The House met at 12 o'clock noon.

Rabbi Edward Sandrow, of the Ahavai Sholom Congregation, Portland, Oreg., offered the following prayer:

Almighty God, Father of all men regardless of race, color, or creed, we invoke Thy blessing upon this assemblage of American leaders, the Representatives of the masses of people of our beloved country. Inspire, we pray Thee, these men and women to the realization that in spite of economic turbulence, in spite of national and international uncertainty, America, if it has faith in its past, if it clings to those lofty principles of liberty, tolerance, and democracy upon which this Nation was founded; if it stands united, wholeheartedly firm and cooperative, as did the fathers of this Nation when they laid down their lives for political liberty and freedom of conscience; if it has hope, if it has

an unflinching divine hope in its future, then all the difficulties, all those depressing moments through which our country has gone in the last few years will vanish from the heart and from the soul of the American people. Give these men and women of the Congress, O Eternal, the strength of character and the sturdiness of will to keep from our free shores the spirit of religious prejudice, of racial animosity, of ill-will and misunderstanding so common in other parts of the world but so alien to America. Make them continue to appreciate America, to admire its hills and its valleys, to love its songs and the beauty of its spirit—not with arrogant chauvinism but with humility and respect—so that all people of this Nation may climb from this time and forever to greater spiritual heights and physical achievement, so that these United States may always be the home of the free, the towering edifice of all that is noble in life, and the people of this country may achieve the happiness and the security which so concerns this Congress. May this be Thy will, O God, and let us say, Amen.

The Journal of the proceedings of Friday, January 31, 1936, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries.

THE MARINE BAND

Mr. VINSON of Georgia. Mr. Speaker, at the direction of the Committee on Naval Affairs I present a privileged report on House Resolution 407, which I send to the desk and ask to have read. I ask unanimous consent that the resolution, the report, and the letter of The Assistant Secretary of the Navy be read.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

House Resolution 407

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the House of Representatives forthwith by whose direction, order, or command, and upon what or whose authority the United States Marine Band canceled its engagement to render a musical program at the meeting of the Women's Patriotic Conference on National Defense held at the Mayflower Hotel in the city of Washington, January 28, 1936, and to furnish the House of Representatives with a copy of such direction, order, or command.

ADVERSE REPORT (TO ACCOMPANY H. RES. 407)

The Committee on Naval Affairs, to whom was referred the resolution (H. Res. 407) that the Secretary of the Navy be, and he is hereby, directed to inform the House of Representatives by whose direction, order, or command the United States Marine Band canceled its engagement to render a musical program at the Women's Patriotic Conference on National Defense held at the Mayflower Hotel in the city of Washington, January 28, 1936, and to furnish the House of Representatives with a copy of such direction, order, or command, having had the same under consideration, report it back to the House and recommend that the resolution do not pass.

The action of the committee is based upon the following letter to the chairman of the committee from the Secretary of the Navy:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, February 1, 1936.

Hon. CARL VINSON,
Chairman, Committee on Naval Affairs,
House of Representatives, Washington, D. C.:

MY DEAR MR. CHAIRMAN: I have your letter of January 30, 1936, with which you transmit House Resolution 407, and request the views and recommendations of the Navy Department.

The subject resolution directs the Secretary of the Navy to inform the House of Representatives by whose direction, order, or command the United States Marine Band canceled its engagement to render a musical program at the meeting of the Women's Patriotic Conference on National Defense, held at the Mayflower Hotel in Washington on January 28, 1936, and to furnish a copy of such direction, order, or command.

A section of the United States Marine Band canceled its engagement to play at a banquet given by the Women's Patriotic Conference on National Defense on Tuesday evening January 28, 1936, by direction of The Assistant Secretary of the Navy, who transmitted his directive to the Assistant Commandant of the Marine Corps, General Little, who further transmitted this order to the leader of the Marine Band, Capt. Taylor Branson, through the commanding officer of the Marine Barracks, Washington, D. C.

All orders were transmitted verbally, and there is no record of any written direction, order, or command.

The above is the full information desired by the resolution, and in order that it may be fully understood the following is submitted: On December 10, 1935, the Navy Department granted the request of Mrs. Mary Logan Tucker for a section of the Marine Band to furnish music at the banquet of the Women's Patriotic Conference on National Defense to be given on January 28, 1936.

This was done in accordance with the established policy of long standing, by which the band is permitted to play to patriotic gatherings of national import.

On the opening day of the conference, Monday, January 27, 1936, the leading address was made, which was political in character, and on account of the political color given to the conference by this speech it appeared improper that the personnel of the Navy and Marine Corps should participate under orders or official sanction. Accordingly the above directive was issued.

There is no objection on the part of the Navy Department to the enactment of the subject resolution.

Sincerely yours,

H. L. ROOSEVELT,
Acting Secretary of the Navy.

Mr. VINSON of Georgia. Mr. Speaker, in view of the fact that the information has been furnished to the House, I move that the resolution be laid on the table.

The motion was agreed to.

SOCIALISM, COMMUNISM, AND DEMOCRACY

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Is there objection?

There was no objection.

Mr. ZIONCHECK. Mr. Speaker, we have been hearing a great deal about socialism, communism, and democracy. William Randolph Hearst has found that America has gone communistic and Al Smith thinks that we are nearly there. In the speeches and writings, most of the charges made relative to socialism and communism in the United States have been coupled up with charges against the President of the United States and the New Deal as being an instrument of socialism and communism. In view of these charges, it seems about time we should take a look at the record.

In 1933, on March 4, when President Roosevelt took office, the banks of the United States were bankrupt. Seven thousand banks had closed their doors within a period of 2 years. The President found himself in a position of allowing the banks to continue closing their doors and allowing the depositors to lose their money by the closing, or by closing down the entire banking structure and, with Government assistance, put them in order. This latter action he took. After the Government had investigated the banks, taken their collateral and put them on their feet, he returned them to the private owners. Is this socialism?

The railroads were unable to meet payments of interest on bonds and other indebtedness. Through the Reconstruction Finance Corporation hundreds of millions were loaned to the railroads that they might continue their operations under private ownership. Is this socialism? The insurance companies and savings and loan associations throughout the United States were in a position where under no circumstance could they be liquid. The President of the United States organized the Home Owners' Loan Corporation and the farm-loan banks, took up their collateral and mortgages that they held upon homes and farms, many of which were far greater than the value of the properties on which the Government took mortgages. In this manner the insurance companies and savings and loan associations became liquid institutions and were retained not by the Government but by the private ownership that existed prior to the enactment of these laws. Is this socialism?

The heavy industries of the Nation were unable to pay dividends upon their stocks or bonds and were unable to maintain employment or keep the industries operating for the lack of business. The building industry had dropped to approximately 16 percent of the 1926 level. All of these industries were strictly up against it and crying for Government interference. Our President and Congress, at the urgent request of the National Chamber of Commerce, created the N. R. A. and the A. A. A. The N. R. A. allowed them to set their prices and practically nullify the antitrust laws, so that they might receive greater profits. He added to this the Public Works Administration and the spending of billions of dollars, most of which went into the purchase of the

goods produced by the heavy industries. These industries are still in the hands of private owners and not bankrupt only because of this help of our President and the Congress. Is this socialism?

Seven million farmers of the United States, the producers of the most valuable commodities for the good of mankind, were in poverty and despair. Millions of acres of land had been foreclosed upon by the insurance companies. Many more were on the verge of bankruptcy. Our President and Congress instituted the A. A. A., an act subsidizing the farmers and raising the price levels of the farmers' goods by bringing about a restricted crop production program, this to insure profits to the farmers and to maintain the private ownership of farms and farm goods, even though 20,000,000 people were on relief and in need of the things which were destroyed—or, rather, not produced—under this program. Is this socialism?

The public power program of the President has been often referred to as one of his most socialistic attempts. Hundreds of cities and towns in the United States today own and operate power and light systems. More and more of them are going into the business of public ownership and operation of power and light each year. This program has been instituted by officials of cities and towns throughout the United States over a period of years, and the President is only following the lead of other officials in recognizing the right of the public ownership of power, light, and water.

The charges made by Al Smith in his speech in Washington a few days ago that the Democratic Party and the New Deal had taken over the Socialist Party platform substantiate the statement of Al Smith that he never reads anything. Somebody must have told him that the New Deal had accepted the Socialist Party platform. Had he read it, he would have found that there was no comparison whatever between the New Deal and Socialist platform.

Now, let us compare the Socialist platform of 1932 with the Democratic platform of 1932, then with the enactments since March 4, 1933. What do we find. The Socialist platform of 1932 advocated the socialization of mines, forests, oil, power, transportation, and all basic industries. These resources and industries are still in the hands of private owners.

The Socialist platform demanded Government ownership and operation of the credit currency system. The banks are still in private hands.

The Socialist platform demanded the immediate expenditure of $5,000,000,000 for public works, especially for rehousing. This administration has done very little in the rehousing program.

The Socialist platform demanded the 6-hour day and the 5-day week, without wage reductions. The Black bill is still in the hands of a committee of the House.

The Socialist platform demanded drastic reduction of armaments. This administration is spending a billion dollars or more a year on armaments.

The Socialist platform demanded that the Government put the unemployed to work producing their own homes, fuel, food, and clothing on a basis of production for use. The F. E. R. A. timidly started such a program and stopped it shortly thereafter.

There are several other planks of the Socialist Party in which the New Deal has in no way taken any part. This is definite proof that these reactionary hirelings of the Liberty League not only are telling nontruths, but have no understanding of the things about which they talk.

Going through Al Smith's speech and reading Mr. William Randolph Hearst's newspapers, we find only two things that either one has ever suggested to bring about a decent economic and social order from the position of chaos in which we find ourselves. Communism in this country amounts to simply nothing. The Communist Party itself admits a membership of less than 30,000. So, the only thing in their opinion then to bring about the necessary recovery to the American people must be the balancing of the Budget.

I don't know but what it might be a very good idea if we did attempt to balance the Budget for these gentlemen. Perhaps they would want to do it in a different manner from what we might suggest. First of all, in balancing the Budget we should call in all Government bonds, issue currency against them, and stop the interest of approximately one billion dollars a year. This would be a step toward the balancing of the Budget.

The best step would be to call in all the loans due the Government by 6,000 banks, sell back to the banks $1,000,000,000 in preferred stock, which the Government now holds; demand immediate payment in full of the debt of over four hundred million owing the United States Government by the railroads of this Nation; demand that the mortgage companies repay the $131,000,000 they owe the Government; $8,000,000 to be repaid immediately by the building-and-loan associations; $11,000,000 owing this Government by insurance companies; sell back to the insurance companies their $31,000,000 worth of preferred stock which the Government now holds. By recalling these loans the Government would realize over $2,000,000,000. Stop the C. C. C.'s and return to the streets of America 550,000 youths; stop the public-works projects, especially those in which 60 percent of the funds expended are expended in the purchase of materials from the heavy industries; stop the Federal Government emergency relief program and throw 22,000,000 American people onto the streets without homes, food, or clothing. Reduce the expenditure of the armed forces of the United States to $25,000,000 a year, saving the Government of the United States approximately $975,000,000 each year.

If this were done tomorrow these gentlemen who are now formed into the united front of reaction, opposing the President of the United States would within 30 days again be on their knees before the Treasury of the United States begging for assistance, providing the pauperized and destitute people would allow themselves to be starved for 30 days.

Those people, whom President Roosevelt has tried to save—this system which President Roosevelt has and is trying to patch up and save—has in it, in my opinion, the greatest number of backbiters ever known in political history. They should be reminded of a song popular during the World War known as "Don't Bite the Hand That's Feeding You."

The American Liberty League, the Manufacturers' Association, the American Bankers' Association, the Economy League, and those reactionary Democratic puppets of the wealthy, with William Randolph Hearst as their newspaper spokesman, will find that every attack made upon the President of the United States in charging him with communism and socialism will only strengthen him and weaken them. In my State the people have felt that the President has not gone far enough to the left; that he had lost some ground in that State, I believe to be true, but at the present time with the present line-up, with these forces of reaction opposed to the President, I am absolutely positive that he will carry the State of Washington in 1936.

For myself, I hope these attacks will continue, for if they do, in 1936 the line of demarcation between the candidates sponsored by these "gentlemen" and "gentlemen's" organizations and the candidacy of President Roosevelt, be so definite that on the side of this group we will have a pronounced program of reaction. Our President will then have a platform drawn by the Democratic Party, a platform of liberalization that we may fight the battle out on that ground.

They will be doing a favor to the Democratic Party by compelling the reactionary Democrats to take a "walk" right into the party of special interests and privileges, the Republican Party, and at the same time give a real inducement to the progressive and forward-looking of the Republican Party to "walk" out and join the revised party of the people, the Democratic Party of 1936. Incidentally, they are rendering a real service to our President, who asked the reactionary Democrats to leave the Democratic Party and join the Republican Party and for all the progressives of the Republican Party and other parties to join the

Democratic Party. This was in his speech accepting his nomination in 1932.

Of all the newspapers in the United States that should be chosen to represent the policies of this reactionary group—the united front of reaction—William Randolph Hearst certainly should have been their choice, because of the fact that this gentleman, through his newpapers, will print anything, regardless of the truth.

As an example of this, in a recent article printed in the Washington Herald (Thursday, Jan. 30, 1936) I was quoted as having said:

ZIONCHECK "DISGUSTED"

Democratic Senators, of course, praised it. Republican Members remained silent, watching the widening rift between New Deal and Constitutional Democrats. Some of the comment:

Representative ZIONCHECK (D.), of Washington:

"I was disgusted with his apologies about the Roosevelt administration. We who believe in true socialism don't want Roosevelt ranked with us."

This statement I did not make and would not make.

In the Seattle Post-Intelligencer, a Hearst newspaper, an article was published on the vote of overriding the President's veto on the bonus. The article was headlined "All Washington Senators and Congressmen Voted for the Bonus, Except ZIONCHECK." This is a distortion of the facts, because I did vote for the bonus every time it has come before the Congress of the United States. I have twice signed a petition to take it away from the committees. I only state this to show how Mr. Hearst and his newspapers will put into print those things so that they may cause prejudice against the people to whom he is opposed.

Before closing, I may say that I believe in the last few weeks these attacks by these reactionary groups upon the President of the United States and Congress with the assistance of William Randolph Hearst, have assured the reelection of Franklin D. Roosevelt in 1936.

SUBCOMMITTEE OF THE COMMITTEE ON LABOR—LEAVE TO SIT DURING SESSIONS OF THE HOUSE

Mr. CONNERY. Mr. Speaker, I ask unanimous consent that a subcommittee of the Committee on Labor considering the Ellenbogen bill, the textile bill, be permitted to sit during the sessions of the House during this week.

The SPEAKER. Is there objection?

There was no objection.

DISNEY OIL IMPORT BILL—H. R. 10483—DIRECTLY AFFECTS KANSAS AS WELL AS THE INDUSTRIAL STATES

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Speaker, Kansas will profit by millions of dollars if Congress passes the bill proposed by Congressman DISNEY, of Oklahoma, whose intent is to open to the domestic petroleum industry some of the most valuable markets in this country which are now held by the foreign branch of that industry.

Kansas last year received over $50,000,000 for the crude oil produced in the State. In addition to this is the amount paid to farmers for leases and royalties, making petroleum one of the most important crops on Kansas farms. These receipts by Kansans will be greatly increased if the importers of cheap foreign oil are compelled to pay a proper excise tax, and if the amount of this oil which enters into such direct competition with the domestic product were limited to some definite proportion of the national consumptive demand as is done in the new Disney oil import bill.

The oil industry is the second largest in Kansas, according to data compiled by Charles W. Steiger, attorney for the State corporation commission. Agriculture alone surpasses the oil industry in its annual contribution to the wealth of the State. There are over 100 recognized pools in 35 counties in Kansas. Nearly 20 new pools were discovered last year in areas which had not previously been productive. Old wells which were yielding small quantities of petroleum have recently been deepened to a new and lower sand and suggests the possibility of discovery of large production beneath the present depths of other old fields. So many important oil discoveries were made during the past year in Kansas that newspapers have commented upon these as ceasing to be sensational news. The increase in wildcatting and field development suggests that this State may expect to see its petroleum industry make enormous contributions to the future prosperity of the State.

If foreign oil is permitted to control our domestic markets, the development of the petroleum industry in this State cannot advance. There would be no point in drilling deeper wells or opening new fields and pools unless there is a market for the petroleum and the petroleum products produced.

The biggest single crop, with the possible exception of wheat, that Kansas farms can produce is oil. The only steady and reliable source of income which many Kansas farmers possess has been the money for oil leases and for oil royalties. These have paid the taxes and furnished ready cash on countless numbers of Kansas farms. Many of these leases have not been developed. The untapped oil resources of the State will become reservoirs of wealth when the petroleum industry in Kansas can have what it has never possessed in the past, assurance that the market for its oil products will not be ruined by imported oil and that the Kansas oil industry will not be forced to sell this valuable product at less than its value because of the competition offered by the cheap imported product.

Kansas relies, to a large degree, upon the public revenue received from the various State taxes levied upon the petroleum industry. None of these taxes apply to the products of the foreign oil with the single exception of the sales tax paid by the consumer at the filling stations. Even more than the State, however, the business interests of Kansas are dependent upon the millions of dollars received from the production of crude oil and from the sale of the refined products of that oil.

As the millions of barrels of Kansas oil are shipped from this State into another State, millions of dollars worth of products are brought back into Kansas from the industrial States of the Union. Our purchasing power is derived from the oil industry more than from any other source with the sole exception of agriculture.

We can increase our purchasing power only as our markets are increased. If foreign petroleum is permitted to take the markets which might otherwise be supplied by domestic oil, including that from Kansas, then our industry and our employment are decreased by just that amount. On the other hand, if we place upon the importation of foreign oil the same character of restrictions which we in Kansas are placing upon the production of our own petroleum, and thus stabilize the markets and balance supply with demand, then the oil industry in Kansas will have a larger opportunity, the people of Kansas will have a greater consuming power, and a strong stimulus will be given to the general recovery program throughout the Nation. Kansas, therefore, considers this Disney bill as one of the most important measures pending before Congress which so directly affects the well-being of the entire State.

As the domestic market for Kansas oil is enlarged, the market in Kansas for the goods of the industrial States is also enlarged, and the prosperity of Kansas increases the prosperity of the whole Nation.

HEALTH OF QUEENS COUNTY, NEW YORK STATE

Mr. MERRITT of New York. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. MERRITT of New York. Mr. Speaker, I think it is about time that we cast aside partisanship and proceed to think about our health. In that respect I call the attention of the House to the fact that the county in which I reside, Queens County, in the State of New York, was again adjudged the healthiest county in the United States, the second year in succession.

The United States Public Health Service has announced that New York's Queens County, the borough of homes and apartment houses, had the lowest death rate in the Nation,

In 1935 the death rate was 6.4 per 1,000 estimated population; the rate is even better than in 1934, when Queens County had the same distinction of being the healthiest place in the United States, when it was 6.5 per 1,000 estimated population.

Doctors pointed out that my county had all the requirements for good health, such as sanitation, garbage disposal, milk inspection, numerous hospitals, and a great many eminent physicians.

I recommend to those seeking a long healthful life a residence within the confines of this great and fastest growing county, the garden spot of the Nation, Queens County, N. Y.

WORK ON WORK-RELIEF PROJECTS

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, just how much longer is the Congress of the United States going to stand for an un-American, inexcusable, intolerable situation? I refer to the ruling of Harry Hopkins, Works Progress Administrator, that no man may be given work by the Government who was not on relief November 1, 1935. That ruling is ridiculous. That ruling is inexcusable. That ruling is un-American. It is intolerable. And this Congress should change it.

Many Americans, Mr. Speaker, through no fault of their own, were compelled to accept relief from the Government. For them every American had deep sympathy and understanding.

But at the same time there were thousands of splendid Americans everywhere in dire distress, who in order to keep off of relief, sacrificed and stinted and denied themselves and even starved. They and their wives and children wore shabby clothes. They denied themselves the ordinary pleasures of life. They ate cheap food and not enough of that. They even went hungry. They kept off of relief, but now they have their backs to the wall, and must have work. And when they ask for work, they are denied it because Harry Hopkins says their Government cannot give them work unless they were on relief November 1, 1935. Is Harry Hopkins running this Government? Is he bigger than this Congress? Is he supreme?

When this Congress appropriated $4,800,000,000 and gave it to the President to provide work for the unemployed, not one of the 435 Members of this House ever dreamed that a cruel, unjust, inexcusable discrimination would be made against worthy, deserving Americans. Every Member here thought that all needy Americans would be treated alike. We never dreamed of injustice. We never dreamed that proud, worthy Americans would be penalized because they had sacrificed everything to avoid accepting support from their Government. If Congress had known that Harry Hopkins would make unjust discriminations, it would never have furnished this stupendous sum of money.

Our worthy needy constituents not on relief are just as important to us, and are just as much entitled to be employed on this Government work, as are those who have been on relief. There should be no distinction. This Congress should direct Harry Hopkins to stop penalizing them unjustly.

I realize full well that after Congress appropriates the money the President then administers it through Harry Hopkins and his other agents, whom the President himself selects, and to keep the matter out of politics the President handles the matters of relief and public works through county officials, and that Congressmen have nothing whatever to do with such administration. But when Harry Hopkins and the county officials are showing unfair discrimination, and our worthy constituents are not all treated justly and alike, this Congress should stop it, and force fair and just treatment to all alike. I insist that this Congress should order Harry Hopkins to immediately rescind this intolerable ruling. It is outrageous. [Applause.]

I have protested and protested. Now, we are providing for a manufacturers' census. Thousands of employees are to be given jobs all over the United States. I have numerous requests from good men and women who are deserving, who are honest, who are worthy, who need them and want these jobs. Yet Mr. Hopkins sits down here in his office in Washington and says that no person shall be employed to take that census unless he has been on the dole.

[Here the gavel fell.]

Mr. BLANTON. Mr. Speaker, I ask unanimous consent also to incorporate a statement made by my colleague, Mr. MARTIN DIES, appearing in yesterday's press.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Speaker, much of the distress now suffered by our unemployed American citizens is due to the fact that there are millions of aliens from foreign countries within our borders holding American jobs that only American citizens should hold. For years I have been fighting for proper restriction laws to have them registered, to keep them out, and to deport all aliens. The United States is the only country in the world that will allow aliens to be employed when its own citizens are without jobs and cannot get work.

The article I referred to, so ably written by my distinguished colleague from Texas [Mr. DIES], expresses the sentiments I have many times expressed from this floor, and I am glad to have consent to now quote it, to wit:

[From the Washington Herald of Feb. 2, 1936]

SIX MILLION ALIENS THRIVE IN NATION AT EXPENSE OF UNITED STATES JOBLESS, SAYS DIES—NONCITIZENS SEND 100 MILLION DOLLARS YEARLY TO HOMELANDS, CONGRESSMAN CHARGES, URGING DEPORTATION

By MARTIN DIES, Congressman from Texas

Eight million employable Americans now are out of work. Meanwhile there are 8,000,000 aliens in the United States. As a people we are supporting—in jobs or on the dole—8,000,000 foreign citizens, while furnishing relief to a like number of our own citizens and their dependents.

Of this gigantic alien population—meaning foreigners resident here, who are not citizens—it is estimated that approximately three and one-half million are in this country illegally.

Of our 8,000,000 alien residents, it is estimated further, one and a half million are on relief.

We pay out $50,000,000 a year to provide medical attention alone for these aliens on relief. We pay $25,000,000 annually to educate their children.

As a whole, these 1,500,000 aliens actually on relief are costing our Government about half a billion dollars a year. This sum is equivalent to a weekly contribution of 25 cents by every wage-earner in the United States.

They have not given up their native citizenship. They recognize no allegiance to this Nation and when they have enriched themselves sufficiently in jobs which should be reserved for our own citizens, they plan to live a life of comfort—on our dollars—in their native lands.

SENDING MILLIONS TO HOMELANDS

While millions of Americans have been forced to accept the dole and other millions have been taxed to pay it, aliens holding jobs here have been sending $100,000,000 annually in savings to various homelands.

There you have epitomized briefly some main essentials of a grave problem which confronts us all. And it is a problem which is little understood.

Indeed, it is seldom discussed; primarily because the basic facts of this situation are not generally recognized or even known.

For 6 years I have been studying the effect of this group of 8,000,000 aliens upon America. I have read everything available, searched out facts in all competent sources, and I have traveled thousands of miles, studying the effect of these aliens upon our economic, social, and political life.

My files on the subject are the most complete in the country. I am opening them for the first time in the preparation of this series of articles in order that Americans may understand a condition which no other nation would countenance for a moment.

As a prelude it should be made clear that "alien" does not mean foreign born. In this country there are 16,000,000 persons who were born abroad. Alien means those of that number who were born abroad of foreign parents and who reside in this country but have not been naturalized.

If we thought that an invading army of 8,000,000 alien persons was about to invade our shores we would resist to the last gasp.

But such an invasion has occurred in the last quarter century. And we did nothing about it. We knew relatively nothing about it. Even now we do not take the trouble to find out just how big this army is. Research in many places was necessary before it was possible to arrive at the figures given, and which I believe to be absolute minimum figures.

One section of this study shows that some 6,000,000 citizens of other countries today are holding American jobs.

"Brain trusters" and other experts are spending billions of American dollars trying to solve the problem of unemployment. This large alien population is the basic cause of unemployment.

An act of Congress forbidding aliens to work while American citizens are unemployed would do more toward putting our citizens back at work than most of the money being spent upon experiments.

A second act providing for deportation of destitute aliens, instead of giving them relief, then would very largely solve our unemployment troubles.

Some other phases of this alien problem which stand out stark and clear from my studies are:

1. The crime rate among aliens is double that of the rest of the population.

And yet our laws are so lax and their administration so liberal that relatively very few of these foreign criminals are deported, while the influx of alien criminals continues.

2. To say that 6,000,000 aliens have taken Americans' jobs tells but a part of the story, possibly the smaller part. They have "imported" the pauper labor conditions of their homelands into this country. Their competition beats down prevailing wage rates, thus tending generally to lower the American workers' standards of living. In the mass, the effect of this is literally incalculable; but every area in which there are large alien groups proves this point.

3. Aliens form the backbone of communism and fascism in this country.

Yet aliens still are pouring into the United States; and the policies of the Department of Labor make the situation worse, rather than better.

Communism, fascism, Hitlerism, and many other "isms" which are un-American both in conception and principle have been "imported" also, along with the hordes we admit through our open door.

WOULD DEPORT ALIEN DESTITUTE

The underlying political principle of all these "isms", regardless of their viewpoint regarding private property, was expressed by Mussolini when he said:

"Everything for the state, nothing outside the state, nothing against the state."

This political philosophy is diametrically opposed to the principles of the American system of government, and the two cannot survive side by side.

Nevertheless, these "isms" are being forced upon us by these same alien groups which are so largely responsible for our unemployment problem. For proof you have but to look at the persons attending Communist parades and meetings, or consider those advocating radicalism and pacifism in our schools. Wherever these foreign concepts are found there you find aliens.

4. These alien-minded groups want to bring Europe to America—in alien standards and alien ideas. They also want to send America to Europe.

It is from such as these that there arises a considerable proportion of the propaganda and pressure for our entrance into entangling alliances which would involve us in European affairs, at a time when Europe is gathering itself for another suicidal war. Each group wants us to champion the cause of its particular nationality, in Europe's age-old quarrels. It means nothing to them that the founding fathers came to these shores to escape that very thing.

The last war proved almost disastrous to us, and brought about many of the evils from which we are now suffering.

But many of these alien groups are convinced that if they can bring about our participation in another world war, that may bring about the end of free government in the United States.

Thus, they believe, the way would be cleared for their type of "ism", of whatever kind; but in any event, some form of political or economic dictatorship.

These are facts which challenge every American citizen.

PERMISSION TO ADDRESS THE HOUSE

Mr. MAPES. Mr. Speaker, on behalf of the gentleman from Massachusetts [Mr. TREADWAY], I ask unanimous consent that he may have 15 minutes in which to address the House immediately after the reading of the Journal and disposition of matters on the Speaker's table tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE RASH OF TOWNSENDITIS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to insert in the RECORD an address which I delivered over the National Broadcasting System in opposition to the Townsend plan.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I include my address in opposition to Mr. Gomer Smith, vice chairman of the Townsend movement, Thursday evening, January 23, 1936, in the Town Hall Meeting of the Air over station WJZ and the National Broadcasting Co. chain, as follows:

Mr. Chairman, ladies, and gentlemen, you have listened attentively to Mr. Gomer Smith. He deplores the "pension" of $10,000 a year Congressmen get. What an outrageous statement to make. A salary is not a pension. Even so, my adversary wanted that $10,000 a year. He ran for the Senate and was defeated. I suppose it is a case of sour grapes. After hearing him I am more than ever opposed to the so-called old-age pension revolving plan.

He, like Townsend, apparently does not believe in the principles of economics. That is readily discernible from his remarks tonight. In fact, not a single economist supports him. In his testimony before the Ways and Means Committee of the House (p. 751 of the Hearings, Jan. 21 to Feb. 12, 1935), the good doctor in part said: "* * * What are economists? On what do they base their conclusions? On precedent, do they not? Gentlemen, we have arrived at an unprecedented age. * * * This new age is presenting new problems. Economists do not know anything more about that than you or I; not in the least, * * *."

However, I warn the good doctor, whether he will it or no, his nostrum will have to be tested in the crucible of economics to determine its soundness before it be taken into the body politic. All economists agree that it is a pseudo remedy, filled with poisons that would increase the maladies of unemployment and distress.

Doubtlessly were we not subject to such national economic suffering the mere suggestion of a Townsend plan could make no headway; but in times of stress, we have and always will have a "technocracy", a Huey Long share-the-wealth plan, a Sinclair E. P. I. C.—now it is the rash of Townsenditis. It is, as it were, what the storm blew in.

Dr. Townsend has the edge on all the other so-called redeemers. They offer usually an abstract, complicated program. Dr. Townsend goes them one better. He offers something concrete—$200 per month. Any simpleton can understand that. Who would refuse $200 per month? He and his followers keep hammering that idea on the anvil of the Nation's suffering. Only the so-called benefits of the plan are stressed. Little or nothing is said of the method of raising yearly the vast sum of twenty billions required.

The Townsendite already has visions of buying automobiles, radios and new houses, and all the medical care he may need. The Townsend Weekly is filled with ads recommending cures for rheumatism, neuritis,, deafness. He will travel—Daytona Beach Townsendites already were on the job handing out leaflets, ready to cash in on the pension to come. The $200 per month is no longer a vision; it is a fact.

In San Diego I am informed, when a Townsend pension bill was before the California Legislature, hosts of elderly people tried to buy automobiles and radios on the credit basis of $200 they daily expected to find in their mail. (For shame, Dr. Townsend, is it not cruel thus to deceive these poor hapless souls!) These old people should and must be disillusionized. It is heartless to continue the deception.

Very cleverly there has been injected a note of religion. The National Townsend Weekly speaks of the plan as "religious in action." The leaders cannot address meetings without previous arrangements for "amens" and "hymns", frequent references to "God and the Creator", and quotations from the Sermon on the Mount. The speakers very artfully proclaim that the Townsend plan is just as much inspired by God Almighty as was the emancipation proclamation of Abraham Lincoln.

The harsh realities of the plan are never touched upon. Usually at meetings it is with a sort of religious hysteria that the adherents revel in the gifts to come. It is this very spiritual enthusiasm that makes the plan doubly dangerous, and mayhap more difficult to scotch.

Furthermore, there is a very deceitful appeal to the passions and prejudices of the unthinking. An examination of the arguments advanced discloses the following: "We must provide security for the people over 60, and jobs for the people under 60. When that is accomplished the Townsend Clubs won't disband. Oh, no. We will tackle the problem of aliens in this country. We'll fix J. P. Morgan."

WHAT IS THIS PLAN?

Frankly, your plan is "too good to be true." Each citizen 60 years of age and over is to receive a pension of $200 a month for life provided he gives up all gainful pursuits and spends the $200 each month. To pay these pensions there is to be a 2-percent tax laid on the gross dollar value of every business and financial transaction. This so-called transaction tax, which is really a sales tax, is to be supplemented by a 2-percent tax on all inheritances and gifts in excess of $500 and a 10 percent increase on all present income taxes. To insure payment of these taxes all sellers of all commodities of things of value are to be licensed, the fee of the license to be fixed by the Secretary of the Treasury.

This scheme, aside from giving pensions to the aged, is supposed to create new purchasing power, provide jobs, and give us ripsnorting prosperity!

THE AMERICAN PEOPLE COULD NOT AND WOULD NOT PAY THE BILL

According to the census of 1930 there were 10,479,028 persons in the United States 60 years of age or beyond. Thus the cost, if all over 60 would be pensioned, would be $2,096,000,000 a month, or over $25,000,000,000 a year.

According to the annual report of the Secretary of the Treasury for 1934 this is about eight times the present normal revenue of the Federal Government received from taxation and miscellaneous receipts.

Most Townsendites claim that about 8,000,000 persons would be eligible for the pension, and that therefore the total cost, with the expense of administration, would be about $20,000,000,000 per annum. This is two-thirds of our national debt. What does it mean? That yearly cost would place a burden upon us equal to about seven times the revenue received by the Federal Government in 1934. We would have to tax ourselves about seven times our present rates.

According to the August 1935 Survey of Current Business of the Department of Commerce the national income for 1934 amounted to $49,440,000,000. Let us say fifty billions. Thus, to pay the Townsend pension of $20,000,000,000 would require 40 percent of our national income. In other words, it is proposed to give to 6 percent of the population 40 percent of the national income and leave for the 94 percent of the population the other 60 percent.

According to Dr. Walter E. Spahr, chairman, department of economics, school of commerce, New York University, "if the national income of $50,000,000,000 were distributed evenly among the 127,000,000 population, each person would receive $394. Since the Townsend plan proposes to take 40 percent of it, each person would have left $236. Thus 94 percent of the citizens of this country would have their incomes cut to an average of $236 per year so that 6 percent of the citizens may enjoy net incomes of $1,440 per year ($2,400 less the 40-percent tax), or more than six times as much."

Prof. Williford I. King, of the National Bureau of Economics Research, estimates $900 per annum as the income per average laborer in the United States. To pay each individual pensioner would absorb the complete annual income of more than 2½ laborers. To pay 8,000,000 aged persons would require the entire annual income of over 22,000,000 average laborers.

Let us view this stupendous cost from another angle. The United States Bureau of Labor Statistics indicates 37,200,000 wage and salary earners of average income. The Townsend pension cost, according to Professor Spahr, would require the entire annual income of 14,900,000 of these wage and salary earners. It would require two-thirds of the entire annual income of 22,300,000 such persons; or it would require one-half of the entire income of nearly 30,000,000 such persons.

The best estimates indicate that about 67 percent of our national income is paid to laborers in the form of wages and salaries—that is, 67 percent of our annual income of $50,000,000,000 goes to 37,200,000 wage and salary earners at work earning an average annual income of $900. If each such person pays his 40 percent of taxes, then each such person has left only $540 per year out of his $900 average salary to support himself and his children. The net income per Townsend pensioner—$2,400 per annum less 40 percent—would be $1,440, or $2,880 per family, where father and mother are living. Therefore, such husband and wife pensioners over 60 years of age would receive a sum over five times as great as would be left to the average wage and salary earner who also has a family to support.

Let the workers beware. Let the white-collar worker beware. Let the machinist, the bookkeeper, the clerk, the farm hand, the stenographer, the plumber, the mechanic, the teacher, the miner—let them all beware. Do you think the masses of our people, who have to pay this bill, would remain supine and indifferent? They will rise in righteous wrath and indignation. Put this Townsend plan into effect and our whole social system would collapse.

THE SO-CALLED TRANSACTION TAX WOULD FALL MOST HEAVILY ON THE POOR

The wage and salary earner would pay more than his proportionate amount, because the poor spend most for the necessities of life. This transaction or sales tax of 2 percent on every transaction "from the cradle to the grave" would raise prices to an astonishing degree. Let us take a suit of clothes: One would have to pay a 2-percent tax on the retail cost, 2-percent tax on the wholesale cost of the material, on the raw fiber, thread, lining, buttons, wages at every stage, transportation, and distribution. The pyramiding of the tax and the cost would give us inflation with a vengeance. Townsendites admit that prices would go up 100 percent. They would go up much further. As a consequence, the laborer's income would buy fewer commodities and the proportion of his income taken by taxation would increase. This high cost of living would affect most seriously those who have fixed incomes, like widows, orphans, and veterans. And what about those on relief? See how hard they would be hit.

While this plan could not be carried into effect without spreading ruin throughout the land, and while the tax itself could never be effectuated, and therefore the pensions never be paid, nevertheless, let us assume for the sake of this argument that it could be put into effect. Then this "transaction tax" would increase geometrically. It would drive American production costs so high that in order to protect manufacturers against floods of foreign importations we would have to apply extortionately high tariffs. Otherwise there would be a complete surrender of the domestic markets to foreign imports. Such unbelievably high tariff walls on our part would encourage retaliatory tariffs on the part of all other countries. Our international trade would become frozen.

THE TRANSACTION TAX WOULD TURN US INTO LIARS AND CHEATS

There would be made necessary the most gigantic policing bureaucracy in the history of the country—at what a prohibitive cost for the army of spies and snoopers. Townsend, in his testimony, stated that neighbors would be expected to spy on pensioners and to report if they think pension funds are being misspent. Thus all pensioners would be policed. They must spend the $200 each month. If they fail to do so and obtain the next month's quota, they are guilty of a new crime, the crime of failure to spend money.

POWERS NEVER BEFORE EXERCISED BY A SULTAN OR A CZAR WOULD BE GIVEN THE GOVERNMENT

Every seller of goods would have to apply for and receive a license from the Secretary of the Treasury, who would have the right to fix the license fee. In every county or ward there would be organized administrative boards with powers beyond the wildest dream of avarice. Every businessman, farmer, and seller of goods, therefore, would be under governmental surveillance by Government agents and inspectors, who would have the power of life and death over these businessmen, and over any farmer, for if a farmer sells milk or butter or eggs, and produce of any sort, he must be licensed.

THE PLAN IS PALPABLY UNCONSTITUTIONAL

Its sponsors, however, dismiss, in cavalier fashion, the question of constitutionality. That is a detail that does not concern them. In the light of the A. A. A. decision, and in view of the occupational tax provided for in the plan, I assure you it cannot possibly square with the Constitution.

An amendment to the Constitution would be necessary. A little thing like that does not concern Dr. Townsend. An amendment would take years to bring about, but in all likelihood it could never be brought about. Townsend Weekly fails to mention this difficulty and continues to deceive its readers.

WHAT WILL BE THE EFFECT OF A TRANSACTION TAX ON WEALTH AND INCOME?

The Townsendites' glib argument is that the dollar value of all transactions in 1 year is about one thousand billion dollars, or $1,000,000,000,000, and that 2 percent of $1,000,000,000,000 is $20,000,000,000 per annum, the amount needed to pay the pension.

They little realize that taxes must be paid out of income and many times may have to be paid out of the capital which produces the income. The good doctor and his cohorts confuse the tax on these transactions with the effect of taxation on wealth and income.

Let us see how wrong they are. Take, for example, an automobile manufacturer with a capital of $1,000,000. It normally has a net income of 10 percent, or $100,000. In order to make this profit the manufacturer turns over his capital 10 times, and therefore does a business of $10,000,000. According to this good doctor and his followers, $10,000,000 of transactions pass through his hands during the year. They would impress upon that business (upon those transactions) a 2-percent tax, which would amount to $200,000. But the business has only earned a net income of $100,000. There would be a deficit of $100,000. That business would be wrecked, because taxes can only be paid out of income. They cannot be paid on "turnover" or "transactions." Every other manufacturer, every other businessman would also be wrecked. Ruin would be visited upon millions of employees.

Thus the argument that new jobs would be created must go by the board.

THE TOWNSEND CIRCULATION-OF-MONEY THEORY PUTS THE CART BEFORE THE HORSE

Townsendites say that the spending of money is all that is necessary to bring about recovery; that because money does not circulate, business is in the doldrums. It is the other way around. Business is bad and therefore money does not circulate. They do not understand that money is merely a medium of exchange and goes into circulation automatically only as business expands. In other words, circulation cannot make business. It is business that makes circulation.

If this were not true, then there should have been great prosperity among the German people in 1923, when they had trillions of money in circulation. If circulation of money makes prosperity, then there should have been great prosperity during our colonial days when we issued continental dollars; during our Civil War when we issued greenbacks; in 1790 when the National Assembly flooded France with assignates. However, during all these periods the people suffered with increased circulation of money. Business folded up. Savings were destroyed. Poverty stalked the land.

TOWNSENDITES CONFUSE MONEY WITH WEALTH

Money of itself is not wealth, nor is it income. It is merely a medium of exchange, or a claim or title to real wealth and real income. Artificially increase that supply of currency or money, and you do not increase wealth. You simply cut the pie of wealth, as it were, into more pieces, but the pie does not increase in size. Artificially increase currency, and you raise prices for the bare necessities of life far beyond the reach of the poor and lowly.

WHY NOT EXTEND THE TOWNSEND PLAN?

If the Townsend argument is sound, why stop with pensions of $2,400 for persons over 60? Why not $5,000 pensions for persons over 40? Or $10,000 pensions for persons over 30?

As Walter Lippmann says, "What can be said against these proposals that must not also be said against the Townsend plan? Dr. Townsend's error lies in forgetting the simple truth that someone must produce the wealth which is consumed by the nonproducers, be they infants, old people, sick people, the unem-

ployed, the idle rich, or the criminal classes. If Dr. Townsend's medicine were a good remedy, the more people the country could find to support in idleness the better off it would be."

THE VIRTUES OF THRIFT, SAVING, AND INSURANCE WOULD GO GLIMMERING

If the plan were put into effect, why should the young live prudently and usefully, save, invest, or take out insurance? Policyholders would convert their policies into cash. There would be no need to insure against old age. Insurance companies would have to dump their securities on the market to meet the demands of all these policyholders.

Why save for old age? Savings banks would consequently have to dump their securities to meet withdrawals.

Who would buy all these securities? The markets would collapse. The exchanges could not remain open a day. Insurance companies and banks would crumble.

Somebody argued that the pensioners themselves would buy all these securities. In the first place, they could not do this, because by so doing they would be getting an income and thus would not be eligible for the pension. And, furthermore, even if they would be permitted to buy these securities, before they could do so these huge taxes would have to be collected. But as a Frankenstein they would be so ruinous as to destroy the very source from which the revenue springs.

HOW WOULD THE AGED SPEND THEIR MONEY?

Townsend would offer no restrictions. Each couple would have $4,800 a year less the "transaction tax." Grandma and grandpa could readily keep in the household without work many sons and daughters and in-laws. In fact, Townsend would put no restrictions on any expenditures. Testifying before the House Ways and Means Committee, he said (p. 687 of the hearings of Jan. 21 to Feb. 12, 1935: "* * * We shall not restrict that expenditure at all * * *." And of the pensioner he said (ibid.): "* * * Let him have carte blanche. Let him buy whisky with it if he wants to kill himself off as quickly as he chooses. That is immaterial * * *." He was questioned, "Would it be permissible for those children to live with them and be supported from the provisions supplied with this pension money in the home?" He replied, "* * * Why not? Why not let the elders buy commodities and give to their children if they like? That is immaterial * * *."

THE SOCIAL SECURITY ACT AFFORDS THE BEGINNING OF A REMEDY

Personally, I am heartily in favor of sensible and adequate pensions for old people. This is embodied in the social-security bill of last year which provides upward of $30 per month for the aged; that is, the Federal Government will match the States dollar for dollar up to $15 per month, providing free pensions for all old people without other means of support. In addition, it provides for compulsory old-age insurance for employees.

In New York State we provide pensions for our aged and many other States do likewise. In the course of time, national and State legislation will be greatly improved and more sensible benefits will be granted to the aged, the helpless, and the needy.

The Townsend scheme would destroy at one fell swoop all progress made in old-age-pension laws. It should be consigned to the place where it belongs—limbo.

The pity of it all is the false promise that the Townsend plan holds out to the old, feeble, and helpless. It is hard to tell the poor aged that the scheme is merely a mirage. Everywhere they dream of riches to come. Nothing could be more tragic than their eventual disillusionment.

TITLE I—F. H. A.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SCOTT. Mr. Speaker, title I of the National Housing Act, covering modernization and repairs, expires April 1 of this year. I understand that the gentleman from Ohio [Mr. DUFFEY] has introduced H. R. 10501, extending this title for 2 years. The date of the expiration is now only 60 days in the future. I hope that the Committee on Banking and Currency will do everything in its power to speed the passage of this legislation.

I am certain that every Member of the House has been receiving requests from people in his or her district asking for this extension.

During the month of August 1934, which was the beginning of the Federal Housing Administration's program of insuring modernization loans for the purpose of repairing and improving domestic and commercial properties, $251,595 in loans were reported for insurance. During the month of August 1935, 1 year later, $24,240,034 in loans were insured. As of January 11, 1936, a total of over 739,715 loans had been insured, amounting to $264,214,444. There has been a monthly increase in the insurance of modernization loans, November having reached the peak with a total of $31,051,673.

From reports submitted to the Federal Housing Administration from every State, it has been conservatively estimated the amount spent for modernization and repairs since August 1, 1934, has amounted to over $1,266,481,000. This estimate indicates the amount of repair and modernization work being done which is paid for either by loans (insured or uninsured) or by cash outlay.

MODERNIZATION CREDIT—TITLE I

At the close of business on Saturday, February 1, there were 6,184 financial institutions throughout the country that had reported insured notes; that is, notes representing loans made for the purpose of modernization and repair of homes. The total of these notes on the date mentioned was 794,177, representing $281,417,238 in loans.

Evidence of the amount of weekly business is shown by the fact that the weekly average is $6,400,000 since October 1.

A further analysis of loans insured disclosed that single family dwellings more than equaled the combined total of all other properties improved or modernized.

Type of property improved	Percent of total	
	Number	Amount
Single family	60.7	57.1
Multiple residential	31.6	25.7
Retail store	3.9	7.8
Commercial	1.1	3.4
Industrial	.3	2.5
Institutional	.4	.7
Miscellaneous	2.0	2.8
Total, all types	100.0	100.0

With a record of having insured $55,341,520 in modernization and repair notes, the State of New York led the Nation in which there was a total of $264,214,444 at the close of business January 11, 1936.

New York had made 127,529 insured loans out of a total of 739,715 for the Nation.

California was second, with a total of $39,516,179 for 123,527 loans, and New Jersey third with $15,924,726 for 39,484 loans.

Contractors, real-estate operators, dealers, carpenters, painters, home builders, salesmen, floor layers, merchants, brokers, millmen, engineers, and so forth, are unanimous in their acclaim of the benefits that have been derived from this legislation.

A company in Chicago writes:

DEAR SIR: The Federal Housing Administration, through its insured modernization loans, has been most beneficial in many ways to our corporation, the 300 families directly connected with it, our numerous customers, those indirectly affected, and, in our opinion, the entire Nation.

It has enabled us to absorb many unemployed by considerably enlarging our factory and office force.

It has enabled us to increase the earnings of our factory and office force by substantial bonuses based upon salaries or wages received. It has also made it possible for our salesmen to earn a great deal more money in the form of commissions on account of the increased volume of sales they have enjoyed.

It has enabled the users of our equipment—those engaged in the relief of human suffering—to purchase necessary modern, result-producing equipment at substantially lower finance or carrying charges than have heretofore been available, on terms more commensurate with their ability to pay and on a basis which largely enabled them to make their payments out of their increased income. This has brought about much expressed appreciation from our customers of the opportunity not only to serve their patients more effectively but to increase their own earnings.

It will result in this corporation being able to remit to the Government a much larger amount in the form of income taxes.

A large number of banks and other sources of modernization credit cooperating with us have benefited on account of the profitable nature of loans made by them under the insured modernization credit plan. These institutions have expressed entire satisfaction with the way the loans are being repaid to them and are, in the great majority of instances, ready and anxious to extend additional loans where it can be done with safety.

A report recently received from the Federal Housing Administration stated that their losses on all insured loans had been about thirteen one-hundredths of 1 percent of the amount of the insured loans. This almost unbelievably small loss can, in our opinion, be attributed to the fact that these loans have, insofar as our knowledge goes, been extended in the main with discretion and caution and to a class of purchasers deserving of

credit and able to repay. There is a most wholesome impression with reference to these loans, by those securing them, that they must be paid.

The increased business that has been created by this worthy effort, amounting to hundreds of millions of dollars, of which our share has been a small part, has, in our opinion, afforded employment directly and indirectly to such a large number of people as to have caused other necessary National and State expenditures to be decreased. This has brought about the net result that the insured modernization loans of the Federal Housing Administration have in the final analysis not cost the taxpayer anything, but have actually been a means of saving him large sums.

We deem the insured modernization loans of the Federal Housing Administration of great value to the Nation in order that business may be further sustained, employment may be more general throughout the country, and the benefits that have accrued to the country be continued. For these reasons we desire to petition all representatives of the people, regardless of party, to lend their influence and support to the continuance of this most worthy and profitable legislation.

Respectfully yours,

——— ———.

An employee writes that title I has enabled the company by whom he is employed—

To absorb many unemployed.
To increase our purchases.
To increase the salaries of our employees.
To increase our profits, permitting us to pay increased profits tax.
To pay substantial bonuses to both factory and office employees over and above their increased salaries.
To increase the earnings of our salesmen on the road.

Another reports:

The customers of our firm have expressed much appreciation of the benefits they derive by way of lower carrying charges and better terms possible under F. H. A. Institutions granting this credit report satisfaction and desire to extend it further.

In view of the standing of California in second place for the United States, it is to be expected that the retail lumber dealers of the State of California are very anxious to have title I of the National Housing Act extended.

I urge the committee to report and the House to adopt H. R. 10501 to continue one of the brightest spots of the New Deal.

NATIONAL PARKS AND MONUMENTS

Mr. RICH. Mr. Speaker, I ask unanimous consent that I may proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I should like to call the attention of the membership of the House today to the fact that we are going to consider the Consent Calendar. On that calendar are many requests from Members of the House of Representatives for parks or national monuments. Under the Maverick bills passed last year, Public Laws Nos. 201 and 292, we set up a General Advisory Board of the Historical Park Commission. That Advisory Board will pass on all parks and monuments in this country. We appropriated the money for this set-up. I think it is the duty of every Member of the House to permit his park bill or his monument bill to go before that committee before it is brought on the floor of the House. There are a number of them on the Consent Calendar today, and I am going to object to them. So you might as well make requests to carry them over without prejudice, because we have not the money, and you nor anybody else will tell us where we are going to get the money to continue indefinitely setting up these objects that are going to require additional funds in the future to maintain.

I hope the membership will request, before they are objected to, that their bills be carried over until the Historical Park Commission can pass on them. I make that request of you in order that you will not have your park bills objected to today.

[Here the gavel fell.]

SOIL EROSION

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DUNCAN. Mr. Speaker, the Congress, as well as the whole country, is now concerned with the problem of providing a substitute for the Agricultural Adjustment Act, which the Supreme Court recently made inoperative. Regardless of its fate at the hands of the Court, that act saved American agriculture. We are hearing much discussion of the question of soil erosion, and I want to give you a picture of the situation as I see it; just what has been happening to our agricultural lands as a result of erosion and just how little we have realized its destructive force. Our country is comparatively new, and we have been able to take from the soil what we have needed, without realizing just how expensive it has been or what effect it has had on the value of the land for future productive purposes, or how those who are to come after us are to carry on. In other words, we are taking all and leaving nothing for those to whom we owe at least a moral responsibility.

The older parts of the country, of course, experienced the destructive effects of erosion a long time ago, but I doubt if they gave any serious thought as to just what it meant to them or how to prevent it. It was like a horse or a wagon; in the course of time it just wore out. The old farm was not producing like it used to, but aside from placing fertilizer on the soil there was nothing to do about it. They did not realize how serious their problem was or what they should do to prevent its continuance until it was too late.

The topsoil, or productive part of land, washed away cannot be restored. It is forever gone. True, with extensive and expensive fertilization, it may continue to produce, in a measure, a living, but its real fertility is gone, and the efforts to make a living from it will have to be doubled. A little thought and effort directed to preventing the cause will be far better than a futile effort to effect a cure.

Not always have those most affected been willing to accept advice on the subject, and they were reluctant to see the situation as it really was. It is human nature to do things in the usual and accepted manner, and we sometimes are inclined to resent new things even when they are designed for our protection and our prosperity. We have felt that so long as we were able to grow a reasonably good crop there was nothing to worry about. Probably the owner of the land felt unable to stand the expense of putting back into the soil that which he was, year after year, taking out. Most folks who buy a farm are so sorely pressed to meet the interest obligations, pay the taxes, a little on principal, and live, that nothing is left with which to rebuild the soil. In other words, we must farm it so intensively to live, and pay what we must, that we lose sight of just what it is costing us in destroyed value and lessened fertility of soil every year.

Unquestionably, it is a national problem, and it calls for the cooperation of the Government and the owners of the soil everywhere to solve it. It is a national problem, because it is the duty of the Government to protect national resources and plan for the future as well as to meet the problems of the present. When the natural resources of a country are destroyed and no effort made to restore them, that country is beginning to decline.

You may say that so long as our country is engaged in an effort to curtail production for the purpose of reducing surpluses, surely we are not concerned seriously with the question of making our land more productive. We will not always have a surplus; when our millions reach their full consuming power that surplus will vanish. For the purpose of this discussion, I am not concerned with producing more; I am concerned with the protection of the soil.

I can see no good reason for farming 160 acres of land if as much can be produced on 80 acres with half the effort and expense.

I do not desire to discuss here the question of taking lands out of cultivation or use for the purposes of crop reduction or controlling surpluses. That is another economic question that has little to do with the actual question of soil erosion as a destructive agency of wealth and value, and will occupy our attention soon.

For 5 years there has been a soil-erosion experimental station located at Bethany, in my district in Missouri, and

the information gained from the experiments have thrown a great deal of light on the subject. The experiments have been carried on under such conditions as to make the information indisputable.

If it requires the results of a lifetime of labor to pay for 160 acres of land when that land is reasonably productive, what will be required when the productive capacity of that same land is reduced one-half or more, through the washing away of the fertile topsoil?

During our lives we have witnessed the destruction of the trees and shrubbery and vegetation of almost all kinds, and there has followed drought, the blowing away of the soil, and its rapid washing away. The rain that falls upon the ground rapidly rushes to the low places and carries with it the best part of the soil, and the moisture does the ground but little good because it only touches it in its mad rush to the river or other places of escape. Water falling upon a paved street rushes into the sewer and leaves the street clean and shiny. So it does when it falls upon the land, unless there is something to hold it back in its mad rush to the sea. The land is washed clean of the very part that is necessary to make it productive.

If moisture does not remain in the soil how may we expect to have moisture coming from the skies? Moisture, of course, draws moisture. In addition to preventing the washing away of the soil, we must see that sufficient moisture remains in the soil to support growing plant life.

Let us look at the picture: I can best describe the condition in my own State, and that condition is common to most other States. It is estimated that only about 10,000,000 acres of land in Missouri, or slightly more than one-fourth the area, are not subject to erosion, and approximately two to three million acres of such land are affected for agriculture purposes, because of stream cutting and deposits of eroded material from uplands adjacent to the stream bottoms. Slightly more than one-fourth of the area of the States is affected by moderate to serious erosion, having lost one-fourth to one-half of the original surface soil. Slightly less than one-half of the State, or probably 20,000,000 acres is affected by serious erosion, have lost one-half to three-fourths of the original surface soil. Another million acres are affected by severe erosion, and of course, the longer such erosion is permitted to continue, the greater the damage.

An acre of soil to a depth of 1 inch weighs approximately 143 tons. The result of a survey indicates that 20,850,000,000 tons of soil have left Missouri farms since they have been cultivated. It is estimated that the average Missouri soil contains 2,500 pounds of nitrogen, 1,250 pounds of phosphorus, and 2,800 pounds of potassium to the acre, to a depth of 7 inches. This means that Missouri, as a result of soil washing, has lost 26,090,000 tons of nitrogen, 13,030,000 tons of phosphorus, and 300,240,000 tons of potassium. If this lost soil could be magically replaced to a depth of 7 inches on the eroded acres of the State, it would make an area in size almost equal to one-half of the present land area of the State. The restored fertility would probably be sufficient to increase the corn yield from 10 to 20 bushels per acre over this area. Once this nitrogen and humus is lost it can never be completely replaced, even though heavy applications of manure are added, and green manure crops are turned under.

If it is assumed that commercial nitrogen sells for 10 cents a pound, the loss of nitrogen fertility alone from Missouri soils has been approximately $5,000,000,000, since the land was first farmed—and Missouri is comparatively a new State.

These figures may readily show one of the causes of depressed land values, delinquent taxes, and foreclosures, in areas where erosion is particularly destructive. If it is to be permitted to continue unchecked, I do not see how we may expect to make farm loans in the future. The collateral is rapidly being destroyed.

Erosion has been far more serious since the war. When prices of farm commodities became very high and land values in accordance, farmers everywhere plowed up pasture lands and planted grain which brought much more income to them. The result was that such lands immediately began to wash away. Then farm commodities slumped tremendously in value, and it became necessary for every farmer to produce all he possibly could with the facilities available to live and meet his obligations. That meant no rotation of crops, and the erosion that had started increased each year in startling degrees.

In the United States, 100,000,000 acres of formerly cultivated land has already been ruined and abandoned. That is the equivalent of 625,000 farms of 160 acres each, and approximately the combined extent of the States of Ohio, Illinois, Virginia, and South Carolina; 125,000,000 more acres now in production are practically stripped of the topsoil and still another 100,000,000 acres of cultivated land is rapidly approaching the point of bankrupt farming. The cost to the farmers of the United States amounts to $400,000,000 annually.

According to measurements made at the erosion service station in north Missouri, erosion is removing the surface soil 7 inches, or plow depth of soil, in slightly less than 15 years where corn is planted up and down an 8-percent slope. The average loss of soil amounted to 60 tons per acre per year.

Results indicate that under unprotected cultivated conditions the rate of erosion increases rapidly as the length of the slope increases. Doubling the length of slope increases the average erosion 1.66 times, and trebling the length increases the rate of erosion 2.59 times.

Another test showed soil losses from a 3.68-percent slope, over a 6-year period, of 41.2 tons per acre annually, where the ground had been plowed to a depth of 4 inches, and that approximately 68 percent of the annual rainfall was held back; the balance was cutting and tearing and taking away the soil. From a grass-covered area of the same slope and soil type less than 0.03 ton of solid matter was removed each year, or a total of 1.7 tons in 6 years, while 88.45 percent of the rainfall was retained and soaked into the soil. At this rate of erosion, 7 inches of the topsoil would have washed away in 24 years from the area tilled 4 inches deep. Whereas it would have taken 3,547 years to remove the same amount from the grassed area.

Slightly more than three-fourths of the soils of Missouri have lost over one-fourth of their original fertile surface soil and one-half of the soils have lost one-half or more of their original soil according to recent surveys made by the State agricultural college.

What is the remedy? First, there must be a thorough understanding and appreciation of the seriousness of the situation, and just what it means to the future of our country and to our own prosperity. The farmers must realize the seriousness from their own point of view and wholeheartedly enter into the cooperative plan the Government has worked out for crop rotation, proper planting, terracing of fields to shorten slopes, stopping washes in cultivated fields, and fertilization. Experiments seem to show that crops may be divided into three general classes in regard to erosion control. (1) Sod crops which are erosion resistant. Among them are bluegrass, timothy, red clover, lespedeza, alfalfa, and sweetclover. (2) Small-grain crops (wheat, oats, barley, and rye), which are partly resistant. (3) Cultivated crops such as corn or soybeans, which are highly erosive.

In connection with the erosion station I mentioned heretofore, for the past 3 years there have been more than 600 members of C. C. C. camps engaged in soil-erosion work in one county, and such work has covered a large area. The results have been far reaching and those who have observed the results of the work and the ones who have benefited by it are most enthusiastic. The farmers have readily entered into contracts to continue the work the Government has started. Large and small dams have been constructed in places where necessary to do the most good.

It is a comparatively easy task to stop washes in fields if proper methods are employed; the expense is practically nothing and the result surprising.

Their experiments have shown the effect of properly laying out a field for planting and cultivation; the proper locating of different kinds of crops in the same field, to prevent erosion; terraces constructed to shorten the slopes, thus retarding the progress of the water; the effect of rotating crops and the consequent saving of the soil as well as its enrichment and the necessity for fertilization, even on sodded eroded soil, to prevent further erosion and to restore, in a measure, the productive qualities. May I say here that I believe the C. C. C. camps have been the most effective agency the Government has created to combat the ravages of soil erosion.

The result of one demonstration that comes to my mind seems to me to demonstrate very clearly the effectiveness of the character of work I have been describing. In the district where the demonstration was made, there are two streams alike in size and draining approximately the same size area each, and the area drained by each is of the same topographical formation. The soil erosion prevention methods were carried out in the area drained by only one of these streams. Measurements were made of a rain, general over the whole area. The stream in the area where no work had been done rose 3 feet higher than the stream in the area where the work had been done, and the stream in the area where the work had been done stayed up 3 hours longer than the other stream. This, of course, was conclusive evidence of effectiveness of the methods used in the area; the water was being held back and soaking into the soil and creating a reservoir for future use in the growing of crops; it was not rushing off the soil and carrying with it tons and tons of the topsoil necessary to fertility.

The Government cannot, of course, do all the work necessary to protect the vast areas that are affected. It can, however, show the way.

Experiment stations are located at various places in the country, and I should like to see every farmer avail himself of the opportunity of visiting one of them and seeing for himself just what they are proving—seeing how much of the value of his land is being washed away every year.

In every community where erosion is at work, I should like to see the farmers form cooperative organizations for the development of conservation projects; to acquire, on a cooperative basis, machinery necessary to do the work, and to have the benefit of the knowledge of a trained expert on the subject, the latter, of course, without cost to them. If this plan were followed, I believe thousands and thousands of now fertile lands would be saved from the ravages of erosion. The value of the land would be maintained, loans would be better secured, and for that reason more easily obtained. A living would come with less effort, obligations would be more easily met, and there would be some value in the heritage of those who are to follow.

PROGRESS IN THE POSTAL SERVICE

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein a radio address delivered by the gentleman from New York [Mr. MEAD].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SWEENEY. Mr. Speaker, under leave to extend my remarks, in the RECORD, I include the following radio address delivered by Representative JAMES M. MEAD, chairman of the Committee on the Post Office and Post Roads, on January 30, 1936, over the National Broadcasting System:

The Postal Service has always played an active part in the growth of our Republic. It is not surprising, therefore, that when our country is seeking a way to spread employment, the world's biggest business, the Postal Service, should take the initiative and set the example for industry to follow.

We are proud of the law enacted in the last session of Congress, shortening the hours of service of our postal workers, giving them a 5-day week. This is in line with the economic trend of our day in every industry, due to the increased productivity of the machine.

Not one of us would be willing to discard the modern inventions which lighten labor, which turn out work so efficiently and so speedily; but the truth is brought home to us daily that these mechanical contrivances are revolutionizing the world—they are taking the bread from the mouths of our workingmen in so dangerously reducing the number of jobs.

The machines are here to stay. It is our job to find a way to use these inventions wisely. In giving the world the benefit of the speedier method of production, we must, at the same time, protect our workers. They, too, must benefit from these labor-saving devices.

We must find new avenues of employment, and we must accompany this program by a division of the available jobs among all willing to work.

What is more logical right now than a fair division of labor opportunities by shortening the work periods?

We are now operating under that plan in the Postal Service, and it is proving successful. By reducing the workweek from 44 hours to 40 hours, regular employees have been given long-merited promotions, relief has been provided for more than 18,000 substitutes; and with all this remarkable progress the Department paid its way. Additional help has been taken on, and the Service is expanding to meet present-day needs of increased mail volume with faster and more frequent deliveries of mail to our farmers, our business houses, and our homes.

When private industry follows the example of the Postal Service, America's problem of unemployment will be well-nigh solved.

Another achievement of the Department is the spanning of the Pacific by the air mail. On November 22 last the *China Clipper* spread its wings at Alameda, Calif., soared into the sky, and then headed for the Philippines. That was the first scheduled trans-Pacific air-mail flight in history. Just 100 years earlier the first clipper ship sailed into San Francisco Harbor; and now in our day we have seen the blazing of new trails, the linking of America with Asia, the spanning of 8,000 miles of ocean in 5 days. It is almost unbelievable.

And this is but the forerunner of another amazing development—the development of trans-Atlantic commercial service by air.

Our Postmaster General is so confident that the bridging of the Atlantic by air is sure to follow that he is inviting the attention of Congress to the desirability of preparing for such service. Mr. Farley declares: "It has been the experience of the United States that when better communications and faster transportation have been established between this and other countries better understandings have resulted, and an improvement in trade and commerce has followed."

Another growth of the Postal Service is to the north. In the last session we passed a bill authorizing contract air-mail service in Alaska, and, on a wider scale than was previously the case, it is now supplementing the slower dog-sled service. The air mail is speeding up communication between the States and the Territory of Alaska, and it is rendering a humane service in rushing food and medical supplies to the starving and the sick in the isolated regions of the north.

Air-mail service now links the islands of Hawaii, giving daily instead of of semiweekly service. The islands' first letter carriers were the missionaries, who carried the mail in making their pilgrimages from one island to another.

This is a progressive age in which we are living. We are witnessing changes which were merely dreams a few years back. Not long ago the 40-hour week for labor was unheard of, the bridging of the Pacific by airplane was out of the question. But both have come to pass. Even greater things lie in store for us; and we can feel confident that, whatever they may be, the Postal Service is sure to play a prominent role in all such stupendous undertakings.

TEXAS CENTENNIAL EXPOSITION

Mr. McREYNOLDS. Mr. Speaker, I call up the conference report on House Joint Resolution 459, to amend the joint resolution entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes", and ask that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 459) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

S. D. McREYNOLDS,
SOL BLOOM,
JOSEPH W. MARTIN, Jr.,
Managers on the part of the House.

TOM CONNALLY,
PETER NORBECK,
ALBEN W. BARKLEY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 459) to amend the joint resolution entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes", submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out the last sentence of the first section of the House joint resolution, which provided that funds allocated for Bexar County under the resolution should be expended in connection with historic purposes only. The House recedes.

S. D. MCREYNOLDS,
SOL BLOOM,
JOSEPH W. MARTIN, Jr.
Managers on the part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

DR. MEAD

Mr. EKWALL. Mr. Speaker, I ask unanimous consent to extend my remarks relative to the late Dr. Mead and to include therein an article which appeared in the Portland Journal, of Portland, Oreg., after Dr. Mead's death.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. EKWALL. Mr. Speaker, under leave granted by the House, I desire to insert in the CONGRESSIONAL RECORD an editorial from the Oregon Daily Journal, of Portland, Oreg., in its issue of Tuesday, January 28, 1936, eulogistic of the late Dr. Elwood Mead, Commissioner of the United States Reclamation Service.

This encomium pays Dr. Mead a well-deserved tribute. Here was a man of great vision, who translated his concepts into realities and his prophecies into fulfillment. No idle dreamer was he. That which he had envisioned in youth and middle age was vouchsafed to him in the winter of life to accomplish. It would not be too much to say of Dr. Mead that he was an empire builder, for his was "a pioneer idea instinct with genius." In this respect he can justly take his place in history alongside the immortal George Washington. The parallel is striking. Washington as an engineer solved stupendous and vexatious problems for the benefit of mankind. His vision embraced a wide terrain. He opened up vast tracts of land fitted to become the home of millions of American farmers. He spoke of his plan of waterways to the West as the "channel of commerce to the extensive and valuable trade of a rising empire." The horizon of this empire, however, scarcely extended beyond the Alleghenies. Many decades thereafter it fell to the lot of another great American, Dr. Elwood Mead, to see, with prophetic ken, the potentialities of the vast western country beyond the Rockies for development by the ingenuity of man, aided by "the most powerful machines yet devised." This public benefactor, self-abnegating, gave his knowledge, gave his science, gave his spirit, and gave his very life that future generations might benefit by his work and his self-sacrificing devotion to duty.

As a member of the standing Committee of the House on Irrigation and Reclamation, I came in close contact with the work of Dr. Mead, and I feel sure that all of my colleagues on this committee join with me in agreeing that he, like Saint Paul, might well say:

I have fought a good fight, I have finished my course, I have kept the faith.

The editorial tribute to him is as follows:

[From the Oregon Daily Journal of Jan. 28, 1936]

DR. MEAD

Dr. Elwood Mead built his own monument. He built it of earth and concrete and with water. He built it of the desert turned into farms and flowers and homes.

Dr. Mead, at 78, and after only a week's illness, is dead in Washington, D. C. He had been United States Commissioner of Reclamation since 1924. To him was given the building of Boulder Dam on the Colorado, of Grand Coulee Dam on the Columbia, of Owyhee and Vale irrigation projects in Oregon, of Casper-Alcova in Wyoming, and of other great enterprises of reclamation throughout the West. He was a benefactor to the Oregon country.

The greatest work of his life he did after he had passed three score and ten. And after he was 75 he directed the spending of hundreds of millions of dollars allotted to reclamation in the recovery program. When he passed, 35 reclamation dams were under construction; $170,000,000 was being spent, and $30,000,000 of this amount in Portland's trade territory.

While Dr. Mead built he prophesied. He predicted on the Pacific coast as great cities as have been built in the world. He prophesied a great and widespread population in the West and activities that shall be titantic. He pointed to the West as the new opportunity for the drought-stricken people of the Midwest. He found profound significance for the future in the fact that the Columbia River has the greatest water supply in the arid districts of this Nation.

He found the basis of his prophecy in the plains and valleys of volcanic ash made miraculously fruitful and beautiful by water scientifically led from nature's inverted reservoirs, the mountains. He had used in construction some of the most powerful machines yet devised. He had shown that every man employed on a reclamation project employs two elsewhere. He had given proof to Congress that every dollar invested in a reclamation project produced $4 of additional value. He had shown eastern industries that reclamation projects were drawing upon them for $100,000,000 of manufactured products a year. And in one accounting, below present totals, he revealed that upon 3,000,000 acres of land reclaimed in Federal projects, 41,000 country homes had been provided, cities and towns had been built, and a revolving fund investment of $280,000,000 had been turned into $2,000,000,000 of property values.

Isaiah, another prophet, wrote the epitaph to which Dr. Mead is entitled:

"And they that shall be of thee shall build the old waste places; thou shalt raise up the foundations of many generations; and thou shalt be called the repairer of the breach, the restorer of paths to dwell in.

"I give waters in the wilderness and rivers in the desert."

Some months ago Dr. Mead confronted Mrs. Mead's proposal for retirement, for ease, and for a trip around the world. He elected to stay on the job. Thus he was happiest, for when he had passed he left in full vigor the work that produces life.

CONQUESTS IN THE ORIENT

Mr. WHITE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITE. Mr. Speaker and Members of the House, in the light of the great changes that have taken place in the Orient in recent times, the subjugation of Manchuria and the establishment of a government dominated by the Japanese, and the monetary changes that have been effected in China and their effect on the business and financial relations of the people of this country and those of China and Japan, it will be interesting to review some of the statements that appear in the memorial of Premier Tanaka, an ambitious plan for the conquest of China and the rest of Asia and world dominance, with the following quotations from the Memoirs of Tanaka that appeared in a contribution made by myself in 1932, before the conquest of Manchuria, the bombardment of Shanghai, or the nationalization of silver in China. I quote from the memorial:

Iron and steel are closely connected with national development. Every country attaches great importance to it. But because of the lack of ores we have found no solution of this problem. Hitherto we have had to import steel from the Yangtse Valley and the Malay Peninsula. But, according to a secret survey of our general staff, a wealth of iron mines are found in many places in Manchuria and Mongolia. A conservative estimate of the reserve is 10,000,000,000 tons.

The term Manchuria and Mongolia includes the Provinces of Fengtien, Kirin, Heilungkiang, and outer and inner Mongolia. It extends on area of 74,000 square miles, having a population of 28,000,000 people. The territory is more than three times as large as our own empire, not counting Korea and Formosa, but is inhabited by only a third as many people. The attractiveness of the land does not arise from the scarcity of population alone; its wealth of forestry, minerals, and agricultural products is also unrivaled elsewhere in the world.

After studying the present possibilities of our country, our best policy lies in the direction of taking positive steps to secure rights and privileges in Manchuria and Mongolia. Armed by the rights already secured, we shall seize the resources all over the country. Having China's entire resources at our disposal, we shall proceed to conquer India, the archipelago, Asia Minor, Central Asia, and even Europe.

It will be recalled that when the nine-power treaty which restricted our movements in Manuchuria and Mongolia was signed, public opinion was greatly aroused. All agreed that the nine-

power treaty was initiated by the United States. Unfortunately, just as we were ready to carry out our policy and "void the nine-power treaty, the Seiyukai cabinet suddenly fell and our policy failed of fruition."

MONEY MANIPULATION UNDER THE GOLD STANDARD NECESSARY FOR THE SUCCESS OF JAPANESE SCHEMES

Although Manchuria and Mongolia are within our field of activities, yet the legal tender is still silver. The Chinese businessmen use silver money throughout and are free from the effects of exchange fluctuations. (It might be observed right here that the "effects of exchange" constitute a toll profit to the banking interest on every transaction between the citizens of different nations.)

Therefore their junk (water-borne) trade is prosperous although they have no scientific knowledge of exchange value of gold and silver, they always gain in the transaction. It (the silver standard) often conflicts with our gold basis and works to our disadvantage. That our people have failed to prosper as they should in these places is due to the existence of silver monetary system there. The Chinese have persistently upheld the silver basis, and therefore made it impossible for us firmly to establish our colonization plans on firm economic foundation.

The money that we bring into Manchuria is of gold standard. When we use it either for daily livelihood or for industry and trade, it has to be exchanged into Chinese silver dollars. The fluctuation of exchange is not infrequently as much as 20 percent, resulting in serious loss to our people.

With the silver standard in existence the Chinese Government can increase their notes to counteract our gold notes, consequently our banks will fail to carry out the mission of extending our country's influence.

If the gold standard is adopted, we can issue gold notes freely. With the credit of the gold notes, we can acquire rights in real property and natural resources and defeat the credit of the Chinese silver notes. The Chinese will be unable to compete with us; the currency of the whole of Manchuria and Mongolia will be in our control.

Until we have entirely discredited the Chinese silver notes, we will never place our gold notes in their proper place in Manchuria and Mongolia, much less obtain the monopoly in currency and finance of the two countries.

In view of the above-mentioned considerations, we must overthrow Manchuria's incontrovertible silver notes and divest the Government of its purchasing power. Then we can extend the use of our gold notes in hope of dominating the economic and financial activities of Manchuria and Mongolia. Furthermore, we can compel the authorities of the three eastern Provinces to employ Japanese advisers to help us gain supremacy in financial matters.

We must have the rights of monopoly for the sale of Manchurian and Mongolian products before we can carry out our continental policy and prevent the invasion of American capital as well as the influence of the Chinese traders. (Reprinted and distributed by World Peace Movement, 108 Park Row, New York.)

There is food for thought in the above paragraphs.

Is there a parallel between the scheme outlined by the Japanese Premier by the manipulation of money based on the gold standard for the subjugation and control of the Chinese people and the schemes, recently exposed, of our international bankers for the subjugation and control of the masses of the American people? Is the money system of this country under its present management being allowed to function freely for the advancement and general welfare of the masses, or is it being manipulated to deprive them of the fruits of their thrift and industry?

While the Japanese Government has repudiated and disavowed the authenticity of the memorial, subsequent events point to the adoption of a preconceived plan that closely follows the proposal contained in the memorial text of the pronouncement. It is apparent that outside influence, with the connivance of Chinese financiers, has successfully brought about the nationalization of silver by China, placing an interest burden on the business of the Chinese people, as has been done in this and other countries, by retiring gold and silver and replacing the coinage with paper money, loaned into circulation when secured by such interest-bearing obligations as may be eligible. It will be interesting to watch the results of the efforts of financiers to retain control of money and credit in the several nations and at the same time restore business conditions by these experiments.

TOWNSEND PLAN

Mr. HOFFMAN. Mr. Speaker, I ask permission to extend my remarks in the RECORD at this point, to insert a short statement showing where a very small portion of the Townsend money has gone.

Mr. WOODRUM. Mr. Speaker, reserving the right to object—and I shall not object; I have never objected to a colleague extending his remarks—but I think this ought to be pointed out to our colleagues on both sides: That very recently for the first time in years in the House a practice has grown up of Members asking permission to extend their remarks in the RECORD "at this point", and then inserting long speeches. I think it is a very bad practice. I do not think our colleagues should indulge in it. Those responsible for the RECORD ought to see that it is not pursued.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The statement submitted by Mr. HOFFMAN follows:

IS THERE A PROFIT IN THE TOWNSEND PLAN; IS THAT PROFIT HONESTLY OBTAINED?

Beyond question there is a profit in the Townsend plan. Who gets the profit? Does it go to Dr. Townsend or to those who are paying their dimes, quarters, and dollars to support the plan? Who will profit from the plan if it becomes a law, and what will that profit be?

In the beginning the plan was an old-age pension plan—a pension to the aged, to those over 60. The plan is now a plan to restore prosperity. The appeal in the beginning was to justice and to sympathy to relieve want and suffering. The object now being to increase business, let us treat the proposition in a businesslike way. Dr. Townsend testified at a hearing before a congressional committee that his salary was but $50 per week; that he received nothing else. Let us have the facts:

As long ago as May 18, 1935, the doctor signed and swore to a complaint in the district court of the United States for the district of Colorado, in which, among other things, he said that the membership of the clubs of the State of Colorado was approximately 200,000; "that each new member has heretofore paid, and will hereafter pay, the sum of 25 cents initiation fee; and that each member has heretofore, and will hereafter, pay the sum of 10 cents per month as a voluntary contribution; and that said contribution is now regularly made by more than one-half of the membership in the State of Colorado, and will hereafter continue to be so made; that said membership makes further additional contributions which average 1 cent per member per week, and will so continue hereafter * * *."

So, for initiation fees in Colorado alone the members have, up to May 18, 1935, paid $50,000; that each member has heretofore, and will hereafter, pay the sum of 10 cents per month as a voluntary contribution, which means $20,000 per month from the State of Colorado alone. And that is not all. There are, as the good doctor says, other contributions.

If he is correct in his statement that his members the country over number 21,000,000, if but one-quarter of them pay the 10-cents-per-month dues, someone is getting $525,000 per month from that source alone. And do not forget this is just the 10 cent dues. There are many other sources of revenue; one, the Townsend Weekly. There is also the Townsend Legion, with dues of $1 a head per month.

A partial statement would look something like this:

21,000,000 members, dues 10 cents per month; if one-half pay—let's make it one-quarter, or 5,000,000—that gives us per month $500,000 or per year	$6,000,000
Membership fees a year for the doctor—for easy figuring let's lose a million, and say that one-half of a 20,000,000 membership pay 25 cents; another	2,500,000
The profit from newspaper weekly per year, $200,000 (one-half to Dr. Townsend)	100,000
Total to Townsend organization, per year	8,600,000

Here is a little total of $8,600,000, to say nothing about the dues from the legionnaires, the profits from the sales of badges, pictures, etc. Perhaps the doctor's motive is just pure, unadulterated charity, but with his plan incidentally goes an income that would make some of these international bankers and Wall Street bankers decidedly envious.

The foregoing is a very brief statement, but from it you can get the big idea.

HOW DOES THE DOCTOR GET THE MONEY?—WHAT DOES HE TELL THE PEOPLE TO MAKE THEM SHELL OUT?

Let me quote from the Townsend plan victory chart (based on Townsend plan becoming the law of the land):

"THE MIRACLE OF 10 CENTS (IN ACTION FOR ANNUITANTS)

"Quota investment on monthly basis: Original investment 10 cents. Returns on investment (after first few months), $199.90. Life returns on investment (after first few months), $200.

"Quota investment on yearly basis: Original investment, $1.20. Returns on investment (after first year), $2,398.80. Life returns on investment (after first year), $2,400.

"THE MIRACLE OF 10 CENTS (IN ACTION FOR NONANNUITANTS)

"A permanent well-paid job or position until 60, then $200 monthly, $2,400 yearly, for life.

"The formula: Congress will vote for the Townsend plan when the Townsend Clubs control the vote in the 435 congressional districts of the 48 States."

Is it not strange that people reading this, believing, as so many of them do, that by investing 10 cents they will receive $199.90, and

so on, as outlined in the plan, join the club, and pay their dues? Is it not strange that even those under 60, promised a "permanent well-paid job or position until 60", should bite on a bait of this kind? You who are paying your membership fee, your monthly dues, and besieging your Congressman to vote for this plan, think a little, not only of what the doctor tells it will do for you but of what it will do to people generally, and then take one thought as to what the doctor and his organizers are getting out of it and determine for yourselves whether they are working for the interests of those contributing to the plan or for their own interests.

And what are you getting, or what will you get, for the money which the local organizations and its members are contributing? In this circular you were promised $200 a month if you were eligible to receive the pension. Now you know from the admissions of those who promised you this sum, made on the floor of Congress, that they have no such plan in mind, that they have no such bill pending in Congress. Why be longer deceived? Put your faith and your trust in men that you know to be honest, in Representatives who do not promise the impossible. Be no longer deceived by those who, pretending to be working for your interests, are merely serving their own.

It is time that investigation was made, and the real purpose of these organizers and their lack of ability and sincerity disclosed to those they are deceiving.

PERMISSION TO ADDRESS THE HOUSE

Mr. MEAD. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEAD. Mr. Speaker, a few days ago I explained the attitude of the Democratic Party in connection with labor legislation. Shortly afterward my distinguished colleague from Illinois, Mr. DIRKSEN, made reply. Tonight, on the Star Radio Forum, Senator O'MAHONEY will explain the O'Mahoney-Mead bill. The title of his discourse will be, "National Charters for National Commerce." The bill is, in my judgment, an answer in part, at least, to the present economic problem. I hope you will listen to the Senator's address tonight.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, the plight of deserving and needy people in this country who have kept off relief thus far but now find themselves in distress, as described by the gentleman from Texas [Mr. BLANTON] a few minutes ago, finds a deep response in my heart. The question I want to put to the gentleman and to the Members of this House now is: What are you going to do about it?

Mr. BLANTON. We ought to take Mr. Hopkins by the nape of the neck and throw him out of that building down there. Let us look at this from Mr. Hopkins' angle.

Mr. MARTIN of Colorado. Our Colorado delegation went to see Mr. Hopkins a few days ago in behalf of 30,000 workers in the State of Colorado who are getting no relief and who cannot get work, although the public-works program in that State has been expanded 25 percent beyond its original objective, or from 31,000 to 42,000. Mr. Hopkins said to our committee:

> We now have about 3,000,000 men and women at work in this country under the W. P. A. program. Tomorrow morning I could turn these 3,000,000 people out and put 3,000,000 more people in their places.

The fact is, Mr. Speaker, that the $4,000,000,000 would not put to work over one-third of the idle people in this country. I said this to Mr. Hopkins:

> What you were up against when we passed the $4,800,000,000 bill was 10,000,000 idle people in this country. You started out with an objective of putting 3,500,000 people to work. It was, therefore, obvious from the start that you could not take care of more than one-third of the idle people in this country. This is so in every Member's district. You have not yet exhausted the registered unemployed who were on relief November 1 when the W. P. A. program started, but naturally every idle man in this country will feel that he ought to be among the 3,500,000 who are put to work, and you have not got the money.

Mr. Hopkins nodded in the affirmative.

Mr. RICH. If we would tax mass production a little bit, these men from industry would be put back to work.

Mr. MARTIN of Colorado. Regardless of where the money might come from, the point I want to make is that it is not there now. The fact that W. P. A. now has employed in Colorado about 42,000 men and women, while its original objective under the W. P. A. allocation for that State was only 31,000, does not mean that Colorado was given a 25-percent increase in its allocation. It simply means that in order to relieve unemployment distress immediately 11,000 more were put to work, which will simply shorten the life of the allocation. They will run out of money just that much sooner. Something had to be done, and they did all they could.

Administrator Hopkins made it clear in answer to the plea of our delegation that if he expanded the employment program in one State, he would be called upon to do it in every State. He instanced the fact that the mayor of one great city was asking for the employment of an additional hundred thousand; that the mayor of another great city was asking for a vast increase; and that he had scores of other requests. I hope I am violating no confidence when I say that Mr. Hopkins stated that if he merely maintained the present employment figures the W. P. A. appropriation would be exhausted by June 30, and that even to maintain it until June 30 the fund might have to be replenished from unexpended or defaulted sums in other appropriations. I even fear that the situation may be worse than Mr. Hopkins painted it. I got information from another inside source that the works-progress appropriation would be exhausted by April 1, and that they had contemplated reducing the present employment figures 400,000 in order to insure that the money would last until April 1. This action, it is true, was not taken, but even its contemplation indicates the straits to which the administration is being reduced to maintain its work-relief program. We had just as well face the plain fact that Mr. Hopkins is not putting these deserving, needy people to work because he has not got the money.

I have a letter from a Works Progress regional director in my State who has a district of nine counties. He says that he has at work now about 9,400 men and women in the nine counties, but that there are still 2,550 unemployed who were on relief and registered as unemployed, and on top of this 2,000 deserving, needy people who have succeeded up to this time in keeping off relief, but who are now as desperately in need of relief and of work and as deserving of it as any people in the State. I do not need to come to Washington to get this picture. I got it at home. I got it in my office and out among the people every day until I was driven almost to despair. That regional office has no money to employ these 4,500 people, the State director has no money to employ them, and the Federal Administrator, as he himself stated, could put 3,000,000 more people to work if he had the money.

Mr. Speaker, I may say that I knew before the shift was made from direct relief to work relief—I knew as far back as the 1st of October and so represented to the administrative heads at Washington—that there would be not less than 40,000 people in Colorado who would be outside of all forms of relief this winter. I was too conservative; 100,000 would come nearer the fact. As far back as the 1st of November I stated in the papers in Colorado that there must be another large relief appropriation passed by this session of Congress. It ought to be passed, and it ought to be passed now. I am advised that in the face of the opposition clamor against public works and relief, the President does not want to come to Congress at this time and ask for another appropriation to round out the present fiscal year, and that a request may only be made later on for the next fiscal year.

Mr. Speaker, my attitude on this matter is reflected in a letter I wrote a constituent this morning in answer to one suggesting that it would be a good thing if Members of Congress followed the suggestions in Al Smith's speech to the Liberty League. I told this constituent that, with as high as one-fourth of all the people in my congressional district dependent upon Federal aid for food, I could not find much light in Al Smith's suggestions to Congress, and that I had much more immediate worries than Mr. Smith and the Lib-

erty League. Mr. Hoover is a little more definite than Al Smith. He made a speech at St. Louis recently, in which he laid down a four-point program: First, stop public works; second, do it now—so we still have only one point; third, cut relief in two; fourth, study American history and the Constitution.

Mr. Speaker, under permission to extend my remarks, I am inserting a letter just received by me from W. P. A. workers in a county in my district. I wish Al Smith or Mr. Hoover had the answering of such letters as this every day. I would be interested in reading their answers.

WALSENBURG, COLO., *January 29, 1936.*

To JOHN A. MARTIN,
Congressman of Colorado, Washington, D. C.:

We, the workers on Huerfano County W. P. A. projects, assembled at a mass meeting in the Blue Glade Hall this 29th day of January 1936, have adopted the following resolutions:

Whereas the W. P. A. workers are furnishing their own transportation to and from the jobs, under the most miserable circumstances, and paying for medical service for themselves and their families; and

Whereas the workers and their families are going undernourished and without sufficient clothing, thereby threatening and undermining their general health; and

Whereas the minimum wage of $44 per month for W. P. A. workers has been tried and found out to be insufficient to adequately supply the necessities of life for the workers and their families: Therefore be it

Resolved, That we demand prevailing union wages on all W. P. A. projects, 30 hours per week, with transportation to and from the jobs, and medical aid to the workers and their families; be it further

Resolved, That we recommend that the W. P. A. administration set up for all children a hot-lunch project in all of Huerfano County schools; be it further

Resolved, That a copy of these resolutions be sent to each of the following officials: Harry L. Hopkins, Federal Works Progress Administrator, Washington, D. C.; Senator Costigan, Colorado Senator, Washington, D. C.; John A. Martin, Colorado Congressman, Washington, D. C.; Paul D. Shriver, Colorado Works Progress Administrator, Denver, Colo.; Ed. C. Johnson, Governor of Colorado, Denver, Colo.; Charles Haines, Huerfano County Works Progress Administrator, Walsenburg, Colo.

———— ————,
Presiding Chairman.
———— ————,
Presiding Secretary.

[Here the gavel fell.]

Mr. BURDICK. Mr. Speaker, on Friday of last week the gentleman from Texas made a statement in his speech which I think reflects on my integrity. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. BURDICK. When the Wheeler-Howard Act was before the Congress and under consideration in the Committee of the Whole House on the state of the Union, you will recall I submitted an amendment to limit the amount of money given to the Indian Bureau for the purpose of carrying on propaganda among the Indians for this new act.

I think I was entirely right when I sought to limit the amount of $160,000 to $10,000; but the House took action, and that is all there is to it. I had my say, but the House thought otherwise.

Mr. Speaker, in a speech the following day the gentleman from Texas [Mr. MAVERICK] stated:

BURDICK, on page 1280, entirely misdescribes the self-government feature of the Indian Reorganization Act.

He made the statement that in referring to the act I said that any committee of Indians organized under the new act was always subject to the whim and the caprice of the Department of the Interior. He took exception to that statement and said that I misdescribed the act, and states this:

The committee or governing body of the tribe, under its constitution, is elected by the tribe and is subject to removal by the tribe alone.

I want to say that I did not misdescribe this act to the Members of Congress. I sat for 5 months on a committee which heard the complaints of the Indians; and if the Members of the House will refer to the hearings that were held on H. R. 7781, they will find set out in that document the fact that on the Klamath Indian Reservation the business committee did not suit the Department of the Interior, and this committee was removed. I say that the Department can remove any committee organized under the new act.

Mr. MAVERICK. Will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Texas.

Mr. MAVERICK. If anything I said the other day was merely a difference of opinion, I may be wrong, and the gentleman may be right. I would not cast any reflection on the gentleman at all.

Mr. BURDICK. The thing I disliked was the statement that I misdescribed that act to this body.

Mr. MAVERICK. I will change that to difference of opinion, because I have a very high opinion for the gentleman's intelligence, integrity, and ability. Also, I agree with you pretty much on your ideas of the Federal Reserve System; upon that I think the gentleman from North Dakota is one of the greatest authorities in the United States. I agree with the gentleman upon some matters of importance, so this Indian business is a difference of opinion on what I regard as a minor matter. The gentleman from North Dakota serves his people well, and if necessary I will make an apology 9 miles long. [Applause.]

Mr. BURDICK. Mr. Speaker, apparently this settles all difficulties.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COCHRAN. Mr. Speaker, I received notice from the Whip this morning to the effect that bills on the Private Calendar would be called tomorrow. Does that mean that an omnibus claim bill may be called up tomorrow?

The SPEAKER. Under the rule, an omnibus claim bill may not be called up tomorrow.

Mr. COCHRAN. An omnibus claim bill can be called up by unanimous consent tomorrow, if unanimous consent is granted?

The SPEAKER. The House may by unanimous consent agree to the consideration of such a bill, but under the rule omnibus bills may not be considered unless unanimous consent is given. Only individual bills on the Private Calendar may be considered tomorrow.

Mr. COCHRAN. Mr. Speaker, I want to express the hope that the Speaker will not recognize anyone requesting unanimous consent for the consideration of an omnibus claim bill until the Members of the House have had 10 days' notice in advance. This thing of calling up such bills on 24 hours' notice is not fair to the House. The bills provide for appropriations and, as the gentleman from Colorado stated the other day, the Congress, without any regard for the condition of the Treasury, is continually passing bills calling for large expenditures. Members should receive a week or 10 days' notice so they can examine omnibus claims bills.

JUDICIARY COMMITTEE

Mr. DUFFY of New York. Mr. Speaker, I ask unanimous consent that the subcommittee of the Judiciary Committee holding hearings with reference to amendments to the Clayton Act, as well as the Judiciary Committee itself, may sit during the session of the House tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, and I shall not object to the request of the gentleman from Massachusetts, may I say that a great many Members are awaiting for bills on the Private Calendar to be called, and I shall be forced to object to any further unanimous-consent requests.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONNERY. Mr. Speaker, I merely rise at this time to take issue with my friend the gentleman from Texas [Mr. BLANTON] in reference to Mr. Hopkins and the relief program. At the conclusion of Mr. BLANTON's speech I called Mr. Hopkins' office and talked to Mr. Aubrey Williams in reference to the query propounded by the gentleman from Texas [Mr. BLANTON] put to the House today in reference to relief. There is no one in this House who would not be perfectly willing to give that citizen to whom the gentleman referred preference—I refer to the patriotic Americans who have striven mightily to carry on without aid from the Government, and who finally found themselves penniless and at the end of their rope—and the answer of Mr. Hopkins is this: Does Mr. BLANTON want everyone who is on the relief rolls taken off and put these other people on? Or, is Mr. BLANTON willing, as I am, to appropriate the money to put them all on?

Mr. BLANTON. I want all American citizens in distress to be treated exactly alike, with no discrimination.

Mr. CONNERY. That is exactly what Mr. Hopkins wants to do.

Mr. BLANTON. I do not want any halo or sacrosanct put around the heads of those on the relief rolls and give them Government work and say to every other worthy citizen in the United States whose family is starving, "You cannot have public work, because you have not been on relief."

Mr. CONNERY. I understand the gentleman from Texas perfectly.

Mr. BLANTON. I want American citizens in distress treated exactly alike, with no discrimination.

Mr. CONNERY. Mr. Hopkins wants to treat them all alike, but he cannot do so unless we give him the money. It is up to my friend, the gentleman from Texas [Mr. BLANTON], to support an appropriation that will first take care of those citizens to whom he referred, who have made sacrifices and have come to the end of their rope, and also to take care of that extra 100,000 that Mayor Laguardia is calling for in New York, who have to go on relief, as well as these other thousands that are referred to by the mayors of Chicago and every other city in the United States. Let us take care of all of them. Is my friend the gentlemen from Texas willing to appropriate the money to take care of all of them?

Mr. BLANTON. We appropriated $4,800,000,000 to furnish work to all distressed Americans. That is a stupendous sum of money. It was intended for the worthy unemployed. Congress did not intend that discrimination should be shown. We wanted all treated fairly, and justly, and exactly alike. One distressed American is just the same as any other distressed American. I want to see them all treated exactly alike.

Mr. CONNERY. And I repeat to my friend from Texas, that that is exactly what Mr. Hopkins wants.

Mr. BLANTON. It may be what Mr. Hopkins wants, but he is doing just the reverse. He is giving all the work to those who have been on relief, and is giving no work to any man who through many sacrifices has kept off of relief, although his family is now starving. We must change this intolerable situation. It is indefensible.

[Here the gavel fell.]

PROCESSING TAXES

Mr. HOPE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOPE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letter, which I have today written Mr. Gustavus F. Swift, president of Swift & Co., Chicago:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 30, 1936.

Mr. GUSTAVUS F. SWIFT,
President, Swift & Co., Chicago, Ill.

DEAR MR. SWIFT: It is my understanding that by virtue of the decision of the United States Supreme Court in the so-called rice-millers case, impounded processing taxes in an amount approximating $10,000,000 will be released to your company. In view of the fact that in paying these processing taxes you merely acted as a collecting agency for the Government of the United States, I am wondering what disposition your company expects to make of this money.

I assume that your company does not contend that it paid any portion of this tax or that it has any right or title to it at this time. I am basing this assumption upon the repeated statements which have been made by the packers of this country to the effect that they had not and could not absorb processing taxes, that they could not pass them on to the consumer and that the only alternative was to take them out of the price paid the producer. I assume that there is no question about this being the position of the packers of the country and of your own company. I specifically call your attention to the testimony of Mr. George E. Putnam, economist for Swift & Co., who testified before the House Committee on Agriculture on Saturday, December 17, 1932. At that time the committee had under consideration what was known as the Jones allotment bill, which imposed a processing tax upon hogs. After discussing at considerable length the effect and incidence of a processing tax on hogs, Mr. Putnam summarized the packers' position as follows:

"I should like to take up just 30 seconds by way of résumé of the principal points that I attempted to develop. I led you up through some rather dismal channels by way of showing some of the fundamental economic principles involved in the meat business and in the whole question of the incidence of a tax.

"First, the packer's profit margin is not sufficient to absorb a tax of one-half cent a pound or a tax of 2 cents per pound or a tax of 4 cents per pound.

"Second, the tax cannot be passed on to the consumer on the form of high prices because, first, the pork is highly perishable and must be moved at the market price, whether that price is satisfactory or unsatisfactory, and second, because there are a great many substitutes for pork, and if the packer attempted to pass on a tax on hogs to the consumer in the form of higher prices, the consumer would substitute not only other meats but any number of kinds of food. Therefore the tax must be passed on to the producer" (p. 232 of hearings).

In the course of the hearings on this bill Mr. Thomas E. Wilson, then president of Wilson & Co.; Mr. T. G. Lee, then president of Armour & Co., and Mr. Oscar Mayer, a packer of Madison, Wis., all testified to the same effect.

Mr. Mayer summed the matter up by saying:

"Under these conditions, any absorption of the tax by the packing industry is clearly impossible and there remains only the final alternative of pushing the tax back upon the farmer in the form of lower prices for livestock" (p. 283).

Mr. Lee said: "I am here for the purpose of stating to you from an experience of over 30 years in selling meat products that the proposed tax cannot be passed on to the consumer, and, likewise, that the processors cannot pay it" (p. 291).

Mr. Wilson said: "Now, as to the packer being able to pay this tax, there is nothing out of which he would be able to pay it, in his business. As I figure it, this would amount to approximately $300,000,000, the tax as proposed, and the manufacturers cannot take that out of their earnings. The packer has nothing out of which it can come. Therefore, if it cannot be passed on to the consumer and cannot be paid by the packer it must come out of the producer, in my opinion" (p. 268).

On March 6, 1935, the House Committee on Agriculture conducted hearings on the bill (H. R. 5585) to amend the Agricultural Adjustment Act. At that time Mr. Putnam, again representing your company, appeared, and for the purpose of ascertaining whether the predictions of the packers and their representatives as to the incidence of the tax were being borne out, I asked Mr. Putnam the following question:

"Mr. Putnam, is it your opinion that the farmer would today receive $2.25 more for his hogs if the processing tax were not in effect?"

Mr. Putnam replied:

"I say that if you will remove the processing tax from hogs the price of hogs would jump instantly $2.25 on the hundred, and I am most sure of that, for this reason: The farmer that produces hogs receives not only the market price, the current price, but if he is cooperating with the Government in the reduction of production program he receives a benefit payment of somewhere in the neighborhood of 90 to 95 percent of the processing tax. Now, do not misunderstand me; I do not say that the processing tax reduces the amount the farmer receives per hog, for on balance the processing tax is returned to him in the form of benefit payments but the market price is less."

In reply to a further question along the same line, Mr. Putnam replied:

"The market price is less by the amount of the processing tax" (pp. 254–255).

It would appear that it was still the belief of the packers after more than a year's experience with the processing tax that it was being passed back to the farmer. Indeed, I have never heard any other contention made by anyone representing the packing industry, and I take it for granted that no such contention is made now. Therefore, it would seem that the only fair and equitable disposition of this money would be for the packers to return it to the producers who had the amount of the tax deducted from the sale price of their hogs.

While it might take some time and trouble to return these taxes to the producers who have paid them, yet I assume that the records of your company are sufficiently complete to enable

you to make such refunds within a reasonable period of time. In all fairness and good conscience this should be done as soon as possible.

This same inquiry, of course, might well be made of all of those who engage in the packing industry. It is impossible, however, for me to write all packers regarding the matter, so I am writing to you because of the influential position and leadership of your company in the industry. I am sure that whatever position you follow in this regard will be persuasive as to other companies. I shall be pleased to hear from you to the effect that it is the purpose of Swift & Co. to restore to the hog producers of the country the tax which the Federal Government has collected from them through you.

Very sincerely yours,

CLIFFORD R. HOPE.

THE CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day, and the Clerk will call the first bill on the calendar.

IRRIGATION CHANNEL BETWEEN CLEAR LAKE AND LOST RIVER, CALIF.

The Clerk called the first bill on the calendar, H. R. 6773, to deepen the irrigation channel between Clear Lake and Lost River, in the State of California, and for other purposes.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

COLONIAL MONUMENT IN THE STATE OF VIRGINIA

The Clerk called the next bill, H. R. 5772, to provide for the addition or additions of certain lands to the Colonial National Monument in the State of Virginia.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE HOMESTEAD NATIONAL MONUMENT OF AMERICA, GAGE COUNTY, NEBR.

The Clerk called the next bill, S. 1307, to establish the Homestead National Monument of America in Gage County, Nebr.

Mr. LUCKEY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

ENFORCEMENT OF THE TWENTY-FIRST AMENDMENT

The Clerk called the next bill, H. R. 8368, to enforce the twenty-first amendment.

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SARATOGA NATIONAL HISTORICAL PARK IN THE STATE OF NEW YORK

The Clerk called the next bill, H. R. 89, to provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes.

Mr. RICH and Mr. DIRKSEN objected.

AMENDMENT OF THE BANKRUPTCY ACT

The Clerk called the next bill, S. 1425, to amend section 80 of chapter 9 of an act to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898.

Mr. TABER. Mr. Speaker, if I recall correctly, a bill of this character was passed 4 weeks ago today. It was objected to by me when first called on the calendar, and later on I consented that the bill be brought up and the measure was then taken up and passed.

Mr. CELLER. Mr. Speaker, in the absence of the proponent of the bill, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LAW CLERKS TO UNITED STATES DISTRICT COURT JUDGES

The Clerk called the next bill, H. R. 6376, to amend section 118 of the Judicial Code to provide for the appointment of law clerks to United States district court judges.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

There being no objection, a similar Senate bill (S. 2643) was reported for the House bill, as follows:

Be it enacted, etc., That the Judicial Code be, and it is hereby, amended by the addition of the following section:

"SEC. 118b. Each United States district court judge is hereby authorized to appoint a law clerk when he deems the same to be necessary, and the senior judge of the circuit court of appeals having jurisdiction over the district where the clerk is needed shall certify to the necessity of the appointment, but there shall not be appointed more than 35 of such law clerks during the first fiscal year of the enactment of this amendment. Thereafter such number in excess of 35 per year shall be limited by the necessity of each case as hereinbefore provided. The salary of such appointed law clerk shall be at a rate not in excess of $2,750 per annum; and the appropriation of such amount as is or may be necessary to pay the salaries and travel expenses of such law clerks is hereby authorized."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 6376) was laid on the table.

WINNEBAGO TRIBE OF INDIANS

The Clerk called the next bill, H. R. 6740, to amend an act approved December 17, 1928, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes."

Mr. STEFAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. COCHRAN. Mr. Speaker, this is an Indian claims bill, and I put in the RECORD a few days ago a letter that shows the House would not be justified in passing this bill, and I therefore object.

Mr. BACON, Mr. TABER, and Mr. RICH also objected.

INSPECTION OF MOTOR VESSELS

The Clerk called the bill (S. 2001) to amend section 4426 of the Revised Statutes of the United States, as amended by the act of Congress approved May 16, 1906.

The SPEAKER. Is there objection?

Mr. BLAND. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

Mr. WOLCOTT. Reserving the right to object, I want to ask the gentleman from Virginia a question. Page 2, line 16, implies that the act will include all towing vessels. As I understand, that will include all vessels, regardless of tonnage.

Mr. BLAND. That is true, and that is the reason I am asking that the bill go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

EXTENDING THE TRUST PERIOD ON LANDS RESERVED FOR THE PALA BAND OF MISSION INDIANS, CALIFORNIA

The Clerk called the bill (H. R. 8252) to reimpose and extend the trust period on lands reserved for the Pala Band of Mission Indians, California.

There being no objection, the bill S. 2877 was substituted for the House bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the period of trust on lands patented to the Pala Band of Mission Indians in California under authority of the act of January 12, 1891 (26 Stat. 712), which trust expired January 5, 1935, is hereby reimposed and extended for a period of 10 years from that date: *Provided*, That further extension of the period of trust may be made by the President, in his discretion, as provided by the act of March 2, 1917 (39 Stat. 976).

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

COURTHOUSE BUILDING AT RUTLAND, VT.

The Clerk called the bill (S. 37) authorizing the Comptroller General of the United States to settle and adjust the claims of subcontractors and materialmen for material and labor furnished in the construction of the post office and courthouse building at Rutland, Vt.

Mr. COSTELLO. Mr. Speaker, I ask that this bill go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

FORT FREDERICA NATIONAL MONUMENT

The Clerk called the bill (H. R. 8431) to provide for the establishment of the Fort Frederica National Monument at St. Simon Island, Ga.

The SPEAKER. Is there objection?

Mr. DEEN. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

APPOINTMENT OF POSTMASTERS

The Clerk called the bill (H. R. 2793) to amend the provisions of law relating to appointment of postmasters.

The SPEAKER. Is there objection?

Mr. WOLCOTT, Mr. TABER, and Mr. JENKINS of Ohio objected.

TO CREATE AN INDIAN CLAIMS COMMISSION

The Clerk called the bill (H. R. 7837) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes.

The SPEAKER. Is there objection?

Mr. TABER, Mr. COCHRAN, and Mr. BACON objected.

Mr. KNUTE HILL. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

PACKERS AND STOCKYARDS ACT, 1921

The Clerk called the bill (H. R. 8851) to amend the Packers and Stockyards Act, 1921.

The SPEAKER. This bill requires three objections. Is there objection to the consideration of the bill?

Mr. O'CONNOR, Mr. DIRKSEN, Mr. BEAM, and Mr. BACON objected.

CLAIMS RESPECTING POST-OFFICE BUILDING, HEMPSTEAD, N. Y.

The Clerk called the bill (S. 2647) authorizing the Comptroller General of the United States to settle and adjust claims of subcontractors, materialmen, and laborers for material and labor furnished in the construction of a post-office building at Hempstead, N. Y.

The SPEAKER. Is there objection?

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. MILLARD. Mr. Speaker, I object to that. I think this bill ought to have proper consideration at some other time. I object.

Mr. COSTELLO. Then I object to the present consideration of the bill.

CLAIMS OF GRAIN ELEVATORS RESPECTING INSURANCE, ETC.

The Clerk called Senate Joint Resolution 72, authorizing and directing the Comptroller General of the United States to certify for payment certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920 as per a certain contract authorized by the President.

The SPEAKER. Is there objection?

Mr. COCHRAN. Mr. Speaker, I object.

Mr. RICH. Mr. Speaker, I object.

Mr. CLAIBORNE. Mr. Speaker, I object.

STAY OF ALIENS IN UNITED STATES

The Clerk called the bill (H. R. 7221) to authorize the shortening or termination of the stay in the United States of certain aliens not admitted for permanent residence, to authorize the deportation of certain aliens admitted for permanent residence, and for other purposes.

The SPEAKER. Is there objection? This bill requires three objectors.

Mr. MAVERICK, Mr. DIRKSEN, and Mr. JENKINS of Ohio objected.

ALIEN WIVES OF AMERICAN CITIZENS

The Clerk called the bill (H. R. 7975) to permit alien wives of American citizens who were married prior to the approval of the Immigration Act of 1924 to enter the United States.

The SPEAKER. Is there objection?

Mr. KING. Mr. Speaker, I ask unanimous consent that the bill will be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

COMMUTING OF ALIENS

The Clerk called the bill (H. R. 4340) to restrict habitual commuting of aliens from foreign contiguous territory to engage in skilled or unskilled labor or employment in continental United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That no alien or aliens, foreigner or foreigners, or citizens of any foreign country, nation, or colony, or a citizen of a possession of any foreign nation or country, the boundaries of which touch the boundaries of the United States of America or are contiguous thereto, shall be permitted to habitually cross said international boundary line for the purpose of seeking employment, or engaging in any employment, vocation, or trade, either as skilled or unskilled labor employment, in the United States of America, to and from his or their residence or residences which are outside of the borders of the said continental United States.

SEC. 2. The words "alien", "foreigner", and "citizen of any foreign country, nation, or colony" shall be construed to mean any person who has his residence in said foreign country, nation, or possession or colony of a foreign country.

SEC. 3. Aliens within the purview of sections 1 and 2 of this act shall be held to be immigrants and shall be excluded from the United States, or shall be deported from the United States under the provisions of the immigration laws now in effect, unless they are in possession of an unexpired immigration visa at each separate application for admission or in possession of an unexpired reentry permit for each separate application to return from foreign contiguous territory.

SEC. 4. The provisions of this act are in addition to the provisions of the immigration laws now in force, and shall be enforced as a part of such laws, and all of the penal or other provisions of such laws now applicable shall apply to and be enforced in connection with the provisions of this act.

With the following committee amendment:

Page 2, after line 24, insert a new section, as follows:

"SEC. 5. The provisions of this act shall not be applicable to any person who is a bona fide employee of any common carrier operating between the United States and any foreign contiguous territory."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATURALIZATION LAWS RESPECTING RESIDENCE REQUIREMENTS

The Clerk called the bill (H. R. 4900) to amend the naturalization laws in respect of residence requirements, and for other purposes.

The SPEAKER. Is there objection?

Mr. JENKINS of Ohio. Mr. Speaker, the author of the bill, Mr. BLOOM, requested that I ask unanimous consent that the bill be passed over without prejudice, and I make that request.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS TENNESSEE RIVER, DECATUR, TENN.

The Clerk called the bill (H. R. 8586) granting the consent of Congress to the State of Tennessee and certain of its political subdivisions to construct, maintain, and operate

a toll bridge across the Tennessee River at or near a point between Dayton and Decatur, Tenn.

The SPEAKER. Is there objection?

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

BOARD OF REGENTS

Mr. KELLER. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which Senate Joint Resolution 118, providing for the appointment of Mr. Morris, a member of the Board of Regents was indefinitely postponed, and reinstate the same on the calendar.

The SPEAKER. Is there objection?

There was no objection.

AUTHORIZING CALIFORNIA TO BRING SUIT IN COURT OF CLAIMS ON BEHALF OF INDIANS

The Clerk called the bill, H. R. 5167, to amend an act entitled "An Act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California", approved May 18, 1928 (45 Stat. L. 602), by amending certain portions of sections 3 and 6 thereof.

The SPEAKER. Is there objection?

Mr. COCHRAN, Mr. BACON, Mr. WOLCOTT, and Mr. TABER objected.

FUNDS ALLOCABLE TO PUERTO RICO FOR EMERGENCY RELIEF

The Clerk called the next bill, H. R. 8621, to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill? This bill requires three objections.

Mr. TABER, Mr. WIGGLESWORTH, Mr. THOMPSON, and Mr. MERRITT of Connecticut objected.

DEPOSIT AND INVESTMENT OF INDIAN FUNDS

The Clerk called the next bill, H. R. 8588, to authorize the deposit and investment of Indian funds.

There being no objection, the Clerk read the bill, as follows:

A bill to authorize the deposit and investment of Indian funds

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in his discretion, and under such rules and regulations as he may prescribe, to withdraw from the United States Treasury and to deposit in banks to be selected by him the common or community funds of any Indian tribe which are, or may hereafter be, held in trust by the United States, and on which the United States is not obligated by law to pay interest at higher rates than can be procured from the banks. The said Secretary is also authorized, under such rules and regulations as he may prescribe, to deposit in banks to be selected by him the funds held in trust by the United States for the benefit of individual Indians: *Provided*, That no individual Indian money shall be deposited in any bank until the bank shall have agreed to pay interest thereon at a reasonable rate, except that the payment of interest may be waived in the discretion of the Secretary of the Interior on active checking accounts: *Provided further*, That no tribal or individual Indian money shall be deposited in any bank until the bank shall have furnished an acceptable bond or pledged collateral security therefor in the form of any public-debt obligations of the United States and any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, except that no such bond or collateral shall be required to be furnished by any such bank which is entitled to the benefits of section 12B of the Federal Reserve Act, with respect to any deposits of such tribal or individual funds to the extent that such deposits are insured under such section: *Provided, however*, That nothing contained in this act, or in section 12B of the Federal Reserve Act, shall operate to deprive any Indian having unrestricted funds on deposit in any such bank of the full protection afforded by section 12B of said Federal Reserve Act, irrespective of any interest such Indian may have in any restricted Indian funds on deposit in the same bank to the credit of a disbursing agent of the United States. For the purposes of said acts, said unrestricted funds shall constitute a separate and distinct basis for an insurance claim: *Provided further*, That the Secretary of the Interior, if he deems it advisable and for the best interest of the Indians, may invest the trust funds of any tribe or individual Indian in any public-debt obligations of the United States and in any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States: *And provided further*, That the foregoing shall apply to the funds of the Osage Tribe of Indians, and the individual members thereof, only with respect to the deposit of such funds in banks.

SEC. 2. Section 28 of the act of May 25, 1918, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919", and all other acts or parts of acts inconsistent herewith are hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WHALING TREATY

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that the bill (S. 3413) to give effect to the convention between the United States and certain other countries for the regulation of whaling, concluded at Geneva, September 24, 1931, signed on the part of the United States, March 31, 1932, and for other purposes, be rereferred to the Committee on Foreign Affairs. The bill was referred to the Committee on the Judiciary. I have discussed it with the chairman of that committee, and it is satisfactory to him that it be rereferred to the Committee on Foreign Affairs.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CONSENT CALENDAR

PERIOD OF RESTRICTION IN LANDS OF THE FIVE CIVILIZED TRIBES

The Clerk called the next bill, H. R. 8787, to amend section 3 of the act approved May 10, 1928, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes", as amended February 14, 1931.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice to enable the committee to comply with the Ramseyer rule.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SKILLED SHORTHAND REPORTERS IN THE EXECUTIVE BRANCH OF THE GOVERNMENT

The Clerk called the next bill, H. R. 4886, providing for the employment of skilled shorthand reporters in the executive branch of the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. EAGLE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

BOARD OF SHORTHAND REPORTING

The Clerk called the next bill, H. R. 4887, to create a board of shorthand reporting, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Reserving the right to object, Mr. Speaker, this would create another board, would it not?

Mr. EAGLE. Which costs the Government not one penny.

Mr. TABER. Would the gentleman explain how that could be possible?

Mr. EAGLE. Gladly, because it provides that out of a fee of $25 each, to be paid by the applicants for a certificate as a certified shorthand reporter, all salaries and expenses shall be paid, and the bill expressly so states.

Mr. TABER. Unless this board passes on the qualification of someone, they cannot be employed as a shorthand reporter in the District?

Mr. EAGLE. That would not be true.

Mr. TABER. It would not?

Mr. EAGLE. No.

Mr. TABER. I think I will ask that this bill be passed over without prejudice.

Mr. EAGLE. I wonder if the gentleman would be patient and allow me to make a brief explanation of it, because I

am satisfied if he understands it as I do, he will not be disposed to object.

Mr. TABER. I am willing to reserve the objection.

Mr. EAGLE. At the request of the National Shorthand Reporters Association and State shorthand reporters' associations of many States, at the request of several of the departments of the Government, including the Interstate Commerce Commission, I have introduced this bill. A similar bill, S. 1453, was introduced in the Senate, unanimously reported favorably by the Senate committee, and passed unanimously by the Senate, and has been referred to the Committee on the Judiciary of the House, and that committee has considered it and, in turn, made its favorable report.

The State of Iowa and the State of New York led off in the matter of securing accurate stenographic transcripts of public business. Many other States have, also, but those two, notably, have taken the lead.

I wish to say to the gentleman from New York [Mr. TABER] and other Members that at present, under the statute and under the rule prevailing, under the statute and under the custom prevailing, stenographers to make stenographic reports for great bureaus, like the Interstate Commerce Commission and other independent agencies of the Government, are obtained by competitive bidding. Contractors come and bid so much to do the work for 6 months or 12 months. You do not get a lawyer upon the basis of competitive bidding; if you did, you would lose every case. You do not get a doctor upon the basis of competitive bidding; if you did, you would likely go to your grave. Yet in matters affecting millions or even hundreds of millions of dollars in the Interstate Commerce Commission and other great independent agencies of the Government, and in matters affecting the rights and liberties of the citizens, bids are let to contractors at wholesale, who take them so low they cannot get the best stenographic service in the country, but get men who cannot compete with the successful and competent shorthand reporters of the country, and they often make reports upon which lawyers and litigants, rich and poor alike, cannot rely. The contractors make up the deficit, if at all, by the sale of extra certified copies of these imperfect records. This bill provides that three persons who have lived in the United States 5 years and have been public stenographers for 5 years shall be appointed by the President as a board of shorthand reporting, to be confirmed by the Senate. Thereafter the term shall be 3 years for such persons; that their compensation, and their only compensation, shall be a fee of $25 for each applicant to get a certificate. Nowhere does it say that the Government boards, bureaus, or departments are limited to those holding certificates, but the implied understanding is that they will employ such as have been examined, qualified, and certified, in order to have good services.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. EAGLE. I yield.

Mr. KNUTSON. Does the gentleman think the application fee a little high?

Mr. EAGLE. I do not, because if the applicant shall fail to pass, he could, within 2 years, without the payment of an additional fee, when better qualified come and be examined again.

At stated periods and times this board of three, paying their traveling expenses and their own compensation out of such $25 items from all over the country, go to different parts of the United States where it would be convenient for applicants to be examined. I think, therefore, the fee is not too high.

Mr. KNUTSON. Is there not danger of favoritism in an arrangement of this kind?

Mr. EAGLE. I do not think so.

Mr. ZIONCHECK. Mr. Speaker, I demand the regular order at this time.

Mr. RICH. Could not the Civil Service hold these examinations?

Mr. EAGLE. No; not under the present civil-service statute.

Mr. RICH. Would it not be more satisfactory for the Civil Service Commission to do this?

Mr. EAGLE. The Civil Service Commission law would have to be amended before it could so make by examination an eligible list of stenographers for such purposes.

Mr. TABER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CLASSIFICATION OF POSTMASTERS

The Clerk called the next bill, H. R. 3251, extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, when this bill was called 2 weeks ago I believe I made the statement to the gentleman from New York [Mr. MEAD] that I would favor a bill placing first-, second-, and third-class postmasters under civil service. I thought at that time this bill might be the answer to my prayer, but I find in studying the bill that it merely creates the machinery by which all existing postmasters may be blanketed into the civil service upon reappointment. For this reason and because of the highly political nature of the bill, I am forced to object.

Mr. RAMSPECK. Will not the gentleman from Michigan withhold his objection to permit me to ask a question?

Mr. WOLCOTT. I withhold my objection, Mr. Speaker, to permit the gentleman to make a statement.

Mr. RAMSPECK. I would like to ask the gentleman from Michigan what the other method is? This simply applies the present civil-service law to postmasters.

Mr. WOLCOTT. I will answer the gentleman in this manner: I have in mind introducing a bill which I believe will take care of this situation and be fair to both sides of the aisle, because, after all, this is a political issue and nothing else.

I would provide, I believe, for the immediate elimination of first-, second-, and third-class postmasters; I would provide that these offices be immediately filled by competitive civil-service examinations; and to give inducement for promotion from the ranks of the postal employees I would provide in this bill that experience should rate, we will say, 60 percent, in order that there may be a career for some of these men who are actually doing the work at the present time without the honor of being called postmaster. We all know that in first-class offices in particular the assistant postmaster or the superintendent of mails does the actual technical work of the office and that the postmaster becomes merely a figurehead.

Now, there is no reason why this assistant postmaster, who quite often is a civil-service employee, or the superintendent of mails, should not have the title, already having the responsibility of doing the work; and I believe, as I have been thinking it over since the last call of the calendar, that this would be the only equitable way in which the situation could be handled. This would be fair to all the existing postmasters and fair to both sides of this aisle.

Mr. MEAD. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. MEAD. If it is impossible for us to have this legislation enacted I shall be very glad to join with the distinguished gentleman from Michigan in advocating his plan. I want to compliment him on having a plan that approaches the solution of this question. It has, however, been the custom of the Civil Service Commission, gained from the experience in handling problems of this kind, to cover the employees affected as is done in this bill.

This bill contains their recommendations. A postmaster who is physically unfit, over age, or otherwise disqualified, would not be covered by civil service because they have to take a qualifying examination. I would like to see this bill advanced, because it is the recommendation of the bipartisan Civil Service Commission, and it advances the cause

of good administration and improves the personnel of this service.

Mr. WOLCOTT. I think the gentleman from New York and myself are in accord on what we want to accomplish, but the gentleman realizes that this bill would give a lifetime job to every first-, second- or third-class postmaster reappointed.

Mr. MEAD. Only after he could pass the qualifying test provided by the Commission.

Mr. WOLCOTT. No. As I understand the bill, if this administration goes over into a second term, then upon the reappointment of the present postmaster he immediately obtains a civil-service status.

In other words, it is possible for all existing postmasters to be blanketed into the civil service upon reappointment.

The regular order was demanded.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. TABER, Mr. WOLCOTT, and Mr. RANSLEY objected.

RETIREMENT OF GOVERNMENT EMPLOYEES

The Clerk called the next bill, H. R. 3044, to amend the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government, to include all other employees in the legislative branch.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government, is hereby amended to include all other employees in the legislative branch.

SEC. 2. The provisions of such act of May 29, 1930, shall not be applicable to any employee in the legislative branch who is brought within its scope by section 1 of this act until such employee gives notice in writing to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, that he or she desires to come under the provisions of such act of May 29, 1930. Such notice must be given, in the case of any such employee in the service on the effective date of this act, within 6 months from such effective date, and in the case of any such employee entering the service after the effective date of this act, within 6 months from the date of such entrance.

SEC. 3. The provisions of section 2 of such act of May 29, 1930, and of section 204 of the Economy Act of June 30, 1932, and any Executive orders pursuant thereto, relating to automatic separation, shall not apply to any employee in the legislative branch to whom the provisions of such act are extended by this act.

SEC. 4. The term "employee in the legislative branch" where used in this act shall also include (a) officers elected by the Senate or House of Representatives who are not members of either body, (b) the legislative counsel of the Senate and the legislative counsel of the House and the employees in their respective offices, (c) the Capitol Police force, and (d) the employees of the Joint Committee on Printing and the Joint Committee on Internal Revenue Taxation, and

SEC. 5. This act shall take effect on October 1, 1935.

With the following committee amendments:

On page 2, line 23, strike out the word "and."

On page 2, line 25, after the word "and", insert "(e) clerks to Members of the Senate, clerks to Members of the House of Representatives, clerks and employees to the several committees of the House and Senate, and all other employees.

"SEC. 5. In computing annuitable service, all employment prior to July 1, 1919, as clerk to a Representative, Delegate, or Resident Commissioner in his representative capacity shall be recognized as employment in the legislative branch if and when such employment can be shown by records or secondary evidence, and in the case of applications heretofore awarded or denied such cases shall be immediately reopened and readjudicated on the above basis from the date of separation, this provision to become effective from date of the approval of this act."

Page 3, line 14, strike out "5" and insert "6."

The committee amendments were agreed to.

Mr. RAMSPECK. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read the amendment, as follows:

Amendment offered by Mr. RAMSPECK: On page 3, line 15, strike out "1935" and insert in lieu thereof "1936."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

AMENDMENT TO CIVIL SERVICE ACT

The Clerk called the next bill, H. R. 5051, to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN, Mr. CLAIBORNE, and Mr. MORITZ objected.

CONSTRUCTION OF BUILDINGS FOR POST-OFFICE STATIONS, ETC.

The Clerk called the next bill, H. R. 4672, to provide for the purchase of construction of buildings for post-office stations, branches, and garages, and for other purposes.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

TOLL BRIDGE ACROSS MISSOURI RIVER AT OR NEAR ARROW ROCK, MO.

The Clerk called the next bill, H. R. 8644, granting the consent of Congress to J. L. Jones, Tyre W. Burton, and H. R. Turley, trustees, to construct, maintain, and operate a toll bridge across the Missouri River at or near Arrow Rock, Mo.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I want to be consistent with reference to these toll-bridge bills. This is in my own State. I object.

Mr. ZIONCHECK and Mr. COSTELLO also objected.

ISLAND OF PUERTO RICO

The Clerk called the next bill, H. R. 1392, to extend the provisions of certain laws to the island of Puerto Rico.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That beginning with the fiscal year ending June 30, 1936, the island of Puerto Rico shall be entitled to share in appropriations now or which may hereafter become available for apportionment under the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, known as the "Federal Highway Act", and any act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States, and the island of Puerto Rico shall be included in the calculations to determine the basis of apportionment of such funds.

With the following committee amendments:

On page 1, line 3, strike out "1936" and insert "1938."

Page 1, line 9, strike out the words "known as the Federal Highway Act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMITTEE ON AGRICULTURE

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may be permitted to sit during the session of the House today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONSENT CALENDAR

TOLL BRIDGE ACROSS THE OHIO RIVER AT LOUISVILLE, KY.

The Clerk called the next bill, H. R. 8661, supplementing the act of Congress approved February 25, 1928, entitled "An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city."

Mr. ZIONCHECK. Mr. Speaker, I understand this bill was included in an omnibus bill the last time and is already the law. I ask unanimous consent that the bill may be stricken from the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. WOLCOTT. Mr. Speaker, in the absence of any member of the committee who can speak for the committee,

I think the bill should keep its place on the calendar until a member of the committee makes the request.

Mr. ZIONCHECK. Mr. Speaker, I withdraw the request.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

USE OF NET WEIGHTS IN INTERSTATE AND FOREIGN COMMERCE TRANSACTIONS IN COTTON

The Clerk called the next bill, H. R. 8631, to provide for the use of net weights in interstate and foreign commerce transactions in cotton, to provide for the standardization of bale covering for cotton, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McCORMACK, Mr. CLAIBORNE, Mr. COCHRAN, Mr. MERRITT of New York, Mr. DELANEY, Mr. GRANFIELD, Mr. BACON, Mr. TABER, and Mr. WIGGLESWORTH objected.

MALHEUR NATIONAL FOREST

The Clerk called the next bill, S. 464, to add certain lands to the Malheur National Forest in the State of Oregon.

Mr. PIERCE, Mrs. O'DAY, and Mr. RICH objected.

GENERAL MARQUIS DE LAFAYETTE

The Clerk called the next bill, H. R. 4989, for erection of monument to General Marquis de Lafayette.

Mr. WOLCOTT, Mr. DIRKSEN, Mr. TABER, and Mr. RICH objected.

COMPACT BETWEEN WASHINGTON, OREGON, AND IDAHO WITH REGARD TO JURISDICTION OVER BOUNDARY WATERS

The Clerk called Senate Joint Resolution 23, giving consent of the Congress of the United States to the States of Washington, Oregon, and Idaho, or any two of said States, to agree upon the jurisdiction to be exercised by said States over boundary waters between any two or more of said States.

Mr. MOTT. Mr. Speaker, I object.

Mr. CLARK of Idaho. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. MOTT. Yes; I withhold it.

Mr. CLARK of Idaho. May I inquire the purpose of the gentleman's objection?

Mr. MOTT. I understand the purpose of this bill is to allow certain interested parties in Oregon and Washington to go into the courts again for the purpose of redetermining the ownership of Sand Island, at the mouth of the Columbia River, which has already been determined and passed upon by the Supreme Court. The people at the mouth of the Columbia River object at this time to opening this matter again. I have recently received some letters from people living at the mouth of the Columbia, engaged in the fishing industry, and this is the objection they raise to it.

Mr. ZIONCHECK. Will not the gentleman let the bill be passed over without prejudice?

Mr. CLARK of Idaho. We might as well have it determined now.

Mr. MOTT. I have no objection if you would rather have the bill go over without prejudice.

Mr. ZIONCHECK. Regular order, Mr. Speaker.

Mr. MOTT. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice and withdraw my objection.

Mr. ZIONCHECK. Mr. Speaker, I object to that.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MOTT. I object, Mr. Speaker.

FRAUDS AGAINST THE UNITED STATES

The Clerk called the next bill, H. R. 4451, to amend section 1044 of the Revised Statutes to provide a 10-year period of limitations on prosecutions for offenses involving frauds against the United States.

Mr. ZIONCHECK. I object, Mr. Speaker.

ROSALIE PIAR SPRECHER (NEE ROSA SPRECHER)

The Clerk called the next bill, H. R. 7574, to amend an act entitled "An act relative to naturalization and citizenship of married women", approved September 22, 1922.

The SPEAKER pro tempore. The Chair may state that there is a similar Senate bill on the table.

Mr. JENKINS of Ohio. Mr. Speaker I reserve the right to object and yield to the gentleman from Tennessee, if I may do so without losing control of the floor.

Mr. TAYLOR of Tennessee. Mr. Speaker, I am simply asking the gentleman to withhold his objection pending an explanation.

I appreciate the vigorous opposition of the gentleman from Ohio [Mr. JENKINS] to any legislation that may impair our immigration policy, but this is an individual case which will in no sense affect our policy. I am just as strongly in favor of restricted immigration as the gentleman from Ohio, as my record as a member of the Immigration Committee will show; but this is a very worthy case, applying to a young lady who, when 16 years of age, came to the United States and was denied admission because of lack of quota and was sent back. She came over with her father and mother, her father at that time having an application for naturalization pending. Later on she came back under false colors, and while over here married the son of a reputable physician in Chicago. Then, on the advice of the immigration authorities in Chicago, she returned to Rumania with a tacit understanding there would be no objection to her coming back in the regular way. She is now denied the right to come back and is separated from her husband. This is an isolated case and was heard on its merits by the committee. I think, as a matter of justice, this bill ought to pass, and we ought to allow this woman to reenter the United States and be reunited with her husband. I think it would be a simple act of mercy to do this.

Mr. JENKINS of Ohio. Mr. Speaker, I further reserve the right to object and would like to make the statement, if I may, that I think this is a very important bill. The principle involved is far more important than the inconvenience that may result to any one individual.

The immigration law is different from any other law with which we have to deal. For instance, most of our laws deal with American citizens. An American citizen has rights under our law. He has recognizable rights, but an alien or a foreigner who has not yet arrived in our country has no such rights under our law. He must be here before he has any standing under our law. Then when we speak of the "rights of these people being invaded" we are taking an untenable position.

With this basic principle in mind I want you to bear with me a moment, because I wish you to know that this is not a personal objection on my part at all. I have great regard for the author of this bill, Mr. CHURCH, but there is a principle involved that we all might stop to consider. There are a great many of you who for years have been opposed to letting down the bars. Here is a big bar that you are going to let down if you allow this bill to go through. You are going to let the bar down and there will be absolutely no way for you to put this bar back up, because they will climb upon it and say, "This is a personal bill and only applies to one individual." Some of you were here in Congress when we threshed out the first individual bill of this kind. We had it up here for days and days, at different times, and here is what happened with respect to that bill. Many of you will recall that the bill involved a case that had been taken up in the courts of the United States. The individual concerned was a very wealthy man from New England, a boy in the American Army. He wanted to marry a girl in Germany. He applied for information and advice from the proper consular officer for the United States in Germany and was told that the girl's criminal record was such he could not bring her into this country at all. What did he do? He said, "I will bring her in anyhow." He then comes back to the United States and gets in touch with his rich relatives scattered all over the United States, and what did

he do? He married her anyhow, and then what was his next step? He comes down here and goes into the courts of the United States and brings a mandamus proceeding against one of our highest Cabinet officers, the Secretary of State. In other words, an individual clear across the ocean was trying to get jurisdiction in our courts to mandamus the Secretary of State to permit the entrance of this woman into the United States. What did the courts do? The case went to the Supreme Court of the United States, and the Supreme Court of the United States stood upon its dignity and said, "No; this individual has no recognizable rights under our law", and held accordingly. He then commenced a long fight to have a special bill passed permitting the entrance of this girl, with a criminal record, whom he had married in defiance of the Government, and to the everlasting discredit of Congress the bill was passed. Within the last year or two this bill was repealed as a useless part of the immigration laws.

If this bill passes, it will be the beginning of a new method of handling these immigration matters. I do not recall of but one case of this kind within my time here, and that is the case that I have already mentioned. This bill if passed will allow a woman to enter who came in illegally. One who had attempted to come to the United States as the daughter of a man who consented to play this part of practicing a deception on the Government officers.

But, as I have stated, I am not so much interested in this individual case as I am in the new principle that we are adopting. Just as sure as you commence letting persons into the United States of America by special bill you are tearing down the immigration bars and permitting a flood of new immigrants of all classes. Already nearly 30 special bills have been introduced expecting that if this bill is passed they shall enter. And why not?

I wish you to consider this fact. No committee of this House has ever assumed to vote out special bills to people who are not in the country, and who have no rights in our courts or in our country. The Pension Committee votes out special bills to persons who have a claim on the Government. The Committee on Claims votes special bills in cases where the individual has had a right to a claim against the Government and has lost it by reason of the running of the statute of limitation or some other good reason. These are the two committees out of which most of our special bills come. I repeat that the House should pause to appreciate just how important this step is. I should like this bill to be passed over to some later date until the Members have thoroughly familiarized themselves with the importance of the principle involved.

Mr. DICKSTEIN. I call for the regular order, Mr. Speaker.

Mr. JENKINS of Ohio. Mr. Speaker, I object.

PERSONAL INJURY AND DEATH CASES ARISING IN FOREIGN COUNTRIES

The Clerk called the bill (S. 2891) to provide for the adjustment and settlement of personal injury and death cases arising in certain foreign countries.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That when any act of omission of any officer, employee, or agent of the Government of the United States, including all officers, enlisted men, and employees of the Army, Navy, and Marine Corps, results in the personal injury or death of any person, not an American national, in any foreign country in which the United States exercises privileges of extraterritoriality, the Secretary of State may consider, adjust, and determine any claim, arising after the passage of this act, for the damage occasioned by such injury or death in an amount not in excess of $1,500, United States currency, in any one case, and such amount as may be found to be due to any claimant shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That this authorization shall not apply to cases of persons in the employ of the United States: *Provided further*, That no claim shall be considered under this act by the Secretary of State unless presented to him within 1 year from the date of the accrual of said claim: *And provided further*, That acceptance by any claimant of the amount determined under the provisions of this act shall be deemed to be in full settlement of such claim against the Government of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ONONDAGA CREEK

The Clerk called the bill (H. R. 8797) to provide preliminary examination of Onondaga Creek, in Onondaga County, State of New York, with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of Onondaga Creek, in Onondaga County, State of New York, with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for the control of floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING THE TIME FOR FILING ADVERSE CLAIMS IN SUITS AGAINST MINERAL ENTRIES, ALASKA

The Clerk called the bill (H. R. 8700) to amend an act entitled "An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the District of Alaska", approved June 7, 1910 (36 Stat. 459; U. S. C., title 48, sec. 386).

Mr. TABER. Mr. Speaker, I ask that this bill go over without prejudice.

Mr. DIMOND. Will the gentleman withhold that? This does not cost anybody a cent. I cannot conceive of any objection to it that anybody can have.

Mr. TABER. It cannot be in the interest of expedition because it extends the time.

Mr. DIMOND. No; it does not. It shortens the time. If the gentleman will look at the statement at the end of the report, he will see that the period is now 8 months, and this is shortened to 60 days. I wanted to cut out the 60 days, but the Department said that cutting it from 8 months to 60 days would be reasonable and fair.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act of Congress entitled "An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the District of Alaska", approved June 7, 1910 (36 Stat. 459; U. S. C., title 48, sec. 386), is hereby amended to read as follows:

"That in the District of Alaska adverse claims authorized and provided for in sections 2325 and 2326, United States Revised Statutes, may be filed at any time during the 60 days' period of publication, and the adverse suits authorized and provided for in section 2326, United States Revised Statutes, may be instituted at any time within 60 days after the filing of said claims in the local land office."

With the following committee amendment:

On page 2, line 2, after the word "publication", insert "or within 60 days thereafter."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STATE OF NEW MEXICO

The Clerk called the bill (H. R. 6538) for the relief of the State of New Mexico.

The SPEAKER pro tempore. Is there objection?

Mr. RICH. Reserving the right to object, I would like to have the gentleman explain what this bill does for New Mexico.

Mr. DEMPSEY. Mr. Speaker, in 1930 there were certain losses caused by floods in Socorro County, N. Mex. The War Department through the National Guard loaned certain equipment and in making returns there was a loss of some $4,600 worth of materials. The War Department investigated the matter and the then Secretary War, Mr. Hurley, recommended that the State of New Mexico pay a certain amount, I think $1,600 or $1,800, and that $2,900 be

unasked of them, and that the State be relieved of the payment of that amount by the passage of this legislation. That is what this provides.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. There is a similar Senate bill (S. 2206) on the Speaker's desk and, without objection, the Senate bill will be substituted for the House bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the State of New Mexico is hereby relieved from accountability for certain property belonging to the United States, of the total value of $2,839.04, which property was loaned to such State for use by the New Mexico National Guard and was unavoidably lost or destroyed, such total value representing the sum of the following items: $381.22 for property shortages listed in report of survey dated April 24, 1930; $334.53 and $62.95 for property shortages listed in two reports of survey dated April 25, 1930; $904.48 and $880.12 for property shortages listed in two reports of survey dated June 11, 1930; $11.35 for property shortages listed in report of survey dated July 11, 1930; $264.39 for property shortages listed in report of survey dated September 3, 1930.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A House bill (H. R. 6538) was laid on the table.

ONE HUNDREDTH ANNIVERSARY OF BIRTH OF MARK TWAIN

The Clerk called House Joint Resolution 338, establishing a commission to be known as the United States Commission for the Celebration of the One Hundredth Anniversary of the Birth of Mark Twain (Samuel L. Clemens).

The SPEAKER pro tempore. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I object.

Mr. CLARK of Idaho. Mr. Speaker, I have been requested by the chairman of the committee, the gentleman from Illinois [Mr. KELLER], to ask unanimous consent that this bill be laid on the table and disposed of in that way officially. Will the gentleman withdraw his objection?

Mr. WOLCOTT. Inasmuch as the bill provides for a centennial which passed last year, I have no objection to laying the bill on the table.

The SPEAKER pro tempore. Without objection, the bill will be laid on the table.

There was no objection.

INDIAN IRRIGATION PROJECT

The Clerk called the bill (S. 2656) to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Indian irrigation projects, and to lease the lands in such reserve for agricultural, grazing, or other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I object.

OLD-AGE PENSIONS FOR INDIANS

The Clerk called the bill (H. R. 9018) providing old-age pensions for Indians of the United States.

The SPEAKER pro tempore. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I object.

SAN CARLOS APACHE INDIANS

The Clerk called the bill (S. 2523) authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896.

The SPEAKER pro tempore. Is there objection?

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to place in the RECORD at this point a letter from the Comptroller General about this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The letter referred to is as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, January 16, 1936.

Hon. JOHN J. COCHRAN,
Chairman, Committee on Expenditures in the Executive Departments, House of Representatives.

MY DEAR MR. CHAIRMAN: There is submitted herein individual report, as requested, on S. 2523, involving the San Carlos Apache Indians. Reference is made, also, to report to you on this bill under date of August 1, 1935, A-63577, a copy of which is enclosed herewith.

In addition to the recommendations made in that report on S. 2523, it is suggested, if this bill receive favorable consideration for enactment, that it be amended by adding at the end thereof the following:

"except that before the deposit of the amount so appropriated to the credit of the said San Carlos Apache Indians, the Comptroller General of the United States is authorized and directed to ascertain and deduct therefrom the total gratuities theretofore paid to such Indians of the character provided for offset by section 2 of the Second Deficiency Appropriation Act, 1935, 49 Stat. 596."

It would take approximately 10 months for this office to ascertain accurately the amount of such gratuitites to be offset.

Sincerely yours,

J. R. MCCARL,
Comptroller General of the United States.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, August 1, 1935.

Hon. JOHN J. COCHRAN,
House of Representatives.

MY DEAR MR. COCHRAN: Further reference is made to your letter of July 5, 1935, acknowledged July 6, enclosing a copy of the bill S. 2523, Seventy-fourth Congress, entitled "A bill authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896", together with a copy of Senate Report No. 1016 thereon, and requesting that you be advised "what the records show in regard to this matter", and "did the Government carry out its agreement, or does it owe the Indians for this land?" The bill provides as follows:

"That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, as payment in full to the San Carlos Apache Indians, at the rate of $1.25 per acre for 232,320 acres ceded by them under the agreement of February 25, 1896, ratified by the act of June 10, 1896 (29 Stat. L. 358), less $12,433.63 received by the Indians as royalty under mining permits, the sum of $277,966.37 to be deposited in the Treasury of the United States to the credit of the San Carlos Apache Indians, and to be available for expenditure for the benefit of such Indians: *Provided*, That none of the funds herein authorized to be appropriated shall be subject to the payment of any claims, judgments, or demands against the San Carlos Apache Indians accruing prior to the approval of this act."

The said agreement of February 25, 1896, referred to in the bill, provides in pertinent part as follows:

"This agreement, made on the 25th day of February 1896, pursuant to an item in the act of Congress making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1896, as follows: 'The Secretary of the Interior is authorized to negotiate with the Indians on the San Carlos Reservation, Ariz., through an inspector, for the cession or relinquishment to the United States of the lands embracing the coal fields, and that any agreement made shall be submitted to Congress for its action', by Province McCormick, United States Indian Inspector, on the part of the United States, and the Apache, Mohave, and Yuma Indians, residing on the San Carlos Indian Reservation, in the Territory of Arizona, by their chiefs, headmen, and members of said tribes, embracing a majority of all the male adult Indians occupying said reservation: Witnesseth—

"ARTICLE I

"That the said Indians do hereby cede, grant, and relinquish to the United States all right, title, and claim which they may have in and to all the land embraced within the following described tract, now a part of the said San Carlos or White Mountain Indian Reservation, to wit:

"All the land lying south of a line commencing at a point on the present eastern boundary of the said reservation, 1 mile south of Goodwin Spring; thence in a general direction west to the highest point on Mount Turnbull; thence in a westerly direction to a point on a line between the agency building proper and Stanley, or the Saddle Butte, 7 miles from said building in a southerly direction; thence in a westerly direction at longest possible tangents to the mouth of Hawk Canyon, not crossing said canyon; thence down the Gila River, following the south bank to a point where said Gila River crosses the present western boundary of the reservation.

"ARTICLE II

"That in consideration of the lands ceded, relinquished, and conveyed, as aforesaid, the United States stipulates and agrees to place in the Treasury of the United States to the credit and for the sole benefit of the said Apache, Mohave, and Yuma Indians, and to account therefor annually to them through their agent, the net proceeds accruing from the disposal of such coal and mineral lands, lying within the ceded territory, under the laws applicable thereto; and that said money shall be paid to them in cash from time to time as the same shall become available, pro rata, share and share alike to each man, woman, and child of the tribes now living upon and entitled to the privileges of the said reservation: *Provided*, That none of the money credited to said Indians under this agreement shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations, claimed to have been committed prior to the signing of this agreement.

"ARTICLE III

"That for the purpose of segregating the ceded land from the diminished reservation the new boundary line described in article 1 of the agreement shall be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments; and that the cost of said survey shall be chargeable to and be paid out of the proceeds of said ceded lands."

The letter dated May 22, 1935, from the Acting Secretary of the Interior to the chairman of the Committee on Indian Affairs, United States Senate, incorporated in Senate Report No. 1016, Seventy-fourth Congress, copy of which report was enclosed in your letter and is herewith returned, states that the Indians received a royalty totaling $12,433.63 on actual production under mining permits. Interior Civil Claim No. 36223–1914, a record of this office, shows that the said sum of $12,433.63 was not the proceeds of royalty payments but of the sale by the United States Land Office, Phoenix, Ariz., on July 3, 1906, of four tracts of land containing 160 acres each within the involved area at $20 per acre. From the total proceeds of the sale, $12,800, there was deducted pursuant to article III of the said agreement of February 25, 1896, the sum of $366.37 for expenses of surveying, leaving net proceeds of $12,433.63 with which the said Indians were credited. The bill should state correctly the source of the said sum of $12,433.63.

The records show that the United States expended a further sum of $480.01 for surveying, which sum, in pursuance of article III of the said agreement, was subsequently during the year 1912 reimbursed to the United States from the fund "Indian moneys, proceeds of labor (San Carlos)", as evidenced by Second Auditor's Settlement No. 30323–1912. It thus appears that all reimbursable sums expended by the United States in the premises have been reimbursed to it.

What is hereinabove stated is all that the records of this office disclose. It has no information and therefore cannot advise you whether the Government did or did not carry out its agreement, or whether it owes the Indians for this land.

Sincerely yours,

J. R. McCARL,
Comptroller General of the United States.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SWAMP LANDS, STATE OF WISCONSIN

The Clerk called the bill (S. 3045) providing for payment to the State of Wisconsin for its swamp lands within all Indian reservations in that State.

The SPEAKER pro tempore. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I object.

TRANSFER OF CERTAIN GOVERNMENT PROPERTY, WISCONSIN

The Clerk called the bill (H. R. 8655) providing for the transfer of certain Government property in Wisconsin to the State.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby granted to the State of Wisconsin for institutional purposes, subject to the conditions and terms set forth in sections 1, 2, and 3 of this act, the properties of the United States Government known and designated as the "Tomah Indian School" and the "Hayward Indian School", including equipment: *Provided, however*, That there is withheld from transfer under the act the properties known and designated as the "Tomah Indian Hospital", physician's cottage, the Tomah Agency Office, chief clerk's cottage, and such other buildings as may be required for hospital and agency use and land needed therefor as determined by the Secretary of the Interior, together with such equipment as the Secretary of the Interior may designate; also, the properties known and designated as the "Hayward Hospital", nurses' home, physician's residence, and such other buildings as may be required for hospital use and such land (in the immediate vicinity of the hospital) and (such) equipment as the Secretary of the Interior may designate: *Provided further*, That the State of Wisconsin agrees to furnish the Hayward Hospital and other buildings retained in United States ownership with an adequate water supply and sewerage connection; and also, at the Tomah plant, to furnish the Tomah Hospital, physician's residence, and other buildings retained in Federal ownership with water and sewerage connection; and also to heat same from the central heating plant until such time as a separate heating plant for the Government-owned buildings may be provided: *And provided further*, That this act shall become effective only when and if the Governor of Wisconsin shall file with the Secretary of the Interior formal written notice of acceptance of its terms.

With the following committee amendment:

Page 1, line 5, strike out "set forth in sections 1, 2, and 3."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

LEASING OF CERTAIN INDIAN LANDS

The Clerk called the bill (S. 2148) to provide for the leasing of restricted Indian lands of Indians of the Five Civilized Tribes in Oklahoma.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That from and after 30 days from the date of approval of this act the restricted lands belonging to Indians of the Five Civilized Tribes in Oklahoma of one-half or more Indian blood, enrolled or unenrolled, may be leased for periods of not to exceed 5 years for farming and grazing purposes, under such rules and regulations as the Secretary of the Interior may prescribe and not otherwise. Such leases shall be made by the owner or owners of such lands if adults, subject to approval by the superintendent or other official in charge of the Five Civilized Tribe Agency, and by such superintendent or other official in charge of said agency in cases of minors and of Indians who are non compos mentis.

The bill was ordered to be engrossed and read a third time, was read the third time and passed and a motion to reconsider laid on the table.

RELIEF TO GOVERNMENT CONTRACTORS

The Clerk called the next bill, H. R. 7293, to amend the act approved June 16, 1934, entitled "An act to provide relief to Government contractors whose costs of performance were increased as a result of compliance with the act approved June 16, 1933, and for other purposes."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT and Mr. ZIONCHECK objected.

SITE FOR NAVAL AIR STATION AT MIAMI, FLA.

The Clerk called the next bill, H. R. 8372, to authorize the acquisition of lands in the vicinity of Miami, Fla., as a site for a naval air station and to authorize the construction and installation of a naval air station thereon.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. RICH. Reserving the right to object, I should like to ask if this bill should not have been passed out by the Naval Affairs Committee instead of coming in here on the Consent Calendar?

The SPEAKER pro tempore. The bill is reported by the Naval Affairs Committee.

Mr. RICH. Was it reported unanimously by the Naval Affairs Committee?

The SPEAKER pro tempore. The Chair has no information as to the unanimity or otherwise of the report.

Is there objection to the request of the gentleman from Oregon [Mr. MOTT].

There was no objection.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

The Clerk called the next bill, H. R. 8293, to amend the Longshoremen's and Harbor Workers' Compensation Act.

The SPEAKER pro tempore. Is there objection?

Mr. BLAND. Mr. Speaker, I object.

Mr. WALTER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. WALTER]?

There was no objection.

MONUMENT COMMEMORATING ENTRANCE OF STEAM RAILROAD INTO WASHINGTON, D. C.

The Clerk called House Joint Resolution 362, to authorize the selection of a site and the erection thereon of a suitable monument indicating the historical significance of

the first entrance into the city of Washington of a steam railroad, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. DIRKSEN and Mr. RICH objected.

EXEMPTION OF INDIANS OF OKLAHOMA FROM SECTION 4, EXECUTIVE ORDER NO. 6166

The Clerk called the next bill, H. R. 8316, to exempt the Indian Service within the State of Oklahoma from the requirements of section 4 of Executive Order No. 6166, dated June 10, 1933.

The SPEAKER pro tempore. Is there objection?

Mr. COCHRAN. Mr. Speaker, I object.

PRELIMINARY EXAMINATION OF NEHALEM RIVER, OREG.

The Clerk called the next bill, S. 3277, authorizing a preliminary examination of the Nehalem River and tributaries, in Clatsop, Columbia, and Washington Counties, Oreg., with a view to the controlling of floods.

The SPEAKER pro tempore. Is there objection?

Mr. CLARK of Idaho. Mr. Speaker, I should like to know how much that proposed preliminary examination will cost? If no one can tell me, I object.

COMPENSATION TO THIRD- AND FOURTH-CLASS POSTMASTERS

The Clerk called the next bill, H. R. 8541, for payment of compensation to persons serving as postmaster at third- and fourth-class post offices.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States, in the settlement and adjustment of accounts and claims for services rendered at third- and fourth-class post offices is hereby authorized and directed to allow compensation as postmaster to persons who, upon the occurrence of a vacancy and pending the designation of an acting postmaster, assumed and properly performed the duties of postmaster at any such office subsequent to June 30, 1930: *Provided*, That in no case shall compensation be allowed for a period in excess of 60 days.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL MONUMENT, CAMP MERRITT, N. J.

The Clerk called the next bill, H. R. 27, to provide for the establishment of a national monument on the site of Camp Merritt, N. J.

The SPEAKER pro tempore. Is there objection?

Mr. RICH, Mr. ZIONCHECK, and Mr. DIRKSEN objected.

COLLECTION AND EDITING OF OFFICIAL PAPERS OF TERRITORIES OF THE UNITED STATES

The Clerk called the next bill, H. R. 8951, to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Reserving the right to object, Mr. Speaker, I visited the Archives Building the other day, and if the gentleman can find a piece of paper down there to edit, I would like to have him go there and look for it, and notify me where I can see it. There is no paper, no files in The National Archives Building other than the old Food Administration files. They have 117 employees. They have 18 going around to the various Government agencies looking for historical documents. Aside from that, the rest of them are in the Archives Building, working, so the Archivist says, but I have been unable to learn what they are doing. I repeat, there is nothing in the Archives Building to edit up to this hour. How can they edit something that is not there?

Mr. LAMBETH. Will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. LAMBETH. I should like to say to the amiable gentleman from Missouri, who seems to have developed an obsession with reference to anything dealing with archives, that this has no reference to the new National Archives establishment whatsoever.

This bill relates to the distribution of what are known as the official papers relating to the early history of the Territories of the United States, which are being compiled and printed under the direction of the State Department, and it will save money by reducing the number of copies from 1,950 to 1,227. This bill amends existing law, which was enacted long before The National Archives, as such, was ever in existence, and enacts into permanent law a provision which has been carried in the State Department appropriation bill for the last 2 years. Now, if the gentleman wishes to ask me a question relative to the merits of this bill, I shall be very happy to try to answer it.

Mr. COCHRAN. Your bill says "Now in The National Archives." That sounds like National Archives Building to me. I also see on page 3 the following language:

That not more than the sum of $125,000, and under this authorization not more than $50,000 shall be appropriated for any one year.

I should like to have the distinguished gentleman advise me in what way it is not going to cost the Government any money when the appropriation is here authorized.

Mr. LAMBETH. Mr. Speaker, replying again to my friend from Missouri, who is one of the watchdogs of the Treasury here, and I am very happy we have some watchdogs of the Treasury still in the House, if he will look at the report, a copy of which I now hand to him, he will find that this bill does not authorize any appropriation which is not already in existence. In other words we are amending the law so as to curtail the number of copies of these papers which will be printed and distributed. It will save money. Had the gentleman taken time to read the report of the Committee on Printing I am sure he would be heartily in favor of this bill, because it will save money.

Mr. COCHRAN. I think the gentleman will agree with me that the only way to save money is to take an appropriation away from an activity. If the purpose is to save money, why not amend the bill to make it provide that there must be a reduction of 50 percent of the amount now being spent? There is no other way to save money. They will find some way to spend it.

Mr. LAMBETH. I am trying not to argue with the gentleman but to answer his question. I wish he had read the report of the committee and knew what this was about. This appropriation was made some years ago in an act approved in 1925, before I became a Member of this body.

Mr. COCHRAN. But the effect is only to transfer the appropriation over to the Archives, is it not?

Mr. LAMBETH. No, indeed; it has nothing to do with the National Archives establishment. This is done under the auspices of the State Department. Some of these Territorial papers have already been prepared and distributed. The work is not yet complete, but it has proceeded to such a point that it would be extravagance and waste now to strike out the appropriation. The Committee on Appropriations provides a specific sum for this purpose in the State Department appropriation bill every year.

Mr. COCHRAN. If the gentleman is not referring to The National Archives establishment or to the National Archivist I will withdraw my objection.

Mr. LAMBETH. Not at all, not in any sense. This legislation was suggested by the State Department.

Mr. Speaker, the purpose of this bill is twofold:

First. To curtail the number of copies of the various volumes of the Territorial papers which are being edited and compiled and distributed under the direction of the State Department. This will mean an appreciable saving.

Second. To provide more specifically as to the manner of distribution of these volumes which are furnished to State historical associations designated by the Governors of the various States and Territories. Under the existing law the Governor of each State might annually designate different historical associations to receive them so that when the entire work of approximately 25 volumes has been finally printed no one historical association or library would have received a complete set. This bill specifically provides that new designations may be made by the Governors only when

previously designated associations, commissions, museums, or libraries shall have ceased to exist. The adoption of this legislation makes absolutely certain the delivery of complete sets to agencies once they have been designated.

By unanimous consent, a similar Senate bill (S. 3447), was substituted for the House bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the National Archives", approved March 3, 1925, as amended by the act approved February 28, 1929 (U. S. C., Supp. 7, title V, sec. 168a), be, and the same is hereby, amended to read as follows:

"168a. The Public Printer shall print, bind, and deliver to the Superintendent of Documents, for distribution as may be directed by the Secretary of State, 1,227 copies of each volume of the Official Papers Relating to the Territories of the United States, of which not to exceed 3 copies shall be furnished to the Vice President and each Senator and 1 copy to each Representative, Delegate, and Resident Commissioner; 4 copies to the Library of the Department of the Interior; and 1 copy of each volume to those historical associations, commissions, museums, or libraries and other nondepository libraries, which shall not exceed eight in number within each State, Territory, or insular possession, and which have been or hereafter may be designated by the Governor thereof to the Secretary of State of the United States, and the residue of the said 1,227 copies shall be for the Department of State for such use as the Secretary of State may deem appropriate.

"168b. In addition to the foregoing there shall be furnished to the Superintendent of Documents a sufficient number of copies of each volume for distribution to such depository libraries as may make written application therefor; and

"To the Library of Congress for international exchange and for official use in Washington, D. C., not to exceed 150 copies.

"The 'usual number' shall not be printed.

"168c. The historical associations, commissions, museums, or libraries and other nondepository libraries within each State, Territory, or insular possession, which have been or hereafter may be designated by the Governor thereof to receive these publications shall, during their existence, receive the succeeding volumes, the distribution of which shall be made by the Superintendent of Documents in accordance with the lists of designations transmitted to him by the Secretary of State, and a new designation may be made by the Governor only when a designated association, commission, museum, or library shall cease to exist or other designation may be authorized by law.

"168d. For defraying the expenses to be incurred in carrying out the provisions of this act, including the employment, either in or outside of the District of Columbia, of not to exceed five historical experts, especially informed on the various phases of the territorial history of the United States, without regard to the Classification Act of 1923, as amended, and the civil-service rules, and for all other purposes, including salaries for personnel, printing and binding, contingent expenses and traveling expenses, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not more than the sum of $125,000, and under this authorization not more than $50,000 shall be appropriated for any 1 year."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider and a similar House bill (H. R. 8951) were laid on the table.

Mr. WOLCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WOLCOTT. On the calendar there appear as Nos. 521, 523, 524, and 525 bills which have been objected to previously and stricken from the Consent Calendar. My inquiry is whether under the rules these bills are properly on the Consent Calendar.

The SPEAKER pro tempore (Mr. O'CONNOR). The rule is plain. It reads as follows:

Should objection be made to the consideration of any bill so called it shall be carried over on the calendar without prejudice to the next day when the Consent Calendar is again called, and if objected to by three or more Members it shall immediately be stricken from the calendar and shall not thereafter during the same session of that Congress be placed again thereon.

If these bills were objected to finally during the last session they are properly on this calendar this session.

WAR MINERALS RELIEF ACT

The Clerk called the next bill, S. 1567, to amend section 5 of the act of March 2, 1919, generally known as the War Minerals Relief Act.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PAN AMERICAN EXPOSITION, TAMPA, FLA.

The Clerk called House Joint Resolution 356, to permit articles imported from foreign countries for the purpose of exhibition at the Pan American Exposition to be held in Tampa, Fla., to be admitted without payment of tariff, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Resolved, etc., That all articles which shall be imported from foreign countries for the purpose of exhibition at the Pan American Exposition to be held in Tampa, Fla., in 1939, by the Florida Fair & Gasparilla Association, Inc., or for use in construction, installing, or maintaining foreign buildings or exhibits at the said exposition, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within 3 months after the close of said exposition to sell within the area of the exposition and celebrations any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles, which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within 3 months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles, which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond, and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the Florida Fair & Gasparilla Association, Inc., shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this act, shall be reimbursed by Florida Fair & Gasparilla Association, Inc., to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPOSITION TO BE HELD IN TAMPA, FLA., 1939

The Clerk called House Joint Resolution 365, providing for participation by the United States in the Pan American Exposition to be held in Tampa, Fla., in the year 1939 in commemoration of the four hundredth anniversary of the landing of Hernando De Soto in Tampa Bay, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, this joint resolution authorizes an appropriation of $500,000. I have no particular objection to the holding of this fair in Florida. It might be justified.

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent that this joint resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. ZIONCHECK. Mr. Speaker, I object.

ONE HUNDREDTH ANNIVERSARY OF THE FOUNDING OF PRATTVILLE, ALA.

The Clerk called House Joint Resolution 241, to provide for the observance and celebration of the one hundredth anniversary of the founding of Prattville, Ala.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that this joint resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ECONOMIC STUDIES OF FISH INDUSTRY, MARKET NEWS SERVICE, AND ORDERLY MARKETING OF FISHERY PRODUCTS

The Clerk called the next bill, H. R. 8055, to provide for economic studies of the fishery industry, market news service, and orderly marketing of fishery products, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, in view of the fact that the Secretary of Commerce makes an unfavorable report, and inasmuch as the amount anticipated to be expended under this bill is not in accordance with the financial program of the President, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GRANT TO CALIFORNIA OF RETROCESSION OF JURISDICTION OVER CERTAIN RIGHTS-OF-WAY

The Clerk called the next bill, H. R. 7653, to grant to the State of California a retrocession of jurisdiction over certain rights-of-way granted to the State of California over certain roads about to be constructed in the Presidio of San Francisco Military Reservation and Fort Baker Military Reservation.

The SPEAKER pro tempore. There is a similar Senate bill in reference to this matter.

Mr. WELCH. Mr. Speaker, I ask unanimous consent that the Senate bill (S. 2175) be substituted for the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That there is hereby granted to the State of California a retrocession of jurisdiction over the rights-of-way covered by a certain grant from the Secretary of War to the Golden Gate Bridge and Highway District, of California, dated February 13, 1931, to extend, maintain, and operate State roads across the Presidio of San Francisco Military Reservation and the Fort Baker Military Reservation, as heretofore or hereafter amended by the Secretary of War, subject to all of the terms and conditions contained in said permit as so granted and any amendments thereof as aforesaid. The land and premises over which such retrocession of jurisdiction is hereby granted shall be the whole of the rights-of-way so granted by said permit and any amendments thereof, throughout their entire length and width, and for the entire distance granted therein, together with the land crossed by any toll bridge that may be erected by such Golden Gate Bridge and Highway District to connect the Presidio of San Francisco Military Reservation with the Fort Baker Military Reservation, and embracing the said toll bridge with its approach roads over the rights-of-way so granted by said permit and any amendments thereof.

SEC. 2. Should the United States assume exclusive control and management of said bridge and roads, as provided in said permit and any amendments thereof, the jurisdiction herein retroceded shall be suspended and revest in the United States for the duration of such control and management. Whenever the State of California shall cease to occupy said rights-of-way and land for the purpose authorized in said permit and any amendments thereof, then the same, including all jurisdiction thereover, shall revert to the United States.

SEC. 3. The retrocession of jurisdiction herein granted shall not take effect until the same is accepted by the Legislature of the State of California.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ERECTION OF MARKER AT COLUMBUS, GA.

The Clerk called the next bill, H. R. 9200, authorizing the erection of a marker suitably marking the site of the engagement fought at Columbus, Ga., April 16, 1865.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. RICH. Mr. Speaker, I object.

Mr. CASTELLOW. Will the gentleman withhold his objection a moment?

Mr. RICH. I withhold my objection. The request was made this morning that these bills were supposed to be presented to the Advisory Committee of the Historic Parks Commission, which committee is supposed to pass on these bills.

Mr. CASTELLOW. They have approved this bill.

Mr. RICH. But the commission has not yet been formed.

Mr. CASTELLOW. This involves only $1,000. It is not for a park or for a monument. It is simply providing for a suitable marker covering a historical proposition.

Mr. RICH. I do not want to hold this bill up for the gentleman from Georgia any more than for anybody else. We passed a bill last year forming this Advisory Committee of the Historical Parks Commission, which committee is ready to pass on these bills and monuments, and I think they should be permitted to pass on these things. If they offer a favorable report, then I shall not object to this going through.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Washington.

Mr. ZIONCHECK. I am getting very tired of statues, monuments, and memorials, and regardless of this Commission or its reports in the future, I am going to object to further memorials or things of that kind. However, this does not come under that category.

Mr. CASTELLOW. We have no parks in our section of the country, and we felt like we were entitled to $10,000 for this purpose. However, that amount was reduced to $1,000, which we think is eminently fair.

Mr. RICH. Mr. Speaker, if this does not refer to parks or monuments in the sense that the committee to which I referred a while ago should pass on it, then I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DIRKSEN. Mr. Speaker, reserving the right to object, what national significance has this monument?

Mr. CASTELLOW. This was, in reality, the last battle of the Civil War. Efforts to secure passage of this bill have been made at intervals for a long time. I may say that the Historical Society of Columbus, Ga., has prepared a most interesting book recording the details of the battle. This society has meticulously considered the first reports made to the War Department regarding the battle and contends that these reports indicate conclusively the commanding officers considered this the last engagement of the Civil War which could be designated as a battle. The Historical Division of the National Park Service, however, did not agree in this conclusion, and for that reason we have been forced to abandon the hope of a more generous appropriation and are now asking for the modest sum of only $1,000.

Mr. DIRKSEN. If this bill is passed, what about bills commemorating the Battle of Big Dry Wash and other battles?

Mr. KNUTSON. Those matters should be fought out on their individual merit when they come up for consideration.

Mr. DIRKSEN. I shall not object to this bill, but I will object to any further bills of this character.

The regular order was demanded.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to erect, or cause to be erected, in Columbus, Ga., a suitable marker, or markers, marking the site of the engagement of Columbus fought in that city on April 16, 1865.

SEC. 2. There is authorized to be appropriated the sum of $1,000, or so much thereof as may be necessary, to carry out provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEN. ROBERT E. LEE

The Clerk called House Joint Resolution 232, authorizing the erection of an equestrian statue of Gen. Robert E. Lee in Arlington National Cemetery.

Mr. WOLCOTT, Mr. RICH, and Mr. ZIONCHECK objected.

PROHIBITION OF STATEMENTS AND PUBLICATIONS ADVOCATING OVERTHROW OF GOVERNMENT BY VIOLENCE

The Clerk called the next bill, H. R. 6427, to prohibit statements and publications advocating overthrow of the Government by violence, and for other purposes.

Mr. LAMNECK, Mr. KVALE, Mr. SCOTT, and Mr. ZIONCHECK objected.

INTERSTATE REFERENCE BUREAU

The Clerk called House Joint Resolution 156, to make available to Congress the services and data of the Interstate Reference Bureau.

Mr. CLARK of Idaho. Mr. Speaker, at the request of the chairman of the committee I ask unanimous consent that this joint resolution be tabled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

INDIAN BUFFALO HUNT

The Clerk called the next bill, H. R. 5263, to purchase and erect in the city of Washington the group of statuary known as the "Indian Buffalo Hunt."

Mr. RICH, Mr. WOLCOTT, and Mr. ZIONCHECK objected.

FILING AND INDEXING SERVICE

The Clerk called the next bill, H. R. 4015, authorizing the establishment of a filing and indexing service for useful Government publications.

Mr. WOLCOTT, Mr. TABER, Mr. BACON, and Mr. COCHRAN objected.

ERECTION OF TABLET IN THE WASHINGTON MONUMENT

The Clerk called the next bill, H. R. 1401, to authorize the erection of a tablet in the Washington Monument in honor of those who served in the armed forces of the United States during the World War.

Mr. BACON. Mr. Speaker, I object.

CITY OF SKAGWAY, ALASKA

The Clerk called the next bill, H. R. 9130, to authorize the incorporated city of Skagway, Alaska, to undertake certain municipal works, and for such purpose to issue bonds in any sum not exceeding $12,000, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the incorporated city of Skagway, in the Territory of Alaska, is hereby authorized and empowered to undertake all or any part of the hereinafter described municipal public works, to wit: Construction and reconstruction of sidewalks, reconstruction and reconditioning of city hall, and regrading, construction, and reconstruction of streets and crossings, and for such purposes to issue bonds in any sum not exceeding $12,000.

SEC. 2. Before said bonds shall be issued a special election shall be ordered by the common council of the said city of Skagway, Alaska, at which election the question of whether such bonds shall be issued in the amount above specified for the purpose hereinbefore set forth shall be submitted to the qualified electors of said city of Skagway, Alaska, whose names appear on the last assessment roll of said city for purposes of municipal taxation. The form of the ballot shall be such that the electors may vote for or against the issuance of bonds for the purposes herein specified up to the amount herein authorized. Not less than 20 days' notice of such election shall be given to the public by posting notices of same in three conspicuous places within the corporate limits of the city of Skagway, Alaska, one of which shall be at the front door of the United States post office at Skagway, Alaska. The election notice shall specifically state the amount of bonds proposed to be issued for the purposes herein specified. The registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as early as practicable, in accordance with the requirements of law in general or special elections in said municipality; and such bonds shall be issued for the purposes herein authorized only upon condition that not less than a majority of the votes cast at such election in said municipality shall be in favor of the issuance of said bonds for such purpose.

SEC. 3. The bonds herein authorized shall be coupon in form and shall mature in not to exceed 30 years from the date thereof. Such bonds may bear such date or dates, may be in such denomination or denominations, may mature in such amounts and at such time or times, not exceeding 30 years from the date thereof, may be payable in lawful money of the United States at such place or places, may be sold at either public or private sale, may be nonredeemable or redeemable (either with or without premium), and may carry such registration privileges as to either principal and interest, or principal only, as shall be prescribed by the common council of said city of Skagway. The bonds shall bear the signatures of the mayor and of the clerk of the city of Skagway, and shall have impressed thereon the official seal of said municipality. The coupons to be annexed to such bonds shall bear the facsimile signatures of the mayor and the clerk of said municipality. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before delivery of such bonds, said signatures or countersignatures, whether manual or facsimile, shall nevertheless be valid and sufficient for all purposes, the same as if said officers had remained in office until such delivery. Said bonds shall bear interest at a rate to be fixed by the common council of the city of Skagway, not to exceed, however, 6 percent per annum, payable semiannually, and said bonds shall be sold at not less than the principal amount plus accrued interest.

SEC. 4. The bonds herein authorized to be issued shall be general obligations of the city of Skagway, Territory of Alaska, payable as to both interest and principal from ad-valorem taxes which shall be levied upon all of the taxable property within the corporate limits of such municipality in an amount sufficient to pay the interest on and the principal of such bonds as and when the same become due and payable.

SEC. 5. No part of the funds arising from the sale of said bonds shall be used for any purpose or purposes other than those specified in this act. Said bonds shall be sold only when and in such amounts as the common council of the city of Skagway shall direct; and the proceeds thereof shall be distributed only for the purposes hereinbefore mentioned and under the orders and direction of said common council from time to time as such proceeds may be required for said purposes.

SEC. 6. The city of Skagway is hereby authorized to enter into contracts with the United States of America or any agency or instrumentality thereof under the provisions of the National Industrial Recovery Act and acts amendatory thereof and acts supplemental thereto, and revisions thereof, and the regulations made in pursuance thereof, and under any further acts of the Congress of the United States to encourage public works, for the relief of unemployment, or for any other public purpose, including the Emergency Relief Appropriation Act of 1935, for the sale of bonds issued in accordance with the provisions of this act, or for the acceptance of a grant of money to aid said municipality in financing any public works; or to enter into contracts with any persons or corporations, public or private, for the sale of such bonds; and such contracts may contain such terms and conditions as may be agreed upon by and between the common council of said city of Skagway and the United States of America, or any agency or instrumentality thereof, or any such purchaser.

SEC. 7. This act shall take effect immediately.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BATTLE OF BLACKSTOCK

The Clerk called the next bill, H. R. 4332, to provide for the commemoration of the Battle of Blackstock.

Mr. DIRKSEN, Mr. RICH, and Mr. JENKINS of Ohio objected.

BATTLE OF MUSGROVE'S MILL

The Clerk called the next bill, H. R. 4331, to provide for the commemoration of the Battle of Musgrove's Mill.

Mr. DONDERO, Mr. JENKINS of Ohio, and Mr. ZIONCHECK objected.

VETERINARY CORPS OF THE REGULAR ARMY

The Clerk called the next bill, S. 363, to increase the efficiency of the Veterinary Corps of the Regular Army.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That for the purposes of promotion, longevity pay, and retirement there shall be credited to officers of the Veterinary Corps, and former officers of the Veterinary Corps now on the retired list, all full-time service rendered by them as veterinarians in the Quartermaster Department, Cavalry, or Field Artillery: *Provided*, That no back pay or allowances shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO PROVIDE FOR THE COMMEMORATION OF THE BATTLE OF BIG DRY WASH, IN THE STATE OF ARIZONA

The Clerk called the bill (H. R. 4309) to provide for the commemoration of the Battle of Big Dry Wash, in the State of Arizona.

Mr. COSTELLO. Mr. Speaker, inasmuch as the Interior Department appropriation bill of last year contained an item for the same purpose, I ask unanimous consent that this bill be laid on the table.

The SPEAKER pro tempore. Is there objection?

There was no objection.

TO PROVIDE FOR THE MAINTENANCE OF UNITED STATES SOLDIERS' HOMES

The Clerk called the bill (S. 1301) to provide further for the maintenance of United States Soldiers' Home.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That hereafter, and beginning with the first calendar month after the passage of this act, there shall be deducted each month from the pay of each enlisted man and warrant officer on the active list of the Regular Army, exclusive of the Philippine Scouts, a sum not to exceed 25 cents, which sum shall be passed to the credit of the permanent fund, United States Soldiers' Home (trust fund) in the Treasury of the United States; the exact sum to be so deducted to be fixed from time to time by the Secretary of War, within the limit prescribed above, on the recommendation of the Board of Commissioners of said Home as to the amount required to meet the needs of the Home.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO GRANT RIGHTS-OF-WAY

The Clerk called the bill (H. R. 4292) to authorize the Secretary of War to grant a right-of-way to the Arlington-Fairfax Railway Co. across the Fort Myer Reservation, Va.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to grant to the Arlington & Fairfax Railway Co., a corporation organized and existing under the laws of the State of Virginia, its successors and assigns, under such terms and conditions as may be approved by the Secretary of War, a right-of-way over and across the Fort Myer Reservation, for railway purposes, with full power to locate, construct, and operate railway tracks, structures, trolley lines, signal devices, and other railway appurtenances and adjuncts, the width of such right-of-way to be determined by the Secretary of War; provided that the land shall not be used for other than railway purposes and when the property shall cease to be so used it shall revert to the United States.

With the following committee amendments:

Page 1, line 8, strike out the word "right-of-way" and insert in lieu thereof the word "rights-of-way."

Page 2, strike out the word "right-of-way" and insert in lieu thereof the word "rights-of-way."

Amend the title so as to read: "A bill to authorize the Secretary of War to grant rights-of-way to the Arlington & Fairfax Railway Co. across the Fort Myer Reservation, Va."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

RELIEF OF WORLD WAR SOLDIERS DISCHARGED FROM THE ARMY BECAUSE OF MINORITY OR MISREPRESENTATION OF AGE

The Clerk called the bill (H. R. 8966) for the relief of World War soldiers who were discharged from the Army because of minority or misrepresentation of age.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who served as an enlisted man between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowance shall accrue by reason of the passage of this act: *Provided further*, That in all such cases the War Department shall, upon request, grant to such men, or their widows, a discharge certificate showing that the soldier is held and considered to have been honorably discharged under the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORT M'HENRY

The Clerk called the bill (H. R. 8074) to amend the act of March 3, 1925, relating to Fort McHenry.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act of Congress entitled "An act to repeal and reenact chapter 100 (1914, Public, No. 108), to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal 'Star-Spangled Banner', written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes", approved March 3, 1925 (43 Stat. 1109), be, and the same is hereby, amended by striking out from the third paragraph the words "six hundred and fifty feet" and inserting in lieu thereof the following words: "six hundred and eighty feet."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AVIATION FIELD, VALPARAISO, FLA.

The Clerk called the bill (S. 3018) to authorize the Secretary of War to acquire by donation land at Valparaiso, in Okaloosa County, Fla., for aviation field, military, or other public purposes.

The SPEAKER pro tempore. Is there objection?

Mr. RICH. Mr. Speaker, I object.

DETAILING ARMY OFFICERS IN DISTRICT OF COLUMBIA

The Clerk called the bill (H. R. 4452) to regulate the detailing of army officers for duty in the District of Columbia, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. ZIONCHECK. Mr. Speaker, I object to that. I object to the consideration of the bill.

LOANS TO FARMERS FOR CROP PRODUCTION

The Clerk called the bill (H. R. 10213) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS of Ohio. Mr. Speaker, that seems to be a rather important measure. Forty million dollars is involved. I ask unanimous consent that the bill be passed over without prejudice.

Mr. DOXEY. Mr. Speaker, will the gentleman withhold his request for the moment?

Mr. JENKINS of Ohio. Yes.

Mr. DOXEY. This is an important bill. The Senate already has passed a bill for this purpose. These crops are being put in now. Time is an essence in this matter.

Mr. JENKINS of Ohio. How much is involved in the bill?

Mr. DOXEY. Forty million dollars. It is a bill to loan money to the farmers for crop production and the crops are being put in now.

Mr. ZIONCHECK. How about reducing the rate of interest from 5½ percent to 3 percent?

Mr. DOXEY. This is the Farm Credit Administration's rate of interest. This bill is reported unanimously by the Committee on Agriculture of the House. It is an emergency. It is urgent. The Senate already has passed a bill. If we can get it through today we will be just that much ahead. If we do not, then we will have to ask for a rule to bring it in here.

Mr. JENKINS of Ohio. The gentleman appreciates that we have not had time to make a study of the bill.

Mr. DOXEY. I realize that.

Mr. JENKINS of Ohio. A bill for $40,000,000 on the Consent Calendar is very unusual. The gentleman says that this bill is reported unanimously from the Committee on Agriculture?

Mr. DOXEY. Yes. The ranking minority Member, the gentleman from Kansas [Mr. HOPE], realized the urgency and necessity for this. That is the reason that it is on the Consent Calendar. It is true that it is for $40,000,000, but it is done every year. We are late now. The percentage of collections for the past year has been exceedingly gratifying.

Mr. KVALE. Mr. Speaker, will the gentleman stress the fact that we are late now?

Mr. DOXEY. Yes. This bill affects the entire United States.

Mr. JENKINS of Ohio. I do not want to put any hardship on the farmers, of course. I have always been in favor of assisting them.

Mr. DOXEY. It is a short-period loan. It is just something to give them an opportunity to get their crops in and tide them over a difficult period. It takes care of that type of farmer who cannot get a loan elsewhere but deserves it, needs it, and needs it now.

Mr. JENKINS of Ohio. The gentleman's eloquence has almost persuaded me, but this is the first time, I think, we have ever passed such a bill on the Consent Calendar. However, if it has met with the unanimous approval of the great Agricultural Committee of the House, I shall not interpose my individual objection. For that reason I withdraw my request that the bill be passed over without prejudice.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. DOXEY. Yes.

Mr. RICH. If the Agricultural Committee has consented that this bill go through, why bring it in today? Why not give the House an opportunity to discuss the merits or demerits of the bill? I would like to have some members on this side of the Committee on Agriculture get up and say that they are enthusiastically in favor of the passage of this bill. I want to know where you are going to get the $40,000,000.

Mr. ZIONCHECK. This matter has been discussed. This is just another $40,000,000 for seed loans for a short period of time. It is a matter of emergency.

Mr. RICH. If the money was expended a year ago and the money has been returned to the Treasury, why do you have to ask for this $40,000,000 now?

Mr. DOXEY. A similar bill was passed last year and we have collected nearly 90 percent of the money loaned out last year. We cannot reloan that money without the enactment of this legislation.

Mr. RICH. And the gentleman figures that we will get 97 percent back?

Mr. DOXEY. In some sections of the country we have gotten 100 percent back.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

Mr. DOXEY. A Senate bill was passed and I think it is now on the Speaker's desk. I do not know whether it is identical with this bill or not, but in the interest of good procedure, I think we had better substitute the Senate bill for the House bill. It might be for a different amount. I am not sure about that.

Mr. FULMER. Mr. Speaker, I ask unanimous consent that we take up the Senate bill and strike out all after the enacting clause and insert the House bill.

The SPEAKER. The trouble is we do not have the Senate bill at this time. It has not been messaged over to the House. The Chair will state to the House that there are one or two suspensions which will be taken up, and, if it is agreeable to the House, this matter could be passed over temporarily until we consider the two suspensions.

Mr. DOXEY. Mr. Speaker, we will not ask for a substitution of the Senate bill. We can work it out in conference. I think that will be satisfactory.

Mr. RICH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICH. When the Members of the House do not know whether a Senate bill is identical, then we ought to take time enough to try to get our ideas together with the Senate and find out whether we should substitute one for the other.

The SPEAKER. That is not a parliamentary inquiry. The Chair was suggesting to the House that, if the House is willing, we could take up the suspensions and temporarily suspend further action upon the pending bill. Perhaps, by the time we have concluded consideration of the bills under suspension, the Senate bill will be here, and it will save some complications.

Mr. ZIONCHECK. Why not pass this now and then suspend the action afterward when the Senate bill comes over?

The SPEAKER. Why not postpone consideration of this bill until later on in the afternoon? There cannot be any objection to that, with the understanding that it will be taken up.

Mr. McCORMACK. Mr. Speaker, I move that further consideration of the bill be postponed until after consideration of the bills under suspension.

The SPEAKER. Without objection, the bill will be laid aside temporarily.

There was no objection.

Mr. ZIONCHECK. I withdraw my unanimous-consent request, Mr. Speaker.

EMERGENCY RELIEF IN PUERTO RICO

Mr. DEMPSEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3140) to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes.

Mr. MILLARD. Mr. Speaker, a point of order. I suggest the absence of a quorum.

The SPEAKER. The Chair will count. [After counting.] Ninety-eight Members are present, not a quorum.

Mr. BANKHEAD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 13]

Adair	Darden	Harter	Reed, N. Y.
Allen	Dear	Higgins, Conn.	Rogers, Okla.
Andrew, Mass.	DeRouen	Higgins, Mass.	Russell
Bacharach	Dietrich	Hill, Ala.	Ryan
Berlin	Dingell	Hoeppel	Sadowski
Boileau	Disney	Houston	Sanders, La.
Boykin	Dockweiler	Kee	Sandlin
Boylan	Dorsey	Keller	Schulte
Brennan	Doughton	Kennedy, N. Y.	Shannon
Brooks	Drewry	Lee, Okla.	Short
Buchanan	Duffey, Ohio	Lesinski	Sirovich
Buckley, N. Y.	Dunn, Miss.	McLeod	Somers, N. Y.
Bulwinkle	Dunn, Pa.	McSwain	South
Caldwell	Fernandez	Maloney	Steagall
Cannon, Wis.	Fiesinger	Marcantonio	Stewart
Carmichael	Fish	May	Sullivan
Casey	Flannagan	Mitchell, Ill.	Sweeney
Citron	Ford, Calif.	Montague	Taylor, Colo.
Clark, N. C.	Frey	Nelson	Taylor, Tenn.
Collins	Gasque	Nichols	Thom
Connery	Gassaway	Norton	Thomas
Cooper, Ohio	Goldsborough	O'Malley	Treadway
Cooper, Tenn.	Gray, Ind.	Parsons	Turner
Corning	Gray, Pa.	Patman	Wadsworth
Crawford	Green	Pearson	Walter
Crosby	Hamlin	Pettengill	Warren
Crowe	Hancock, N. C.	Rankin	White
Culkin	Hart	Reece	Zimmerman

The SPEAKER. Three hundred and eighteen Members are present, a quorum.

Mr. BANKHEAD. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

The SPEAKER. The gentleman from New Mexico [Mr. DEMPSEY] moves to suspend the rules and pass the bill, S. 3140, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That all sums which the President has segregated or allotted or shall segregate or allot for projects in Puerto Rico out of the money appropriated by the Emergency Relief Appropriation Act of 1935 shall constitute a special fund to provide relief and work relief and to increase employment in Puerto Rico. The fund thus established shall continue available for expenditure until June 30, 1940. All income derived from opera-

tions financed out of this fund and the proceeds of the disposition of property acquired therewith shall constitute a revolving fund, which shall remain available for expenditure for the purposes and in manner authorized herein and in the Emergency Relief Appropriation Act of 1935 until Congress shall provide otherwise, notwithstanding any limitation of time contained in the said Emergency Relief Appropriation Act of 1935. Any agency or agencies lawfully designated or established to administer funds allotted hereunder or the revolving fund herein authorized may be continued so long as the said funds or any of them remain available for expenditure.

Projects for rural rehabilitation in Puerto Rico may include the acquisition, development, maintenance, and operation of agricultural enterprises. A reasonable charge may be made for materials and services produced or made available by any project: *Provided*, That such materials and services may also be supplied as compensation, in whole or in part, for services rendered by persons employed upon any project.

SEC. 2. Notwithstanding the provisions of section 15 (f) of the Agricultural Adjustment Act, as amended by section 8 of the act of May 9, 1934, or any action taken thereunder, all or any part of the unobligated balance of taxes heretofore or hereafter collected from the processing of sugar beets or sugarcane in Puerto Rico and/or upon the processing in continental United States of sugar produced in or coming from Puerto Rico are hereby authorized, in the discretion of the President, to be transferred to the revolving fund authorized by this act. Not exceeding $10,000,000 of this fund may, in the discretion of the President, be set aside in the Treasury for use as an insurance fund to insure individual agriculturists in Puerto Rico, but to the extent only of such insurance fund and its accretions, against damage by hurricane to their farm dwellings and farm buildings, growing crops, plants, and trees, including trees used as shade for growing crops, warehouses and produce in barns and warehouses: *Provided*, That said funds may be so employed only during such periods as the Secretary of the Interior shall find and determine that commercial insurance is not available, and at premiums sufficiently high to keep the principal of the original insurance fund intact, and policies of insurance shall be issued hereunder only pursuant to such terms and premium rates as the Secretary of the Interior shall prescribe by regulations duly promulgated. Until otherwise provided by law all moneys collected as premiums on such insurance or otherwise in connection with the administration of such funds or the operation of such insurance activity shall constitute accretions to the fund and shall be held, together with the original insurance fund and all additions thereto, as a revolving fund for the purposes of such insurance.

The SPEAKER. Is a second demanded?

Mr. TABER. Mr. Speaker, I demand a second.

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The SPEAKER. The gentleman from New Mexico has 20 minutes and the gentleman from New York [Mr. TABER] has 20 minutes.

Mr. DEMPSEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, S. 3140 provides that money already allocated to Puerto Rico be expended over a longer period of time than that set up in the act providing these funds. There are no appropriations made and no additional expense incurred by reason of this proposed bill. Not only is there no appropriation set up and no additional moneys requested, but we estimate that twenty-five or thirty million dollars will be saved if this bill becomes law.

The situation which exists in Puerto Rico is quite different from that which exists in the States. There is an agricultural situation there, with no other industry. To rehabilitate the agricultural situation in Puerto Rico, as a result of the various hurricanes and storms they have had there, requires a long period of time. The rehabilitation provides that coffee bushes and shade trees to take care of those bushes, and methods of that kind can be pursued. It is a known fact that it requires 5 years from the time a coffee bush is planted until it produces. If we take the money that has been allocated to Puerto Rico and expend it in the time we now give, it will be wasted. If we take a longer period of time it will be saved. If we spend it hurriedly they will come back here in a year or two asking this Congress to appropriate additional moneys to save them from starvation, and we will again have to appropriate money.

What we are trying to do is to obviate the necessity for further appropriations. This bill has the endorsement of every member of the Committee on Insular Affairs, both Republicans and Democrats.

Mr. KVALE. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. KVALE. The gentleman says it has the unanimous favorable report of the committee?

Mr. DEMPSEY. The report was favorable, and it was unanimous by the entire Insular Affairs Committee.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield for a question?

Mr. DEMPSEY. I yield.

Mr. BANKHEAD. As I understand the bill there is absolutely no provision of law with reference to the administration of the fund. The essence of it is merely to extend the time for the application of the fund to the condition now existing in Puerto Rico.

Mr. DEMPSEY. The gentleman is correct.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. McCORMACK. And my understanding is that the purpose of this legislation is not only to rehabilitate the people who live in the island in a permanent way, but also to prevent economic and social collapse. Is this correct?

Mr. DEMPSEY. The gentleman is correct.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. RICH. I should like to congratulate the Democratic Party on trying to be conservative and on taking their time in spending the money, for they have been so lavish in spending money in the past that if some halt is not called the country will be wrecked. I want to congratulate the gentleman in taking the right step.

Mr. MAVERICK. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. MAVERICK. Will the gentleman explain the insurance features of this bill?

Mr. KNUTSON. I, too, would like to have them explained.

Mr. DEMPSEY. I am reliably informed that at the present time there is somewhere between $7,000,000 and $8,000,000 processing taxes impounded in Puerto Rico. It is proposed to use this money as a revolving fund to care for hurricane sufferers in Puerto Rico, because it is impossible to get insurance in this island due to the experience of insurance companies which in 1 year suffered a loss of 2,000 percent of all the premiums paid in.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. UNDERWOOD. Will the gentleman kindly advise us whether or not any part of these funds is to be used for the development of the tile or pottery industries?

Mr. DEMPSEY. No; not at all.

Mr. ELLENBOGEN. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. ELLENBOGEN. I understood the gentleman to say that this bill does not authorize the appropriation of any money whatsoever in addition to the money that has already been authorized, but that it only permits an economic expenditure of what has already been authorized.

Mr. DEMPSEY. The gentleman is correct.

[Here the gavel fell.]

Mr. TABER. Mr. Speaker, there are three features in this bill: First, there is a situation where the Congress of the United States a year ago appropriated $4,880,000,000 to the President of the United States to use for relief purposes, giving him a lot of discretion as to what he might do. Instead of allotting what might be needed for Puerto Rico within the period for which that money was appropriated and made available under the law for relief purposes, about five times the amount necessary has been allotted.

Mr. DEMPSEY. Mr. Speaker, will the gentleman yield?

Mr. TABER. The gentleman's own story proves my contention, and he will see it if he will permit me to proceed. I shall not yield until I conclude the main part of my statement.

About five times what was needed was allotted. I want everyone to understand the proposal that is before us, because this is not the first time this bill has been up for consideration. It was called up under suspension last August and it was beaten because the House understood what it was about. Upward of $30,000,000 has been allotted for this purpose. The gentleman from New Mexico tells us he wants the bill passed in order that the money may be saved and not wasted, so that it may be spent over a period of 5 years upon projects the result of which we know nothing whatever about. It is customary in the operations of the Congress to make appropriations available for only a short period of time so we may see how things work, for we do not want to spend money on things that do not work well. This is an untried experiment, setting people up in the agricultural business in Puerto Rico. The administration has the authority to go on this year and until the 30th of June 1937 with this money. Why should they not use what they figure is reasonably necessary to establish whether or not it is going to be a reasonable expenditure, whether it is going to be a successful experiment, and then, if there is need for going further, to come back to the Congress and ask the Congress for more money?

Here is another important element to be considered: This bill should provide for covering into the Treasury the part of this appropriation, upward of $20,000,000, which is not necessary for taking care of the situation. It has been allotted to this island and may be used during the period for which the money is available. This $20,000,000 should be covered into the Treasury by this bill.

This bill has still another angle; that of setting up the Government in the insurance business.

Mr. ZIONCHECK. What is bad about that?

Mr. TABER. Any scheme which puts the Government into business is bad. [Applause.]

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. JENKINS of Ohio. In addition to that it puts the Government into the insurance business away from home.

Mr. TABER. Away from home, and with a $10,000,000 capital.

Mr. DEMPSEY. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. DEMPSEY. This processing tax belongs to the people of Puerto Rico. They just retain that there and rehabilitate the revolving fund. It does not put the Government in the insurance business.

Mr. TABER. It does put the Government in the insurance business.

Mr. DEMPSEY. Is it not also a fact there are 350,000 people there on relief?

Mr. TABER. I do not know; but, according to the gentleman's own statement, this money could well be expended over 5 years. That means five times as much has been allotted as is necessary. From the gentleman's own statement it stands to reason that the trouble with the situation is they have allocated a lot of money for ruthless experimentation beyond the authorized period of this act, and they ought to cover the fund into the Treasury that is not needed. If the experiments happen to be successful over a period of 2 years, within which they can operate, they could then come back here and make a case, but they have not made a case. They have the authority to spend the money.

Mr. Speaker, we should stop the ruthless expenditure of money, and should cover into the Treasury the unnecessary allotment. There is not any sense in passing such a bill as this.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Washington.

Mr. ZIONCHECK. Does the gentleman think the Government is in the insurance business when it has lent hundreds of millions of dollars to insurance companies through the Reconstruction Finance Corporation?

Mr. TABER. Not where the Government has received collateral for the loans which is more than the face of the loan. I do not think that has anything to do with this case.

Mr. ELLENBOGEN. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Pennsylvania.

Mr. ELLENBOGEN. Does the gentleman from New York [Mr. TABER] understand that the purpose of section 1 is to terminate the expenditures for the dole in Puerto Rico?

Mr. TABER. No. The gentleman from New Mexico proved that was not so, because he said it was enough to carry on this experimentation over 5 years. If his statement was so, there would be no excuse for this bill. The two things do not go together.

There is no use trying to go on with that kind of argument and expect intelligent people to believe it. The Governor of Puerto Rico at his own solicitation came to see me on Friday week before last. He brought with him a man from the Interior Department. I asked them certain questions which they were unable to answer, and in order that they might have an opportunity, I agreed to submit questions to them, which I did. They did not submit answers, as they agreed to, on the following Monday, but did submit the answers last Saturday. The answers were not complete, they were not convincing, and contained no information upon which an intelligent man could vote for such a piece of legislation as this.

Mr. Speaker, I hope that the membership of this House will sustain the record that they made last August and vote against the foolish method of spending money which is provided by this bill. We are trying to spread it over 5 years for projects we know nothing about, and on top of that we are trying to put the Government in the insurance business to the extent of $10,000,000. The whole thing is absolutely ridiculous.

Mr. Speaker, I reserve the balance of my time.

Mr. DEMPSEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Speaker, it is difficult for me to talk about the Puerto Rican situation without getting into what some people might call an extreme attitude. I have watched the situation there closely for 15 years. I have had the opportunity to sit around the table with people very active in Puerto Rican industries. We have sent about $12,000,000 a year down to Puerto Rico, so I am informed, for relief purposes.

Now, the United States may do one of two things: We may help Puerto Rico rehabilitate its idle, starving people, or the taxpayers of this country will have to contribute annually from ten to twenty million dollars in order to feed those people. Puerto Rico is overpopulated, as is Japan. We may either furnish work in Puerto Rico for the Puerto Rican people or else move them out of Puerto Rico to some other place. On the other hand, we may convert their energy into goods and take the goods to some other place or let the people there consume more of their own production and less of the goods we ship to them—thus becoming more self-sustaining.

With reference to the insurance fund, may I point out that the money accumulated through the collection of the processing tax on Puerto Rican sugar has been impounded instead of it being distributed to individual growers of sugarcane, as it was in the United States among both cane and sugar-beet growers. In the United States the individual farmer collected his benefit payments, spent the money in his own way. In Puerto Rico this did not happen. The benefit payments that might have been distributed to individual growers are segregated into a fund, and it is this money this bill is to set aside as an insurance fund to protect growers against hurricane damage that may occur in the future. Of course, additional funds are not to be collected through the imposition of processing taxes on account of the A. A. A. decision by the Supreme Court. And the present amount of this fund will probably not be ample to care for the great damage which follows the acts of a hurricane. However, if the people prefer to use their fund in the form of an insurance protection instead of consuming it without any thought of tomorrow, why should we object to their doing so?

Mr. William T. Reed, Jr., assistant counsel of the National Association of Insurance Agents, informs me under date of

January 15, 1936—wherein he refers to the ability of insurance companies to handle this problem—

Due to the high loss ratio experienced since 1928, I do not believe that any of the companies are in a position at present to undertake this type of hazard.

Now, Mr. Speaker, I submit that here is a problem the scope of which rises above the ability of stock- and mutual-insurance companies to handle. It becomes one which demands the highest policy of the United States and Puerto Rico in its solution. Are we to deny these people the right to use their own funds in a manner which will not only alleviate their troubles but at the same time result in the citizens of the United States having to contribute less dollars to Puerto Rican hurricane relief as well as welfare relief? The claim some make that this is destructive to private business because Government enters the field in this manner cannot be sustained. Private insurance activities have ceased, according to Mr. Reed's statement. The hazard is too great. Primitive man assumes and carries his own hazard when private initiative backs away from the problem or before private enterprise is created. Here is a case where private enterprise entered the field and gave up the task on account of too great a hazard. Now Puerto Ricans desire to mutually assume the hazard in this way. Furthermore, it should be kept in mind that Puerto Rican citizens have paid their share of processing taxes on articles shipped from the United States to Puerto Rico and consumed by the Puerto Rican people. Those taxes were collected and remitted to the individual farmers of the United States who grew cotton, pork, wheat, and other crops affected. The Puerto Rican is not complaining about that, but he is asking that he be permitted to use his own funds to help solve his own problems.

The rehabilitation feature of this bill is of greatest importance to these poor people. Since 1898 their condition has grown worse. They are real objects of American-dollar imperialism. Take the record and see how individual farms have been converted into great sugar plantations. How these very plantations, so few in number, have absorbed such a very, very great portion of the total acreage of fertile soils. How the people, through this taking over of the lands and as a result of the hurricanes, have been driven from pillar to post, into the slums of the city, and on relief. How individual farm families who once produced practically all of their subsistence have been forced off those farms and placed on what might be termed "seasonal" pay rolls, forced to work for mere existence, receiving whatever pay the concentrated holdings of farm lands desire to pay them for the stoop labor performed. Take particular note of how "absentee ownership" is bleeding white the productive elements of the islands; the enormous amount of dividends being paid by these "absentee owners" to their stockholders residing in other lands. Puerto Rico is a tragedy. It is a tragedy that has grown worse under the American flag. It was bad enough when we took over the islands with the large-scale farming which was in control even at that time.

Puerto Rico has a great surplus of laborers. More food must be produced there or more industries must be established or we shall have to contribute in increasing amounts to their subsistence. We cannot force on them their independence and let them starve. The scarcity of individual possessions, of food, clothing, medicine, educational facilities all tends to force many of them to live but little above the state of the savage. About 1,700,000 souls are crowded on that little island of about 3,435 square miles. What does "absentee ownership" care about these social and economic problems. The worse the conditions grow and remain short of revolution, the lower price at which stoop labor can be obtained and the greater the profit of that ownership can become. What appears on the surface as a favorable "trade balance" is set off by the "exports" of revenue in the form of dividends that leave Puerto Rico for other lands. Local ownership always assumes and shares a dissimilar responsibility to social and economic conditions to that of "absentee ownership"—this is fundamental and all in accordance with the economic system under which we live. We should accept the fact and then proceed to see what can be done which will raise the standard of living in Puerto Rico, make the people self-sustaining and make it unnecessary for the citizens of the United States to continually send ten or fifteen millions of dollars annually to Puerto Rico for relief. In my opinion this bill is a step in that direction and therefore I hope the members of the House will vote in its favor. We should keep in mind the basic industry—sugar—in Puerto Rico is a protected industry. Therefore, the benefits of that protection should continue or travel down to the pockets of some of the "stoop workers" of that island and not all be held to the benefit of absentee investors who have the benefit of the protection and the purchasing power of the American consumers who almost entirely consume that basic crop.

Mr. DEMPSEY. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. MAVERICK].

Mr. MAVERICK. Mr. Speaker, the gentleman from New York [Mr. TABER] said that the President had certain powers of relief and that he had allocated five times more than these people were entitled to. I do not go to the length of saying that it is a misstatement, but it is an incorrect statement and wholly inaccurate. Previously the allocation to Puerto Rico has been from twelve to fifteen million dollars a year since relief started.

The purpose of this appropriation is to give the Puerto Ricans what amounts to $30,000,000 for 2 years, or approximately the same amount as has been appropriated before. This money is to be spent intelligently and judiciously, over a period of 5 years, for real rehabilitation of the Puerto Rican people. I cannot see how the average Republican can oppose this measure, and I am glad to note that the gentleman from Michigan [Mr. CRAWFORD] is for the bill. It looks to me as if the opposition is of a partisan nature. Some of you Republicans are just against anything the Democrats are for; certainly the arguments against it are not based on real facts or common sense.

Mr. Speaker, I repeat this money is to be spent intelligently and judiciously. If that is the fact, the Republicans should drop this partisan opposition and vote for the bill.

Mr. MARCANTONIO. Puerto Rico is the most tragic victim of American imperialism. This is the first opportunity we have to aid the people of Puerto Rico. As a matter of fact this bill does not give them very much. However, it is better than nothing. Why all this opposition to even this small measure of help? Is it discrimination? If not, to defeat this bill would be false economy. I want to thank the gentleman from Texas for his support of this bill. Puerto Rico has been kicked around too long. Why not give her a chance?

Mr. MAVERICK. The distinguished gentleman from New York is correct. I go with you in thought and know the study and application you have given the Puerto Rican question. The Puerto Ricans have been given slipshod treatment, and really pretty bad treatment as you say. I thank the gentleman for his contribution, and appreciate the fact that he understands the question and has sympathy for the Puerto Rican people and will vote not according to party, but according to common sense and justice.

Mr. MORAN. Mr. Speaker, will the gentleman yield?

Mr. MAVERICK. Yes.

Mr. MORAN. May I ask the gentleman this question? The money is going to be spent anyway and the only point involved is whether we are going to spend it as relief and receive no benefit or whether we are going to accomplish some useful purpose in the expenditure of the money.

Mr. MAVERICK. The gentleman is right. This money is going to be spent anyway and if we would do as the gentleman from New York [Mr. TABER] has suggested, they will take the money and, in effect, throw it away, because it will do little good—and will only feed people, while, according to this plan, the money can be spent wisely. The point is, if they can take this money and purchase real estate and spend it slowly it will be a good thing for the

Puerto Ricans, because they can be rehabilitated, and a good thing for ourselves, because it will relieve our tax burdens. In fine, it will assist the Puerto Ricans in being self-supporting.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. MAVERICK. For a brief question; yes.

Mr. SNELL. Does the gentleman mean to say they are going to throw this money away if we do not extend this time limit?

Mr. MAVERICK. I do not agree that it is going to be thrown away.

Mr. SNELL. That is what the gentleman stated.

Mr. MAVERICK. I will express myself a little better by saying that it would be much better spent if we permitted it to be done judiciously, according to a decent plan, and not just paid out for relief and to feed people.

Mr. SNELL. May I ask the gentleman another question?

Mr. MAVERICK. Yes.

Mr. SNELL. As I understand, this money comes from an emergency fund that expires on June 30, 1937.

Mr. MAVERICK. Yes.

Mr. SNELL. If they have allocated more than they can spend or more than they need for just purposes down there, why should not the balance come back to the Treasury of the United States?

Mr. MAVERICK. The answer to that is they have not allocated more than can be spent, of course.

We have not allocated any more money than is a just amount. This money can be thrown out as a dole just to feed people or it can be used intelligently to purchase farms so that the people can rehabilitate themselves. There does not exist anything like the Rural Rehabilitation Bureau in Puerto Rico and this is for the purpose of agricultural rehabilitation. Industry is not covered; is not interferred with.

They have 300,000 families in Puerto Rico that are on relief. More than two-thirds of the population of Puerto Rico is on relief, and our purpose is to get them off of relief and get them back into agricultural pursuits, and to be self-supporting.

This will benefit the sugar industry of the United States, because this land is not to be used in sugar production, but put into other lines of agriculture. They will therefore have a diversified agriculture to make it a more complete economic unit, and where it will not be necessary to import so many products. It will therefore benefit Puerto Rico and also benefit the taxpayers of the United States.

This statement that the appropriation is five times too much is not true at all. This is one place where the President of the United States, the Director of the Budget, the Governor of Puerto Rico, the Senate of Puerto Rico, and every branch of the government agree that this is a proper way for this money to be spent, and I hope you gentlemen on the Republican side and on this side will not oppose the bill just to be in opposition, because this is one time when money is being spent with wisdom.

Mr. ELLENBOGEN. Mr. Speaker, will the gentleman yield?

Mr. MAVERICK. Yes.

Mr. ELLENBOGEN. Is it not a fact that the Government is anxious to buy the land in Puerto Rico at the cheapest possible price and cannot do so without being taken into court, and if the matter goes into court it will take longer than the 2 years? Moreover, is it not correct that many will hold out for exorbitant prices unless Congress allots a reasonable time for purchase? Is not this bill really necessary for proper and correct administration?

Mr. MAVERICK. The gentleman is correct, and I thank him for his contribution. You have really represented your people and have fostered legislation for the people of Pennsylvania which is of great benefit and a social advance. You are correct on this Puerto Rican question, and I am sure the gentleman has given it the same serious and conscientious study that he always does his constituency in Pennsylvania.

Mr. Speaker, this bill is a good bill; it is sensible, it is fair to the Puerto Rican, fair to the Government of the United States. I believe it should pass.

Mr. TABER. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, I yield to no one in my friendship for the people of Puerto Rico, but as former chairman of the Committee on Insular Affairs and as a member of that committee for 14 years, and having visited Puerto Rico on several occasions, I feel I am perhaps qualified to contribute something to this debate.

I am wondering, my friends, how many of you who voted for the $4,880,000,000 relief fund had any idea that that money would be carried over for a period of 7 years. We appropriated that money last year, in 1935. It is proposed in this legislation to carry this sum over to June 30, 1940. Surely, there can be no objection to the plan proposed by the gentleman from New York [Mr. TABER] to place the unexpended portion back in the Federal Treasury, voting it out as future needs determine.

I consider it a very dangerous thing for this Congress to make appropriations available over a long period of time. I believe that the unexpended money should be covered back into the Treasury, and if the Puerto Ricans come before us and show need for renewing the appropriation we can then act as needs dictate. But to come in here at this time and propose to carry this on for another 5 years seems to me absurd and indefensible.

Congress has done many absurd things, and it is time that we get our feet back on the ground and legislate in a clear, sound manner, one which we can go home and defend.

Now, as far as the insurance plan is concerned, why not insure the buildings and crops of Minnesota farmers, the farmers in Ohio and Texas and California?

Mr. McFARLANE. We are taking care of the farmers in Minnesota; what is the gentleman crying about?

Mr. KNUTSON. Why not take in the whole country?

Mr. CRAWFORD. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. CRAWFORD. I know the gentleman from Minnesota wants to be fair, and I think he knows that this insurance fund is being provided by the farmers in Puerto Rico and not by the United States Government, not by the Public Works Administration.

Mr. KNUTSON. There were $35,000,000 appropriated or allotted for relief work. Does the gentleman deny that?

Mr. CRAWFORD. I am talking about the insurance.

Mr. KNUTSON. Thirty-five million dollars was allocated to Puerto Rico for relief and for P. W. A. work. Of that sum $9,000,000 has been used for direct relief, making $26,000,000 for W. P. A. In all conscience that is a pretty good sum of money, and I do not believe anyone in Puerto Rico can accuse Uncle Sam of having been niggardly with the people of the island. They can come to Congress when they need further relief. Let Congress not blindly appropriate big sums that would be available for the next 5 years.

You cannot defend this measure to your own constituents, who are paying a large part of the bill.

[Here the gavel fell.]

Mr. DEMPSEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. EKWALL].

Mr. EKWALL. Mr. Speaker, it seems to me that my colleague on this side, the gentleman from New York [Mr. TABER], is usually the watchdog of the Treasury, and quite often I approve of what he says, but in this case I think he has the wrong idea. I believe this money should be spent in a judicious manner. The money has been allocated. You are merely asked for authority to spread over a period of years the expenditures which otherwise would have to be made by the middle of 1937.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. EKWALL. No; I have not the time. It seems to me the insurance feature is entirely misunderstood, because this fund is already available. It is money that is impounded at the present time. It is merely for the purpose

of affording insurance in case hurricane insurance rates are too high or in case no insurance of this type can be secured at all. I have gone over this bill rather carefully. The thing that impresses me with its absolute fairness is the fact that every member of the Committee on Insular Affairs present at the time has approved the bill, and when Members of the type of KOCIALKOWSKI, SMITH of West Virginia, CARTWRIGHT, LARRABEE, ELLENBOGEN, SANDERS of Louisiana, RYAN, MCGEHEE, MASSINGALE, BELL, MAHON, O'DAY, SAUTHOFF, THURSTON, WELCH, COLE of New York, STEFAN, CRAWFORD, GINGERY, DEMPSEY, and IGLESIAS say the bill is a good bill, that is satisfactory to me, and I believe it ought to be to the other Members. I think the bill should pass as recommended by the committee.

Mr. TABER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Speaker, sometimes I need to remind myself and the House that I am the ranking Republican member of the Committee on Expenditures. I do not annoy you with many such small matters, but the report on this bill interests me greatly. Puerto Rico tells us that she has too much money to be spent in a short time, and she begs us that she may not be forced to "hurriedly waste the money." The report says practically that she will waste it and spend it somehow within the time. They don't wish to waste this money, and the gentleman from Texas [Mr. MAVERICK] said that for once let us see to it that relief money is spent properly. I am glad to get that admission. We have plenty of towns in our districts that would have been glad to have W. P. A. money spent for worthwhile and permanent projects, rather than waste the funds on temporary and wasteful schemes hurriedly suggested. These Island people simply ask that they may be allowed to spend money properly and the suggestion appears like an indictment of the manner in which we are spending on the continent. This report is interesting indeed. They say, "Don't make us build a power plant in 2 years because we haven't the consumption for it now." Why, that is what we have been doing on the continent, is it not—building enormous power plants that will take many, many years to find customers to make use of them? They want to be treated quite differently from what our own municipalities have been treated. Would not all of us wish to make the same identical request? I read:

Do not make us waste this money.

And to think that they agree they are going to waste it, and will waste it in 2 years unless you give them this extra time to spend it properly. I think it is a most remarkable report. It would seem to criticize our methods of spending relief funds. We know that the Insular Affairs Committee look well after their islands. That committee must assume their problems. Who ever heard of an Insular Affairs Committee that did not recommend about the maximum of benefits for them? We can hardly blame them, as they are the guardians and must get all they can of this easy money. But here is an absolute acknowledgment that they do not need the money; that they cannot spend it unless they waste it; but that they are going to waste it. They are making no different request than you and I would like to make for a great many projects in our own districts. They agree that they do not like to waste this money, but will do so unless we pass this bill. I could not resist the opportunity of reminding you that they are no different from most others, who will spend it even if it is to be wasted.

Mr. MILLARD. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. MILLARD. This money was appropriated for relief. Does that mean that the depression will not be over until 1940?

Mr. GIFFORD. They suggest that the relief problem of the islands will be before us for many years. This bill means that they really want to spend the money wisely.

Mr. MARCANTONIO. Does the bill appropriate any more money than has originally been appropriated? If not, what is the objection?

Mr. GIFFORD. No; they want to hold on to what they have. They have asked even for the processing taxes and the interest thereon and they want that money to go into the fund. They want also to go into the insurance business.

Mr. MARCANTONIO. The Puerto Ricans are entitled to a square deal. They need a real chance. Why not give it to them? Furthermore, this money belongs to them, does it not?

Mr. GIFFORD. Yes; if what is given to them for relief belongs to them. But if they cannot use the $25,000,000, whose money is it? Does it belong to them simply because it has been allocated to them for relief? No; it belongs to the Treasury of the United States.

Mr. MARCANTONIO. It is their money. They should be permitted to spend it in a manner that will do the most good, such as is provided in this bill.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. DEMPSEY. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. SAUTHOFF].

Mr. SAUTHOFF. Mr. Speaker, in this discussion I have noticed that about three-quarters of what has been said is not true. [Laughter and applause.] There is an absolute misapprehension of the facts. What happened in Puerto Rico is this: In 1928 there was a hurricane that wiped out, to a great extent, the leading crop that these people need on which to make a living; that is, the coffee crop. Puerto Rico grows the finest coffee in the world. This coffee has no competition. It is sold mostly in Europe. It does not go into the United States and compete with domestic crops. What happened in Puerto Rico is this: Coffee trees are very delicate and must be protected. They are protected by growing shade trees side by side as they grow the coffee trees. It takes about 5 years to grow them so that they will produce. If this money is spent on a dole, all we do is to pay out to these people who have been driven off these coffee plantations and have been forced into the slums of the city. There are 359,000 of them now on relief. You simply give them the money to keep alive, but you do not put them back in the coffee fields where they belong. You do not give them an opportunity to once more clean up those fields and raise coffee trees and earn a living. That is what this bill seeks to do. We spent $14,000,000 last year, and we spent $14,000,000 the year before that, and all we did was to hand out a dole. Instead of doing that, we expect that $30,000,000 will rehabilitate these coffee fields [applause], and move these people out from the slums, and put them back on their coffee plantations and make them self-supporting. That is the purpose of this bill. [Applause.]

[Here the gavel fell.]

Mr. DEMPSEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

Mr. TABER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

Mr. TABER. Mr. Speaker, I ask for a division.

Mr. KVALE. Mr. Speaker, I make the point of order that the request comes too late.

The SPEAKER. The Chair thinks not.

The House divided; and there were ayes 150 and noes 49.

Mr. TABER. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-seven Members are present, a quorum.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 9871. An act to amend an act entitled "An act providing for the participation of the United States in the California-Pacific International Exposition to be held at San Diego, Calif., in 1935 and 1936; authorizing an appropriation therefor; and for other purposes", approved March 7, 1935; to provide for participation in the California-Pacific International Exposition to be held at San Diego, Calif., in 1936; to authorize an appropriation therefor; and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3612. An act to provide loans to farmers for crop production and harvesting during the year 1936, and for other purposes.

DOMESTIC SOURCES OF TIN

Mr. FADDIS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3381) to provide for the protection and preservation of domestic sources of tin.

The Clerk read the bill, as follows:

Be it enacted, etc., That, in the interest of national defense, it is hereby declared to be the policy of Congress and the purpose and intent of this act to protect, preserve, and develop domestic sources of tin, to restrain the depletion of domestic reserves of tin-bearing materials, and to lessen the present costly and dangerously dependent position of the United States with respect to resources of tin.

SEC. 2. There shall not be exported from the United States after the expiration of 60 days from the enactment of this act any tin-plate scrap, except upon license issued by the President of the United States. The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity.

SEC. 3. Any violation of the provisions of this act shall be a misdemeanor and shall be punished by a fine of not more than $500 or by imprisonment of not more than 1 year, or by both such fine and imprisonment.

The SPEAKER. Is a second demanded?

Mr. McLEAN. Mr. Speaker, I demand a second.

Mr. FADDIS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania [Mr. FADDIS] has 20 minutes and the gentleman from New Jersey [Mr. McLEAN] has 20 minutes.

Mr. FADDIS. Mr. Speaker, this is a bill to prevent the exportation of tin scrap from the United States. We are in this situation with respect to tin: We produce absolutely no virgin tin within the United States. Since we have been a Nation we have produced less than 1,500 tons in the United States, and our normal annual consumption of tin is in excess of 60,000 tons. We have within the United States an industry which acts as a reserve for our tin supply, inasmuch as it detins the tin scrap which comes from the canning factories and converts it into tin which, for all practical purposes, is exactly the same as virgin tin. This detinning industry has been during the last few years almost utterly destroyed because the Japanese have come into the market and have bid tin scrap up beyond the price which our detinners can afford to pay for this product. The reason the Japanese have been able to do that is that they have very low-grade labor, in the first place, but the principal reason that they desire this tin scrap is that in securing the tin scrap and detinning it they secure the high-grade steel upon which the tin is made. Therefore they achieve two purposes. One of their purposes is to destroy our detinning industry, which acts as a reserve in this Nation in time of war, and the other is to secure this high-grade steel which they use to amalgamate with the high silica ores which comes from Manchukuo to make armor plate.

Now, we are at the mercy of the world at large for tin. Tin is one of the essential commodities of this Nation, both in time of peace and in time of war. It is necessary that we take steps, especially so at this time, to protect what domestic sources we have.

Over quite a period of years the tin produced by the detinning industry in the United States has amounted to 27 percent of the tin consumed in this country, although in the last few years it has dropped to almost nothing because of the destruction of the industry. During the present world-wide emergency the situation with respect to tin has become particularly alarming. Although we consume almost 200 tons of tin in this Nation each day, at the present time the warehouse stocks of tin in New York comprise but 173 tons, just about 1 day's consumption; but of this supply of tin, 118 tons is Chinese tin. Chinese tin is tin which is a very poor grade and cannot be used in the making of tin plate.

The United States is absolutely at the mercy of foreign nations in regard to tin, because practically all of our tin comes from the Federated Malay States and from Bolivia. The source of all this tin is controlled by Great Britain. In fact, Great Britain today controls 85 percent of the tin of the world. So now we are in a very bad situation with respect to tin. Therefore, we have asked for this legislation in order to protect our domestic sources of tin.

This is a bill on which the Military Affairs Committee held very extensive hearings, and which was reported out unanimously by that committee. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. McLEAN. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey [Mr. EATON].

Mr. EATON. Mr. Speaker, I do not know whether this House is cognizant of the vital importance of the tin question to our Nation at the present time. A select committee of which the chairman was the gentleman from Tennessee [Mr. McREYNOLDS], chairman of our Committee on Foreign Affairs, and on which I had the honor to serve, made a long and careful study of the tin situation a year ago, and made certain recommendations which are yet to be acted upon.

We use in this country every year from 50,000 to 60,000 tons of tin. Tin is produced from four main sources, Bolivia, the Malay States, the Netherlands, and Nigeria. The Straits tin is considered to be the best. A year or two ago they organized in London what is known as an international cartel to raise the price of tin to the consumer. Remember that America buys more than half the tin produced in the world. By means of this international agreement they raised the price of tin to our consumers from about 20 cents up to 50 cents a pound. The latter figure is about the current price. For some reason they have been holding back the supply of tin for this country until, as the gentleman from Pennsylvania has told you, we have at the present time less than 1 day's supply of tin in stock in the warehouses in New York.

Tin is absolutely essential in time of war or in time of peace, and I approach this problem, first of all, from the point of view of our national defense. Without tin we are at the mercy of an enemy coming in from the outside. We must, therefore, have some reserves. About 30 years ago there was developed in this country what was known as the detinning industry. We have now two companies engaged in this business, with 5 plants—1 in San Francisco, 1 in Chicago, 1 in Pittsburgh, and 2 in New Jersey. One of the Jersey plants is shut down because its supply of tin scrap has been largely taken by Japan. I have in my hand an advertisement by a Japanese firm in a New York paper:

We are detinners.

And they are asking for scrap tin.

Underneath appears a statement by our Jersey firm:

We were detinners, but the Japanese put us out of business.

The hourly wage in Japan detinning plants is 5 cents. In our American plants it is 55 cents.

The material used for detinning comes from scrap left over from the making of tin cans. Tin cans are not made of tin, but are made of steel that is baptized in tin. The detinning plants buy this scrap. It is baled and brought to them. The railroads are given millions of dollars worth of business in this freight carriage. When the detinning companies could

buy scrap at a reasonable price they could continue in business. If we put our detinning plants out of business, we put out of business a source of tin at home sufficient to take care of about 30 percent of our total needs in case of war. These detinning plants are highly technical institutions. If we let them go by the board, it would take years to assemble the skilled chemists and engineers and to create new machinery to set them up again.

Several questions are raised in this connection. I want to deal with them in a sentence. The first is the question of how this bill will affect the small producer of tin scrap. Under this bill the President has the right to issue a license to export to anyone whom he thinks is being unfairly treated. In the second place, it is a fact that for 14 years before the Japanese began to put the price up where we could not compete, and before they took from us this one domestic source of our supply, the small producers of tin-plate scrap were paid over 5 percent more than the large producers, like the Continental Can Co. Furthermore, one of these great detinning companies located in my district, and for this reason very fair in its disposition and intelligent in its conduct of business, has made a written guaranty that it will give to the small producer of tin-plate scrap exactly the same price given to the large producer, so all producers will be placed exactly on a par. This is in the record, as the chairman of our committee can verify.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield?

Mr. EATON. I yield.

Mr. FITZPATRICK. Is it not a fact that the price of tin-plate scrap has jumped from $2 a ton up to $18?

Mr. EATON. It went as high as $24 at one time.

Mr. FITZPATRICK. And it made it impossible for the reclaiming plants to purchase scrap tin.

Mr. EATON. Absolutely; it has put them out of business.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. EATON. I yield.

Mr. BANKHEAD. When I was chairman of the Committee on Rules I was somewhat instrumental in assisting in the set-up of this select committee which investigated the shortage of tin in the country. I have not had a chance to see the report of the committee, although I understand it has been filed; but does this bill in a general way carry out the recommendations of that select committee?

Mr. EATON. I do not want to speak for the chairman of the committee, but this bill has our full sympathy. The chairman of the investigating committee has been instrumental in securing the consideration of this bill, which incorporates the main principles agreed upon in our report, so far as the embargo plan on scrap tin is concerned.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. EATON. I yield.

Mr. McCORMACK. The ultimate purpose of this bill is to stop the exportation of any tin from the country. Is not this so?

Mr. EATON. The ultimate purpose of this bill is to stop the exportation at this time and under present world conditions of tin-plate scrap which is used in our detinning plants and absolutely necessary for their continuance in business and for our safety in war.

Mr. BLOOM. It is tin that is left over.

Mr. EATON. It is tin that is left over. As I said before, a tin can is not made of tin, but is made of steel plate that is baptized in tin.

Mr. McCORMACK. I just want to get clear in my mind the effect of this bill. It will result in prohibiting the exportation of this commodity from this country unless a license is obtained.

Mr. EATON. Yes; as a national-defense measure.

Mr. MAIN. Will the gentleman yield?

Mr. EATON. I yield to the gentleman from Michigan.

Mr. MAIN. When the gentleman speaks of a tin can being a sheet of steel baptized with tin——

Mr. EATON. In tin. Immersed in tin.

Mr. MAIN. The gentleman is an advocate of immersing rather than sprinkling?

Mr. EATON. Yes.

Mr. FORD of California. Will the gentleman yield?

Mr. EATON. I yield to the gentleman from California.

Mr. FORD of California. With war going on in Europe and tin being such an important article in time of war, does the gentleman not think it is a very wise provision for this country to stop the exportation of any kind of tin?

Mr. EATON. Yes; of any kind of tin-plate scrap.

Mr. CRAWFORD. Will the gentleman yield?

Mr. EATON. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Where will be the market for this scrap tin?

Mr. EATON. We have a market here in our detinning plants that is starving to death because it cannot get the material for its use. These plants take scrap tin from the can factories, recover the tin, which is sold and used as 100-percent pure tin, or it may be used in another form in the silk industry to make the rustle that the ladies require in silk material. If the Japanese take all of this tin scrap, then our detinning plants go out of business, and in case of war we are at the mercy of anybody who wants to come over here and beat us up.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. EATON. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Is it not true that Japan has been importing from the United States very large quantities of scrap steel, scrap iron, and scrap copper in addition to tin plate?

Mr. EATON. Yes.

Mrs. ROGERS of Massachusetts. There has been an increase of from 10 to 20 percent since 1932. The situation is becoming very alarming.

Mr. EATON. Yes. May I say further, this country is the only important industrial country which has not now an embargo against the exportation of tin-plate scrap.

Mr. GIFFORD. Does Henry Ford use a lot of tin?

Mr. EATON. I do not know. He used to, but not now.

Mr. Speaker, in closing, may I say that the time is here when the men and women constituting this body had better pay some attention to the needs and dangers of our own country. We have to go into the markets of the world and purchase this tin at a price which is made outside the borders of our country. We can keep 30 percent of it from going back, and we ought to do that, especially when in so doing we do no damage to any American industry while we keep going in our detinning plants an industry that is absolutely essential in time of war. I hope the membership will vote 100 percent for this bill and show for once that we are Americans first.

[Here the gavel fell.]

Mr. McLEAN. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, I want to read a sentence of this bill:

> The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity. There shall not be exported from the United States after the expiration of 60 days from the enactment of this act any tin plate scrap—

Remember the word "scrap", because I want to get to that question in a moment—

> except upon license issued by the President of the United States.

Mr. Speaker, this turns over to the President the absolute authority to maintain an embargo on the exportation of tin plate scrap. Let me tell you just what the situation is with reference to tin and how important it is from a military standpoint. It is customary for us to export somewhere around 100,000 tons of tin plate, which represents approximately 1,500 tons of tin. That is to say, there is only a small amount of tin used with the tin plate. This is over three times as much as all the tin plate scrap available in

the United States. In other words, the amount of tin plate that we export is three or four times as much as the total tin plate scrap available.

Mr. EATON. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from New Jersey.

Mr. EATON. The gentleman is a wizard at figures, but I call his attention to the fact that we produce 250,000 tons of scrap with tin on it, and 35 pounds of tin is taken off every ton. If the gentleman will figure that out he will see that he is left in the hole.

Mr. TABER. No. The amount of tin plate exported is not very serious. The important thing about this matter is that there are two or three people operating these detinning plants. They have a monopoly in this country. They were paying about $1 a ton for the scrap, whereas the price now is somewhere around $12 or $13 a ton. That is the picture with reference to this situation.

From the standpoint of national defense, this bill does not mean a thing. It is simply a bill to maintain the monopoly of two or three concerns which operate about six detinning plants in this country. They can operate and pay a fair price for this product. This bill permits the President of the United States to issue licenses for the exportation of tin anyway. It does seem to me when we come to consider all these facts it is going a long way to pass a bill turning over the entire authority of Congress with reference to the issuance of embargoes to the President, thereby burdening him with this additional duty. Under the circumstances it seems to me we ought to defeat this bill.

Mr. CRAWFORD. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The reason the local detinning plants are not getting this tin today is on account of not being able to meet the Japanese competition?

Mr. TABER. I think they are getting it to a considerable extent. As I understand it, there are several plants operating at the present time.

Mr. CRAWFORD. But as the Japanese have been moving forward they have taken this commodity away from the local detinners.

Mr. TABER. Yes.

Mr. CRAWFORD. And if this embargo is placed in effect it will entirely replace the scrap in the hands of the firms to which the gentleman referred?

Mr. TABER. Yes.

Mr. CRAWFORD. What is there in the bill which will protect the fellow who has the scrap for sale?

Mr. TABER. He has to go to the President in order to get a license to export his scrap.

Mr. EATON. Will the gentleman yield so that I may answer the question?

Mr. TABER. Have I not answered it correctly?

Mr. EATON. The price of the product of a detinning plant is determined by the price of virgin tin, which is brought into this country, and if they have any tin to sell after they have detinned this scrap, it receives the same price as if it were imported from the Straits Settlements.

Mr. CRAWFORD. You simply have a refining cost in between.

Mr. EATON. Yes.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 139, noes 14.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LOANS FOR CROP PRODUCTION AND HARVESTING DURING THE YEAR 1936

Mr. JONES. Mr. Speaker, I offer a motion, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. JONES moves to suspend the rules and pass the bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes, with an amendment as follows: Strike out all after the enacting clause and insert the following:

"That the Governor of the Farm Credit Administration, hereinafter in this act referred to as the "Governor", is hereby authorized to make loans to farmers in the continental United States and in Alaska, Hawaii, and Puerto Rico, during the year 1936, for fallowing, for the production of crops, for planting, cultivating, and harvesting of crops, for supplies incident to and necessary for such production, planting, cultivating, and harvesting, and for feed for livestock, or for any of such purposes. Such loans shall be made and collected through such persons, instrumentalities, and agencies, upon such terms and conditions, and subject to such regulations, as the Governor may prescribe.

"SEC. 2. (a) There shall be required as security for any such loan a first lien, or an agreement to give a first lien, upon all crops of which the production or harvesting, or both, is to be financed, in whole or in part, with the proceeds of such loan; or in case of any loan for the purchase or production of feed for livestock, a first lien upon the livestock to be fed. Fees for recording, filing, registration, and examination of records (including certificates), aggregating not more than 75 cents, may be paid from the proceeds of each loan. Fees for the release or satisfaction of record of the lien given to secure any loan shall be paid by the borrower. Each loan shall bear interest at the rate of 5½ percent per annum.

"(b) The amount which may be loaned to any borrower pursuant to this act shall not exceed $300: *Provided, however,* That in any area certified by the President of the United States to the Governor as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations as to amount, under such regulations and with such maturities as he may prescribe therefor.

(c) No loan shall be made under this act to any applicant who shall not have first established to the satisfaction of the proper officer or employee of the Farm Credit Administration, under such regulations as the Governor may prescribe: (1) That such applicant is unable to procure from other sources a loan in an amount reasonably adequate to meet his needs for the purposes for which loans may be made under this act.

SEC. 3. (a) The moneys advanced by the Governor in connection with each loan made under the provisions of this act are declared to be impressed with a trust to accomplish the purposes provided for by this act (namely, for fallowing, for the production of crops, for planting, cultivating, and harvesting of crops, for supplies incident to such production, planting, cultivating, and harvesting, and for feed for livestock, or for any of such purposes); and may be used only for the purposes stated in the borrower's loan application and until so used shall continue subject to such trust and be free from garnishment, attachment, or the levy of an execution. It shall be unlawful for any borrower to willfully use said trust fund for any purpose other than those stated in his loan application, except with the written permission of the Governor or his duly authorized representative.

(b) It shall be unlawful for any person to make any material false representation for the purpose of obtaining, or assisting another to obtain, a loan under the provisions of this act; or willfully to dispose of or assist in disposing of, except for the account of the Governor, any crops or other property upon which there exists a lien securing a loan made under the provisions of this act.

(c) It shall be unlawful for any person to charge a fee for the purpose of preparing or assisting in the preparation of any papers of an applicant for a loan under the provisions of this act.

(d) Any person violating any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not more than $1,000 or by imprisonment for not more than 6 months, or both.

SEC. 4. The Governor shall have power, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, to employ and fix the compensation and duties of such agents, officers, and employees as may be necessary to carry out the purposes of this act; but the compensation of such officers and employees shall correspond, so far as the Governor deems practicable, to the rates established by the Classification Act of 1923, as amended. Such agents, officers, and employees, or any of them, and the facilities of the Farm Credit Administration available for use in connection with such loans may also be used by the Governor to perform services for any institution operating under the supervision of the Farm Credit Administration, upon such terms and conditions as the Governor may determine; and such institutions are hereby expressly empowered to enter into agreements with the Governor for such purpose. For the purpose of carrying out the provisions of this act, and of collecting loans made under acts of the same general character, including loans made by the Governor with funds appropriated under the provisions of the Emergency Appropriation Act, fiscal year 1935, the Governor is authorized to use the facilities of any agency, institution, or corporation, operating under the supervision of the Farm Credit Administration, and any officer or employee of such agency, institution, or corporation, or of the Farm Credit Administration, and may pay for such services and the use of such facilities from the funds made available for the payment of necessary administrative expenses; and such institutions and corporations are hereby expressly empowered to enter into agreements with the Governor for the accomplishment of such purposes.

SEC. 5. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40,000,000, or so much thereof as may be necessary, to carry out the provisions of this act. Any moneys so appropriated, and all collections of both principal and interest on loans made under this act, may be used by the Governor for making loans under this

act and for all necessary administrative expenses in carrying out the provisions of this act and in collecting outstanding balances on crop production, seed, and feed loans made under prior legislation of the same general character.

(b) Expenditures for printing and binding necessary in carrying out the provisions of this act may be made without regard to the provisions of section 3709 of the Revised Statutes.

The SPEAKER. Is a second demanded?

Mr. HOPE. Mr. Speaker, I demand a second.

Mr. JONES. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JONES. Mr. Speaker, I shall ask that the gentleman from South Carolina [Mr. FULMER] be allowed to control the time and make such explanation of the bill as may be necessary.

The SPEAKER. The gentleman from South Carolina is recognized for 20 minutes.

Mr. FULMER. Mr. Speaker, this is the usual bill that we have been passing for the last few years for the purpose of making loans to that great class of farmers who are unable to actually give collateral to secure loans through any other credit activity.

I may say to the House that the experience in making these loans in the past, including the last year, is that collections from this class of people have been as high as 98 percent in some States.

The prompt passage of this bill is very urgent for the reason that a great many of the farmers are now ready to proceed with their crops and unless they are able to get this type of loan, where they can only give as collateral paper covering the crop being planted for the present year, they will be unable to carry on, and, naturally, there will be thousands of these people placed on relief rolls and in line for a dole.

Mr. HOLMES. Mr. Speaker, will the gentleman yield?

Mr. FULMER. I yield.

Mr. HOLMES. Does this bill grant the same privilege to tenants and share croppers as to other farmers?

Mr. FULMER. Yes. I may say to the gentleman that has been taken care of to the extent that they will not make loans to a landlord without taking into consideration the fact that the tenants get their just part of the loan. In this way the tenants will be taken care of.

Mr. KVALE. Is it not also true that these loans will be apportioned and evaluated so that the benefits will not all go to those having the earlier demands, namely, the cotton farmers, but will also be extended to the corn and wheat farmers and others of that type?

Mr. FULMER. Absolutely; even including the cases where they plant their crop as late as December to be gathered in the following spring.

Mr. CRAWFORD. What is the amount provided for in the bill?

Mr. FULMER. Forty million dollars in the House bill and $60,000,000 in the Senate bill. We are proposing to substitute the House bill for the Senate bill.

Mr. CRAWFORD. That is the same amount as provided for last year and the year before?

Mr. FULMER. Yes.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. FULMER. Yes.

Mr. JENKINS of Ohio. The gentleman stated that in some sections the return was as high as 98 percent. Of course, that is not very much of a statement with respect to what the actual facts are. Can the gentleman tell us what is the actual amount returned from these loans in all sections as finally averaged?

Mr. FULMER. The total collections up to this time, with other collections to be made, I believe run around——

Mr. JONES. The collections on previous loans have averaged around 70 percent. The 1935 loans have not all been collected. There are a number of wheat loans. I think the collections for 1935 are around 40 percent, but many of the wheat loans are not yet due. The previous loans covering a period of several years have run around an average of 70 percent.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. HOPE. And is it not a fact that loan collections are being made all the time?

Mr. JONES. Yes; additional collections.

Mr. JENKINS of Ohio. I have always been in favor of this law, and I am simply asking these questions for information. When the gentleman says that 70 percent are repaid, does the gentleman include the overhead and the cost of making these loans, or is that outside?

Mr. JONES. That is the amount of total collections, as I understand it. The gentleman understands that the earlier loans were made in the drought area, and naturally there were smaller collections in those areas. In many instances the larger number of loans were made in such areas, and that has somewhat reduced collections.

But taking over the whole period, there has been a little more than 70 percent of these farmers' loans repaid.

Mr. JENKINS of Ohio. I have understood that it was higher than that, but taking it at 70 percent, with the overhead expenses taken out of that, and the overhead is pretty heavy.

Mr. JONES. Not very heavy; I do not remember the exact percentage.

Mr. JENKINS of Ohio. Twenty-five percent?

Mr. JONES. Oh, no. It ran five or six million dollars last year. The 70 percent includes the extreme drought area, where only 15 or 20 percent was collected. In the area where there were normal conditions, as much as 90 percent has been collected.

Mr. JENKINS of Ohio. I think the experts of the Agricultural Committee ought to furnish us and the country generally with a concrete statement of that.

Mr. JONES. If the gentleman will look at the end of the report he will see that that is all itemized. He will find a statement of all the previous loans.

Mr. JENKINS of Ohio. Would the gentleman include that as a part of his remarks?

Mr. JONES. No; it consists of a lot of tables, and it would take up too much space.

Mr. KVALE. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. KVALE. The gentleman from Ohio is an assiduous and conscientious student, and I know he has been seeking information. I ask him and all Members to consider this fact, that many of the farmers in the drought area were forced to qualify for loans and had to pay $1.25 or $1.35 per bushel for seed which they were subsequently forced to repay with receipts for grain which yielded from one-fifth to one-tenth the cost of their seed when measured in bushels. Some of us made strenuous efforts to secure the privilege of his paying back in kind, but the Department looked upon that with disfavor.

Mr. JENKINS of Ohio. I understand the percentage is much higher than 70 percent in some areas.

Mr. HOPE. I will say to the gentleman from Ohio that the report shows that the percentage of collections in Ohio is lower than the average.

Mr. JENKINS of Ohio. That does not apply in my district.

Mr. TABER. That is in reference to the 1935 crop?

Mr. HOPE. Yes.

Mr. TABER. Where they are not accustomed to marketing a large portion of their crops until after the first of the year. If the gentleman will turn to page 4 of the report, he will find that the loans to Ohio over a period of years have been only a million and a half altogether, and the total collections have been 68.2 percent. I think, with reference to the farming population, probably Ohio has as good a record in this as any other State.

Mr. ROMJUE. Mr. Speaker, will the gentleman yield?

Mr. FULMER. Yes.

Mr. ROMJUE. Is it not a fact that the percentage will be still increased, because these payments will continue and the percentage of payments will go higher.

Mr. FULMER. That is correct.

Mr. ROMJUE. In addition to that, it will be absolutely impossible for us to collect the same percentage from the various States, because some of the States suffered more through the drought than others.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. FULMER. Yes.

Mr. GIFFORD. Does any of the $40,000,000 go to the officers of voluntary productive associations that loan money to their members?

Mr. FULMER. None whatever.

Mr. GIFFORD. Would the gentleman tell us how those not connected with voluntary associations proceed to get through a loan of money?

Mr. FULMER. By making application just like the other farmers.

Mr. GIFFORD. Direct to whom?

Mr. FULMER. To the farm agency in his State or county.

Mr. CHRISTIANSON. Mr. Speaker, will the gentleman yield?

Mr. FULMER. Yes.

Mr. CHRISTIANSON. Would the gentleman state approximately what percentage of these loans have been made in emergency drought areas?

Mr. FULMER. I cannot give the gentleman that information. It may be that the gentleman from Kansas [Mr. HOPE] in his time will be able to give the gentleman that information.

Mr. CHRISTIANSON. It occurs to me that the percentage must be very high. It also occurs to me that perhaps most of the delinquencies are in those areas.

Mr. FULMER. Yes; most of them are.

Mr. CHRISTIANSON. I happen to be quite familiar with conditions existing in the emergency drought areas in Minnesota and the Dakotas, and I believe that as soon as those regions have sufficient rainfall and the farmers get good crops most of the loans now delinquent will be paid and paid in full.

Mr. FULMER. I agree with the gentleman.

Mr. CASTELLOW. And is it not imperative that these funds be made available as early as possible on account of the fact that planning of crops is now going on, particularly in the South in the cotton regions?

Mr. FULMER. Unless we have prompt action these farmers will have to go to some fertilizer dealer and obtain fertilizer on the promise that he will pay when he gets the loan and in doing so he will be charged an extra sum, whereas if he has the cash now he could buy the fertilizer at a lower price.

Mr. CHRISTIANSON. And I think I ought to say that in some of the drought-stricken areas of the Middle West, if seed loans are not made available this year, there may be a considerable acreage that will not be seeded.

Mr. FULMER. The gentleman is correct about that.

Mr. CHRISTIANSON. We do not have the fertilizer situation the gentleman speaks of, but we have a comparable situation arising out of a scarcity of good seed, due to rust infestation and to the fact that the drought conditions in some countries has continued.

Mr. FULMER. I reserve the remainder of my time.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THE NEUTRALITY BILL

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a public statement I made 2 or 3 days ago in relation to neutrality.

The SPEAKER. Is there objection?

There was no objection.

Mr. TINKHAM. Mr. Speaker, the neutrality bill reported by the Committee on Foreign Affairs is not a neutrality bill.

Neutrality means refraining from participation with either belligerent.

This bill promotes unneutrality under the guise of neutrality. It makes the United States a puppet state of Great Britain and a subsidiary of the League of Nations. It is more likely to involve the United States in war than to keep the United States out of war.

Section 4 of the bill gives the President discretionary power at any time during the progress of a war to impose embargoes on all articles and materials which he determines can be used in the conduct of war.

This section gives the President authority to participate in the sanctions of the League. It gives him authority to aid in the warlike actions which the League may take against any nation it determines is the aggressor in a conflict. It makes the United States a partner of the League in the wars of the League.

The League of Nations is controlled by Great Britain. Great Britain is now contesting with Italy the control of the Mediterranean. This bill makes the United States an ally of Great Britain in this contest. This is not neutrality.

Neutrality should mean peace for the United States. The United States will not have peace by intervening in foreign quarrels and in taking part in the political affairs of Europe.

Europe is divided into various armed camps. The United States cannot take sides with any of the camps and remain neutral. To take sides must ultimately lead to the involvement of the United States in war.

The President should not be given discretionary power to impose embargoes on articles and materials used in the conduct of war at any time during the progress of a war. If the bill is to pass, the bill should compel him to impose such embargoes automatically upon his declaring that a state of war exists, as he is compelled to do in relation to arms, ammunition, and implements of war.

In modern warfare, articles and materials used in the conduct of war are as essential to warring nations as are arms, ammunition, and implements of war. Therefore, this discrimination between arms, ammunition, and implements of war, and articles and materials used in the conduct of war, in the matter of embargoes, is indefensible and illogical. It is also hostile to the peaceful aspirations of the American people.

It is clear how such discretionary power in relation to articles and materials used in the conduct of war would be used in the present Italo-Ethiopian conflict.

Last fall, without authority of law, the President attempted to place an embargo on oil. At that time Italy stated officially that inasmuch as war was already in progress, she regarded such action as an unfriendly act. It was an unfriendly act. Under international law, it is considered unneutral for a country to change its policy during the progress of any war in a manner favorable or adverse to either belligerent. Therefore, whether embargoes on war materials are made compulsory or discretionary, they should not apply to belligerents already at war.

If an embargo were imposed on oil, Italy could retaliate with reprisals, and reprisals lead to war. Whatever the American people may think of Mussolini or of his form of government, they are friendly to the Italian people and wish to remain so.

It is persistently announced in Europe, particularly at Geneva, that the League of Nations will not place an embargo on oil until the United States has taken the initiative. Therefore, if such an embargo were imposed and war should ensue, the United States would be charged, and properly so, with causing the war.

The sanctions of the League are imposed by the stronger nations for their national interests; therefore, the United

States cannot support the sanctions of the League and remain neutral.

The precedent established under this bill in the present conflict would involve us inevitably in future wars. Wars revolving about Germany and Japan now seem likely.

Stalin controls the foreign trade of Russia in peace and in war. The discretionary power to impose embargoes in this bill gives the President a like complete control of the foreign trade of the United States in time of war. This is an expansion of Russian dictatorship in this country.

The Constitution of the United States directs the Congress to make the laws and the President to execute them. The discretionary power which this bill gives to the President to impose embargoes violates this principle. It gives the President the right to make laws and even to make war. Both rights are the prerogatives of the Congress under the Constitution and should not be surrendered to the President.

This Government is an American Government, not a Russian government. It is a government of laws, and not one of men.

The discretionary power in the bill also gives unlimited opportunity for secret diplomacy. If the United States is to be involved in wars, let every move and every action be known to the American people. Let us not have every move and every action shrouded in secret and lying diplomacy, such secret and lying diplomacy as enveloped Washington before and during the last war.

PACIFIC EXPOSITION OF 1938 AT LOS ANGELES, CALIF.

Mr. FORD of California. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 164, authorizing the President to invite foreign countries to participate in the Pacific Exposition of 1938 at Los Angeles, which I send to the desk and ask to have read.

The Clerk read as follows:

House Joint Resolution 164, authorizing the President to invite foreign countries to participate in the Pacific Exposition of 1938 at Los Angeles, Calif.

Whereas there is to be held at Los Angeles, Calif., during the year 1938 an international exposition which has for its purpose the celebration of the completion of the Boulder Dam water and power project, and the depiction and exposition of the progress and accomplishments of the Pacific area of the United States in the fields of science, industry, business, transportation, and culture, as well as a means of inspiring more cordial relations among the nations of the world; and

Whereas said exposition by virtue of its scope and aims is deserving of the support and encouragement of the Government of the United States of America: Therefore be it

Resolved, etc., That the President of the United States be, and he is hereby, authorized and respectfully requested by proclamation, or in such manner as he may deem proper, to invite all foreign countries and nations to such proposed exposition with a request that they participate therein.

The SPEAKER. Is there objection?

Mr. SNELL. Reserving the right to object, I should like to have some explanation of this resolution and what it is proposed to do.

Mr. FORD of California. It simply proposes to ask foreign countries to participate in an exposition at Los Angeles for the celebration of the bringing in of the water and power from Boulder Dam.

Mr. SNELL. When is this to take place?

Mr. FORD of California. In 1938.

Mr. SNELL. As a matter of fact, of course, it has been the experience of this House that we first pass a resolution authorizing the President to invite foreign countries to participate, and then afterward there is a request for an appropriation because you say it is necessary. What is the program?

Mr. FORD of California. The program is that the city of Los Angeles is planning to erect a group of exposition buildings right in the heart of the city. Those exposition buildings will be permanent buildings. There is nothing in this resolution that asks for a dollar.

Mr. SNELL. I appreciate that, but every other one has been started exactly the same as this. I speak from experience as far as that goes.

Mr. FORD of California. I am answering the gentleman on the basis of the resolution.

Mr. SNELL. But that is the way they all start, and then the President must invite foreign countries to come here and make exhibits. In order to take care of the property we are committed to appropriate money to help carry on the exposition. That has been the experience in the past.

Mr. FORD of California. I am asking for this resolution on the basis of its merits. We do not have to and are not seeking to appropriate any money.

Mr. SNELL. But that has been the experience. I do not like to object. If that is going to be the policy of this House to keep on doing it, all right. I am not going to object all the time to you people on the Democratic side spending all the money in the world.

Mr. FORD of California. I appreciate the gentleman's feeling.

Mr. SNELL. I do not feel any different about it and I do not desire any compliments about it. I know it is wrong. The other Members know it is wrong, but I do not think I should take all the responsibility of stopping these appropriations.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, I object.

Mr. FORD of California. Mr. Speaker, I move to suspend the rules and pass the resolution (H. J. Res. 164) authorizing the President to invite foreign countries to participate in the Pacific Exposition of 1938 at Los Angeles, Calif.

The Clerk read the House joint resolution, as follows:

Whereas there is to be held at Los Angeles, Calif., during the year 1938 an international exposition which has for its purpose the celebration of the completion of the Boulder Dam water and power project and the depiction and exposition of the progress and accomplishments of the Pacific area of the United States in the fields of science, industry, business, transportation, and culture, as well as a means of inspiring more cordial relations among the nations of the world; and

Whereas said exposition by virtue of its scope and aims is deserving of the support and encouragement of the Government of the United States of America: Therefore be it

Resolved, etc., That the President of the United States be, and he is hereby, authorized and respectfully requested by proclamation, or in such manner as he may deem proper, to invite all foreign countries and nations to such proposed exposition, with a request that they participate therein.

The SPEAKER. Is a second demanded?

Mr. TABER. Mr. Speaker, I demand a second.

Mr. FORD of California. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. TABER. Mr. Speaker, I object.

The SPEAKER. The question is on ordering a second.

The Chair appointed Mr. FORD of California and Mr. TABER to act as tellers.

The House divided; and the tellers reported there were—ayes 63 and noes 31.

Mr. TABER. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 199, nays 106, answered "present" 1, not voting 124, as follows:

[Roll No. 14]

YEAS—199

Amlie	Buck	Cravens	Eicher
Ashbrook	Burch	Creal	Ekwall
Ayers	Burdick	Crosby	Ellenbogen
Bankhead	Burnham	Cross, Tex.	Englebright
Barden	Caldwell	Cullen	Evans
Barry	Cannon, Mo.	Daly	Faddis
Beam	Carter	Deen	Ferguson
Beiter	Cary	Delaney	Fish
Bell	Castellow	Dempsey	Fitzpatrick
Biermann	Chandler	Dickstein	Fletcher
Bland	Coffee	Dies	Ford, Calif.
Blanton	Colden	Driscoll	Ford, Miss.
Bloom	Colmer	Duffy, N. Y.	Fuller
Boland	Cooley	Duncan	Gasque
Boylan	Cooper, Tenn.	Eagle	Gavagan
Brown, Ga.	Costello	Eckert	Gearhart
Brown, Mich.	Cox	Edmiston	Gildea

Gillette	Lea, Calif.	O'Neal	Smith, W. Va.
Granfield	Lee, Okla.	Owen	Snyder, Pa.
Greenway	Lemke	Patton	Spence
Greever	Lewis, Colo.	Pearson	Starnes
Gregory	Lucas	Peterson, Fla.	Stubbs
Griswold	Lundeen	Peterson, Ga.	Sumners, Tex.
Haines	McClellan	Pettengill	Sutphin
Hancock, N. C.	McCormack	Peyser	Sweeney
Harlan	McFarlane	Pfeifer	Terry
Harter	McGehee	Pittenger	Thomason
Healey	McGrath	Quinn	Thurston
Hennings	McGroarty	Rabaut	Tolan
Hildebrandt	McKeough	Ramsay	Tonry
Hill, Knute	McLaughlin	Ramspeck	Turner
Hobbs	McReynolds	Randolph	Umstead
Holmes	McSwain	Rankin	Underwood
Hook	Mahon	Rayburn	Utterback
Imhoff	Maloney	Richards	Vinson, Ga.
Jacobsen	Mansfield	Robertson	Vinson, Ky.
Jenckes, Ind.	Marcantonio	Rogers, N. H.	Wallgren
Johnson, Okla.	Martin, Colo.	Rudd	Walter
Johnson, Tex.	Massingale	Russell	Wearin
Jones	Maverick	Sadowski	Weaver
Kahn	May	Sanders, Tex.	Welch
Kelly	Merritt, N. Y.	Schneider, Wis.	Werner
Kennedy, Md.	Miller	Schulte	West
Kennedy, N. Y.	Mitchell, Tenn.	Scott	Whelchel
Kloeb	Monaghan	Scrugham	Whittington
Kniffin	Moran	Sears	Wilcox
Kopplemann	O'Connell	Shanley	Wilson, La.
Kramer	O'Connor	Sisson	Wood
Kvale	O'Day	Smith, Conn.	Zioncheck
Lanham	O'Leary	Smith, Va.	

NAYS—106

Andresen	Farley	Lord	Robsion, Ky.
Andrew, Mass.	Focht	Luckey	Rogers, Mass.
Andrews, N. Y.	Gehrmann	Ludlow	Romjue
Arends	Gifford	McAndrews	Sauthoff
Bacon	Gilchrist	McMillan	Schaefer
Binderup	Goodwin	Maas	Schuetz
Blackney	Gray, Pa.	Main	Seger
Boileau	Guyer	Mapes	Short
Brewster	Gwynne	Marshall	Snell
Buckbee	Halleck	Martin, Mass.	Stefan
Buckler, Minn.	Hancock, N. Y.	Mason	Taber
Carlson	Hess	Michener	Tarver
Carpenter	Hoffman	Millard	Taylor, S. C.
Cartwright	Hollister	Moritz	Taylor, Tenn.
Christianson	Hope	Mott	Thompson
Church	Houston	O'Brien	Tinkham
Cole, Md.	Huddleston	Palmisano	Tobey
Cole, N. Y.	Hull	Patterson	Turpin
Crawford	Jenkins, Ohio	Perkins	Wigglesworth
Crowther	Kenney	Plumley	Williams
Darrow	Kinzer	Polk	Wilson, Pa.
Dirksen	Kocialkowski	Powers	Wolcott
Ditter	Lambertson	Ransley	Wolfenden
Dondero	Lambeth	Reece	Wolverton
Doutrich	Lamneck	Reed, Ill.	Young
Eaton	Lehlbach	Rich	
Engel	Lewis, Md.	Risk	

ANSWERED "PRESENT"—1

Knutson

NOT VOTING—124

Adair	Curley	Hart	Pierce
Allen	Darden	Hartley	Reed, N. Y.
Bacharach	Dear	Higgins, Conn.	Reilly
Berlin	DeRouen	Higgins, Mass.	Richardson
Boehne	Dietrich	Hill, Ala.	Robinson, Utah
Bolton	Dingell	Hill, Samuel B.	Rogers, Okla.
Boykin	Disney	Hoeppel	Ryan
Brennan	Dobbins	Johnson, W. Va.	Sabath
Brooks	Dockweiler	Kee	Sanders, La.
Buchanan	Dorsey	Keller	Sandlin
Buckley, N. Y.	Doughton	Kerr	Secrest
Bulwinkle	Doxey	Kleberg	Shannon
Cannon, Wis.	Drewry	Larrabee	Sirovich
Carmichael	Driver	Lesinski	Smith, Wash.
Casey	Duffey, Ohio	McLean	Somers, N. Y.
Cavicchia	Dunn, Miss.	McLeod	South
Celler	Dunn, Pa.	Mead	Stack
Chapman	Fenerty	Meeks	Steagall
Citron	Fernandez	Merritt, Conn.	Stewart
Claiborne	Fiesinger	Mitchell, Ill.	Sullivan
Clark, Idaho	Flannagan	Montague	Taylor, Colo.
Clark, N. C.	Frey	Montet	Thom
Cochran	Fulmer	Murdock	Thomas
Collins	Gambrill	Nelson	Treadway
Connery	Gassaway	Nichols	Wadsworth
Cooper, Ohio	Gingery	Norton	Warren
Corning	Goldsborough	Oliver	White
Crosser, Ohio	Gray, Ind.	O'Malley	Withrow
Crowe	Green	Parks	Woodruff
Culkin	Greenwood	Parsons	Woodrum
Cummings	Hamlin	Patman	Zimmerman

So a second was ordered.

Mr. LUDLOW. Mr. Speaker, my colleague, the gentleman from Indiana, Mr. CROWE, is unavoidably detained from the Chamber. If he were here, he would vote "yea" on this roll call.

The Clerk announced the following pairs:

Until further notice:

Mr. Doughton with Mr. Treadway.
Mr. Warren with Mr. Wadsworth.
Mr. Buchanan with Mr. Bacharach.
Mr. Geenwood with Mr. Cooper of Ohio.
Mr. Cochran with Mr. Fenerty.
Mr. Sullivan with Mr. Allen.
Mr. Oliver with Mr. McLean.
Mr. Fulmer with Mr. Woodruff.
Mr. Corning with Mr. Reed of New York.
Mr. Bulwinkle with Mr. Hartley.
Mr. Woodrum with Mr. Bolton.
Mr. Driver with Mr. Higgins of Connecticut.
Mr. Crosser of Ohio with Mr. Thomas.
Mr. Parks with Mr. Merritt of Connecticut.
Mr. Patman with Mr. Culkin.
Mr. Connery with Mr. McLeod.
Mr. Steagall with Mr. Cavicchia.
Mr. Taylor of Colorado with Mr. Stewart.
Mr. Nelson with Mr. Withrow.
Mr. Mead with Mr. Collins.
Mr. Kerr with Mr. Brooks.
Mr. Reilly with Mr. Gambrill.
Mr. Parsons with Mr. Richardson.
Mr. Boehne with Mr. Claiborne.
Mr. Goldsborough with Mr. Berlin.
Mr. Green with Mr. Adair.
Mr. Thom with Mr. Kee.
Mr. Darden with Mr. White.
Mr. Dunn of Mississippi with Mr. Zimmerman.
Mr. Fernandez with Mrs. Norton.
Mr. Somers of New York with Mr. Disney.
Mr. Boykin with Mr. Gingery.
Mr. Keller with Mr. Stack.
Mr. Sabath with Mr. Chapman.
Mr. Dietrich with Mr. Hill of Alabama.
Mr. Robinson of Utah with Mr. Nichols.
Mr. Cummings with Mr. Sirovich.
Mr. Crowe with Mr. Sandlin.
Mr. Flanagan with Mr. Secrest.
Mr. Montague with Mr. Hamlin.
Mr. Higgins of Massachusetts with Mr. Brennan.
Mr. Clark of North Carolina with Mr. Smith of Washington.
Mr. Kleberg with Mr. Buckley.
Mr. Gray of Indiana with Mr. Hart.
Mr. Cellar with Mr. Sanders of Louisiana.
Mr. Citron with Mr. Curley.
Mr. Hill of Alabama with Mr. Ryan.
Mr. Casey with Mr. Meeks.
Mr. Drewry with Mr. Clark of Idaho.
Mr. Larrabee with Mr. DeRouen.
Mr. Carmichael with Mr. Dorsey.
Mr. Murdock with Mr. Fiesinger.
Mr. Shannon with Mr. O'Malley.
Mr. Montet with Mr. Dunn of Pennsylvania.
Mr. Dear with Mr. Dingell.
Mr. Doxey with Mr. Dobbins.

The result of the vote was announced as above recorded.

The doors were opened.

CALENDAR WEDNESDAY

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday may be dispensed with this week.

Mr. KVALE. Mr. Speaker, reserving the right to object, what committee has the call?

Mr. BANKHEAD. The call lies with the Committee on Insular Affairs.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

EXPOSITION CELEBRATION, 1938, LOS ANGELES, CALIF.

The SPEAKER. The gentleman from California has 20 minutes and the gentleman from New York has 20 minutes.

Mr. FORD of California. Mr. Speaker——

Mr. MAVERICK. Mr. Speaker, will the gentleman yield?

Mr. FORD of California. I yield to the gentleman from Texas.

NEUTRALITY

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a speech I made in Philadelphia last Saturday.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAVERICK. Mr. Speaker, the question of neutrality is an extremely important one, and so I am asking unanimous consent to include in my remarks a speech before the

Foreign Policy Association at the Bellevue-Stratford Hotel, delivered Saturday, February 1, in Philadelphia.

Before I offer this, however, I should like to make a few remarks: The Foreign Policy Association is a national organization devoted to the study of what its name implies. It has units in a number of the fair-sized cities of America, and has an especially strong unit in the city of Philadelphia. The Foreign Policy Association has its representatives in Washington, D. C., and maintains a research staff which prepares factual reports on current world affairs, dealing with such economic and political issues as neutrality, currency stabilization, and conditions in various foreign countries.

The vice president of the association and its representative in Washington is William T. Stone, whom I believe to be one of the ablest students in the matter of foreign policy, peace, and neutrality in the United States. The association is not a "lobby" in the insidious sense, although it frequently makes representations to Congressmen; its principal function being to inform its own members and give Members of Congress unbiased data on any subject relating to foreign affairs. This association, to me, is an example of what a decent lobby ought to be. They do not try to put pressure and cram their own ideas down a Congressman, but attempt to give fair and useful information with which you can form your own conclusions.

In Philadelphia, where I made my address, the local chairman is Hon. Francis Biddle, who served in Washington as head of the National Labor Relations Board for nearly a year. Mr. Biddle is one of the ablest lawyers in the United States of America, and is the type of man that we need in Government service. With a solid and substantial education, and a conservative background, he dealt realistically with the problems of the Government, and has sense enough and liberalism enough to know that we face great changes. He is the type of man who would make an excellent attorney general for the United States; a man who could coordinate the many legal functions of the Government, and who has the brains and courage to do a first-class job. I merely mention this because he has been interested in foreign policy, has given much of his time to the welfare of the country, and is the type of man who should be encouraged to enter the public service. The address which I delivered on that occasion is as follows:

ADDRESS BEFORE FOREIGN POLICY ASSOCIATION, SUNDAY, FEBRUARY 1, 1936, IN PHILADELPHIA

A week ago today I was visiting in New York City and was invited by Oswald Garrison Villard to attend the Saturday luncheon of the Foreign Policy Association, at the Astor Hotel. I was impressed by the fact that every person who spoke or asked questions was deadly in earnest against war. However, it seemed that nearly all persons who either asked questions or said anything trailed off into generalities or ended with vague conclusions. You see, I am a Congressman and must help prepare and pass upon actual legislation. I must put my thoughts into actions and deeds and upon paper and help make them a part of the law of the land. I cannot wrap myself in terms of nice ideology and consume from a year to 30 years in study. The Congress of the United States must act now, within the next 2 or 3 weeks; the bill will probably be on the calendar within a few days. My subject today is "Neutrality."

One of those who made comments at the meeting in New York was Walter Millis, the author of a most instructive book on the causes of the World War. I do not have his exact comments here, but in the Nation of January 29, 1936, he wrote:

"Perhaps the real point of the whole present neutrality debate is simply its indication of the complexity of the subject and our immense lack of concepts, public instruments, and popular understanding necessary to begin to deal adequately with it."

In the same article, concerning powers for the President, he said:

"If the President is to have power to deal with such violent situations as are here anticipated, they must be real powers, and that means that they must be as powerful for ill as for good."

And then he said:

"The only final safeguard against them lies in the American people's ability to understand its own objectives and control its own governmental agencies for their attainment."

Right here I should like to say that two things are necessary to make a good foreign policy—one is a knowledge of conditions in foreign countries, the other is a knowledge of conditions in the United States. I know America, and conditions in America, and I know what our people are willing to do to keep out of war.

So I will proceed upon the thought that it is our duty to understand our own objectives and control our own governmental agencies. For in the majority of the studies I have seen the reasoning on neutrality has been on the basis of old concepts and old ideas of international law, and not upon new concepts of neutrality which some of us in Congress hope to establish.

OLD AND NEW CONCEPTS OF NEUTRALITY COMPARED

What then are our old and our new concepts, and what do we mean?

Well, the old idea of neutrality was that a neutral had a "right" to trade as much and for as high profits as it pleased with the belligerents; the neutral nation further had a "right" because of the theory of "freedom of the seas" to sell all the munitions possible to the belligerents, with which they could kill each other; to sell all the food, clothing, and supplies necessary for the soldiers to march to the front so they could get at each other. That is the old idea of neutrality. We tried it out in 1914 and we went to war with Germany. Now the new idea is that by embargoes and restrictions of our own making, by refraining from the use of our so-called neutral rights under international law, and by the exercise of self-restraint and sacrifice, that we thereby stay out of war. Under the latter concept we have as little to do with belligerents as possible, operating under national laws duly enacted, and not relying on the vague practices of nations which are supposed to determine international law. We are told by some scholars that if we just follow international law properly, and protect our "rights", that we can maintain peace. The only trouble about international law is that it has been the law of war—at least, it has never kept this Nation out of war. I favor neutrality according to the modern concept and of the mandatory type.

I say this for many reasons; but Charles Warren, who as Assistant Attorney General during the war had the job of enforcing our neutrality laws, and who ought to know something about the subject, has said:

"Hence the situation confronting the United States today is that not a single neutral right of trade asserted by us is recognized officially by Great Britain, France, Italy, or Germany to any greater extent than it was between August 1, 1914, and August 1917."

What are we going to do about this situation? Demand our old "rights", which nobody recognizes, and shout about our honor and defense of the flag? I hope not.

I hope we are intelligent enough to give up those rights which will only involve us. But I know that there are two points of view in this country—and in this audience. Some tell us that permanent peace is not possible by neutrality and that we cannot keep out that way. They really want us to support what they call the "collective system"—to join with the League of Nations against an aggressor; and they say this will prevent war. I hold another view. First, because I know that the American people today are not willing to join the League against aggressors. Second, because I don't believe that sanctions will really prevent war.

I am not an isolationist. I am not opposed to the whole idea of the League of Nations. But when we fought the war to end wars we hoped that the League of Nations would remove some of the causes which make for war. It was supposed to find ways in which nations could bring about changes by peaceful means. But it hasn't done very much along that line. It hasn't used article 19 of the League Covenant. Instead, the big powers in the League are preventing any change.

LEAGUE FOR STATUS QUO OF WORLD NEUTRALITY FOR KEEPING THE UNITED STATES OUT OF WAR

The League group, it seems to me, are standing for upholding the status quo and maintaining the territorial limits set out in the Treaty of Versailles. I think the main question is whether our mission is to maintain the territorial status quo of the world, or of ourselves keeping the United States out of war. It seems to me that cooperating in sanctions with the League of Nations will only involve us in this conflict between status quo and revision powers, between those who are expanding and those who are trying to hold by military force what they have.

You can call this conflict by any name you want, but I believe that the policy of the United States should be to keep out. Now, they say that neutrality is isolation. Perhaps it is; but the new neutrality that we are talking about is not imperialism and is not power politics, and it won't obstruct the League of Nations if it really wants peace and not merely preservation of the status quo.

As far as that's concerned, the Nye-Clark-Maverick group have not abandoned all hope of international agreements. In fact the Nye-Clark-Maverick bill in the very first section provides as follows:

"The provisions of this act are necessary to preserve and maintain peace between the United States and foreign nations and to safeguard the interests of the United States in the absence of international agreements defining the rights and duties of States in time of war, and pending the initiation and conclusion of such new agreements as will insure peace, justice, and equality among nations."

I believe that neutrality is the best policy for the United States at the present time, in the face of the present world situation. I have an idea that since the United States of America—our own country—is not entirely free from a charge of being wholly without self-interest in the past, neutrality, at least, may be a stepping stone toward peace and more concerted action in the future. As for international effect, it may be that our neutrality—a knowledge by the world that we will not put up men, money, and munitions—may have a deterrent effect.

Observing collective action from a practical viewpoint, the League of Nations and the World Court have been thoroughly defeated, not only in the Senate of the United States, but in the

minds of the American people. The League of Nations has not prevented war. Recently the actions of the British in dealing with Italy and attempting to have us place sanctions on Italy, at the same time that they were trading with the belligerents—pious ideas expressed internationally, and with an attempt at the same time to split the swag of the Territory of Ethiopia—makes it utterly impossible for us to go into any League of Nations now.

NEUTRALITY IS NOT IMPERIALISM

We are met immediately by the statement that neutrality is a cold-blooded, un-Christian, selfish attitude, and that since civilization is about to be destroyed, we should prevent it. There is a great question as to whether we can save civilization. I doubt very much that the great imperialistic powers of the world are interested in saving civilization. They have their colonies to protect, their trade routes to defend, and their interests and investments in backward areas. They have never given any evidence that they put civilization above these things. If they, as separate powers, or combined as a League of Nations, call upon us to help save civilization, we ought first to ask them what they are willing to give up to save it.

Again I repeat that at the present moment there is no evidence that the imperialistic nations have changed one bit. From this it follows that the wars they engage in are primarily imperialistic wars. It follows also that when we get into such wars because of disputes about neutral rights, or because we want to save civilization, we are simply an innocent helper to an imperialistic and militaristic peace. We are not fighting for civilization when we fight alongside the great nations of the world today. We are fighting only to let everybody keep what they have grabbed—in other words, for the status quo by using American blood. Sometimes—as in the World War—we are fighting for our own aims, but indirectly for secret aims which are imperialistic and selfish. These facts were brought out by the Nye committee.

AMERICAN ATTITUDE IN WORLD WAR AND TODAY

In connection with these thoughts, let us discuss the attitude of the American people as of the World War and as of today. You will remember that when we went into the World War, and preceding it for many years, that we had an attitude of assumed moral superiority; we had a contempt for European institutions—and, of course, we were selling supplies to the Allies all the time. In the World War we were being treated with utmost disrespect by both of the belligerents—that is, the main belligerents, Germany and England—and our neutral rights were not respected by either belligerent, and we had sufficient cause to go to war with England, as we finally did with Germany. But while we were reaping profits from the sale of munitions and supplies, and while we had this high-toned attitude of not going into this conflict, we continued to make money. During this high tide of war boom and false prosperity, if I remember correctly, our attitude was one of superficiality and pretty much of hypocrisy.

But the situation is different now. For the American people, with something like 11 or 12 million unemployed, with not very good city governments in many places, with not the most efficient State governments in the world, and with a few things even yet to learn in the Federal Government, with also a memory of the losses of the last war in billions of dollars, and of human lives, have concluded it is best that we attend to our own business at home. And I don't mean that in the cruel spirit of entire isolation from the rest of the world. I mean it in the spirit that the American people themselves realize that we have something to learn of self-government. So our American attitude of neutrality is not the belligerent attitude of neutrality we had before the World War but one of simple, dignified willingness to protect our people first. Therefore, we have gained that much in the subject. We also learned from the World War that political and military isolation was not possible, unless we isolated ourselves economically. The truth is we started out with economic connections and were pushed into the war in a military and political way as a result.

NEUTRALITY BILLS COMPARED

Let us discuss the essentials of the various neutrality bills which have been presented to us.

The situation at the last session of Congress was somewhat as follows: The administration-Pittman-McReynolds group were then for giving unlimited discretionary powers to the President; the Nye-Clark-Maverick group were for mandatory neutrality, and granting the President no discretion whatever. We stood for the extremest type of embargoes and mandatory legislation. Since last session I find that most of us who are Members of Congress and who are primarily interested in keeping out of war have spent the recess and the first part of this session in discussing this situation. I think I can reasonably say that all groups agree on two points: First, as to the fundamental facts and major causes of war; and, second, as to certain conclusions. The administration group now seem to concur less in discretionary powers for the President and more for a definite type of neutrality; and the Nye-Clark-Maverick group have become a little bit more ready to be compromising and to enact legislation which is satisfactory to all. The situation, therefore, is somewhat better than it was last session, although the recent senatorial dog fight caused a ripple that has been very much embarrassing in addition to the powerful representations of the Italo-American groups who have protested the enactment of any bill.

Now, the essentials of the neutrality bills are as follows:

First, all neutrality legislation, of whatever kind or character, now seems to agree on the necessity for an outright embargo on munitions of war. Of all the important points involved in the legislation, there does not seem to be any objection to this provision.

The working of the McReynolds bill and the Nye-Clark-Maverick bill is somewhat different, and some of us believe the McReynolds bill is not clear enough and should be stated in more definite language.

As I understand it, the administration forces are not only willing to add the wording to include present belligerents but will insist upon adding it. There is no opposition to the adding of these words, except from certain Italo-American groups who have come down to Washington in large numbers to tell us that we should not apply embargoes against Italy.

WAR MATERIALS DEFINED AND EXPLAINED—DIFFERENCES IN BILLS

We then get into the matter of what we call "export of articles and materials used for war purposes." The Nye-Clark-Maverick statement as to the export of war materials is different. It appears that the purposes of both bills are the same; that is, not to increase the ordinary peacetime proportions of articles and thereby create a war boom, or more-than-peace-profit motive in the minds of commercial or financial groups, or special interests, and for acts which will lead us into war. However, it would appear that there are certain essential differences in the bill. The administration bill gives the President full discretion to decide when to apply any embargo, and also to fix the quota basis.

The Nye-Clark-Maverick bill makes the embargo mandatory on a basis of the normal peacetime trade over a 5-year period. Moreover, the Nye bill definitely says on page 5 that a provision of quota shall not "confer any right upon any belligerent state to the delivery * * * of any quota." It might be construed in some quarters that quota provisions would give an implication of a guaranty to deliver. This, however, is expressly denied in the Nye bill. In the bill the President is also authorized to call upon Congress for further restrictions in the matter of exportation if he believes it to be necessary.

A long technical discussion of this subject would only be tiresome, but the general idea is that the administration bill, although it is fairly written and to apply to both belligerents in case of the imposition of any "restrictions" is still of a discretionary nature, and this I oppose, along with a large group of Congressmen and Senators. The reason that I oppose this is that if we are to stick to neutrality and not to any concept of aggressor nations, or any concepts of morality in reference to foreign powers—if we are to be neutral, we should be neutral. And if we have too many ifs and ands and too many loopholes and changes, then the legislation is in effect both neutral and nonneutral, and for itself and against itself. It cannot be both national and international, provide for neutrality and also collective action. Therefore, instead of being legislation that will provide for its own enforcement, it will provide for its own defeat by virtue of its conflicting provisions.

I say this because the McReynolds bill in section 6, lines 22 and 23, has these words, after speaking of the equal application of embargoes:

"Unless the Congress, with the approval of the President, shall declare otherwise."

This is an unnecessary provision altogether, and does not give the bill any more force or effect, except to give unwarranted implications. Therefore, I should at least strike out the words "with the approval of the President", since Congress has to make its own acts and the veto powers of the President are known, anyway.

I think the whole provision ought to be cut out, because it is confusing.

RESERVATION OF INTERNATIONAL RIGHTS UNNECESSARY AND CONFUSING

The McReynolds bill also has the words, in section 9:

"Provided, That the United States reserves and reaffirms all rights under international law as it existed prior to August 1, 1914."

This is another confusing provision and means nothing, because nobody knows what international law was prior to August 1, 1914. Neutral rights are not recognized now and were not recognized after the war started August 1, 1914, and the clear implication in this provision is that we will stick to whatever we believe were neutral rights before August 1, 1914. But inasmuch as they are entirely vague and what rights we had were violated after that date, it is impossible to ascertain what our so-called rights really are. Therefore, this seems to be an indication that although we unquestionably allowed our rights to be violated during the World War, that we will insist on them in the future.

I desire to call attention to the report filed by Hon. SAM D. MCREYNOLDS, chairman of the Foreign Affairs Committee, on this same subject. It seems to me that the report by Mr. MCREYNOLDS brings out just what I have stated. It is as follows:

"TRANSACTIONS WITH BELLIGERENTS

"Sec. 9. This section provides that whenever the President shall find that the maintenance of peace between the United States and foreign nations, or the protection of the commercial interests of the United States and its nationals, or the security or neutrality of the United States would be promoted by requiring nationals of the United States to assume the risk of commercial transactions with the governments or nationals of belligerent countries (in other words, if there is danger of our country becoming involved in the risk of commercial transactions with governments

or nationals of belligerent countries, or persons residing therein), the President shall so proclaim, and thereafter American nationals who engage in such transactions shall do so at their own risk. There is a provision in this section, however, which reads as follows:

"'*Provided*, That the United States reserves and reaffirms all rights under international law as it existed prior to August 1, 1914.'

"The reason of this date being placed in this amendment is from the fact that we had to a great extent a somewhat settled international law as to the freedom of the seas prior to August 1, 1914. During the World War the international law was violated by practically every nation engaged in that great war, and over the many protests of our Government to the Allied Powers, as well as the Central Powers before we became involved, and the war did not settle these questions. Even if one of our nationals shipped at his own risk, he ought to have the right given him under the international law, and while under this section we would not become involved in the war, yet if any of the shipments of our nationals were seized or confiscated during such war, they could at least rely on claims to be filed after the war that would give them a legal standing, and it would also give our Government the right to protest for any of our nationals during such war to such belligerents in case their rights under international law are being violated."

The Foreign Affairs Committee have done good and faithful work on the matter of neutrality, and I do not desire to be placed in the position of criticizing them severely. I am not a member of the committee, and do not wish to appear to find fault with gentlemen who have given so much time to so important a matter. However, I have, myself, given this serious attention, and when you get down to brass tacks the provision which has been offered seems to me just about as follows:

"Provided that the United States wants the cake of international law that got us into the World War, and wants to eat the cake of neutrality, without any sacrifice, and without learning what happened to our cake subsequent to August 1, 1914, and all the rules of cake eating having been broken, anyway."

This also means that I favor putting our own cake in our own pantry, and not selling it on credit for someone else to eat, and never getting paid for it, anyway.

Prior to August 1, 1914, was just prior to the beginning of the World War, and there are many nice books on international law written then. After that day we had the books, but no actual law, for our rights as a nation were constantly broken. So we put in a provision to give us the book rights we had at a certain time, and then we set our pot on to dream.

In any event, whatever our "rights" are, we should have them anyway; to put in this clause merely means to put in the law that we don't mean what we say about neutrality.

EXEMPTIONS IN ADMINISTRATION BILL WEAKEN NEUTRALITY

The administration bill in section 4 exempts food, clothing, and medical supplies from quotas. The Nye-Clark-Maverick bill does not. There may be an excuse for exempting medical supplies.

But once food is exempted, for the benefit of the wheat, corn, cattle, sheep, and other food producers, and clothing is exempted for the benefit of the clothing producers, and workers of New York, Philadelphia, and Baltimore, the door stands wide open, and the engraved invitation is printed for all the oil people to ask exemptions, for the copper people, the steel people, and all the rest. We want no war boom in anything. Quotas providing against abnormal exports should be put on everything except, perhaps, medical supplies.

The administration bill, section 7 (b), allows American ships to carry contraband through war zones, unless the President, in his discretion, decides they had better not.

The Nye-Clark-Maverick bill makes it an offense for an American vessel to go through war zones with contraband.

The administration bill, in section 9, does not have the "cash and carry" provisions of the Maverick bill. It does not make shipments at the risk of foreign governments. It leaves them, mildly, at the risk of American citizens. That is still leaving us entangled with the risks that cargoes we sell will be torpedoed or bombed from the air. It is very important to have that risk completely carried by foreign governments or nationals, whereas, if foreigners buy here for cash and take all risk and responsibility we are not involved in the war at all.

The Maverick bill, section 7 (a), is mandatory and solely at the risk of the foreign government. They come and get it and if they lose it or have it torpedoed, we have no responsibility.

The administration bill does not make it unlawful for American citizens to involve the United States in war by traveling on the ships of foreign belligerents through war zones. It simply makes that travel at the risk of the individual citizen.

I believe that it should be unlawful for any American citizen to travel on belligerent ships through war zones. No matter how much we say "at your own risk", the lives and destinies of 130,000,000 people are involved when such travel is permitted.

FINANCIAL TRANSACTIONS

There is also in nearly all of the bills before Congress a section which concerns financial transactions with the belligerent governments. Section 5 of the administration bill makes it unlawful for the sale of foreign securities of belligerents, and the same is in section 9 of the Nye-Clark-Maverick bill. However, it does appear that the provision in reference to temporary or usual commercial transactions is weaker in the administration bill than in the other bill. The administration bill provides that the President may make certain exceptions as to so-called ordinary commercial credits and short-time obligations in aid of legal transactions, and of a character customarily used for commercial business. The Nye bill provides that credit shall not be extended over 6 months, and prevents the extension to any belligerent state of any credits which might become long-term loans, and prevents excessive foreign balances in American banks. I believe that this provision covering loans and credits is rather strictly drawn and drawn pretty much in detail for the reason that it is necessary that if we start out by granting short-term credits and let them pile up too much, they will eventually either lead us into the war or lead us into the extension of so much credit in another form that it will be just about the same as securities; I think that was about the way of the World War, that we started out by granting credits sufficient to develop a war boom, and then had to face the collapse of the boom unless we opened the doors for loans to belligerents. So we opened those doors. One of the outstanding reasons for our entering the World War was the granting of loans and floating of securities which led to an increasingly greater war boom, which would have collapsed as soon as Allied credit went bad, or if they had lost the war. It happened, by accident, perhaps, that we entered the war 3 months before Allied credit went completely bad.

The proposal of the administration is better than it was when presented last August. I think that their step is far in advance of anything that's ever been done before. I believe that this is of extreme importance. When we start talking about trade, that is a thing more or less difficult to control, but the limitations on loans and credits through the Federal Reserve Board, and through the Securities and Exchange Commission can pretty well control these things. It seems to me that if in the World War we had not extended any credit, if we had not permitted the flotation of any securities, and had stayed out of it in that way; that is, if we had maintained greater economic isolation, as well as political and military isolation, and had taken instead the trade of the South American countries and the countries which had been trading with England and European countries, that the probabilities are that we may never have gotten into the war, or at least, would not have been forced into it. In any event, we do know that we advanced, under the spur of profits, large amounts of money or credit in terms of money for goods, and having to do so we went to war to protect the rights of one foreign belligerent to arm its munition ships carrying munitions from America from submarine attack, although our own Secretary of State thought that these munitions ships had no right to be armed. It seems to me if we do not repeat this in the future, that we may be saved from the results of it.

Both bills have prohibitions as to American vessels carrying arms, various statements of risk in order to keep us out of trouble, travel by American nationals on belligerent vessels, a prohibition of the use of submarines from entering American waters, and the establishment of a munitions-control board, with power to license exports in peacetime as well as wartime.

I desire here to make certain specific references to the matter of neutrality, in which objections have been made.

POSITION OF AMERICANS OF ITALIAN DESCENT

Let us first take Americans of Italian extraction. This is indeed a difficult situation to discuss, and I wish to state it without any emotional basis, and without any unfairness. In the World War, Americans of German extraction were as patriotic as any other Americans. For Americans of German extraction then, like Americans of Italian extraction now, to protest their Americanism is unnecessary. I am already convinced of this. The hounding of Germans during the World War and for some time thereafter, and use of the term "hyphenated" Americans was unjust; however, in reference to those of Italian extraction now, I have this to say:

Many of these who claim to lead millions of Italians, some of them who claim to control "one, two, three, four, or five million votes", others who speak before congressional committees, with the obvious desire to put pressure on Congress asking preferential treatment for Italy, are doing themselves, their own people, and the cause of peace a disservice.

Many of these gentlemen insist that the present belligerents be exempted from embargoes under American neutrality. I see no reason for this. Suppose Abyssinia should finally borrow money and we should begin heavy selling to Abyssinia of various materials. Would not Italy, like Germany, sink our ships? Would not then any Italian-American who had taken active part in claiming preferential treatment for Italy find himself in an embarrassing position?

I fear these people will subject Americans of Italian extraction to humiliation and embarrassment. No person, by virtue of his racial background, has any more right to speak than any others. I recognize the background that the Italian-Americans have of culture, of the great history of Italy—but, by virtue of their having an Italian background, I do not recognize their right to dictate to Congress a course which may lead their country and mine into war, or which would be favorable to Italy as against any other power. Hence, we should recognize all Americans from the same viewpoint. Some Italian-Americans, in speaking of neutrality, say that the United States of America would thereby be working with the League of Nations in the matter of sanctions. I desire it plainly understood that when we adopt neutrality, we are adopting a national policy to protect the United States as far as that is possible by legislation.

I frankly state that no racial groups, no matter how great, should be recognized as such. I am not concerned with fascism or communism in foreign countries. It is none of my business, and neither is it the business of any other American citizen, whatever his racial background. I want it understood that this is not a jingo statement; not a statement intended to embarrass any person of another racial background. It is merely that, as Americans, we must be careful not to let the prejudices of racial background enter into our concepts of law—and the Americans of Italian extraction being patriotic, will of course not be misled.

ATTITUDES OF COMMERCIAL CLASSES

Now, to the second point, in reference to the objections of certain commercial classes. I have been told in letters and I have heard in speeches that the policy of neutrality would be ruinous to southern agriculture and industry. I take southern agriculture and industry because I am from the South, and because my State is the greatest cotton and oil area in the entire world. The people of Texas do not want to make money at the expense of human lives, and neither do any other people. The oil business today, from the exercise of proration, is at a very low ebb. Some wells capable of producing 30,000 barrels a day are cut down to 30 barrels a day. It would be much more profitable if these oil wells could produce a great deal more oil. But I am frank to say that if the normal peacetime oil sales are permitted—that is, if the proration is continued—that I can see no reason for complaint of these people in the oil business. The same is true of the cotton business. At the Foreign Policy Association meeting the other day in New York City a man from a port city stopped me and said that such a policy would ruin the "cotton industry" in the South—he, of course, meant cotton speculators, not farmers. I asked him if he wanted an increase to be sold to the belligerent powers, and he said, of course, that he wanted that; that what concern was it of ours what others did about war? That, of course, means that this man had learned nothing from the World War. He was a cotton speculator preceding the World War and saw us go into the war on account of commercial transactions; he sees the European powers owe us money, which will never be paid—he saw all the faults of that, and yet, he has learned nothing by it, and wants to do it over again. Take the cotton farmers—but especially the wheat farmers of the Northwest.

The wheat farmers put in hundreds of thousands of new acres of land, and now, this land which was temporarily used for war supplies and sale of wheat is being blown and eroded away. So, when we talk about the ruinous effect of neutrality on agriculture, I cannot see it at all, because if we put an embargo on munitions, and then put the usual agricultural products on the basis of a quota system, where the people can sell as much as they did before and no more, there is no reason for complaint either by the people at home or those abroad.

Everyone is certain, I think, that the question of what kind of foreign policy the United States shall have is the most important that has faced this country in many, many years. The real issue we are facing in Congress now is not whether the United States shall support the collective system or follow a policy of isolation—the real issue at the present moment in Washington is whether the United States should try to stand on its old traditional "neutral rights", or whether it is going to give up some of those rights along the lines which we are suggesting in the new neutrality legislation.

Suppose we go back to the old neutrality and insist upon our rights to trade in all the war materials, to provide the instruments of human destruction to belligerent nations. Is that going to help peace? Is that going to help international cooperation? It is not. On the other hand, if we can succeed in getting the new kind of neutrality, if we are willing to pay the price of it, then we will have made an important contribution to peace and lessened the danger of America's involvement in war.

EXPOSITION CELEBRATION 1938, LOS ANGELES, CALIF.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. FORD of California. I yield.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the Puerto Rican bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LAMBETH. Mr. Speaker, will the gentleman yield?

Mr. FORD of California. I yield.

Mr. LAMBETH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks made today during the consideration of the Consent Calendar.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FORD of California. Mr. Speaker, I refuse to yield further.

House Joint Resolution 164 provides merely that the President be authorized to invite foreign countries to participate in an exposition to be held in Los Angeles in 1938 in celebration of the bringing in to that city of water and power from Boulder Dam. I am sure every Member of this House is familiar with this gigantic engineering enterprise which has been surpassed by only one or two other engineering feats in the history of the world. We in Los Angeles feel justified in requesting that the nations of the world be asked to participate, because it is designed to show the other nations just what a magnificent drama of development has taken place in the great Southwest. The bringing in of a vast stream of water from the Colorado River and the development of a billion kilowatts of electrical energy will transform this whole Southwest section into a great industrial and commercial empire.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a question?

Mr. FORD of California. I yield.

Mr. SNELL. In 1938 you will have completed 2 years of the San Diego Exposition.

Mr. FORD of California. That is correct.

Mr. SNELL. San Francisco held an exposition a few years ago and a resolution is pending for another exposition in San Francisco, is there not?

Mr. FORD of California. Yes.

Mr. SNELL. This makes four expositions for California within a short space of time.

Mr. FORD of California. The gentleman from New York calls attention to the fact there are four expositions projected out in California. I should like to know what other section of the country has enjoyed the rapid, vast, and important development that has taken place in this southwest section? We could hold an exposition every week and would be warranted in doing it by the development that has taken place.

Mr. MAAS. Mr. Speaker, will the gentleman yield?

Mr. FORD of California. I yield.

Mr. MAAS. Does this resolution come to the House with the endorsement of the administration, and is it in conformity with the financial program of the President?

Mr. FORD of California. What does the gentleman mean by that?

Mr. MAAS. Has it been approved by the administration?

Mr. FORD of California. No; I have not asked the administration to approve anything. Why should I?

Mr. MAAS. Bills usually go to a department. I assume this bill went to the State Department. Is there a report on the bill?

Mr. FORD of California. It is not necessary. This bill went to the Committee on Foreign Affairs and was reported out by that committee a year ago.

Mr. BURNHAM. Mr. Speaker, will the gentleman yield?

Mr. FORD of California. I yield.

Mr. BURNHAM. This resolution does not call for any appropriation, does it?

Mr. FORD of California. It calls for no appropriation of any kind.

Mr. BURNHAM. It will not cost the Government anything?

Mr. FORD of California. No.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. FORD of California. I yield.

Mr. RICH. Can the gentleman tell us where we are going to get the money to finance this fair?

Mr. FORD of California. We are not going to get it from Pennsylvania.

Mr. RICH. When you get money from the Federal Government, and that is the only place you will get it, one-tenth of it comes from Pennsylvania, and these expenditures have just about wrecked Pennsylvania and pretty nearly every State in the North. We have got to stop contributing to these things. That is the answer.

Mr. FORD of California. Let me tell something about this exposition, Mr. Speaker. We are going to build a set of permanent buildings in the city of Los Angeles to hold the exhibits which will be sent by the entire southwestern section of the country. It will be there the year around, it will be there from now on. It is not just a temporary thing we have in contemplation, but a permanent exposition on the order of the annual exposition in Toronto, Canada. Los

Angeles has not asked, and we are not now asking, for any money.

Mr. MILLARD. Mr. Speaker, will the gentleman yield?

Mr. FORD of California. I yield.

Mr. MILLARD. Does the gentleman want the House to believe that he is not going to ask for something later?

Mr. FORD of California. I have made my statement in reference to that, and it stands.

Mr. BLOOM. Will the gentleman yield?

Mr. FORD of California. I yield to the gentleman from New York.

Mr. BLOOM. The report on this bill states that this exposition will be participated in by the neighboring States of Nevada, Utah, Arizona, and New Mexico.

Mr. FORD of California. Yes.

Mr. BLOOM. So it is not a California exposition exclusively?

Mr. FORD of California. No.

Mr. BLOOM. It is an exposition which will be participated in by all Southwestern States?

Mr. FORD of California. Yes. It is for the purpose of showing to the country and to the world just what that great section out there has in the way of natural resources.

Mr. UMSTEAD. Will the gentleman yield?

Mr. FORD of California. I yield to the gentleman from North Carolina.

Mr. UMSTEAD. The gentleman stated he would not ask for an appropriation. Does he expect to come in later under this authorization and ask for an appropriation?

Mr. FORD of California. I do not.

Mr. UMSTEAD. Does the gentleman expect that to be done?

Mr. FORD of California. I do not know. I am not responsible for anybody else. I am telling the gentleman I do not expect to.

Mr. UMSTEAD. Could the purpose of this resolution be carried out without additional funds?

Mr. FORD of California. What funds?

Mr. UMSTEAD. Without a subsequent appropriation by the Congress?

Mr. FORD of California. Of course it could.

Mr. UMSTEAD. Could the purpose of this resolution be carried out without the appropriation of funds?

Mr. FORD of California. It could.

Mr. ZIONCHECK. If a Member now votes for this particular bill, does the gentleman feel that Member is under obligation to vote for an appropriation later on?

Mr. FORD of California. I do not know anything about an appropriation. I am not asking any obligations in connection with this measure.

Mr. ZIONCHECK. I will vote for this bill, but I shall vote against any appropriation for same, even to the extent of $50.

Mr. FORD of California. Mr. Speaker, I reserve the balance of my time.

Mr. TABER. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. Mr. Speaker, the inference is that this resolution will not involve any money. It is quite true the resolution in and of itself does not call for an authorization nor an appropriation, but we certainly do not propose to invite foreign governments over here and then not spend money entertaining them. If we expect to do that it would be better not to invite them at all. As a matter of fact, we are going to spend money to entertain them, if we do bring them over here, and we ought to be hospitable if they come as our guests.

I should like to see this exposition a success, but I am going to vote against this bill—first, because its success is not dependent on foreign guests, and, second, because the only time you ever put the brakes on spending money is when it comes to the veterans. Is this going to increase the taxes? Are we going to have to have a new source of taxes to pay for this exposition? You can find more ways to spend money than you can to raise it; in fact, you have hired a "brain trust" to go out and find new ways to spend money. But when it comes to the veterans we have to raise taxes, we are told, if we are to do anything for the veterans at all.

Mr. LUNDEEN. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from Minnesota.

Mr. LUNDEEN. I was going to suggest that these foreign governments might send their payments on war debts over with their representatives.

Mr. MAAS. I think that is a good idea. We might amend this bill and invite them on condition that only those countries that paid their debts could come over. [Applause.]

Mr. Speaker, I think the time has come when we had better think a little more about our own affairs at home. Let us have these expositions among ourselves. I am going to vote against any more of these appropriations so long as the attitude prevails that you cannot find money to take care of the veterans.

The gentleman from California said that this bill did not have to go to any department. As a matter of fact it has the approval of the administration, and I quote from the report of the Foreign Affairs Committee:

> Your committee has received information from the Department of State that no objection is offered to the passage of the resolution.

If there is no objection, that means approval.

I think the veterans themselves will feel very keenly the fact that the same administration that says it has no money to pay their bonus, no money to take care of their adjusted war pay, can spend several hundred thousand dollars to entertain representatives of foreign governments for whom they, the veterans, fought, and which countries will not even pay the interest on their debts. If these foreign governments would pay the interest on their debts, we would have plenty of money to take care of the veterans' bonus.

Mr. SCOTT. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from California.

Mr. SCOTT. The gentleman does not for a minute mean that we are going to have to stop all legislation until we pass all the veterans' legislation? Does he mean we cannot pass anything until we have done everything the veterans want?

Mr. MAAS. I mean spending money on foreign governments for entertainment. We should not do that until we take care of our own people.

Mr. FORD of California. Will the gentleman yield?

Mr. MAAS. I yield to the gentleman from California.

Mr. FORD of California. The gentleman voted in favor of something like $13,000,000 for the Minnesota fire claims that had been paid before?

Mr. MAAS. Oh, they had not been paid before. The gentleman is misinformed. Under a previous Democratic administration these people were forced figuratively at the point of a gun to take less than 50 percent of the value of their property by the Government's own appraisals. I am not using my figures at all, but the Government's own figures.

Mr. ZIONCHECK. And that was during a Republican administration?

Mr. MAAS. No.

Mr. ZIONCHECK. Under what administration was it?

Mr. MAAS. Under the administration of President Wilson.

Mr. ZIONCHECK. What years?

Mr. MAAS. The fire happened in 1918.

Mr. ZIONCHECK. But when were the guns put on these people?

Mr. FORD of California. In 1921.

Mr. KNUTSON. Will the gentleman yield?

Mr. MASS. I yield to my colleague from Minnesota.

Mr. KNUTSON. The first settlement of these fire claims was forced by the Railroad Administration appointed by President Wilson.

Mr. MAAS. Absolutely.

[Here the gavel fell.]

Mr. TABER. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, I appreciate very well the fact it is useless for anyone at this time to oppose any reckless expenditure. I appreciate the fact that this is an era of

unprecedented spending, and as far as I know, it has never been equalled in the history of the American Congress.

Now, with a proposition from your own President here to raise $2,500,000,000 of extra taxes, and he says it is up to you to do it, it would seem to me you would have just a little bit of responsibility about the spending of this money. This is the second time this afternoon we have had a suspension for the purpose of spending more money.

Let us now get to the real history of these expositions. I will not say everyone but nearly everyone I can remember has always come in here, first, with an authorization, and the man who presented the authorization has always said, "This does not require any money", but a little later, after a year or so, someone from his locality or State, a different man, presents a resolution calling for a certain amount of appropriation and the argument is always used, mind you, this is the argument that is always used, "The Federal Government has gone on record as approving this exposition, it has invited foreign countries to participate, and it would not be fair to them if we did not participate ourselves."

This is the situation, and you might just as well have put the appropriation in the original resolution, because it is absolutely sure to come, and when you consider we have just extended for another year the appropriation to take care of San Diego, Calif., providing for the same facilities they have there for their exposition, which will last 2 years, with one on deck for San Francisco, although we had one at San Francisco only a few years ago, it really is going too far.

I do not suppose it will have any effect, but, for one, I am standing for what I think is right, and I think, to a certain extent, we should guard the expenditure of the taxpayers' money.

[Here the gavel fell.]

Mr. FORD of California. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. McFARLANE].

Mr. McFARLANE. Mr. Speaker, I am heartily in favor of this resolution. Since hearing the remarks of our Republican friends, I am more convinced than ever that the real intent of this resolution is correct. We might as well be frank and perfectly candid about this proposition. There is not any use in trying to mislead anyone. If this resolution is passed it will authorize the President to invite these foreign countries and others interested to a celebration of the completion of the Boulder Dam project. This ought to be done. It is a worthy and worth-while undertaking.

This is a celebration of a power project that is going to mean much to the country and to the area involved. This section of the country has gone along with us in the other parts of the program, and we ought to go along with them. Of course, our Republican friends cannot see going along at all on any proposition, but I think this is a worth-while project, and it ought to receive the support of everybody on this side of the aisle.

The President ought to be authorized to invite all of these foreign countries over here to this celebration. It is a celebration that will be worth while in helping the under dog, the forgotten man, the fellow who needs it. It is going to bring cheaper power to him, give more power to the people who need power—irrigation and reclamation—and more consideration to the people who have been forgotten and absolutely overlooked by the Republican administration throughout its entire history. I hope the Democratic side of the aisle will will go down the line and vote for this proposition.

Mr. MAAS. Mr. Speaker, will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. MAAS. Who do you mean should go along with whom? [Laughter.]

Mr. McFARLANE. I mean that the gentlemen on this side of the aisle, whom you could not understand at all, ought to go along with this proposition.

Mr. MAAS. I admit that.

Mr. McFARLANE. Of course, the power issue is involved in this, and the Power Trust will be very strong in opposing it.

Mr. MAAS. I thought you meant the foreign governments have gone along with us in spending our money.

Mr. McFARLANE. Oh, no; I do not believe you thought any such thing. In conclusion, let me urge you all to vote for this measure. The Boulder Dam is a great engineering accomplishment, and the nations of the world ought to be invited to attend this big celebration. They ought to be allowed to see how much real progress we have made under this administration on projects of this kind driving toward the accomplishments of cheaper power, better and safer farming conditions for the country, and adequate water supply for the people of that section of the Nation.

Mr. FORD of California. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Speaker, the only reason I speak for this exposition is because there have been expositions previously, and there will be more to come.

There is no great economy in opposing these expositions, even if there is no money in the present resolution. Back under a Republican administration we gave some millions to Philadelphia. I think about $3,000,000. I do not think the exposition was ever completed.

This exposition is for Los Angeles. There is another in San Francisco, for which the gentleman from California [Mr. McGROARTY] has introduced a resolution, and shortly there will be one for New York. They do not cost the Government one penny. I am not so foolish as to say there will not be an appropriation for this exposition. There should be. When the Government gets through, with the gate admissions, the concessions, the commemorative stamps issued by the Post Office Department, the Government will make more than it expends. That will be the case in Los Angeles, San Francisco, and New York. [Applause.]

Mr. TABER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, I should like to make this observation, and that is that in spending this money it is not going to be a small sum. If anybody votes for this bill, they must do it not with the idea that it is going to be any small sum like $10,000. He knows that it will be a large sum, as we have appropriated in the past. I remember the exposition at Philadelphia, and we had a big fight on it. I do not know of any of these fairs that have paid the expenses except the one at Chicago. That, I understand, paid for itself. That was a great exposition, and it was in a great place. This will cost a million dollars, perhaps $2,000,000.

Mr. TABER. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, the gentleman from Texas [Mr. McFARLANE] said that we never go along with the President. He is not quite right about that. Just the other day the President said something about levying more taxes. I do not know how all the gentlemen on this side feel about it, but for one I am willing to pay as we go and impose the necessary taxes now. New taxes must be levied some time, and if we pay as we spend the extravagance will end. We passed the bonus legislation. We always get together when it is a matter of appropriation that is easy. We will, I think, pass the Frazier-Lemke bill and that means three billion dollars more. In a little caucus the other day, on Saturday morning, evidently called for the purpose of finding ways and means to pay the bonus, those there were somewhat like the boy who had a cat by the tail but did not know what to do with it. We passed the bonus, but now there is difficulty in getting the money. Some one suggested we issue some new money against the gold now on hand, and then in the Sunday morning papers we learn that we do not have that gold, that it is all tied up, all earmarked, so we cannot do that. Spending must stop some time. Now is as good a time as any. This resolution means more money, and as the gentleman from Pennsylvania [Mr. RICH] will say, "Where are you going to get the money?" Are you going to get it out of that gold fund, or just how will you get it? We will go along with the President—I will change that and say the people in my district will be glad to have the Government do

as they do at home, and that is "pay as you go." Pay as you spend. We will go one step farther. If there is a message up there on the desk now asking for the repeal of the cotton act and the tobacco act and the potato act, I rather suspect that this side will go along with that also.

Mr. KVALE. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. KVALE. When the gentleman speaks about the little boy having a cat by the tail——

Mr. HOFFMAN. Oh, two cats by the tail, the bonus bill and the Frazier-Lemke bill.

Mr. KVALE. And I say to the gentleman that if we get a few more names to that petition up there we will have the Rules Committee by the tail.

Mr. HOFFMAN. And then, as Mr. RICH says, "Where are you going to get the money?" How will you find the funds to pay, to make good the appropriations? Only through new printing-press greenbacks or higher taxes—new taxes. Have you on that side the courage to follow the President on this sound suggestion—that we begin to think of pay day? Regrettable he did not think of that when he asked and received the $4,880,000,000. We should stop spending now, if not before.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. TABER. I yield 3 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, where are you going to get the money? That may seem like a foolish question, but it is not. I have nothing against Los Angeles or any of the other California towns that want to have a fair; but I tell you that within the last 5 or 6 years—3 years of a Republican administration and 3 years of a Democratic administration—if you look at the statements from the Treasury Department, you will wonder where we are going. You are putting this country in a position where we are building on sand. We are putting ourselves in a position where we are going to lead to the greatest fall the Nation has ever seen. You may not think about this expenditure of vast sums, but it seems to be the proper political thing to do if you want to come back to Washington.

You ought to have greater respect for your country than to sink it into the depths of financial ruin. This is a very, very serious thing. Where are you going to get the money is a slogan that each of you ought to take to heart. Why are the people leaving the Treasury Department? What is the reason that Mr. Awalt resigned this last week, and what is the reason the other strong men are going out? It is because of fear in their own minds they are not going to be able to handle the situation. And yet you men come around here and vote for any expenditure of funds; but when it comes to doing what your President requests of you, to vote for taxes, you will be like a bunch of sheep—you will all run away. You will not stand up and back him. You will do as you did with the bonus vote last week. You will all run away from him. The time is coming, and it is coming very soon, when he is going to say, "I want you to raise money"; and when that time comes, what are you going to do? Are you going to desert him? It is the most serious time in the history of this Nation. I tell you it is time for you to think. Let us be sensible about this right now. If you permit this bill to go through, you know it will require additional funds. With an already overburdened Treasury and with an overburdened people, you must give consideration to the fact of whether you are going to tax them or put the charge on future generations.

Mr. FORD of California. Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. BLOOM].

Mr. BLOOM. I should like to bring to the attention of the Members that, unless this resolution is passed, it will be impossible for the State of California to invite foreign nations to participate in this exposition. There is only one way by which a foreign nation can be asked to participate in any celebration that is held in the United States, and that is through the State Department. Unless the invitation does come from the State Department, no other department of the Government, whether local or State or anything else, has a right to invite a foreign nation to participate. So it is the usual procedure to first ask the nations of the world to participate. As far as the expenditure of money is concerned, of course this resolution calls for no expenditure of any kind. But it is just the reverse, because, if you invite foreign nations to participate in any exposition that occurs in this country, they come here and spend their money. They erect buildings and will pay the expense of installing their exhibits, so it is just the reverse. The United States does not have to spend one cent for foreign participation in any exposition.

Mr. KNUTSON. Will the gentleman yield?

Mr. BLOOM. I shall be glad to yield.

Mr. KNUTSON. It is my information that Uncle Sam will have $100,000,000 invested in Boulder Dam by the time the water is ready to be turned on. Now, as I understand, it is proposed to spend a couple of million dollars to celebrate the flow of the $100,000,000.

Mr. BLOOM. If I am not mistaken, the gentleman from Minnesota voted for that at the time, and he should have thought of it then.

Mr. KNUTSON. I did, but I do not think we ought to celebrate a debauch.

Mr. BLOOM. Then the gentleman should say "I do think" instead of "I do not think."

Mr. COLDEN. Will the gentleman yield?

Mr. BLOOM. I shall be glad to yield.

Mr. COLDEN. Does not the gentleman believe it would be very fine for the United States to invite Mexico, the Central American Republics, and the South American countries to participate in this exposition?

Mr. BLOOM. No one can invite any foreign country to participate, except through the State Department. That is what this resolution provides. It does nothing else except authorize the President of the United States, through the proper channels, to invite foreign governments to participate. That is all it does.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BLOOM. I shall be delighted to yield.

Mr. JOHNSON of Texas. One of the speakers said there would be a later authorization for entertainment. There is nothing in this resolution whatever for entertainment?

Mr. BLOOM. No; nothing of the kind. May I say this: When an appropriation is made for any exposition in this country, that appropriation is made for the exhibits of the Government departments. That money does not go to the exposition company for its own use. It is for the erection of a building to exhibit the different things pertaining to the Government of the United States. It has nothing to do with the local exposition at all.

Mr. BACON. Will the gentleman yield?

Mr. BLOOM. I shall be glad to yield.

Mr. BACON. As far as I can make out, we are going to have an international exposition at Los Angeles, San Francisco, and New York, all at approximately the same time. If we invite the nations to participate in all three of those expositions within a period of a year and a half or 2 years, they probably will decline all of the invitations.

Mr. BLOOM. I do not agree with the distinguished gentleman from New York, for this reason: If they have their exhibits in this country, whether it be at Los Angeles or San Francisco or New York, they will then transfer their exhibits from one city to the other. I think they will be more likely to exhibit when they can bring their exhibits here at one cost or one expense, and then be able to transfer them from one city to the other. They would be more likely to take advantage of that, instead of not coming here to exhibit at all.

Mr. BACON. Will the gentleman yield further?

Mr. BLOOM. I yield.

Mr. BACON. Does not the gentleman think it would have been more appropriate to invite the nations of the world to celebrate the repeal of prohibition rather than the bringing of water into Los Angeles? [Laughter.]

Mr. DONDERO. Will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Michigan.

Mr. DONDERO. What does the gentleman think of the proposition of inviting a foreign government to pay its own expenses of participating in this exposition, and we will credit them on account of what they owe us? Let them advance the money.

Mr. BLOOM. That question cannot be answered, of course. Furthermore, if the gentleman would only remember that you cannot get these people to continue to do business with you if you always keep on insulting them. I think this question had better be stricken from the RECORD, because it does not belong in these proceedings. If we are going to invite them, let us do so in the right way, without first making them think there is an insult attached to the invitation.

Mr. ZIONCHECK. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. ZIONCHECK. The last exhibits of a foreign country I saw at a fair were nothing more than merchandise-vending institutions, foreign countries coming to this country to sell merchandise and make a little money. I do not think this is the right attitude. I think they should be informed now that if they want to make exhibits, they should let them be exhibits and not make them for the purpose of dragging away a few dimes and nickels.

Mr. BLOOM. I could answer the gentleman's question, but I do not think I better.

Mr. ZIONCHECK. I do not think the gentleman can.

Mr. BLOOM. It may astonish the gentleman, but I can.

Mr. Speaker, I yield back the balance of my time.

Mr. TABER. Mr. Speaker, I think there has been enough demonstration here of the fact that this is an overstepping of bounds in the spending of money and that the Members will not vote for this resolution. This means, practically, participation in and financial support by the Federal Government in a celebration on the west coast. I am perfectly willing that occasionally any part of the country should have an exposition with a reasonable expenditure by the Federal Government. But every time such a resolution as this has been adopted it has been followed by a large expenditure of money, and this money has not come back to the Treasury. This resolution will be followed up by another resolution appropriating money, and the money will be appropriated, because we cannot stop a thing like this unless we stop it at the source and stop the first resolution. This is where the camel gets his nose under the tent. If the camel is not to get his nose under the tent we must defeat this resolution right here.

Mr. FORD of California. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Shall the rules be suspended and the House joint resolution be passed?

The question was taken; and on a division (demanded by Mr. SNELL) there were—ayes 73, noes 65.

Mr. FORD of California. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 147, nays 119, not voting 164, as follows:

[Roll No. 15]

YEAS—147

Bankhead	Cooley	Duncan	Granfield
Beiter	Cooper, Tenn.	Eagle	Greever
Bell	Costello	Eckert	Gregory
Biermann	Cox	Eicher	Hamlin
Bland	Cravens	Englebright	Hancock, N. C.
Blanton	Creal	Evans	Healey
Bloom	Crosby	Faddis	Hennings
Boland	Cross, Tex.	Farley	Hill, Knute
Brown, Ga.	Crosser, Ohio	Ferguson	Holmes
Brown, Mich.	Cullen	Fiesinger	Imhoff
Burnham	Daly	Fitzpatrick	Jacobsen
Cannon, Mo.	Deen	Ford, Calif.	Jenckes, Ind.
Carter	Delaney	Gasque	Johnson, Okla.
Chapman	Dies	Gavagan	Johnson, Tex.
Cochran	Driscoll	Gearhart	Johnson, W. Va.
Colden	Duffy, N. Y.	Gildea	Jones
Kloeb	Marcantonio	Rankin	Thurston
Kniffin	Martin, Colo.	Rayburn	Tolan
Kopplemann	Massingale	Robertson	Tonry
Kramer	Maverick	Robinson, Utah	Umstead
Kvale	Monaghan	Rogers, N. H.	Underwood
Lanham	Murdock	Rudd	Utterback
Larrabee	O'Connell	Sanders, Tex.	Vinson, Ky.
Lea, Calif.	O'Connor	Scott	Wallgren
Lewis, Colo.	O'Day	Sears	Walter
Lucas	O'Leary	Secrest	Wearin
Lundeen	Owen	Shanley	Weaver
McClellan	Parks	Smith, Conn.	Welch
McCormack	Patton	Smith, W. Va.	Werner
McFarlane	Peterson, Fla.	Snyder, Pa.	West
McGehee	Peterson, Ga.	Spence	Whelchel
McGrath	Pettengill	Starnes	White
McKeough	Pittenger	Stubbs	Wilcox
McLaughlin	Rabaut	Sumners, Tex.	Wilson, La.
McReynolds	Ramsay	Sutphin	Wood
McSwain	Ramspeck	Terry	Zioncheck
Mahon	Randolph	Thomason	

NAYS—119

Andresen	Fletcher	Lehlbach	Rich
Andrew, Mass.	Focht	Lewis, Md.	Robsion, Ky.
Andrews, N. Y.	Ford, Miss.	Lord	Rogers, Mass.
Arends	Gassaway	Luckey	Romjue
Ashbrook	Gehrmann	Ludlow	Russell
Bacon	Gilchrist	McAndrews	Sauthoff
Beam	Goodwin	McLean	Schaefer
Binderup	Gray, Pa.	McMillan	Schuetz
Blackney	Griswold	Maas	Schulte
Brewster	Guyer	Main	Seger
Buckbee	Gwynne	Mapes	Snell
Buckler, Minn.	Halleck	Marshall	Stefan
Burdick	Hancock, N. Y.	Martin, Mass.	Taber
Carlson	Harlan	Mason	Tarver
Carpenter	Harter	May	Taylor, S. C.
Castellow	Hess	Meeks	Taylor, Tenn.
Christianson	Hobbs	Michener	Thompson
Church	Hoffman	Millard	Tinkham
Coffee	Hollister	Mitchell, Tenn.	Tobey
Cole, Md.	Hope	Moritz	Turner
Cole, N. Y.	Houston	O'Brien	Turpin
Colmer	Huddleston	Patterson	Whittington
Crawford	Hull	Pearson	Wigglesworth
Darrow	Jenkins, Ohio	Perkins	Williams
Dirksen	Kenney	Polk	Wolcott
Dondero	Kinzer	Powers	Wolfenden
Doutrich	Knutson	Ransley	Wolverton
Duffey, Ohio	Kocialkowski	Reece	Young
Eaton	Lambertson	Reed, Ill.	Zimmerman
Engel	Lambeth	Reed, N. Y.	

NOT VOTING—164

Adair	Curley	Higgins, Conn.	Peyser
Allen	Darden	Higgins, Mass.	Pfeifer
Amlie	Dear	Hildebrandt	Pierce
Ayers	Dempsey	Hill, Ala.	Plumley
Bacharach	DeRouen	Hill, Samuel B.	Quinn
Barden	Dickstein	Hoeppel	Reilly
Barry	Dietrich	Hook	Richards
Berlin	Dingell	Kahn	Richardson
Boehne	Disney	Kee	Risk
Boileau	Ditter	Keller	Rogers, Okla.
Bolton	Dobbins	Kelly	Ryan
Boykin	Dockweiler	Kennedy, Md.	Sabath
Boylan	Dorsey	Kennedy, N. Y.	Sadowski
Brennan	Doughton	Kerr	Sanders, La.
Brooks	Doxey	Kleberg	Sandlin
Buchanan	Drewry	Lamneck	Schneider, Wis.
Buck	Driver	Lee, Okla.	Scrugham
Buckley, N. Y.	Dunn, Miss.	Lemke	Shannon
Bulwinkle	Dunn, Pa.	Lesinski	Short
Burch	Edmiston	McGroarty	Sirovich
Caldwell	Ekwall	McLeod	Sisson
Cannon, Wis.	Ellenbogen	Maloney	Smith, Va.
Carmichael	Fenerty	Mansfield	Smith, Wash.
Cartwright	Fernandez	Mead	Somers, N. Y.
Cary	Fish	Merritt, Conn.	South
Casey	Flannagan	Merritt, N. Y.	Stack
Cavicchia	Frey	Miller	Steagall
Celler	Fuller	Mitchell, Ill.	Stewart
Chandler	Fulmer	Montague	Sullivan
Citron	Gambrill	Montet	Sweeney
Claiborne	Gifford	Moran	Taylor, Colo.
Clark, Idaho	Gillette	Mott	Thom
Clark, N. C.	Gingery	Nelson	Thomas
Collins	Goldsborough	Nichols	Treadway
Connery	Gray, Ind.	Norton	Vinson, Ga.
Cooper, Ohio	Green	Oliver	Wadsworth
Corning	Greenway	O'Malley	Warren
Crowe	Greenwood	O'Neal	Wilson, Pa.
Crowther	Haines	Palmisano	Withrow
Culkin	Hart	Parsons	Woodruff
Cummings	Hartley	Patman	Woodrum

So (two-thirds not having voted in favor thereof) the resolution was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Doughton with Mr. Treadway.
Mr. Warren with Mr. Wadsworth.
Mr. Buchanan with Mr. Bacharach.

Mr. Greenwood with Mr. Cooper of Ohio.
Mr. Sullivan with Mr. Ditter.
Mr. Oliver with Mr. Gifford.
Mr. Bulwinkle with Mr. Hartley.
Mr. Fulmer with Mr. McLeod.
Mr. Fuller with Mr. Risk.
Mr. Corning with Mr. Wilson of Pennsylvania.
Mr. Driver with Mr. Short.
Mr. Vinson of Georgia with Mr. Merritt of Connecticut.
Mr. Drewry with Mr. Fish.
Mr. Taylor of Colorado with Mr. Crowther.
Mr. Steagall with Mr. Allen.
Mr. Nelson with Mr. Mott.
Mr. Montague with Mr. Thomas.
Mr. Mead with Mr. Woodruff.
Mr. Lamneck with Mr. Plumley.
Mr. Kerr with Mr. Finerty.
Mr. Kennedy of New York with Mr. Culkin.
Mr. Woodrum with Mr. Bolton.
Mr. Mansfield with Mr. Lemke.
Mr. Kelly with Mr. Stewart.
Mr. Boehne with Mr. Amlie.
Mr. Boylan with Mr. Higgins of Connecticut.
Mr. Maloney with Mr. Cavicchia.
Mr. Disney with Mr. Ekwall.
Mr. Crowe with Mr. Collins.
Mr. Sabath with Mr. Boileau.
Mr. Connery with Mr. Schneider of Wisconsin.
Mr. Smith of Virginia with Mr. Withrow.
Mr. Miller with Mr. Frey.
Mr. Dockweiler with Mr. Keller.
Mr. Richards with Mr. Caldwell.
Mr. Gillette with Mr. Barden.
Mr. Dietrich with Mr. O'Neal.
Mrs. Norton with Mr. Thom.
Mr. Doxey with Mr. Stack.
Mr. Celler with Mr. Cummings.
Mr. Reilly with Mr. Claiborne.
Mr. Cary with Mr. Higgins of Massachusetts.
Mr. Parson with Mr. Pfeifer.
Mr. Gingery with Mr. Boykin.
Mr. Lee of Oklahoma with Mr. Somers of New York.
Mr. Dorsey with Mr. Merritt of New York.
Mr. Chandler with Mr. Kennedy of Maryland.
Mr. Buck with Mr. Pierce.
Mr. Hart with Mr. Berlin.
Mr. Sisson with Mr. Carmichael.
Mr. McGroarty with Mr. Hook.
Mr. Flannagan with Mr. Richardson.
Mr. Montet with Mr. Ellenbogen.
Mr. Sweeney with Mr. Darden.
Mr. Sandlin with Mr. Brooks.
Mr. Gambrill with Mr. Adair.
Mr. Patman with Mr. Haines.
Mr. Clark of North Carolina with Mr. Sanders of Louisiana.
Mr. Kee with Mr. Gray of Indiana.
Mr. Ayres with Mr. Barry.
Mrs. Greenway with Mr. Ryan.
Mr. Dingell with Mr. Nichols.
Mr. Sirovich with Mr. Brennan.
Mr. Peyser with Mr. Green.
Mr. Goldsborough with Mr. Buckley.
Mr. Smith of Washington with Mr. Cartwright.
Mr. Clark of Idaho with Mr. DeRouen.
Mr. Burch with Mr. Fernandez.
Mr. Shannon with Mr. Dunn of Mississippi.
Mr. Citron with Mr. Dear.
Mr. Scrugham with Mr. Dunn of Pennsylvania.
Mr. Casey with Mr. Dempsey.
Mr. Dickstein with Mr. Moran.
Mr. Kleberg with Mr. Dobbins.

Mr. COCHRAN, Mr. BELL, and Mr. CANNON of Missouri changed their votes from "nay" to "yea."

Mr. SCHULTE changed his vote from "yea" to "nay."

Mr. LUDLOW. Mr. Speaker, I announce that my colleague the gentleman from Indiana, Mr. CROWE, is unavoidably detained from the Chamber this afternoon.

The result of the vote was announced as above recorded.

The doors were opened.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection

Mr. HOBBS. Mr. Speaker, on last Friday I was present in the Chamber waiting a roll-call vote. Before my name was reached I was called to the other end of the Avenue on official business for constituents and did not return in time to answer the roll call. I desire simply to make this statement in explanation of my inability to vote.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—REPEAL OF CERTAIN ACTS

The SPEAKER laid before the House the following message from the President of the United States which was read, and, with the accompanying papers, referred to the Committee on Agriculture:

To the Congress:

I recommend to the Congress the prompt repeal of the act of April 21, 1934, as amended, known as the "Bankhead Cotton Act"; of the act of June 28, 1934, as amended, known as the "Kerr-Smith Tobacco Act"; and of title II of the act of August 24, 1935, known as the "Potato Act of 1935." This recommendation is made because of the termination of the programs of agricultural production adjustment under the act of May 12, 1933, as amended, known as the "Agricultural Adjustment Act", to which the three acts mentioned were auxiliary.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 3, 1936.*

CLAIM OF HOMER BRETT, AMERICAN CONSUL AT ROTTERDAM, NETHERLANDS

The SPEAKER laid before the House the following further message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on Claims:

To the Congress of the United States:

I enclose herewith a report which the Secretary of State has addressed to me in regard to a claim of Homer Brett, Esq., American consul at Rotterdam, Netherlands, for the sum of $116.58, such sum representing the unrecovered amount stolen when, on the night of September 27, 1935, burglars entered the Consulate with a false key to the front door and with a powerful tool cut open the back of the safe and abstracted therefrom the iron cash box containing such money.

In view of the fact that the funds were in a locked iron cash box enclosed in a safe provided by the Government, it is apparent that no negligence can properly be imputed to Consul Brett, and since he made good the loss so occasioned, I recommend that an appropriation in the amount suggested by the Secretary of State be authorized in order to relieve this officer of the Government of the burden such loss has occasioned.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 3, 1936.*

(Enclosures: Report of Secretary of State, with enclosures.)

ANNUAL REPORT OF ASSISTANT DIRECTOR GENERAL OF RAILROADS FOR 1935 (H. DOC. NO. 403)

The SPEAKER laid before the House the following further message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Interstate and Foreign Commerce and ordered printed:

To the Congress of the United States:

I transmit herewith for the information of the Congress the annual report of the Assistant Director General of Railroads for the calendar year 1935.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 3, 1936.*

EXTENSION OF REMARKS

Mr. WHITE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include at this point a resolution adopted by the Committee on Irrigation and Reclamation commending the work of Dr. Mead.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The resolution referred to is as follows:

The following resolution was adopted at a special meeting of the Committee on Irrigation and Reclamation, House of Representatives, on January 28, 1936:

In the passing of Dr. Elwood Mead, Commissioner of Reclamation, this committee lost a faithful and conscientious associate in reclamation endeavors. His broad experience, good judgment, and wise counsel proved valuable to the committee in its deliberations.

Mindful of his long association with the problems of reclamation, and his constructive work on behalf of irrigation, the mem-

bers gratefully record its appreciation of him by adopting the following: Be it

Resolved, That we, the members of the House Committee on Irrigation and Reclamation, attest to the inspiration and support brought to its deliberations by Commissioner Elwood Mead; be it further

Resolved, That a copy of this resolution be recorded in the minutes of the committee, and that a copy be sent to Dr. Mead's family as a testimonial of our sincere appreciation of his usefulness, not only as an official of the Government, but also as a friend and adviser.

HENRY E. STUBBS, *Chairman.*
WILLIAM A. EKWALL,
JOHN J. DEMPSEY,
Executive Committee.
COMPTON I. WHITE, *Chairman.*

Attest:

EDWARD C. HALL,
Clerk.

JUNIOR AIR RESERVE, REVISED NAME, "AIR RESERVE TRAINING CORPS"

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 10662, a bill to set up the air reserve training corps, commonly known as the Junior Air Corps, and to include therein brief extracts from a number of letters which I have received commendatory of that proposal.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Speaker, I respectfully call attention to H. R. 10662, which I am appending hereto as a part of my remarks for the information of the Congress and the country. The purpose of this bill is to provide a reservoir of young men instructed in the ground school work of flying, called aerodynamics, and involving the mechanics of aircraft construction and repair, and also with ability to fly aircraft, so that the young men in this reservoir, which in a few years should number perhaps 20,000 or 30,000, may be called into the service and quickly trained into military pilots for the defense of the Nation.

THE PLAN WILL EMPLOY THE VOLUNTEER SPIRIT

The basic idea of this plan is to utilize for the Government the enthusiasm which all boys and young men now feel and manifest toward aviation. The records of the Department of Commerce, in the Bureau of Air Commerce, show that approximately 24,000 student pilot permits or licenses are outstanding. These young men are studying aviation and learning to fly at their own expense, and some of them are taking training in schools and colleges devoted exclusively to instruction in the principles and practices of aviation. If we can organize and direct this enthusiasm of young men for aviation, and standardize their training, and also classify them as to their aptitude and proficiency, it will save the Government vast sums of money that might be expended in trying to train perfectly raw and green recruits, and will also save weeks, if not months, of valuable time.

Mr. Speaker, while it is true that we are short on aircraft for the Army and the Navy, and more especially are we short on aircraft necessary for the training of the Organized Air Reserves and for the National Guard, yet we are also short on flying personnel necessary to meet a major emergency. It is true that we have in the Air Corps about 1,300 officers and probably 1,200 of them are now flying officers, yet many of them are beyond the age for effective combat duty in time of war, and most of them would have to be employed in instruction and in administration and in high command in the event of an emergency. It is also true that we have approximately 3,000 Air Reserve officers, but only about 1,400 of them are sufficiently up-to-date in their training to be able to function as combat pilots. It also appears that about one-third of this 1,400 are war-time pilots and must very soon pass out of the picture completely as combat pilots. One-third of the 1,400 are graduates of the Air Corps training center at San Antonio, Tex., and will be for 10 or 15 years available for combat duty, but must be constantly trained. The remaining third of this 1,400 officers have been commissioned directly from civil life as the result of the training which they received in schools and colleges teaching aviation. The presumption is that most of this remaining one-third are young men and will for several years be available for an emergency.

AIR FORCE MUST BE STRONGEST AT OUTBREAK OF WAR

But, Mr. Speaker, since air power is the first line of defense, and since we wish to insure as nearly as possible victory in the initial stages of any assault upon us, we must strengthen our air defense in both matériel equipment and in flying personnel so that in order to beat down any attack by air we may feel free to expend our personnel even in desperate resistance, realizing that we can quickly, if not instantly, replace them from our Reserves and from our second line of Reserves. For illustration, the 1,200 Regular Army pilots, being nearly all devoted to administrative and instructional work, can be augmented at the initial stages of war by approximately 1,000 Reserve officers able to function in combat. This will undoubtedly mean less than 2,000 thoroughly trained pilots, and I think we all have agreed that 3,000 airplanes should be our 5-year objective. I think, therefore, we should always have at least 3,000 young and well-trained pilots in both the Regular Army and in the Reserves. We should have from 20,000 to 30,000 young men whose qualifications are already ascertained, whose names and addresses are well known, who are thoroughly familiar with aircraft, its construction and repair, and who have already had solo experience ranging from 50 hours to 400 hours.

Mr. Speaker, some may think that these figures are extravagant. We do not hesitate to speak of mobilizing an army of 1,000,000 or 2,000,000 men. Thirty thousand is but an infinitesimal fraction of 2,000,000. The initial stages of air combat will be savagely fierce. Each side will strive fiercely and furiously for the mastery. This will result in the attrition of planes and pilots in large numbers. In such an emergency we can put all existing aircraft factories at work on 24-hour duty, enlarge them if necessary, triple and quadruple their working forces, and turn out in them all scores of planes a day. It would not be wise to construct in advance of war the very large number of planes we would probably need. As we hope war will be long deferred, the planes themselves would probably be obsolete and useless. But the human element must also not be neglected; probably we can build planes faster than we can train green and inexperienced youngsters into combat pilots. It is the part of prudence during these years of peace to ascertain through this Air Reserve Training Corps which of our young men have the knowledge and experience necessary to be quickly whipped into combat pilots. My plan proposes to do this with practically no expense to the Government. It will help the private flying schools and it will also indirectly help the industry. Every aircraft factory is a potential arsenal. Every private flying school is an actual school of preparation for defense. By keeping the names, the addresses, and qualifications of the successful classes of young men in all the approved schools in the records of the War Department, those best qualified for flying can be immediately put upon training for combat flying.

Those best qualified for ground work, as mechanics, as repair men, and so forth, can be assigned to that kind of service. We will need large numbers of both kinds. If we should need a total of 30,000 pilots in a major emergency, we would certainly need 150,000 mechanics having a knowledge of aviation and a knowledge of aerodynamics and familiar with the details of aircraft construction and repair.

IDEA OF R. O. T. C. EXTENDED AND APPLIED

Mr. Speaker, I am simply seeking to apply to this new branch of warfare—to wit, aviation—the idea and fundamental principle which prompted the Congress in the National Defense Act of 1920 to set up the Reserve Officers' Training Corps. There are 115 schools and colleges where senior units of the R. O. T. C. now function, with a total enrollment of about 72,000. There are 139 junior units in junior institutions not having the advanced course. In these junior units there are now enrolled about 53,000 boys. It is interesting to note that since 1920, 76,201 young men have graduated from the senior R. O. T. C. units. These young men now constitute the overwhelming majority of the active

Reserve officers. The wartime Reserve officers are fast passing out of the picture. Since we realize that 95 percent of the officers leading the combat units of the ground forces in time of major war must be Reserve officers, we can realize what these 76,000 R. O. T. C. graduates now mean to national defense. In addition to the 76,000 graduates, about 22,000 other college students were enrolled in the senior units, but, for some reason—perhaps physical defects or failure to attend the camp of instruction—they did not receive their commissions as Reserve officers. But most of these 22,000 are potential officers in the event of an emergency.

In addition, 429,670 young men in our military colleges and in our ordinary colleges and universities have received military instruction in the basic courses. All of these 429,670 have received a training far more valuable to them and to the country than two or three terms of Citizens' Military Training Corps camps. Therefore, all of these young men are potential noncommissioned officers in the event of an emergency. Their names are known, their qualifications recorded, and I think we should keep track of changes in their addresses, so that in the event of an emergency they might be readily employed as noncommissioned officers in helping to train the absolutely raw recruits from the farm and from the factory, from the store and the bank, from the countinghouse and the clearing house. All of this vast training of these more than a quarter million young men has cost the Government only $54,882,871.10.

Now, Mr. Speaker, if in the course of a few years, through my plan of an Air Reserve Training Corps, we can train, with practically no expense to the Government, between 20,000 and 30,000 young men and keep on adding to their number from year to year as the older ones lose interest and neglect their flying, so that we will have a reservoir of alert, active, and practically trained pilots for an emergency, it strikes me as a most wise and expedient plan for national defense. In the old days the militia cost the Government practically nothing. Afterward and prior to the World War, the National Guard cost the Government very little, if anything. No drill pay was provided; men and officers gave their time, and many of them gave their money for uniforms, for practice ammunition, and for the expenses of camps merely because they loved the training, and because they were patriotic enough to wish to be better prepared to assist in national defense.

The young men of today have the same patriotic impulses. They do not want a dollar mark put upon their patriotism. They want to get ready to serve their Nation. They love aviation, and they realize its vast and primary, and perhaps paramount, importance in national defense. Therefore, they want to obtain at least the preliminary training, and they and their fathers are willing to pay for it, provided the Government furnishes the very inexpensive supervision and assistance contemplated by H. R. 10662.

WAR DEPARTMENT WILL ABSOLUTELY CONTROL

There are no mandatory provisions in this bill. The bill leaves to the War Department absolute discretion in the making of all the rules and regulations to set up and to govern this corps. It leaves it absolutely to the discretion of the Secretary of War as to what aid and assistance will be given to this A. R. T. C. The paper certificates or diplomas and the insignia, such as wings, required to be furnished would involve a bagatelle of expense and amount to practically nothing. If some of the Air Corps personnel and if some of the Air Reserve officers called to active duty should be detailed to this work of supervising and administering this A. R. T. C., it would be perhaps the very best sort of training that these officers could have. The War Department is properly proud of the splendid job it did in organizing and setting up the C. C. C.

Undoubtedly the Regular Army officers who did this good job received themselves much valuable experience as a result of their work. When later all regular and camp administration in the C. C. C. was turned over to Reserve officers called to active duty for that purpose, these Reserve officers have received a training and preparation of enormous value to the cause of defense. Many of these Reserve officers had never had an opportunity to contact and manage men. They had never had responsibility such as the administration of camp discipline and a mess compelled them to receive. I believe the report of the Secretary of War shows that something over 9,000 Reserve officers have had active duty with the C. C. C., and I venture the opinion that 6 months' duty with the C. C. C. for a Reserve officer was almost as valuable training for him in the mobilization and training of raw recruits as were 6 months' duty with the Regular Army. Of course, an officer must know the details of warfare himself; a company officer should be the best soldier in the company. But the indispensible quality of any company officer and also of any battalion officer is personality, magnetism, leadership, and ability to inspire confidence in others. That is what these Reserve officers on duty with the C. C. C. obtain. That also is what Regular Air Corps officers and Air Reserve officers on duty with A. R. T. C. would receive.

Finally, Mr. Speaker, to sum up the ideal, the purpose, and the plan of A. R. T. C., I can say that it proposes to mobilize, organize, and standardize the knowledge of and the training in aviation of those young men who volunteer to take the course at their own expense, in order that they may enjoy the distinction of belonging to this corps, and of becoming graduates of this corps, of wearing its insignia, and of wearing its uniform. Of course, if they have a uniform, they must buy it themselves, just as Reserve officers now buy their own uniforms. Thus, we propose to accumulate a reservoir of young men who have the fundamental knowledge of aviation and considerable experience in the air. These will be classified, indexed, so as to be immediately subject to call in the event of an emergency. When called, their qualification card will show which ones should be detailed for further instruction in flying and to be made quickly into proficient military pilots. In like manner, the qualification cards will show which ones should be detailed to the ground work of the air force. Perhaps some of the latter class would be detailed to help carry on the work in the various aircraft factories, which would be quickly expanded, and be operating on the 24-hour schedule.

If we can get all these vast resources of national defense with practically no expense; if we would utilize and capitalize this enthusiasm of youth for aviation, if we would organize and standardize the instruction of these thousands of youngsters taking training in flying, then we will be following the traditional policy of America with reference to military preparedness. We will be predicating our preparedness upon the voluntary spirit of loyal, patriotic American citizens. We will be following the ideals laid down and followed by George Washington, as demonstrated so clearly by the historical studies and writings of Gen. John McAuley Palmer. We will be following the examples of the old militia, of the present National Guard, of the Organized Reserves, and more especially, will be following the example of the R. O. T. C. In other words, the A. R. T. C. will be to the air forces what the R. O. T. C. is to the ground forces.

I herewith submit for printing H. R. 10662.

A bill to promote national defense by organizing the Air Reserve Training Corps

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to organize a civilian reserve component for the United States Army, to be known and designated as the Air Reserve Training Corps, and to establish such rules and regulations as he shall deem fit and proper for carrying out the purposes and objects of this act.

SEC. 2. That all persons between the ages of 17 years and 24 years, of sound physical condition, and with a minimum education equivalent to at least a full high-school course, shall be eligible to be listed as cadets of said corps, and shall be entitled to receive such emblem or designation to wear upon the clothing as the Secretary of War may prescribe while receiving such course of instruction and training in aerodynamics and in the art of flying as shall be prescribed by the Secretary of War.

SEC. 3. That the Secretary of War is authorized to use all proper means and agencies for the encouragement of said corps, by detailing either Regular flying officers, or Reserve flying officers called to active duty, to engage in the instruction and training of said cadets in such private flying schools and centers of air instruction and training as may be selected by the Secretary of War for that purpose, where the number of cadets shall not be less than 20, and where the standards of instruction and training shall have been approved by the Secretary of War, and wherever desirable

to coordinate said instruction with courses in any college or university.

SEC. 4. That the Secretary of War is further authorized to encourage the development of said corps by permitting the use of such Army air fields from time to time as may not conflict with the work of the Air Corps of the Army and further by permitting the use of airplanes, aircraft generally, and equipment belonging to the Air Corps of the Army, if and when, in the judgment of the Secretary of War, such use is wise and proper in promoting the art of flying and in the training of said corps.

SEC. 5. That upon the completion of such course of training as shall have been prescribed by the Secretary of War and upon the satisfactory passage of final examination and tests by said cadets, the Secretary of War shall issue certificates of graduation to that effect, and said graduates shall then be entitled to wear such uniform as shall be prescribed by the Secretary of War, and such insignia and other designations and decorations upon said uniform or civilian clothing as the Secretary of War shall prescribe and confer. All such graduates of the training prescribed for cadets shall be kept listed as to their addresses, business occupations, and other pertinent facts, so that the same may be available on shortest notice for service in the national defense in the event of a national emergency.

SEC. 6. That the Secretary of War is authorized to select each year 20 of the most promising and efficient graduates of the primary instruction hereby authorized for each of the nine Corps Areas, and to give said graduates instruction at any school or flying field of the United States Army for such period as the Secretary of War may prescribe, and then to offer to all who shall be properly qualified Reserve commissions as second lieutenants in the Air Corps Reserve, and to call such number of said second lieutenants to active duty as Reserve officers in the United States Army Air Corps, for such time, as the Secretary of War may from time to time prescribe, and all appropriations necessary to carry out the provisions of this act are hereby authorized.

Mr. Speaker, on January 23 a hearing was had before the Committee on Military Affairs on this bill to set up the Junior Air Reserve, and about 35 witnesses from different parts of the country appeared, and many of them were heard, and practically all of them expressed approval of the principle contained in this bill. Previously on January 13 I had sent out a letter to about 300 or more citizens in all parts of the country known to be interested in the subject of aviation in reference to national defense. In response to that letter I received replies from about 150 persons, and all those who replied favored and approved the general proposition, and some of them were very enthusiastic in their endorsement, except one of them, and he expressed opposition. From among the 150 who replied I have selected certain representative letters from widely dispersed cities and States, ranging from California to Maine, and from them I have extracted very brief expressions, and herewith submit for printing in connection with my remarks said excerpts from the representative letters referred to. I invite careful reading of these extracts, because they show that the country recognizes that there is merit behind this proposition.

Mr. Hilding N. Carlson, of the New England Aircraft School, Inc., Boston, Mass., writes on January 25 as follows:

My chief desire to take part in the discussion on the bill pertains to provisions for the adequate training of ground personnel, primarily aircraft mechanics. For every airplane, in or out of service, there must be at least five men designated solely as aircraft mechanics whose functions is the maintenance, repair, and service of airplanes and engines. These men must, of course, be trained technicians. The time required to train a good aircraft mechanic equals, and perhaps exceeds, the time required to train a pilot, and this training is in every sense just as important.

Mr. F. Pace Woods, Woods Bros. Corporation, Lincoln, Nebr., in his letter of January 24 states:

The passing of such a bill would tremendously stimulate not only the aviation industry but would create a backlog of flyers who could be made available for the defense of our country almost immediately. Such a plan has been held back heretofore, I believe, due to the high cost of airplanes and their upkeep. The program of the Bureau of Air Commerce in stimulating development of aircraft for private use at low cost based on production has been far more successful than is realized by the public.

Mr. John L. Cousins, of the J. R. C. Flying Service, San Jose Airport, writes on January 22 as follows:

Any movement to the end of interesting young men in this country in flying, especially along military lines, is highly admirable and a tremendous asset.

Mr. E. A. Link, president of Link Aviation Devices, Inc., Binghamton, N. Y., states in his letter of January 23 the following:

Also we believe it would help interest more young men in learning to fly and therefore help civil aviation itself.

Mr. W. H. Marden, Airways, Inc., Waterville, Maine, in his letter of January 24 states:

I would be interested and glad to do anything in my power to aid the proposed Junior Air Reserve bill.

Mr. Elvan Tarkington, Tarkington Aviation Co., Indianapolis, Ind., writes in his letter of January 24 the following:

I would say emphatically that I am very much interested in your bill.

Mr. Richard A. Henson, of Hagerstown, Md., states the following in his telegram of January 24:

Am heartily in favor of such a proposal and assure you of my fullest cooperation.

Mr. Henry E. Moore, 2032 Belmont Road, NW., Washington, D. C., writes on January 24 as follows:

I am thoroughly in accord with your plan of training young men in aviation—as I am a young lawyer myself and am vitally interested in that field.

Mr. G. C. Rawls, Mississippi Power & Light Co., Jackson, Miss., states in his letter of January 23 the following:

I think your idea of promoting a plan whereby we will have a good supply of pilots is a good one for strengthening our national defense.

Mr. Edward A. Dycer, Dycer Flying Service, Inc., Los Angeles, Calif., in his letter of January 19 states:

This measure is constructive and practical and would likely stimulate the student flying activity it contemplates.

Mr. L. D. Ruch, Pioneer Aviation School and Sales, Savannah, Ga., in his letter of January 21, writes the following:

I most heartily agree with your bill and your idea of the junior air reserve.

Mr. George W. Orr, Roosevelt Field, N. Y., states in his telegram of January 22 the following:

I heartily endorse your constructive bill to provide a competent reserve air force and save taxpayers enormous sums of money by using commercial aviation schools for primary training.

Hon. Bernarr Macfadden, New York City, makes the following statement in his telegram of January 22:

You may count upon me for any assistance possible in successfully setting up this Junior Air Reserve.

Mr. G. F. Fox, of the Harvard Flying Club, Inc., states in his telegram of January 23 the following:

Suggest that you include in the bill that obsolete Government flying equipment be made available for ground and laboratory study.

Mr. William F. Centner, major, Air Reserve, superintendent, Port Columbus, Columbus, Ohio, writes in his letter of January 21 the following:

The proposition is certainly one of tremendous significance.

Mr. Howard B. Edwards, president of the University of Virginia Aviation Club, Charlottesville, Va., states the following in his letter of January 21:

We are very much in favor of a junior air reserve.

Mr. E. W. Cleveland, the Cleveland Pneumatic Tool Co., Cleveland, Ohio, writes in his letter of January 17 as follows:

I am happy to advise that we are in full accord with the junior air reserve.

Mr. Spindler Krause, of Newport News, Va., makes the following statement in his letter of January 21:

I believe this is a wonderful thing for both the Nation and the young men of our country.

Mr. John Nagel, Aerial Ambulance and Charter Service, Montebello, Calif., states in his letter of January 17 the following:

I wish to say that I would be very much interested in seeing such a bill go through and become a law.

Mr. Cecil C. Meadows, superintendent, Kern County Airports, Bakersfield, Calif., writes in his letter of January 18 as follows:

National defense and security demands the passage of your Junior Air Reserve bill.

Mr. Henry von Berg, of Johnson-von Berg Flight Instruction Service, Stockton, Calif., in his letter of January 15 states:

We certainly will do everything in our power to further it.

Mr. Wayne Bullock, Bullock Motor Co., Madrid, Nebr., in his letter of January 17 writes the following:

I sincerely believe your plan would be a big asset to the defense of the United States besides creating much toward the building of aviation.

Mr. E. A. Goff, Jr., airport manager, Kellogg Airport, Battle Creek, Mich., in his letter of January 17 makes the following statement:

We are ready and anxious to do everything that we can do to further your objectives.

Mr. Arthur J. LaPointe, Jr., Calumet High School, Chicago, Ill., in his letter of January 20, writes as follows:

We offer you our congratulations for the introduction of your bill to promote national defense through the organization of a Junior Air Reserve.

Mr. A. M. Woody, president Air Reserve Association of U. C., Louisville, Ky., in his telegram of January 21, states:

We are much interested in Junior Air Reserve and hope bill can be passed this session.

Mr. Milo E. Oliphant, department of aeronautics, Lansing, Mich., in his letter of January 18, makes the following statement:

I want to say that I would like to give my personal support to the plan. It is a splendid idea and would not only provide a source of trained pilot personnel in time of national emergency, but would also save the Government a great deal of expense in training these pilots. Looking at it from the other side, it is plain to see that it would be a great benefit to aviation schools which would be selected to give the required training.

Mr. Alex Pellett, Jr., San Francisco, Calif., writes in his letter of January 18, as follows:

I will be only too willing to cooperate with you in any manner that I can.

Mr. John G. Bailey, secretary of Kern County Pilots' Association, Bakersfield, Calif., in his letter of January 18, states:

The Kern County Pilots' Association, consisting of 45 licensed pilots, heartily endorse your junior air reserve bill.

Mr. John J. White, president of Private Fliers Association, Inc., New York City, states in his letter of January 18, as follows:

I feel that a junior air reserve which is properly operated and gives the youth of the country an opportunity to know what flying is all about is most desirable. It will develop their minds along the lines of interest in aviation, and I cannot too strongly commend any efforts made in this direction.

Mr. Raymond P. King, Gainesville National Bank, Gainesville, Tex., writes in his letter of January 16 the following:

May I say to you that I think that you are surely on the right track to accomplish something really worth while for this Nation in that you will create a reserve of flying men to whom the Nation can turn in time of an emergency.

Mr. Winston W. Kratz, of St. Louis Flying Service, Inc., St. Louis, Mo., in his letter of January 16 makes the following statement:

This company is definitely in favor of your efforts in regards to the House bill having to do with the formation of the junior air reserve.

Mr. Howard S. Smart, Eastern Flying School, Waltham, Mass., states in his letter of January 14 as follows:

Let me first congratulate you on the splendid work and assistance to the business men connected with aviation. It is a positive and progressive effort to further the cause that will be of great benefit to the coming generation.

Mr. Herbert Whitney, of Lake City, Fla., in his letter of January 15 writes the following:

I am anxious to do anything I can to promote it.

Mr. William D. Strohmeier, president, National Intercollegiate Flying Club, Amherst, Mass., in his letter of January 16, makes the following statement:

Your proposal to establish a reserve corps among college pilots is a very timely one and one which should be of vital importance to the national defense.

Mr. Craig Isbell, Springfield Aviation Co., Springfield, Ill., writes in his letter of January 14 as follows:

We wish to take this opportunity to go on record as being heartily in favor of this bill and to assure you of our support in your efforts to obtain this legislation.

Maj. J. H. Doolittle, St. Louis, Mo., in his letter of January 15, states the following:

I believe the idea as outlined in your bill H. R. 4336 is an extremely sound one and would have the effect of stimulating interest in aviation and strengthening our air defense.

Mr. W. G. Hambrick, of Fort Worth, Tex., in his letter of January 14, writes as follows:

I am in favor of the legislation as proposed. Some day we may need several thousand young men who can fly.

Mr. Ralph E. Knapp, manager of Pocatello Flying Service, Pocatello, Idaho, in his letter of January 8, makes the following statement:

I believe this is the positive solution to both national defense and the help that private and commercial schools have been waiting for to impress the public that airplanes are not only for pleasure but are a definite form of transportation that needs the support of the people.

Mr. Carl F. Kaiser of Roseville, Mich., in his letter of January 27, writes as follows:

Organization of junior air reserves would be helpful to both commercial and military aviation.

Mr. Bertram A. Totten, Civilian Conservation Corps, Chatsworth, N. J., writes in his letter of January 27 as follows:

In conclusion, allow me to say that we of the Conservation Corps will welcome any proposal federally or otherwise which will be consistent to our personal aims, ambitions, and aspirations, and to our country's national defense.

Mr. William H. Stewart, president of the Stewart Technical Trade School, New York City, states in his letter of January 16 as follows:

I am heartily in accord with your plans.

Mr. William F. Clifton, principal of Sheffield Public School, Sheffield, Iowa, writes in his letter of January 14 as follows:

As a pilot, I consider you one of our too few friends in Congress, and assure you we appreciate your accomplishments and efforts to date.

Mr. Walter H. Beech, president of the Beech Aircraft Co., Wichita, Kans., in his letter of January 7 states the following:

I believe if we could get several thousand young men flying who would have the basic training necessary to enter combat flying, it would be a strengthening factor to our air force.

Mr. G. D. Owsley, North Suburban Flying Corporation, Glenview, Ill., states in his letter of January 7, as follows:

I beg to advise that I am heartily behind this movement.

Mr. Fred B. Sheriff, Commissioner of Aeronautics, Helena, Mont., in his letter of January 7, makes the statement as follows:

The cause is undoubtedly constructive and worthwhile and I should very much like to see something done.

Mr. Louis R. Inwood, Aeronautical Chamber of Commerce of America, Washington, D. C., in his letter of January 9, states as follows:

I have very deeply appreciated your sincere interest in private flying and the private flying schools of the United States and believe, as you do, that genuine cooperation and understanding between the military air force and civil aviation within the United States is vital to an adequate national-defense plan.

Mr. L. A. Faunce, vice president of the Warner Aircraft Corporation, Detroit, Mich., in his letter of January 7, writes as follows:

The writer was pleased to receive your letter of January 3 and wishes to take this opportunity of informing you that he is in full accord with your bill, H. R. 4336.

Mr. C. J. Brukner, president of the Waco Aircraft Co., Troy, Ohio, writes in his letter of January 9, as follows:

I have long favored some kind of an arrangement whereby the Federal Government could give encouragement to the training, in private schools, of a junior air reserve to be made up of able-bodied young men suitable for military pilot training in the future.

Hon. John C. Bennett, Jr., of Louisville, Ky., in his letter of January 8 writes as follows:

I wish to say that I think your idea of a junior air reserve would be one of the best things that could be done today for national defense.

Mr. E. W. Hudlow, of the Spartan School of Aeronautics, Tulsa, Okla., writes in his letter of January 7 the following:

I was very glad to hear from you regarding the junior air reserve. I believe this to be one of the greatest moves our Government could make to help develop American youth into better citizens and to give training that all healthy young boys desire, as well as to build up our national defense.

Mr. Malcolm L. Hathaway, of Easton, Md., in his letter of January 14, writes as follows:

We are very much in accord with the plan outlined in the bill.

Mr. Paul D. Selby, vice president of Hanford Airlines, Sioux City, Iowa, writes in his letter of January 13 the following:

The junior air reserve is a most necessary adjunct to our national-defense program.

Mr. Clyde E. Brayton, president of Brayton Flying Service, Inc., Robertson, Mo., writes the following in his letter of January 13:

My personal opinion of House of Representatives' bill no. 4336 is the most progressive move to help commercial aviation that has so far been started.

Mr. Karl E. Voelter, All American Airport, Miami, Fla., in his letter of January 13 states the following:

I wish to state that I am heartily in favor of such action.

Mr. C. R. Douglass, vice president of Valley Airways, Inc., Winchester, Va., writes in his letter of January 14 as follows:

As we see it, an organization such as the junior air reserve will not only directly strengthen our air forces by furnishing an unlimited supply of trained personnel but will bring into being an unexpected number of trained mechanics, factory men, designers, and engineers by stimulating commercial aviation. As commercial aviation grows, so will the number of trained men available for aviation use in time of emergency.

Mr. Fred W. Pultar, Southern Aircraft, Inc., Valdosta, Ga., in his letter of January 13, states:

I beg to advise that I am very muchly interested in the junior air reserve for young men.

Mr. Dudley M. Steele, chairman of the aeronautics commission, the American Legion, Indianapolis, Ind., writes in his letter of January 3 as follows:

Aviation interests feel that you are one of its strongest friends.

Hon. C. H. Warrington, Sportman Pilot Association, Washington, D. C., writes in his letter of January 8 as follows:

I have the honor to acknowledge yours of the 3d and to voice my approval of your contemplated legislation.

Mr. O. P. Herbert, president of Safair, Inc., Roosevelt Field, New York City, in his letter of January 5 writes as follows:

We received your letter of January 2 today and hasten to assure you of our full support for your bill to set up a junior air reserve.

Mr. Richard D. Morgan, president of Air Service, Inc., New Castle, Del., writes in his letter of January 13 as follows:

I have read your letter and bill with interest and feel that your plan is a most worthy one.

Col. Oliver L. Parks, president of Parks Air College, Inc., East St. Louis, Ill., writes in his letter of December 20 as follows:

I am very much interested in being of assistance to you, because of your great personal interest in commercial aviation.

Mr. E. W. Hudlow, vice president of the Spartan School of Aeronautics, Tulsa, Okla., states in his letter of January 7 the following:

After reading your House bill, H. R. 4336, I have a suggestion that I would like to offer. It is very essential that the air force have a well-trained ground crew. In fact, it takes about five men to each airplane in order to keep it serviced, checked, and airworthy. There will be a number of boys who would be eligible for the junior air reserve, but due to some slight physical defect would not be able to pass the flight examination.

THE TRAGEDY OF THE HIGHWAYS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio speech which I made on Friday last entitled "Death at the Wheel."

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address made by myself over a National Broadcasting Co. network, during the program "Congress Speaks", Friday night, January 31, 1936:

On December 8 I spoke over the radio on the subject, the Tragedy of the Highways. Since then I have received letters from all over the country, from hundreds of persons, urging that action be taken at once to relieve the situation. I wish each and every one of you could read those letters. Some of them are pathetic, for they come from those who have lost loved ones. They are eager to encourage any step which will prevent others suffering the pain and anguish they themselves have experienced.

Since the 1st of December it is conservative to estimate that fifty-four hundred men, women, and children have died as the result of automobile fatalities. One hundred lives a day—every day—one life every 15 minutes. Death is still at the wheel. No one expects that legislation will stop this terrible slaughter. We do know, however, that if the State traffic regulations were uniform in their provisions, enforcement would be simplified, those who are physically or mentally unfit to drive would be taken off the highways (in the words of one official, there are too many 30-horsepower brains driving 90-horsepower motors), headlight glare in night driving would be controlled, street lighting would be improved, wild speed would be reduced, brakes would be tested regularly, and the ultimate result would be a lessening of the number of accidents.

On December 18 last, an accident-prevention conference was called by our humane Secretary of Commerce Daniel C. Roper. It met in Washington and laid out a program dealing chiefly with causes of accidents and suggested remedies for them. Two high points of the conference program appeal particularly to me. One is that the conference is seeking to meet immediate problems with educational material. The other is that of attempting to obtain uniform vehicle regulations throughout the United States. A committee on this work has been set up, with my distinguished and very able colleague, Representative EMMET O'NEAL, of Kentucky, as its chairman. Mr. Labert St. Clair, transportation assistant to the Secretary of Commerce, was appointed director of activities of the conference. Today I am talking solely of the motor fatality phase of the problem, and at a later date I intend to take up the other phases of the matter.

Gradually, America is awakening to the fact that no one is exempt from the dangers of the road. My only surprise is that it has taken so long to formulate a plan and to get it started. Over a year has elapsed since my bill was introduced in Congress. This measure calls for a study and research of traffic conditions and measures for their improvement. The bill does not call for the creation of new departments—only existing facilities will be used—the money is available, the organization is there and ready to go ahead as soon as authorization to do so is granted. States rights will not be interfered with by this measure. The sad part of it all is not that just a year has been wasted. During that year more than 36,000 lives have been lost by automobile accidents. That is the terrible part. For some of these lives could have been saved. It appears that the 1935 figures will show an increase over 1934. The 1935 total will probably be very close to 36,400 with a corresponding increase in permanent disabilities and injuries.

In 1934 there were 36,000 automobile fatalities. But there is another side to the picture. In addition to those deaths, you must consider the 105,000 persons who were permanently disabled and the 1,500,000 temporarily incapacitated. Think of the mental and physical suffering involved. Aside from this, there is the economic loss, and that is estimated at $1,580,000,000. It is so shocking, so staggering, when one has the figures before him, that it seems as if the country were becoming calloused and human life becoming cheap.

We all shudder at the thought of war. The traffic fatality situation is far worse than any war the United States has ever fought. Figures were given recently which show that in all the conflicts our country has had, from the Revolutionary War down to and including the late World War, 244,357 lives were lost. The period

of time covered by those wars was approximately 150 years. Compare the traffic fatalities of only 15 years with this, and you find that 389,000 men, women, and children have been killed in or by automobiles. We need neutrality on our highways.

The average person goes on his way confidently, with the feeling he is perfectly safe, but here and there the lightning strikes each day and he is either killed or kills. His whole life picture and that of his family are completely changed. The family never forgets his death if he is killed—he never forgets the fact he has killed somebody. That horror will be with him always—and it's infinitely greater if it be his own fault.

The public authorities have responded in bringing this picture more and more before the public eye. However, when you compare what was done in the way of publicity in depicting the horrors of the World War, when only 38,000 American lives were lost during the entire conflict, the fatalities of last year, which were 2,000 less, enough has not been done.

Some of the American indifference to this crashing, smashing death is vanishing, however. A great deal of fine, intelligent, and valuable research work has been done. It has been determined that from 12 midnight to 1 o'clock in the morning the hazard is nine times as great as from 12 to 1 in the middle of the day, in proportion to the amount of travel. Similarly, the average accident hazard between 6 p. m. and 6 a. m. is four times as great as that between 6 a. m. and 6 p. m.

We are gradually getting somewhere with the problem. We are finding out the facts. What we need now is legislation to put this knowledge to use. The manufacturers have become interested and have set up a number of committees which are to deal with important aspects of the traffic problem. They have just announced a large-scale cooperative plan of safety work, one of its items providing for 15 fellowships in the Traffic Research Bureau of Harvard University.

State and municipal authorities are increasing their activities; grade-crossing elimination is being carried forward all over the country—1,500 of these death traps will be made safe in the coming year. Educational programs are being set up, many of them modeled on the Milwaukee plan, which has worked out so successfully. That plan, controlled by a commission, with the very hearty cooperation of the police department, has made Milwaukee the safest city in the United States. It is not a complicated program, and much of its success comes from the fact that the commission is made up of 12 men, each of whom is an expert in his own particular field, each realizing just what the situation demands. As a result, the public schools have a course of study embracing all phases of the traffic problem from driver training to law enforcement. The police department works closely with the commission. There is no ticket fixing in Milwaukee.

Safety studies should be a part of the curriculum of all schools. There is a great opportunity for activity of this nature in the organizations of the Boy Scouts, the Girl Scouts, and the Campfire Girls. With their eager enthusiasm they can be of wonderful help. It is a tremendous challenge to the youth of America. Arrangements have been completed for introducing general accident-prevention courses in the C. C. C. camps. If these 421,000 young men are taught the principles of safety, an army of most useful safety leaders soon can be established.

With all these agencies at work, anxious as they are for a betterment of the conditions, the one most crying need at the present moment is for uniformity of traffic laws. The demand for this is national. This is borne out by the result of the Nation-wide poll conducted recently by the American Institute of Public Opinion. Last Sunday's Washington Post printed the figures on this poll. It showed that 95 percent of the voters agree that there must be uniform traffic laws and regulations in all States. In a day or two I am introducing another bill in Congress that takes in a broader scope than my previous one. I am glad to see more persons taking interest daily in the safety problem. It is only through such interest that we can master the situation. Instead of death at the wheel, let us have safety at the wheel.

REPUBLICANISM AT THE CROSS ROADS—LET'S SEE THE COLOR OF THE CHICKEN BEFORE WE PUT THE POT TO BOIL

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. BEITER. Mr. Speaker, as a Democrat, I have no fault to find with the theory that the business of an opposition party is to oppose.

Progress, in government as in everything else, lies in the give and take of constructive criticism. But it is my contention that criticism, to qualify as constructive, must be sincere, honest, and well balanced.

No intelligent American citizen, whatever may be his party affiliations, whatever he may think of the New Deal, can conscientiously accept or countenance the particular brand of political windjamming that has burdened the air waves and filled the headlines during the past month.

Some of it defeats itself without the necessity of comment or refutation. Even the most hide-bound and ostrich-headed conservative must begin to recognize the fact that the old catchpenny scarewords that were used to give the public the nervous jitters back in the twenties have lost their black magic and no longer create even a mild furore.

Crying "red", "Communist", and "Socialist" in this year of 1936 is not good for a one-night stand in a third-rate house. The public is looking for something newer and better. It refuses to be distracted by slapstick when the legitimate fare has run out.

Fortunately the American people are able to profit by the example of two powerful European dictatorships which had as their slogan, "Communists must be wiped out." By the time our European neighbors waked up to the fact that they were fighting an enemy that had never really made an attack on their own borders, they discovered that another, and for them, far more malignant form of dictatorship had stepped in to throttle them within their own country.

The American workingman will not let himself be betrayed into a similar position by the trickery of would-be capitalistic dictators.

A recent radio address delivered by one of my colleagues of the opposition opened with the statement that it was to be addressed to the laboring man since business and professional men who are not already back in the Republican Party need to have their heads examined.

The enemies of the New Deal do well to cast their juiciest bait before the workingman. He will prove a wary nibbler at best. Agreed that his first concern is knowing which party is able to restore business confidence and provide a steady job for him at an American standard of wages. It has been his first concern since the fiasco of 1929 showed him how unstable was the so-called security of a boom era.

Through the years of 1930, 1931, and 1932 he was given ample opportunity to see just what a Republican administration could and did do to provide him with a steady job.

For the first time, in 1933, the laboring man, factory worker, farmer, and miner found his problems the primary concern of an administration.

President Roosevelt recognized the fact that so many of his predecessors seemed to have overlooked, that the prosperity of business, industry, and Wall Street depended entirely on the prosperity of the (in 1933) appropriately labeled "man in the street."

The charge has been made that he called in professors of economics from the universities—inexperienced theorists—to help him formulate a plan for the immediate relief of the starving and the eventual restoration of economic security.

If he did so, it was because he could not escape the realization that the colleges were the only places left where the first principles of sound economics had not been distorted to fit the insanity of the "every man a millionaire" slogan of our boom era. Certainly there were few, if any, among the politicians and businessmen, industrialists, and financiers who could lay claim to having brought forth any basic economic principles in an effort to stem the tide of speculation and restore sanity before we were swept overboard in the inevitable shipwreck.

It was from the theorists on the side lines that the warnings came, and they were ignored by our hard-headed, practical men. The President had reason to seek a "brain trust."

Incidentally I might question the purported opprobrium in the term "theorist." Every forward step in science, technology, and government has been made because some theorist saw a way to build something new on the basis of old facts, and experimented until he made what he saw visible to the popular mind.

President Roosevelt was the first to admit that the N. R. A. was an experiment. The country was facing a crisis that demanded drastic and immediate measures. Business could not and did not ask to be left to pick itself up while the unemployed starved.

But now that business has experienced a 50-percent recovery, on the strength of confidence and buying power restored under the N. R. A., it is determined to throw off the helping hand and let the other fellow shift for himself. It made no objection to calling out the Army when its own

house and lot were in danger, but now that they are saved it disapproves the Army on principle and wants it disbanded.

And to make felt its disapproval, it quotes facts and figures with approximately the same accuracy and understanding as a parrot.

Anyone knows that the same set of figures can be made to prove any side of an argument provided care is exercised in selecting portions to be quoted and emphasis is shaded accordingly. Enemies of the New Deal are adepts at this doubtful accomplishment.

They quote the American Federation of Labor Bulletin to the effect that there were eleven and one-half million men still out of work in 1935, as against fifteen and one-half million in 1933. And this, they hasten to remind us, after a $15,000,000,000 Government appropriation.

What they fail to point out is the fact that the eleven and one-half million figure for 1935 includes three and one-half million who are employed on Federal work-relief projects. It also include a 2,000,000 increase in job seekers since 1933. In other words, including those employed on Federal work-relief projects, better than 9,000,000 more men are gainfully employed today than were so employed in 1933.

Is that failure?

No one claims that the whole problem is solved while there are men still unemployed. But it is apparent, at least to 9,000,000 men in this country who have directly benefited, and should be apparent to the business men, who have benefited more or less directly by this increased buying power, that the New Deal has come a long way toward a solution.

In his radio address delivered on December 28, 1935, the Honorable HAMILTON FISH, Jr., stated that as a result of the A. A. A. the United States has lost half her cotton-export trade. The answer to that is a quotation from the Department of Commerce summary of foreign commerce for November 1935. During the 4 months ending with November 1935 the United States exported 2,574,786 bales of cotton as against 1,894,142 bales for the same 4 months of 1934.

I might add, from the same source, that the total exports of American merchandise have risen from $1,147,176,000 worth of goods in 1932 to $2,021,089,000 worth of goods in 1935. And that, in the face of an acknowledged world tendency toward national self-sufficiency and a definite tightening of export markets.

With long faces our rock-ribbed conservatives point out that the election of a Republican President is the only thing that will restore confidence. It seems a contradiction in terms to speak of restoration of confidence in the same breath with deliberate misrepresentations and falsifications aimed at the destruction of the very thing they claim to seek to restore.

Bemoaning the fate of the poor wage earner who watches the skyrocketing of prices with grave dismay, they neglect to call attention to the fact that, whereas the cost of living has increased 2.9 percent under the New Deal, a legitimate sign in itself of business recovery, the average earnings of the working man have increased 6.8 percent.

The alarum seems more in the nature of a false alarm.

We are expected to accept without question the Republican promises of "a sound and workable program for the benefit of the American farmer, which will restore the foreign markets for our exportable farm surplus and protect our domestic markets for the American farmer." But I hardly think the farmer himself will prove so gullible. He was fed on promises too long by previous Republican administrations. He is going to demand to see the color of the chicken before he puts the pot on to boil.

In his December 28 speech Mr. FISH puts the blame for alleged unconstitutional enactments of the New Deal on a supine and rubber-stamp Congress. Yet he did not hesitate to conclude his remarks with the prediction that most of the Republican candidates for the United States Senate and Congress who will be up for reelection in 1936 will be for the nomination of Senator WILLIAM E. BORAH as Republican candidate for the Presidency, if for no other reason than in order to help get elected themselves.

Just what does that promise in the way of an independent, purposeful, and unmanageable Congress?

I shall not attempt to argue the Supreme Court's findings on the constitutionality of the N. R. A. and the A. A. A. If there was room for two opinions within the Supreme Court itself, it is not to be expected that opinions without it will be one and universal.

But I do take exception to the meaningless cry that the administration and the New Deal have broken with the Constitution of the United States as set forth for us by its framers. Let me point out that there have been 21 amendments to that original Constitution and each of them has broken with some expressed conviction of the men who framed it. It is extremely doubtful if they or the original Supreme Court itself would have passed on any of them as constitutional.

In the case of most of these amendments, existing conditions were the primary factor in passing upon the constitutionality. It is open to question whether existing conditions were given due consideration in the Supreme Court's ruling on the N. R. A. and the A. A. A.

Where, for example, were those who cry "dictatorship" when the eighteenth amendment was passed. The Supreme Court slept 10 years over that usurpation of State rights. And it took this allegedly socialistic administration to resubmit it to the will of the people.

The Republicans have launched their campaign. They have extended a friendly hand to the malcontents and renegades of the Democratic Party. They are prepared to weep on the necks of the American people over their sufferings under the New Deal.

It is up to the intelligent American citizen to decide for himself whether or not a wet collar is sufficient compensation for a return to the economic apathy of the Hoover administration.

ON "TAKING A WALK"

Mr. GRAY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAY of Pennsylvania. Mr. Speaker, on January 25, 1936, Gov. Alfred E. Smith made an address before the American Liberty League, which was officially replied to on January 28 by the Senate majority leader, JOSEPH T. ROBINSON, of Arkansas. In 1928 Governor Smith was the Democratic Presidential nominee and Senator ROBINSON was the candidate for Vice President.

Sufficient time has now elapsed for the stilling of our emotions, so that we can calmly and with some respect to reason examine the whole scene and threatened impasse brought about by the Governor's address.

In the meantime, many things have been said and done which might well have been left unsaid and undone. As one who campaigned with Governor Smith and whose political fortunes were tightly bound up with Smith's Senator ROBINSON has proper standing to criticize the position now taken by the Governor. It would be much better, in deed, if all who have since found fault with Smith were equally eligible to the right to belabor him for what he said in his Liberty League speech.

In the 1928 Presidential election Smith and Robinson carried eight States—Alabama, Arkansas, Georgia, Louisiana, Massachusetts, Mississippi, Rhode Island, and South Carolina. I admit the right of any official representative of any one of this group of States to express his disapproval of the utterances of Governor Smith insofar as it touches the Democratic Party organization and policy. Such men have solid footing when commenting adversely or otherwise on Smith's suggestion that nothing may be left for him and others who feel as he feels but to "take a walk" after the National Democratic Convention in Philadelphia this year.

I can go farther than that, and, grant the right and privilege of any individual, as an individual, expressing his own personal views on the subject; but I shall not agree that it is particularly palatable that Governor Smith shall be berated for suggesting that some may have to "take a walk"

when, and if the time comes, by those who themselves in 1928 led the way in "taking a walk", strayed away from their historic Democratic traditions and deserted the Democratic Party nominees, not because of any political principle involved, as is now involved, but on altogether reasonless and personal grounds.

I want to express my thought on the subject and wish that I might give it directly to the Governor himself. As a Democrat from the North, particularly as a Pennsylvania Democrate, with a lifetime of service to the Democratic Party in Pennsylvania, with generations of Democratic Party devotion behind me, and as one who believed in and followed Governor Smith's leadership in 1928, I am entitled to a hearing on this subject.

Governor, you would not say that years and years of Democratic Party affiliation in Pennsylvania, since 1860, let us say, was an indication that a man was in a party for the sake of profit. You would give him the benefit of the doubt, if there were any, and say he must have been actuated by deep and abiding principles—right or wrong—in which he believed and on which he tacked his faith.

As one who claims to be that kind of a Democrat not in years but in principles, and one who joyed at the terrific blow you delivered to the Republican machines in Philadelphia and Allegheny Counties, from which, by the way, they are not likely ever to recover, I have a right to talk "United States" to you.

Governor Smith, we Pennsylvania Democrats have been a sorry lot in a melancholy state. It has not been just the proper caper to be a Democrat in our State—not for many, many years. It has been rather an unmixed evil. It did not advance one in politics, in society, in business, or in the professions, or in finances. Whereas in some parts of the country it was eminently proper, polite, politic, and profitable to be a Democrat; in Pennsylvania it was just the reverse, and a Democrat in most sections of that State was looked upon as a fool for principle or a fanatic, or a nitwit, fairly sensible in a way, but more or less non compos.

Now, Governor, whom do you suppose you may walk out on? Certainly not on those who walked out on you in 1928. You are walking out, if you do walk out—and I have my doubts that you will—on those of us who did not walk out on you. Do you know how much you increased the Democratic vote in Pennsylvania in 1928?

John W. Davis received for President in 1924, 409,192 votes in our State. In 1928 you, Governor, received 1,067,586 votes, and you remember the kind of a campaign that was urged and waged against you. You remember the "hot stuff" pulled out of the hat of the Republican National Committee.

What about the 15,016,443 who supported you, stuck by you, and voted for you in 1928? You have no right to walk out on us, Governor, just because the going gets tough. A democracy is the people's business and must always remain the people's business, and the Democratic Party is the people's party in that democracy, and it is your business as a great Democratic leader to keep it such. A democratic form of government must of necessity depend mainly for its success upon men who feel the pulse beat of the common aching heart and who speak the inarticulate thoughts of the striving hosts of men.

No, Governor; you have no right to walk out on us, regardless of the provocation. It is your duty to help our Democratic ship steer a safe course through the turbulent mounting billows of discontent, depression, and impending disaster.

I really think, Governor, that is what you are trying to do when you suggest "taking a walk." But as for actually doing that, you know you should not do it. You must not "walk out" on more than 15,000,000 Democrats in these United States and more than 1,000,000 in Pennsylvania. You would not think of such a thing.

ANDREW JACKSON

Mr. WHITE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITE. Mr. Speaker and Members of the House, we all revere the memory of Andrew Jackson. Much has been written and said about this great Democrat. Many times when I hear present-day speakers proclaiming their allegiance to Jacksonian democracy I wonder, if they had lived in his time and had been called upon to take part in the fight waged by this champion of the common people, whether they would have espoused the cause—"Jacksonian democracy"—and faced the odds opposing Jackson with the zeal and devotion they profess today.

Read the account of President Jackson's fight against the money power during his administration as written by a Republican—a Lincoln Presidential elector.

Everyone should read the history of the great battle between Andrew Jackson and the money power in Benton's Thirty Years in the Senate.

History on the money question is simply repeating itself. In Jackson's time we had but one great corporation in the United States—that was the old United States Bank, with a capital of $35,000,000 and a charter that expired in 20 years. The great money power of that generation was concentrated in that bank and its branch banks in all States of the Union. Thirty-five millions do not seem very big when compared with the corporations we have now, but the old United States Bank had one vast advantage over all other corporations. We had no United States Treasury then, separate and apart from that bank, and the laws then required that all the money belonging to the Government should be deposited in that bank. This gave its managers millions of money and vast power, for money was worth from 1 to 5 percent a month, and no restraint on the amount they could issue, except their good faith. Banks then printed their own paper money and the law permitted them to circulate $5 in paper money for $1 of capital, with no restraint except their good faith to prevent them from circulating $100 to $1 of their capital, which was often done.

Nicholas Biddle was president of the great bank. He was the money king of that day and generation. He lived in a marble palace on the banks of the Delaware, 15 miles above Philadelphia, and there in that palace of pure white marble, with great Corinthian columns, this money king dispensed hospitality equal to almost any king in Europe. Thousands of people thought him vastly greater than General Jackson.

Sometime before Biddie's charter expired he took a trip to Washington to have a talk with his then friend, Jackson, about a new charter for his bank. The old one was to expire in 1836, and as Jackson was a candidate for reelection he thought it would be a good thing to tell him about the vast power of his bank and its many branches. He told Jackson that the merchants and men of affairs through all the States were, as a rule, largely indebted to his banks and that through the influence of his branch banks he could control the election in any State in the Union. Then up rose Andrew Jackson and, with suppressed emotion, said: "Mr. Biddle, if that is true, and I think it is, I tell you here and now, that if you can control the election in any State in the Union, that is too much power for one man to have in a free country in time of peace. And I will tell you further, here and now, that if you can get a new charter from Congress for that bank, by the Eternal, I will veto that charter."

Then the great money king set himself to work to defeat the election of Andrew Jackson. The first thing that Banker Biddle did was to buy up or influence all the great Democratic papers that were for sale from Boston to New Orleans. They even bought Jackson's home organ, the old Washington Globe, edited by Jackson's personal friend, Gen. Duff Green. When Jackson saw them using Government money to buy up Democratic papers, editors, etc., he said to his Secretary of the Treasury: "Mr. Duane, I don't want you to put any more Government money in that bank; it will blow up; the money is not safe." But Mr. Duane was himself a banker and a very rich man for that day. Of course, he was in sympathy with the money power and he said: "I can't obey that order." Then, he was told to take an indefinite furlough for the benefit of his health and Jackson put Roger B. Taney in his place, the man who afterward became Chief Justice of the United States.

Clay, Webster, and Calhoun were then all in the United States Senate and all candidates for President against Jackson. Benton, Jackson's great defender, called them "the great triumvirate." At the proper time these great men made great constitutional arguments to show how Jackson had turned Cromwell and was trampling the Constitution and the liberties of the people underfoot.

The next move Biddle's henchmen made was to get up "honest" Democratic meetings—"honest" primaries to denounce and head off the President.

A great anti-Jackson, an "honest" Democratic meeting of this kind, was held in Philadelphia, where the great bank was located, at which they gave a free dinner to 80,000 men—all paid for by the great bank. They appointed a committee of 300 Democrats to go to Washington and ask Jackson to desist from his course in ruining the country. When this committee got to Washington, one of these pride-swollen bankers so far forgot himself as to say to the President that if he persisted in his course the people would rise up en masse and come to Washington with shotguns, pitchforks, and anything that would kill "to expel the Goths from Rome." Jackson replied: "Do you come here to threaten me?

If you men dare to put any of your big threats into execution, by the great Eternal, I will hang you high as Haman!"

For a time it did look blue for Old Hickory. It seemed as if he was being forsaken by all his friends. But after a while it began to be seen that for each great banker that left him four or five honest farmers, mechanics, and laborers came to him.

When the election was over and the vote counted, Andrew Jackson, the hero of the people, had swept the whole country by storm. He had more majority than the other candidates had votes. Then the Democrats rejoiced.

Of the millions who (now) inhabit our great Republic how many know that such a man as Nicholas Biddle ever lived? His marble palace is gone, and in the wreck of his great bank only $20 was found to redeem a paper circulation of over a hundred million.

Andrew Jackson was indeed a great man. His name will live forever with the Republic. He saved the people of his day from the grinding curse of a moneyed aristocracy. (Charles Schreiner, a Lincoln Presidential elector in 1864. Courtesy O. J. Lynge, Ponderay, Idaho.)

Truly, history repeats itself. We are confronted today with the business of 120,000,000 people in this country prostrate before the organized greed of an entrenched money power, with the public mind confused by cunning and misleading statements adroitly put out to conceal their machinations and true state of facts concerning the cause for the financial difficulties that have overtaken the country due to the overthrow of the very principles that President Jackson successfully defended and maintained and the domination of the forces he opposed, now in control of the Nation's finance and credit.

MILITARY ROAD

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent that House Joint Resolution 330, to close Military Road temporarily, number 505 on the Union Calendar, be recommitted to the Committee on Military Affairs for further consideration.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

EXTRAVAGANCE OF GOVERNMENT

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech I made over the radio on last Saturday night.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I include my radio address made over the Columbia Broadcasting System on February 1, 1936, as follows:

I should like at the very outset to give you a note of warning. It is this: If the Nation is living within its income, its credit is good, but if, like a spendthrift, it throws discretion to the winds, is willing to make no sacrifice at all in its spending, extends its taxing to the limit of the people's power to pay, and continues to pile up deficits, it is on the road to bankruptcy.

Perhaps my listeners recognize that warning as having been uttered before. It was. It was made by Candidate Roosevelt at Pittsburgh, October 19, 1932. It is the surest self-indictment ever uttered by any man.

In the more than 3 years that have passed since Candidate Roosevelt sounded this solemn truism, we in the United States have lived in an unprecedented era of spending. We have been under the thumb of the spendthrift. At no time since March 1933 has our Budget been balanced. Continuously since that time we have piled up huge deficits. If we but take his own warning in the face of this sorry condition, then the country truly is on the road to bankruptcy.

Never before, I repeat, have we seen in this country such utter disregard of sound governmental finance. Never before have we seen so much money spent, such debts accumulated, such deficits piled up.

Already this year, with but a little more than half of the fiscal year gone, the New Deal deficit is more than $2,000,000,000 and about $13,000,000,000 since 1933. The public debt, when Mr. Roosevelt came into office was $20,934,728,350. That was the public debt on February 28, 1933. Under the loose fiscal policies of the New Deal that debt has grown until on December 31—a month ago—it had reached the unprecedented figure, an all-time high, of $30,557,324,062. And instead of the Government living within its income, it was spending approximately $2 for every one taken in.

Now Mr. Roosevelt is himself responsible for the statement that the credit of a nation is good only when that nation is living within its income. He also has been responsible for the statement that at the very top of the credit structure of the country are the obligations of the Federal Government, and that those obligations suffer only to the extent that Government is permitted to be extravagant, wasteful, and ill-managed.

He said further in relation to this, and I quote: "They suffer if the Federal Budget is not balanced, and particularly where the deficit of 1 year is not cleared up in the succeeding year."

Consequently by his own word Federal obligations are suffering because the Budget is not balanced, and certainly the deficits instead of being wiped out from year to year are being added to.

How the Roosevelt administration is spending the taxpayers' money is as important as the amount it is spending. In the few minutes at my disposal I intend to discuss not only how much is being spent but where it is going, and I entertain the conviction that all of you are necessarily and equally interested in this.

To use another platitude of the President, I want to recall to you that he said, and I quote: "Too often in recent history liberal governments have been wrecked on rocks of loose fiscal policy."

Every honest, thoughtful citizen approves that statement. But it has not been lived up to by the Roosevelt administration. One of the first acts of the New Deal was to introduce two budgets instead of one, as had been the practice in this country for 150 years. That was the start of a loose fiscal policy. The purpose of two budgets, as I pointed out nearly 3 years ago, was for the distinct and very definite purpose of fooling the people about Federal expenditures, and my statement at that time was most prophetic in the light of present-day facts.

The two budgets simply help to furnish an alibi for New Deal spokesmen, who everywhere are trying to defend the extravagant expenditures of the present administration. They are continually crying out, until unfortunately they have made some people believe it, that it is only the relief burden that is unbalancing the Budget. That is far from the truth. While I know that the enormous and, in all too many instances, wasteful expenditures for relief have been a factor in keeping the Budget unbalanced, do not let them fool you for a moment that it has been the only cause for the increased cost of your Government under President Roosevelt. The fact of the matter is that routine costs of Government have mounted tremendously, and routine costs are wholly aside from expenditures being made as emergency expenditures.

The expenses for conducting ordinary Government in the last year of the Hoover administration amounted to $3,865,000,000, while the expenses in prospect for the fiscal year 1936–37 for the same purpose, and I again emphasize not for emergency purposes, show an increase of a little short of $1,000,000,000, or an increase of 23 percent, under an administration that was pledged to reduce these same expenditures 25 percent.

Now, that is only one side of the picture. The other side which necessarily is a part of that picture, is that while these normal expenditures have constantly increased, revenues also have increased. This means that if President Roosevelt and his New Deal were giving this country even the semblance of efficiency and frugal management there would not be the budgetary problem which in its present form, as Mr. Roosevelt has said himself, leads to bankruptcy.

An additional fact is that the taxpayer's money has been expended in ever-increasing amounts in practically every one of the departments of Government. Current appropriation bills show this. And the answer, to some extent, is that the New Deal has made constant additions to the Government pay roll for the regular departments, in a very palpable effort to build up a tremendous political machine.

According to the Civil Service Commission's report of November 30, 1935, there were 602,230 employees in the regular departments of the Government. When Mr. Roosevelt came into office there were 572,091 in the same regular establishments. Now, this is an increase of 30,139, and, mind you, that increase is in the regular establishment. Now, let us examine the number of New Deal employees added to so-called emergency New Deal agencies. The total number on November 30, 1935, according to the Civil Service Commission, was 197,849, and if you add the 30,139 increase in the regular branches, you find that in less than 3 years of New Deal government there have been added 227,988 employees. Most of these are outside the civil service. They are for the most part political appointments. And these figures of increases that I have given you do not include the military, legislative, or judicial branches or the thousands of part-time employees on the pay roll.

Now, this has been done by a man who pledged himself to uphold 100 percent the platform on which he rose to the Presidency. Need I remind you again that one of the principal planks in that platform was a reduction by 25 percent of the costs of government?

The personnel increase, however, is only one source of increased spending. Another, and by far more reprehensible, waste is involved in the terrific extravagance surrounding silly boondoggling projects, which fail utterly to create jobs anywhere near commensurate with the money frittered away.

A few days ago the President, speaking at Newark, N. J., expressed the hope that we were boondoggling ourselves out of the depression. He ought to be a judge, for his administration has furnished more jazz music for the American people to dance to than any other administration in history. But he seems to have forgotten one important thing, and that is that he who dances must pay the fiddler. You taxpayers will be paying this New Deal fiddler for many years to come. Your children will be paying him and your children's children will be paying him.

I want to give you just a few samples of some of the ways Mr. Roosevelt is spending the taxpayers' money. Some $25,000 has been allocated to build a dog pound, to be equipped with shower baths, to take care of stray dogs in Memphis, Tenn. Among the drama projects—and there are many—there has been set aside

$330,000 to equip and send out over the country a New Deal theatrical troupe, probably to furnish amusement for relief workers on useless W. P. A. projects.

There is such a multitude of these boondoggling projects of the more fantastic varieties that it is difficult to pick out the most fantastic among them.

I am inclined to believe that when President Roosevelt said at Newark on January 18 last—and I quote him—"If we can boondoggle ourselves out of this depression, that word is going to be enshrined in the hearts of the American people for years to come", he was both apologetic and at the same time expressing a forlorn hope. The haphazard way in which relief funds have been used on hundreds of these ludicrous schemes spells waste and rank extravagances which the Roosevelt administration never will be able to live down.

There was another note of apology in the President's Newark speech, and it requires no exaggeration to interpret in this note a desire of the President to shift responsibility. It is obvious, of course, why the President wishes to do this. It was the second time he somewhat plaintively sought to say, "Someone else, not I, is responsible for these wasteful projects." Mr. Roosevelt cannot escape responsibility. He has had to approve these projects before W. P. A. money was made available for them. It was his power; he insisted on having it; he exercised it. The burden is on his doorstep.

To sum it all up—the taxpayer's money is today being spent with unparalleled prodigality in every department of the Government. And notwitstanding the billions we have wasted, Mr. Hopkins says we still have a peak load on relief. That tells the real story of the success of the administration in boondoggling, regimentation, raking leaves, and pump priming. In fact, we have tried everything under the "trial and error" rule of this administration except the American way of working, saving, and paying our honest debts.

The present regime is not only abhorrent to the average citizen but it is destructive of that thrift, energy, and spirit that made America what it is today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WARREN, for 1 day, on account of official business.

To Mr. CROWE, for today, on account of important business.

To Mr. DARDEN, indefinitely, on account of illness.

To Mr. GRAY of Indiana, for the balance of the week, on account of illness.

To Mr. HIGGINS of Connecticut (at the request of Mr. PLUMLEY), indefinitely, on account of serious illness in family.

To Mr. PARSONS, for an indefinite period, on account of attending a funeral.

SUPREME COURT VS. NEW DEAL DICTATORSHIP

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, including a radio address delivered by me.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I include the following address delivered by me over the National Broadcasting Co. network Saturday evening, February 1, 1936:

Before discussing the subject of my remarks this evening I propose to digress for a few minutes to make certain observations.

The other night Senator ROBINSON, in his attack and attempt to smear Governor Smith, which, after all, is a Democratic dog fight, nevertheless failed to answer the specific charges that the various planks of the Democratic platform had been violated and repudiated by the New Deal administration.

We Republicans are perfectly willing to let the Democrats call each other pet names, and even invent a few for the edification and entertainment of the public. It is the old story of the pot calling the kettle black. It is not, however, my fight, but it must be obvious to all the onlookers on the side lines that the New Dealers cannot take criticism from either Republicans or Democrats. The feathers are still flying where the shot hit, and it is beginning to look as though Al Smith's hot shot was only the first of a barrage of feather-producing shots from Jeffersonian Democrats. Al Smith, John W. Davis, former Governor Ritchie, former Governor Ely, Bainbridge Colby, Lewis Douglas, former Senator Jim Reed, William R. Hearst, Governor Talmadge, and a host of other Democrats are scattering hot shots, pot shots, and buckshots liberally into the New Deal vulture and filling the sky with clouds of feathers. We Republicans have no objection to the softening up process, as it makes it easier for us to land the knockout wallop next November.

My good friend JOE ROBINSON referred to me in his speech as being alarmed about the Communists. I am not in the least alarmed. All I suggest is that alien Communists or alien Fascists or Nazis, or even alien conservatives who do not like our laws and institutions, and who teach class hatred and spread poison against our form of government, should be deported back home and their jobs given to loyal American citizens walking the streets who believe in our American institutions. I suggest to my good friend JOE ROBINSON that if his party would throw out the host of young radicals, Socialists, and near Communists, never before affiliated or identified with the Democratic Party, who are now shaping its policies, and give their jobs to loyal Jeffersonian Democrats, that the split in the Democratic ranks might be patched up before the New Deal loses all of its feathers.

I am sorry that the great speech of Senator BORAH pitched on a high constitutional level and calling for a living platform in the interest of the American people was not broadcast on a coast-to-coast network. He is a great American and a standpatter for the Constitution, the powers of the Supreme Court, preservation of the home market for our wage earners against competition of the pauperized labor of Japan and Europe, and for Americanism against internationalism. He will speak over a coast-to-coast network from 10 to 10:30, eastern standard time, on Washington's Birthday, Saturday evening, February 22, and I hope all those who believe in the fundamental principles of our Government and the restoration of constitutional and representative government in opposition to political and economic dictatorship and the reestablishment of a government by law instead of Executive orders will listen in and arrange BORAH dinners and meetings for that purpose.

A Borah-for-President national committee will open officially next Monday at the Hotel Willard at Washington, D. C., under the direction of Hon. Carl G. Bachmann, a former Republican whip of the House of Representatives, and all Borah clubs and supporters should communicate directly with him there. I am for Senator BORAH because I believe he has the greatest appeal to the mass of voters. I appreciate he is not popular with the big interests and the reactionary politicians. If he has the support of the rank and file, he should be nominated, as that is the surest way to win; otherwise I am for the strongest candidate that is developed—preferably from the West, and with a liberal record.

As a comprehensive five-point, or quintuple, Republican program after all the New Deal feathers have been plucked, I suggest the following platform, upon which all conservatives and liberal Republicans can unite:

1. Repeal of Franklin "Deficit" Roosevelt.

2. Liquidation of the "brain trust" termites—Rexford Guy Tugwell, Felix Frankfurter, the Corcorans, and the Cohens—and of class hatred and state socialism.

3. Liquidation and repeal of all unsound, un-American, socialistic, and unconstitutional New Deal acts that have destroyed confidence and prolonged the depression.

4. The restoration of the powers usurped from the Congress and the States and the reestablishment of a government by law, in place of economic and political dictatorship through Executive orders. The preservation of the powers of the Supreme Court and of the Constitution against usurpation or nullification by both the Congress and the President.

5. The enactment of sound workable and constitutional agricultural legislation for the benefit of the farmers of the South and of the West and the restoration of the vanishing foreign markets and a price parity, or an equilibrium between the products of the farms and the protected industries of the North and East.

The Constitution of the United States in spite of what the Communists, Socialists, radicals, and a growing number of New Dealers tell the American people—that it is a scrap of paper for the benefit of special privilege, wealth and private property—is the greatest charter of human liberty ever devised by the mind of man. It is what makes for the rights and liberties of the American people and of popular government. It is the safeguard of our free institutions and representative and constitutional form of government, as opposed to the autocracies and dictatorships of the Old World. It is the bulwark against dictatorships of the left and of the right, communism and socialism on one side and of fascism and Hitlerism on the other.

The Supreme Court of the United States stands like a rock against political and economic dictatorship, while a supine and subservient Congress is surrendering, under the whip and spur of party patronage and upon the arrogant demands of President Roosevelt, its legislative powers and functions. It has not been the servile and partisan Congress that has withstood the encroachments and usurpations of the Chief Executive upon its constitutional powers, which it has delegated away in a cowardly manner, but the Supreme Court that has boldly declared that such delegation of power as in the N. R. A. case was in violation of the letter and spirit of the Constitution. More recently the Supreme Court held that the Federal Government—that is, both the Congress and the President—had usurped the powers of the States in the triple A. Every writer on government for a hundred years or more has pointed out that when the executive powers are combined with the legislative powers you have tyranny. A rose by any other name smells as sweet, and a dictatorship by any other name smells as rotten.

Thank God for the Supreme Court of the United States, which, without fear or favor, continues to uphold our representative and constitutional form of government in spite of the efforts of the New Deal termites like Rexford Guy Tugwell and the other members of the "brain trust", who seek to undermine our American system and the Constitution itself.

Al Smith was right when he called the Constitution the civil bible of America, protecting the rights of the minority—racial and religious—and upholding the rights and liberties of large groups of American citizens who are vitally interested in the preservation of constitutional government.

I am not one of those who believes that the Constitution must not be amended in an orderly manner and in accordance with

the methods prescribed, by a two-thirds vote of Congress and three-fourths vote of the legislatures of the various States. Personally, I am inclined to believe that the less tampering we do with the Constitution and with the powers of the Supreme Court the beter it will be for the American people. I am opposed to curbing the powers of the Supreme Court to pass on acts of Congress and so is the Republican Party. We will welcome a clear-cut fight with the New Dealers on this issue.

I am strongly opposed to any and all the proposals suggested to destroy the power of the Supreme Court to hold acts of Congress unconstitutional. The general plan suggested is to give Congress a free hand to control wages, industry, and farming through national planning or economy without regard to the rights of the States or the limitations provided in the Constitution.

If such an amendment were adopted, and God forbid, we would be launched into fascism, Hitlerism, and sovietism over night. It would mean the creation of a gigantic and crushing bureaucracy at Washington which would attempt to regiment and control every human activity. It would mean the destruction of our free institutions, State and local governments, and the establishment of collectivism and State socialism on a stupendous scale. Our experience with the N. R. A. should be a sufficient lesson as to what to expect.

The improvement of business conditions dates from the decision of the Supreme Court holding the N. R. A. unconstitutional and doing away with the mass of bureaucratic edicts and restrictions and resulting confusion that the attempt to control seven or eight hundred different businesses from Washington created. The fact is that the N. R. A. had failed and collapsed of its own weight before the Supreme Court decision. It is physically impossible to control hundreds of industries through bureaucracies at Washington without confusion, graft, and inefficiency. No one denies that some provisions of the N. R. A. were good and praiseworthy, such as doing away with sweatshop hours and wages and child labor in certain industries. The President loves to harp on the child-labor provision of the N. R. A., but the fact is that most of the Northern and Eastern industrial States had child-labor laws long before N. R. A. and the dozen States without such laws are practically all Southern Democratic States. Let the President use his influence with these States and stop his child-labor political propaganda in order to curry favor for the unconstitutional N. R. A. and thereby befog the issue.

A large part of the New Deal legislation was obviously in defiance of the provisions of the Constitution and usurped the powers of the Congress and of the States. It was nothing more or less than government by nullification, which that fearless old Democratic President, Andrew Jackson, in whose memory the New Dealers recently held a Belshazzar's feast at Washington, pronounced to be treason. As one after the other of the New Deal nullification measures are held unconstitutional these "brain trusters" and New Deal termites are more than ever determined to undermine and destroy the Constitution and particularly the power of the Supreme Court. We Republicans are prepared to accept the challenge and say "Lay on Macduff; and damn'd be him that first cries, 'Hold, enough!' "

The New Dealers, since the two great props of their new social and economic order, the N. R. A. and A. A. A., have gone the way of all other nullification measures, are floundering around uncertain how to proceed, and afraid to inject a direct constitutional amendment empowering Congress to regulate and control wages, hours, industry, and agriculture without constitutional restrictions. After a few more decisions by the Supreme Court, such as holding the Guffey coal bill, the potato amendment, and the Bankhead cotton bill unconstitutional, the logic of events and the desperation of the New Dealers in seeing the entire unconstitutional fabric of their experiments crumble away and disappear, will force them to advocate a constitutional amendment providing for economic or national planning. It will be highly interesting and politically diverting to witness the trials and tribulations of the dyed-in-the-wool Democrats of the South try to side-step this death blow to State rights.

We Republicans, however, will not retreat from any attack directed against the Supreme Court or any attempt to undermine its influence or curb its powers. We propose to uphold and defend both the Constitution and the Supreme Court and to preserve for ourselves and for generations of free unborn American citizens the rights and liberties guaranteed in the Constitution and the blessings of orderly representative and constitutional government. We do not deny the right of any individual or party to propose a change in the Constitution, but we will fight in every way within our power the New Deal efforts to undermine and destroy the power of the Supreme Court to hold acts of Congress invalid when in violation of the provisions of the Constitution. If this power of the Supreme Court is destroyed, the Congress might legislate the President out of office and establish a dictatorship of their own.

The "horse and buggy" days are preferable to the plain buggy days of bureaucracy, regimentation, collectivism, and squandermania. The American people have a right to change or alter their form of government, but let us not throw overboard the experience, wisdom, and safeguards of the past, under which we have become the greatest, richest, and most powerful nation in the world, with the freest people and the highest standards of wages and of living. Let us steadfastly refuse to import foreign principles of government to undermine our American system in order to erect a gigantic dictatorship at Washington based on some imported form of either nazi-ism or communism.

Thank you and good night.

THE FRAZIER-LEMKE FARM-MORTGAGE REFINANCING BILL

Mr. MOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech that I made over the radio last Friday.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MOTT. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address which I delivered at Washington, D. C., over the National Broadcasting Co. network during the program "Congress Speaks" Friday, January 31, 1936.

The recent action of the Supreme Court in holding the Agricultural Adjustment Act to be unconstitutional has put the farm problem squarely up to the Congress. It remains to be seen whether the majority in Congress are willing now to assume their constitutional duty and responsibility as lawmakers and to report out and enact farm legislation of their own making, or whether they will follow their usual custom of doing nothing on their own account and content themselves with merely rubber stamping whatever new farm bill the President and his Secretary of Agriculture may choose to send them as a substitute for the invalidated Triple A.

The history of the Democratic majority in Congress from the day of President Roosevelt's inauguration down to the present moment would seem to indicate that they will probably do the latter. From the opening day of the Seventy-third Congress in March 1933 this overwhelming 3-to-1 administration majority in Congress has refused altogether to legislate on any subject. They have delegated their effective power to make law to a small group of men not in the legislative department but in the executive department who, under the Constitution, have no authority whatever to make law.

The A. A. A., for example, was made by Wallace, Tugwell, and a group of ex-college professors in the Agriculture Department, whose names would be quite unfamiliar to most of those who are listening to me. The majority in Congress had nothing to do with the making of it, and the minority was not even permitted to try to make a good bill out of it by amendment. The minority also sought to offer a complete farm program of its own as a substitute for the A. A. A. This offer was rejected by a straight party vote, and the minority was told it could take the Triple A just as the professors wrote it, or nothing.

Now that the Supreme Court has thrown out the work of the professors, and the administration has openly admitted that it has nothing to offer in its place except a substitute bill which was written by the same professors and which has for its purpose the doing of precisely that which the Court has emphatically said cannot be done without a constitutional amendment, the minority in Congress today is trying very desperately again to secure consideration for its own farm program, a program for which it has been fighting in Congress for 3 years and the enactment of which—let make it perfectly plain—has been prevented to date solely through what we believe to be the unwarranted opposition and interference of the President and his Secretary of Agriculture in a matter which is the exclusive business of the Congress.

I think every farmer is familiar with the minority's farm program in Congress. The program consists of three major bills—the Frazier-Lemke farm-mortgage-refinancing bill, the cost of production bill, and the export-debenture bill. Almost every farm leader who is recognized by the farmers themselves as an authority has endorsed this program * * * Nearly every unit of the two great national farm organizations—the Grange and the Farmers' Union—has endorsed it. A majority of the States of the Union through formal resolutions of their State legislatures have repeatedly memorialized Congress to enact at least a part of this program at once. Thirty-three State legislatures, for example, have petitioned the Congress to enact the Frazier-Lemke refinancing bill, which is the keystone in the arch of this program. The Agriculture Committee of the House of Representatives has favorably reported this bill.

More than a majority of the entire membership of the House have attached their names to a discharge petition demanding a vote on this bill. And yet, with all of this support and demand for a real effective and constitutional farm program the majority leaders of the House, who dictate the making of the rules of that body and who are themselves controlled entirely by the dictates of the Chief Executive in this regard have succeeded to date in preventing a vote either on the Frazier-Lemke bill or on any other part of the farm program of the Congress. They have done this through the control of the Rules Committee, which is the political committee of the House, and without whose permission no vote can be taken on any bill except on a petition signed by a majority of the whole membership of the House. Many more than a majority, which is 218, have at different times signed the petition to force a vote on the Frazier-Lemke bill. But we have never been able to get 218 signatures on the petition at any one time, because whenever we approached the 218 mark the Democratic leaders have persuaded a few of their brethren to withdraw their names. We have 211 signatures on the discharge petition today and require only seven more to compel a vote on the Frazier-Lemke bill.

I am addressing myself here particularly to the farmers who are supporting this legislation and who are interested in knowing why

the Frazier-Lemke bill has not been voted upon and who has been responsible for preventing the vote on it. So far as these farmers are concerned, I know it is not necessary for me to discuss the provisions either of the Frazier-Lemke bill or any other part of the farm program I have referred to. For the benefit of others, however, who may not be so familiar with it, I want to take the remaining time to comment very briefly on just one of the three bills making up this legislative program.

Of these three bills the Frazier-Lemke bill is, of course, the most immediately necessary and the one which has the best chance of passage at the present session, in spite of the opposition of the President. The bill embraces a comprehensive, carefully worked out national plan for permanently lifting the farmer out of his present state of insolvency through the refinancing of the impossible mortgage load which agriculture, as a national industry, is now carrying. It undertakes to refinance all farm mortgages at a rate of 1½ percent a year to be applied on the interest and 1½ percent a year to be applied on the principal, the whole loan to be amortized over a period of 47 years. As security for these loans the Government takes the farm mortgages themselves. Upon these mortgages farm-loan bonds are issued, which are held by the Treasury as the basis and security for a new issue of Government notes with which the refinancing is done. The amount required will be $3,000,000,000. The provisions of the bill for annual repayment of principal and interest are such that a greater amount than three billion will not be outstanding at any one time, the money received by the Treasury annually from installments of principal and interest being reloaned until the refinancing of all farm mortgages is completed. It is generally conceded that under this plan the farmer can and will repay his loan.

It is conceded also that the Government will not only not lose money in this refinancing, but that it will actually return a profit to the Government. It is conceded further by most financial experts that this refinancing plan is not inflationary, as some of its opponents contended when the bill was first introduced. And finally it is conceded, and this is important, that the Frazier-Lemke bill is entirely constitutional.

The problem of farm-mortgage refinancing is no longer a matter which concerns only the farmer. It has become a national necessity. One-third of our entire population is engaged in agriculture. For years they have been without buying power and the little buying power they have now is steadily decreasing. With one-third of our population deprived of the ability to purchase the goods and services of the rest of the population, it is admitted by nearly everyone now that the rest of the population cannot prosper, and that unless agriculture can be given a new lease upon life, not only will the future of the farmer be a hopeless one, but that the future of every other industry will likewise be hopeless.

The people of the United States have very emphatically demanded that this condition be remedied and the majority of the people of this country, as well as a majority of the Members of Congress, believe that the Frazier-Lemke bill and its companion legislation is the proper method of solving the problem. With all of this support, therefore, we think there is ground for believing that we shall prevail at the present session in spite of the opposition of this administration.

SENATE BILLS REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3398. An act to establish the Air Corps Technical School and to acquire certain land in the State of Colorado for use as a site for said Air Corps Technical School and as an aerial gunnery and bombing range for the Army Air Corps; to the Committee on Military Affairs.

S. J. Res. 196. Joint resolution to correct errors in the enrollment of Private Act No. 349, Seventy-fourth Congress, approved August 29, 1935, and to clarify the duties of the Comptroller General in connection with said act; to the Committee on Claims.

ENROLLED JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 307. Joint resolution authorizing the erection of a memorial to the early settlers whose land grants embrace the site of the Federal City.

ADJOURNMENT

Mr. O'CONNOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p. m.) the House adjourned until tomorrow, Tuesday, February 4, 1936, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

645. A letter from the president of the Potomac Electric Power Co., transmitting a report of the Potomac Electric Power Co. for the year ended December 31, 1935; to the Committee on the District of Columbia.

646. A letter from the president of the Washington Railway & Electric Co., transmitting a report of the Washington Railway & Electric Co. for the year ended December 31, 1935; to the Committee on the District of Columbia.

647. A letter from the treasurer of the Washington Rapid Transit Co., transmitting a copy of the balance sheet of the Washington Rapid Transit Co. as of December 31, 1935; to the Committee on the District of Columbia.

648. A letter from the president of the Washington Gas Light Co., transmitting a detailed statement of the business of the Washington Gas Light Co., together with a list of stockholders, for the year ended December 31, 1935; to the Committee on the District of Columbia.

649. A letter from the president of the Georgetown Gaslight Co., transmitting a detailed statement of the business of the Georgetown Gaslight Co., together with a list of stockholders, for the year ended December 31, 1935; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KING: Committee on Naval Affairs. H. R. 9999. A bill to authorize an exchange of land between the Waianae Co. and the Navy Department; without amendment (Rept. No. 1932). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. House Resolution 407. Resolution calling upon the Secretary of the Navy for information concerning the failure of the Marine Band to fulfill its engagement to render a musical program at a meeting of the Women's Patriotic Conference on National Defense (Rept. No. 1931). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES: A bill (H. R. 10835) to promote the conservation and profitable use of agricultural land resources by temporary Federal aid to farmers and by providing for a permanent policy of Federal aid to States for such purposes; to the Committee on Agriculture.

By Mr. PATTON: A bill (H. R. 10836) to authorize the preparation of a comprehensive plan for controlling the floods, regulating the flow of waters, land reclamation, and conserving water for beneficial uses, in the basins of the Sabine and Neches Rivers, and for other purposes; to the Committee on Flood Control.

By Mr. KNUTSON: A bill (H. R. 10837) to provide for the sale of certain land in Crow Wing County, Minn.; to the Committee on Military Affairs.

By Mr. MOTT: A bill (H. R. 10838) to provide for the issuance of permanent contracts to all contractors and subcontractors on star routes, compensation thereon, establishing a preferred list covering former contractors, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. RAMSAY: A bill (H. R. 10839) to regulate the jurisdiction of the inferior Federal courts of the United States of America; to the Committee on the Judiciary.

By Mr. SCRUGHAM: A bill (H. R. 10840) to convey certain lands and buildings to Capital Post, No. 4, the Amer-

ican Legion, Carson City, Nev.; to the Committee on Public Buildings and Grounds.

By Mr. TONRY: A bill (H. R. 10841) to provide for giving preference to citizens in the employment of labor on projects financed wholly or in part with Federal funds; to the Committee on Labor.

By Mr. COCHRAN: A bill (H. R. 10842) to amend section 21 of the Permanent Appropriation Repeal Act of 1934, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. HOFFMAN: A bill (H. R. 10843) to amend paragraph A, section 51 (Title I–Income Tax) of the Revenue Act of 1934; to the Committee on Ways and Means.

By Mr. McSWAIN: A bill (H. R. 10844) to recognize civilian service during period of construction of the Panama Canal in determining rights of officers of the Regular Army; to the Committee on Military Affairs.

By Mr. WOOD: A bill (H. R. 10845) to amend the act entitled "An act to regulate steam engineering in the District of Columbia", approved February 28, 1887, as amended March 4, 1925, and to provide for the licensing of firemen operating steam boilers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. EVANS: A bill (H. R. 10846) to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries; to the Committee on Claims.

By Mr. McSWAIN (by request): A bill (H. R. 10847) to authorize the acquisition of land for cemeterial purposes in the vicinity of New York City, N. Y.; to the Committee on Military Affairs.

Also (by request), a bill (H. R. 10848) to amend the act approved February 7, 1913, so as to remove restrictions as to the use of the Little Rock Confederate Cemetery, Ark., and for other purposes; to the Committee on Military Affairs.

Also (by request), a bill (H. R. 10849) to authorize an appropriation for improvement of ammunition storage facilities at Aliamanu, Territory of Hawaii, and Edgewood Arsenal, Md.; to the Committee on Military Affairs.

By Mr. SWEENEY: A bill (H. R. 10850) to extend the provisions of the 40-hour law for postal employees to watchmen and messengers in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. MAHON: A bill (H. R. 10851) to authorize the erection of a United States Veterans' Administration hospital in west Texas; to the Committee on World War Veterans' Legislation.

By Mr. ROBSION of Kentucky: A bill (H. R. 10852) to repeal the Cotton Act (Public, No. 169, 73d Cong.); to the Committee on Agriculture.

Also, a bill (H. R. 10853) to repeal the Potato Control Act, section 61 and section 62 and title II of Public Act No. 320, Seventy-fourth Congress, and for other purposes; to the Committee on Agriculture.

By Mr. JONES: A bill (H. R. 10854) to repeal the Kerr Tobacco Act, the Bankhead Cotton Act of 1934, and the Potato Act of 1935, and for other purposes; to the Committee on Agriculture.

By Mr. FULLER: Resolution (H. Res. 408) creating a select committee to investigate the distillers, brewers, and rectifiers, and for other purposes; to the Committee on Rules.

By Mr. McGRATH: Joint resolution (H. J. Res. 479) to authorize and direct the Secretary of War to conduct surveys and investigations to determine the most feasible right-of-way for a coast-defense highway between the Presidio of San Francisco, Calif., and the Presidio of Monterey, Calif.; to construct and maintain an adequate national defense highway thereon, and to authorize an appropriation of $3,000,000 therefor; to the Committee on Roads.

By Mr. SCOTT: Joint resolution (H. J. Res. 480) authorizing the Navy Department to appoint a board to conduct an investigation of Puget Sound, Columbia River, San Francisco Bay, Long Beach-Los Angeles Harbor, and San Diego Bay for air and naval bases; to the Committee on Naval Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Minnesota, urging the continuation of the Works Progress Administration; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of Illinois, memorializing Congress to enact constructive farm legislation; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of New York: A bill (H. R. 10855) for the relief of Eberhart Steel Products Co., Inc.; to the Committee on Claims.

By Mr. COCHRAN: A bill (H. R. 10856) for the relief of William Weisbrod; to the Committee on Naval Affairs.

By Mr. CROWE: A bill (H. R. 10857) granting a pension to Harry Dubs; to the Committee on Invalid Pensions.

By Mr. ECKERT: A bill (H. R. 10858) for the relief of George Lehere; to the Committee on Military Affairs.

By Mr. FENERTY: A bill (H. R. 10859) for the relief of Francis Boyd Brann; to the Committee on Naval Affairs.

Also, a bill (H. R. 10860) for the relief of John Sweeney; to the Committee on Naval Affairs.

Also, a bill (H. R. 10861) for the relief of Eugene F. Clements; to the Committee on War Claims.

Also, a bill (H. R. 10862) for the relief of Patrick Michael Dougherty; to the Committee on Naval Affairs.

By Mr. FISH: A bill (H. R. 10863) granting an increase of pension to Agnes E. Silvernail; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10864) granting an increase of pension to Mabel A. LaForge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10865) granting an increase of pension to Annie E. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10866) granting an increase of pension to Jennie Van Rensselaer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10867) granting an increase of pension to Ellen V. Gillson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10868) granting an increase of pension to Adelaide L. Rapelye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10869) granting an increase of pension to Clara A. Dekay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10870) granting an increase of pension to Anna N. Osterhout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10871) granting an increase of pension to Emma Buchanan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10872) granting an increase of pension to Minerva C. Bedford; to the Committee on Invalid Pensions.

By Mr. JOHNSON of West Virginia: A bill (H. R. 10873) to authorize the award of a decoration for distinguished service, namely, the Congressional Medal of Honor, to Acors Rathbun Thompson; to the Committee on Military Affairs.

By Mr. KELLY: A bill (H. R. 10874) for the relief of Joseph Patrick Gorman; to the Committee on Naval Affairs.

By Mr. KENNEDY of New York: A bill (H. R. 10875) for the relief of Lamborn & Co.; to the Committee on Claims.

By Mr. LEWIS of Colorado: A bill (H. R. 10876) for the relief of Adele Fowlkes; to the Committee on Claims.

By Mr. McCORMACK: A bill (H. R. 10877) for the relief of Edward James McCarten; to the Committee on Naval Affairs.

By Mr. McMILLAN: A bill (H. R. 10878) for the relief of C. O. Crosby; to the Committee on Claims.

Also, a bill (H. R. 10879) for the relief of J. Drayton Grimke; to the Committee on Claims.

By Mr. McSWAIN: A bill (H. R. 10880) for the relief of Charles R. Mann; to the Committee on Military Affairs.

By Mr. PARSONS: A bill (H. R. 10881) for the relief of Henry V. Pattin; to the Committee on Military Affairs.

By Mr. PETERSON of Florida: A bill (H. R. 10882) granting a pension to Katherine L. Frost; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10883) granting a pension to Margaret Haskin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10884) granting a pension to Elise M. Lum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10885) granting a pension to Lu M. Linscott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10886) granting a pension to Lura P. Markley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10887) granting a pension to Ida Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10888) granting a pension to Olivia Stebbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10889) granting a pension to Clara L. Owens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10890) granting a pension to Daisy Vredenburgh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10891) granting a pension to Della Bond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10892) granting a pension to Irene C. Flack; to the Committee on Invalid Pensions.

By Mr. RAYBURN: A bill (H. R. 10893) to extend the benefits of the Federal Employees' Compensation Act approved September 7, 1916, as amended, to Merton Terence Cross; to the Committee on Claims.

By Mr. ROMJUE: A bill (H. R. 10894) granting an increase of pension to Sarah A. Lindsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10895) granting a pension to Margaret Malinda Saunders; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 10896) granting an increase of pension to Laura E. Coons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10897) granting an increase of pension to Emma I. Smith; to the Committee on Invalid Pensions.

By Mr. WALLGREN: A bill (H. R. 10898) for the relief of Benjamin F. Vader; to the Committee on the Civil Service.

Also, a bill (H. R. 10899) for the relief of O. J. Refsnes; to the Committee on Claims.

By Mr. WELCH: A bill (H. R. 10900) for the relief of John Meirose; to the Committee on Military Affairs.

By Mr. WOOD: A bill (H. R. 10901) granting an increase of pension to Eliza James; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9903. By Mr. FISH: Petition signed by 28 citizens of the Twenty-sixth Congressional District of New York State, petitioning Congress to enact legislation at this session that will indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

9904. By Mr. GRAY of Pennsylvania: Petition of voters of Indiana County, Pa., desiring to have a dry District of Columbia; to the Committee on the District of Columbia.

9905. Also, petition of residents and voters of Ford City, Pa., believing that our Nation's Capital should have laws affording better control of liquor traffic, and believing that the Guyer bill (H. R. 8739) would further this end; to the Committee on the District of Columbia.

9906. By Mr. HAINES: Petition of citizens served by star route no. 10536 in Franklin County, Pa., urging enactment of legislation at this session that will indefinitely extend all star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

9907. By Mr. HOPE: Petition of L. W. Murphy and 22 others of Sublette, Kans., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

9908. Also, petition of C. S. Sigler and 19 others, of Norwich, Kans., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

9909. Also, petition of Ed. E. Gahnstrom and nine others, of Geneseo, Kans., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

9910. Also, petition of Nellie Lane and 59 others, of Bazine, Kans., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

9911. Also, petition of Vern Grass and 41 others, of Minneola, Kans., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

9912. Also, petition of W. E. Hinkle and 53 others, of Cimarron, Kans., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

9913. Also, petition of H. S. Meyer and 49 others, of Brownell, Kans., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

9914. Also, petition of L. E. Dent and 31 others, of Harper County, Kans., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

9915. Also, petition of Lew Burch and seven others of Selkirk, Kans., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

9916. By Mr. LAMBERTSON: Petition of Mrs. U. S. Davis and 126 other signers from Morrill, Kans., favoring passage of the Guyer Act, regarding liquor control in the District of Columbia; to the Committee on the District of Columbia.

9917. Also, petition of Kelma Kapitan and 130 other signers from Blue Rapids, Kans., favoring passage of the Guyer Act, regarding liquor control in the District of Columbia; to the Committee on the District of Columbia.

9918. Also, petition of S. H. Pitcher and 105 other signers from Topeka, Kans., favoring passage of the Guyer Act, regarding liquor control in the District of Columbia; to the Committee on the District of Columbia.

9919. Also, petition of Elizabeth M. Jones and 75 other signers from Reserve, Kans., favoring passage of the Guyer Act, regarding liquor control in the District of Columbia; to the Committee on the District of Columbia.

9920. Also, petition of O. A. Opseth and 65 other signers from Everest, Kans., favoring passage of the Guyer Act, regarding liquor control in the District of Columbia; to the Committee on the District of Columbia.

9921. Also, petition of Rev. M. H. Eells and 100 other signers from Topeka, Kans., favoring passage of the Guyer Act, regarding liquor control in the District of Columbia; to the Committee on the District of Columbia.

9922. Also, petition of Bertha Q. Summer and 70 other signers from Mahaska, Kans., favoring passage of the Guyer Act, regarding liquor control in the District of Columbia; to the Committee on the District of Columbia.

9923. Also, petition of Mrs. O. A. Opseth and 59 other signers from Everest, Kans., favoring the passage of the

Capper bill, prohibiting all advertisement of alcohol beverages; to the Committee on Interstate and Foreign Commerce.

9924. Also, petition of Mrs. A. Frank Johnson and 68 other signers from Leavenworth, Kans., favoring passage of the Guyer Act, regarding liquor control in the District of Columbia; to the Committee on the District of Columbia.

9925. By Mr. MONAGHAN: Petition requesting that the star-route bidding system be abolished, and that a permanent tenure of service should be instituted with fair and reasonable pay based upon that of other forms of United States mail transportation; to the Committee on the Post Office and Post Roads.

9926. Also, petition requesting that the star-route bidding system be abolished, and that a permanent tenure of service should be instituted with fair and reasonable pay based upon that of other forms of United States mail transportation; to the Committee on the Post Office and Post Roads.

9927. By Mr. PFEIFER: Petition of Brooklyn (Kings County) Council Auxiliaries to Veterans of Foreign Wars of the United States, Brooklyn, N. Y., concerning the Kerr bill H. R. 8163; to the Committee on Immigration and Naturalization.

9928. Also, petition of the State Planning Council, Albany, N. Y., urging the creation of a permanent national planning agency to carry forward the work started under the present temporary national resources committee; to the Committee on Appropriations.

9929. By Mr. SNELL: Petition of citizens on star route 7210, from Lewis, N. Y., relative to House bill 10756; to the Committee on the Post Office and Post Roads.

9930. By Mr. TAYLOR of Colorado: Petition of citizens of Clifton, Colo., requesting passage of House bill 8739, providing for prohibition in the District of Columbia; to the Committee on the District of Columbia.

9931. Also, petition of citizens of Crawford, Colo., requesting passage of House bill 8739, providing for prohibition in the District of Columbia; to the Committee on the District of Columbia.

9932. Also, petitions of citizens of Cedaredge, Colo., requesting the passage of House bill 8739, providing for prohibition in the District of Columbia; to the Committee on the District of Columbia.

9933. By the SPEAKER: Petition of the City Council of Trenton, N. J.; to the Committee on Interstate and Foreign Commerce.

9934. Also, petition of R. L. Grimsley and others; to the Committee on the District of Columbia.

9935. Also, petition of the League for American Neutrality, New Haven, Conn.; to the Committee on Foreign Affairs.

9936. Also, petition of Jesse C. Duke; to the Committee on the Judiciary.

SENATE

TUESDAY, FEBRUARY 4, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, February 3, 1936, was dispensed with, and the Journal was approved.

ORDER OF BUSINESS—CONSIDERATION OF CALENDAR

Mr. ROBINSON. Mr. President, the Senator from Alabama [Mr. BANKHEAD] is unable to be present today on account of illness. It is desired, if practicable, that he participate in the proceedings on the bill which constitutes the unfinished business. I shall therefore submit a request for unanimous consent, and I ask the attention of the Senator from Oregon [Mr. MCNARY].

I ask that the unfinished business be temporarily laid aside, that the Senate proceed to the consideration of unobjected bills on the calendar, and that at the conclusion of that order the Senate take a recess until Thursday next at 12 o'clock noon.

The VICE PRESIDENT. Is there objection?

Mr. MCNARY. Mr. President, I am in accord with the proposal made by the Senator from Arkansas. I think the Senator from Alabama [Mr. BANKHEAD] should be here for the first presentation of the unfinished business, as he is the author of the bill and submitted the report thereon. I desire to follow him briefly in opposition to the measure. I am glad to accede to the request of the Senator from Arkansas.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the agreement is entered into.

Mr. ROBINSON. I should like to add to what I have already stated that, in the event the Senator from Alabama should not be able to be present on Thursday, I may desire to proceed then with the consideration of the bill. I think that information is due the Senator from Oregon.

Mr. MCNARY. I thank the Senator from Arkansas, and I shall cooperate along that line.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Coolidge	Lewis	Reynolds
Ashurst	Copeland	Logan	Robinson
Austin	Costigan	Lonergan	Russell
Bachman	Couzens	McAdoo	Schwellenbach
Bailey	Davis	McCarran	Sheppard
Barbour	Donahey	McGill	Shipstead
Barkley	Fletcher	McKellar	Smith
Benson	Frazier	McNary	Steiwer
Bilbo	George	Maloney	Thomas, Okla.
Black	Gerry	Metcalf	Thomas, Utah
Bone	Gibson	Minton	Townsend
Borah	Glass	Moore	Trammell
Bulkley	Gore	Murphy	Truman
Bulow	Guffey	Murray	Tydings
Burke	Hale	Neely	Vandenberg
Byrd	Harrison	Norbeck	Van Nuys
Byrnes	Hastings	Norris	Wagner
Capper	Hatch	Nye	Walsh
Caraway	Hayden	O'Mahoney	Wheeler
Carey	Holt	Overton	White
Chavez	Johnson	Pittman	
Clark	Keyes	Pope	
Connally	La Follette	Radcliffe	

Mr. LEWIS. I announce that the Senator from New Hampshire [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Wisconsin [Mr. DUFFY], and the Senator from Utah [Mr. KING] are necessarily detained, and that the Senator from Alabama [Mr. BANKHEAD] is absent on account of illness.

I wish further to announce that my colleague the junior Senator from Illinois [Mr. DIETERICH] was absent yesterday and is absent today because of illness in his family.

Mr. AUSTIN. I announce that the Senator from Iowa [Mr. DICKINSON] is necessarily absent.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

REFUND OF CERTAIN COUNTERVAILING CUSTOMS DUTIES—VETO MESSAGE (S. DOC. NO. 170)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, referred, with the accompanying bill, to the Committee on Finance, and ordered to be printed, as follows:

To the Senate:

I return herewith, without my approval, S. 1626, entitled "An act for the refunding of certain countervailing customs duties collected upon logs imported from British Columbia."

The bill provides for the refund of certain customs duties assessed or collected on importations of logs of a kind classi-

fied under paragraph 401 of the Tariff Act of 1922 on claims to be presented to the Commissioner of Customs within 6 months from the date the bill is enacted for consideration and determination without regard to any statute requiring protest, appeal, and the like, on the ground that the duties were erroneously or illegally assessed or collected upon the erroneous interpretation of law passed upon and condemned by the United States Customs Court, first division, in decisions rendered in the cases of George S. Bush & Co., Inc., et al. against United States and Siemons Lumber Co. against United States, on March 12, 1931.

After the passage of the Tariff Act of 1922, the Treasury Department found that the Province of British Columbia was imposing a "timber" tax on logs classifiable under the foregoing which constituted a restriction on exportation within the meaning of the proviso to said paragraph 401. Accordingly, collectors of customs were instructed to assess duty under paragraph 401 upon all logs of the varieties specified therein that were subject to the British Columbia tax. This procedure was in strict accordance with the requirements of said paragraph 401.

Although the tax levied in British Columbia was held by the British court of last resort, the Privy Council, to have been void ab initio and as a result the United States Customs Court in the cases of George S. Bush & Co., Inc., et al. against United States, and the Siemons Lumber Co., Inc., against United States, which involved protests filed during the pendency of the litigation in the British courts, held that the assessment of the United States import duties here under consideration was without authority of law, the British Columbia tax was just as effective in restricting the exportation of logs during its effective period as if it had been a valid law. It was this restriction that said paragraph 401 was designed to prevent. The refund of duties will not correct this situation.

In accordance with statutory authority, many of the consumption entry papers giving particular details of importations prior to 1928 have been destroyed. This situation would render the equitable administration of the bill, if approved, very difficult.

With reference to the more recent importations, the various importers had an opportunity and right under the customs laws to protest the assessment of duties on their importations, as was done in the Bush and Siemons cases above referred to. I do not feel that there is justification in giving these importers an advantage over the many others whose applications for refund in similar circumstances necessarily have been denied.

It is reasonable to assume that in most, if not all, cases, the duty was passed on by the importer to the ultimate consumer. There appears to be no reason for making a refund to the importer without requiring him to show that he himself absorbed the duty.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 4, 1936.*

SENATOR FROM LOUISIANA

Mr. OVERTON. Mr. President, I send to the desk the certificate of the appointment of Mrs. HUEY P. LONG to fill the vacancy in the United States Senate caused by the death of the late Senator Huey P. Long, of Louisiana. The Senator-designate is not present in the Chamber, but is expected to present herself in the next few days to qualify by taking the oath.

The VICE PRESIDENT. The credentials of the Senator-designate from Louisiana will be received, placed on file, and printed in the RECORD.

The credentials are as follows:

STATE OF LOUISIANA,
EXECUTIVE DEPARTMENT,
Baton Rouge, January 31, 1936.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Louisiana, I, James A. Noe, Governor of said State, do hereby appoint Mrs. HUEY P. LONG a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Senator Huey P. Long, is filled by election, as provided by law.

Witness: His Excellency our Governor, James A. Noe, and our seal hereto affixed at Baton Rouge, this 31st day of January, A. D. 1936.

JAMES A. NOE, *Governor.*

By the Governor:
[SEAL]

E. A. CONWAY,
Secretary of State.

FINANCIAL STATEMENTS OF CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate letters from the president of the Chesapeake & Potomac Telephone Co., submitting, pursuant to law, a comparative general balance sheet of the company for the year 1935; also a statement of the receipts and expenditures of the company for the full year 1935, which, with the accompanying papers, were referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter from John K. Turton, of White Plains, N. Y., transmitting copy of an open letter addressed to the Speaker and Members of the House of Representatives relative to the matter of approval or disapproval by the President of the United States of resolutions of Congress embodying proposed constitutional amendments, which, with the accompanying paper, was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution of the National Association of State Aviation Officials, favoring the creation in each House of Congress of a committee on civil aviation, which was referred to the Committee on Rules.

He also laid before the Senate a resolution of the Patent Law Association of Chicago, Ill., favoring the enactment of the bill (S. 3121) to vest in the Register of Copyrights the registration of copyright prints and labels, which was ordered to lie on the table.

Mr. LEWIS presented a joint resolution of the Legislature of the State of Illinois, favoring the prompt enactment of constructive farm legislation similar to and taking the place of, the Agricultural Adjustment Act, which was referred to the Committee on Agriculture and Forestry.

(See joint resolution printed in full when laid before the Senate by the Vice President on the 3d instant, p. 1331, CONGRESSIONAL RECORD.)

Mr. COPELAND presented resolutions adopted by the Cathedral Heights-Cleveland Park Citizens Association, of Washington, D. C., favoring the enactment of Senate bill 5, the Federal food and drug bill; and also the enactment of House bill 6472, to abolish compulsory block booking and blind selling of motion pictures, which were referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Columbia University Chapter of the Teachers' Union, of New York City, N. Y., favoring an investigation by the Special Committee on Investigation of the Munitions Industry of the appropriation of nearly $1,000,000,000 a year for direct war preparations while the Federal Government is spending a less sum for public schools, which was referred to the Special Committee on Investigation of the Munitions Industry.

He also presented the petition of the Ithaca (N. Y.) Branch of the Women's International League for Peace and Freedom, praying for the appropriation of additional funds for the completion by the Special Committee on Investigation of the Munitions Industry of its investigations, which was ordered to lie on the table.

He also presented a resolution adopted by the Union Against Reaction, of Brooklyn College, Brooklyn, N. Y., protesting against the enactment of legislation which would make it a crime by mere utterance or publication to incite soldiers or sailors to disobey orders, which was ordered to lie on the table.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 363. An act to increase the efficiency of the Veterinary Corps of the Regular Army;

S. 1301. An act to provide further for the maintenance of United States Soldiers' Home;

S. 2148. An act to provide for the leasing of restricted Indian lands of Indians of the Five Civilized Tribes in Oklahoma;

S. 2175. An act to grant to the State of California a retrocession of jurisdiction over certain rights-of-way granted to the State of California over certain roads about to be constructed in the Presidio of San Francisco Military Reservation and Fort Baker Military Reservation;

S. 2206. An act for the relief of the State of New Mexico;

S. 2643. An act to amend section 118 of the Judicial Code to provide for the appointment of law clerks to United States district court judges;

S. 2877. An act to reimpose and extend the trust period on lands reserved for the Pala Band of Mission Indians, California;

S. 2891. An act to provide for the adjustment and settlement of personal injury and death cases arising in certain foreign countries;

S. 3140. An act to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes;

S. 3381. An act to provide for the protection and preservation of domestic sources of tin; and

S. 3447. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended.

The message also announced that the House had passed the bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 459) to amend the joint resolution entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes."

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 1392. An act to extend the provisions of certain laws to the island of Puerto Rico;

H. R. 3044. An act to amend the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government, to include all other employees in the legislative branch;

H. R. 4292. An act to authorize the Secretary of War to grant rights-of-way to the Arlington & Fairfax Railway Co. across the Fort Myer Reservation, Va.;

H. R. 4340. An act to restrict habitual commuting of aliens from foreign contiguous territory to engage in skilled or unskilled labor or employment in continental United States;

H. R. 8074. An act to amend the act of March 3, 1925, relating to Fort McHenry;

H. R. 8541. An act for payment of compensation to persons serving as postmaster at third- and fourth-class post offices;

H. R. 8588. An act to authorize the deposit and investment of Indian funds;

H. R. 8655. An act providing for the transfer of certain Government property in Wisconsin to the State;

H. R. 8700. An act to amend an act entitled "An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the District of Alaska", approved June 7, 1910 (36 Stat. 459; U. S. C., title 48, sec. 386);

H. R. 8797. An act to provide a preliminary examination of Onondaga Creek, in Onondaga County, State of New York, with a view to the control of its floods;

H. R. 8966. An act for the relief of World War soldiers who were discharged from the Army because of minority or misrepresentation of age;

H. R. 9200. An act authorizing the erection of a marker suitably marking the site of the engagement fought at Columbus, Ga., April 16, 1865; and

H. J. Res. 356. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Pan American Exposition to be held in Tampa, Fla., to be admitted without payment of tariff, and for other purposes.

REPORT OF THE CLAIMS COMMITTEE

Mr. BAILEY, from the Committee on Claims, to which was referred the bill (H. R. 1362) for the relief of Ramey Bros., of El Paso, Tex., reported it with amendments and submitted a report (No. 1503) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MURPHY:

A bill (S. 3914) for the relief of Merton E. Bent; and

A bill (S. 3915) for the relief of the legal representatives of Henry Ohlekopf, deceased; to the Committee on Claims.

By Mr. GERRY:

A bill (S. 3916) for the relief of George Lancellotta; to the Committee on Claims.

By Mr. BURKE:

A bill (S. 3917) granting a pension to Gurley N. Sandberg; to the Committee on Pensions.

By Mr. GIBSON:

A bill (S. 3918) granting a pension to Frances E. Parsons; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3919) to provide for an 8-hour day for licensed officers on ocean and coastwise vessels, and for other purposes; to the Committee on Commerce.

A bill (S. 3920) relating to the compensation of certain Immigration and Naturalization Service employees; to the Committee on Immigration.

(By request.) A bill (S. 3921) authorizing the Secretary of War to bestow the Silver Star upon Michael J. Quinn; to the Committee on Military Affairs.

(By request.) A bill (S. 3922) for the relief of the Eberhart Steel Products Co., Inc.; and

(By request.) A bill (S. 3923) for the relief of the Mizrach Wine Co.; to the Committee on Claims.

By Mr. MALONEY:

A bill (S. 3924) for the relief of Lewis W. Bryant; to the Committee on Military Affairs.

A bill (S. 3925) for the relief of Mrs. Peter Peiper; to the Committee on Claims.

By Mr. THOMAS of Oklahoma:

A bill (S. 3926) validating certain conveyances by Kickapoo Indians of Oklahoma made prior to February 17, 1933, providing for actions in partition in certain cases;

A bill (S. 3927) validating certain conveyances by Kickapoo Indians of Oklahoma made prior to February 17, 1933, providing for actions in partition in certain cases;

A bill (S. 3928) validating certain conveyances by Kickapoo Indians of Oklahoma made prior to February 17, 1933, providing for actions in partition in certain cases;

A bill (S. 3929) to amend sections 2103, 2104, 2105, and 2106 of the Revised Statutes relating to contracts with Indian tribes; and

A bill (S. 3930) authorizing an appropriation for payment to the Sac and Fox Tribe of Indians in the State of Oklahoma; to the Committee on Indian Affairs.

By Mr. HATCH:

A bill (S. 3931) granting a pension to Lullie Fornoff; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3932) for the relief of Ann Rakestraw; to the Committee on Claims.

By Mr. SMITH:

A bill (S. 3933) to authorize a compact and agreement between the States of Virginia, North Carolina, South Carolina, Georgia, and Florida, providing for the control of the production of bright flue-cured tobacco in the said States and for the further purpose of regulating, protecting, and preserving a fair price for said commodity; to the Committee on Agriculture and Forestry.

(Mr. SMITH, from the Committee on Agriculture and Forestry, reported original Senate bill no. 3934, which was passed, and it appears under a separate heading.)

By Mr. WAGNER:

A bill (S. 3935) conditionally validating a homestead entry for Fort Peck Indian land; to the Committee on Public Lands and Surveys.

By Mr. TRAMMELL:

A bill (S. 3936) to authorize alterations and repairs to certain naval vessels, and for other purposes;

A bill (S. 3937) to authorize alterations and repairs to certain naval vessels;

A bill (S. 3938) to authorize the construction of certain auxiliary vessels for the Navy; and

A bill (S. 3939) to authorize the President of the United States to dispose of certain public vessels, and for other purposes; to the Committee on Naval Affairs.

HOUSE BILLS AND RESOLUTIONS REFERRED

The PRESIDENT pro tempore laid before the Senate House Resolution 406, which, with the accompanying bill (S. 1421), was referred to the Committee on Finance, as follows:

Resolved, That the bill (S. 1421) to amend subsection (a) of section 313 of the Tariff Act of 1930, in the opinion of this House contravenes that clause of the Constitution of the United States requiring revenue bills to originate in the House of Representatives, and is an infringement of the prerogatives of this House, and that said bill be respectfully returned to the Senate with a message communicating this resolution.

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 1392. An act to extend the provisions of certain laws to the island of Puerto Rico; to the Committee on Territories and Insular Affairs.

H. R. 3044. An act to amend the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government, to include all other employees in the legislative branch; to the Committee on Rules.

H. R. 4340. An act to restrict habitual commuting of aliens from foreign contiguous territory to engage in skilled or unskilled labor or employment in continental United States; to the Committee on Immigration.

H. R. 4292. An act to authorize the Secretary of War to grant rights-of-way to the Arlington & Fairfax Railway Co. across the Fort Myer Reservation, Va.;

H. R. 8074. An act to amend the act of March 3, 1925, relating to Fort McHenry; and

H. R. 8966. An act for the relief of World War soldiers who were discharged from the Army because of minority or misrepresentation of age; to the Committee on Military Affairs.

H. R. 8541. An act for payment of compensation to persons serving as postmaster at third- and fourth-class post offices; to the Committee on Post Offices and Post Roads.

H. R. 8588. An act to authorize the deposit and investment of Indian funds; and

H. R. 8655. An act providing for the transfer of certain Government property in Wisconsin to the State; to the Committee on Indian Affairs.

H. R. 8797. An act to provide a preliminary examination of Onondaga Creek, in Onondaga County, State of New York, with a view to the control of its floods; to the Committee on Commerce.

H. R. 8700. An act to amend an act entitled "An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the District of Alaska", approved June 7, 1910 (36 Stat. 459; U. S. C., title 48, sec. 386); and

H. R. 9200. An act authorizing the erection of a marker suitably marking the site of the engagement fought at Columbus, Ga., April 16, 1865; to the Committee on Public Lands and Surveys.

H. J. Res. 356. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Pan American Exposition to be held in Tampa, Fla., to be admitted without payment of tariff, and for other purposes; to the Committee on Finance.

AGRICULTURAL RELIEF—AMENDMENT

Mr. RUSSELL submitted an amendment intended to be proposed by him to the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, which was ordered to lie on the table and to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. FRAZIER submitted an amendment proposing to appropriate various sums for cooperation with school districts in the construction, enlargement, or improvement of certain public elementary or high schools in the State of North Dakota intended to be proposed by him to House bill 10630, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

TAXATION OF INTOXICATING LIQUOR—AMENDMENT

Mr. MURPHY submitted an amendment intended to be proposed by him to the bill (H. R. 9185) to insure the collection of the revenue on intoxicating liquor, to provide for the more efficient and economical administration and enforcement of the laws relating to the taxation of intoxicating liquor, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

CHANGE OF REFERENCE

On motion by Mr. MURRAY, the Committee on Indian Affairs was discharged from the further consideration of the bill (S. 3869) to authorize payment to the Indians of the Fort Peck Reservation of the amounts due on certain delinquent homestead entries, and it was referred to the Committee on Public Lands and Surveys.

CONTINUATION OF INVESTIGATION OF INTERSTATE RAILROADS AND AFFILIATES

Mr. WHEELER submitted the following resolution (S. Res. 227), which was referred to the Committee on Interstate Commerce:

Resolved, That Senate Resolution No. 71, Seventy-fourth Congress, first session, authorizing an investigation of interstate railroads and affiliates with respect to financing, reorganizations, mergers, and certain other matters, agreed to May 20, 1935, is hereby continued in full force and effect during the sessions, recesses, and adjourned periods of the Senate in the Seventy-fifth and succeeding Congresses and until the final report is submitted to the Senate.

COMMITTEE SERVICE

Mr. ROBINSON. Mr. President, I ask the entry of the following order, namely, that the Senator from Arizona [Mr. HAYDEN] be assigned to the vacancy, on behalf of the majority, on the Committee on Interoceanic Canals.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL CHARTERS FOR NATIONAL COMMERCE—ADDRESS BY SENATOR O'MAHONEY

Mr. BLACK. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a radio address delivered by the junior Senator from Wyoming [Mr. O'MAHONEY] on the "National Forum Hour" of The Washington Star, Monday evening, February 3, 1936. It is a very interesting discussion on National Charters for National Commerce.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

In beginning this explanation of the measure which I have introduced in the Senate to provide national charters for national commerce, let me say, as plainly and as clearly as may be, that it is not in any degree similar to the N. R. A. Though it deals with the same problem with which the N. R. A. dealt, it approaches that problem from an altogether different angle.

I do not propose Government control or regulation of industry in the sense that any bureau or commission should be empowered to

regulate and control private business. I propose to set industry free. I propose to establish a system, long overdue, which will enable commerce and industry to develop without bureaucratic interference, upon the one hand, and, upon the other, without that far more destructive interference which comes from the monopolistic methods which have brought about in the United States the most amazing concentration of wealth and economic power that has probably ever been tolerated upon the face of the globe.

There can be no proper consideration of this problem unless the mind understands and accepts the fundamental facts which constitute it. Let me ask you, therefore, if you do me the honor to listen to this discussion, to take the trouble to write down at this moment, if you will, two primary facts—facts, not opinions—which explain better than a thousand speeches could what the trouble is with the United States at the present moment.

APPALLING POVERTY AND APPALLING WEALTH

In 1929, before we had really experienced what we called the depression, 6,000,000 American families—families, not individuals—had incomes of less than a thousand dollars a year. Six million families at the height of our supposed prosperity were in such a desperate economic situation that they were compelled to subsist upon an income of less than $25 a week per family.

Now, the second item: In 1932, 392,000 corporations filed income-tax returns with the United States Bureau of Internal Revenue. The total assets reported by these corporations amounted to more than $280,000,000,000. More than 53 percent of those assets thus reported by 392,000 corporations were owned by only 618 corporations, or less than five-tenths of 1 percent of the total number in the United States making tax returns that year.

There can be no dispute about these facts. Appalling poverty at one end of the scale, appalling wealth at the other; that was the economic picture of America before the crash.

I do not attempt to place the blame for this condition upon any individual or group. I condemn no one. I only know that the situation thus described constitutes the problem America must solve if it is to endure as a free nation.

That unemployment and the high cost of government are the two questions which most engage the public mind at this moment, none, I'm sure, will deny. It is my contention that they are both the direct result of the failure of Congress to exert the powers given to it by the Constitution of the United States to regulate commerce among the States, and I have offered this bill in the confident belief that it affords the basis upon which we may build an economic order in which increasing production and increasing employment will go hand in hand with economy in government.

CORPORATIONS OUR CREATURES—NOT OUR MASTERS

We hear much talk these days about the Constitution and about the liberties which it guarantees. It is without question the greatest instrument of popular government ever drafted. There is no trouble with the Constitution, but there is a great deal of trouble with the manner in which it has been interpreted and applied.

It was ordained and established by the people of the United States to preserve their liberties, but because we have strangely confused the artificial person called a corporation with the natural person for whose protection the Constitution was designed, we have permitted the Nation to fall into the dismal plight in which it finds itself. We shall not even begin to achieve a permanent prosperity until we fully appreciate the difference between the two.

A corporation has no existence except that which is given to it by government. A corporation, in other words, is the creature of the law. When three or four persons make up their minds to create a corporation they must go to some public authority to obtain the charter which brings the artificial person into existence.

Now, a natural person, on the other hand, exists altogether independently of law or government. Kings and constitutions are the creatures of the people. Corporations are the creatures of the people, but in our economic system we have permitted them to become our masters.

Do you disagree with that statement? Then remember what I said at the outset. The figures of the Internal Revenue Bureau show that in 1932, only 618 American corporations owned and controlled over 53 percent of the 280 billions of assets reported by 390,000 corporations.

Many of these corporations are more powerful than the States from which they derived their existence. Some of them have more employees than many States have inhabitants. Some have assets and incomes greater than the assets and incomes of many States and most cities. Many of them claim and exercise rights and powers in national and international affairs that would be wholly unconstitutional if attempted to be exerted by a State.

THE LONG STRUGGLE AGAINST MONOPOLY

The problem growing out of the expansion of corporate power is in no sense new. It has been before Congress in one form or another for 50 years. In 1890 the Sherman antitrust law was passed declaring every contract, combination, or conspiracy in restraint of trade to be illegal, and providing that every person who should monopolize or attempt to monopolize any part of trade or commerce among the several States to be guilty of a misdemeanor.

Thus 45 years ago the Nation, through its accredited legislative agency, declared its opposition to the forces which have brought about the condition which I described at the beginning of this discussion, namely, that 6,000,000 families, or 21 percent of all the families in the United States, were in 1929 compelled to live upon an income of less than $1,000 a year, and that less than one-half of 1 percent of all the corporations owned more than 53 percent of all corporate assets. The antitrust law is still upon the statute books, but the evil it was intended to remove is worse than it ever was in the history of our country.

Why are the American people instinctively opposed to monopoly? Because they know that while it may be good, or, rather, profitable, for the monopolists, it is bad for the public; because they know that the tendency of big corporations is to cut down production, hold prices up, reduce wages, and create unemployment. Or, to state it more accurately, the full benefits of improving technology have not been passed on to the consumer, the employee, and the small investor, but an undue proportion has been diverted by monopolistic management to its own purposes. Though it is possible to cite special cases to the contrary, the statement is nevertheless true, as evidenced by the fact that unemployment increased steadily and real wages steadily declined in the period before the crash. That is why the rich have been getting richer and the poor poorer.

Concentration of corporate wealth proceeding by merger and overcapitalization has produced the contrasting poverty and wealth which every economist acknowledges. Great as is the national debt, costly as all governments—municipal, State, and National—may be, that debt is but a drop in the bucket when measured against the tribute that has been wrung from the people of America under the present corporate system.

Now, what is the reason for that state of things? The reason is that, while we have declared with almost absolute unanimity against monopolistic practices in commerce and industry, we have permitted monopoly to grow apace by permitting State corporations to dominate our national economy.

A NATIONAL RULE FOR NATIONAL COMMERCE

When the Constitution was drafted it received the support of all of the business interests of the Original Colonies because they all recognized the need of a national rule for national commerce. They wanted a national government because they wanted to abolish State lines so far as commerce and trade are concerned. No man can read the history of the Constitutional Convention, the history of the campaign for ratification, without realizing that this was the fact.

Congress was given the power, in the language of the third clause of the eighth section of article I, "to regulate commerce with foreign nations and among the several States and with the Indian tribes."

Then, in the eighteenth clause of the same section, it was given the power "to make all laws which shall be necessary and proper for carrying into execution" all the powers vested in the Government of the United States.

The commerce upon which you and I depend for our very existence is national in its scope. My voice tonight rides on the ether across the continent as quickly as it crosses the room in which I speak. An airplane from the city of Washington would carry me to the Pacific coast almost between sunset and sunrise. Every means of transportation and communication which science and ingenuity have developed have made this Nation what its founders realized it would eventually be, a single economic unit. The 618 corporations which own 53 percent of all corporate assets are wholly national if not international in their scope and yet they operate without charters from the people of the United States.

The millions whose economic destiny is in the hands of these corporations, whether they be investors, employees, or the public generally, have nothing in the world to say about the manner and form in which they operate.

These corporations obtain their powers, not from the Nation but from some individual State, powers which permit their managers to disregard the most fundamental rules of financial integrity and public responsibility in the management of other people's money. The bill which I propose would undertake not to establish bureaucratic regulation but to establish for national commerce a rule which would prevent the abuses which have brought about the condition from which we suffer. The great majority of investors, the great majority of employees, the great majority of managers, the great majority of consumers, are interested only in what is fair and equitable, but the senseless system which we have permitted to grow up enables a very small minority to prey upon us all.

SOME NECESSARY RULES

Let me suggest to you a few of the rules which I would write into the charter of every corporation doing a national business. I would provide that no person should be eligible to serve as an officer or director unless he was an actual owner of stock in the corporation. Some States issue charters which permit persons who have no financial interest or investment to take complete control over the money invested by others.

I would provide that no director or officer should be a stockholder or any employee of another corporation engaged in the same business, nor an officer or director or employee of another corporation which has advanced or loaned money to the original corporation. Because that is not prohibited by some States, officers and directors have been known to use their positions for their own enrichment and to the disadvantage of their stockholders by paying exorbitant prices to other corporations in which they have a financial interest. I would require every officer and director of a corporation to be a trustee to the stockholders of that corporation.

In brief, I would write into the charters of every corporation engaged in commerce among the States certain fundamental principles of justice and equity which would protect the investor, the employee, the consumer, and the general public. The provisions of my bill are not new or radical. They are only fundamental.

Every State has a corporation law. Most of them are wise and salutary, but some few States have laws of so loose a character as to permit the most unconscionable violation of honest dealing. Under such laws, monopoly has prospered while the masses of the people have been steadily sinking into relative poverty.

STOP THE PROGRESSIVE CONCENTRATION OF WEALTH

All in the world I propose is that when a corporation undertakes to carry on commerce with foreign nations or among the States it do so under a Federal rather than a State charter. The proposal is so simple that it is overlooked. We spend our time setting up new Government agencies, proposing new pensions and bonuses, monkeying with the currency, and trying to find all manner of panacea, instead of going to the very heart of the problem, which is merely to stop the continuous concentration of wealth. Do that, and you won't have to dream about share-the-wealth plans, for production and employment, once released from the grasp of monopoly, will operate under the American system to distribute wealth among the masses in a perfectly natural and healthful manner.

Some persons have been frightened because the word "license" appears in my bill, thinking that would mean that every businessman would have to run to Washington for permission every time he wanted to ship a collar button across a State line. That is not the idea at all. My bill is intended to apply to corporations, not to natural persons; and the licensing provision is intended merely for the purpose of affording a method of making desirable requirements of a Federal corporation law apply to corporations already in existence. These provisions I have taken almost bodily from a bill which was introduced by the late Senator John Sharp Williams in 1910 and which, had it been adopted at that time, would have prevented the abuses which precipitated the crash in 1929.

The provisions of my bill, which are intended to establish a national incorporation law, were written originally under the direction of former Attorney General Wickersham, the chief legal adviser to President William Howard Taft. The latter was a Chief Justice of the Supreme Court as well as a President of the United States, and he transmitted the Wickersham draft to the Congress with a special message in January 1910. I think it may be reasonably assumed that under such sponsorship the bill has at least a chance of being called constitutional.

A BILL OF RIGHTS FOR LABOR

Of course, my measure goes further than either the measure of Senator Williams or the measure which was recommended by President Taft. It attempts, in some degree at least, to meet directly the primary problem of our day—unemployment and the restoration of public purchasing power. It contains a bill of rights for labor in that it provides that every corporation doing business among the States or with foreign nations shall agree not to employ child labor, not to discriminate against female employees, and to recognize the right of collective bargaining. These are three propositions upon which there is no substantial disagreement. All political parties endorse them, but they are not made effective simply because there appears to be no constitutional method of enforcing them except through a national corporation law.

Great as is the unemployment and human distress growing out of the depression, it is not the whole problem. The statistics of the Federal Reserve Board gathered from the most reliable sources show that industrial recovery has actually already been attained. In December last industrial production was 103 percent of what it was in the period from 1923 to 1925. National industry, more than half of which is controlled, as I have already indicated, by less than one-half of 1 percent of all the corporations engaged in it, is already more active than it was before the crash.

That is surely a factor in which we can take satisfaction, but it does us little good because at the same time, according to the statistics of the Bureau of Labor, employment in the same month was only 85 percent of what it was in the same period from 1923 to 1925.

In other words, though business is back to more than normal, the unemployment problem has not been solved because the unemployment with which we are primarily concerned is caused by monopoly rather than by the depression.

Let me not be misunderstood. I would not deprive any man of a single dollar of his property. I would not attempt to wreck a single corporation, but I most assuredly would and will urge to the very best of my ability a national corporation law which shall forever outlaw, so far as national commerce is concerned, the vicious devices by which a very small proportion of promoters and financiers have laid their hands upon the economic destiny of the American people.

NO POLITICAL LIBERTY WITHOUT ECONOMIC FREEDOM

When you hear any person talk about liberty and its preservation do not forget that there can be no political liberty without economic freedom. In a society in which millions are out of employment and dependent upon the government for their meals, though business and trade are humming; in a society in which the investor is without any effective voice in directing the use of his capital; in a society in which the consumer has no means of protecting himself against exploitation; in a society in which the control of the means of trade, industry, and commerce have fallen into the hands of a steadily decreasing few, economic liberty is vanishing and political liberty is endangered.

Because the Nation has not exerted the power which the Constitution has given it to pass all needful laws to carry out its regulation of commerce among the States and with foreign nations, a corporate system has grown up which is strangling itself as well as the Nation. Modern industry cannot continue to expand if the purchasing power of the masses continues to contract.

This bill which I have introduced offers, I think, the way out, because it would stop the progressive concentration of wealth and economic power which is the essential obstacle to progress. By abolishing the corporate evils, which everybody condemns, but which nobody can prevent, because the States are powerless and the Federal Government is without statutory authority to act, it would free the Nation from the economic shackles it now wears and open the gates to an economy of plenty. Production will be increased upon the farm and in the mill, the purchasing power of the masses will be restored, the unlimited resources of the greatest nation under the sun will again be made available for the happiness and prosperity of our people if only, by the exercise of common sense, we assert as a Nation our constitutional power to request national charters for national commerce.

RECOVERY OF PROCESSING TAXES

Mr. BENSON. Mr. President, I ask to have printed in the RECORD a statement prepared by me in support and explanation of the bill introduced by me on yesterday and referred to the Committee on the Judiciary, being the bill (S. 3904) to enable consumers and farmers to recover from processors the amounts of processing taxes which were passed on by the processors to such consumers and farmers, but which have now been turned over to the processors by the courts.

There being no objection, the statement of Mr. BENSON was ordered to be printed in the RECORD, as follows:

PROCESSING TAX REFUND

The bill I have introduced in the Senate (S. 3904) is designed to be one of the first steps to bring about a return to orderly government by the people in this country.

The Nation-wide tax strike begun by big business last summer, when, on the advice of the American Liberty League, rich processors resorted to injunctive proceedings in the courts in an effort to evade payment of taxes, has now been transformed into the greatest tax steal that this country ever heard of. I am convinced that it is vitally necessary for Congress to take steps to see that tax money paid by the American people either finds its way into the Public Treasury of the United States or else is returned to the people who actually contributed it. When things have come to such a pass that tax money contributed by the people is diverted to the private uses of great corporations, the processes of democratic government have begun to break down.

Already the various United States district courts have begun to hand back to meat packers, flour millers, textile operators, and other processors almost $200,000,000 which these courts had previously impounded or left unpaid in compliance with the demands of the processors. In so doing, the district courts are acting in harmony with the decision of the United States Supreme Court in the rice millers' case. The American people do not yet understand the real meaning of this decision. Together with the decision in the Hoosac case, the Court's finding in the rice millers' decision has the effect of handing over to the processors $200,000,000 in taxes collected from people of this country. Then it opens the disheartening possibility that an additional bonus of more than a billion dollars may be paid to them, through contemplated processors' suits against the Government.

The bonus to processors would pay to them unearned sums equal to more than the value of all the farm lands and all the farm homes in Minnesota ($1,333,000,000). It further would knock out one of the self-liquidating agencies of the Government and upset the Budget.

By demonstrating for the first time in American history that big business can go to the courts and successfully evade its tax responsibilities to the Government, the courts have menaced the fiscal soundness of the Government.

The effects of these decisions upon prospects of balancing the Budget are far more devastating than the appropriations made by the Federal Government to finance relief and to keep poor people from starving and from losing their homes—appropriations which big business continually opposes and deplores.

It does not take 2 minutes to prove that this $200,000,000 decision is in fact what it has been called—namely, "the greatest legalized steal in history." This can be proved out of the processors' own mouths, from statements made in sworn testimonies, some of them before committees of Congress.

Over and over again, the spokesmen for the big packers, millers, textile operators, and other processors have stated publicly and emphatically, that the processing taxes were not being borne by them. They have testified to this effect in hearings held by the Agricultural Adjustment Administration and at hearings before the committees of the House and Senate. They have testified that in reality in the vast majority of cases the processing tax was in fact not being borne by the processors, but was being passed along to the consumers, to the housewives, and breadwinners of this country, or else that it was being passed back to the farmers through lower prices paid.

The processing tax has been called by the Supreme Court an "illegal exaction." I do not for a moment admit that interpretation to be true. But if it should be true in a technical legal sense, then in every true sense it was an illegal exaction from

the consumers and the farmers of the United States, and in the name of simple justice, it ought to be returned to them.

I want to call attention of the American people to the fact that after having opened the doors of the Treasury to the processors, the United States courts now are engaged in closing the door on the farmers and consumers, prohibiting them from recovering the money which the processors are about to take out of the Treasury for themselves. I call attention to an Associated Press dispatch from Springfield, Ill., dated January 31, and published in the Washington Star, Friday. The dispatch is as follows:

"United States District Judge J. Earl Major yesterday denied customers of six farms the right to share in the refund of processing taxes held in escrow by the Government.

"He released approximately $1,533,156, the refunding of which had been ordered held up pending disposition of the interveners' petition."

The bill that I am introducing would, in effect, require the Federal courts to entertain suits of consumers and farmers and their organizations and cooperatives for the recovery of processing taxes which have been actually borne by such consumers and farmers.

The bill would also provide that any processors to whom impounded taxes have been paid could voluntarily turn over to a district court the amount of these taxes and request the court to determine to whom the taxes have been passed on and to distribute the funds among the persons entitled to them. It would provide that no processors who thus voluntarily turned over the money to a Federal court would be subject to any such a suit from consumers or farmers.

The general situation in this country, which my bill aims to help correct, is nothing if not sinister. What we have been witnessing is the first effects of an unholy alliance between the American Liberty League and the big processors. We are now witnessing the first move in a concerted attempt by the powerful financial interests back of the American Liberty League to take over control of the courts of this country so as actually to control the Government. If anyone has any doubt whatever about the truth of this, I would like to have him consider the career of one former Federal district judge.

Consider three steps in the career of this former Federal judge: First, as a district court judge he renders decisions invalidating mesaures which had earned the opposition of backers of the American Liberty League; second, he resigned from the bench and immediately became associated as legal counsel for processors attacking Federal legislation and seeking to avoid payment of Federal taxes, representing these processors he appeared in the same court over which he had formerly presided; third, after these attempts to break down these laws in the courts had been successful, he came to Washington as one of the headline speakers at the American Liberty League banquet on January 25 and was wildly applauded by the assembled beneficiaries of entrenched wealth who regard themselves as the real rulers of the American people.

Now, remember, this judge, had this Nation a conservative President and a conservative administration, could have been and might have been appointed as one of the nine members of the United States Supreme Court, where, under present assumed powers, he might by one vote pass on the validity of such acts of Congress.

But while there was merrymaking at the feast of the mighty at the Liberty League banquet, out among the people there was chaos and distress. An Associated Press dispatch last Friday revealed that the authorities of the State of Wyoming are considering possible procedure by which the State can seize processing taxes collected in Wyoming, and which thus would be returned to the processors there if nothing is done to prevent it. Governor Leslie A. Miller, of that State, has protested that the processors have no right to the money because they acted only as collectors.

In my own State of Minnesota, at Waseca, over 400 farmers and businessmen met and protested in stormy session against judicial procedure that would lead to the return of this money to the processors.

The Legislature of the State of Mississippi has memorialized its representatives in Congress, the President of the United States, and the Secretary of Agriculture to the effect that invalidation of the A. A. A. has resulted in chaos and confusion among farmers and businessmen, and that a return "to the dark and disastrous days" of 1932 is now threatened. This resolution was adopted by the Mississippi House of Representatives on January 13 and by the Mississippi Senate on January 15. Farmers' protest meetings are being held all over the agricultural West and South.

The overwhelming majority of citizens, including thousands of honest businessmen throughout the country, deplore the present situation and wish to avoid the disastrous consequences which would follow a break-down of public confidence in the judicial system. They no doubt recall the winter of 1932–33 when confidence did begin to break down and when farmers and other citizens did begin to take judicial processes into their own hands. The people do not want any return to that situation when millions of people were hungry, and when, at the very time that these powerful interests back of the Liberty League were pleading on bended knees for Federal help for banks and corporations, there were riots and disorders. The people want the trend toward recovery to continue. They want the Government to be able to finance whatever recovery measures are vital to the national welfare. They want their courts to be responsive to public needs rather than to the selfish interests of entrenched wealth. Therefore, it is essential that legislation be enacted immediately to make sure that taxes levied by the Government go to the Government, and that in any event whenever the courts invalidate tax measures the money shall not be diverted into the hands of powerful corporate interests that have merely functioned as tax collectors, but shall go back to the consumers and the farmers who paid them. Nothing is more certain than that, if the $200,000,000 tax grab is not stopped, this loot from the people of the Treasury will be, in part at least, diverted into the strong box of the Liberty League to be used to finance its immense lobbies for the further enslavement of the people.

The big food processors, electric holding companies, and other corporations back of the American Liberty League have become so accustomed to exploiting the people that it now is a fixed habit with them. They regard such exploitation as a vested and divine right with which they intend to tolerate no interference.

Indeed, in going to the courts of justice themselves and in counting confidently upon judicial assistance, they are now clothing their own depredations upon the people's money with an aura of self-righteousness. They now openly declare that it is not their tax steal which is a crime but the criticism of the tax steal which is criminal. When a conscientious public official recently ventured to speak the solemn truth and to denounce the consequences of the $200,000,000 tax decision as what it plainly is—the greatest legalized steal in history—the mouthpieces of the processors, instead of praising his honesty, made obeisance to the processors and reviled their accuser for what they consider his crime of defending the people's money.

My bill is an open-and-shut proposition. The United States judicial system is perverting justice. In open defiance of Congress, our courts are opening court protection in the case of the $200,000,000 to processors who have not paid the taxes. Simultaneously the courts are brazenly denying this protection to the consumers and farmers who did pay the taxes. My bill would compel the Federal courts to entertain legal action for recovery of taxes on the part of the poor people who paid those taxes on an even basis with recovery suits by rich processors who did not pay the taxes. Unless some such rule of even-handed justice is forced upon the courts, then what we have in this country is not a democracy but in fact a judicial autocracy.

AMERICA'S ENTRANCE INTO THE WORLD WAR

Mr. ASHURST. Mr. President, I ask unanimous consent to have reprinted in the RECORD the speech I delivered in the Senate on April 4, 1917, urging the United States to enter the World War.

There being no objection, the speech was ordered to be reprinted in the RECORD, as follows:

Mr. President, the supreme hour has struck and we must stand up and be counted. We cannot shirk nor evade.

No man has ever striven more nobly for peace than has Woodrow Wilson. He tried diplomacy, moral suasion, argument. He expostulated, he exhibited patience beyond that of any man I have ever known. He resorted to every ingenuity, every subtlety, every lawful device to preserve peace, but all in vain.

The United States is great not simply and solely because of her vast area, but because she never seeks revenge—she simply demands justice. Our Government came into life not only as the fulfillment of the bright dream of liberty-loving persons, but as the fulfillment of a task as well. Our free States are not mere abstract longings for justice and peace, for when the States were formed these abstractions and longings were galvanized into life and translated into communities seeking concrete justice and liberty.

Civil liberty on this continent was a worthy but denied and baffled sentiment until it became articulate in our Declaration of Independence. The declaration itself would have been nothing more than an eloquent and accurate recital of the philosophy of liberty except that its principles were vivified and enforced by the American patriots. Liberty cannot survive if it does no more than parade around in nightgown and slippers looking for comfort, safety, luxury, and ease. When democracy is attacked it must repel force with force. Democracy will not survive if in times of danger it does no more than preach the doctrine of philosophical nonresistance, simper sentimental regret over a deadly wound it receives, and with lustrous, soft-expressioned eyes view with pensive melancholy decisive action aimed for its destruction.

If we are to keep our Nation powerful for good in the affairs of men and continue to work out the altruistic problems to which our country was dedicated, we must present to other nations an unweakened fiber, a courage both moral and physical, a mind free from trash and slush, flexed muscles and thews that have not been debilitated or degenerated by sensuality, security, and luxury.

Our governmental system is and was intended to be one which shall be nourished by the individual instead of one which shall nourish the individual. The individual should give strength and sustenance to the State, not receive strength and sustenance from the State. It is easy and pleasing to indulge in smug complacency and self-deception and thus evade the unwelcome thought of national defeat or degradation, but it is neither wise, judicious, nor statesmanlike to do so. It is wiser and safer to be on guard and preclude all possibility of danger than to hide our fears of danger in the secret recesses of our closets.

We are living in a day of wonders. Gigantic events are coming so rapidly that they tread upon each others' heels, and among the lessons being taught is the fact that men may be heroes, but unless they are drilled their heroism will end only in unavailing martyrdom. Our mountains are filled with copper and iron ore, but these can-

not instantly be converted into battle craft. Preparation and vigilance only can work the necessary changes. Men do not ascend to eminence, strength, and power by a single leap or by growth overnight. It is only by steady tread that a man moves up the rough and rugged path to success. Those who reach eminence and distinction are they who subject their lives to the fires of intellectual and physical endeavor. Success and efficiency, in war and in peace, come only after many years of anxious striving and long sustained effort. He who expects something for nothing has already begun to decay. There is nothing worth possessing that we get without effort. To compensate the world for what we use is the profound law of all life. Liberty, security, peace, health, and happiness must be paid for. We must face problems as they are presented, not as we should like to have them presented.

So it is with a nation. It holds its place and preserves its liberty only by never becoming careless and by never despising nor underrating nor running from an opponent. Ever since the days of the children of Noah men have sought to build them a tower which they might ascend in a day of trouble and thus escape the hardships and the clash and din of this world. But such cannot be; under nature's harsh yet profound laws we must meet and overcome dangers and perform duties; we cannot build a tower lofty enough to take us above and beyond the trials and duties of this life.

In the annals of every nation it has frequently been necessary to protect innocence and peace by vigorous action. Persons who think with any degree of accuracy are bound to know that this is not a world of automatic righteousness and self-acting justice. Innocence alone is not sufficient to protect the innocent.

No man making a pretense toward statesmanship would for a moment assert that it would be moral or righteous for us inertly and supinely to sit by and twiddle melting notes on a harp of peace, the while our progress, spiritual and material, our liberties—the most cherished deposits confided to human hands—the blessing of our industry, the fruits of our toil and self-denial, were being subverted or annihilated. It is honorable and righteous to oppose with force those who forcibly attempt to subvert and destroy any of the attributes which adorn and elevate humanity.

A government designed to make life pleasant for its people is frequently obliged to take some immediate measures to insure the survival of its people. Sometimes in a nation's history it is required to be fearless as well as careful.

Surely no one could quarrel with those luminous souls who advocate peace at any price. I respect them, but I am not of them. In their hearts repose sentiments of love for all mankind. They believe that Mars is dead instead of red. They think they perceive this earth to be a beautiful temple within which are walled peace, contentment, and plenty; a temple domed with rosy hues; a temple within which turmoil, strife, and struggle are black-balled, and from which all crime, vice, cupidity, hate, envy, and revenge are banished till time itself shall be no more. They see, however, a vision of heaven, not of earth. Evil things constantly assail man on this mundane sphere. Envy, deceit, fraud, force, foaming revenge, livid fires of malice and hate, bigotry, cupidity, greed, lust for world power, and kindred evil passions inveterately attack the human heart and must be combated, not surrendered to. The liberties of our citizens—yea, our very security in the future—will be preserved by public servants who have thier eyes to the sea, not by those who have their ears to the ground.

If our country is to retain, as I believe she will, her historic position as the leader and noble pioneer in the vanguard of progress and human liberty; if she is to remain the beautiful exemplar, we must keep her, in senate, in court, in camp, in field, and in home, true to the principles upon which she was founded.

What shall it profit a nation if, by keeping an unpunctured skin, it rots its heart? What shall it profit a nation to keep a full pocket and lose its soul? America must not only rear temples, build cities, conquer deserts, enchain the bolts of Olympian Jove, hew down mountains, and harness waters that pour destructive floods, she must also heal sore wounds, crush bigotry and race hatred, struggle for liberty, endow the youth of the land with standards of courageous patriotism, and constantly pour forth her long-enduring strength for the vindication of American rights and the preservation of human justice on these shores.

REPLY BY SENATOR MINTON TO LETTER FROM JOHN J. RASKOB

Mr. BYRNES. Mr. President, I ask unanimous consent to have printed in the RECORD a letter written by the junior Senator from Indiana [Mr. MINTON] to Mr. John J. Raskob. The press reports state that thousands of letters have been written by Mr. Raskob to citizens with reference to the Liberty League. One of those letters was addressed to the junior Senator from Indiana, to which he has replied, and I ask that his reply letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 3, 1936.

Hon. JOHN J. RASKOB,
Empire State Building, New York City, N. Y.

MY DEAR MR. RASKOB: I wish to acknowledge receipt of your letter of January 30.

I, too, come from humble surroundings, and, as one poor boy to another, let me tell you I am still with my gang, while you and your friend, Governor Smith, have run out on yours. I still have the poor man's point of view, while you have lost it now that you have become rich. I not only offer thanks for what I have, but I have some sympathy for those who haven't anything.

Al Smith picked the right crowd to talk to about balancing the Budget. How would that speech have sounded down under the Brooklyn Bridge, made to the boys and girls from the sidewalks of New York, especially if he had told them the rest of the story, that to have balanced the Budget would have taken from them their last crust of bread? "Balance the Budget!" When, sir, did you or your associates, the Du Ponts, raise your voice about an unbalanced Budget in 1917 and 1918, when the Budget was unbalanced to buy your munitions of war to kill American boys? It was all right to have an unbalanced Budget then, but wrong to have one to feed starving Americans.

You speak of socialism and communism. I believe in this administration, and I am no Socialist or Communist. I don't even know one. I hope you will pardon me for saying so, but I think I am as good a citizen as you. I love my country as much as you. I thought enough of it to offer my life in defense of it in May 1917, while you were engaged in unbalancing the Budget.

I recognize your right to fight to hold your goodly share of the spoils of the game, and for no change in the rules under which you got them, but you must concede to me an equal right to fight for a change in the rules that will prevent the rich from getting richer and the poor from getting poorer.

I resent your intimation that liberty-loving Americans can find no place to rally except under the banner of the American Liberty League.

Yours very truly,

SHERMAN MINTON.

POLITICAL AND ECONOMIC CONDITIONS—ADDRESS BY POSTMASTER GENERAL FARLEY

Mr. LONERGAN. Mr. President, I ask unanimous consent to have printed in the RECORD an able and interesting address on political and economic conditions delivered by Hon. James A. Farley, Postmaster General, at New Haven, Conn., November 9, 1935.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I am particularly glad of this opportunity to talk to my fellow Democrats of the Nutmeg State.

As you perhaps already know, this is one of the States our Republican adversaries think they have a mortgage on in next year's election. And I want to ask you what you figure on doing about it?

Our political foes are pretending a great satisfaction over the results of the recent elections—particularly the New York elections—which they are trying to interpret as an augury for Republican success next year. I fail to see anything they can crow about in the figures. If the voting in New York tells anything, our side is the one encouraged. True, they've shattered our slight hold on the assembly—which for the first time in 20 years we had attained—but let us state the aggregate of the assembly vote and see what it means. Greater New York elected 59 assemblymen and 2 Congressmen. In both cases the New Deal was the special issue by choice of our adversaries. Support of the Roosevelt policies was the target of the opposition and the two Congressmen came through with a larger vote than their predecessors had received.

Now as to the assemblymen. The aggregate of the vote in the greater cities gave a plurality of 740,000. The Republican plurality up State did not amount to half of that. In other words, had this been a Presidential year, Franklin D. Roosevelt would have the electoral vote of his State by about 400,000 votes.

Another source of Republican gratification is the election of their candidate for mayor of Philadelphia. That city has had Republican mayors without interruption for 50 years, and this time their man got in by the smallest margin of recent history. Franklin Roosevelt did not carry Philadelphia in the landslide election of 1932. The city voted against him by 70,000. Senator GUFFEY did not carry Philadelphia when he was elected in 1934.

Four years ago the Republicans elected their mayor with a majority of more than 300,000. Considering that last Tuesday marked the highest Democratic vote and the lowest Republican vote Philadelphia has ever known, where on earth could there be glory or Republican prophetic significance in that event?

Had Franklin Roosevelt been running last Tuesday, the figures would put Pennsylvania definitely in the Democratic column.

The same thing goes for New Jersey.

Now, let's look at Kentucky. The Republican spokesmen and their undercover auxiliaries listed Kentucky in their preelection dreams as one of the States that was to testify to the decline of the President's popularity. They chortled with delight over a Democratic family row, as insuring the result they hoped for. And see what happened. Chandler, the Democratic nominee, attained the governorship by one of the largest pluralities on the political records of that State. The only comment I have heard from Republican sources since the result of that election became known is that the New Deal was not an issue in Kentucky. Their idea appears to be whenever or wherever they win, the New Deal is repudiated. Whenever or wherever they lose, the New Deal had nothing to do with it.

Personally I am quite convinced that the Republican effort will be futile in Connecticut as elsewhere. Yours is a great industrial State. It also happens to be a State in which reside a large

number of people of great wealth, who either dominate or are associated with important financial establishments, which, for one reason or another, have declared their hostility to President Roosevelt and their opposition to his policies.

There has come to my attention a number of letters addressed to their employees by the heads of certain enterprises that are obviously intended to influence the votes of these employees. To put it bluntly, there is an organized attempt to coerce the working people. There is nothing new about this process. As long as I have been cognizant of political campaigns the same procedure has been resorted to in every election. I might perhaps make an exception of the election of 1932, when these same big business interests were quite willing to go along with Roosevelt as their only hope of getting them out of the hole into which they had been plunged by the do-nothing policies of the last Republican administration.

Their hope was realized. Franklin D. Roosevelt changed their ledger entries from red into black. He put business on its feet. He made it possible for shut-down mills to reopen. He put confidence into the heart of the American people in place of despair. He restored the buying capacity of millions of Americans, and in the natural consequence sales of your factories went up, customers came back to your stores, and the wheels of commerce generally began to revolve and attained a speed that was at least an approach to normal. He did not bring back the hectic boom that was the precursor of the depression. That depression was the result of years of exploitation, Government favoritism to special interest, and lack of courage in those at the head of our Government to put on the brakes at the proper time.

The effects of the great crash are not to be remedied in a day or a year. Full recovery cannot be brought about overnight. But what has been done and the measure of recovery to which we have attained ought to be evidence that we are on the right track and that, unless something untoward and unforeseen occurs, the processes which have been successful so far will put us back where we belong.

Compare the present state of things with what they were when the Democratic administration came in.

I don't think there is anybody who will dispute the fact that conditions in this country have improved vastly since what we term the New Deal came into effect.

Franklin D. Roosevelt was elected to the Presidency of the United States because he had a definite plan in view to lift us out of the depression. His predecessor either had no plan or was satisfied to let things drift with the happy-go-lucky idea that somehow, sometime, conditions would correct themselves. And so he contented himself with cheering assurances that prosperity was just around the corner and, in effect, that if he were reelected things would be all right in a short time. Coupled with this was the gloomy prophecy that if a Democrat were elected grass would grow in our public streets and the whole Nation would be in chaos. You people, in common with nearly every other State in the Union, chose the man with a program and relegated to private life the man with a pious hope.

Now a good many of the imposing figures in the business world, having been relieved of their terror consequent on the great collapse, are anxious to return to the old conditions and to pursue again the methods and policies that resulted in shipwreck.

Presumably the people of this country ask nothing more of government than the opportunity to do business at a profit with a fair guarantee of security in their ventures. I have found in my numerous journeys about this country a very general feeling of satisfaction with the progress that has been made toward recovery. Here and there, to be sure, we hear the caws of the crows and ravens who constantly croak their lamentations. They are the apostles of gloom; the same element that has always regarded a new departure, whether in government or in industry, as something to fear and something to prevent if possible.

Connecticut has probably more than its fair share of these people. They cannot deny the fact of business improvement and so are driven to the declaration that prosperity is coming not because of the New Deal but in spite of it. Their philosophy is simply a continuation of the Hoover theory that the thing to do in periods of distress is to do nothing, trusting to luck that some undefined accident or incident will happen to put the derailed train of business back on the tracks.

Now, let us just analyze a trifle their theory that it was not the Roosevelt administration but simply the action of economic laws that lifted us out of the swamp.

Cast your minds back with me to the advent of President Roosevelt to the White House. There was not a bank in the United States which held the confidence of its depositors. The doors of everyone of them were besieged by crowds seeking to get their money out before the establishment had to shut up shop. Certainly there was no indication then of the working of these mysterious economic laws that would bring things back to order and to confidence.

President Roosevelt took the bull by the horns and closed all the banks until there was an opportunity to separate the sheep from the goats, to put on one side the banks that were shaky and insolvent and to open up the others under such conditions that no depositor need have any fear for the safety of his money. He told the people at that time just what he was doing and why he was doing it and what he hoped for it, and they believed him. There has not been a run on a bank since. This episode was the cornerstone on which the rebuilding of the edifice of prosperity was grounded. Ten thousand banks had crumpled before the Roosevelt bank holiday. How often have you heard since of losses through bank failures?

Very well, let us agree that such recovery as there has been would not have been possible except for the courage, faith, and acumen of the new Executive in relation to the banks.

In those days not a voice was raised against the act of the President. People recognized its necessity and bore the inconvenience of the time with patience and good humor.

Suppose a similar drastic expedient were resorted to today. The whole firmament would resound with the anguished cries of those who are now criticizing the administration. They would clamor that it was unconstitutional, that it amounted to confiscation, that it was an act of dictatorship and an approach to communism.

Let me tell you that the subsequent steps in the recovery program were just as valid as was the first act which made any of the program possible.

True, one of the great elements in the program failed in some of its aspects to satisfy the Supreme Court. And so with the N. R. A., which gave employees higher wages through lower hours and afforded employers, through the suppression of unfair trade practices, to earn the means to pay higher wages and make a profit, where for years their ledgers only recorded losses.

It is easy from the vantage point of comparative content to criticize the administration for putting into effect a law which could not stand the test of the courts. Do not forget that there was no time during those early months of 1933 to assay every fine legal point and make an accurate estimate of a controversial question so complex that the lesser branches of the Federal judiciary varied widely in their appraisal of the law. It was not until the court of last resort had rendered its judgment that we knew that the N. R. A. contravened the Constitution. That law was enacted, by the way, with the assistance of 11 Republican votes in the Senate of the 31 Republicans who voted, and 54 Republicans in the House of Representatives, while 45 Republicans voted against it. Most of these Members of Congress are lawyers; many of them made a fine legal record in their own States as judges, district attorneys, etc., before coming to the National Legislature. Does anybody believe that these legal-minded members of the opposition party would deliberately make a law unless they believed it to be in accord with the Constitution?

It is sad to realize that business was started on the upward grade, that hundreds of thousands of jobless men and women were put to work, that wages went up and hours went down under a misapprehension of congressional authority. It comes with a shock to know that sweatshops were exterminated and child labor abolished under these circumstances by the establishment of codes that proved such a boon to industry that many of them are now being continued voluntarily by industries that appreciate their value.

I understand that some of the magnates of your great fabric-mill industries are worrying about some of the emergency legislation. That industry was the first to accept a code, and at the time was most enthusiastic over it, inasmuch as for the first time in years they saw a hope of profit in their business. The depression in that industry did not come with the New Deal. It did not come with the processing tax, which is now complained of, though the mills pass along that charge.

Incidentally, when we are talking about the processing tax and the A. A. A. activities, which some of your people find fault with, suppose we take a brief glance at your tobacco industry. I don't think your tobacco farmers have any fault to find with what has happened to them under the Agriculture Department's fostering. In 1932 your planters produced 26,663,000 pounds, from which they realized an income of $4,628,000. Last year they cut down their acreage and their 14,276,000 pounds brought them in $5,914,000. Leaving out all benefit payments, the tobacco income in Connecticut was larger than before the New Deal got to work.

Even your textiles have not done so badly, for the statisticians tell me that whereas they had only 455,000 spindles working in 1932, there were 668,000 spinning in September of this year.

I could quote you statistics by the yard to illustrate the present comparative well-being compared with the poverty of 3 years ago. I do not mean merely among your farmers, who are getting prices for their corn, oats, milk cows, and hogs from 40 to 100 percent higher than they got in the panic years, but in all your leading industries.

Yet the enemies of the Roosevelt administration are running about your State telling you that you are being sacrificed for the benefit of the western farmers. Moreover, I have heard even the accuracy of the Federal statistics questioned by those who can see no good in a Democratic administration and who insist that figures that do not suit their own theory must be juggled. So let us quit the reports of the departments in Washington and take your own newspapers as an index of what is going on. Just before I came up here I looked over the Hartford Courant. I do not think anybody is going to accuse that newspaper of undue partiality to the Roosevelt administration. Indeed, the Courant insists that we are very wicked and incompetent people, engaged in squandering Uncle Sam's money and like deplorable enterprises. However, it is a great newspaper, and its financial pages give the news, whatever the editorial columns say. In one recent issue it carried the headlines "Steel Mills Throb with Prosperity", and recites that building permits "for 10 months reach $1,754,183, increase of over $710,000 over the same 10 months last year."

The next day it recited that gas sales in the State were up more than 30 percent over a year ago, and detailed the advances in insurance stocks, bank stocks, corporation bonds, and automo-

tile assemblies. On October 29 the same paper recorded that the stock of the Acme Wire Co. of New Haven had gone from 9 at the beginning of the year to 39½, and had resumed dividend paying. The Courant's business index of the State showed a 74½-percent rise in general business "the highest level since summer of 1931." It likewise mentioned that man-hours worked in 150 Connecticut factories in September of this year was the largest total since October 1930. Incidentally, the Courant cheerfully told us that electric power sales for September "reached the largest total ever recorded for any month."

Its review concluded with the declaration that October business up to that time "indicates the upward trend of general business activity"—I am quoting the language of the financial-page story—and presages "another post-depression high when the figures are all in."

That's the picture as it is painted by a good Republican newspaper in your own State. I can't improve on it.

Do these business advances sound as though they had occurred in spite of the New Deal, as the Republican politicians assert?

Was the banking situation, the straightening out of which made any recovery possible. In spite of the New Deal?

Was the establishment of the C. C. C. camps, which meant the salvation of a million American bays, in spite of the New Deal? Here were these lads come to manhood, with no jobs from which to start their careers. What sort of citizens would most of them have developed into had they been left to the forlorn hazards of destitution, idleness, and temptation?

Was the mortgage financing, which saved millions of homes and farms from foreclosure, in spite of the New Deal?

The Republican spokesmen are constantly harping on the vast expenditures for relief, picturing the administration at Washington as shoveling out billions haphazardly and piling up a debt that cannot be paid. Actually the greater portion of this money is not expenditure but it is an investment. The R. F. C. is getting back in interest and repayments more than it is expending. Practically every loan it has made is backed by the soundest securities. The farmers and the home owners are meeting their mortgage charges and in thousands of cases have paid off their mortgages in advance of their maturity and with every prosperity advance this healthy, happy condition improves.

I don't want to bore you with any more statistics, but I will state that the Reconstruction Finance Corporation, considered simply as a business enterprise, shows an operating profit up to date of $110,000,000, more than sufficient to offset any losses from uncollectible loans.

And I also tell you that 12 Federal land banks report that 90 percent of all due installments on their loans have been paid, up to September 1.

Such are the cold facts and figures. I hope you will keep them in mind when those who thunder for the return of the methods and processes which brought us to the verge of ruin tell you that the Roosevelt administration is leading the country straight to the devil. Does not the restoration of business represent an adequate dividend on the money the Government has spent and is spending?

One reason for this persistent attack upon the President is that our political foes have neither a candidate nor a program of their own. Just now they are flying a series of trial balloons, leading out their aspirants for the Presidency one by one in the hope of finding some individual with a popular appeal. So far they have inflated the booms of Senator BORAH, their one really conspicuous figure; of the mournful colonel of Chicago, Frank Knox, whose qualifications so far revealed do not go far beyond the circumstance that he would like to have the nomination; and now Governor Landon, of Kansas, is being given his boom, with the idea perhaps that because he belongs to the Corn Belt he might deflect some of the farm vote from President Roosevelt in the election. With each of these booms the papers are filled with fresh broadsides on the iniquities of the present administration. There is little variety in these. First, of course, they centered in an attack on the President as a dictator. Some of them even declared specifically that he was ambitious for the role of a Mussolini or a Hitler. This tickled the funny bone of the Nation, so they abandoned the dictator business and swung around to the Constitution.

Because the President was disappointed in the N. R. A. decision, they conjured up a picture of him engaged in a furious desire to defy the Supreme Court and throw the Constitution into the discard. That was too ridiculous to stand up, despite the valiant efforts of a group composed of some various rich men and their retained attorneys to keep it alive. So now they are back to the charge of profligacy and extravagance in the use of the public funds.

I suppose that these things are really not more than the ordinary phenomena of a political campaign of a party with no magnetic figure to rally about; of a party shattered beyond repair by the conflict in its own ranks between the reactionaries, who would like to see another Hoover in the White House, and the Progressives, who rebel against such an outcome.

I assure you that all this sound and fury will be forgotten next November; that President Roosevelt will be nominated without opposition, and will be reelected by a huge majority. And all this Republican boondoggling will not have the slightest effect in deflecting the great mass of the people of this country from their loyalty to and affection for the great President who pulled them out of the dismal swamp of the Hoover panic.

DISTRIBUTION OF ELECTRICITY AND GAS IN WEST VIRGINIA

Mr. HOLT. Mr. President, I ask unanimous consent to have printed in the RECORD a statement and a table showing the complete domination of the distribution of electricity and gas in West Virginia by foreign-owned holding companies.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

There is a complete domination of the distribution of electricity and gas in West Virginia by foreign-owned holding companies.

Distribution of power is almost entirely controlled by two holding companies, the American Gas & Electric and the American Water Works & Electric. They distribute over 96 percent of all the electricity sold within the State. Even locally operated companies are sold their electricity by the American Gas & Electric. One power company, the Appalachian Gas & Electric, does over 50 percent of the entire electric business within the State. The American Gas & Electric does nearly 60 percent and the American Water Works & Electric over 36 percent. Practically 99 percent of all power in West Virginia is sold by these outside firms.

As to the gas industry, one finds that nearly 93 percent of all the natural gas sold within the State is controlled by absentee ownership. A large percentage is controlled when one considers the amount exported to other States. The Hope Natural Gas Co., a subsidiary of the Standard Oil Co. of New Jersey, and the Columbia Gas & Electric Corporation, through its subsidiaries has a distribution of more than 34 percent each. (Reserve Gas Co., owned jointly by Columbia and Standard, is charged to Hope Natural Gas Co.'s percentage.) One finds that each of the 12 gas subsidiaries of holding companies has a greater distribution than all the local corporations combined.

Considering the revenue received by natural-gas utilities from gas sold and used in West Virginia only, one notices that the Columbia system received 55 percent of the total revenue, while the Hope Gas Co. received slightly less than 30 percent of the entire total of gas sold within the State, as reported to the public service commission. One finds that the independent companies received but $249,801 of a total of $10,209,321, or approximately 2.4 percent.

Gross revenue of the electric utilities operating in West Virginia, from West Virginia business only

American Gas & Electric:	
Appalachian Electric Power Co	$12,089,865
Wheeling Electric Co	1,963,067
West Virginia Water Service Co	147,616
	14,200,548
American Water Works & Electric:	
Harpers Ferry Electric Light & Power Co	4,358
Northern Virginia Power Co	502,680
Piedmont Electric Light & Power Co	21,912
Kanawha Traction & Electric Co	747,396
Potomac Light & Power Co	697,147
Spencer Water & Ice Co	42,878
Potomac Valley Power Corporation	47,893
Ridgeley Light & Power Co	26,514
West Virginia Power & Transmission Co	932,454
Monongahela West Penn Public Service Co	5,527,481
Shepherdstown Light & Water Co	61,565
Keyser Light & Power Co	67,841
	8,680,119
Virginia Public Service:	
Virginia Public Service Co	368,205
Union Fort Springs Power Co	8,967
	377,172
Other foreign companies:	
Point Pleasant Water & Light Co	106,036
Federal Public Service Corporation of West Virginia	26,332
West Virginia Light, Heat & Power Co	146,242
	278,610
Other companies: Total	269,418
Total, all companies	23,805,867

Comparison of gas production of local and foreign gas companies in West Virginia

Foreign company:	*Total distribution, M cubic feet*
Columbia Gas & Electric:	
United Fuel Gas Co	32,349,630
Manufacturers Light & Heat Co	11,273,942
Huntington Development & Gas Co	1,811,030
Natural Gas Co. of West Virginia	1,747,426
Cumberland & Allegheny Gas Co	1,226,334
Montgomery Gas Co	415,933

Comparison of gas production of local and foreign gas companies in West Virginia—Continued

Foreign company—Continued.	Total distribution, M cubic feet
Columbia Gas & Electric—Continued.	
Amere Gas Utilities Co	140,025
Point Pleasant Natural Gas Co	83,402
Total	49,047,622
Standard Oil:	
Hope Natural Gas Co	41,766,048
Reserve Gas Co. (owned jointly by Standard & Columbia)	6,160,279
Total	47,926,327
Other foreign companies:	
Godfrey L. Cabot, Inc	10,477,617
The Wak Co	111,498
Clayco Gas Co	9,390,549
Carnegie Natural Gas Co	3,272,925
Monongahela West Penn Public Service Co	1,931,220
Ohio Valley Gas Corporation	1,559,252
Inland Gas Distributing Co	297,127
Boone County Utilities Co	72,833
Richter Oil Co	58,601
Total	27,171,622
Total M cubic feet	141,639,719
Percent of total production	98.97
Local corporations:	
Total M cubic feet	1,479,237
Percent of total production	1.03

Revenue received by natural-gas utilities from gas sold and used in West Virginia only

Columbia Gas & Electric:	
Amere Gas Utilities Co	$96,878.34
Cumberland & Allegheny Gas Co	393,656.33
Huntington Development & Gas Co	413,463.66
Manufacturers Light & Heat Co	1,248,551.18
Montgomery Gas Co	73,887.27
Natural Gas Co. of West Virginia	842,373.02
Point Pleasant Natural Gas Co	43,210.65
United Fuel Gas Co	2,480,631.11
Total	5,592,651.56
Standard Oil:	
Hope Natural Gas Co	3,017,437.34
Reserve Gas Co. (owned jointly by Standard and Columbia)	22,270.70
Total	3,039,708.04
Other foreign companies:	
Godfrey L. Cabot, Inc	140,937.63
Wak Co	51,373.29
Boone County Utilities Co	16,384.50
Carnegie Natural Gas Co	22,952.17
Clayco Gas Co	73,596.36
Harshbarger Gas Co	16,471.76
Inland Gas Distributing Co	91,748.08
Monongahela West Penn Public Service Co	671,600.20
Ohio Valley Gas Co	46,620.52
Pittsburgh & West Virginia Gas Co	195,300.41
Richter Oil Co	195.50
Total	1,327,180.92
Independent companies: Total	249,801.45
Total all companies	10,209,321.97

TRADE STRANGULATION VS. TRADE STIMULATION—ADDRESS BY C. H. M'CALL

Mr. SMITH. Mr. President, I ask unanimous consent to have printed in the RECORD a speech delivered by Mr. Chester H. McCall, special assistant to the Secretary of Commerce, before the City Club of Cleveland, Ohio, January 11, 1936, on the subject of Trade Strangulation Against Trade Stimulation.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

"Men are never so likely to settle a question rightly as when they discuss it freely", said Macaulay a great many years ago. In that wise and simple observation the discerning English essayist and historian set forth the essence of the forum program of the City Club of Cleveland. Progressive adaptability in public opinion constitutes the sinews of democracy, which can be kept strong and resilient only through the competitive exercise of discussion and debate. One of the most encouraging tendencies of this immediate present in which we live is the increase of public forums in which the free speech of speakers is supplemented by the free discussion which follows between speakers and members of the audience. This procedure is an antidote for dogmatism, a protection against generalizations which cannot be substantiated by concrete principles or facts. The City Club of Cleveland has made a distinguished reputation in this particular approach to public platform discussions. Forums conducted in this manner become energizing fountain heads of responsive and responsible public opinion.

The highest court in our land is not the Supreme Court of the United States but the high court of American public opinion. No major public policy in the United States has ever succeeded without the general support of the people. This support must take the form of a friendly, vigorous, affirmative expression of public opinion. In this sense public opinion becomes the jury which must finally render the verdict as to the success or failure of major economic and social policies. The more informed and enlightened this public opinion is, the more practical, logical, and effective will be the verdict. George Washington said: "In a free and republican government you cannot restrain the voice of the multitude. Every man will speak as he thinks, or more properly without thinking, and consequently will judge of effects without attending to their causes."

The future of our form of government depends upon a public opinion formed "with thinking" rather than "without thinking"; a public opinion that should be induced factually, not seduced emotionally. Today we face the challenging task of finding sound and workable solutions to many fundamental problems of a broad and far-reaching nature. The complexity of these problems has developed far more rapidly than has public information about them. This requires more careful research, analysis, interpretation, and application than has been necessary in the past.

There are some major economic and social issues today which do not permit a clear-cut analysis, because our national experience in dealing with many newer and more complex interrelated problems is yet too limited to make any reasonably accurate forecast as to future trends and probabilities. It will thus take the perspective of a few years of experience and actual application of principles before the American people can pass final judgment upon the desirability or undesirability of the processes and procedures ultimately to be utilized.

One major question, however, which is surrounded by a large enough body of experience and supported by sufficient verifiable data to permit a clear-cut issue of decision and action is that of foreign trade. The manner in which American public opinion passes upon this question within the period of the next few years will provide a dependable indication of how practically and constructively public opinion responds to clear and understandable economic issues.

In keeping with the spirit of the day, which witnesses legal battles and court decisions dominating the determination of economic and social issues, I am going to assume the role of an economic attorney representing the plaintiff, Trade Stimulation, in a case against the defendant, Trade Strangulation. The audience which hears my voice today comprises the jury in one important judicial district of public opinion. Your verdict will be rendered through your support or lack of support of the case for trade stimulation as against trade strangulation.

The word "trade" is used here in the larger sense of including commerce between the United States and other countries. This case revolves around the question of whether the United States should seek as a long-term policy the maximum development of foreign trade or whether we should restrict our foreign commerce to that minimum which virtually means economic self-containment. Throughout our Nation's history we find many periods wherein opposing schools of thought have clashed over the correct foreign-trade policy which should be pursued for the greatest welfare of the Nation. Many aspects of this question are as old as our political history, but in the face of new conditions and requirements it is a problem which must be met with a positive, aggressive policy either for or against the extensive development of foreign trade. Today there can be no middle ground nor halfway measures. Any policy of "straddling" the issue will simply result in a stalemate and lead to increasing complexities over a long period of time. Fifteen years of disastrous creditor-nation experience since the World War against the background of 150 years of debtor-nation status affords ample evidence upon which to present a clear-cut case to the high court of American public opinion. The question of issue today is this: Shall we follow a policy of trade stimulation, supporting the fullest development of international trade between the United States and foreign countries, or shall we put into operation those procedures and methods which result in trade strangulation and the gradual decline and almost complete disappearance of our foreign commerce?

PETITION IN THE CASE OF TRADE STIMULATION VERSUS TRADE STRANGULATION

In this economic conflict of trade stimulation versus trade strangulation, I appear today as the attorney for the plaintiff, trade stimulation. The grounds upon which I base my client's case to show just cause why a verdict should be rendered in favor of the policy advocated by the plaintiff are as follows:

That the principles and policies pursued by the defendant, trade strangulation, are now injurious and detrimental to the maximum welfare and progress of the United States and that the methods of the plaintiff are essential to the fullest measure of recovery and progress.

That reasonable and just tariffs, but not those which are discriminatory and excessive, should be utilized as a factor for trading in competitive world markets.

That a policy of free trade, or of unlimited and unrestricted importation of goods is not justified in the United States.

That we should have the fullest flow of goods possible, based upon careful study and research to determine how much and what kind of goods will be most beneficial to our economy.

That trade stimulation means specifically the buying as well as the selling of goods and that foreign trade should be a two-way process.

That employment is increased through the expansion of foreign trade.

That our production is increased through utilization of foreign markets.

That trade stimulation will result in higher standards of living in the United States.

That foreign trade means the establishment of friendly relations and good will among nations, which are essential to world peace.

The policies advocated by the defendant in this case—namely, trade strangulation—may be stated thus:

That the defendant holds to those principles and policies which consider foreign trade a one-way process—the exporting of the surplus of our products but not the buying of the goods of other nations who buy from us.

That it means the eventual establishment of the principles of economic nationalism and national self-containment.

That the defendant holds to the policy of high and unwarranted tariffs.

That such a policy will result in the erection and crystallization of trade barriers, restrictions, and other destructive devices.

That it would result in added unemployment.

That it results in the loss of markets and the consequent decrease in production and purchasing power.

That through these policies the standards of living in the United States will be lowered and consumers will be placed at an unfair disadvantage under a system of dominant nationalistic control of production and prices.

Having thus set forth the principal reasons in support of both of these policies, I will now present arguments as to why a verdict should be rendered in favor of the plaintiff—trade stimulation.

And so, ladies and gentlemen of this jury of public opinion, I now present the case for the plaintiff. It is my contention that trade stangulation, as defined and described in the preceding petition, was an important contributory cause to the depression from which we are now emerging. We cannot have a full and permeating national recovery until the policies of the defendant are declared guilty of economic treason and sentenced to imprisonment in the dungeon of historical errors. Furthermore, I contend that we cannot realize the fullest measure of internal development with the broadest possible advantages and benefits to the consumer as well as the producer through a program embodying the principles of trade strangulation.

Foreign trade alone does not determine the difference between prosperity and depression. However, there is a definite dependent relationship between an increase in our import and export trade and substantial and sustained economic balance and progress. As proof of this conclusion, figures could be cited to show that from the days of the Yankee clipper, when American ships carried our goods to foreign countries and in return brought back their goods in payment, we have enjoyed the greatest periods of prosperity when we have had the largest volume and value of foreign trade, while we have experienced the most troublesome periods of depression when our foreign trade has been the lowest. It is significant to note that from 1929 to 1933, 3 years of the country's most precipitate and drastic economic deflation, the foreign trade of the United States fell from over nine and one-half billion dollars in 1929 to less than two billions in 1932; and that during 1933 and 1934, when progressive recovery began, foreign trade as a contributing factor rose to a value of slightly over two billions in 1933 and almost three billions in 1934. For the first 10 months of this year our total foreign trade on a value basis is over $300,000,000 greater than for the first 10 months of 1934, showing that there is a decided parallel and interdependence between domestic recovery and the increase in our foreign trade.

In order that we may have a clear understanding of the basic issues involved in this case, some recourse to historical factors and influences is necessary. The colonial period up to the Revolutionary War, when we were under the imperialism of the British Empire, was an era of the simple trading of our goods and services for the goods and services of other countries, and principally the mother country, Great Britain. Between the Revolutionary War and the War of 1812 there was a rapid foreign-trade expansion in both exports and imports. In the 18 years following the War of 1812 the tariff as a national policy gradually took form for the stated purpose of protecting infant industries and stimulating the internal development of manufacturing and related commercial activities. These early tariff enactments marked the beginning of foreign-trade policies which have multiplied the problems and complications during the century which followed. The tariff as an instrument of national policy had many needed and beneficial aspects, but the excessive and privileged use of the tariff led to underlying difficulties and disparities which still plague us today. Since the War of 1812 the tariff has been the dominant economic issue extremely susceptible to political pressures and manipulations. It is interesting to note, from the viewpoint of public opinion, that never in all of our elections when the high protective system was a real issue did the people vote approval. The most decisive cases were in 1828, 1832, 1888 (when Cleveland had a popular majority, and 1892. Yet in all of this period we had low tariff rates only from 1789 to 1824 and from 1846 to 1861. Even with our great strides in manufacturing, our exports of raw materials and agricultural products up until the time of the World War far exceeded our exports of manufactured commodities. Vast population increases created such a wide domestic market that our productive capacity did not outstrip the actual demands of increasing national purchasing power. Thus we were not, before the World War, confronted with the necessity of selling a certain percentage of our manufactured products abroad in order to secure the larger volume of distribution necessary to assure profitable returns for many important lines of industry.

Throughout the century preceding the World War the United States was a debtor nation, owing more to other nations than other nations owed to us. During this period we paid our obligations to foreign countries chiefly in the form of raw materials and merchandise exports. It was economically sound and proper that as a debtor nation we should have had a considerable excess of exports over imports.

Our entire foreign-trade approach under a debtor-nation status was thus formulated upon the policies of high protection for internal business and industrial development and upon a so-called favorable trade balance with its excess of exports over imports. Over such a long period of time these two major policies were effectively crystallized and well traditionalized.

Then came the World War and a sudden and complete reversal in our economic status in the world family of nations. Even with allowance for the rise in prices of commodities, there was a phenomenal rise in both exports and imports, especially the exporting of crude foodstuffs and raw materials. The increase of exports over imports gained until at the end of 1918 it stood at over $3,200,000,000. This excess was largely paid for by the huge borrowings of foreign nations which purchased our goods. By the end of the war the United States was the world's leading creditor nation, with a major portion of the world's supply of gold and vast amounts of foreign securities. Our financial position following the war was abruptly and completely reversed from the position of owing Europe, as we did in 1914, a net amount of three billions, to that of being owed a net amount of sixteen billions due to us on governmental and private accounts. Thus, from the end of the war, every year in which we have had an excess of exports over imports we were increasing rather than decreasing other countries' obligations to us. Yet as a creditor country we went blithely and blindly on our way, applying the same policies that we had utilized as a debtor nation. The debtor-nation psychology and habits inculcated through several generations were so strong and deep-seated that they could not be changed with the speed with which our financial position was reversed. Our foreign trade during the twenties, to fill the demands of a war-depleted and war-starved world, was financed largely by our loans to the purchasing countries. We still continued to think and act in the terms of our debtor-nation position. Simply and frankly, we were a creditor nation with a debtor-nation complex.

Stated in broad economic terms, a creditor nation should normally be an importing nation if it is to maintain its position as an exporting nation. There is a final reckoning in the international balance of payments and unless we can find the ways and means of purchasing goods and services of our buyers without unduly restricting the market for our producers our export trade will eventually decline to a minimum. Instead of facing the realities of the creditor-nation position imposed upon us by the war, we proceeded on a course entirely opposed to sound and progressive foreign trade under a creditor-nation economy. Through the Fordney-McCumber Tariff Act of 1922, and the Smoot-Hawley Act of 1930, we raised the tariffs and thus set up further barriers to restrict the beneficial flow of trade between the United States and foreign nations.

When the economic collapse of 1929 struck with full force, an anomalous situation existed. We were a creditor nation, a surplus nation, and a high-tariff nation, all three of which vitally and adversely affected the producing and consuming classes of the nation. We had to sell the products of our agriculture and industry in a market held low by world competition, while we bought our goods in a domestic market held high by tariffs and restrictive measures. So long as we remained in this unfavorable position which the policies of the defendant in this case would have us do, we could not hope to achieve the objective of complete and sound recovery. We exert every effort to increase our productive power, yet to realize its fullest development we must sell abroad some of what we produce. When our markets decline, our fundamental wealth declines, because we cannot sell the goods we produce to create income. The policy which this Nation pursued from the end of the war until the beginning of the depression period, or the policy of trade strangulation, was not only an enemy of foreign trade but the enemy of the Nation itself. The solution rested in the pursuance of the policy of the plaintiff in this case, or an obedience to the economic laws of a creditor nation, which means an increase in our import trade through the lowering of trade barriers on a reciprocal basis.

We face today the simple reality that to sell we must buy. The defendant believes in selling the surplus of our production in foreign markets, but at the same time takes a firm stand against purchasing the goods of those who buy from us. In the final analysis, foreign nations must pay for the goods they purchase from us by selling to us either directly or indirectly. Service items and financial transactions also affect the balancing of total obligations, but the movement and exchange of goods comprise the major factors in this relationship. There is an old Spanish proverb which says: "He who would bring home the wealth of

the Indies must carry the wealth of the Indies with him." This proverb epitomizes the essential reciprocal nature of foreign trade. If trade for very long moves chiefly in one direction, it will soon cease moving at all. Our recent experience tells us that the unreasonable restriction of imports into the United States leads immediately to a discriminatory retaliation against American products by other countries. There is an array of sound economic reasons to support the principle that we can make substantial progress in foreign trade only if we are motivated by the underlying philosophy that a better balance must be maintained between the goods we buy and the goods we sell.

Those who favor a drastic restriction of imports propound the argument that imports lead to domestic unemployment, a decline in purchasing power and, hence, exert an enervating effect upon our national economy. Factual evidence refutes such claims. Imports, properly considered, make possible a more effective utilization of our resources in men and materials and assist in attaining a better balance in domestic purchasing power. A liberalization of our import policy in no sense means an opening of unrestricted floodgates to foreign products. Rather it contemplates a gradual adaptation of selective processes that will increase our total annual volume of imports in a way that will provide the most effective benefits, from all angles, to the entire country.

Now, if it were true that as imports decreased prosperity increased and as imports rose prosperity declined, then we would have a just reason to believe in the arguments of the defendant and to do what America as a creditor nation was doing during the twenties—raising the trade barriers and increasing the restrictions which kept imports out of the country. However, actual figures and experience tell a different story.

The following figures show concretely the fallacious reasoning of the defendant: In 1929 our imports totaled over 4⅓ billion dollars; by 1932, after a gradual monthly and annual decline, they dropped to slightly more than 1⅓ billions; in 1934 they had increased to over a billion and one-half; and for the first 10 months of this year they totaled more than a billion, six hundred million, an increase of three hundred million over the corresponding period last year. Furthermore, there is no evidence to show that increasing imports, contrary to the contentions of the defendant, trade strangulation, have resulted in decreased domestic employment. In the decade of the twenties our imports rose until the peak was reached in 1929. During this same period wages rose to the highest levels, and employment was at a maximum. Between 1929 and 1932, when the value of our imports dropped to one-third of their former value, employment registered a vast decline. Since 1919, according to the indexes of the Federal Reserve Board, every single year in which imports increased factory employment increased, and every year imports decreased factory employment decreased. I am not citing these figures to prove that domestic recovery depends entirely upon foreign trade, but to show that increased imports do not function to cause unemployment and lowered purchasing power.

It has been estimated by the American Manufacturers Export Association that there were in 1930 over 14,000,000 workers in the United States dependent upon our foreign trade for their livelihood and that 7,000,000 of these were either directly or indirectly dependent upon imports. Imports create employment in themselves, because labor must be expended upon them from the time they arrive in port until they reach their final point of consumption. From the time imports arrive, either in raw materials, semimanufactures, or manufactures, they must be transported, warehoused, wholesaled, and retailed with labor. In a publication of the American Manufactures Export Association we find this statement: "On the average the imported manufactured article creates more employment in the United States than the exported manufactured article."

Imports fulfill another vital function which is often overlooked. They constitute an important source of consumer protection. Combinations and price controls thrive behind the high foreboding walls of excessive restrictions. Domestic production and distribution, without the discipline of reasonable imports, can impose a rigid price structure upon the consumer. High protectionist tariffs are the royal guards for the special privileges of monopoly. The tariff should be an instrumentality for the service of the consumer rather than manacles which bind the consumer to the dictates of concentrated economic power. A liberal foreign-trade policy tends to stabilize the relationships between the price different groups pay for what they buy and the price they receive for what they sell. Whenever any disparities become too great and work an unjust economic hardship, a recourse to the advantages of foreign trade will assist materially toward a gradual correction of the inequities.

The objective of economic self-containment which is upheld in the arguments of the defendant means that the United States would produce only for its own consumption and consume all of its own production. You can readily visualize the scope of the problems involved if such a policy were put into effect in a country in which foreign trade, even in the face of many deterrents and obstructions, has become an important factor in the maintenance of national balance and relationships.

It is claimed by the self-sufficiency adherents that, inasmuch as we only export approximately 10 percent of our total production in normal times, our foreign trade could be eliminated without any serious dislocation of our economic structure. But this figure, as a relatively small percentage of total national production, is more far-reaching in implications and effects than the percentage basis alone indicates. This 10 percent, for example, is on a national basis, while the export percentages for many important industries are considerably higher. To lose such markets would mean the absolute disruption of many industries, which in turn would cause severe repercussions in other industries. Many of our industries are those in which, because of climatic or soil conditions, natural resources, or efficiency of production, we can produce goods more cheaply or better than other nations. Therefore, it is to their advantage to sell their products in foreign markets. Hence, to close down export markets would mean a shift in production from those fields in which we can produce most cheaply into those in which we cannot. The result would be impairment of national productive efficiency. Agricultural exports are indispensable to agricultural prosperity and represent in many crop fields that margin which gives the farmer the opportunity to purchase the production of industry. We are all familiar with the maladjusted conditions which existed in the agricultural life of the Nation during the past few years when restrictive tariff measures resulted in the loss of foreign markets.

Even in 1933, which was a year of low foreign trade volume, we sold 66 percent of our cotton abroad, 39 percent of our leaf tobacco, 25 percent of our lard, 25 percent of our prepared milk, 46 percent of our dried fruit, 28 percent of our lubricating oil, 16 percent of all classes of industrial machinery combined, 41 percent of refined copper, and almost 6 percent of our automobiles. In agriculture, to put the matter in another way, we would have to retire about 40,000,000 acres of farm land which is now in use in production for export, supporting a farm population of about 3,200,000 people.

These foreign sales not only increase total output but also make possible a lower price to the domestic consumer through a lower unit cost on a larger volume of production. Competition in world markets is also a very salutary factor in the stimulation of productive efficiency. Under any policy of self-containment these advantages would largely be lost, to the great detriment of our economic progress.

From the other side of the foreign-trade ledger—that of imports into the United States—we find that as a result of the widespread and diversified nature of our productive processes, consumptive habits, and needs, and standards of living a large variety of imports are basically essential in our economic functions. Approximately 40 materials are used from abroad in the fabrication of different varieties of steel. Under a policy of self-containment probably most of these materials might be produced in this country, while substitutes could probably be devised for others. In virtually all of these cases, however, the cost would be considerably greater, thus increasing the price of these goods to our own people without any comparable benefits accruing. A long roll call of imports could be cited to show the broad extent to which we are dependent upon imports for the most efficient production of necessities, seminecessities, and luxuries. There are some basic products which the United States cannot reproduce in any form, and, of course, even the proponents of self-containment would probably be willing to let the requisite amount of these products into the country. But in doing so they recognize the fundamental principle of foreign trade, which should be applied as broadly and successfully as possible rather than held to the lowest possible minimum.

This school of thought also maintains that high tariffs are necessary to keep American wages at a high standard. Reasonable tariff protection is essential to support the wage and labor relationships which are built up in this country, but high-tariff periods throughout our history have always been the periods of lowest wages. High wages fundamentally are based on the productive efficiency of workers rather than primarily upon high tariffs which place a premium upon such efficiency. In spite of the cheap labor of such rice-producing countries as China and Indochina, the United States, in competition with this cheap labor, exports large quantities of rice to Japan, yet the American wage rate is probably 20 times as great as that paid the Chinese worker. The explanation lies in the fact that the American worker produces many times as much rice as the Chinese worker. This is one illustration of the exaggerated importance that is given to tariffs as the basically sound procedure in maintaining high wage levels.

The supporters of self-containment endeavor to create the impression that economic nationalism is synonymous with patriotism. No doctrine could be more misleading. Today we are witnessing the effect of nationalism on many nations of the world in the form of monopolistic controls, government regimentation, lowering standards of life, and unfavorable relations with other nations. The United States has no special dispensation which will exempt us from a similar experience.

The nature and character of our national economy are such that a reasonable and proper articulation of foreign trade is necessary if we are to achieve a progressive and properly balanced economic life. The final declaration of the Twenty-second National Foreign Trade Convention held in Houston, Tex., in November 1935 contains this significant statement with reference to economic nationalism: "National self-containment has no place in the economic policy of the United States. Advocates of this doctrine ignore the dependence of our Nation upon the foreign supplies of essential raw materials, regard with indifference the maintenance of our standards of living, and underrate the importance to national recovery of our annual sale abroad of a substantial portion of national production." Among the more important factors that militate against constructive foreign-trade development is that of bilateral trading. Foreign trade presupposes a situation in which the leading nations of the world are able to trade with one another on a basis of mutual reciprocity so that the total

net result over a period of several years will lead not only to enrichment and improvement of individual countries but also to an enlargement of international benefits. Bilateral agreements, accompanied as they are by discriminatory and retaliatory actions, obstruct this procedure. The National Foreign Trade Convention also included this statement in its final declaration: "This convention rejects as fallacious and destructive of normal world trade relations the theory of bilateral balancing of trade. Because of varying resources and economic conditions throughout the world, international trade is multilateral." Bilateralism, with its procedures of special privileges and preferential treatments, is a policy that paves the road to isolation and economic nationalism.

Thus far in the argument in the case of trade stimulation against trade strangulation fundamental principles, procedures, and experiences have been discussed. Let us now turn to a brief consideration of specific present-day methods for the achievement of maximum foreign-trade development.

The Roosevelt administration, in an attempt to meet the problems and necessities of foreign trade, has initiated the reciprocal trade agreements program. This program has as its definite objective the promotion and development of an international exchange of goods and services. In carrying out the provisions of the reciprocal tariffs act passed by the Congress in June 1934 the Government has followed the principles of most-favored-nation treatment. This means that we afford equality of treatment to all nations which do not discriminate against us. Thus far the Government has concluded 10 of these agreements, with 6 of them now in operation and 1 more to become effective on February 1, 1936.

It is quite impossible as yet to forecast accurately the eventual results of this program, because the agreements have not been operative for a long enough period of time to register cumulative benefits or to disclose adjustments and modifications that may be necessary for the most effective functioning of the agreements. It can be said, however, that this program conforms in principle and practice to the fundamental policy which experience has shown to be the most practical in stimulating foreign trade. Furthermore, there is some experience available through treaties that have been in operation for a short period of time which can be used as a basis for at least preliminary conclusions.

As a general statement it can be said that the reciprocal tariffs act recognizes a definite relationship between reductions in our import duties and restrictions and a reduction in the duties and trade barriers set up by foreign countries against the admission of American goods into their markets. It proposes to expand the foreign markets for the products of the United States by the reciprocal process of regulating the admission of foreign goods into the United States.

As a specific example of what has already been accomplished through the operation of the program, let us take the case of Cuba, with whom an agreement has been in effect since September 1934. While the agreement with Cuba has certain special aspects that give greater assurance of successful operation, it does, however, fairly reflect the application of the general principles of the trade-agreement procedure. In the record of our trade with Cuba since September 1934 we find justification for the expectation that a satisfactory improvement in foreign trade will follow the operation of similar trade agreements with other nations.

For the first 10 months of 1933 our trade with Cuba had fallen to slightly more than $70,000,000, as compared with more than two hundred and ninety millions in the same period in 1929.

Evidence that our trade with Cuba has increased materially since the agreement went into effect is shown by the figures for the year just prior to September 1934, when the total trade with Cuba was valued at slightly less than $100,000,000. For the 12-month period from September 1934 to September 1935 it totaled over one hundred and eighty millions.

When we consider that the countries with which agreements have already been signed and ratified, those with which we have agreements pending for approval, and those with which negotiations have been proposed took 33 percent of our exports and supplied 42 percent of our imports in 1934, we can visualize the real results which should be accomplished through the consummation of other agreements.

One of the outstanding advantages of the present form of tariff-making procedure is the fact that it places the broader national welfare ahead of selfish and segmentary interests. Also, as opposed to the methods adopted by the defendant, it eliminates a great deal of political and group pressure. As a result of careful study and analysis, there is a weighing of advantages and disadvantages and a determination of what can be done to bring about the greatest benefits to the entire country. Obviously, it is impossible to pass any general law or to initiate any general procedure affecting many groups and interests which will not result in hardships and inequities for some. The primary task is to seek for that status which will keep such hardships at a minimum while assuring maximum national benefits. Adequate opportunity is given to all interested in any particular agreement to be heard and present their arguments either for or against the agreement. An effort is made to secure a procedure which will, when all factors are balanced, bring greater employment and greater returns to labor, industry, commerce, and agriculture.

It is gratifying to note the position which American business and industry is taking with reference to the reciprocal trade agreement program of the present administration. Immediately after it was announced that an agreement had been signed with Canada there were sharp criticisms from some sources condemning the provisions as destructive to domestic business activity. Generally, however, business has expressed a hearty approval of this agreement with our great neighboring country. Some who at first criticized the Canadian agreement have after further study and consideration expressed their confidence in the broad general good that should result. One prominent businessman in an industry directly affected by concessions to Canada told me that originally he had objected vigorously. "But upon further reflection", he said, "I realized that we were merely going back to a pre-1930 basis, during which period our industry had its most prosperous years. A large volume of trade with Canada is of such importance to our national welfare that I am sure our industry, in spite of the concessions granted to Canada, will be far better off with the treaty than without it."

The concessions made by Canada to the United States in this agreement will affect beneficially much the larger part of our total export trade with her. While our agriculture and our industry will benefit largely from the expansion of their Canadian sales, the agreement leaves for both agriculture and industry adequate protection in the domestic market, even though it opens to Canadian producers a larger share in that market. To consumers, moreover, the reductions in our duties will be of much benefit, by checking unreasonable increases in prices of the consumers' commodities concerned.

Most of the crude and simply manufactured products which we buy from Canada have been free of American duty in the past, and by the trade agreement nearly all of the important free items are "bound" against the imposition of any duty or import tax. As a compensation for our action with respect to free commodities, which is of great benefit to her, Canada has made reductions in duties on American commodities which represent a substantially larger value of trade than is represented by the Canadian commodities on which we have reduced duties under the agreement, although the reductions made by the United States cover a large proportion of the dutiable imports from Canada.

The magnitude of the benefit which will accrue to American agriculture and industry from this agreement may be judged by the fact that duties and other charges will be lowered on products of which we shipped to Canada, in the Canadian fiscal year ending March 1930, about $415,000,000, as shown by an analysis made by the Department of Commerce. That was the last year before the marked increase in Canadian duties and other levies on American goods. The commodities affected by these new Canadian concessions to us comprised in that year over three-fourths of the total dutiable exports to Canada from the United States.

On the other hand, the concessions made to Canada by the United States in the agreement are also of wide-reaching character. They affect commodities which accounted for about two-thirds of our total imports from Canada in 1929, as computed by the United States Tariff Commission. Much the larger part of the trade in those free commodities of which Canada is the principal supplier of our imports will now be bound against the imposition of duties or import taxes, and reductions in duty have been made with respect to commodities representing about three-fifths (as measured by the statistics of 1929) of the total value of the articles, of which Canada is the principal source, which are dutiable under present laws.

It will be remembered that since 1929 the United States has greatly increased its duties against Canadian goods by a new tariff law, and Canada has increased her tariffs against us by special legislation and various special orders in council.

Imports from Canada into the United States dropped from $503,000,000 in 1929 to $232,000,000 in 1934, or by 54 percent. Exports from the United States to Canada dropped from $899,000,000 in 1929 (not including grain in transit for Europe) to $302,000,000 in 1934, a decrease of 66 percent.

Countries other than Canada will obtain relatively little benefit from the reductions in duty made by the United States in this agreement. Imports from Canada of the articles on which duties have been reduced were, in 1929, 94 percent of the total imports of these commodities from all countries combined. Canada is overwhelmingly the principal supplier of most of these articles. The proportion supplied by Canada of the articles bound on the free list by the Canadian agreement is also very high.

If time permitted I could go into greater detail and explain many of the specific benefits which will accrue to the United States from the Canadian agreement. In general it presages greater prosperity and progress for the United States and opens the way for the consummation of agreements with other nations which will serve to further the gains which I feel will be realized from the ones already in effect. Canadian and American figures on employment and industrial production show that there is a definite parallel between economic conditions and technological development in the two countries. Economically it is to both nations' advantage to work in harmony, for recovery and progress in one nation will affect the other one. I feel that this is a practical and beneficial application of the "good neighbor" policy of the United States.

Because of its nearness and direct trading channels with Canada, Ohio is naturally interested in the benefits which will accrue from the Canadian agreement. Also, because of the diversified nature of economic activity in this great State, it is essential that your trade channels be freed from unnecessary restrictions and obstructions. Let us examine briefly some of the specific points at which Ohio should profit, not only from the agreement with Canada but from the increase in foreign trade generally.

In 1929 the United States exported more than $39,000,000 worth of rubber tires and inner tubes, of which more than $300,000 worth went to Canada. In that same year Ohio produced over 66 percent of the total amount of these goods, calling for the employment of over 55,000 persons and with a value of more than $500,000,000.

In 1929 we exported more than $35,000,000 worth of paper and manufactures, except boxes, with more than ten millions of this total going to Canada. In that year Ohio produced over 9 percent of the Nation's total, which necessitated the employment of over 9,000 workers and with a total value of over $80,000,000. We exported almost $128,000,000 worth of electrical machinery and appliances during 1929, of which more than $39,000,000 worth went to Canada. Ohio produced 11 percent of the total produced in the United States, employing over 36,000 persons in this industry and with an output valued at more than two hundred and sixty-four millions. Ohio ranks among the first in the production of industrial machinery. In 1929 we exported more than $265,000,000 worth of this type of goods, with more than $67,000,000 worth of this going to Canada. These figures show specifically how an increase in our exports to Canada will directly benefit Ohio's industries.

In the December issue of a publication of the Central United National Bank of Cleveland this statement appeared: "New business that can be estimated in millions of dollars now appears as a trade potential for the mills and factories of the Cleveland industrial empire as a result of the formal announcement that the long-awaited tariff-reduction agreement has at last been signed with Canada. * * * Canada spent $244,000,000 for American goods in the first 9 months of 1935, of which a large proportion was paid for commodities of the types turned out by the plants of Ohio and Pennsylvania." The opportunity for trade expansion is yours today through the efforts of the administration in reducing the trade barriers which have been erected in the past 15 years. One of the ways in which you can take advantage of the opportunities which this program affords is through the Great Lakes Exposition which you have planned for this coming fall. One of your slogans, "What Cleveland makes the world takes", clearly exemplifies the foreign-trade aspect of American economic activity. It seems to me that the case of trade stimulation versus trade strangulation, on the basis of principles and practices and factual experiences, as presented in this argument, calls for your verdict in favor of trade stimulation. Your affirmative decision should be expressed through constructive and cooperative action which will enlighten public opinion concerning the benefits of an aggressive foreign-trade expansion program. With this suggestion, I leave the case in your hands.

AMERICAN NEUTRALITY AND FOREIGN POLICY

Mr. ASHURST. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Arizona Daily Star entitled "American Neutrality and Foreign Policy."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arizona Daily Star, Tucson]

AMERICAN NEUTRALITY AND FOREIGN POLICY

President Wilson used every power within his control to keep America neutral (during the first 3 years of the World War), and acted with far-seeing wisdom when he finally let the country into the conflict. Even though America had had on her books at that time neutrality legislation of the type which is now proposed, it is doubtful whether that legislation would have been effective in keeping America out of the war. Even though the Government had owned the munition factories, and even the banking system, essentially the same great underlying forces would have been at work. Food and cotton, rather than munitions, the product of millions of American farms, are what saved the Allies. It was this trade that conflicted with the policies of the opposing belligerents and raised the problem of the rights of neutrals. If this trade had been cut off by Government order as a means of evading participation in the war, the economic reverberations within the country would have brought about consequences of a most serious kind.

The strenuous efforts President Wilson made to keep us out of the war are now too little appreciated. We hear little of the manner in which he was villified and denounced for his patient note writing, and his efforts to bring the issues of the war to a head. It is true that England was seizing our ships bound for neutral nations, but she seized them without inflicting loss of life. Only when Germany decided to begin sinking ships without giving notice, without giving the crews and passengers a chance to escape, did President Wilson take his country into the war.

President Wilson could have kept us out of war by submitting to the unrestricted submarine campaign of the Germans. He could have kept us out if this country would have meekly renounced age-old principles connected with the commerce of neutrals between neutrals and belligerents in time of war. Had that been done, America could have escaped the war, but the economic effects would have been just as serious and dislocating as those which followed the other course. The moral effects would have been more profound.

Had such a policy been followed, Germany would have won the war. It would have meant the eventual destruction of the British Fleet. Germany would have become the master of Europe. Her fleet would have been the dominating one of the world. That force America would have had to face in the Atlantic with the fleet of an arrogant and militaristic Japan in the Pacific. Two powers with scores to settle with America, both with great armadas, would have placed America in a precarious position.

Both Germany and Japan would have had only contempt for America, contempt for any great and powerful nation whose people were so meek and so cowardly as to go to any extreme to avoid conflict, to submit to almost any demands rather than defend their commerce on the seas. As surely as the sun rises in the morning, submission would have brought more and still more demands. Eventually the issue would have had to be met, the very issue that President Roosevelt recently proclaimed, of democracy and autocracy. If democracy is to live, it must have virile courage; it must fight when threatened with extinction. Submission would be to place profits and a dreamy life of ease above those hardy moral principles that have built our Nation.

Some people are prone to scorn and deride such things as honor and moral principles when applied to national life. They have been grossly abused at times, it is true, but at other times they have been that intangible power that has carried us on. If our forefathers, led by Washington, had listened to the counsel of those who frowned on war, we would be a British colony today. * * *

America's entry into the World War was a fortunate one, fortunate for both the Allies and America. The 2½ years of difficult neutrality were an example of honor tempered with patience, of courage moderated with restraint, of power exercised with humaneness. When such precepts failed, America did only what any nation of people would do that prized principles before profit, and preferred struggle rather than the meek security of a slave or coward.

ADDRESS BY GOVERNOR EARLE, OF PENNSYLVANIA, TO UNITED MINE WORKERS' CONVENTION

Mr. GUFFEY. Mr. President, I ask unanimous consent to have printed in the RECORD an interesting and timely address delivered by Hon. George H. Earle, Governor of Pennsylvania, at the convention of the United Mine Workers in Washington, D. C., on Monday, February 3, 1936.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The question affecting all of us today is whether the machine is to remake our civilization or destroy it.

The tremendous advance of science during the last 100 years has given us the most marvelous labor-saving devices known to mankind.

Of what use are those machines if they bring our people unemployment, starvation, and destitute old age? Where do we benefit if they condemn hundreds of thousands of our workers to the dole?

Technological unemployment is by far the worst evil of our modern civilization. President Roosevelt saw that. He not only saw, he acted. The National Recovery Act was his answer to the challenge of the machine.

When our mechanical genius develops machinery which permits 1 man with a machine to do the work of 10 men, does not society owe the other 9 an opportunity to earn a living?

The N. R. A. did exactly that. It shortened hours and increased wages. That meant more employment, higher pay rolls. It established a way of sharing wealth in the only way that wealth can be shared—by giving labor its fair share of the wealth it produces.

That is why I say the N. R. A. was the greatest law ever written upon the statute books of the American Republic. Unconstitutional or not, the principle it established, must and will be followed by America in the days to come.

That principle was nothing more than fair play. Established nationally it placed every State on an equal footing. It was fair to labor and it was fair to industries in the various States.

Shall we have fair play through regulation of business and industry? I say we must have it if our Nation is to go forward. We have had enough of sweatshops. We have had enough of cruel and merciless exploitation of our workers in mine and mill and factory.

We want no hypocritical pretense that industry and business will regulate themselves. You know and I know that big business celebrated the death of N. R. A. by slashing wages, cutting pay rolls, increasing hours, laying off workers. Without regulation they have gone back to the same old evil ways that led us to the terrible collapse of 1929.

There are some spokesmen for special interests who have suddenly discovered a great love for States' rights. They pretend to believe in regulation but insist that the States should do it. We know why. They realize as well as we that the States are helpless. Regulation of business and industry in the public interest is a national problem. It can be solved only on a national scale. That is why they are ready and willing to have the separate States try it.

In my own State we presented a liberal legislative program. It called for a stronger workmen's compensation act, for insurance against occupational diseases, for minimum-wage and maximum-hour safeguards, and for a dozen other reforms to end exploitation of the working man. Our program was passed by the Democratic house and killed by the Republican senate. This fall we expect to elect a majority of Democrats to the senate. That will insure passage of a liberal labor program next year. But after that—what?

You know the answer. Our business and industry will have to compete with sweatshop products from States that encourage exploitation. We will have a right to join in that competition by permitting greedy and selfish interests in our own State to sacrifice the working man and woman. But we will not have the right to

protect our own workers by setting up tariff barriers against the flood of sweatshop products pouring into the States.

Can you imagine the Du Ponts, of Delaware, for instance, permitting their State to pass real labor laws? Can you imagine the Du Pont subsidiary, the Liberty League, fighting to make Delaware's labor laws as strong as Pennsylvania's, so that Pennsylvania's liberty to legislate for the public good would not be destroyed by unfair competition from its neighbor? Of course you couldn't. Nor could anyone else.

Not even Al Smith, for he is no longer with us. Al Smith, the once great idol of the American people, the happy warrior, is gone. Now it is Mr. Smith, of the Du Pont Liberty League, the mercenary soldier of big business.

There is one fact that no amount of Liberty League propaganda can eliminate. The States individually cannot regulate business, and the Federal Government must. We have seen and we have suffered from the effects of unregulated and uncontrolled production in America. It means brutally long hours and starvation wages for workers. It means the glutting of American markets with articles the people have no money to buy. It meant a desperate and hopeless attempt, under the Hoover administration, to dump American products into the clogged channels of foreign trade. Eventually it meant collapse, unemployment, bank closings, and bread lines.

As American Minister to Austria I saw the result of Hoover's attempt to sell abroad instead of forcing American industry to give its workers enough money to buy the products they created. In Austria they were manufacturing a very inferior automobile, which sold for about $2,000. It did not begin to compare in quality or performance with cheap American cars selling in our own country at one-third as much. Therefore the Austrian manufacturer met strong competition from American-made automobiles.

What did Austria do? In addition to the handicap of transportation charges it imposed a tariff of 100 percent on American cars. Even with this tariff American manufacturers would have sold 10,000 cars a year in Austria. But Austria, in addition to the 100-percent tariff, then limited the importation of American automobiles to 300 in any one year.

American industry, with all the advantages of mass production at low cost, may be able to surmount tariff barriers, but it cannot surmount such an economic blockade. That is what faced American automobile manufacturers in Austria, and that is substantially what is facing American manufacturers of all kinds in almost every country abroad.

When the Hoover plan of foreign-trade expansion broke down our great surplus was thrown upon our markets at home. It was a surplus because our people did not have the money to buy, not because they did not need those products. They lacked purchasing power because they were working for barely enough to keep alive. The great surplus meant more and more price cutting. That in turn meant lower and lower wages, mounting unemployment. There was only one solution—to raise the purchasing power of the people by giving labor a fair wage. Hoover did not dare to take that step. American industry as a whole was too greedy and short-sighted to take it. Roosevelt did. That is why we have recovery today instead of starvation.

There is one piece of Federal recovery legislation I am particularly proud to have helped when it was up in committee. That is the bill which applied those great principles of the N. R. A. to one of Pennsylvania's greatest and at the moment most stricken industries, which affects the lives of every one of you here today, and the lives of hundreds of thousands of Pennsylvanians.

I refer to that splendid and humanitarian bill for the salvation of the bituminous-coal industry sponsored by my friend and running mate—the Guffey coal bill.

The entire Nation is waiting anxiously and expectantly to see what the Supreme Court will do. There are hundreds and thousands of suffering families in Pennsylvania's soft-coal regions in miserable company towns and in tarpaper shacks that are waiting too. With them it is a matter of life or death, for the judicial death of the Guffey coal bill, just as surely as I am standing here, means a return of the economic slavery of the bituminous miner and his family.

When the fate of the Guffey coal bill in Congress was still uncertain it was my privilege as Governor of a great Commonwealth to make a plea on behalf of that bill. I am proud to have taken a part in the fight for such an important and far-reaching liberal measure, proud to say that I have stood shoulder to shoulder with Senator GUFFEY and Congressman SNYDER from the very beginning in his battle for social justice in the coal fields.

My own administration has been fighting the same battle at Harrisburg that President Roosevelt, so ably supported by Senator GUFFEY, is fighting in Washington. We have abolished the coal and iron police. We have enacted the strongest child labor law even written upon the Pennsylvania statute books. A miners' certificate bill for the soft-coal industry was guided through the Democratic House by my administration. Your international secretary-treasurer, a great liberal, Tom Kennedy, sat on the rostrum as presiding officer of the State senate when the Republican senate majority massacred that bill, along with the other bills of the administration's labor program.

With the eyes of the Nation today upon the terrible tragedy at Gauleys Bridge, I am very glad to say that among the workmen's compensation bills sponsored by my administration was a measure to check industrial diseases. It would have provided protection for all workers, including the hundreds now suffering in our State from miners' asthma and rockmen's asthma. The disease called rockmen's asthma is silicosis, the same dreadful malady that has killed hundreds of workers in West Virginia and doomed other hundreds to die. Given a liberal Democratic senate in next fall's elections we will write that compensaion law upon the statute books of Pennsylvania at next year's session of the legislature.

I speak at length of Pennsylvania and its problems because the problems of Pennsylvania are your problems. One of those problems, I am very happy to note, is the reelection of President Roosevelt—reelection in order that the great humanitarian work he has begun may go on.

The liberal Democracy of Pennsylvania is likewise fighting for his reelection—more, it is fighting to carry Pennsylvania for Roosevelt in the coming campaign. Apart from that, as United Mine Workers of America, all of you have a most vital interest in Pennsylvania because 40 percent of your members live and work in the Keystone State. Tom Kennedy tells me you have 600,000 members in the United States, and 250,000 of them are in Pennsylvania.

The fight you are making for social justice is the fight that all of us are making. Your interests are the interests of all other workers, of farmers and home owners, of small and large business men in every State of the Union. America cannot exist economically half slave and half free. It cannot expect one group of its population to remain prosperous while another group exists in economic slavery. We all stand or fall together, as Americans, as shareholders in a great enterprise. We must go forward together, dedicated to the task of ending exploitation of the many by the few, of restoring economic balance in our national life.

For many, many years the Morgans and Mellons and Du Ponts—these men who ride in the private railroad cars—have had fair play. Now, for the first time in many, many years, under the able, honest, and dynamic leadership of Franklin Delano Roosevelt, let us give fair play to the American men, women, and children who ride in the day coaches.

FINANCING PAYMENT OF THE BONUS

Mr. GUFFEY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Post of the issue of Monday evening, February 3, 1936, having to do with financing payments under the Adjusted Service Certificate Act.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Post of Feb. 3, 1936]

PYGMIES PLAYING EEAW

Pygmies playing seesaw on the beam of a pair of scales.

Congress debating how to pay the veterans' bonus.

Inflationists demanding issuance of currency, so "that we should not be compelled to pay tribute to a few large banking interests."

Deflationists demanding heavy taxes to balance the Budget.

Up-she-goes and down-she-goes—without thought as to the real purpose of the scales.

Scales are not meant to seesaw but to balance.

When Congress is dealing with a monetary scale its one object should be to balance or control the purchasing power of the dollar.

And if the administration is still working to restore the 1926 dollar, it should welcome the bonus as a means to get there—and as a step for keeping the dollar stable after we get there.

Let's look at the Constitution.

Article 1, section 8, reads:

"The Congress shall have the power * * * to coin money, regulate the value thereof * * * and fix the standard of weights and measures."

When the founding fathers wrote those words did they realize the responsibility they had placed on Congress? We think they did.

But many Members of Congress do not realize it.

A dollar whose purchasing power remains relatively stable, as a true measure of value, is the only dollar that can do justice as between creditor and debtor.

The value of money is its purchasing power.

Not the purchasing power of one commodity, be it gold, silver, tin, or wheat, but the purchasing power in respect to commodities in general.

In the olden days no yardstick of commodity prices was available. But today we have the Department of Labor's index of the weighted average price of 784 commodities, an index generally accepted as authoritative.

So if Congress had an excuse in years past for not balancing the dollar by stabilizing the dollar's purchasing power, it has no such excuse now.

Keeping the dollar stable is the present prime duty of Congress.

That's the point to be kept in mind amid the argument over financing the bonus.

The clamor for currency payment is just clamor. Such currency almost immediately would be transformed into credit. The veteran would use his bonus money at the store, the merchant would deposit it in his bank, and it would then become a credit on the bank's books to the merchant's account. In many cases the veteran himself would put the money directly in the bank.

Credit is our main medium of exchange. It is possible to keep in circulation only enough cash for the ordinary pocket money needs of the public. Ninety percent of all business today is transacted with bank-check money—not cash.

So, as regards inflationary effect, it doesn't matter whether the bonus is financed with new cash or new credit money. It does matter, however, as far as Government control of the dollar is concerned.

Since the new banking law gives the open-market committee of the Federal Reserve Board power to support the Government security market—

The bonus should be financed with bonds.

Such financing will give the Federal Reserve better control of the dollar's stability.

Just as purchase of Government securities by the Federal Reserve regional banks has an inflationary influence, so does the sale of Government securities by those banks operate as a curb on inflation.

Thus bonds serve to balance the dollar.

There is no danger to Government credit in payment of the bonus, as the orthodox economist, Dr. O. M. W. Sprague, admitted Saturday.

The question of new taxes or no new taxes should be based entirely on whether the administration wants to go back to the 1926 dollar.

No new taxes, plus payment of the bonus, would send the purchasing power of the dollar down, prices up.

A small tax increase would modify the drop in the dollar and the rise in prices.

A sharp tax increase would nullify any inflationary influence at all.

Which way, Congress?

We'll have to pay for the bonus whether we permit it to serve as a spur to trade or not.

But if we do not increase taxes; if we welcome, as we should, the stimulating influence of the bonus as a further step toward recovery—

Then the bonus will more than pay for itself. By the formula of John Maynard Keynes, payment of the $2,400,000,000 bonus now will increase national income two and one-half times that amount, or $6,000,000,000. Since the Government collects about 8 percent of the national income in taxes, 8 percent of that $6,000,000,000 increased income will mean about $480,000,000 in Federal revenues under existing taxes.

Allowing for $60,000,000 interest, $420,000,000 annually could be applied to retire principal, enough to pay off the bonus debt in 6 years.

Has this Congress forgotten that within the year it created a modern banking system designed to carry out orderly Government financing? The new Board is sworn in today. Let Congress use the instrument it devised by asking the Board to recommend the most desirable method of financing the bonus.

Let Congress remember its constitutional mandate:

To regulate the value of the monetary unit.

To give the Nation a stable dollar.

That's the principle to guide both administration and Congress in financing the bonus.

FOREIGN DEBTS AND METHOD OF PAYMENT

The PRESIDENT pro tempore. Under the unanimous-consent agreement heretofore entered into, the calendar will be called for unobjected bills.

Mr. LEWIS. Mr. President, before beginning the consideration of bills on the calendar I ask the Senate to indulge me for a few moments.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Illinois is recognized.

Mr. LEWIS. Mr. President, I intrude on the calendar call to express the need of national action on the debts due the United States.

I invite you to note that in the last few days Sir Josiah Stamp, an eminent financier of England and one of those who participated in advice to and consultation with this country touching the loans of America to England, has in his open expression announced to his people a clear fact, saying "America has lost her chance of becoming the world's financial center." Among other reasons, said this distinguished and eminent adviser of the English Government, "The Americans in finance fail to have the background of knowledge of foreign countries, and they have done their lending foolishly."

In connection therewith, Sir George Paish, of Britain, who, likewise, participated as one of the counselors in the second loan in which this country in its action of generosity rather than wisdom participated, adds his complete concurrence in the suggestion of a paucity of intelligence on the one hand and lack of self-preservation on the other of this, our country.

At the same time, I beg to call attention to the fact that the new governor of the Bank of France day before yesterday, as the State and Treasury Department records will disclose, in announcing that the gold was rapidly leaving France and the franc descending, said, in perfect innocence, I am sure, of even intended humor, that the time had come when America should join England in granting to France such further support as would be necessary to maintain the franc and uphold the credit of France.

Mr. President, as to the first two observations on the part of these eminent leaders in finance for England, that America had "done her lending most foolishly", I am sure all in America can readily agree. As to the other declaration on the part of France, that the time is now when, in consideration of confidence and affection bestowed by America, we should join England in restoring what of credit is about to be lost to France and again to sustain her financial status to the former superior station heretofore and lately held by this ideal commonwealth, similar emotion of surprise may well be felt.

Mr. President, the able Senator from Michigan [Mr. VANDENBERG] has in suggestion just recalled to my mind an incident that had escaped me, and that is that America has already used her stabilizing fund as an aid to the credit of France. This event is obviously omitted from the thought and memory of the distinguished new governor of the Bank of France.

Mr. President, I rise particularly to bring to the attention of this body the fact that I feel would be the expression of proper consideration on the part of those two distinguished debtors to the United States to recognize now that the United States on this morning must prepare some method of providing $2,000,000,000 to pay our soldiers according to the law which has been declared in behalf of the payments justly due them. In addition to this, sir, it must be recognized that there will be possibly $2,000,000,000 or $2,500,000,000 that will be called for by those who are commanding and demanding what they say is their due, in return of processing payments, and incidentally with this the compensation to the farmers of that sum which, in the obedience of our laws and the contracts thereunder, is due them.

Six billion dollars is but a small part of the great debt these two eminent debtors of the United States owe us. I suggest, sir, that the time has come when these two debtors should recognize the situation of America and acknowledge our right to ask at this time aid in avoiding the necessity of laying another tax upon our American citizens in order to meet these described demands.

We ask, Is it not due us that these foreign governments, assuming them to be friends—as they are—and enjoying the friendship which we extend to them—as we do—should make some effort now to pay to the United States in some immediate manner that which would equal the sum of money due our people upon these two payments which I have described?

Keep in mind, sir, that $6,000,000,000 would hardly be more than a portion of all these great debts due from the foreign debtor lands. Keep ever in mind, sir, that we took $2,000,000,000 of that which was due us and made a gift to them. Despite that, one of these eminent governments, for reasons satisfactory to itself, refuses to include in its budget any reference whatever to the debt of the United States, but boasts, as it has a right to do, that its budget is about being balanced, and that an excess exists in its treasury. It went to the country in the late elections and, in answer to a charge by its opponents concerning some of its policies of government, proceeded to disclose that England's treasury is now full, their taxes paid, with a surplus in their treasury.

Such being true, we wonder that the note of the eminent representative of that Government here in Washington, handed to the Secretary of State but a few days past, said it was impossible to consider the matter of the payment of any of these debts. We use his exact words, as quoted, "for that the old conditions when the debt was denied payment had not changed." In the face of that assertion, we summon the record of the late elections in England. The party in power prevailed in the Parliament contests upon the representation that conditions had changed with them in England, and to

the extent that its people were not only able to pay their taxes, but their citizenship in commendable pride held up to the world that which we now see in Sir Josiah Stamp's observation that they have become the great financial leader of the world, and that we, the United States, have lost our position because of our method of "foolishly lending." Our other great debtor, France, conveys to us in expressions from her leaders that no money will be paid on the United States debts because the service and loans given France was due her for her aid to us in the American Revolution against England.

Sirs, if we have lost the position of first in world finance—Senators, if it was ever ours and has been completely withdrawn from us—it can be charged upon the ground, among other things, as responsibility that our debtors will not pay their debts, by which the money could be supplied to the United States to uphold and maintain its just position before the world.

Mr. President, I have a proposal to make in view of the fact that England and France both represent to the world that they will not and cannot pay us, or that the cash they have is needed first in preparation for or in anticipation of war, one of these countries being engaged in building the greatest navy earth's imagination ever realized, and with it establishing naval bases in the colonies which are extracting such a sum of money that it cannot be measured, so magnificently alluring in its proportions, and the other distinguished people professing and announcing that their money is practically all drawn out and applied to the necessities of a flying mechanism or aerial war machinery that shall be the rival of Russia and exceed that of Germany, and that incidental to this is the necessity of increasing their army, that their army shall exceed that of Germany and the late allies of this powerfully industrious central nation of Europe.

Mr. President, we do not complain that these countries find it agreeable to spend their money in what they feel is their defense, or preparation for it. The policy of those governments is for them. We no more intrude our condemnation of them as to their policy than we would approve them to inject themselves upon our policy. But we cannot forbear to call to their attention the fact that in view of these representations, some reference somewhere and somehow could have been made to the debt they owe the United States of America, and some provision be made, at a time when our necessities are perfectly plain, to repair to us the damage they have done us; for when their necessities were plain we came unstinted to their rescue upon their call.

I therefore rise, with the indulgence of my honorable colleagues, to suggest that when Portugal and Spain were debtors to the Kingdom of England and the Republic of France, both of those countries proposed to their debtors that they, as payment, issue bonds in small denominations, those bonds, sir, to be distributed by the creditors wherever they could, and in such manner did Spain and Portugal approach the payment of their indebtedness to the Kingdom of England and the Republic of France. Then, sir, may I call to my honorable colleagues' attention that which history will reveal: These bountiful creditors made the further suggestion—highly proper—that all moneys that were due from either France or England to either Portugal or Spain, instead of being paid to those governments upon securities or commercial liabilities, be turned over to the treasury of England and the treasury of France and credited to the interest on the bonds those countries would issue in behalf of the debts they owed the Republic of France and the Kingdom of England.

I now propose, upon that precedent established by the honorable countries schooled in what Sir Josiah Stamp well terms the "art of finance", that these debtors issue their bonds in small denominations to the full amount of the debts due by them to the United States, delivering these bonds to the United States for such uses as may be availed of in transferring or cashing wherever possible, and in the meantime make appropriate orders that all moneys that may be due from America or Americans either to France or to Great Britain shall not now be paid to either, but the sums shall be taken in some form and delivered to the United States Treasury, there to be credited on the interest on the bonds issued us and debts due us by these eminent debtors.

Sir, if it be true that France would have us come to her aid in any form, and feels the necessity of our so doing, I suggest that the news carried by the newspapers this morning of France withdrawing her gold in such large sums be reversed, and the information be justified in the edict of noble France, that instead of withdrawing the money from the Treasury this morning, the same shall be applied to the debt France owes the United States of America.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Michigan?

Mr. LEWIS. I yield to my eminent friend the Senator from Michigan.

Mr. VANDENBERG. May I remind my able friend, if it has escaped his memory, that precisely in line with the suggestion he has offered we have a right, under section 9 of the refunding debt agreement, to demand marketable obligations from these debtors at any time we wish to ask it.

Mr. LEWIS. Mr. President, I appreciate the suggestion. I think the matter would have escaped me at this particular time—it not being my intention to touch that phase—but for that timely admonition and revival of my memory by the Senator upon the history of that subject.

At this point I desire to express one remaining thought:

England finds at this particular time, if the newspapers and other reports may be relied upon, that the treaties of trade between the United States and some of England's adjunct countries—to wit, Canada—somewhat intrude upon the privileges which these countries lately, in convention, reserved to England. This was the guaranty to give to England precedence in all trade as between themselves and England.

We do not complain—we could not—of the desire of England to protect herself, and give precedence to herself; but at the time when she is likewise professing the right to have equality of trade with us so far as reciprocity treaties are concerned and applied, we call to her attention the fact that at a time like this the interest on the debt of England to the United States can be paid. If that shall be done, we can afford the loss in trade that will come to us comparable to that which she gains from her own colonies by extracting from them preference to herself, and detracting from them, sir, equal opportunity to us.

Mr. President, I therefore conclude by bringing to the attention of this honorable body the fact that the time has come for the Senate to take some action; the time is on us when the State Department will take some action; the time is with us when America must be American, and speak for herself somewhere and somehow, to let the world know that we are not to be ever imposed upon, ever deluded, ever tricked, and ever deceived by everyone with whom we deal.

Sirs, the day of balancing is with us. It is that in all our accounts a brave honor be maintained and justice enforced.

Mr. REYNOLDS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. LEWIS. I yield to the Senator from North Carolina.

Mr. REYNOLDS. I should like to ask the Senator from the State of Illinois how it is that Great Britain can afford to spend almost a billion dollars in developing her fortifications in Singapore, how she can propose the expenditure of an additional billion dollars in developing her army and navy, and yet she cannot pay the United States of America even the interest upon the several billion dollars that she owes us?

In addition to that, I should like to ask the able Senator from Illinois how it is that Italy, which is indebted to us for moneys loaned to her during and after the World War, since which time we scaled her indebtedness down about 65 percent, has been able since October to make an expenditure of over $200,000,000 in making war on Ethiopia, and yet she cannot pay the United States?

Further, I should like to ask the Senator from the State of Illinois how it is that France, which is indebted to us in a tremendous sum, is able at this time to lend Italy money, but she cannot pay the interest on her indebtedness to the United States?

Mr. LEWIS. Mr. President, of course the contribution of the Senator from North Carolina is enhanced in its value in view of the fact, which many of us know, that the Senator has lately had occasion to make a personal excursion to these countries, and in deliberation in his excellent judgment has found the facts as he now reveals them to us.

Mr. President, I may say to the Senator that before he entered the Chamber I alluded to these establishments in the colonies known as naval bases and the great expenditures that have been made upon them. As to these loans from one country in Europe to the other for its uses, we need not pause to consider further than the fact that these loans evidence complete capacity on the part of these debtors to have done something in the form of a noble gesture of payment in behalf of the debt they owed this, the United States, their friend.

The day is upon us when these great countries should learn from us that we expect from them the same display of honor in dealing that we disclose to them. Sir, if it be true, as said by the eminent governor of the Bank of France and the two eminent leaders of finance, speaking in behalf of the finance of England, that England has reached a high place of excellence and superiority in finance throughout all the world, and from the Bank of France the suggestion that the time has come when England and the United States should by some common cause come to the rescue of the financial status of France in Europe, our answer is, "Gentlemen, what we might do under the circumstances, as they arise, we are not now called upon to declare; but we do now say that you should perform a duty that you owe us before you can ask other obligations to be assumed on the part of this Nation. When you say you have failed in the designs that you thought financially could be to your avail, our answer is as we have it in Addison's "Cato." It will be recalled that when Sempronius says:

> But I have failed; I do not succeed in that which I have built up.

Cato observes in reply:

> 'Tis not in mortals to command success,
> But we'll do more, Sempronius—we'll deserve it.

We submit that to these honorable debtors, and beseech them that they may behold themselves, that so far as this our America is concerned, her future friendship, her future fraternity, her future obligation in the form of cooperation, will turn upon the mere fact that these eminent debtors shall show they deserve it.

I thank the Senate for allowing me at this moment to break into its calendar program.

LOANS FOR CROP PRODUCTION

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes.

Mr. SMITH. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. SMITH, Mr. THOMAS of Oklahoma, Mr. MCGILL, Mr. MCNARY, and Mr. NORBECK conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10464) making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TAYLOR of Colorado, Mr. WOODRUM, and Mr. TABER were appointed managers on the part of the House at the conference.

SUPPLEMENTAL DEFICIENCY APPROPRIATIONS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10464) making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ADAMS. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HALE, and Mr. KEYES conferees on the part of the Senate.

THE CALENDAR

BILLS, ETC., PASSED OVER

The PRESIDENT pro tempore. Under the unanimous-consent agreement, the Senate will now proceed to the consideration of unobjected bills on the calendar. The first bill in order will be stated.

The first business on the calendar was the bill (S. 944) to amend section 5 of the Federal Trade Commission Act.

Mr. ROBINSON. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 213) to amend section 113 of the Criminal Code of March 4, 1909 (35 Stat. 1109; U. S. C., title 18, sec. 203), and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1506) to change the name of the Pickwick Landing Dam to Quin Dam was announced as next in order.

Mr. MCKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 574) relative to Members of Congress acting as attorneys in matters where the United States has an interest was announced as next in order.

Mr. MCKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 35) authorizing the Committee on the Judiciary to investigate certain phases of the National Recovery Act was announced as next in order.

Mr. MCKELLAR. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 509) to prevent the use of Federal offices or patronage in elections and to prohibit Federal officeholders from misuse of positions of public trust for private and partisan ends was announced as next in order.

Mr. MCKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 24) to assure to persons within the jurisdiction of every State the equal protection of the laws by discouraging, preventing, and punishing the crime of lynching was announced as next in order.

Mr. MCKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1452) providing for the employment of skilled shorthand reporters in the executive branch of the Government was announced as next in order.

Mr. MCKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 87) to prevent the shipment in interstate commerce of certain articles and commodities, in connection with which persons are employed more than 5 days per week or 6 hours per day, and prescribing certain conditions with respect to purchases and loans by the United States, and codes, agreements, and licenses under the National Industrial Recovery Act was announced as next in order.

Mr. AUSTIN. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 38) for the adjustment and settlement of losses sustained by the cooperative marketing associations was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

STANDARDS FOR BASKETS

The Senate proceeded to consider the bill (S. 1460) to fix standards for till baskets, climax baskets, round stave baskets, market baskets, drums, hampers, cartons, crates, boxes, barrels, and other containers for fruits or vegetables, to consolidate existing laws on this subject, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with an amendment, in section 2, on page 2, line 14, before the word "shall", to strike out the word "tables" and to insert in lieu thereof the word "vegetables", so as to make the section read:

SEC. 2. That the standard till basket for fruits or vegetables shall be of the following capacities, standard dry measure, namely, ½ pint, 1 pint, 1 quart, 2 quarts, 3 quarts, 4 quarts, 5 quarts, and 6 quarts.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SCHWELLENBACH subsequently said: Mr. President, I have just been informed that Senate bill 1460, relating to standards for baskets, was passed.

The PRESIDENT pro tempore. The bill was passed.

Mr. SCHWELLENBACH. I have had that bill passed over probably 10 times during the last year. I informed the Senator from Virginia [Mr. BYRD] that I did not want it passed during my absence, and I ask unanimous consent that the vote by which the bill was passed be reconsidered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote by which the bill was passed is reconsidered, and the bill will be restored to the calendar.

ESTABLISHMENT OF A FARM CREDIT SYSTEM

The bill (S. 212) to liquidate and refinance agricultural indebtedness at a reduced rate of interest by establishing an efficient credit system, through the use of the Farm Credit Administration, the Federal Reserve banking system, and creating a Board of Agriculture to supervise the same was announced as next in order.

Mr. McKELLAR. Mr. President, may we have some explanation of the bill?

Mr. FRAZIER. Mr. President, I should be glad to explain the bill at length, but since an adequate explanation would take considerable time, I think it should not be undertaken during consideration of the calendar.

Mr. McKELLAR. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1476) to provide for unemployment relief through development of mineral resources; to assist the development of privately owned mineral claims; to provide for the development of emergency and deficiency minerals, and for other purposes, was announced as next in order.

Mr. NYE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 738) to aid in providing the people of the United States with adequate facilities for park, parkway, and recreational area purposes, and to provide for the transfer of certain lands chiefly valuable for such purposes to States and political subdivisions thereof, was announced as next in order.

Mr. THOMAS of Utah. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 476) relating to promotion of civil-service employees was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1952) extending the classified executive civil service of the United States was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2405) to provide for a special clerk and liaison officer was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1975) to authorize certain officers of the United States Navy, and officers and enlisted men of the Marine Corps, to accept such medals, orders, diplomas, decorations, and photographs as have been tendered them by foreign governments in appreciation of services rendered, was announced as next in order.

Mr. McNARY. Mr. President, I think some explanation should be made of the bill by the chairman or some member of the Committee on Naval Affairs.

Mr. COUZENS. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 916) to carry into effect the decision of the Court of Claims in favor of claimants in French spoliation claims was announced as next in order.

Mr. THOMAS of Utah. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

COMMODITY DIVISIONS IN THE DEPARTMENT OF AGRICULTURE

The bill (S. 2583) establishing certain commodity divisions in the Department of Agriculture was announced as next in order.

Mr. McKELLAR. Mr. President, will not the Senator from South Carolina explain this bill?

Mr. SMITH. Mr. President, I think this a very important measure. It was before the Senate in a preceding Congress.

The bill merely provides that in the Department of Agriculture the laws relating to basic agricultural commodities shall be administered and executed by those who are familiar with the various commodities, by persons who come from the vicinage in which the particular article is produced. It contemplates the establishment of a division which will take care of grain, one to take care of cattle, one to take care of cotton, and divisions to have charge of the other major commodities, which shall be administered by those familiar with the particular product, coming from the vicinage in which the article is produced.

As it is now, there may be a man from the extreme Northwest presiding over the cotton division, perhaps a man from down in the South presiding over the wheat division, and possibly those who know the least about stock and cattle raising presiding over the division having charge of those matters.

This measure was discussed in the committee and was unanimously reported favorably. I think we would have a better Department of Agriculture if there were on the books a law providing that men familiar with particular products should have charge of administering and executing the laws in relation thereto.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. McKELLAR. I agree with the Senator entirely. Some years ago there presided over the cotton division, according to my recollection, a gentleman from Canada, and I do not know of any cotton being raised in Canada. I have no objection to the measure.

Mr. ROBINSON. Mr. President, may I ask the Senator whether the bill has been submitted to the Department?

Mr. SMITH. Our leader asks whether the bill has been submitted to the Department of Agriculture. I do not recall whether it has or not. I do not know of any bill which ever came before the Committee on Agriculture and Forestry, of which I have the honor of being chairman, which met with as unanimous support as did the pending bill, but I do not recall whether or not the Department sent a message in regard to it. I am somewhat inclined, when members of the committee are thoroughly familiar with measures, to act upon the recommendation of the committee. Frankly, I do not recall whether or not the bill was submitted to the Department.

Mr. LA FOLLETTE. Mr. President, I ask that the bill go over. I should like to look into it a little.

The PRESIDENT pro tempore. The bill will be passed over.

DEPORTATION OF ALIEN SEAMEN

The bill (S. 379) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The bill will be passed over.

REPATRIATION OF NATIVE-BORN WOMEN

The Senate proceeded to consider the bill (S. 2912) to repatriate native-born women who have heretofore lost their citizenship by marriage to an alien, and for other purposes, which had been reported from the Committee on Immigration with an amendment, on page 1, line 6, after the words "alien, and", to strike out the words "who has not acquired any other nationality by an affirmative act" and to insert in lieu thereof the words "whose marital relation with such alien has or shall have terminated", so as to make the bill read:

Be it enacted, etc., That hereafter a woman, being a native-born citizen, who has or is believed to have lost her United States citizenship solely by reason of her marriage prior to September 22, 1922, to an alien, and whose marital relation with such alien has or shall have terminated, shall be deemed to be a citizen of the United States to the same extent as though her marriage to said alien had taken place on or after September 22, 1922: *Provided, however*, That no such woman shall have or claim any rights as a citizen of the United States until she shall have duly taken the oath of allegiance as prescribed in section 4 of the act approved June 29, 1906 (34 Stat. 596; U. S. C., title 8, sec. 381), at any place within or under the jurisdiction of the United States before either a court of record of general jurisdiction or a United States commissioner or, outside of the jurisdiction of the United States, before a secretary of embassy or legation or a consular officer as prescribed in section 1750 of the Revised Statutes of the United States (U. S. C., title 22, sec. 131); and such officer before whom such oath of allegiance shall be taken shall make entry thereof in the records of his office or in the minutes of the court, as the case may be, and shall deliver to such person taking such oath, upon demand, a certified copy of the proceedings had, including a copy of the oath administered, under the seal of his office or of such court, at a cost not exceeding $1, which shall be evidence of the facts stated therein before any court of record or judicial tribunal and in any department of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2998) to control the trade in arms, ammunition, and implements of war was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1632) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by water carriers operating in interstate and foreign commerce, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

NATIONAL PLANNING BOARD

The bill (S. 2825) to provide for the establishment of a National Planning Board and the organization and functions thereof was announced as next in order.

Mr. McKELLAR. Mr. President, let us have some explanation of this bill.

Mr. COPELAND. Mr. President, this is in a sense an administration bill. It proposes to perpetuate a National Planning Board which is now in existence in order that the natural resources and other resources of the country may be investigated and their uses urged upon American citizens. There was a full hearing on the bill in the Committee on Commerce, and it was unanimously recommended by the committee.

Mr. McKELLAR. Let it go over for the day.

The PRESIDENT pro tempore. The bill will be passed over.

PROMOTION OF COAST GUARD WARRANT OFFICERS

The Senate proceeded to consider the bill (S. 1820) to provide warrant officers of the Coast Guard parity of promotion with warrant officers of the Navy, which had been reported from the Committee on Commerce with an amendment to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That warrant officers of the Coast Guard holding permanent appointments as such shall be commissioned chief warrant officers under the same relative conditions as to service, examinations, and all other requirements as warrant officers of the Navy are commissioned in the chief warrant grade, and such chief warrant officers of the Coast Guard shall receive the same pay, allowances, and benefits as commissioned warrant officers of the Navy of like length of service: *Provided*, That nothing herein shall authorize an increase in the total number of warrant and chief warrant officers of the Coast Guard nor prevent warrant and chief warrant officers from being assigned interchangeably to the same duties: *Provided further*, That no chief warrant officer shall suffer a reduction in pay or allowance on account of promotion to said grade: *And provided further*, That immediately after the passage of this act warrant officers who have served in the Coast Guard as such for 15 years shall be commissioned chief warrant officers, and thereafter no warrant officer shall be promoted until he shall have passed an examination in accordance with regulations prescribed by the head of the department under which the Coast Guard may be operating.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF COMMERCE IN FIREARMS

The bill (S. 3) to regulate commerce in firearms was announced as next in order.

Mr. SMITH. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CRIMES AGAINST FEDERAL OFFICERS

The bill (H. R. 7680) to amend the act of May 18, 1934, providing punishment for killing or assaulting Federal officers was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3072) to amend the Tariff Act of 1930, as amended, was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2665) to change the name of the Department of the Interior and to coordinate certain governmental functions was announced as next in order.

Mr. SMITH. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

DEPORTATION OF CRIMINALS

The bill (S. 2969) to authorize the deportation of criminals, to guard against the separation from their families of aliens of the noncriminal classes, to provide for legalizing the residence in the United States of certain classes of aliens, and for other purposes, was announced as next in order.

Mr. RUSSELL. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. COOLIDGE subsequently said: Mr. President, I ask unanimous consent to have Senate bill 2969, Calendar No. 1210, considered at this time. When the bill was reached on the calendar a Senator—I do not know who it was—objected and asked that the bill be passed over. At that time I was engaged in conversation with my colleague the senior Senator from Massachusetts [Mr. WALSH], and did not know that the bill had been passed over.

The bill is nothing more than a clarifying measure. It would permit desirable aliens to remain in the country, and would make provision for sending criminal aliens out of the country as fast as possible. There is nothing much more to the bill than that. The Committee on Immigration, when considering the bill, had a very full meeting, an unusual meeting. At the meeting I think every member of the committee was present except one, and there was objection only from one Senator to reporting the bill favorably. I have been somewhat criticized for not having had the bill passed in the last session.

Mr. McKELLAR. Is there not a similar bill pending in the House? Is not the Kerr bill a similar bill?

Mr. COOLIDGE. Yes; that is a similar bill.

Mr. McKELLAR. I think the proposed legislation is worthy; but do we have time to take it up today?

Mr. COOLIDGE. Yes. I could go into the bill in further detail. But, as I previously stated, it is simply a clarifying bill, and it has been approved by the Labor Department and the State Department, representatives of which came before the committee. May I ask, Mr. President, who it was that asked that the bill be passed over?

Mr. ROBINSON. Mr. President, may I ask the Senator a question?

Mr. COOLIDGE. Certainly.

Mr. ROBINSON. I understood from his statement just made that the bill is intended to facilitate the deportation of criminal aliens. Is there anyone here who objects to that?

Mr. COOLIDGE. I do not believe so.

Mr. RUSSELL. Mr. President, what bill is under consideration?

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. COOLIDGE] has asked that the Senate consider Senate bill 2969, Calendar No. 1210. The bill was passed over when it was reached on the calendar.

Mr. RUSSELL. Mr. President, I object. I do not think the bill will facilitate the deportation of aliens. If I did think so, I would gladly support it. I will vote for any genuine deportation measure, however far-reaching it may be. As a matter of fact, I do not think authority should be vested in a committee composed of representatives from various departments to prevent deportation of a great many aliens permitted to stay in this country in defiance of existing law by the same departments granted this additional power. If such authority were granted, Congress would thereby be denied the right to pass on the question. I think the proper method to pursue is to leave the power in the hands of Congress and let the Congress exercise this power by the enactment of a real alien-deportation bill.

The PRESIDENT pro tempore. Objection is noted. The bill will be passed over.

BILLS PASSED OVER

The bill S. 1826 was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3160) to amend the law relating to residence requirements of applicants for examination before the Civil Service Commission was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 8555) to develop a strong American merchant marine, to promote the commerce of the United States to aid in national defense, and for other purposes, was announced as next in order.

Mr. COPELAND. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

INFLUENCING VOTES OF EMPLOYEES IN NATIONAL ELECTIONS

The bill (S. 2134) to prohibit employers from influencing the vote of their employees in national elections was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That it is unlawful for any person or corporation to influence or attempt to influence, through fear or intimidation, the vote of any person employed by them, in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for.

SEC. 2. Any corporation violating any of the provisions of this act shall be fined not more than $5,000; and any officer, director, or agent of any such corporation who violates or consents to the violation of any of the provisions of this act, and any person, who is an employer as above described, who violates or consents to the violation of any of the provisions of this act shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

BILLS PASSED OVER

The bill (H. R. 8458) to provide for vacations to Government employees, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 8459) to standardize sick leave and extend it to all civilian employees was announced as next in order.

Mr. McKELLAR. That may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2983) to amend the Plant Quarantine Act of August 20, 1912, was announced as next in order.

Mr. McKELLAR. I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3420) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by aircraft in interstate and foreign commerce, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

JULIA M. CROWELL

The bill (H. R. 6402) for the relief of Julia M. Crowell was considered, ordered to a third reading, read the third time, and passed.

HUDSON RIVER BRIDGE, NEW YORK-NEW JERSEY

The Senate proceeded to consider the bill (S. 1645) to provide for the creation of a commission to examine into and report the clear height above the water of the bridge authorized to be constructed over the Hudson River from Fifty-seventh Street, New York, to New Jersey, which had been reported from the Committee on Commerce with amendments, on page 2, line 1, after the words "from the", to strike out "Reconstruction Finance Corporation" and insert "Bureau of Foreign and Domestic Commerce, Department of Commerce"; on the same page, line 14, after the word "navigation", to strike out "of the largest ocean ships"; on page 3, line 3, after the word "report", to insert "the plan of the bridge at said location showing"; on the same page, line 5, after the word "Commission" and the period, to insert "The actual work on said project shall be commenced within 2 years after such approval by the Secretary of War"; and at the end of the bill to insert a new section, as follows:

SEC. 2. The bridge which the North River Bridge Co. is authorized to build over the Hudson River under the act of Congress (ch. 669, 1899–90, 51st Cong.) shall not be used for vehicular traffic, nor shall any tolls whatever be charged any pedestrian to walk from one State to the other over said bridge.

So as to make the bill read:

Be it enacted, etc., That there is hereby established a Commission to be known as "the Hudson River Bridge Commission" (here-

inafter in this act referred to as the "Commission") and to be composed of five members to be appointed by the President, one from the Corps of Engineers of the United States Army, one from the United States Navy, one from the Interstate Commerce Commission, one from the Bureau of Navigation, Department of Commerce, and one from the Bureau of Foreign and Domestic Commerce, Department of Commerce.

Said Commission hereby established shall meet from time to time after appointment and examine the subject of clear height above the water of the superstructure of the bridge which the North River Bridge Co. is authorized to build over the Hudson River under act of Congress (ch. 669, 1889–1890, 51st Cong., and Public Act No. 350, 67th Cong.) with a view to determine scientifically from information in the files of the War Department and from any additional information and facts which the Commission may obtain, such height as it shall deem necessary for security of navigation under the bridge, located at Fifty-seventh Street, New York, and at the same time permit the low grade necessary for the most economical operation of railroad trains over the bridge and approaches thereto for the purpose of facilitating interstate commerce thereover, taking into consideration modern progress in ship and railroad construction and operation, and also taking into consideration modern methods of lowering and telescoping masts on ships passing under bridges.

This Commission shall report its finding within 60 days after appointment of the members thereof, with reasons therefor, to the Secretary of War, who is thereupon authorized and directed to approve within 10 days after receipt of such report the plan of the bridge at said location showing the clear height of the bridge above the water recommended by the Commission. The actual work on said project shall be commenced within 2 years after such approval by the Secretary of War.

Necessary travel, subsistence, and clerical expense, not exceeding $1,000, shall be allowed the members of the Commission, and the sum of $1,000 is hereby appropriated for such purpose to be paid by the Secretary of the Treasury on vouchers signed by the member of the Commission appointed from the Corps of Engineers of the United States Army.

SEC. 2. The bridge which the North River Bridge Co. is authorized to build over the Hudson River under the act of Congress (ch. 669, 1899–1890, 51st Cong.) shall not be used for vehicular traffic, nor shall any tolls whatever be charged any pedestrian to walk from one State to the other over said bridge.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the creation of a commission to examine into and report the clear height above the water of the bridge authorized to be constructed over the Hudson River from Fifty-seventh Street, New York, to New Jersey, and for other purposes."

AMENDMENT OF PACKERS AND STOCKYARDS ACT OF 1921

The bill (S. 1424) to amend the Packers and Stockyards Act of 1921 was announced as next in order.

Mr. ROBINSON. Will the author of the bill, the Senator from Kansas [Mr. CAPPER], explain the purposes of the measure?

Mr. ASHURST. Mr. President, I have received from cattlemen of the Southwest a large number of protests regarding this bill, and I therefore ask that it be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

ALTERATION OF GUN CARRIAGES

The bill (S. 2820) to amend the Public Works Appropriation Act of 1935 making available not to exceed $1,000,000 for the alteration of carriages of 3,200, 75-millimeter guns now in storage was announced as next in order.

Mr. SHEPPARD. I ask that the bill be recommitted to the Committee on Military Affairs for further consideration.

Mr. COPELAND. Mr. President, I am in hearty accord with the request of the chairman of the committee. An amendment has been made to the appropriation which to my mind would occasion perhaps entirely too much extravagance, and I am glad to have the bill go back to the committee. I hope the amendment will be killed in committee.

The PRESIDENT pro tempore. Without objection, the bill will be recommitted to the Committee on Military Affairs.

BILL PASSED OVER

The bill (S. 3393) to create a Federal Board of Foreign Trade was announced as next in order.

Mr. McNARY. I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF GRAIN FUTURES ACT

The bill (H. R. 6772) to amend the Grain Futures Act to prevent and remove obstructions and burdens upon interstate commerce in grains and other commodities by regulating transactions therein on commodity futures exchanges, to limit or abolish short selling, to curb manipulation, and for other purposes, was announced as next in order.

Mr. SMITH. I ask that the bill be passed over.

Mr. COPELAND. Mr. President, I appeal to the chairman of the committee to ask, at an appropriate time, that this bill be recommitted. There are many protests in my section of the country because butter and eggs have been included among basic commodities. I do wish that at some time the committee would reconsider this matter.

Mr. ROBINSON. Mr. President, I wish to state that I shall oppose the motion to recommit when made, and desire to be present if a motion to that effect shall be made.

Mr. SMITH. Mr. President, before this measure is passed over let me say that when it came up on a previous occasion I made a statement indicating that I might ask that the bill be recommitted. My reason for doing that was because I was informed that that course would be agreeable to those most interested in the bill. There was nothing in the bill which was of any particular interest to me; but I found out afterward that there was a conflict of statement between those who desired it to be recommitted and the source from which they allege they have their information, and certain public statements have been made about it that were absolutely false. I desire to put myself right in reference to the bill, because I have no particular interest in it one way or another.

I desired to make this statement as an explanation of the position I took at a former time.

Mr. COPELAND. Mr. President, I merely wish to say about this bill that I have no objection to it, so far as I know, except, on page 2, to the inclusion of butter and eggs among basic commodities. It is because of the opposition of my State to that particular provision that I hope the bill at some time may be amended so as to exclude butter and eggs.

Mr. ROBINSON. Mr. President, if I may claim the attention of the Senate to make a brief further statement about the bill, representatives of practically all the farm organizations think the proposed legislation is necessary. The primary purpose of it is to correct a manifest mistake in the original law. I will explain in just a few words what the mistake was.

The language in the law penalized the acts of certain persons who were violating the provisions of the statute. The court, in passing upon the act, held that under the language which was used in the statute acts which had been completed could not be punished, no matter how flagrantly persons might violate the spirit of the statute, the language requiring that the acts must be in progress at the time the penalty was imposed.

There are amendments to the statutes which I myself do not favor, but I think they must be determined on the floor of the Senate.

The PRESIDENT pro tempore. In accordance with the request of the Senator from South Carolina [Mr. SMITH], the bill will be passed over.

INVESTIGATION BY TARIFF COMMISSION OF PRODUCTION COST OF WOOD PULP

The resolution (S. Res. 195) directing the Tariff Commission to investigate the production costs of wood pulp or pulp wood was announced as next in order.

Mr. ROBINSON. Mr. President, in the absence of the Senator from Idaho [Mr. BORAH] I shall not ask that this resolution be recommitted; but I ask the privilege of making a brief statement.

Under the existing law, the Tariff Commission is making the investigation sought to be secured by this resolution. It has no authority to make the investigation under such a resolution as is here presented. I ask that the resolution go over in the absence of the author of the resolution.

The PRESIDENT pro tempore. The resolution will be passed over.

BILL PASSED OVER

The bill (S. 3257) to amend the World War Adjusted Compensation Act was announced as next in order.

Mr. McNARY. I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

CONSTRUCTION OF ARMORIES FOR NATIONAL GUARD

The bill (S. 2869) to legalize the use of Emergency Relief funds for the construction of armories for the National Guard was announced as next in order.

Mr. ROBINSON. Mr. President, I do not understand the purpose and effect of this proposed legislation. I think we should at least have an explanation of it.

Mr. LEWIS. Mr. President, I ask the chairman of the Committee on Military Affairs to explain the bill, in the preparation of which I participated.

Mr. SHEPPARD. Mr. President, this is a bill to enable applications for funds for the construction of armories for the National Guard to be made under the Relief Act of 1935. Existing law provides that applications for funds for buildings for military purposes costing more than $20,000 shall be first presented to Congress and made the subject of a special appropriation by Congress. This bill does away with that condition and makes possible applications for funds for National Guard armory buildings to relief agencies without the observance of such conditions.

Mr. ROBINSON. I think the bill should go over. I should like an opportunity to study it further.

The PRESIDENT pro tempore. The bill will be passed over.

SAFETY AT SEA—BILLS PASSED OVER

The bill (H. R. 8599) to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a marine casualty investigation board and increase efficiency in administration of the steamboat-inspection laws, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, I ask that the bill just called and the one following it on the calendar, being Senate bill 2003, may go over. I make the request not because I do not favor these bills, but I call attention to the fact that a special committee of the Committee on Commerce is at work formulating legislation relating to safety at sea, and both these measures relate to the general problem involved in that investigation. Therefore, it seems to me better that the entire subject matter be considered at a later time.

The PRESIDENT pro tempore. Without objection, House bill 8599 and Senate bill 2003, at the request of the Senator from New York, will be passed over.

BILL PASSED OVER

The bill (S. 3161) to amend section 13 (c) of the District of Columbia traffic acts was announced as next in order.

Mr. McKELLAR. Mr. President, the Senator from Utah [Mr. KING], who is the author of the bill and who also reported it from the Committee on the District of Columbia, being absent, I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

RENTAL AND BENEFIT PAYMENTS TO FARMERS

The bill (S. 3596) to provide for making rental and benefit payments to farmers who have made crop-adjustment contracts with the Secretary of Agriculture was announced as next in order.

Mr. McNARY. Mr. President, the substance of this bill was carried yesterday in the supplemental deficiency appropriation bill. At that time I suggested to the Senator in charge of the appropriation bill, the Senator from Colorado [Mr. ADAMS], that, in my judgment, the language in the appropriation bill did not fully cover the administrative features contained in Senate bill 3596, which has just been called. The Senator from Colorado himself was not quite sure that the language in the appropriation bill was sufficient to meet some of the suggestions necessary to bring about a complete recovery on the part of those who had contracts. For that reason I ask that the bill go over without prejudice at this time until final determination by the conferees that the language in the appropriation bill is adequate.

The PRESIDENT pro tempore. At the request of the Senator from Oregon, the bill will be passed over.

EASEMENT OVER GOVERNMENT LAND IN TEHAMA COUNTY, CALIF.

The bill (H. R. 7814) to authorize the Secretary of Commerce to grant to the State of California an easement over certain land of the United States in Tehama County, Calif., for highway purposes was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to grant to the State of California an easement over a 20-foot strip of land situated along the easterly boundary of the Mill Creek (Calif.) fisheries station property in Tehama County in said State for State highway purposes, said strip of land, which consists of twenty-four one-hundredths acre, more or less, to be particularly described in said grant.

EXAMINATION OF ARKANSAS RIVER AND FOURCHE BAYOU

The bill (H. R. 7995) to authorize a preliminary examination of the Arkansas River and Fourche Bayou with a view to the control of floods in the vicinity of Little Rock and North Little Rock, Ark., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Arkansas River and Fourche Bayou with a view to the control of floods in the vicinity of Little Rock and North Little Rock, Ark., in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

CONSTRUCTION ON GOVERNOR'S ISLAND

The Senate proceeded to consider the bill (S. 3647) to repeal certain provisions of the act of February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes", and the act of July 3, 1930, entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes", which was read, as follows:

Be it enacted, etc., That the provision contained in the act of February 25, 1929 (45 Stat. 1301, 1302), reading: "*Provided*, That no new construction shall be built on that part of Governors Island west of a line running in a northwest and southeasterly direction across the island and paralleling the eastern face of the regimental barracks building at a distance of 300 feet", and the provision contained in the act of July 3, 1930 (46 Stat. 860, 908), reading: "Governors Island, N. Y.: No construction shall be undertaken on that part of Governors Island west of a line running in a northwesterly and southeasterly direction across the island and coinciding with the western faces of the two wings of the new barracks building", are hereby repealed.

Mr. McKELLAR. Mr. President, may we have an explanation of this bill?

Mr. SHEPPARD. Mr. President, certain provisions of existing laws specify boundaries beyond which construction on Governors Island, N. Y., is not permissible. The War Department submits that the repeal of such provisions of existing law is rendered imperative by the necessity for relocating magazines in which is stored a quantity of ammunition, grenades, and saluting charges.

Mr. McKELLAR. Very well; I have no objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRANSFER OF POWDER, ETC., TO AGRICULTURAL DEPARTMENT

The bill (S. 3646) to repeal an act of March 3, 1933, entitled "An act to provide for the transfer of powder and other explosive materials from deteriorated and unserviceable ammunition under the control of the War Department to the Department of Agriculture for use in land clearing, drainage, road building, and other agricultural purposes" was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of that bill?

Mr. SHEPPARD. Mr. President, existing law makes mandatory the transfer to the Secretary of Agriculture of powder and other explosive materials from deteriorated and unserviceable ammunition, from the standpoint of military use, under the control of the War Department. Such explosives are still usable for blasting and other farm purposes. Although the Secretary of Agriculture, by the act of 1933, is required to reimburse the War Department in amounts equal to the exchange value, no funds are provided for this purpose The Department of Agriculture and the War Department concur in the advisability of repealing the 1933 act. On the part of the War Department, the 1933 act has forced the retention of explosives in hazardous condition pending the decision of the Department of Agriculture as to whether it can use the explosives. The continued storage of deteriorated and unserviceable ammunition is not only dangerous but involves expense and congestion.

The bill seems to be justified, I say to the Senator. It enables the War Department to dispose of these explosives.

Mr. LA FOLLETTE. Mr. President, I ask that the bill may go over pending such time as I may have an opportunity to look into it.

The PRESIDENT pro tempore. On request of the Senator from Wisconsin, the bill will be passed over.

COMMEMORATION OF FIFTIETH ANNIVERSARY OF CINCINNATI AS A CENTER OF MUSIC

The bill (S. 3699) to authorize the coinage of 50-cent pieces in commemoration of the fiftieth anniversary of Cincinnati, Ohio, as a center of music and its contribution to the art of music for the past 50 years was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in commemoration of the fiftieth anniversary in 1936 of the city of Cincinnati, Ohio, as a center of music, and to commemorate Cincinnati's contribution to the art of music in the United States for the past 50 years, there shall be coined, at the mints of the United States, silver 50-cent pieces to the number of not more than 15,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and such design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury. Such 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. The coins herein authorized shall be issued only upon the request of the Cincinnati Musical Center Commemorative Coin Association, of Cincinnati, Ohio, upon payment by such Cincinnati Musical Center Commemorative Coin Association of the par value of such coins, and it shall be permissible for the said Cincinnati Musical Center Commemorative Coin Association to obtain said coins upon said payment, all at one time or at separate times, and in separate amounts, as it may determine.

SEC. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating the guarding and process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for security of the coins, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

BILL PASSED OVER

The bill (H. R. 10104) to aid in providing the people of the United States with adequate facilities for park, parkway, and recreational-area purposes and to provide for the transfer of certain lands chiefly valuable for such purposes to States and political subdivisions thereof was announced as next in order.

Mr. McKELLAR. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

REGISTRATION OF COPYRIGHT PRINTS AND LABELS

The bill (S. 3121) to vest in the Register of Copyrights the registration of copyright prints and labels was announced as next in order.

Mr. ROBINSON. I ask that the bill go over.

Mr. McADOO. Mr. President, if the Senator will permit me, I should like to say that this bill has been favorably reported by the Committee on Patents. It merely proposes to transfer to the Register of Copyrights the registration of prints and labels, the registration of which is now vested in the Commissioner of Patents. Under present conditions there is apparently a division of authority between the two offices, and it is deemed much better to consolidate this work in the office of the Register of Copyrights. That is the only purpose of the bill.

Mr. ROBINSON. Very well; I have no objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Patents with amendments.

The first amendments were, on page 1, line 3, after the date "January 1", to strike out "1936" and insert "1937"; in line 7, after the word "discontinued", to strike out "and all files, documents, and papers relating thereto shall be transferred to the Register of Copyrights"; in line 10, after the date "January 1", to strike out "1936" and insert "1937"; on page 2, line 4, after the date "January 1", to strike out "1936" and insert "1937"; in line 5, after the word "shall", to strike out "not refuse registration of a claim to copyright in any print or label, otherwise copyrightable, merely because such print or label has been used or is" and insert "register all claims to copyright properly presented in prints and labels used or"; and in line 12, after the date "December 31", to strike out "1935" and insert "1936", so as to make the section read:

That on and after January 1, 1937, the registration of prints and labels in the Patent Office under section 3 of the act entitled "An act to amend the law relating to patents, trade-marks, and copyrights", approved June 18, 1874 (17 U. S. C. 63), shall be discontinued. All such registrations effected prior to January 1, 1937, and unexpired on that date shall be subject to renewal by the Register of Copyrights at the expiration of their term in like manner, on the same terms, and upon payment of the same fee as is provided in the case of renewal of other copyrights. Commencing January 1, 1937, the Register of Copyrights shall register all claims to copyright properly presented in prints and labels used or intended to be used in connection with the sale or advertisement of articles of manufacture. Application for registration of copyright prints and labels pending in the Patent Office at the close of business December 31, 1936, shall be dealt with by the Register of Copyrights with due regard to their actual filing date.

The amendments were agreed to.

The next amendment was, in section 2, page 2, line 19, after the date, "December 31", to strike out "1935" and insert "1936", so as to make the section read:

SEC. 2. Section 3 of the act entitled "An act to amend the law relating to patents, trade-marks, and copyrights", approved June 18, 1874 (17 U. S. C. 63), is hereby repealed, effective at the close of business December 31, 1936; except that all registrations and renewals effected thereunder shall continue in effect for the balance of the unexpired term as valid registrations of copyright claims subject to all provisions of existing copyright law.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SHIPMENT OF PRIVATELY OWNED AUTOMOBILES—DISBURSING OFFICERS' ACCOUNTS

The Senate proceeded to consider the bill (H. R. 3421) to authorize credit in disbursing officers' accounts covering shipment of privately owned automobiles from October 12, 1927, to October 10, 1929, which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized to allow transportation accounts for private automobiles of officers, warrant officers, nurses, enlisted men, or civilian employees shipped as their authorized baggage allowance from October 12, 1927, to October 10, 1929, and within the authorized weight allowance, at classification rates charged by the transportation companies: *Provided*, That where any amounts have been collected for shipments made during such period of the difference between classification rates and household goods rates as authorized by existing law, the payment, upon presentation of claims therefor, of amounts thus collected to those from whom collected, is authorized and directed.

Mr. McKELLAR. Mr. President, will the Senator from Texas explain the bill?

Mr. SHEPPARD. Mr. President, this bill passed the House on January 6, 1936, having been recommended by the Secretary of War on December 12, 1934. Its purpose is to authorize

credit in disbursing officers' accounts covering the shipment of privately owned automobiles from October 12, 1927, to October 10, 1929. The intent and result of the bill will be merely to approve the shipments made during the foregoing-mentioned period. The bill, if passed, will not authorize similar shipments in the future, nor will it approve any shipments made since October 10, 1929.

Under Army regulations which became effective October 13, 1927, and which had been approved by the Judge Advocate General of the Army, automobiles were included in the shipment of authorized baggage of personnel of the Military Establishment. The Comptroller General subsequently held that payment for such shipments would be, without exception, at the rates for household goods. The difference between this rate and the tariff rate for the shipment of automobiles was disallowed, although the shipments of automobiles between October 12, 1907, and October 10, 1929, were made in good faith and in accordance with properly approved and issued Army regulations. The personnel concerned under the later ruling of the Comptroller General have been called upon to reimburse the Government for excess rate on automobiles over and above the rate on household goods.

Mr. McKELLAR. Let me ask the Senator how much is involved?

Mr. SHEPPARD. I have not the exact figures, but the amount is not large, I assure the Senator.

Mr. McKELLAR. And the practice has been discontinued by the Army?

Mr. SHEPPARD. It has been discontinued.

Mr. McKELLAR. It is not proposed to revive it?

Mr. SHEPPARD. No.

Mr. McKELLAR. Very well.

The bill was ordered to a third reading, read the third time, and passed.

ISSUANCE OF ARMS AND AMMUNITION

The bill (S. 3686) to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the provision relating to issue by the Secretary of War of arms and ammunitions for protection of public money and property, contained in the act of March 3, 1879 (20 Stat. L. 412), be, and the same is hereby amended to read as follows:

"That upon the request of the head of any department or independent agency of the Government, the Secretary of War be, and he is hereby, authorized to issue arms, suitable accouterments for use therewith, and ammunition whenever they may be required for the protection of the public money and property, and they may be delivered to any officer of the department or independent agency designated by the head of such department or independent agency, to be accounted for to the Secretary of War, and to be returned when the necessity for their use has expired: *Provided, however,* That hereafter the cost of all ammunition issued, the cost of replacing borrowed arms and accouterments which are lost or destroyed or are irreparable, the cost of repairing arms and accouterments returned to the War Department, and the cost to the War Department of making and receiving shipments under the authority of this act shall be covered by transfer of funds from the department or independent agency concerned to the credit of War Department funds."

RENTAL ALLOWANCES TO RESERVE OFFICERS

The bill (S. 3687) to validate payments and to relieve the accounts of disbursing officers of the Army on account of payments made to Reserve officers on active duty for rental allowances, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That all payments made to military personnel of the Army on account of rental allowances, where the Secretary of War, under the authority of the act of March 4, 1915 (28 Stat. 1069; U. S. C., title 10, sec. 718), has determined that no quarters are available for such personnel, are hereby ratified and validated, and the Comptroller General of the United States is hereby directed to credit the accounts of disbursing officers of the United States with such payments, and to accept as final and conclusive in the audit of such accounts the determinations made by the Secretary of War under that act.

PAYMENTS TO RESERVE OFFICERS PROMOTED WHILE ON ACTIVE DUTY

The bill (S. 3688) to validate payments and to relieve disbursing officers' accounts of payments made to Reserve officers promoted while on active duty, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That payments made by Army disbursing officers to Reserve officers of the Army of increased pay and allowances on account of promotion while on active duty are hereby ratified and validated, notwithstanding any construction of the Comptroller General of the provisions of section 201 of the Economy Act of June 30, 1932, as contained by section 4a, act of March 3, 1933, and section 4a, title 2, act of March 20, 1933, and the Comptroller General shall allow credit in the accounts of said disbursing officers for payments so made if otherwise correct.

AVIATION FIELD AT NEWBURGH, N. Y.

The bill (S. 3737) to authorize the Secretary of War to acquire by donation land at or near Newburgh, in Orange County, N. Y., for aviation field, military, or other public purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to acquire by donation approximately 236 acres of land at or near Newburgh, in Orange County, N. Y., for aviation field, military, or other public purposes: *Provided*, That in the event the donor is unable to perfect title to any land tendered as a donation, condemnation of such land is authorized in the name of the United States, and payment of any and all awards for title to such land as is condemned, together with the cost of suit, shall be made by the donor.

GEORGE W. OLNEY

The bill (S. 3313) for the relief of George W. Olney was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That George W. Olney, late of Company D, Second Regiment Rhode Island Volunteer Infantry, who enlisted October 5, 1864, and was honorably discharged July 13, 1865, shall be considered as being on actual duty status during the period of his hospitalization from January 31, 1865, to April 8, 1865, for the purpose of computing his actual time of duty status while in service; and that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers he shall hereafter be entitled to receive any or all such rights, privileges, and benefits conferred by such laws, notwithstanding any provisions to the contrary in the act relating to pensions approved April 26, 1898, as amended by the act approved May 11, 1908: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

AGRICULTURAL RELIEF

The bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation was announced as next in order.

The PRESIDENT pro tempore. The bill just announced, being the unfinished business, will be passed over.

CLAIMS ARISING FROM ACTIVITIES OF CIVILIAN CONSERVATION CORPS

The Senate proceeded to consider the bill (S. 3684) to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War, which had been reported from the Committee on Claims with an amendment, on page 2, line 2, after the numerals "$49.50", to insert "to Capt. John L. Lewis, Seventeenth Field Artillery, Fort Bragg, N. C., $11.75 ", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lucy E. Ahrens, Tacoma, Wash., $21.90; to Fred S. Baxter, Tulare, Calif., $353.61; to J. R. Duncan, Georgetown, Ky., $30.04; to Harry France, Iowa City, Iowa, $17.50; to Delmar Hammond, Ithaca, N. Y., $10.50; to H. C. Ledford, Randle, Wash., $20; to Patrick H. McBreen, Concord, Mass., $49.50; to Capt. John L. Lewis, Seventeenth Field Artillery, Fort Bragg, N. C., $11.75; to A. J. Marks, Maurine, S. Dak., $7.90; to Monongahela West Penn Public Service Co., Marlinton, W. Va., $82.11; to University of Tennessee Alumni Association, University of Tennessee, Knoxville, Tenn., $105.80; to Water, Light, Power, and Building Commission, Grand Rapids, Minn., $53.26; and to Clara B. Chapman, Jefferson City, Mo., $15.10, in full settlement for damages sustained by reason of the operation of the Civilian Conservation Corps, which claims have been approved by the Secretary of War: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwith-

standing. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH M. CACACE AND OTHERS

The bill (S. 3090) for the relief of Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Whereas in the District Court of the United States for the Eastern District of Virginia, on the 20th day of November 1934, John T. Cacace was convicted of an offense and was thereupon admitted to bail in the penalty of $10,000 pending his motion for a new trial, and executed a recognizance for said sum with Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne, his brothers and sister, as sureties; and

Whereas on the 23d of November 1934, said John T. Cacace, without the knowledge, consent, or connivance of said sureties, willfully defaulted by leaving the jurisdiction and failed to appear on November 26, the time appointed for the hearing of his motion for a new trial, whereupon he was declared in default, and on motion of the United States, by its attorney, a scire facias issued on said date returnable on November 30, on which last-named date the court declined to give the sureties on said bond additional time for the purpose of attempting to produce said convict but forfeited said bond and entered judgment against the stipulators for the sum of $10,000 and costs; and

Whereas on December 6, 1934, the said John T. Cacace voluntarily surrendered himself to the marshal of the district and was thereafter sentenced and is now serving his term in a penitentiary designated by the court; and

Whereas the sureties on said recognizance filed their petition in said court on December 8, 1934, praying that said judgment might be set aside and the forfeiture remitted, which prayer has been refused by the court upon the ground that under the statute in such case made and provided it had no discretion where the default was willful; and

Whereas by the voluntary appearance and the sentencing of said convict the ends of justice have been accomplished without additional expense to the Government so that nothing further is to be gained by the enforcement of said judgment, which enforcement will cause said stipulators to lose their homes by foreclosure under execution: Now, therefore

Be it enacted, etc., That said Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne be, and are hereby, relieved from liability for the payment of said judgment so entered in the District Court of the United States for the Eastern District of Virginia, at Norfolk; that said judgment be and is hereby canceled; and that the United States attorney for the eastern district of Virginia be, and is hereby, authorized and directed to so mark said judgment canceled of record.

The preamble was agreed to.

ADELPHIA BANK & TRUST CO. OF PHILADELPHIA

The bill (H. R. 4805) authorizing adjustment of the claim of the Adelphia Bank & Trust Co. of Philadelphia was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of the Adelphia Bank & Trust Co. of Philadelphia for refund of a fee of 1 percent collected by the clerk of the United States District Court for the Eastern District of Pennsylvania on $85,000, the face value of securities temporarily deposited by said company with the clerk pending the filing of an increased surety bond required by the court from the bank as depository of funds in bankruptcy estates, said fee having been covered into the general fund, Treasury of the United States, as a miscellaneous receipt, and to allow said claim in an amount not to exceed $850. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $850, or so much thereof as may be necessary, for the payment of this claim, such sum to be in full settlement of all claims against the Government of the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

WALTER F. BRITTAN

The Senate proceeded to consider the bill (S. 3001) for the relief of Walter F. Brittan, which had been reported from the Committee on Claims with an amendment to insert at the end of the bill a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walter F. Brittan, of Great Falls, Mont., the sum of $1,890 in full satisfaction of his claim against the United States for the value of improvements made by him on certain land located in the State of Montana, the use of which was purported to have been granted to him by a permit issued on November 5, 1930, by the Forest Service of the Department of Agriculture, but which he was subsequently forced to abandon because such land, in fact, belonged to other individuals: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IZELDA BOISONEAU

The Senate proceeded to consider the bill (S. 2941) for the relief of Izelda Boisoneau, which had been reported from the Committee on Claims, with amendments, on page 1, line 5, after the words "sum of", to strike out "$10,000" and insert "$4,000"; in line 7, after the name "Boisoneau", to strike out "as compensation" and insert "in full and final settlement of all claims against the Government of the United States"; and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,000 to Izelda Boisoneau, of Mellen, Ashland County, Wis., mother of Eugene Boisoneau, in full and final settlement of all claims against the Government of the United States for the death of her son, who was killed because of mistaken identity by Government agents on April 22, 1934, in their endeavor to apprehend one John Dillinger and his associates: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HOFFMAN

The Senate proceeded to consider the bill (S. 2942) for the relief of John Hoffman, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the words "sum of", to strike out "$2,500" and to insert "$1,500"; in line 7, after the name "Wisconsin", to strike out "as compensation" and insert "in full and final settlement of all claims against the Government of the United States", and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,500 to John Hoffman, of Mercer, Iron County, Wis., in full and final settlement of all claims against the Government of the United States for injuries sustained because of mistaken identity by Government agents on April 22, 1934, in their endeavor to apprehend one John Dillinger and his associates: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating

the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN MORRIS

The Senate proceeded to consider the bill (S. 2943) for the relief of John Morris, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the words "sum of", to strike out "$5,000" and insert "$3,000"; at the beginning of line 7, to strike out "as compensation" and insert "in full and final settlement of all claims against the United States"; and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3000 to John Morris, of Mercer, Iron County, Wis., in full and final settlement of all claims against the United States for injuries sustained because of mistaken identity by Government agents on April 22, 1934, in their endeavor to apprehend one John Dillinger and his associates: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WALTER M. SEESEE

The Senate proceeded to consider the bill (S. 3430) for the relief of Walter M. Seesee, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and in lieu thereof to insert the following:

That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who was enlisted between April 21, 1898, and July 4, 1902, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act: *Provided further*, That in all such cases the War Department shall, upon request, grant to such men or their widows a discharge certificate showing that the soldiers are held and considered to have been honorably discharged under the provisions of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the act of January 5, 1927 (44 Stat. 932), entitled 'An act for the relief of soldiers who were discharged from the Army during the Spanish-American War, the Philippine Insurrection, and the Boxer uprising because of misrepresentation of age.'"

BILL PASSED OVER

The bill (H. R. 9863) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1937, and for other purposes, was announced as next in order.

Mr. ROBINSON. That is an appropriation bill. I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

NORFOLK SOUTHERN RAILROAD CO.

The bill (H. R. 3709) for the relief of the Norfolk Southern Railroad Co. was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims of the United States, notwithstanding any limitations upon the jurisdiction and power of such court to hear, determine, and render judgment upon the claim of the Norfolk Southern Railroad Co. against the United States, arising out of or incident to the removal of an old bridge and the construction of a new drawbridge and fender system over the Albemarle & Chesapeake Canal, now the Virginia cut of the Inland Waterway, near Great Bridge, Va., to comply with orders of the War Department.

WILLIAM SULEM

The Senate proceeded to consider the bill (S. 1123) for the relief of William Sulem, which had been reported from the Committee on Claims with an amendment, on page 1, line 7, after the words "sum of", to strike out "$1,482" and insert "$232", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Sulem, of the township of Franklin, county of Somerset, and State of New Jersey, the sum of $232, in full settlement of all claims against the Government of the United States for injuries received by and damages to property of the said William Sulem while operating his automobile on the public highway in New Brunswick, N. J., by the negligent operation of a United States Government mail truck, no. 9920, on said highway in said city while said truck was in the care and custody of and being driven by an operative of the United States Post Office Department under the orders of the postmaster in the United States Postal Service at New Brunswick, N. J.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE B. MARX, INC.

The Senate proceeded to consider the bill (S. 2654) to confer jurisdiction on the Court of Claims to hear and determine the claim of George B. Marx, Inc., which had been reported from the Committee on Claims with amendments, in section 1, page 2, line 8, after the word "notwithstanding", to strike out "the bars or defenses of any settlement, release, or adjustment heretofore made or of", and in line 13, after the word "shall", to insert "have the right to plead and prove any and all defenses available, including the defense of any settlement, release, or adjustment heretofore made, and shall", so as to make the section read:

That the Court of Claims of the United States be, and it is hereby, given jurisdiction to hear and determine the claims, legal, or equitable, of George B. Marx, Inc., a New York corporation and assignee or successor of George B. Marx, growing out of or arising under or from the suspension and cancelation of a certain contract no. 4241, dated August 6, 1918 (order no. 110016), which claims are for reimbursement and payment for services performed and goods furnished under said contract and order, for goods manufactured or in process of manufacture, and for materials and equipment bought, contracted, or committed for, by George B. Marx under the said contract, which contract was made by the United States with the said George B. Marx for the construction of a quantity of carts for carrying wire for the use of the Signal Corps, United States Army; and to enter decree or judgment upon said claims, notwithstanding any assignment of said claims by George B. Marx to George B. Marx, Inc., or of laches, lapse of time, or of any statute of limitations: *Provided, however*, That the United States shall have the right to plead and prove any and all defenses available, including the defense of any settlement, release, or adjustment heretofore made, and shall be given credit for any sum heretofore paid the said George B. Marx on said claims.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PERKINS-CAMPBELL CO.

The Senate proceeded to consider the bill (S. 277) for the relief of the Perkins-Campbell Co., which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "$1,511.46" and

insert "$1,453.33", and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Perkins-Campbell Co., Cincinnati, Ohio, the sum of $1,453.33, balance due for the purchase of certain leather satchels under orders S. 290 and S. 1193: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOLYOKE ICE CO.

The Senate proceeded to consider the bill (S. 903) for the relief of the Holyoke Ice Co., which had been reported from the Committee on Claims with amendments, on page 1, at the beginning of line 7, to insert "in full settlement of all claims against the Government", and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $146.85 to the Holyoke Ice Co., of Holyoke, Mass., in full settlement of all claims against the Government for ice furnished the Post Office Building at Holyoke, Mass., during the period 1918 to 1922, inclusive: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRACE PARK

The Senate proceeded to consider the bill (S. 2042) for the relief of Grace Park, which had been reported from the Committee on Claims with amendments, on page 1, line 7, after the words "sum of", to strike out "$2,000" and insert "$500; to the Westerly Hospital, Westerly, R. I., the sum of $68.70; and to Dr. H. M. Scanlon, of Westerly, R. I., the sum of $100; said sums to be"; in line 11, after the word "received", to insert "by said Grace Park"; on page 2, line 1, after the date October 17, to insert "1934"; and at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. John McShane, parents and guardians of Grace Park, of Stonington, Conn., the sum of $500; to the Westerly Hospital, Westerly, R. I., the sum of $68.70; and to Dr. H. M. Scanlon, of Westerly, R. I., the sum of $100; said sums to be in full settlement of all claims against the United States for injuries received by said Grace Park October 17, 1934, near Stonington, Conn., when she was struck by a truck operated in the service of the United States Coast and Geodetic Survey, Department of Commerce: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY HOBART

The Senate proceeded to consider the bill (S. 3274) for the relief of Mary Hobart, which had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "$175" and insert in lieu thereof "$75", and in line 8 to strike out the words "two horses" and insert the words "a horse", and in the same line to strike out the word "were" and insert the word "was", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary Hobart, of Nekoosa, Wis., the sum of $75, in full satisfaction of her claim against the United States for damages arising out of the death of a horse owned by her which was killed by a stump that was blown up by members of the Civilian Conservation Corps engaged in blasting operations in Adams County, Wis., on August 20, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. FRANK G. SANFORD

The Senate proceeded to consider the bill (S. 1828) for the relief of Mrs. Frank G. Sanford, which had been reported from the Committee on Claims with an amendment, on page 1, line 3, to strike out the words "Postmaster General" and insert the words "Comptroller General of the United States", so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of Mrs. Frank G. Sanford, postmaster at Bucoda, Wash., in the sum of $540.42 due to the United States on account of postal funds stolen from said post office on May 16, 1924.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN ARMY DISBURSING OFFICERS

The Senate proceeded to consider the bill (S. 3683) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department, which had been reported from the Committee on Claims with amendments, on page 1, line 8, after the numerals "$72", to insert "Maj. Walter D. Dabney, Finance Department, $17", and on page 4, after line 22, to insert a new section 7, as follows:

SEC. 7. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Capt. Robert W. Yates, Field Artillery, the sum of $38, public funds for which he is accountable and which were paid by him to Maj. Robert B. Laing, Infantry Reserve, for commutation of quarters and which amount was disallowed by the Comptroller General of the United States: *Provided*, That the amounts so paid shall not be charged against any moneys otherwise due the payee.

So as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of the following disbursing officers of the Army of the United States the amounts set opposite their names: Maj. Stephen R. Beard, Finance Department, $28; Capt. Lester L. Boggs, Finance Department, $72; Maj. Walter D. Dabney, Finance Department, $17; Maj. Horace G. Foster, Finance Department, $45 and $50; Capt. Columbus B. Lenow, Finance Department, $30; Maj. D. W. Morey, Finance Department, $60; and Maj. Arthur O. Walsh, Finance Department, $30; said amounts being public funds for which they are accountable and which comprise minor errors in computation of pay and allowances due former members of the Civilian Conservation Corps, who are no longer enrolled in that corps, and which amounts have been disallowed by the Comptroller General of the United States: *Provided*, That no part of the amounts so credited shall be later charged against any individual other than the various payees.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Biglow B. Barbee, Finance Department, the sum of $81; Capt. Jefferson E. Kidd, Infantry Reserve, the sum of $81; Second Lt. Francis T. Pachler, United States Infantry, the sum of $10; Capt. Carl M. Innis, United States Infantry, the sum of $12.50; and Second Lt. Robert V. Klepinger, Field Artillery Reserve, the sum of $12.50, or so much of said sums as shall have been collected from them prior to the approval of this act, representing refundments of overpayments made Civilian Conservation Corps enrollees and allottees, the collection of which amounts cannot be effected from the persons to whom such erroneous payments have been made: *Provided*, That no part of these amounts shall be charged to any person other than the payees.

SEC. 3. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Capt. Charles K. McAlister, Finance Department, the sum of $147.73, public funds for which he is accountable and which represents overpayments made to several members of the Civilian Conservation Corps who are no longer enrolled in that corps and from whom collection cannot be effected.

SEC. 4. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of the following disbursing officers of the United States the amounts set opposite their names: Capt. Bigelow B. Barbee, Finance Department, $81.50, and Maj. John H. Harrington (Coast Artillery Corps), Finance Department, $98.16, being public funds for which they are accountable and which were paid by them for medical expenses and burial expenses of a child killed as a result of an automobile accident involving a Civilian Conservation Corps truck, and which amounts have been disallowed by the Comptroller General of the United States.

SEC. 5. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Capt. Clarence A. Frank, Finance Department, $45.83; Capt. Charles W. Hensey, Finance Department, $12; Maj. Royal G. Jenks, Finance Department, $9.40; Maj. James A. Marmon, Finance Department, $10.75; Maj. Cherubusco Newton, Jr., Finance Department, $8.52; Maj. Frank E. Parker, Finance Department, $76.51; Maj. Bickford E. Sawyer, Finance Department, $12; and Maj. John L. Tunstall, Finance Department, $132.96, being public funds for which they are accountable and which comprise minor errors in computation of pay and allowances due military personnel who are no longer in the service of the United States, and which amounts have been disallowed by the Comptroller General of the United States.

SEC. 6. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. Frank Brezina, Philippine Scouts, Quartermaster Corps, $22.83, public funds for which he is accountable and which represent payments on account of rental due Teesdale, Newman & Co., Shanghai, China, and which amount has been disallowed by the Comptroller General of the United States.

SEC. 7. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Capt. Robert W. Yates, Field Artillery, the sum of $38, public funds for which he is accountable and which were paid by him to Maj. Robert B. Laing, Infantry Reserve, for commutation of quarters and which amount was disallowed by the Comptroller General of the United States: *Provided*, That the amounts so paid shall not be charged against any moneys otherwise due the payee.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD SHIPPEN WEST

The bill (H. R. 4858) for the relief of Edward Shippen West was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Edward Shippen West, late captain of Cavalry in the Regular Army of the United States, before a retiring board for the purpose of hearing his case and to inquire into all facts touching upon the nature of his disabilities, to determine and report the disabilities which in its judgment have produced his incapacity and whether such disabilities were incurred during his active service in the Army and were in line of duty. That if the findings of such board are in the affirmative, the President is further authorized, in his discretion, to nominate and appoint, by and with the advice and consent of the Senate, the said Edward Shippen West as a captain of Cavalry in the Regular Army of the United States and to place him immediately thereafter upon the retired list of the Army with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for the officers of the Regular Army: *Provided*, That the said Edward Shippen West shall not be entitled to any back pay or allowance by the passage of this act.

BILL PASSED OVER

The bill (S. 3154) making it unlawful for any person engaged in commerce to discriminate in price or terms of sale between purchasers of commodities of like grade and quality, to prohibit the payment of brokerage or commission under certain conditions, to suppress pseudo-advertising allowances, to provide a presumptive measure of damages in certain cases, and to protect the independent merchant, the public whom he serves, and the manufacturer from whom he buys, from exploitation by unfair competititors was announced as next in order.

Mr. McNARY. Mr. President, this bill appears to be rather involved and difficult of comprehension. It reached the calendar just yesterday and I believe none of us has had any notice of its pendency. I think it should go over.

Mr. ROBINSON. Mr. President, I think it appropriate that the bill should go over, in order that Senators may have an opportunity to give it consideration.

The PRESIDENT pro tempore. The bill will be passed over. That completes the calendar.

SANISH SCHOOL DISTRICT, NORTH DAKOTA

Mr. FRAZIER. Mr. President, last month the bill (S. 3093) to provide funds for cooperation with Sanish School District No. 1, Mountrail County, N. Dak., for extension of public-school buildings to be available for Indian children, was passed by the Senate. It carried an appropriation of $10,000 for a school district in North Dakota at which there are children in attendance. I found afterward that an identical bill, being House bill 8515, had been passed previous to that time. That House bill is now before the Committee on Indian Affairs. I ask unanimous consent that the committee be discharged from the further consideration of the House bill, that the House bill be substituted for the Senate bill which was passed last month, and that the House bill be placed upon it passage.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and the Committee on Indian Affairs is discharged from the further consideration of House bill 8515. The Chair lays the bill before the Senate.

The bill (H. R. 8515) to provide funds for cooperation with Sanish School District No. 1, Mountrail County, N. Dak., for extension of public-school buildings to be available for Indian children was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be expended, from any moneys now available and applicable, or that may become applicable hereafter available, for construction under provisions of the National Industrial Recovery Act, approved June 16, 1933, the sum of $10,000 for the purpose of cooperating with Sanish District No. 1, Mountrail County, N. Dak., for extension and improvement of school buildings: *Provided*, That the expenditure of any moneys so appropriated shall be subject to the condition that the schools maintained by said district shall be available to all the Indian children of the district on the same terms, except as to payment of tuitions, as other children of said school district, subject to such further conditions as may be prescribed by the Secretary of the Interior.

Mr. FRAZIER. I ask unanimous consent that the House be requested to return Senate bill S. 3093 to the Senate.

The PRESIDENT pro tempore. Without objection, the House will be requested to return the bill to the Senate.

REPEAL OF CERTAIN ACTS OF CONGRESS

Mr. SMITH. Pursuant to the message of the President of the United States with reference to the repeal of certain acts, which message was referred to the Committee on Agriculture and Forestry, I have been instructed by that committee to report a bill, and I ask unanimous consent for its immediate consideration.

There being no objection, the bill (S. 3934) to repeal the Kerr Tobacco Act, the Bankhead Cotton Act of 1934, and the Potato Act of 1935 was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That Public Law No. 483, Seventy-third Congress, as amended, known as the Kerr Tobacco Act, and Public Law No. 169, Seventy-third Congress, as amended, known as the Bankhead Cotton Act of 1934, except section 24 thereof and sections 201 to 233, both inclusive, of Public Law No. 320, Seventy-fourth Congress, known as the Potato Act of 1935, be, and the same hereby are, repealed.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Carolina for the immediate consideration of the bill?

Mr. McNARY. Mr. President, does the proposal submitted by the Senator from South Carolina conform with the President's message submitted to us yesterday?

Mr. SMITH. Strictly.

Mr. McNARY. Would it repeal the Bankhead Cotton Control Act?

Mr. SMITH. Yes.

Mr. McNARY. Does it include the Potato Act and the Tobacco Act?

Mr. SMITH. Yes; it includes all three of the acts to which the Senator has referred.

Mr. McNARY. Very well.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. ROBINSON. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. WAGNER, from the Committee on Public Lands and Surveys, reported favorably the following nominations:

George Finley, of Oregon, who was appointed during the recess of the Senate, to be register of the land office at Roseburg, Oreg.;

Mrs. Gladys Huyck, of Nevada, who was appointed during the recess of the Senate, to be register of the land office at Carson City, Nev.; and

Miss Evelyn S. Adams, of California, who was appointed during the recess of the Senate, to be recorder of the General Land Office.

The PRESIDENT pro tempore. The reports will be placed on the calendar. If there be no further reports of committees, the clerk will state the first business in order on the calendar.

POSTMASTERS IN SOUTH CAROLINA AND NEBRASKA

The legislative clerk read the nomination of Eugene C. Jones to be postmaster at North, S. C.

Mr. McKELLAR. Mr. President, I ask the Senators from South Carolina whether they desire to have that nomination again passed over.

Mr. SMITH. Yes; I should like to have it passed over.

Mr. McKELLAR. I ask that the nomination go over.

The PRESIDENT pro tempore. Without objection, the nomination will be passed over.

The legislative clerk read the nomination of Maude S. Yancey to be postmaster at Cody, Nebr.

Mr. McKELLAR. Mr. President, the Senator from Nebraska [Mr. NORRIS] yesterday asked that that nomination be passed over. He is not in the Chamber at the moment, so I ask to have that nomination also go over.

The PRESIDENT pro tempore. Without objection, the nomination will be passed over.

THE JUDICIARY

The legislative clerk read the nomination of Mell G. Underwood, of Ohio, to be United States district judge, southern district of Ohio.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Robert P. Butler to be United States attorney, district of Connecticut.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Bernard Fitch to be United States marshal for the district of Connecticut.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the Army nominations be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the Army nominations are confirmed en bloc.

That completes the calendar.

RECESS TO THURSDAY

Mr. ROBINSON. I move that the Senate take a recess pursuant to the order heretofore entered.

The motion was agreed to; and (at 1 o'clock and 22 minutes p. m.) the Senate, under the order previously entered, took a recess until Thursday, February 6, 1936, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 4 (legislative day of Jan. 16), 1936

APPOINTMENTS AND PROMOTIONS IN THE NAVY

The following-named commanders to be captains in the Navy from the 1st day of January 1936:

Frank J. Wille an additional number in grade

Elwin F. Cutts

Lt. Comdr. Henry P. Burnett to be a commander in the Navy from the 1st day of September 1935.

Lt. Comdr. Herbert V. Wiley to be a commander in the Navy from the 1st day of November 1935.

Lt. Chester L. Walton to be a lieutenant commander in the Navy from the 1st day of July 1935.

Lt. Charles C. Hartman to be a lieutenant commander in the Navy from the 1st day of August 1935.

Lt. Charles M. Huntington to be a lieutenant commander in the Navy from the 9th day of August 1935.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of October 1935:

Carroll T. Bonney

Richard H. Cruzen

The following-named lieutenants to be lieutenant commanders in the Navy from the 4th day of October 1935:

Austin K. Doyle

William E. Miller

Lt. Charles D. Murphey to be a lieutenant commander in the Navy from the 1st day of November 1935.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 30th day of June 1935:

John J. Laffan

John G. Blanche, Jr.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of August 1935:

Harry L. Ferguson, Jr.

John J. Hourihan

Lt. (Jr. Gr.) Charles M. Ryan to be a lieutenant in the Navy from the 1st day of September 1935.

Lt. (Jr. Gr.) Edward A. McFall to be a lieutenant in the Navy from the 21st day of September 1935.

Lt. (Jr. Gr.) Frederick P. Williams to be a lieutenant in the Navy from the 26th day of September 1935.

Lt. (Jr. Gr.) Phillip H. FitzGerald to be a lieutenant in the Navy from the 26th day of September 1935.

Lt. (Jr. Gr.) John G. Hughes, Jr., to be a lieutenant in the Navy from the 1st day of October 1935.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 4th day of October 1935:

John G. Johns

Gelzer L. Sims

Lt. (Jr. Gr.) Graham C. Gill to be a lieutenant in the Navy from the 1st day of November 1935.

Lt. (Jr. Gr.) Thomas J. Hickey to be a lieutenant in the Navy from the 20th day of November 1935.

Lt. (Jr. Gr.) Clyde M. Jensen to be a lieutenant in the Navy from the 1st day of January 1936.

Medical Inspector Gordon D. Hale to be a medical director in the Navy, with the rank of captain, from the 1st day of July 1935.

Naval Constructor Leslie C. Stevens to be a lieutenant commander in the Navy for aeronautical engineering duty only from the 2d day of June 1927, in accordance with the act of Congress approved June 5, 1935.

Gunner Harlow Hines to be a chief gunner in the Navy to rank with but after ensign, from the 1st day of October 1935.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 1st day of October 1935:

Guy B. Ray	William A. Smith
Homer K. Davidson	James J. Marron
Glenn Gardner	Horace M. Chance
James W. Dyckman	

Pay Director David Potter to be a pay director in the Navy, with the rank of rear admiral, from the 14th day of November 1927.

MARINE CORPS

Col. Harold C. Reisinger, assistant paymaster, to be the Paymaster of the Marine Corps, with the rank of brigadier general, for a period of 4 years from the 1st day of March 1936.

POSTMASTERS

ALABAMA

Una B. Bowden to be postmaster at Ariton, Ala., in place of A. N. Fain, deceased.

Robert B. Evans to be postmaster at Elkmont, Ala., in place of R. B. Evans. Incumbent's commission expired January 25, 1936.

ARIZONA

Myrtle Prophet to be postmaster at Oatman, Ariz., in place of Myrtle Prophet. Incumbent's commission expired January 7, 1936.

ARKANSAS

William Angus Biggers to be postmaster at Hampton, Ark. Office became Presidential July 1, 1935.

Parker D. Clear to be postmaster at Hardy, Ark., in place of W. J. Rumsey, resigned.

CALIFORNIA

Ruth B. McQuarrie to be postmaster at Gardena, Calif., in place of Robert Robertson. Incumbent's commission expired January 8, 1934.

Lloyd C. Rowe to be postmaster at Lancaster, Calif., in place of O. G. Simon, removed.

Charles A. Ottmann to be postmaster at Livingston, Calif., in place of F. S. Farquhar. Incumbent's commission expired December 18, 1934.

Earl D. Cline to be postmaster at North Los Angeles, Calif., in place of E. D. Cline. Incumbent's commission expired January 9, 1936.

Fred Jacobsen to be postmaster at Roscoe, Calif., in place of G. B. Leavens. Incumbent's commission expired February 27, 1935.

Mary E. Rozier to be postmaster at Tuolumne, Calif., in place of M. E. Rozier. Incumbent's commission expired January 26, 1936.

Charles W. Deming to be postmaster at Universal City, Calif., in place of S. M. Sigler, removed.

COLORADO

Adelbert E. Humeston to be postmaster at Collbran, Colo., in place of A. E. Humeston. Incumbent's commission expired January 22, 1936.

James M. Brown to be postmaster at Mancos, Colo., in place of J. M. Brown. Incumbent's commission expired January 22, 1936.

FLORIDA

Kathleen McCallum to be postmaster at Bay Harbor, Fla. Office became Presidential July 1, 1935.

Myrtle Wiggin to be postmaster at Millville, Fla. Office became Presidential July 1, 1935.

GEORGIA

Marcus Watson Miller to be postmaster at Colquitt, Ga., in place of H. M. Miller, retired.

Carl M. Simonton to be postmaster at Franklin, Ga., in place of J. C. Lee. Incumbent's commission expired September 30, 1933.

HAWAII

Antone Fernandez to be postmaster at Kekaha, Hawaii, in place of Antone Fernandez. Incumbent's commission expired January 7, 1936.

IDAHO

Arthur W. Haley to be postmaster at Coeur d'Alene, Idaho, in place of G. F. McMartin. Incumbent's commission expired February 5, 1935 (removed W. O. P.).

ILLINOIS

Howard J. Hall to be postmaster at Elburn, Ill., in place of F. S. Sharp. Incumbent's commission expired February 25, 1935.

Daniel L. Cobb to be postmaster at Highland Park, Ill., in place of H. L. Schneider. Incumbent's commission expired June 24, 1934.

Dwight S. Sharer to be postmaster at Mount Morris, Ill., in place of B. S. Price. Incumbent's commission expired January 22, 1935.

William Claude Rogers, Sr., to be postmaster at Percy, Ill., in place of M. E. Lister. Incumbent's commission expired December 18, 1933.

INDIANA

Emma Knesek to be postmaster at Cedar Lake, Ind., in place of F. J. Berg, declined.

James L. Kennedy to be postmaster at Mishawaka, Ind., in place of C. J. Roy, deceased.

IOWA

Frank C. Hentges to be postmaster at Le Mars, Iowa, in place of R. C. Edmonds, retired.

Boies Capper to be postmaster at Postville, Iowa, in place of Keith Gray, resigned.

KANSAS

Rollie O. Tobias to be postmaster at Liberal, Kans., in place of A. K. Stoufer. Incumbent's commission expired February 5, 1935.

Florence J. Lehman to be postmaster at Nickerson, Kans., in place of C. N. Wooddell. Incumbent's commission expired February 5, 1935.

Fred Moffitt to be postmaster at Tampa, Kans., in place of D. H. Pugh, deceased.

KENTUCKY

Mary R. Meredith to be postmaster at Mammoth Cave, Ky. Office became Presidential July 1, 1935.

Beulah A. Foley to be postmaster at Ravenna, Ky., in place of Maggie Wolfinbarger. Incumbent's commission expired February 20, 1935.

Charles L. Hollingsworth to be postmaster at Smithland, Ky., in place of R. B. Dycus. Incumbent's commission expired February 5, 1935.

Haden Owens to be postmaster at Wickliffe, Ky., in place of J. A. Miller. Incumbent's commission expired January 23, 1935.

MAINE

Beargo M. Hagopian to be postmaster at Madison, Maine, in place of M. G. Kennison. Incumbent's commission expired January 7, 1936.

Grace L. Harriman to be postmaster at Searsport, Maine, in place of A. C. Havener. Incumbent's commission expired January 7, 1936.

Philip B. Seavoy to be postmaster at Sherman Mills, Maine. Office became Presidential July 1, 1935.

MARYLAND

Nettie Fowler to be postmaster at Bowie, Md., in place of Nettie Fowler. Incumbent's commission expired January 11, 1936.

MASSACHUSETTS

John F. Larnard to be postmaster at Amesbury, Mass., in place of S. L. Porter. Incumbent's commission expired January 27, 1936.

Anna L. Cavanaugh to be postmaster at Ashland, Mass., in place of M. T. Cavanaugh. Not commissioned.

Timothy F. Dailey to be postmaster at Athol, Mass., in place of C. E. Deane. Incumbent's commission expired January 9, 1936.

Peter F. Tague to be postmaster at Boston, Mass., in place of W. E. Hurley, transferred.

Charles D. Streeter to be postmaster at Mount Hermon, Mass., in place of C. D. Streeter. Incumbent's commission expired January 27, 1936.

Louise T. Riley to be postmaster at Oak Bluffs, Mass., in place of E. E. Landers. Incumbent's commission expired January 23, 1935.

Maurice Williams to be postmaster at South Easton, Mass., in place of Maurice Williams. Incumbent's commission expired January 27, 1936.

John C. Donnelly to be postmaster at Walpole, Mass., in place of O. J. A. Dionne. Incumbent's commission expired January 27, 1936.

Robert M. Urann to be postmaster at Westwood, Mass., in place of C. H. Ellis, deceased.

MICHIGAN

Earl B. Sill to be postmaster at Cassopolis, Mich., in place of A. B. Greenawalt. Incumbent's commission expired January 22, 1935.

Blanche L. Mann to be postmaster at Ortonville, Mich., in place of F. J. Smith. Incumbent's commission expired April 15, 1934.

James Reid to be postmaster at Port Huron, Mich., in place of T. S. Scupholm. Incumbent's commission expired December 18, 1934.

Helen MacMillan to be postmaster at St. Clair Shores, Mich., in place of W. F. Pratt. Incumbent's commission expired June 20, 1934.

MINNESOTA

Thomas W. Comnick to be postmaster at Gaylord, Minn., in place of Joseph Huelskamp. Incumbent's commission expired May 20, 1934.

Herman Herder to be postmaster at Jordan, Minn., in place of Herman Herder. Incumbent's commission expired January 25, 1936.

Norman T. True to be postmaster at Truman, Minn., in place of Christian Scott. Incumbent's commission expired February 25, 1935.

MISSISSIPPI

Luna B. Stocks to be postmaster at Baldwyn, Miss., in place of W. R. Anderson. Incumbent's commission expired February 28, 1935.

Lily B. McDonald to be postmaster at Bay Springs, Miss., in place of F. C. Shoemaker. Incumbent's commission expired July 3, 1934.

William D. Fisher to be postmaster at Dundee, Miss. Office became Presidential July 1, 1933.

Edward Otis Johnson to be postmaster at Glen Allan, Miss., in place of R. J. E. Barwick. Incumbent's commission expired March 2, 1935.

David C. Branham, Jr., to be postmaster at Itta Bena, Miss., in place of D. C. Branham, Jr. Incumbent's commission expired January 25, 1936.

Clarence E. Bilbo to be postmaster at Magnolia, Miss., in place of S. W. Pendarvis. Incumbent's commission expired June 17, 1934.

Lilly M. Wilson to be postmaster at Marks, Miss., in place of M. E. Wilson, deceased.

Abbie A. Cunningham to be postmaster at Raymond, Miss., in place of Lila Jones. Incumbent's commission expired January 16, 1934.

MISSOURI

Adrian A. Fults to be postmaster at Crystal City, Mo., in place of B. B. Houghton, resigned.

Phares K. Weis to be postmaster at Moberly, Mo., in place of R. R. Quinn. Incumbent's commission expired January 9, 1936.

Price M. Christian to be postmaster at Monroe City, Mo., in place of J. M. Medcalf, resigned.

Herbert J. Fallert to be postmaster at Sainte Genevieve, Mo., in place of D. L. Wilder. Incumbent's commission expired January 9, 1936.

Edward P. Mullaley to be postmaster at Sedalia, Mo., in place of W. M. Johns. Incumbent's commission expired December 18, 1933.

John M. Earp to be postmaster at Versailles, Mo., in place of H. N. Lutman, deceased.

MONTANA

Jennie W. Chowning to be postmaster at Ennis, Mont., in place of J. W. Chowning. Incumbent's commission expired January 18, 1936.

NEW JERSEY

Arthur C. King to be postmaster at Beach Haven, N. J., in place of J. W. Penrod, Sr., removed.

William J. Quinn to be postmaster at Caldwell, N. J., in place of W. F. Vredenburgh. Incumbent's commission expired January 28, 1935.

Aloysius J. Kaiser to be postmaster at Dover, N. J., in place of C. S. Hurd, retired.

C. Stuart Tobin to be postmaster at Glen Ridge, N. J., in place of Helen Mylod. Incumbent's commission expired January 31, 1934.

Richard R. Newman to be postmaster at Spring Lake, N. J., in place of A. S. Warner, transferred.

Elizabeth C. Brill to be postmaster at Stewartsville, N. J., in place of E. C. Brill. Incumbent's commission expired January 9, 1936.

Robert Freeman Kearse to be postmaster at Vauxhall, N. J., in place of G. A. Sweezy. Incumbent's commission expired May 31, 1933.

NEW YORK

Leonard S. Cole to be postmaster at Ovid, N. Y., in place of J. B. Purcell. Incumbent's commission expired March 18, 1934.

George H. Stanton to be postmaster at Pine Bush, N. Y., in place of G. H. Stanton. Incumbent's commission expired January 18, 1936.

Anton K. Dickson to be postmaster at Shelter Island Heights, N. Y., in place of H. L. Wilcox. Incumbent's commission expired December 18, 1934.

Albert Prindle to be postmaster at Shushan, N. Y., in place of C. A. R. Roberson. Incumbent's commission expired December 18, 1934.

William C. Long to be postmaster at Tully, N. Y., in place of A. T. Smith. Incumbent's commission expired January 9, 1934.

NORTH CAROLINA

Edna E. Maurer to be postmaster at Aberdeen, N. C., in place of J. F. Deaton, deceased.

Pinckney R. Holman to be postmaster at Ridgecrest, N. C. Office became Presidential July 1, 1935.

OHIO

Chalmer R. Hayes to be postmaster at Brookville, Ohio, in place of J. U. Riley. Incumbent's commission expired December 18, 1934.

August Fellerath to be postmaster at Gypsum, Ohio, in place of Richard Hagel. Incumbent's commission expired January 31, 1934.

Earl F. Reeb to be postmaster at Newark, Ohio, in place of E. S. Randolph. Incumbent's commission expired January 7, 1936.

Robert D. Fisher to be postmaster at Warrensville, Ohio, in place of R. D. Fisher. Incumbent's commission expired January 7, 1936.

OKLAHOMA

Ruth S. Howe to be postmaster at Helena, Okla., in place of L. D. Truitt. Incumbent's commission expired January 22, 1935.

Charles Williams to be postmaster at Hooker, Okla., in place of Manford Burk, resigned.

Eleanor Barnhill to be postmaster at Stringtown, Okla. Office became Presidential July 1, 1935.

OREGON

Gaphart D. Ebner to be postmaster at Mount Angel, Oreg., in place of G. D. Ebner. Incumbent's commission expired January 22, 1936.

PENNSYLVANIA

Daniel F. Scobie to be postmaster at Baden, Pa., in place of L. H. Mattauch. Incumbent's commission expired April 16, 1934.

Walter S. Cressman to be postmaster at Gwynedd Valley, Pa., in place of W. S. Cressman. Incumbent's commission expired September 30, 1933.

SOUTH CAROLINA

George B. Patrick to be postmaster at Bowman, S. C., in place of G. B. Patrick. Incumbent's commission expired January 25, 1936.

Joseph G. Holland to be postmaster at Edgefield, S. C., in place of J. G. Holland. Incumbent's commission expired January 25, 1936.

SOUTH DAKOTA

Justin J. Snyder to be postmaster at Stephan, S. Dak., in place of J. J. Snyder. Incumbent's commission expired January 25, 1936.

Frank A. Allen to be postmaster at Wolsey, S. Dak., in place of M. C. Lumbard. Incumbent's commission expired June 2, 1934.

TENNESSEE

Robert Royce Jones to be postmaster at Dyersburg, Tenn., in place of Lon McCaleb, retired.

Nona C. Armstrong to be postmaster at Martel, Tenn., in place of N. C. Armstrong. Incumbent's commission expired January 25, 1936.

John E. Moffatt to be postmaster at Troy, Tenn., in place of R. O. Greene. Incumbent's commission expired January 22, 1935.

TEXAS

Addison Lysander Lincecum to be postmaster at El Campo, Tex., in place of E. C. Hill. Incumbent's commission expired February 20, 1935.

Helen M. Peel to be postmaster at Jourdanton, Tex., in place of H. M. Peel. Incumbent's commission expired January 8, 1936.

A. Earl Estes to be postmaster at Mornahans, Tex., in place of S. E. Estes, removed.

Joe Marecek to be postmaster at Rowena, Tex., in place of H. C. Feist. Incumbent's commission expired April 28, 1934.

Ethridge C. Fowler to be postmaster at Silverton, Tex., in place of M. R. Alexander, removed.

Annie E. Finn to be postmaster at Sunset, Tex. Office became Presidential July 1, 1935.

UTAH

Elliott Larsen to be postmaster at Monroe, Utah, in place of W. O. Lundgreen. Incumbent's commission expired February 20, 1935.

Pontha Calder to be postmaster at Vernal, Utah, in place of Wilson Murray, removed.

VIRGINIA

Robert H. Wall to be postmaster at Cambria, Va., in place of B. R. Jones. Incumbent's commission expired February 25, 1935.

Bessie S. Burgess to be postmaster at Fork Union, Va., in place of C. G. Thomas, removed.

Gustavus A. Scruggs to be postmaster at Salem, Va., in place of W. H. Oakey, removed.

WASHINGTON

Dessie M. Hewett to be postmaster at Lyle, Wash. Office became Presidential July 1, 1934.

Daniel L. Jackson to be postmaster at Port Gamble, Wash., in place of D. L. Jackson. Incumbent's commission expired January 28, 1936.

WEST VIRGINIA

John T. Hollandsworth, Jr., to be postmaster at Beckley, W. Va., in place of E. L. Ellison. Incumbent's commission expired January 7, 1936.

Benjamin F. Penix to be postmaster at Belle, W. Va., in place of J. W. Penix, deceased.

WISCONSIN

Victoria St. Angelo to be postmaster at Frederic, Wis., in place of H. E. Johnson, removed.

August W. Frisch to be postmaster at New Holstein, Wis., in place of M. V. Jones. Incumbent's commission expired February 15, 1933.

Bertram A. Ruskauff to be postmaster at Saukville, Wis., in place of O. M. Eastman. Incumbent's commission expired December 18, 1933.

Russell E. Burlingame to be postmaster at Statesan, Wis., in place of R. E. Burlingame. Incumbent's commission expired January 18, 1936.

Richard M. Grimsrud to be postmaster at Westby, Wis., in place of A. C. Sveen. Incumbent's commission expired February 25, 1935.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 4 (legislative day of Jan. 16), 1936

UNITED STATES DISTRICT JUDGE

Mell G. Underwood to be United States district judge, southern district of Ohio.

UNITED STATES ATTORNEY

Robert P. Butler to be United States attorney, district of Connecticut.

UNITED STATES MARSHAL

Bernard Fitch to be United States marshal for the district of Connecticut.

APPOINTMENTS IN THE REGULAR ARMY

Brig. Gen. Henry Gibbins to be Quartermaster General with the rank of major general.

Col. Frederick Wegener Boschen to be Chief of Finance with the rank of major general.

Col. Augustus Bennett Warfield to be assistant to the Quartermaster General with the rank of brigadier general.

Edgar Gunther to be first lieutenant, Dental Corps.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Capt. Henry Hapgood Fay to Quartermaster Corps.

Second Lt. Salvatore Andrew Armogida to Corps of Engineers.

Second Lt. Paul Elton LaDue to Corps of Engineers.

Second Lt. Ivan Clare Rumsey to Corps of Engineers.

Second Lt. Sidney George Spring to Corps of Engineers.

Capt. Emerson Leroy Cummings to Ordnance Department.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

Dudley Jackson Hard to be major general, National Guard of the United States.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 4, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, we rejoice that we may wait in Thy holy presence, a sanctuary of love, a fountain of all wisdom, goodness, and power. Today give inspiration to our higher

natures, conquest to the strength of reason, and courage to faith. Do Thou quicken our impulses toward a better, purer, and a more heroic life. Reveal Thyself, O Lord, to any whose vision may be sorely perplexed, who fear to let out their souls in trust, and to all of us who are conscious of our sins. Bless us with the sweetness and the calmness of peace, with that strange joy that steals upon the soul, a language taught by no man and a treasure that cannot be hidden. Fortify us, our Father, with peace in action, peace in the performance of duty, and with that peace in sickness which brings to pass the transfiguration of all sufferers. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 10464. An act making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes.

SUPPLEMENTAL APPROPRIATION BILL, 1936

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10464) making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. TAYLOR of Colorado, WOODRUM, and TABER.

Under the special order of the House the gentleman from Massachusetts [Mr. TREADWAY] is recognized for 15 minutes.

THE SECRETARY OF AGRICULTURE

Mr. TREADWAY. Mr. Speaker, on Wednesday last I called the attention of the House and the country to the insulting and untruthful remarks of the Secretary of Agriculture. He spoke of the refund of $180,000,000 as "the greatest legalized steal in history." I am quoting his language.

I stated at that time that in my judgment a man in an official position making such a scurrilous statement as this deserved impeachment. I repeat the statement at this time, and I do it largely on account of events following my remarks of last week.

I understand from the press accounts that later on that same day he sat in a press conference or called the representatives of the press together and, as usual, displayed his ignorance. I am not surprised that he should ask the newspapermen what the method of impeachment is. Naturally he did not know. He knows so little you would not expect him to know that; but, worse than this, he repeated the statement I have just quoted. Further, I am reliably informed that since then a picture of this notorious man has appeared in the movie news reels repeating this remark. I am pleased to say that when this picture appeared in the State of Massachusetts the author of the statement was well booed by the audience, and deservedly so.

It is my humble judgment that as a sensational notoriety seeker he is far more successful than he has been as Secretary of Agriculture.

Now, Mr. Speaker, I dislike very much to believe that the President of the United States acquiesces in Mr. Wallace's opinion, but the attention of the President during the week must have been called to the remarks of his distinguished Secretary of Agriculture, and so far nothing has come of it.

I am reminded, too, of a remark that the President himself made as a candidate for the office that he now fills, as quoted in the New York Times of October 27, 1932:

> After March 4, 1929, the Republican Party was in complete control of all branches of the Government—the legislature, with the Senate and Congress; and the executive departments; and, I may add for full measure to make it complete, the United States Supreme Court as well.

The President of the United States, when a candidate for the Presidency, intimated that the Supreme Court was a Republican body.

Now, to return to this distinguished Secretary of Agriculture——

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. No; I beg the gentleman to allow me to proceed for my 15 minutes.

A man should not be blamed for what he does not know, but before accusing the Supreme Court of legalized robbery, this great agricultural failure should inform himself of the facts. The $180,000,000 to which he refers never was in the Treasury. It was not a tax. It was an illegal exaction which was impounded by court order. The gentleman did not know that the Federal Treasury never had received the $180,000,000 which he said had been legally stolen. To start with, you cannot have stolen from you what you do not have, and the Federal Treasury never had this money. The suit was filed by the Louisiana rice millers; they obtained an injunction from the United States district court in Louisiana, restraining collection of the processing tax on rice, on the ground it was unconstitutional, and when the rice millers appealed to the Supreme Court, the Supreme Court granted a temporary injunction restraining collection of the tax. Mr. Justice Roberts delivered the opinion of the Court on January 13, 1936, in the case of the Rickert Rice Mills, Inc., against Rufus W. Fontenot, collector of internal revenue, district of Louisiana. I shall attach a copy of the complete decision and will now quote a few sentences from the final paragraph of Mr. Justice Roberts' decree:

> The exaction still lacks the quality of a true tax. It remains a means for effectuating the regulation of agricultural production, a matter not within the powers of Congress. * * * If the respondent should now attempt to collect the tax by distraint, he would be a trespasser. The decree of the district court will be vacated, an appropriate order entered directing the repayment to the petitioner of the funds impounded pendente lite, and the cause remanded to the district court. * * *

And so forth.

If this great Secretary of Agriculture had only informed himself of what had happened to the money, I do not think he would have said anybody had stolen it from the Federal Treasury, but possibly he would have said it anyway, knowing it was untruthful.

The money was illegally collected, and then impounded, and later ordered returned. This misfit Secretary of Agriculture should do some reading and inform himself before making such false accusations.

Mr. Wallace undoubtedly is in accord with the President, who at the last session of Congress advised the House to pass a measure, no matter how reasonable the arguments might be as to its unconstitutionality. I will, however, say this for the President, he did not go as far as this man Wallace in insulting our highest judicial tribunal, and the remarks I quoted of Mr. Roosevelt's were made before election. Since election he has realized the impropriety of making that kind of a statement. Why he sits quiet and allows Mr. Wallace get away with that insult is deserving of explanation.

I have been astonished since I made my remarks at the receipt of letters and newspaper items in relation to this matter.

I want to read a few extracts, and as one of my star witnesses I call my distinguished colleague from Texas, Mr. BLANTON. I quote from his speech of January 24 last, page 985 of the RECORD:

> I say this, that Secretary Wallace has done more in my State to hurt the Democratic administration than every other office-holder in the United States, and he will do more to hurt us when election time comes.

Mr. BLANTON. Will the gentleman yield?

Mr. TREADWAY. Inasmuch as I have quoted the gentleman, I will yield.

Mr. BLANTON. The gentleman knows that a family objects to one of its members being chastised by an outsider. I have a right to chastise Secretary Wallace, but I object to any member of the Republican Party doing it. [Laughter.]

Mr. TREADWAY. I am willing that the gentleman should do it, because his language and influence are much greater than mine. It would be detrimental if the Democratic cause in Texas was injured, especially if it deprived us of the company of the distinguished Members from that State.

Now, it seems from the language of the gentleman from Texas as to this misfit, Secretary Wallace, that he is not liked any better in Texas than in Massachusetts or New England.

I have received commendatory letters from citizens in Illinois, Iowa, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Texas, and the District of Columbia.

How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has 4 minutes remaining.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks and to insert quotations from certain letters, but particularly I want now to refer to an item that I quote from the Charlotte Observer, of North Carolina, dated February 2, last Sunday:

> Secretary Wallace was, of course, frustrated by the blow given his A. A. A. by the Supreme Court, but he should learn to take his medicine more gracefully instead of uttering such irritable cries as his recent comment to the effect that permitting the processors to take back their taxes "is the greatest legalized steal in history."

Mr. Speaker, as I have said—and I repeat—that the conduct of that gentleman and the remarks he has made, together with his evident lack of a realization of the impropriety of his attitude, is worthy of impeachment.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield right there?

Mr. TREADWAY. In just a moment. But let the gentleman get over worrying. It would be useless for me, believing as I do, even to bring an impeachment procedure in this House. You know the reason why it would be useless; but I say that a quicker way of getting at that man and his kind—and there are plenty of them—a surer way will be exercised in November next when the electorate of the country show their united opinion of such a contemptible statement as the Secretary of Agriculture made, and which no one has as yet defended, and which even the administration seems to have acquiesced in by not appearing to show any interest in such statements as those which have been made, not only once but repeated.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. I say a man who does that is unworthy of the support of even his own party, and I am glad that some of his party are willing to recognize that situation and fail to rise in their place on this floor and either deny that he said any such thing or support the statement he made.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. In just a moment. I am through, and I hope the gentleman will elaborate on an answer to the remarks I have been making. He seems anxious to get in.

Mr. JONES. I do not think that is necessary; but I would like to ask the gentleman a question.

Mr. TREADWAY. Yes.

Mr. JONES. The decision has already been rendered. I want to know what the gentleman thinks ought to be done with the $180,000,000 of "hot" money.

Mr. TREADWAY. It should be returned to the people who paid it illegally and unconstitutionally, and that is what the Supreme Court said should be done with it.

Mr. JONES. What people?

Mr. TREADWAY. The money never went into the Federal Treasury at all and could not have been stolen, even though Secretary Wallace said it was. Will that answer the question?

Mr. JONES. The gentleman does not touch the question.

Mr. TREADWAY. Oh, yes, I do. I hit it right between the eyes.

Mr. JONES. Surely when the processors themselves say that they have passed it on to the consumers, the gentleman does not think the processors should keep it, does he?

Mr. TREADWAY. I think we should abide by the Constitution and throw your processing tax out of the window, and that is where it is now—plumb out of the window, and that is where it is going to remain, and you cannot revamp that law so that it will be constitutional.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. TREADWAY. Under permission to extend my remarks I include the decision of the Supreme Court I quoted from and also excerpts from certain letters.

SUPREME COURT OF THE UNITED STATES

No. 577. October term, 1935

Rickert Rice Mills, Inc., petitioner, v. *Rufus W. Fontenot, Individually and as Acting United States Collector of Internal Revenue for the District of Louisiana.* On writ of certiorari to the United States Court of Appeals for the Fifth Circuit. January 13, 1936.

Mr. Justice Roberts delivered the opinion of the Court.

This is one of the eight companion cases. They were consolidated for hearing by the district court. It will be sufficient briefly to state the facts in no. 577:

The petitioner, a processor of rice, filed its bill in the district court for eastern Louisiana to restrain the respondent from assessing or collecting taxes levied for the month of September 1935 and subsequent months pursuant to the Agricultural Adjustment Act, 1933, as amended by the act of August 24, 1935. The bill charges the exaction is unconstitutional and alleges the respondent threatens collection by distraint, which will cause irreparable injury, as the petitioner has no adequate remedy at law to recover what may be collected. A preliminary injunction was sought. The respondent filed a motion to dismiss, citing Revised Statutes 3224 and section 21 (A) of the amended Agricultural Adjustment Act as prohibiting restraint of collection, and also asserting that the petitioner had a plain, adequate, and complete remedy at law. The court refused an interlocutory injuction and entered a decree dismissing the bill. Appeal was perfected to the circuit court of appeals. The district judge refused to grant an injunction pending the appeal. Application to the circuit court of appeals for such an injunction was denied upon the view that the petitioner had an adequate remedy at law and the statute deprived the court of jurisdiction to restrain collection.

In praying a writ of certiorari the petitioner asserted that by reason of the provisions of section 21 (D) it would be impossible to recover taxes collected, even though the act were unconstitutional, since the section forbids recovery except upon a showing of facts not susceptible of proof. This court granted the writ and restrained collection of the tax upon condition that the petitioner should pay the amount of the accruing taxes to a depository, to the joint credit of petitioner and respondent, such funds to be withdrawn only upon the further order of the court. The cause was advanced for hearing and has been fully argued on the questions of the constitutionality of the exaction and the inadequacy of the remedy for recovery of taxes paid.

The changes made by the amendatory act of August 24, 1935, do not cure the infirmities of the original act, which were the basis of decision in *United States* v. *Butler* (Jan. 6, 1936). The exaction still lacks the quality of a true tax. It remains a means for effectuating the regulation of agricultural production, a matter not within the powers of Congress.

ORDER FOR PAYMENT

We have no occasion to discuss or decide whether section 21 (D) affords an adequate remedy at law, as yet the petitioner has not paid the taxes to the respondent, and, in view of the decision in the Butler case, hereafter cannot be required so to do. If the respondent should now attempt to collect the tax by distraint he would be a trespasser. The decree of the district court will be vacated, an appropriate order entered directing the repayment to the petitioner of the funds impounded pendente lite, and the cause remanded to the district court for the entry of a decree enjoining collection of the assailed exaction. A similar disposition will be made of the companion cases.

So ordered.

Please push that movement to impeach Secretary Wallace for his attack upon the Supreme Court of the United States. The Supreme Court is our sheet anchor in the present stress. * * *

I want you to know there are other people that are of the same opinion as you about Wallace. He should be sent to Russia.

If this sort of thing keeps on, I don't see how the people, especially the young, can have any respect for those in high office.

I also believe you are taking the right attitude in Wallace's statement.

We attended the theater in Pittsfield last evening and a news reel showed Wallace accusing the Supreme Court of the "greatest steal in the history of the Government."

There were plenty of boos from the audience.

Sent me copy his letter to Wallace in which he said, among other things:

"In view of my general faith in your inherent honesty, I read yesterday with surprise your remarks regarding the decision of the Supreme Court ordering the return of the impounded $200,000,000 of processing taxes to processors. * * *

"Not one dollar of this money was to go to support our Government, National, State, or local.

"It might be fitting in this connection for the Secretary also to make a graceful apology to the country for his intemperate speech."

I wish to congratulate you very much for your attack against Secretary Wallace of yesterday. * * *

I wish we had a few more men like you that would come out and aboveboard and speak their minds and a lot of good sense.

There are many, many people in New Jersey who will cheer if you can bring about the impeachment of Secretary Wallace, not only for his contempt of the Supreme Court, but for other high crimes and misdemeanors. * * *

Get hold of a copy of April 1935 Plain Talk Magazine and read Secretary Wallace's Corn Hog Racket. It is amazing to me that the Department of Justice has not taken up the charges (back up by undeniable proofs) which Plain Talk made against our Secretary of Agriculture in that issue.

Your castigation of Secretary Wallace was something that I, and I believe every real American, read with great satisfaction.

I regard his remarks as a plain contempt of the Supreme Court. * * * I am sure your protest will elicit the support of all right-thinking persons who are awake to conditions throughout the country.

Mr. JONES. Mr. Speaker, I ask unanimous consent to proceed for 15 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. JONES. Mr. Speaker, when a man is trying to avoid an accounting, he usually throws up a smoke screen. The speech of the gentleman from Massachusetts [Mr. TREADWAY] wholly ignores the real point in issue before the American Congress and the American people—that is, what is to be done with the money which the processors have in their hands and which they have collected from the consumer.

I accept the decision of the Supreme Court of the United States, and we are undertaking to work out a farm program in the light of that decision within the limits set down in the opinion. We are undertaking to do so in good faith. We thought we were within the limits before. I am going to brush aside the question of the decision itself. That has been rendered; that has been settled; that has been determined, and it is the law of the land.

It is true that some remark was made by Mr. Wallace, the Secretary of Agriculture, a pretty strong remark. All of our remarks are not always wise, but the facts are that sometimes the whole issue is not determined by a court because it is not before the court. Every practicing lawyer here knows that frequently money may be in a man's hands that the court cannot reach and properly dispose of. In my experience in the practice of the law I have heard a court express regret that its jurisdiction was not such that it could make final and proper disposition of the money or property in its hands. Mr. Wallace made a statement——

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. JONES. In a moment. The Secretary made a statement which had primary reference to the final disposition of the accumulated funds rather than as to whether the decision was legally correct. I believe that in the mind of every thinking man is the belief, even though the decision of the Supreme Court is accepted, that there is some money in the hands of certain people in this country that does not belong to them, and that an honest processor will refuse to be enriched by it if he has passed it on to the consumer. [Applause.]

When great things happen and some remark is made, I do not think a man who has as fine a record of accomplishment as the Secretary of Agriculture has should be condemned by one sentence which he may have uttered. I recall that the famous Theodore Roosevelt, who is one of the patron saints of the gentleman's party, advocated the repeal of judicial decisions of the Supreme Court. They did not impeach him simply because he made that statement. I recall that President Grant had some criticism to offer, and a number of other Presidents have had criticism to offer. I think President Lincoln, President Jefferson, and others have made remarks. This is a country of free speech. The fact that a man perhaps does not agree with one of the conclusions of a court does not mean that he is opposed to our institutions. We have the judicial branch, we have the legislative branch, and we have the executive branch of the Government. One of the fine things about a democracy is that we have free speech. Mr. Wallace did not advocate abolishing any institution of Government. If you will notice in his statement, he said perhaps it was a legal decision; that he was not a lawyer, but he was talking about the merits of a substantial proposition. He said that if the $200,000,000 which came from all the people were turned over to and kept by the processors, it would inure to the benefit of one small group. It was not the Court. It was a group of processors who are unwilling to do the right thing.

I am glad to know that there are some processors who see this in the proper light. I have a letter this morning from the Corn Industries Research Foundation, from which I quote:

I am glad to be able to advise you that the corn-refining industry has taken a position of flat refusal to profit by the return of any processing taxes refunded through the action of the Supreme Court in its recent decisions on the Agricultural Adjustment Act.

Ten companies which have refunds coming to them will pass these refunds along just as soon as the way is legally clear and the necessary computations and adjustments can be made. These 10 companies feel that the burden of the processing taxes in general was borne by the ultimate consumer, and that the industry would consider itself unjustly enriched unless it attempted, to the best of its ability, to restore the refunded taxes to the people who actually paid them.

[Applause.]

The decision is rendered. It is the law of the land. The big question is what we are going to do with this $180,000,000. I want to read you from the statement by the gentleman from Massachusetts [Mr. TREADWAY] on January 9, 1935. He said:

Let me call attention to the way the proceeds are distributed. It is of no benefit to the Federal Treasury whatsoever. The Government is simply a clearing house, collecting the tax from the consumer and passing it out to the producer. This is all that the law does.

I should like to say to the gentleman that I should like to have him make a statement on the floor of the House as to whether he thinks, if the processing tax has been passed on to the consumer or charged back to the producer, that the processors should be allowed to keep that money?

Mr. BANKHEAD. Answer!

Mr. JONES. Well, that is up to the gentleman.

Now, I am going to show you from quotations from the testimony when this measure was being considered as to what the processors intended to do and what they did with this tax. This is testimony from the textile people—the packers and the millers. In addition to this letter which I read, I have letters from other great industries which indicate they are not going to keep this money. Mr. Cannon, who represented the textile manufacturers, in regard to the cotton tax, said:

The farmer would not receive 5 cents per pound on his total production. The American consumer would pay the full tax. That would be more than 5 cents a pound on account of the waste.

Over on another page, in the testimony of Mr. Lingham, of the millers:

The question has been raised at different times as to whether the tax should come out of the processor. I think it is accepted that would be entirely out of the question. It would be paid by the consumer.

I wish I had time to read the testimony of all witnesses who stated that unquestionably and inevitably they would charge the tax on to the consumer or back to the producer.

Mr. Putnam, of the Packers' Institute, said there was not any question but that the processor would not absorb any part of the tax.

When we had hearings on the A. A. A. amendments last spring, Mr. Putnam was asked this question by me:

Are you still of the opinion that the processing fee is charged back to the farmer and that he is getting less than he would if there were no processing fee and no adjustment?

Mr. PUTNAM. I know it. That processing tax automatically reduces the price of hogs by the amount of the tax.

Mr. JONES. You are sure of that?

Mr. PUTNAM. I am quite sure of that.

Over on another page we have a statement by the president of the Irwin Cotton Mills. This was after the law had been in effect 2 years:

What has been done has been to put, for all practical purposes, a sales tax on cotton goods, which has increased the cost to the consumer.

That is just a little of what has been said. There has not been a word or a line of testimony before the Committee on Agriculture, nor, so far as I have been able to investigate, before the Senate committee, that did not show conclusively that the processors, in the main, either charged this back to the farmer or on to the consumer, or both. That being true, when a processor has $200,000,000 in his hands, there may be some question about where it should go; but certainly he should say, "I will deposit it in the registry of the court or turn it over, as is often done, to some fair, unbiased tribunal or body, to let it be determined where it shall go." That would be fair.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield to permit an answer to the question he propounded a while ago?

Mr. JONES. Yes; if the gentleman has had time to figure out an answer and if the gentleman is speaking for the other gentleman from Massachusetts and is authorized to quote him, I shall be glad to yield.

Mr. TREADWAY. I am ready to ask the gentleman a question now in my own right.

Mr. JONES. I am not interested in having the gentleman ask me a question; I want him to answer the question I propounded.

Mr. GIFFORD. Does the gentleman yield to me?

Mr. JONES. Mr. Speaker, I want to say this——

Mr. GIFFORD. Will the gentleman be fair?

Mr. JONES. I am sorry, Mr. Speaker, I cannot yield.

Mr. Speaker, I am sorry that the situation has developed to the point it has, but I want to say that there is a sum of $180,000,000 to $200,000,000 of money that has been paid. The Supreme Court did not say it belonged to the processors. The Supreme Court said it was an illegal tax. It has been gathered. There it is in a fund. Nowhere in the decision did the Supreme Court say it belonged to the processors. The Supreme Court simply said it had not been legally collected. But while the law was in effect and we thought it was valid, they collected this money from all these people, and it belongs to these other people, not the processors. This is just as logical, it seems to me, as anything can possibly be.

I may say further that an honest effort was made to formulate a bill that would offset the tariff advantage which the gentleman's section has over other great sections of the country. For more than 50 years his people have benefited more than most other sections by the operation of that law. If there is a man on the floor of this House who instead of yelling around here about this, that, and the other little statement, ought to say, "Let us sit around a table and formulate a fair plan that will take care of the disparity that exists on account of the advantages of the tariff to certain groups of the American people", it is he. I believe the gentleman in all fairness, in all candor, in all honor, ought to make this offer and devote some thought to it instead of devoting all his time to carping criticism.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield for a question?

Mr. JONES. I yield.

Mr. TREADWAY. Do I understand the gentleman from Texas is endeavoring to justify the statement made by Secretary Wallace wherein the Secretary said it was legalized robbery by the Court?

Mr. JONES. No. I think everyone in the House understood me except the gentleman from Massachusetts. I want to assure the gentleman, however, that all of us make extravagant statements at times.

Mr. TREADWAY. The gentleman merely said the Secretary's statement was a little strong.

Mr. JONES. Can the gentleman from Massachusetts justify every statement he has made? I would hate to undertake to try to justify every statement I have made. The gentleman from Massachusetts has frequently made statements he ought to apologize for.

Mr. TREADWAY. That is true; but the gentleman is not justifying the Secretary of Agriculture in the statement he made.

Mr. JONES. The gentleman certainly would not shatter a long and very useful career because of one injudicious statement. If the gentleman will go out through the great stretches of the West, the South, and the Central West, or even to the farmers in his own section, he will come to the conclusion that a lot of folks take the long-range view that through the years some magnificent work has been done by the Secretary of Agriculture. [Applause.] And that cannot be destroyed by one single sentence, whether that sentence is justified or not. [Applause.]

[Here the gavel fell.]

Mr. HOPE. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, on yesterday the gentleman from Michigan [Mr. MAPES], on behalf of the gentleman from Massachusetts [Mr. TREADWAY], asked unanimous consent that the gentleman from Massachusetts might address the House for 15 minutes this morning after the disposition of business on the Speaker's table. This request was granted, and it was made the special order of business. The gentleman from Texas was extended the same privilege in order that he might answer the gentleman from Massachusetts.

Under the rules of the House this day is set aside for the consideration of individual bills on the Private Calendar. I do not believe we want to have a field day of political discussion. I realize, however, that the gentleman from Kansas desires to get into this controversy, but as one who is in a measure responsible for the program of the House I want the Private Calendar called, and for the present I shall object to such requests.

Mr. KVALE. Mr. Speaker, will the gentleman yield?

The regular order was demanded.

THE PRIVATE CALENDAR

The SPEAKER. The regular order, under the rules, is the calling of individual bills on the Private Calendar.

The Clerk called the first individual bill on the Private Calendar.

OMNIBUS BILLS

Mr. BANKHEAD. Mr. Speaker, I have had some inquiry as to whether or not after the conclusion of the calling of bills on the Private Calendar there will be an effort to take up the omnibus private claims bill. Notice has been given that objection would be made to the request, therefore I think it proper to announce at this time that they will not be taken up today.

Mr. MARTIN of Massachusetts. Will the gentleman yield?

Mr. BANKHEAD. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Is it the gentleman's intention that the House will adjourn following the completion of the calling of the bills on the Private Calendar?

Mr. BANKHEAD. As far as I know that will be the program.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day, and the Clerk will call the first bill on the Private Calendar.

LILLIAN M. LANPHEAR

The Clerk called the first bill on the Private Calendar, H. R. 376, for the relief of Lillian M. Lanphear.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. YOUNG. Mr. Speaker, I object.

There being no further objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Lillian M. Lanphear in full settlement against the Government for all claims resulting from the death of her husband, Milton E. Lanphear, who was killed when struck by a United States War Department motor vehicle: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

On page 1, line 6, after the word "settlement", insert "of all claims", and page 1, line 7, strike out the words "for all claims."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STANDARD OIL CO.

The Clerk called the next bill, H. R. 2415, for the relief of Standard Oil Co. for losses sustained by payment of discriminatory excess tonnage taxes and light moneys.

Mr. COSTELLO and Mr. CLARK of Idaho objected, and, under the rule, the bill was recommitted to the Committee on Claims.

HOLY CROSS MISSION HOSPITAL

The Clerk called the next bill, H. R. 2467, for the relief of Holy Cross Mission Hospital.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the Alaska Railroad special fund (U. S. C., title 48, sec. 306), the sum of $50 to the Holy Cross Mission Hospital, of Holy Cross, Alaska, for hospital services rendered to Jack Mort for injuries and illness incurred while removing mail from the Alaska Railroad steamer *Nenana*, in full payment of all claims against the United States for such services.

With the following committee amendments:

On page 1, line 3, strike out the words "Secretary of the Treasury" and insert in lieu thereof the words "Comptroller General of the United States."

Page 2, insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARCHIE P. M'LANE AND HANS PETER JENSEN

The Clerk called the next bill, H. R. 3513, for the relief of Archie P. McLane and Hans Peter Jensen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $143.55 to Archie P. McLane and Hans Peter Jensen, of Kasilof, Alaska, to reimburse the said Archie P. McLane and Hans Peter Jensen on account of a fidelity bond paid by them in that sum to the United States of America on behalf of the late Allan H. Hardy, formerly postmaster at Kasilof, Alaska, claimed as compensation to Eduard E. Zettle as acting postmaster between the date of the death of the said Allan H. Hardy, to wit: September 5, 1930, and the date of appointment of his successor, January 6, 1931.

With the following committee amendments:

Page 1, line 7, after the word "Alaska", strike out the words "to reimburse the said Archie P. McLane and Hans Peter Jensen" and insert the words "in full settlement of all claims against the United States."

Page 2, line 3, strike out the words "of appointment of his successor, January 6, 1931" and insert the following: "his successor assumed charge April 19, 1931: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It should be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN J. RYAN

The Clerk called the next bill, H. R. 4219, for the relief of John J. Ryan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Ryan, of Creston, Calif., the sum of $97.50, with appropriate interest from February 1, 1924. Such sum of $97.50 and interest shall be in full payment for services rendered the Post Office Department during the course of a contract which the Post Office Department failed to meet.

With the following committee amendments:

Page 1, line 6, strike out "$97.50, with appropriate interest from February 1, 1924. Such sum of $97.50 and interest shall be in full payment for services rendered the Post Office Department during the course of a contract which the Post Office Department failed to meet" and insert the following: "$67.20, in full settlement of all claims against the United States for services performed on star route no. 76439, Creston to Paso Robles, Calif., during the month of January 1924: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE P. MONEY

The Clerk called the next bill, H. R. 4925, to authorize and direct the Comptroller General to settle and allow the claim of George P. Money for fees for services rendered.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and allow the claim of George P. Money in the sum of $46.20 represent-

ing fees for services rendered as United States Commissioner for the Southern District of Mississippi during the quarter ended July 31, 1934, notwithstanding the fact that said commissioner's appointment expired May 11, 1934, and he was not reappointed until August 6, 1934.

With the following committee amendment:

Page 1, line 5, strike out "$46.20" and insert "$59.75."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

M. M. SMITH

The Clerk called the next bill, H. R. 4965, to authorize the Comptroller General to settle and certify for payment the account of M. M. Smith as de facto United States commissioner for the northern district of West Virginia from May 1, 1933, to October 1, 1933.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to settle and certify for payment to United States Commissioner M. M. Smith, of Elkins, W. Va., out of any money in the United States Treasury not otherwise appropriated the sum of $79 in full for service rendered as a de facto United States commissioner for the northern district of West Virginia for the period from May 1, 1933, to October 31, 1933.

With the following committee amendments:

Page 1, line 4, strike out the words "certify for payment to" and insert "allow the claim of."

Page 1, line 6, after the word "Virginia", strike out the words "out of any money in the United States Treasury not otherwise appropriated" and insert the word "in."

Page 2, line 2, strike out "May 1, 1933, to October 31, 1933" and insert "March 19, 1933, to October 25, 1933."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of M. M. Smith."

EDITH H. MILLER

The Clerk called the next bill, H. R. 5753, for the relief of Edith H. Miller.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $127.64 to Edith H. Miller, widow and sole heir at law of Arthur H. Miller, deceased, formerly district superintendent of schools at Anchorage, Alaska, under the Bureau of Indian Affairs, in reimbursement of payment made by said Arthur H. Miller from personal funds for transporting his personal and household goods from Seattle, Wash., to Juneau, Alaska, upon permanent change of station:

With the following committee amendments:

Page 1, line 9, strike out the words "reimbursement of" and insert "full settlement of all claims against the United States for."

On page 2, insert the following proviso: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRAND VIEW HOSPITAL AND DR. A. J. O'BRIEN

The Clerk called the next bill, H. R. 5764, to compensate the Grand View Hospital and Dr. A. J. O'Brien.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $542.55 to the superintendent of the Grand View Hospital, Ironwood, Mich., and the sum of $215 to Dr. A. J. O'Brien, of Ironwood, Mich., for services rendered and medical attendance in the case of John Morris; and the sum of $86 to Dr. A. J. O'Brien for medical attendance in the case of John Hoffman. These men were shot by Federal agents during the Dillinger raid on the Little Bohemia Lodge on April 22, 1934, said amounts being due the hospital and doctor for the care and treatment of said John Morris and John Hoffman.

With the following committee amendments:

Page 2, line 3, strike out the words "said amounts being due" and insert "and said amounts shall be accepted in full settlement of all claims against the United States of".

On page 2, insert at the end of the bill the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

S. JOHN HEGSTAD

The Clerk called the next bill, H. R. 6668, for the relief of S. John Hegstad.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to S. John Hegstad, Caldwell, Idaho, the sum of $632. Such sum shall be in full settlement of all claims against the United States for damages sustained by the said S. John Hegstad on account of personal injuries received on July 2, 1934, when he was thrown from the truck in which he was riding by the impact of a telephone wire maintained by the National Park Service in Glacier National Park and incorrectly strung at a low elevation across United States Highway No. 2.

With the following committee amendment:

At the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. EARL POYNOR

The Clerk called the next bill, H. R. 6669, for the relief of Mrs. Earl Poynor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Earl Poynor, Salmon, Idaho, the sum of $50. Such sum shall be in full settlement of all claims against the United States for damages sustained by the said Mrs. Earl Poynor on account of personal injuries received on December 4, 1933, when the car in which she was riding on the Shoup-Northfork Road, near Salmon, Idaho, was struck by a Government truck in the service of the Civilian Conservation Corps.

With the following committee amendment:

On page 2, after line 1, insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold,

or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAWRENCE R. LENNON

The Clerk called the next bill, H. R. 7463, for the relief of Lawrence R. Lennon.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, directed to apply and extend the provisions, benefits, and privileges of the act entitled "An act to provide compensation for employees of the United States suffering injuries in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, to the case of Lawrence R. Lennon on account of injuries suffered by him on July 20, 1925, while a student at the citizens' military training camp at Plattsburg Barracks, N. Y., effective from said July 20, 1925: *Provided*, That for the purposes of this act the pay and allowances of said Lawrence R. Lennon at the time of his said injuries be considered as having been $150 per month.

With the following committee amendment:

Page 2, line 1, strike out "effective from said July 20, 1925" and insert "compensation to begin from and after the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF C. D. MATTHEWS

The Clerk called the next bill, H. R. 7730, conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the estate of C. D. Matthews.

Mr. HANCOCK of New York and Mr. MOTT objected, and, under the rule, the bill was recommitted to the Committee on Claims.

ETTA NATELSKY

The Clerk called the next bill, H. R. 8040, for the relief of Etta Natelsky.

Mr. HANCOCK of New York and Mr. MOTT objected, and, under the rule, the bill was recommitted to the Committee on Claims.

DR. J. C. BLALOCK

The Clerk called the bill (H. R. 8094) for the relief of Dr. J. C. Blalock.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $487.50 to Dr. J. C. Blalock, in full settlement for services rendered as Federal jail physician, in the Fulton County Jail, Atlanta, Ga., during the period August 1, 1933, to June 30, 1934, such services having been performed upon instructions of the United States marshal for the northern district of Georgia and for which payment has not been made.

With the following committee amendments:

Page 1, line 5, strike out the sum of "$487.50" and insert "$480."

Page 1, line 6, after the word "settlement", insert "of all claims against the United States."

On page 2, at the end of the bill, insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. J. REUBEN BUDD

The Clerk called the bill (H. R. 8129) for the relief of Dr. J. Reuben Budd.

The SPEAKER. Is there objection?

Mr. CLARK of Idaho and Mr. COSTELLO objected.

S. A. ROURKE

The Clerk called the bill (H. R. 8466) for the relief of S. A. Rourke.

The SPEAKER. Is there objection?

Mr. COSTELLO and Mr. CLARK of Idaho objected.

MRS. EARL H. SMITH

The Clerk called the bill (H. R. 7788) for the relief of Mrs. Earl H. Smith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $519, together with interest at the rate of 5 percent per annum from the 17th day of August 1932, to Mrs. Earl H. Smith, administratrix of the estate of Earl H. Smith, for labor performed by the said Earl H. Smith in the construction of the Indian hospital at Tomah, Wis.

With the following committee amendments:

Page 1, line 5, strike out "sum of $519, together with interest at the rate of 5 percent per annum from the 17th day of August 1932" and insert "$504.41."

Page 1, line 9, after the word "Smith", insert "in full settlement."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOUIS U. LA BINE

The Clerk called the bill (H. R. 8242) authorizing the President to order Louis U. LaBine before a retiring board for a hearing of his case, and upon the findings of such board to determine whether or not he be placed on the retired list with rank and pay held by him at the time of his discharge.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War, under the direction of the President, is hereby authorized, in his discretion, to order Louis U. LaBine, late first lieutenant, Thirteenth Infantry, United States Army, before a retiring board for the purpose of a hearing of his case, and to inquire into and determine the facts touching the nature and occasion of his disability, and to find and report the cause which, in his judgment, has produced his incapacity, and whether such cause is an incident of the service according to the statute, and that upon the findings of such board the President is further authorized, in his discretion, to nominate and, by and with the advice and consent of the Senate, to appoint said Louis U. LaBine a first lieutenant, the grade which he had at the time of his discharge, and to place him on the retired list of the Army: *Provided*, That no pay, bounty, or other allowance during the period between the time of the passage of this act shall become due and payable by virtue of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. PERCY WRIGHT FOOTE

The Clerk called the bill (H. R. 7092) for the relief of Capt. Percy Wright Foote, United States Navy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in recognition of his having been wounded in line of duty and of his "exceptionally meritorious service" in combat with the enemy during the World War when in command of the U. S. S. *President Lincoln* and when his conduct and bearing were found to have been "in accord with the best traditions of the naval service" and for which he was awarded the Navy Distinguished Service Medal, the line selection board of the Navy, as provided by the act of August 29, 1916, as amended (39 Stat. 578, 41 Stat. 319; U. S. C., title 34, sec. 292), in its consideration of the officers eligible for consideration for selection for promotion to the grade of rear admiral, may base its recommendation

in the case of Capt. Percy Wright Foote upon his comparative fitness for the shore duties of the grade of rear admiral: *Provided*, That in the event of his selection and subsequent promotion he shall be carried as an additional number in grade.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DONALD O. MILLER

The Clerk called the bill (S. 1495) authorizing the President to order Donald O. Miller before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his separation.

Mr. EAGLE. Mr. Speaker, the beneficiary of this bill has died. The rights and properties to be conferred by the bill were personal to himself and cannot inure to his estate or heirs. Being a Senate bill, I ask unanimous consent that it be stricken from the record and indefinitely postponed.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be stricken from the calendar and indefinitely postponed. Is there objection?

There was no objection.

RELIEF OF CONTRACTORS FOR POST-OFFICE BUILDINGS, ETC.

The Clerk called the bill (H. R. 3714) to amend the act entitled "An act for the relief of contractors and subcontractors for post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes", approved August 25, 1919, as amended by act of March 6, 1920.

The SPEAKER. Is there objection?

Mr. COSTELLO. I object.

Mr. CLARK of Idaho. I object.

The bill was recommitted to the Committee on Public Buildings and Grounds.

LT. ROBERT A. J. ENGLISH

The Clerk called the bill (H. R. 8883) for the relief of Lt. Robert A. J. English, United States Navy.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. There is a similar Senate bill (S. 2897) on the Speaker's desk. Without objection, the Senate bill will be substituted for the House bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That Lt. Robert A. J. English, United States Navy, be, and he is hereby, restored to full-pay and allowances status during such time as he served with the Byrd Antarctic Expedition II, and his services with said expedition shall be counted on his record as "sea duty."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A House bill (H. R. 8883) was laid on the table.

JOHN GELLATLY, DECEASED

The Clerk called the bill (H. R. 8824) for the relief of the estate of John Gellatly, deceased, and/or Charlyne Gellatly, individually.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction be, and it is hereby, conferred upon the United States District Court for the Southern District of New York notwithstanding lapse of time or any statute of limitations or other limitations upon the jurisdiction of such court, acting under the rules of such court, and with the same rights of appeal as in cases between private parties, to hear, determine, and render judgment on the claims of the estate of John Gellatly, deceased, and/or Charlyne Gellatly, individually, against the United States, with respect to an art collection or objects of art alleged to have been obtained without authority by representatives of the Smithsonian Institution and the United States; and such court shall have jurisdiction to render judgment for the return of such art collection or objects of art to the estate of John Gellatly, deceased, and/or Charlyne Gellatly, individually, or for damages if the same be not returned, the United States hereby waiving its immunity from suit with respect to such claims: *Provided*, That such notice of the suit shall be given the Attorney General of the United States as may be provided for by order of said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend the United States: *Provided further*, That said suit shall be brought and commenced within 4 months from the date of this act and not thereafter.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

F. P. BOLACK

The Clerk called the bill (H. R. 300) for the relief of F. P. Bolack.

The SPEAKER. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent that the committee amendment be read in lieu of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert: "That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized and directed to receive the claim of F. P. Bolack, of Tarrant, Ala., for disability alleged to have been incurred during the month of October 1918 while an employee of H. Koppers Co., subcontractors of the Birmingham Coke & By-Products Co., agents of the Ordnance Department, War Department, engaged in the construction of a by-products plant at Boyles, Ala., and to consider his claim under the remaining provisions of said act: *Provided*, That no benefits shall accrue prior to the approval of this act."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

N. N. SELF

The Clerk called the bill (H. R. 1265) for the relief of N. N. Self.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to N. N. Self, of Telford, Tenn., the sum of $53.82 in full satisfaction of his claim against the United States for compensation for services rendered as acting postmaster at Telford, Tenn., from May 1, 1931, to May 20, 1931, both inclusive.

With the following committee amendment:

At the end of the bill strike out the period and insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MARGARET GRACE

The Clerk called the bill (H. R. 1695) for the relief of Margaret Grace.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Margaret Grace out of any money in the Treasury not otherwise appropriated, the sum of $5,000. Such sum shall be in full settlement of all claims against the United States on account of injuries sustained by the said Margaret Grace on or about the 10th day of October 1932 while aboard a boat provided by the Navy Department of the United States plying between Fifth Street Landing at San Pedro, Calif., and the U. S. S. *Relief*, lying in the harbor of San Pedro, at San Pedro, Calif.

With the following committee amendments:

Page 1, line 4, after the word "Grace", insert "and to Alice Shriner, both of Gardena, Calif.", and in lines 6 and 7, strike

out the words and figures "sum of $5,000" and insert in lieu thereof the words and figures "sums of $5,000 and $750, respectively."

In line 8, strike out the word "sum" and insert in lieu thereof the word "sums."

In lines 9 and 10, strike out the words "the said Margaret Grace" and insert in lieu thereof the word "them"; on page 2, at the end of line 3, strike out the period, insert a colon and "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendments were agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

Amend the title so as to read: "A bill for the relief of Margaret Grace and Alice Shriner."

OSCAR GUSTOF BERGSTROM

The Clerk called the bill (H. R. 3914) for the relief of Oscar Gustof Bergstrom.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Oscar Gustof Bergstrom the sum of $862.50 in full compensation and settlement for all claims and demands of Oscar Gustof Bergstrom growing out of, or arising from, the forging of his name to United States Treasury check no. 1372080, under date of February 2, 1920, said $862.50 being paid by the Treasury to persons other than Oscar Gustof Bergstrom through no fault of his own.

With the following committee amendments:

Page 1, line 8, after the word "Bergstrom", insert "against the United States and."

Page 2, at the end of the bill, strike out the period and insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

COAST FIR & CEDAR PRODUCTS CO.

The Clerk called the bill (H. R. 4789) for the relief of the Coast Fir & Cedar Products Co., Inc.

Mr. HANCOCK of New York and Mr. MOTT objected, and the bill was recommitted to the Committee on Claims.

CHARLES E. NAMES

The Clerk called the bill (H. R. 5321) for the relief of Charles E. Names.

Mr. THURSTON, Mr. MOTT, and Mr. HANCOCK of New York objected, and the bill was recommitted to the Committee on Claims.

CAROLINE M. HYDE

The Clerk called the bill (H. R. 7818) for the relief of Caroline M. Hyde.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Caroline M. Hyde, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 for personal injuries sustained when struck by a United States mail truck.

With the following committee amendments:

Page 1, line 6, after the figures "$2,500", insert "in full settlement of all claims against the United States", and in line 8, after the word "truck", insert "in New York City on January 22, 1925: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ZOE A. TILGHMAN

The Clerk called the next bill, H. R. 8465, for the relief of Zoe A. Tilghman.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Zoe A. Tilghman in compensation for the death of her husband, William M. Tilghman, caused by his being shot by a Federal prohibition agent.

With the following committee amendments:

Page 1, line 5, after the figures, insert "in full settlement of all claims against the United States"; page 1, line 9, after the word "agent", insert the following: ", at Cromwell, Okla., on November 1, 1924: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MUTUAL SAVINGS AND LOAN ASSOCIATION, WILMINGTON, DEL.

The Clerk called the next bill, S. 1030, for the relief of the Mutual Savings & Loan Association, Wilmington, Del.

The SPEAKER. Is there objection?

Mr. COSTELLO and Mr. CLARK of Idaho objected, and the bill, under the rule, was recommitted to the Committee on Claims.

J. P. NAWRATH & CO., INC.

The Clerk called the next bill, S. 1120, for the relief of J. P. Nawrath & Co., Inc.

The SPEAKER. Is there objection?

Mr. COSTELLO and Mr. CLARK of Idaho objected, and the bill, under the rule, was recommitted to the Committee on Claims.

JOHN Z. LOWE

The Clerk called the next bill, S. 1298, for the relief of John Z. Lowe.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to credit the accounts of John Z. Lowe, former collector of internal revenue for the second district of New York, in the sum of $3,500, said sum representing the amount of an alleged shortage in the count of stamps charged as having been sent to and received by him during the fiscal year 1916.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REFUND OF INCOME AND PROFITS TAXES

The Clerk called the next bill, S. 2044, for the refund of income and profits taxes erroneously collected.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue is hereby authorized and directed to receive, consider, and determine, in accordance with law, but without regard to any statute

of limitations, any claim filed not later than 6 months after the passage of this act by the Hartford-Connecticut Trust Co., a corporation organized and existing under the banking laws of the State of Connecticut, having its principal place of business in Hartford, Conn., for the refund of income and profits taxes erroneously collected from the said Hartford-Connecticut Trust Co. in 1919, 1920, 1921, 1922, and 1923: *Provided, however,* That the Commissioner of Internal Revenue shall deduct from the amount of any overpayment determined under the provisions of this act the amount of any additional taxes determined to be due for the years 1921 or 1922, whether or not the assessment or collection of such additional taxes is barred by any statute of limitations.

With the following committee amendment:

On page 2, line 7, after the word "limitations", insert a colon and the following: "*Provided further,* That in the settlement of said claim there shall be no allowance of interest."

The committee amendment was agreed to.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended to read: "A bill for the relief of the Hartford-Connecticut Trust Co., Inc."

LUDWIG LARSON

The Clerk called the next bill, S. 2166, for the relief of Ludwig Larson.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ludwig Larson, former private, Company L, Three Hundred and Fifty-second Regiment United States Infantry, the sum of $100, being the amount of a second Liberty Loan bond purchased by him during his military service which was lost before delivery to him: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, after the figures, strike out the word "being" and insert "in full settlement of all claims against the United States for."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SALLIE S. TWILLEY

The Clerk called the next bill, S. 2298, for the relief of Sallie S. Twilley.

The SPEAKER. Is there objection?

Mr. HANCOCK of New York, Mr. HOLLISTER, and Mr. MOTT objected, and the bill, under the rule, was recommitted to the Committee on Claims.

IDA C. BUCKSON, EXECUTRIX OF E. C. BUCKSON, DECEASED

The Clerk called the next bill, S. 2323, for the relief of Ida C. Buckson, executrix of E. C. Buckson, deceased.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $100 to Ida C. Buckson, executrix of E. C. Buckson, deceased, of New Castle County, Del., the said sum of $100 being the amount appropriated to the said E. C. Buckson under Private Act No. 403, Seventieth Congress, second session, and approved February 23, 1929: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAJ. EDWIN F. ELY, CAPT. REYBURN ENGLES, ET. AL.

The Clerk called the next bill, S. 2343, for the relief of Maj. Edwin F. Ely, Finance Department; Capt. Reyburn Engles, Quartermaster Corps, and others.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of Maj. Edwin F. Ely, Finance Department, United States Army, in the sum of $708.12, being payments made by Capt. Reyburn Engles, Quartermaster Corps, his agent officer at Fort Oglethorpe, Ga., in 1931 and 1932, to certain enlisted men on duty at Fort Oglethorpe, Ga., for additional work performed by them in repairing and maintaining the post utilities at Fort Oglethorpe, Ga.: *Provided,* That any and all such portions of this sum as may have been refunded to the United States by reason of the payments made as above shall be, and are hereby, authorized and directed to be repaid to the individuals involved, out of any money in the Treasury not otherwise appropriated: *Provided further,* That no charges shall be made against Captain Engles or any of the enlisted men involved, on account of these transactions.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JULIUS CRISLER

The Clerk called the next bill, S. 1950, for the relief of Julius Crisler.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Julius Crisler, of Jackson, Miss., the sum of $1,525.31, in full satisfaction of his claim against the United States, such sum representing the amount of taxes assessed against the said Julius Crisler as transferee of the Jackson Sanatorium & Hospital Co. (Board of Tax Appeals Docs. Nos. 3089 and 26637), and paid by him under protest.

With the following committee amendment:

Page 1, line 11, after the word "protest", insert the following: "*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 1, line 5, strike out the words "Julius Crisler" and insert in lieu thereof the words "the executors of the estate of Julius Crisler, deceased."

The amendment was agreed to.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Amend the title so as to read: "A bill for the relief of the estate of Julius Crisler."

S. M. PRICE

The Clerk called the next bill, S. 2321, for the relief of S. M. Price.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to S. M. Price the sum of $845.87, in full compensation of all claims against the Government for services rendered as caretaker from June 26, 1934, to March 1, 1935, of the automobile parking lot located on Government property, adjoining the new customhouse, Denver, Colo.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the con-

trary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

E. E. SULLIVAN

The Clerk called the next bill, S. 2691, for the relief of E. E. Sullivan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. E. Sullivan, of Sioux Falls, S. Dak., the sum of $352.50, in full satisfaction of his claim against the United States for a refund in accordance with the contract entered into between said E. E. Sullivan and the Department of the Interior on November 18, 1921, relating to the purchase of 80 acres of land owned by the estate of one Knocked Over, deceased Crow Creek Indian, such sum having become due under the terms of such contract but remaining unpaid.

With the following committee amendment:

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAJ. JOSEPH H. HICKEY

The Clerk called the next bill, S. 2741, for the relief of Maj. Joseph H. Hickey.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maj. Joseph H. Hickey, United States Army, retired, the sum of $3,880.28, in full settlement of all claims against the Government of the United States for a shortage in public funds due to irregularities in the accounts of a noncommissioned officer, now deceased, which officer was in charge of the commissary, New Orleans General Depot, September 1920 to August 1921, and for which shortage Major Hickey has accounted to the United States Government: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A. E. TAPLIN

The Clerk called the next bill, S. 3020, for the relief of A. E. Taplin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $807.30 to A. E. Taplin, a physician and surgeon of Veblen, S. Dak., in full satisfaction of all claims for medical services and medicine furnished to members of the Sisseton-Wahpeton Tribe of Sioux Indians in the vicinity of Veblen, S. Dak., during the period March 3, 1921, to December 29, 1932, inclusive.

With the following committee amendments:

Line 7, after the word "claims", insert the words "against the United States."

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWARD S. KARG

The Clerk called the next bill, S. 3186, for the relief of Edward H. Karg.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward H. Karg, of Johnstown, N. Y., the sum of $3,500. Such sum represents the amount of fine paid by Edward H. Karg pursuant to a conviction for violating certain provisions of the Lever Act of August 10, 1917, as amended, prior to the declaration of the Supreme Court of the United States of the unconstitutionality of such provisions: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, strike out the word "represents" and insert the words "shall be in full settlement of all claims against the United States for."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF EMIL HOYER (DECEASED)

The Clerk called the next bill, H. R. 685, for the relief of the estate of Emil Hoyer (deceased).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Emil Hoyer (deceased) the sum of $10,000, in full settlement of all claims against the Government, for the fatal injury to Emil Hoyer as the result of his being struck by an Essex mail truck, no. 16604, owned by the United States Post Office Department, Boston, Mass., and operated by John Mohr, of Brookline, Mass., the accident occurring at 11 o'clock p. m. August 22, 1933, on Massachusetts Avenue, Boston, Mass., near the intersection of St. Botolph Street, the said Emil Hoyer, as a result of the injuries received, having died at 11:10 o'clock p. m. August 22, 1933, at the Boston City Hospital, Boston, Mass.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim.

With the following committee amendments:

Page 1, line 6, strike out the figures "$10,000" and insert in lieu thereof the figures "$5,000."

Page 1, line 7, after the word "Government", insert the words "of the United States, or any employee thereof."

At the end of the bill, add: "It shall be unlawful for any agent or agents, or attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BLANCHE KNIGHT

The Clerk called the next bill, H. R. 2400, for the relief of Blanche Knight.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to pay, out of money not otherwise appropriated, the sum of $50 per month for 100 months to Blanche Knight, widow of Sam Knight, who was killed without cause by a Federal prohibition agent on August 1, 1930, at Macon, Ga.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Blanche Knight, of Bibb County, Ga., the sum of $5,000 in full settlement of all claims against the United States for the death of her husband, Sam Knight, who was shot and killed by a Federal prohibition agent on August 1, 1930, at Macon, Ga.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The committee amendment was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REIMBURSEMENT OF CERTAIN ENLISTED MEN

The Clerk called the next bill, H. R. 4796, to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the naval radio station, Libugon, Guam, on April 15, 1932.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $1,486.22, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed as the result of a fire at the United States Naval Radio Station, Libugon, Guam, on April 15, 1932.

With the following committee amendment:

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REIMBURSEMENT OF CERTAIN ENLISTED MEN

The Clerk called the next bill, H. R. 4797, to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed during a hurricane in Samoa on January 15, 1931.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $440.15, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, enlisted men or former enlisted men of the Navy, for the value of personal effects lost, damaged, or destroyed as a result of a hurricane which struck Ofu and Ta'u, Samoa, on January 15, 1931.

With the following committee amendment:

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN B. MEISINGER AND NANNIE B. MEISINGER

The Clerk called the next bill, H. R. 8039, for the relief of John B. Meisinger and Nannie B. Meisinger.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to place upon its compensation roll the names of John B. Meisinger and Nannie B. Meisinger, who shall be held and considered to be the dependent parents of Dr. Clarence L. Meisinger, who was killed June 2, 1924, by the explosion of a balloon in which he was making a series of observations for the United States Weather Bureau, and pay them compensation at the rate of $50 per month for the rest of their natural lives.

SEC. 2. This act shall take effect on the 1st day of the calendar month following the date of its enactment.

With the following committee amendments:

Page 1, line 10, after the word "pay", insert the words "jointly to."

Page 2, line 1, after the word "month", strike out "for the rest of their natural lives."

Page 2, line 3, strike out "This act shall take effect on the 1st day of the calendar month following the date of this enactment" and insert the words "The compensation of said John B. Meisinger and Nannie B. Meisinger shall cease if either of them dies, marries, or ceases to be dependent; and thereafter the remaining dependent shall be paid at the rate of $25 per month until he dies, marries, or ceases to be dependent.

"SEC. 3. This act shall take effect on the 1st day of the calendar month following the date of its enactment."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JESSE S. POST

The Clerk called the next bill, H. R. 3340, for the relief of Jesse S. Post.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged enlisted personnel of the United States Army Jesse S. Post, private, Machine Gun Company, One Hundred and Sixteenth Regiment United States Infantry, shall be held to have been honorably discharged from the military service of the United States on the 7th day of June 1919.

With the following committee amendment:

Page 1, line 9, after the figures "1919", insert a colon and the following: "*Provided*, That no pension, back pay, bounty, or allowances shall be held to have accrued prior to the enactment of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. BARTLETT JAMES

The Clerk called the next bill, H. R. 6548, to provide for a review by the Department of War of the case of the late Capt. Bartlett James.

Mr. HANCOCK of New York and Mr. HOLLISTER objected, and, under the rule, the bill was recommitted to the Committee on Military Affairs.

JACK DOYLE

The Clerk called the next bill, S. 166, for the relief of Jack Doyle.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights and privileges upon honorably discharged officers and enlisted men who have served in the Army of the United States between April 6, 1917, and November 11, 1918, Jack Doyle shall be held and considered to have been honorably discharged from the military service on September 29, 1920: *Provided*, That no back pay, compensation, benefit, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELMER BLAIR

The Clerk called the next bill, S. 246, for the relief of Elmer Blair.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, marines, and their widows and dependent relatives, Elmer Blair, formerly private, Company B, Three Hundred and Thirtieth Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private on March 13, 1918: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM FRANK LIPPS

The Clerk called the next bill, S. 272, for the relief of William Frank Lipps.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William Frank Lipps, who was a member of Troop D, Fifteenth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 29th day of January 1904: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBERT A. MARQUARDT

The Clerk called the next bill, S. 889, for the relief of Albert A. Marquardt.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Albert A. Marquardt, who was a member of Company F, Three hundred and tenth Regiment United States Infantry, Seventy-eighth Division, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 4th day of November 1918: *Provided*, That no compensation, retirement pay, back pay, pension, or other benefit shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRED EDWARD NORDSTROM

The Clerk called the next bill, S. 1010, for the relief of Fred Edward Nordstrom.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Fred Edward Nordstrom shall be held and considered to have been honorably discharged as a private, Company G, Three Hundred and Fifth Regiment United States Infantry, on April 3, 1920: *Provided*, That no back pay, compensation, benefit, or allowance shall be held to have accrued by reason of this act prior to its passage.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THOMAS A. COYNE

The Clerk called the next bill, S. 1176, for the relief of Thomas A. Coyne.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Thomas A. Coyne, who was a member of Company C, Forty-fifth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on January 4, 1918: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GORDON M'GEE

The Clerk called the next bill, H. R. 5747, for the relief of Gordon McGee.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, their widows, children, and dependent relatives, Gordon McGee (Army serial no. 52928) shall be held and considered to have been honorably discharged as a private, Casual Detachment, Guard and Fire Company, Newport News, Va., on October 20, 1931: *Provided*, That no pension, pay, bounty, or other benefit shall be held to have accrued prior to the enactment of this act by reason of its enactment.

SEC. 2. The Secretary of War is authorized and directed to grant to the said Gordon McGee a discharge certificate showing that he is held and considered to have been honorably discharged as of such date.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LYNN BROTHERS' BENEVOLENT HOSPITAL

The Clerk called the next bill, S. 423, for the relief of Lynn Brothers' Benevolent Hospital.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Lynn Brothers' Benevolent Hospital, of Pocatello, Idaho, the sum of $6,485.07, or so much thereof as may be necessary, in payment for hospital care and doctors' services rendered certain Indians on the Fort Hall Indian Reservation, Idaho: *Provided*, That before payment hereunder the Secretary of the Interior shall certify that no part of the amount claimed has heretofore been paid.

With the following committee amendments:

Page 1, line 8, strike out the word "payment" and insert the following words: "full settlement of all claims against the United States."

Page 2, after line 2, insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN T. CLARK

The Clerk called the next bill, H. R. 4439, for the relief of John T. Clark, of Seattle, Wash.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to John T. Clark, of Seattle, Wash., the sum of $5,000, being full compensation for disability resulting from injuries received by him as a longshoreman subject to the Longshoremen's and Harbor Workers' Compensation Act, such disability, however, being directly due to faulty diagnosis and improper treatment by the attending physician, and the failure of the deputy commissioner to provide examination by a competent and impartial physician, as provided by law.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That in the case of John T. Clark, of Seattle, Wash., whose disability compensation under the Longshoremen's and Harbor Workers' Compensation Act of March 4, 1927, was terminated as of July 5, 1931, by a compensation order filed August 26, 1931, the Employees' Compensation Commission be, and it is hereby, authorized and directed to review such order in accordance with the procedure prescribed in respect of such claims in section 19 of said act, and in accordance with such section to issue a new compensation order which may terminate, continue, increase, or decrease such compensation, the provisions of sections 21 and 22 of the said act, as amended, to the contrary notwithstanding: *Provided*, That such new order shall not affect any compensation paid under authority of the prior order."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MALLERY TOY

The Clerk called the next bill, H. R. 5307, for the relief of Mallery Toy.

Mr. HANCOCK of New York, Mr. MOTT, Mr. COSTELLO, and Mr. CLARK of Idaho objected, and, under the rule, the bill was recommitted to the Committee on Claims.

GEORGE E. TITTER

The Clerk called the next bill, H. R. 5304, for the relief of George E. Titter.

Mr. COSTELLO, Mr. CLARK of Idaho, Mr. HANCOCK of New York, and Mr. MOTT objected, and, under the rule, the bill was recommitted to the Committee on Claims.

PAULINE M'KINNEY

The Clerk called the next bill, S. 3137, for the relief of Pauline McKinney.

Mr. MOTT, Mr. HANCOCK of New York, and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Claims.

PERMISSION TO ACCEPT AND WEAR CERTAIN DECORATIONS

The Clerk called Senate Joint Resolution 169, granting permission to Hugh S. Cumming, Surgeon General of the United States Public Health Service; John D. Long, medical director, United States Public Health Service; Bolivar J. Lloyd, medical director, United States Public Health Service; and Clifford R. Eskey, surgeon, United States Public Health Service, to accept and wear certain decorations bestowed upon them by the Governments of Ecuador, Chile, Peru, and Cuba.

There being no objection, the Clerk read the Senate joint resolution, as follows:

Resolved, etc., That Hugh S. Cumming, Surgeon General of the United States Public Health Service, be authorized to accept and wear the decorations of the order Al Merito, bestowed by the Government of Ecuador; the order of Carlos Finlay, bestowed by the Government of Cuba; and of the order El Sol de Peru; that John D. Long, medical director, United States Public Health Service, be authorized to accept and wear the decorations of the order Al Merito, bestowed by the Government of Chile; the order Al Merito, bestowed by the Government of Ecuador; the order of Carlos Finlay, bestowed by the Government of Cuba; and the order El Sol de Peru; that Bolivar J. Lloyd, medical director, United States Public Health Service, be authorized to accept and wear the decoration of the order Al Merito, bestowed by the Government of Ecuador; that Clifford R. Eskey, surgeon, United States Public Health Service, be authorized to accept and wear the decoration of the order Al Merito, bestowed by the Government of Ecuador, the foregoing decorations having been conferred upon these officers by the Republics mentioned in recognition of assistance rendered by them, as representatives of the Pan American Sanitary Bureau, in matters relating to sanitation and health; and the Department of State is hereby authorized and permitted to deliver the above-mentioned decorations to the said Hugh S. Cumming, John D. Long, Bolivar J. Lloyd, and Clifford R. Eskey, respectively.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD. Mr. Speaker, I think it rather worthy of comment that certainly for the first time within my recollection at this stage of the proceedings of the session of Congress consideration of bills on the Private Calendar has been concluded upon the calling of the calendar today. I think it worthy of notice and commendation of the services of the objectors on both sides and those associated with them that we have a "clean" Private Calendar at this time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ALLEN, indefinitely, on account of illness.

To Mr. DUNN of Pennsylvania, indefinitely, on account of illness.

PERMISSION TO ADDRESS THE HOUSE

Mr. GOLDSBOROUGH. Mr. Speaker, on Thursday, after the reading of the Journal and disposition of matters on the Speaker's table, I ask unanimous consent to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

THE FARMERS' VIEWPOINT

Mr. COLMER. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a communication addressed to me by a group of farmers in my district.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLMER. Mr. Speaker, under leave to extend my remarks in the RECORD, I insert in the RECORD the following statement of Mr. J. H. Hobson, a prominent farmer and layman who resides at Eatonville, Miss., on December 9, 1935. The statement was made in the presence of about 40 farmers of the Sixth Congressional District of Mississippi in order that I might be better acquainted with the views of the farmers of my district. These men are all outstanding farmers and leaders in their respective communities. And in view of the recent occurrences in our agricultural program, the recording of this statement for the benefit of those who are interested, among my colleagues and others, is most timely.

At this meeting the following outstanding farmers of my district were present and contributed to the discussion that followed Mr. Hobson's address:

Covington County: N. A. Kelly, route 1, Seminary, Miss.; T. J. Pickering, route 2, Collins, Miss.; J. H. Reddoch, Collins, Miss.; Z. M. Rogers, route 3, Collins, Miss.

Forrest County: R. W. Batson, route 2, Hattiesburg, Miss.; E. E. Deen, Hattiesburg, Miss.; J. H. Hobson, route 1, Hattiesburg, Miss.; J. A. Ryan, Brooklyn, Miss.

Jasper County: W. A. Patrick, Heidelberg, Miss.; A. F. Ratcliff, route 1, Heidelberg, Miss.; D. W. Walters, Heidelberg, Miss.

Jones County: W. R. Grayson, route 1, Moselle, Miss.; S. C. Jones, Moselle, Miss.; D. O. Mooney, Moselle, Miss.; J. A. McCorkle, Laurel, Miss.; L. M. McCrory, route 1, Moselle, Miss.; L. R. Robertson, route 5, Ellisville, Miss.; D. R. Sanders, Sandersville, Miss.; J. D. Sibley, Laurel, Miss.; P. P. Tolar, Moselle, Miss.; E. C. Waggoner, route 1, Moselle, Miss.; H. B. Welborn, Moselle, Miss.; C. L. Welch, Laurel, Miss.; Lester Welch, Summerland, Miss.

Lamar County: W. I. Boone, Purvis, Miss.; W. W. Dale, Purvis, Miss.; Hervey Nobles, route 2, Purvis, Miss.; T. L. Norman, Purvis, Miss.; R. O. Odom, route 1, Purvis, Miss.; A. W. Thompson, route 2, Purvis, Miss.

Marion County: I. W. Thompson, Columbia, Miss.

Perry County: I. A. Garraway, route 1, Brooklyn, Miss.; T. E. McCardle, route 2, Hattiesburg, Miss.

Wayne County: Hugh L. Busby, Waynesboro, Miss.; James L. Dyess, route 4, Waynesboro, Miss.; T. E. Raleigh, Waynesboro, Miss.

The statement of Mr. Hobson is as follows:

Mr. COLMER, on last Monday, December 2, there gathered at Laurel a group of representative farmers from every major cotton-producing county in the Sixth Congressional District. This group organized the Sixth District Cotton Association in the interest of the cotton producers of this district. This same procedure has been going on for the last 2 weeks in every congressional district in the Cotton Belt from the Carolinas to California.

Throughout the history of American agriculture we farmers have gone about our business of producing the raw materials to feed and clothe the Nation. We have left the business of protective legislation to the men that we have sent to the legislative halls of State and Nation. Because of the long hours in the heat of summer and exposure in the frosts of winter doing our job we have had no time to keep in touch with our representatives or to inform them of our views and desires with reference to pending or other legislation that affected our interests. It is only within the last few years that we have been heard in the legislative halls in presenting our problems and demands for our constitutional rights of equality before the laws of the land.

For 50 years, unobserved by the great mass of the farmers of the country, industry has been building up the factory system and has infested legislative halls, securing legislation financially beneficial to their interests and detrimental to agriculture, until today we find that the average income of the farmer is around $250 per year, while that of industry is around $1,200 per year. We are determined that this unfair and unjust system shall no longer prevail, that agriculture shall be placed upon an income parity with industry, and that so far as the laws of the Nation can help bring this about, parity shall mean an agricultural income that provides interest on our investment, depreciation on work stock, tools, buildings, and fences, and a standard of living for ourselves and our labor equal to that received by those persons engaged in nonagricultural pursuits. How many hill farmers do you know that are able, out of their crop, to pay themselves interest on their investment, renew worn-out work stock, repair buildings, carry life insurance, sick benefit, or even fire insurance? When a farmer gets sick his neighbors have to finish his crop; when his home burns they have to help him replace it; when he dies his neighbors bury him, and it takes his family a generation to accumulate enough money to pay for his coffin.

I believe that this is the first time in the history of this district that the farmers of the district have met with their Congressman to discuss their problems. The events that have led up to this meeting might be traced to the deplorable condition of the country in 1932. At that time business was paralyzed, the railroads were broken down, all over the Nation banks were closing, insurance companies were being depleted of their cash reserves by withdrawals of the funds owned by their policyholders, and farmers could not find enough money to pay current taxes or interest. No credit was available to plant the next crop. Despair stalked the Nation; we were on the brink of bankruptcy, and red revolution was only prevented by the confidence of the masses in the new administration about to take power at Washington. Financiers, industrialists, and politicians who had control of the country for years, utterly failed to find any remedies for the situation and came groveling at the feet of the new power for relief. The new administration poured millions of dollars into the banks, industries, railroads, insurance companies, and agriculture. Banks were reopened, the wheels of industry again began to revolve, and insurance companies and railroads were saved, and farmers were enabled to stave off foreclosure and obtain credit from Government agencies for crop production.

The A. A. A. and Farm Credit Acts were passed by the Congress in an effort to bring about relief for the desperate condition of agriculture. These agencies have produced such beneficial results to farmers that the vast majority want the principal features of the laws reenacted into a permanent farm program.

To my mind, the most despicable trait of human character is ingratitude. I think that it can only be explained by the greedy ambition for power and place in the mind of the individual. I believe that for benefits received every man and woman in this country should on bended knee thank their God for President Roosevelt and his administration, yet we find that these busted bankers, these greedy industrialists and middlemen, these insurance people and railroaders, and other recipients of the financial help for which they begged so hard, and which saved them from bankruptcy, are, like a bloodthirsty pack of wolves, snarling and snapping at the heels of the man that saved them but will not permit them to again take the reins of power and leadership which they prostituted in former years.

This wolf pack is accusing the administration of a desire to subordinate the Constitution of the United States to its relief plans. They are holding up the Constitution as a sacred thing not to be changed, but to be worshiped as a god guarding their interests and privileges. The Constitution of the United States is a man-made instrument, and its provisions are intended to protect all citizens in their liberty of action, speech, and thought, and to guarantee every man equality before the law. Every man in this room knows that there is no such thing as equality before the law; that you cannot send a man who steals a million dollars and gambles on the stock market or race track to the penitentiary, nor keep one out that steals a loaf of bread to satisfy his hunger, or shoots craps for a penny a pass.

No man has more reverence for the Constitution than have I, but I want to say when the day comes that the high courts of this country declare that such laws as the protective tariff passed in the interest of the manufacturing industry are constitutional, and that similar laws such as the processing taxes passed in the interest of agriculture are unconstitutional, then I shall advocate changing the Constitution and destroying the right of any court to pass on the constitutionality of any law of Congress.

We farmers are interested particularly in two divisions of this wolf pack—the cotton millers and the dealers in raw cotton. The former have for many years enjoyed the benefits and profits from the tariff. They have raised their prices to the amount of the tariff tax, put the profits into their pockets, and passed the extra costs on to the consumer; however, they become very much concerned about the consumer when they have to pay the processing tax and pass it back to the farmer and the added cost on to the consumer. They get none of it.

Now, then, this other division—the cotton exchanges, cotton gamblers, speculators, buyers, shippers, scalpers, and furnishing merchants known as the cotton trade or as organized into the Cotton Shippers Association. These men who have not one dollar invested in the production or manufacturing of cotton for a hundred years have taken five to forty dollars per bale from the farmers' cotton, have grown rich, and lived in the lap of luxury off of the sweat and blood of women and children who make 80 percent of the country's cotton crop. These men, whose sordid greed for personal gain has for a hundred years been largely responsible for the barefooted, drab, and often miserable existence of the poor cotton farmers of the hill sections of the South, have taken a leading part in undertaking to destroy the benefits that have accrued to the cotton farmers under the New Deal. They have fought the seed loans and production credit loans because it interferes with their credit system of crop loans at usurious rates of interest and furnishing of supplies at robber prices. They have fought the cotton acreage control program because a large part of their profits are made on the volume of the crop on a per-bale basis. They are fighting the farmers' marketing associations because these organizations are forcing them to pay the market value of the cotton they buy.

The cotton trade is as greedy as Shylock and as cold-blooded as Michiavella. They are thoroughly organized against the farmers. They recently planned an attack upon the farmers' cooperative marketing associations, with a view of destroying them through the agency of a Federal investigation sponsored by them. I sat in on this inquisition for 5 days. Senator MCKELLAR sat at the clerk's desk in the United States courtroom at Memphis. At his left hand was a Mr. Sam Loring, whom the Senator said was his expert. I was informed that his real status is that of secretary to the Cotton Shippers' Association. Alongside of him was ranged the lawyers of the same association. All of the data and questions put to the co-op witnesses were prepared by this so-called expert and their lawyers.

Let me ask you, sir, What do these men of the cotton trade care for the cotton farmer of the hill sections, except to have him spend his life in toil for a mere existence that they and their families may live in luxury? What do they care about the welfare of the hill mother who suffers the hell of childbirth in a miserable hovel and squalid surroundings, and is forced to cradle her babe on a sack in the shade of a bush while she toils at back-breaking work in the field?

Some people say there is no hell; well, if there isn't, they ought to build one for the cotton trade.

Now, Mr. COLMER, I am going to stop talking about these cotton traders and their hired men before I get rough, and come to the principal subject that is on our minds at this time.

You will recall that during the Hoover administration the Government created the Federal Farm Board and directed it to take $500,000,000 and use it through the cooperative marketing associations to stabilize the prices of farm products. In 1929 they did take over the cotton cooperative marketing association and announced that the then price of cotton of 18 cents per pound was too low. They offered to lend 16 cents to the farmers who would come into a pool to take as much cotton off the market as possible, and advised the farmers that this operation would raise the price to above 18 cents. This operation failed, and the Farm Board lost the farmers' equity in this cotton, all the farmers' cash reserves in their co-op association, besides many millions of Government money.

Realizing the injustice done to the cotton farmers, the Farm Board agreed to pay them back their losses. The Attorney General of the United States, however, ruled that this could not be done without an act of Congress. At the last session of Congress Senator FRAZIER introduced a bill which provided for reopening this matter and effecting a settlement. It was referred to Senator MCKELLAR's committee and afforded the opportunity for the cotton trade's attack upon the cooperatives and the Memphis inquisition. I am not going into the details of this matter, but am handing you some official documents prepared by men who have had connection with the entire transaction. Here is a copy of the testimony of Mr. N. C. Williamson, president of the American Cooperative Cotton Association, and a part of the testimony of Mr. E. F. Creekmore, its general manager, before Senator MCKELLAR's inquisition, also part of the testimony of Mr. James Stone, who was vice chairman of the Farm Board, together with a copy of the Frazier resolutions. We are asking that you also obtain a copy of Bulletin No. 457, published by the Department of Agriculture on November 24, 1916.

Now, sir, we are interested in the approval of the Frazier resolution by Congress, and in such form as will return to the farm-

ers all of the equity they lost and the cash reserves that were lost by the Government in its stabilizing operations. The farmers of this State lost nearly $400,000 in equities alone, through no fault of their own, and have a right to every dollar of it.

Personally, I want to say to you that in this talk it has not been my intention to be discourteous to anyone. I am just a rough, uneducated hill farmer who has never had the opportunity to become polished by swapping lies with diplomats or to become smooth-tongued by holding conversation with drawing-room lounge lizards. I say what I think. It is true that my thoughts maybe have gone somewhat radical by the near ruin that has been the lot of this hill country during the past few years—buildings and fences in disrepair; scrawny, worn-out work stock; the look of despair on the faces of the fathers; bewilderment of the scantily clothed and barefooted children; and the lack of happiness and joy in the face of the mother with nursing babe at her breast.

When you take into consideration that these people are the descendants of the pioneers who discovered this country, made its laws, and created its wealth you must be stirred to a desire to stand by them, not as voters but because they are the salt of the earth and deserve the fullness thereof.

We are appealing to you as our Representative in Congress to become an advocate of agriculture. We know that you are our friend, and we want to keep you in Congress as our friend. We know that there seniority stands for as much as ability and energy. A successful agriculture for south Mississippi means a prosperous south Mississippi. We want to be able to say that our Congressman is going to support the measures that interest the cotton farmers. We are not asking for any personal favors. We are not asking for any class favors. We only want the same sort of treatment that is afforded to other classes of American society and other industries.

I don't think any man who has studied economics will not admit that agriculture has gotten an awfully bad deal. The only gains that we have made since the Civil War that have been practically worked out, that have proved of practical benefit, are those adopted by this present administration. They have simplified the operations of the Federal land bank and Farm Credit Administration to the point that they are useful to the farmers.

Farmers are keeping informed about public affairs as never before. I can cite you back to when I came to this county 25 years ago; there was one rural delivery route, and the operator carried all the mail he had in one hand. Nobody read newspapers. Today that route has been cut in two, and it takes the whole back of an auto to carry the periodicals that are read on that route. Farmers are becoming interested as to what's been done, and what's being done to them. They want sufficient income so they can keep their boys on the farm. I will bet there isn't a half dozen farms in this county where the grown children are still there. They have to go to town to get something to do; there is no incentive to become farmers.

I am trying to place before you our conditions, our desires, and our problems. I am very thankful that you came up here. "Mohammed was going to the mountain, and the mountain came to Mohammed." In the interest of this group, I am going to say that you are going to hear from us from time to time, most especially when some legislation is pending in our interest, and you are not going to be one particularly honored in that respect. We don't want to influence legislation unduly. We don't want anything except what we believe belongs to us, and I thank you for your attendance. These gentlemen are a delegation of our membership and represent the leading farmers in the neighboring cotton counties of your district. They are very much pleased to be here.

ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 32 minutes p. m.) the House adjourned until tomorrow, Wednesday, February 5, 1936, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Wednesday, February 5, 1936, at 10:30 o'clock a. m., in room 328, House Office Building, on H. R. 8137, by Mr. WHITE of Idaho.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

650. A letter from the Acting Secretary of the Navy, transmitting the draft of a bill to authorize the President of the United States to dispose of certain public vessels, and for other purposes; to the Committee on Naval Affairs.

651. A letter from the Acting Secretary of the Navy, transmitting the draft of a proposed bill to authorize the construction of certain auxiliary vessels for the Navy; to the Committee on Naval Affairs.

652. A letter from the Department of the Navy, transmitting a draft of a proposed bill to authorize alterations and repairs to certain naval vessels, and for other purposes; to the Committee on Naval Affairs.

653. A letter from the Department of the Navy, transmitting a draft of a proposed bill to authorize alterations and repairs to certain naval vessels; to the Committee on Naval Affairs.

654. A letter from the Chesapeake & Potomac Telephone Co., transmitting a statement of receipts and expenditures of the Chesapeake & Potomac Telephone Co. for the year 1935, in compliance with chapter 1628, acts of Congress, 1904; to the Committee on the District of Columbia.

655. A letter from the Chesapeake & Potomac Telephone Co., transmitting a comparative general balance sheet of the Chesapeake & Potomac Telephone Co. for the year 1935; to the Committee on the District of Columbia.

656. A letter from the Chairman of the Reconstruction Finance Corporation, transmitting a report of its activities and expenditures for December 1935; to the Committee on Banking and Currency.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER: A bill (H. R. 10902) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

Mr. HANCOCK of New York: A bill (H. R. 10903) to authorize the appointment of official reporters in the courts of the United States and to fix their duties and compensation; to the Committee on the Judiciary.

By Mr. PLUMLEY: A bill (H. R. 10904) for the relief of families of Reserve officers of the Army who die while on active duty with the Civilian Conservation Corps; to the Committee on Military Affairs.

By Mr. SCRUGHAM: A bill (H. R. 10905) to provide for the construction of a post-office building at Yerington, Nev.; to the Committee on Public Buildings and Grounds.

By Mr. SUMNERS of Texas: A bill (H. R. 10906) to authorize the Director of the Mint to prepare a medal commemorative of Texas independence, and for other purposes; to the Committee on Coinage, Weights, and Measures.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND: A bill (H. R. 10907) for the relief of David A. Gould; to the Committee on Claims.

By Mr. BURNHAM: A bill (H. R. 10908) for the relief of E. W. Ross; to the Committee on Claims.

By Mr. COLE of New York: A bill (H. R. 10909) for the relief of Julia N. Murrell; to the Committee on War Claims.

By Mr. FORD of California: A bill (H. R. 10910) granting a pension to Mamie Dunbar; to the Committee on Invalid Pensions.

By Mr. KNUTE HILL: A bill (H. R. 10911) for the relief of Randall Krauss; to the Committee on Claims.

By Mr. KOPPLEMANN: A bill (H. R. 10912) granting a pension to Ann M. Callery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10913) granting a pension to Excelia Lague-Leyo; to the Committee on Invalid Pensions.

By Mr. MANSFIELD: A bill (H. R. 10914) to confer the Medal of Honor for service in the Philippine Insurrection on William O. Trafton; to the Committee on Military Affairs.

By Mr. SPENCE: A bill (H. R. 10915) granting a pension to Belle Rhodes Taylor; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 10916) for the relief of Carl Hardin; to the Committee on Claims.

Also, a bill (H. R. 10917) for the relief of Orville Richardson; to the Committee on Claims.

Also, a bill (H. R. 10918) for the relief of W. E. Payne; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9937. By Mr. BOYLAN: Resolution adopted by the New York State Planning Council at Albany, N. Y., urging the passage of appropriate legislation by Congress to establish a permanent national planning agency to carry forward the planning work so well started under the temporary National Resources Committee; to the Committee on Appropriations.

9938. By Mr. GUYER: Petition of citizens of Lyndon, Kans., petitioning restoration of prohibition to the District of Columbia through the enactment of House bill 8739; to the Committee on the District of Columbia.

9939. Also, petition of citizens of Edgerton, Johnson County, Kans., petitioning restoration of prohibition to the District of Columbia through the enactment of House bill 8739; to the Committee on the District of Columbia.

9940. Also, petition of citizens of Lawrence, Douglas County, Kans., petitioning the restoration of prohibition to the District of Columbia through the enactment of House bill 8739; to the Committee on the District of Columbia.

9941. Also, petition of citizens of Redfield, Kans., petitioning the restoration of prohibition to the District of Columbia through the enactment of House bill 8739; to the Committee on the District of Columbia.

9942. Also, petition of citizens of Kansas City, Wyandotte County, Kans., petitioning the restoration of prohibition to the District of Columbia through the enactment of House bill 8739; to the Committee on the District of Columbia.

9943. Also, petition of citizens of Kansas City, Wyandotte County, Kans., petitioning the restoration of prohibition to the District of Columbia through the enactment of House bill 8739; to the Committee on the District of Columbia.

9944. Also, petition of citizens of Iola, Kans., petitioning restoration of prohibition to the District of Columbia through the enactment of House bill 8739; to the Committee on the District of Columbia.

9945. Also, petition of citizens of Norton, Kans., petitioning the restoration of prohibition to the District of Columbia through the enactment of House bill 8739; to the Committee on the District of Columbia.

9946. Also, petition of citizens of Osawatomie, Kans., petitioning the restoration of prohibition to the District of Columbia through the enactment of House bill 8739; to the Committee on the District of Columbia.

9947. Also, petition of citizens of Kansas City, Wyandotte County, Kans., petitioning the restoration of prohibition to the District of Columbia through the enactment of House bill 8739; to the Committee on the District of Columbia.

9948. Also, petition of citizens of Fort Scott, Bourbon County, Kans., petitioning the restoration of prohibition to the District of Columbia through the enactment of House bill 8739; to the Committee on the District of Columbia.

9949. Also, petition of citizens of Gardner, Johnson County, Kans., petitioning the restoration of prohibition to the District of Columbia through the enactment of House bill 8739; to the Committee on the District of Columbia.

9950. By the SPEAKER: Petition of the National Association of State Aviation Officials; to the Committee on Rules.

9951. Also, petition of Ernest A. Lustig; to the Committee on Banking and Currency.

9952. Also, petition of Willard R. Carlson; to the Committee on Banking and Currency.

9953. Also, petition of the American Federation of Hosiery Workers, Branch No. 55, Nashville, Tenn.; to the Committee on Labor.

9954. By Mr. MOTT: Petition signed by John Bussik and 40 others of Melrose, Oreg., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

9955. By Mr. WILLIAMS: Petition of J. J. Rinkman and others, affecting the tenure of office and the compensation of star-route mail carriers; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 5, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, our Father, enlarge our spiritual vision that we may discern in the human heart the image of its Maker. We pray Thee to deliver any of us from that prejudice which hardens into permanent judgment. Thou who art the Sun of Righteousness, draw very, very near us that we may feel Thine everlasting benediction; bear with our imperfections and forgive our iniquities and lead us steadily forward to a more blessed estate. Keep us, blessed Lord, from ignoble ease, love of applause, and self-aggrandizement. We beseech Thee to ever inspire us to choose that noble ideal which has its source in the depths of illuminated and loving hearts. Almighty God, in the eyes of our beloved country, may we be esteemed as servants with cordial sympathies and affections for our fellow men, rich-toned men wearing the crown of virtue. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. LUDLOW, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 10919, Rept. No. 1935) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes, which was referred to the Union Calendar and ordered printed.

Mr. TABER reserved all points of order on the bill.

THE TOWNSEND CLUBS

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to read to the House a short but very interesting statement from a former Townsend sympathizer on the Townsend method of organizing and collecting dues from club members.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON (reading):

THOMAS L. BLANTON,
House of Representatives.

DEAR JUDGE: While you are unacquainted with me, I would like to give you a statement on the manner in which the Townsend Clubs are organizing in Texas.

By way of introduction my name is M. Dorrin and my office address is 323 Republic Bank Building, Dallas, Tex. For awhile I was very sympathetic with the Townsend movement and worked with their organizers until I discovered their money-making racket.

Their State organizer for your part of Texas, embracing your district, is Mr. D. J. McNamara, of 2501 Jennings Avenue, Fort Worth, Tex. On August 26, 1929, Mr. D. J. McNamara was arrested in Fort Worth for selling liquor in his place, but through influence he had the charge changed to vagrancy in order to keep it out of the Federal court, and he pleaded and paid a $50 fine. A few days later the said D. J. McNamara was again arrested on a charge of vagrancy, and he put up a bond and later forfeited it.

This Mr. D. J. McNamara has been very active in getting your district organized against you.

The organizers are paid so much for each speech they make and a commission for organizing each club of 100 members. In the regular Townsend Clubs, the initiation fee is 25 cents for each member and then each member pays 10 cents dues per month. When making speeches, most of the time collections are taken up and those present are urged to make liberal contributions. At these meetings there are the same exhortations for contributions that you usually see at a religious revival meeting.

The Townsend movement also has what it calls its "prosperity club" membership, and any person under 60 years of age can join this by paying $1, and they receive their prosperity member button.

The Townsend movement also has what it calls the "Townsend Legion", where each member pays $5.

Such a stream of money gathered from people unable to lose it is being collected by Dr. Townsend and his organizers that I believe that Congress undoubtedly should make an investigation of it, as these old people are assured they will get their $200 per month during this session of Congress.

Very truly yours,

MAX DORRIN.

I think when our beloved aged people of the United States find out that Congress will never pass such a law, and even if it did, the Supreme Court would set it aside, and they will never receive their promised $200 per month, but are being misled by the racket and putting their money into a prairie-dog hole they will stop this Dr. Townsend monkey business. [Laughter and applause.]

THE COMING POLITICAL BATTLE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Coming Political Battle.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIAMS. Mr. Speaker and Members of the House, in these troublous times, midst shifting scenes and under changing conditions, we need the vigor and the determination of the strong, stalwart manhood and womanhood of America to carefully measure and to accurately weigh and evaluate the contending and conflicting social and economic forces that surround us. It will take the clear vision and the wise decision of a courageous leadership to chart our course safely between the blatant demagogue and the noisy political charlatan on the one hand and the calm, calculating, and greedy special interests on the other.

To the left of us we have a screaming ecclesiastic, a deluded doctor, a fanatical author, and a misguided governor. They are offering impossible nostrums and quack remedies to those whose lives have been broken on the wheel of fortune. Behold the Coughlins, the Townsends, the Sinclairs, the Olsons, with their fascinating and alluring propaganda and with their seductive and false promises, appealing to the victims of poverty and those who suffer the pangs of privation. To heed their siren call can but lead to disappointment and broken hopes.

To the right of us we find the oily lobbyist, the high-paid lawyer, the insidious news article, the sleek, well-groomed businessman, the pompous bank president, the plausible and convincing hirelings of the privileged classes. They are flattering, pleading, and persuading. They are insinuating, blustering, and threatening. They declare that the only way to security and happiness is to abandon all our efforts toward recovery and return the Government to the favored few. The United States Chamber of Commerce passes resolutions against everything this administration has done. The American Bankers Association condemns bank-deposit insurance. The Manufacturers Association of America opposes the agricultural program enacted to help the farmers. The metropolitan newspapers by innuendo and insinuation cast aspersions and calumny. The Liberty League millionaire club, under the false slogan "Save the Constitution", is pointing to the red flag of communism in an effort to arouse the people. Big business is trying to balk and break and block the recovery program at every turn of the road. The Jeremiahs of New England, the high priests of protection, the bloated bankers of New York, the power magnates, and even the late lamented Mr. Hoover all raise their stentorian voices and blow a trumpet blast in their loud protestations, criticisms, and denunciations. This crowd was in charge of the Government when we were brought to the brink of wreck and ruin. This is the greatest exhibition of inhuman ingratitude ever shown. These same men threw up their hands and in plaintive tones begged this administration to save them from the impending disaster which their own folly had brought upon them.

When their feet were taken out of the mud and mire and placed on the solid road to recovery, they turn upon, betray, and berate those who befriended them in the hour of dire distress. They are biting the hand that fed them. What had they to offer when 13,000,000 men were looking for work? They criticize banking legislation, when during their reign the banks of the Nation closed and billions were lost to depositors. They complain about the Agricultural Adjustment Administration, when during their rule the price of farm products fell to the lowest level in history. They oppose our farm and home credit policy, while they sat idly by and permitted mortgages to be foreclosed and saw thousands of farmers and home owners evicted. They prate about relief expenditures, while they witnessed men, women, and children in destitution and want, suffering from cold and hunger. Where were they when the Nation was drifting like a ship at sea without a captain or a rudder? They remind me of the question the Negro boy asked. He was chopping grass and cotton on a southern plantation on a burning July afternoon with the sun about 110° in the shade. He was going along stooped over with his back to the sun with the sweat running and dripping from him. At last he became so tired and hot he threw down his hoe, straightened up, put his hands on his hips, and looking toward the sun said, "Sun, where was you last winter when I needed you so bad?" Where was that crowd when the country needed them? They were silent then; they have become vocal now.

The hope of the country is in the Democratic Party, which is following the middle road between the radical fanaticism, which will lead to socialism or communism, and the selfish and sinister influences of organized capital and wealth which will lead to fascism. This administration is seeking to steer a safe and a sane middle course. It is trying to uphold the private ownership of property and a fair profit to industry without fostering monopolies and without creating swollen fortunes and permitting inordinate incomes. It is holding out the hope of reward to everyone of industry, intellect, and character. It is leaving open the way to success, distinction, and fame to all who are willing to pay the price in labor and sacrifice. It is encouraging all those noble aspirations and preserving those high ideals that have brought us as a Nation to the summit of enduring fame and greatness. It is protecting the individual from the haunting fear of political or economic despotism, and also saving him from the maelstrom of socialism, which would completely submerge and forever destroy his character and his personality. These are the aims and the purposes of this administration.

I remember as a boy seeing a picture of an immense cow standing on a map of the United States. Her head was out in the Mississippi Valley and the Middle West, and that part of her which gives forth the fine, rich milk was extended over the Atlantic and New England States. The farmers of the West, with overalls and with pitchforks and scoop shovels, were working overtime forking and shoveling the food into the animal, while the factories of the East were complacently milking her.

When this administration put into operation the agricultural adjustment program in an effort to make the principle of the protective tariff effective as to the farmer, certain selfish interests, that had grown and fattened on special legislation, yelped and whined and howled that they were paying the processing taxes by which the farmers were benefited. Those same interests would be perfectly content to go back to 10-cent corn, 5-cent cotton, 30-cent wheat, and 2-cent hogs, while at the same time they want special legislation by which they can continue to pillage the people. We are earnestly striving to bring agriculture to a parity with industry. Everyone knows that there can be no permanent and lasting prosperity until the condition of agriculture improves.

For the first time in our history this administration made an honest, sincere effort to help the farmers. After consultation and cooperation with the various farm organizations of the country a practical, effective, and workable plan was put into operation. This plan enabled farmers to retire from cultivation some of the less productive land and to conserve the soil. It gave agriculture a chance to adjust production to consumption, avoid the accumulation of an unwieldy surplus and the consequent depression of prices. Under it billions of dollars in benefits were paid to the farmers. Under it the price of farm products was greatly increased and stabilized. Under it the farmers were being

lifted from a state of depression and despair and were beginning to see the sunlight of hope when the Supreme Court declared the law unconstitutional. The Congress and the President are now confronted with the necessity of finding some substitute for the agricultural adjustment program that will bring at least some measure of relief to the farmers. I, for one, will willingly and gladly stay here until that is done.

The farmer is engaged in a basic industry. His economic condition must be made better. His purchasing power must be increased. In every age and in every country he has blazed the trails. In every land he has been the pathfinder. He must not become a mere drawer of water and a hewer of wood. Born and reared on a farm, I grew to manhood under its irksome drudgery and its servile toil. I have followed the plow in the furrowed fields in the early springtime. I have garnered the grain and the grass under the burning heat of a July sun. I have pulled the corn from the stubborn stalk in the frosty days of autumn. I have tended the livestock and milked the cows amidst the drifting snow and blinding sleet of winter. I know the farmer's problem, his needs, and his troubles. That is one reason I become impatient and cannot contain myself when I hear those who have been the beneficiaries of special privilege objecting to legislation in the interest of agriculture. It has been my constant purpose and will continue to be my steadfast aim to help the farmer, because I know that the future progress and greatness of our Nation depend upon the peace and contentment that cluster around the farm homes of America.

We hear the bugaboo from big business that we are headed toward inflation by which the purchasing power of the dollar will be destroyed. The scarecrow of repudiation and confiscation is set up by those who would frighten the people. Imaginary and fantastic fears for our monetary system are expressed. Because we have sought to remove the halo of sanctity from gold and place it upon a parity with other currency we are accused of confiscation and of creating cheap money. Because we have prevented an unjustified enrichment of those who hold gold certificates and gold-clause bonds we are charged with repudiation. Because we reduced the gold content of the dollar and are making a sincere effort to stabilize its purchasing power and render some aid to the debtor classes, we are denounced as inflationists. The administration is excoriated and abraded for taking this course while at the same time all the nations of the earth were doing the same thing and were thereby stealing our commerce. When we seek to place the monetary and credit policies of the country in the hands of a board that shall represent and be responsive to the needs of the people, those who want the big bankers to continue in control of our money cry out that we are giving dangerous and autocratic power to the board. It is all right to have a central board, but to meet the views and suit the international bankers and money powers the board must be one composed of and dominated by bankers.

This administration has adopted a monetary and credit policy which has placed us upon the highest pinnacle of security and safety. A policy that has prevented the hoarding and exporting of gold and which has brought into the Treasury of the United States the largest gold reserve in our history, it being almost as large as the gold supply of all the other nations of the world combined. A policy that has placed our credit at the highest point causing all offerings of Government bonds to be many times oversubscribed even though they bear the lowest rate of interest known. A policy that has placed every dollar issued by the Government upon a parity, upon an equality, making all currency legal tender, dollar for dollar. A policy that has given the banks of the country the greatest excess reserves in their existence. A policy that has brought about fewer bank failures than ever before in a like period of time. A policy that has brought peace and security to all in the thought that their deposits in the insured banks are safe and will be repaid to them upon demand. If this policy be repudiation, confiscation, or inflation, then make the most of it.

I know not what the future may hold in store for me, but it will always be a matter of gratification and pride that during the time this sound policy was worked out I was a member of the great Committee on Banking and Currency of the House and took some humble part in its formation.

The Democratic administration, both in my State and in the Nation, has enacted social security measures. This is legislation to bring direct aid to people instead of property; to bring security to men, women, and children, and not merely to money and wealth; to bring relief to needy humanity as distinguished from dead inanimate things. This is simply recognition of the democratic principle which places human rights above property rights; that places the security and happiness of the individual above barter and trade; that recognizes the opportunities, the comfort, the necessities and needs of living, aspiring, pulsating humanity as the supreme object of government. For the first time in our history we find such legislation. Aid for the aged and the unfortunate; security against the infirmities of age, the ravages of disease, and the misfortunes and vicissitudes of life. This is a humanitarian program, reaching from the cradle to the grave. When did anyone ever hear of a Republican administration suggesting such a program? We had to enact it over their opposition and objection.

Under the special-privilege theory of former administrations, many huge fortunes have been amassed. Under the protective wing of class legislation, many golden eggs have been nestled. Under the cloak of respectability, many financial pirates have heaped high their ill-gotten gains. Under the old system, the favored few have become millionaires. Under the old deal, inordinate profits were made and excessive wealth accumulated. This order should be changed. There is no occasion or reason for anyone in this country receiving an annual income reaching well into the millions. No one can honestly earn or rightfully acquire that amount of money in 1 year.

It matters not whether such incomes are from excess profits in business, or whether they are the fruits of sharp practices and fraudulent dealings, or whether they come as returns and rentals from huge estates, or whether they are wrung from the people in the form of immoderate salaries and unearned bonuses; these incomes should and must bear their share of the burden. If the recipients of these great incomes are not willing to desist and will not in some measure share them with the people from whom they were taken, then the Government through its taxing power should lay its hands upon these incomes and bring them into the public revenue. A heavier tax should be levied on these massive incomes and not only levied but it should be collected. Through the years in many places, huge fortunes and estates have been acquired and transmitted from generation to generation. A stiff estate or inheritance tax would not only bring a large amount of much-needed revenue to the Government but would have a wholesome effect upon society. We have been following the policy that "to those who hath it shall be given, and to those who hath not even that which they have shall be taken away." The policy of taxation has been to "pluck the goose that would squawk the least", to make the operation as painless as possible. All principles of equitable and just taxation have been thrown to the wind. We should return to the proper basis; tax everyone according to his ability to pay and in proportion to the security and protection he received from the Government. This will make the excessive incomes and the swollen fortunes bear the brunt of the burden, and this is as it should be. When this is done we will have the funds with which to finance the recovery program. This is what we have tried to do in the passage of the recent tax measure. Those of large estates and big incomes have opposed it. This is not so much a share-the-wealth plan as it is a share the burden of government program. Too long have we taxed poverty and the under privileged. The time has come to tax massive fortunes and excessive incomes as well.

What about those who are so solicitous about the Constitution? Those who fear it is being strangled and who are about ready to perform the last sad rites over its demise and

sorrowfully lay it to rest. They charge the precious document has been slain. The President is bitterly denounced because he expressed regret that the Supreme Court had declared a certain act of Congress invalid. They seem to have forgotten that Lincoln declared that if the policy of the Government is to be fixed by the decisions of the Supreme Court, then the people have ceased to be their own rulers; that he severely criticized and scathingly condemned the Dred Scott decision of the Court. They forget to remember that their idol, Theodore Roosevelt, whose son Teddy has been trying to break into the big league, advocated the recall of judicial decisions. But why mention Theodore Roosevelt and Abraham Lincoln? If they were alive today they would not claim political kin with those who make these charges.

If the Constitution is to become a mere piece of parchment, to be carefully preserved in a glass case, like the original document in the Congressional Library at Washington; if it is to be gently laid away among the archives, where it will be carefully guarded and merely looked upon as sacred and immutable; if it is to be consigned to such an innocuous station that it may no longer be used as an instrument to secure social justice and economic freedom for millions of our distressed and suffering people, then the time has come to remove the halo from around it and make it conform to the needs of an ever advancing and changing social and economic order. It has been amended in the past. It may be necessary to amend it again. As to that, the people themselves will determine when the time comes, and that task will not be left to a few self-appointed guardians of our rights.

The abolition or effective control of holding companies has become an active and a burning issue in the political and industrial affairs of the Nation. A holding company is a corporation organized for the purpose of holding securities in other corporations and of placing the holding company in a position to control or substantially influence the management of the companies whose securities it holds. Holding companies are pyramided upon each other in some cases to the tenth degree, until those at the apex with an investment of only a few thousand dollars control properties and securities at the base representing many millions. Public-utilities operating companies are those engaged in the generation, sale, and distribution of electrical energy, and these companies, in turn, are owned and managed for the most part by holding companies. I have no quarrel with honest, efficient operating companies. But no one has shown to my satisfaction the reason or excuse for the giant holding companies that are not only a burden upon the consumers but a dead weight upon the operating companies themselves. The whole system is so involved and intricate that it is impossible for the ordinary person to understand it, and is so complicated as to confound the State public service commissions and the Internal Revenue Department. The result is that it is impossible to regulate them by State commissions or to collect the just amount of revenue due the Government on incomes. There is no doubt but what the system has become a racket and a menace to the investors in securities, as well as the consuming public. The danger to the public has become so great that the President in his message to Congress said:

> It is time to make an effort to reverse that process of the concentration of power which has made most American citizens once traditionally independent owners of their own businesses, helplessly dependent for their daily bread upon the favor of a very few, who, by devices such as holding companies, have taken for themselves unwarranted economic power. I am against private socialism of concentrated private power as thoroughly as I am against governmental socialism. The one is equally as dangerous as the other.

The time has come when we must take a position on this vital question. I for one have taken my stand by the President, and with all that in me lies I shall strive to rid our industrial life of this giant octopus that is extending its tentacles into every American home.

It has been quietly and even openly stated by the big utility holding companies that regardless of party they are going to defeat every Congressman that voted against them. They have plenty of money and will try to select able and astute candidates, no doubt smart, pliable lawyers. These utility interests are making a determined effort to dominate and control the economic and political life of the Nation. On that issue I accept the challenge and am ready for the conflict.

How does this sprawling empire operate—this institution that knows no State boundary line, that extends from Maine to California and from Minnesota to Florida? The most glaring abuses of power and influence by holding companies were brought to light by the Federal Trade Commission and the Commerce Committee of the House that for years have been investigating their activities.

I will give a few examples to illustrate. There is what is known as the write-up. For example, a holding company buys up a number of operating companies, say, for a million dollars. It then organizes a subsidiary company and transfers the properties thus bought to the operating companies for $2,000,000 of bonds, thereby getting back all it invested and still owning and controlling the properties. In 1911 the Electric Bond & Share purchased a number of operating companies in Texas for $2,390,000. It then organized a new company and conveyed to it the operating companies for bonds and stocks of a par value of $10,500,000, making a write-up on the companies' books of over 400 percent. In 1924 Henry L. Doherty & Co. organized the Cities Service Power & Light Co. to take over securities owned by Cities Service Co. The assets were carried on the books of the Cities Service Co. at $40,000,000 and on the books of the new company at $106,000,000, or 165-percent write-up, or $66,000,000 made by manipulation. The Federal Trade Commission found that the total write-up of holding companies was about $1,500,000,000.

Then there is a management fee which the holding companies charge the operating companies. This may be all right if fair and reasonable. In 1927 the Electric Bond & Share Co. received from its operating companies over $9,000,000, while the total expense incurred by it in operation was something over $4,000,000, or a profit of 113 percent.

Legal fees are exacted from operating companies. For example, the operating subsidiaries in the Standard Gas & Electric Co. were charged for legal services from 1919 to 1929 over $3,369,000, and after deducting the expenses of the legal department the holding company realized a net profit of over $2,000,000.

Interest on advances to operating companies in some cases are charged at the rate of 8 percent, compounded monthly, and operating companies are called upon to make "upstream loans" to holding companies to help them out. It is an unreasonable and an unconscionable set up all at the expense of the investor and the consumer.

It is claimed that the strict regulation or abolition of holding companies will destroy the value of securities held by innocent holders. Let us see about this claim. The 25 leading holding companies in 1929 had securities outstanding in the hands of the public at a nominal value of over $19,000,000,000. When this administration came into power these securities had declined to a market value of $2,800,000,000, or a shrinkage of over $16,000,000,000. This administration, or the suggestion to abolish holding companies, did not destroy the value of these securities. The value was not there in the first place, and the holders had been cheated and defrauded when they bought them. There is no theory upon which the action of these companies can be justified. They have imposed upon, deceived, and defrauded the people. They are parasites that should be banished from our midst. Measured by the rate at Tacoma, Wash., which has a publicly owned plant or by the Ontario or the Tennesse Valley Authority rate, the cost to the ordinary consumer in Missouri is from two to three times what it should be. It has been estimated that the consumers of electricity in Missouri are overcharged more than $20,000,000 annually.

There is one other phase of their activity to which I wish to call attention, and that is the salaries of some of the high officials. These salaries, always inordinate and excessive in many cases, were increased as the market value of

the stock and bonds held by the widows and orphans were rapidly decreasing.

The salary of the president of American Gas & Electric in 1930 was $183,170.

The salary of the president of Columbia Gas & Electric Co. in 1929 was $251,335.

It is seldom that you find one of these magnanimous gentlemen that is so much concerned about the widows and orphans drawing a salary less than $100,000 annually.

The whole thing is abominable and rotten. I am glad to say that I voted to abolish all needless and unnecessary holding companies as being a barnacle upon orderly industrial activity; and, in my opinion, they are not entitled to live.

Every public servant is glad to have the views of those he serves. He welcomes suggestions and advice. He is happy to have the counsel of his friends and constituents. He desires to help in every way possible and he must have their viewpoint and cooperation. The honest, frank expression of opinion and even constructive criticism is desired and wholesome. No objection to that. But there has been more lobbying, more propaganda, more threats, more attempts at intimidation, more coddling and flattery, more insinuations and more efforts to blackjack and bulldoze, more wining and dining, more insidious, sinister, and underhanded methods used to defeat the helpful and humane legislation sponsored by this administration and enacted by Congress than was ever employed in the entire history of our Nation. Those who have employed these methods have run the entire gamut of devices in an effort to find something somewhere along the line to appeal to the pride or the vanity, to the feeling and the sympathy of or to bring fear and terror to those in charge of the legislation. They have affectionately wheedled, coddled and cajoled. They have illusively persuaded, allured, and enticed. They have shown generous hospitality and given lavish entertainments. They have boldly threatened, brazenly sought to intimidate, and brutally tried to frighten and scare. It has been an inhumane, an un-American, a vicious, a gruesome, and a horrible business.

In the first place, it takes money to carry on that kind of campaign. Those who have some personal and selfish purpose to serve and who expect some return for their efforts are the moving factors. Then they must obtain and secure the agencies through which to carry out their ulterior, and it may appear harmless, purposes. Some of these agencies are innocent and unsuspecting. Some persons in absolute good faith and with the best of intentions, relying upon the suave and plausible statements of others, lend themselves to the scheme. On the other hand, most of those engaged in this unholy and nefarious practice are the hirelings, the puppets, the marionettes, and the Punch and Judys of special interests and big business.

Unfortunately, most of the metropolitan newspapers, especially the editorial writers, are under these evil influences. It is to be regretted that it is almost impossible to get a fair and an impartial review or statement of legislative action by the big newspapers. The United States and other large chambers of commerce organizations have the big business complex. The Associated Industries, whose members represent those who are used to the pleasures and luxuries of life, cannot adjust themselves to the new order without a struggle. The manufacturers' associations who have been accustomed to special privileges cannot accommodate themselves to the idea of equal opportunities to all. The large corporations have so long enjoyed big profits that they think they should not be disturbed. The holding companies, who have pillaged the people in the past, cannot understand why they should not continue their vicious system. They do not seem to realize that they are leeches and bloodsuckers upon the body of legitimate and enterprising industry.

From many newspaper articles, from the letters and messages received, and from some of the speeches heard, one would think that there had been some widespread pestilence or national calamity that had removed all the strong, healthy men from the stage of action, leaving only the aged and infirm, the widows and orphans. I do not know how many widows there are in the country, but you would begin to suspect that we were on the verge of race suicide.

When the railroad and insurance companies were in great distress in 1932, the philanthropic gentlemen in charge of them appealed to the Government for aid in order to save the widows and orphans who had their savings invested in railroad securities and who had insurance policies in their companies. When the securities and stock exchange measures were being considered the benevolent brokers, specialists, and insiders who rig and pool and manipulate the market were loud in their objections and vigorous in their protests on the ground that their enactment would destroy the value of securities held by the widows and orphans. When the Public Utilities Act of 1935, the act to regulate public utilities and abolish obnoxious holding companies, came on for consideration, the agents and representatives of these charitable institutions wept copious tears for fear that such legislation would depreciate the securities in the hands of innocent widows and helpless children. These are the same men who spent millions of dollars to defeat legislation designed to check or abolish their unfair and unjust practices. They sent telegrams to Congressmen by names taken from the telephone directory in alphabetical order, without the knowledge or consent of the purported sender. They wrote letters in their own office and upon their own typewriter on different sizes and various tints of paper in an attempt to fool and deceive. They paid the cost of messages and letters which were sent in the name of others, all in an effort to create in the mind of the Congressman an impression that the people back home were in favor of the power companies. Then, when an investigation of their lobby and propaganda activities started in the House and the Senate, some of the leaders could not be found, and in many cases they ordered all records destroyed.

These benevolent agents, these magnanimous representatives, these tender-hearted emissaries, these philanthropic messengers of organized wealth have suddenly become very solicitous for the widows and orphans. "O Liberty, how many crimes have been committed in thy name." Where were their big hearts and their tender sympathies when they were charging excessive and unreasonable rates for their services, prices that were wrung not only from industry but from the poor widow who made a living for herself and children over a washtub or in the factory. Where were their charitable impulses and their generous souls when they were issuing watered stocks and spurious bonds on fictitious values and unloading them upon the innocent and unsuspecting widows? These minions of darkness, these ministers of evil, these parasites upon industry, these financial pirates, must be eliminated. When they are caught, when their corrupt and debased practices are brought to light, when the white light of investigation and publicity reveals them as they are in all their hideousness, then they seek to hide and throw down a barrage of "widows and children" to protect themselves from the wrath of an indignant public. We are not going to let them do that. We are no longer going to be duped and blinded by this smoke screen of insidious, sinister, and damnable propaganda.

Some of the Republican leaders say that the policies of this administration have retarded recovery, discouraged industry, hampered commerce, destroyed individual rights, caused labor racketeering, created strife between industry and labor, ruined the small businessman, increased unemployment, and regimented the farmer. When they make this charge they ignore the fact that of every 100 employed in the manufacturing industries in 1929 the number had dropped to 57 in 1933 and had risen to 75 in January 1935, or an increase of over 30 percent. They disregard the important fact that out of every $100 paid for wages in 1929 the amount was reduced to $36 in January 1933 and restored to $59 by the first of this year, or an increase of 69 percent. They forget that the pay rolls in the automobile business have increased 131 percent. They do not seem to read the cold facts set out by Dun & Bradstreet, which show that retail sales during the first year under N. R. A. increased 21 percent and that there have been fewer business failures than

at any time since 1920. They must know that bank failures have practically ceased. They know that many of the unfair and illegal trade practices that heretofore prevailed have been abolished. They know that child labor and sweatshop methods have been outlawed. They know that the right of labor to collective bargaining has been recognized. They know that the price of agricultural products has doubled and trebled. They know that electrical output and car loadings have increased. They know that the postal and express receipts have grown rapidly. They know that the market value of stocks and bonds has gone up billions of dollars. They know that lead, one of the important products of my district, which in 1932 was selling for 2.90, is now selling for 4.35, which is exactly an increase of 50 percent.

They know that the glass company at Crystal City, which is one of the most important industries in my district, is now working more men than it ever did and has built a new plant to put 500 additional women to work. In the face of these and many other known facts, some of the old reactionary die-hard Republicans are standing on street corners or sitting on goods boxes with the corners of their mouths drawn down talking in doleful and mournful tones about the terrible condition of the country, and they are afraid the Budget is not going to be balanced. In all probability they do not know what a budget is, and if they do it is dollars to doughnuts their own budget is not balanced. They shudder to think of the enormous debts that the Government is incurring and fear it will bankrupt the people to pay it when not 1 out of 10 of them ever paid or ever will pay a dollar of Federal taxes. They prefer to read the editorials of the big newspapers and the articles written by Republican henchmen and believe their statements rather than keep their own eyes open, read the market and financial news, make a few observations, be honest with themselves, and draw their own conclusions. Of course, no Democrat or any other forward-looking, progressive citizen is going to get into that attitude and is not going to be fooled or deceived by such talk.

Recently a rabid Republican was making a bitter partisan speech on the floor of the House, criticizing and condemning everything that this administration had done. In the height of his excitement, referring to the President, he exclaimed, "He is a one-termer!" A chorus of voices shot back the inquiry, "With whom will you beat him?" The speaker was dumbfounded, his tongue seemed to cleave to the roof of his mouth, his speech ended, and the question remained unanswered. Mr. Roosevelt will be renominated and reelected President of the United States. To even have a contest, the Republicans must have at least two things, a man and an issue, neither of which they have. They have few men in the country with any following, and most of them are closely allied with the policies of this administration and are not going to surrender their convictions. They are not going to follow any will-o'-the-wisp or jack-o'-lantern back into the Hoover camp. Neither are they going to be led by any conceited jackanapes into economic folly and ruin. There is no man to lead their disrupted, discordant, and bedraggled party.

What about the issue? If they want to cross swords on the farm program and completely abolish a plan that has brought the farmer 11-cent hogs instead of 2-cent hogs, 90-cent wheat instead of 30-cent wheat, 80-cent corn instead of 10-cent corn, 12-cent cotton instead of 5-cent cotton, $150 mules instead of $50 mules—if that is the issue, we are ready for the conflict.

If they challenge our monetary and banking policy, which has stabilized the dollar, made all currency legal tender, prevented bank failures, and made all bank deposits safe, we accept the challenge and point to their 12 years of rule in which nearly 15,000 banks failed, causing the loss of billions and ending in the closing of all banks.

If they criticize our Exchange and Securities Acts, which require all who place stocks and bonds upon the market to give a fair, honest, and complete statement of their actual and real value, so that the investor may know what he is buying, we will meet the issue by showing that under their reign unchecked, unbridled, and unscrupulous brokers, bankers, and gamblers sold billions of depreciated and worthless securities to the public, resulting in the most reckless orgy and wildest revelry of speculation and spending and, finally, ending in the loss of billions of savings and in the wreck and ruin of millions of lives.

If they condemn our tax policy, we invite attention to the multimillionaires who grew up under the fostering care and protective policies of their administrations which made no effort at all to apply equitable and just principles of taxation, but instead refunded to the big taxpayers several billion dollars that had been paid into the United States Treasury under income-tax laws passed by a former Democratic administration.

If they censure our social-security program, which gives aid to the aged and help to the unfortunates, we answer that during all their rule none of their leaders ever had enough of the "milk of human kindness" to even suggest such legislation. They dare not actively disapprove measures that bring security and peace and hope to those who have been unfortunate in the race of life and that offer comfort and consolation to those whose shades of life are lengthening. This is a program rooted in the very impulse and desire to serve and to help humanity. We will gladly give them battle on this plane.

If they denounce our spending of public money to furnish employment and alleviate distress, we counter with the charge that after the misrule, the application of false economic theories, and, finally, the complacent do-nothing policy of the last three administrations, this country was in such desperate straits, unemployment universal, destitution, suffering, and want rampant, that it became necessary for this administration to spend millions to save the people from abject penury and even death. If this be the battleground, we are armed and ready.

In the coming conflict the lines of battle will be tightly drawn. On the one side will be the small but strongly entrenched selfish and greedy interests of the country making a final, determined, desperate stand. On the other side should be all those striving to secure a fuller measure of economic security and a higher degree of social justice.

Knowing the righteousness of our cause:

We summon to this contest the 6,000,000 farmers whose conditions have improved and who have been saved from foreclosure and ruin by the agricultural policies of this administration.

We marshal under our banner that host of bank depositors who have been made safe and secure by bank-deposit insurance laws.

We muster in that long line of security investors who by reason of our exchange and securities acts may now know the real worth of their investments and who may not now be deceived and defrauded.

We assemble at our camp the multitudes engaged in industry that are striving by fair business practices to serve the public and to obtain a just and reasonable income for their investment and labor.

We register those millions of laborers who have received employment and whose right to collective bargaining, in order to secure minimum wages, maximum hours, and better working conditions, has been recognized.

We enroll all the aged and unfortunate whose lives have been cheered and comforted by social-security legislation.

We enlist that throng of men and women who, through no fault of their own, was in need and who received aid and assistance.

We summons to the colors those 700,000 young men whose lives have been bettered and broadened and brightened and their families have been aided and sustained by reason of their service in the conservation camps.

We call to arms that great body of the plain, common people who must recognize in this administration an honest and a sincere desire to serve and to help.

Then we can hear the tread of the militant hosts of democracy supported and sustained by the progressive, independent, and liberty-loving men and women of every party and creed moving forward to answer the call. This may appear to be a motley array. It may seem to be a dis-

organized army. They may not come in brilliant panoply or arrayed in complete armor, but they will come with all the chivalry of knighthood and the enthusiasm of crusaders to battle for the right and under the command and the leadership of the greatest general in history; we cannot lose.

"Up comrades, and at them!"

THE COURSE OF NEUTRALITY LEGISLATION

Mr. KLOEB. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a radio address delivered by me on invitation by station GAR at Cleveland on February 2, 1936.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KLOEB. Mr. Speaker, under leave to extend my remarks in the RECORD I include a radio address delivered by me on invitation by station WGAR at Cleveland on February 2, 1936.

The radio address follows:

My friends, within recent months it has been freely predicted by competent American observers of international affairs that another world war is to be expected within the next 2 or 3 years. The unsettled conditions, feverish construction of armies, navies, and of implements of war in Europe and in Asia draw a parallel condition to that existing immediately prior to 1914. With the horrible experiences of our pre-war period fresh in our minds, it is but natural and proper that the thoughts of the American people have been directed toward establishing a declared policy of neutrality upon our part in advance of another conflict. Our failure to maintain our neutral position during the World War has led us to study the causes and the errors that inevitably led us into that war, and now impels us to attempt to set a standard of procedure that will save us from committing the same errors again.

The duties and the privileges of a nonparticipating nation to maintain and preserve its neutral state have constituted a progressive source of study since the beginning of modern civilization.

From the time of ancient Egyptian civilization that existed along the valley of the Nile, down to the latter part of the Middle Ages, the right of a state to remain neutral was not conceded by belligerent powers. A nation was expected to align itself with one or the other of the contestants.

In 1625 Hugo Grotius propounded the first theory of a neutral position. He stated that it was the duty of a neutral country to do nothing to support a wicked or a powerful cause and to refrain from hampering the movements of him who waged a just war.

The United States has contributed much toward the formation of rights of a neutral state. The immortal declaration of George Washington to refrain from entangling alliances rings in our ears. Thomas Jefferson caused the enactment of the first neutrality law in this country, which established an embargo on the exportation of goods. In 1898—and this is extremely significant to those who at the present time would accord no discretion whatever in the Executive—the Congress enacted the following joint resolution into law:

"*Resolved*, That the President is hereby authorized, in his discretion, with such limitations and exceptions as shall seem to him expedient, to prohibit the exportation of coal, or other material used in war, from any seaport of the United States until otherwise ordered by the President or by Congress."

This statute remained in effect until amended on March 14, 1912. It gave to Presidents McKinley, Theodore Roosevelt, and William Howard Taft unlimited authority to prohibit the export from the United States of any materials used in war.

Prior to our entry into the World War we sought to maintain our neutral position by reliance upon the rules of international law which, contrary to public opinion, is not law at all, but rather a mere comity of nations built up through long years of usage and practice. As a consequence our efforts to maintain neutrality shifted from day to day. We sought to maintain our so-called freedom of the seas, which today is nothing more than a myth and a meaningless term. The freedom of the seas theory applied only to noncontraband goods. A warring nation has the privilege of listing such articles as it deems contraband and of submitting this list to the neutral powers. These contraband lists became so extensive as to cover nearly every article of commerce. The Hague submitted a list of 851 articles which it deemed contraband, and they were later criticized for having missed the goal by some 200 additional articles. The warring powers merely submitted these lists to us with the injunction, "take it or leave it." It was our privilege to accept the lists and cease transactions in the articles proclaimed as contraband, or go to war.

In 1933 the Congress passed the Johnson Act, which, in a sense, is a punitive measure. It is the law today. It provides that no loans shall be made to countries engaged in war that are in default on their indebtedness to the United States. It does not cover credits, the extension of which had much to do with leading us into the World War.

On August 31, 1935, the Congress hurriedly passed the Neutrality Act, which is now the law. In effect it prohibits the exportation of munitions of war, and prohibits American citizens from traveling on the vessels of belligerent powers except at their own risk. It is a makeshift law that by limitation expires on February 29. The framers intended that the Congress this year would enact a permanent neutrality measure. This we have been and are now attempting to do. The House Foreign Affairs Committee, of which I am a member, held daily hearings throughout January and has just reported out a bill which it deems adequate and sufficient.

When the *Lusitania* went to the bottom of the sea in 1915 she carried with her three glaring errors that contributed to our entry into the war. First, she carried ammunition in her hold, shipped from the United States and destined for delivery to a warring nation. Second, she carried munitions sold on credit. Third, she carried on her decks 159 American citizens bound for a joy ride on a belligerent vessel, thus jeopardizing the safety of 120,000,000 people. One hundred and twenty-four of them sank with the *Lusitania*.

It has been my theory that if our laws prohibit the sale and exportation of munitions of war, prohibit the making of loans and extension of credit to any warring nation, and forbid American citizens to travel on belligerent vessels except at their own risk, that we will have corrected the errors that contributed toward our entry into that conflict.

The bill reported out by the House Foreign Affairs Committee provides for these very things. The prohibition of exportation of munitions and the making of loans and credits are automatic upon the outbreak of a war. The President has no discretion. This is as it should be. The United States ought not be put in the position of maintaining an arsenal to supply warring nations with the implements of war. Neither should these nations be supplied with the money and credit to maintain their wars, for this is even more important than obtaining the actual munitions of war. While these provisions are designed to keep us out of war, they will also have the effect of deterring foreign wars. Most of the nations of the world today are in the five-and-dime class. If the bankers of the world refuse to supply the money, nations will be less eager to declare war.

The controversial section of the present bill is section 4, which gives to the Executive the authority, when he finds that it will serve to promote the security and preserve the neutrality of the United States, or when he finds that it will protect the lives and commerce of nationals of the United States, to prohibit the export of articles or materials used in the conduct of war, as distinguished from munitions, beyond the normal peacetime shipments.

Discretion in the Executive is necessary in connection with the operation of this section. If the conflict is localized, as most wars are, then our neutral position is not endangered and the application of the section need not be invoked.

By limiting our trade with warring countries to a normal peacetime basis we take a precautionary step against another terrible depression. We have learned from the last war that abnormal wartime trade, which is carried on chiefly through loans and credits, because these nations cannot long pay cash, lifts us to the peak of economic production and then more abruptly drops us to the depths of the valley with misery, want, and losses that far exceed any momentary profit that we may have made.

There is some objection to the present bill from Americans of Italian descent, who are fearful that the application of the normal peacetime trade section will prevent Italy from receiving sufficient oil should the League of Nations include this article in their sanctions against Italy. They claim that the enactment of such a section while a war is in progress is an unneutral act. The committee has recognized this situation. Section 16 of the bill provides that if any of the provisions of the act would contravene treaties now in force between the United States and any foreign country, then before such provisions become applicable the President shall enter into negotiations for the purpose of modifying the treaty provisions; and if he should be unable to so modify, then he shall give notice of termination of the treaty in accordance with the terms of the treaty. The treaty with Italy provides for at least 12 months' notice of abrogation. Hence this section could not possibly affect Italy short of 12 months after notice, and then would limit her to normal peacetime quotas. The committee felt that the United States should maintain its position of observing the sacredness of treaties.

We are the last remaining bulwark of western civilization. If we permit ourselves to become engulfed in another world catastrophe and our manhood to be bled white, then it can mean but one thing—the abdication of the supremacy of the white race and the ascendency of the yellow race.

Let me remind my listeners that no law or set of laws, that no precautionary steps that we might now take can keep us out of another world war if we have not the will to stay out. These laws can only serve as a polar star to guide us over treacherous shoals.

Joseph Tumulty, secretary to President Wilson, wrote as follows in 1921:

"No sooner was the President's proclamation of neutrality announced than the differences in points of view in racial stocks began to manifest themselves in language, both intemperate and passionate, until his advice to his country 'to be neutral in fact as well as in name' became a dead and expressionless thing."

The verdict, my friends, whether we shall go in or stay out of the next world war, if and when it comes, and God grant that it does not come, rests finally with the American people.

THE DEMOCRATIC PARTY AS A NATIONAL FORCE IN SECURING THE BLESSINGS OF LIBERTY

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address by Judge Fred H. Davis at the Jackson Day dinner.

The SPEAKER. Is there objection?

There was no objection.

Mr. CALDWELL. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the folowing Jackson Day dinner address by Judge Fred H. Davis:

Christianity, with its doctrine of brotherhood, its sense of love and pity, brought into the world the idea of man's dignity and importance as an individual, and thus laid the foundation for a doctrine of political democracy. As a result of Christian influences there grew up in the Old World two classes of men relatively free—the serfs who had bought their freedom from overlords and the burgesses who had wrested free charters from their sovereigns giving them a right to local self-government. But for a long time democracy as a political factor existed only as a kind of "stone-throwing" agency through which, at times during the early history of civilization, petty princes and tyrants were overthrown and popular government given some play, autocratic though it was.

The ancient autocrats depended for their rule of men upon the employment of force. But with the coming of trade and luxuries in a changing economic era there came a relative refinement of methods. The powerful no longer attempted to seize property by brutal force, but resorted to more subtle and decorous methods. As part of this changed technique of the ruling class, those who were wealthy began to lend money on interest and thus laid the foundation for our modern economic and political system wherein the soldier has become superseded by the lawyer and chicanery has taken the place of force as a method of political domination.

Modern democracy has only come about through the fierce struggles of three revolutionary centuries wherein flaming appeals to democratic principles, and, I might add, prejudices as well, so aroused the popular emotions as to enlarge the French conception of philosophic and literary freedom into a doctrine of universal political liberty wherein for the first time was recognized that there was such a thing as the natural rights of man.

The principal result of the American and French Revolutions was the liberation upon the world of the idea of individual self-expression of the people in politics. In the American Republic, Hamilton, the leader of conservative Federalists had said in the Constitutional Convention that all communities divide themselves into the few and many, the first being the rich and well-born, the other the mass of the people. No one realized better than Hamilton, and even those who entertained a different viewpoint on government than he, that to preserve selfish power, special privilege could assume any political shape, monarchy, tyranny, oligarchy, autocracy, and even democracy itself, the real antithesis of democracy being absolutism as a medium of governmental rule.

One of the significant features of history has been that the natural sciences and the ideas of democracy have arisen and developed together. The enemies of reform have on every hand advocated inflexible adherence to the principles, practices, and institutions of our forefathers, which, in the interest of their own self-perpetuation in social, economic, and political positions of dominance over their fellow man, they represented as the acme of excellence and the consummation of wisdom beyond the perfection of which no new conception of the human mind could ever hope to advance.

While Hamilton condemned the masses, Jefferson, the first great Democrat and the father of the Democratic Party, placed his faith in them. Jefferson believed in an individual and humanistic democracy—one that recognized the right to universal citizenship suffrage as a vehicle of control of governmental policies as opposed to the arbitrary and selfish rule of the "rich" and the so-called "well-born." The new democracy of Jefferson, bent on leveling down all social distinctions such as had been comprehended in the French idea of the three estates of mankind made up of the nobles, the clergy, and the people, rose steadily from the foundation of the United States as a republic, but half a century rolled by before democracy came into the full fruition of its advance to power.

Thus democracy, bent on its idea of liberty, equality, and fraternity as a new doctrine in politics, and sometimes by its enthusiasm for equality between men mistaking the superficial for the real, was at least successful in installing Andrew Jackson in the White House. As a result of Jackson's election, the mode of electing the President of the United States was changed by providing for the elimination of all discretionary powers in the electoral college. The corruptly controlled system of caucus nominations for President and Vice President made by a canvass of the political situation in Congress by the dominant leaders who there selected two men to be supported by their parties for the Presidency and Vice Presidency was dethroned. It was Jackson who became responsible for our modern system of nominations for President and Vice President by responsible political parties whose chosen electors in the electoral college were pledged to vote for the party nominee. And so it is that in Jackson, the second great and towering figure in Democratic Party history, the people themselves really took over the Government of the United States which had, up to that time, been practically held in trust for them by their advocates and leaders, Jefferson and Madison.

Though Thomas Jefferson founded the Democratic Party on the principles of popular government accomplished by suffrage of the people, and his influence and power as a party leader lasted longer than that of any other individual in the country before or since, it was not until the election of the dynamic Andrew Jackson that the people really came into power and the Democratic Party became such in fact as well as in theory. While Jefferson and Madison firmly believed in popular government, they were, as individuals, aristocratic in birth, breeding, and environment. And so it remained for the humbly born Jackson to actually put the Democratic theories of Jefferson and Madison into practical effect.

Under Jackson the people really participated for the first time in politics generally. Under Jackson for the first time politicians were compelled to address their appeals to the individual voters and to endeavor to reach public sentiment. He was not only the champion of the common people like Jefferson—he was one of them. Jackson was a man of action and not a theorist. As a result the party struggles and political battles in which he so earnestly and vigorously engaged, were dramatic and bitter.

So completely was Jackson the apostle and representative of democracy in action, as distinguished from democracy in theory, that the name of the party was changed in 1828 from that of "Republican" to "Democratic" as a result of Jackson's election. For this reason, an annual dinner, such as this one, in Jackson's honor is customarily held on the anniversary of the occasion of Jackson's great military victory at New Orleans. On such occasions suitable and appropriate addresses are accustomed to be made in commemoration not only of the renaming of the people's party as the "Democratic" party, but in honor of the historical figure who first demonstrated its potency as a practical agency of national government in the interest of the common people.

From 1860 to 1930 the Democratic Party has been in power only 16 years; in control of Congress only half of that time. With the War Between the States it changed from a majority to a minority party and during that succeeding period of time has been defeated in presidential contests 13 times. One of the defeats, however, was that of Samuel J. Tilden in 1876. It was not really a defeat, but a victory, though the party was deprived of its fruits. That unsuccessful campaign, however, accompanied as it was by opposition chicanery and atended by near revolution, nevertheless resulted in the redemption of the Southern States from the corrupt and tyrannical rule of northern carpet-baggers and restored to the people of the defeated Southern Confederacy a resumption of their destiny to rule in the true spirit of the democratic principles in which the Democratic Party was conceived and born.

From 1796 to 1932, both inclusive, the great Democratic Party of America whose adherents we have chosen to be, has nominated 35 presidential candidates. Eighteen of them have been elected and seventeen defeated. Since 1824, Jackson's first campaign, in which he as the democratic candidate was defeated, the Democrats have polled 148,193,817 popular votes as against 157,910,950 votes for their opponents, and this, notwithstanding the almost complete destruction and demoralization of the party as a political factor because of a division within its own ranks just before the Civil War. With respect to the State governments and municipal governments, the Democratic Party has been the dominant party in a majority of the States, even when the country's President was of a different political faith.

Perhaps no party in any country's political history has given to the nation in which it was a political factor, more sound, constructive, and imperishable governmental doctrine than has the Democratic Party of the United States.

Under Jefferson and Madison it gave to the Nation the Bill of Rights imbedded into the first 11 amendments to the Federal Constitution.

Under Jackson it gave to the people a more workable and democratic method of choosing a President and Vice President according to popular vote.

Under Monroe it gave not only to the Nation but to the world at large the Monroe Doctrine under which these United States have preserved their place in the sun as a great national power without having to become embroiled in European politics or European or Asiatic strifes.

Under Grover Cleveland the Democrats saved the money of the country from ruinous inflation if not total destruction to the peril of society itself at that time.

Under Woodrow Wilson the Democratic Party conducted a great World War with an almost complete absence of the political plundering and governmental graft that had characterized the preceding Spanish-American War and Civil War conducted under a different party administration. It is significant that the most rigid investigation by the Republican Party following the Armistice in 1918 failed to reveal any thievery in the World War's conduct that was not of trivial nature.

In addition, President Wilson gave to the Nation for the first time a comprehensive program of genuine constructive legislation adapted to our modern society and advanced economic era, beginning with the Federal Reserve Act under which the war was financed and the post-war reconstruction expenses cared for. Had it not been for the abuses of this Federal Reserve Act, perpetrated or permitted under the administrations of Harding, Coolidge, and Hoover, which followed that of Wilson, we should never have had the great era of speculation which finally culminated in the almost total financial collapse of the Nation and all of its resources in 1929. It was the abuse during preceding administrations of Democratic financial measures that necessitated the application of remedies, both drastic and extraordinary, when the Democrats again

resumed power in 1932 under the vigorous leadership of Franklin D. Roosevelt.

In territory, the Democrats under Jackson abandoned for the time being their traditional policy of strictly interpretating the Constitution and thereupon acquired the great area of Louisiana and made it a part of the United States. Under another Democrat, Polk, was added the great Northwest Territory, comprising the States of Oregon and Washington, while under Democrats Pierce and Buchanan the acquisition and addition of Texas and California as a part of the territory of the United States to become a part of our great National Union was made an accomplished fact.

Today the foundation principles of the Democratic Party are more widely accepted in the Nation at large than ever before. More people are now legally allowed to vote than at any previous time in history and they are voting more intelligently as a result of Democratic Party activities.

Women have been emancipated under Democratic influences and are taking an important part in the daily life of the Nation. The workingmen have better wages, shorter hours of labor, and higher standards of living. The farmer is receiving attention never paid to him before except at election time. All this has been occasioned as the result of measures sponsored and put into effect through Democratic Party impulses.

Furthermore, there are wider opportunities of material advancement, communications are cheaper and more rapid, and peoples have been brought closer together, because of the fact that Democratic principles of economics and of government are now more universally accepted than hitherto. Education of the masses has become a national policy because of a Democratic demand that it be done, and as it proceeds is fast reducing the obstacles that nature and human nature have always opposed to true equality amongst men.

Even in our courts of law, the underlying spirit of the Constitution is assuming an importance greater than its letter, through a realization of the fact that in a truly democratic Nation, the only difference between one form of absolutism or tyranny and another, will lie in the numbers of those that impose it, unless the spirit or "ethos", of our Democratic Constitution, as it is called, is made a part of our ideal democracy. In such a democracy law is destined to be, not an authority imposed by the force of a small number, or by the passions and prejudices of a large number, but an authority of government exercised by the practically unanimous consent of all the citizens. It was the Democratic Party that first conceived and expressed as an ideal of the American Nation—the concept of a true Government of the people—a Government by the people and for the people under the limitations of a national Constitution designed to speak the will of all the people themselves so long as it endures as the paramount charter of National and State authority.

Under the administration of President Franklin D. Roosevelt, whatever may have been his errors or mistakes of policy, if any, as to the manner in which he sought to achieve some of democracy's specific aims in the form of legislation for the general welfare, it has been the objective of the Democratic Party to give to every citizen—yea, even to the heretofore "forgotten man"—the right to aspire to a larger and fuller life. It has been the Democratic Party's objective to bring into practical utility a truly self-governing state from which all autocratic forces have been excluded and in which the real powers of government are both held and exercised by all the people, actually and well as nominally under the reign of established law.

Such, indeed, is that true liberty intended by the founders of our Nation and the authors of our Constitution. To secure its blessings, the efforts of our national leadership has been, and is, the realization of true equality in citizenship through the abolition of all forms of special privileges, both political and economic, in the Nation, thus bringing together our citizenry in a new bond of highly developed social consciousness for the general welfare of the people as a whole.

WASTE—BOONDOGGLING THE TAXPAYER

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address by me delivered over the National Broadcasting Co. last night.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following address which I delivered over the National Broadcasting Co. Tuesday night, February 4, 1936, from Washington, D. C., 10:45 to 11 p. m., eastern standard time:

I am speaking to you tonight as a member of the Appropriations Committee of the House of Representatives. This is the committee charged with the duty of passing upon the President's Budget and of actually appropriating money to be spent by the Federal Government. I hope that the announcement that I am a Republican will not scare Democrats away from their radios. Let me assure you now that I do not intend to refer to the family warfare being waged between Democrats and New Dealers, nor am I going to say a word about a certain speech at a recent Washington dinner.

I am hopeful, rather, that my listeners will assume their ever-present role of taxpayer, and if there are any unemployed listening in who have been unable to get work on relief projects, so much the better. My talk is intended for them also.

Now there is not any fundamental antagonism between a taxpayer and a man on relief, or a taxpayer and any sane and sensible relief set-up. The average taxpayer is willing to meet his share of the burden of relief expenditures. At the same time he is sternly determined—and he should be—to get his money's worth.

The relief problem can be solved. It can be met more efficiently and more understandingly for those on relief if the expenditure of taxpayers' money is made without waste and without the greedy hand of the party politician. The taxpayer's dollar appropriated for relief should go to relief. It should not be sidetracked by a huge, ever-growing bureaucracy of hungry, partisan politicians. Administration costs should be lessened. Silly projects of no permanent value are wasting millions of dollars. As much of the relief dollar as is possible should go to the relief of the unemployed and needy.

Relief is a serious problem worthy of serious study. Yet an amusing word which, however, in its very meaning and implication portends tragedy and possibly scandals, has crept into the relief situation. That word is "boondoggling." Lately we have been invited, at least in an informal way, to become boondoggling-conscious. The invitation has been extended by no less a person than President Roosevelt himself.

About 2 weeks ago, at Newark, N. J., the President had this to say about boondoggling. I quote his exact words:

"There is a grand word that is going around, boondoggling. It is a pretty good word. If we can boondoggle ourselves out of this depression, that word is going to be enshrined in the hearts of the American people for many years to come."

Thus "boondoggling" has admittedly become a part of the administration's program.

The President's suggestion that we "boondoggle ourselves out of the depression" proves what has been contended, that therein lies the key to the administration's whole policy. It is the fantastic course that the New Deal has pursued through a maze of experiments which have been proven to be failures. It is the policy which has led us to the bewildering, chaotic state we unfortunately find ourselves in today.

I think to most of us, the word "boondoggling" means made work of no permanent value. General Johnson, of N. R. A. fame, calls it "a variety of forms of labor not recognized by economists as particularly useful, productive, or constructive."

That definition summarizes most of the boondoggling projects. I ask you this question: Do you as a taxpayer wish to see your hard-earned dollars wasted on Federal projects of no permanent value or use? I think the answer is "no."

With the President's expressed hope that we boondoggle our way out of the depression, it must be apparent now that we are not planning our way out. We are not even spending our way out, although billions of dollars of your money has been used for that purpose. Relief rolls still are crowded. The unemployed number more than 11,000,000. This picture is very nearly the same as it was the day Mr. Roosevelt became President, and despite the profligate use of billions of dollars. It must be apparent, therefore, that we are wasting our way—not out, but deeper into trouble.

Sensible people know that we cannot boondoggle our way out of the depression. They realize that the practical use of boondoggling makes doubly hard the job of giving adequate relief. Everywhere there is growing concern. The question is asked, How and when is the staggering bill to be paid? People with families are rightfully beginning to worry about the future of their children and their children's children.

I do not wish to burden you with figures, but let me point out that the President's Budget message in January admitted a deficit for the coming year of more than $2,000,000,000, making a total deficit for this administration since 1933 of about $13,000,000,000. But that was a month ago. Today it is indicated that the deficit for the coming year will be $5,000,000,000, a total for the Roosevelt regime of $16,000,000,000. On March 4, 1933, our national debt was $20,000,000,000. On March 4, 1937, it will be $36,000,000,000. And, despite increased revenue, expenditures today are pouring out faster than money is taken in. Assuredly, this is a gloomy picture. It means we are making no progress with our relief problem.

That problem is not political. There is a difference of opinion, however, as to the method to be used in meeting it. There is a double duty involved in this problem on one hand—it is ministering to the needs of the unfortunate and on the other accounting to those whose money is being spent. Remember that extravagant lavishness with other people's money is not evidence of great humanitarianism. Rather it is evidence of an irresponsible, carefree nature.

There are two ways of expending relief money, efficiently and economically, or inefficiently and wastefully. Work-relief projects are either worth while or they are vote baiting, and a demoralizing waste of time, energy, and money. Every dollar that we can save through economical administration of relief is another dollar for relief itself. Yet there is huge waste, and it is time for the taxpayer and the unemployed alike to register a protest against useless boondoggling.

Much of this waste is due to an ever-growing bureaucracy centered at Washington. A lot of it is due to the energetic application of the spoils system and partisanship of the administration of relief. Washington has become an overcrowded boom city, jammed with Farley appointed politicians. This huge political machine wastes the people's money. It has been built up by

ignoring the civil service, and if the President is sincere in his recent statement to the League of Women Voters, endorsing the merit system of selecting Government employees, then it is his duty to investigate immediately what his job dispensers have been up to, lest his endorsement appear not only hypocritical but ludicrous as well.

Let me point out that in 1933 more than 80 percent of those on the Federal pay rolls were under the competitive merit system. Today only 57 percent of Federal employees are in the permanent civil service. Mr. Farley has appointed more than 200,000 political hitchhikers to non-civil-service positions, demoralizing the existing civil service based on merit, and forcing out trusted and tried public servants to make way for itinerant political wasters.

No wonder we have boondoggling. No wonder we see the taxpayer's dollar being frittered away. No wonder honest, patriotic, unemployed men and women are becoming more and more disgusted with the New Deal.

Now, I have said there is a solution for this problem of relief and unemployment. What is it? First of all, take the Government out of business. Stop the Government from competing with its own citizens with taxpayers' money. Encourage honest business to plan for the future by discontinuing excessive and continuous Government meddling. This would restore confidence and stability. Industry will spend billions of dollars, and you may rest assured no part of it will be for boondoggling.

I agree that the cost of relief largely must be paid out of the Federal Treasury, because States, cities, and counties to a great degree have exhausted their resources. But I do not agree that the administration of relief should be centered in a flippant, political boondogglacy here in Washington. The administration of relief should be nonpartisan, and it should be local. Every locality knows better how to take care of its own unemployed than do outsiders. I know of many counties where relief used to be administered by nonpartisan committees of patriotic citizens serving without pay. They had only a small paid staff. The result was that the relief dollar went for relief, with none of the tremendous overhead employed in its present handling by the Federal Government. More people were given useful work at less cost.

Unfortunately, in these same counties today relief is being administered by hordes of political-appointed officeholders from distant places. Not only is the overhead and waste enormous, but there is a lack of understanding of the local unemployed and relief problem.

I submit that local control and administration, local knowledge and understanding, under State accountability of funds would make the Federal dollar for relief go further.

Let me remind you that next year's expenditures, exclusive of relief, will be more than $6,000,000,000. That is not all. The President has recommended to our committee an increase for every single ordinary permanent department of government. This recommendation is in face of his promise to reduce the cost of government 25 percent, and instead he has increased it approximately 25 percent. How can relief be adequate if at the same time we are extravagant and wasteful in our ordinary Government housekeeping?

With our growing deficits and increased budgets, both for ordinary and emergency expenses, with the threat of impaired Government credit and the specter of bankruptcy and chaos, we cannot afford to waste a single dollar of the taxpayer's money. To do so robs those on relief of much of the money specifically set aside for their benefit. I hope that my radio audience will agree with me that politics and waste should be eliminated from our relief problem.

WE MUST BUY AMERICAN

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEFAN. Mr. Speaker, only a few weeks ago those of us who were returning from the Philippine Islands, where we attended the inauguration of the Philippine Commonwealth, had opportunity to stand on the docks of Nagoya, Japan, and witness the loading of our ship with considerable Japanese merchandise. I am positive that many of the Members of this House witnessed this scene, but I doubt if many gave it much attention. So impressed did I become with this scene that I take these few moments to tell about it on the floor of the House of Representatives. I tell it now because so much is being said here regarding the serious condition in our country as regards unemployment.

We have been spending many billions of dollars to put unemployed people back to work, and after all of this spending, we are told by officials of the Government, and by officials of the American Federation of Labor, that we still have ten or more millions of unemployed men and women in our country.

It is because of this unemployment problem, which is giving me much uneasiness of mind, that I recall that scene in Japan, because in this scene I believe we have much of the secret of why we are unable to cope with our unemployment problem, although we expend billions to eliminate this perplexing problem.

This American vessel on which we were passengers—an American vessel subsidized by the American taxpayer—was loaded to the gunwales with gigantic boxes filled with Japanese-made merchandise—all of it destined to American chain stores, one of which, according to income-tax records, pays five of its employees $100,000 each a year as salary. I followed this merchandise into these American stores where it attracted the throngs of unemployed who buy because the merchandise is cheap in price, and in my opinion, it is very cheap in quality.

Mr. Speaker, the Nagoya scene was not the only scene of this kind we witnessed on our visit to China, Japan, the Philippines, and Hawaii. Some members of the Insular Affairs Committee, of which I am a member, made it our business to visit industrial plants, business houses, and the farms of China, Japan, and the Philippines. We know from first-hand information about the low wages paid by employers in those countries to the men, women, and children there. We as Americans who believe in upholding the American standard of living, know that American labor, both skilled and unskilled, can never compete with the slave wages paid in those countries. My investigations have brought me to the belief that these slaves are not only being exploited by their employers, but are being exploited by encouragement from our side of the ocean with the result that our own workers who today are looking for a job, are forced to buy cheaper goods which can be sold cheaper by American stores because these goods are made cheaper by slave workers in foreign lands.

These 10,000,000 or more Americans who are unemployed will stay unemployed, in my opinion, unless American industry and the American Government stop the importation of this slave-made merchandise, or Americans join the new movement to Buy American.

Speaking to a representative of a great American store (not a chain store), I was informed that his store ships to China and the Philippine Islands boat loads of cotton and silk cloth which is manufactured into underwear and other wearable goods and embroidered in that land because it can be worked cheaper. An illustration that an American store finds it profitable to ship unfinished cloth goods to China and other lands in order to take advantage of the cheap labor there. I was told that this one store has two or three factories in the Far East taking advantage of this cheap labor.

I personally visited a factory where I was told a thousand natives were employed, working on similar clothing for another American house. This same factory "farms out" thousands of tons of work to native workers in the interior of these countries, and in some cases fifty thousand of these low-paid natives are working for this American industry. These foreign-made goods are sent back to our land and sold to our people.

In my opinion, a great majority of this merchandise can be made in America. With the proper encouragement new fields could be opened for the employment of millions of unemployed in our own land. Much of the foreign-made goods, made of foreign material by foreign laborers represents just so much labor taken from the hungry of America. I cannot understand why we should be providing jobs for people in foreign countries at a time when our own people are looking for jobs.

We are told that we sell more to Japan than we buy from Japan. Yet we find that Japan has taken all of our textile business in the Philippines, indicating that the raw material she buys from us is merely transferred in finished goods to a market rightfully belonging to us. We find in the Far East, jealously guarded industries which keep millions of low paid men, women, and children at work as the result of capturing trade in America. We find that these countries are watching very closely America's program of restricted crop production in order to capture, not only the merchandise business here, but also the market which belongs to the American producer.

Those of us who have gone to the Far East to study these matters have had the opportunity to see first-hand the

truth in charges that many alien wares are pirated designs of original American merchandise, often coming into our country under subterfuge, and parading as American goods. Mr. Frank X. Eble, former United States Commissioner of Customs, was right when he stated that millions of dollars worth of this class of merchandise is bootlegged into our country annually because thoughtless Americans think it is American merchandise. He is right when he states, "that international goodwill is not fostered by the American who needlessly buys foreign products when the same items are made in infinitely superior quality in the United States."

I do not believe that foreign countries buy more from us because we buy more from them, and I join in the statements already made that foreign countries make it difficult for us to sell in the world markets. If we cannot meet the slave-starvation wage scale which is represented in the foreign merchandise sold here in our country, we cannot expect to meet that kind of competition in the world markets.

To an American Congressman watching an American subsidized ship loading with huge cargoes of foreign goods in a foreign port, and at the same time watching foreign ships unloading corn and wheat from foreign countries into this foreign port, the fact is pressed upon his mind that something is happening to American labor which may result in the downfall of the American standard of living.

Certain American capital, which reaches out into the far world for this slave labor, in my opinion, is in no way aiding American Government in its desperate effort to bring back prosperity to America. Every cargo of foreign-made merchandise represents so much starvation labor, which, if continued, will reflect into every home in our land. American capital and American labor must walk shoulder to shoulder in this great struggle to bring a job to ten or more million men and women. Keeping the factories of foreign lands open with our money at this time is suicide to the factory workers at home. When we become prosperous again, we will buy these materials. We are not prosperous now and we cannot and should not buy them. Foreigners know that America is the world's largest buyer of foreign material, but it is a case of charity today. One out of every seven of us are working for the taxpayers because we cannot get a job. Charity begins at home, and one of the best suggestions which has been offered up to this time is to buy American. Buying foreign is no help to our 10,000,000 men and women who want a job.

THE VETERANS WILL MAKE GOOD USE OF THE MONEY MADE AVAILABLE TO THEM THROUGH THE PAYMENT OF THE ADJUSTED COMPENSATION

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short statement by one of my constituents.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, predictions have been freely made that veterans of the World War who are soon to receive their money through the payment of the adjusted-service certificates would fail to put these funds to good advantage. It has been charged that they would squander their money on nonessentials and luxuries.

It has been my contention that this splendid group of men would spend this amount in a highly satisfactory and commendable manner and in a way which would substantially benefit our economic structure. In this connection I herewith include what I believe to be most sound reasoning, as expressed by John Barger, of Keyser, W. Va., a constituent of my congressional district:

Since this $2,000,000,000 is going to be paid out for the bonus, it is indeed fortunate that the ex-service men are of sane and sober minds. By that we mean that the money won't be "frittered away", as has been predicted. It won't go in a wild spending orgy for things that won't do them any good.

It has been heard on every hand that inside of a year a large percentage of those who receive their bonus won't have a thing to show for it. When one stops to consider the character and present condition of the average ex-service man it can easily be seen that this is not so.

Practically all of that money will be expended wisely. The Hampshire Review explains that for two reasons the ex-soldier is the logical man to which money should be given if it is to be given.

The first reason is that the veterans are no longer youths without responsibilities. Almost 20 years have passed since they donned the uniform of their country and became its armed defenders. Most of them are men in the middle of life. Most of them have homes and families.

The second reason is that, like the rest of the country, they have just passed through a depression. Like all of us they have learned what it is to be without money and how precious it is. They know that to enjoy it it must be expended wisely, and they've learned that from a bitter lesson. It is hardly possible that they would "fritter away" their bonus money with the expectation of receiving more.

Ex-soldiers here have planned just what they will do with the money ever since there was the first hope of receiving it. Those who want their homes will make a down payment on one. Others will make improvements to their property; while others will buy furniture and other things that will be needed around the house.

Others have obligations they will pay or discharge. Some will buy that little plot of ground they have thought about. But you can be sure hardly any will waste their money.

The young man who joined the Army or Navy or the Marines in 1917 and 1918 is today a serious-minded, disillusioned citizen who has now reached the age where his old age and the future of his children and dependents are his chief concern. He isn't thinking of going on a spending spree and throwing his money away for pleasures that last only as long as his money holds out.

No; the people who think that are all wrong. Just watch what the veterans here do with their money. It will be spent on things that are needed and will be invested with the future in mind. No other single group in the United States could have been given that much money to better advantage.

TREASURY AND POST OFFICE DEPARTMENTS' APPROPRIATION BILL, 1937

Mr. LUDLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10919) making appropriations for the Treasury and Post Office Departments for the fiscal year 1937. Pending that motion, I ask unanimous consent that general debate may continue throughout the day, to be equally controlled by the gentleman from New York [Mr. TABER] and myself.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10919. Pending that, the gentleman asks unanimous consent that general debate may continue throughout the day, to be equally controlled by the gentleman from New York [Mr. TABER] and himself. Is there objection?

Mr. RANKIN. Mr. Speaker, I reserve the right to object, though I do not intend to. As I understand it, when the bill repealing the Bankhead Cotton Act and the Potato and Tobacco Acts comes over from the Senate this afternoon, it is the intention to have the Committee rise so that the House may consider that bill.

Mr. LUDLOW. That is quite acceptable to me.

Mr. SNELL. Mr. Speaker, I reserve the right to object to inquire something about that program which is coming up this afternoon, as long as it has been suggested.

Mr. BANKHEAD. Mr. Speaker, will the gentleman from Mississippi yield?

Mr. RANKIN. Yes.

Mr. BANKHEAD. Mr. Speaker, I ask the gentleman from Texas, chairman of the Committee on Agriculture, to reply to the gentleman from New York.

Mr. SNELL. It has been suggested that we are going to take up the repeal of these various agricultural acts this afternoon.

Mr. JONES. It is my purpose to ask unanimous consent as soon as the Senate bill comes over, which we expect in a few minutes, after the Committee has risen, to take the bill up and consider it at this time.

Mr. SNELL. Does not the gentleman think we ought to have a little time for the consideration of that bill?

Mr. BANKHEAD. Does the gentleman propose to oppose the repeal of these acts?

Mr. SNELL. Oh, no. I shall be very glad to uphold the President in passing the first constitutional act that he has ever asked us to put over.

Mr. BANKHEAD. Then why does the gentleman want to delay?

Mr. SNELL. Oh, I think we ought to have a chance to be heard, so that we may compliment the Democrats on what they are doing.

Mr. JONES. I hope the gentleman will not object to the consideration when the bill comes over.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Indiana.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10919, with Mr. GREENWOOD in the chair.

The Clerk read the title of the bill.

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that the first reading of the bill may be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. CARPENTER].

Mr. CARPENTER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein certain data from the Federal departments in regard to the State of Kansas.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CARPENTER. Mr. Chairman, the people of Kansas are proud of their State, of the struggles of their citizens through the privations and hardships of years past, the part that the State has taken in the affairs of the Nation, and of its statesmen and duly constituted representatives.

Kansas is not particularly partisan. The people generally vote for the man and are influenced by the issues at stake. They are apt to elect a Democratic Governor and other Democratic officials when the whole country has gone Republican, and again they may elect a Republican Governor when the whole Nation has gone Democratic. They have even elected Democratic Congressmen in districts predominantly Republican.

However, my reason for arising on this occasion is to stress the point that Kansas, over and above all other things, is duly appreciative of its blessings; and I wish it to be known throughout the length and breadth of this country that Kansas is duly grateful to President Franklin D. Roosevelt, his administration, and this Congress for the benefits that have been brought to Kansas; but more than anything else is Kansas grateful to President Roosevelt for what he as President of the United States has done for the State of Kansas. [Applause.]

This is the sentiment of Kansas as I found it this past summer and fall. And regardless of who might be his opponent, I believe that if the election were held today Mr. Roosevelt would carry the State of Kansas.

Kansas is principally an agricultural State, and the farmers feel that they have found a friend at last. As Lafayette came to the aid and assistance of the Colonies in their hour of need, so Franklin D. Roosevelt came to the aid and assistance of the people of Kansas and Kansas farmers in our hour of need.

Agricultural prices have again been restored, assistance has been rendered in saving the homes of the farmers and the people of Kansas and in enabling them to have funds to contribute to the State to pay its expenses. At the same time, the unemployed on direct relief have been taken care of, fed, and clothed by the efforts of President Roosevelt and his administration, thereby taking that burden off the shoulders of the State.

According to information furnished me by the State accountant, the amount of taxes required to be raised to pay the cost of State government of Kansas for the fiscal year ending June 30, 1933, was $22,918,000; for the fiscal year ending June 30, 1934, it was $25,349,000; and for the fiscal year of 1935 it was $25,643,000, making a total of $73,910,000. The cost of local government, embracing counties, townships, cities, school districts, and other subdivisions for which taxes had to be raised, was, for the fiscal year ending June 30, 1933, $81,458,000; for the fiscal year ending June 30, 1934, $72,411,000; and for the fiscal year ending June 30, 1935, $74,743,000, making a total of $228,612,000—altogether making a grand total for all the cost of the State and local governments of $302,522,000.

At the same time the Federal Government has given, granted, or loaned to Kansas and its citizens during these years the outright sum of $376,841,182.08, which with all other monetary benefits from the Federal Government to Kansas, including allotments for highway construction, P. W. A., C. C. C., and like projects, amount to a sum in excess of $460,000,000. This is a large amount of money, almost half a billion dollars. The amount coming to Kansas in payment of the soldiers' bonus will only amount to $31,436,036.43 by way of comparison.

In regard to the indebtedness of the State and its local subdivisions, I quote excerpts from the 1936–37 Kansas State budget, presented by D. A. N. Chase, budget director, as follows:

> The total indebtedness, bonded and otherwise, of all local governments per the 1932 budgets was $139,651,328; per the 1934 budgets, $122,889,370, a decrease of $16,761,958, or 12 percent. (Source, Operation of Cash Basis Law, Charles C. Wheeler, 1935.)
>
> The only State debt is for bonds issued to pay the soldiers' bonus. This has been reduced to $19,250,000, and matures $1,000,000 each year.

Making a grand total for all the indebtedness, bonded or otherwise, of the State of Kansas and all its local governments, including counties, townships, cities, and school districts, according to Mr. Chase, of $142,139,370.

Therefore, if you add all of the indebtedness, bonded or otherwise, of the State of Kansas to all the indebtedness, bonded or otherwise, of all its local subdivisions and then add to that the amount of taxes necessary to run the State for 3 years back, plus the amount of taxes necessary to run all of the local subdivisions of the State for 3 years back, you will have a total amount of $444,661,370 as compared to $460,000,000 of Federal funds that have gone to the State of Kansas. In other words, enough money has been paid into Kansas by the Federal Government in one form or another during the time this administration has been in power to pay not only all the indebtedness of the State of Kansas but all the indebtedness of its local subdivisions, including counties, townships, cities, and school districts, as well, plus enough to pay the tax bill of the State and of its local subdivisions above-mentioned, for the past 3 years.

Kansas has all these years been paying money out of the State and feels that she is justly entitled to receive part of it back.

This great amount of money furnished by the Federal Government has not only been of great assistance to the State of Kansas but to the counties, townships, and cities within the State as well in meeting their obligations and balancing their budgets.

In addition thereto, the greater percentage of private debts have been paid, many useful and necessary improvements have been constructed, farm-to-market roads have been built, thousands of ponds and many State lakes built and much flood-control work performed, business of all kinds has improved, income-tax payments are up, and towns and cities are filling up where the streets were lined a few years ago with empty buildings, as pointed out by the speaker here on the floor on March 22, 1933, in the following statement:

> Go out with me over my district, as I went over it the last 9 months; the little towns where the best building in town, the one that was the most modern and in which the people seemed to take most pride, the bank building, with a sign on the door saying, "This bank is closed and in the hands of the bank commissioners." Some of these nice buildings which had in former years housed thriving banks were now turned into restaurants and garages. The lumberyards in these towns, that used to be the beehive of activity, are closed, with a sign on the door saying, "If you desire to use the scales, see Mr. Smith at the filling station." Most of these little towns, and even the larger towns, have more empty buildings than buildings that are occupied.

Now there are no empty buildings; new ones are being constructed, new homes are being built once again, and we

hear the sound of the carpenter's and mechanic's hammer in the land. The State of Kansas, in addition to being the bread basket of this country, is fast being transformed into a garden spot in the heart of the Nation, and while, like myself, the people of Kansas may not have registered in favor of every policy that was supposed to have borne the New Deal label, yet is there any wonder that the look of fear and worry upon the faces of the Kansas farmers of a few years back have now been changed to smiles? [Applause.]

Federal funds advanced to Kansas the last 3 years are as follows:

Federal funds spent in Kansas during Roosevelt administration to 1936

Agricultural Adjustment Administration checks	$83,012,523.52
Farm Credit Administration	149,953,366.00
Federal Emergency Relief Administration	47,612,643.80
Civil Works Administration	11,989,993.74
Home Owners' Loan Corporation	32,055,039.00
Federal Housing Administration	1,061,351.74
Public Works Administration	[1] 8,998,943.00
Do	[1] 5,439,807.00
Reconstruction Finance Corporation	16,337,317.03
Emergency Relief Appropriation Act	[2] 20,380,197.25
Total	376,841,182.08
Emergency construction works estimate through September 1935	9,536,000.00
Amount apportioned to Kansas for highway construction	28,765,566.00
National recovery work-relief projects	2,100,000.00
Amount yet due on Public Works Administration allottments	16,972,774.00
Amount due under appropriation act	25,999,796.64
Grand total	460,215,318.72

[1] These figures, money actually spent. Allotted, $31,411,524.
[2] Checks actually issued. Allocations, $49,178,930.94.

Actual cash spent or allotted and which does not have to be paid back

Agricultural Adjustment Administration	$83,012,523.52
Federal Emergency Relief Administration	47,612,643.80
Civil Works Administration	11,989,993.74
Public Works Administration	31,411,524.00
Emergency Relief Appropriation Act	25,999,796.64
Highway construction allotments	28,765,566.00
National recovery work relief projects	2,100,000.00
Emergency construction works	9,536,000.00
Total	240,428,047.70

NATIONAL EMERGENCY COUNCIL,
Washington, January 16, 1936.

Hon. RANDOLPH CARPENTER,
House Office Building, Washington, D. C.

DEAR MR. CARPENTER: In reply to your telephonic request, we are attaching hereto a list of emergency funds allotted to the State of Kansas.

You will note that the last figures available are for varying dates; therefore it is impossible to make a grand total of the amount, but we hope this data will be of help to you.

We have been glad to ask the Public Roads Bureau to send you direct figures allotted to the State highway commissioners in Kansas for 1933, 1934, and 1935.

It is a pleasure to assist you, and we trust you will continue to call upon us when we may be of service.

Very truly yours,

HARRIET ROOT,
Chief, United States Information Service.

Kansas

AGRICULTURAL ADJUSTMENT ADMINISTRATION

Through June 30, 1934:	
Cotton	$3,052.00
Wheat	17,059,782.15
Tobacco	846.00
Total	17,063,680.00
Through June 30, 1935:	
Cotton	2,083.11
Wheat	24,174,188.82
Tobacco	8,605.13
Corn-hogs	16,814,310.60
Sugar	110,468.79
Total	41,109,656.45

Kansas—Continued

AGRICULTURAL ADJUSTMENT ADMINISTRATION—contd.

July 1, 1935, to Oct. 31, 1935:	
Cotton	$144.55
Wheat	20,607,089.41
Tobacco	4,918.14
Corn-hogs	4,218,085.11
Sugar	8,449.86
Total	24,839,187.07

EMERGENCY CONSERVATION WORK

Estimated obligations through Sept. 30, 1935	9,536,000.00

FARM CREDIT ADMINISTRATION

Through Oct. 31, 1935:	
Federal land banks	92,944,932.00
Land-bank commissioners	42,984,732.00
Federal intermediate-credit banks	2,927,142.00
Production Credit Association	2,537,959.00
Regional agricultural credit crops	926,595.00
Emergency crop loans	7,077,033.00
Drought-relief loans (1934–35)	3,092,932.00
Total	149,953,366.00

Some of the loans made by the regional agricultural credit corporations and banks for cooperatives, and most of the loans made by the production credit associations are discounted with the Federal intermediate-credit banks. Therefore adjustment is made in the total to avoid duplication.

FEDERAL EMERGENCY RELIEF ADMINISTRATION

Through May 31, 1935	36,880,647.00
Through Dec. 31, 1935	[1] 10,731,996.80
Total	47,612,643.80

CIVIL WORKS ADMINISTRATION

Through Nov. 30, 1935	11,989,993.74

HOME OWNERS' LOAN CORPORATION

Through Nov. 7, 1935: 17,656 loans for	32,055,039.00

FEDERAL HOUSING ADMINISTRATION

Through Oct. 31, 1935: Insured loans, 3,477, for	1,061,351.74

FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

Through June 30, 1935:	
Federal projects allotted	18,283,092.00
Expended	8,998,943.00
Through Dec. 15, 1935:	
Non-Federal projects allotted	13,128,432.00
Expended	5,439,807.00

RECONSTRUCTION FINANCE CORPORATION

From Feb. 2, 1932, through Sept. 30, 1935	16,337,317.03

EMERGENCY RELIEF APPROPRIATION ACT, 1935

Through Dec. 31, 1935:	
Allocations	49,178,930.94
Included are:	
W. P. A. allotments	12,447,137.50
F. E. R. A. grants	[1] 10,731,996.80
Checks actually issued	20,380,197.25

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
January 17, 1936.

Hon. RANDOLPH CARPENTER,
House of Representatives.

MY DEAR MR. CARPENTER: In response to your request by telephone, the following is a list of the allotments of Federal funds for highway construction in Kansas for the past 3 years:

Source of funds:	*Amount apportioned to Kansas*
$400,000,000 provided by sec. 204 of the National Industrial Recovery Act of June 16, 1933	$10,089,604
$200,000,000 provided by the Hayden-Cartwright Act of June 18, 1934	5,117,675
$125,000,000 provided for resumption of regular Federal aid by the Hayden-Cartwright Act	3,317,054
$200,000,000 provided by the Emergency Relief Appropriation Act of 1935 for highways	4,994,975
$200,000,000 provided by the Emergency Relief Appropriation Act of 1935 for grade crossings	5,246,258

Kansas also has loan and grant Public Works highway projects that were transferred by the Public Works Administration to this Bureau for supervision and audit. The tentative allotment by the Special Board for Public Works for these loan and grant projects amounts to $5,122,354.

In addition to the above, Kansas has National Recovery Work Relief projects of which the estimated total cost is $2,100,000,

[1] See Works Program.

$630,000 of which is to be paid with Public Works funds and the balance is to be paid by the Federal Emergency Relief Administration.

Very truly yours,

R. E. TOMS,
Acting Chief of Bureau.

Mr. LUDLOW. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 10919 and had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 3421. An act to authorize credit in disbursing officers' accounts covering shipment of privately owned automobiles from October 12, 1927, to October 10, 1929;

H. R. 3709. An act for the relief of the Norfolk Southern Railroad Co.;

H. R. 4805. An act authorizing adjustment of the claim of the Adelphia Bank & Trust Co. of Philadelphia;

H. R. 4858. An act for the relief of Edward Shippen West;

H. R. 6402. An act for the relief of Julia M. Crowell;

H. R. 7680. An act to amend the act of May 18, 1934, providing punishment for killing or assaulting Federal officers;

H. R. 7814. An act to authorize the Secretary of Commerce to grant to the State of California an easement over certain land of the United States in Tehama County, Calif., for highway purposes;

H. R. 7995. An act to authorize a preliminary examination of the Arkansas River and Fourche Bayou with a view to the control of floods in the vicinity of Little Rock and North Little Rock, Ark.; and

H. R. 8515. An act to provide funds for cooperation with Sanish School District No. 1, Mountrail County, N. Dak., for extension of public-school buildings to be available for Indian children.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 277. An act for the relief of the Perkins-Campbell Co.;

S. 903. An act for the relief of the Holyoke Ice Co.;

S. 1123. An act for the relief of William Sulem;

S. 1645. An act to provide for the creation of a commission to examine into and report the clear height above the water of the bridge authorized to be constructed over the Hudson River from Fifty-seventh Street, New York, to New Jersey, and for other purposes;

S. 1820. An act to provide warrant officers of the Coast Guard parity of promotion with warrant officers of the Navy;

S. 1828. An act for the relief of Mrs. Frank G. Sanford;

S. 2042. An act for the relief of Grace Park;

S. 2134. An act to prohibit employers from influencing the vote of their employees in national elections;

S. 2654. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of George B. Marx, Inc.;

S. 2912. An act to repatriate native-born women who have heretofore lost their citizenship by marriage to an alien, and for other purposes;

S. 2941. An act for the relief of Izelda Boisoneau;

S. 2942. An act for the relief of John Hoffman;

S. 2943. An act for the relief of John Morris;

S. 3090. An act for the relief of Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne;

S. 3121. An act to vest in the Register of Copyrights the registration of copyright prints and labels;

S. 3313. An act for the relief of George W. Olney;

S. 3430. An act to amend the act of January 5, 1927 (44 Stat. 932), entitled "An act for the relief of soldiers who were discharged from the Army during the Spanish-American War, the Philippine Insurrection, and the Boxer Uprising because of misrepresentation of age";

S. 3683. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

S. 3684. An act to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War;

S. 3687. An act to validate payments, and to relieve the accounts of disbursing officers of the Army on account of payments made to Reserve officers on active duty for rental allowances;

S. 3688. An act to validate payments and to relieve disbursing officers' accounts of payments made to Reserve officers promoted while on active duty;

S. 3699. An act to authorize the coinage of 50-cent pieces in commemoration of the fiftieth anniversary of Cincinnati, Ohio, as a center of music and its contribution to the art of music for the past 50 years;

S. 3737. An act to authorize the Secretary of War to acquire, by donation, land at or near Newburgh, in Orange County, N. Y., for aviation-field, military, or other public purposes; and

S. 3934. An act to repeal the Kerr Tobacco Act, the Bankhead Cotton Act of 1934, and the Potato Act of 1935.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10464) entitled "An act making appropriations to provide urgent supplemental appropriation for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon; and appoints Mr. ADAMS, Mr. GLASS, Mr. MCKELLAR, Mr. HALE, and Mr. KEYES to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3612) entitled "An act to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SMITH, Mr. THOMAS of Oklahoma, Mr. MCGILL, Mr. MCNARY, and Mr. NORBECK to be the conferees on the part of the Senate.

The message also announced that the Senate requests the House of Representatives to return to the Senate the bill (S. 3093) to provide funds for cooperation with Sanish School District No. 1, Mountrail County, N. Dak., for extension of public-school buildings to be available for Indian children.

REPEAL OF TOBACCO, COTTON, AND POTATO ACTS, 1934–35

Mr. JONES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3934) to repeal the Kerr Tobacco Act, Bankhead Cotton Act of 1934, and the Potato Act of 1935 and consider the same at this time.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the bill S. 3934 and consider it at this time. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER. Is there objection?

Mr. HOPE. Mr. Speaker, reserving the right to object, I should like to ask the chairman of the committee if some arrangement cannot be made, coupled with his request, if he sees fit, that I may have a few minutes to discuss this matter. I have a few requests over here for time.

Mr. JONES. I can see no objection to that. I hope the gentleman will be reasonable in his request, for we are anxious to get the matter disposed of. The consideration of the appropriation bill is being suspended until we act upon this. The Senate passed it in just a few minutes. How much time does the gentleman suggest?

Mr. HOPE. I am going to suggest not to exceed 20 minutes.

Mr. JONES. Does the gentleman mean 20 minutes for each side?

Mr. HOPE. I should like 20 minutes on this side.

Mr. JONES. I will give the gentleman the assurance in granting the request that I will yield him not to exceed 20

minutes, or that I will not move to close debate until that much time has elapsed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MONAGHAN. Reserving the right to object, I should like to have a couple of minutes on this.

Mr. JONES. I shall try to arrange to give the gentleman some time.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That Public Law No. 483, Seventy-third Congress, as amended, known as the Kerr Tobacco Act, and Public Law No. 169, Seventy-third Congress, as amended, known as the Bankhead Cotton Act of 1934, except section 24 thereof, and sections 201 to 233, both inclusive, of Public Law No. 320, Seventy-fourth Congress, known as the Potato Act of 1935, be, and the same hereby are, repealed.

Mr. JONES. Mr. Speaker, this measure simply provides for the repeal of the so-called Bankhead Cotton Control Act, the Kerr-Smith Tobacco Act, and the Warren Potato Act. There will be one slight amendment which we desire to offer at a little later time.

In view of the decision of the Supreme Court in the A. A. A. cases, it is felt by all those who have studied the question that, necessarily, these being auxiliary acts, they should be repealed.

Mr. RANKIN. Will the gentleman yield?

Mr. JONES. I yield.

Mr. RANKIN. Will the gentleman inform the House of the nature of the amendment that is proposed to be offered?

Mr. JONES. The amendment which the gentleman from South Carolina [Mr. FULMER] offered in committee this morning was to release the liens upon cotton, on which a tax was fixed but upon which payment was deferred. There was a provision in the Bankhead Act that there should be a tax on all ginning. However, there was a further provision, subsection (f) of section 4, that the producer, instead of paying tax at the time of the ginning, might have a bale tag attached, take the cotton home or otherwise store it, and pay the tax at the time it was sold into commerce. The Department advises me there are about 250,000 bales of such cotton. Simply repealing the act would still leave that cotton somewhat under a cloud, and it being recognized that the tax could not be collected, it was thought the amendment should be adopted.

Mr. WADSWORTH. Will the gentleman yield?

Mr. JONES. I yield.

Mr. WADSWORTH. Is it not a fact that certain persons engaged in the business of growing potatoes have already purchased stamps, expecting to comply with the law when the potatoes were actually sold?

Mr. JONES. I am not informed as to that, but I do not think the Potato Act had gotten that far along.

Mr. WADSWORTH. We were informed in the debate the other day by one of the Members of the House that something like $27,000 had been collected from the sale of these stamps.

Mr. JONES. I am not informed on that. I will state, however, that there may be some little matters like that which will have to be taken care of later. I do not think the repeal of the bill should be complicated by going into those things at this time.

Mr. WADSWORTH. My attention is accentuated by the fact that I hold in my hand one of the stamps.

Mr. JONES. Did the gentleman buy that stamp?

Mr. WADSWORTH. This is a potato stamp which cost three-quarters of a cent.

Mr. JONES. The gentleman has not been raising potatoes, has he? [Laughter.]

Mr. WADSWORTH. No; but I expect to. However, somebody paid for this stamp.

Mr. BREWSTER. Will the gentleman yield?

Mr. JONES. I yield.

Mr. BREWSTER. I will say for the benefit of the gentleman from New York [Mr. WADSWORTH] that I think the evidence before the committee showed that a much smaller number of stamps had been sold at this time.

Mr. JONES. I am sure that if any of them have been purchased there were very few.

Mr. BREWSTER. I should like to inquire of the gentleman whether the repeal covers title I of the Potato Act?

Mr. JONES. It repeals all of title II, which is the entire Potato Control Act.

Mr. BREWSTER. Title I provided that potatoes should from now on be a basic commodity.

Mr. JONES. There were several amendments to the Agricultural Adjustment Act. One of these provided for making potatoes a basic commodity, but that was not a part of the Potato Control Act, which is set out in the sections enumerated.

Mr. BREWSTER. But that title is not repealed?

Mr. JONES. Title II is repealed by this particular act, but the basic-commodity provision was in the previous title, which is not repealed herein.

Mr. Speaker, I ask unanimous consent that I may be allowed to yield 20 minutes to the gentleman from Kansas [Mr. HOPE], with the privilege on his part of yielding to others without my losing the floor.

The SPEAKER. The Chair will state to the gentleman that this bill is being considered under the 5-minute rule. Any Member who is recognized has 5 minutes, under the rule.

Mr. JONES. Mr. Speaker, in order that the matter may be before the House, I offer the amendment to which I have heretofore referred.

The Clerk read as follows:

Amendment by Mr. JONES: Page 1, line 5, at the end of the line, change the period to a semicolon and add the following new wording: "and all liens for taxes imposed as provided in subdivision (f) of section 4 of Public Law No. 169 are hereby canceled and released."

Mr. JONES. I will state in this connection, Mr. Speaker, that the Committee on Agriculture this morning approved of this amendment to an identical bill which was pending before the committee.

Mr. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. ANDRESEN. Is it the object of the amendment to cancel the taxes now due and unpaid?

Mr. JONES. Yes; the taxes that are now due and unpaid on cotton in the hands of the producer.

Mr. ANDRESEN. In what status, then, does it leave the producer who has already paid his taxes into the Treasury?

Mr. JONES. It leaves him in exactly the same situation he would be if we did not repeal this act. I do not think they could collect the taxes levied in the bills we are repealing. I do not think the repeal will affect the status of such a man. He is in a somewhat unfortunate position, but we do not affect that one way or the other. It still leaves him with all the rights he has at present, and the pending bill does not affect the matter either way.

Mr. ANDRESEN. The chairman has stated that the necessity for this legislation arises because of the decision of the A. A. A., which declares all processing taxes under that act unconstitutional. The passage of the pending bill might eliminate consideration by the Supreme Court of questions arising under the various bills here sought to be repealed.

Mr. JONES. It may or may not. I do not undertake to speak for the Court. It probably would eliminate the necessity of further consideration of some of the acts. I do not think the Potato Act has gotten to the Supreme Court. It probably will eliminate further consideration on the part of the Court of these acts, although I am not qualified to answer this particular question.

Mr. ANDRESEN. If the Supreme Court actions are dismissed by the Government, it would preclude any decision on the legality of the tax and prevent a taxpayer from recovering taxes already paid.

Mr. JONES. That is true with reference to any Government suit, but I understand there is one suit pending under

the Bankhead Act which was not brought by the Government.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. JOHNSON of Texas. Will the passage of this bill affect in any way the value of the tags now held by farmers under the Bankhead law?

Mr. JONES. I do not think so. I think, in view of the manifest status of the law, that those tags would probably be of no substantial value anyway, unless the Congress should make further provision as to them.

Mr. JOHNSON of Texas. Is it contemplated they may be reimbursed for them later where they paid value for them?

Mr. JONES. That is a matter not involved in this measure, and I would rather not go into a discussion of the merits of that particular phase of the controversy.

Mr. FORD of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. FORD of Mississippi. Will the gentleman from Texas be so kind as to tell us the effect of the exceptions made in the Bankhead Cotton Act?

Mr. JONES. That was not in essence a real part of the Bankhead Act. It was a provision put into the act to provide a certain fund of $500,000 to search for new uses of cotton.

Mr. FORD of Mississippi. It had no connection with the control of cotton production?

Mr. JONES. It had no connection at all with control of cotton production.

Mr. HOPE. Mr. Speaker, the House acting today to repeal this legislation—the Bankhead Act, the Kerr-Smith Act, and the Potato Act—is doing so upon request from the President of the United States. I think it may be in order at this time to call attention to the fact that the Bankhead Act was enacted in the first place upon a request communicated to the chairman of the Committee on Agriculture by the President of the United States.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. HOPE. Not right now.

Mr. Speaker, I have before me the hearings on the Bankhead Cotton Act dated Saturday, February 17, 1934. The chairman, speaking, said:

> Also, I have a communication from the White House in reference to the pending bill, which I shall ask the clerk to read.
>
> The clerk read as follows:
>
> THE WHITE HOUSE,
> *Washington, February 16, 1934.*
>
> Hon. MARVIN JONES,
> *Committee on Agriculture,*
> *The Capitol, Washington, D. C.*
>
> MY DEAR MR. CHAIRMAN: As you know, I have watched the cotton problem with the deepest attention during all these months. I believe that the gains which have been made—and they are very substantial—must be consolidated and, insofar as possible, made permanent. To do this, however, reasonable assurance of crop limitation must be obtained.
>
> In this objective the great majority of cotton farmers are in agreement. I am told that the present poll by the Department of Agriculture shows that at least 95 percent of the replies are in favor of some form of control.
>
> My study of the various methods suggested leads me to believe that the Bankhead bills, in principle, best cover the situation. I hope that in the continuing emergency your committee can take action.
>
> Very sincerely yours,
>
> (Signed) FRANKLIN D. ROOSEVELT.

I do not believe I am revealing any committee secrets when I say that prior to the time that letter was received there was a great deal of opposition to the Bankhead bill on the part of Democratic members, but after the receipt of the letter the attitude of the Democratic members of the committee changed very perceptibly; and as a result of this letter, I am sure, more than any other factor, the bill was reported. As far as I can recall this is the only time during my 9 years on the Agricultural Committee that any President of the United States has been so interested in the passage of a bill that he has written a special letter to the committee.

May I add one thing more: The minority members of the Committee on Agriculture in report filed at the time the bill was reported anticipated the decision as to the unconstitutionality of this act by almost 2 years. We rendered our opinion at that time.

As far as I know there is no opposition to the enactment of this bill to repeal all of the compulsory control measures. I am sure all of us who voted against them at the time they came before the House will very gladly join in voting to repeal them at this time.

[Here the gavel fell.]

Mr. MONAGHAN. Mr. Speaker, the issue before us today is a great one. We have reached a crisis in American political life. The question is whether or not this shall be a government of the people and for the people or a government of the Supreme Court, by the Supreme Court, and for whomsoever it pleases. I believe that issue should be fought out at this time. I believe the power to do so exists within the Constitution of the United States.

I repeat that which has been read by me on several occasions to the Members of the House of Representatives—that part of the Constitution which says that the Supreme Court shall have appellate jurisdiction—under which provision it passes upon acts such as we would repeal here today—"with such exceptions and under such regulations as the Congress shall make."

Mr. Speaker, our forefathers fled to this country from European nations to escape kingships. Why? Because kingships meant the destruction of the principles of liberty; because kingships meant life tenure and with it the passing of that life tenure on to the royal family. It meant crowding out the rights of individuals. For that system our forefathers wanted to substitute, not a Supreme Court, but a legislative branch of the Government which would be as close to democracy as possible. Today, however, in permitting the Supreme Court, composed of men no more learned in the law than are Members of this House, the Senate, or the man who sits in the White House, in permitting it to destroy acts that are designed to alleviate economic ills, this country has become the laughing stock of the world. Even George Bernard Shaw in Florida yesterday suggested that we scrap the Constitution. Of course, he has not studied it thoroughly or he would not have made that statement.

Mr. Speaker, we have a marvelous democratic form of government. We do not have to scrap the Constitution, but we will have to destroy the judicial oligarchy which saps its strength and baffles its lawmakers. The issue is right squarely before us and before President Roosevelt. He must accept and we must accept that issue if government of, by, and for the people of the United States is not to perish from this earth.

This veto power of the Supreme Court was presented four times in the Constitutional Convention by a man named Randolph, and four times it was rejected. All students of law and economics admit that the power of the Supreme Court is a usurped one. The Congress of the United States should have manhood enough and virility enough to stand up and assert its protectorate over the rights of the people and assert that it no longer will permit the Supreme Court to destroy every act designed to bring about economic liberty.

Mr. MARCANTONIO. As a matter of fact, the repeal of these acts at this time, and right after the A. A. A. decision, constitutes a surrender on the part of the Executive and the legislative branch of the Government to a government by the judiciary?

Mr. MONAGHAN. Yes; I agree with the gentleman.

Mr. TOBEY. Mr. Speaker, it seems to me that the action we are today asked to take has all the earmarks of a deathbed repentance.

In the last two sessions of Congress these three bills, the repeal of which we are now asked to vote, passed and became law. Many were the hearings given these bills in our Committee on Agriculture. Young legal experts, long on theory but woefully lacking in experience, often represented the Department of Agriculture.

Coercion was used to secure their passage in the House, but now, in the light of the letter from the Executive asking

Congress to repeal them all, it becomes a case of "Love's labor lost."

Thoughtful Members opposed these three pieces of legislation because they embodied a philosophy of regimentation and control which they believed un-American, but because of administration pressure they were passed. I well recall the remarks of a leading Member on the other side, who, when the Bankhead cotton-control bill was under debate, said to some of us, "If I do not vote for this bill now I will be defeated at the election this fall. If I do vote for it I will be defeated at the following election."

In this dilemma he voted for it, though he was opposed to the bill.

As one of the Republican members of the Agricultural Committee who strenuously opposed these three pieces of legislation because of the common denominator in all of them for regimentation, controlled production, and manifest unconstitutionality, and as one who signed minority reports against them, I am entirely reconciled to their demise. They will soon be dead; already mortification has set in.

But, Mr. Speaker, it seems to me that it might be appropriate to erect a tombstone on the lawn of the Department of Agriculture bearing on one side the inscription:

Hic jacet
Three un-American Pieces of Legislation
The Bankhead Cotton Act
The Kerr Tobacco Act
The Potato Control Act
Requiescat in pace

Then on the reverse side of this tombstone there might well be carved the epitaph which appears on the tombstone of a little child up in New Hampshire who died at a very tender age:

I was so soon done for,
What was I begun for?

[Here the gavel fell.]

Mr. RANKIN. Mr. Speaker, the distinguished gentleman from New Hampshire [Mr. TOBEY] has just read the epitaph of the Republican Party. [Laughter and applause.]

Mr. TOBEY. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Now it attempts to rise from the dead and asks me to yield.

Mr. TOBEY. No; the Republican Party is redivivus, renascent, if you please.

Mr. RANKIN. That is worse than the original.

Mr. Speaker, I am like Horace Greeley; I do not believe in ghosts; but I am afraid of them. So I hope the ghosts of the dead Republican Party will not disturb me here while I answer the gentleman from Kansas [Mr. HOPE].

The gentleman from Kansas takes occasion to attack the President of the United States for the passage of the Bankhead Act. I am one Member of the House who voted against all three of these measures. I believed then they violated the Constitution; I believed then they violated the Bill of Rights; and I thought the ultimate result would be to destroy the small farmer and deprive him of the right to earn a livelihood. I thought these objections overbalanced whatever benefits there might be in prospect.

I have not changed my mind. Let me say, however, that this legislation did not originate with the President of the United States. He was being advised, just as all Presidents are advised, by men who are supposed to be informed on these questions. Whatever else you may say about President Roosevelt, here is what is sticking in the minds of the farmers today: They believe that President Roosevelt was trying to help them in all this farm-relief legislation [applause], and when you go back home to read the epitaph of the gentleman from New Hampshire to your farmers and to unravel those Latin phrases it is going to sound to them like a poor substitute for farm relief. [Applause.]

Mr. HOLLISTER. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. No; I have only 5 minutes.

Let me admonish the Republican Members of the House who are enjoying, with malignant pleasure, the repeal of these acts that have been virtually set aside by the Supreme Court of the United States, that you may have to "eat crow" before the ides of November. I see from the press now that your leading Republican candidate for President, Senator BORAH, had to withdraw from the campaign in Pennsylvania because delegates are too expensive. It requires a rich man to get Republican delegates in Pennsylvania.

When a Republican administration sent those marines to Nicaragua a few years ago you said you sent them there to "insure an honest election." A certain progressive Republican Senator said at the time, "Why in the 'hell', didn't you send them to Philadelphia and Pittsburgh, where they have not had an honest election in 50 years?" [Laughter and applause.]

So your leading candidate, Senator BORAH, had to withdraw from the contest for delegates in Pennsylvania.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Now, there is evidence of what I am trying to say. [Laughter and applause.]

Your leading candidate had to withdraw in Pennsylvania because delegates are too expensive in that State, and now the men behind the scene who tell you what to write and when to sign on the dotted line have come out and said they are going to nominate Governor Landon, of Kansas. If they do, all of you are going to be put in the pathetic attitude of having to either "eat crow" or vote some other ticket, because he has come out and endorsed all this New Deal legislation.

Now, Mr. Speaker, I do not know what legislation we are going to have in the place of these measures. I do know that during the Republican administration I never saw a single policy developed by the Republican Party that did not skin the farmer instead of helping him.

Whatever has been done so far by the present administration has been done to try to help the farmers you represent and not to harm them.

In 1928 we had an election, and your party swept into power, from behind a smoke screen of liquor and religion, by the largest majority you had had in a long time, and what did you do? You told the farmers you were going to help them when you came into power, and yet the first thing you did was to lay upon them an additional high protective tariff that finished their destruction, drove them into the greatest depression of all time. [Applause.]

[Here the gavel fell.]

Mr. MARCANTONIO. Mr. Speaker——

Mr. JONES. Mr. Speaker, if the gentleman will withhold a moment, I should like to see if we can agree on the time for this discussion.

Mr. Speaker, I ask unanimous consent that all debate on this bill and all amendments thereto be limited to 30 minutes, and that the individual speeches be limited to 4 minutes instead of 5.

Mr. SNELL. Would it not be better to extend that a little? There is to be general debate today. Of course, I appreciate you want to cut this off as quickly as you can, and you know we are going to support you in this matter in the final result, and why not make it 50 minutes?

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. JENKINS of Ohio. Mr. Speaker, I object.

Mr. JONES. Mr. Speaker, I submit another unanimous-consent request. I ask unanimous consent that the debate be limited to 40 minutes and the speeches to 4 minutes each.

Mr. JENKINS of Ohio. Mr. Speaker, I do not object to that.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, the issue which the proposed repeal of these acts presents is not necessarily the merit of the three acts that are about to be repealed. The issue, as I see it, is whether or not the Congress of the United States will accept without challenge or protest the right of the Supreme Court to declare laws unconstitutional.

Why are these laws being repealed? It has been stated here and out of Congress that since the Supreme Court has declared the Triple A null and void, it will also declare these three laws unconstitutional, because they are legally similar

to the Agricultural Adjustment Act. Therefore it is contended we should take a hint from the Triple A decision and repeal these laws, as they, too, will be declared invalid by the Supreme Court. In other words, let us bow to the will of the Court. Let us not only accept its mandate but let us in a positive manner conform and comply.

Those who believe that the Supreme Court should have the power to declare laws unconstitutional should by all means vote for the repeal of these laws. I, for one, do not believe that that Court was ever given this power either by the fathers or by the people. Nor can any authority for such power be found in the Constitution. I believe that the Court has no such power, and hence I shall vote against the repeal of these laws, as a vote for repeal is a vote acknowledging the power of the Supreme Court.

Not only have I never believed that the Supreme Court had the right to declare laws unconstitutional but I have always maintained that the Court, in declaring laws passed by Congress unconstitutional, had usurped a power, and that this usurpation was violent and unconstitutional.

So that in repealing these laws today on the basis of the Supreme Court's declaring the Triple A unconstitutional, and that it will accordingly declare these laws unconstitutional, we are abjectly and supinely surrendering our power to legislate to the Supreme Court of the United States.

It is a complete surrender on the part of Congress and a complete surrender on the part of the President of the United States.

Heretofore we have simply permitted the Supreme Court to declare a law unconstitutional and we have let that law die. This has in and of itself been bad enough. Now we go even further. We establish the precedent of taking a hint from one decision and then hasten to repeal all laws that might be declared invalid by the Supreme Court on the basis of such a decision. Instead of meeting the challenge we surrender.

I therefore submit to you that instead of surrendering that you meet the challenge, that you voice your protest, that you stand up and vote against the repeal of these three laws and say to the Court that Congress, as representatives of the people, has the power to legislate, and that the Supreme Court has no power to declare such legislation unconstitutional. If there was ever a time, if we ever had an opportunity to protest against this nullification by the judiciary, to meet its challenge and assert our rights, this is the time and this is your opportunity. [Applause.]

For, gentlemen of the majority, you are going to be confronted with this issue. You cannot dodge it. You are going to have to explain to the country whether or not you believe that the Supreme Court has the power to nullify laws enacted by the representatives of the people. What stand are you going to take? Are you going to submissively kneel before a judicial oligarchy, or stand up and defend the power of Congress to legislate and protect its legislation from a negative dictatorship by the judiciary? That is the only issue involved in the repeal of these three acts.

The issue is clear. Has Congress the power to make laws? If so, has the Supreme Court the power to declare such laws invalid?

I say that the Supreme Court never had that right. It does not have it today, and that this is a splendid opportunity for the representatives of the American people to go on record, rejecting the power of the Court by voting no on the question of the repeal of these laws.

[Here the gavel fell.]

The SPEAKER. Is there any Member on the Democratic side who wishes to be heard?

Mr. MARTIN of Colorado. Mr. Speaker, I desire to say a few words.

Mr. Speaker, the rejoicing over the repeal of these three acts now before us, in my judgment, ought to be tempered by the knowledge that these three acts—the Bankhead Cotton Act, the Kerr-Smith Tobacco Act, and the Warren Potato Act—were written on the statute books of the United States by the farmers of this country, the first time in American history that the farmers of the United States were ever given any voice in national legislation affecting their interests.

It may be that as a matter of form the President, at the instance of sponsors of the cotton bill, indicated in the letter read by the gentleman from Kansas [Mr. HOPE] his assent to the passage of the bill, but every Member of this House who knows anything about the enactment of these bills knows that the President of the United States did not sponsor and did not favor, nor did the Secretary of Agriculture or anyone else connected with the administration sponsor, any one of these three measures—the Bankhead bill, the Kerr-Smith bill, or the Warren potato bill.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. SNELL. Will the gentleman tell us who did sponsor this legislation?

Mr. MARTIN of Colorado. These bills, to my knowledge, were sponsored by the farm organizations of the United States. Fifty-two farm organizations, every farm organization in the United States, endorsed the Agricultural Adjustment Act of 1933. It was the parent act of these three acts we are repealing, not one of which would have been passed by Congress had it not been for the organized efforts of the farmers themselves.

Mr. SNELL. Just one other question.

Mr. MARTIN of Colorado. In just a moment. I have no time for questions. I speak with personal knowledge when I say that the potato growers of Colorado were unanimously behind the Warren potato bill, and, further, that they were almost unanimously, and regardless of politics, behind the entire triple A program, and there is no rejoicing in the hearts of the farmers of Colorado today. There is nothing but bitterness when they see struck down the first real efforts ever made by this Government to help them. [Applause.]

I received a letter this morning from an intelligent farmer in my district, an independent Republican, and I wish I had the time to read it. He speaks on behalf of the farmers of that State when he expresses despair over the developments here in Washington, striking down the entire farm program of the administration. I will quote just a few lines:

> I do not presume to understand the Constitution. I interpret it as I thought plain men like Washington and Franklin would interpret or understand it. The decision of the Supreme Court is a cruel blow to any hope of the farmers. It seems to enter into every intricacy of legal subtlety. I know they are working on the soil-erosion plan, but is not this a power not delegated by the States or the people? And can it replace the A. A. A.? According to the decision, I do not see how any legislation by the Federal Government is constitutional if it extends beyond the borders of the States. The products of manufacture are not interstate until manufactured and moved.
>
> You ask me what I think about this soil erosion and renewal of fertility, etc., program, giving money for these purposes. It is necessary and beneficial. Chester C. Davis says that 30,000,000 of such acres need to be rescued. Posterity needs them; it is "promoting the general welfare for posterity"; but does not the Supreme Court decision preclude it? The Dred Scott decision was settled by the Civil War. Can agriculture be given justice only by war? The thing is ominous.

Mr. Speaker, that letter, in my opinion, reflects the reaction of the farmer to the judicial decision striking down practically the whole farm program of this administration; and the pity of it is, the program was working. The Bankhead cotton bill has been struck down, but the cotton growers can never repay the debt they owe the Bankhead brothers for sponsoring this legislation. It rescued the great cotton industry of the South from a state of bankruptcy and restored to the farmers something like a reasonable price for their crop. That industry cannot be allowed to sink back into the wretched condition in which the Bankhead bill found it.

In one way or another the issue must be met and Government aid in some form extended. What form could be better than the Bankhead bill? The cotton growers of the South will be waiting for the answer.

The Kerr-Smith Tobacco Act is gone and the tobacco growers handed back over to the tender mercies of the Tobacco Trust, which had been robbing them blind. I can only speak by hearsay, but I am advised that this act, for the first time in years, brought prosperity to the tobacco growers, and

that the profits of that crop were increased to them by more than $100,000,000 a year, and that without any increase whatever in the price of tobacco to the consumer.

Republican Members may get up on the floor and exhibit stamps that were to be used under the Warren potato bill and laugh about it, but the potato growers will not be laughing. Here is an instance why they will not. A small-town banker in my district told me of a case where the bank had a mortgage of $3,000 on a farm. The farmer had a potato crop estimated at 4,000 bushels. The banker said that the farmer could not sell his potatoes for the cost of digging them out of the ground and hauling them a few miles into town. He said this potato crop would rot in the ground—a crop big enough to pay off the entire mortgage—if the farmer could not get just a reasonable price for them.

Here is a line in this farmer's letter I want to enlarge on very briefly, the statement that the decision of the Supreme Court on A. A. A. " seems to enter into every intricacy of legal subtlety."

A just criticism of that opinion is that it went entirely outside the case before it, and the Chief Justice seemed to take pains to lay the groundwork to support unfavorable opinions against future legislation, and some existing legislation as well. One illustration used by way of argument in the opinion aims at the new Railroad Pension Act. Another aims at the Jones-Costigan Sugar Act. The Bankhead Cotton Act was held up as a type of legislation even further beyond the pale of the Constitution than the Agricultural Adjustment Act.

It was the same with the decision against the Railroad Pension Act. I say advisedly that that decision is wide enough, to use a common term, to deny Congress power to enact any legislation for social ends.

The best criticism I heard on the N. R. A. decision was by an able constitutional lawyer who said that it could have been rendered in two lines, to wit, "Congress has no power to enact legislation regulating the sale of chickens at retail", but that instead the Court had rendered a decision of such sweeping character that it searched out and closed every avenue for the expression of legislative power over industry and commerce unless it crosses State lines.

It is true that a future court may treat many expressions in these three decisions as obiter dicta and therefore not binding on the judgment of the future court, which brings us back to a statement attributed by the present Chief Justice, when he was Governor of New York, that the Constitution is whatever the judge says it is.

It is an extraordinary if not an unprecedented thing that the Chief Justice of the Supreme Court, in writing the A. A. A. decision, went outside the record of the case before the Court and outside the precedents and, either directly or by unmistakable reference, used three acts of Congress not then before the Court as illustrative of the unsoundness of the Agricultural Adjustment Act; in other words, passing judgment in the A. A. A. decision upon acts of Congress not yet before the Court. The A. A. A. decision held the Bankhead Cotton Act, the Jones-Costigan Sugar Act, and the new Railroad Pension Act unconstitutional, and none of them has yet reached the Supreme Court. At some future time I shall ask consent to place in the RECORD the excerpts from the decision to which I refer.

Mr. MORITZ. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. MORITZ. How did the farmers of Minnesota feel about it, and the farmers of Maine? How did Mr. KNUTSON and Mr. BREWSTER vote on that bill?

Mr. MARTIN of Colorado. I cannot answer that question, but I cannot imagine that the farmers of Minnesota and Maine are so different from the farmers of Colorado that they are as happy over the destruction of A. A. A. as their Representatives in Congress appear to be.

This rejoicing over the fall of this program ought further to be tempered by the fact that it leaves wholly unsolved the great problem, to solve which this program was enacted. If there were no need any more for Government aid to agriculture, we who supported this legislation—and I supported it, and I am going to keep on supporting it when I get home—might feel only a sentimental sorrow over its being taken off the statute books; but these problems are still unsolved, and all the witch doctors of the Republican Party are proposing substitutes, "just-as-good remedies", to take their place. They all recognize and admit the need for legislation of this kind, but they have not got a substitute for A. A. A. No bonus or subsidy or soil-conservation plan can take it place. Nothing else "just as good" is in sight.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. RICH and several Members rose.

The SPEAKER. The Chair desires to recognize somebody on the Republican side and will recognize a Republican member of the Committee on Agriculture if one such desires; if not, the Chair will recognize the gentleman from Pennsylvania [Mr. RICH] for 4 minutes.

Mr. RICH. Mr. Speaker, I was sent this potato ring which I have on my finger at Christmas time, and with it this little verse:

Eat a potato hot,
Or plant a potato cold,
But don't omit to stamp it,
If you want to live to be old.
So long, potato strings!
Enter now potato rings—
Five bushels you may raise
During these potato "buggy" days.
—*Ralph E. Church.*

I thought when I received that ring that it was of value because eventually potatoes might become quite scarce, and then this would be a fine ornament to adorn the hand of any lady or gentleman; but now, as much of the value of this ring will disappear, and we will have to plant it this spring and raise additional potatoes, I rise to congratulate the President of the United States for doing just what some of us proposed he do some time ago, and that is, ask that many of these laws that the Democratic Party passed in the last session in which the rubber-stamp Congressmen agreed they would follow along with him, almost unanimously on that side of the House, be repealed, and I am glad to know my friend from Mississippi was one that revolted at that time, and I congratulate him in coming in now and taking the advice of sound Jeffersonian Democrats, especially of Al Smith, who said that the Supreme Court was kicking the alphabet organizations out the window three at a time. This is one way of passing this bill and putting these laws off the statute books that you passed last session. Let us repeal more of them in a hurry. In the RECORD of January 29, 1936, I proposed that the President do away with these alphabetical organizations that were set up by Executive order, and many that are nothing but an expense to the taxpayer, namely, C A B—C C C—C S B—C W A—D L B—E C—E H F A—F A C A—F C A—F C T—F D I C—F E R A—F E S B—F H L B—F T C—I A B—J E B—L A B—N C B—N E C—N L B—P A B—P I A—P S A C—P W A—S A B—T V A—U S E S.

I think you will do a good job if you revoke the power given the President last session, and then you will be getting back to fundamental processes of government and use the brains that the good Lord has given you to try to pass laws here that will be for the best interest of the great American people—the farmers, the workers, and all classes of citizens. I yield to the distinguished majority leader.

Mr. BANKHEAD. I just wanted to ask the gentleman if this is an Idaho potato that he is wearing?

Mr. RICH. I do not know whether it is an Idaho potato or an Illinois potato. I think probably from Illinois.

Mr. BANKHEAD. Perhaps our good friend from New York [Mr. FISH] could answer that question.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. HAMLIN. Mr. Speaker, as a Maine Democrat and a Maine farmer, I want to speak on these agricultural acts, particularly on the Potato Act. I voted for it because I thought it was for the advantage of the real farmers of Maine, our eastern farmers. This administration tried to

help the farmers. When did the Republicans of New England and in this House try to help the farmers of this Nation? I cannot remember when they did [applause], but you Democrats stood for the Potato Act, as I stood for the Cotton Act and the Tobacco Act. I want to quote a little Latin, as I used to try to teach it when I kept school. I would apply it especially to the speaker, George Moses, who spoke in Androscoggin County two or three nights ago, and to the Republicans of New England:

Mortua et non sepultur—

"Dead but not buried." [Applause and laughter.]

[Here the gavel fell.]

Mr. MARSHALL. Mr. Speaker, I do not intend to devote the brief time I have to discussing these three bills that are to be repealed, for the reason I never thought it good taste to talk about the dead. As a member of the Committee on Agriculture, and in opposition to these measures, I said all I could about them at the time they were enacted. I am getting a little encouragement out of this fact. It is the first time we have had a concrete illustration of the President living up to his promise that he would be the first to admit the unwisdom of his legislation. I am wondering if we may take heart, and if the country may by this action this morning take heart and believe that we are returning to sanity. The gentleman from Mississippi [Mr. RANKIN] stated something in his remarks about who was going to be nominated for the Presidency on the Republican ticket. I do not know whether the gentleman from Mississippi is wise enough to know in advance about that or not, but I want to make this prediction, that if they do nominate Governor Landon he will be elected. [Applause.] I want to extend that same prediction to the other candidates who have been suggested on the Republican side. [Applause.]

I do not like the idea of having apologies made for the President by saying that this is not his legislation. In the remarks of our colleague from Kansas [Mr. HOPE] a few moments ago, he pointed out that there was serious opposition in the Committee on Agriculture, on the Democratic side, to these measures, and he read a letter from the President into the RECORD. I want to reiterate and emphasize what the gentleman from Kansas [Mr. HOPE] just said, that without the pressure of the President of the United States on the Democratic membership of the Committee on Agriculture, these measures would not have been reported favorably by the Committee on Agriculture.

It has also been charged this morning that we have no program to offer on our side of the aisle, and you would have the country believe that the Republican Party is not friendly to agriculture. There is no justice and no foundation for that statement. You are not going to sell that idea to the country—that the Republican Party is not friendly to agriculture—but you will have a lot of trouble convincing the farmers of this country that you are their friends when you continue to write these reciprocity agreements that are being written by our free-trade Secretary of State, permitting this great influx of agricultural commodities. [Applause.] We on this side believe that the reciprocity agreements should be repealed because they are detrimental to agriculture.

I do not have time to discuss another matter that I hope will be discussed upon this floor in a few days as regards something that may be done for agriculture. We will present a program that is beneficial, economically sound, and constitutional.

[Here the gavel fell.]

Mr. YOUNG. Mr. Speaker, a moment ago the gentleman from Pennsylvania [Mr. RICH] narrated a series of alphabetical combinations that stood for Democratic relief agencies. It is very easy for me to get up here and give you one combination of letters that does not stand for any relief agency. I refer to G. O. P.

Mr. Speaker, like Moses on Mount Horeb, an individual speaking in regard to the Supreme Court of the United States or the Federal judiciary of our country appears to be treading on holy ground, yet, of course, there is nothing whatever in the Constitution of our country which provides that the Supreme Court or the Federal judiciary may declare acts of Congress void. However, the Federal courts of this country have been from time to time declaring congressional acts to be unconstitutional and void. During Republican administrations 46 laws passed by Republican Congresses were declared unconstitutional. Twenty-six laws passed by Democratic Congresses have been declared unconstitutional.

On yesterday the distinguished gentleman from Ohio, who is my dear friend and colleague, MELL G. UNDERWOOD, representing the Eleventh Ohio District, was confirmed by the United States Senate as United States district judge for the southern district of Ohio. [Applause.] Today my colleague, MELL G. UNDERWOOD, is simply one of the 435 elected Representatives of the people of this country, but next week, forsooth, after being sworn in as a United States judge, he has the power to declare any of the acts of 435 elected Representatives of the people null and void and unconstitutional. Is not that a silly situation? The Constitution of our country, article III, section 2, states:

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all other cases beforementioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Certainly the Congress of the United States has the power, and should place suitable regulations upon the Federal courts of this country who act as judges, lawmakers, and executioners combined in one, and who have usurped powers and functions never intended to be exercised by them.

In 1912 in my own State of Ohio, prior to the adoption of progressive constitutional amendments in Ohio, a majority of the supreme court judges of our State could declare an act of the general assembly void; but in 1912 we adopted progressive amendments to our constitution, one of the most important of which was that amendment whereby we provided that five of seven State supreme court judges must concur in order to declare an act unconstitutional. We had the foresight in Ohio to modernize our State constitution. The provision we adopted in 1912 abrogating the power of a mere majority of our State supreme court to declare acts of our general assembly unconstitutional and void has given universal satisfaction. There never has been any movement to repeal this salutary provision.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. FISH. Mr. Speaker, I do not know so much about Idaho potatoes, I will say in reply to the majority leader [Mr. BANKHEAD], but I do know something about New York potatoes. It seems to me I remember a distinguished former Governor of the State of New York by the name of Alfred E. Smith, who called the present occupant of the White House an "old potato." Now, the present occupant of the White House is a product of my congressional district. That is all I care to say about potatoes.

But I remember the President of the United States came down here on January 3 of this year, just a month ago, and made a speech, in which he said:

We do not propose to retreat.

Whereupon the Democratic majority went wild. [Applause.]

We do not propose—

He said—

to retreat on our agricultural program.

A MEMBER. We are not.

Mr. FISH. That was the motif and burden of his entire speech.

This bill repealing three unconstitutional measures is a plea of confession and avoidance; confession that they are unsound, unworkable, and unconstitutional; and avoidance of the Supreme Court of the United States. This is the issue plainly before Congress, and, naturally, we Republicans opposed that legislation at the time because we thought it was economic insanity, economic suicide, and, in addition, unconstitutional. Along with my distinguished

friend from Mississippi, that great constitutionalist, Mr. RANKIN, we thought a year ago the Bankhead cotton-control bill economically unsound and absolutely unconstitutional, and now even the Democrats admit it. So today we Republicans will go along and vote to repeal all three of these unconstitutional measures. We are in the midst of a government of repudiation—repudiation of the party platform, repudiation of Jeffersonian principles, and now repudiation of the New Deal acts of Congress recommended by President Roosevelt. We believe that these acts and similar acts amount to nullification; that they were passed by the Congress in defiance of the Constitution; and, as that courageous Democratic President, Andrew Jackson, used to say, nullification is treason. It still is, because when we deliberately pass this kind of legislation in defiance of the provision of the Constitution, it is nullification and nothing else. [Applause.]

[Here the gavel fell.]

Mr. BANKHEAD. Mr. Speaker, I desire to make a very brief statement in reference to the proposal for the repeal of these agricultural measures.

I was one of the coauthors of the so-called Bankhead cotton bill. I accepted then, and I accept now, my full measure of personal and official responsibility for the passage of that act.

Reference has been made to a communication from President Roosevelt to the Committee on Agriculture with reference to the passage of that bill. I happen to know that the President was induced to give his support to that proposition because he was convinced on the facts presented to him before he wrote that letter that it was the desire of an overwhelming number of the cotton producers of the South to try some kind of compulsory control over the production of cotton. None of us could reasonably anticipate at that time that this bill was unconstitutional. Lawyers of fine training and ability gave of their time in the study of its constitutionality; and I may say that lawyers of fine legal ability upon the Supreme Court of the United States handed down a most compelling minority opinion in opposition to the views of the majority on the A. A. A.

The Bankhead Act was admittedly at the time of its passage a temporary expedient in an attempt to reduce the great surplus that was depressing the price. It has in large measure accomplished this purpose, and I reiterate now what I prophesied then, that this bill has proven to be the salvation of the cotton producers of the South [applause], because in its practical operation it has more than doubled the net profits of the farmers of that entire region upon their cotton production, has taken them out of bankruptcy and given them a fair measure of prosperity.

I regret, of course, the decision of the Supreme Court on these agricultural measures. I reiterate what the distinguished gentleman from Colorado said a few moments ago—there is no exultation in the hearts of the American farmers over that decision. On the contrary, there is despair and gloom this day in the hearts of the farmers of America.

I offer no apology for the passage of these bills. I stand for them in principle now, as I did then; but, recognizing our constitutional system, we must, of course, yield to the decision of the Supreme Court of the United States upon these problems. [Applause.]

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Speaker, the only reason for obtruding into the discussion is that I am reluctant to have 35,000 copies of the CONGRESSIONAL RECORD go out showing in the language of our good friend from Mississippi that there was a malignant pleasure over on this side of the aisle at the action that is to be taken today. Quite aside from the merits or vices of the bills that are to be repealed, there can be no malignant pleasure in seeing the work dumped over which was consummated here quite a long time ago. It is rather, I should say, a reflection upon the judgment of Congress; and it can afford no malignant pleasure in any Member's soul to think that in this brief moment the long and weary labor which brought these measures into being will be undone.

This action today reminds me of the rolling cadences and the appropriate sentiment of that little ditty which was so popular many years ago and which, as I recall, runs as follows:

The noble King of France,
He had ten thousand men.
He marched them up the hill,
And then marched down again.

A year ago the Congress marched up the hill and enacted this legislation. Today it marches down again. [Applause.]

[Here the gavel fell.]

Mr. MAIN. Mr. Speaker, I wish to compliment the leadership on the majority side of the House and the President for their action in connection with the program that is now before us. I was not a Member of the House when these various bills were submitted and voted on; therefore, I share none of the honor or the onus, as the case may be, in connection with their enactment. Whether it is good politics or not I am simple-minded enough to believe that when these bills were before the country and the Congress the Nation was face to face with stark necessity; and necessity knows no law any more than the drowning man knows the futility of grasping at a straw. I want to be enough of a sportsman to recognize the sportsmanship on the other side of the aisle. May I say that, in my opinion, there is no controversy between the Democrats and Republicans at this moment, but there is a fundamental difference of opinion on the part of many of us as contrasted with the thoughts expressed by the gentlemen who have spoken against the Supreme Court.

It has been my good fortune in years past to have participated in football and other contests of sport. If those various games had been conducted without the services of a refereee or an umpire, there would have been hopeless confusion. No longer do I take an active part in athletic events, but I am glad to participate in a great national enterprise in which we have such outstanding and honorable referees and umpires as those nine men who sit in that beautiful building across the avenue. I am glad to be participating in a game that is being refereed by the Honorable Chief Justice Hughes and men such as Roberts, Brandeis, Stone, and those other honorable men who are not carried hither and thither like ourselves by the storm of debate and discussion on the floor of the House, but who have time to deliberate and to consider their opinions, thereby outlining and prescribing the limits within which we must proceed in this great enterprise of constitutional government on this Western Continent. I want to hail the program which has been submitted here this afternoon as a very salutary and stimulating bit of evidence of the respect of two branches of our Government for the functions of this third branch, thereby again proclaiming the genius and quality of the American system of government.

[Here the gavel fell.]

Mr. JONES. Mr. Speaker, this discussion has brought in a great many different subjects. All of us who have been here a few years remember the common struggle throughout the years to get a farm program that would offset the disparity in favor of certain groups under our trade-barrier system and thus to put every American citizen on the same dead level of equality. That was largely a nonpartisan movement. We went down to defeat in several different series of attempts during the twenties. We finally got up the hill with a law, but the President vetoed the measure and later again vetoed a similar measure that was passed. Then we had 4 years during which we seemed to just go around in circles. We had a do-nothing policy practically from 1929 to 1933, during which agriculture sank to an all-time low. At the beginning of 1933 agriculture was prostrate. Despair was written on the faces of practically every farmer and ranchman in the broad confines of the United States.

At that time a man sent a message to this desk in which he said that we are going to have some action. We are going into an untrod field, but we are going to tackle the problem. He said if our method did not succeed he would frankly tell us so. Whatever you may say about the methods used, when that program started we had 18-cent corn,

we had 32-cent wheat, we had 5-cent cotton, and other farm products in proportion, wholly below the cost of production. The farm purchasing power was practically destroyed, and a paralysis had crept into the economic heart and life of the Nation. To put in deadly parallel the last 3 years with the previous 4 years I defy any man to criticize the results of the program as it has been carried on to this date. [Applause.] Just put in the parallel, consider the matter, and then ask yourselves whether you want to go back to those days.

I recall when this decision was rendered, not by way of attacking it, a sadness and a gloom settled over the farms and ranches of America. There was little rejoicing anywhere except on the part of a thoughtless few who represented little groups that wanted to get a strangle hold on the finances of the Nation. [Applause.] Everyone else in this country, every thinking American, every patriotic American, knows that the greatest fundamental in our system of government is equality in the operation of its laws. Regardless of the fact that we used a method that could not finally be sustained, much was accomplished. We are going to formulate another measure that we hope will restore and maintain this parity. Every honest-thinking patriotic man in the Nation ought to join with us in a nonpartisan effort to get the most effective program that we can find.

The President has been man enough to send us this message in accordance with his previous word. I make no apology for what has been done. We did the best we could under a tremendous emergency, and I feel that much has been accomplished. We are going forward and accomplish more.

[Here the gavel fell.]

Mr. JONES. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The amendment was agreed to.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MONAGHAN. Mr. Speaker, on that I ask for the yeas and nays.

Mr. JONES. Will not the gentleman simply permit a rising vote? I think the same result will be obtained.

Mr. MONAGHAN. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 167, noes 5.

Mr. BACON and Mr. MARCANTONIO objected to the vote on the ground there was not a quorum present.

Mr. JONES. Can we not accomplish the purpose of the gentleman by letting the names of the five who voted against the bill be put in the RECORD?

Mr. MARCANTONIO. That will be all right.

Mr. BACON. Mr. Speaker, I have objected to the vote on the ground there is not a quorum present.

The SPEAKER. The Chair is now counting to determine whether there is a quorum present or not. [After counting.] One hundred and ninety-one Members present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 354, nays 10, answered "present" 1, not voting 65, as follows:

[Roll No. 16]

YEAS—354

Allen	Blackney	Cannon, Mo.	Cole, Md.
Andresen	Blanton	Carlson	Cole, N. Y.
Andrew, Mass.	Bloom	Carpenter	Collins
Andrews, N. Y.	Boehne	Carter	Colmer
Arends	Boland	Cartwright	Connery
Ashbrook	Bolton	Cary	Cooley
Ayers	Boykin	Castellow	Cooper, Tenn.
Bacharach	Boylan	Cavicchia	Costello
Bacon	Brewster	Celler	Cox
Bankhead	Brooks	Chandler	Cravens
Barden	Brown, Ga.	Chapman	Crawford
Barry	Brown, Mich.	Christianson	Crosby
Beam	Buck	Church	Cross, Tex.
Beiter	Buckbee	Claiborne	Crosser, Ohio
Bell	Buckler, Minn.	Clark, N. C.	Crowe
Berlin	Burch	Cochran	Crowther
Biermann	Burdick	Coffee	Culkin
Binderup	Caldwell	Colden	Cullen
Cummings	Harter	Martin, Colo.	Scrugham
Curley	Hartley	Martin, Mass.	Sears
Daly	Healey	Mason	Secrest
Darden	Hess	Massingale	Seger
Deen	Hildebrandt	May	Shanley
Delaney	Hill, Ala.	Mead	Short
Dempsey	Hill, Knute	Meeks	Sisson
DeRouen	Hill, Samuel B.	Merritt, Conn.	Smith, Conn.
Dickstein	Hobbs	Merritt, N. Y.	Smith, Va.
Dies	Hoffman	Michener	Smith, Wash.
Dietrich	Hollister	Millard	Smith, W. Va.
Dingell	Holmes	Miller	Snell
Dirksen	Hook	Mitchell, Tenn.	Snyder, Pa.
Ditter	Hope	Moran	Somers, N. Y.
Dobbins	Houston	Mott	South
Dondero	Huddleston	Murdock	Spence
Dorsey	Hull	Nelson	Stack
Doughton	Imhoff	Norton	Starnes
Doxey	Jacobsen	O'Brien	Stefan
Driscoll	Jenkins, Ohio	O'Connell	Stubbs
Driver	Johnson, Okla.	O'Day	Sullivan
Duffey, Ohio	Johnson, Tex.	O'Leary	Sumners, Tex.
Duffy, N. Y.	Johnson, W. Va.	O'Neal	Sutphin
Duncan	Jones	Owen	Taber
Eckert	Kahn	Palmisano	Tarver
Edmiston	Kelly	Parks	Taylor, Colo.
Eicher	Kennedy, Md.	Parsons	Taylor, S. C.
Ekwall	Kennedy, N. Y.	Patman	Taylor, Tenn.
Ellenbogen	Kenney	Patterson	Terry
Engel	Kinzer	Patton	Thom
Englebright	Kleberg	Pearson	Thomason
Evans	Kloeb	Perkins	Thompson
Faddis	Kniffin	Peterson, Fla.	Thurston
Fenerty	Knutson	Peterson, Ga.	Tinkham
Ferguson	Kocialkowski	Pettengill	Tobey
Fiesinger	Kopplemann	Peyser	Tolan
Fish	Kramer	Pfeifer	Tonry
Fitzpatrick	Kvale	Pittenger	Treadway
Fletcher	Lambertson	Plumley	Turner
Focht	Lambeth	Polk	Turpin
Ford, Calif.	Lamneck	Powers	Umstead
Ford, Miss.	Lanham	Quinn	Utterback
Frey	Larrabee	Rabaut	Vinson, Ga.
Fuller	Lea, Calif.	Ramsay	Vinson, Ky.
Fulmer	Lehlbach	Ramspeck	Wadsworth
Gambrill	Lemke	Randolph	Wallgren
Gasque	Lesinski	Rankin	Walter
Gassaway	Lewis, Colo.	Ransley	Warren
Gavagan	Lord	Rayburn	Wearin
Gearhart	Lucas	Reece	Weaver
Gifford	Luckey	Reed, Ill.	Welch
Gilchrist	Ludlow	Reed, N. Y.	Werner
Gildea	McAndrews	Reilly	West
Gingery	McClellan	Rich	Whelchel
Goldsborough	McCormack	Richards	White
Goodwin	McFarlane	Risk	Whittington
Granfield	McGehee	Robinson, Utah	Wigglesworth
Gray, Pa.	McGrath	Robsion, Ky.	Wilcox
Greenway	McKeough	Rogers, Mass.	Williams
Greenwood	McLaughlin	Romjue	Wilson, La.
Greever	McLean	Rudd	Wilson, Pa.
Gregory	McMillan	Russell	Wolcott
Griswold	McReynolds	Ryan	Wolfenden
Guyer	McSwain	Sabath	Wolverton
Gwynne	Maas	Sadowski	Wood
Haines	Mahon	Sanders, Tex.	Woodruff
Halleck	Main	Sauthoff	Woodrum
Hancock, N. Y.	Maloney	Schneider, Wis.	Young
Hancock, N. C.	Mansfield	Schuetz	Zimmerman
Harlan	Mapes	Schulte	
Hart	Marshall	Scott	

NAYS—10

Amlie	Lundeen	Monaghan	O'Connor
Gehrmann	Marcantonio	Moritz	Withrow
Kerr	Maverick		

ANSWERED "PRESENT"—1

Creal

NOT VOTING—65

Adair	Disney	Higgins, Mass.	Robertson
Bland	Dockweiler	Hoeppel	Rogers, N. H.
Boileau	Doutrich	Jenckes, Ind.	Rogers, Okla.
Brennan	Drewry	Kee	Sanders, La.
Buchanan	Dunn, Miss.	Keller	Sandlin
Buckley, N. Y.	Dunn, Pa.	Lee, Okla.	Schaefer
Bulwinkle	Eagle	Lewis, Md.	Shannon
Burnham	Eaton	McGroarty	Sirovich
Cannon, Wis.	Farley	McLeod	Steagall
Carmichael	Fernandez	Mitchell, Ill.	Stewart
Casey	Flannagan	Montague	Sweeney
Citron	Gillette	Montet	Thomas
Clark, Idaho	Gray, Ind.	Nichols	Underwood
Cooper, Ohio	Green	Oliver	Zioncheck
Corning	Hamlin	O'Malley	
Darrow	Hennings	Pierce	
Dear	Higgins, Conn.	Richardson	

So the bill was passed.

The following pairs were announced:

General pairs:

Mr. Robertson with Mr. Cooper of Ohio.
Mr. Oliver with Mr. Darrow.
Mr. Buchanan with Mr. Burnham.

Mr. Corning with Mr. McLeod.
Mr. Bland with Mr. Doutrich.
Mr. Drewry with Mr. Eaton.
Mr. Steagall with Mr. Higgins of Connecticut.
Mr. Bulwinkle with Mr. Thomas.
Mr. Carmichael with Mr. Stewart.
Mr. Montague with Mr. Boileau.
Mr. Kee with Mr. Pierce.
Mr. Zioncheck with Mr. Adair.
Mr. Flannagan with Mr. Dear.
Mr. Sirovich with Mr. Mitchell of Illinois.
Mr. Sweeney with Mr. Montet.
Mr. Sandlin with Mr. Gray of Indiana.
Mr. O'Malley with Mr. Hamlin.
Mr. Brennan with Mrs. Jenckes of Indiana.
Mr. Lee of Oklahoma with Mr. Underwood.
Mr. Nichols with Mr. Dunn of Pennsylvania.
Mr. Dunn of Mississippi with Mr. Lewis of Maryland.
Mr. Schaefer with Mr. Clark of Idaho.
Mr. Cannon of Wisconsin with Mr. Dockweiler.
Mr. Farley with Mr. Rogers of Oklahoma.
Mr. Higgins of Massachusetts with Mr. Green.
Mr. Casey with Mr. Keller.
Mr. Rogers of New Hampshire with Mr. Fernandez.
Mr. Eagle with Mr. Disney.
Mr. Citron with Mr. Buckley of New York.
Mr. Sanders of Louisiana with Mr. Richardson.
Mr. Shannon with Mr. McGroarty.

Mr. HEALEY. Mr. Speaker, my colleagues, Mr. CASEY, Mr. HIGGINS of Massachusetts, and Mr. GRANFIELD, are unavoidably absent. If present, they would vote "aye."

The result of the vote was announced as above recorded.

On motion of Mr. JONES, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AGRICULTURAL COMMITTEE

Mr. JONES. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight to file a report on the bill 10835, and also minority views, if any.

The SPEAKER. Is there objection?

There was no objection.

MINNESOTA STATE DEMOCRATIC CONVENTION

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address by my colleague, Mr. ELMER J. RYAN, of Minnesota, delivered February 1 at the Minnesota Democratic State convention, held in the armory at Mankato, Minn.

The SPEAKER. Without objection, it is so ordered.

Mr. THOMASON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech of Congressman ELMER J. RYAN, of Minnesota, delivered February 1 at the Minnesota State Democratic convention held in the armory, Mankato, Minn. Congressman RYAN was chairman of the convention and was selected as Democratic national committeeman by the convention and by the delegates elected to attend the national convention:

To the Democrats and the liberal voters of Minnesota, a solemn duty rests upon us today as supporters of Franklin D. Roosevelt. It is unfortunate that our duty as Democrats, our duty as liberal, progressive voters, our duty as good American citizens is sometimes obscured by considerations and influences which interfere with our clear perception of that duty.

Let us try to free ourselves for a moment from the chaos and political smoke that is obscuring the horizon. Let us forget for a moment Democrats, Republicans, political charges, and countercharges; political patronage and political personalities; let us forget the alphabetical agencies and political controversies and try to appraise the position in national economy which we have reached; let us gaze backward over the trail which we have traveled and then let us look forward toward that spot on the horizon toward which we are traveling; and then, having surveyed our course, let us travel forward steadfastly and with honesty of purpose. In other words, let us look at the record.

In days of plenty human beings are not so likely to think. Hard times makes them think and when people think they take stock of themselves and their situation. If there are evils in their social system, if adjustments are necessary in their economic system, they start out to make those adjustments. This gives the liberals their chance.

This has happened to us in the United States. We have been forced to think in national terms.

The United States up to 1929 had been generally regarded as a land of unlimited opportunity. Ever since Columbus' fateful voyage the United States had been regarded as a new world of opportunity. Those who were oppressed and heavily burdened found solace here. Those who were impoverished found riches here; those who were starving found food in abundance here; those who were subjected to religious persecution found freedom of conscience here; those who were denied political freedom across the seas found and established here a land which guaranteed to them the inalienable rights of man; and so into this free land of opportunity came the men of foreign nations. Into our great Northwest came the tall adventurous sons of Norway and of Sweden and of Denmark; this great land of freedom was enriched by the stalwart sons of Germany. Into America came the gifted ancestors of our French and Czechoslovakian population and the natives of the other countries of southern Europe. From Ireland we saw the influx of a race which had learned to fight and to die for liberty and for freedom, and from every other nation of the world we added to the richness of our heritage of human values.

And in the old days before the World War we believed that we lived in a land of unlimited opportunity. We believed in more machinery, more inventions. Our cities were getting bigger, land values were growing higher, and our opportunity for personal profit becoming greater all the time.

There were lands to be cleared in the United States in those days and great stands of timber to be cut. There was rich prairie soil to be turned for the first time. There were mines to be opened and oil wells to be brought in. There were railroads, skyscrapers, homes, and barns to be built. The Nation was expanding and growing.

A pioneer country required hard labor. Twelve hours a day was a short day's work. The man who worked hardest and most intelligently made the most money. We were, indeed, a nation of rugged individualists. The man who did not toil was disapproved by society because it was plain to be seen that labor was richly rewarded.

In four generations our forefathers did most of the work of cutting the trees, draining the fields, building skyscrapers, highways, and factories. We worked feverishly, carrying out the old hymn Work for the Night Is Coming when Man Works No More. As we grew, built, and expanded, we needed capital to finance that expansion. We borrowed money for our expanded needs. We became a debtor nation. We shipped abroad in great quantities the products of our fertile fields, our factories, and our mines. They found a ready market, for we had set up great debts and our goods flowed out of the country to pay those debts.

Business interests today hold up their hands in horror at the thought of Government regulation of business, but they forget that business has always been in government in the United States. Alexander Hamilton, the first Secretary of the Treasury, sincerely believed that the influential and powerful few in the United States should control our Government.

That theory was adopted by the Republican Party after the Civil War. Big banking houses were allowed to assume that they and the Government were one in the matter of monetary and financial policies. Business controlled Government in many ways. Our empire builders influenced the policies of government. I do not condemn these practices as they functioned at that time. I am merely pointing out their existence.

And thus we came to the World War. Before we entered that war we were a debtor nation, a pioneer nation. As a debtor nation we had enjoyed almost unlimited foreign markets. During the war those markets were abnormally expanded. We came out of the World War as a creditor nation.

The pioneering in the United States was over before 1920. There was no room and no need for expansion. The frontiers were gone. There were no new wildernesses into which to send the unemployed. We had loaned to foreign governments more money than they in their war-worn states could repay. During the war we had expanded our production, agricultural and otherwise, to the limit—foreign nations had bought our immense surpluses, for they needed them in the war, and they were not producing at home. They bought our products with the money which we loaned to them. When the war ended they found themselves unable to repay us, and we found ourselves unable to sell to them because they had nothing with which to pay and their credit was exhausted. We were, indeed, left holding the sack.

When that happened the industry and business of a glorious pioneering nation came to a standstill. The old slogan of hard work was of no avail. Men had nothing to work at. Factory workers could not be given work when there was no market for their goods. What would it profit a man to break the soil and raise immense crops of wheat, when he could not dispose of those crops for the amount it cost to produce them? And so from 1920 on we had an acute farm problem. Invention of mass production labor-saving machinery went on as markets continued to shrink.

But we still had the old big-business theory of business in Government. For a period we had Andrew Mellon as Secretary of the Treasury. Mellon had the same theory as Hamilton—that the influential few should control the Government and most of the money. That is, big businessmen in our Government clung to the old theory of the pioneer days of rugged individualism protected in its profits by the Government, and they clung to those theories and kept them in force at the expense of the common man in America.

They said, "We must maintain our industrial tariffs to protect our profits." They said, "We cannot do anything for the farmer, even though he cannot obtain a fair price. If he is producing more than our restricted foreign markets will take, we cannot do anything about it."

I am inclined to take a charitable view.

These men had been masters of the theory that big business should receive all the favors, and that as a result of prosperity at the top prosperity would come to those at the bottom. They had been trained in that school, and they could not think along any other line. True we were producing plenty, and warehouses were overflowing with food and clothing, but we could not sell it or distribute it to the masses because they lacked purchasing power.

By keeping our tariffs up we encouraged the tendency of foreign countries to bar our products. They retaliated with higher tariffs of their own. Germany increased its tariff on wheat from approximately 42 cents per bushel in 1929 to $3.81 at present. On lard, from 65 cents per hundred pounds in 1929 to $11.66 per hundred pounds at present; on leaf tobacco, from $8.64 per hundred in 1929 to $32.95 in 1935. In addition, Germany instituted a system of restriction on imports.

Italy raised her tariff on wheat from the equivalent of about 74 cents per bushel in 1929 to about $1.70 per bushel in 1935 and required the use of domestic wheat in its mills to a large extent. France raised its duty on wheat from the equivalent of about 53 cents per bushel in 1929 to about $1.49 per bushel.

England reduced the total quantity of cured-pork imports allowed to be shipped by this country so that during the year 1935 we could ship only about 60,000,000 pounds of cured pork, whereas in 1927 we shipped about 238,000,000 pounds.

The wheat area in western Europe, exclusive of Russia and the Danube Basin, increased from 49,300,000 acres in 1924 to 57,900,000 acres in 1933. The production increased from 853,000,000 bushels in 1924 to 1,379,000,000 bushels in 1933. The number of hogs in Germany and Denmark increased from 17,000,000 head in 1921 to 28,366,000 head in 1933.

These things were done in retaliation for our tariffs raised by previous administrations—and the Republicans accuse us today of losing foreign markets. Why, the Smoot-Hawley Tariff Act was the greatest blow the American farmer ever took.

And let us see the effect of this policy of high industrial tariffs with big business protected in its profits and farm relief refused.

This policy of rugged individualism brought us to the condition so often described as ragged individualism.

We came to a point in our national life when men walked the streets in search of a job, unable to secure food and clothing for themselves and their families at a time when the granaries and elevators overflowed with the products of the farm and the warehouses and shelves of merchants were overstocked with all the necessities of life.

I heard a man speak a week ago today about keeping the doors of opportunity open for young Americans. What opportunity was open in 1932? What opportunity was open to the farmers, the distressed home owners, or the unemployed citizen? Who will say that the door of opportunity is not opened wider today than then? Who can deny that the C. C. C. camps have brought renewed hope to the hearts of millions of our youthful citizens who were ready to despair? It was when the conditions of 1932 came upon the people of the United States that they started to think, and they repudiated the out-worn doctrines of a former day in November 1932 and elected to the Presidency a man who saw the problems clearly and who had the courage to attack them vigorously in the person of Franklin D. Roosevelt.

And what was the outlook that confronted him as he stood there at the end of Pennsylvania Avenue on March 4, 1933? It was, indeed, a bleak outlook. The morale of the people was low except for their faith in him. Even his opponents had faith and asked his help in those dark days. You know that story as well as I.

Oh, the American people are quick to forget!

But let us not forget that man who stood there as our champion that day at the end of Pennsylvania Avenue; that man who stood there with the great Capitol of the United States symbolizing the fundamental liberties of this Nation as his background; that man who had been schooled in facing adversity by that great adversity of infantile paralysis which he had overcome by sheer force of personal courage; that man who has gone forward since that day on the broad road of liberalism toward a new day for America.

A week ago today I listened to a speech by a great American. We were all for that man in 1928. We believe even today in his sincerity; but the parade has gone by and left that man standing on the sidewalks of New York; his political philosophy is outmoded; although we believe in his sincerity and his honesty, we regret that he has allowed himself to become the spokesman of those who advance the age-old arguments of special privilege under the guise of patriotism.

I am inclined to doubt that the gentlemen financing the American Liberty League are actuated by the sole motive of promoting the welfare of the American people. This belief is strengthened when we learn who the people are who are financing this organization. According to reports filed in the House, the American Liberty League received in donations the sum of $483,000 this past year. It is of particular interest to note that of this $483,000 a total of $270,548 came from the Du Pont family or their affiliates, the General Motors Corporation, or concerns or individuals having connection with the Du Pont organization. We find that Donaldson Brown, vice president of General Motors, contributed $15,000; R. R. M. Carpenter, vice president of the Du Pont organization, $15,000; W. S. Carpenter, Jr., vice president of the Du Pont's; $2,334.33; Charles C. Copeland, director of the Du Pont organization, $15,000; Archibald Du Pont, $25,000; Henry Du Pont, $15,000; Irénée Du Pont, four contributions during 1935, one for $15,000, one for $5,000, one for $20,000, and one for $39,000; Mrs. Irénée Du Pont, $1,000; Lamont Du Pont, $10,000; Pierre Du Pont, $15,000; S. Hallock Du Pont, $15,000; William Du Pont, $15,000—$138,250 came directly from the Du Pont family. Adding the direct contributions of the Du Pont family to those of officers and other people connected with the Du Pont concerns, we arrive at the total of $270,000, which is the amount of contributions directly and indirectly made by the Du Ponts.

This spokesman for the American Liberty League stated that the only choice of the people is between two evils. He says that we must adopt either communistic tendencies or we must stop the New Deal and revert to the old do-nothing policy.

Those are not the only choices before the American people. We are not required to drive into the ditch on either side of the road. We are perfectly free to stay in the middle of the highway. I do not believe in abolishing the capitalistic system. This does not mean that I am satisfied with all of the practices which have existed in the capitalistic system. Neither am I ready to adopt the cooperative commonwealth theory.

One group would have you believe that Roosevelt is the enemy of the American Constitution and the other group that he is not going far enough to the left. His position in this, I believe, was quite well stated in his first message to the Seventy-fourth Congress in January 1935, when he said, "We have undertaken a new order of things; yet we progress to it under the framework and in the spirit and intent of the American Constitution." I call this remedying the abuses of capitalism. The Stock Exchange Regulation Act regulates the dishonest speculation which was carried on at the expense of investors.

The Public Utility Holding Company Act accomplishes this same result. When this act was under consideration in the House every Congressman's desk was covered with communications stating what a tremendous blow the passage of this bill would be to the "widows and orphans." You would have thought from the mail which we received that only widows and orphans owned public-utility stocks; but there is no question in my mind about the desirability of that bill, which breaks up these great corporate utility structures so that the finger of responsibility can be placed upon those in control. The Wagner labor disputes bill gives to labor the right to arbitrate fairly with its employers. The social security bill endeavors to give a measure of security to those who are entitled to our consideration. I believe in that kind of remedial legislation. I do not believe in changing the system.

Now, let us talk about the Agricultural Adjustment Act. The purpose of that act, as expressed therein, was to give a parity price to farmers, to give to farmers the same purchasing power which they enjoyed in 1909 to 1914. Under that act we made progress in the direction of parity, although we had not attained it.

Percentages of parity are computed on the ratio of prices which farmers must pay to prices which they receive. On this basis the farmers in 1932 under Mr. Hoover received 61 percent of parity, and the percentage showed a steady increase, and in 1935 under Mr. Roosevelt the farmer received 87 percent of parity.

In 1919 the farmers of this Nation received 18 percent of the national income. In 1921, subsequent to the election of President Coolidge, it dropped to 11 percent; and during the next 7 years, while the national income of the Nation increased approximately $22,000,000,000, the farmers' share of the national income decreased to 9.3 percent. In 1932 it was 7.5 percent. In 1933 the Agricultural Adjustment Act was put into effect and the farmers' percentage of the national income increased to 9.9 percent. In 1934 the income of the farmers increased to 10.2 percent, and in 1935 the farmers' percentage of the national income was 10.6 percent.

In terms of dollars and cents, the farmers' cash income has increased from $4,328,000,000 during 1932 under Mr. Hoover to $6,700,000,000 under Mr. Roosevelt.

Taking the income from the sale of principal products which came into the pockets of the farmers of this State, we find that in 1932 our farmers received $163,192,000; and in 1935, according to estimates by Dr. Warren C. Waite, of the division of agricultural economics, University Farm, St. Paul, the farmers of Minnesota received in 1935 the sum of $256,000,000. We respectfully ask the support and cooperation of the farmers of Minnesota in reelecting the President who was instrumental in increasing their cash income almost $100,000,000 in 3 years.

This meeting is held in Blue Earth County. Farmers of Blue Earth County have received in benefit payments, from the inception of the A. A. A. program to the 31st day of October 1935, the sum of $1,103,820.91; farmers of Faribault County, the immediate neighboring county to the south, have received a total of benefit payments amounting to $1,128,673.25. Another neighboring county, the county of Martin, received a total up to October 31 of $983,483.79. Other counties of Minnesota have received similar benefits. It is not conceivable that the liberal and progressive-minded farmers and the business, professional, and laboring men who are dependent upon farm purchasing power in this State will fail to recognize the benefit which they have received under Roosevelt.

We, of course, must take cognizance of the fact that this act has been declared unconstitutional, but, regardless of that fact and regardless of legislation which will follow, I believe that it has served a great purpose. It has awakened the American people by its operation to a realization of the farmer's needs and of their dependency upon farm purchasing power. It also enabled the farmers to act in unison and it awakened the farmers to rise up and demand equal treatment with other economic groups from their Government. The farmer's march on Washington during the last session was a stirring spectacle. Cotton farmers of the South, wheat farmers of the West, corn-hog farmers of our section of the country were there together, realizing their interdependence and demanding their just due from our Government. The Agricultural Adjustment Act was not necessarily a permanent policy, but some such policy is necessary until we recapture our foreign markets. The House and Senate are now working on a bill to preserve for American agriculture the advances which were made under the A. A. A.

This is an administration which accepts its responsibilities. It pays its just debts. Thinking people of northern Minnesota know that. In 1918 forest fires caused by negligence of men employed in burning ties by the railroads, which were then under Government control, burned over 2,000 square miles in northeastern Minnesota. Five hundred people lost their lives in those fires. Liability was determined in the courts of our State. Previous administrations, despite the valiant efforts of Minnesota representatives in Congress and the Senate, refused to grant justice to these people; but during the last session a Democratic Senate and a Democratic House controlled by a 3 to 1 Democratic majority voted to pay the just obligation which the Government owes to the citizens of northern Minnesota, and our State will receive some $10,000,000 as a result of the enactment of this bill.

Just as the Government owed a just debt to the people of northern Minnesota, it has an obligation to save every citizen from death by starvation in this land of plenty. If I disagree with the relief policy of the administration, it is on the ground that local governmental bodies—your town boards, your county boards, and your city councils—are not permitted more authority in relief distribution. I do not, however, disagree with the principle that the Federal Government has an obligation to aid local governmental bodies to furnish relief to their people.

The Government has accepted its rightful obligation of protecting home owners and of protecting farmers through the Federal land bank, the seed-loan agency, and the other branches of the Farm Credit Administration.

This administration is criticized for its expenditures. As Senator NORRIS, that grand old progressive, has stated, "It is not a question of how much you spend but of what you get for your money." Many business loans will be repaid, but in estimates of the public debt our critics never give us credit for the assets of this nature which are owing to the Government.

Now, let us look into this talk about the national debt. The American Liberty League puts out pamphlets entitled "Billions For Boon Doggling", "Roosevelt, the Waster", etc. Let us look at the record. On December 31, 1931, the post-war low point was reached in our national debt. The net debt at that time was $15,719,283,768. During the succeeding 26 months of Herbert Hoover's administration the debt rose to $20,779,295,622. Thus, during the last 26 months of Hoover's administration, we increased our debt to the amount of $5,060,011.854. The gross debt increased during the 34½ months of President Roosevelt's administration up to January 18, 1936, to the sum of $30,521,348,638. On January 18, 1936, there was cash on hand in the amount of $2,097,827,147, leaving a net debt of $28,423,521,491. The recoverable assets of the Government have increased from approximately $2,000,000,000 under Hoover to about $4,800,000,000 under Roosevelt. Thus our total liabilities are about $23,587,000,000, which is about $1,900,000,000 less than our peak wartime debt in 1919.

But, even if we disregarded these assets, the total amount of Government spending from March 3, 1933, to January 18, 1936, was $7,644,225,869 during 34½ months; under Mr. Hoover it was $5,060,011,854 in 26 months.

During the time that Mr. Hoover's administration expended this money, he spent about $195,000,000 per month during a time when things were going to pieces in the country. Banks were folding up; foreclosures on homes, factories, and farms were proceeding; and nothing was done to stem the tide of economic destruction. Yet the debt was increasing at $195,000,000 per month. During the 34½ months of this administration, at the end of which business is better than at any time in nearly 6 years, during which a million urban homes and a million farms were saved from foreclosure and a gain of more than $22,000,000,000 a year has taken place in the national income, increase in the national debt was at the rate of $221,000,000 per month. Has the $221,000,000 a month average spending under Roosevelt, which has tapered off in recent months, been more beneficial to the people and the business of the country than the $195,000,000 a month average under Hoover? I leave this question with you, and we must take into consideration that the carrying charge of the national debt, increased as it is, is one-quarter billion dollars a year less than it was under Hoover, due to reduction in interest rates.

At the outset of these remarks I stated that as we gather here today we have a duty to our country. As liberal and progressive thinking people we owe a duty to the man who has brought us thus far along the road. We owe him a duty to hold up his hand, to strengthen his efforts.

In doing this we enable him to continue forward along that broad, high, sure road of liberalism between the old evils of unrestrained capitalism and the threatened evils of communism. In order to do this we must invite the support of all of the liberal-minded voters who have no political party and those who are affiliated with other political parties. Before we can invite them to join with us in this great fight we must set our own house in order by ridding it of disagreements within our party in this State. Our service along that line must be unselfish, and cannot be made subservient to personal ends. By going forward along this road with Franklin Roosevelt we are leading the way to a broader life and to social justice in America.

AN AMERICAN BUSINESS TAKES HIGH GROUND WITH REFERENCE TO REFUND OF PROCESSING TAXES

Mr. PETTENGILL. Mr. Speaker, I ask unanimous consent to extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

Mr. PETTENGILL. Mr. Speaker, I have received a very interesting letter from the president of Corn Industries Research Foundation which follows, together with my reply:

CORN INDUSTRIES RESEARCH FOUNDATION,
New York, N. Y., February 1, 1936.

Hon. SAMUEL B. PETTENGILL,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN PETTENGILL: I am glad to be able to advise you that the corn refining industry has taken a position of flat refusal to profit by the return of any processing taxes refunded through the action of the Supreme Court in its recent decisions on the Agricultural Adjustment Act.

Ten companies which have refunds coming to them will pass these refunds along just as soon as the way is legally clear and the necessary computations and adjustments can be made. These ten companies feel that the burden of the processing taxes in general was borne by the ultimate consumer, and that the industry would consider itself unjustly enriched unless it attempted, to the best of its ability, to restore the refunded taxes to the people who actually paid them.

We are addressing you directly on this matter in order to put the facts clearly before you so far as this industry is concerned.

Very truly yours,

G. M. MOFFETT, *President.*

FEBRUARY 5, 1936.

G. M. MOFFETT,
President Corn Industries Research Foundation,
150 Broadway, New York, N. Y.

DEAR MR. MOFFETT: I have your letter advising that the Corn Products Refining Industry will "flatly refuse" to profit by the refund of processing taxes, but will take steps to pass refunds along to the consumer. You state that in your industry "the burden of processing taxes in general was borne by the ultimate consumer" and that your industry does not desire to be "unjustly enriched" by retaining the tax.

I wish to congratulate you and your industry upon taking this position.

Without criticizing either the Supreme Court or Congress for the action that led to the refund, it is plain that it would be highly inequitable for processors who collected the taxes from the consumer to now retain them for their private benefit.

In other industries the "burden of the processing taxes" may have been paid by the processors themselves. To the extent that this is true a different situation is, of course, presented.

I feel sure that in taking this position with respect to your own industry and following it up with action which will clearly demonstrate that you have made your decision effective, you will have gone far to win the good will of the public, without which no business can hope to permanently succeed. It goes far to refute the charge so often made and too often justified that the managers of American enterprise are actuated only by selfish considerations.

As the march of civilization knit us closer and closer together, we need to revise Grover Cleveland's famous dictum and make it read, "A private office is a public trust."

Very sincerely yours,

SAMUEL B. PETTENGILL, M. C.

PENNSYLVANIA GAME AND FISH RESOURCES

Mr. DIETRICH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing an address by Hon. WILLIAM M. BERLIN on the Pennsylvania game and fish resources and their management?

The SPEAKER. Is there objection?

There was no objection.

Mr. DIETRICH. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I include the following address by Hon. WILLIAM M. BERLIN over WMAL, Farm and Home Hour, on Pennsylvania Game and Fish Resources and Their Management, Washington, D. C., February 5, 1936:

Friends of Farm and Home Hour, it is with considerable diffidence that I speak today on the general subject of Pennsylvania game and fish resources and their management—not because one must hesitate to speak of Pennsylvania's work, but on the contrary, it is difficult for one person to cover the extensive conservation and wildlife program of Pennsylvania in a 10-minute broadcast. I am grateful, however, for the opportunity of responding to the invitation of the North American Wildlife Conference called by the President, and to the National Broadcasting Co.'s farm and home hour period.

Pennsylvania has been both a pioneer and leader in wildlife conservation and game management for nearly a half century. With a population of more than 10,000,000 people and an area of 45,000 square miles, this State represents one of our most thickly inhabited areas. Although latest census estimates indicate that Pennsylvania has 230 persons per square mile, it has, nevertheless, steadily maintained its progressive leadership in game and wildlife conservation. It is today without a doubt the leading State

of the Union in game conservation—and its leadership is a constant challenge to other States to improve their game and fish programs along the most progressive and scientifically managed lines.

Before outlining some of the accomplishments of the sportsmen of Pennsylvania I should like to mention something of the general attitude of public service in our State, with regard to game and fish management. I say accomplishments of sportsmen for it is exactly that; no game and fish program is any better than the sportsmen of the State make it. In Pennsylvania the sportsmen have made politics take a back seat and efficiency take a front seat. The result is the proper types of game and fish management.

I should here like to commend Gov. George H. Earle for retaining Hon. Oliver M. Deibler as Fish Commissioner—undoubtedly the leading fish management executive in the United States. Bipartisan efforts have kept our conservation program to the forefront of real accomplishment, and this action on the part of the Governor supports this practice.

The first training school in the United States for game and fish protection officers was established by the Pennsylvania Game and Fish Commissions. This school is now held every year. There are 175 trained and uniformed men in the game protection corps, together with 500 deputies. A game-feeding program is one of the important phases of conservation work now under way.

The game and fish program in Pennsylvania belongs to the sportsmen and represents their general aims and purposes. There are over 900 sportsmen's organizations in the State. They make their voices heard, and public officials are responsive to the sportsmen's wishes.

With the sportsmen's money the game commission has purchased more than a half million acres in the last 16 years, at a cost of $2,000,000. The commission established the first game refuge in Clinton County in 1905.

We now have four game farms, including a wild-turkey farm.

In 1935 in a 3-day season 300 bears were killed, and yet many associate bear hunting with the Northwest or with the Canadian wilds.

In a 9-day season 22,000 buck deer were killed, and in a 3-day post season in 14 counties of the State where deer had become so plentiful as to make it imperative that the herds be reduced 45,000 antlerless deer were killed.

Last year 38,000 acres of State game lands were acquired. Thirteen additional game refuges were established, one within the Pymatuning Dam in Crawford County for migratory waterfowl, the only one of its kind in the entire United States. It is hoped that it will mark the way for additional projects of similar nature. A total of 191 refuges, aggregating 133,000 acres, are now maintained; 38 refuges and 19 auxiliary game refuges were established last year. More than $100,000 in bounties are paid by the commission yearly, showing how we assist the sportsmen in ridding the State of vermin.

Nineteen hundred and thirty-five represents one of the Pennsylvania Game Commission's best years for game-animal propagation. There were reared or purchased and released 45,000 ring-necked pheasants; more than 9,000 bobwhite quail; 3,600 wild turkeys; 77,000 rabbits, and a number of other game animals and birds, including Hungarian partridges, ducks, etc.

The sport of fishing has long been celebrated in song and story, but in Pennsylvania we have done something rather unusual in the way of furnishing fishing opportunities for sports lovers.

The first fish hatchery was established in Pennsylvania 40 years ago, and since that time the progress in fish management for the use of conservationists of the State has steadily increased. The program has been so well coordinated and efficiently managed that we have had only three fish commissioners since the establishment of the Pennsylvania Fish Commission. By cooperation and efficient management the sportsmen of Pennsylvania have always been assured of top-flight game and fish programs.

The State now has 10 hatcheries with the main office and principal hatchery at Bellefonte, Pa. We have just purchased a tract of land at Bellefonte where we expect to establish the finest bass farm in the United States. We have proved definitely that the real sport of fishing is fishing itself rather than the killing of fish. Our records show that the ratio of fish caught to those killed is 4 to 1. Moreover, thousands of our fishermen are discarding minnow bait for the more sporty lure, the dry fly.

Our 10 hatcheries now produce every year a million and a half legal-size trout and 3,000,000 fingerlings 3 to 4 months old, hundreds of millions of the warm-water species, and a quarter million of the sporty small-mouthed bass. Pennsylvania leads the country in the propagation of fish.

Many people have asked why Pennsylvania has made such outstanding progress in conservation work. The answer is simple. During the past 40 years the conservation program has been kept on an even keel without any abrupt break in policies. Pennsylvania has also carried on an extensive program of purchase and development of outdoor recreation areas which provide year-around recreation. We have 12 State parks, 50 forest parks, and 10 State nurseries. Moreover, 3,190 permanent forest sites are leased to State citizens for personal cabins and use. These areas afford facilities for camping, hiking, forest vacationing, riding, and picnicking.

In the last 15 years State forest lands have increased over 600,000 acres, making a total of 1,600,000 acres of State forests. Last year nearly 4,000,000 persons were recorded as having spent time in our forest areas.

We have increased by 100 the number of fire towers, which are important adjuncts in protecting the State's forest domain, while we have added fire wardens numbering 2,400, bringing our force of fire protectionists to 3,900. We have in addition 22,000 volunteer fire fighters.

Last year more than 300,000 trees and shrubs were planted, including 1,400 Asiatic chestnut secured from the United States Bureau of Plant Industry.

The Pennsylvania game and fish commissioners and their corps have had excellent cooperation from the W. P. A., the C. C. C., the National Youth Administration, National Park Service, Resettlement Administration, and other related agencies.

At the present time it is expected that the Resettlement Administration will turn over to the Pennsylvania Department of Forests and Waters for administration two major land-use projects which are of interest to sportsmen of Pennsylvania. One tract, embracing 18,600 acres, has been purchased, and on 2,000 acres of this tract biological game work will be carried on. Food and cover will be planted as part of this work. Twenty miles of stream will be improved for fish and five lakes and ponds will also be established, including one fish-rearing pond.

Another tract which Resettlement is establishing in Pennsylvania is in Bradford and Tioga Counties, comprising 15,000 acres. There will be a good deal of game-development work here, with food and cover vegetation planned, while 12 miles of streams for fishing will be improved.

The success of the fish and game program in Pennsylvania is built on the interest and the wishes of the sportsmen of Pennsylvania. They have seen the necessity of establishing well-integrated wildlife-conservation programs and have directed the necessary public agencies to proceed forthwith in that program.

We invite you who are listening in on this program throughout North America, to come to Pennsylvania, visit with us and enjoy the fruits and results of 40 years of scientific conservation and behold as beautiful natural scenery as is afforded anywhere in the universe.

In this connection, I should like to observe at this point that Seth Gordon, perhaps the leading conservationist in the country, has been reappointed as executive secretary of the Board of Game Commissioners. Mr. Gordon formerly served the State of Pennsylvania in this capacity after which he was conservation director of the Izaak Walton League of America and president of the American Game Association. Every conservationist in the United States knows Seth Gordon and his work. He has established an enviable reputation in the field of conservation and his appointment represents one more step in which the State of Pennsylvania holds leadership in the game conservation movement.

Maj. Nicholas Biddle, president of the Pennsylvania Game Commission, Hon. Oliver M. Deibler of the Fish Commission, are ever on the alert to improve the Pennsylvania game and fish program in the line with most progressive game management. The sportsmen of the State owe them and their corps of subordinates who carry out the program, a debt of real gratitude for keeping Pennsylvania a leader in conservation.

THE DISTRICT OF COLUMBIA COMMITTEE

Mr. DUFFY of New York. Mr. Speaker, I ask unanimous consent that the Judiciary Committee may have leave to sit during the sessions of the House for the rest of the week on bills to amend the Clayton Act.

The SPEAKER. Is there objection?

There was no objection.

COMMITTEE ON MILITARY AFFAIRS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may sit on Friday and Saturday of this week during the sessions of the House.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. DIETRICH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein excerpts of historical value.

Mr. MARTIN of Massachusetts. On what subject?

Mr. DIETRICH. On an article which was published in the Readers' Digest.

Mr. MARTIN of Massachusetts. I object.

Mr. McSWAIN. Mr. Speaker, I am requested to state that Mr. ROGERS of New Hampshire is unavoidably absent. If present, he would have voted "aye" on the bill just passed.

LOANS TO FARMERS FOR CROP PRODUCTION

Mr. FULMER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3612, the seed bill, providing for loans to farmers, insist on the House amendment, and agree to the conference asked for.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. JONES, Mr. FULMER, Mr. DOXEY, Mr. HOPE, and Mr. KINZER.

ARMY MEDICAL CORPS: A SHORT HISTORY

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. MAVERICK. Mr. Speaker, as a member of the House Military Affairs Committee, it has been my pleasure to inspect many military units, and today I am placing in the RECORD, by unanimous consent, information that I have obtained concerning the Army Medical Corps. At the outset I desire to give full credit to Maj. Edgar Erskine Hume, an officer of the Medical Corps and at present librarian of the Surgeon General's library. He gave me much of the information, and all the technical medical facts, on the latter of which I have no knowledge whatever. Major Hume is an able and intelligent officer who knows his profession and is an authority on medical history. He is the author of many valuable pamphlets on medicine, particularly in regard to the relation of the Army to public health and upon the Army Medical Library.

The information given me by Major Hume is such that I will attempt to describe the history of the Medical Corps of the United States Army, their service to humanity, and the possibilities of what they can do for the people as a whole, and the private medical profession. At the outset I must let it be known that medical hospitals, owned and operated by the Government, should not be used to destroy private hospitals nor the private medical profession. They should be used only for their own purposes, and for the purpose of generally promoting the public health and public welfare and assisting the private medical profession and properly serving the public. Let me discuss now the Medical Corps of the United States Army.

THE PEACETIME DUTIES OF THE ARMY MEDICAL DEPARTMENT

Mr. Speaker, what is the purpose of an army? It exists for the purpose of destroying the power of the enemy and preventing his retaliating in kind. The Medical Department of the United States Army is, as are all branches, charged with doing all possible to bring about this end. The manner of the Medical Department's performance of this duty in modern warfare is appreciated if we recall that in the World War 85 percent of the total number of American Army battle casualties were returned to duty and a total of 95 percent of the sick and ordinary injuries were returned to duty. And to those who do not know the work of the medical service in combat, let me say in passing that, though ordinarily considered noncombatants, the casualties in that department at the front in the Great War were second only to those of the Infantry, of which I was a part in the World War.

My interest in the Medical Department of the United States Army is because of personal contact. I was born and reared in San Antonio, Tex., which district I now represent in Congress and which is the greatest military district in the world. I have seen the Medical Department grow from a more or less inefficient organization made up of an inadequate number of trained medical officers and varying number of contract surgeons into a great unit, efficiently conducted. This, of course, has its effect on the health and welfare of the whole human race. If the Medical Department of the Army is properly developed, it can help human health, it can help the private medical profession, it can be of benefit to the people of the United States as a whole. My first direct contact with the Medical Department of the Army was in the World War, in the Battle of the Argonne Forest. I can testify personally as to its efficiency, because when I was wounded on October 4 I got quick and efficient service from the battlefield, and on through the various hospitals and operations and back to the United States, where I was discharged at the Base Hospital, Fort Sam Houston, Tex., where I had enlisted. That was back in 1918 and 1919; since that time the Medical Department of the Army has made great strides.

MEDICAL DUTIES IN PEACE AND WAR

In time of peace the Medical Department of the Army also has, as have the other military arms and services, the duty of preparedness for national defense. But it has yet other duties more important to human welfare and perhaps less well known to the general public. No other branch of the Army or Navy has more important peacetime functions. These relate to the advancement of medical science, the increasing of our knowledge of the prevention and cure of disease, the diffusion of the concept of the sound mind in a sound body, the conservation of the Nation's manpower, and similar ideals. Some of the most outstanding achievements of American medical men have been made by medical officers of our Army, and the greatest of all contributions that America has made to medicine was a contribution of the Army Medical Department, as I shall presently relate.

Even before our country gained its independence our medical officers had begun that lengthy series of scientific endeavors which has continued unceasingly ever since. Perhaps a brief review of the more important accomplishments will best give the picture.

THE RESOLUTION—DOCTOR SIGNS DECLARATION OF INDEPENDENCE

During the Revolution Washington's army included such men as John Morgan and William Shippen, both graduates of Edinburgh and successively medical directors general of the Army. They were leading pioneers in medical education and the principal founders of the medical department of the University of Pennsylvania, oldest medical school in the country (1765). Associated with them in the Continental Army was an even more distinguished medical officer, Benjamin Rush, likewise an Edinburgh graduate and sometime Physician General of the Middle Department of the Army. The Army that General Washington commanded consisted of the Northern, Middle, and Southern Departments, just as our present Army is divided into the First, Second, and Third Armies and subdivided into nine corps areas.

Rush was the founder of the Philadelphia Dispensary, the first in America—1786. He was the ablest clinician of his time, a signer of the Declaration of Independence, and the author of the first exhaustive work on yellow fever in the country. The earliest American pharmacopia—1778—was that prepared by William Brown, of Virginia, who succeeded Rush as Physician General of the Middle Department, while the first work on surgery was from the pen of John Jones likewise of the Revolutionary Army.

The important contributions of medical officers from the time of the reorganization of the Army in 1818 to the Civil War included Surg. Gen. James Tilton's introduction (1834) of measures to prevent overcrowding—a recognized cause of the spread of disease. In 1834 Surgeon General Lovell introduced competitive examinations for medical officers—in days when no examinations were required of physicians or others desiring to practice medicine. Surgeon General Lovell also abolished the whisky ration, which he thought inadvisable and of no benefit, a step for which he was severely criticized at the time, though we now know that it was a wise one.

During the war of 1861–65 Assistant Surgeon Da Costa first described the irritable heart in soldiers (1862) and Asst. Surgs. S. Weir Mitchell, George R. Morehouse, and William W. Keen made their investigations of gunshot and other injuries of nerves (1864) which have become classical. All these men are known to the world as among the foremost American physicians and surgeons; their work has formed the basis of great discoveries. Many of them also did well as writers, especially S. Weir Mitchell.

One of America's pioneers in bacteriology was Surg. Gen. George Miller Sternberg, author of the first manual (1893) and textbook (1896) of bacteriology, as well as important treatises on immunity (1895), disinfection (1900), and infection (1903). It was under his administration that Maj. Walter Reed carried out his experiments that I shall describe presently.

The contributions of the members of the Army Medical Department since the Spanish-American War are best understood by considering the most important diseases of which

our knowledge has been advanced by the work of medical officers.

TYPHOID FEVER THE CURSE OF ARMIES AND CIVILIAN POPULATIONS

Typhoid fever was ever the curse of armies and the civilian populations, and prior to the World War was usually the chief cause of casualties among soldiers. In the Spanish-American War, for example, more than 20,000 cases occurred in military camps in the United States alone. The deaths from this disease formed more than 86 percent of the total deaths. A board of medical officers was appointed to study the cause of the epidemics. Its members were Maj. Walter Reed, who had already made important contributions to our knowledge of the disease; Maj. Victor C. Vaughan; and Maj. Edward O. Shakespeare. They showed the importance of contact infection and the spread of the disease by flies and soiled hands. "Food, fingers, and flies", as the medical saying has it.

When typhoid fever preventive inoculation was being tried out officers and enlisted men of the Army courageously volunteered to be vaccinated against the disease, the Medical Department being unwilling to recommend for other Army personnel what had not been tried on themselves. The preliminary experiments were successful. A few years later Maj. Frederick F. Russell—head of the International Health Board since his resignation from the Army—began the gigantic task of vaccinating the United States Army against typhoid. The practice had been first tried by the British, but not on such wholesale scale. The results were magnificent; to use a dramatic phrase, "They shook the world" by the greatness and importance of the discovery. The incidence of the disease dropped to an almost insignificant figure.

Then in the World War the wisdom of the practice was shown. The number of cases of typhoid fever in the Army was but 1,572 in all, a tiny number in proportion to the number of men then in the military service. A more striking way of showing this is by saying that instead of this small number there would have been more than half a million had the rates of the Spanish War days prevailed in 1917. The advance of medical science since the Spanish War is simply stupendous.

DR. RUSH—YELLOW FEVER—ITS ERADICATION—DR. WALTER REED

In no disease have members of the Medical Corps of our Army done more to advance the sum of knowledge and to reduce to its present restricted geographical limits than in this fearful malady. We have the Army to thank that "yellow jack" is no longer the terror that it was a generation ago. It is now but a medical curiosity.

Benjamin Rush, already mentioned, played an important part in fighting the yellow-fever epidemic in his native Philadelphia in 1793. In 1820 Surgeon's Mate Merrill outlined a new treatment which, while perhaps not in keeping with modern clinical methods, at least had the merit of giving great relief to the sufferers in comparison to that previously used. When the Cuban professor, Carlos Finlay, stated his theory of the insect transmission of yellow fever in 1881, a real step was made, and that great man of science, Surgeon General Sternberg, realizing the importance in training in methods of research, had Maj. Walter Reed study the disease under Professor Welch, of Johns Hopkins. In 1900 Reed was detailed as the head of what is probably the greatest of all Army boards—for the study of yellow fever in Cuba. The other members were Majs. James Carroll, Jesse W. Lazear, and Asst. Surg. Aristides Agramonte. The courageous volunteers, Medical Department soldiers, who slept for many nights on the bedding that had come in contact with yellow-fever patients—to prove that the disease is not thus transmitted—and others who suffered themselves to be bitten by yellow-fever mosquitoes, were truly heroes in the highest sense of the word.

CONGRESS RECOGNIZES MARTYRS TO SCIENCE

Congress has enshrined their names on an honor roll, published annually in the Army Register. Several of them contracted yellow fever, and one, Dr. Jesse W. Lazear, died of it—a martyr to science who did not die in vain. I will not attempt to outline the means whereby Reed and his coworkers proved that the mosquito does transmit yellow fever, but prove it they did. This was a momentous discovery. By it thousands and thousands of lives have been saved, and, working with this knowledge as a background, William Crawford Gorgas, later to be Surgeon General, was able to eradicate yellow fever from the Isthmus of Panama. That plague spot of disease, one of the most notorious in the world, had been called the "white man's grave." It was, instead, transformed into one of the healthiest communities in existence. Without Reed's discovery there could have been no cleaning up of Panama by Gorgas; and without this there could have been no Panama Canal. It is singularly appropriate that the portrait of General Gorgas appears on the 1-cent postage stamp of the Canal Zone, and it is pleasant to know that men of science have played so important a part in the great attainments of our Nation.

GORGAS AT PANAMA—MALARIA—REDUCTION OF DISEASE

The disease malaria is perhaps the most potent cause of death in the world today. The greatest advances in our knowledge of it have been made by medical officers. A French military surgeon, Laveran, discovered the blood parasite which produces the disease. A British medical officer, Ross, demonstrated that this parasite is transmitted by the bite of the mosquito. American medical officers first demonstrated antimalarial work on a large scale.

Gorgas in Panama directed his efforts mainly to the prevention of mosquito breeding. Craig, another American medical officer, first showed the cause of relapse in malaria. The success of the efforts of our Army medical officers in fighting this scourge is shown by the steady decline in the Army incidence rate for malaria. In 1901 it was 381. In 1928 it was only 6, and for 1935 only 3.9 cases per thousand men.

THE SOUTH—HOOKWORM DISEASE—ARMY PLAYS IMPORTANT PART

In 1900 Capt. Bailey K. Ashford discovered the prevalence of hookworm disease in Puerto Rico, and shortly thereafter it was found to be very common among the rural population of the United States by Dr. Charles Wardell Stiles, of the United States Public Health Service. Ashford devoted himself to the task of stamping out hookworm infection in Puerto Rico, and in 1903 and 1904 treated more than 300,000 patients, reducing the mortality by 90 percent. This must be rated as a notable achievement in American hygiene, for almost everybody has heard of the ravages of the hookworm in our rural people.

As a citizen of the United States, but living in the South, I feel personally grateful for the work of the Army Medical Corps and the United States Public Health Service. We all know the term "ravages of hookworm", particularly in the southern portion of the United States. The work of the Army, with its facts and figures and discoveries, formed the basis of great help to the Rockefeller Foundation, and of the various Southern States, and the medical profession in their battle against this dread disease. This, of course, is only one example of the excellent work done by the Medical Department of the United States Army for the public health.

DIET—BERIBERI—TROPICAL DISEASES

Our medical officers first met the peculiar deficiency disease, beriberi, when we took possession of the Philippine Islands. It was already all too well known in the east, and many died of it. In 1909 the United States Army Board for the Study of Tropical Diseases after careful study recommended the substitution of unmilled for the previously used highly polished rice. This measure, with certain other dietary changes, has practically eliminated beriberi from the Philippine troops.

In all diseases, I am told, diet often forms an important part. The dietary changes which eliminated beriberi from our Philippine troops, of course, apply particularly to that disease. However, the general idea of the effect of certain diets has been impressed on the minds of the people. In the United States today large classes of our unemployed are suffering from improper diet; that is, malnutrition in counterdistinction to undernourishment, for they are two different things. The ravages of improper diet can be understood now, and for that reason I hope that the study of the diets of the American people will be gone into by our authorities, not only in the United States Army but of the

medical profession as a whole, and we may then save ourselves from the prevalence of many diseases in the future.

TYPHUS AND TRENCH FEVERS TRANSMITTED BY BITE OF LOUSE

During the World War and the period which followed American medical officers played an important role in the campaigns against typhus fever, an age-old malady in armies. Twice in Serbia, in 1915 and 1919, the epidemics of typhus, the most severe that the world has ever known, were brought under control. Almost as striking results were obtained in Poland.

Trench fever, which is related to typhus fever (not to be confused with typhoid), was a common cause of noneffectivity in the World War. American medical officers showed that it is transmitted by the bite of the louse, and suitable measures for its prevention were accordingly established.

MALTA FEVER

In 1898 Lt. Walter Cox first described Malta fever in the United States Army, a disease very common about the Mediterranean. In 1911 Captains—now Lieutenant Colonels—Gentry and Ferenbaugh showed that the disease is present in the Southwest.

DR. BEAUMONT—PHYSIOLOGY OF DIGESTION

"Every physician", said the late Victor C. Vaughn, of the University of Michigan, "who prescribes for digestive disorders, and every patient who is benefited by such a prescription, owes gratitude to the studies of William Beaumont." Beaumont, a surgeon in the Army, for many years studied his famous patient, Alexis St. Martin, a Canadian half-breed, who had the misfortune of having received a gunshot wound of the stomach which refused to heal.

Beaumont gave for the first time an accurate description of the appearance of the lining of the stomach during digestion. "His work", said Sir William Osler, "remains a model of patient, persevering investigation, experiment, and research." Beaumont made the greatest contribution to the physiology of digestion of the century in which he lived. After St. Martin's death Professor Osler wished to secure his stomach for the Army Medical Museum, but a telegram warned him not to try it, for the ignorant neighbors did not approve. "Don't come", wired a friend; "will be killed"; and St. Martin's friends guarded his grave by night lest his body be stolen.

PURIFICATION OF WATER

Brig. Gen. Carl R. Darnall, then a major, devised the first apparatus for the use of chlorine gas in the sterilization of water and was the first to apply liquid chlorine to this use. There is hardly a community of any size in this or any other country that does not make use of Darnall's work in water purification. Col. William J. L. Lyster's famous Lyster bag is used for water purification in the field in almost every camp in the country, civil as well as military.

WHEN WILL YOU SEND FOR THE BODY OF GENERAL POLK?

The first data concerning the weather were recorded by the Medical Department of the Army in 1814. In 1819 Surgeon General Lovell directed that the medical officers at each post record weather observations. Beginning with temperature readings only, there were soon added data on rainfall, wind direction, sunshine, and other elements. From these records the tables of mean temperature for different localities were prepared, and the construction of weather maps followed.

In 1870 Surg. Albert J. Myer, for whom Fort Myer, Va., was named, created the Signal Corps of the Army and became the first Chief Signal Officer. The Signal Corps took over the meteorological records and continued them until 1890, when the Weather Bureau of the Department of Agriculture undertook the meteorological work for the country. Modern agriculture, commerce, and transportation depend to an important degree on weather reports, as we all know. It was Myer who introduced the wigwag method of transmitting messages—used with effect by the Union Army. Lack of such method was felt by the Confederates, for the Union officers learned their signals, though they never let it be known. Thus, in the Atlanta campaign the Union officers read the message of Gen. Leonidas Polk's having been killed, "When will you send the ambulance for the body of General Polk?" it said.

PREVENTION OF DISEASE BY PERIODICAL PHYSICAL EXAMINATIONS

The population of our country has gradually been educated to realize the importance of prevention of disease by periodical examinations by competent physicians. The human body, like an engine, should be overhauled from time to time and parts out of fix repaired in time. Annual physical examinations of Army officers, recommended by the Medical Corps, were put into effect by order of President Roosevelt in 1907, being the first step in this direction. Life-insurance companies, health agencies, and the like now recommend these examinations for everybody.

IMPORTANCE OF PUBLIC-HEALTH EDUCATION

Since the oldest medical school in the United States was founded by two Army medical officers, Morgan and Shippen, the Medical Corps may justly claim to have been one of the earliest contributors to the cause of medical education. In 1893 Surgeon General Sternberg established the Army Medical School in a part of the building of the Army Medical Library and Museum. This was, in effect, America's first school of hygiene. It now occupies the modern building, erected for its use, at the Army Medical Center, near Walter Reed Hospital, and its work is of the utmost importance, not only to the Army but to others. Aside from its regular instruction of medical officers, it is charged with the manufacture of typhoid vaccine for not only the Army but also the Navy and other Federal agencies. The sister institutions, the Army Dental School and the Army Veterinary School, do similar work. At Carlisle Barracks, Pa., in the old military post that dates back to the American Revolution, the Medical Field Service School is in operation. Here newly appointed medical officers are taught field service, receiving practical instruction in sanitary engineering, field sanitation, military preventive medicine, medical tactics, and the like. The school, entirely directed by the Medical Department, is one of the important units of the great educational system of the Army. Not its least important feature is the equipment laboratory, in which are developed new apparatus and devices for use of the Medical Department in the field in peace and war. I shall revert presently to this subject.

TROPICAL RESEARCH VALUABLE IN MANY DISEASES

Some of the Army Medical Department's important contributions to our knowledge of tropical diseases have been mentioned. Realizing that with the acquisition of tropical possessions at the close of the Spanish-American War new problems faced the service, the United States Army Medical Research Board was established in 1900. Its first head was Lt. Richard P. Strong, now professor of tropical medicine at Harvard University. The Board's first task was the preparation, in 1901, of an outline of the steps that should be taken to prevent the spread of plague. By this means the disease was controlled in Manila and kept out of the Army. This was before the Plague Commission of India had demonstrated that the disease is transmitted by the bite of the flea.

The work of this Board has solved many problems of importance and has made valuable contributions to the sum of knowledge of cholera, typhoid fever, hookworm, leprosy, malaria, and the tropical diseases, yaws and filiariasis. They showed, for example, that the long-known hill diarrhea was a form of dysentery caused by the bacillus first described by Dr. Flexner, of the Rockefeller Institute. One member—Vedder—showed that ipecac, theretofore used empirically in the treatment of amebic dysentery, was effective because of its containing the alkaloid emetine. The Board showed that diphtheria is far more prevalent in the Tropics than once had been thought, and that tuberculosis is two and one-half times more common in Filipinos than in Americans. They demonstrated that the horsefly transmits surra, the most serious disease of horses in the Philippines. In 1925 Siler and coworkers showed that dengue, sometimes known as breakbone fever, is transmitted by the same type of mosquito as is yellow fever. They have shown that the effect of tropical sunlight is no more deleterious to blondes than to brunettes. Recently the Board has been transferred from Manila to the Canal Zone. Here new problems await their study.

AMERICA'S GREATEST CONTRIBUTION TO MEDICINE—THE ARMY MEDICAL LIBRARY OF WASHINGTON

Leading medical authorities in both Europe and America have pronounced the Army Medical Library in Washington America's greatest contribution to medicine, a strong statement—but not overdrawn, I am told by many leading physicians. This mighty institution, the largest medical library in the world, contains practically everything published in modern times in medicine as well as one of the most complete collections of ancient medical books and manuscripts. It is the National Medical Library, and its rich collections are available to every physician, sanitarian, nurse, dentist, veterinarian, or student in the United States. By means of its interlibrary loan system, these books are sent out on loan by the thousand. The library is a hundred years old this year, though its real development was begun by Surg. John Shaw Billings, United States Army, just after the Civil War. Dr. Billings was one of the great men of science that America has produced, for not only was he the father of the Army Medical Library, also known as the library of the Surgeon General's Office, but he designed the Johns Hopkins Hospital, built and directed the New York Public Library, helped to reorganize the United States Public Health Service, had a large share in the vital statistical work of the Bureau of the Census, and finally was professor of hygiene at the University of Pennsylvania. The Army Medical Library publishes the famous Index Catalog, the world's standard of medical bibliography, and indeed the most stupendous piece of bibliography ever attempted in any language or in any field of knowledge. In it are indexed not only all the books but also practically every article in every issue of every journal of every country in every language. In this institution Fielding H. Garrison, America's leading medical historian, did his work, his writings being known in all countries.

ARMY MEDICAL MUSEUM RECOGNIZED AS NATIONAL MEDICAL MUSEUM

A worthy sister institution of the Army Medical Library is the Army Medical Museum, housed in the same well-known brick building at Seventh Street and Independence Avenue SW. Founded in 1862 by Surgeon General Hammond for the purpose of studying the then little-known underlying principles of the wounds and diseases of war, with the view to diminishing the mortality and suffering of soldiers, it soon became the largest medical museum in the world. It is of great importance as an educational institution for the teaching of general diseases as well as purely military subjects, and is recognized as the National Medical Museum of the United States.

Recognizing the educational value of the Army Medical Museum along with other large public institutions in the Nation's Capital, Congress in 1892 (27 Stat. 395) made its facilities available to other institutions of learning and to properly credited students in the higher branches of medicine. Thus the cooperative work of the museum, with other teaching institutions and large scientific organizations of the United States, was given an impetus which happily has continued with increasing success to the present day. In 1895 the American Dental Association adopted a resolution formally recognizing the Army Medical Museum and Library as the national museum and library of the dental profession of the United States. In 1901 the ophthalmic division of the American Medical Association adopted a similar resolution, and since then other large medical societies have officially added the weight of their support. Among these are the American Academy of Ophthalmology and Otolaryngology, the American Association of Pathologists and Bacteriologists, the American Urological Association, the Society for the Prevention of Cancer, and others. As the result of this cooperative spirit between the Army Medical Museum and the medical profession of the United States, the collection has been greatly augmented and important researches have been made in the study of cancer and other diseases. All of these activities are now consolidated in the American Registry of Pathology maintained and operated by the Army Medical Museum under the auspices of the National Research Council and sponsored by the medical profession of the United States.

MILITARY HOSPITALS PLAY IMPORTANT PART IN CURATIVE MEDICINE

What I have said applies largely to preventive medicine for the Army believes that the ounce of prevention is worth the pound of cure. Yet in the field of curative medicine the Army plays a leading part as well. The great general hospitals, particularly the Walter Reed Hospital in Washington, D. C., are institutions of the very latest model. Here specialists in every branch of the healing art, using the most modern equipment and appliances, treat every ill to which flesh is heir. There is even a maternity department for the care of the wives and babies of soldiers.

In keeping with modern concepts of the organization of hospital and teaching institutions, the Walter Reed Hospital, the Army Medical School, the Army Veterinary School, the Army Dental School, as well as schools for the training of dietitians, physiotherapy aides, and other specialized personnel are maintained. The Army School of Nursing—established in 1918—is not in operation for the present due to the ease with which well-trained nurses may be obtained from civil hospitals. However, if a shortage should develop, as was the case during the World War, the Army School of Nursing could again be placed in operation. Nurses now have the relative rank of commissioned officers.

As I have said, I do not believe that military hospitals should interfere with private hospitals. I believe, however, that military hospitals should be developed, as they have, to the highest point of efficiency, and that the private medical profession should have the benefit of their research, if they desire it. The point is that if we are to have an Army Medical Service, that it should not be used just in war while people are killing each other, but that it should be utilized in peacetime to preserve the lives not only of the military service but in a public way with the whole people of the United States. I hold to the theory that any governmental institution should be a practical one and for the benefit of the people of the United States. If the only service performed by military hospitals in time of peace would be to run private hospitals and private doctors out of business, they should, of course, be abolished; but if they serve a necessary governmental function and, at the same time, are beneficial to the people as a whole, they should be preserved and encouraged.

TEMPORARY OFFICERS FROM CIVILIAN MEDICAL LIFE ALSO DO EXCELLENT WORK

What I have been saying concerns the accomplishments of the medical officers of the Army and military hospitals; that is, of men who devote their lives to the service and of permanent military medical institutions. In time of war the civil medical profession has always come forward and our civilian doctors have become officers for the emergency, and civilian hospitals have done their part. While the Army cannot claim their work as civilians, their work while temporary medical officers must never be forgotten in any discussion of the Army's work. During the World War, for example, many of the country's leading hospitals and medical schools organized base hospitals for Army service, and most of these units got overseas and took care of our wounded men.

CONTRIBUTION AND COOPERATION OF MAYO BROTHERS GROUP

An outstanding example of achievement in medical science, and also of cooperation between civilian medicine and the Army Medical Corps, is the work being done by the Mayo Clinic in Rochester, Minn., conducted by Drs. William James and Charles Horace Mayo, rated by many as the two most famous surgeons in the United States today. They are sons of William Worrell Mayo, who came to the United States from England in 1845 and studied medicine in St. Louis, Mo. Their father became interested in military medicine when he went as surgeon with a party of settlers who stopped the Sioux Indians at New Ulm, Minn. Shortly thereafter he became provost surgeon for southern Minnesota in charge of recruiting stations for the War between the States.

Like their father, the Mayo brothers were interested in military medicine and became officers in the Medical Reserve Corps of the Army. The two served alternately as chief consultant for all surgical cases for the Army throughout the period of the World War, each with the rank of colonel;

each became a brigadier general toward the end of hostilities. While one was busy in the office of the Surgeon General in Washington, the other was in Rochester supervising the management of the clinic which had been designated by the Government as a medical training center for commissioned officers of the Medical Corps and for enlisted personnel of the Medical Department.

The Mayo Clinic has remained a center of special training for medical officers of the Army and Navy. The two Mayos are still brigadier generals, and a majority of its doctors are commissioned officers in the Medical Reserve Corps. This interest resulted in 1929 in the establishment of the first medical service school of its kind in the country, whereby the Army Medical Corps has had made available to it the training facilities made possible by two of the greatest surgeons this country has produced. This school provides annually 2 weeks of training at the clinic for selected groups of Medical Reserve officers. Regular clinics and lecture periods are held in which members of the Mayo Clinic staff collaborate with medical officers of the Army and Navy in instructing the Medical Reserve officers. In this manner both civilian and military medical science benefit by the facilities offered by this great institution. In addition, the clinic offers facilities for postgraduate training for Regular Army and Navy medical officers who are assigned there for refresher courses varying in length from 2 weeks to 6 months.

The remarks I here make concerning the Mayo institution are based possibly upon a little partiality. All the good doctors are not at Mayo brothers, nor is their clinic the only good clinic. However, the Mayo doctors saved my life, and for that reason I have a special kindly feeling for that institution. I was operated on by Dr. Alfred W. Adson, whom I regard as one of the greatest surgeons in the world, and my case was diagnosed for the operation by Dr. Henry W. Woltman, whom I regard as one of the leading diagnosticians—also in the world. After all, these are not extravagant statements, because to use language of a century ago, "my life was despaired of", and these two men did a job regarded as almost impossible. Whether the world will condemn them or not for saving my life I do not know; however, they can rest assured that I appreciate it as does, no doubt, my insurance company, which will not have to pay any benefits.

I mention the Mayo Clinic principally as an outstanding example; the many fine doctors at that institution themselves would not wish me to place them on a pedestal, as they cooperate with all doctors of the Nation. But besides the Mayos in reference to patriotic war service, I can think of Johns Hopkins; and Harvard, which sent the great and world-famous surgeon Harvey Cushing to France with a Harvard unit. There were many medical-training centers and hundreds of able physicians in the World War.

POST WORLD WAR DEVELOPMENTS

Military medicine, like other branches of medical science, never stands still. However, it operates under a disadvantage that does not apply to other specialties. Heretofore it has been more or less forgotten between wars when its need was not acutely felt. As a result, the important lessons learned in the fierce light of battle itself and the grueling preparation therefor and the care of the men who have there been wounded have had to be relearned again and again. American experience was no different from that of other lands. But with the close of the World War it was resolved that steps would be taken to prevent this. Accordingly the system of training of both officers and men was revised. Now the medical specialties, both in preventive and curative medicine, are taught at the Army Medical School, there being classes for enlisted specialists as well as officers. Field service is taught at the Medical Field Service School at Carlisle Barracks, Pa. Here both officers and men, not only of the Regular Army but likewise of the National Guard and the Reserves, learn the field duties of medical, veterinary, dental, and sanitary service in the field. They learn how to prevent disease under camp conditions amid which soldiers must live; they learn the part which they would be called on to play if the Nation were at war, such as how to place their dressing stations at the safest place possible, yet without interfering with the work of the combatant soldiers; how to remove the wounded men from the field as speedily as may be, and many other such matters.

The work of the Medical Field Service School is perhaps best indicated by the number of men trained there since the World War. In round figures, 1,000 medical officers of the Regular Army, 5,000 R. O. T. C. students, and 4,000 Reserve officers have had this valuable training. Thus is carried on the tradition inherited from Surg. Jonathan Letterman, who in 1862 wrought great changes in our field medical organization. The system of removal of wounded men from the battlefield revolutionized our concept of this military duty. Letterman's system has formed a model for all subsequent plans and has been used throughout the world. No longer can we tolerate the thought of wounded soldiers lying on the battlefield for hours and days, though this was the usual thing in former wars.

The School of Aviation Medicine at Randolph Field, Tex., teaches the duties of the medical officers in connection with aviation, such as the care and selection of the pilots, for we know that the majority of aviation accidents are due to defects in the flying men rather than in the flying machines.

This school at Randolph Field, Tex., is 14 miles from San Antonio, Tex., and is in my congressional district. I have inspected this hospital with as much thoroughness as a civilian is capable, and I have met its officers, noncoms, and enlisted men. I can say that they have a very efficient organization, and, in my personal opinion, the work that they are doing is excellent. This character of work should be encouraged, not only because our military departments are entitled to the best of service but because of their general scientific achievements and of their special achievements in medical science as applied to aviation. Medical science, as applied to aviation, is now in its infancy, and the private airplane companies do little work in that regard and no organized research. This is being done at Randolph Field, and it will undoubtedly contribute greatly in this special field.

DOCTORS ARE NOT NECESSARILY MEDICAL OFFICERS

At the R. O. T. C. units in the larger medical schools of the country medical students were given special training in the duties of medical officers so that on graduation those qualified could be commissioned as Reserve lieutenants. Military men all agree that though we could, in an emergency, obtain without great difficulty a large number of doctors to serve their country, yet a medical officer is something more and cannot be trained on short notice. The R. O. T. C. medical units have not received financial support during the past few years, and American physicians, civil as well as military, tell me they hope that this will be corrected.

At the International Congresses of Military Medicine our representatives have learned of the manner in which foreign countries have attempted to solve the very problems that face our medical service. Through the rich literature of the Army Medical Library our officers may read of the publications in every field of medical science.

MEDICAL SERVICE FOR THE CIVILIAN CONSERVATION CAMPS

A recent notable achievement of the Medical Department of our Army has been the selection of trainees of the Civilian Conservation Corps and the care of such of them as have become injured or sick. More than a million and a half young men have been physically examined by Army medical officers for admission to the C. C. C. By such careful physical examinations those physically unfit have been refused admission, for they might have endangered their own health and that of the other men, and moreover would have subjected the Government to avoidable expense. The health of the men in camp has been excellent. Though scattered all over the country, in every kind of climate and in every sort of surrounding, there have been no serious epidemics of disease among them. Modern methods of preventive medicine have never been better demonstrated, for we do not need to be reminded of the extensive outbreaks of communicable diseases which have marked large camps in the past, such as when the Nation has been at war. Yet, since the number of C. C. C. men has been so large, much medical attention has been necessary on account of ordinary injuries and illness.

In 1933 there were a million patient-days spent in Army hospitals by these men, and in 1934 more than a million and a half. A million men were vaccinated in 1933 and half a million in 1934. When we think with pride of what the C. C. C. has accomplished, let us remember the care of the health of the men and the lessons taught them in the prevention of disease. On returning home—often to backward communities—the C. C. C. men take with them the teachings of modern sanitarians. Such lessons can hardly be without good effect on the lives of our people in general.

Four medical officers have become the chiefs of other branches of the Army, namely, Surg. Albert J. Myer, who became Chief Signal Officer—the first—in 1870; Maj. Gen. Leonard Wood, who was Chief of Staff from 1910 to 1914; Maj. Gen. Fred C. Ainsworth, who was The Adjutant General of the Army at the same period; and Maj. Gen. Harry L. Gilchrist, who was Chief of the Chemical Warfare Service from 1929 to 1933. Only recently a former sergeant of the Medical Department, Col. Frederick W. Boschen, was named next Chief of Finance of the Army.

Perhaps what I have said will show that what the Medical Department of the Army has done compares favorably with the other so-called civil accomplishments of the Army as a whole, such as the digging of the Panama Canal, the construction of the early railways, the building of the Capitol, the Washington Monument, and the Library of Congress, the Lewis and Clark Expedition to the Northwest Territory, the expedition of Pike—of Pikes Peak—river and harbor work, the conduct of affairs after the San Francisco earthquake, and the rest.

Mr. Speaker, as I stated in the beginning, the facts upon which I make this statement are given me by competent authorities; and, frankly, I have had a reasonable number of physicians check this information before putting it in the RECORD. Personally I take pleasure in building up those parts of the Government which are of benefit to the public. Some people have strange ideas about why we have a Government. They think that the Government should have services for the public which the average poor people pay and that big business should be allowed to do things and then get all the profit out of it. Take T. V. A., for instance. T. V. A. is necessary in the matter of flood prevention, soil erosion, reforestation, and many other public purposes; I believe that when the water falls over the dam that the Government should make use of it by creating power and thereby try as much as possible to pay for the necessary services that have been established through the medium of taxation. In the same way, if we are to have a medical service, I believe that it should not alone be for patching up injured soldiers and doing its duty in the matter of killing in the time of war but that its services should be utilized for the help of the American people as a whole, public health, and for the private medical profession in time of peace as well. We therefore can feel pride in the work of our Army Medical Service and know that when we are making an appropriation it is not being wasted.

REPUBLICAN PROPAGANDA GOING "AROUND AND AROUND" AND COMING OUT AT THE BALLOT BOX IN NOVEMBER WITH A SAD DISAPPOINTMENT

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter received from a man in Chicago.

The SPEAKER. Is there objection?

There was no objection.

Mr. FULMER. Mr. Speaker, under leave to extend my remarks in the RECORD, I am inserting a letter received from a man residing in Chicago who, apparently, is still suffering from a sleeping sickness brought about under the Hoover administration, and my reply thereto.

To the Honorable WADE HAMPTON FULMER,
Second District of South Carolina,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: You heard that the Governor of Georgia said to the Governor of South Carolina: "Wake up out of your dream!" There'll be an awakening in the November election; until then you're all in a trance down in South Carolina. You've been lulled into this comatose state by the swell boondogglers, the unwashed, unkempt, lazy white trash, who have plowed under their honor and self-respect for filthy lucre.

The Honorable Jobmaster will see to it that you're kept "regular"; that is, that you eat from his hand. Why should you put country, the welfare of America above allegiance to the Honorable Jobmaster and his slogan, "If you're regular you must be for Roosevelt. If you're patriots and have a regard for the welfare of America, then you're turncoats, renegades, traitors"?

Just stop and think who's calling who a traitor. Who are our enemies? "Verily, I pray, O Lord, I thank Thee for the enemies we have made." This is the identical phrase wherewith Grover Cleveland was nominated by Senator Vilas against the Jim Farleys of those other days when the President deemed a public office a public trust, when the Constitution ruled, and when the South sent men to Congress who were responsive to the will of the people.

Sincerely,

H. B. PAUL F. SONNEBORN.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 5, 1936.

Mr. H. B. PAUL F. SONNEBORN,
6454 Maryland Avenue, Chicago, Ill.

MY DEAR MR. SONNEBORN: Replying to your letter of February 3, will state that the squawking of the Governor of Georgia, directed toward the Governor of South Carolina, is only the voice of one lost sinner out in the wilderness whose cries, being against the great masses of the people and suffering humanity, will be unheard and unheeded.

I served 12 years under a Republican administration prior to President Roosevelt's inauguration. You talk about lulling people to sleep. If these administrations didn't put the country to sleep, and hungry at the time of going to bed, I don't know of any time in the history of this great Republic that there has been a more complete epidemic of financial paralysis. The farming classes of the country were bled to death by the well-organized, price-fixing, and tariff-protected groups under these Republican administrations. The prediction of Hamilton at the time of formulating a tariff policy—that is, "Unless farmers are given a bounty or placed on an equal basis, the time will come when agriculture will be bled to death and industry will fall by the wayside"—apparently came true in 1932. Because of the lack of purchasing power on the part of thirty to forty million people, brought about because of declining farm prices to the low level of 20 cents per bushel for wheat, 5 cents for cotton, 3 cents for hogs, and 10 cents for corn, the members of the Liberty League, including the great banking interests of the East, well-organized and well-financed groups of every type had to slow down—in fact, close down and discharge their employees, placing them in the bread lines of the country. People in the West were burning corn for fuel. Certainly you haven't forgotten the banks put to sleep under the operations of the Republican administrations referred to, thousands having never awakened from their slumber, all of which has destroyed millions of deposits belonging to hard-working, innocent, upright citizens of this great Republic. Apparently, from the tone of your letter, this is the condition to which you are very anxious to return.

The Republican administration joined in with what is commonly known as the Coolidge and Hoover stock-market boom, with Hoover prosperity running rampant. However, in 1929, the crash came and cleaned out thousands of innocent investors. I imagine this is a beautiful picture to you, and, apparently, you would like to have another demonstration of this type of prosperity.

I agree with you that there will be an awakening in November. But this awakening will be of you, and your type, who were so completely lulled to sleep during the closing days of the Republican administration now being aroused by the tremendous noise sent out in the way of propaganda by the Liberty League and those hell-bent on controlling and plundering the public, to observe, at least by November, the wonderful progress made by the present administration in the interest of the unorganized, the great masses, and suffering humanity.

South Carolina does not have to listen to the dictates of her Governor, or that of Georgia, to be "regular." My State stands out as the most "regular" State in the Union when it comes to a government of the people, for the people, and by the people.

Yours very sincerely,

H. P. FULMER, M. C.

THE STORY OF EDWARD BANCROFT

Mr. DIETRICH. Mr. Speaker, I renew my request of a few moments ago. The gentleman from Massachusetts [Mr. MARTIN] has withdrawn his objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that he be permitted to extend his remarks in the RECORD and to include therein certain historical references?

There was no objection.

Mr. DIETRICH. Mr. Speaker, in his splendid book of biographical sketches, The Lees of Virginia, Mr. Burton J. Kendrick has made the statement, which he substantiates with convincing documentary proof, that Americans have committed a great injustice in making Benedict Arnold the

arch traitor of the Revolution. The author has declared that the "eminence" of being the Revolution's archtraitor "rightfully belongs to Dr. Edward Bancroft, friend and confidant of Benjamin Franklin." He explains that Arnold was guilty of only one act of treason, which failed, while Bancroft for 8 years was daily betraying his country—and successfully.

Most of us in this Chamber, I venture to say, have never before heard of the man Bancroft. He surely has not figured prominently in our written histories. Yet it is shown with great conclusiveness that through his machinations the Revolutionary War was prolonged measurably and that the indescribable sufferings of Washington's soldiers at Valley Forge might have been avoided.

It is an amazing story and a recital of shameful facts. Yet today, after a lapse of 160 years, the revelations do not startle the public. They are interesting only because they are a part of the background of history. We read them; we lay them aside. The cast of characters in the drama is no more. There is nothing that can be done about it. If there is any lesson or any moral to be drawn from the disclosures at this late day, it likely would focus on the credulity of those citizens among us who have attained places of high authority in public affairs. Too often, at vital moments, the same now as a hundred and sixty years ago, plausibility has been accepted for disinterestedness. Dr. Franklin was Bancroft's friend, but Bancroft was far from being Dr. Franklin's friend. Bancroft was steeped in duplicity; Dr. Franklin, with all his wisdom and strength of patriotism, was credulous, and his credulity—perhaps we should say, his misplaced confidence—made imposition and betrayal possible.

However, that may be, I desire to include in my remarks for whatever historical value it may have to this and future generations a condensed version of Mr. Hendrick's story on Edward Bancroft. It is as follows:

In 1776 Congress appointed a commission to France, with Benjamin Franklin as its head. One of his associates was Arthur Lee, of the famous "Lees of Virginia." The commission was installed in a beautiful mansion at Passy, which served throughout the war as the American Embassy in France. There Lee, returning from a mission in Berlin, found Franklin already established, and there, serving as chief confidential man to Franklin, was Edward Bancroft.

Lee was astonished, for he already possessed proof of Bancroft's duplicity. He informed Franklin that the man was a spy in the pay of the British Government—and he submitted evidence. But Franklin's backbone stiffened at the accusations. Edward Bancroft, his long-time friend, to be accused by this Virginia upstart, as the paid betrayer of his inmost secrets! Amiable as he was to others, to Lee, Franklin's manner became henceforth little less than savage. And his indignation has been echoed by his biographers, for to admit that Bancroft was a spy "would involve grave imputations on the sagacity and the vigilance of Franklin." Yet had Lee's protests been heeded, probably the Revolution would not have lasted 7 exhausting years.

No one can understand the secret workings of the American Revolution without examining the famous Stevens Facsimiles, finally released by the British Government in 1889—25 huge volumes of its secret-service reports during the Revolution. One's first impression on reading these mighty tomes is admiration at the accurate completeness of British Intelligence. During those years the British were far better informed of American activities than was Congress itself. Franklin's Embassy appears almost a branch office of the British secret service; every happening there found its way instantly to Downing Street—and to Windsor, for it was the chief delight of George III to read the reports of British spies. And the agent mainly responsible for providing this royal reading was that same Dr. Bancroft, who so completely bamboozled Franklin and who found so many apologists in America. The prolongation of the war was owing, more than to any other single cause, to the information constantly supplied by this man—for money—to the British ministry.

A gentle and scholarly soul, this Edward Bancroft—a naturalist and chemist, of good standing in literary and scientific circles, educated as a physician in England, and possessed of social graces. His written account of his own misdeeds is one of the most extraordinary bits in biographical literature. In a plea for renewal of his pension, stopped at the end of the war, Bancroft gives, over his own signature, a résumé of his services to the British Crown—a long catalog of treasons against his native land, and adds: "As an inducement to continue my services in France, my pension of £200 was to be increased to £500, at least. Confiding in this promise, I resided in the same house with Dr. Franklin and regularly informed this Government of every transaction of the Commissioners."

Amazing as this confession seems, Bancroft's contract with the British Government is still more astounding. In it he promised information on all diplomatic concerns—America's negotiation for European alliances; details of American attempts to obtain foreign credits; copies of all the Commissioners' letters to and from Congress and foreign powers; also details about every ship sailing for America: its cargo, its port and date of sailing, its projected course—so that British ships might be placed advantageously for interception.

The manner of conveying all this intelligence appears also in this contract. Anyone accidentally discovering Bancroft's letters might think he had stumbled upon an illicit love affair. They were to be written "in gallantry", upon white paper, with liberal spaces, and to comprise confidences, as if to one's sweetheart. But in the voids the real matter was to be inserted, written in "white ink"—that is, invisible ink—"the wash to make which appear is to be provided." The letters were to be sealed in a bottle and placed in a hole at the root of a certain tree, to be called for every Tuesday evening.

Bancroft's sedulous use of these postal facilities did the American cause vast harm, for his missives contained details of the sailings of ships carrying supplies sorely needed by Washington's troops. Ship after ship cleared French ports for America, only to be scooped in by the British cordon. Valley Forge would have been much less distressing had the blankets, shoes, tents, and clothes dispatched from Europe not been taken through information given by Bancroft. From May 1777 to April 1778 Congress received no information from its representatives in France, for all ships carrying it were captured.

Bancroft's frequent trips to England might have awakened Franklin's suspicions, but the man always returned with information about movements of British troops and navy—news which seemed important but was really false and inconsequential. Bancroft actually drew a salary from Congress for services of this kind, and once wrote protesting the slow arrival of his compensation. And the British Ministry, to lend color to American confidence in him, even had Bancroft arrested as an American spy.

Others besides Lee knew that something was wrong at American headquarters. Even Franklin's equanimity was disturbed when the French Minister protested that the Embassy was sheltering a traitor. Bancroft, ready for this emergency, insisted that the traitor was Beaumarchais, of the French King's secret service. Lee, meanwhile, was unerringly pointing the accusing finger at Edward Bancroft. But Franklin could not be persuaded. Denunciation seemed only to link him stronger to the man. That he sincerely trusted him is unquestioned.

Benjamin Franklin went to his grave without losing confidence in the associate who had sold out his country. He even took Bancroft in a confidential service to the peace conference that ended the Revolution—Bancroft, of course, being still on the British pay roll. In 1785 Franklin wrote to him in England in most friendly terms. "My best wishes attend you. We shall be happy to see you here when it suits you to visit us; being with great esteem, my dear friend, yours most affectionately, B. Franklin." So ends what was perhaps the most calamitous instance of misplaced confidence in American history.

TREASURY AND POST OFFICE APPROPRIATION BILL, 1937

Mr. LUDLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10919) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10919, with Mr. GREENWOOD in the chair.

The Clerk read the title of the bill.

Mr. WIGGLESWORTH. Mr. Chairman, I yield 30 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, the trade agreements entered into between this and other countries by the Roosevelt administration show a complete reversal of the position held by Mr. Roosevelt when he was a candidate for election to the Presidency in 1932. In support of this statement I quote from the speech delivered by Candidate Roosevelt at Baltimore on October 26, 1932, wherein he said:

I know of no effective excessively high duties on farm products. I do not intend that such duties shall be lowered. To do so would be inconsistent with my entire farm program.

The American people have a mighty stake in the reciprocal trade program that is being carried out by Mr. Roosevelt and his advisers. This being the case, they have every right to examine the record and see whether Mr. Roosevelt has been proceeding under the pledge that he made to them in his Baltimore speech.

PRESIDENT ABANDONS FARM PLEDGE

First, President Roosevelt increased the amount of sugar that the Cubans may ship into this country by 300,000 tons,

and ordered a corresponding decrease in production of domestic beet sugar.

That is not all that he has done for Cuba. Under the Cuban trade agreement he reduced the duty on sugar from 2 cents a pound to 0.9 cent a pound, which constitutes an outright gift to the Cuban sugar interests, that are owned largely by the National City Bank, the Chase National Bank, and Vincent Astor, all of New York, and this reduction of the tariff constitutes an outright annual gift to that small, powerful financial group of $42,000,000 a year. Not only did Mr. Roosevelt take action that would give his friends in New York what amounts to $42,000,000 a year, but when the Cuban crowd raised the price of sugar by a cent a pound it meant an increase to that small, powerful group of an additional $15,000,000 a year, or a grand total of $57,000,000 a year.

One would naturally suppose that the reduction in the sugar tariff would benefit the consumer, but as a matter of fact, the retail price of sugar has been 1 cent per pound higher than was the price when we entered into the ill-advised Cuban trade agreement.

Sugar is now our leading import. During the first 11 months of 1935 we imported 5,820,000,000 pounds of sugar, valued at $133,000,000, practically 70 percent coming from Cuba. Notwithstanding the fact that we import about 3,000,000 tons of sugar annually, the New Deal has adopted the idiotic program of producing less sugar at home, so that we will have to buy more foreign sugar. This can only help the foreign sugar producer and the international banking group in New York which controls the Cuban sugar industry.

Why should the Roosevelt administration compel the American sugar-beet growers to cut down on his sugar-beet production when we import from other lands over 3,000,000 tons annually? Can any one advocate such a program? Does it make good sense?

Mr. BUCK. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. BUCK. Is it not a matter of fact that the tonnage which the sugar-beet growers of the United States might produce under the Jones-Costigan Act exceeds the amount that ever was produced in any year before the passage of that act?

Mr. KNUTSON. Let me say to my good Democratic friend from California that the Cuban sugar interests have been able to manipulate prices up and down so that whenever the American beet-sugar grower became too active in his production they would put him out of business by running the price down on him, and just as soon as he was out of business the price was put back again. My friend will recall that when the Cuban crowd took that action shortly after the war and drove the American beet-sugar grower out of business they ran the retail price of sugar up to 35 cents a pound.

Mr. BUCK. I am not referring to anything that happened after the war, but what has been accomplished by means of the Jones-Costigan Act. I do not desire to trespass upon the gentleman's time, but I do say that as far as I know, representing one of the largest, if not the largest, beet-growing sections in the United States, that all of the beet growers and manufacturers are satisfied with that act.

DOMESTIC BEET-SUGAR INDUSTRY RESTRICTED

Mr. KNUTSON. At Bay City, Mich., there is a beet-sugar mill which has been closed down and dismantled because of restrictions placed on the American beet-sugar industry by this administration, and I call on the gentleman from Michigan [Mr. WOODRUFF], who represents that district, to bear out my statement.

Mr. WOODRUFF. Mr. Chairman, in that connection, one of the Michigan sugar company's plants at Bay City, Mich., is dismantled and closed for all time because of the restrictions placed on the production of beet sugar in this country, referred to by the gentleman from Minnesota [Mr. KNUTSON], and further, in that connection, the records of the Department of Commerce show, in addition to the restrictions mentioned, that during the year of 1935 the importation of sugar from foreign countries has increased nearly 500,000,000 pounds over 1934.

A particularly outrageous situation exists as regards sugar. The report discloses that the importation of cane sugar in 1935 was 448,254,000 pounds greater than in 1934. People living in the vicinity of Bay City have not forgotten that as a result of the administration's program touching the production of sugar in this country the amount which the American farmer is permitted to produce has been arbitrarily and drastically reduced, notwithstanding the fact that we only produce 30 percent of the sugar we consume. As a result of this reduction, many American farmers who heretofore enjoyed the privilege of raising sugar beets are either now unable to raise this crop or must necessarily reduce the number of acres planted.

The increased allotment of sugar for American consumption given to the foreign producers would, had it been given to the American farmer instead, have been sufficient to have enabled the operation of 18 additional beet-sugar factories in the beet-growing areas. It would have been the medium through which many millions of dollars might have been distributed among the farmers, the workers, the coal miners, and railroad men, and would have been the medium through which additional prosperity could have been brought to our people.

Mr. KNUTSON. The gentleman is right. I say to the gentleman that if we would permit the American beet grower to supply the domestic demands we could take 2,000,000 acres that are now put to crops of which we have a surplus and produce our own sugar.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. Yes; to my good friend.

Mr. REED of New York. Just to clarify the point, is it not a fact that this administration put a quota on the domestic acreage so that our beet growers could not place additional land into sugar-beet production?

Mr. KNUTSON. Certainly; and that is the reason that the sugar factory at Bay City was compelled to close down.

Mr. BUCK. Is it not a fact that, in spite of the quota that the administration put on the domestic beet-sugar producers, they have never yet been able to reach the quota since the passage of the Jones-Costigan Act?

Mr. KNUTSON. The gentleman's statement is not borne out by the facts.

Mr. CULKIN. Will the gentleman yield?

Mr. KNUTSON. Yes; I yield.

Mr. CULKIN. Have not Secretary Wallace and Professor Sayre jointly declared that the sugar-beet industry is inefficient and should not be carried on in this country?

Mr. KNUTSON. Secretary Wallace came before the Ways and Means Committee and stated as his deliberate judgment that any American activity that could not compete with a foreign activity should be laid down; that there was no justification for its existence. The members of the committee present will bear me out in that statement. Mr. REED is a member of the Ways and Means Committee. Under Secretary Wallace's program, if we cannot compete with China in the production of eggs, we ought to stop the production of eggs in this country.

Mr. KVALE. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. KVALE. Does not the gentleman also want to include in his argumentative figures the fact that the exports to Cuba have increased over 100 percent and America has derived some advantages therefrom?

Mr. KNUTSON. Yes. In reply to my distinguished colleague, let me say that as against a 100-percent increase in exports, imports from Cuba have increased several times 100 percent.

Mr. KVALE. But the gentleman does not quote figures now; he quotes percentages.

Mr. KNUTSON. Here are the figures: In the first year's operation of the Cuban agreement our imports increased $103,000,000 over the previous 12-month period, while our exports only increased $21,000,000.

Mr. FISH. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. FISH. I hope the gentleman will put in the RECORD the imports of early vegetables, such as tomatoes and beans, which are produced in the Florida fields, before he gets through.

Mr. KNUTSON. I think that ought to be done by someone from Texas or Florida who is enjoying the blessings of Mexican and Cuban competition. [Applause.]

Mr. RYAN. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. RYAN. Has the gentleman taken into consideration in his remarks any comparison of the damage done to the American farmer by the Smoot-Hawley tariff bill? [Applause.]

Mr. KNUTSON. There we have the old stock phrase. Let me say to my good friend from Minnesota that the Democratic Underwood bill did not give the American farmer one dollar's worth of protection.

Mr. RYAN. Will the gentleman yield further?

Mr. KNUTSON. I yield.

Mr. RYAN. I would ask the gentleman whether he would answer my question in regard to the Smoot-Hawley tariff bill, the damage done to the American farmers thereby?

Mr. KNUTSON. What damage was done to the American farmer by the Smoot-Hawley bill? I know of no damage it has done to anyone.

Mr. RYAN. Certainly the gentleman knows that the tariffs imposed by the Smoot-Hawley tariff bill and other Republican bills were the greatest blows which the American farmer has ever received.

Mr. KNUTSON. Well, I think the tariff is going to be the paramount issue in this campaign, and the gentleman can sell his own people on that theory when the time comes.

Mr. REED of New York. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. REED of New York. At a meeting in Norwich, England, in 1935 Mr. Runciman, who had been negotiating the trade agreements over there, made a statement to that group that had it not been for the weapon of the tariff he could not have closed one trade agreement. Is it not a fact that imports have been pouring into this country in spite of the Smoot-Hawley tariff bill, and we are endeavoring to negotiate treaties without a tariff sufficiently high to protect us from giving away our market?

Mr. KNUTSON. Certainly.

Mr. WOODRUFF. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. WOODRUFF. The gentleman understands that under the Smoot-Hawley tariff bill two-thirds of everything imported into this country is brought in on the free list and without the payment of any tariff whatsoever?

Mr. KNUTSON. That is true.

Mr. HARLAN. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. HARLAN. I might call attention to the fact that if you make the Smoot-Hawley bill high enough not two-thirds but three-thirds will come in under the free list, if we have anything come in at all, because the higher you make the tariff, the greater proportion comes in under the free list. You shut out all the rest.

Mr. KNUTSON. Does the gentleman know that in dollar value we consume in normal times more than 90 percent of our total production? Is the gentleman aware of that fact? Yet the gentleman is willing to throw away the 90-percent market in order to hold a measly 10-percent market, the credit of which is of doubtful value.

Mr. CULKIN. Will the gentleman yield further?

Mr. KNUTSON. I yield.

Mr. CULKIN. Does the gentleman know that under the auspices of the Democratic State of Florida there is an action pending to test the constitutionality of these trade agreements?

Mr. KNUTSON. Yes.

Mr. CULKIN. And it is now being pursued through the courts, the people of Florida claiming that the vegetable grower, who has hundreds of millions of dollars invested in small truck farms, is being ruined by this agreement?

Mr. KNUTSON. The gentleman is right. There has been such a large influx of northerners to Florida that they are finally waking up down there. [Laughter.]

CANADIAN TREATY UNPOPULAR WITH FARMERS

Now, let us proceed to a consideration of the Canadian trade pact which has proved and is proving so unpopular among our farmers. It is the American farmer who will bear the brunt of this ill-advised agreement. In that treaty we are giving the Canadian farmer very substantial concessions at the expense of the American farmer. I give a few of them:

Cattle, weighing 700 pounds or more, reduced from 3 cents per pound to 2 cents, or by 33⅓ percent. This reduction to apply to the first 156,000 head imported in each year.

Cattle, weighing less than 175 pounds, reduced from 2½ cents per pound to 1¼ cents per pound, or by 40 percent. This reduction to apply to the first 52,000 head imported in each year.

Dairy cows, weighing 700 pounds or more, reduced from 3 cents per pound to 1½ cents per pound, or by 50 percent. This reduction to apply to the first 20,000 head imported in each year.

Cream, fresh or sour, reduced from 56.6 cents per gallon to 35 cents per gallon, or by nearly 40 percent. This reduction to apply to the first 1,500,000 gallons imported in each year.

Live poultry, reduced from 8 cents per pound to 4 cents per pound, or by 50 percent.

Chickens and guineas, dead, reduced from 10 cents per pound to 6 cents per pound, or by 40 percent.

Horses, valued at more than $150 per head, reduced from $30 to $20 per head, or by 33⅓ percent.

Maple sugar, reduced from 6 cents per pound to 4 cents per pound, or by 33⅓ percent.

Hulled oats, unfit for human consumption, reduced from 16 cents per bushel to 8 cents per bushel, or by 50 percent.

Apples, green or ripe, reduced from 25 cents per bushel to 15 cents per bushel, or by 40 percent.

Cherries, reduced from 2 cents per pound to 1 cent per pound, or by 50 percent.

Peas, reduced from 3.9 cents per pound to 2 cents per pound, or by nearly 50 percent. This reduction to apply only between July 1 and September 30 of each year, which is the pea-canning season in our section of the country.

White or Irish seed potatoes, reduced from 75 cents per hundredweight to 45 cents per hundredweight, or by 40 percent. This reduction to apply to the first 750,000 bushels imported in each year.

Turnips and rutabagas, reduced from 25 cents per hundredweight to 12½ cents per hundredweight, or by 50 percent.

Hay, reduced from $5 per short ton to $3 per short ton, or by 40 percent.

This list is not all-inclusive, but contains some of the more important agricultural items affected by the Canadian pact.

Mr. BUCK. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. BUCK. Would the gentleman be so good as to insert also a list of the benefits the American farmer receives from Canada?

Mr. KNUTSON. I would prefer that the gentleman from California do so in his own time.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield for a brief question.

Mr. RYAN. We have heard a lot of criticism from the gentleman. I should like to ask whether he has any constructive plan whereby we can regain for the American farmer the markets he has lost?

Mr. KNUTSON. I have not yet been shown that he lost anything under the Hawley-Smoot bill, and I am not going to act on some imaginary premise.

Mr. WOODRUFF. With the gentleman's permission, Mr. Chairman, may I ask if we can regain any substantial advantage by seeking foreign markets for the things we produce in this country by surrendering the American market, which, of course, is the most valuable market the American producer has?

Mr. KNUTSON. It is the only market; it is the only cash market he has in the world.

DAIRY FARMER WRITES TO PRESIDENT

When the Canadian trade agreement was made public, President Roosevelt saw fit to issue a 1,500-word statement in its defense. This he would hardly have done had he not been disturbed over its political possibilities. I do not wonder that he was disturbed. The American farmer is equally disturbed, as is shown by a letter written by a Minnesota dairyman to the President early last year, which I am going to insert at this point, and I want you to read it. This is a copy of a letter that was written to the President, praying him to give the American farmer the protection that would enable him to live like a white man.

SWANVILLE, MINN., *March 15, 1935.*

Hon. FRANKLIN D. ROOSEVELT, *President,*
Washington, D. C.

DEAR MR. PRESIDENT: Enclosed you will find a resolution just recently drafted by our creamery. It is an earnest plea not alone from our home creamery but from all the thousands of creameries over the Northwest to you, Hon. Mr. President, asking for a fair deal and a raise in tariff rates. It is a plea from millions of disgusted and discouraged farmers whose backs are against the wall; who during the past 4 years have fought against great odds, a losing fight against poor prices, grasshoppers, drought, and other unfavorable conditions; who are just asking for a chance to make a decent living and a chance to pay their debts in an honest way. They have cut production all along the line; they have cut their dairy herds, so that numerous farmers have only a few cows left. The steady rise of butterfat seemed like a ray of hope to them, but that hope was dashed to pieces again by the drop in the butter market due to foreign shipments.

I do not think that you, Hon. Mr. President, know the true conditions existing among our dairy farmers—your people. I wish it would be possible for you, Mr. President, to make a personal visit with them; sit down at their tables and partake of their meals; see how they dress, see in what shape their buildings are, etc. You would then, Hon. Mr. President, see how conditions really are, how so many farmers must cut down on bread and butter so they can pay their taxes and have clothes to wear. If these conditions continue, our American dairyman cannot survive.

Trade agreements with other countries shipping in dairy products mean only one thing for us home people—lower prices for our products, and that in turn means more bankrupt farmers, more people going on relief. Trade agreements of these kinds will not benefit our Nation nor will it put an end to the depression.

When we went off the gold standard we reduced our tariff rates, I believe. We surely cannot compete with other nations as the tariff rates now stand. I understand that you, Hon. Mr. President, have the power to change these tariff rates. As stated before, millions of farmers are pleading for a higher tariff rate. This would benefit the farmers more than any farm program put across so far; it would do away with our depression among the farmers.

It is the writer's earnest desire that the Honorable President read this letter personally, and I would also like to be honored with a personal reply, may it only be a few words, as to what will be done about the tariff question.

Greetings and best wishes from your rural friends in Minnesota, I am,

Very respectfully yours, ERVIN MIELKE,
Secretary-Treasurer, Swanville Co-Op. Creamery Association.

QUOTAS INEFFECTIVE

Those who are responsible for the Canadian trade agreement have repeatedly called attention to the fact that quotas are applied to imports on several Canadian agricultural products. Yes; that is true; but let us see how it works out.

Under the protection of the 56.6 cents duty on cream established under the "iniquitous Hawley-Smoot tariff bill", to which my friend from Minnesota has so much objection, the American dairy farmer has had the domestic market almost completely to himself. Under the lower duties previously in effect imports of cream, which came almost exclusively from Canada, ranged from 3,000,000 to 5,000,000 gallons a year. Under the Hawley-Smoot bill this importation shrank to about 1,000 gallons a year.

The fact that Canada is limited to a quota of 1,500,000 gallons of cream at the reduced rate does not mean that importations will stop at this figure. On the contrary, the 21.6 cents spread between the old duty and the new duty that has been given the Canadian dairyman by President Roosevelt and his free-trade advisers means that the Canadian farmer can ship in 1,500,000 gallons at the new rate of 35 cents and still make an additional net profit of approximately 11 cents per gallon on the whole quantity. By the same token, he can ship in another 6,000,000 gallons, one-quarter at the lower rate and three-quarters at the higher rate, and yet be ahead an average of 5½ cents per gallon on his cream.

In further answer to the administration's defense of the quota proviso, I desire to quote from the report of the committee on legislation of the National Grange adopted at its annual meeting at Sacramento last November. I read:

Even though quotas have been fixed in the case or some commodities—

And I want you free-traders to get this—

it cannot be denied that even a small surplus is sufficient to convert a seller's market—

May I have the attention of the high priest of free trade, please?

Mr. HARLAN. I was just looking for some figures to enlighten the gentleman.

Mr. KNUTSON. I continue reading:

It cannot be denied that even a small surplus is sufficient to convert a seller's market into a buyer's market and to depress the price level on an entire crop or commodity.

Turning to another portion of their report, I read this:

With potatoes having sold at ruinous prices for several years due to overproduction, and with domestic growers being asked to submit to a compulsory reduction in acreage, there is no justification for slashing the tariff on seed potatoes. Seed potatoes grown in northern United States are just as vigorous and disease resisting as potatoes imported from Canada.

Continuing, the same report says:

Our dairy and livestock interests will suffer because of the reduction in tariff rates on cream and cattle. The domestic poultry industry, one of the most important branches of agriculture, needs further protection, and not the lower duties contained in the Canadian pact.

Further on we find this significant paragraph in the National Grange resolution:

One of the worst features of the whole situation is that while we receive some concessions from one country, Canada, under the most-favored-nation clause which has been written into treaties into which we have entered with all the leading nations of the world we must give these nations the same concessions that we give Canada, although they make no concession to us.

Mr. HARLAN. Mr. Chairman, will the gentleman yield to the high priest of free trade?

Mr. KNUTSON. I shall be delighted to yield to the high priest of free trade from Ohio.

Mr. HARLAN. The gentleman undoubtedly is aware of the fact that while under the Canadian treaty we make some concessions on sweetpotatoes, still Canada gives us an absolutely free market on both sweet and Irish potatoes.

Mr. KNUTSON. Of course. Canada cannot raise sweetpotatoes. They give sweetpotatoes the same standing we give tea and coffee in this country, and as for Irish potatoes, we cannot compete in the Canadian market, so the Canadian potato grower is safe.

Mr. HARLAN. Now, I want to add to that statement before I ask the question the fact that the American dairy industry has for years been exporting a great deal of cheese. Does the gentleman think American agriculture ought to be allowed to continue to export any of its produce; and if the gentleman says "yes" to that, how does he expect them to be paid for if we do not allow some imports?

Mr. KNUTSON. Will the gentleman please tell us how we can hope to sell abroad unless we can sell on the world level, and how can we sell on the world level and yet maintain the American standard of living?

Mr. HARLAN. Does the gentleman present that as a question?

Mr. KNUTSON. Yes; that is a question; but my time is fleeting. I only have about 10 minutes left. I want to get down to the speech which the gentleman made the other day, if I may.

I am not going into a discussion of the A. A. A. at this time, except to point out that it was sadly lacking in that it made no provision for keeping farm products of other countries from coming into this country and replacing the crop reductions made under the A. A. A. We like to think of ourselves as an intelligent people, but I make the statement without fear of contradiction that there is not another government in all the world that would be so foolish as to adopt a program that calls for reduction in domestic production and a corresponding increase in foreign importations, espe-

cially when we take into consideration conditions now obtaining in our own country. When we consider the enormous imports that are coming in, all of which serve to depress the home market and make for unemployment, we can readily understand why the price of a number of agricultural products is below cost of production.

The following table shows the comparative imports in the first 11 months of 1934 and 1935 of certain products of which Minnesota is a large producer, or which compete with products produced in Minnesota:

UNITED STATES TARIFF COMMISSION,
Washington.

Imports for consumption in the United States of specified commodities for the 11 months ending November 1934 and 1935

Commodity	Unit	January–November, inc., 1934	January–November, inc., 1935
Butter	Pound	872,413	22,141,853
Cheese	Pound	43,966,025	45,904,581
Eggs, whole, in the shell	Dozen	170,266	380,762
Eggs, frozen or otherwise prepared	Pound	2,889,872	7,090,614
Meats, fresh, chilled or frozen	Pound	838,761	11,020,666
Meats, prepared or preserved	Pound	41,855,702	76,801,792
Corn	Bushel	1,748,487	41,145,128
Oats	Bushel	3,168,865	10,099,067
Barley:			
Malt	Pound	178,801,852	304,919,830
Hulled or unhulled	Bushel	4,708,415	4,808,920
Wheat:			
For grinding in hand and export	Bushel	7,098,358	6,988,309
Ground into flour for export to Cuba.	Bushel	3,213,258	3,662,145
Unfit for human consumption	Bushel	1,236,036	9,976,503
Other (full duty)	Bushel	4,593,730	13,141,213
Wheat flour	Pound	174,744	2,328,723
Rye	Bushel	7,823,738	9,641,335
Flaxseed	Bushel	12,346,689	15,870,113
Wood pulp:			
Mechanically ground	Ton [1]	171,423	164,937
Unbleached	Ton [1]	160,981	148,290
Bleached	Ton [1]	10,442	16,647
Chemical wood pulp	Ton [1]	1,477,335	1,525,478
Standard newsprint paper	Pound	3,973,601,983	4,266,880,200
Beet sugar	Pound	146,165	1,506,623
Canes ugar:			
Full duty	Pound	57,611,337	103,068,970
From Philippine Islands	Pound	2,201,762,334	1,790,831,512
From Cuba	Pound	3,140,393,892	3,926,380,411
Manganese ore (including ferruginous) or concentrates, and manganiferous iron ore containing more than 10 percent of manganese:			
Over 10 but not 35 percent	Pound		
35 percent and over	Pound [2]	284,470,997	344,542,994
Product of Cuba	Pound [2]	56,667,516	49,644,663
Matches:			
Friction or lucifer, n. e. s.: Box containing not more than 100	Gross boxes	828,137	2,031,656
In other packages	M	630	4,467
Wax and wind, and in books or folders	Pound	3,033	57,608

[1] Ton of 2,000 pounds.
[2] Manganese content.

NOTE.—Statistics do not include small amounts imported from Cuba, and small amounts imported free under special provisions.
Source: Compiled from monthly statistics of imports for consumption.

RYE IMPORTS FORCE PRICE DOWN

Minnesota is one of the important rye-producing States in the Union. Our normal need for rye is about 32,000,000 bushels annually. Last year, according to the estimates of the Department of Agriculture, we produced nearly 50,000,000 bushels, leaving a surplus of 18,000,000 bushels. Notwithstanding the fact that we knew we were going to have a surplus in domestic production, we very foolishly stood by and permitted Europeans to ship in nearly 10,000,000 bushels of rye during the year 1935, which increased the surplus to 28,000,000 bushels. As a result rye is today selling on the primary market for less than 40 cents a bushel, whereas it should be bringing 75 or 80 cents a bushel. This represents a loss of over $7,000,000 to the rye growers of the United States.

It was only after the 1935 rye crop had been marketed by the growers that the New Dealers took steps to remedy the deplorable situation of the American rye grower, although it had been called to their attention long before the 1935 crop was harvested. This I know, because I called it to their attention late last spring or in the early summer.

Do you wonder that the National Grange's committee on legislation closed its report with this forceful declaration—

Unless the trade agreements containing the most-favored-nation clause are first abrogated, we cannot afford to enter into reciprocal tariff treaties with other nations.

If these treaties are not rescinded, we demand the repeal of the Reciprocal Tariff Act just as soon as Congress reconvenes.

Mr. HARLAN. What did rye sell for before Roosevelt became President?

Mr. KNUTSON. Does the gentleman mean before the drought?

Mr. HARLAN. Yes; before the drought.

Mr. KNUTSON. Give the Lord a little credit.

Mr. HARLAN. That is what we want the gentleman to do.

Mr. KNUTSON. The trouble is that you Democrats only give the Lord credit for the Ten Commandments, but no credit whatever to the drought which cut production to the bone and that increased prices, of course.

Mr. Chairman, we have entered into trade agreements with various countries and have obtained in every one of them the short end. In every one of these trade agreements the President has broken the promise he made to agriculture at Baltimore on the 26th of October 1932. I want to ask my good friend the gentleman from Minnesota, as well as the high priest of free trade from Dayton, Ohio, a question.

Mr. KVALE. If the gentleman refers to me, I should like to ask him a question. I want to ask the gentleman if he is the same gentleman who in 1932 went out among the people of Minnesota and said he was going to stick with the skipper? By "skipper" is meant the one the gentleman now refers to as Mr. Roosevelt at times and occasionally as President Roosevelt.

Mr. KNUTSON. I stuck with him until he ran away from me. When he went out through the window with the Constitution under his arm, he left me. [Laughter.]

DUTY ON MATCHES REDUCED

When we concluded the Swedish trade agreement we cut the tariff on safety matches by 12½ cents per thousand boxes. Later the same rate was given to Russia in another agreement. So the city council at Cloquet, where they have a match factory, sent me a message. The factory is still there, but it is not operating any more as a result of the Democratic desire to play the "good neighbor" and give our markets away to others. As I stated, the City Council of Cloquet wired me as follows:

Just advised by American Match Institute that administration is planning to establish annual import quota of 5,000,000 gross of strike-on-box matches as foreign annual quota under reciprocal treaty. If this is done, 900 local people face unemployment; $120,000 annual payment to northern Minnesota farmers for their timber, each employing from 2 to 10 men in furnishing raw materials, seriously endangered.

I regret to say that their worst fears were realized, and the Cloquet factory has not been operating for the past 6 or 8 months because they cannot compete with Russia.

MANGANESE TARIFF CUT 50 PERCENT

Take another Minnesota item, and I refer to manganese ore. As I recall, in the Fordney-McCumber law of 1922 we placed a duty of a cent a pound on manganese. There are about 35 States that have manganese deposits. When we drafted the Hawley-Smoot bill in 1929, to which my good friend from Minnesota, Mr. RYAN, has such serious objection, we retained this 1 cent a pound rate, which was equivalent to an import tax of $20 a ton. At that time the people in those little villages up there on the Cuyuna Range were prosperous; they were happy; they were content. Then we turned around and negotiated a trade treaty with Brazil. We cut the tariff in two. Why did we do that? Because the Brazilians wanted it? Oh, no. It was because the United States Steel Corporation owns all the manganese deposits in Brazil. Yes; we have driven the money changers out of the temple, but we have brought them to Washington. It is great humanitarianism to open the door to the foreign producers, who exist on coconut milk and live in the boughs of trees. Open the doors to his product, and "to hell" with the American producer!

[Here the gavel fell.]

Mr. WIGGLESWORTH. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. KNUTSON. Mr. Chairman, under the Canadian trade agreement print paper is bound by the President on the free list. In other words, if we saw fit to impose a tariff on print paper we could not do so for 3 years, because he has promised the Canadians we will not place a duty on print paper and pulp.

In Minnesota, for instance, the paper mill at Sartell has been obliged to discontinue the manufacture of print paper. The same is true of the mill at Little Falls and the one at Brainard and the one at Grand Rapids and also at Cloquet. Five factories have been obliged to discontinue the manufacture of print paper, and I dare say that all those who have been thrown out of employment as a result are now on the dole. So we are cutting our throats both ways.

Under the Canadian and Swedish agreements, wood pulp is bound on the free list for 3 years. This means that if Congress should desire to impose a tariff duty or import tax on wood pulp during this period it would not be able to do so.

TAX ON VEGETABLE OILS SHOULD BE INCREASED

Under the Netherlands trade agreement, the present 3 cents per pound import tax on palm oil is bound against further increase for 3 years. I worked hard to get the present 3 cents per pound excise tax on foreign vegetable oils, and since its imposition have been trying to get the tax increased. However, I have been unable to secure any action by the Democratic-controlled Ways and Means Committee, and even if I could do so now, the hands of Congress are tied for 3 years by the Netherlands treaty.

The present tax is not high enough to keep out oriental oils, which are produced by coolie labor working for a few cents a day. At this point I desire to submit a statement of importations of edible fats and oils for the first 11 months ending November 1934–35:

Fats and oils imports for consumption

Commodity	Unit	11 months ending November			
		Quantity		Value	
		1934	1935	1934	1935
Whale oil	Gallon	2,638,120	2,931,831	$997,719	$669,259
Cod oil	Gallon	1,375,661	2,427,852	366,486	720,075
Cod-liver oil	Gallon	3,372,757	4,321,036	2,119,665	2,814,670
Other fish oil	Gallon	415,749	149,246	183,212	72,353
Animal tallow	Pound	30,922,740	236,525,481	1,154,527	12,551,077
Sunflower-seed oil:					
Edible	Pound	6,792,676	34,754,244	295,063	2,058,593
Inedible	Pound	7,489,806	119,828	262,530	8,004
Palm oil	Pound	152,874,340	263,046,629	3,858,884	7,399,900
Palm-kernel oil:					
Edible	Pound	952,521	7,170,792	28,855	255,748
Inedible	Pound	11,793,174	44,844,157	300,497	1,711,851
Palm nuts and kernels	Pound	6,884,939	50,072,448	99,337	731,826
Sesame seed	Pound	12,640,657	136,737,683	312,262	3,233,154
Sesame-seed oil:					
Edible	Pound	65,627	342,837	6,990	27,665
Inedible	Pound	600	11,088	46	662
Copra	Pound	344,885,266	408,387,268	4,094,382	8,699,072
Coconut oil (product of the Philippines)	Pound	297,310,911	308,273,752	6,983,521	10,930,308
Soybean oil	Pound	1,923,712	14,119,992	66,187	627,386

Source: Monthly Summary of Foreign Commerce of the United States.

We all know the blighting effect that these oil importations impose on the dairy industry.

A drop of 1 cent per pound in the price of butter means a loss of $534,982.39 for the dairymen in the Sixth Minnesota Congressional District. At this point I desire to insert a table showing butter production by counties and the loss the dairymen of each county sustain for each 1 cent per pound drop in the butter price:

1934 creamery statistics by counties in Sixth Congressional District

County	Butter produced	Loss at 1 cent per pound
	Pounds	
Aitkin	2,265,104	$22,651.04
Benton	2,486,394	24,863.94
Cass	1,288,813	12,888.13
Crow Wing	1,371,639	13,716.39
Hubbard	635,398	6,353.98
Kanabec	1,707,853	17,078.53
Meeker	4,884,521	48,845.21
Mille Lacs	3,676,129	36,761.29
Morrison	4,974,446	49,744.46
Pine	4,320,914	43,209.14
Sherburne	1,122,518	11,225.18
Stearns	9,622,538	96,225.38
Todd	5,530,005	55,300.05
Wadena	4,526,999	45,269.99
Wright	5,184,977	51,849.77
Total	53,598,248	535,982.48

The total loss to the State of Minnesota on a 1-cent drop, on the basis of 1934 production, is $2,879,602.22, so it can be readily seen that the dairymen of Minnesota have a vital interest in seeing butter prices maintained.

The agreement of the Netherlands Government to purchase a quantity of wheat and flour equal to 5 percent of its domestic consumption will never result in any benefit to the American farmer because it contains a huge joker. The agreement contains a proviso, which reads as follows:

Provided that the price of the milling wheat originating in the United States of America is competitive with the world price for milling wheat of comparable grade and quality.

A similar proviso is made in connection with the agreement to purchase flour. With such conditions attached to the agreement, we might just as well ship our wheat to Liverpool, where we would get the same price without having to give any concessions in return.

In our agreement with Brazil and Colombia we freeze coffee on the free list. Now, coffee is one of our biggest imports. I think next to sugar, it is our biggest import. Instead of making Brazil and Colombia agree to buy an equal amount in value from us of butter, lard, pork, wheat, and other farm products, as we should have done, which would have been smart Yankee trading, we have agreed to freeze coffee on the free list for 3 years in return for obtaining a few benefits of doubtful value.

WHY IMPORT PRODUCTS WE PRODUCE AT HOME?

These nefarious trade agreements, which have been entered into with other countries by the President, were made possible under the reciprocal tariff law which Congress so foolishly passed in 1934. This legislation was passed over my strongest protest. Together with my Republican colleagues on the Ways and Means Committee, I voted against reporting the reciprocal trade bill out of committee, and we also voted against its passage by this body. Time has fully demonstrated that we took the right position, and those who voted for it will have to answer to angry farmer and labor constituents who feel that they have been "sold down the river."

I call attention to the fact that while these trade agreements are made with particular countries, the tariff reductions which we make therein are extended to all foreign countries, Germany alone excepted; and we extend these benefits to the other countries without receiving any compensatory benefit from them.

Can anyone within the sound of my voice advance any reason why the United States should import a single pound of wheat, corn, rye, butter, cream, cattle, or canned beef when we produce at home more than enough to supply our needs? Of course, the New Deal program is a fine thing for the foreign farmer, but where does it leave the American farmer? No wonder the Canadian farmers hail the treaty as a godsend to them.

The Federal Government has paid out in excess of 1,000 million dollars for controlled domestic production of agricultural products, yet at the same time permitted vast importations of the very products that they have paid the American farmer to reduce production of. So much for the agricultural phase of the administration's reciprocal trade program.

Why do you Democrats not reverse your program? Repeal the reciprocal trade law, abrogate harmful trade treaties, and bring out a tariff bill that will give protection to every American activity that gives work to our people and provides a market for the products of our farms, shops, and factories. If you will do that you will confer one of the greatest blessings possible upon the American people, but I fear there is no likelihood of your doing this because you have committed yourselves to the role of "good neighbor" which means giving the American market to the foreigner, and so long as you persist with that policy other countries will get the cream and the American people will continue to live on skim milk or the dole.

I say to you, my friends, the American people do not want charity. They are sick and tired of being compelled to go to the relief office every time they need a sack of flour or a pair of shoes. They want work that will make them inde-

pendent and self-supporting. This they will get when the Republicans return to power.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. Let me take on my friend, the gentleman from Ohio, who is sitting here patiently waiting for me.

TRADE TREATIES FOR BENEFIT OF FEW AT EXPENSE OF MANY

On January 28 the gentleman from Ohio [Mr. HARLAN] delivered a very earnest defense of the administration's reciprocal tariff policy. The gentleman from Ohio is the spokesman for that little group of free-traders down in the State Department who draft the trade treaties. The able gentleman, by the way, is from the city of Dayton, a large industrial center, engaged in the manufacture of such products as cash registers, scales, office equipment, mechanical refrigerators, shock absorbers, tires, and tubes. I should think there would be a big market for shock absorbers in this country, because so many are being shocked by what this administration is doing. [Laughter.]

All the things that are produced in the gentleman's town find a ready market abroad. There is a heavy export market for the things that are produced in the gentleman's town because they are of superior quality. When the gentleman pleads for opening the doors wider to the foreign producer, of course, he wants to kill two birds with one stone. He wants to extend the market for the products of his own city, for which he is to be commended, and at the same time reduce the price of their foodstuffs. So he is killing two birds with one stone, and I can readily understand why the gentleman is returned here year after year with ever-increasing majorities. I know that if somebody would propose to us something that would be as beneficial for us as the gentleman's plan would be for Dayton, we might raise a monument to him.

Mr. HARLAN. The gentleman having made that statement, of course, will yield to me?

Mr. KNUTSON. Oh, gladly.

Mr. HARLAN. It happens that in my district 12 percent of our industries, in value, are estimated to be for export and the other 88 percent are all manufactured for consumption in this country.

Mr. KNUTSON. I assumed that.

Mr. HARLAN. If the gentleman anticipates there is any political advantage in catering to 12 percent of your vote, as against the other 88 percent, he has got his political problem figured a little differently from what I have.

Mr. KNUTSON. That is the reason we Republicans have not been able to figure out your philosophy. We do not understand your philosophy and I tried to make that plain a while ago when I said I could not see why we should throw away a 90-percent market in order to win a 10-percent market.

The gentleman from Ohio went on and said:

> We owe our wage scale to the almost unlimited cheap power, natural resources, inventive genius, and soil fertility, which enable us to produce tremendous profits, and out of those profits we have a higher general wage level than any other country in the world.

Let me say to my good friend that Russia has about as many natural resources as we have. She has as many varieties of climate as we have, but over in Russia they live pretty much on black bread and sour milk.

The reason we enjoy the blessings to which the gentleman referred is the protective-tariff system that has been built up by the Republican Party over a period of 75 years, and which has put the American people in the forefront not only as producers but also in living standards and intelligence and in all those things which go to make life worth while.

At this point I will insert a comparative statement between the American wage and the Japanese wage, and I commend these tables to my good friend from Ohio and others who believe as he does.

COMPARISON OF JAPANESE AND AMERICAN WAGES

Wages in various industries in Tokyo, December 1934 [1]

NOTE.—"In Tokyo and Kobe-Osaka areas * * * general wage scales are higher than the average prevailing elsewhere." (U. S. Monthly Labor Review, June 1934, p. 1469.)

Occupation:	*Weekly wage* [2] *(6-day week)*
Textile industry:	
Silk reelers, female	$1.26
Cotton spinners, female	1.44
Silk throwers, female	1.32
Weavers, female, cotton, machine	1.26
Weavers, female, silk, hand	2.34
Hosiery knitters, male	3.66
Hosiery knitters, female	1.98
Metal industry:	
Lathemen	9.48
Finishers	9.84
Founders	7.68
Blacksmiths	8.52
Wooden-pattern makers	8.16
Ceramics:	
Potters	3.48
Glassmakers	4.98
Cement makers	4.32
Tile makers (shapers)	2.40
Chemical industry:	
Makers of chemicals	3.48
Matchmakers, male	1.56
Matchmakers, female	1.14
Oil pressers	2.76
Paper industry:	
Makers of Japanese paper	2.28
Makers of printing paper	3.48
Food industry:	
Flour millers	3.36
Sake-brewery workers	2.34
Soy-brewery workers	3.66
Sugar-refinery workers	3.78
Confectioners (Japanese cake)	3.48
Canners	2.70
Leather industry: Leather makers	5.56
Wearing-apparel industry:	
Tailors (for European dress)	3.48
Shoemakers	4.20
Clog makers	2.10
Wooden, bamboo, and other plant products:	
Sawyers (machine)	3.12
Joiners	3.18
Lacquerers	3.78
Rope makers	3.24
Mat makers (Tatami)	4.02
Printing industry:	
Compositors	5.10
Bookbinders	3.96
Building industry:	
Carpenters	3.36
Plasterers	4.20
Stonemasons	5.04
Bricklayers	4.62
Roofing-tile layers	4.50
Painters	4.02
Day laborers:	
Stevedores	4.44
Day laborers, male	2.76
Day laborers, female	1.38
Fishermen	2.64
Domestic service:	
Servants, male	1.38
Servants, female	1.32

[1] Figures based on table taken from official report of United States Government. (U. S. Monthly Labor Review, May 1935, p. 1315.) Conversion at average exchange rate for December 1934, yen=28.8 cents.

[2] Daily rate multiplied by 6 for comparative purposes.

Average American weekly wages in selected industries in November 1935 [3]

Industry:	
Textiles:	
Cotton goods	$13.35
Silk and rayon goods	15.40
Woolen and worsted goods	17.69
Knit goods	17.48
Chemicals	25.60
Paper and pulp	21.33
Wearing apparel:	
Men's clothing	$16.98
Women's clothing	16.79
Printing:	
Book and job	27.44
Newspapers and periodicals	33.49
Building (private building construction, exclusive of projects financed by the P. W. A. or R. F. C. funds or regular appropriations of Federal, State, and local governments	24.63
Flour	22.42
Sugar:	
Cane sugar	20.40
Beet sugar	20.33

[3] U. S. Department of Labor, Bureau of Labor Statistics.

Surely the gentleman from Ohio must view with alarm the enormous importations into our country of textiles, matches, earthenware, toys, and scores of other items from Japan and other countries which have resulted in the closing of scores of American factories and mills that could not meet the competition of products made by labor that is paid but a fraction of the American wage scale. Surely he must know that a large part of the cost of any commodity or item goes to labor, and that without an adequate protective tariff there is only one way whereby the American laboring man and farmer can compete with Japan, and that is for them to get down to the Japanese levels of living and pay. If we are not willing to do that, we must have a protective tariff which will offset those unfair competitive advantages of low wages and low living standards.

I could go on indefinitely and answer the gentleman's effort to defend free trade, but I think that I have covered it sufficiently to show to any unbiased person the fallacy of his position, which if put into general effect would result in bankruptcy for agriculture and industry and in pauperizing the American people.

Ah, my friends, we cannot go onto a free-trade basis and continue to live in steam-heated homes, ride about in automobiles, enjoy the convenience of the telephone and the pleasure of the radio. The gentleman from Ohio would consign the American people to wear sandals and dress in kimonos, to sleep in thatched huts, and to live on a diet of dried fish and rice. Surely the gentleman from Ohio would not sentence the American people to such a woeful existence.

HOME MARKET BEST IN WORLD

Has it ever occurred to my friend from Ohio that we have right here at home the best market in the world and that the more prosperous our people are, the more products they will buy from his home town of Dayton? I throw this thought out to him that he may give to it the consideration to which it is entitled. The gentleman must not forget that in normal times we consume over 90 percent of our own production; neither must he forget that at the present time two-thirds of the importations into this country, based on value, are free of duty. Before we further increase this free list, it would be well for us to take into consideration the fact that the United States today has one of the lowest tariff laws in all the world with an average ad valorem rate on dutiable and free imports of only 17 percent, and it is largely to this that we may ascribe the tremendous unemployment from which we are suffering and for which there can be no improvement under this administration. It would be well if the gentleman from Ohio and his free-trade friends down in the State Department would remember that our tariff rates were fixed with view to equalizing cost of production here and abroad, and also to relieve the American producer from unfair competition that he cannot meet. If any of these rates are too high, the President under the flexible provision in the tariff law, has the power to reduce them by as much as 50 percent. All foreign tariffs, however, are arbitrary, and the rates are fixed with view to making the country self-sustaining. I am not so sure that it would not be desirable for us to adopt the same policy.

I have heard much said about the Hawley-Smoot Tariff Act; about the big interests who were benefited by that tariff, but I never yet have seen anyone dare get up on the floor of the House and class the farmer with the big interests. We had a "tariff for revenue only" under the Wilson administration, and all agricultural products were on the free list. When the Republicans came back into power in 1921 a tariff was imposed on farm products. A duty of 8 cents per pound was placed upon butter. Why was that tariff placed upon butter? Was it because the bankers, the lawyers, the doctors, and the merchants and businessmen of the Republican Party wanted it? Or was it because the farmer came down here and through his organizations showed the need for it? When later on, under Calvin Coolidge, the farmer organizations found that imports of butter were still flooding the country despite the 8-cent duty they asked Mr. Coolidge to exercise his power under the flexible provision of the Republican Tariff Act to increase the tariff the full 50 percent, or from 8 cents to 12 cents per pound. Mr. Coolidge and the Republican Party did so. Why? Because the dairy farmers showed us that it was necessary to their existence. Later the farmers came down again and told us that butter was still coming into this country and asked that the tariff be increased to 14 cents per pound, and again upon a similar showing the tariff was further increased to 14 cents per pound. This was done under the much maligned Hawley-Smoot Tariff Act of 1930.

Now the Democrats, through these reciprocal trade agreements, are trading off the farmer's home market for illusory foreign markets. Everything that we won by fighting for 12 years we are losing under 4 years of Democratic administration, through reciprocal trade agreements. And the farmer is not the only one who is being injured. The small-town merchant, the automobile dealer—in fact, everyone who has business relations with the farmer—is also adversely affected, because the farmer's buying power is being destroyed.

Mr. HARLAN. Will the gentleman yield?

Mr. KNUTSON. I will.

Mr. HARLAN. I have been laboring under the impression that we were arguing the advisability of reciprocity treaties and not tariffs.

Mr. KNUTSON. My dear sir, the tariff is so completely interwoven with these reciprocal treaties that you cannot discuss one without the other.

Mr. HARLAN. The proposition before the House now is not free trade but the reciprocity treaties, which so far have approximated our 1922 tariff rates, the last Republican tariff bill before the Smoot-Hawley bill—in other words, by going back to the Republican tariff of 1922, are you arguing that we are going to have the people climb trees, live on coconuts, and sleep under thatched roofs?

Mr. KNUTSON. No; we are not going to, because the Republicans are coming back in November. Has it ever occurred to my friend from Ohio that we have right here at home the best market in the world and that our people are the most prosperous of any?

Mr. HARLAN. And has the gentleman from Minnesota ever considered that that market is the biggest free-trade market in the world?

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. HARLAN. In which there are no tariff walls.

Mr. TABER. Mr. Chairman, I yield the gentleman from Minnesota 2 minutes more.

Mr. KNUTSON. And that is what we are objecting to, in point of dollars. We are importing now on the free list 67 percent, but we do object to your taking away from the American people the protection that we have on the other 33 percent. Does that answer my friend?

SPEECH OF MR. DOUGHTON

I wonder if my friend the chairman of the Committee on Ways and Means is here. I want to have a little confab with him. May I have the attention of my friend from North Carolina [Mr. DOUGHTON]? I do not want to let this opportunity pass without referring to the remarks made the other day by my good friend the chairman of the Committee on Ways and Means [Mr. DOUGHTON], who also made an earnest effort to defend the administration's downward revision of the tariff. The gentleman made many statements of doubtful authenticity, but it would take me too long to refer to all of them.

Mr. DOUGHTON rose.

Mr. KNUTSON. Oh, not now. I shall be glad to yield after I have gone a little further and have made out my case. The gentleman from North Carolina, in referring to the Canadian trade treaty, said that—

Under this reciprocal trade agreement there are more benefits accruing to agriculture—

And I wonder to what agriculture he referred? Did he mean Canadian agriculture? And I read on—

than to any other one industry because we export to Canada, so I am informed—

Evidently the gentleman did not want to be informed—more agricultural commodities than they export into our country.

Mr. DOUGHTON. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. Yes; gladly to my friend.

Mr. DOUGHTON. Will the gentleman put in the RECORD the amount that we export to Canada and what the import is?

Mr. KNUTSON. Yes. The gentleman withheld his remarks for 4 days after he made the speech, evidently trying to get some figures that would bolster up and support the charges he made; and, finally, in desperation, he said, "Oh, heck, publish it anyway"; and he threw it in and did not add anything to it.

Mr. HARLAN. But the gentleman knows that the figures on that matter are easily available.

Mr. KNUTSON. Yes; I thought so; but the gentleman from North Carolina said in his remarks, "So I am informed." He should have made a positive statement. But please let me proceed. I am just starting in.

Mr. HARLAN. I would just make this statement. Under the Tariff Act of 1922 our average agricultural exports to Canada were approximately $50,000,000, and their exports of agricultural products to us amounted to $45,000,000, so that we beat them at that time about $5,000,000 a year, and that is what we are trying to get back.

Mr. KNUTSON. I have more recent figures than that.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. RYAN. If the gentleman wants figures on the damage done by the tariffs perpetrated upon the American farmer by the Republicans from 1922 up to the advent of this administration, he will find them in a speech that I made at the Democratic convention at Mankato, Minn., a few days ago, which were put into the RECORD today by the gentleman from Texas [Mr. THOMASON].

Mr. KNUTSON. I shall be very glad to read it. I am always looking for information.

Mr. Chairman, I do not accuse the gentleman from North Carolina of deliberately misrepresenting the facts, but I do say that the gentleman has been misinformed. What are the facts about our trade with Canada? According to figures furnished by the Department of Agriculture, our exports of agricultural products to Canada in 1934 amounted to $43,700,000, whereas our agricultural imports from Canada for the same year were valued at $44,700,000.

Mr. DOUGHTON. Mr. Chairman, will the gentleman yield? I wish the gentleman would state wherein he maintains that I was misinformed.

Mr. KNUTSON. I was just starting in.

Mr. DOUGHTON. But the gentleman is scattering so far afield that he will not let us know when he is in and when he is out and where he goes in.

Mr. KNUTSON. Far be it from me to misrepresent the gentleman, for whom I have a very deep affection.

Mr. HOFFMAN. Every shot made by the gentleman from Minnesota seems to hit somebody.

Mr. KNUTSON. According to figures furnished by the Department of Agriculture, our exports of agricultural products to Canada in 1934 amounted to $43,700,000, whereas our agricultural imports from Canada in the same year were valued at $44,700,000. Thus we actually have a slightly unfavorable balance of trade in agricultural products at the present time, and this will doubtless increase as the reductions in duty under the treaty with Canada are taken advantage of by that country.

CANADIANS PLEASED OVER PACT WITH THIS COUNTRY

Perhaps the gentleman is not aware, but I was up in Winnipeg last fall, and I talked to an Alberta stock raiser in the old Queens Hotel, and we were discussing the Canadian trade pact. He knew I was from the States, but he did not know who I was. I wanted to get his reaction. He said, "My friend, the Canadian trade pact is a godsend to the Canadian farmer and is going to save us."

I do not see how it can be a godsend to the Canadian farmer and also to the American farmer. I do not see how it can save the Canadian farmer and also the American farmer, although there have been some mighty funny things done lately.

Mr. MARSHALL. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. MARSHALL. I suggest the gentleman ask the Members on the Democratic side who are engaging in debate with him what part of the protection provided by our tariff law, which they are criticizing so much, they would repeal; and why there has been no effort made by this Congress, since they have been so completely in control the past 5 years, to repeal a part of that vicious tariff law against which they have so much to say.

Mr. KNUTSON. I understand that has been put into the RECORD today by my friend from Minnesota. I am looking forward to reading it.

Mr. MARSHALL. I am wondering if the reason they have not done it is because when we surrendered all tariff-making powers to the executive branch, under our reciprocity treaties, they no longer need to come to Congress to break down our tariff laws.

Mr. KNUTSON. Oh, that is true. We are just a group of legislative bellhops and pushbuttons.

Mr. DOUGHTON. Will the gentleman yield? I challenge that statement. That is ridiculous.

Mr. KNUTSON. That is true. I call upon the gentleman from Texas [Mr. JONES] for verification. I refer to a speech made less than 2 hours ago by the gentleman from Texas and also one by the gentleman from Alabama [Mr. BANKHEAD], both of whom declared that they did not exactly know where the A. A. A. legislation came from, but it did not come from the White House.

Mr. O'MALLEY. Will the gentleman yield?

Mr. KNUTSON. I yield to my Democratic friend.

Mr. O'MALLEY. What has the gentleman done about this reciprocal-tariff treaty?

Mr. KNUTSON. All I could do was vote against it and work against it. Every Republican on the Ways and Means Committee voted against reporting it out.

Mr. O'MALLEY. For the gentleman's information, I want to inform him that I have introduced a bill to repeal the reciprocal section.

Mr. KNUTSON. Good for you. You always were independent and think for yourself.

Mr. O'MALLEY. And I hope to have the gentleman's support.

Mr. KNUTSON. Good for you. I will support you 100 percent. You want to work on your side of the aisle, because there they are still groping in the dark. [Laughter.]

Mr. WOODRUFF. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. WOODRUFF. The gentleman has just repeated a conversation he had with a Canadian farmer.

Mr. KNUTSON. He was a stock raiser from Alberta.

Mr. WOODRUFF. The gentleman stated the Canadian reciprocal trade agreement would only benefit the Canadian farmer, did he not?

Mr. KNUTSON. Yes.

Mr. WOODRUFF. Do the Canadian farmers raise anything on the farms in that country that is not raised by the farmers in this country?

Mr. KNUTSON. I know of nothing that he raises that we cannot raise in the United States.

Mr. WOODRUFF. And is it not a fact that whatever those Canadian farmers bring into the United States takes from the American farmer a market which should belong to him?

Mr. KNUTSON. Yes. It displaces an equal amount of domestically produced products.

Mr. MORITZ. Will the gentleman yield?

Mr. KNUTSON. I yield to the gentleman from Pittsburgh.

Mr. MORITZ. I want to compliment the gentleman on his speech, but he should not berate the Democratic Party on this potato bill. He voted for it.

Mr. KNUTSON. Yes; I did, alas! [Laughter]. I want to say to the gentleman from Pittsburgh that the strain of

being against all these New Deal measures is greater than I can withstand. [Laughter.]

[Here the gavel fell.]

Mr. KNUTSON. Mr. Chairman, if there is no objection, I will yield myself 5 additional minutes.

Mr. TABER. Mr. Chairman, I yield the gentleman 5 additional minutes.

INCREASE IN FARM PRICES LARGELY DUE TO DROUGHT

Mr. KNUTSON. I was somewhat amazed when the gentleman from North Carolina, in his remarks of January 23, gave the Democratic Party the entire credit for the increase in the price of agricultural products since 1933. The gentleman should know that the drought was more responsible than any other single factor for the present price of farm products.

Mr. RYAN. Will the gentleman yield right there?

Mr. KNUTSON. Will you get me some more time?

Mr. RYAN. Will the gentleman yield for a short question?

Mr. KNUTSON. You Democrats really should give me some time, because I am educating you folks and I am entitled to a little consideration from you.

Mr. RYAN. Will the gentleman yield?

Mr. KNUTSON. No; I cannot yield further unless I get some additional time from your side.

Mr. LUDLOW. I do not care to take a postgraduate course.

Mr. KNUTSON. That is the trouble with most of you New Dealers. The gentleman from North Carolina should know that our dairy herds, as a result of the drought, were reduced by 30 or 40 percent. Of course, that means a corresponding reduction in the production of dairy products. He should know that at the present time we have the smallest amount of butter in storage in many years. He should know that the slaughter of 6,000,000 pigs, which were dumped into the rivers while millions of our people were starving, had much to do with the increased price of pork. If you want to claim credit for having increased the price of pork by killing 6,000,000 pigs and dumping them into the river, go to it. I will help you circulate it. You may use my frank, if you want to. The law of supply and demand was largely responsible, and that is one law the Democratic Party can neither repeal nor claim credit for enacting.

Mr. RYAN. Will the gentleman yield?

Mr. KNUTSON. I cannot yield. I only have 3 minutes left.

TRADE TREATIES HAVE RESULTED IN NET LOSS TO UNITED STATES

One of the most significant things about the address of the gentleman from North Carolina was his failure to give any figures in support of his contention that the administration's tariff-reduction program is resulting in any net benefit to this country. Ah, my friends, perhaps there was a reason. In spite of the fact that the gentleman withheld his remarks from publication in the RECORD for 4 days after their delivery, he could not find any figures to support his argument, try as he would. However, I will gladly supply that deficiency:

We know that as a result of the first year's operation of the Cuban treaty, our imports from Cuba increased $103,000,000 over the previous 12-month period while our exports to Cuba only increased $21,000,000. Thus our home producers, principally sugar-beet farmers, lost $5 for every additional dollar's worth of business gained in the Cuban market. The first 6 months' operation of the Belgian agreement showed that our imports from Belgium over the previous 6-month period increased nearly $5,000,000 while our exports to Belgium over the same periods increased only $1,500,000. Thus the Belgian treaty also shows a net loss to us. The other treaties negotiated have not been in effect long enough to study their results.

IMPORTS INCREASING FASTER THAN EXPORTS

The figures respecting our total foreign trade with all countries likewise show that we are coming out on the short end of the bargain under these reciprocal trade treaties, which, by reason of the generalization of the reductions to all countries, in effect constitute a horizontal tariff reduction. What are the facts? According to the Department of Commerce, our favorable balance of trade last year declined to the lowest point in 25 years. Our exports in 1935 increased only 7 percent over the year before, while our imports increased 24 percent, showing that we are losing our rich domestic market faster than we are gaining additional foreign markets. How can anyone have the temerity to argue that these trade treaties will result in any net benefit to American agriculture and industry when the results show just opposite?

At this point, I shall insert a table showing the trend of agricultural exports and imports which demonstrates conclusively that agriculture is being "sold down the river."

AGRICULTURAL IMPORTS UP—AGRICULTURAL EXPORTS DOWN

Comparison of the movement of exports and imports of the four commodity groups composed principally of agricultural products, 11 months of 1934 and 1935

Commodity group	Value 11 months ending November—		Change	
	1934	1935	Value	Percent
Animals and animal products, edible:				
Exports	$76,856,000	$55,894,000	[1] $20,972,000	[1] 27
Imports	44,779,000	68,146,000	[2] 23,367,000	[2] 52
Animals and animal products, inedible:				
Exports	46,980,000	43,509,000	[1] 3,471,000	[1] 7
Imports	103,479,000	137,820,000	[2] 34,341,000	[2] 33
Vegetable food products and beverages:				
Exports	134,175,000	140,358,000	[2] 6,183,000	[2] 5
Imports	425,375,000	529,128,000	[2] 103,753,000	[2] 24
Vegetable products, inedible, except fibers and wood:				
Exports	170,191,000	177,012,000	[2] 6,821,000	[2] 4
Imports	206,792,000	255,574,000	[2] 48,782,000	[2] 24

[1] Down. [2] Up.

Source: U. S. Department of Commerce.

PROTECTION OF HOME MARKET IS GOAL OF REPUBLICANS

A protective tariff that will provide a profitable market for the American farmer and manufacturer and work for all American workmen at good wages has ever been the goal of the Republican Party. We stand for the interests of America as against the interests of the world. The policy of "good neighbor" is to be commended so long as it is not carried out to the injury of our own people. We feel that the American people are being seriously injured by the administration's reciprocal trade policy, which cannot but result in flooding the home market with farm and factory products from other lands, thereby sapping our country's lifeblood. Money sent away from home rarely returns. Let us buy American. That will restore normal times in our beloved country and give work to the unemployed. I thank you for your wonderful attention.

Mr. KNUTSON. Mr. Chairman, I yield back the balance of my time.

Mr. LUDLOW. Mr. Chairman, I yield 15 minutes to the gentleman from New York, my colleague on the subcommittee [Mr. BOYLAN].

Mr. BOYLAN. Mr. Chairman, I will cause a little diversion by not speaking to you on the tariff, but, rather, saying a few words about the bill that is under consideration.

While self-praise is malodorous, yet I want to say that our little subcommittee deserves a full meed of praise because we have labored ceaselessly and faithfully to bring to you a bill we feel you will approve, and also commend us for our labors. In order to facilitate the work of the Congress, we gave 3 weeks of our time during the month of December and held hearings to give everyone a full opportunity to be heard. Too much credit cannot be given to the chairman of the subcommittee, the gentleman from Indiana [Mr. LUDLOW]; the gentleman from New York [Mr. TABER]; the gentleman from Kentucky [Mr. O'NEAL]; and the gentleman from Michigan [Mr. MCLEOD].

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. KVALE. I hope the gentleman will mention his own name, too.

Mr. BOYLAN. I will take it for granted that the Members know I tried to help as much as possible. [Applause.] Every-

one desiring to be heard was heard, and I think I can truthfully say that both parties represented in the committee agreed on practically every sum that we recommend for the different activities, and I am sure you will agree with me that we accomplished something when we reported a bill that is approximately $12,000,000 under the estimates submitted by the different departments. This phase will be gone into more fully, however, by the gentleman from Indiana and the gentleman from New York.

I want to say a few words about one special phase of the bill, and in doing so to pay a compliment to a distinguished public servant, a man who is just laying down the burden of his high office as Surgeon General of the Public Health Service, Dr. Hugh S. Cumming, a man who gave 40 years of his life to the Public Health Service and the development of its various activities, and who gave much helpful aid and assistance to the States in working out their problems.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. LUDLOW. I want to thank the gentleman for this well-merited tribute he has paid to one of the best public servants who ever served the country. [Applause.]

Mr. BOYLAN. It is all very true. I thank the gentleman.

Mr. Chairman, the Congress is severely criticized for many of the things that are done here. Today it is my pleasure to call attention to a particular project that the Congress authorized, and for which we ought to get a large volume of credit that will equalize much of the criticism to which we have been subjected.

At Lexington, Ky., on May 25, 1935, the first United States narcotic farm was dedicated. The Congress should receive great credit for this forward step. At the second session of the Seventieth Congress I introduced a resolution providing for an investigation of Federal prisons. Up to that time, for 40 years, these prisons had not been investigated by a congressional committee. This committee, of which Mr. COOPER of Ohio was chairman, and on which Mr. TABER, of New York, served, and on which I also had the honor of serving, visited and inspected all Federal prisons in the United States.

We found in some of the prisons that no segregation had been made of the narcotic addicts, with the result that many inmates of the prisons for the first time were initiated into the use of habit-forming drugs, with the result that in some instances they had become confirmed addicts before their sentences expired.

The committee reported to Congress recommending the erection of new Federal penitentiaries and the establishment of Federal farms for the treatment of narcotic addicts. The institution at Lexington, Ky., is for men only, 1,000 beds being provided, although it is contemplated that facilities may be developed for women at some subsequent date as an adjunct to facilities already provided for men. The institution at Fort Worth, Tex., is now in process of being developed, preliminary plans having been approved, and it is anticipated that the contract for the necessary buildings will be accepted sometime in the very near future and will be ready for the reception of inmates at a subsequent date.

The institution at Lexington, Ky., is designed primarily for the care of the more intractable type of persons, largely the prisoner group. For that reason the custodial features have been emphasized. The institution at Fort Worth, Tex., will be more open in character, being designed as a cottage type, and the custodial features will be less emphasized than those at Lexington. Experiences have indicated that there are certain groups of persons addicted to the use of habit-forming drugs who require that greater emphasis be placed on their custodial supervision, while others may benefit by a more liberal policy. The institution at Fort Worth, Tex., therefore, will be supplemental to that at Lexington.

It is too early to attempt a satisfactory analysis of the results attained by the narcotic farm at Lexington, Ky. This is a matter which can be interpreted only after adequate experience has been had and sufficient time has elapsed for the accumulation of information that will permit of appropriate analysis. I am in receipt, however, of a communication which illustrates the humane features of the policy of our present Government with reference to the treatment and management of the addiction problem. This communication comes from a person who was for years addicted to the use of narcotic drugs. He says of the Lexington Hospital:

> As my time to leave the farm approached I was called up to the office of one of the medical staff. This doctor asked me to be seated, and after some general reference to health asked if I would be interested in a mining job in Colorado. I, an addict of long standing, and he, a medical man who is supposed to know something about addicts, and does, asking me if I would be interested in having him help me get a job; interested in having it made possible for me to help myself. The thing got under even my tough hide for a moment, for in the sort of places I have been accustomed to things like this are not done, especially for dope fiends. Here is that elusive something that will, in my own opinion, ultimately spell success for this institution, if they continue to staff it with gentlemen of this caliber. Here was the pragmatic test, not a lot of Pollyanna talk, but practical, sensible help. Surely this must have been the sort of spirit which permeated the gentleman who first visualized this place, and through his leadership has made it possible, a spirit which has raised the practice of medical arts from the bare shop of medieval times to the level of the narcotic farm at Lexington.

Any appraisal of this new policy respecting the establishment of the narcotic farms may be best made through study and investigation of the problem of drug addiction as it affects the population as a whole. Such studies have shown that addiction to habit-forming drugs is widespread; that all classes and groups of the general population are affected in one way or another; the geographical distribution of these people corresponds relatively to the geographical distribution and density of the general population; that occupation, age, periods of life, nativity, sex, color, marital, and educational status are not exempting factors, for drug addiction appears to be through and on the people.

Heretofore, so far as public policies are concerned, drug addiction has been regarded almost solely as a penal and correctional problem. In the establishment of an institution such as that at Lexington it must be appreciated that any betterment in the social, moral, economic, and commercial conduct of a self-governing people springs not from the mind of any one person but from the congregate opinions and wishes of generations in community groups. Notwithstanding the sudden emergence of the so-called reform movements, they are always based upon a framework that is deeply rooted in a background of tradition and community practice.

The place the narcotic farms occupy in the scheme of our social order has behind it a continuous evolutionary growth of more than 3 centuries. During that period society has endeavored to set up coordinate public policies directed toward the solution of community problems and those of individuals who could not meet adversity and conform with the ever changing but liberal standards in human relationships. As American communities have grown older and populations increased, as civilization and human relationships have become more complex and exacting, and as isolation has given way to more intimate contacts and uniformity in outlook, there has been no escape from the constant increase in the number of those who for various reasons become social problems or charges upon the general public.

The object of the Lexington, Ky., narcotic farm is to rehabilitate, restore to health, and train to be self-supporting and self-reliant those who are admitted thereto. In addition, the control, management, and discipline are to be maintained for the safekeeping of the individual and the protection of American communities. Shops have been established to afford occupation, vocational training, and education. Experiments are being carried on to determine the best methods of treatment and research in this field and the results are being disseminated to the medical profession and to the general public. In short, the functions of the institution are assuming the character of a treatment and research center and of an educational, industrial, vocational, and rehabilitation center with certain custodial features superimposed.

The institution at Lexington has been designed to accommodate 1,000 inmates, but recent experiences indicate that an additional bed capacity will be required in the not too

distant future for the accommodation of additional persons of this particular group. The fundamental background for establishing the narcotic farms, however, represents more than the mere housing or domiciliary care of drug addicts or their individual treatment. These institutions must, because of the functions which they are expected to perform, be represented as medical centers, with all those diversified facilities which the broad activities and interests of modern medical science and the treatment of the physically and mentally sick entail. The problem of the treatment of drug addiction in its present stage involves many technical approaches, since it is a medico-sociological problem demanding a broad understanding of the various fields involved. These institutions have represented even more than individual services for those admitted, for in their conception they are an aspect of further specialization in the evolution of public policies that aim toward a partial solution of a particular problem confronting society.

These facilities, established for the confinement and treatment of persons addicted to habit-forming drugs, represent a form of specialization bearing a direct relationship to policies of law enforcement and the protection of American communities; to special problems in penal and correctional procedure; to safeguarding the use of narcotic drugs in medical practice; to research and the quest for more accurate and fundamental knowledge concerning the nature of drug addiction and related phenomena; and to those instinctive demands ever present in the American people that the sick and the afflicted shall be set in the way of strength and hope.

At occasions like this it is good for us to take stock of those men and women whose leadership makes possible the development of projects of this magnitude. It is almost 42 years since a young doctor, fresh from his hospital internship, was commissioned by President Cleveland as an assistant surgeon in the United States Public Health Service. After 26 years of distinguished service he was appointed by President Wilson the directing head, or Surgeon General, of that service. During the more than 40 years of active work in the career corps of the Public Health Service he has witnessed and taken an active part in a revolution in public health in this country and abroad, and he has taken active leadership in helping to bring about those amazing advances in our present knowledge of the nature and causes of ill health, to say naught of treatment.

In matters pertaining to both physical and mental health the time has arrived, apparently, when public policies are beginning to find ways and means for integrating health measures with those responsibilities and resources concerned with the sick, with medical relief in its broadest aspects, and with research into the nature and causes of disease or illness. The first United States narcotic farm occupies a place in the more modern approach toward the solution of problems affecting physical and mental health.

In the brief time available it is possible to touch only upon the major achievements of the man whose leadership has made possible the development and opening of this institution. During the World War he was adviser to the Navy on sanitation; later in charge of the Public Health Service activities abroad in connection with the return of troops and the resumption of trade; and was president of the Interallied Sanitation Commission to Poland, from which position he was recalled in 1920 to assume the position of Surgeon General of the Public Health Service.

For the past 16 years he has occupied an important place at the international conference tables with reference to sanitation and public health, having been either chairman or a member of the more important American delegations concerned with these problems. He has wielded a tremendous influence in international health matters; he is a member of the permanent committee of the International Health Office in Paris; a member of the health committee of the League of Nations; and president of the Pan American Sanitary Union. He was a member of the international meeting proposing the Pan American Sanitary Code, and was head of the American delegation proposing the sanitary treaty of Paris.

He has had many distinguished honors conferred upon him, including decorations from many countries, that have been authorized by the Congress, among them the Commander of the Legion of Honor of France and the Order of Carlos Finley of Cuba.

Honorary degrees have been conferred upon him, notably by the Medical College of Virginia in 1927, Pennsylvania University in 1930, and Yale University in 1933.

He has been an active member in many scientific and medical associations and fraternities, including a fellow of the American College of Surgeons and the American College of Physicians. Among his more important achievements as Surgeon General of the Public Health Service mention may be made of the organization of a hospital system for the care of ex-service men and women, including the erection of additional hospital facilities for the treatment of other governmental beneficiaries; the completion of a national quarantine system; and the rationalization of maritime quarantine procedure and practice, including the sanitary control of international aerial navigation and the inauguration of a system for the examination of prospective immigration abroad, a project proposed as early as 1838; the establishment of a national leprosarium for the care of lepers; and the development and expansion of important research and field investigative activities pertaining to public health. The time has arrived, however, when Surg. Gen. Hugh S. Cumming, of the United States Public Health Service, has seen fit to retire from an active and distinguished career of usefulness and helpfulness to others. It was through his leadership and support that the first narcotic farm at Lexington, Ky., has been established and opened for the reception of admissions.

I venture to express the opinion that many Members of this House regret the retirement of Surgeon General Cumming from active duty. It is hoped, however, that the friendships which he has made in this assembly will continue for many years to come and that he may recall with pleasure his long association with Members of Congress. Many of us should take this opportunity to express gratitude for the excellent work which he has performed for this Nation. I am sure that he will have that happiness and contentment which comes to every man whose services have been honestly and faithfully performed.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. I yield.

Mr. HOUSTON. Does the gentleman have any figures to show approximately how many narcotic addicts we have in this country today?

Mr. BOYLAN. It is merely a guess, but the last figures that were gotten up showed there were about 100,000.

Mr. HOUSTON. What are the measures necessary to get an addict into one of these narcotic farms? Do they have to be sentenced to one of these institutions or may they go there voluntarily?

Mr. BOYLAN. There are two ways: In the first instance by sentence, and in the second instance they may voluntarily commit themselves. I had that provision inserted in the original Narcotic Act.

Mr. HOUSTON. At Government expense?

Mr. BOYLAN. Yes.

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. HOUSTON. I want to thank the gentleman for his statement. I think he has made a wonderful speech, and I believe we ought to extend it a little further and incarcerate the man or woman who sells the narcotics for the same length of time it takes the man or woman who receives the narcotics to be cured.

Mr. BOYLAN. I am in favor of that, too.

Mr. STEFAN. Will the gentleman yield?

Mr. BOYLAN. I yield to the gentleman from Nebraska.

Mr. STEFAN. The gentleman is making a valuable speech, but the thing that comes into the minds of Members here is whether narcotics are being peddled in these institutions or are the addicts getting narcotics before they are placed in the institutions?

Mr. BOYLAN. They are addicts before being placed in the institutions. They are placed in the institutions for treatment and cure.

Mr. STEFAN. Some of us got the impression that perhaps some of the dope is being peddled in the institutions. The gentleman stated awhile ago that some of these addicts are contaminated by others.

Mr. BOYLAN. I made the statement that in the investigation made by the original committee appointed by the Congress we found in many of the institutions at that time that the addicts were not segregated from other prisoners and they became accustomed to the use of drugs.

Mr. STEFAN. Where did they get the drug? Is there some drugs coming in there?

Mr. BOYLAN. In making that statement I did not mean it to apply to the present institutions. I applied it to the institutions of that time. Evidently it was being smuggled in.

Mr. STEFAN. It is still being smuggled in?

Mr. BOYLAN. I hope not.

Mr. STEFAN. Does the gentleman think it is?

Mr. BOYLAN. I think it is pretty well under control, although one of the greatest problems in all prisons is the control of the smuggling in of drugs.

Mr. STEFAN. Did the gentleman find some being smuggled into the prisons today?

Mr. BOYLAN. I hope not. I do not know. I trust there is not much.

Mr. Chairman, I will not take very much more time except to repeat that the Congress has accomplished a splendid work in taking up this humane legislation and providing these institutions for the care of addicts. In the past, unfortunately, drug addicts have been treated more as criminals. They have been treated as inmates of penal institutions and with a harshness and severity that killed any ambition that they might have had for a reforming of their lives.

I repeat, Mr. Chairman, the Members of Congress should compliment themselves and feel that they have done a real service to humanity in lending a helping hand to a struggling brother. That, to my mind, gives a great satisfaction and a greater thrill than any other possible service can give, and that is helping someone who is affilicted and in need and giving them the chance and the opportunity to commence a new life full of faith, hope, and promise.

Mr. FIESINGER. Will the gentleman yield?

Mr. BOYLAN. I yield to the gentleman from Ohio.

Mr. FIESINGER. Has the gentleman any figures as to how many people go back to the use of drugs after they are released from these institutions?

Mr. BOYLAN. There is a certain percentage goes back, just like a certain number of criminals who cannot reform; but the figures are very gratifying at the present time, and they show that wonderful progress has been made in curing drug addiction.

Mr. FIESINGER. Are they pronounced medically cured as they leave the institutions?

Mr. BOYLAN. Oh, yes. They are not permitted to leave the institution until they are pronounced medically cured.

Mr. COLDEN. Will the gentleman yield?

Mr. BOYLAN. I yield to the gentleman from California.

Mr. COLDEN. The gentleman spoke of the narcotic farm at Lexington, Ky. Does that institution deprive these addicts entirely of narcotics, or do they give them a limited amount, as is practiced by some cities in trying to treat drug addicts?

Mr. BOYLAN. I may say that we interrogated the Department of Public Health Service on that point and they stated they were using every known method of treatment. In addition to that, they stated they were working on new treatments in their laboratories. So every treatment is tried out. What might help one man may be poison to another, just the same as in any medical case; but every possible means is used to help them.

Mr. HAMLIN. Will the gentleman yield?

Mr. BOYLAN. I yield to the gentleman from Maine.

Mr. HAMLIN. The gentleman said that years ago addicts were looked at more as criminals and that they were not looked upon in the same way today. It seems to me this would indicate that we are progressing along good lines. But does not the gentleman feel that at the present time more physicians should be looked at as criminals, because in many cases in an easy way they get their patients to take drugs, and the patients get the habit forced on them. I am sure I know of such cases.

Mr. BOYLAN. Undoubtedly there are many such cases; but, of course, that situation will gradually regulate itself.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. LAMNECK].

Mr. LAMNECK. Mr. Chairman, I have not addressed the House of Representatives for some little time because of illness, and I would not do so now were it not for the fact that recently there has been an unusual amount of criticism aimed at the present administration, a great portion of which is absolutely unjustified. We should discuss these matters fairly and honestly and present facts, and not let our prejudices, political and otherwise, influence us in our deliberations.

The critics to whom I wish to refer admit that the Democratic platform written in 1932 at Chicago was the most outstanding platform ever written by any party, but charge us with having deliberately violated its provisions. The two principal charges made are that we pledged to reduce governmental expenses by 25 percent, and we also pledged ourselves to a balanced Budget, and that both of these declarations have not been fulfilled.

I want to remind you that the platform was written in July 1932. The President of the United States was elected in November, and he assumed office in March of 1933, 9 months after the platform was presented. Well do I recall, and I am sure many of you do too, the conditions that existed on March 4, 1933. They had grown so bad that all classes of citizens were knocking at the door of the Federal Government for aid and assistance. This included the bankers, the businessmen, the rich, the poor, the high, the low. I hope you have not forgotten that on March 4, 1933, there were from twelve to fifteen million of our fellow citizens without a job or a source of income, affecting a population of from thirty to forty million.

The Democratic Party always has been and is yet the champion of the underdog, and is willing and ready to offer assistance to those in distress when it is the duty of the Government to do so. In my few remarks that will follow I want to show you why it was physically impossible to cut governmental expenditures 25 percent or to balance the Budget with the enormous demands made upon us for relief. I also want to point out that the very critics who are now raising storms of protests and raising large sums of money to defeat the present administration are the very individuals who were in the front row demanding help—and, in the words of a prominent Democrat, "Let's look at the record."

We will take the bankers first. According to a report from the Reconstruction Finance Corporation the amount of money received by the bankers in the purchase of preferred stock, capital notes, and debentures in banks and trust companies, including loans on preferred stock, by States is as follows:

Alabama	$14,278,575.00
Alaska	37,500.00
Arizona	2,430,000.00
Arkansas	4,404,000.00
California	48,502,425.00
Colorado	4,893,500.00
Connecticut	7,192,126.00
Delaware	567,300.00
District of Columbia	15,400,000.00
Florida	2,046,000.00
Georgia	4,835,500.00
Idaho	1,690,000.00
Illinois	90,131,114.17
Indiana	16,387,000.00
Iowa	10,213,000.00
Kansas	5,176,500.00
Kentucky	8,874,850.00

Louisiana	$15,272,000.00
Maine	9,125,500.00
Maryland	9,063,170.00
Massachusetts	16,174,200.00
Michigan	39,614,661.00
Minnesota	17,301,025.00
Mississippi	14,048,150.00
Missouri	20,612,125.00
Montana	3,990,500.00
Nebraska	7,897,950.00
Nevada	205,000.00
New Hampshire	751,635.00
New Jersey	69,617,016.07
New Mexico	690,000.00
New York	301,201,605.83
North Carolina	7,463,500.00
North Dakota	4,004,500.00
Ohio	79,977,973.00
Oklahoma	10,934,000.00
Oregon	1,950,000.00
Pennsylvania	45,332,496.50
Puerto Rico	1,250,000.00
Rhode Island	898,500.00
South Carolina	2,746,800.00
South Dakota	4,438,100.00
Tennessee	11,634,100.00
Texas	30,481,125.00
Utah	3,995,000.00
Vermont	15,795,000.00
Virginia	10,694,650.00
Virgin Islands	125,000.00
Washington	6,039,500.00
West Virginia	6,161,066.66
Wisconsin	33,065,600.00
Wyoming	1,362,500.00

You will notice these loans total to the enormous amount of $1,040,973,339.23. Let me ask the critics right here: "Would you have refused to have assisted the banks as was done in this case?" In addition to the enormous amount above, there was loaned to closed banks for distribution to depositors the following amounts by States:

Alabama	$3,195,442.37
Arizona	279,701.73
Arkansas	6,192,063.99
California	14,042,268.99
Colorado	1,437,378.87
Connecticut	2,655,765.52
District of Columbia	11,657,692.96
Florida	3,077,459.97
Georgia	2,794,662.85
Idaho	3,264,193.27
Illinois	41,473,303.87
Indiana	16,090,766.06
Iowa	14,674,991.53
Kansas	2,449,781.75
Kentucky	7,065,303.81
Louisiana	27,955,258.78
Maine	37,639,825.34
Maryland	11,160,725.71
Massachusetts	23,191,537.92
Michigan	239,182,405.26
Minnesota	2,641,548.73
Mississippi	5,675,986.19
Missouri	11,064,876.25
Montana	766,113.66
Nebraska	2,667,028.75
Nevada	1,411,489.79
New Hampshire	460,402.31
New Jersey	19,051,700.76
New Mexico	417,677.04
New York	41,324,268.60
North Carolina	7,264,031.89
North Dakota	1,586,562.22
Ohio	167,265,518.33
Oklahoma	1,451,152.42
Oregon	2,312,429.86
Pennsylvania	73,101,612.04
Rhode Island	771,124.71
South Carolina	5,603,455.91
South Dakota	1,192,187.58
Tennessee	15,845,805.90
Texas	9,485,314.41
Utah	888,371.89
Vermont	869,799.29
Virginia	4,497,281.94
Washington	13,250,152.03
West Virginia	8,797,795.65
Wisconsin	6,980,621.11

You will see this total amounts to $876,124,844.81, and I ask the critics, "Would you have stricken any item from this list?"

In addition to helping the bankers and depositors of the banks by loaning money, we passed what was known as the bank holiday bill, which in less than a week transformed the mental attitude of the American people from one of fear to one of confidence.

I hope the American people and the critics have not forgotten that in addition to saving the banking structure of the country we have since passed a law which guarantees the deposits in a bank up to $10,000, and only five national banks have failed since its enactment, with no loss to depositors. Is there a person within the hearing of my voice who would not agree that all of the expenditures to which I have referred up to this time were not justified, even though not a single cent would be recovered?

I have another list of beneficiaries whom we have helped. Some are friends and some are foes. The following is the list of loans, investments, and allocations disbursed:

Loans on cotton, corn, tobacco, and other commodities	$595,572,969.92
Loans to receivers of building-and-loan associations	2,000,189.96
Loans to railroads (including receivers)	487,216,824.11
Loans to drainage, levee, and irrigation districts	50,103,730.81
Loan to Chicago Board of Education to pay teachers' salaries	22,300,000.00
Loans to industrial and commercial businesses, including fishing, mining, milling, and smelting	43,968,885.60
Loans to banks and trust companies	1,142,590,340.69
Loans to Federal land banks	387,236,000.00
Loans to mortgage loan companies	223,321,144.12
Loans to aid in financing self-liquidating construction projects (including loans for the repair and reconstruction of property damaged by earthquake, fire, tornado, and cyclone)	192,608,981.36
Loans to regional agricultural credit corporations	173,243,640.72
Loans to building-and-loan associations	114,441,060.54
Loans to insurance companies	89,519,494.76
Loans to joint-stock land banks	15,809,372.29
Loans to livestock credit corporations	13,101,598.69
Loans to Federal intermediate credit banks	9,250,000.00
Loans to State funds created to insure deposits of public moneys	10,764,631.18
Loans to agricultural credit corporations	5,562,890.94
Loans to credit unions	600,095.79
Loans to processors or distributors for payment of processing taxes	14,718.06
Loans on preferred stock in banks	20,939,230.00
Loans on preferred stock in insurance companies	30,275,000.00
Purchase of capital stock in the R. F. C. Mortgage Co	10,000,000.00
Purchase of preferred stock in one insurance company	100,000.00
Purchases of securities from P. W. A	293,948,410.01
Allocations to other governmental agencies by direction of Congress	766,755,303.66

The figures I have given so far amount to the enormous sum of $4,701,244,513.21, and in my humble opinion, all the money expended as indicated above was justified in every respect and accounts for the fact that we were not able to balance the Budget and cut operating expenses 25 percent.

According to reliable information, on April 1, 1933, there were unemployed 13,178,000 persons, and one of the many problems of the new administration was to devise ways and means by which this large percentage of our population could be relieved of their great distress, if not from actual starvation. Plans were outlined; laws were passed. You will recall that the first appropriation was $500,000,000, the second $900,000,000, and later an appropriation of $4,880,000,000 was made.

The primary object of these bills was to relieve distress and provide employment, and how well this plan succeeded is attested by the fact that as of December 1, 1935, there were 9,177,000 unemployed, showing that the plans followed by the administration did put 4,100,000 people to work in productive industry. I might say in passing, and again expressing my personal opinion, that unless ways and means can be devised to put people back to work in productive industry the unemployed will be with us for a long time and our expenditures for relief will have to continue as long as the unemployment situation is as great as it is today. Can anyone say that appropriations for his humane purpose, namely, to relieve distress of unemployed, should not have been made, and is there a single critic of the administration

who would say that nothing should have been done and the unemployed should have been left to care for themselves?

I think the conditions today justify the policies of the administration on the expenditures of money when I say that unemployment has declined 30 percent; the price of cotton has advanced 92 percent; the price of wheat has advanced 111 percent; the price of corn has advanced 152 percent; industrial productions have advanced 51 percent; steel productions have advanced 257 percent; auto registrations have advanced 326 percent; wholesale prices have advanced 33 percent; exports have advanced 33 percent; listed stocks have advanced 134 percent; bonds have advanced 22 percent; power production has advanced to the enormous amount of eight and one-half billion kilowatt-hours, or 19 percent. Any impartial observer must admit that progress has been made and to a remarkable degree.

Let me call your attention to another fact. When President Hoover went into office the public debt was $16,100,000,000. When he left office the public debt was twenty-two and one-half billion, or an increase of $6,400,000,000. The net public debt of December 1, 1935, was twenty-eight billion three hundred and forty-eight million, or an increase of a little less than six billion.

Under the Hoover expenditures the national income decreased from eighty-one billion in 1929 to thirty-nine billion in 1932. The national wealth decreased from three hundred and sixty-one billion to two hundred and forty-seven billion. The bank deposits under the Hoover administration declined from over fifty-five billion in 1929 to forty-one billion in 1932. In other words, the national income declined forty-two billion and the national wealth one hundred and twelve billion and the bank deposits $17,000,000,000. This trend had hurricane proportions and was not halted until the new administration took charge on March 4, 1933.

Now, let us look at the Roosevelt record. The national income increased from thirty-nine billion to over fifty billion. National wealth increased from two hundred and forty-seven billion to over three hundred and twenty-five billion, bank deposits from thirty-eight billion to over forty-seven billion. In other words, income increased eleven billion, national wealth increased seventy-three billion, and bank deposits nine billion. These results were accomplished on an expenditure by the Roosevelt administration of less than $6,000,000,000. By the investment of this $6,000,000,000 in waste and extravagance, as our critics say, we have been able to increase national wealth seventy-three billion, or a net profit of $67,000,000,000. How can any fair American citizen who can analyze the records of these two administrations and make a fair comparison say that the Roosevelt administration has been a failure?

In passing, let me give you a little history of a great accomplishment of the Roosevelt administration in the operation of the Home Owners' Loan Corporation. Under this law there were saved from the sheriffs of this country 982,287 homes on which the Government has loaned $2,972,700,300. At this point I want to insert in the RECORD the number of homes saved and the amount loaned in each State of the Union, including Hawaii and Alaska. This table tells the complete story; and I ask again, Will any of the critics say that the H. O. L. C. law, which enabled the Government to save almost a million homes in this country, should not have been passed?

Home Owners' Loan Corporation—Summary of refinancing operations

[Cumulative from beginning of operations through Jan. 23, 1936]

	State	Cases disposed of, loans closed	
		Refinancing,[1] number	Refinancing and reconditioning, amount
1.	United States	982,287	$2,972,700,300
2.	District no. 1	158,050	752,265,183
3.	Region A	36,113	145,224,595
4.	Maine	3,076	7,083,207
5.	Massachusetts	23,516	$104,853,445
6.	New Hampshire	1,866	4,511,924
7.	Rhode Island	6,083	24,593,597
8.	Vermont	1,572	4,182,422
9.	Region B	121,937	607,040,588
10.	Connecticut	10,247	44,114,816
11.	New Jersey	35,323	171,012,092
12.	New York	76,367	391,913,680
13.	District no. 2	188,965	569,112,755
14.	Region A	88,996	263,341,494
15.	Delaware	1,637	5,085,216
16.	District of Columbia	2,086	12,099,964
17.	Maryland	15,519	44,488,483
18.	Pennsylvania	57,818	164,303,548
19.	Virginia	11,936	37,364,283
20.	Region B	99,969	305,771,261
21.	Ohio	91,035	283,301,212
22.	West Virginia	8,934	22,470,049
23.	District no. 3	142,141	348,573,170
24.	Region A	62,272	144,660,132
25.	Alabama	16,310	36,446,077
26.	Florida	13,364	30,341,381
27.	Georgia	14,754	33,420,632
28.	North Carolina	12,052	30,708,268
29.	South Carolina	5,567	13,060,375
30.	Puerto Rico	225	683,399
31.	Region B	79,869	203,913,038
32.	Arkansas	10,246	18,487,841
33.	Kentucky	9,115	25,067,829
34.	Louisiana	14,202	39,864,476
35.	Mississippi	8,597	16,039,666
36.	Missouri	24,344	74,358,850
37.	Tennessee	13,365	30,124,376
38.	District no. 4	221,444	701,549,399
39.	Region A	96,879	368,801,312
40.	Illinois	65,440	258,831,655
41.	Wisconsin	31,439	109,969,657
42.	Region B	124,565	332,748,087
43.	Indiana	46,813	107,227,127
44.	Michigan	77,752	225,520,960
45.	District no. 5	162,566	347,699,673
46.	Region A	92,557	186,557,663
47.	Colorado	11,488	22,644,460
48.	Iowa	18,897	37,340,683
49.	Kansas	18,015	32,743,100
50.	Minnesota	20,375	46,506,151
51.	Nebraska	13,303	27,541,501
52.	North Dakota	4,347	8,934,108
53.	South Dakota	6,132	10,847,660
54.	Region B	70,009	161,142,010
55.	New Mexico	2,399	5,046,783
56.	Oklahoma	23,794	54,063,712
57.	Texas, State	43,816	102,031,515
58.	Dallas	18,141	39,259,560
59.	Houston	10,827	27,919,317
60.	San Antonio	14,848	34,852,638
61.	District no. 6	109,121	253,500,120
62.	Arizona	6,310	15,372,455
63.	California	50,022	132,673,549
64.	North division (San Francisco)	11,351	31,177,291
65.	Southern division (Los Angeles)	38,671	101,496,258
66.	Idaho	4,352	7,598,572
67.	Montana	3,441	6,823,074
68.	Nevada	1,205	3,294,298
69.	Oregon	9,253	18,160,514
70.	Utah	10,401	24,349,002
71.	Washington	21,212	38,471,707
72.	Wyoming	2,435	5,441,396
73.	Hawaii[2]	481	1,291,204
74.	Alaska	9	24,349

[1] All reconditioning cases are accounted for by their respective refinancing loans except 2,862 cases of loans on unencumbered property.

[2] Reported as of Jan. 16, 1936.

In conclusion, and again looking at the record, I believe the American people in their wisdom, when they have the time to analyze the benefits extended to the citizens of this country, including the bankers, the railroads, the insurance companies, the business people generally, the home owner, and the unemployed, will put their stamp of approval on the things that have been done.

Let me ask the critics at this point: What have you to offer? What would you have done during this trying period of American history? And what will you do with the obligations that have been assumed by this administration when you take office if the people of this country decide to make a change? What do you propose to do to solve the agricultural problem? What is your program to put the unemployed to work in constructive industry? What do you propose to do with the aged and infirm and those unfortunate citizens above 60 who are unable to secure gainful occupation? How do you propose to balance the Budget in the immediate future? How do you propose to cut down governmental expenses?

As critics of the existing order you must offer a constructive substitute. Upon the proper answer to these questions the American people will decide what sort of an administration they want beginning January 21, 1937. [Applause.]

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. LAMNECK. I yield.

Mr. COLDEN. The gentleman referred to the economy plank of the Democratic platform of 1932. Is it not a fact that after the passage of the Economy Act the expenses of the Government were actually reduced 25 percent for a period extending to the time when the relief and recovery agencies were established which increased the cost of government?

Mr. LAMNECK. I think the gentleman is correct, and I thank him for his contribution.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. LAMNECK. I yield.

Mr. McFARLANE. I notice the gentleman pointed out that under the "rugged individualism" of the Hoover administration the valuation of the property of the Nation declined——

Mr. LAMNECK. One hundred and twelve billion dollars.

Mr. McFARLANE. One hundred and twelve billion dollars, and, without any direct relief expenditures to speak of, there was an increase of over $6,000,000,000 in the outstanding indebtedness of the Nation; while under the present administration just the reverse has occurred: With an expenditure of about $6,000,000,000, we have increased the valuation of the Nation about the amount of money referred to—$112,000,000,000.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. LAMNECK. I yield.

Mr. SNELL. I may have misunderstood the question of the gentleman who just preceded me, but do I understand the gentleman to represent that the regular departments of government spent as much money under Hoover as they have under the present administration?

Mr. LAMNECK. I stated, and the figures will substantiate the statement, the Hoover administration increased the public debt $6,400,000,000 and the Democratic administration less than $6,000,000,000.

Mr. SNELL. I cannot find those figures anywhere, and according to the statement just out today the public debt has been increased $10,000,000,000 under the Democratic administration.

Mr. LAMNECK. Mr. Chairman, I yield back the balance of my time.

Mr. LUDLOW. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, about a week or 10 days ago the Washington Post quoted my friend and colleague from New York, Mr. SISSON, in a statement that he was alleged to have made before a club in Washington, in which he was said to have stated that an amendment that was agreed to between the House and the Senate on the District bill prohibiting the teaching of communism in the Washington schools was put in there in a cowardly way.

I immediately called my friend, Mr. SISSON, up and asked if he made that statement; and he said he did not, that the paper did not quote him correctly.

I paid no further attention to the matter; and then I saw in the Washington Post of February 4, yesterday, another alleged statement from the gentleman from New York.

The headlines and article state:

D. C. RED RIDER LAID TO CLIQUE BY HOUSE PAIR—REPRESENTATIVES SISSON AND AMLIE HOLD ARMY-NAVY-TORY FACTION TO BLAME

An Army-Navy-Tory clique was charged, last night, with having put across the anticommunism rider in the District Appropriation bill, which resulted in the banning of all mention of communism in the public schools, by Representative FRED J. SISSON, of New York. Speaking at a meeting of the Independent Legislative Bureau at the Cosmos Club, SISSON and Representative THOMAS AMLIE, of Wisconsin, assailed the communism rider as contrary to the wishes of the American people.

"Through the efforts of the Army-Navy-Tory groups in the District, asininities which we believed had been relegated to the last century have again been foisted upon the people of a free Republic", said Representative AMLIE. "I can see no reason why any Member of Congress should permit the Army-Navy-Tory gang, with their powerful lobby, to make a laughing stock of the House and Senate."

* * * * * * * *

"It is a fair and almost inescapable inference that the alarmed and excited Mr. BLANTON was further alarmed and excited by some of the repressionists and restrictionists who represent the Army and Navy lobby here, and who are constantly sticking their noses into legislation", said SISSON. His reference to Representative BLANTON, Texas, came on the heels of his charge that BLANTON had forced the anti-red rider through when most Members of Congress were unaware of its existence or meaning.

"While I think it proper and necessary that the generals and admirals be called upon for advice in technical matters involving our military and naval defense," said SISSON, "I have always objected to their attempted usurpation of the province of the State Department in matters involving our foreign and international policy."

I believe in fighting fair and aboveboard and not behind anyone's back. I asked my colleague, Mr. SISSON, to come here this afternoon and hear what I had to say. That is how fair I am. I will not say anything about a colleague behind his back. I have made it a rule in my life not to do that. Whatever I have to say I say to one's face, and whatever statement I make about Congress I say it on the floor.

The statement in that paper about an Army and Navy group inciting this anti-Communist rider is absoutely untrue. It is a lie, and there is not one word of truth in it.

There is not a single person connected with the Army who ever spoke to Mr. CANNON or me or to our committee about that matter when we agreed with the Senate conferees. There is not a person connected with the United States Navy who ever said a word to Mr. CANNON or me or to our committee about that matter when we agreed with the Senate conferees on that amendment.

The amendment was agreed to between the House conferees and the Senate conferees, with some of the most distinguished Senators on the conference committee, embracing the Senator from New York [Mr. COPELAND] and the Senator from Virginia [Mr. GLASS].

That agreement had been reached for over a month before the conference was ever reported, because we were waiting on another matter, an agreement on the lump-sum appropriation.

That amendment was voted on here in the House because it was legislation, and reported by the committee and read by the Clerk and voted on, with not a vote against it. It was brought in on the Senate floor and read there by the Clerk and adopted with not a vote against it. Not a question was raised about it. Yet here, nearly a year after, these foolish statements appear in the Washington Post.

I am not going to get up here and abuse my colleague from New York [Mr. SISSON] because he said something unkind about the House conferees. Would it not be a ridiculous situation if every time this Congress wanted to pass a measure it had to go out and look up our new friend from New York [Mr. SISSON] who has been here in only two Congresses and get his idea and tell him all about it before we could pass it? Would it not be ridiculous to have to go and say, "Look here, SISSON, we are going to pass such-and-

such a bill. Will you approve it before we pass it"? What has he ever done here to make us show him that deference? I would say to him, "Friend Fred, if you want to find out what is going on, you stay on the floor, and you will find out, and you may learn the rules of the House if you stay here on the floor of the House and listen to what is going on. You will absorb something, and learn something from what goes on on the floor of the House."

I imagine that he might become a fair parliamentarian if he would stay around here while business is being transacted, but he cannot do it when he stays away and does not know what business is being transacted. When he does not see fit to stay here on the floor, whose fault is it?

This same Washington Post here on February 1 published another false statement. It takes a long time for people to learn a newspaper. They see things in it, and when they find out they are not true they think it was just an error or a mistake and forgive the paper; but when they see a lie in it almost every day about this or that person they get so they do not pay any attention to the paper, and that is the way it is getting to be with the Washington Post. Here on February 1, in great big headlines on the front page, it says:

HOUSE BLOCKS REPRESENTATIVE BLANTON IN RED FIGHT—FURTHER AMENDMENT TO RESTRICT COMMUNISTIC IDEAS IS HELD UP

Members of the House yesterday maneuvered Representative BLANTON (Democrat), Texas, into such an embarrassing position that he failed to offer his threatened amendment to restrict the teaching of communism at Howard University.

I never had such a threatened amendment in my life. I never dreamed of offering such an amendment. Howard University is not in any bill which I helped to frame. That is handled by another subcommittee entirely. The Washington Post, when it printed that statement, knew it was a lie. But that does not keep them from putting things in there. They said that the House blocked me. I want to show you what happened on that day. There were but two fights I made on the floor that day. My colleague from Texas, Mr. MAVERICK, was interested in one. I have warm affection for him. If he gets into a tight place in San Antonio and I can render him any service, I shall go down there and help him this summer. He and I might not agree on some things. No two of us agree on all things.

Mr. MAVERICK. Does not the gentleman think that I am as handsome as he?

Mr. BLANTON. Oh, I think the gentleman is handsomer, and that is the reason I love to go with him. It makes a fair average between us. My friend got up and asked that the McGroarty amendment be reconsidered. I objected to that because that would have kept us from getting a record vote on it, and it was such an important matter at this crucial period that I wanted a record vote on the McGroarty amendment to show that this House was not back of Mr. McGroarty, and I did force a record vote, and only 28 voted for the McGroarty amendment and 305 voted against it. I was not blocked on that.

There was but one other matter occurred. My friend here from California, Mr. SCOTT, who is an awfully good fellow, even if he is getting into wild company. He offered an amendment, a ridiculous amendment, and endeavored to claim that something I did was a basis for his amendment. Here is what I said:

Mr. BLANTON. Mr. Chairman, the two cases mentioned by the gentleman from California [Mr. SCOTT] are not analogous. The amendment that related to keeping communism out of Washington schools was legislation, and for that reason it had to be brought to the floor of the House and reported to this House, and the House had to vote upon it. It was reported to the House because it was legislation, and the House did vote upon it. For the same reason, because it was legislation, that amendment had to go to the Senate, and it was reported to the Senate by Senator THOMAS, and the Senate voted on it because it was legislation. The amendment now before the House with the word "hereafter" in it is clearly legislation and subject to the point of order.

The chairman at that time was our good friend from North Carolina, Mr. DOUGHTON, whom the gentleman from Minnesota [Mr. KNUTSON] today endeavored to attack.

Whenever I hear anybody attack such a distinguished and beloved Member of this House as the gentleman from North Carolina [Mr. DOUGHTON], do you know what it reminds me of? It reminds me of a fist dog barking at the moon. [Laughter.] That is about how much effect it has in this House. BOB DOUGHTON was in the chair, and he decided in accord with my contention, and I quote his decision:

The Chair is ready to rule. The word "hereafter" in the amendment makes the provision permanent legislation. Therefore the amendment contains permanent legislation, and the point of order is sustained.

He sustained me in my position, yet this damnable Post has the audacity to come here in big headlines and say "House Blocks Representative BLANTON"; a damnable lie. How much longer do you reckon the people of Washington are going to continue to pay their money for a paper like that?

Mr. MILLARD. Will the gentleman yield for a brief question?

Mr. BLANTON. In just a moment.

The Washington Star is a reputable paper. Next to the New York Times and the Abilene Daily Reporter-News, the Washington Star is the next best newspaper in the United States. [Laughter.] It is edited by high-class men. You will not find anyone finer than Theodore Noyes. He is a splendid fellow; but Mr. Noyes has got a special financial interest here. It means thousands and thousands of dollars to him in taxes when he gets the Government to put in a great big contribution here on expenses. It saves him money. He is making a fight to force the Government to pay great contributions here to save him and others money. Because I am one who has stood in his way he has his paper attack me.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BLANTON. In an editorial appearing in the Washington Star of February 4, yesterday, he severely criticizes the rider that was put in our appropriation bill to stop taxicabs from robbing the people. He said a rider every year has been put on the appropriation bill embracing the lump sum matter, and criticizing it.

Do you know what that taxicab rider did? Our Utilities Commission was planning to restore meters back in taxicabs, and then if you rode from here to the Willard Hotel it would have cost you $1.50. Every stranger who comes to Washington and gets off at the Union Station and takes a taxicab to the Washington or the Willard or the Raleigh Hotels would have had to pay $1.50. We put on a rider that stopped it. The House adopted it by an overwhelming vote. It has been the law for 4 or 5 years. It has protected all the people of the United States. Yet the Star says it is an outrageous rider.

The lump sum is not a rider.

You will find that on the front page of every appropriation bill that comes here for the District of Columbia. It is the first provision on the front page. It comes in here on the floor as a part of that bill, at the time the bill is introduced. I take my hat off to my good friend CLARENCE CANNON, chairman of that committee. He has had the bravery to withstand the onslaughts of these Washington papers. He has had the "guts" to do his duty in that matter. Not a single clique in this city has ever been able to swerve him from his duty on that proposition.

Now, as to this amendment to stop communism in our schools, I will tell you the reason we did that. We had this pamphlet from the Moscow University, which was being scattered over the United States, seeking to get teachers and students to go to Russia and attend the Moscow University, urging teachers and students to take a summer course at the Moscow University in Soviet Russia. Here is their prospectus, telling all about the Soviet Republic and about the prominent educators they had put on their faculty list.

Mr. HARLAN. Has the gentleman time to yield for a question?

Mr. BLANTON. I am sorry; I have not.

At the head of that list they put Dr. W. W. Charters. He may be one of the finest gentlemen in the world, and a

renowned educator, but in all this prospectus here, when they speak of what a great place Soviet Russia is and about this summer course at the Moscow University and they put Dr. Charters up as the head of their national advisory council along with George S. Counts from Columbia University, we felt that if Dr. W. W. Charters, who was to be in charge of guiding character education in the District of Columbia, was suitable for Moscow University to accept, he might not be the kind we would want in Washington schools guiding the character education of 90,000 children, so we put in a provision that safeguarded those children.

I remember the statement that the gentleman from Missouri [Mr. CANNON] made about character education:

> Why, character? That is formed in the home. It is formed around the fireside. It is not formed in these big universities. It must start in the home. The mother and father are responsible for it more than anybody else.

Some good citizen here in Washington said that character education is teaching children to be honest; it is teaching children to be fair and square; it is teaching them to be truthful; it is teaching them to have due regard for the rights of their fellow men, and we agreed with him.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, I always feel rather apologetic when I talk to the House at this hour of the afternoon, because it is like sitting through the last 15 minutes of prayer meeting on Wednesday night when everybody gets kind of sleepy and drowsy. To the gentleman who suggested that I make a point of no quorum, let me say far be it from me to disturb them within the recesses of their offices over in the House Office Building, where they are laboring on routine work. What I have to say at this late hour pertains to the District of Columbia and, incidentally, it pertains to the great and good subject of liquor regulation.

I suppose every Member of the House in recent weeks has been receiving letters not only from his constitutents but from those not his constituents in different States urging the support of what is known as the Guyer bill to restore prohibition to the city of Washington. I have received letters, I presume, from every State in the Union asking, first of all, that I support the Guyer bill; and, secondly, in the event this bill is not reported out by the House District Committee, to sign a discharge petition and bring that bill on the floor. I wondered somewhat about the Nation-wide interest in the Guyer bill, so I made a little examination and found that the united dry forces of Washington, D. C., were behind it and that the Woman's National Christian Temperance Union was behind it. I wondered also how they had become conversant and familiar with legislative practices and what directing force was behind this great influx of letters. I then learned that a great many of them had been reading a magazine or "dry" journal known as the Union Signal, which is the official publication of the Woman's Christian Temperance Union. There I found an article under the caption of "Liquor in the Nation's Capital", by Mrs. Ida Wise Smith, the editor in chief of the Union Signal, in which she quoted a speech delivered on the 9th of July 1935 on the floor of this House by our distinguished friend the gentleman from Kansas [Mr. GUYER].

Before commenting upon that speech, I want to say that I have the highest regard for the distinguished gentleman from Kansas. I think there is one thing that can be said about him and that is there is not a hypocritical bone in his body. He drinks dry, he votes dry, he has been an ardent and consistent crusader in the dry cause, and he holds forth consistently year in and year out. I dare say every Member of the House of Representatives holds him in the highest esteem. When I saw the allusions to that speech I got down the RECORD of July 9, 1935, to examine the speech and see why these people were impelled to a great Nation-wide interest, and I can readily understand it. Let me quote some excerpts from that speech. The distinguished gentleman from Kansas said that he had introduced a bill for the Nation's Capital—

> Because the people of Washington are powerless to defend themselves against the flood of liquor and the curse of intoxication which is overwhelming the Nation's Capital.

In another place, he speaks about the residents and citizens here petitioning the Congress for "relief from the intolerable conditions created without their consent in the District of Columbia." Still further on he speaks about the young people who come here to work being exposed to unusual temptations and dangers. Then he says:

> There are practically 2,000 licensed saloons in Washington, and some assert that there are from 5,000 to 10,000 illicit places where liquors are sold, all of which are immoral in their influence and many of them veritable dens of vice.

Then he continues by saying that Washington ought to be a model city, but—

> That cannot be accomplished while the National Capital is overrun with saloons.

Finally, he speaks about the "influence and the malignant venom of 2,000 legalized saloons and unnumbered speakeasies." In connection therewith our distinguished colleague from Kansas quotes some figures comparing 1932 with 1934, in which he shows that arrests for intoxication in 1934 exceed 1932 by 57 percent; that driving motorcars while under the influence of liquor increased 39 percent; that arrests for disorderly conduct had increased 19 percent; arrests for misdemeanors, 30 percent; arrests for felonies, 11 percent; and daily average arrests by 34 percent.

I can readily understand how the mothers and fathers, the sisters and brothers of some 110,000 transitory Government employees in the District of Columbia feel on reading an article of this kind speaking of 5,000 or 10,000 speakeasies with their malignant venom, and speaking about 2,000 legalized saloons, speaking about the deplorable and disgraceful conditions in the National Capital. These people have come from the 48 States of the Union to work in this Capital. Reading such statements obviously inspires in the minds of those back home a species of concern, and I do not believe any statement like that ought to go unchallenged now that it is being read in homes in all of the 48 States of the Union. So I have undertaken to go into it and find what the facts and figures are. I have a certain responsibility in connection with liquor regulation, for I was one of those who helped draft the law that is in existence in the District of Columbia today. I was the author of the act abolishing the hidden bar last year; and if some kind providence gives me the strength, I am going to try to get some of the silly inconsistencies out of the present law which none of us wanted in it in the first place but which we were willing to take because liquor was on probation at that time. Under the liquor law which was established for the District of Columbia and which became effective on the 24th day of January 1934, we set up an Alcoholic Beverage Control Board.

This law gave the District Commissioners the power to select three people to act as the custodian and the stewards of that act and to effectuate the purposes that were recited therein.

The District Commissioners first of all picked George Offutt, a very reputable lawyer, as the chairman of that Board. Secondly, they picked Isaac Gans, a man who has lived in the District of Columbia for a half century and who was honored recently by a testimonial dinner given by the businessmen of Washington. Finally, they picked Mrs. Agnes K. Mason. I may say here publicly that the Alcohol Beverage Board of the city of Washington has done a splendid job. It has regulated the sale, the manufacture, and distribution of liquor, and has gradually cut down the number of arrests after the novelty of liquor has worn off, and they have the bootleggers on the run. I believe altogether they have done a most estimable kind of work, a work of which any locality might be proud.

I have looked at some figures insofar as its application here is concerned, and these figures are dated the 31st of December 1935. I want to give a few figures, not so many as to be confusing, but enough to show that now that the novelty of liquor is gone, now that they have perfected their set-up, now that they have done their experimenting

and have gone through the probationary period, they are now achieving excellent and lasting results. In 1932 there were substantially 15,239 arrests for intoxication in Washington.

[Here the gavel fell.]

Mr. TABER. I yield the gentleman 5 additional minutes.

Mr. DIRKSEN. Mr. Chairman, in 1933 there were 19,165; in 1934, 24,053; in 1935, 20,602. There was an increase in 1934 because they were making legal liquor available to the people of Washington while bootleggers were operating at the same time. This condition existed until they could get the enforcement machinery perfected. To set up such an agency as the Beverage Board and make it function takes quite a while. If you will look at the report beginning with 1935 you will see almost a progressive decline in arrests for intoxication. At this point I want to insert that report:

Arrests for intoxication since July 31, 1931

Month	1931	1932	1933	1934	1935
January		1,142	1,340	1,934	1,426
February		1,204	1,197	1,546	1,511
March		1,144	1,371	2,194	1,930
April		1,424	1,529	2,307	1,948
May		1,278	1,565	2,120	2,087
June		1,115	1,513	2,022	1,757
July		1,398	1,484	1,901	1,739
August	1,301	1,281	1,740	2,109	1,832
September	1,412	1,241	2,026	2,129	1,716
October	1,189	1,467	1,905	2,188	1,833
November	1,338	1,210	1,739	1,804	1,534
December	1,346	1,335	1,756	1,799	1,289
Total		15,239	19,165	24,053	20,602

When you get down to December 1935 you will find that the arrests for intoxication are lower than since early in 1933. I believe that now that the enforcement machinery has been perfected it stands to reason—and this is eloquent testimony of the fact—that liquor can be controlled and that the Alcohol Beverage Board is doing a good job; that arrests for intoxication are gradully diminishing.

I want to say a word now about intoxication among the young people in the age bracket from 17 to 21. In 1931 there were 394 arrests. Then it jumped to 506 in 1934, then dropped to 306 in 1935, which is the lowest in 5 years, if you please.

The distinguished gentleman from Kansas also alluded to intoxication among women. Unfortunately, I do not have any figures on that subject at the present time, but I may say I believe there also will be found a progressive diminution in the number of arrests for intoxication, an indication that the Alcohol Beverage Board is doing a splendid job, and that regulation in the District of Columbia is effective.

Speaking of the 2,000 legalized saloons and the five or ten thousand illicit speak-easies, perhaps it would be well to inform the House as to how the Board is regulating liquor and how many licenses are actually in effect. The Alcohol Beverage Board has plenary power to issue licenses, these licenses being divided into various kinds, such as manufacturers', wholesalers', and retailers'. There is one licensed winery operating in the District of Columbia at the present time and two licensed breweries. So there are three manufacturers' licenses. Then there are 35 who have class A wholesalers' licenses to distribute beer and liquor; in other words, they may distribute everything, but they are wholesalers. They simply sell the goods in wholesale quantities and deliver only from their premises. There are 31 licensed wholesalers who distribute only beer and light wines but no liquor. Certainly you cannot call those saloons. You cannot call them taverns. You cannot call them speak-easies.

Now, getting down to the retailers' licenses. I refer to class A licenses where they sell beer and liquor in packages for off sale. You can buy only in bottles and have to take the bottles home to consume the liquor. There are 400 of those in operation at the present time. They are commonly referred to as package stores. There are 612 class B licenses, which cover the sale of beer and light wines in packages only, and here again you have to take the beer or wine home. For example, you go to a grocery store and buy a half dozen bottles of beer or a bottle of wine and take it home. There are 612 of those licenses. Will anybody contend those are speakeasies or saloons? They are very distinctly off-sale licenses and no liquor shall be consumed upon the premises. The number of different citations that have been made by the Alcohol Beverage Board is indicative of the fact that they have carefully and vigorously enforced this provision in the license and permit no drinking on premises which hold off-sale licenses. Then there are class C licenses, covering the sale of beer and liquor on the premises. In this class you have your tavern. There you have what our esteemed colleague from Kansas refers to as saloons. There are 293 of these, and as to whether they conduce to immorality and vice, whether they are conducted in an unwholesome, tainted, and befouled atmosphere, may I ask, Would you say that the Mayflower cocktail lounge is an immoral place? Would you say that the blue room at the Shoreham is an immoral place? Would you say that the tap rooms in the Raleigh and Washington Hotels are immoral? Would you say that the Hi Hat over at the Ambassador is an immoral place? Would you say that a lot of these fine restaurants in Washington that sell on license and have the right to sell liquor and beer on their premises are immoral? They are, as every observant person can testify, decorous, orderly, and refined places, and yet these are the 293 which must fit our genial Kansas colleague's description of 2,000 saloons. I submit that there is nothing immoral there and nothing which will wreck the lives and ruin the character of the hundreds of thousands of people who come from all points of the compass in this Union to work in Washington, D. C.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. DIRKSEN. While I do not care to resort to advertising any particular place or to mention specific names, yet you must remember that this information has been disseminated into millions of homes in this country and these people are writing to the Members of Congress. I recall one Member from Colorado who came to the District Committee. He had a double fistful of letters he had received from his constituents and stated, "I have enough to do without worrying myself about the Guyer bill." You can see that people are reading the information which goes out in journals like the Union Signal and are concerned about it, and they are wondering whether the atmosphere in which the Nation's laws are made is so tainted and so befouled by the liquor traffic that people have to have some doubt about the moral propensities of the National Capital.

Obviously this kind of sentiment cannot be permitted to go to the country unchallenged, and here are the figures, if you please, as of the 31st of December 1935, which are the most current figures I could get. I am going to insert additional figures in the RECORD, and I ask unanimous consent, Mr. Chairman, to do so, because I am particularly interested in seeing some of this misapprehension and wrong impression corrected.

Mr. BIERMANN. Mr. Chairman, reserving the right to object—and I shall not object—but I suggest the gentleman put in the RECORD the source of his figures and the authority for them. There is too much of a practice in the House, in my humble opinion, of littering up the RECORD with a lot of figures without any authority for them being given.

Mr. DIRKSEN. I agree with the gentleman.

Mr. BIERMANN. The gentleman from Kansas [Mr. GUYER] has one set of figures and the gentleman from Illinois has another one, and when we come to compare them we may want to compare also the authority for them.

Mr. DIRKSEN. I may say at this point that these figures were compiled by the Alcoholic Beverage Board of Washington, D. C., and were gleaned from the files of the police department. So I have every reason to believe they are absolutely authoritative, and I may say they are incorporated in the annual report of the Board, which was rendered only a day or two ago.

Mr. BIERMANN. The gentleman will agree that as a general proposition the RECORD would be much more reliable

if a Member, when he puts in a set of figures, would also put in his authority. For instance, on tomorrow we will see the RECORD of today littered up with a lot of figures, and no one will know whether they are reliable or not.

Mr. DIRKSEN. I agree with the gentleman, because way back in my high-school days, when we used to debate such timely questions as the independence of the Philippines, we would go to the library and get that very authoritative document, the CONGRESSIONAL RECORD, and crib a lot of figures and arguments, and one thing or another, and we cannot be unmindful of the fact that these figures may be used by the younger folks back in the States.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Chairman, let me conclude by saying that I have high regard for the sincerity of the dry organizations and the dry crusaders. I believe that they are entitled to use every weapon and every instrumentality at their command to effectuate into law, if they can, a restoration of prohibition, but I am here to say that the condition in Washington is infinitely better than it was in 1932 and 1933. I landed here shortly before President Roosevelt was inaugurated, and I had some opportunity to observe the number of bootleggers who were operating in the House Office Building and in the Senate Office Building; and when my distinguished colleague from Chicago, Mr. SABATH, took me to task for making a statement like that on the floor, I went to my offce and that afternoon got a late copy of a local newspaper, and there on the front page was the picture of a bootlegger who had been apprehended delivering 2 pints of liquor in the Senate Office Building.

In those halcyon prerepeal days they were drinking Alabama red eye and Maryland rye, white mule, and a lot of other terrible concoctions imported from the foothills of Maryland. We have now thrown a lot of them out, but there is some bootlegging yet; but I doubt if there is any rational being who would not admit that conditions have improved materially and substantially in this city and that there is a progressive improvement at the present time, with a decrease in arrests for intoxication in the classes over 21 and under 21. With the novelty of liquor worn off and with enforcement more rigorous than it has ever been before, the people in the United States of America do not have to worry about the moral conditions under which their sons and daughters work in the Nation's Capital.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. BLANTON. I want to say to my friend from Illinois, since he has challenged a response to his statement about the situation now existing, I honestly believe I have seen more drunkenness in Washington since the 1st of January than I saw in this city during all the many years of prohibition, from the time the eighteenth amendment was adopted until it was repealed.

Mr. DIRKSEN. No; that is not the difficulty. The difficulty is that we have thrown off this hypocrisy and you may see now a few of these intoxicated folks out in the open where otherwise they would be lounging around in the rear rooms of some of these speak-easies.

Mr. BLANTON. Oh, you see them in some of these closed-up places, too.

Mr. GUYER. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. GUYER. Is it not true that they do not arrest them now until they get down in the gutter?

Mr. DIRKSEN. Oh, no; they arrest them now precisely as they arrested them in 1931, 1932, and 1933.

Mr. GUYER. I have been here 10 years and I am like the gentleman from Texas [Mr. BLANTON]. I have seen more drunkenness since the 1st of January 1936 than I did in the 10 years I was here before that time.

Mr. DIRKSEN. I regret I am such an unobserving person, but the fact of the matter is I have seen very little of it since we have had official regulation of liquor in some kind of effective degree.

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MAVERICK. The gentleman from Texas [Mr. BLANTON] did not get his statistics out of bootlegging joints. He got his statistics on the streets, while some of the more practical ones may have got them from the bootlegging joints.

Mr. BLANTON. I got them in the public places of Washington—in the hotel lobbies, on the streets, in the ballrooms, in the reception halls, and even in some Government buildings. Everywhere I go I see drunkenness in Washington now, and this is because there are so many places of enticement where liquor can be bought, which is a constant temptation to persons who drink. It is increased drinking of liquor which is responsible for many of these automobile accidents here.

Mr. DIRKSEN. Oh, the gentleman would not want the RECORD to show that he sees drunkenness everywhere in Washington, because that is not true.

Mr. BLANTON. This is true—that I rarely ever go anywhere in Washington without seeing persons who are intoxicated.

Mr. DIRKSEN. I am satisfied that nobody will rise in this body to dispute my figures that there are actually only 293 places in Washington which hold class C retail liquor licenses where beer, wine, and liquor may be dispensed on the premises. That is a far cry from the statement that there are 2,000 licensed saloons in Washington.

Secondly, nobody will dispute the official figures taken from the record of the A. B. C. Board that for the year 1935 there were almost 3,500 fewer arrests for intoxication in Washington than in 1934; and when it is remembered that 1935 is really the first full year of liquor control under a perfected organization of the Board, it speaks eloquently of their good work and also that the indiscriminate, unfounded statements about increase in arrests for intoxication cannot be sustained.

Third. There has been a drop from 506 in 1934 to 305 in 1935 in the number of arrests of young people between the ages of 17 and 21. That cannot be controverted. Finally, there have been no arrests of young people under 17 for intoxication. That accomplishment should silence the critics.

Perhaps a word should be said about arrests for driving motor cars while intoxicated and with reference to figures on accidents alleged to be due to operation while the driver was under the influence of liquor. The figures are a bit spotty and at first glance might give the impression that there has been an increase in 1934 and 1935 over previous years:

Accidents due to driving while under the influence of liquor

Month	1931	1932	1933	1934	1935
January		12	13	25	16
February		7	14	14	10
March		12	20	22	17
April		23	10	26	37
May		20	21	22	29
June		9	6	21	18
July	8	15	9	13	
August	11	13	10	12	
September	7	7	7	11	
October	10	20	23	19	
November	12	14	12	34	
December	17	14	27	27	

Arrests for operating autos while drunk

Month	1931	1932	1933	1934	1935
January		12	14	25	20
February		23	16	19	25
March		30	24	37	29
April		30	20	32	34
May		25	22	25	34
June		17	16	27	24
July	27	20	21	21	
August	23	22	15	28	
September	16	14	13	25	
October	23	18	24	33	
November	21	17	21	36	
December	18	21	29	39	

It is quite likely that some of our zealous dry friends, after examining these figures, will ecstatically declare that my own figures prove that arrests for drunken driving is on the increase. That is an apparent truth rather than a real truth, and I trust that nobody will quote these figures without noting the fact that since 1933, when the present administration came into power, there has been an increase of 47,000 in the Federal pay roll in the District of Columbia alone, not to mention the additional thousands who commute between Washington and neighboring cities daily. They should note that where there were but 103,000 auto registrations in the District of Columbia in 1926, there are 208,000 in 1936; and if the number of arrests for drunken driving were twice as high now as it was before repeal, it would not be comparatively higher than in that alleged dry period. Since figures on arrests for driving while intoxicated are available only for the first 6 months of 1935, we might take those as a comparative basis. For the first 6 months of 1932 there were 137 such arrests; first 6 months of 1933, 112; first 6 months of 1934, 165; first 6 months of 1935, 166. That, in my judgment, with the frightful increase in people, pay-rollers, motor cars, and outside traffic, is a remarkable record, and as time goes on such arrests will be whittled to a minimum by the good work of the A. B. C. Board.

In this connection, still another fact should be noted which might be deemed a reflection upon the good folks of Virginia. Before repeal, Washington was allegedly dry and Virginia was dry. Now Washington has unqualified repeal and Virginia operates a system of State liquor stores. Since the largest city in the Commonwealth of Virginia is about a hundred miles from Washington, it is fair to assume that since they raise a thirst in that great Commonwealth as well as they do east of Suez, many Virginians come to Washington to slake that thirst. If allowance is made for that fact, the work of the A. B. C. Board in the Capital becomes even more impressive. I trust that none of our colleagues from Virginia will regard this as a slight on the fair name of that great State or upon its citizens.

As for the allegation of 5,000 or 10,000 speak-easies it is, of course, quite laughable and the undiscerning person who reads that statement might feel that it is a description of Tokio or Singapore or Shanghai instead of the National Capital. The best answer, of course, is in the following table of revenues and expenses of the A. B. C. Board.

REVENUES AND EXPENSES

The following tabulation indicates the revenues which have been collected from those dispensing alcoholic beverages under the direction of the Board from July 1, 1934, to July 1, 1935:

License fees	$743,338.22
Taxes on beverages	910,744.40
Total	1,654,082.62

EXPENSES

3 members of Board, at $5,000	15,000.00
2 inspectors, at $2,300	4,600.00
1 executive secretary	3,200.00
1 senior clerk	2,000.00
2 junior clerks, at $1,440	2,880.00
2 junior typists, at $1,260	2,520.00
1 messenger	1,200.00
Total	31,400.00
Deducted (Economy Act)	1,224.00
Salaries (net)	30,176.00
Added to salaries by return of deduction	1,755.00
	31,931.00
Furniture, equipment, supplies	582.00
Printing and binding	475.00
Stamps (for collection of revenue)	7,370.00
Transportation	130.00
Amount expended by inspection officers	500.00
Contingent expenses	9.00
Total expenses of Board	40,987.00
Making total net revenue for fiscal year	1,613,095.62

Percentage cost of collection, 2.54.

Note that the income for the single fiscal year of July 1, 1934, to July 1, 1935, is more than one and one-half million dollars. Bootleggers do not pay licenses fees. Bootleggers do not pay taxes on beverages. Bootleggers do not sell legal, licensed liquor. The legitimate, regulated, licensed retailer now sells what the bootlegger used to sell, and what a headache it is to think that for 14 years the District of Columbia was losing $1,664,082 a year, or a total of $23,000,000; and in all that time people were drinking Maryland rye delivered in fruit jars, or "white mule" in milk bottles. And finally, the total cost of operating the A. B. C. Board was less than $41,000.

To make the story complete, it might be well to append a table showing an estimate of the economic effects of repeal on the District of Columbia:

Economic effects of repeal legislation

Number of persons employed, theretofore unemployed, 1,609, at an annual salary of	$2,087,501.52
Number of new businesses, 441, paying annual rental of	710,856.00
Amount expended for—	
Alterations	480,865.99
Utensils, etc	140,026.10
Delivery trucks, etc	62,822.00
Printing	24,718.69
Advertising	233,551.12
Unclassified	1,032,292.26

As can readily be seen these exceedingly incomplete returns are startling and indicate the economic effect upon the city of the new business. How much reports from those who failed to respond to one questionnaire would add to the picture is a matter of conjecture, but surely a most conservative estimate would add for our remaining 1,160 licensees one-half to each of the above amounts. It should be remembered that the above does not include amounts expended here in advertising, and so forth, by distillers, rectifiers, and manufacturers who have not applied for local licenses.

I believe this tells the story. Repeal has been a genuine blessing to the National Capital. The fathers and mothers of young men and women who work in the National Capital need not be alarmed about the conditions here.

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. WEARIN].

Mr. WEARIN. Mr. Chairman, there is one item in this appropriation bill among the many others that I would call the attention of the committee to briefly this afternoon. That is the one that appears on pages 59 and 60 and deals with the subject of the foreign-mail service. I shall not read the section, but summarize it by saying that it provides an appropriation of $26,500,000 for payments for mail contracts, under the 1928 Merchant Marine Act. In my humble opinion, arrived at as a result of observing the lack of results under the 1928 act in the matter of building a merchant marine for the United States in spite of the fact that the taxpayers dug down in their pockets for $160,000,000 in subsidies up to December 31, 1935, and the tendency that prevailed among the so-called merchant marine owners to get all they could by overrating the speed of their ships, that item should be out of the bill.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. WEARIN. Yes.

Mr. LUDLOW. How could we as an appropriating committee refuse to make an appropriation required by existing law? We did not make the law.

Mr. WEARIN. I understand the position of the committee, and I was prepared to make a statement to the effect that there is justification for the committee taking that position, in view of the fact that it is required under the law to appropriate, and my observation to the effect that the item should have been stricken from the bill was based upon a matter of justice rather than a matter of law. I qualify my statement of course in that manner.

I base my contention that this appropriation should not be made, after full appreciation of the fact as outlined by the distinguished chairman of this subcommittee, who is such an able Member of the House, upon the fact that during the last 3 years we have conducted through the agency of the Post Office Department one of the most sweeping investi-

gations of the carrying of the mail on the part of these shippers that has ever been conducted with reference to any particular phase of the Government, and we have found there is no question whatever but that the contracts have been entered into in an improper manner, without competitive bidding, as provided by law. In the face of that fact of course—and again I get to this point that was brought out by my distinguished friend from Indiana—it is the duty of the Comptroller General to stop those payments. On January 11, 1936, I wrote the Hon. J. R. McCarl, and called that to his attention in the following manner:

JANUARY 11, 1936.

Hon. J. R. MCCARL,
The Comptroller General, General Accounting Office,
Washington, D. C.

DEAR SIR: On the morning of January 9, 1936, I observed from the press that the steamship *President Harding* and its sister ship, the *President Roosevelt,* have been "reclassified" by the Post Office Department from class 3 at the rate of $8 per mile to class 4 at the rate of $6 per mile.

I find on page 320 of Senate Document No. 69 (72d Cong.) a provision in the foreign ocean-mail contract for the New York-Hamburg route, as follows:

"(g) To provide and operate in the performance of this contract, three vessels of class 3, capable of maintaining a speed of 18 knots at sea in ordinary weather."

I fail to find anything in said contract which permits its modification with respect to reducing the necessary speed capabilities of the ships in service. I appreciate that, as a general proposition, it is deemed satisfactory for an officer of the Government to modify Government contracts, provided the Government does not suffer by such modification. However, in this instance it occurs to me that the Merchant Marine Act of 1928 was intended to provide an adequate American merchant marine composed of modern competitive ships. Competitive bids were invited before this particular contract was signed specifying vessels capable of maintaining a speed of 18 knots at sea in ordinary weather between New York and Hamburg. If, as in this case, it develops that the successful bidder is unable to provide the services requested by the Government, the interests of the Government might be best served by recognizing that this contract has been breached and by advertising for new bids for this particular service.

Will you advise me as to whether or not your office is approving payment in any amount for services rendered by the steamship *President Harding* and the steamship *President Roosevelt?* Will you also advise me as to why any payments on this contract are approved by your office in view of the fact that the contractor has clearly breached the terms of its contract in failing to provide the vessels prescribed?

Very truly yours,

OTHA D. WEARIN.

The only reply that I have had from the Comptroller General, who, I presume, is the watchdog of the Treasury, is a perfunctory letter acknowledging receipt of my letter, which had been called to his attention, and stating that I would receive a reply in due time, which I have not yet received. In my judgment, those payments incorporated in this item of $26,500,000 should be stopped, because of two very outstanding reasons if for no other. In the first place, the investigation on the part of the Post Office Department proved that all contracts except one had been entered into in an illicit and an improper manner without proper competitive bidding. That is ample justification for stopping the payments. Second, the authorities of the Post Office Department have been conducting this investigation with reference to speed requirements. They have found, to state it frankly and somewhat crudely, that many of the ship operators lied about the speed their ships could make.

As a result of that they have received millions of dollars in subsidy to which they were not entitled even under the terms of the act, if they had been honest and fair in entering into the contracts in the first place, from the standpoint of proper competitive bidding. That is the second reason why payments should have been stopped long ago, but as far as I know those payments have not been discontinued, with the exception of the proviso included in this bill, which deals with the Seatrain Co.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. WEARIN. Yes.

Mr. LUDLOW. Of course, the gentleman appreciates the fact that our committee is merely an appropriating committee, and that we have to appropriate in accordance with existing law.

Mr. WEARIN. Yes.

Mr. LUDLOW. I take it that he does not place any blame upon our committee.

Mr. WEARIN. Certainly not.

Mr. LUDLOW. No gentleman in the House has less sympathy for this Merchant Marine Act than I. I would like to see the entire procedure overhauled and new legislation brought in, but that would require new legislation, unless, as the gentleman indicates, there has been some failure of performance. I call the attention of the gentleman to page 40 of the hearings in which it is specifically stated through the testimony of Mr. Howes, representing the Post Office Department, that that matter is receiving the very careful attention of the Department.

He says there:

In our investigation, we determined, at least to our own satisfaction, that we thought that a number of ships now carrying mail under ocean-mail contracts were improperly classified, that they were classified too high. They had different qualifications, and there is quite a difference between them. The ship of a certain class might get two and one-half dollars a mile and the ship of a lower class one dollar and a half per mile.

We have cited these people whom we think are drawing pay under an improper classification, requiring them to make a test, with the proper load, and so on, over a measured mile, over a certain course, to determine whether or not they could make the speed and come within the classification.

I thank the gentleman for permitting me to inject that remark. I think it is due to the Post Office Department to do so, because they are making every effort in the world to correct any improper classification that may have been made, and to bring this appropriation down to the very limit where it should be properly brought under a correct classification.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. WEARIN] has expired.

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. WEARIN. I thank the gentleman from Indiana [Mr. LUDLOW] for his most excellent contribution. I cannot say that I think there should be a revision downward in payments to carriers on the basis of reclassification, because I think a failure to make the original contract speed is a violation of said contract and justification for stopping all payments to the vessel involved. I do want to make it definitely clear to the Committee that I am leveling no criticism whatever against the subcommittee of the Committee on Appropriations, because I understand their position with reference to the law. The criticism is going in an entirely different direction.

I simply want to point out to the House in as effective a manner as possible that the payments for these mail contracts should be stopped immediately, because it has already been found that they were illegally entered into, and also at least 23 of the ships, according to the most recent facts I could obtain from the Post Office Department, have been found to be overclassified as to speed. That in itself is a violation of the terms of the contract, and, as I interpret the law, when a contract has been violated it should be terminated and not modified, as it is proposed to do by reducing the amount of the payments that these ship operators are to receive, rather than stopping all payments.

Mr. CRAWFORD. Will the gentleman yield?

Mr. WEARIN. I yield.

Mr. CRAWFORD. In your investigation have you arrived at information showing the average speed of the "president" ships, such as the *President Grant,* the *President Coolidge,* and others? What is their average speed?

Mr. WEARIN. Those figures are included in my letter to the Comptroller General and will be incorporated in the record.

Mr. CRAWFORD. Will the gentleman do that, please?

Mr. WEARIN. I would rather do that than state them offhand at this point.

Mr. LUDLOW. Will the gentleman yield further?

Mr. WEARIN. I yield.

Mr. LUDLOW. I would like to ask the gentleman's position in regard to the complete divorcement of the merchant-marine subsidy from the mails. Does not the gentleman think that is desirable?

Mr. WEARIN. Oh, I think so. It should not be a matter of subterfuge if we are going to pay subsidies.

Mr. LUDLOW. It is certainly deception in the superlative degree the way it is carried on now. We are paying $27,000,000 subsidy every year when the cost of carrying the mail under a poundage rate would be something like $3,000,000. If that is not deception, I do not know what it would be. I do not believe in this subsidy legislation at all, and I believe it is doubly reprehensible when it is given a cloak of respectability as a mail-carrying performance.

Mr. WEARIN. I think the gentleman is correct.

Mr. MASSINGALE. Will the gentleman yield?

Mr. WEARIN. I yield.

Mr. MASSINGALE. I want to know what the law is that requires the Congress to make an appropriation to carry out an unlawful contract?

Mr. WEARIN. There should be no law that requires us to take such action. It should have been repealed and the contracts canceled last session, which would have been the case but for the manuvering of the shipowners in behalf of new improper legislation. We knew the old law was a subterfuge and had been abused by the subsidized shipowners to the extent that they had failed to build up a merchant marine as they had agreed to do. Many of us were also certain that they had been getting money under false pretenses by overrating the speed of their ships, which recent investigations are bringing to light. I do not think the legislation should ever have been placed on the statute books. The attempt last winter to draw a new bill resulted in bringing before this Congress a measure that was worse than the 1928 act, because it incorporated subsidies that were not in the 1928 act and would have led to great iniquities, greater than those, in the long run, that occurred under the law still in effect.

Mr. McFARLANE. Will the gentleman yield?

Mr. WEARIN. Briefly; yes.

Mr. McFARLANE. Since we have so thoroughly investigated these ocean-mail contracts and the fraud has been so clearly shown, why is it that this Congress sits supinely by, as we have, and allows those contracts to be continued? It just makes a joke out of these investigating committees if we do not put into effect legislation to correct the evils learned from the investigations.

Mr. WEARIN. Yes; I think the gentleman is right. That is the reason I am insisting that the Comptroller General stop payment on those contracts immediately. The Members of this Congress who are interested in seeing ship-subsidy legislation that will protect the taxpayers will be further inspired by that act to mold a bill into the proper form, and the taxpayers will be protected while it is being done.

Mr. McFARLANE. In that regard I hope the gentleman will put in his remarks the recommendations of that ocean-mail investigation, to show what they have recommended and what they have found, so that all that skulduggery will be shown up so that we can get somewhere.

Mr. WEARIN. That is all contained in the preliminary report of Senator BLACK's committee, which I trust the Members of the House will read. It is a little too long, I fear, to incorporate in my remarks in full, much as I would like to do so.

Mr. McFARLANE. Can the gentleman summarize it?

Mr. WEARIN. I will summarize it as best I can.

I ask unanimous consent, Mr. Chairman, to revise and extend my remarks by inserting at this point the minority report on a bill that was introduced and considered by this Congress during the last session.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MINORITY VIEWS

We are unable to join with the majority of the committee in recommending the enactment of H. R. 8555 for these reasons: (1) It violates the shipping lessons of the past 6 years as specifically pointed out by the President in his message to Congress; (2) it fails to correct evils disclosed by the investigation of the Senate and by Postmaster General Farley and denounced by President Roosevelt; (3) it gives no assurance that its asserted policy of providing an adequate merchant marine can be realized; and (4) it is incapable of efficient administration and invites maladministration.

I. It violates the shipping lessons of the past 6 years as specifically pointed out by the President in his message to Congress

(1) The President in his message to Congress condemned the practice of lending Government money for shipbuilding, stating that in practice this policy has been a failure; this bill continues and enlarges upon this condemned practice.

(2) The President proposed that we end the subterfuge of mail contracts as rapidly as possible; this bill gives no assurance that existing ocean-mail contracts will be terminated prior to their respective contractual expiration dates.

(3) The President stated that some American shipping companies have engaged in practices and abuses which should, and must be, ended, such as improper operating of subsidiary companies, excessive salaries, the engaging in businesses not directly a part of shipping, and other abuses which have resulted in poor management and improper use of profits; discretionary termination of these abuses as provided in this bill does not positively end these practices as insisted upon by the President.

(4) The President stated that quasi-judicial and quasi-legislative duties of the present Shipping Board Bureau of the Department of Commerce should be transferred for the present to the Interstate Commerce Commission; this bill fails to comply with that important recommendation.

II. It fails to correct evils disclosed by the Senate and by Postmaster General Farley and denounced by President Roosevelt

(1) There is no provision in the proposed measure that will prevent a continuation of the low wages paid to American seamen whilst the officers and stockholders draw exhorbitant salaries and fat dividends from the United States Treasury via the subsidy route, notwithstanding the fact that seamen's wages are argued as the most important reason for granting any operating subsidy or bounty.

(2) The proposed law contains no mandate against a recurrence of a steamship corporation drawing hundreds of thousands and millions of taxpayers' dollars as an aid to earning 20, 30, even 50 percent annual profits on their net invested capital while operating under the dole system.

(3) A supine admonition against holding companies, subsidiary companies, affiliated companies, and associated companies, can, and may be, ignored by two understandable methods. First, the proposed maritime authority has permissive power to approve these complicated, puzzling, deceptive networks of corporate fiction that now exist, comparable to utility holding companies. A second possible method is a repetition of that recently disclosed system of placing the capital stock of affiliated companies in the name of a wife or other family member.

(4) The bill contains no mandatory prohibition against exorbitant salaries which may be received by officers of subsidized steamship corporations by means of the simple expedient of drawing salaries from affiliated or associated companies that secure revenues from subsidized operators.

(5) Despite recent disclosures as to subsidized corporations dividing efforts between the operation of American-flag ships and foreign-flag ships, this measure delegates permissive power to the proposed maritime authority to countenance a continuation of this unsound policy. The expenditure of the American taxpayers' money to aid in operation of foreign ships certainly will not build an American merchant marine. Foreign-flag ships mean low wages and depress wages on American-flag ships.

(6) This proposed measure permits continuation of the unsound policy of subsidies to intercoastal operators who go through the subterfuge of merely stopping at a foreign port en route, such as Habana, Cuba; Cristobal or Balboa, Canal Zone; for the incidental transaction of business thus placing subsidized American lines in unfair competition with unsubsidized American lines, unless it is proposed to subsidize all intercoastal operators.

(7) There is nothing in this bill to prevent the payment of subsidies to industrial giants that transport their own products in their own ships. It is impossible to justify the disbursement of taxpayers' money to aid a huge oil, steel, or any other industrial corporation in the transportation of its own products in its own vessels.

III. It gives no assurance that its asserted policy of providing an adequate merchant marine can be realized

(1) This bill has the fatal weakness of depending upon the present deplorable financial condition of steamship companies, as evidenced by the excessively liberal benefits offered. Although it provides for the Government donating and loaning a greater percentage than at present in new ships, there is no assurance that private industry will exert sufficient initiative or has the financial resources to take advantage of what is merely an extended opportunity to proceed with a construction program with the view toward creating and perpetuating an American merchant marine. At best, the bill contemplates extending more liberal aid for a construction program than is now afforded for those, if any, who see fit and are financially able to construct new ships.

IV. It is incapable of efficient administration and invites maladministration

(1) Neither the immediate nor ultimate total burden on the taxpayer is known or ascertainable. No proponent of this bill can state even its approximate cost to the American taxpayer. There is no limit to the amount that may be paid to any one operator, and there is no limit to the total cost of the bill.

(2) The method by which both the construction subsidy and the operating subsidy are to be computed is unworkable and productive of fraud. The provisions of the bill presume that an agency of this Government will be able to determine accurately not only labor and material costs in foreign shipyards, but also justified and honest overhead expenses in such foreign countries. The bill further presumes the possibility of an agency of this Government ascertaining all operating costs of foreign ships operated by foreign citizens whose records are kept in foreign countries. The actual experience of the Tariff Commission has demonstrated the practical impossibility of determining foreign costs. Even if it were possible to secure such information in foreign countries on an accurate basis, it is manifest that the costs of foreign competitors will not only vary as between the different nations' ships, but will also fluctuate violently from month to month, week to week, and day to day.

(3) The bill does not contain a limitation of profits which may be earned by American shipyards. In this bill the principle of protective tariff reaches the zenith of an embargo. Under this bill American shipbuilders could be paid whatever price they demand, irrespective of the justification for such price being greater than would be charged in a foreign shipyard. It is proposed that the Government shall pay an outright bounty to the American shipyard wherein new vessels are constructed, which shall be the estimated differential between American costs and foreign costs. If this differential permits the shipyard to pay fat dividends to its stockholders, exorbitant salaries to its officials, and corrupting expense accounts to its lobbyists, the Government has no recourse and is not in a position to recapture these unearned profits.

(4) The essential corollary of any subsidy system, in the public interest, is a recapture provision. There is no such provision in this bill.

(5) This bill contains no provision to terminate the present unconscionable practice of use of taxpayers' money by high-priced lobbyists and "fixers" as so recently disclosed on pages 683, 684, 685, and 898 of the hearings before the House Committee on Merchant Marine and Fisheries.

(6) It would be possible for an officer or employee of a subsidized shipping company or of an affiliated, subsidiary, or holding company of such a subsidized corporation to stand as a candidate for membership on the proposed United States maritime authority, which agency would have supervision of the disbursement of the proposed subsidies. Congress should prohibit this possibility by statute.

This expression of minority views is submitted to the Congress as a forerunner to amendments that will be offered on the floor designed to correct some of the evils referred to and to safeguard the public interest as far as possible under the fundamentally unsound principles of this bill.

Under the present system construction loans are granted up to 75 percent of the American construction costs and the private operators receive in addition liberal subsidies by way of ocean-mail contracts. Experience shows that to a great extent these construction loans are not repaid and that the actual equity of most of the ship operators in the merchant marine is inconsequential. In appearances before the Committee on Merchant Marine and Fisheries, ship operators have almost unanimously stated that they cannot finance a shipbuilding program with their own money. Under these circumstances it is apparent that the issue of Government ownership versus private ownership of the merchant marine is not a matter over which it is possible to get excited. The Government now really owns the bulk of the merchant marine of this country, and, if an adequate merchant marine is to be provided, which will require strict adherence to a scientific construction program over a period of years, it is perfectly apparent that the Government must furnish practically the entire construction costs and must remain in fact, if not in name, the owner.

It would certainly be more simple for the Government to safeguard its investment in the merchant marine if it should retain legal title to the ships themselves, and with such title retain that complete control which accompanies legal ownership. Such a policy could also provide for the operation of ships by private operators upon a charter-hire basis, granted after competitive bidding and with provision for recapture of a percentage of profits subject to frequent periodic revision. This would prevent the operators from realizing exorbitant profits at the expense of the taxpayers and would prevent discrimination as between operators who are granted the privilege of using subsidized facilities on normally profitable lines and operators who can only obtain the privilege of using subsidized facilities on lines which are normally unprofitable or where the profits are small.

In this respect the Moran bill, H. R. 7981, discussed in detail on pages 681–690, and printed on pages 1078–1092 of the hearings before the House Committee on Merchant Marine and Fisheries, offers an excellent example. This particular measure goes much further in meeting the specific recommendations contained in the President's message of March 4, 1935, than does H. R. 8555. The Moran bill meets the objection that it is an impossible task to determine the amount of operating and construction differentials by eliminating the necessity for such determinations. Competent witnesses, including Mr. Alfred H. Haag, Chief of the Division of Shipping Research of the United States Shipping Board Bureau, Department of Commerce, testified before the committee that there was no known method by which these differentials could be accurately determined. The Moran bill eliminates in its entirety the present condemned mail-contract system; it places the titles of vessels with their real owner and provides for ownership by steamship companies whenever the marine industry, or any part thereof, is in a position to furnish the necessary capital, yet insures a construction program that will provide and maintain an adequate merchant marine worthy of this Nation, sufficient to transport our equitable share of our foreign commerce. It will afford Government aid to any American-flag foreign service that cannot be maintained without Government assistance, and leaves domestic operators engaged in the coastwise and intercoastal trade to compete among themselves without placing anyone in unfair advantage over another. It separates the regulatory functions from the administrative duties and assures fair treatment of American seamen.

If the United States Government is to provide aid from the taxpayers' money for a merchant marine in the foreign services then it is submitted that the goal of eliminating the abuses incident to Government aid are more likely to be attained by the precepts of the Moran bill than by a continuation of the fundamental evils characterizing the present system as perpetuated in the pending measure, which evils were so severely condemned by President Roosevelt.

Respectfully submitted.

OTHA D. WEARIN.
RALPH O. BREWSTER.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Mr. LUDLOW. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LUDLOW. May I ask what is the status of the Committee now?

The CHAIRMAN. We are waiting for the Speaker to arrive to report that the Committee has determined to rise.

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that the proceedings by which the Committee determined to rise be vacated.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. WEARIN].

Mr. WEARIN. Mr. Chairman, summarizing this situation, it appears to me to be of the utmost importance that we hasten the consideration of merchant-marine legislation intended to protect the taxpayers, especially in face of the fact that this Congress is now confronted with an appropriation of this size, approximately $26,500,000 to be paid to these mail contractors, in spite of the fact that their contracts have been declared illegal as a result of the investigation on the part of the Post Office Department and in spite of the fact that the ships have been found to be overrated so far as speed is concerned.

I state, however, without any hesitation, that I certainly will oppose bitterly a measure similar to the one which was introduced in this Congress during the last session, because that was a very dangerous piece of legislation.

It was demonstrated that the Members of the House were seriously concerned over it when the measure passed this body by only 8 votes and was sent to the Senate upon the presumption on the part of some Members who voted for it that it was the President's bill. We found out after the measure passed, which verified my position before this House, that the bill was not the administration bill and the position I had taken contending that it did not conform with the President's wishes in the matter of construction subsidies and a number of other respects was entirely correct. It was unfair to many people who are Members of this body to be told as they were that it was the President's ship-subsidy bill. In my judgment many votes were cast favorable to the legislation upon this misrepresentation either directly or by inference.

The fight we made against that legislation has inspired a lot of propaganda now being floated by various individuals and organizations.

I call attention to the fact that just a short time ago a meeting of the Women's National Defense Council was held in Washington, and Miss Clara McGowen, a representative of the American Steamship Owners' Association, appeared before that meeting and made an extensive speech, which was not quoted in full by the press. Among other things

reported to have been said was that there is a small group of Members on Capitol Hill who favor Government ownership of our merchant marine, which costs twice as much as private ownership. Of course, the facts do not bear out such a statement. I drafted a letter to the president of that organization, Mrs. Harriett V. Rigdon, which I ask unanimous consent to insert at this point in the RECORD, because it demonstrates my position in reference to the matter and also presents some actual facts.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The letter referred to is as follows:

JANUARY 31, 1936.

MRS. HARRIETT V. RIGDON,
President, Women's Conference on National Defense,
Mayflower Hotel, Washington, D. C.

DEAR MRS. RIGDON: My attention has been directed to a United Press story in the Washington Evening News of January 29, 1936, in which Miss Clara McGowen, of the American Steamship Owners' Association, in an address before the Women's Forum, is reported to have paid her respects "to a group in Congress advocating Government ownership and operation" of our merchant marine. Miss McGowen is further quoted as saying that "Government operation costs twice as much as that under the present system."

As one of those in Congress who is intensely and patriotically interested in the maintenance of an adequate merchant marine, and at the same time is firmly convinced that this will be impossible under private ownership, and perhaps also under private operation, judging from the experience we have witnessed under the 1928 Mail Subsidy Act, and that the Women's Forum may not be misled as to the facts, I am taking the liberty of quoting from the report of the special Senate committee that investigated air-mail and ocean-mail contracts (Senator BLACK's committee), dated May 13, 1935, on page 40, as follows:

"True Government operation has had only one trial. Although certain marine profiteers and some portions of the press have repeatedly asserted that the Government has lost huge sums by direct Government operation and drawn therefrom the unsound conclusions that such losses are inevitable in true Government operation, the truth is that this Government has not, since 1920, with the exception of one fleet, engaged in any such operation. The exception is the fleet operated as the United States Lines. After spending $5,565,327.05 during a period of 4 years in the development and operation of this line in a manner similar to the development of lines privately operated, the Government, for the fiscal year 1927, showed a profit of $404,017.12 in the operation of this line. During that same year so-called private operations on other Government-owned lines operated for private profit, cost the American taxpayers $9,283,035.31."

The above document was undoubtedly in the files of the American Steamship Owners' Association and available to Miss McGowen.

Now that this Merchant Marine problem has been called to the attention of your forum, may I suggest that your members interest themselves in it to the extent of investigating the financial ability of the present subsidized shipping companies to replace their practically obsolete vessels with new tonnage and thereafter operate them.

Available facts will establish that these subsidy recipients, over 30 in number, excluding the United Fruit Co., now owe the Government over $100,000,000, much of it overdue and unpaid; that this amount is considerably greater than the true net worth of all these subsidized companies, again excluding the United Fruit Co., a strictly industrial line; that the net working capital of all these companies receiving subsidies, excluding the United Fruit Co., is only approximately $4,000,000.

With a financial background such as the above, I respectfully submit it is absurd to expect that the steamship companies will be able to replace their present vessels with new ones within the next 5 to 7 years, at an estimated cost of $250,000,000.

The crux of this entire Merchant Marine matter is, that present subsidy contractors do not have the capital to build or properly operate a merchant fleet. The purpose of every merchant marine measure introduced in either House at the last or this session of Congress has been to provide Government funds, directly or indirectly, to finance new vessel construction, and vest title of such new vessels when built, in the subsidy contractor, without adequate regard to the contractors' financial ability to pay for and operate the vessels in question.

In view of the situation outlined above, which is well known to students of this problem, perhaps I may be pardoned if, with many others, I believe the Government should retain title to the vessels it builds with the taxpayer's money, and permit their operation by private shipping interests wherever feasible; failing that, operate them directly if we are going to have a merchant marine.

Very sincerely,

OTHA D. WEARIN.

Mr. WEARIN. You will note by the contents of the above statement that at no time since 1920 have we had complete Government ownership and operation of the merchant marine with the exception of the United States Lines for a year, and that showed a profit. Of course, I know there are some who point with alarm to our war-time experience in the matter of shipping, but it must be remembered that the Government was at that time pioneering the trade routes afterward turned over to the subsidized lines without compensation, and that some losses were chalked up because of that as well as others occasioned by the fact that we sold a fleet of ships to the same outfits now leveling criticism at that period for a mighty small fraction of either their cost or value. For example, 220 ships now used in the mail-contract service cost the United States $516,174,249.48. They were sold to the private operators for $41,411,665.10. A few of the sales were for cash and the remainder were sold on terms of 25 percent down and the balance payable over a long period of years. The purchase price of these vessels, mind you, was $23,561,229.90 less than their book value when sold. Can you imagine the so-called ship owners who now hold title to those vessels and who were recipients of that kind of a gratuity from Uncle Sam being so presumptuous as to talk about him losing money in that game? I fear if he continues to do business with that kind of a crowd they are going to take the very shirt off his back, which means the taxpayers, and give him back but little for it, as has been the case in the past. All of the above, of course, is in addition to the $160,000,000 in subsidies.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 10919, the Treasury and Post Office Departments appropriation bill, had come to no resolution thereon.

Mr. ROBERTSON. Mr. Speaker, I was unavoidably detained from the Chamber this morning when the vote was taken on the Senate bill repealing three of the amendments to the A. A. A. Had I been present, I would have voted "yea."

BROKEN PROMISES

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a statement prepared under my supervision.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement prepared under my direction, which I think it is well should be brought to the attention of the people in order that the record of promises and performances by this administration may more truly become fixed:

BROKEN PROMISES

The pathway over which Candidate Roosevelt's New Deal has wandered is strewn with the wreckage of platform pledges and the candidate's promises. Facts and the record bear this out.

Yet Candidate Roosevelt and Democratic National Committee Chairman James A. Farley would have you believe otherwise.

Addressing the Democratic National Committee on January 9, 1936, Chairman Farley said:

"They have talked about the President not keeping his pledges. What has he failed to do that he agreed to do when he announced himself 100 percent for the Chicago platform?"

Mr. Farley wants you to believe that the Democratic Party's 1932 platform contained nothing but the promises that nobody would starve and that the eighteenth amendment should be repealed.

But in this same January 9 speech he admitted:

"That the Government is in business.

"That the Government Budget is out of balance.

"That we have a huge deficit."

Why did Mr. Farley not go further and enunciate other forgotten or broken planks in the 1932 Democratic platform?

SHALLOW CLAIMS

What is the truth about the pledges kept by Candidate Roosevelt? Who carried the last national election under false pretenses? Who approaches the next under similar conditions?

The record shows the shallowness of New Deal claims.

What has become of the solemn pledges not only to balance the Budget annually, but to preserve a sound currency "at all hazards", call an international conference on rehabilitation of silver, strengthen and impartially enforce the antitrust laws, and remove the Government from all fields of private enterprise?

What has become of Candidate Roosevelt's pledge made at Albany, July 30, 1932, to "stop the deficits"?

Facts, neither hidden nor distorted, answer.

The Budget has been, and still is, far out of balance. We are off the gold standard. The dollar has been devalued to 59.06 cents. The silver conference pledge—an obvious campaign sop to silver States—has been repudiated. Antitrust laws were suspended by the N. R. A., now dead. Mr. Roosevelt put the Government into practically every field of business endeavor in direct competition with private enterprise.

Government corporations were set up in Delaware and Tennessee. Government factories sprung up. Government owned and run utilities dot the country.

DEFICITS GROW ALARMINGLY UNDER NEW DEAL SPENDTHRIFT POLICIES

Treasury deficits under New Deal

1933	$3,068,000,000
1934	3,966,000,000
1935	3,082,000,000
	10,116,000,000

The Budget estimate of a deficit in 1936 is $3,234,000,000.

On January 14, 1936, the Tresaury deficit, 6½ months after the start of the 1935-36 fiscal year, passed the $2,000,000,000 mark.

The Associated Press said:

"The daily condition statement, as of January 14, showed the Government had spent since July 1, $2,007,323,193 more than its income.

"Aggregate outlays were $4,027,531,597; collections, $2,020,208,403.

"The deficit for the comparable period last year was $1,813,042,228."

The Treasury report shows also that on June 30, 1935, there remained $8,195,000 in unexpended balances, of which $2,214,000,000 had not then been allocated.

In this manner Candidate Roosevelt has kept Democratic platform pledges which he approved "100 percent."

GOVERNMENTAL INTERFERENCE

On March 2, 1930, in a radio address, the then Governor of New York, Mr. Roosevelt, said:

"The conduct of public utilities, of banks, of insurance, of business, of agriculture, of education, of social welfare, and a dozen other important features—in these Washington must not be encouraged to interfere."

The record shows how far this utterance has been violated. Washington, under Roosevelt, interferes with everything mentioned in that declaration.

In that same radio address Governor Roosevelt asserted:

"It was clear to the framers of our Constitution that the greatest possible liberty of self-government must be given to each State. That is what we call the doctrine of 'home rule' and the whole spirit of the Constitution is to carry this great principle into the relations between the National Government and the government of the States."

Candidate Roosevelt was preparing then to run for the Presidency. What he really thought is expressed in his statement at the famous White House newspaper conference May 31, 1935, after attaining the Presidency:

"The country must choose between centralized regulation of activities that have swept over boundary lines and the haphazard handling of such problems by the States, with consequent inefficiency and the development of sectionalism."

This is a complete reversal. It illustrates, strikingly, Candidate Roosevelt's abandonment of the Democratic Party's long-time principle of States' rights.

BUREAUCRACY

There are additional examples of promises, principles, policies, utterances ignored. Outstanding in the profligacy of promises and the meagerness of fulfillment is Mr. Roosevelt's bureaucracy, his waste and extravagance.

The Democratic 1932 platform said:

"We advocate an immediate and drastic reduction of governmental expenditures by abolishing useless commissions and offices, consolidating departments and bureaus, and eliminating extravagance, to accomplish a saving of not less than 25 percent in the cost of Federal Government."

Candidate Roosevelt accepted this plank, along with every other plank, "100 percent."

In his acceptance speech in Chicago, before the platform had cooled, Candidate Roosevelt said:

"We must merge, we must consolidate subdivisions of government. We must abolish useless offices."

Has that promise been kept? Everyone knows it has not.

Mr. Roosevelt is mum on this. So is Mr. Farley. But both would imply it has been kept.

What are the facts?

The largest and most tyrannical bureaucracy in history has grown up and flourished under Mr. Roosevelt. Approximately 100 new bureaus have been added. Their cost runs into millions. They are but one of the many forms of Rooseveltian squanderlust. They waste the people's money. They tell them what to do and when to do it. They compete with business; they destroy business. They have sought to regiment people to the autocrats' goose-step. They have tried to deaden American initiative.

Potentially, they form the mightiest political machine in history. They are manned by approximately 200,000 New Deal political appointees.

Are these misstatements? Are these "foul whispers", "distorted facts"?

Candidate Roosevelt said in a speech at Brooklyn, November 4, 1932, closing his campaign, that he had been "scrupulously careful to make no idle promises."

The record now discloses that this was an idle, vote-getting pronouncement of policy.

View another instance of how "scrupulously careful to make no idle promises" Candidate Roosevelt has been.

SAVINGS?

He promised to save "not less than 25 percent" in the cost of government. Do the President and Mr. Farley attempt to "hide" the facts about this? Costs have about doubled. The public debt has been run up to the astonishing and unprecedented figure of more than $30,000,000,000. Deficits pile up daily. The Government is spending two dollars for every dollar it takes in. Three years of Roosevelt have used up as much money as it cost to run the United States Government 124 years, from its inception to 1913. Nothing is said about this. But Mr. Farley urges "nailing the lies."

Increase in public debt under New Deal

(Treasury figures)

Total gross debt Feb. 28, 1933	$20,934,728,350
Total gross debt June 30, 1933	22,538,672,164
Total gross debt June 30, 1934	27,053,085,983
Total gross debt June 30, 1935	28,701,167,092
Total gross debt Dec. 31, 1935	30,557,324,062

These are facts. The New Dealers' own Treasury records furnish them. They are not hidden. They mean, eventually, the most burdensome taxes ever imposted on any people.

Yet at Sioux City, Iowa, on September 29, 1932, Candidate Roosevelt made this pledge:

"I shall use this position of high responsibility to discuss up and down the country, in all seasons, at all times, the duty of reducing taxes, of increasing the efficiency of government, of cutting out the underbrush around our governmental structure, of getting the most public service for every dollar paid by taxation.

"This I pledge you and nothing I have said in the campaign transcends in importance this covenant with the taxpayers of this country."

Mr. Roosevelt said there would be no new taxes. Yet he forced through Congress a soak-the-rich tax program. He exacted more than a billion dollars in processing taxes. He ignored his promise. But even after its violation he again says there will be no new taxes. This "covenant" with the taxpayers was violated. Will his latest "covenant" be violated? Everything points that it will.

FEDERAL EMPLOYEES

Early this year Government workers numbered more than 800,000. Approximately 200,000 of this number were political appointees, outside civil-service regulations and rules. Is this "cutting out the underbrush around our governmental structure"?

Increase in Government employees under New Deal (not including military, legislative, or judicial)

Nov. 30, 1935 (regular agencies, New Deal)	602,230
Nov. 30, 1935, employees under new New Deal agencies	56,099
Nov. 30, 1935, employees under emergency New Deal	141,750
Grand total as of Nov. 30, 1935	800,079

The total number of employees on the Government roll as of June 30, 1933, was 572,091.

This shows an increase since June 30, 1933, to November 30, 1935, of 227,988 employees.

(These figures are taken from Civil Service Commission reports.)

Job-Dispenser Farley has worked overtime building up a New Deal political machine. He has done this through utilizing the spoils system. The civil service under Mr. Roosevelt and Mr. Farley has been badly demoralized.

Some 200,000 men and women who were examined and passed tests of eligibility for the civil service have been thrown aside in favor of political appointees.

Yet Candidate Roosevelt said at Yale University, June 20, 1934:

"I find, for the sake of example, that in my own mind and, I am quite sure, in the minds of most of the leaders in the Federal Government, qualification, from the standpoint of ability rather than from politics, enters into most of the choices that are made."

Was this a palpable effort to disarm the public as to what really was going on? Intentional or otherwise, it would, and did, serve that purpose. But only for a time.

The country knows now that its welfare is traded off in Government personnel in payment for political service rendered or expected to be given by the spoilsmen's appointees. It knows how true is the declaration that "in the minds of most of the leaders of the Federal Government", ability rather than politics enters into New Deal choices for public service.

If there is doubt, read on—

"I am not willing, however, to accept without resentment the inference that when a man is under consideration for public office who has been a loyal supporter of a candidate of the party and his policies in an election, he should be placed at a disadvantage

for that reason, as against one who has not served in that way. In my opinion, we can find efficient, competent, and educated men who are, at the same time, loyal to the principles of the government in which they will serve.

"This is what we are seeking to do, and while mistakes are made, just as they are made in every other line of endeavor, the record shows that we have succeeded. The question of loyalty to the ideas and principles held by the head of this Government is fundamental in getting the right kind of service, for it does not matter how competent a man may be, if his sympathies are not with what is being done, he will be a bad public servant."

That shows the qualifications necessary to become a Federal worker under the New Deal. Mr. Farley knows what the basis for appointment is, because he made this utterance June 26, 1935, in an address to the graduating class of the Stony Point (N. Y.) High School.

OPPORTUNITY

President Roosevelt and his administration were given the opportunity to defeat the spoilsmen had they wished. Opportunity was afforded when an effort was made in the House of Representatives in April 1934 to amend the Home Owners' Loan Corporation bill to provide that all employees of the Corporation should be appointed or promoted solely upon the basis of merit and efficiency. New Dealers, resorting to parliamentary strategy, passed the bill under a suspension of the House rules to avoid a vote on the merit question.

Subsequently, however, a vote was forced. The merit proposal was beaten 229 to 114.

There was not a Republican vote among the 229 votes against the merit proposal.

That is what the New Dealers think of merit in Government service.

From a wholly nonpartisan source comes this comment:

"On every hand evidence accumulates that in an atmosphere of cynical indifference on the part of the national authorities who should be standing as bulwarks of the merit system, spoilsmen are undermining the whole structure of the Federal Civil Service."

Luther C. Stewart, president of the Federation of Federal Employees, made this assertion. He referred to the New Deal.

REGIMENTATION

While politically regimenting Federal employees, regimentation under the Roosevelt administration did not stop there, although President Roosevelt as a candidate, exclaimed his dislike for anything regulating business and people.

At Columbus, Ohio, August 20, 1932, Candidate Roosevelt said:

"I share the complaint against regimentation * * * I dislike it not only when it is carried on by an informal group amounting to an economic government of the United States, but when it is done by the Government of the United States itself."

How far did this dislike go?

Through the unprecedented bureaucracy set up by Mr. Roosevelt—especially through the N. R. A., A. A. A., and the P. W. A.—governmental regulation was imposed upon every form of private enterprise. Arbitrary regimentation was carried beyond anything heretofore known in the United States. The program followed principles of the dictatorships of Russia, Germany, Italy, and Austria.

The so-called recovery program—which was secondary to reform—was merely a pretext by which this un-American legislation was placed on our statute books.

In San Francisco, September 23, 1932, Candidate Roosevelt said:

"Every man has a right to his own property, which means the right to be assured to the fullest extent attainable in the safety of his savings. * * * This right is paramount; all other property rights must yield to it."

No one disagreed with this pronouncement. No one could, but did Mr. Roosevelt follow it out?

The record shows clearly that he did not.

RIGHTS VIOLATED

Under the New Dealers, property rights have been violated, overridden, and usurped. Outright confiscation of property has been resorted to. Gold was confiscated. The mere possession of gold was made a crime.

Mr. Roosevelt devalued the dollar. He thereby, in effect, confiscated 40 percent of all savings. The Government repudiated its contractual agreements to pay in gold. Constitutional guaranty of the right of property now rests upon the whim of one man—Roosevelt.

On the tariff President Roosevelt has done his best to wreck the tariff laws, which long have been the greatest source of protection to American labor, the consumer, and the farmer.

"It is a difficult and highly technical matter to determine standards and costs of production abroad and at home. A commission of experts can be trusted to find such facts but not to dictate policies. The facts should be left to speak for themselves, free from Presidential interference."

Franklin D. Roosevelt said this at Albany, July 30, 1932.

Despite that pronouncement, President Roosevelt demanded and received from a subservant Congress complete power to negotiate trade agreements and reduce existing tariff duties by as much as 50 percent.

GREECE, THE OASIS IN THE DESERT OF DEBTOR NATIONS

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHANLEY. Mr. Speaker, on June 1, 1934, President Roosevelt addressed the Congress of the United States on the World War debts.

In that speech, which carefully reviewed the debt situation, the Chief Executive said:

It is for these reasons that the American people have felt that their debtors were called upon to make a determined effort to discharge these obligations. The American people would not be disposed to place an impossible burden upon their debtors, but are nevertheless in a just position to ask that substantial sacrifices be made to meet these debts.

It may be said that the President of the United States used these two phrases, "determined efforts" and "substantial efforts", advisedly.

Almost prophetically he added later:

The American people are certain to be swayed by the use which debtor countries make of their available resources, whether such resources would be applied for the purposes of recovery as well as for reasonable payment on the debt owed to the citizens of the United States or for the purposes of unproductive nationalistic expenditure or like purposes * * * that each individual nation has full and free opportunity individually to discuss its problem with the United States. We are using every means to persuade each debtor nation as to the sacredness of the obligation and also to assure them of our willingness, if they should so request, to discuss frankly and fully the special circumstances relating to means and method of payment.

Is it not the day of reckoning? May we not ask ourselves if it is not the time to pause and reflect on the statements of the President of the United States and remember that he said that "the final power lies with the Congress", though he, of course, could make recommendations from time to time.

Let us take a current news item as an index of what debtor nations are doing with their resources. We quote from a dispatch of today:

PARIS, February 4.—With tacit approval and monetary assistance by Great Britain, France today arranged her biggest post-war loan in the form of a credit of at least $67,000,000 to Rumania to strengthen the "steel ring" encircling Germany and to provide further guaranties of Austrian independence.

Rumania, it was learned, will be required to pledge "complete and automatic" military assistance should mobilization be necessary in maintaining Austrian independence. Austria, fearing a German Nazi attempt at "Anschluss" or reunion, heretofore has relied on Premier Mussolini, of Italy, as her strongest guarantor of independence. In the present deal, groundwork has been laid to wean Austria away from Mussolini.

Furthermore, France will undertake diplomatic negotiations to bring about a Russo-Rumanian mutual assistance pact, modeled on the Franco-Russian military agreement.

Must we stand aside and see these enormous military expenditures that are being made by these debtor nations? Have we not a duty to once again point out, as the President did in his message, that—

The money loaned by the United States Government was in turn borrowed by the United States Government from the people of the United States, and our Government, in the absence of payment from foreign governments, is compelled to raise the shortage by general taxation of its own people in order to pay off the original Liberty bonds and the later refunding bonds.

We are not demanding the impossible in a merciless way, but rather are we expecting that these nations will gird themselves with good intentions and make those "determined efforts" and "substantial sacrifices."

Our expectations are seemingly fulfilled by the news which today's press dispatches carried:

The first break in the international impasse created by the wholesale war-debt defaulting by European nations 2 years ago came yesterday when the Treasury Department received an offer from Greece of a partial settlement of its two 1936 installments.

Finland is the only debtor nation at present continuing to fulfill its obligations to the United States. Greece has expressed willingness to pay 35 percent of the coupon value of payments due May 10 and November 10. Demetrios Sicilianos, the Greek Minister, it was announced, has communicated to the State Department an offer to pay $76,272 of the $217,920 due on each of those dates.

Total obligations due from war debtor nations amount to $12,437,837,030.33.

The State and Treasury Departments are studying details of the proposal, and so far the Greek offer is unanswered.

Here is the history of Greece-United States loans from official records:

The Governments of Great Britain, France, and the United States executed an agreement with Greece on February 10, 1918, providing for advances to be made to Greece under certain conditions. As a result of this agreement the United States made advances to Greece in 1919 and 1920 aggregating $15,000,000. Greece from time to time has urged certain claims for additional advances, but none have been made.

On November 16, 1925, the Secretary of State was notified that the Greek Government had designated Mr. George Cofinas, former Minister of Finance, and Mr. Drossopoulos, Director of the Public Debt, to come to the United States to discuss questions bearing upon the agreement. On December 26, 1925, the Greek Minister at Washington notified the Secretary of State that a special commission, consisting of Mr. George Cofinas and Mr. Michel Eulambios, one of the directors of the National Bank of Greece, would arrive in Washington on December 28, 1925.

The special commission, consisting of Mr. Cofinas and Mr. Eulambios, accompanied by Mr. C. Diamantopoulos, first secretary of the Greek Legation at Washington, appeared before the Commission on January 14, 1926, and presented a memorandum setting forth the claims of Greece for additional advances under the 1918 agreement and making certain proposals regarding an adjustment of the indebtedness of Greece to the United States conditional on the receipt of further advances. A second meeting of the two Commissions was held on January 18, 1926. On January 22, 1926, the following announcement was made by the chairman of the World War Foreign Debt Commission:

"In view of some questions which have arisen in the course of the meetings with the American Commission, the Greek delegation have found it desirable to consult with their Government and have suggested a postponement of the negotiations pending the receipt of further instructions. Mr. Cofinas will return to Athens for this purpose, and the negotiations will be continued for the present through the Greek Minister."

Since then negotiations for the settlement of the questions between the two Governments have been carried on with the Greek Minister at Washington.

Further extracts from the hearings show that the expected advances of the Greek Government were tied in with promises by France and England.

Mr. OLDFIELD. I noticed in the papers two or three mornings ago where the Greek Government is still planning that our Government should advance the credits which were established during the war, some $30,000,000.

Secretary MELLON. Yes.

Mr. OLDFIELD. Is there any likelihood of the Treasury Department making that advance?

Secretary MELLON. That question of the Greek settlement came before our commission. The Greek commission came before our commission and presented their case, but our commission was without authority to consider any further advancement. We only had authority to treat with these countries in respect to the funding of their debts.

Mr. OLDFIELD. So the commission would not consider that until further action by Congress?

Secretary MELLON. No. But, as you have stated, the Greek Government claims that there exists a commitment to them of an amount of money which was originally something over $40,000,000. They received $15,000,000 of it, and they are claiming the difference.

Mr. OLDFIELD. About $30,000,000?

Mr. BLAIR. $33,000,000.

Mr. OLDFIELD. This newspaper stated that they had succeeded in persuading our Government to advance $33,000,000.

Secretary MELLON. The Treasury has taken the position that such a request by the Greek Government would have to be considered by Congress.

Mr. CRISP. Did not the Debt Funding Commission state to the Greek commission that there was no legal obligation to make that additional advance?

Secretary MELLON. Yes.

Mr. CRISP. That it was a joint undertaking between France, England, and the United States; and that France failed to advance any funds and that Greece had released England without the consent of the United States, which legally and morally released the United States from any obligation or liability to make that additional payment of $35,000,000.

Secretary MELLON. Yes.

Let us hope that this lesson which is offered by Greece today will serve as a fitting example for other debtor countries.

To the eulogies that have been paid to Finland for her splendid fulfillment of her debts we may well pay tribute to that land where the seeds of liberty were sowed over 2,000 years ago.

When the whole civilized world was plunged in a despotism which saw the cruel domination of class over class; the oppression of the weak by the strong and the dominance of the ignorant by the wise it was the Athenian Solon, the most profound political genius of antiquity, that rescued the world from that universal degradation by a revolution that was easy, bloodless, and pacific.

It was he who introduced the idea that a man ought to have a voice in selecting those to whose rectitude and wisdom he is compelled to trust his fortune, his family, and his very life. But he knew man's weakness also and subjected all those who exercised power to the vigilant control of those who for whom they acted. "It is the essence of democracy to obey no master but the law" might well be his contribution also to political thought.

Pericles followed him in that age that was the grandest movement in the profane annals of mankind, for—

To it we owe, after the immeasurable progress of Christianity, much of our philosophy and far the better part of the political knowledge that we now possess.

That was the Golden Age, and it set out three brilliant maxims in political philosophy:

1. The object of constitutions is not to confirm the predominance of any interest but to prevent it.
2. The preservation with equal care of the independence of labor and the security of property.
3. Safeguards which save the rich from envy and the poor from oppression.

Has any nation in the world's drama presented equals in poetry and eloquence, in history philosophy, and in the body politic?

Where is the equal of Socrates, the best of the pagans? Of Aristotle, the ablest moralist of antiquity, and of Plato, who had the vision of the Just Man crucified? What of most illustrious of the early philosophers, Pythagoras, of Heraclitus, of the Stoics, all makers of history and authors of its advancement?

Has the world in its profane arenas anyone to match Socrates? His method was essentially democratic. "He urged all men to bring all things to the test of incessant inquiry, and not to be content with the verdict of majorities, authorities, or custom; to judge of right and wrong, not by the will or sentiment of others, but by the light which God has sent in each man's reason and conscience. He proclaimed that authority is often wrong, and has no warrant to silence or impose conviction. But he gave no warrants to resistance. He emancipated men for thought but not for action."

May that race whose easy quickness, philosophic thought, independent belief and pursuit of unsubstantial grace and beauty be an example for other nations to follow.

The isles of Greece! the isles of Greece!
Where burning Sappho loved and sung,
Where grew the arts of war and peace,
Where Delos rose, and Phoebus sprung!
—*From "Don Juan."*

FRAZIER-LUNDEEN SOCIAL-SECURITY BILL

Mr. LUNDEEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include a bill, H. R. 9680, which I have introduced.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. LUNDEEN. Mr. Speaker, on January 6, 1936, I introduced in the House of Representatives H. R. 9680, the Frazier-Lundeen social-insurance bill, introduced the same day in the Senate by Senator FRAZIER, of North Dakota. This bill provides genuine, adequate social insurance along the same lines provided in the Lundeen bill of last session, which was favorably reported by the House Labor Committee.

We invite immediate and careful consideration of the Frazier-Lundeen bill by all who are interested in this vital subject. We urge the support of all who realize the necessity for united action on a complete program of social insurance. The inadequacy of the present Social Security Act is becoming daily more apparent. It gives absolutely nothing to the millions now unemployed and leaves much to be desired in other fields of social insurance.

SUMMARY OF THE FRAZIER-LUNDEEN SOCIAL-INSURANCE BILL

The Frazier-Lundeen bill combines six systems of social insurance in one comprehensive plan, covering compensation for unemployment; insurance of the self-employed, which is new in the history of social insurance and which, for the

first time, covers self-employed professional workers, farmers, and owners of small businesses; disability insurance, including all forms of disability, whatever their cause; old-age insurance; maternity insurance; widows' and mothers' insurance.

SELF-EMPLOYMENT INSURANCE

The system of self-employment insurance set forth marks a significant step forward in social-insurance programs. It provides specifically for the self-employed, and thus benefits directly farmers, professional workers, the small businessmen, and all those who are popularly regarded as the "middle class." All previous systems have concerned themselves exclusively with wage-earning or salary-receiving employees. The system proposed here recognizes the social necessity of securing self-employed persons whose net earnings are less than the minimum necessary to maintain life in health and decency.

OLD-AGE PENSIONS

The system of old-age insurance provides explicitly that persons 60 years of age or over shall receive compensation equal to average wages if they were employed up to the time they reached the age of 60 or over, and compensation equal to the amount of the unemployment compensation received by them if they were receiving unemployment compensation at the age of 60. All other persons 60 years of age or over are provided for by minimum compensation.

UNEMPLOYMENT INSURANCE FOR THOSE NOW UNEMPLOYED

The unemployment system set-up provides full compensation for the whole period of unemployment, whereas the Social Security Act put forward by the present administration provides compensation for only a few weeks in the year and for only a portion of the lost wages, and, most significant of all, is limited to those now employed, from whose wages a pay-roll tax will be deducted.

COMPENSATION

Under the Frazier-Lundeen bill, compensation is equal to the average weekly wage payable in the beneficiary's occupation or profession in his district, with a minimum of $10 per week plus $3 for each dependent, and a maximum of $20 per week plus $5 for each dependent, and with provision for adjustment with change in the cost of living. Recipients of income above this maximum are disqualified, but those having lesser income are eligible to social insurance after deducting their income in excess of $250 per year from the compensation payable under the act.

FEDERAL WORKERS' INSURANCE COMMISSION TO ADMINISTER ACT

A Federal workers' insurance commission will administer the system, and a simple but adequate structure of local, regional, and national administration is outlined. It combines technical administration by experts chosen pursuant to civil-service requirements for positions as secretaries and officers in districts and regions, with policy-making and judicial administration by workers themselves, whose primary qualification is their familiarity with local or national working conditions. The Federal Workers' Social Insurance Commission, appointed by the President from panels nominated by workers' organizations, would be an independent part of the executive organization of the Federal Government.

COST OF SOCIAL SECURITY

The fiscal provision calls for an immediate appropriation of $5,000,000,000, a sum not much larger than that appropriated for public works last year, and then provides for an efficient system of annual estimates of amounts sufficient to provide compensation payable under the act. The declaration of policy declares against pay-roll taxes or sales taxes or any other taxation which places the burden upon the workers, whose standard of living it is the purpose of the act to protect. It would be the policy to raise the surplus funds required by suitable revenue legislation from high incomes, corporate surpluses, and other accumulated wealth.

In my speech of August 2, 1935, Seventy-fourth Congress, first session, page 12347, there is a great deal of information about our sources of funds for social security, and I refer Members of Congress and others interested in that phase of the problem to the CONGRESSIONAL RECORD.

TEXT OF FRAZIER-LUNDEEN SOCIAL-SECURITY BILL

A bill to provide for the establishment of a Nation-wide system of social insurance

Be it enacted, etc., That this act may be cited as the "Workers' Social Insurance Act."

DECLARATION OF POLICY

SEC. 2. It is the obligation of Government to insure every worker against loss of income due to unemployment, old age, or other disability.

Under modern economic conditions it is impossible for most workers to secure themselves against loss of income due to loss of work, for their earnings, during employment, are barely enough to provide for more than immediate living expenses. This loss of work, involving mass unemployment, displacement of older workers and reduced opportunities for work by qualified young workers, and other factors, is primarily due to the operation of social and economic forces which are beyond the control of individuals, private bodies, or individual States. Further, this loss of work means the loss of purchasing power, with the subsequent impairment of health and well-being, and the lowering of the living standards of millions of workers and their families. Moreover, the loss of work reduces wages and work opportunities and lowers the living standards of all workers, and thus injures the national welfare.

It is therefore the declared policy of the Government of the United States that it is in the interest of the general welfare that Congress appropriate funds out of the Treasury of the United States for the establishment and support of a national system of social insurance for the benefit of all workers.

To serve the general welfare, such a system of social insurance must embody the following basic principles:

First. The system must be Nation-wide in scope. The needs to be served are Nation-wide, caused by the operation of forces Nation-wide in scope, and provision for compensation for the losses sustained is beyond the powers of any State.

2. The system must go into immediate operation and must provide insurance for all workers, including all wage earners, all salaried workers, farmers, professional workers, and the self-employed, and it must insure those who are at present unemployed or who suffer other disability as well as those who may become unemployed and who may suffer disability in the future.

3. The system must provide compensation for the loss of income suffered by guaranteeing an income equal to average earnings, but in no case less than a minimum standard of living.

4. The system must be administered democratically by workers, representative of local workers and familiar with local work conditions and opportunities, pursuant to rules and regulations in the social interest, to prevent administration against the interests of workers, and to insure administration in accordance with their interests and needs.

5. The costs of the system must be a primary charge on the national wealth and must be regarded as a component element of the Budget of the Federal Government to be provided for out of the National Treasury. Any additional costs necessitated thereby should be derived by suitable revenue legislation, from high incomes, corporate surpluses, and other accumulated wealth, and should not be placed directly, by pay-roll taxes, or indirectly, by sales taxes, upon the workers of the United States, whose standard of living Congress hereby seeks to protect.

UNEMPLOYMENT INSURANCE

ELIGIBILITY

SEC. 3. (a) Any worker who is totally unemployed or partially unemployed shall be entitled to compensation.

COMPENSATION

(b) A worker totally unemployed shall receive compensation equal to the average weekly wage payable in his occupation or profession in his district; except that, if such average weekly wage exceeds the maximum compensation under this act, he shall receive such maximum compensation. A worker partially unemployed shall receive compensation for the unemployed portion of his time at the same hourly rate as if he were totally unemployed.

DISQUALIFICATION

(c) No worker shall be entitled to receive compensation if, without good cause, he refuses to accept employment offered to him in his usual occupation or in any occupation for which he is reasonably fitted. No worker shall, however, lose his right to compensation by reason of refusal to accept employment which would require him to join any company union or interfere with his joining or retaining membership in any labor organization, or where a strike, lockout, or labor dispute is in progress or where the employment is an unreasonable distance from his residence, or where the wages, hours, or conditions of labor are not equal to those prevailing for similar work in the district, or are not equal to union scale of wages or are not equal to the average weekly compensation of workers in such occupation in such district.

SELF-EMPLOYMENT INSURANCE

ELIGIBILITY

SEC. 4. (a) Any worker who is self-employed in agriculture, the fisheries, forestry, trade, manufacturing, in professional, or other services, whose average weekly net earnings do not equal the minimum compensation payable under this act, shall be entitled to compensation.

COMPENSATION

(b) A worker who is self-employed and is eligible for compensation shall receive compensation in an amount equal to the

difference between his average weekly net earnings and the minimum compensation provided under this act.

DISQUALIFICATION

(c) No self-employed worker shall be entitled to receive compensation if without good cause he refuses to accept employment at a wage or salary offered to him, provided such employment is in an occupation for which he is reasonably fitted. No self-employed worker shall, however, lose his right to compensation by reason of refusal to accept any employment which a worker entitled to unemployment compensation may refuse to accept.

DISABILITY INSURANCE

ELIGIBILITY

SEC. 5. (a) Any worker totally disabled or partially disabled shall be entitled to compensation.

COMPENSATION

(b) A worker totally disabled shall receive the same compensation as is provided for a worker totally unemployed. A worker partially disabled shall receive the same compensation as is provided for a worker partially unemployed.

DISQUALIFICATION

(c) Any worker eligible to compensation by reason of disability shall not receive compensation so long as he is domiciled in a public or private institution for chronic or permanent mental or physical illness.

OLD-AGE INSURANCE

ELIGIBILITY

SEC. 6. (a) Any person who is 60 years of age or over and who engages in no work and receives no earnings shall be entitled to compensation.

COMPENSATION

(b) (1) A person who is receiving unemployment or disability compensation at the time that he reaches the age of 60 shall continue to receive compensation at the same rate.

(2) A person who is engaged in gainful work at the age of 60 or over and ceases thereafter to work shall receive compensation at the same rate as is provided for a totally unemployed worker.

(3) All other persons 60 years or over shall be entitled to minimum compensation under this act.

DISQUALIFICATION

(c) No person eligible to compensation by reason of old age shall receive such compensation so long as he is domiciled in a private or public institution for the aged.

MATERNITY INSURANCE

ELIGIBILITY

SEC. 7. (a) Any woman worker customarily engaged in gainful occupation outside of her own household tasks, who engages in no work and receives no earnings by reason of maternity, shall be entitled to compensation for 8 weeks before and 6 weeks after childbirth, which period shall be known as the "period of maternity."

COMPENSATION

(b) Any woman worker entitled to maternity compensation shall receive compensation in the same amount as if she were totally unemployed during such period of maternity.

WIDOWS' AND MOTHERS' INSURANCE

ELIGIBILITY

SEC. 8. (a) Any woman who is not eligible to compensation under any of the preceding classifications and who is the head of a household containing one or more dependent minor children under the age of 18, shall be entitled to compensation, provided the father of such minor or minors is dead, has divorced, deserted, or separated from them, or is receiving care in an institution for mental or physical ailments, or is an inmate of a penal or correctional institution.

COMPENSATION

(b) Any woman entitled to widows' or mothers' compensation shall receive compensation equal to minimum compensation.

MAXIMUM AND MINIMUM COMPENSATION AND ADJUSTMENT FOR CHANGE IN COST OF LIVING

MINIMUM COMPENSATION

SEC. 9. (a) Weekly compensation under this act shall in no case be less than $10 per week, plus $3 for each dependent.

MAXIMUM COMPENSATION

(b) Weekly compensation under this act shall in no case be at a higher rate than $20 per week, plus $5 for each dependent.

ADJUSTMENT IN CASE OF CHANGE IN THE COST OF LIVING

(c) Weekly compensation shall be adjusted by the Commission in accordance with the change in the cost of living in the United States or any locality, as the same may be ascertained with reference to available statistical data.

INCOME DISQUALIFICATION AND ADJUSTMENT OF COMPENSATION

SEC. 10. (a) No person shall be entitled to receive compensation under any classification who receives net income from any source of $20 per week, plus $5 for each dependent, or more. The receipt of income less than such sum shall not disqualify any person from receiving compensation, but such income in excess of $250 per year shall be deducted from the compensation payable under this act.

(b) The fact that any person entitled to compensation under this act is entitled to receive and receives benefits, pension, alimony, or compensation under any State, Federal, or private pension, compensation, or insurance policy, plan, or system, shall not disqualify him from receiving compensation under this act, but the amount of such payments shall be deducted from the compensation payable under this act. Any person entitled to receive such other benefits, pension, alimony, or compensation shall have the right to refuse to accept the same without in anywise disqualifying him from receiving compensation under this act or rendering the amount of compensation subject to deduction by reason of such benefits, pension, alimony, or compensation not actually received.

GENERAL PROVISION; ELIGIBILITY

SEC. 11. Compensation under this act shall not be denied to any person by reason of sex, race, color, religion, length of residence in any district, political opinion, or affiliation or membership in any economic, political, or religious organization. The benefits of this act shall apply to every citizen of the United States and to every person who, if foreign-born, has resided in the United States or its Territories for at least 5 years prior to his claim for compensation and has, prior to his claim, formally filed his declaration of intention to become a citizen.

ADMINISTRATION

FEDERAL WORKERS' SOCIAL INSURANCE COMMISSION

SEC. 12. (a) This act shall be administered by the Federal Workers' Social Insurance Commission, hereby created as an independent bureau under the President of the United States and herein referred to as the "Commission." The Commission shall consist of the Social Insurance Commissioner, hereinafter referred to as the "Commissioner", and 15 members. The Commission shall have the power to adopt all reasonable rules, regulations, and orders, appoint such officers, employ such persons, and make such expenditures as may be necessary and suitable for the administration of this act, and shall create the administrative organs herein provided for. The Commission shall create a National Social Insurance Office, under the direction of the Commissioner, and employ such technical experts and other employees as may be neecssary to perform the administrative work of such national office. All administrative organs and officers hereinafter referred to shall be deemed agents of the Commission.

REGIONAL AND DISTRICT ADMINISTRATION

CREATION OF REGIONS AND DISTRICTS

SEC. 13. (a) For administrative purposes, the Commission shall divide the United States, the District of Columbia, and the territories and outlying possessions of the United States into appropriate regions and district subdivisions thereof, and, where feasible, shall create occupational divisions in place of or in addition to districts or regions.

REGIONAL AND DISTRICT ADMINISTRATIVE ORGANS

(b) In each region and district there shall be created (1) an office under the direction of a secretary, and (2) a committee.

REGIONAL AND DISTRICT OFFICES AND SECRETARIES

(c) The Commissioner shall create a regional office and a district office for each region and district, respectively, and shall appoint a regional secretary for each regional office and a district secretary for each district office, and shall appoint such additional employees as may be necessary to perform the administrative work of each such office under the supervision of the secretary of such office.

REGIONAL AND DISTRICT COMMITTEES

(d) The Commission shall appoint a regional committee for each region, consisting of no more than 10 members. Each regional committee shall appoint a district committee for each district, consisting of no more than five members.

APPOINTMENT, QUALIFICATION, TENURE, AND COMPENSATION

SEC. 14. (a) The Commissioner shall be appointed by the President of the United States, with the advice and consent of the Senate, from a panel of the names of persons nominated by national workers' organizations as persons qualified by their training and experience to perform the duties of such office. His salary shall be $5,000 per annum, and he shall be appointed for a term of 3 years.

(b) Regional and district secretaries and all technical and other employees of national, regional, and district offices shall be appointed subject to the civil-service laws.

(c) Members of the Commission and committees:

(1) Appointment and qualification: The members of the Commission shall be appointed by the President from a panel of names submitted by national workers' organizations as persons representative of workers and familiar with national working conditions. The members of regional and district committees shall be appointed from panels submitted by workers' organizations in the respective regions and districts as the names of persons who are representatives of workers in such regions and districts, respectively, and who are familiar with working conditions in such regions and districts, respectively. Only members of workers' organizations shall be deemed qualified to serve as members of the Commission or of any regional or district committee.

(2) Compensation: The compensation of members of the Commission and of all members of the regional and district committees shall be as follows: They shall be paid for such time as is necessarily devoted to their work on the Commission or committee at an hourly rate equal to the rate of compensation payable

to them if they were unemployed workers entitled to compensation not exceeding the maximum compensation payable under this act, plus actual necessary traveling expenses.

(3) Tenure: The tenure of the members of the Commission shall be as follows: Five members of the Commission shall serve for a period of 1 year, five for a period of 2 years, and five for a period of 3 years, and thereafter as their terms expire their successors shall be appointed for a term of 3 years. The tenure of the members of the district committees shall be 1 year.

DUTIES AND POWERS OF COMMISSIONER AND REGIONAL AND DISTRICT SECRETARIES

THE COMMISSIONER

SEC. 15. (a) The Commissioner shall act as chairman of the Commission, shall manage the National Social Insurance Office, and shall administer the social-insurance fund of the United States under the direction of the Commission.

REGIONAL SECRETARIES

(b) Each regional secretary shall manage the regional office of the region to which he is assigned and act as secretary of the regional committee of such region. Each regional secretary shall audit the accounts of all district secretaries in the region to which the regional secretary is assigned.

DISTRICT SECRETARIES

(c) Each district secretary shall manage the district office to which he is assigned and act as secretary of the district committee of such district. He shall determine all questions of eligibility, compensation, and disqualification under this act pursuant to the regulations of the Commission and the decisions of the district committee for such district and of the regional committee of the region in which such district is located. The district secretary shall, upon determination that any claimant is entitled to compensation in any particular amount, draw a voucher on the social-insurance fund of the United States in the amount of compensation due and shall thereafter draw vouchers for such amounts of compensation so long as the same shall become due. Each district secretary shall give bond in an amount to be fixed by the Commission, with sureties approved by the Commission, conditioned for the faithful performance of his duties.

DUTIES AND POWERS OF SOCIAL INSURANCE OFFICES: NATIONAL, REGIONAL, AND DISTRICT

DISTRICT OFFICES

SEC. 16. (a) Each district office shall make provisions for the filing of all claims for compensation and investigation of all claims, shall procure statistical data and other information with respect to wages, hours of employment, and work opportunities in the district, and shall provide the Commission, the district committee of the district, and the regional committee of the region in which such district is located with such information as may be necessary or suitable for them in their work. It shall be the duty of every district office to assist and advise all claimants for compensation in the preparation and filing of their claims, and to provide them with all necessary information with respect to the rules and regulations of such office.

REGIONAL OFFICES

(b) Each regional office shall survey the administration of this act by the district secretaries and district committees of all districts in the region and shall conduct investigations with reference to the wages, hours, and work opportunities in the occupations followed in the region, and procure such information and data with respect to the region as may be required by the Commissioner, the Commission, and the district secretaries and district committees in the region.

NATIONAL OFFICE

(c) The National Office shall survey the administration of this act by all administrative offices and organs, and shall consider and advise the Commission with respect to all matters connected with this act, and may make recommendations to the Commission with respect to the rules and regulations made by the Commission. The National Office shall investigate and study the national and local operation of this act. The National Office shall audit the compensation paid by the district secretaries and the moneys received and disbursed by the social-insurance fund, and shall procure the statistical data necessary for the recommendation of the estimates to be made by the Commissioner of the amounts of appropriations necessary for the maintenance of the said insurance fund.

DUTIES AND POWERS OF COMMISSION AND COMMITTEES: REGIONAL AND DISTRICT

DISTRICT COMMITTEES

SEC. 17. (a) Each district committee shall determine appeals from the decisions of the district secretary of the district over which it has jurisdiction and shall determine and fix and from time to time, as conditions require, change the standards of compensation for the occupations and professions which are followed within the district, subject to the review and approval of the regional committee.

REGIONAL COMMITTEES

(b) Each regional committee shall hear and determine appeals from the decisions of the district committees in the region, and shall review all decisions of any district committee which are the subject of certification by any district secretary as a violation of the rules and regulations under this act. The regional committee shall determine and fix and from time to time, as conditions require, change the standards of compensation for the occupations and professions which are followed within the region, and shall approve, reject, or modify standards of compensation fixed by any district committee in the region.

THE COMMISSION

(c) The Commission shall consider general questions of policy and shall make suitable recommendations to the President of the United States with respect to the administration of this act. The Commission may approve, reject, or modify, in conformity with the provisions of this act, any standard of compensation adopted by any regional committee.

PROCEDURE

FILING OF CLAIMS

SEC. 18. (a) A claimant shall file a claim under oath with the district social-insurance office in the district in which he resides, in accordance with such rules and regulations as the Commission may prescribe.

DETERMINATION OF CLAIM

(b) The district secretary shall make such investigation, secure such physical examination, and conduct such hearing as may be necessary and advisable, and shall, within 10 days after the filing of such claim, determine the validity of the claim and the amount of compensation payable, in accordance with such rules and regulations as the Commission may prescribe. If no appeal is taken from the decision of the district secretary, this determination shall be deemed final. Where, however, an appeal is taken, the decision on the final appeal shall be the final determination of the claim. The district secretary may, in his discretion, provide "temporary compensation" pending investigation before the determination of the claim, but such compensation shall not exceed the minimum compensation under this act. The district secretary shall notify the claimant in writing of his decision, giving the reason for his decision.

PAYMENT OF COMPENSATION

(c) Compensation shall be paid from the date of the filing of the claim, with deduction for any temporary compensation paid. Compensation shall be paid periodically and promptly in like manner as wages and as it accrues. If any claimant appeals from a determination awarding him a specific amount of compensation, the compensation awarded shall be paid pending such appeal.

CONTINUING JURISDICTION

(d) The jurisdiction of the district committee and district office in each case shall be continuing. When the payment of compensation is made dependent upon the continuance of any condition, the district secretary shall from time to time determine, after appropriate investigation and hearing, whether such condition has ceased to exist. The district secretary may at any time review an award of compensation or a denial of claim therefor in accordance with the procedure described with respect to claims, and make a new decision which may terminate, continue, increase, or decrease such compensation. Such new order shall not affect any compensation paid under any prior order. Any determination discontinuing or changing any award of compensation shall be deemed a determination subject to appeal in the same manner as is provided with respect to the original determination of the said application for compensation.

HEARINGS: WITNESSES

(e) A claimant to compensation shall be entitled to receive notice of hearing affecting his claim. In connection with the investigations and hearings conducted for the purpose of determining any claim or the continuance of any claim for compensation and for the purpose of determining the necessary statistical data required by any administrative officer or organ, the Commission, all secretaries of national, regional, or district offices, and all national, regional, or district committees shall have the power to compel the attendance of witnesses and the production of any necessary documents by the issuance of subpenas. Failure to obey such subpenas shall constitute a contempt of the United States. Witnesses appearing in obedience to subpenas shall be entitled to the same fees as witnesses in a civil action in the United States district court, but claimants for compensation shall not be deemed witnesses.

APPEALS FROM DECISIONS OF DISTRICT SECRETARY

(f) Any claimant, dissatisfied with any decision of a district secretary, may, within 30 days after such decision, appeal to the district committee of the district. The district committee shall conduct a hearing on notice to the claimant and the district secretary, and make its decision within 10 days after the claimant has filed his notice of appeal.

APPEAL FROM DECISION OF DISTRICT COMMITTEE

(g) Any claimant, dissatisfied with the determination of his claim made by a district committee, may, within 30 days after such decision, appeal to the regional committee of the region which includes that district. If the secretary of the district office is of the opinion that the determination by the district committee is in violation of the rules and regulations of the Commission or of the decisions and standards of the regional committee of the region which includes that district, he shall certify his objection to that regional committee. The regional committee shall conduct a hearing on notice to the claimant, the district committee, and the district secretary. The decision of the regional committee shall be made within 30 days after the filing of a notice of appeal to the regional committee or after filing the certificate of objec-

tion by the secretary of the district office. The decision of the regional committee on any question of fact shall be final and conclusive.

RIGHT OF CLAIMANTS TO CONDUCT PROCEEDINGS IN OWN BEHALF—COSTS AND FEES

(h) A claimant shall have the right to present his own case before the district secretary, district committee, or regional committee, but may, if he wishes, be represented in any proceeding by an agent. The advice and information required to be given by the district office to a claimant shall be given free of charge. No claims of attorneys or counselors at law for legal services and no claims for advisory services of any kind against any claimant shall be enforceable against a claimant unless approved by the district committee of the district in which the claimant makes his application for compensation. No costs shall be assessed and no fees charged against any claimant for any proceeding, except that if the regional committee determines that the appeal to the regional committee has not been brought upon a reasonable ground, such regional committee may fix and assess the cost of proceeding upon such claim.

PUBLIC RECORD

(i) Each district secretary shall make a monthly report of all compensation paid by him, together with the name and address of each person receiving compensation and the amount of compensation paid to each person. Such reports shall be made public and at all times available to any person during business hours. All decisions fixing the standards of compensation by any administrative body shall be a matter of public record and be available to inspection by any person at any time during business hours.

GENERAL PROCEDURE

(j) The Commission shall prescribe the procedure generally to be followed in connection with the making of applications for claim, forms of application, investigations, hearings, and appeals, insofar as such procedure is not provided for by this section, but all rules and regulations thus prescribed shall be calculated so far as practicable to insure simple, economical, and expeditious consideration and payment of all claims for compensation.

RULES OF EVIDENCE AND PRESUMPTIONS

SEC. 19. (a) Hearings by any administrative office or organ shall not be bound by common law or statutory rules of evidence or by technical and formal rules of procedure, but should be conducted in such manner as to ascertain the substantial rights of the parties.

(b) In connection with the determination of any claim for compensation, it shall be presumed, in the absence of substantial evidence to the contrary—

(1) That all formal requirements in connection with the preparation and filing of the claim or notice of appeal have been complied with; and

(2) That the claimant is not disqualified under this act.

EXEMPTION AND ASSIGNMENT

SEC. 20. Claims for compensation and compensation shall be exempt from all claims of creditors and from levy, execution, attachment, or other remedies for the recovery or collection of debts. Any pledge, mortgage, sale, assignment, or release of any claim to compensation or compensation shall be void. The provisions of this section may not be waived.

SOCIAL INSURANCE FUND: APPROPRIATION

SOCIAL-INSURANCE FUND

SEC. 21. (a) There is hereby created the social-insurance fund of the United States. This fund shall consist of all the moneys received by the Commission from the Treasury of the United States for the administration of this act. This fund shall be expended solely for the payment of the compensation guaranteed under this act, and all expenses of administration under this act and its balance shall not lapse at any time but shall remain continuously available for expenditure consistent herewith. This fund shall be disbursed by the Commissioner under the direction and control of the Commission.

INITIAL APPROPRIATION

(b) There is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $5,000,000,000, to be paid into the social-insurance fund.

ESTIMATES FOR FURTHER APPROPRIATIONS

(c) The Commissioner shall, before the exhaustion of the moneys in the social-insurance fund, make an estimate of the amount of the expenditures and appropriation necessary, in his judgment, for the maintenance of the social-insurance fund, the payment of the compensation guaranteed by this act, and the expenditures of administration up to the end of the first fiscal year of the operation of the social-insurance fund, and such estimate shall be transmitted by the Commissioner to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, together with a full and complete report of the compensation paid, the number of claims paid in each classification of insurance, and all moneys received and disbursed out of the social-insurance fund up to the date of such estimate. There is hereby authorized to be appropriated out of the Treasury of the United States, out of any money not otherwise appropriated, an amount sufficient to defray the expenditures estimated as necessary to pay the compensation guaranteed under this act and the expenses of administration up to the end of the first fiscal year of the operation of the social-insurance fund. The first fiscal year of the operation of the social-insurance fund shall be deemed to end coterminously with the end of a fiscal year under the United States Budget.

ANNUAL ESTIMATES AND APPROPRIATIONS

(d) Thereafter the Commissioner shall, on the first day of each and every regular session of Congress, transmit to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives a statement giving an estimate of the expenditures and appropriation necessary in his judgment for the maintenance of the social-insurance fund and the payment of compensation guaranteed under this act and the expenditures of administration for the ensuing fiscal year, and such estimate shall be accompanied by a full and complete report of the compensation paid in the previous fiscal year, the number of claims paid in each classification of insurance, and a full and itemized statement of all moneys received and disbursed out of the social-insurance fund during the preceding fiscal year. The estimate of appropriations necessary in the judgment of the Commissioner for the maintenance of the social-insurance fund for the ensuing fiscal year shall be included in the annual Budget of the United States transmitted by the President to Congress on the first day of each regular session. There is hereby authorized to be appropriated, out of any moneys in the United States Treasury not otherwise appropriated, amounts sufficient to defray the expenditures estimated from fiscal year to year as necessary to pay the compensation guaranteed under this act and the expenses of administration of this act.

SEPARABILITY

SEC. 22. If any section or provision of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

DEFINITION OF TERMS

SEC. 23. (a) "Workers": The term "worker", when used in this act, means a person over the age of 18 years and under the age of 60 years who has customarily derived his livelihood from any form of labor or service in industry, trade, agriculture, mining, transportation, the arts, the professions, domestic service, Government service, or any other occupation or employment. A person over the age of 18 years and under the age of 60 years who has not customarily derived his livelihood from labor or service prior to the time of the making of his application for compensation shall nevertheless be deemed a "worker" who, if otherwise eligible therefor, shall be entitled to unemployment compensation under this act if at the time of such application he is capable of work and available for work. A person over the age of 18 years and under the age of 60 years shall be deemed a "worker" who, if otherwise eligible therefor, shall be entitled to disability compensation under this act if at the time of such application he is not capable of any work in a suitable occupation by reason of total or partial disability.

(b) "Totally unemployed": A worker is totally unemployed within the meaning of this act in any week in which he, although capable of work and available for work, is not working and receives no earnings.

(c) "Partially unemployed": A worker is partially unemployed within the meaning of this act in any calendar week in which he, although capable of and available for 30 hours of work in that week, works fewer than 30 hours in that week.

(d) "Compensation" is the money allowance payable to a claimant as provided in this act.

(e) "Average weekly wages": The term "average weekly wages", as used in this act, means the average hourly rate of wages paid to workers working in the occupation of the claimant in the district within the 2 years preceding the application for compensation of claimant, multiplied by the average number of full-time working hours worked by workers in such occupation during such period of 2 years. When a union scale of wages exists in such occupation in such district, such union scale of wages shall be used as the basis for determining the average weekly wage. In the case of work for which no average standard of wages or salaries is available, the average weekly wage shall be deemed equal to the average weekly wage or salary paid to workers employed at wages or salaries in the most similar occupation. In the case of former students or persons not regularly employed in any occupation or profession prior to their application, the average weekly wage shall be equal to the average weekly wage or salary paid to persons employed in any occupation or profession suitable for the claimant.

(f) "Wages", as used in this act, shall include every form of remuneration for labor or services, whether paid directly or indirectly, including salaries, commissions, bonuses, and the reasonable money value of board, rent, housing, lodging, or similar advantages.

(g) "Suitable occupation", as used in this act, shall mean the occupation for which the claimant has training, or the most similar occupation to the occupation for which the claimant has training, but, in any case, an occupation for which the claimant is reasonably fitted.

(h) "Unemployed portion of time", as used in this act, means the difference between the time worked in a calendar week and 30 hours.

(i) "Person", as used in this act, means any individual, male or female, and the masculine includes the feminine.

(j) "Disability", as used in this act, shall mean any physical or mental condition, sickness, or handicap which renders a worker not capable of total or partial work in his usual or in a suitable occupation, irrespective of fault and irrespective of whether such disability is the result of accident, illness, disease, physical or mental handicap, or other causes.

(k) "Total disability": A worker is deemed "totally disabled", within the meaning of this act, in any calendar week in which, by reason of disability, he is not capable of any work in his usual or in any suitable occupation and is not working and receives no earnings.

(l) "Partial disability": A worker is deemed "partially disabled", within the meaning of this act, in any calendar week in which, by reason of disability, he is not capable of 30 hours' work in his usual or in any suitable occupation and does not work 30 hours in such week.

(m) "Dependent", as used in this act, includes any person under the age of 18 years who, at the time of the application for compensation, is living with the claimant and of whom the claimant is the parent, foster parent, or guardian, and includes a wife or husband living with the claimant where such wife or husband is not, at the time of the application for compensation, regularly employed in a gainful occupation outside of the household and is not receiving compensation under this act or is not receiving income, the receipt of which by the claimant would disqualify the claimant from receiving compensation. Where such dependent receives income from any source, the amount of such income shall be deducted from the amount of compensation payable for such dependent under this act.

(n) "Claimant", as used in this act, means any person filing a claim for compensation under this act.

(o) "District" or "region" shall be such geographical division or subdivision as shall be denominated such for administrative purposes by the Commission.

(p) "Workers' organization": Any labor or trade union, economic association of unemployed persons, agricultural, cooperative, or other economic organization of workers, whether now existing or hereafter organized, excluding company unions, shall be deemed a "workers' organization."

(q) "National workers' organizations": Workers' organizations which have members residing in three or more States, whether now existing or hereafter organized, shall be deemed "national workers' organizations."

EFFECTIVE DATE

SEC. 24. This act shall take effect immediately.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BOYKIN (at the request of Mr. HILL of Alabama), for today, on account of important business.

To Mr. CARMICHAEL (at the request of Mr. HILL of Alabama), for today, on account of a death in family.

To Mr. STEAGALL (at the request of Mr. HILL of Alabama), for today, on account of illness in family.

To Mr. EATON (at the request of Mr. PERKINS), indefinitely, on account of death in his family.

Mr. WEARIN. Mr. Speaker, I ask unanimous consent that my colleague from Iowa, Mr. GILLETTE, may be excused for the balance of the week.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 363. An act to increase the efficiency of the Veterinary Corps of the Regular Army;

S. 1301. An act to provide further for the maintenance of the United States Soldiers' Home;

S. 2148. An act to provide for the leasing of restricted Indian lands of Indians of the Five Civilized Tribes in Oklahoma;

S. 2175. An act to grant to the State of California a retrocession of jurisdiction over certain rights-of-way granted to the State of California over certain roads about to be constructed in the Presidio of San Francisco Military Reservation and Fort Baker Military Reservation;

S. 2206. An act for the relief of the State of New Mexico;

S. 2643. An act to amend section 118 of the Judicial Code to provide for the appointment of law clerks to United States district court judges;

S. 2877. An act to reimpose and extend the trust period on lands reserved for the Pala Band of Mission Indians, California;

S. 2891. An act to provide for the adjustment and settlement of personal injury and death cases arising in certain foreign countries;

S. 3140. An act to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes;

S. 3381. An act to provide for the protection and preservation of domestic sources of tin; and

S. 3447. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 307. Joint resolution authorizing the erection of a memorial to the early settlers whose land grants embrace the site of the Federal City.

ADJOURNMENT

Mr. LUDLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until tomorrow, Thursday, February 6, 1936, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WILSON of Louisiana: Committee on Flood Control. H. R. 9062. A bill authorizing a preliminary examination and survey of the Esopus Creek and its tributaries of Birch, Bushnelville, Woodland, Warner Bushkill, and Beaverkill Creeks; Sawkill, Rondout, and Neversink Creeks, Ulster County; Schoharie and Catskill Creeks, Greene County; Neversink, Beaverkill, East Branch of Delaware, Willowemoc, and Lackawack Rivers, Sullivan County; Schoharie Creek and its tributaries, Schoharie County, all located in the State of New York, with a view to the controlling of floods; with amendment (Rept. No. 1933). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Louisiana: Committee on Flood Control. H. R. 9092. A bill to provide for the preliminary examination of the Saginaw River and its tributaries in Saginaw County, Mich., with a view to the controlling of floods; without amendment (Rept. No. 1934). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUDLOW: Committee on Appropriations. H. R. 10919. A bill making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes; without amendment (Rept. No. 1935). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 10772. A bill to amend the Public Buildings Act of May 25, 1926, to authorize the construction of buildings for post-office stations, branches, and garages, and for other purposes; without amendment (Rept. No. 1936). Referred to the Committee of the Whole House on the state of the Union.

Mr. DALY: Committee on Claims. H. R. 9378. A bill to provide for the adjustment and settlement of personal-injury and death cases arising in certain foreign countries; without amendment (Rept. No. 1969). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CARLSON: Committee on Claims. H. R. 2261. A bill for the relief of Rosalie Rose. With amendment (Rept. No. 1937). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 2352. A bill for the relief of Paul Burress; with amendment (Rept. No. 1938). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 2387. A bill for the relief of Julia Miller; with amendment (Rept. No. 1939). Referred to the Committee of the Whole House.

Mr. STACK: Committee on Claims. H. R. 2622. A bill for the relief of M. Waring Harrison; with amendment (Rept. No. 1940). Referred to the Committee on the Whole House.

Mr. GWYNNE: Committee on Claims. H. R. 4277. A bill authorizing and directing the Secretary of the Treasury to reimburse James R. Russell for the losses sustained by him by reason of the negligence of an employee of the Civilian Conservation Corps; with amendment (Rept. No. 1941). Referred to the Committee of the Whole House.

Mr. DALY: Committee on Claims. H. R. 4362. A bill for the relief of Patrick J. Leahy; with amendment (Rept. No. 1942). Referred to the Committee of the Whole House.

Mr. GWYNNE: Committee on claims. H. R. 4861. A bill to confer jurisdiction on the Court of Claims to hear and determine the claim of Francesco Pacifico; with amendment (Rept. No. 1943). Referred to the Committee of the Whole House.

Mr. STACK: Committee on Claims. H. R. 4951. A bill for the relief of the Moffat Coal Co.; with amendment (Rept. No. 1944). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 4953. A bill for the relief of Doris Lipscomb; with amendment (Rept. No. 1945). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 5874. A bill for the relief of Hugh B. Curry; with amendment (Rept. No. 1946). Referred to the Committee of the Whole House.

Mr. HOUSTON: Committee on Claims. H. R. 5819. A bill to extend the benefits of the United States Employees' Compensation Act of September 7, 1916, to Ethel Smith McDaniel; with amendment (Rept. No. 1947). Referred to the Committee of the Whole House.

Mr. HOUSTON: Committee on Claims. H. R. 6213. A bill for the relief of Henrietta Jacobs; with amendment (Rept. No. 1948). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 6578. A bill for the relief of Joseph A. Therry; with amendment (Rept. No. 1949). Referred to the Committee of the Whole House.

Mr. HOUSTON: Committee on Claims. H. R. 6702. A bill for the relief of Annie E. Daniels; with amendment (Rept. No. 1950). Referred to the Committee of the Whole House.

Mr. PITTENGER: Committee on Claims. H. R. 7075. A bill for the relief of Charles Somogi, Sr.; with amendment (Rept. No. 1951). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 7256. A bill granting compensation to Perry H. Callahan and Malcolm W. Callahan for damages to building; with amendment (Rept. No. 1952). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 7270. A bill for the relief of Clara Imbesi and Domenick Imbesi; with amendment (Rept. No. 1953). Referred to the Committee of the Whole House.

Mr. GWYNNE: Committee on Claims. H. R. 7468. A bill for the relief of Izelda Boisoneau; with amendment (Rept. No. 1954). Referred to the Committee of the Whole House.

Mr. TOLAN: Committee on Claims. H. R. 7790. A bill for the relief of S. A. White; with amendment (Rept. No. 1955). Referred to the Committee of the Whole House.

Mr. STACK: Committee on Claims. H. R. 7963. A bill for the relief of J. Edwin Hemphill; with amendment (Rept. No. 1956). Referred to the Committee of the Whole House.

Mr. STACK: Committee on Claims. H. R. 8028. A bill for the relief of the Great Northern Railway Co.; with amendment (Rept. No. 1957). Referred to the Committee of the Whole House.

Mr. SOUTH: Committee on Claims. H. R. 8110. A bill for the relief of Thomas F. Gardiner; with amendment (Rept. No. 1958). Referred to the Committee of the Whole House.

Mr. RAMSPECK: Committee on Claims. H. R. 8262. A bill for the relief of Tom Rogers; with amendment (Rept. No. 1959). Referred to the Committee of the Whole House.

Mr. DALY: Committee on Claims. H. R. 8320. A bill for the relief of Mrs. John H. Wilke; without amendment (Rept. No. 1960). Referred to the Committee of the Whole House.

Mr. GWYNNE: Committee on Claims. H. R. 9379. A bill for the relief of Capt. J. H. Merriam, Supply Corps, United States Navy; without amendment (Rept. No. 1961). Referred to the Committee of the Whole House.

Mr. SEGER: Committee on Claims. H. R. 9380. A bill for the relief of Ergar M. Barber, special disbursing agent, Paris, France, and Leo Martinuzzi, former customs clerk; without amendment (Rept. No. 1962). Referred to the Committee of the Whole House.

Mr. DALY: Committee on Claims. S. 1124. An act for the relief of Anna Carroll Taussig; with amendment (Rept. No. 1963). Referred to the Committee of the Whole House.

Mr. DICKSTEIN: Committee on Claims. S. 2219. An act for the relief of Lt. D. A. Neuman, Pay Corps, United States Naval Reserve Force; with amendment (Rept. No. 1964). Referred to the Committee of the Whole House.

Mr. DICKSTEIN: Committee on Claims. S. 2469. An act for the relief of E. L. Hice and Lucy Hice; without amendment (Rept. No. 1965). Referred to the Committee of the Whole House.

Mr. DALY: Committee on Claims. S. 2618. An act for the relief of James M. Montgomery; without amendment (Rept. No. 1966). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. S. 2875. An act for the relief of J. A. Jones; with amendment (Rept. No. 1967). Referred to the Committee of the Whole House.

Mr. DICKSTEIN: Committee on Claims. S. 2980. An act for the relief of Ruby Rardon; without amendment (Rept. No. 1968). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10119) granting a pension to Rosetta McKay Adams, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LUDLOW: A bill (H. R. 10919) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes; to the Committee on Appropriations.

By Mr. DIMOND: A bill (H. R. 10920) to authorize the incorporated city of Anchorage, Alaska, to construct, reconstruct, enlarge, extend, improve, and repair certain municipal public structures, utilities, works, and improvements, and for such purposes to issue bonds in any amount not exceeding $100,000, and for other purposes; to the Committee on the Territories.

Also, a bill (H. R. 10921) to authorize the incorporated city of Juneau, Alaska, to undertake certain municipal public works, and for such purposes to issue bonds in any sum not exceeding $30,000, and for other purposes; to the Committee on the Territories.

By Mr. DOUGHTON: A bill (H. R. 10922) to provide for the administration and maintenance of the Blue Ridge Parkway, in the States of Virginia and North Carolina, by the Secretary of the Interior, and for other purposes; to the Committee on the Public Lands.

By Mr. MAAS: A bill (H. R. 10923) relating to the compensation of certain Immigration and Naturalization Service employees; to the Committee on Immigration and Naturalization.

By Mr. REILLY: A bill (H. R. 10924) to allow certain deductions from gross income under the Income Tax Act of 1934; to the Committee on Ways and Means.

By Mr. SNELL: A bill (H. R. 10925) to extend the times for commencing and completing the construction of a bridge across the St. Lawrence River at or near Ogdensburg, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRY: A bill (H. R. 10926) to provide for the construction of two vessels for the Coast Guard designed for ice breaking and assistance work; to the Committee on Merchant Marine and Fisheries.

By Mr. DELANEY: A bill (H. R. 10927) for the improvement of the organization, administration, and maintenance of the United States Naval Reserve and the Marine Corps Reserve; to the Committee on Naval Affairs.

By Mr. TONRY: A bill (H. R. 10928) to require that the officers and crew of every vessel of the United States shall be citizens of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. ELLENBOGEN (by request): A bill (H. R. 10929) to amend the District of Columbia Unemployment Compensation Act with respect to excepted employment; to the Committee on the District of Columbia.

By Mr. HAINES: A bill (H. R. 10930) to credit laborers in the Postal Service with any fractional part of a year's substitute service toward promotion; to the Committee on the Post Office and Post Roads.

By Mr. O'MALLEY: A bill (H. R. 10931) to repeal a portion of the Tariff Act of 1930, as amended; to the Committee on Ways and Means.

By Mr. COCHRAN: A bill (H. R. 10932) to repeal the Federal Register Act; to the Committee on the Judiciary.

By Mr. STEFAN: A bill (H. R. 10933) making it unlawful to sell certain spirits containing alcohol produced from materials other than cereal grains, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREW of Massachusetts: A bill (H. R. 10934) to authorize the transfer of the customhouse at Salem, Mass., from the jurisdiction of the Treasury Department to the Department of the Interior; to the Committee on Public Buildings and Grounds.

By Mr. CHRISTIANSON: A bill (H. R. 10935) to amend existing law so as to permit the printing and publishing of illustrations of United States postage and revenue stamps from defaced plates for philatelic or historical purposes; to the Committee on the Judiciary.

By Mr. TAYLOR of South Carolina: Resolution (H. Res. 409) for the relief of Mrs. M. Mae Brown and Dessie Mae Brown; to the Committee on Accounts.

By Mr. PATMAN: Resolution (H. Res. 410) for the consideration of H. R. 1; to the Committee on Rules.

By Mr. SECREST: Joint resolution (H. J. Res. 481) to make available to Congress the services and data of the Interstate Reference Bureau; to the Committee on the Library.

By Mr. KLOEB: Joint resolution (H. J. Res. 482) to extend for 1 year the provisions of the neutrality resolution of August 31, 1935; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 10936) for the relief of Malachy Ryan; to the Committee on Claims.

By Mr. BUCK: A bill (H. R. 10937) to provide for the advancement on the retired list of the Navy of Jerome Braun, a lieutenant (Medical Corps), United States Navy, retired; to the Committee on Naval Affairs.

By Mr. COCHRAN: A bill (H. R. 10938) granting a pension to Alice Laffey; to the Committee on Pensions.

By Mr. CULKIN: A bill (H. R. 10939) granting an increase of pension to Etta L. Tifft; to the Committee on Invalid Pensions.

By Mr. DALY: A bill (H. R. 10940) for the relief of Frank A. Mulligan; to the Committee on Military Affairs.

By Mr. DIETRICH: A bill (H. R. 10941) granting a pension to Linney Decker Wood; to the Committee on Invalid Pensions.

By Mr. DONDERO: A bill (H. R. 10942) to clear the naval record of Stephen White; to the Committee on Naval Affairs.

By Mr. ECKERT: A bill (H. R. 10943) granting an increase of pension to Hannah M. Wilson; to the Committee on Invalid Pensions.

By Mr. GRISWOLD: A bill (H. R. 10944) for the relief of Harry H. Burris; to the Committee on Military Affairs.

By Mr. SAMUEL B. HILL: A bill (H. R. 10945) for the relief of Adele Lade Veze; to the Committee on Claims.

By Mr. KRAMER: A bill (H. R. 10946) to provide that the disabilities of Lawrence A. Ebert shall be held and considered to be service connected; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 10947) to provide that the disabilities of Sam Pizula shall be held and considered to be service connected; to the Committee on World War Veterans' Legislation.

By Mr. McCLELLAN: A bill (H. R. 10948) for the relief of R. C. McCoy, J. L. Garner, C. G. Kauffman, W. G. Smiley, R. A. Burks, C. W. Brazzelton, R. F. Brazzelton, Dave Cash, Mrs. A. W. Dykes, Jim Thereldkeld, R. R. Crain, J. B. Tolson, J. C. Rogers, S. K. Broach, Albert Easterling, J. L. Rivers, F. C. Wilson, E. C. Finley, W. W. Mitchell, J. G. Carey, Carl Graves, Jerome Dupree, J. R. Mitchell, J. L. Mitchell, and J. C. Russell; to the Committee on Claims.

By Mr. PETERSON of Georgia: A bill (H. R. 10949) for the relief of Frank Burgess Bruce; to the Committee on War Claims.

Also, a bill (H. R. 10950) for the relief of the heirs of A. F. Mira, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10951) for the relief of Fritz Dantzler; to the Committee on Military Affairs.

Also, a bill (H. R. 10952) for the relief of John Henry Mobley; to the Committee on Claims.

Also, a bill (H. R. 10953) for the relief of Bridger J. Wise; to the Committee on Claims.

Also, a bill (H. R. 10954) granting a pension to Margaret Giebelhouse; to the Committee on Pensions.

Also, a bill (H. R. 10955) granting a pension to Frances S. Carney; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 10956) granting a pension to Raymond O. Bray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10957) granting a pension to Charlie Halcomb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10958) granting a pension to Margaret Moore; to the Committee on Invalid Pensions.

By Mr. SHANLEY: A bill (H. R. 10959) to allow the Distinguished Service Cross for service in the World War to be awarded to Corp. Charles L. Boucher, Corp. George Gritzback, Pvt. George H. Cooper, and Pvt. Arthur M. Hubbard; to the Committee on Military Affairs.

By Mr. STEFAN: A bill (H. R. 10960) for the relief of Donald K. Warner; to the Committee on Claims.

By Mr. SHORT: A bill (H. R. 10961) granting an increase of pension to Mary E. Stone; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 10962) granting an increase of pension to Flora M. Leake; to the Committee on Invalid Pensions.

By Mr. WILCOX: A bill (H. R. 10963) granting a pension to Susie E. Payne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10964) granting a pension to Agnes Holbrook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10965) granting a pension to Elizabeth Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10966) granting a pension to Minnie F. Leach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10967) granting a pension to Alta Manypenny; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10968) granting a pension to Mattie St. Clair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10969) granting a pension to Emma T. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10970) granting a pension to Bessie Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10971) granting a pension to Emma Washburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10972) granting a pension to Hattie Yarwood; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9956. By Mr. BERLIN: Petition of 3,116 citizens of Blythedale, Smithdale, Buena Vista, Sutersville, Shaner, Greenock, Boston, West Newton, Versailles Borough, Elizabeth Township, Pa., and the vicinities of the same, petitioning Congress to have the necessary authority to proceed with the slack water of the Youghiougheny River from McKeesport to West Newton by the erection of locks and dams, as authorized by act of Congress; to the Committee on Appropriations.

9957. By Mr. CULKIN: Petition of 79 residents of Jefferson and Lewis Counties, N. Y., favoring passage of the Townsend plan; to the Committee on Ways and Means.

9958. Also, petition of the National Restaurant Association, protesting against Government competing with private business; to the Committee on Public Buildings and Grounds.

9959. Also, resolution of the New York State Planning Council, urging the passage of appropriate legislation by Congress to establish a permanent national planning agency to carry forward the planning work started under the temporary National Resources Committee; to the Committee on Ways and Means.

9960. Also, petition of the American-Italian Union, protesting against the passage of the neutrality bill; to the Committee on Foreign Affairs.

9961. By Mr. HILDEBRANDT: Resolution urging passage of House bill 3263, known as the Pettengill bill, which would abolish the long-and-short-haul clause; to the Committee on Interstate and Foreign Commerce.

9962. By Mr. HULL: Petition of 243 star-route patrons residing in the Ninth Wisconsin Congressional District, urging the enactment of legislation indefinitely extending all existing star-route contracts, and to increase the compensation thereon to a basis equal with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

9963. By Mr. LAMBERTSON: Petition of Dora Weinmann and six other signers from Atchison, Kans., favoring passage of the Guyer Act, regarding liquor control in the District of Columbia; to the Committee on the District of Columbia.

9964. By Mr. LUNDEEN: Petition of the Minnesota Broadcasters Association, St. Paul, Minn., urging passage of the Duffy copyright bill (S. 3047); to the Committee on Patents.

9965. Also, petition of N. W. Elsberg, commissioner of highways, State of Minnesota, urging that the 1937 appropriation under the Hayden-Cartwright Act not be canceled; to the Committee on Appropriations.

9966. Also, petition of the Minneapolis Council of Americanization, Minneapolis, Minn., urging the enactment of the Kerr bill (H. R. 8163); to the Committee on Foreign Affairs.

9967. Also, petition of the Minnesota State Livestock Sanitary Board, St. Paul, Minn., urging that the unexpended $30,000,000 balance provided by the Jones-Connally Act for Bang disease and tuberculosis eradication be made available for the coming fiscal year; to the Committee on Agriculture.

9968. Also, petition of the Minnesota Farm Bureau, St. Paul, Minn., urging that the unexpended $30,000,000 balance provided by the Jones-Connally Act for Bang disease and tuberculosis eradication be made available for the coming fiscal year; to the Committee on Agriculture.

9969. By Mr. McREYNOLDS: Petition containing 77 signatures of patrons and citizens of star route no. 27217, Laurelburg to Rock Island, Tenn., favoring House bill 10756; to the Committee on the Post Office and Post Roads.

9970. Also, petition containing 87 signatures of patrons and citizens of star route no. 27215, from Doyle to Sam Hitchcock's residence, State of Tennessee, favoring support of House bill 10756; to the Committee on the Post Office and Post Roads.

9971. Also, petition containing 52 signatures of citizens and patrons of star route no. 27218, from Spencer to Crinkley, Tenn., in support of House bill 10756; to the Committee on the Post Office and Post Roads.

9972. By Mr. PETERSON of Georgia: Petition of numerous citizens of the First Congressional District of Georgia, requesting support of legislation proposed by the National Star Route Carriers Association; to the Committee on the Post Office and Post Roads.

9973. By Mr. PFEIFER: Petition of the New York State Conservation Council, New York City, urging increased appropriation for the Biological Survey, so that additional units may be established, including a unit for New York State; to the Committee on Appropriations.

9974. By Mr. SHORT: Petition of patrons of star route no. 45421, from Cassville to Eagle Rock, Mo., petitioning Congress to enact legislation indefinitely extending all existing star-route contracts and increase the compensation thereon to a basis equal that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

9975. By Mr. SISSON: Petition of residents of Herkimer County, N. Y., urging the passage of House bill 8739, to restore to the District of Columbia its prohibition law; to the Committee on the District of Columbia.

9976. Also, petition of residents of Oneida County, N. Y., urging immediate passage of the Capper bill; to the Committee on Interstate and Foreign Commerce.

9977. Also, petition of members of the Evangelical Church of the Redeemer of Utica, N. Y., advocating complete neutrality of the United States, without exemption of any nation; to the Committee on Foreign Affairs.

9978. By Mr. TAYLOR of Colorado: Petition of citizens of Ragged Mountain, Colo., requesting passage of legislation indefinitely extending all existing contracts for star mail routes, etc.; to the Committee on the Post Office and Post Roads.

9979. Also, petition of citizens of Breckenridge, Colo., requesting passage of legislation indefinitely extending all existing contracts for star mail routes, etc.; to the Committee on the Post Office and Post Roads.

9980. Also, petition of citizens of Mancos, Colo., requesting passage of legislation indefinitely extending all existing contracts for star mail routes, etc.; to the Committee on the Post Office and Post Roads.

9981. By Mr. WILLIAMS: Petition of J. J. Rickman and others relating to the tenure of service and compensation of established star mail routes; to the Committee on the Post Office and Post Roads.

9982. By the SPEAKER: Petition of divers citizens of Moncks Corner, S. C.; to the Committee on the Post Office and Post Roads.

SENATE

THURSDAY, FEBRUARY 6, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, February 4, 1936, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 166. An act for the relief of Jack Doyle;
S. 246. An act for the relief of Elmer Blair;
S. 272. An act for the relief of William Frank Lipps;
S. 889. An act for the relief of Albert A. Marquardt;
S. 1010. An act for the relief of Fred Edward Nordstrom;
S. 1176. An act for the relief of Thomas A. Coyne;
S. 1298. An act for the relief of John Z. Lowe;

S. 2321. An act for the relief of S. M. Price;

S. 2323. An act for the relief of Ida C. Buckson, executrix of E. C. Buckson, deceased;

S. 2343. An act for the relief of Maj. Edwin F. Ely, Finance Department; Capt. Reyburn Engles, Quartermaster Corps; and others;

S. 2741. An act for the relief of Maj. Joseph H. Hickey;

S. 2897. An act for the relief of Lt. Robert A. J. English, United States Navy; and

S. J. Res. 169. Joint resolution granting permission to Hugh S. Cumming, Surgeon General of the United States Public Health Service; John D. Long, medical director, United States Public Health Service; Bolivar J. Lloyd, medical director, United States Public Health Service; and Clifford R. Eskey, surgeon, United States Public Health Service, to accept and wear certain decorations bestowed upon them by the Governments of Ecuador, Chile, Peru, and Cuba.

The message also announced that the House had passed the following bills of the Senate severally, with an amendment, in which it requested the concurrence of the Senate:

S. 2166. An act for the relief of Ludwig Larson;

S. 2691. An act for the relief of E. E. Sullivan;

S. 3186. An act for the relief of Edward H. Karg; and

S. 3934. An act to repeal the Kerr Tobacco Act, the Bankhead Cotton Act of 1934, and the Potato Act of 1935.

The message further announced that the House had passed the following bills of the Senate severally, with amendments, in which it requested the concurrence of the Senate:

S. 423. An act for the relief of Lynn Brothers' Benevolent Hospital;

S. 1950. An act for the relief of Julius Crisler;

S. 2044. An act for the refund of income and profits taxes erroneously collected; and

S. 3020. An act for the relief of A. E. Taplin.

The message also announced that the House insisted upon its amendment to the bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES, Mr. FULMER, Mr. DOXEY, Mr. HOPE, and Mr. KINZER were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 300. An act for the relief of F. P. Bolack;

H. R. 376. An act for the relief of Lillian M. Lanphear;

H. R. 685. An act for the relief of the estate of Emil Hoyer (deceased);

H. R. 1265. An act for the relief of N. N. Self;

H. R. 1695. An act for the relief of Margaret Grace and Alice Shriner;

H. R. 2400. An act for the relief of Blanche Knight;

H. R. 2467. An act for the relief of Holy Cross Mission Hospital;

H. R. 3340. An act for the relief of Jesse S. Post;

H. R. 3513. An act for the relief of Archie P. McLane and Hans Peter Jensen;

H. R. 3914. An act for the relief of Oscar Gustof Bergstrom;

H. R. 4219. An act for the relief of John J. Ryan;

H. R. 4439. An act for the relief of John T. Clark, of Seattle, Wash.;

H. R. 4796. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the naval radio station, Libugon, Guam, on April 15, 1932;

H. R. 4797. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed during a hurricane in Samoa on January 15, 1931;

H. R. 4925. An act to authorize and direct the Comptroller General to settle and allow the claim of George P. Money for fees for services rendered;

H. R. 4965. An act for the relief of M. M. Smith;

H. R. 5747. An act for the relief of Gordon McGee;

H. R. 5753. An act for the relief of Edith H. Miller;

H. R. 5764. An act to compensate the Grand View Hospital and Dr. A. J. O'Brien;

H. R. 6668. An act for the relief of S. John Hegstad;

H. R. 6669. An act for the relief of Mrs. Earl Poynor;

H. R. 7092. An act for the relief of Capt. Percy Wright Foote, United States Navy;

H. R. 7463. An act for the relief of Lawrence R. Lennon;

H. R. 7788. An act for the relief of Mrs. Earl H. Smith;

H. R. 7818. An act for the relief of Caroline M. Hyde;

H. R. 8039. An act for the relief of John B. Meisinger and Nannie B. Meisinger;

H. R. 8094. An act for the relief of Dr. J. C. Blalock;

H. R. 8242. An act authorizing the President to order Louis U. LaBine before a retiring board for a hearing of his case and upon the findings of such board to determine whether or not he be placed on the retired list with rank and pay held by him at the time of his discharge;

H. R. 8465. An act for the relief of Zoe A. Tilghman;

H. R. 8824. An act for the relief of the estate of John Gellatly, deceased, and/or Charlyne Gellatly individually; and

H. R. 9130. An act to authorize the incorporated city of Skagway, Alaska, to undertake certain municipal public works, and for such purpose to issue bonds in any sum not exceeding $12,000, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 363. An act to increase the efficiency of the Veterinary Corps of the Regular Army;

S. 1301. An act to provide further for the maintenance of the United Soldiers' Home;

S. 2148. An act to provide for the leasing of restricted Indian lands of Indians of the Five Civilized Tribes in Oklahoma;

S. 2175. An act to grant to the State of California a retrocession of jurisdiction over certain rights-of-way granted to the State of California over certain roads about to be constructed in the Presidio of San Francisco Military Reservation and Fort Baker Military Reservation;

S. 2206. An act for the relief of the State of New Mexico;

S. 2643. An act to amend section 118 of the Judicial Code to provide for the appointment of law clerks to United States district court judges;

S. 2877. An act to reimpose and extend the trust period on lands reserved for the Pala Band of Mission Indians, California;

S. 2891. An act to provide for the adjustment and settlement of personal injury and death cases arising in certain foreign countries;

S. 3140. An act to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes;

S. 3381. An act to provide for the protection and preservation of domestic sources of tin; and

S. 3447. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Benson	Burke	Clark
Ashurst	Bilbo	Byrd	Connally
Austin	Black	Byrnes	Coolidge
Bachman	Bone	Capper	Copeland
Bailey	Borah	Caraway	Costigan
Barbour	Bulkley	Carey	Couzens
Barkley	Bulow	Chavez	Davis

Donahey	Johnson	Murray	Smith
Duffy	Keyes	Neely	Steiwer
Fletcher	King	Norbeck	Thomas, Okla.
Frazier	La Follette	Norris	Thomas, Utah
George	Lewis	Nye	Townsend
Gerry	Logan	O'Mahoney	Trammell
Gibson	Lonergan	Overton	Tydings
Glass	McAdoo	Pittman	Vandenberg
Gore	McCarran	Pope	Van Nuys
Guffey	McGill	Radcliffe	Wagner
Hale	McKellar	Reynolds	Walsh
Harrison	McNary	Robinson	Wheeler
Hastings	Metcalf	Russell	White
Hatch	Minton	Schwellenbach	
Hayden	Moore	Sheppard	
Holt	Murphy	Shipstead	

Mr. LEWIS. I announce that my colleague the junior Senator from Illinois [Mr. DIETERICH] is absent because of illness in his family, and that the Senator from New Hampshire [Mr. BROWN], the Senator from Connecticut [Mr. MALONEY], and the Senator from Missouri [Mr. TRUMAN] are necessarily detained from the Senate. I announce further that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness.

Mr. AUSTIN. I announce that the Senator from Iowa [Mr. DICKINSON] is necessarily absent.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

EDWARD H. KARG

The VICE PRESIDENT. The Chair lays before the Senate the amendment of the House to Senate bill 3186, to which the attention of the Senator from New York is called. The amendment of the House will be stated.

The amendment of the House of Representatives to the bill (S. 3186) for the relief of Edward H. Karg was, on page 1, line 7, to strike out "represents" and to insert "shall be in full settlement of all claims against the United States for."

Mr. COPELAND. I move that the Senate concur in the amendment of the House of Representatives.

Mr. McNARY. Mr. President, there is so much confusion in the Chamber that it is impossible to understand what is going on. I inquire what was the nature of the request of the Senator from New York?

The VICE PRESIDENT. The Chair laid before the Senate the amendment of the House of Representatives to a Senate bill, and the author of the bill, the Senator from New York [Mr. COPELAND], moved that the Senate concur in the House amendment.

Mr. McNARY. I understand that; but what is the nature of the bill?

The VICE PRESIDENT. The clerk will again state the bill by title.

The LEGISLATIVE CLERK. A bill (S. 3186) for the relief of Edward H. Karg.

The VICE PRESIDENT. The Chair understands that these are all private-claims bills.

Mr. McNARY. Very well.

The VICE PRESIDENT. The question is on the motion of the Senator from New York [Mr. COPELAND] that the Senate concur in the House amendment.

The motion was agreed to.

HARTFORD-CONNECTICUT TRUST CO., INC.

The VICE PRESIDENT. The Chair lays before the Senate the amendments of the House of Representatives to Senate bill 2044, to which the attention of the Senator from Connecticut [Mr. LONERGAN] is called. The amendments will be stated.

The amendments of the House of Representatives to the bill (S. 2044) for the refund of income and profits taxes erroneously collected were, on page 2, line 7, after "limitations", to insert "*Provided further*, That in the settlement of said claim there shall be no allowance of interest"; and to amend the title so as to read: "An act for the relief of the Hartford-Connecticut Trust Co., Inc."

Mr. LONERGAN. I move the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

JULIUS CRISLER

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1950) for the relief of Julius Crisler, which were, on page 1, line 5, to strike out "Julius Crisler" and insert "the executors of the estate of Julius Crisler, deceased"; on page 1, line 11, after "protest", to insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000"; and to amend the title so as to read: "An act for the relief of the estate of Julius Crisler."

Mr. HARRISON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

A. E. TAPLIN

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3020) for the relief of A. E. Taplin, which were, on page 1, line 7, after "claims", to insert "against the United States"; and on page 1, line 11, after "inclusive", to insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. NORBECK. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

E. E. SULLIVAN

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2691) for the relief of E. E. Sullivan, which was, on page 1, line 13, after "unpaid", to insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. NORBECK. I move that the Senate concur in the House amendment.

The motion was agreed to.

REPEAL OF CERTAIN ACTS OF CONGRESS

The VICE PRESIDENT. The Chair lays before the Senate the amendment of the House of Representatives to Senate bill 3934, to which he calls the attention of the Senator from South Carolina [Mr. SMITH]. The amendment of the House will be stated.

The amendment of the House of Representatives to the bill (S. 3934) to repeal the Kerr Tobacco Act, the Bankhead

Cotton Act of 1934, and the Potato Act of 1935 was, on page 1, line 10, after "repealed", to insert "and all liens for taxes imposed as provided in subdivision (f) of section 4 of Public Law No. 169 are hereby canceled and released."

Mr. SMITH obtained the floor.

Mr. McNARY and Mr. NORRIS addressed the Chair.

The VICE PRESIDENT. The Chair recognized the Senator from South Carolina. Does he yield; and if so, to whom?

Mr. SMITH. I yield first to the Senator from Oregon.

Mr. McNARY. Mr. President, I did not hear distinctly the reading of the amendment proposed by the House. I assume the Senator from South Carolina is familiar with it. Will he explain the amendment adopted by the House to the bill as passed by the Senate?

Mr. SMITH. I think the amendment is all right, and I move that the Senate concur in the House amendment.

Mr. McNARY. Will not the Senator explain the amendment adopted by the House? I do not understand what it means from the reading by the clerk.

Mr. SMITH. It proposes to cancel the liens that are outstanding so as to liberate those affected from any further tax obligations. For instance, in the Bankhead Act——

Mr. McNARY. Does this apply only to cotton growers, or does it apply also to tobacco growers and all others named as growers of basic commodities in the A. A. A. Act?

Mr. SMITH. Three acts are to be repealed, to wit, the Potato Act, the Tobacco Act, and the Bankhead Cotton Act. That is all the bill does.

Mr. McNARY. It would relieve processors of payment of the processing taxes?

Mr. SMITH. Yes; from now on.

Mr. COUZENS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Michigan?

Mr. SMITH. I yield.

Mr. COUZENS. The Senator said "from now on." I understand the measure is retroactive.

Mr. SMITH. It would relieve processors of any taxes which are outstanding now; in other words, it puts the processors right where they were before any tax was laid or collected, and any liens for the payment of taxes are canceled.

Mr. McNARY. Does any obligation fall upon the Government by virtue of the amendment?

Mr. SMITH. None that I know of. These are private liens, as I understand, which may have been taken prior to the repeal of the three acts. I have made the motion that the Senate concur in the amendment of the House and hope the motion will prevail.

Mr. NORRIS. Mr. President, as I understand, this is an amendment by the House and I have no objection to it. It simply involves the repeal of three acts of Congress.

As a matter of fact, I think the whole plan is merely to get ahead of the Supreme Court. The Supreme Court was bound to repeal those acts anyway, and we are merely doing it first. So far as I know, the Supreme Court has not yet had jurisdiction of those acts. If it has, it would probably be improper for us to repeal the acts now and the Supreme Court would probably hold that we did not have the constitutional right to do so. If the Supreme Court has asumed jurisdiction in its legislative capacity, I suppose this measure will be of no avail, but if it has not the bill ought to be passed.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from South Carolina that the Senate concur in the amendment of the House.

The motion was agreed to.

LYNN BROTHERS' BENEVOLENT HOSPITAL

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 423) for the relief of Lynn Brothers' Benevolent Hospital, which were, on page 1, line 8, to strike out "payment" and insert "full settlement of all claims against the United States"; and on page 1, line 12, after "paid", to insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. POPE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

LUDWIG LARSON

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2166) for the relief of Ludwig Larson, which was, on page 1, line 8, to strike out "being" and insert "in full settlement of all claims against the United States for."

Mr. SHEPPARD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate letters in the nature of memorials from V. M. Douglass, of Fulton, Ind., George C. Kennedy, of Beulaville, N. C., and F. M. Yeager, of Francis, Okla., remonstrating against the enactment of the bill (S. 5) to prevent the manufacture, shipment, and sale of adulterated or misbranded food, drink, drugs, and cosmetics, and to regulate traffic therein; to prevent the false advertisement of food, drink, drugs, and cosmetics; and for other purposes, which were ordered to lie on the table.

He also laid before the Senate a resolution adopted by the City Council of Trenton, N. J., favoring the enactment of legislation for the protection of inland ports, which was referred to the Committee on Commerce.

He also laid before the Senate resolutions of the executive committees of the Missouri Bar Association and the Ohio Bar Association, favoring the enactment of House Joint Resolution 237, relative to the bequest of the late Justice Oliver Wendell Holmes of his library to the Library of Congress and of his residuary estate to the United States, which were referred to the Committee on the Library.

He also laid before the Senate resolutions adopted by the Graphic Arts Association of Grand Rapids, Mich., favoring abandonment of the use and installation in Government departments and agencies of printing plants and printing machines to the end that governmental printing may be produced by private industry, which were referred to the Committee on Printing.

He also laid before the Senate a resolution adopted by a mass meeting of the Collin County (Tex.) Agriculture Association, favoring the prompt enactment of legislation tending to preserve as far as possible the A. A. A. program for agriculture and to preserve and stabilize farm prices, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the City Council of Cleveland, Ohio, favoring the enactment of legislation providing for the immediate payment of adjusted-service certificates of World War veterans, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by a mass meeting of farmers at Waco, Tex., held under the auspices of the Farmers' Protective Committee, favoring the prompt enactment of legislation to guarantee the proper use of the soil resources of the Nation, to bring about an orderly flow of agricultural commodities in the channels of trade, to reestablish and maintain farm purchasing power, etc., which was ordered to lie on the table.

Mr. NEELY presented a telegram in the nature of a memorial from the West Virginia Grand Lodge of the Order of Sons of Italy in America, Fairmont, W. Va., protesting

against the present neutrality policy, which was referred to the Committee on Foreign Relations.

Mr. SHIPSTEAD presented a joint resolution of the Legislature of the State of Minnesota, favoring the enactment of legislation to continue the W. P. A. program until January 1, 1937, on a liberalized basis so as to permit the employment of needy unemployed persons who are no longer capable of self-support without first requiring them to accept public relief, which was referred to the Committee on Appropriations.

(See joint resolution printed in full when presented by Mr. BENSON on the 3d instant, p. 1331, CONGRESSIONAL RECORD.)

BENEFITS OF A. A. A. ACT

Mr. FLETCHER presented a telegram from a committee of farmers of Jackson County, Fla., which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

MARIANNA, FLA., *February 4, 1936.*

DUNCAN U. FLETCHER,
Senate Office Building, Washington, D. C.:

Controlled agriculture under the triple A programs has increased the income of the 4,000 farmers of Jackson County, Fla., more than $500,000 yearly. It has enabled the farmers of this county to regain partially their rightful place in the economic picture of the Nation. We do not intend having that place again taken from us. The Supreme Court's decision of January 6 was an effort in that direction. Friends of agriculture in Congress and the administration are making a supreme effort to enact as a law a program to take the place of the Triple A. We, the farmers of Jackson County and our friends, in mass meeting assembled, and representing 4,000 farmers of the largest agricultural county in Florida, demand your support of such measures. We go on record as being bitterly opposed to repayment of impounded processing taxes to processors, believing and knowing in many cases that these taxes were collected from both the producer and consumer and in no case represents profits which should have been earned by the processor.

W. B. ANDERSON,
P. H. HAND,
O. L. OLIVE,
R. L. TOOLE,
J. W. MCKNIGHT,
C. L. ALFORD,
Committee.

INTERSTATE COMPACTS

Mr. WALSH. Mr. President, I ask to have inserted in the CONGRESSIONAL RECORD, treated in the nature of a petition and appropriately referred, an editorial from the February 1 weekly issue of America in support of Senate Joint Resolution 28 and House Joint Resolution 146, to authorize the several States to negotiate compacts or agreements to promote greater uniformity in the laws of such States affecting labor and industries, the latter resolution having recently passed the House and been referred to the Judiciary Committee of the Senate, before which committee both resolutions are pending.

There being no objection, the editorial was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

[From America of Feb. 1, 1936]

INTERSTATE COMPACTS

Ten days ago the House passed the Walsh-Tobey bill. Newspapers which noticed the event at all gave it only a few sticks on an inside page. Yet this measure initiates a movement which may prove to be of great importance. It is the first interstate labor agreement drawn up by the authority of Congress and is signed by representatives of the States of Massachusetts and New Hampshire. The compact is now valid as between these two States and will be further extended as soon as appropriate action is taken by the Legislatures of Connecticut, Rhode Island, Maine, New York, and Pennsylvania.

The compact establishes uniform conditions of employment and wages in industry and is intended to protect labor by abolishing unfair competition in rival States. This system has been attacked, notably by delegates at the last convention of the Academy of Political Science, as slow, cumbrous, and unwieldy. Against this it may be said, however, that it is undeniably constitutional. Perhaps the best known example of an interstate compact is that existing between New Jersey and New York with reference to port authority and an interstate park. Were the system extended and given fair trial, experience might show feasible methods of eliminating the features now said to be cumbrous and unwieldy.

When the framers of the Constitution provided for compacts and treaties between the States under the authority of Congress they probably had chiefly in mind the differences that had existed under the confederation as to geographical limits. It is also possible that they thought this power might be usefully employed in matters affecting interstate commerce. The extent of the power has not been defined, but it seems wide enough to include many of the problems which the administration sought to answer by direct congressional action. The administration's methods expressed through the Recovery and the Agricultural Acts have been held to be unconstitutional. If the administration's plans are now to be carried out, either the Constitution must be amended or recourse must be had to interstate compacts. Thus a neglected clause of the Constitution assumes new importance.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 3367) for the relief of James Gaynor, reported it without amendment and submitted a report (No. 1504) thereon.

Mr. BAILEY, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 762. A bill for the relief of Stanislaus Lipowicz (Rept. No. 1505);

H. R. 2527. A bill for the relief of Mrs. Amber Walker (Rept. No. 1506); and

H. R. 3864. A bill for the relief of Gladys Robbins (Rept. No. 1507).

Mr. TOWNSEND, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 2157. A bill for the relief of Howard Donovan (Rept. No. 1508);

H. R. 3184. A bill for the relief of H. D. Henion, Harry Wolfe, and R. W. McSorley (Rept. No. 1509); and

H. R. 5525. A bill for the relief of George Current (Rept. No. 1510).

Mr. GIBSON, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 3655. A bill for the relief of the Vermont Transit Co., Inc. (Rept. No. 1511); and

H. R. 8069. A bill for the relief of Mr. and Mrs. A. S. Mull (Rept. No. 1512).

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (H. R. 7001) for the relief of Alice Markham Kavanaugh, reported it without amendment and submitted a report (No. 1513) thereon.

He also, from the same committee, to which was referred the bill (H. R. 6297) for the relief of Leon Frederick Ruggles, reported it with an amendment and submitted a report (No. 1514) thereon.

Mr. BURKE, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 2336. A bill granting compensation to Mary Weller (Rept. No. 1515); and

S. 2922. A bill for the relief of Rose Stratton (Rept. No. 1516).

Mr. DAVIS, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2517. A bill to provide for the advancement on the retired list of the Navy of Walter M. Graesser, a lieutenant (junior grade), United States Navy, retired (Rept. No. 1517); and

H. R. 3604. A bill to place William H. Clinton on the retired list of the Navy (Rept. No. 1518).

Mr. DAVIS, also from the Committee on Naval Affairs, to which was referred the bill (S. 3333) for the relief of DeForest Loys Trautman, lieutenant, United States Navy, reported it with an amendment and submitted a report (No. 1519) thereon.

Mr. KEYES, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 2156. A bill for the relief of Cecelia Callahan (Rept. No. 1520);

H. R. 4047. A bill granting 6 months' pay to James Zanetti (Rept. No. 1521); and

H. R. 8872. A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Woman's

Club, of the city of Paducah, Ky., the silver service in use on the U. S. S. *Paducah* (Rept. No. 1522).

Mr. JOHNSON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 1381) to amend Public Law No. 249, Seventy-first Congress, entitled "An act to authorize the Secretary of the Navy to dispose of material no longer needed by the Navy" reported it without amendment and submitted a report (No. 1523) thereon.

He, also from the same committee, to which was referred the bill (H. R. 7110) to authorize the President to bestow the Congressional Medal of Honor upon Brig. Gen. Robert H. Dunlap, United States Marine Corps, deceased, reported it with an amendment and submitted a report (No. 1524) thereon.

Mr. TRAMMELL, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3395. A bill to authorize the acquisition of the railroad tracks, trestle, and right-of-way of the Gulf Power Co. at the naval air station, Pensacola, Fla. (Rept. No. 1525); and

S. 3521. A bill to authorize an exchange of land between the Waianae Co. and the Navy Department (Rept. No. 1526).

Mr. RUSSELL, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7486) to authorize the appointment of midshipmen from among honor graduates of "honor schools" and from among members of the Naval Reserve Officers' Training Corps, reported it without amendment and submitted a report (No. 1527) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2883) to provide for the further development of vocational education in the several States and Territories, reported it with amendments and submitted a report (No. 1528) thereon.

Mr. O'MAHONEY, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3761) authorizing the Secretary of the Interior to patent certain land to the town of Wamsutter, Wyo., reported it without amendment and submitted a report (No. 1529) thereon.

Mr. CONNALLY, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 7875) to provide for the transfer of certain land in the city of Charlotte, Mich., to such city, reported it without amendment and submitted a report (No. 1530) thereon.

INVESTIGATION OF CAMPAIGN EXPENDITURES IN 1936

Mr. GEORGE, from the Committee on Privileges and Elections, to which was referred the resolution (S. Res. 225) for an investigation of campaign expenditures of Presidential, Vice-Presidential, and senatorial candidates in 1936, reported it with an amendment, and moved that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which motion was agreed to.

"MORRO CASTLE" AND "MOHAWK" INVESTIGATIONS—SAFETY OF LIFE AT SEA

Mr. COPELAND. Mr. President, I desire to submit a report from the special committee of the Committee on Commerce, pursuant to Senate Resolution No. 7, Seventy-fourth Congress. It will be recalled that the committee is investigating the question of safety of life at sea. It has made one preliminary report. I now submit another report (Rept. No. 776, pt. 2) which has to do with the use of the radio in connection with safety at sea.

To carry out our recommendations I introduce a bill covering them. Also, I ask that the report be printed.

The VICE PRESIDENT. Without objection, the report will be received and printed, and the bill of the Senator from New York will be received and appropriately referred.

The bill (S. 3954) to amend the Communications Act of 1934, approved June 19, 1934, for the purpose of promoting safety of life through the use of radio, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LEWIS:

A bill (S. 3940) to provide for the establishment of a Coast Guard station on the shore of Illinois, at or near Montrose Harbor, Chicago, Cook County; to the Committee on Commerce.

By Mr. McADOO:

A bill (S. 3941) to amend paragraph 1730 (a) of the Tariff Act of 1930, as amended, to provide that oil, meal, and other products produced from the processing of sardines by reduction process shall not be exempt from duty; to the Committee on Finance.

By Mr. ROBINSON:

A bill (S. 3942) granting a pension to Roland Burkhart; and

A bill (S. 3943) granting an increase of pension to Elizabeth Dunn; to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 3944) for the relief of W. D. Lovell; to the Committee on Claims.

A bill (S. 3945) to extend the times for commencing and completing the construction of certain free highway bridges across the Red River, from Moorhead, Minn., to Fargo, N. Dak.; to the Committee on Commerce.

By Mr. BACHMAN:

A bill (S. 3946) authorizing the appointment of Edward Thomas Hayes as a pharmacist's mate, third class, United States Navy; to the Committee on Naval Affairs.

A bill (S. 3947) for the relief of Robert Roy Shelton; to the Committee on Patents.

A bill (S. 3948) granting a pension to William Lourance; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3949) for the relief of Charles N. Short (with accompanying papers); to the Committee on Civil Service.

A bill (S. 3950) to aid in defraying the expenses of the Fourteenth Triennial Convention of the World's Woman's Christian Temperance Union to be held in this country in June 1937; to the Committee on Foreign Relations.

A bill (S. 3951) granting a pension to Mary L. Robinson; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3952) for the relief of R. E. Greer (with accompanying papers); to the Committee on Claims.

By Mr. SCHWELLENBACH:

A bill (S. 3953) for the relief of Thomas F. Gardiner; to the Committee on Claims.

(Mr. COPELAND introduced Senate bill 3954, which was referred to the Committee on Commerce, and appears under a separate heading.)

By Mr. MOORE:

A bill (S. 3955) to advance a program of national safety and accident prevention; to the Committee on Interstate Commerce.

By Mr. WHEELER:

A bill (S. 3956) for the relief of Jacob Kaiser; to the Committee on Claims.

A bill (S. 3957) granting the consent of Congress to the States of Montana and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River; to the Committee on Irrigation and Reclamation.

By Mr. McKELLAR:

A joint resolution (S. J. Res. 206) relative to the closing of Military Road intersecting the Washington-Hoover Airport; to the Committee on Military Affairs.

By Mr. WHEELER:

A joint resolution (S. J. Res. 207) to amend the act of July 3, 1926, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes" (44 Stat. L. 807); to the Committee on Indian Affairs.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 300. An act for the relief of F. P. Bolack;

H. R. 376. An act for the relief of Lillian M. Lanphear;

H. R. 685. An act for the relief of the estate of Emil Hoyer (deceased);

H. R. 1265. An act for the relief of N. N. Self;

H. R. 1695. An act for the relief of Margaret Grace and Alice Shriner;

H. R. 2400. An act for the relief of Blanche Knight;

H. R. 2467. An act for the relief of Holy Cross Mission Hospital;

H. R. 3513. An act for the relief of Archie P. McLane and Hans Peter Jensen;

H. R. 3914. An act for the relief of Oscar Gustof Bergstrom;

H. R. 4219. An act for the relief of John J. Ryan;

H. R. 4439. An act for the relief of John T. Clark, of Seattle, Wash.;

H. R. 4796. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the naval radio station, Libugon, Guam, on April 15, 1932;

H. R. 4797. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed during a hurricane in Samoa on January 15, 1931;

H. R. 4925. An act to authorize and direct the Comptroller General to settle and allow the claim of George P. Money for fees for services rendered;

H. R. 4965. An act for the relief of M. M. Smith;

H. R. 5753. An act for the relief of Edith H. Miller;

H. R. 5764. An act to compensate the Grand View Hospital and Dr. A. J. O'Brien;

H. R. 6668. An act for the relief of S. John Hegstad;

H. R. 6669. An act for the relief of Mrs. Earl Poynor;

H. R. 7463. An act for the relief of Lawrence R. Lennon;

H. R. 7818. An act for the relief of Caroline M. Hyde;

H. R. 8039. An act for the relief of John B. Meisinger and Nannie B. Meisinger;

H. R. 8094. An act for the relief of Dr. J. C. Blalock; and

H. R. 8465. An act for the relief of Zoe A. Tilghman; to the Committee on Claims.

H. R. 3340. An act for the relief of Jesse S. Post;

H. R. 5747. An act for the relief of Gordon McGee; and

H. R. 8242. An act authorizing the President to order Louis U. LaBine before a retiring board for a hearing of his case, and upon the findings of such board to determine whether or not he be placed on the retired list with rank and pay held by him at the time of his discharge; to the Committee on Military Affairs.

H. R. 7092. An act for the relief of Capt. Percy Wright Foote, United States Navy; to the Committee on Naval Affairs.

H. R. 7788. An act for the relief of Mrs. Earl H. Smith; to the Committee on Indian Affairs.

H. R. 8824. An act for the relief of the estate of John Gellatly, deceased, and/or Charlyne Gellatly, individually; to the Committee on the Judiciary.

H. R. 9130. An act to authorize the incorporated city of Skagway, Alaska, to undertake certain municipal public works, and for such purpose to issue bonds in any sum not exceeding $12,000, and for other purposes; to the Committee on Territories and Insular Affairs.

CHANGE OF REFERENCE

On motion of Mr. JOHNSON, the Committee on Pensions was discharged from the further consideration of the bill (S. 3839) granting a pension to Randall Krauss, and it was referred to the Committee on Claims.

PARK AND RECREATIONAL FACILITIES—REFERENCE OF BILL

Mr. WAGNER. Mr. President, I ask unanimous consent to have referred to the Committee on Public Lands and Surveys Calendar No. 1535, being the bill (H. R. 10104) to aid in providing the people of the United States with adequate facilities for park, parkway, and recreational-area purposes, and to provide for the transfer of certain lands, chiefly valuable for such purposes to States and political subdivisions thereof.

This bill was placed upon the calendar undoubtedly by inadvertence when it was received from the House. It is a subject matter over which the Committee on Public Lands and Surveys has jurisdiction and to which that committee has given consideration. I ask that the bill be referred to the Committee on Public Lands and Surveys.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bill will be referred to the Committee on Public Lands and Surveys.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. GORE submitted an amendment proposing to appropriate $25,000 for the purchase by the Smithsonian Institution of the *Winnie Mae*, with the original instruments used by Wiley Post, intended to be proposed by him to House bill 9863, the independent offices appropriation bill, which was ordered to lie on the table and to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. WHEELER submitted an amendment intended to be proposed by him to House bill 10630, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 42, line 2, to strike out all after the word "available", to strike out line 3, and to insert in lieu thereof the following: "Until June 30, 1937, for the same purpose and under the same conditions, except as to recoupment of expenditures and payment of interest on unrecouped balances, which requirements are hereby waived."

AGRICULTURAL RELIEF—AMENDMENTS

Mr. CAREY, Mr. RUSSELL, and Mr. CONNALLY each submitted an amendment intended to be proposed by them, respectively, to the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, which were severally ordered to lie on the table and to be printed.

AMENDMENT TO RIVER AND HARBOR BILL

Mr. ROBINSON submitted an amendment intended to be proposed by him to the bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO MISSISSIPPI FLOOD-CONTROL BILL

Mr. ROBINSON submitted an amendment intended to be proposed by him to the bill (S. 3531) to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928, which was referred to the Committee on Commerce and ordered to be printed.

OWNERSHIP OF GOLD STOCK IN THE TREASURY

Mr. SHIPSTEAD. Mr. President, I submit a resolution which I ask may be read and lie over 1 day.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The resolution (S. Res. 228) was read, as follows:

Resolved, That the Attorney General be requested to furnish the Senate with a formal opinion as to the ownership of, and encumbrances on, the gold stock of $10,182,372,580.54, reported on February 1, 1936, by the Treasury of the United States as among its assets, with particular reference to the status of the gold taken from the Federal Reserve banks.

Mr. ROBINSON. Mr. President, does the Senator ask for immediate consideration of the resolution?

Mr. SHIPSTEAD. I should like to have immediate consideration, if unanimous consent could be granted.

Mr. ROBINSON. I cannot consent to immediate consideration of the resolution. I suggest that it be referred, probably to the Committee on Finance, so the committee may consider it and report on it.

Mr. SHIPSTEAD. The resolution simply asks for information.

Mr. ROBINSON. I understand; but it calls for a legal opinion on the matter. I have some doubt as to the propriety of the resolution. I think it ought to be considered by the committee.

Mr. SHIPSTEAD. As to the propriety of the resolution, I think it is pertinent to have the information and opinion.

It has been stated here on the floor of the Senate that the gold was confiscated under the Federal Reserve Act——

Mr. ROBINSON. I cannot consent to the present consideration of the resolution.

The VICE PRESIDENT. The resolution will go over under the rule.

Mr. SHIPSTEAD. I am not asking that it be considered now. I wish to make a brief statement in view of the suggestion made by the Senator from Arkansas as to the resolution being pertinent.

There have been introduced in the Senate several bills to provide for the issuance of currency against the gold in the Treasury. It has been stated on the floor of the Senate, without giving any explanation therefor, that when the Central Government took the gold away from private citizens they took it from the Federal Reserve banks as well, and we are told they gave receipts to the Federal Reserve banks, which are private corporations, and that private persons did not get receipts. If there is any question about the ownership of the gold we ought to know it, because we are to be called upon to legislate on matters relating to it.

Mr. KING. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. SHIPSTEAD. Certainly.

Mr. KING. Is it not a fact that the Government is merely acting as trustee, and that the equitable title, at least, is in the hands of a multitude of banks and individuals, who, in the last analysis, are the owners of the gold? My understanding is that less than $500,000,000 of gold in the Treasury of the United States is owned by the Government, and that the rest of it is owned by individuals; at any rate, they have the equitable title and they would have the right in morals and in equity to assert that claim at any time.

Mr. SHIPSTEAD. All I care to do is find out what is the legal ownership and where the title lies. I think Congress ought to know.

The VICE PRESIDENT. The resolution will go over under the rule.

Mr. FLETCHER. Mr. President, the suggestion has been made that the resolution ought to be referred to the Committee on Finance. I merely wish to say now that it ought to go to the Committee on Banking and Currency, instead of the Committee on Finance, if reference is to be made.

Mr. ROBINSON. Mr. President, I believe, with the indulgence of the Senator from Florida, that his suggestion may be correct.

The VICE PRESIDENT. Whenever the question arises of reference, the Chair will remember the suggestion of the Senator from Florida.

POSITIONS NOT UNDER THE CIVIL SERVICE

Mr. CAREY submitted a resolution (S. Res. 229), which was ordered to lie on the table, as follows:

Resolved, That the Civil Service Commission be, and it is hereby, directed to furnish the Senate with a full and complete list of all officers, positions, places, and employments, listing the same by departments, bureaus, boards, commissions, and independent establishments, including the government of the District of Columbia, unofficial observers, special attorneys or special agents, and Federal employments of all kinds, with the amount of salaries of each attached, under the Government of the United States and not under civil-service rules and regulations.

CONTINUATION OF THE GENERAL SURVEY OF INDIAN CONDITIONS

Mr. THOMAS of Oklahoma submitted the following resolution (S. Res. 230), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution 79, agreed to February 2, 1928, and continued by subsequent resolutions, authorizing the Committee on Indian Affairs, or any subcommittee thereof, to make a general survey of the condition of the Indians in the United States, is hereby continued in full force and effect throughout the duration of the Seventy-fifth Congress.

SUPERINTENDENT OF SHILOH NATIONAL PARK

Mr. McKELLAR submitted the following resolution (S. Res. 231), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution 198, agreed to June 13, 1934, authorizing a select committee to investigate charges of incompetency and abuse of official duties by the superintendent of the Shiloh National Park, hereby is continued in full force and effect until the end of the Seventy-fourth Congress.

WARREN A. SMALL—WITHDRAWAL OF PAPERS

On motion of Mr. HALE, it was

Ordered, That the papers accompanying the bill (S. 3621) granting a pension to Warren A. Small, Seventy-fourth Congress, second session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

TAXATION—ADDRESS BY SENATOR COPELAND

Mr. WALSH. Mr. President, I ask to have inserted in the CONGRESSIONAL RECORD a timely and able discussion on the subject of taxation, delivered at the annual dinner of the Real Estate Board of New York on February 1, by the senior Senator from New York [Mr. COPELAND].

There being no objection, the address was ordered to be printed in the RECORD, as follows:

It is not easy for one to serve as a pinch hitter. It is particularly difficult when asked to take the place of Sir Gerald Campbell, the charming British consul general.

I can well understand, however, the grief of Sir Gerald over the death of his sovereign. It seems appropriate for us to express sympathy for him and through him to the great British Empire in his grief and the grief of his nation over the death of King George V. Whether we are pro-British or otherwise, there is no doubt in the minds of all men that King George was a lovable, tactful, progressive king, interested in the welfare of his people, and anxious to serve them to the very limit of his energies and regardless of personal sacrifices.

Here is a group, the Real Etate Board of New York, organized to promote real-estate development, the building of great structures, and particularly the erection of homes for all classes of society. I served as a representative of the city of New York in the World Housing Conference in 1920, as I recall it. This meeting was held in London, and I am glad to say it attracted not only the endorsement of the King but his sympathetic interest in the world-wide efforts to place human beings in decent homes. Our hearts go out to Sir Gerald Campbell tonight, and no one more than I regrets that he could not stand here where I am to deliver to you the message he had in his heart.

It is well known to this audience that as a private citizen and as an official I have striven through many years to do what I could to promote home building in the city of New York. Long before I came to this State to live I had a more or less active part in the building-and-loan movement. It has been my pleasure as a Member of Congress to do what I could to promote legislation seeking to assist in relieving the housing shortage and to place the families of America in quarters appropriate to their welfare.

As I view it, bad housing is a menace to society. When you crowd into insanitary and unhealthful quarters a family of 8, 10, or a dozen persons you have created conditions which are dangerous far beyond the invasion of health. Needless to say, such manner of living is a menace to health, but, more than this, it is an attack upon morals and upon the very stability of orderly government. The surest guaranty of good citizenship is the housing of the family in respectable and healthful quarters.

If the home can be one owned by the family, it means everything to the civic life of the community. When once man and wife are living under their own roof, you may be sure that that family wants to know about community government, taxation, and the election of the right sort of men to public office. A worthwhile equity in a home is better than a bond to guarantee the integrity and right living of its possessor.

We were making progress in New York to the end that every family might live in a home of its own. With the onset of the war and the many social and economic changes which followed it, the picture was changed. It is only now that we begin to approach an era of better things in building and real-estate matters.

The real-estate board, no matter what its achievements were in the past, has an opportunity now to render a great and an unusual public service. I say this not to flatter you but in all sincerity. You are engaged in the real-estate business; there can be no more honorable calling in life. You are not in this business for your health; of course, you have a right to expect a reasonable return upon your investments and your efforts. There are few callings in life, however, where the opportunity for public service is so interlaced with private transactions.

Since I am invited here to speak, it must be because you expect from me some expression of opinion regarding the legislative activities of the Congress and the energetic undertakings of the administration. As regards the latter, I cannot pretend to speak in any authoritative manner. As regards the Congress itself, I may perhaps express some opinions, such opinions as one Member is entitled to hold and perhaps defend.

Wherever two or three Americans are gathered together, it is natural to ask, "Whither are we drifting? What is to be the future of our country, and how are we to deal with the increasing debt which is so rapidly accumulating?"

I am not distressed over the immediate effect of this great national debt. I assume it might be considerably greater than it is now without bringing immediate disaster. But it is not the immediate present that gives me greatest concern, although I should not be truthful if I did not admit I am worried about that. It is

the future, the burden upon our children and our grandchildren, that I have in mind.

Only this week a vast majority of the Senate voted for immediate payment of the bonus. I know how controversial is that subject, and I am not here to reopen it. My only purpose in mentioning it is to free myself from the charge of inconsistency in view of what I shall say about the increasing Federal debt. This is all I care to say about the bonus: The average citizen forgets that the country more than a dozen years ago committed itself to the payment of the bonus in 1945. In other words, we had to pay that debt, anyhow, 10 years from now; and so the only criticism that can be rightfully passed upon one who voted for it, is that we anticipated a debt which was not yet due. But I want to place emphasis upon the fact that we have been facing the necessity of paying it in 1945. In short, the present act was not the assumption of a new debt. It was merely anticipating what the Treasury had to bear and must bear, disregarding for the moment all the other arguments which were advanced for its immediate payment and which were a large factor in arriving at the decision. I am making this statement, not in apology, but to explain that the manner in which the bonus has been dealt with is a mere incident in the general financial and debt situation which must be faced during the next decade.

Reverting to the statement made a moment ago, I do worry about the ultimate disposition of the national debt, which will become a staggering one, if it has not reached dangerous proportions already. The reason I speak about the future instead of the immediate present is because, whether it is wise or unwise, the financial demands can be handled so long as the Federal Government has borrowing power. But with any material revival of business, which we are praying for, there must come a time when the central Government can no longer depend upon the banks—which are now hardly more than fiscal agents of the Government—to supply the money for new or continued Federal projects.

Certainly there can be no such thing as balancing the Budget until we stop expanding our Federal activities, with the consequent demand for more and more money. To balance the Budget, there must be retrenchment, with ruthless cutting of expenditures, or else there will of necessity be markedly increased taxation. Income taxes will soon rise to the point of diminishing returns. Even though the base were broadened and persons of small income brought into the income-tax-paying class, there would not be money enough to meet our obligations. Indeed, if the entire revenue of citizens having incomes of $10,000 or more were confiscated, the Budget would not be balanced.

The levying by the various States of the nuisance taxes, which is added to the attack of the Federal Government upon these same sources, is another factor which must be worried over by somebody. Unless some method of cooperation is established between the Federal Government and the various States it is inevitable, as I see it, that ultimately real estate, including farm properties, will be called upon for such burdensome contributions to the State treasury that all hope of real-estate development will disappear.

I do not know how you feel about it, but I was much impressed with a recent statement by Mark Graves, New York State Commissioner of Taxation and Finance. According to the newspaper report I read, Mr. Graves believes it to be inevitable that in the future persons of modest means will pay larger taxes than in the past. There can be no question about that. The response to this demand for more tax income is regarded by Commissioner Graves as a question of method. If he is correctly quoted, he advocates a plan which would afford the consumer an easy installment method of paying taxes. It is natural, in view of his official position and experience, that he should add the comment that such a plan could be made possible without increasing the cost of collecting such taxes. With a widened income-tax base there would be almost insurmountable difficulties in applying justice to all concerned.

He then urged, as I read the report, that there should be early adoption of a general manufacturers' sales tax. With this proposition I find myself in complete accord, provided there is devised some plan of close cooperation between the Federal Government and the States in the uses to which such revenue would be applied.

Surely no one can doubt that we cannot maintain a healthy economic order unless, as Mr. Graves suggests, there should be a substantial degree of uniformity in the more important tax fields. He properly urged that we must avoid competitive and double taxation, because such an imperfect system as that must result in annoyance to all concerned. Worse than this, bad as such an effect would be, there would be an almost irresistible temptation to excessive and extravagant expenditures.

It is evident that unless some understanding is arrived at there will come into existence a permanent system of duplicate tax collection by the Federal Government and the States. That must inevitably result in an exhaustion of sources of revenue for the State and a consequent demand for increased real-estate taxation.

The last time the income-tax bill was up for discussion in the Senate, the able senior Senator from Massachusetts [Mr. WALSH], on the 31st of May 1933, presented an amendment, which I am glad to say I had some part in preparing. This provided for the imposition of a tax upon every article sold in the United States to be paid by the manufacturer or producer thereof. Exemptions were made as to foods and medicines. A tax on wearing apparel was to be imposed, but not until boots and shoes had reached $6 a pair and not on a suit of clothes or a dress selling at less than $35. Exemptions were made as to certain agricultural products, implements, and machinery, the hand tools of workmen, and articles used for fertilizers, newspapers, magazines, and other periodicals, as well as books, pamphlets, and music, particularly textbooks and Bibles, and articles of religious devotion, altars, pulpits, and the like.

A family having an income of $2,000 with the tax at 2½ percent, would pay less than a dollar a week for the support of Government. To pay that much would require that every penny of the income would be expended for nonexempt things. Of course, this would not be the case, so the tax would fall below a dollar a week, probably half the amount.

I do not know just how far this plan might go in the way of production of income, but it would be an enormous sum. A manufacturers' tax of 3 percent would amount to a billion dollars a year, I am informed. I do not undertake to fix the rate of such a tax or to enumerate the exemptions, but there is in this system a possibility of taxation without embarrassment to the low-income producing families of America. The one tax on cigarettes, 6 cents a package, produces an amazing return, and I doubt if one person out of a thousand knows that tax exists. I am well aware how seriously the sales tax, of which this is really an extreme example, is opposed by many in influential position.

In this connection it must not be forgotten that directly or indirectly, the great masses of the people pay the taxes anyhow. Indeed, it is estimated that out of the pockets of the poor comes at least 70 percent of the money paid in the way of taxes to one or another branch of Government.

But we face the cold fact that there must be found ways to provide more governmental income and to do away with the dreadful effects of a steady increase in a national debt until it rises far above the possibility of payment, with consequent perils of excessive inflation and even repudiation. As a matter of fact, the United States has already become a billion-dollar interest-paying country.

There is great force in Commissioner Graves' suggestion that the States should withdraw from the consumption-tax field in favor of the Federal Government, which would then have exclusive rights to tax motor fuel, liquor, tobacco, jewelry, and other things, but with the distinct understanding that the proceeds of these particular taxes shall be apportioned among the States. Likewise it is his view, with which I am in full agreement, that the receipts from the estate taxes should be left entirely to the States, with greater latitude also in the way of allowance of credits on the Federal taxes on amounts paid in response to the income-tax demands of the individual States.

I am not urging these things merely because I want to make the real-estate board members feel cheerful. I am not saying this to make the owners of farm and village properties feel better. I believe, as one interested in the welfare of our citizens, that all those things which make for increase of real-estate taxation should be examined under the microscope. In every State in the Union the real-estate burden of taxation is too great. In the State of Florida it has been necessary to make most amazing concessions to property owners. In that State, of course, there were special reasons why the taxes had been assessed upon values which were grossly inflated; but, nevertheless, no matter what the tax may be in any State, it is a burden to real-estate owners. If there were some way of making a distinction between the rich and the poor, the palace and the modest home, I wouldn't be so concerned over it. We cannot, under our American system, make such distinctions. It took an amendment to the Federal Constitution to validate the principle of the graduated income tax. We have no present power of graduating the real-estate tax.

I am glad that your organization favors the Federal mortgage-discount plan and the proposal of the State mortgage commission for the creation of State mortgage banks. You had much to do with the passage of the Mortgage Moratorium and the Deficient Judgment Acts. It is my feeling that they should be continued. Certainly this must be done if new burdens are placed on the owners of property who at this moment are just holding on by their teeth. It is calamitous to think of anything which may result in the widespread loss of equities in properties of which the purchase had required great sacrifices. I think of the wife and mother when I hear of foreclosures. We must avert these if we can.

In all probability the question of slum clearance and the use of Federal funds for subsidizing new buildings have been gravely studied by your group. The subject is so large that it merits the most solemn consideration before any conclusion is reached and large sums expended for this purpose, perhaps to the ultimate if not to the immediate disadvantage of our people.

As one whose business it was for years to deal with health problems in connection with our "old law" tenements, I have deep convictions regarding them. I have said a thousand times that if I had my way they would long ago have been dynamited and utterly destroyed. We thought we had entered upon a program in New York which would result in the elimination of slum life. But instead of demolishing these ancient and dangerous structures we boarded them up. With the lack of building through the war and the tremendous immigration immediately following it we found the boards taken off the broken windows and families by the thousand crowded into quarters which were not suitable even for cattle and hogs.

There is always a temptation to exploit humanity and to get money by utterly indefensible methods. But for my part, I never want to see that sort of thing happen again in this beautiful city which we love. I find myself cold to any program of so-called

slum clearance unless that plan carries with it exactly what the words mean, the actual physical demolition of those outrageous old slums. When anybody undertakes to build tenements and modest apartments such as we have in mind, it must be with the distinct understanding that these modern buildings are intended actually to replace old ones. The old buildings should be taken away and the land used for other purposes, perhaps for playgrounds and schools. Someone said to me, the other day, that unless these slums are eradicated they will be left as "a festering sore in the community where they exist."

Under certain conditions, I have no doubt liberal concessions would be made by private investors as to the rentals to be charged in new buildings. No doubt such improvements would be initiated if the menace of the old-time slum competition were removed, and the money could be obtained by private investors at low rates of interest. If I had my way I would have the laws so framed that this new construction would be done with private capital.

No doubt you feel sometimes that the Government in Washington is far removed from your influence. If the Government does not function as you think it should, perhaps it is in part due to the fact that you have failed to use your influence. Of course, it is the same in the House of Representatives, but I know I tell the truth when I say that there isn't a Member of the United States Senate who is not eager to be fully informed on matters under consideration, and to be assisted in the conclusions he is called upon to form.

In the city of New York, the biggest city in the world, we are sometimes impatient when we learn a new farm bill is being formulated. While I am out of patience with some more or less recent enactments in this direction and disturbed over the prospect of another proposal, I can understand the attitude of the farm States. I am out of patience because the cost of living in the cities and elsewhere, of course, has been so materially increased by most of these efforts at so-called farm relief. This is a consumer State, and it makes a vast difference to us what the price of meat is, the price of flour, and of other necessities.

Yet, let us consider our position as a city. New York is frequently spoken of as the great financial center of the country. It is that. Before the Government became so generous, whenever a community in the United States wanted to build a school, a hospital, or a highway, or to install a sewer system or waterworks, New York was appealed to for the money. It was and is the great financial center of America.

But how often do we think of New York City as a manufacturing center? The fact is that within the limits of this city the manufactures in bulk and value, exceed the combined output of Pittsburgh, Cincinnati, St. Louis, Milwaukee, Cleveland, Detroit, and Boston. The value of the furniture made here is greater than the value of the furniture made in Grand Rapids. Our manufacture of clothing and women's garments leads the world. What do we do with these things? We do not use them in New York. We sell them, and our chief customers are the farmers.

The thing I wish to bring out is that New York City has a definite, direct, and genuine interest in the welfare of the farm population of America. Unless the farmers prosper there are bread-lines in the cities.

I am telling you these things in order that you may not be impatient with the struggles of the agricultural group to accomplish their purposes. There is a lesson in this, however. We ought to be struggling to present our views and our needs. New York State is the tax-paying State. It is mere sophistry to say that New York is the reservoir into which flows the wealth of the Nation. That statement is made frequently to belittle New York and to lessen the effects of criticism emanating from our city, criticisms of the purposes of the Government and of the efforts of different groups to feather their own nests. It would be a form of insanity, however, to question the necessities of other localities and other groups. We can best promote our own appeals and desires if we view sympathetically the efforts and desires of other sections of the country to solve their problems.

I do not utter these things because of any sympathy I have for potato control, plowing under cotton, or killing little pigs. I cannot bring myself to believe that those things make sense. They represent the extreme movement in a certain direction which you and I do not approve. But in opposing these things let us not do it in the spirit of utter unwillingness to get the point of view of the other fellow.

We in New York are in the position of needing to attract the attention of the other fellow to the burdens imposed upon the great centers of population and to what might happen if there were widespread discontent among the crowded parts of the cities of America. Just as we have an interest in the prosperity of the farmer, they have an equal interest in the prosperity of the city dweller, because unless we can buy they can't sell. This whole problem of economics is a two-edged sword. It cuts both ways. It is a dangerous implement which must be cautiously used, as carefully used as the scalpel of a surgeon.

I have wandered somewhat. The particular thought I desire to leave with you is that upon the great group of men gathered here rests the responsibility of pointing the way to a better system of taxation. The power to tax is the power to destroy. There must be a restatement of the objectives of that authority and a better formulation of the tax laws. Otherwise, through the application of the taxing power will come destruction. There must be brains enough in the city of New York and in your organization to write a formula which can be used to solve not only the tax problems of New York but the tax problems of the Nation. I have faith and believe there is.

THE ROOSEVELT ADMINISTRATION—ADDRESS BY HON. JAMES A. FARLEY

Mr. BONE. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Hon. James A. Farley, chairman of the Democratic National Committee, at Portland, Oreg., November 23, 1935.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

It is fine to be back in the State where my friend, General Martin, is Governor; in a city where my equally good friend, Joe Carson, is mayor. Both of them carry out the thought that good government is more important even than party affiliation. They are examples of what I contend is the first principle of successful politics, and that is adequate, able, and single-minded service to the public is the only thing that makes for permanent party success. While I am on this subject let me tell you that Congressman PIERCE is not only a true, loyal Democrat in the National Legislature but that he is performing his duties so well that he is regarded as a public servant first and a party man second.

A great deal of water has gone over the dam and a great deal of wheat has gone to the mill since I addressed the Democrats of Oregon. I never come to this State except with a sense of gratitude. For I never can forget the generosity of this State; first, in assuring a Roosevelt delegation in 1932; and second, for the part played by your people in making it possible to place in the White House our President. In expressing this sentiment I do not merely express my own appreciation, but I believe I voice for the whole country its gratitude for your contribution to the establishing in office of an administration brave enough and capable enough to lead this country back to prosperity.

I have no doubt that next year Oregon, in company with practically the whole sisterhood of States, will vote to continue this administration to the end that the work which we have undertaken shall go on unchecked until all the pain and distress of the depression period is behind us.

I know, of course, that the New Deal is being attacked. I know that rich and powerful interests are at work seeking to break down the processes of rehabilitation. I know that they are gladly spending millions of dollars in this effort. You and I both know, because of the testimony brought out before an investigating committee in Congress, that they actually disbursed $2,000,000 in their endeavor to prevent the enactment of a single law aimed to break the grip of parasite holding companies on industries from which they extracted enormous fortunes for themselves to the detriment of shareholders and rate payers alike.

It is from such sources that we hear such expressions as that our present approach to prosperity is in spite of the New Deal and not because of it. I doubt if there was ever a more insolent, more baseless thought expressed in any politaical campaign. Roosevelt's advent to the White House found the country, as you know, in the throes of one of the worst crises in its history.

The enemies of the administration try to convey to you that our President is pursuing a revolutionary course. The talk of a revolution today is childish. But it was not childish when banks were toppling all over the country, when millions of people were threatened with starvation, and our whole economic fabric was reeling. At that time you heard no clamor against any expedient that the incoming President might suggest. From the moment he stopped the epidemic of failing banks by closing them all until there was opportunity to establish the good banks on a sound basis and restore confidence in them, and to rebuild such others as could be saved, everybody, without exception, accepted the President's administration with gratitude.

It was only when the returning tide of prosperity had emboldened them that big business linked hands with his political adversaries and sought to regain control of affairs. Control which had led us straight to the verge of destruction and which inevitably would dump us back into the hole in the course of a few more years!

Within the last few days the foremost political exponent of the old regime has renewed his prophecies of disaster in the event of the continuance of the Roosevelt administration. Really ex-President Hoover's recent utterances read like a sequel to his 1932 campaign cry when he exhorted the country to believe that grass would grow in our streets and panic would reign unchecked if the Democrats won the election. Now he has changed his simile but continues to preach that if the Roosevelt system goes on nothing can save us from destruction.

It is a curious position in which Mr. Hoover finds himself. He does not admit that he is a candidate for a come-back. But he rushes up and down the country conferring with everyone on the Republican side who had or has influence in that party's councils. He makes a speech and delivers a statement whenever the opportunity offers, in which he directly or indirectly contrasts what has been done by the party in power with what he did when he occupied the White House.

Instead of the grass-grown streets and shattered economic system, we read every day in the papers of some new manifestation of the restoration of commerce and industry to health. For example, on my way West this time I saw that the Union Pacific Railway reported net operating income of nearly $4,000,000 for October of this year, a good deal more than $1,000,000 over its net operating income over October of last year. I do not intend to bore you with masses of statistics. You have only to consult the headlines on the financial pages of your own newspapers to determine what is going on.

Officials of the same railroad system told me on the way across that they had just spent several million dollars for railroad supplies and that they had more men employed at this season of the year in fixing up the roadbeds than in any corresponding period since the panic struck us. You get the same story everywhere of corporations resuming dividends, corporations that have not paid dividends for 5 years; of increased business and higher net profits of department stores and mail-order houses; of the increase in the capital of insurance companies, manifested by the higher market value of the securities they hold; of increased travel; of profitable seasons at the summer and winter resorts.

Now, all of these things did not just happen. They were brought about because the man in the White House remained cool at a time when leaders of business were having fits, because he had vision enough to see a way out when nearly everybody else in the country could only moan in despair, because he had the fortitude to go before the people and tell them just what he was trying to do and the frankness to tell them that unless they cooperated the experiments he was trying could not succeed.

Nobody will contend that mistakes were not made, but add up all the possible errors and the aggregate of harm would not be a decimal fraction of the distress which would have resulted had he not taken the bull by the horns, had he not risked his political life and the agony of the whole Nation in his effort to accomplish the things which he had full faith could be accomplished.

Those who seek to smash the fabric he has erected are given to pointing to the N. R. A. as a sample of governmental blundering. The Supreme Court did declare the N. R. A. processes as outside of the Constitution. In that decision there was no criticism of the objects or of the goal sought to be won through the N. R. A. They merely decided that under the written terms of the Constitution there was no warrant for the codes.

Of course, that was a set-back; but let us not forget that during the 2 years when we thought the N. R. A. was as valid as it was useful a whole lot was done which might not have been done without it. The operation of the National Recovery Act harmed nobody. It helped millions. It put men to work at increased wages, diminished working hours; it eliminated child labor from our industrial system and suppressed the sweatshops. The N. R. A. and its twin brother, the A. A. A., gave business the impetus it required; made the farms again assets instead of liabilities. It is regrettable that under the law as construed by the Supreme Court Constitution provisions were infringed. I do not think, however, that the man or woman who got a job through the illegal N. R. A. feels very bad because he was an accomplice in lawbreaking. Nor do I think the business house that was temporarily freed of unfair competition by employers of child labor and sweatshop methods and so was able to stave off bankruptcy is very much disturbed.

Some of us, including the President, were dismayed because of the Court's decision; but nobody, least of all the President, resisted that decision or felt that the great Judges have been guided in it by anything but their own sincere and learned construction of the law. Somebody of statistical turn of mind recently reviewed the acts of Congresses and Presidents, both Republican and Democratic, and found that no modern administration had escaped the enactment of laws that were voided by the Supreme Court. So you see, when that curious aggregation of Liberty League lawyers, composed principally, if not altogether, of attorneys who had received large fees from the big-money fellows who are fighting the New Deal, solemnly announce in advance of the Court's decision that this or that law is unconstitutional, they are at least as likely to be wrong as right. Indeed, as a recent scrutiny of the Supreme Court record showed, the most eminent of these volunteer judges have been turned down by the Supreme Court on constitutional questions time and time again.

Never by any chance do you find one of these time-serving lawyers, or their clients, or the Republican high command, which takes its orders from them, admitting that by any possibility the President by himself can do a right thing. Their creed is that it is wrong if it proceeds from Roosevelt.

I am glad to say that while this is the attitude of the high command, there are Republicans who have realized that the value to the public of the Roosevelt measures for recovery and reform are more important than mere party affiliation. Many of these measures were adopted with the help of Republican votes, and I am happy to say that Senator McNARY, although of the opposite political faith, on more than one occasion proved that he was more a patriot than a partisan, and assisted materially in getting through the legislation that the President asked, and I honor him for it.

The other day the President announced the completion of a reciprocity agreement with Canada by which we made certain tariff concessions in exchange for equal or greater concessions from the Dominion Government. The purpose of this agreement was evidently twofold—first, to improve our foreign trade, which languished partly as a consequence of the depression and partly because of the exorbitant tariff enacted by the last Republican Congress; and secondly, to check an undue advance of the cost of living in this country. The imports affected, by quota agreements, etc., are so small compared with the total consumption of these products as to be negligible. We will gain by increased business vastly more than we give up, which sounds to me like a pretty good bargain, and yet I note that Mr. Hoover sarcastically describes the incident as affording the more abundant life—for Canada.

It is quite possible that some few industries may feel disturbed by this agreement with Canada. Let me say of these industries that they do not permit themselves to be excited, even though it may appear that some products are brought in in competition with their own. In the first place, the amount of such imports is small. In the second place, the general advance in our economic situation, in consequence of increased foreign trade, will be of great, if indirect, value to them. Just let them wait and see how this thing works out, and I think I am justified in saying that within a very few months they will find that their fears are groundless and that the reciprocity agreement is really a good thing.

The former President's own adventures with the tariff, the apologies he made for signing an exorbitant tariff bill in the face of the protest of every economist in the country, hardly qualify him as an expert in such matters. But it was the act of Roosevelt and therefore, in his opinion, it was all wrong.

No; I do not know that Herbert Hoover is to be the standard bearer of the Republican Party next year. I have yet to read anywhere any disclaimer of his ambition in that direction. It is, of course, none of my business whom the Republicans nominate, but it does seem to me that Mr. Hoover's nomination would be quite logical. He represents more closely than any other individual the philosophy of those who are assailing the Roosevelt policies. If there is anything in their contention that the New Deal is a subversive, detrimental, communistic, dictatorial system, it would seem natural for them to put up as their leader in their fight against it the particular individual whose administration as President was definitely and positively the very opposite of the New Deal. But that, of course, is the business of the Republicans and not our business.

Among the many rich industries of your great State I believe agriculture ranks first. I assume that the A. A. A. is as popular with you as it is with the farmers of every other section of the Union. Yet every now and then some eminent Republican, particularly in the East, attacks the A. A. A. as socialistic. Or as former Senator WADSWORTH, of New York, described it, "a senseless violation of the law of supply and demand." Of course, most of these attacks on the measure that is putting agriculture on a level with industry in the enjoyment of Government favor mostly proceed from the Atlantic coast. It so happens that control of the Republican Party is vested in the East. It has always been so. Consequently, it is only fair to assume that if the East dictates the candidate and the platform of the next Republican convention, a repeal of the agricultural legislation will be one of the principles advocated.

To be sure, every time one of the eastern spokesmen is bold enough to put this situation into words he is hushed into silence by the Republican strategy. They, of course, realize that this subject must be handled gingerly for fear of alarming the farm country, but the opposition has got to do something about the A. A. A. They cannot openly approve it, because that would be an admission that Roosevelt had contributed something to a recovery movement. So the general policy appears to have been adopted by promising something just as good or better than the A. A. A. for agriculture. Up to date, no opposition spokesman has outlined his substitute for the A. A. A., and it does not seem to me very probable that any considerable number of farmers are going to accept this vague, undefined, hazy solution of the problem in lieu of the process that has proved so beneficial to them.

"But," say the attorneys for Big Business, "the Supreme Court will declare the A. A. A. unconstitutional." I am not a lawyer, and if I were I am very much in doubt if I would try to decide a case for the Supreme Court. I do know, however, that the administration has proceeded on the advice of lawyers equally eminent, and that in their opinion the law as it stands is quite within the provisions of the Constitution. As near as I can figure it, the opposition's general position is that whatever Mr. Roosevelt does or proposes is unconstitutional, ipso facto—I think that is the proper legal expression. This may or may not be good politics, but not a good thing to bet on.

I don't know whether you people out here are very much concerned with the Guffey coal bill, which is another of the recent enactments that the hired lawyers of the big-money interests are saying "will be invalidated by the Supreme Court." It does, however, concern the living of about two and one-half million men, women, and children. The purpose of this act is to put an end to the demoralization of something that vitally affects our whole manufacturing structure. It is vitally important to the railroads, for example. Cutthroat competition forced even the most benevolent owners of coal mines to cut prices down so far that they could not longer pay their miners living wages, and as a natural result there have been recurring strikes and other disturbances.

The bill was enacted into law by the last Congress, and its purpose is to benefit the whole coal industry and to put an end to cutthroat competition. It raises the two and one-half million people dependent on the industry from the peril of serfdom to the dignity of citizens. It ends the menace of bankruptcy for the coal companies. In short, it is an earnest effort to correct an intolerable situation without injustice to anybody. When they enacted it, Congress sought for, and thinks it found, a method by which the objections raised in the Supreme Court to this sort of legislation were safely met. That, however, is something the Supreme Court of the United States, and not a body of lawyers voicing the desires of their clients, will determine.

We all know that despite the hysteria of the reactionary enemies to the New Deal neither President Roosevelt nor the Congress is moved by anything except the public interest. Nobody is seeking a change in our system of government. Nobody is seeking to take the profit motive out of business. It must be plain to every citizen with a capacity to think at all that the success of any administration is wrapped up in the same package with the success of business generally.

It is the job of any administration worthy of the trust imposed in it to not only lift us up out of the trouble into which we were plunged by the greed of some people who enjoyed special privileges, but it must likewise take steps to prevent a recurrence of such an economic catastrophe as that from which we are now recovering.

Really, the issue of the next year's campaign simmers down to the question of whether the welfare of the country or the opportunity to loot by a comparatively few selfish interests is to prevail. I haven't the slightest doubt in the world of the outcome of the election. The results of the recent elections in the East and in Kentucky show President Roosevelt is as strong or stronger than when he was voted into the Presidency. The people's faith in him has not diminished.

Against the clamors of a few men who happen to be very rich and political jackals, who are always on the side of those who can pay most for service, we can adduce the actual accomplishments of the Roosevelt administration. We can cite the betterment of the conditions of all of us and the progress made under his direction.

You may be sure that next November the President will have as great a tribute of confidence as he received before. This is not a political prognostication but a cold-blooded calculation based on every expression of public opinion that has been possible in recent months. But let us take the purely political angle. It is a maxim of politics that you can't beat somebody with nobody—and the Republican Party has nobody. Not only has it no candidate who commands the respect of a majority of its members, but it has not even the outline of a program that gives any promise of satisfying the widely divergent elements that compose it. I am sure of the general result, and I am equally sure that the people of Oregon will participate in bringing the general result about.

CREDITS AND INTEREST RATES—ADDRESS BY HON. JESSE H. JONES

Mr. RADCLIFFE. Mr. President, I ask leave to have printed in the RECORD an address on the subject "Credits and Interest Rates" delivered by Hon. Jesse H. Jones, Chairman of the Reconstruction Finance Corporation, at the Concord Club Jackson Day dinner in Baltimore, Md., on the 11th ultimo.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Chairman, Governor Ritchie, Senator Radcliffe, Mayor Jackson, ladies, and gentlemen, I appreciate the honor of dining with and addressing so important a body of men and women and on so important an occasion. I have been your neighbor now for 4 years, and have come to know a good many of you, both personally and in a business way. I see a number of friends of much longer standing.

It has been a privilege to cooperate with the leaders and the people of Baltimore and Maryland, during the trying period from which we are just emerging. I am also glad to say that every investment and every loan that we have made here has proven to be thoroughly sound, notwithstanding that Baltimore was hard hit, as was the entire United States.

We at the R. F. C. have seen and had dealings with people from all sections of the country. Most of them were in distress, many confronted by failure, seeing the savings and accumulations of a lifetime slipping away under the grinding juggernaut of depression and fear.

It was as impossible to protect one's self against the depression as against the infuriated elements. Baltimore was no exception, and you have cause to feel a just pride in the recovery thus far attained.

Reasonably good conditions prevail throughout the country, and we are now in such a comfortable state that we forget how distressed and how really miserable we were in the spring of 1933.

This, I understand, to be your annual dinner given in honor of that great statesman and patriot, Andrew Jackson. So much has been said about him the past few days that there is little I can add.

I have pride aplenty in his memory, because I, too, hail from Tennessee—the grand old volunteer State. He was a great character, Andrew Jackson—with great courage, great understanding, and great determination. He was of and for the average man, and with all his virtues had many human weaknesses.

I love and admire him for those weaknesses as much as for his great strength. They enabled him to better understand human nature and to fight for the rights and liberties of men.

Jackson was known to swear at times, and even to take a drink. He owned race horses and fought game chickens. He fought a duel and killed his antagonist, allowing him the first shot. He seized Florida from Spain before the National Government had authorized such action, and our diplomats had quite a job backing him up. He was quite a man and sometimes a little obstreperous.

I have often wondered what Jackson would have done in this particular period, as I have also wondered what Jefferson would have done.

We Democrats—and I believe all true Americans—hold these two great characters very high, and the further time takes us from them the greater are their statures. They stand out as guides and signposts, though, to the course the American people, as a people and as a government, should follow.

While wondering what either of these might have done during the several crises we have had during the past 50 years, I feel assured that either would, in the main, have followed the course Cleveland followed, and Wilson and Franklin Roosevelt. That is, they would have met the problems that confronted these three Democratic Presidents in much the same spirit, and with the same determination, insofar as the preservation of human liberties is concerned.

Those of us who lived during Cleveland's administration would not have done everything just as he did it, and that applies with equal force to Woodrow Wilson and Franklin Roosevelt. The same would have been true of Thomas Jefferson and of Andrew Jackson. But I believe we would have tackled their problems, had it been our responsibility, with as great determination. Few of us do anything exactly alike, or take the same route for a given destination. The object is to get there, or to accomplish the purpose.

The responsibility for the welfare of a great Nation is one thing, especially when millions are out of employment, with no way of making a living or taking care of their families. Criticizing the course taken by the leaders who have that responsibility is quite another.

Because of the unusual unemployment situation, and the utter despair in which President Roosevelt found the country at his inauguration, there have been more opportunities for error, in efforts to extricate the country from that despair, than was perhaps true ever before.

Looking back 3 years is much like looking down into a deep valley resembling oblivion, from which we have climbed by extreme effort, and under a leadership that has had but one purpose in mind. If at time we have felt that leadership was veering too far to one side or the other, we should not falter or turn back, any more than the army should fail to follow the general or the field marshal.

While out of danger, we are not entirely up the hill, and will not be until there is work for all who want work. We can get along—and very well—with a goodly number out of employment, but business and industry—and those with jobs—will have to support the unemployed. None can escape this responsibility, and none should want to. Certainly no one must suffer for life's necessities.

I have no desire to make a political speech, even at a Jackson Day dinner, but am glad to talk with you men and women about the serious side of our daily lives—about business.

I speak as a business man, as much interested in the welfare of business as any of you, or as any in business.

The word "business" encompasses almost every phase of human activities. We are a country of business. We are a country of free people who want the privilege of engaging in business, large and small, for a livelihood and for profit, whether that business be agriculture, industry, merchandising, banking, or what not.

And upon the whole, business is now very good. Certainly it is greatly improved over the past few years. Most people made some money in 1935. From the viewpoint of business, much ground has been regained, and we should feel good about it, and very hopeful.

I am aware that there is fear about what is ahead of us, but do not believe the fear justified. I have confidence in the wisdom of the American people to preserve our freedom and our liberties.

Certainly we do not want to go back, even to the days of 1929, because we would be sure to fall again. And it goes without saying we do not want to go back to '30 and '31 and '32 and '33.

I am not one of those to fix the responsibility for our depression troubles entirely upon a political party. I have felt, however, that we would not have gotten so far out of line, if the three preceding administrations had taken a different course.

But none of us call the doctor until we are sick.

There is much talk to the effect that business, industry, and banking are against the present administration. I do not believe in the final analysis, this will prove to be true. Why should it? We are doing very well in business, and much lost ground has been regained.

It is doubtful if we could have gotten a start back, without the bank holiday, and without the assistance given to banking, business, and industry through the R. F. C.

Home-loan activities and farm credits were very helpful, but it was absolutely necessary to repair the banks, and to get a sound banking system before a start or any progress could be made.

Probably the billion dollars capital stock invested by the R. F. C. in 6,000 banks, did more good than any other Government activity. It gave us a strong banking system. Our banks are now stronger in deposits, excess reserves, and in capital, than they have ever been. A strong banking system could support a distressed country. But weak banks could only add to the distress.

Rebuilding the banks was like putting a new foundation under the house. It was absolutely necessary to prevent the house falling down.

Another billion loaned for distribution to depositors in closed banks also helped greatly, and reached perhaps 20,000,000 depositors. The additional $1,200,000,000 loaned to going banks, over 84 percent of which has been repaid, was a very great benefit.

Over 72 percent of our loans to closed banks have been repaid; $140,000,000 of our bank capital investment has been retired, although maturing over a period of 20 years and payable only from a part of earnings.

We have authorized loans of all character, including investments in banks and insurance companies, in the aggregate amount of $7,923,000,000; $1,007,000,000 of these authorizations were canceled, the borrowers finding that they did not need the money. But the fact that it was available to them, and that the loans and the

security had been approved, made it possible for these borrowers to go about their affairs with confidence.

Approximately $1,072,000,000 of these authorizations are yet undisbursed, but still available to the borrowers. Much of this will not be taken, as recovery continues and private credit becomes operative.

We have actually disbursed on these loan authorizations, including investments in banks and insurance-company stocks, slightly less than $6,000,000,000, $5,873,000,000 to be exact, and our repayments have been $3,258,000,000, more than 55 percent.

We have bought $296,452,321.92 par value of securities from P. W. A., and have sold $147,205,200 of these at a premium of $4,870,000 above cost. We are authorized by Congress to buy P. W. A. securities and to have invested in them as much as $250,000,000 at any one time. By buying and selling these securities, we create a revolving fund for relending by P. W. A. for self-liquidating projects, greatly aiding employment and at no cost to the Government.

Our interest rates are approximately 4 percent, 1 percent more than we pay the Treasury for the money we borrow to lend, and our operating expenses approximately one-half of 1 percent.

This affords an operating reserve of approximately one-half of 1 percent to cover losses. This reserve, to date, is over $115,000,000, which, in the opinion of our directors, will cover all our losses from the creation of the Corporation, so that the operations of the R. F. C., extensive as they are, will not result in any loss whatever to the taxpayer.

We have tried to be prudent as well as helpful, realizing it is the taxpayers' money we are trustees for.

The R. F. C. is the original alphabetical agency, and as you know, was started under the former administration. It has been expanded many times under the Roosevelt administration, and we have endeavored to be of assistance to the President in his efforts for recovery. Without a doubt, R. F. C. activities have been helpful to every person in the United States.

I have said on many occasions, and here repeat, that I should like to see the Government out of the lending business, but not until credit is available from private sources at interest rates and upon terms that can be met without placing too great a burden upon borrowers.

It is the money borrower that feeds most of us.

Interest rates have been too high, and terms too exacting. I am convinced that potential borrowers will need to be encouraged to borrow. While depositors in closed banks have suffered, borrowers, as a rule, have had a tougher time.

We will not get back to normal conditions until the average citizen—the little fellow—can borrow within reason, at fair rates, and on more liberal terms of repayment.

The big fellow, with unquestioned credit, borrows on his own terms, and at very low rates. But credit for the average man, the average business, is too sparingly given, and at much higher interest rates.

And remember that there are millions in this class and that they constitute the great majority. They must be built up. They must be encouraged. They must be welcome in the big banks, and in the little ones. In the language of Amos 'n' Andy, they must be members of the lodge.

I believe Jackson would subscribe to these principles.

Some of my banker friends, and others in that environment, including some of our financial writers, are all hot and bothered about our efforts to reduce interest rates.

We are not only trying to help the average man—the small borrower—but we would like to help the railroads in getting lower interest rates. This is one way the Government can help the railroads, without loss to the Government.

I should like to repeat here, with emphasis, statements I have heretofore made, to the effect that too many of our railroads are dominated by bankers whose principle interest in them is to make money out of their financing.

That is within the law, but should not be.

The Great Northern—one of the best systems in the country, never having defaulted in its 57 years of existence—has been paying 7 percent on a $115,000,000 issue of bonds imposed by its bankers 15 years ago. And what is more, the bankers only paid the road 91½ for these 7-percent bonds, a discount of nearly $10,000,000.

These bonds mature next July, and it is our purpose to help them renew at 4 percent, a saving to the road of more than $3,000,000 a year. This will pay the cost to that road of the Social Security tax, and leave a handsome balance.

The bankers agreed to a 5-percent rate, plus an underwriting charge of a million dollars, and an additional 1 percent on such bonds as they might buy. Except for the R. F. C., this, or even a greater rate, would have been imposed upon the road. Incidentally, the bankers thought the deal was buttoned up, and the proposed 5-percent bonds were quoted on the New York market at a premium of 9 percent, $10,000,000 more than the road was to get for them.

We tried to prevail upon the bankers to underwrite these bonds at 4½ percent, with a half-million-dollar underwriting charge instead of a million dollars—R. F. C. agreeing to buy up to one-half of the issue, if not taken by the road's stockholders and by private investors.

If a bond is good enough for a banking house to recommend to its investors at 5 percent, I fail to understand why it is not a safer investment at 4 percent. Certainly the borrower has a better chance of meeting his payments at the lower rate than the high.

This applies with equal force to the small business man—the man who does not enjoy Triple A credit and cannot dictate terms to his bank.

We will save the Great Northern more than $11,000,000 on this one issue, under the best terms the bankers offered; that $11,000,000 will give many a man a job and incidentally improve the railroad.

Getting back to bank credits:

The Bank Act of 1935 allows national banks to lend on improved real estate for as long as 10 years and on unimproved real estate for 5 years. It allows loans to industry by national banks up to 10 years.

Such loans are available for borrowing or rediscount by the banks at the Federal Reserve, and there is no reason why commercial banks should not meet the legitimate requirements of real estate, business, and industry, in proper proportions to their lending funds, as provided in the 1935 Bank Act.

And there is no longer any valid argument for extreme liquidity, especially since approximately 98 percent of all depositors are insured by Federal deposit insurance, which make bank runs extremely unlikely.

There should be a change in the lending policies of many banks so that all deserving borrowers may be accommodated.

I say this with due appreciation of the responsibility which bankers feel for the funds of their depositors and their stockholders, and notwithstanding that many banks got in trouble by lending on security that was not readily convertible into cash.

That experience was not a fair test because of the unprecedented economic avalanche.

Obviously everyone cannot pay at one time. When that becomes necessary the game simply closes.

Business cannot be carried on without a free flow of credit, based upon a going country, and bankers must adopt that policy if the Government is to quit lending. As long as banks confine their lending to the Government, the Government will be forced to provide private credit.

I do not favor unsound banking in any sense, but most of our bankers have reached a stage where the only loan they are willing to make is one that can be collected practically on demand, or so secured that the collateral can be sold upon short notice. The borrower is given little freedom and little confidence.

Character and confidence are at a low ebb as a basis of credit, and, in my opinion, with few exceptions, every man, and every woman, should have some credit—maybe $50—maybe much more—but character, confidence in our country, and in each other are our greatest assets.

That is why we are talking about Andrew Jackson at this time—his character, his principles, and his faith in the country and in the people.

Those that believe with Jefferson, Jackson, Cleveland, Wilson, and Roosevelt, in my opinion, interpret the spirit of America.

The responsibility of our Government is with the President and the Congress—all duly elected by the people. It is for you and me to support them while in office and to register our approval or disapproval at the polls.

SUPREME COURT DECISION IN GREAT NORTHERN RAILROAD CASE

Mr. COUZENS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the Washington Daily News of yesterday and also an article by Mr. Heywood Broun, both having relation to a recent decision of the Supreme Court of the United States in the Great Northern case. I believe the public will find interest in them.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News of Feb. 5, 1936]

HIGHER AND BROADER

If "it is the office of a good judge to enlarge his jurisdiction", as Thomas Jefferson once mockingly said, then the six majority justices of the United States Supreme Court appear to be making good. For now, over protest of Justices Stone, Cardozo, and Brandeis, they have rendered another opinion vastly extending the High Court's jurisdiction, this time over the fiscal powers of a State.

The case was that of the Great Northern Railroad against the State of North Dakota. The opinion was read by Justice Pierce Butler, ex-railroad lawyer from St. Paul, a Harding appointee. It held that the State tax commission overassessed the railroad in 1933 by $10,000,000 by not giving "due weight to the sudden, progressive, and enormous declines of value" through that year.

This decision contrasts with one by the same majority of about a year ago—the Baltimore telephone case, in which they rejected a State commission's use of depression price indices to reduce rates to consumers.

It also conflicts with former decisions giving the States great leeway in their rights to levy and collect taxes. For instance, in 1931, the Supreme Court upheld Indiana's authority to levy a special tax on chain stores. Then Justice Roberts said: "The power of taxation is fundamental to the very existence of the States. * * * It is not the function of this Court in cases like the present to consider the propriety or justness of the tax, to seek for motives or to criticize the public policy which prompted the adoption of the legislation."

On Monday Justice Stone, for the minority, charged that for "the first time this Court is setting aside a tax as a violation of

the fourteenth amendment on the ground that the assessment on which it is computed is too high, without showing that the assessment is discriminatory or that the petitioner is in any way bearing an undue share of the tax burden imposed on all property owners in the State."

The present majority has zealously upheld "States' rights" in vetoing such acts as N. I. R. A. and A. A. A. Now it turns on States' rights in a matter hitherto sacred to the States—the right to tax. Does it propose to further extend its jurisdiction, and sit henceforth as a supreme board of tax appeals?

[From the Washington Daily News of Feb. 5, 1936]

IT SEEMS TO ME

By Heywood Broun

MR. JUSTICE BUTLER SPOKE VERY COMFORTING WORDS TO ALL WHO TRAVAIL AND ARE HEAVY LADEN; HE LIFTED A HEAVY TAX BURDEN FROM THE GREAT NORTHERN RAILROAD

They are having trouble with the light. Some of the Justices think it is too bright, while others find the room too somber. There can be no denial that in its brand-new building the Supreme Court has more space than ever before. In their old quarters in the Capitol there was scarcely room to turn around, but now there is sufficient space for all nine men to move about and stretch their arms and legs and elbows, and everything, in fact, except the strict construction of the Constitution.

I went into the sanctuary intent upon hearing judgment on the T. V. A., but though that issue was declined for the time being, I heard an opinion read which may turn out to be one of the most vital ever handed down by the high Court. Mr. Justice Butler spoke very comforting words to all who travail and are heavy laden. In his quiet way he lifted a sizable tax burden from the shoulders of the Great Northern Railroad. Recently I have read much of the desire of the Court to curb usurpation of powers by the Federal Government and return to the States that authority which should be theirs. But shortly after high noon on Monday Mr. Justice Butler went leaping over the State lines of North Dakota like an antelope, and he was closely attended by Mr. Justices Sutherland, Van Devanter, McReynolds, Roberts, and Mr. Chief Justice Hughes.

It seems that North Dakota set too high a valuation on the property of the Great Northern Railroad. Sitting for the moment as a board of tax assessors, the Supreme Court said the figure placed by the State authorities was too high. This was done under the due-process clause.

I came away from the Court in the company of an eminent lawyer. "Can I ask the Supreme Court to tell Connecticut that my farm is rated too highly?" I inquired.

"I see nothing to prevent you," he answered, "but my advice would be that you would do well first of all to incorporate yourself as a railroad."

Undoubtedly the learned legal luminary mentioned this because of the interesting career of Mr. Justice Butler. Al Smith told the Liberty League that God watches over the Supreme Court to see that it shall be conservative. By a fortunate, almost miraculous, coincidence Pierce Butler was ready at a moment when the Congress of the United States was about to embark upon railroad legislation. Mr. Butler knew all about railroads. He had been their attorney and representative for years.

Again the unseen hand moved to his defense. He was confirmed by a lame-duck Senate. SHIPSTEAD, who had defeated Butler's sponsor, Senator Kellogg, was not allowed to appear against him. It is a fine thing to have a Supreme Court which is stanch and true and not to be swayed by passing gusts of passion. That was vividly illustrated to me by the chance remark of a newspaperman in the chamber during the reading of the North Dakota decision. "This sounds like an important case", I said to the scribbling fellow who was sitting back half asleep; "why don't you pay some attention?" "I don't have to", he replied. "This is a railroad case and Pierce Butler is reading the opinion. I know how it will turn out."

These skilled reporters learn by years of experience to predict decisions. They know that "States' rights" is something which means that the farmer or the worker does not get the legislation he needs. And they know that "due process" is the very gentle quality of mercy which falls caressingly upon the shoulders of big business. The Supreme Court has invalidated more than laws. It has changed aphorisms. By a 6 to 3 vote the Court holds that the line should read, "God tempers the wind for the unshorn ram."

AMERICAN NEUTRALITY

Mr. GIBSON. Mr. President, Col. William J. Wilgus, a constituent of mine, is one of the outstanding railroad construction engineers of this day and generation. He has been the engineer in charge of the construction of many of the great railroad terminals of the country, including that of the Grand Central Station for New York City. He served overseas in the World War with the rank of colonel. He was Director of Military Railways and Deputy Director General of Transportation in the American Expeditionary Forces. He has been awarded the Distinguished Service Medal and is a member of the Legion of Honor.

Recently Colonel Wilgus held the important positions of director of works division, department of public welfare, and director of emergency relief bureau of works division, for the city of New York, and as an administrator dealt with the tremendous problem of relief for the millions of the largest city in the United States. He has recently written me a letter dealing with the important problem of neutrality. His letter is so well considered and fair that I think it deserves a place in the CONGRESSIONAL RECORD, and I therefore ask unanimous consent that it may be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WINTER PARK, FLA., *January 19, 1936.*

The Honorable ERNEST W. GIBSON,
United States Senator, Washington, D. C.

DEAR SENATOR GIBSON: I happen to belong to an organization which favors the adoption by Congress of a strong neutrality bill which may minimize the threatened danger of our participation in a European or Asiatic war, even at the sacrifice of some, if not all, of our trade.

This organization to which I belong believes that amendments should be made to the administration neutrality bill for the purpose of strengthening the mandatory provisions on embargoes, on munitions, on war materials (above peacetime quotas), and on loans and credits to all belligerents, instead of leaving them to the discretion of the President.

Like yourself, I am a veteran of the World War and look with horror on the possibility of our entry into another world-wide conflict. I am also vigorously opposed to our lending any more money to foreign nations, or their nationals, with the practical certainty that we will never see it returned, any more than we have received back the money we loaned to our Allies in the World War. I am also opposed to dollar snatching in a vast increase in our trade with belligerents, in which, naturally, would be included munitions, cotton, wheat, steel products, and innumerable other items, harmless in themselves but applicable to war purposes.

However, when I look on the other side of the shield I perceive the dangers that we face through the creation of embargoes on our foreign trade, with the resulting closure of factories, stagnation of trade, and agricultural depression—all sure to aggravate our present unemployment situation and grave social ills.

Therefore I hesitate, as an American citizen and one of your constituents, to press upon you a request that may have for its result the very disastrous consequences which we are seeking to avoid through the doing of business with belligerents. I can see that not only may we have serious internal difficulties as the result of an embargo on foreign trade but also the danger of inviting war with a country with which we may refuse to trade.

I have no hesitancy in saying that I should prefer to risk our trade rather than risk our sons, but the question is how to do it. You are in a position to hear all sides of the question, and all I can ask is that, in response to your conscience, your voice and vote may be in favor of such measures as in the light of all the circumstances you feel will protect our honor and at the same time keep us free from the claws of others and the machinations of those who would make money through the wasting of our blood and treasure.

Sincerely yours,

WILLIAM J. WILGUS.

PRESENT PROBLEMS—SPEECH BY HON. J. LEWIS HUGHES

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution of the Maury County (Tenn.) Democracy, endorsing Franklin D. Roosevelt, together with a speech on Present Problems by Hon. J. Lewis Hughes, of Columbia, Tenn.

There being no objection, the resolution and speech were ordered to be printed in the RECORD, as follows:

Whereas the issues in the presidential campaign now at hand have definitely evolved into a contest between human rights and property rights—into a campaign between the masses and entrenched wealth—between fair play for the many and selfishness of the few; and

Whereas the Democracy of this Nation called to the Presidency in 1932 a great humanitarian to champion the rights of all the people—a man to bear the banner of the average man—a man to make war upon misery and to guarantee to every man and woman the right to earn a decent living; and

Whereas this great humanitarian President has rescued this Nation from threatened bankruptcy, has pulled it back from the brink of revolution, resulting from years of misrule and favoritism to great wealth; and

Whereas during the administration of this great President the United States has not only "turned the corner" but is now upon the highroad toward prosperity and the greatest era of progress this Nation has ever known; and

Whereas the confidence of the American people in their Government and in their institutions has been restored as the result of this administration: Therefore, be it

Resolved, That we, the Democrats of Maury County, Tenn., accept the gauntlet thrown to us by the greedy interests, by entrenched wealth; the issue is joined. We reaffirm our faith

and unbounded confidence in the leadership of our great President; and be it further

Resolved, That we commend him for the efforts he has successfully exerted for the "man in the street", for his relief of agriculture and labor; and, finally, be it

Resolved, That each and every member of this Democratic executive committee and every man and woman of Democratic faith in Maury County, be, and is hereby, constituted a committee of one to exert every effort humanly possible to bring about the renomination and reelection of great, warm-hearted, wholesome Franklin Delano Roosevelt—our President and the next President of these United States.

SPEECH OF CHAIRMAN J. LEWIS HUGHES

Fellow Democrats, one of the truest and most undeniable facts in connection with our national history is that in every period of crisis the Democratic Party has been called upon to furnish national leadership. It is equally undeniable that in each case the chosen representative fulfilled the hopes and expectations of the people by rendering service that is conspicuous in history.

Thomas Jefferson distinguished himself. As third President of the United States, and immortalized as the father of the Democratic Party, he set the high standard of public service that has been faithfully followed by his Democratic successors in office. His wisdom was embodied in the Declaration of Independence, in the drafting of which he had a commanding voice. It is no wonder that he entered George Washington's first Cabinet as Secretary of State. But he did not stop there. His principles of government had captured the popular fancy. The people believed in him and expressed that faith by electing him to the Presidency in 1801. I need not review his record. It established Democracy and Democratic ideals as the best expression of the operation of a government in the interest of the general welfare. It established the idea that the Government should be of and by the people and serve their interests rather than be controlled by special interests.

We find another illustrious example in the administration of our own courageous Andrew Jackson, the man of the plain people, who successfully championed the rights of the common man and restored the Government to the people over the protest of powerful financial interests. As the seventh President of the United States, this matchless Democrat retired from office to sleep beneath the trees on his beautiful estate in our own neighboring city, more popular than when he entered office.

But let's follow the record further. In time of national peril the Democratic Party gave Woodrow Wilson to the Presidency. But the world-wide reputation for statesmanship established by this twenty-eighth President of the United States is too well known to be repeated now. His example of service and of great leadership is fresh in our minds. It will always be a cherished memory.

A crisis as dangerous, as devastating, and as tragic as the terrible World War overtook us in 1930. Under the force of a violent depression, business collapsed, banks failed, bankruptcy was on every hand. Human misery, destitution, despair spread over our great and resourceful country. The entire economic structure became paralyzed. Farmers were losing their farms, home owners their homes. Millions of unemployed were begging for the actual necessities of life. Then the terrible monster fear began to spread its influence over the land. People wondered. They were stunned.

They had been taught to believe that such conditions could not be possible under our system of government. They knew the constitution upon which their government was founded, guaranteed "life, liberty, and the pursuit of happiness." They recalled that it pledged the Government to "promote the general welfare." Well, what was the Government doing to stem the tide of the depression? Each day was becoming darker than the day before. Had the Government collapsed, too? I think you remember the story. That is another thing you will never forget. You remember that the answer of the Hoover administration was: "Prosperity is just around the corner." That statement was an insult to the people who were losing confidence in their own Government and millions were actually hungry. Republican national leadership either did not try or did not know how to try to stop the downward spiral. In the midst of one of the most serious national emergencies in all history, the Nation was leaderless.

It was under these circumstances that the good old Democratic Party sustained its traditions. Its hour had come. Its representatives met in convention and nominated a man of proved qualities of leadership. They selected a man who had creditably discharged responsibilities almost as great as the Presidency. They nominated Franklin D. Roosevelt, former Governor of New York. In the following November election he won by a record-smashing majority. The voice of Candidate Roosevelt rang with sincerity. He revived and stimulated the hopes of the people. They believed he would do what he promised. His pledges were those of an honest man; his mind was that of a leader, endowed with the will, the purpose, and the ability to lead his people from the darkness of despair into the sunlight of a happier life. He was inaugurated in March 1933 at the most critical period in the country's history. The faith and hopes of the Nation's millions were concentrated in their new leader. Gravely he took the oath; bravely he assumed the task. From that very hour the national pulse began to revive. He closed the tottering banks and reopened strong ones. He gave the Nation a banking system that won public confidence almost overnight. And, to make them more secure, he gave us a guaranty of deposits. Within the space of 3 years bank deposits have reached a new high. The people have a comforting sense of security, and the banks have hugh excess reserves.

President Roosevelt knew that agriculture had always been the basis of wealth and that no system of prosperity could be established on a destitute agriculture. Under the influence of farm relief legislation he emancipated the farmers from economic slavery and gave them buying power for the first time in many years. As a result of the purchasing power of the farmer, industry began to revive, employment increased, and recovery spread into every segment of business. Steel mills long idle began to light the skies with their blast furnaces. Railroads began to load more cars, automobile factories went into peak production. By 1935 many industries had the heaviest production in history, even exceeding the boom days of 1929. Heavy inroads were made on the unemployed rolls. Public-works projects were started to absorb others and keep the wolf away from the door of millions of good American citizens who were destitute through no fault of their own. Cash income of farmers reached the highest total in many years, exceeding $6,000,000,000 last year, and we do not have to refer to statistics to find out what has happened in our own county.

Yet with the newspapers publishing recovery news, increased dividends, increased employment, and general business improvement day in and day out, a strange thing happened. Now that the patient was getting better some of our smart high-hat businessmen decided they could run their own business; that the Government was spending too much and that they would have to be taxed too much to pay the cost of the depression. They have started a campaign to kick the doctor out. These were the very same businessmen whom Mr. Roosevelt found on their knees at the White House door when he entered, begging for help and salvation.

But I am glad to know that this set of individuals do not represent the sentiment of the rank and file of the people of the United States. I also know that there is no considerable number who want to go back to the "good old days of Hoover." I am prouder of my party than I have ever been in my life, and am happy that I had a humble part in the nomination of Franklin D. Roosevelt at the Chicago convention.

And while the Liberty Leaguers and their Belshazzar feasts, the Talmadge grass rooters and their obscene tactics, and the Hoover Republicans with their Hearst-ridden skirmishes are running round and round in a desperate effort to frighten the people with fanciful tales of communism, anticonstitutionalism, and other crazy isms, the plain, thinking, and patriotic people of this country are going to do for Franklin D. Roosevelt just what they did before. We know what Mr. Roosevelt has done and will continue to do and are satisfied. There is no telling how harmful would be the undoing, if left to any of the Presidential possibilities, who have not as yet had the courage to announce their candidacy.

Maury County and every county in the United States owes a debt of gratitude to Franklin D. Roosevelt. We are going to discharge it with another overwhelming victory at the polls in November. Not only do we owe a debt of gratitude, but the very existence of our national life was saved for us and for our posterity by his inspired leadership. His policies are sound. They have saved the sinking ship of state.

As chairman of your committee I call upon you to hold high the Roosevelt torch. Let it be said of the Democracy of Maury County, though all others walk out, we are Democrats of the ranks who do not desert our leader.

THE CONSTITUTION AND THE COURTS—ADDRESS BY DR. CHARLES A. BEARD

Mr. THOMAS of Utah. Mr. President, the subject of the Constitution and the courts was recently discussed at a highly representative gathering of public officials, educators, social scientists, and farm and labor leaders. The meeting took place at the Cosmos Club on January 13 under the auspices of the Independent Legislative Bureau.

The chief address at this meeting was delivered by Dr. Charles A. Beard, noted historian and political scientist. Because of the special importance of the subject at this time, I ask that certain extracts from the address of Dr. Beard be printed in the RECORD.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

The Constitution of the United States is like the Bible in some respects. Everybody has heard of it and feels competent to discourse on the subject. Yet it is safe to say that 99 percent of those who speak of the Constitution in tones of awe or disrespect could not pass a high-school examination on its phrases, principles, and applications. Fewer still could write a correct 50-word account of how it was framed and adopted.

Since the Constitution supports very well a host of lawyers, including the 58 self-constituted guardians of liberty, they in turn, as a Harvard wit has said, feel especially bound to support the Constitution. And in supporting it they emit hundreds of thousands of words annually and becloud the famous instrument with such a fog that the ordinary layman either cannot see it at all or becomes lost in the Delphic mysteries created by juristic minds.

But up to the present it is not unconstitutional to ask, What is the Constitution? Nor has the disaffection bill, sponsored by the Navy Department, as yet prescribed imprisonment for having a copy of the Constitution in one's library. Although great and learned constitutional lawyers shake warning fingers at him, the

poor layman may still ask the question and devote a little time to seeking an answer or answers.

If the language of our tremulous constitutional orators is to be taken seriously, then the Constitution is in all respects something about as clear, evident, and positive as the Washington Monument. It has been called our beacon, our lighthouse, our ark of the covenant, and our sheet anchor. If our orators are to be believed, it has been destroyed many times since it went into effect.

When it has not been destroyed, it has been undermined or overthrown. At all events it seems to be a kind of material object, like a marble chest, guarded by nine aged and eminent gentlemen in the temple of justice against reds, Roosevelts, and Representatives in Congress.

In its simplest terms, the Constitution is a written document, with a number of amendments, some of them added so recently that even school children in the District of Columbia may have heard about them. In reality the Constitution is all that has been said and done by Presidents, Congresses, Federal agencies, courts, political bosses, party conventions, and active citizens concerned with its applications since it went into effect in 1789. It is, as Judge Cooley remarked long ago, just what the American people in their practice under it have thought it to be. Just that, and little if anything more.

Some parts of the written document are so positive in its commands as to leave no room for interpretation. For example, it says that each State shall have two Senators. Everybody knows what the word "two" means. It is in the multiplication table. Everybody knows what a Senator is, at least in this connection.

But nearly all the important provisions of the Constitution dealing with the powers and limitations of government are open to diverse interpretations, and the guess of one season is often not the rule of the next. What is the meaning of general welfare, due process of law, all laws necessary and proper, post offices, and progress of science, for example? They have been interpreted by thought and practice in various ways in the past, and will be variously interpreted in the future if experience is any guide to knowledge.

Now there is not a word in the Constitution that, expressly or by implication, declares that the Constitution must be strictly interpreted by anybody. That is a fiction largely created by Thomas Jefferson when he was trying to unhorse Hamilton, and flagrantly violated by Jefferson all through his two administrations. There is not a word in the debates of the Convention which lends any sanction to the view that the language of the Constitution must be narrowly construed. Nor is there anything in the Constitution or the debates of the Convention which countenances the other fiction, namely, that the Government of the United States is one of strictly enumerated powers. Indeed the proceedings of the Convention show that a majority of the members deliberately rejected that mathematical view of the powers conferred upon the Federal Government.

Soon after the Convention was organized it adopted a set of broad principles in the form of resolutions which were to govern the committee of detail in making a draft of the Constitution for subsequent review. Among these resolutions was one adopted on May 29, providing that Congress shall enjoy "all the legislative rights vested in Congress by the confederation; moreover to legislate in all cases to which the separate States are incompetent, or in which the harmony of the Union might be interrupted by the exercise of individual legislation."

Sometime later when Paterson, of New Jersey, tried to induce the Convention to adopt a precise list of powers to be conferred on Congress, the majority voted him down with an emphasis that could not be mistaken. Then, to make sure that the drafting committee could make no error, the Convention, on July 17, added to resolution above cited an amendment giving Congress the additional power to legislate in "all cases for the general interest of the United States."

In its report of a detailed sketch of the Constitution to the Convention, the drafting committee gave a list of powers and then added the significant clause: "Congress shall have power to make all laws necessary and proper for carrying into effect the foregoing powers and all powers vested by this Constitution in the Government of the United States or in any department or officer thereof." Not content with this broad and sweeping provision, the Convention added to the draft an amendment empowering Congress to pay the debts and "provide for the common defense and general welfare of the United States." The words "general welfare" may be properly taken as equivalent to the words of the July resolution, namely, "general interests."

There can be no doubt whatever that a majority of the Convention intended to and did confer upon Congress, in addition to certain powers named, a substantial power to legislate in the general, as distinguished from local interests of the United States. This fact, long obscured for partisan reasons, has been recently brought to public attention by Dr. Lawson, of this city, in his noteworthy book on the general welfare clause, and to the attention of the House of Representatives by Hon. DAVID J. LEWIS, in a speech on August 30, 1935. For the benefit of true-blue Hamiltonian Republicans like Senator BORAH, it should be added that Hamilton urged the Convention to give Congress the power to legislate on every subject whatsoever. The Convention did not adopt his view, but it will apparently take a clause like that to convince the Supreme Court that Congress has the power to tax and spend money for the general welfare.

If the Constitution is to be strictly interpreted, as in recent months, then the Supreme Court would be stripped of its power to declare acts of Congress void. There is not a word in the Constitution which empowers the Court to invalidate acts of the Legislature. The whole creed was read into the document by logical inference in Marshall's opinion in the Marbury case. By equal logic Jefferson inferred it out again. Whether the Convention intended for the Court to exercise this authority is still a matter of unsettled debate. Personally, I am inclined to the view that a majority of the members of the Convention thought that the judiciary would exercise this power in the ordinary course, but Professor Corwin, of Princeton, says that I am entirely wrong. However this may be, the Court enjoys its power over acts of Congress only by inference and broad interpretation. If it applied to itself the strict rules applied to Congress it would go out of the business of demonstrating its capacity to govern.

No; the Constitution was intended by its framers to be an instrument of broad public policy, not a chopping block for splitting legal hairs. As Hamilton said in his paper on the bank, the general language of the Constitution cannot be made the subject of strict legal tests; questions arising under it are questions of general welfare, good conscience, and expediency. As Adam Smith would say, only interested sophistication could hold otherwise.

Only by broad and generous interpretation has it been possible for the Government of the United States to remain adequate to the exigencies of Government, and for the people to settle their controversies under the rules of law. Only once in nearly a hundred and fifty years has it been necessary to settle an issue by the old, old device, the sword. That was after the Supreme Court of the United States declared in effect, in the Dred Scott case, that the Government of the United States could not abolish slavery in its own territories. In 1862, a Republican Congress abolished it anyway.

Since that time, the Federal judiciary has thrown itself athwart powerful currents of public interest only three times. The first was during reconstruction days, and a Republican Congress disposed of the issue by stripping the courts of jurisdiction in the matter. The second was when the Supreme Court declared the legal-tender acts unconstitutional. A Republican President, Grant, disposed of that judicial intervention by appointing two new judges of "the right kind", and by gently inducing the Court to reverse itself. The third was in 1895 when the Supreme Court declared the income-tax law of 1894 invalid. A few years later a Republican Congress passed, and the States ratified, a constitutional amendment restoring to the Government a power it had once enjoyed before the Court struck it down.

We are in the presence of another judicial controversy. What will be the outcome? Any answer formulated will depend upon one's conception of the state of the Union. Does a period of booming prosperity for industry and agriculture lie ahead, with employment for most of the idle millions now living at public expense? And will this booming prosperity go on forever—at least until all our natural resources are exhausted and our best soil washed out to sea? If the answer to these questions is in the affirmative, then the present controversy over recent judicial decisions is a storm in a demitasse. If, on the other hand, we have reason for believing that the crisis is really not over, that the state of unemployment is a menace to health and morals, that agriculture already in distress, as tenants and share-croppers can bear witness, will take a downward turn, then we may expect a reversal of the recent judicial rulings by one or more of the well-known historic methods. Only on the theory that the country will never again have to face a crisis can we assume that a government stripped of the power to legislate in the general interest will endure. To cherish such a theory is to fly in the face of the recorded experience of this Nation and all mankind.

It would be, and may well be, one of the ironies of the ages if it should fall to the lot of the Republican Party to restore to the Government of the United States the powers recently taken away from it. Under the auspices of that party the Dred Scott decision was wiped out by an act of Congress, the Supreme Court was deprived of jurisdiction to pass upon reconstructive provisions, the Court's decision in the legal-tender cases was reversed, and the constitutional amendment undoing the income-tax decision was submitted to the country. A party that has been so broad in its constitutional views and so cavalier in its treatment of controverted judicial rulings may well continue its historic role.

W. P. A. WORK IN IDAHO

Mr. POPE. Mr. President, I ask to have printed in the RECORD several letters from prominent citizens of my State with reference to the work of the W. P. A. in several counties. This work has been so satisfactory and so outstanding that some of our prominent officials and leading citizens have written with reference to it. I ask accordingly that the letters be inserted in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BANNOCK COUNTY, IDAHO, *January 27, 1936.*

Senator JAMES P. POPE,
Washington, D. C.

MY DEAR MR. POPE: I am writing you in regards to the W. P. A. set up in our county. As a county commissioner and on the job practically all the time, I feel that I know the value of this work. We are doing, and have done work on the account of the

W. P. A. set-up that we could not have done had we not had it. We are surfacing some roads with gravel at a cost as low as 40 cents per yard; farm-to-market roads that are very important, and the people feel very grateful for this work.

Anything that you can do to continue the W. P. A. work in our county would be greatly appreciated by the people in this county. Wishing you every success, I beg to remain.

Yours very truly,

R. T. HALE,
County Commissioner.

IDAHO FALLS, IDAHO, *January 25, 1936.*

Hon. JAMES P. POPE,
Washington, D. C.

DEAR SENATOR POPE: I wish to call your attention to conditions in this territory since the W. P. A. went into effect, as regards labor and community welfare.

In Bonneville County we have, perhaps, the best group of worth-while projects it would be possible to have in any one county. This group includes a public park surpassing anything in any county of its size in the country; sanitation projects equaled only in cities double the size of ours; an armory in Idaho Falls; and an airport with the same capacity as the largest in this territory.

We are pleased to advise you that these projects, under W. P. A. supervision, have been built at a cost equal to, or under that which would have been paid had they been let to contractors; and that labor conditions have been cared for at the same time.

On four projects in Idaho Falls, the W. P. A. has spent very nearly $75,000 for labor alone, providing work for the heads of more than 300 families who, a year ago, were on some form of relief.

We are proud of these projects and wish to take this opportunity to thank you for your part in making them possible.

Very truly yours,

CLAUD R. BLACK,
City Engineer, Idaho Falls.

IDAHO FALLS, IDAHO, *January 25, 1936.*

Hon. JAMES P. POPE,
Washington, D. C.

DEAR SENATOR POPE: I wish to call your attention to conditions in this territory since the W. P. A. went into effect, as regards labor and community welfare.

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We are proud of these projects and wish to take this opportunity to thank you for your part in making them possible.

Very truly yours,

BARZILLA W. CLARK,
Mayor, City of Idaho Falls.

IDAHO FALLS, IDAHO, *January 25, 1936.*

Hon. JAMES P. POPE,
Washington, D. C.

DEAR SENATOR POPE: I wish to call your attention to conditions in this territory, since the W. P. A. went into effect, as regards labor and community welfare.

In Jefferson County we have, perhaps, the best group of worth-while projects it would be possible to have in any one county. This group includes a public park surpassing anything in any county of its size in the country, sanitation projects equaled only in cities double the size of ours, an armory in Idaho Falls, and an airport with the same capacity as the largest in this territory.

We are pleased to advise you that these projects, under W. P. A. supervision, have been built at a cost equal to, or under that which would have been paid had they been let to contractors, and that labor conditions have been cared for at the same time.

On four projects in Idaho Falls, the W. P. A. has spent very nearly $75,000 for labor alone, providing work for the heads of more than 300 families who a year ago were on some form of relief.

We are proud of these projects and wish to take this opportunity to thank you for your part in making them possible.

Very truly yours,

PARLEY RIGBY,
Postmaster, Idaho Falls.

RIGBY, IDAHO, *January 26, 1936.*

Hon. JAMES P. POPE,
Washington, D. C.

DEAR SENATOR: I wish to take this opportunity to thank the administration for useful, constructive, and timely aid furnished Jefferson County by the Works Progress Administration.

The projects now working are of a beneficial nature to the public in general, such as a city park in Rigby, which will benefit some 2,000 persons. Heretofore no recreational center has been available. This project employs around 40 men. The sanitary sewer project is a lifesaver to the city of Rigby, due to the fact that cesspools and outside toilets have been our only means of sanitation. This situation has become serious as the water supply comes from wells which could easily become polluted. One hundred and forty men are employed on this work.

From a construction standpoint, the W. P. A. is working 100 percent in this community, and I sincerely hope it will continue until the time when private industry can absorb all unemployed labor.

Very truly yours,

BASH L. BENNETT,
Mayor, City of Rigby.

RIGBY, IDAHO, *January 26, 1936.*

Hon. JAMES P. POPE,
Washington, D. C.

DEAR SENATOR: The Jefferson County commissioners at this time wish to take the opportunity of expressing their appreciation of the way in which the W. P. A. has and is operating in this county. Not only has the unemployment situation been helped but all of our projects are of a useful and constructive nature.

Under this administration we are able to produce lumber from the forest to use in the construction of bridges at a nominal cost. The bridge-building project will enable us to build some 85 bridges, ranging from 12-foot spans to 130-foot spans. Without the aid of the W. P. A. this work could not be done without a bond issue being floated, thereby raising our taxes, which are high enough due to the cost of maintaining these bridges which should be rebuilt.

Several school buildings and amusement halls are now under construction and are progressing nicely.

We feel that the W. P. A. is a constructive and worthy administration.

Very truly yours,

O. V. CABLE,
Chairman, Jefferson County Commissioners.

ADDRESSES BY I. M. ORNBURN ON LABOR PROBLEMS

Mr. WALSH. Mr. President, as chairman of the Committee on Education and Labor, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD two addresses by Mr. I. M. Ornburn, secretary-treasurer, Union Label Trades Department of American Federation of Labor, Washington, D. C. One address, delivered over the national network of the Columbia Broadcasting System from Washington, D. C., January 11, 1936, has to do with the solution of the unemployment problem through the device of the 30-hour week, offered by the American Federation of Labor. The other radio talk, given over the national network of the National Broadcasting Co., on December 16, 1935, has to do with the national campaign in the union-label trades, urging Americans to demand the union label, shop card, and button.

Mr. Ornburn, who was formerly a member of the United States Tariff Commission, and is now secretary-treasurer of the Union Label Trades Department, American Federation of Labor, Washington, D. C., is an authority on both these subjects. I feel certain that the views so ably presented by an authority on these subjects will be of public interest.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

THE UNION LABEL AND THE LABOR MOVEMENT

(Jan. 11, 1936)

We are now passing into the seventh year of an economic depression which has never had its equal in all history. While there has been a large degree of recovery in certain business lines, and stocks are generally on the upgrade, the upturn has not been reflected into permanent employment for workers. It is true that through governmental projects and other Federal activities many men and women are temporarily employed, but there are still over 11,000,000 workers who are waiting for steady work at a wage which will keep their families in comfort according to the American standard of living.

Regular employment means increased purchasing power and only through work at decent wages for all can America pull itself out of this disastrous economic situation which still confronts over 40,000,000 souls when we include the entire family with 11,000,000 jobless workers who are willing to work.

What is the solution of this gigantic problem of the man who wants a job? Are we going to continue gambling with fate for another 7 years and just trust to luck as the dice thrower who mumbles "seven come eleven", hoping that it will be only 4 more years instead of 7. No; we can't, and Americans won't wait! We must solve this unemployment problem and the only practical solution is the one which is offered by the American Federation of Labor. It is shorter hours with no reduction in pay. By reducing hours, more workers can obtain jobs. By main-

taining the prevailing weekly wage scale, and with more men at work, we shall be able to increase purchasing power. It is simple arithmetic.

If, in 1930, Senator BLACK's 30-hour-week bill had been passed by Congress and signed by the President, it would have done more to solve the problem of obtaining jobs for the 11,000,000 idle workers than all the other legislation, with its uncertainty owing to inefficient administration and the interpretation of the courts.

Senator BLACK's 30-hour-week bill is the most constructive measure that has been advanced for the solution of unemployment. It will mean a 6-hour day and a 5-day week. It is the paramount issue of the American Federation of Labor. It is hoped that everyone who is interested in a shorter work week program will write to both their United States Senators and also their Representatives and ask them to vote for the Black-Connery 30-hour-week bill. Do not delay. Write today. These Members of Congress are your Representatives in the National Capital and are at your service. They will be glad to hear from you and know what you desire in legislative reforms. Everyone should know the names of the two Senators from his State and also the name of the Representative of his congressional district. Simply address them: Honorable, followed by his name, Washington, D. C.

The only certain way in which the workers of America can meet technological progress, that is, the use of machinery and new inventions, is to join a labor union, and when they have joined in sufficient numbers, they will be able, through collective bargaining, to shorten the hours of work and maintain the American wage standard.

When hours are shortened machinery will be a blessing instead of a curse. There will be more time for education and self-development. More time for spending the increased purchasing power, which will accrue from shorter hours with the same pay. This is the path, and the only path, on which America will work its way back to better times for the average citizen. It is true that a few may prosper now, and the newspapers may display this limited prosperity of the few as if it were the end of this depression for all of us, but the fact remains that millions of small independent manufacturers, businessmen, and professional men, as well as the jobless workers, have reached the last of their savings and equities and want a general upsurge like a great tidal wave across the entire continent instead of a few ripples in Wall Street stocks.

As hours are adjusted to absorb the idle workers, we must continue to buy our own products. First, we must buy all the American-made goods that we can to keep the purchasing power at home. Then we must buy union-made goods and union services to maintain the high standards of wages, hours, and working conditions which have been established by, and only by, the American labor movement.

The American Federation of Labor, and especially those labor unions affiliated with the union label trades department, are also deeply interested in the measure before Congress known as the Walsh bill, which provides that all persons who sell to the United States Government or enter into any contractual relations with it shall conform to the conditions contained in certain specifications, the purpose of which will be to maintain fair labor standards in connection with purchases, loans, or grants where Federal funds are involved directly or indirectly. This measure seeks to confirm in law the principle that the first charge on any industry is the performance of its duty to society by paying adequate wages and maintaining decent working conditions. It will prevent the purchase by Federal officials of foreign-made and other unfair products to be used by the Government. Uncle Sam should set an example by buying American products which are made under American standards of living established by the American Federation of Labor.

The bill has passed the United States Senate and is now before the House of Representatives. In behalf of the union label trades department, I urge all members of labor unions and their friends to write to their Congressman and ask him to support the Walsh bill.

A review of the progress made by the American Federation of Labor shows that at least 1,000,000 new members were gained by the labor movement in 1935. We feel confident that an equal gain will be made in 1936. A most conservative estimate places the organized workers at 6,000,000.

Wage gains made by the unions run into hundreds of millions of dollars. A $90,000,000 wage boost was made by one union affiliated with the A. F. of L. The railway labor unions succeeded in the restoration of a 10-percent wage deduction, adding $170,000,000 to their pay envelopes, and at the same time prevented a 15-percent cut in wages, which would have meant a loss to the railway workers of $217,000,000. Numerous other examples could be given wherein labor unions have either prevented wage reductions or gained increases.

Hours of labor have been reduced by 73 out of 109 national and international unions. There are now over 2,000,000 union workers on a 40-hour week, half a million on a 36-hour week, and over 13,000 have already won a 30-hour week.

These facts are actual proof of the benefits of labor unions to their members. The results give the union worker greater purchasing power and more leisure time to spend their earnings for self-education and advancement. Higher wages and shorter hours are the only remedies which have been advanced to cure depressions. They have been gained through the economic power of organized labor through collective bargaining. They can be maintained by the American workers through the collective buying of products and services that bear the union label, shop card, and working button.

Since the National Recovery Act and the Agricultural Adjustment Act have both been declared unconstitutional by the United States Supreme Court, the road to legislative reforms seems to be temporarily blocked. But workers and farmers can obtain substantial advancement through organization in the economic field. Great possibilities may be found in the reciprocal agreement which the Union Label Trades Department recently negotiated with the National Farmers' Union. These two organizations have agreed to buy each other's products. Time will not permit my giving in detail the provisions of this agreement, but if anyone is interested, he can obtain the facts by writing to the union label trades department. The first requirement in this plan is that city workers join a labor union affiliated with the American Federation of Labor, and that farmers join a farmers' union.

If you are a city worker and desire to better your own conditions and those of your fellow workers, you should become acquainted with the facts concerning the American Federation of Labor.

If you are a woman member of a worker's family, you can also become informed about labor unionism, and you can greatly help the cause of organized labor by buying only from firms that display the union label, shop card, and button.

If you desire to buy only American-made goods, made under American standards, always ask for union-labeled products.

If you want to obtain immediate results in securing greater purchasing power, try collective bargaining through a labor union and collective buying under the union label.

The labor movement is the only organized effort to place more money in a worker's pocketbook and that problem surely concerns most of us. Results are what count, and they cannot be obtained by acting alone. The big business interests may preach "rugged individualism" for the rest of us, but when it comes to action they join their own organizations, and through them they have obtained at least 80 percent of the Nation's wealth.

In the clamor of the approaching Presidential campaign when so much attention is focused on the National Capital, on account of the Federal Government's activities to regain prosperity, the fact is overlooked that private enterprises, including all industries, construction, and consumption, spent 90 percent of the total amount of money expended in this country during 1935. More stress should be placed on these private enterprises and a method through which the workers can obtain their equitable share of the wealth produced. The only method as yet devised, which has been successful, is the labor union. During these trying times many have been compelled to depend upon the Government, and I am making no criticism of the efforts of any administration to help the idle workers, but for a permanent remedy we must obtain greater purchasing power through higher wages. It will require collective action to obtain better wages, and that is why the labor union forms the most effective weapon. Then to maintain the higher standards of living, we must buy union-made goods and union services.

Not only has the American Federation of Labor been the single force in this Nation that has fought for and gained shorter hours and higher wages for all workingmen, but it has been the pioneer in education, social legislation, workmen's compensation and other laws which are not confined in their benefits to organized workers alone. Factory inspection laws have saved the lives of thousands of workers to such an extent that in the past 50 years, together with the advance of science, they have doubled the length of the average life.

No better summary of the benefits of labor unions can be made than the one expressed by the late Samuel Gompers, when he said:

"The trade-union movement fosters education and uproots ignorance, shortens hours and lengthens life, raises wages and lowers usery, increases independence and decreases dependence, develops manhood and balks tyranny, discourages selfishness and establishes fraternity, induces liberality and reduces prejudice, creates rights and abolishes wrongs, lightens toil and brightens men, makes the workers' shop safer and brighter, cheers the home and fireside, and makes the world better."

UNION LABEL LEAGUES

(Dec. 16, 1935)

The buying public has responded in a most loyal manner to our national campaign urging Americans to demand the union label, shop card, and button. Never since the establishment of the union label trades department in 1909 has there been such a growth of sentiment for union-made goods and union services. The union label is going to town and, I might add, it is going to the country also.

Allow me to express the deep gratitude of our department of the American Federation of Labor for this loyal support of all the patriotic citizens, who proved by their unparalleled action of even asking for union-made goods that they believe in the American standard of living. Let me also thank the thousands of volunteer workers for their militant campaign for union labels, shop cards, and buttons. The splendid results are evidence of their cooperation, and we are confident that these results will register in the pay envelops of every citizen who works for a living.

For those who are not familiar with what I mean by union labels, shop cards, and buttons, I shall give brief definitions of each.

The union label is a symbol which is displayed by means of a cloth or paper label, stamp, or other imprint upon products to indicate that they are made in unionized shops, factories, and other industrial establishments.

A shop card is a printed sign which is displayed in the window or on the wall of all shops and business places whose employees are unionized.

Working buttons are similar to the insignia of lodges or fraternal orders and are worn in the same manner. The working button gives assurance that the services are rendered by a member of a trade-union.

Others may ask, "In what lines of business are union labels, shop cards, and buttons displayed?"

The answer is, "In most every line."

Take, for example, a meal or a drink. The consumer should look for the union house card or the union bar card. The waiters and waitresses in every union establishment wear the working button. The bottle or barrel from which your refreshing drink is served is often union made and it was probably delivered by a member of a labor union. Even the horses are shod by union horseshoers. Again, if you want a cigar or a package of cigarettes, union brands bear the union label. The same is true of pipe and chewing tobacco as well as stogies.

If you wish to purchase food, inquire if the bread, crackers, or other confectioneries are made by union bakers. You should also look for the union market shop card when you buy meat. The retail clerks in all mercantile establishments can join a union. In this case the retail clerk's shop card is displayed.

There are union labels for every article of wearing apparel for men and women.

All engineers in buildings and on construction work have insignia. When having any building construction or repair work done, one should always look for the working button on all mechanics.

When wiring your Christmas greetings look for a button on the telegraphers.

When it comes to amusements, do you know that the moving-picture-machine operators and theatrical-stage employees are members of unions? Do you know that music is furnished by union musicians and before you go out for the evening, do you know that you can obtain a first-class shave or haircut in a union barber shop?

All the print crafts have union labels and these labels are often combined under one label of the allied printing trades.

The shops in which every kind of machinery is made and mechanical work performed, employ members of the metals trades unions. There are union machinists, molders, sheet-metal workers, iron, steel, and tin workers, and various other metal workers.

Any industry can obtain the right to display union labels. The greater the demand for union-made goods and union services, the sooner will all firms become unionized.

Anyone can obtain a directory showing facsimiles of all the union labels, shop cards, and buttons by addressing a letter to Union Label, American Federation of Labor, Washington, D. C.

The best way to promote union-labeled products is to organize a local union-label league. Hundreds of them have been formed in cities throughout the land. There is an initial fee of $1 to cover the cost of a charter. No additional charges such as dues or assessments are imposed by the Union Label Trades Department.

All that is necessary is to have an application for a charter approved by three local unions of the affiliated trades of the union label trades department. It must also be accompanied by an endorsement of the Central Labor Union, if there be one in the immediate vicinity.

For bylaws and full particulars, simply write to the Union Label, American Federation of Labor, Washington, D. C.

The women can also join a union label league. With a spending power of over $6,000,000,000 of union-earned money, they can "break into the big league" and become definite and vital factors in protecting the pay of all wage earners.

Stocks may boom and prices may soar, but it does not place any more buying power in the pocketbook of the average citizen unless he joins a labor union and trades with firms which display the union label.

In this way women can obtain better working conditions and wages for themselves and abolish child labor. Let's place our children in school and prevent their competing with heads of families for jobs. There is no child labor in unionized industries or other business places.

The Union Label League furnishes a constructive program for all citizens. It is thoroughly American because it starts with the buying of only American-made goods.

It is also American because union label buying establishes the American standard of living; by promoting union-made products which are made by American labor.

Some people purchase foreign goods because they are cheaper. They are cheap, but they are no bargain because they do not receive any more for their money. By buying foreign-made goods, our citizens only chisel on themselves and reduce their purchasing power. In fact, they cheat themselves and their own breadwinners. The best yardstick with which to measure American goods is the union label.

If the merchants who sell cheap oriental and Chinese merchandise placed behind their counters, as clerks, the workers of the unclean factories who produce these foreign-made products, American women would not buy from them. If their shops were as filthy and unsanitary as the sweatshops in which the goods are manufactured, Americans would not enter them.

Within our own United States we have unfair and unsanitary conditions in sweatshops. Since the N. R. A. was declared unconstitutional, child labor is increasing again. When the buying public patronizes firms which fail to display the shop card or button and do not sell union-labeled goods, Americans are encouraging the exploiters of children and women who work for scanty wages.

By purchasing unfair products of chiselers and foreigners, our own citizens are increasing unemployment at home and reducing the size of the pay envelope of everyone who receives a salary. They are likewise reducing mass-purchasing power, which is generally agreed to be the only means of obtaining permanent economic recovery. The union label is the best guarantee that goods are made in America and under fair labor conditions.

Here in the Nation's Capital last week at an industrial conference we witnessed the refusal of certain large industrialists to cooperate with the United States Government. These big business interests walked out of the meeting because, as they put it, they wanted to be free. Free for what? Free to exploit women and children? Free to cut wages and lengthen hours? These are the real reasons. While these large corporate interests refused to help solve our baffling economic problem, the American Federation of Labor has cooperated in the highest degree. With the aid of smaller independent business leaders, definite results may still be attained.

The chiselers want to continue the cutthroat competition which caused the panic of 1929. If these large industries were unionized and displayed the union label on their products, business conditions would be better for them as well as for the average citizen and permanent prosperity would return to America.

THE GOVERNMENT DEBT—EDITORIAL FROM DURANT (MISS.) NEWS

Mr. BILBO. Mr. President, I ask permission to insert in the RECORD an editorial from the Durant News entitled "Thirty Billion Dollars."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Durant (Miss.) News of Thursday, Jan. 2, 1936]

THIRTY BILLION DOLLARS

Your Uncle Sam owes $30,000,000,000, says the Commercial Appeal in a long-winded and tedious editorial last Sunday. Granted. Granted that this is a lot of money. Granted that Government money should be carefully spent.

But the fact that we owe this amount, the fact that the Government is spending a lot of money, has become the wail of the plutocrats and the representatives of massed wealth, who know nothing of want, hunger, and human economic misery.

Let's keep the record straight: Much of the thirty billion we owe has been spent to pay for wars, for battleships, guns, and the instruments of butchery. The plutocrats are not crying out against this expenditure. Some of it has been spent, and is being spent, to relieve the hungry, to provide jobs for the unfortunate. This expenditure just burns up the big taxpayers, who have amassed vast fortunes.

We loaned foreign countries a lot of money during the last war. They have refused to repay us; they prefer to spend it preparing to shoot the next generation to pieces in the next war. We came out of the war owing about $30,000,000,000, the same amount we owe now.

This gruesome specter, the depression, was as bad as any war. I for one had rather our hungry, honest, but unfortunate citizens get some of it than to give it to a lot of Europeans to spend on future wars. Just after the last war Vice President Dawes was before a congressional committee. He was asked if it were not a fact that some money had been carelessly spent. His reply was a bit salty: "Hell, men, we've been in a war." So we may say to the Commercial Appeal, Maybe we do owe $30,000,000,000, but "H——, man, we've been in a depression." And there are a hundred men in America who could pay in taxes all that has been spent for relief and they could still stay off the relief roll.

Personally we would like to see some of the plutocrats and representatives of wealth who are trying to crucify Roosevelt have to get out and try to dig up something to eat, without money, a job, etc., for just a little while. They would probably be a bit more sympathetic.

AGRICULTURAL RELIEF

The Senate resumed the consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

Mr. SMITH. Mr. President, what I am about to suggest is somewhat irregular.

The Committee on Agriculture and Forestry had under consideration the House text of the agricultural relief bill; and working on that they have authorized me, as chairman of the committee, to offer an amendment in the nature of a substitute for the pending bill. As the bill is the unfinished business, I take it that the Senate, of course, will waive any reference back to the committee.

In order to expedite business, I have had the amendment placed on the desks of Senators. I also have an explanation of the differences between the amendment and the pending measure. I should like to have the clerk read the explanation, as it was carefully prepared in response to and in keeping with the decision of the Committee on Agri-

culture and Forestry, which yesterday unanimously agreed to report the amendment. I mean, the action was unanimous on the part of those who were present; and a great majority of the membership of the committee was present. I do not think more than two or three members were absent.

I ask that the clerk may read this explanation in lieu of a report, so that the Senate may be thoroughly advised as to the differences between the amendment and the pending bill.

Mr. McNARY. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. SMITH. I do.

Mr. McNARY. I have no objection, of course, to the clerk reading the explanation.

This is the fourth edition of a bill designed to take the place of the destroyed Agricultural Adjustment Act. As I recall, the first and most simple edition was withdrawn. Later the Senator from Alabama [Mr. BANKHEAD] proposed one which the Agricultural Committee, by a vote of 15 to 2, reported favorably, at which time he filed a report of about 18 pages attempting to describe the general objectives of that bill.

Yesterday the committee took up a bill denominated a confidential committee print. On account of a slight indisposition I was unable to attend the meeting of the committee. I secured a copy of the confidential print this morning, and I find that there are some changes, particularly as to the extension of the policy of cooperation between the Federal Government and the 48 States. With that I have no particular quarrel. However, the confidential print follows the line of the Bankhead bill, inasmuch as it postpones the operation of a larger and more permanent plan until 1938 or until the States may adapt themselves to the new formula.

Mr. SMITH. Mr. President, at that point I desire to say, if the Senator from Oregon will allow me, that the amendment does not postpone the operation of the plan as to individual States which in the interim will subscribe to the conditions set forth in it.

Mr. McNARY. That is technically true, but in practice it is not true. Anyone familiar with the sluggishness and slowness of State machinery knows that the States cannot adopt appropriate legislation or get in shape to handle this year's crops; hence, the Secretary of Agriculture must provide grants for the farmers with Federal funds for this year's crops.

The philosophy of the whole proposal is not offensive to the Senator from Oregon. I wish to conform as much as possible to the decision and opinion of the Supreme Court of the United States. I do believe that when we reach the point of cooperation, which is not practical before 1938, it may work out in a practicable and beneficial way; and if the Senator from South Carolina will say to me that he will withdraw all the provisions relating to present payments in violation of the decision of the Supreme Court, I shall content myself by withdrawing my opposition.

That, however, is not the primary purpose of the measure. Let me proceed for just a moment. I have not had the advantage of reading the confidential committee print until this morning. I have tried, in the little time I have had, to compare the provisions of the so-called confidential committee print and the provisions of the bill reported by the Senator from Alabama [Mr. BANKHEAD]. I find considerable difference, not in the present philosophy but in the future objectives of the two measures.

To my surprise, however, a moment ago another measure, which is the fourth edition, is placed on the desk, and called an amendment. I do not know whether or not it is the same thing I have been reading this morning. I do not know whether or not the report of the Senator from Alabama applies to the provisions and the purposes of this amendment. Consequently, I am laboring under a handicap which must be generally shared by everyone here. We are unable to know what we are to consider or what we are talking about. The chairman of the committee may know; but I desire an understanding that before we proceed today to anything like a final consideration of this measure we shall have it explained, and have every edition of it explained, and why these evolutions are taking place, and the reasons therefor, and whether or not this is the last proposal that is to be made. Each day I have had presented to me a new proposal, an enlargement, a supplement of something that has been presented the day before; and I desire to have an understanding that if the clerk reads this amendment we shall not go farther today than an explanation by the Senator from South Carolina, and such desultory remarks as may be made by other Senators.

Mr. SMITH. Mr. President, the Senator from Oregon misunderstood the request made by the Senator from South Carolina. I have had a copy of the amendment put on the desk of each Senator, and I said that those who had participated in presenting this amendment had had the proper parties draw up a full explanation of the purpose of the amendment, and the changes which constitute the differences between this measure and those that have gone before. Since this bill is the unfinished business, I thought if the clerk would read the explanation I have offered in lieu of a report, as it covers the entire bill, Senators would be advised as to the differences between this measure and the others.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. SMITH. Yes.

Mr. BORAH. I have no objection, of course, to the clerk reading the explanation sent to the desk by the Senator from South Carolina; but how far does the Senator propose to proceed today with the consideration of the bill?

Mr. SMITH. As this measure is the unfinished business, I had hoped that, perhaps, we could continue the debate on the bill, or keep it before the Senate to its final conclusion.

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. SMITH. I yield.

Mr. ROBINSON. In answer to the question of the Senator from Idaho and also in answer to the statement of the Senator from Oregon, I may say that I do not expect the amendment which has been reported by the Senator from South Carolina to reach a final disposition today. I do feel, however, that the Senator from South Carolina should proceed with his explanation, and that other Senators who are familiar with the amendment, and who desire to do so, should continue the discussion.

For my part, with no disposition to interfere with the policy of the Senator from South Carolina, in charge of the bill, it does not seem to me practicable to attempt to reach a conclusion on the bill today. All I desire is that we may proceed with a discussion of the bill as far as it is practicable to do so. We have delayed action from time to time. I regret that the able Senator from Alabama [Mr. BANKHEAD], who has taken a very great interest in the subject matter of the proposed legislation, and whose bill is now before the Senate, is unable to be present today; but my information is that he will not be in a condition to come to the Senate for several days. For that reason it seems necessary to proceed. We can later determine what action shall be taken on the bill today.

Mr. SMITH. Mr. President, I think it is due the members of the committee that I should say that practically every member present at the meetings participated in the action of the committee. Since I have been chairman of the committee I have never known of an occasion where the framing of the terms of a bill was participated in by as many members of the committee as was true in this case. I think the Senator from Arkansas is right when he suggests that after the explanation I have sent to the desk shall have been read I should take occasion to give my understanding of the bill. Then I think it would be pertinent for those members of the committee who have dealt with certain particular features of the measure also to give the Senate the benefit of their views.

Mr. RUSSELL. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. Senate bill 3780 was originally reported by the committee with an amendment striking out all after the enacting clause and inserting certain language, the amendment being in the nature of a substitute. Is the substitute, as twice reported by the committee, still pending before the Senate?

Mr. SMITH. I have today, on behalf of the committee, offered a substitute for the substitute originally reported.

The VICE PRESIDENT. The Chair is advised by the Parliamentarian that the parliamentary situation is as follows: The committee originally reported a bill, Senate bill 3780, with an amendment in the nature of a substitute. The Senator from South Carolina has now offered an amendment, in the nature of a substitute, for that amendment.

Mr. RUSSELL. The point I desire to make is that if that be the parliamentary status, the substitute for the substitute would not be open to amendment, any amendment thereto being an amendment in the third degree.

The VICE PRESIDENT. It would be in order under rule XVIII.

Mr. RUSSELL. The second substitute would be open to amendment?

The VICE PRESIDENT. The Chair is so advised by the Parliamentarian.

Mr. RUSSELL. That is the matter I desired to have cleared up before we proceeded.

The VICE PRESIDENT. Does the committee desire to withdraw its original substitute and offer the one the committee last authorized to be reported? If so, the parliamentary situation may be simplified.

Mr. SMITH. Yes; that is what we desire, and I now offer the amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 4, it is proposed to strike out all after line 6 down to and including line 2 on page 8 and insert the following:

That the act entitled "An act to provide for the protection of land resources against soil erosion, and for other purposes", approved April 27, 1935, is amended by inserting at the end thereof the following:

"SEC. 7. (a) It is hereby declared to be the policy of this act also to secure, and the purposes of this act shall also include, (1) preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; (3) diminution of exploitation and wasteful and unscientific use of national soil resources; (4) reestablishment and maintenance of farmers' purchasing power, at prices for agricultural commodities fair to both producers and consumers; and (5) in carrying out the purposes of this act due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand.

"(b) The Secretary of Agriculture shall cooperate with States, in the execution of State plans to effectuate one or more of the purposes of this section, by making grants under this section to enable them to carry out such plans.

"(c) Any State which submits to the Secretary, prior to such time and in such manner and form as the Secretary prescribes, a State plan to effectuate one or more of the purposes of this section shall be entitled to payments, as provided in this section, for the year to which such plan is applicable, if such plan is approved by the Secretary as provided in this section.

"(d) No such plan shall be approved unless by its terms:

"(1) It provides that the agency to administer the plan shall be such agency as is authorized by the State and approved by the Secretary;

"(2) It provides for such methods of administration, and such participation in the administration of the plan by county and community committees or associations of agricultural producers organized for such purpose, as the Secretary finds necessary for the effective administration of the plan; and

"(3) It provides for the submission to the Secretary of such reports as he finds necessary to ascertain whether the plan is being carried out according to its terms, and for compliance with such requirements as the Secretary may prescribe to assure the correctness of and make possible the verification of such reports.

"(e) Such plan shall be approved if the Secretary finds that there is a reasonable prospect that—

"(1) Substantial accomplishment in effectuating one or more of the purposes of this section will be brought about through the operation of such plan and the plans submitted by other States, and

"(2) The operation of such plan will result in as substantial a furtherance of such accomplishment as may reasonably be achieved through the action of such State.

"(f) Upon approval of any State plan for any year the Secretary shall allocate to such State such sum (not in excess of the maximum amount fixed in pursuance of subsection (g) for such State for such year) as he finds necessary to carry out such plan for such year, and thereupon shall certify to the Secretary of the Treasury for payment to such agency of the State as the Secretary of Agriculture certifies is designated in the plan, and the Secretary of the Treasury shall pay to such agency, one-fourth of the amount so allocated. The remainder of the amount so allocated shall be similarly certified and paid in such installments (payable prior to the end of the calendar year) as may be provided in the plan. No such installment shall be certified for payment if the Secretary of Agriculture finds that, prior to the due date of such installment, there has been a substantial failure by the State to carry out the plan according to its terms, or that the further operation of the plan according to its terms will not tend to effectuate one or more of the purposes of this section. No amount shall be certified for payment under any such installment in excess of the amount the Secretary finds necessary for the effective carrying out of the plan during the period to which the installment relates.

"(g) On or before November 1 of each year, the Secretary shall apportion among the several States the funds which will be available for carrying out State plans during the next calendar year, and in determining the amount to be apportioned to each State, the Secretary shall take into consideration the acreage and value of the major soil depleting and major export crops produced in the respective States during a representative period.

"SEC. 8. (a) In order to carry out the purposes specified in section 7 (a) during the period necessary to afford a reasonable opportunity for legislative action by a sufficient number of States to assure the effectuation of such purposes by State action and in order to promote the more effective accomplishment of such purposes by State action thereafter, the Secretary shall exercise the powers conferred in this section during the period prior to January 1, 1938, except with respect to farming operations commenced in any State after the effective date of a State plan for such State approved pursuant to section 7. No such powers shall be exercised after December 31, 1937, except with respect to payments or grants in connection with farming operations carried out prior to January 1, 1938, and administrative expenses in connection with such payments or grants.

"(b) Subject to the limitations provided in subsection (a) of this section, the Secretary shall have power to carry out the purposes specified in section 7 (a) by making payments or grants of other aid to agricultural producers in amounts, determined by the Secretary to be fair and reasonable in connection with the effectuation of such purposes during the year with respect to which such payments or grants are made, and measured by, (1) the acreage of crop land, or (2) the acreage of soil-improving or erosion-preventing crops, or (3) changes in farming practices, during such year on the land with respect to which such payment is made, or by (4) a percentage of the normal production on such land of any one or more agricultural commodities designated by the Secretary which equals that percentage of the normal national production of such commodity or commodities required for domestic consumption through normal channels, or by any combination of the above. In determining the amount of any payment or grant based upon (1), (2), or (3) the Secretary shall take into consideration the productivity of the land affected by the farming practices adopted during the year with respect to which such payment is made. In carrying out the provisions of this section, the Secretary is authorized to utilize the agricultural extension service, county and community committees of agricultural producers organized for such purpose, or such other approved agencies as he determines will promote the effective administration of this section. In carrying out the provisions of this section, the Secretary shall not have the power to enter into any contract binding upon any producer or to acquire any land or any right or interest therein.

"(c) Any payment or grant of aid made under subsection (b) shall be conditioned upon the utilization of the land, with respect to which such payment is made in conformity with farming practices which the Secretary finds tend to effectuate the purposes specified in clause (1), (2), or (3) of section 7 (a).

"SEC. 9. The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting, and methods of accomplishing most effectively, the policy and purposes of section 7 (a). Notwithstanding any provision of existing law, the Secretary is authorized to make public such information as he deems necessary to carry out the provisions of this act.

"SEC. 10. The term 'agricultural commodity' as used in this act means any such commodity and any regional or market classification, type, or grade thereof.

"SEC. 11. The Secretary shall prescribe such rules and regulations as he deems necessary to carry out this act.

"SEC. 12. Whenever the Secretary finds that the exercise of the powers conferred in this section will tend to carry out the purpose specified in clause (4) of section 7 (a), he shall use such part as he deems necessary of the sums appropriated to carry out this act for the expansion of domestic and foreign markets or for seeking new or additional markets for agricultural commodities or the products thereof or for the removal or disposition of surpluses of such commodities or the products thereof.

"SEC. 13. Notwithstanding the foregoing provisions of this act, the Secretary is authorized and directed to provide for the execution by the Agricultural Adjustment Administration of such powers conferred upon him under this act as he deems may be appropriately exercised by such Administration, and for such purposes the provisions of law applicable to the appointment and

compensation of persons employed by the Agricultural Adjustment Administration shall apply.

"SEC. 14. Notwithstanding any other provision of law, the action of any officer or employee in determining the amount of or in making any grant or payment under section 7 or 8 shall not be subject to review by any officer of the Government other than the Secretary of Agriculture."

SEC. 2. Section 32 of the act to amend the Agricultural Adjustment Act, as amended, approved August 24, 1935, is amended by striking out that part of the last sentence thereof which precedes the second proviso and inserting in lieu thereof: "The sums appropriated under this section shall be expended for such one or more of the above-specified purposes, and at such times, in such manner, and in such amounts as the Secretary of Agriculture finds will best effectuate the purposes of this section."

SEC. 3. The unexpended balance of the funds appropriated by the second paragraph of Public Resolution No. 27, Seventy-third Congress, approved May 25, 1934, to carry out section 6 of the act entitled "An act to amend the Agricultural Adjustment Act so as to include cattle and other products as basic agricultural commodities and for other purposes", approved April 7, 1934, and the unexpended balance of the funds appropriated by section 37 of Public Act No. 320, Seventy-fourth Congress, entitled "An act to amend the Agricultural Adjustment Act, and for other purposes", is authorized to be made available for the purposes enumerated in said acts until June 30, 1937. The authorization contained in section 37 of Public Act No. 320, Seventy-fourth Congress, is likewise authorized to be made available until June 30, 1937.

SEC. 4. Section 22 of the Agricultural Adjustment Act, as amended, is amended by inserting after the words "this title" wherever they appear the following: "or the Soil Conservation Act, as amended."

SEC. 5. (a) This act shall apply to the United States, the Territories of Alaska and Hawaii, and the possession of Puerto Rico, and as used in this act, the term "State" includes Alaska, Hawaii, and Puerto Rico.

(b) This act may be cited as the Soil Conservation Act.

The VICE PRESIDENT. The clerk will read the explanation sent to the desk by the Senator from South Carolina.

The Chief Clerk read as follows:

This bill provides for two types of administration. The first type is that which provides that the Secretary of Agriculture shall cooperate with the States in the execution of State plans designed to effectuate one or more of the purposes set forth in section 7 (a) of the bill. The other type of administration is the exercise of powers by the Secretary set forth in section 8 in administering Federal programs during the temporary period necessary to afford opportunity for legislative action by a sufficient number of the States to assure the effectuation of the purposes of the bill.

The first step that would be necessary in administering programs through cooperation with the States would be the enactment of appropriate State legislation which would form the basis of developing State plans approvable by the Secretary of Agriculture. The bill sets forth in section 7 (d) and (e) a number of conditions that would be required of any State plan if it was to be approved by the Secretary.

The most important of these conditions are, first, that the agency to administer the plan must be one that is lawfully authorized by the State and approved by the Secretary; second, that the methods of administration and participation by county and community committees or associations of producers organized for such purpose, must meet standards which the Secretary finds necessary for the effective administration of the plan; third, that the Secretary may require such reports from the States as he deems necessary to determine whether the plan is being carried out according to its terms, and he may take such steps as are necessary to give assurance of the correctness of such reports; fourth, that the plan offers reasonable prospect along with plans submitted by other States of effectuating the purposes of the act and that it will accomplish these objectives as well as could be reasonably expected from any action on the part of the State. These conditions insure proper coordination between the authorized State agencies and the Federal Government and also specify that producers are to be given an active part in the administration of the plan. Experiences during the past few years have demonstrated very clearly that if an agricultural program is to be successful it must be administered largely by farmers themselves.

In order to expedite the enactment of State legislation and formulation of State plans, the Secretary could issue a statement soon after this proposed bill becomes law, setting forth in more detail the requirements of any State plan in order to receive his approval. No doubt it would be necessary to require a considerable degree of uniformity in programs as between the various States and regions in order that the programs of some States would not tend to conflict with the operation of other State plans.

It would be possible under this bill for the States to adopt programs that the Federal Government is prohibited from carrying on as a result of the Supreme Court decision on January 6. The States could enter into contracts with individual producers. One of the primary objectives of any State program would be the preservation and improvement of soil resources, hence, programs under this statute would go even further than did the agricultural-adjustment programs in conserving and improving the fertility of our soil, which is so vital for the protection of the food supply of future generations.

Another important objective of State plans would be the reestablishment and maintenance of the purchasing power of farmers which has proved to be so essential to our national prosperity and security. Such State plans might well be similar to those which were undertaken so successfully by the Federal Government under the invalidated portions of the Agricultural Adjustment Act. Any plan adopted by States must not be inconsistent with the maintenance of an adequate supply of agricultural commodities at prices fair to the consumers thereof. This bill, therefore, safeguards the interests of the consumers in the near future as well as in the more distant future.

On or before November 1 of each year the Secretary of Agriculture would apportion among the several States the funds which would be available for carrying out the State plans during the next calendar year. In apportioning these funds to the various States, the bill provides that the Secretary shall take into consideration the acreage and value of the major soil depleting and major export crops produced in the respective States during some representative period. This would provide a simple and equitable basis for apportioning the funds to carry out the purposes of this act. By using the acreage and value of major soil depleting crops as a basis of apportionment, it would tend to distribute the funds in accordance with the need for preserving and improving the soil fertility, for promoting the economic use of land, and for diminishing the exploitation and unprofitable use of soil resources. By using the acreage and value of major export crops as a criterion, to that extent the funds would be apportioned in accordance with the degree of loss in prices and income as well as fertility which has resulted from the loss of our export markets.

Upon approval of a State plan, the Secretary of the Treasury would pay to the State agency designated to administer the plan, one-fourth of the amount of money allocated to the State. The remainder of the amount allocated to the State would be paid to that State in such installments as may be set forth in the State plan. However, no such installments would be certified for payment if the Secretary of Agriculture found that prior to the due date of such installment the State had failed to carry out the plan according to its terms. Furthermore, the total payment in the State would not exceed the amount which the Secretary of Agriculture finds necessary to carry out the program during the specified period.

One or two years would be required for the States to enact the legislation that would enable them to submit and administer State plans. Without any kind of program during this interim farmers would be forced to go back to the practice of depleting their soil by overcropping their land in an effort to obtain sufficient income to meet their fixed expenses such as taxes and interest on their mortgages. Therefore, if we are to hold the gains that have been made under the Agricultural Adjustment Act by diverting millions of acres from the production of cultivated crops to the production of soil-improving crops, it will be necessary to provide farmers with such aid as will permit them to continue these soil-conserving practices during this temporary period. Section 8 of the bill would make such a program possible.

It would give the Secretary of Agriculture the authority to make conditional payments or grants to individual farmers who have by voluntary performance shifted land from intensive crops to uses that conserve and build up the soil. The Secretary would announce in advance the conditions upon which such payments or grants would be made.

It is believed that by January 1, 1938, it will be possible for the States to put State plans into effect. For this reason section 8 provides that the Secretary could not exercise these powers to make conditional grants to individual farmers with respect to farming operations commencing after December 31, 1937. Furthermore, if one or more State plans are put into effect prior to that date, no conditional grants could be made to producers within such States with respect to farming operations commencing after the effective date of such plans. During the temporary period the Secretary of Agriculture could make conditional payments on the basis of any one or any combination of the following: (1) The acreage of cropland, (2) the acreage of soil-improving or erosion-preventing crops, (3) changes in farming practices on such land, (4) percentage of the normal production of such land of any one or more agricultural commodities designated by the Secretary which equals that percentage of the normal national production of such commodity or commodities required for domestic consumption.

The Secretary would determine the amounts of payment that would be fair and reasonable for effectuating the purposes with respect to which such grants are made. If the payment is to be made on the basis of acreage of cropland or the acreage of soil-improving or erosion-preventing crops, the Secretary must take into consideration the productivity of the land in determining the amounts of payment.

In administering the programs during the temporary period the proposed bill specifically prohibits the Secretary from entering into contracts binding upon producers or acquiring any land or right or interest therein. This provision was placed in the bill in order that it might fully conform with the opinion of the Supreme Court, as set forth in its decision of January 6.

Section 13 of the bill authorizes and directs the Secretary to utilize the Agricultural Adjustment Administration in exercising such powers conferred upon him by this act as he deems may be

appropriately undertaken by that Administration. The Agricultural Adjustment Administration and the State boards and county associations organized by it can be easily and quickly adapted to the administrative needs of the temporary program. By using the personnel in the counties and States which has had experience in administering programs under the Agricultural Adjustment Administration it would be possible to very quickly put into effect and administer a soil-conservation program during the next 1 or 2 years.

The provisions for temporary programs set forth in section 8 clearly limit the actions that can be undertaken by the Secretary of Agriculture to those that promote conservation and improvement of soil fertility or economic use of the land. He could make grants only to those producers who have made such utilization of their land as will preserve and improve soil fertility, provide for the economic use of the land, or prevent the exploitation thereof. It obviously would be necessary for the Secretary to provide standards by which to measure such utilization. For example, one standard might be the increase above a specified base acreage that individual producers devoted to the production of such soil-building crops as grasses or legumes. Another might be the acreage diverted from the production of specified crops which deplete the soil to the production of crops which conserve or improve soil fertility.

It would also be necessary, as indicated earlier, for the Secretary to specify standards which would form the basis of measuring the amounts of payments to be made. He might make a specified payment per acre of soil-building crops on the individual farm, such payment depending upon the productivity of the land, or it might be provided that the payment will be based upon the increase in acreage of soil-building crops or the acreage diverted from soil-depleting crops to soil-building crops.

The Secretary would announce in advance the terms and conditions upon which grants would be made. The producer could be advised through the State boards and county associations what these terms and conditions would mean in terms of farming practices on his own farm. It would not be necessary nor permissible for a producer to execute any application, agreement, or contract binding him to carry out the conditions for a grant on his farm. The producer would merely make application for a grant after the planting season was ended, if he chose to do so. A representative of his county association could then inspect his farm to determine whether conditions for the grant had been complied with. If this was found to be the case, then the county association would make proper certification to the Secretary of Agriculture, recommending that the payment be made. If it was found that the producer had failed to meet the standards of performance necessary for obtaining the grant, the application obviously would not be accepted.

Simplicity of operation would be one of the most attractive features of such an administrative procedure. It would also have the advantage of involving a complete freedom of action on the part of the individual producer, but at the same time providing the necessary aid to those who have undertaken to maintain and improve the productivity of their land. This type of program and method of administration would also have the advantage of making it possible to have only one program per farm—a soil-conservation program—which would greatly simplify State and county administration and encourage producer participation. Farmers would have an opportunity during this temporary period to enter into a Nation-wide cooperative enterprise which would give them the much-needed relief from some of the crushing economic forces with which they are burdened and at the same time protect their investments in soil fertility.

Opportunity also would be afforded during this temporary period for building of sound foundations for the permanent State programs which are to follow.

Mr. SMITH. Mr. President, I do not propose to take up much of the time of the Senate in making further explanation of the bill. I think Senators who heard the reading of the report have gotten the main ideas which are incorporated in the bill.

First, it is a measure dealing with soil erosion and soil conservation; measures dealing with both subjects are already on the statute books. The bill is then fashioned to provide for the cooperation of the States in ultimately carrying out the conditions formulated by the Federal Government. Of course, after the States shall have acted, they may, under their reserved powers, go to any extent the jurisdiction of the State permits. However, the Federal Government, in cooperating with the States—I am now speaking of the ultimate object—will lay down certain conditions approximately such as have been laid down in the good-roads law and in farm extension work.

I do not think any Senator will question the legality or the constitutionality of that ultimate object. It is to coordinate the Federal power with the State power in order to accomplish the greatest possible good for agriculture. That means that when the Federal Government lays down certain conditions and the State meets them certain grants to carry out and effectuate that plan will be made by the Federal Government, the object being to preserve and conserve the productivity of the soil, to prevent erosion, and to prevent the depletion of fertility. That is the basic principle of the bill.

If certain benefits, which are indicated in the bill, should accrue incidentally, the result would be analogous to that in the case of the erection of a dam on a navigable stream for the improvement of navigation, where, incidentally, power is produced, and the question arises whether or not the Federal Government has the right to utilize that power for the benefit of the people.

Coming to the interim, the committee went over carefully the decision of the Supreme Court to find out how far the bill might go to stabilize conditions between the time of acceptance by the States and the immediate present. The committee, therefore, have recommended as to this soil erosion and soil-conservation project that there be utilized in the States those agencies that are now operating under present laws.

This is an extension of the Soil Erosion Act. It starts out by adding section 7 (a) to that act. It is proposed to utilize the agencies now at work to see whether or not the farmers of the country conform to the necessity of preserving their soil and preventing erosion.

Mr. HASTINGS. Mr. President——

The PRESIDING OFFICER (Mr. BURKE in the chair). Does the Senator from South Carolina yield to the Senator from Delaware?

Mr. SMITH. I yield.

Mr. HASTINGS. Let me ask the Senator a question. My information from reading the bill in the form in which it was reported this morning is that the purpose of the bill is to increase the products of the soil, which is exactly opposite to the purpose of the original A. A. A. Act. May I ask the Senator whether or not that is a correct general statement?

Mr. SMITH. I do not think it is a correct general statement.

Mr. HASTINGS. Is it not the purpose of this bill to put the country in a position where it can increase its farm production?

Mr. SMITH. Ultimately, if the necessity should arise.

Mr. HASTINGS. But it is proposed to make it effective at once. Is it not the purpose to put it into effect at once, and bring about an improvement of the soil of the country, so that we may be certain to increase the abundance of which we have been complaining for some 2 or 3 years?

Mr. SMITH. No; the Senator must understand——

Mr. HASTINGS. That is the ultimate effect, is it not?

Mr. SMITH. There may be vast areas which are now being farmed and which are being ruined by erosion. It may not be the proper thing to plant such areas in anything but rather to reforest them, in order to supply timber, which is rapidly being depleted. The utilization of those lands for timber might be infinitely better both for the individual owner of the land and for the general welfare.

Mr. CAREY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Wyoming?

Mr. SMITH. I yield.

Mr. CAREY. The Senator has stated that the purpose of this bill is to prevent soil erosion?

Mr. SMITH. And also to bring about soil improvement, soil conservation.

Mr. CAREY. Is it not also the purpose of the bill to be of some benefit to the farmers?

Mr. SMITH. Oh, that is the object of it all, or I presume the Agricultural Committee would not have considered the bill at all.

Mr. CAREY. Assuming a farmer's land was not being eroded, how would he get any benefit from the enactment of this bill?

Mr. SMITH. Our soil is being continually depleted. For instance, I do not know of a more exhausting crop than the wheat crop, and each year the production of a given farm is lessened by the amount of fertility exhausted in the

production of that crop. The object of this bill is to conserve the fertility of the soil by rotation or by crop-building plants, such as legumes and grasses, to provide that a certain portion of the land can be planted in those crops and thereby perpetuate for all time the proper return from the farm.

Mr. CAREY. Assuming that a farmer has 80 acres in alfalfa and intends to keep it in alfalfa, how could he get any benefit from this bill?

Mr. SMITH. I do not think it would be necessary for him to apply, and I do not know that he would get any benefit.

Mr. CAREY. But he needs assistance as well as the farmer who is endeavoring to grow other crops.

Mr. SMITH. The presumption is that so much alfalfa is being planted on land not adapted to it that the total amount produced might be detrimental to the marketing of the crop and to the general supply.

Mr. CAREY. Does the Senator mean that there would be taken out of production land that was in alfalfa?

Mr. SMITH. If the condition that I have indicated were apparent.

Mr. ROBINSON. If necessary to conserve the soil?

Mr. SMITH. If it was on land which was being eroded, yes.

Mr. CAREY. I do not know of any crop which is better for preserving land than is alfalfa.

Mr. SMITH. I think the Senator has asked a question that should be answered frankly. I think where an entire farm is planted in crops which improve and conserve the soil that there should not be any benefits accorded under this bill.

Mr. CAREY. A farmer, then, who is properly rotating his crops by planting, say, alfalfa, sugar beets, and grain, and then alfalfa again, intending to conserve the soil, would not be entitled to anything under this bill?

Mr. SMITH. I think not, provided it was apparent that he was carrying out before the passage of this bill the purposes of the passage of the measure.

Mr. CAREY. In other words, the poor farmer, the one who does not cultivate his land properly, is benefited while the other man, who is farming in a proper manner, is not benefited under this proposed act?

Mr. SMITH. The general effect on the public of the poor farmer is what we are now considering.

Mr. CAREY. I am considering all farmers; the good farmer is entitled to the same consideration as is the poor one.

Mr. SMITH. Exactly; but where there is no necessity—I want to be perfectly frank—for encouragement under this bill, it would be a work of supererogation to recompense him for doing what he is already doing. If he is as shrewd as most of the Yankees I know, the minute this bill becomes a law he will quit planting alfalfa and see if he cannot get some benefit.

Mr. CAREY. Cannot a farmer who is raising alfalfa ask for some benefit although he is conserving the soil? I am growing alfalfa, and I am interested in ascertaining the fact.

Mr. SMITH. I would state to the Senator that a farmer would be bound by whatever rules and regulations a State lays down. The virtue of this bill is that it leaves the matter of detail to the States.

Mr. CAREY. Mr. President, may I ask the Senator another question?

Mr. SMITH. Certainly.

Mr. CAREY. It is a fact, is it not, that under the bill the Secretary of Agriculture can prescribe the rules under which the States may operate? In other words, the farmers would be regimented by the Secretary of Agriculture?

Mr. SMITH. No.

Mr. CAREY. Why not? If he did not comply with whatever rule the Secretary might prescribe for the State, the farmer would get no benefit.

Mr. SMITH. No. If the Senator will read the bill carefully he will see that certain grants will be made to the States and the rewards will accrue after the crop is produced and inspection is made to see whether the individuals have done the things that are conditioned in this bill and recommended by the local State authorities.

Mr. VANDENBERG. Mr. President, may I ask the Senator whether any estimate has been made of the expenditure involved from the Public Treasury in respect to this program?

Mr. SMITH. I think there has been a preliminary estimate, of about $440,000,000. As I have been informed, that is approximately the amount.

Mr. VANDENBERG. Does the Senator mean $440,000,000 in the next fiscal year, or commencing with the enactment of this proposed legislation?

Mr. SMITH. I think it would have to be after the next fiscal year. That would be my judgment; I am not certain about that, however, for it might be from the enactment of the measure.

Mr. VANDENBERG. Then, is it contemplated that there will be a tax bill of some nature to provide $440,000,000?

Mr. SMITH. Now the Senator is in a realm where I know nothing about the procedure. I do not know whether there will be a tax bill or a bond issue or whether there will be certificates on the gold or silver held by the Government or pure greenbacks. I do not know as to that.

Mr. VANDENBERG. The plan which is submitted in great detail lacks that particular detail?

Mr. SMITH. Yes, because——

Mr. VANDENBERG. The Senator thinks that it is a matter of supererogation to inquire about that?

Mr. SMITH. The Senator should not use that sort of word in a farm bill. I did it a while ago inadvertently, because I was affected by my present surroundings. We will now get down to "farmer language."

I think the reason the matter to which the Senator refers was left out was because the amount necessary is not as yet fully determined upon, though there is pending, I understand, a preliminary estimate, which will be offered in due course.

Mr. President, let it be borne in mind that the object of this bill is the conservation of the soil, and the forces that will be used to attain that object are the forces already appointed by the States and cooperating with the Federal Government under the initial act, namely, those provided for in the Soil Erosion Act.

If there is any other explanation of the bill I should be glad if any member of the committee would take the floor; but I wish to say that I think it is necessary and essential for the Federal Government, so far as it can legitimately do so, to see to it that the farmers of this country have consideration preeminently above and over those engaged in every other vocation, avocation, profession, or business, because it is well known to this body that practically all industry is organized. Even our banking system is formulated and made to cater to organized business.

The farmer, in order to get the wherewith to conduct his farming operations, has to take the crumbs that fall from his master's table in the banking and financial world. The farmer is disorganized, and by the very nature of his business he cannot organize. The personnel, the difference in the financial and social standing make it impossible for him to unite; and yet, strangely enough—though it is not strange but a fact—the farmers are the producers of practically all the basic commodities upon which the superstructure rests. The aggregate of these impoverished individuals produce the raw materials of America, and immediately they leave their hands the raw materials are in the hands of organized industry and capital.

How many of us realize that the manufacturer produces his crop by laws which the manufacturer himself makes? In the cotton mill every piece of machinery that enters into production of the crop was fabricated and made to do that thing. The cotton manufacturer controls his entire output. He has no season. There is no winter, no summer, no spring, no fall. It is a perpetual activity. Snow does not deter him, heat does not halt him, and insects do not ravish the

manufacturer in the production of his crop. It is made under laws controlled by him.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. SMITH. Not right now. I want to get through with this thought. I want to impress the Senate with the fact that any kind of law looking to the help and benefit of industry meets our hearty approval, but when we come to deal with the difficult problem of helping to finance and encourage American citizens who clothe and feed and shoe us, then every kind of obstacle presents itself. It is a serious problem.

I conclude what I have to say with this thought: We have heard much about the law of supply and demand. In the ultimate analysis it is true that that law prevails, but there is another law as deadly as the law of supply and demand. That is the law of the line of least resistance. I assert that that law does more to destroy the profits of the farmer than does the law of supply and demand. When the manufacturer begins to find that he cannot sell his cotton goods at a certain price per unit, where does he retrench? Does he lessen dividends? No. Salaries? No. Overhead? No. He simply takes it out of the price of the raw material. That is neither my law nor your law. That is nature's law.

Take a rough sawn board, tilt it at an angle, and pour water on it at the top. That water does not run downward in a straight line. It zigzags and runs around obstructions, and thus avoids difficulties. That is the theory in the economy of life. In that economy who offers the line of least resistance? It is the 40,000,000 farmers who produce the foodstuffs, the wheat, the cattle, and so on, and yet who, in their disorganized capacity, become the victims of the law of the line of least resistance.

When the meat packers find the products they have manufactured and are ready to sell meet sales resistance, they do not cut down their overhead or salaries or dividends. They simply lower the price of the livestock which constitutes their raw material. That is all they do.

In this hour of our Nation's travail who are the ones who suffer the blighting effects of a nation plunged into the abyss of depression? It is those at the bottom who suffer.

Here we come and say, Let us put up a line of resistance. Let the Federal Government, so far as it may, formulate a plan by which the farmer will be taken out, in part at least, of the category of the disorganized, who, in spite of their poverty, in spite of their lack of opportunity to operate collectively, produce all that keeps our civilization alive. Are we not under obligation to do that? Is it not our duty, so far as State and Nation can go hand in hand, to preserve the foundation upon which our economic, social, and political life depends?

Every Senator ought to feel it his duty and his obligation to his country and to his fellow men to use every means within his power to see that he who produces the wealth of the Nation shall enjoy his just part of the proceeds from that wealth.

We may not do this thing arbitrarily. The Federal Government has not the power and ought not to have the power—I state here frankly today that the Federal Government ought not to have the power—to dictate to 30,000,000 farmers specifically what they should plant, how much they should produce, but should leave it to the judgment of the several States, where the farmers are in intimate contact not only with the conditions but with those who represent him in his legislature, and the Federal Government, so far as its powers under the delegated powers of the Constitution allow it to go, should join hands with the State and see to it that the farmers shall be preserved.

Mr. ASHURST. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from South Carolina yield to the Senator from Arizona?

Mr. SMITH. Certainly.

Mr. ASHURST. The Senator from South Carolina has not been admitted to the bar, but I have always regarded him as a student of our Constitution and his judgment is usually sound on questions of constitutional law. I do not know whether the Senator supported the A. A. A., but, if he did not, I know why he did not. Everyone knows why I did not support it.

I ask the Senator if it is not his opinion that the pending bill avoids the very objections which were urged to the old A. A. A. bill?

Mr. SMITH. It is.

Mr. ASHURST. Is it not his opinion that it is not beyond the power of Congress to enact this bill into law?

Mr. SMITH. I think it is clearly within the province of Congress to enact this bill into law.

Mr. ASHURST. I join with the Senator in that opinion, and, I repeat, the bill seems to me to be a successful effort to avoid the defects that overthrew, and I think, justly overthrew, the A. A. A. in the Supreme Court of the United States.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. McNARY. I have unusual respect for the legal opinions of the Senator from Arizona.

Mr. ASHURST. I thank the Senator.

Mr. McNARY. I do not have the opinion of the Supreme Court before me at the moment. Will not the Senator state just what the Supreme Court said about the A. A. A.?

Mr. ASHURST. I would not presume to quote literally, but the reason for the overthrow of the A. A. A. was that it was beyond the power of Congress to enter into those intimate details which belong only to the States. The pending substitute, I understand, successfully avoids the very thing which overthrew the A. A. A., because it does not impinge upon the power and the rights of the States.

The State has the power to do anything not prohibited by the Federal Constitution, and under the Federal Constitution the Congress may do nothing except what the Constitution says it may do.

It seems to me, without entering into a long discussion, that this substitute does not invade any of the rights of the several States; that it does not dictate to them what they shall do, but leaves it to their judgment, as was the case with the good-roads bill. Congress has the power to say that we shall appropriate money for good roads, and that State A or State B may have a certain part of that fund if they do this or that. This bill seems to me to be similar to that.

Mr. McNARY. Mr. President, will the Senator yield to me?

Mr. SMITH. I yield to the Senator from Oregon.

Mr. McNARY. The Senator from Arizona probably has not read this bill with the care with which he will read it if it shall go over for a few days.

Mr. ASHURST. Mr. President, frankness requires me to confess that I have not studied the measure as carefully as I should have.

Mr. McNARY. The Senator proceeds upon the erroneous theory that this bill is one to enable the Federal Government to aid agriculture in cooperation with the States. That is the base upon which he supports his argument. That will be true 2 or 3 years from now; but there is a gap between now and then which, in my opinion—and it is that to which I object—falls squarely within the prohibitory language of the decision of the Supreme Court, namely, that during that short period this measure in its present form does interfere with the reserved right of the States to control agriculture. It simply provides that certain crops may be planted to conserve, as it may be called, the fertility of the soil and prevent erosion, for which payment is to be made by the Federal Government; the main purpose, of course, being wholly to curtail production, to reduce acreage, and thereby to elevate the price levels. Everyone knows that that is the real purpose of the bill.

If that view is correct, if my statement is entitled to the credit that I think it is, will the Senator say that the Constitution does not contain the same inhibitions upon that which are pointed out by the Supreme Court in the case of United States against Butler?

Mr. ASHURST. I am not going to get into any argument with the able Senator from Oregon over constitutional law. As Saul sat at the feet of Gamaliel and learned all the ancient law, I think I could sit at the feet of the Senator

from Oregon and learn law. He was a distinguished judge, and the record he has made enriches the annals of his State. I still insist, however, with due respect to him, that there is a vast difference between the substitute brought in this morning and the old A. A. A. measure.

The last thing I should be tempted to do, however, would be to get into any argument today over the constitutionality of a bill. It is profitless, and probably I should not be pardoned for even expressing my own opinion on the subject, but I am glad to hear the Senator's.

Mr. McNARY. Mr. President, I am so enamored of the unusual legal acumen of the distinguished Senator from Arizona, who is chairman of the Judiciary Committee, that I am curious to know whether he has read the last product which has been placed on our desks, known as the amendment presented today.

Mr. ASHURST. If the Senator will indulge me, I read the substitute.

Mr. SMITH. Mr. President, while I think this very enlightening revelation of the esteem in which each Senator holds the other ought to go in the RECORD, and I am sure it has, because it is a great addition to the knowledge that some of us had, I think I shall content myself with one observation, namely, that we must not lose sight of the fact that this is a soil-erosion and soil-conservation bill.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. SMITH. Yes.

Mr. McNARY. Will the Senator look serious the next time he makes that statement?

Mr. SMITH. Mr. President, I have lately reached a point where it is impossible to be serious.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. SMITH. Yes.

Mr. ASHURST. I do not know that this should be said to a class of moralists, but we, as Senators, know that frequently in the practical affairs of life a man is like a person on roller skates—he goes partly where he wishes to go and partly where the skates take him—and that is not regarded as immoral or improper in legislation of this sort. In my judgment, we are not doing anything immoral or improper if forsooth we are here skating around that which is denied to us, but are reaching an objective properly, even if it be under the name of soil conservation.

Mr. SMITH. I am sorry the Senator has used the illustration about skates, because very often while skating we reach the position where we landed as a result of a decision of the Supreme Court.

I desire to make one more observation, and then I shall have concluded. If soil conservation and soil erosion are proper subjects of legislation by the Federal Government, then this bill, even in the interim, is constitutional, for the reason that it sets out to do the very thing and utilize the very same force that is utilized in carrying out those two laws.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. SMITH. Yes.

Mr. VANDENBERG. Referring again to the ultimate appropriation which will be necessary to carry out the provisions of the bill, may I ask the Senator from South Carolina if it is not true that under section 8, which describes the immediate process, the amount of money involved will be entirely dependent upon the nature and character of the regulations established by the Secretary of Agriculture? In other words, he could establish a billion dollars' worth of regulation or a quarter of a billion dollars' worth of regulation, could he not?

Mr. SMITH. I think that is true.

Mr. VANDENBERG. Does the Senator think we should pass this bill without some limitation in terms of dollars and cents upon this unlimited grant of authority to the Secretary of Agriculture?

Mr. SMITH. I will state to the Senator that I took it for granted that those who were studying this proposal from the standpoint of financing it would take into consideration all the elements necessary to be considered and would bring in an appropriation of an amount limited to a common-sense administration of the proposed law.

Mr. VANDENBERG. For the sake of the argument, let us agree that subsequently we are to have a common-sense limitation. Does the Senator think that justifies the Senate in legislating upon the basic grant in utterly unlimited terms, leaving to the Secretary of Agriculture the right to establish rules that may run into an expenditure of $2,000,000,000 if he wishes to do so?

Mr. SMITH. Yes; I think that where provisions are as carefully laid down and limited as they are in this measure, the committee was well within its rights in setting forth the plan, and then allowing amendments to be made or an earmarked appropriation to be brought in for the purpose of financing the bill.

Mr. VANDENBERG. The Senator says he understands that the contemplated cost for the next fiscal year is $440,000,000.

Mr. SMITH. That is what I have heard.

Mr. VANDENBERG. Why should not that authorization be part of the bill, so that at least there will be somewhere an outside boundary when we are permitting the Secretary of Agriculture to do anything he wants to do with the Public Treasury?

Mr. SMITH. Mr. President, before we conclude the discussion of this bill I think those who, perhaps, are better qualified than the members of the committee will bring in, and it may be that someone will offer, an amendment of that nature to this bill; but the main object of the committee—and it took all our time—was to try to frame a bill which would help the farmers and not run counter to the decision of the Supreme Court of the United States.

Mr. VANDENBERG. I am not quarreling with the Senator on that score.

Mr. SMITH. So far as the amount is concerned, I think that can be easily taken care of before the adjournment of this session of Congress.

Mr. VANDENBERG. The Senator would agree with me that it would not be appropriate for us to leave to the Secretary of Agriculture the question of whether one or two or five billion dollars is to be taken out of the Treasury of the United States?

Mr. SMITH. Oh, no; I think not. If nobody else does it, I think the Agricultural Committee will decide upon and bring in an amendment stating what they think is the appropriate amount, if they may suggest it to the appropriating committee.

Mr. VANDENBERG. I suggest that the Senator do it in connection with an amendment to this bill, so that the whole subject will be before us in shipshape fashion.

Mr. SMITH. I think the point the Senator has indicated is well taken.

Mr. President, I do not think it is necessary for me to add anything to what I have said. I do wish to qualify my response to the Senator from Arizona [Mr. ASHURST]. I said that I believe this bill stays within the limitations of the Constitution as a soil-erosion and soil-conservation measure, and I repeat that statement. I think there may come about, incidentally, some benefits that cannot be escaped; but they are neither contractual nor are they made obligatory upon the individual.

Mr. ASHURST. Mr. President, will the Senator yield to me for just a moment?

Mr. SMITH. Yes.

Mr. ASHURST. Courts seldom inquire into what was in the minds of legislators when they passed a bill. I think the rule rather is that the courts do not often look at the debates. They sometimes do; but the better rule is that the courts look to what is contained within the four corners of the act itself.

Mr. SMITH. The text.

Mr. ASHURST. The text itself.

Mr. SMITH. That is the position I have occupied.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. SMITH. I yield; yes.

Mr. McNARY. Mr. President, I am much interested in the Senator's very able discussion of the bill, and there is no one

better qualified to speak of its provisions, and to interpret them, than the Senator from South Carolina. That is the reason why I shall direct a few interrogatories to him.

I made a note, while the Senator was first discussing the bill, and particularly when he referred to the temporary plan and the permanent plan. I think the Senator will agree with me in what I am about to state; if not, I want him to indicate in what particular he disagrees, or to explain. There are two structures proposed to be created. One is the temporary one, which is to date from the present until the States place themselves in a position to cooperate with the Federal Government. That is a temporary period. Is that correct?

Mr. SMITH. That is correct.

Mr. McNARY. In all reasonable probability, that period will extend for 2 years.

Mr. SMITH. Yes.

Mr. McNARY. That is what I wanted to know. I do not care to deal with the permanent policy which may be in existence after 2 years. I think what we want to do now is to find out where we are going at this instant, and what is being provided for this year's crop and next year's crop. Does the Senator share that view with me?

Mr. SMITH. I do.

Mr. McNARY. I thank the Senator. So, when we are discussing the constitutional phases of this matter, we are not considering what may be the attitude of the Federal Government or of the States in their eventual cooperation, or the probable action of the courts. We must consider now whether the Federal Government, under the provisions of the bill, is interfering with the reserved rights of the States.

Mr. SMITH. Yes.

Mr. McNARY. And attempting to control production in the States. That is the question for us to determine and to discuss. The Senator agrees with me, does he not?

Mr. SMITH. I do.

Mr. McNARY. I again thank the Senator. That being the case, the issue is narrowed down, in my judgment, to the point where we can very clearly apply the law to the provisions of the bill, and determine the ultimate practicability and constitutionality of the measure, which I shall not discuss at this time, because I want to ask the Senator another question or two.

The benefit for which the farmer is to receive compensation is for the renewal of the fertility of his soil. That is correct, is it not?

Mr. SMITH. Yes.

Mr. McNARY. I think the Senator said a few moments ago that for that benefit bestowed upon the farmer he should receive no compensation.

Mr. SMITH. No.

Mr. McNARY. I thought the Senator said that. If he did not, of course I probably would agree with the Senator in his ultimate conclusion. I thought the Senator said that if a farmer planted what we call nitrogenous crops, or legumes, and thereby the fertility of the soil was restored, it would be a permanent benefit to that farmer, because there would be a larger productivity in the future. That is true, is it not?

Mr. SMITH. That is true; or at least, if he maintains what he has.

Mr. McNARY. If by the exercise of good business judgment he plants nitrogenous crops, and the pristine fertility of his soil is renewed, does the Senator believe the farmer should then be compensated for doing that particular thing?

Mr. SMITH. I said I did not.

Mr. McNARY. That is what I say.

Mr. SMITH. I want to make this clear. I see exactly to what the Senator is leading.

Mr. McNARY. Of course.

Mr. SMITH. If all the farmers of this country owned inexhaustibly fertile lands, and there were no erosion and a pouring of the soil down the rivers, the soil being carried into the sea, we would be asinine if we brought in any such bill, but there is soil depletion, evident in the fertile fields of the West, and more evident in the southeastern seaboard States, and it is an almost unbearable burden when the farmer is compelled to buy artificial fertilizers in order to make crops. Year by year every river carries untold tons of our soil to the sea, year by year untold volumes are shipped abroad in crops. The whole country is dependent upon returns from the soil. Therefore I think that as far as the Government may go it should go in preserving the fertility of the soil and preventing wastage of the land.

It is hardly worthy of the broad-mindedness of the Senator to take a little alfalfa field, some field which someone has planted in alfalfa and kept up by virtue of planting it in alfalfa, and expect us to go out and give that farmer compensation. I take the broader aspect that soil erosion and soil depletion are going on all over this country, and if someone incidentally does not benefit, the Government is not handing out largess to any and every one.

Under the terms of the bill, as I construe it, the Government is handing out the assistance where it is indicated; and if a bare subsistence is being made by some poor individual, or a number of individuals, where erosion and depletion are lessening the return each year, the Government steps in and takes a part of it and says, "We will compensate you to a degree for lessening the volume, but we will make up in the aggregate. We want to preserve and conserve your land and aid you in doing it."

Mr. LEWIS. Mr. President——

Mr. McNARY. I am not quite through.

Mr. SMITH. I should like the best way in the world to answer my colleague on the committee, whose judgment I have learned to respect and of whom personally I am fond, but I do not know whether I can help him. I do not want him to go too far.

Mr. McNARY. Mr. President, I have such a good opinion of the Senator that I do not know of any other human reservoir to which to go for information, unless I go to the chairman of the committee.

Mr. SMITH. That is pretty good judgment.

Mr. LEWIS. Mr. President, I should like to ask the Senator a question. Does the Senator from Oregon indulge the fear expressed by the Senator from Michigan [Mr. VANDENBERG] that under the bill as it now stands there could be an expenditure at the discretion of the Secretary of Agriculture which might reach $2,000,000,000?

Mr. McNARY. I am sure, I am positive that the Senator from Michigan made a proper statement as to the construction of the bill. There is no limitation in the bill upon the benefits and grants which the Secretary may pay to the farmers. There is no measure by which he can determine in what State the money will be expended, or in what amounts. Any farmer who plants some nitrogenous crop in order to perpetuate the fertility of the soil or to protect the soil from erosion can be paid upon that basis. It does not matter whether he is paid $10 an acre, $1 an acre, or $1,000 an acre. I challenge the able Senator from South Carolina to deny my assertion.

Mr. LEWIS. Mr. President, does the Senator from South Carolina indulge the belief which both the Senator from Michigan and the Senator from Oregon have expressed, that as the bill now stands such discretion is vested in the Secretary of Agriculture that he may expend as he pleases without any limitation on his judgment or qualification upon his authority?

Mr. SMITH. Let me state that the Senator from Alabama has already suggested an amount which, in his judgment, would be necessary. I take it that he has consulted with the powers that be, and they place it at $440,000,000.

I said to the Senator from Oregon that I thought, in the form in which the bill now is, it is capable of that construction; but surely, before the bill shall pass and become a law, either an amendment will be offered or a bill will be presented specifying just how much will be used for this purpose. I understand that already a definite amount of $440,000,000 has been indicated as necessary.

Mr. HATCH. Mr. President——

The PRESIDING OFFICER (Mr. MURRAY in the chair). Does the Senator from South Carolina yield to the Senator from Montana?

Mr. SMITH. I yield.

Mr. HATCH. I ask for my own information. Would the Secretary of Agriculture have any money to expend under the bill if the Congress did not make an appropriation?

Mr. SMITH. Not a penny.

Mr. HATCH. Before any sum could be expended, Congress would have to make the appropriation?

Mr. SMITH. That is correct.

Mr. HATCH. Congress, then, would retain within itself the power to place any limitation or restriction upon the Secretary of Agriculture?

Mr. SMITH. Certainly.

Mr. McNARY. Mr. President, I understand the Senator to admit that there is no restriction and no limitation placed on the Secretary of Agriculture, under any section of the bill, when it comes to spending money for benefits, but the Senator says that, of course, Congress, in its wisdom, will not let him go beyond the point of reason. I have never heard old or young Senators in this body say that we should pass a bill and authorize a department or agency of the Government to expend money, and then say that in the end we will control the appropriation. That is the explanation of the Senator from New Mexico.

The able Senator from Illinois has led me astray from my line of questioning, but in that lead he has touched upon one of the weaknesses of the bill. Let me read subdivision (b), on page 5. It is as follows:

(b) Subject to the limitations provided in subsection (a) of this section, the Secretary shall have power to carry out the purposes specified in section 7 (a) by making payments or grants of other aid to agricultural producers in amounts, determined by the Secretary to be fair and reasonable in connection with the effectuation of such purposes during the year with respect to which such payments or grants are made, and measured by, (1) the acreage of crop land—

What does that mean? He is limited to making payment with respect to acreage of crop land. That means land in cultivation. He may go to Mr. Jones, who has 100 acres of land, and he may say to Mr. Jones, "If you will put only in 90 acres in wheat, and omit to plant 10 acres in wheat, but plant them in some legume, we will pay you $5 an acre for the 90 acres."

Mr. SMITH. That is through the State agents who are already set up under the crop-erosion measure.

Mr. McNARY. That does not have anything at all to do with the State agents.

Mr. SMITH. In conjunction with that, will the Senator from Oregon read who are the ones who are to receive and apportion this fund? The Secretary will, of course, draw his warrants for the individual funds; but payment is to be made though the agencies which are created by this bill.

Mr. McNARY. Mr. President, I do not care about agencies. I am discussing what crops are going to be involved, and what are the limitations placed upon the Secretary of Agriculture. He may pay on crop acreage. He may go to Mr. Jones and say, "If you take 20 acres out of the field you had planted to corn last year, and plant it to clover, we will pay you $10 an acre on the 20 acres you have taken out of corn production and placed in clover production in order to conserve the fertility of your soil and to prevent erosion." Is there anything in the bill which provides that the Secretary may not pay Mr. Jones $100 an acre, $10 an acre, or $5 an acre? He may pay either upon the basis of crop reduction or upon the basis of the amount of land the farmer takes out of crop production and plants in legumes in order to bring about soil fertility.

Mr. SMITH. The bill provides that the value must be taken into consideration. I understand that under the A. A. A., which has been held unconstitutional, the procedure was not along the line indicated by the Senator. We cannot estimate what is the value of certain land, because we do not know.

Mr. McNARY. The Senator is wholly wrong. What was the standard prescribed in the Agricultural Adjustment Act, which was much superior to this bill, because this bill does not supply a standard? The Agricultural Adjustment Act provided that the benefit a farmer was to receive for curtailing his production and decreasing his acreage was the difference between the current average price and the fair exchange value.

Mr. SMITH. That was the processing tax.

Mr. McNARY. Yes. That was the measure of the benefit he received. The processing tax was the measure of his benefit. There was the standard. There was the guide. If wheat during the base period was worth $1.50 a bushel, and the current average price was 90 cents, the processing tax in order to bring about that parity necessarily had to be in the vicinity of 60 cents a bushel.

Mr. SMITH. But the object there was to raise the price.

Mr. McNARY. And the object here is, of course, to raise the price. Otherwise, I should not be discussing this bill. If it has any virtue in the world—and let us be honest about it—it is to elevate the crop price to the farmer.

Mr. SMITH. Incidentally.

Mr. McNARY. Oh, incidentally!

Mr. SMITH. The purpose of this bill, as it says——

Mr. McNARY. I know what it says.

Mr. SMITH. The purpose is to prevent the depletion of the soil and soil erosion.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. MURPHY. It has a further purpose. Clause (4) of section 7, on page 2, says that one of the purposes of the bill is the—

Reestablishment and maintenance of farmers' purchasing power, at prices for agricultural commodities fair to both producers and consumers.

Mr. McNARY. Certainly. Any sort of language may be found in the bill. I am not speaking of language. I am speaking about the objective of the bill, and its main purpose.

I desire to say to the Senator and to others let us not fool ourselves, because we cannot fool the Court, and we cannot fool the farmers. We have tried to fool them too often heretofore, as well as the public generally. Let us meet the issue squarely. If this bill has any virtue in the world, if it is worthy of our consideration, it is because it is based upon the theory that it is a crop-price-elevating scheme. That is the bill's commendable feature. It is to give the cotton producer and the wheat grower and the corn and the hog raisers—the basic-commodity growers—a higher price or a parity price with prices today. The prevention of erosion is an incidental matter.

Let me ask the Senator a practical question. In 1930 we were expending only $160,000 for the prevention of erosion. Then we developed the habit of spending for governmental activities large sums in 1933, 1934, and 1935; and last year the sum of $27,000,000 was set aside by the President for public works for erosion prevention. This year in the agricultural bill, I am informed, the same sum will be carried for erosion prevention. Here we are talking about jumping up from $27,000,000 to $450,000,000 in the name of preventing erosion! It is not true.

Mr. SMITH. Perhaps it was found out that erosion was the cause of the current low prices to farmers.

Mr. MURPHY. Mr. President, will the Senator from Oregon yield?

Mr. McNARY. I have not the floor. I am simply propounding a few questions to my dear and able friend from South Carolina.

Mr. SMITH. I yield the floor to the Senator from Iowa.

Mr. MURPHY. I submit we are not doing it in the name of erosion only. The purpose of the bill is not merely to conserve soil, but it has an object to which the Senator from Oregon subscribes, that object being stated in clause (4), on page 2, of the bill, as I read it a few moments ago:

Reestablishment and maintenance of farmers' purchasing power at prices for agricultural commodities fair to both producers and consumers.

So it is not fair to say of this measure that it is a mere effort to curtail production. It is not that. The Supreme Court has said that the Federal Government may not regulate production. This bill does not attempt to regulate pro-

duction. It attempts to serve the policy of conservation. The Senator from Oregon elects to say that that is an insincerely stated purpose; that the real purpose of this bill is to regulate production. The purpose of this bill is to increase the purchasing power of the farmer through conserving the soil.

Mr. McNARY. Yes; by increasing the price level of his product, a philosophy to which I subscribe.

Mr. MURPHY. Through conserving the soil. There is necessarily attendant upon that operation a restriction of acreage, a restriction of production; and related to the purposes is the desire not merely to conserve the soil but to conserve the farmer. That is the objective of this proposed legislation.

Mr. KING. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. KING. I should like to ask the Senator from Iowa if, in the last analysis, the purpose of this bill is not to have the Federal Government, through limitation and restriction, fix the prices of farm commodities so that the consumers will have to pay an increased price.

Mr. MURPHY. No; I should not say that. It is specifically set out in the bill that prices shall be fair. I repeat what I read before: One of the purposes is—

> Reestablishment and maintenance of farmers' purchasing power—

And this is an answer in terms to the Senator's question—

> Reestablishment and maintenance of farmers' purchasing power, at prices for agricultural commodities fair to both producers and consumers.

Mr. KING. Mr. President, will the Senator further yield?

Mr. MURPHY. I yield.

Mr. KING. Then that must put the Federal Government much in the position of the Stalinites in Russia—that the Federal Government is to fix the prices for labor, the Federal Government is to fix the prices for commodities, and determine what land shall be cultivated and what shall not be cultivated. So, after all, is not this bill a measure akin to the socialistic measures which obtain in some of the European countries, and is it not an indictment of the competency of individuals, of local communities and States, to govern and determine their own affairs?

Mr. MURPHY. I should answer the Senator in the negative. I should say it is not that. Insofar as his reference to socialism is concerned, we heard recently from a very distinguished New Yorker that the methods we were employing were part of a socialistic scheme. The A. A. A. happens to be the farm policy which formed part of the Republican platform in the last election. The "socialistic scheme" which this Congress did not adopt was contained in the Democratic platform.

Mr. KING. Does the Senator from Iowa say that the Democratic platform endorsed the A. A. A. or the purposes represented by this bill?

Mr. MURPHY. No. It did not in language endorse the policy adopted by Soviet Russia. The Soviet Government handles all the surplus. This bill does not impose any compulsion upon anybody. It does permit the Secretary of Agriculture to enter into a contract with an individual farmer based on a system of rewards for doing specific, recited things. The farmer having done certain things with respect to his land, that farmer is compensated for what he did.

The Senator from Oregon [Mr. McNARY] a short time ago assumed that every farmer was so conducting his farm as to conserve the soil—possibly not every farmer, but he assumed it to be a general policy. It is true that if prices of farm commodities permit upbuilding the farms, the farmer adopts those upbuilding policies. If the prices of farm commodities are such as not to enable him to afford to let lie idle some of his acreage, or to plant it in clover, say, and turn that clover over, he cannot then afford to employ the policy of conservation, and he must suffer the depletion of his soil without replenishment of its resources.

Mr. McNARY. Mr. President, I note with some regret the temporary absence of my very dear friend the able chairman of the committee [Mr. SMITH], and I shall proceed for a few moments only.

I have great regard for the talents of the Senator from Iowa [Mr. MURPHY]. He has been a student of farm problems for years, and I have noted with pleasure the earnestness with which he has considered all the agricultural bills which have been brought to the attention of the Committee on Agriculture and Forestry. But, Mr. President, this bill, stripped of all unnecessary language and honestly considered, is simply a device, during a temporary period of 2 years, as I see it, to deceive the farmer, in view of the decision of the Supreme Court of the United States in the Butler case. That is a clear statement and a frank one.

I have stood on this floor for many years and advocated farm-relief measures. I know something of the trials of the farmer. This is the first time that I have ever opposed a farm bill. I oppose this bill because I earnestly believe that it is a subterfuge and that it will not stand the test of the courts. I will not go further and impugn the good faith of the committee or any of its members.

Everyone knows that in the A. A. A. bill which was declared unconstitutional there was a yardstick by which the benefits to be paid to farmers could be adjudged correctly. That yardstick was the difference between the current average farm price and the fair exchange value. That, after all, was reflected in the processing tax. We knew what the farmer's benefits were to be. The Secretary of Agriculture could go into a State and contract for the curtailment of corn production and wheat or cotton production—corn, wheat, and cotton being basic commodities. We knew what amount of benefits were going to the various States, because it was regulated under two standards and based upon the commodities produced in the respective States.

Have we a yardstick in the pending bill? No. Three plans are set forth without any measurement of the amount of money that may be paid to the farmers by the Secretary of Agriculture on their crops or on the land retired and placed in legumes or nitrogenous crops in order to prevent the ground from yielding to erosion. As stated by the Senator from Michigan—and it has not been disputed—there is no restriction placed upon the Secretary of Agriculture as to the extent of the benefits which may be paid or as to the source from which they are to come.

I do not wish to repeat what took place in the committee, but I did ask a question. The name of the party who responded I shall not give. I always endeavor to treat decently what occurs in executive sessions of committees, but that individual said there might be three sources from which, under the pending bill, money could be paid to the farmers. One source was a national sales tax; the second was the denounced processing tax; and the third was a draft upon the Treasury of the United States. This bill does not contain a sentence that states from what source the money is to be paid. In my experience as a legislator in this body, I do not recall any bill, an authorization bill or appropriation bill, that did not provide the means or the manner of paying the benefits or the rewards or the grants or whatever they may be called. Does anyone know where this money shall come from? If we are to follow the President in an evident purpose to decrease the expenses of the Government, are we to take the money out of the Treasury of the United States? Are we to fly in the face of the Supreme Court in the case of the United States against Butler, and attempt again to levy processing taxes in order to pay farmers for planting some of their acreage which they retire from the production of money crops in plants which go to promote the fertility and conservation of the soil?

Mr. MINTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. McNARY. Allow me to finish my suggestion. I will be very courteous to the Senator and will yield in a moment.

Are we to place a general sales tax upon the backs of the people of this country and pay the benefit to the farmers from that source? Why does not this bill say frankly where the money is to come from? Shall we vote for it in the blind and in the dark? Why does not the Secretary of Agriculture or the administration or the Senate committee or the Congress specify in what manner the benefits shall be paid?

I shall not support a processing tax, because the Supreme Court said it could not be levied. I doubt whether I would support a general sales tax for any purpose, and if I had, as I do have, an interest in balancing the Budget of the Government and cutting down the wastage and expense, I would not want to make a draft to pay these benefits by taking the money out of the Treasury.

Now I yield to the Senator from Indiana.

Mr. MINTON. Does the Senator take the view that the Supreme Court held in the case of the United States against Butler, that the processing tax as an excise tax was illegal?

Mr. McNARY. The Supreme Court in that case dismissed the subterfuge employed by the Congress in trying to base the legislation upon the power reposed in the Congress by the Constitution to levy a tax, or on the interstate-commerce clause, and said it was an open attempt to invade the rights of the States and control agriculture. Upon that broad basis I stand.

Mr. MINTON. But the Court did not deny the right to levy an excise tax known as the processing tax?

Mr. McNARY. Everyone knows that under certain conditions Congress is empowered by the Constitution to levy excise taxes, of course, but that has not anything to do with my argument and has nothing to do with the Supreme Court decision, because both are based on a broader ground than that.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. McNARY. I yield.

Mr. NORRIS. I am not sure but that the Senator has pointed out an infirmity in this bill that I had not given any consideration to, in that it makes no mention of the manner in which the money is to be raised. But the Senator is a member of the committee that reported this bill.

Mr. McNARY. Yes; but the Senator from Oregon was one of two who voted against it.

Mr. NORRIS. I am also a member of that committee, and perhaps we are both derelict in not proposing in the committee some amendment that would do that. It would be a simple matter to put on even on the floor of the Senate an amendment authorizing an appropriation. Probably there would be an authorization anyway; but usually authorizations are made in so many words.

The reason I speak of that is because I am moved by the terrible situation underlying the proposition before the Committee on Agriculture and Forestry, as I see it, anyway, and as I think as the members of the committee saw it. The committee did give honest and careful and candid consideration and sought information from lawyers, department chiefs, and all other available sources as to pretty nearly every item of this bill. I suppose none of the committee were satisfied with it, but they were making an honest effort to try to meet the objections made by the Supreme Court. We did not agree on that, of course. It seems to me that an honest and fair effort should be made now. If this bill is wrong we ought to remedy it; if the objection is immaterial we need pay no attention to it and may consider it afterward. But it strikes me, if this is a defect, that the Senator himself is equally to blame with myself for letting the bill come out of the committee with that defect after we had been considering it for more than 3 weeks, and, I think, trying to write a good bill.

Mr. McNARY. Mr. President, I am always willing to share my proportion of censure for anything that occurs over which I have any control; but I was one of the two who voted against this bill out of the 17 members of the committee. This is one of the reasons that I then had in mind; I have suggested it again; and I think the able Senator from Nebraska might at this time join me in saying that in his opinion this bill does not fall outside the prohibitory language of the Supreme Court decision.

Mr. NORRIS. Mr. President, if the Senator will permit me further to interrupt him there, I will say—and I want to elucidate it further sometime before we get through with the pending bill, but I interrupt now because the Senator has referred that matter to me—I think this bill is constitutional, but I doubt very much whether it avoids the Supreme Court opinion. I think there is a difference. This bill is constitutional, in my opinion, but I doubt whether it meets the requirements laid down by the Court. In other words, I want to draw a distinction between the Constitution and the judgment of the Supreme Court.

Mr. McNARY. I appreciate the very frank answer of the Senator from Nebraska. He always meets squarely the presentation of any question. I understand the Senator himself believes the pending bill to be constitutional, but, in view of the Supreme Court's recent decision, he does not believe the Supreme Court on constitutional grounds would sustain the bill. That is my understanding.

Mr. BYRNES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. McNARY. Certainly.

Mr. BYRNES. Do I correctly understand the Senator's objection, which he stated a while ago, is that there is no limitation upon the appropriation that could be made available for carrying out the purposes of the proposed act?

Mr. McNARY. That is one objection. Secondly, there is no measure by which the Secretary of Agriculture is directed to make benefit payments, whereas in the old law there was a measure of awards based upon crop production which involved the iniquitous processing tax. Under the pending measure the Secretary may pay one farmer $10 an acre and another 10 cents an acre, or if he wanted to do so he could pay $1,000 an acre. Those are two things in this bill that I consider to be vicious and bad.

Mr. BYRNES. Did the Senator vote for the original soil-conservation act?

Mr. McNARY. I suppose I did. I have not the record of the vote before me, but I am willing to assume I did and make the best of it.

Mr. BYRNES. That original act did not place any limit upon the expenditure. My understanding is the committee has been following the original act. If the Senator believes that is very important, I suggest to him that before the bill is passed a limitation can be placed upon the authority of the Secretary to spend in any fiscal year in carrying out the purposes of this amendment.

The Senator from Alabama [Mr. BANKHEAD] talked to the members of the Appropriations Committee about the matter. He suggested that, in the opinion of the Department of Agriculture, $440,000,000 was their best estimate for carrying out the purposes of the act for the next fiscal year, making the amount immediately available. When the independent offices appropriation bill comes before the Senate it is my purpose to offer an amendment appropriating that amount for that purpose. I think there is some merit in the Senator's position that we might place in this bill a limitation. I shall offer an amendment to place a limitation upon the amount which may be expended in any fiscal year.

Mr. McNARY. That is very interesting. The Senator from South Carolina wields large influence with that important committee. I am curious to know if he has given any thought to why we should estimate the benefits and liabilities and expenditures of the Government at $440,000,000?

Mr. BYRNES. No. The Senator from Alabama [Mr. BANKHEAD] presented the matter to the Committee on Appropriations, and I assumed that the Committee on Agriculture and Forestry had held some hearings which furnished a basis for the estimates the Senator from Alabama pre-

sented to the Appropriations Committee. Certainly if that has not been done, I would think that members of the Appropriations Committee, or of the subcommittee having in charge the independent offices appropriation bill, would like to call upon the proper officials for their estimate and the reasons for it.

Mr. McNARY. Mr. President, it is my idea, without being properly informed, that that estimate is based upon the benefits which have been paid under the A. A. A. Act and which in 3 years amounted to about $1,300,000,000. One-third of that amount would be about $440,000,000. Of course, it is based upon that, because we are proposing to do the very thing during this temporary period that we did under the Agricultural Adjustment Act. Under that act we took out what were called excess acreages in order to reduce production, which, in turn, elevated the price of level of farm products—a philosophy with which I have no quarrel and which I warmly favor. But the Supreme Court came along and said we could not do that particular thing.

Now, what are we doing? We are taking out the same acreage and following the same principle with a shade of a difference in practice. Instead of having the land lie idle we are saying to the farmer, "Put this land in nitrogenous crops—clover, vetches, soybeans, or similar crops, for two purposes, one to protect the land from soil erosion and the other to add fertility to the soil."

The Government then will come along and pay $440,000,000, the figures given by the able Senator from South Carolina, and say to the farmer, "This is your reward for retiring this excess acreage, which permits us to curtail production and therefore bring about a larger yield financially to the farmer." It is exactly the same thing with a little different dress, but one not quite as becoming as the old, in my opinion.

I am not complaining about the philosophy of that proposal. I have always thought the farmer should be placed on a parity with industry, but I do not want to tell the farmers of the country that the language of this bill brings it outside of the prohibitory language of the Supreme Court's decision. When the provisions of this proposal are applied under the most favorable terms under a construction which is undeniable, it adopts the same plan and brings about the same result as the act which was denounced by the Supreme Court. Hence I cannot support what I am pleased to call, without intending to wound anyone or be harsh, a mere subterfuge and artifice. We have carried out the substantive law which, as I said a moment ago, carried $27,000,000 last year. If this is an erosion bill why do we multiply this amount several times in a few weeks?

Mr. President, I have no doubt—and I challenge anyone on this floor to contradict this conclusion—that if the A. A. A. had not been declared unconstitutional there would have been no effort made to increase the appropriation for soil erosion in the agricultural bill of this year. In itself it tells the story that we are not trying to conserve soil, but we are trying to avoid the decision of the Supreme Court.

I had not intended to get into a discussion of this point, and I shall not do so deeply, but I am not satisfied that the Soil Erosion Act would stand the test of the Supreme Court. I believe it was the case of *Kansas* v. *Colorado* (206 U. U. S. 46), where the State of Colorado attempted to divert the waters of the Arkansas River for irrigation purposes, and upon intervention by the Federal Government the Court held that that was an attempt upon the part of the Federal Government to invade the rights of the States. If we could not divert the water of the State for purposes of irrigation to produce crops, and if that was an invasion of State rights, then a measure to control the land of private ownership from erosion or increased productivity is likewise an invasion of the sacred rights of the States, as denounced by the Court. That is the basic law.

I am not willing to accept the doctrine of the statement that the Erosion Act we passed in 1935 is constitutional. There is a very grave question in my mind if it would stand the test of the Court. However, the pending bill must stand on its own legs. It is a modification of that act, and toward that we look; and I have tried to discuss it briefly in view of the findings of the Supreme Court.

I had no intention of speaking today, and had not felt so inclined. I have looked at the bill with most kindly eyes and most sympathetic consideration because of my manifest interest, which has been shown in a great many cases by voice and vote to support legislation calculated to benefit the farmer; but I cannot persuade myself, after the most careful consideration and thought, that we have here a bill which would stand the test at all. Everyone knows the embarrassment which the Federal Government is undergoing today in the matter of processing taxes, the uncertainty the farmer has as to what his price level will be next year, whether he will control his planting this year and the production of his crops later in the season. He has in mind the harvest time. Why should we pass a bill which is so full of doubt and question?

I stated to the very able Senator in charge of the bill, the Chairman of the Committee on Agriculture and Forestry, that I would not oppose the bill if it could be so framed as to meet the situation in a way that can be upheld; that the Federal Government 2 years from now probably could cooperate with the States through the extension service and the experiment stations in handling erosion in a way that incidentally might elevate the price level by curtailing production of farm products. I am willing to meet them on that matter. I am willing to go back to the committee and work for weeks, if necessary, on a bill which will bring about that result, which is so much needed, and one which, in my opinion, might not impinge upon the decisions of the United States Supreme Court.

Mr. President, for that reason, and with that short and rather desultory explanation, I shall rest the matter for this day.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 3421. An act to authorize credit in disbursing officers' accounts covering shipment of privately owned automobiles from October 12, 1927, to October 10, 1929;

H. R. 3709. An act for the relief of the Norfolk Southern Railroad Co.;

H. R. 4805. An act authorizing adjustment of the claim of the Adelphia Bank & Trust Co. of Philadelphia;

H. R. 4858. An act for the relief of Edward Shippen West;

H. R. 6402. An act for the relief of Julia M. Crowell;

H. R. 7680. An act to amend the act of May 18, 1934, providing punishment for killing or assaulting Federal officers;

H. R. 7814. An act to authorize the Secretary of Commerce to grant to the State of California an easement over certain land of the United States in Tehama County, Calif., for highway purposes;

H. R. 7995. An act to authorize a preliminary examination of the Arkansas River and Fourche Bayou with a view to the control of floods in the vicinity of Little Rock and North Little Rock, Ark.;

H. R. 8515. An act to provide funds for cooperation with Sanish School District No. 1, Mountrail County, N. Dak., for extension of public-school buildings to be available for Indian children;

H. R. 9871. An act to amend an act entitled "An act providing for the participation of the United States in the California-Pacific International Exposition to be held at San Diego, Calif., in 1935 and 1936; authorizing an appropriation therefor, and for other purposes", approved March 7, 1935, to provide for participation in the California-Pacific International Exposition to be held at San Diego, Calif., in 1936, to authorize an appropriation therefor, and for other purposes; and

H. J. Res. 459. Joint resolution to amend the joint resolution entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes."

SUPPLEMENTAL DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. ADAMS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10464) "making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes", having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 1, 17, 18, 23, 30, 34, 36, 37, 41, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 9, 10, 11, 15, 16, 20, 21, 22, 26, 27, 28, 29, 31, 32, 35, 38, 39, 40, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, and 61; and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "attorneys of record for the contestant, to wit: Grant P. Hall and George H. Williams"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read as follows: "each; in all, $1,200"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "Printing and binding: For the printing of 10,000 additional copies of No. 71–A of Senate Document 92, Seventieth Congress, first session, $2,800."; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lines 7 and 8 of the matter inserted by said amendment strike out the word "purchase", and after the word "maintenance", in line 8, strike out the comma; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In line 4 of the matter inserted by said amendment, strike out the following words: "any purpose in connection with the"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 12, 13, 24, 25, 33, 62, and 63.

ALVA B. ADAMS,
CARTER GLASS,
KENNETH MCKELLAR,
FREDERICK HALE,
HENRY W. KEYES,
Managers on the part of the Senate.

EDWARD T. TAYLOR,
C. A. WOODRUM,
JOHN TABER,
Managers on the part of the House.

The report was agreed to.

AGRICULTURAL RELIEF

The Senate resumed the consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

The PRESIDING OFFICER. The question is on the amendment in the nature of a substitute reported by the committee.

Mr. HATCH. Mr. President, a short time ago, in directing inquiries to the chairman of the committee, the Senator from South Carolina [Mr. SMITH], I asked him if certain limitations might be placed upon the power of the Secretary of Agriculture by virtue of an appropriation bill and that method of controlling the expenditures of the Secretary of Agriculture under this bill. The very able Senator from Oregon [Mr. MCNARY]—whose years in this body are many, and whom I would not attempt to answer—took me to task for that explanation, stating, as I understood, that no such thing had ever before been done by the Congress. I think the Senator from South Carolina referred to the original soil-conservation act. There was so much noise in the Chamber that I could not hear what he was saying; but I think he directed the attention of the Senator from Oregon to that original act, which by its terms is almost as broad and almost as comprehensive as the bill we are studying today. It provides for contracts with individuals, the payment of benefits to individuals, the purchase of land from individuals, and many other things, and for moneys to be expended by the Soil Conservation Service. That bill passed the Senate, as I recall, without a single dissenting vote; and I am quite sure those who oppose this bill today would likewise have opposed that bill then, upon the same grounds they now raise, if this were such a strange, unusual, and peculiar practice as has been stated today on the floor of the Senate.

It was also said, Mr. President, that the appropriation for the original Soil Conservation Act has been greatly increased by the plans now on foot—from $57,000,000 to $440,000,000—and it was declared that if the Agricultural Adjustment Act had not been held to be unconstitutional, that additional appropriation would not be made. Perhaps that is true; but I direct the attention of Senators who so think to the fact, which has been established and is conclusively shown by the records of the Agricultural Adjustment Administration, that under that Administration soil conservation was carried on to an extent almost as great as that which is proposed under the present bill. It was one of the prime objects, and one of the major purposes of the administration of the original act, to conserve and preserve the soils of the land. It may well be true that that very laudable purpose has been ended and destroyed by the decision of the Supreme Court and it is now necessary to carry on that work because the decision of the Supreme Court stopped it. I submit that the work of the Agricultural Adjustment Administration did carry on, throughout its entirety, the theory of soil conservation.

Mr. President, as a member of the Committee on Agriculture and Forestry, I have given considerable study to the problems raised by the decision of the Supreme Court and by the objections which have been made to this bill. I am not unmindful of the fact that it is charged that this bill does not solve the entire agricultural problem; that it will not and cannot be effective in accomplishing the desires and aims many of us have of raising agriculture prices so the products of the farmer, his land, and his labor will bring to him some degree of that prosperity which must be his if our country is to regain a permanent condition of prosperity. It has been said the bill is only a subterfuge to avoid the decision of the Supreme Court of the United States and that it is in conflict with the Constitution.

In my opinion, it is true that the bill does not solve the entire agricultural problem, in that it does not present a complete farm program. It does not in itself constitute the last and final word on that great subject. I doubt, Mr. President, whether that last and final word will ever be said during the lifetime of any of us present here today; but I think it can be truthfully said that the bill expresses an earnest desire on the part of its author, the members of the Agricultural Committee, and the Agricultural Department to do something constructive and worth while to aid and assist agriculture within the limits of the Constitution and in accordance with the doctrines laid down and announced by the Supreme Court in the Butler case.

The ends sought to be accomplished are certainly legitimate, and I believe the vast majority of the Members of the Congress are in sympathy with those purposes, and all readily agree that some method should be found to aid and assist the farmers of America.

If this bill is not constitutional, and if there is no constitutional way to attain those ends, then, as fair, square Americans, we must say that there is no constitutional method; and, if the people desire to provide the means, then let the change be authorized in the regular constitutional manner. This does not necessarily mean that the Congress has no remedy within itself to provide methods and means

to place its acts on a more secure foundation. It is argued by many that the Congress should place certain safeguards around the legislation regularly enacted by Congress and approved by the Executive, and that the Congress does have the power to provide constitutional and lawful safeguards; but those questions are not involved here. At the moment we are confronted with the pending bill, and are concerned with its legality in the light of conditions as they are now, as they exist today.

It seems that much of the confusion which exists, and perhaps some of the criticism, arises because the bill before us has been greatly misunderstood, and its objects and purposes are not rightly comprehended.

I, myself, had been led to believe that the measure was sponsored as a complete farm program; that it was put forward as a mere subterfuge for the Agricultural Adjustment Act; that all the functions carried on under the Agricultural Adjustment Act could be carried on and performed under this measure; and that in reality, as said by the Senator from Oregon [Mr. MCNARY], it was the same thing in a different dress.

With that conception of a building line, and thinking that that might be its true purpose, I did not see how it could be any more valid than the original act. "What cannot be done directly cannot be done indirectly" is a principle of law, not only in which I have concurred, but it has always been one in which I firmly believed. Therefore, I have said, and I repeat here, that if this is a measure under which the same plans and programs will be carried on in the same way as they were carried on under the A. A. A., if it is a subterfuge, a mere change of clothes in an attempt to evade the decision of the Court, of course, it will be held to be unconstitutional.

But before condemning a measure which does have a purpose we all endorse, let us again observe some of its provisions and its purposes as disclosed by the bill itself. Here let me say that not only we but the courts will look to the bill to determine what is sought to be accomplished and enacted into law. The bill must speak for itself. This rule is well known to lawyers and courts and has been announced many times. It is true that the entire bill must be examined. A stated policy or purpose will not control over plain and unmistakable objects and purposes disclosed by other parts of the bill. It will be examined as a whole, and from that whole will be determined what is proposed to be done.

With this thought in mind, we read from the bill that it declares itself to be a measure for soil conservation. It amends and becomes a part of the original Soil Conservation Act of 1935. It enters into a field already covered in part by legislation which we have passed. The legislation already enacted is clearly and surely a soil-conservation program. It is that and nothing more.

The original Soil Conservation Act is somewhat limited and relates to soil-erosion control more than it does to soil conservation. One is negative and the other is affirmative. One is the control and holding in check of destructive forces; the other is constructive, not only including the control and prevention of destructive elements and forces but it builds and recreates that which previously has been destroyed.

As to the necessity for such a program, the original bill, not the one we have here today but the original bill, contained this declaration:

> Depletion of the soil and the improper use of the soil resources of the Nation impede the orderly flow of agricultural commodities in channels of trade, endanger the assurance of an adequate supply of such commodities at a fair price to producers and consumers, endanger the reestablishment and maintenance of farm purchasing power, and otherwise adversely affect the national welfare.

Perhaps those who seek flaws will imply a purpose to go contrary to the decision of the Supreme Court from the use of this language. Those who seek evil may find it here. Those who prefer to read with an open mind and judge by what is written rather than to seek ulterior motive or purpose, will agree heartily with every word set forth in that declaration.

If we live long enough, we shall see, to our sorrow, that depletion of the soil does endanger the assurance of an adequate supply of such commodities at a fair price to producers and consumers, unless a real soil-conservation program is adopted. The depletion of the soil and the improper use of the soil resources of the Nation do endanger the maintenance of farm purchasing power; not only do they endanger the farm purchasing power but in certain sections of our country that farm purchasing power has already been partially, and in some places almost wholly, destroyed by ill effects of unwise tilling of the soil. The dangers from depletion of the soil and the improper use of the soil resources of the Nation are not imaginary dangers; they are destroying forces which are already at work on millions of acres of farm lands in America today.

But whether one agrees with the language used in the original section 7 is not so important at the moment. The language I have just quoted need cause no alarm, for it is now omitted from the substitute. Even if not, the words were but a mere statement of a condition as it exists, a statement of fact, and nothing more. They are not words of legislative character; they command nothing and grant no power. The declared purposes are contained in the following policy, specifically declared and set forth. They are:

> (1) Preservation and improvement of soil fertility.
> (2) Promotion of the economic use and conservation of land.
> (3) Diminution of exploitation and wasteful and unscientific use of national soil resources.
> (4) Reestablishment and maintenance of farm purchasing power at prices for agricultural commodities fair to producers and consumers.

The statement following subdivision 4 expresses the purposes of Congress to carry out the program with due regard to the maintenance of a stable supply of agricultural commodities adequate to meet all consumer requirements.

In the stated policy no objections will be raised to subdivisions 1, 2, and 3.

(1) "Preservation and improvement of soil fertility" is clearly a proper function of soil conservation.

(2) "Promotion of the economic use and conservation of land" can cause no argument.

(3) "Diminution of exploitation and wasteful and unscientific use of national soil resources" is in keeping with the conservation program.

Subdivision 4, relating to the "reestablishment and maintenance of farm purchasing power at prices for agricultural commodities fair to producers and consumers", may cause concern. Here the opponents of the measure may direct their fire.

Also, do the "provision for and maintenance of a continuous stable supply of agricultural commodities adequate to meet consumer requirements" and the "reestablishment and maintenance of farm purchasing power" have anything to do with soil conservation? These considerations may be important in thinking of the measure for the period before the State plan becomes operative.

In this connection, we must bear in mind that the pending measure has two distinct features. One relates to the period of time which necessarily must elapse before State plans can be formed and put into effect. I shall refer to this as the temporary period, or the temporary plan. The other part of the bill contemplates the establishment of a more or less permanent farm program. Its main objective and feature may be a plan for the regulation and control of crop production but if so such would come by and through the States. It differs from the Agricultural Adjustment Act in that the plan must be operated by and through the several States. Each State must set up its plan and receive payments from the Secretary of Agriculture according to the terms of the plan set up by the State and approved by the Secretary. This feature of the bill is clearly designed to meet the decision of the Supreme Court. Under it the States will exercise the power and occupy the field which according to the opinion of the Supreme Court, is reserved exclusively to the States. In the administration of that fea-

ture of the plan, the States will not be limited by soil-conservation measures, but may, if they so desire, deal directly with the subject of crop control and crop regulation. However, there are those who believe even the State plan must be related to the subject of soil conservation.

But before that feature of the plan can become effective, an interval of time must necessarily elapse. It will require months and months to develop and carry on any sort of a State plan, either for crop control and regulation, or for soil conservation. Therefore, it is necessary to discuss the features of the bill which relate to this temporary period. As I construe the bill, the purposes and policies for the temporary period are exactly the same as those for the permanent program, except that under the permanent program, as I have said, the States can separate crop control, aid, and assistance to agriculture, and maintenance of farm prices from the soil-conservation feature, and can adopt a plan embracing those ideas alone and without any regard to any idea of soil conservation. It is not so for the temporary period. During that time the Secretary of Agriculture will administer the act to carry out the intents and purposes as expressed in the act, except during the temporary period the efforts looking toward the establishment and maintenance of farm purchasing power, and the maintenance of a stable supply of agricultural commodities sufficient to meet all consumer requirements must be limited to the main purpose and objective of soil conservation. These things must be a necessary part of a soil-conservation program, or the Secretary cannot do the things authorized by the act. During this temporary period, his efforts must be circumscribed and limited to a soil-conservation program.

I submit that legally those features must be a part of a soil-conservation program or the act will be unconstitutional so far as the temporary period is concerned. Therefore, for that temporary period, it may be important to discuss whether or not the maintenance of a continuous stable supply of agricultural commodities and the maintenance of prices fair to consumer and producer are parts of a soil-conservation program. Are they, or are they not?

If one views a soil-conservation program from the standpoint of one or two scattered tracts of land, a farm here, a national forest there, a gully wash some place else, the question is unanswerable. They have nothing to do with and nothing in common with such a program.

This proposed law, even for the temporary period, does not deal with soil conservation in such a manner. If I understand the purposes of this measure, it is to approach the whole task of soil conservation from a Nation-wide standpoint. Each and every farm in the United States may be involved. Uses of land will be changed, crops will be reduced in some places, other lands may be totally abandoned for crop purposes. Lands which have grown cotton or wheat or some other clean-tilled crop for years without soil restoration may be changed from those basic fundamental crops. It may be necessary to plant them in non-cash-producing crops in order to restore and protect that fertility which is the life of the Nation. Corn may give way to grass, cotton may be supplanted by alfalfa, wheat land may be given over to soybeans, and other changes not only may appear to be the part of wisdom but it may be absolutely necessary to make such changes, not on a local, small, county-wide, or even State-wide scale, but the changes may and probably will extend over the entire Nation. And speaking strictly from a standpoint of soil conservation, it may be necessary to make these changes.

When dealing with crops necessary for the food and clothing supplies of the Nation and necessary to provide revenue and income for the farmer, the Secretary, as a wise man, must take into consideration the effect of such a program upon the food supply of the Nation and upon the revenue and income of the farmer. I repeat, the Secretary, as a wise man, must take into consideration the effect of such a program upon the domestic supply of the Nation, upon her exportable surpluses, and upon the purchasing power of the men who will voluntarily cooperate with such a program.

Suppose a Secretary of Agriculture, to imagine an extreme case, should be a soil-conservation zealot to the extent that he would go to the States of Kansas and Oklahoma alone and say to the wheat farmers of those States: "Your lands having been planted to wheat for many years, are being destroyed", as they are, and as the Secretary might truthfully say; and suppose in the interests of soil conservation he should say: "The Government will aid you in retiring all your wheat lands from production of wheat." These two States furnish a large part of the wheat necessary for our domestic uses; much of it goes into foreign commerce when we have a surplusage for foreign uses. Removing these States from the production of wheat would upset the balance of wheat farming in the whole United States. No matter how worthy the soil-conservation program might be, the Secretary of Agriculture must deal with such a basic crop in a way which will not upset that balance, and a continuous, stable supply of wheat must be maintained.

The same thing can be said of the cotton farmer. Cotton lands have been and are being depleted. The soil fertility is being destroyed, and for soil-conservation purposes it might be wise to remove all cotton lands from the production of cotton, but it could well be imagined what disaster would result to our domestic supply of cotton if our Secretary encouraged or aided such a program even in one or two of our cotton-producing States. The Secretary must maintain a continuous and stable supply of cotton adequate to meet domestic and foreign consumption requirements, or at least his entire program must be carried on with such in mind.

Likewise, the same thing is true as to farm purchasing power. The Secretary must keep in mind maintaining the farm purchasing power of the Nation. Under such a method, and conceding it would be the part of wisdom to retire a large part of our farm lands from the production of what we call cash crops—and it is the production of such cash crops which has caused the greatest destruction of our soil—a program might be inaugurated which would so lessen the purchasing power of the farmer, because he had lost the revenues from his cash crop, that disaster would confront such farmer.

It must be borne in mind that the farmer gets his cash revenue from these crops which do work the greatest damage to the soil. That is the reason why he plants them, rather than crops which would be of a more beneficial nature to the soil. He is compelled to have revenues from some source; and most of the farmers over the country are dependent upon those very crops which are destroying the fertility of our lands. It is necessary that the farmer's losses and income from those cash crops be supplemented and aided in some way. Therefore, to carry on a real conservation program it is necessary that the farmer's purchasing power be maintained.

What is said about the farmer's purchasing power applies in a like sense to maintaining the prices of agricultural products at a level which shall be fair to the consumer. If a program should be carried out which resulted in a great scarcity of farm commodities which form many of the necessities of life, the consumer would find the prices of those necessities so increased, as a result of the program, they would be entirely beyond his ability to meet. In a well-rounded program it is absolutely necessary to consider the price effect on both producer and consumer.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. WAGNER. I am seeking enlightenment upon the point which the Senator is now discussing. What limitation is there in the bill fixing a standard to prevent production from being curtailed to a point below the normal domestic consumption?

Mr. HATCH. That is exactly the thing I am trying to point out at this moment—that in this bill we command that prices be maintained; that the Secretary of Agriculture keep in mind that prices must be fair both to the producer and the consumer. Therefore, you cannot engage upon a curtailment program which will promote such a scarcity that it would make the prices to the consumer unduly high. That is why that command is placed in the bill.

Mr. WAGNER. But the command is in the form of a delegation of power to the Secretary of Agriculture. Whether or not the curtailment will cut into the demands of normal consumption rests with him alone. I wish to ask the Senator from New Mexico whether it would not be wiser, for the protection of the consumer, who, after all, ought not to carry the entire burden of this project, to provide some such limitation as this:

The production of greater and more stable national wealth in the form of supplies of agricultural commodities adequate to maintain domestic consumption at the normal levels of the period between 1920 and 1929.

The reason I have selected 1920 to 1929 is because that is generally accepted as the period of normal per-capita consumption in the United States. If anything, consumption was insufficient even then, and we are hopeful that it will become a great deal more. But as the bill now reads, there is nothing to prevent the curtailment of production to such an extent as to bring about the very situation that the Senator views apprehensively, namely, a manufactured scarcity with prices abnormally increased and consumer supply cut down. Certainly that would not be the administrator's intent, but why leave the door open?

Mr. HATCH. I am sure none of us approve a program of scarcity. That word has been used throughout the country, but there is no one in the administration that I know of who favors such a program, and the command was put in the bill in order to protect the consumer and also to protect the producer. The reason I am developing it is simply this: It is said that it makes the bill a price-fixing measure, and it takes the place of the original A. A. A. Act and violates the Constitution and the Supreme Court's decision.

I quite agree with the Senator. I should like to make the bill just as strong as it can be made to assure two things: A price fair to the farmer in order to raise his purchasing power, and also a price fair to the consumer.

Mr. WAGNER. In regard to delegation of power, I think the present bill is perhaps even more objectionable than the prior legislation. You have no standard whatsoever except the judgment of the Secretary of Agriculture. It seems to me it would aid the legislation in the courts if there were some limits below which production could not be decreased. This would also give more assurance to the large population of urban consumers. Remember that these consumers want to do everything possible to lift the standards of the farmer, to give him purchasing power, for his welfare is essential in order to keep our urban factories going. There is an economic interdependence that none of us can sensibly now dispute. Scarcity is bad for all.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MURPHY. I think the point which the Senator from New York makes is specifically covered in the fifth provision on page 2, line 5:

In carrying out the purposes of this act—

The purposes of this act being stated in (1), (2), (3), and (4).

Mr. WAGNER. Yes; I have read them.

Mr. MURPHY. I continue to read—

due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand.

The Secretary of Agriculture cannot arbitrarily fix a specific amount of pork to be produced, a specific number of hogs, a specific number of pounds of beef to be produced. He cannot do that. So, necessarily, it has to deal with that in general terms. Those general terms could not, it seems to me, be better or more concisely stated than that he shall, in carrying out the purposes of the act, have due regard for the maintenance of a continual and stable supply of agricultural commodities adequate to meet consumer demands.

Mr. WAGNER. Of course, I shall not attempt to predict what a court might do in interpreting this delegation of power in general terms. My own view is that is it too general and does not really fix a very definite standard.

Mr. MURPHY. Would the Senator be able to suggest offhand how he would fix a definite standard?

Mr. WAGNER. Yes. I just suggested one. We ought to take a period of time when we regarded consumption as normal—say, the period between 1920 and 1929—and prohibit curtailment below that level.

Mr. MURPHY. I have never subscribed, I will say to the Senator, to the idea that the period he has designated should be taken as the standard, because that was a period of depressed prices in this country.

Mr. WAGNER. I think the Senator is mistaken about that.

Mr. MURPHY. Very well, but I will let my statement stand.

Mr. WAGNER. In any event, if it was a period of depressed prices, it was also a period of inadequate consumption. All I say is that we should not force consumption even lower. Besides, the A. A. A. has already aided the farmer to the extent of bringing his prices up to within 10 percent of parity. I am hopeful they will reach parity very soon.

Mr. MURPHY. May I say that the Senator has in mind that the present supplies of food products are wholly attributable to the operation of the A. A. A. That is far from the truth.

Mr. WAGNER. I did not make any such statement.

Mr. MURPHY. No; but I think that idea has influenced the Senator's thought in relation to farm legislation. The prices of food have been so high, in his estimation, as in many instances to work a hardship upon his people.

Mr. WAGNER. I have not said even that.

Mr. MURPHY. No; the Senator has not said it, but I think that is in the mind of a good many people.

Mr. WAGNER. Do not put words in my mouth that I have not said.

Mr. MURPHY. But I think that is in the mind of a number of those who view with askance any agricultural legislation that may affect prices. The truth is the prices have been largely influenced by the drought, by an act of God, back in 1934.

Mr. WAGNER. I understand that.

Mr. MURPHY. The prices of today have been influenced by that drought. If we should adopt the suggestion made by the Senator that we go back and fix a period of time when there was a consumption of a certain amount of food, a drought might upset the whole program.

Mr. WAGNER. That would not be the responsibility of the Secretary of Agriculture. But I do not think that I have made myself very clear to the Senator. I admit that farm prices should be fair, and that the Government should do whatever is necessary to keep them fair. But I say we must do this without forcing consumption even below the pitifully inadequate levels of 1920–29. To say that fair farm prices must be based on such action is hopeless defeatism. It will ruin the whole country.

Mr. MURPHY. I should think there might be the same confusion then as there is today. The A. A. A. is held responsible for present food prices, whereas they are in very large part the result of the drought.

Mr. WAGNER. The Senator has put words in my mouth that I did not utter at all. I am talking about basic consumption needs. Prices must be built on that.

Mr. MURPHY. Then I withdraw what I said insofar as it related to the Senator from New York.

Mr. WAGNER. All that I want to do is to prevent any apprehension throughout the country that this bill might involve a new program of scarcity. Undoubtedly, the power to reduce production below normal consumption requirements exists under the present language. In order to remove any apprehension as to that, and also to help the situation insofar as the courts of the country are concerned, a more definite standard should be fixed.

Mr. HATCH. Mr. President, I call the Senator's attention to the fact that this bill, which involves merely the expenditure of an appropriation, is not the delegation of such power as was delegated under the N. R. A. Act, for instance. I do

not believe the lack of a standard would make it illegal. Does the Senator from New York so think?

Mr. WAGNER. I cannot agree with the Senator. I do not say that I agree with the N. R. A. decision at all. But accepting it as the law of the land, sanctioned by a unanimous Court, I think that what it said about improper delegation is even more applicable to the pending measure. Nor do I say that I agree with the A. A. A. decision. But if controlling domestic production by Federal action was held bad in that case, it is indistinguishably bad under the present bill.

Mr. HATCH. I shall discuss that a little later.

Mr. WAGNER. I shall be delighted to hear the Senator discuss it.

Mr. HATCH. But I wish to say that the Senator will recall the decision in the N. R. A. case involved the code-making power, the delegation of legislative power. We have, however, here no such delegation. This is merely the delegation of the power to spend money, which I have always understood was not restricted by the same standards and requirements as are other powers.

Mr. WAGNER. Is there not involved in the expenditure of money the control of production as well? The Senator calls it soil conservation, but in fact it is control of production.

Mr. HATCH. I cannot agree to that.

Mr. WAGNER. Well, there is a very tenuous distinction between the two; one results from the other.

Mr. HATCH. If we agree that this is merely a program for crop control and regulation, under the Supreme Court decision, there would be no use in enacting the legislation.

Mr. WAGNER. The Senator is going to show us the distinction, I take it?

Mr. HATCH. I would not say that, but, to my mind, there is a very clear distinction. I think soil conservation is altogether different from crop control and regulation; in fact, I see no connection except when one necessarily flows from the other.

Mr. WAGNER. I hope the Senator is right.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. Under just what provision of the Constitution do soil conservation and erosion come?

Mr. HATCH. They come under the general-welfare clause. I shall quote the Senator from Indiana directly on that point, I think.

Mr. MINTON. In my opinion, the bill now before us is constitutional, and I think crop control is constitutional, for the reason that I think it is all in the interest of the general welfare and is wholly within that provision of the Constitution. For the same reason I think a bill that would absolutely control crop production would be constitutional.

Mr. WAGNER. I hope the Senator listened to my reservation. I said that my remarks should not be interpreted as an agreement with the majority opinion in the A. A. A. case. But there it is, the law of the land, and we cannot remove it by closing our eyes to it. I think the pending bill falls under the decision. If A. A. A. was unconstitutional, so is the present bill.

Mr. HATCH. I misunderstood the Senator.

Mr. MINTON. And I am taking the Court's opinion as the law of the land and still finding fault with it. I say, with that opinion as the law of the land, we may yet pass this kind of legislation.

Mr. WAGNER. Possibly the Court will say this bill comes within the general-welfare clause, and does not in any way control what the Court regards as the purely State function of agricultural production.

Mr. MINTON. They expressly refused to decide anything about the general welfare in the Butler case, and said expressly that they did not decide that an appropriation in the interest of agriculture was not for the general welfare.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. VANDENBERG. The Senator is very familiar with this bill. For my information, I should like to ask his interpretation, if I may, of the language of the proposed substitute in section 12 at the top of page 8. This is the section, the Senator will recall, which proposes to give to the Secretary of Agriculture a rather general authority to do practically anything he desires for the purpose of reestablishing and maintaining farm purchasing power, and so forth.

Mr. HATCH. From what page is the Senator reading?

Mr. VANDENBERG. I am reading section 12, starting at the bottom of page 7 and going to the top of page 8. The language I am asking the Senator to interpret is at the top of page 8, and I call the Senator's attention to the fact that this very general, broad power applies not only to the commodities but to "the products thereof." I wish to inquire whether the soil-erosion bill applies not only to the commodities but gives the Secretary of Agriculture a regulatory authority over all of the processed results that flow from commodities?

Mr. HATCH. My opinion is that it would not.

Mr. VANDENBERG. What does the language "or the products thereof" mean?

Mr. HATCH. I would say—my theory of the bill is that, as a whole, including this section, during this temporary period everything the Secretary does must be related to the soil-conservation program; and if by the use of the language "or the products thereof" or something else there has been inadvertently stated something which is not a part of a real soil-conservation program, the Secretary cannot lawfully do that thing.

Mr. VANDENBERG. I am not meaning to be controversial about the matter; I am inquiring in entirely good faith; but would it not occur to the Senator that the language "or the products thereof" is language quite foreign to the asserted purpose of the bill?

Mr. HATCH. Of course, the Senator is as able as is the Senator from New Mexico to answer his question. That language, as I recall, received no particular consideration in the committee. I could give no explanation of that from the committee that would be helpful to the Senator. He himself can interpret the words.

As I have just stated, the Secretary, during his administration of the act in this temporary period, must relate all his activities to the conservation program.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from New Mexico yield to the Senator from Montana?

Mr. HATCH. I yield.

Mr. WHEELER. The section reads:

> Whenever the Secretary finds that the exercise of the powers conferred in this section will tend to carry out the purpose specified in clause (4) of section 7 (a), he shall use such part as he deems necessary of the sums appropriated to carry out this act for the expansion of domestic and foreign markets or for seeking new or additional markets for agricultural commodities or the products thereof.

In other words, the words "or the products thereof" are just a limitation upon the commodities in the finding of new and additional markets.

Mr. VANDENBERG. I thank the Senator and ask him to notice the repetition of those words at the top of page 8 in a different connection:

> Or for the removal or disposition of surpluses of such commodities or the products thereof.

Mr. WHEELER. That means for the removal or disposition or sale of those commodities or the products thereof.

Mr. VANDENBERG. Let me personify it and see if I understand what the Senator means. Manifestly it would include wheat. That is a commodity.

Mr. WHEELER. Yes.

Mr. VANDENBERG. Would it include breakfast food which might be a product of wheat?

Mr. WHEELER. Yes; the finding of markets, either domestic or foreign, for the purpose of selling any of the products of wheat or hogs or other commodities. That is all it has reference to.

Mr. HATCH. And all must be related to the purposes of the act.

Mr. WHEELER. Yes. It has nothing to do with the control of breakfast foods or the paying of processing taxes on them or the regulation of them. It simply relates to the sale and distribution or removal of those surpluses in the United States. I do not know whether there is a surplus of breakfast foods in Michigan; but, if so, the producers would like to find a market for them. If the Secretary of Agriculture can use some of these funds to find a market for such surpluses, he may do so.

Mr. VANDENBERG. And he may establish any regulation he wants in respect of the sale of any breakfast-food commodity?

Mr. WHEELER. Not at all. All he can do under the terms of this bill is to try to find markets for the sale and disposition of the surplus.

Mr. VANDENBERG. I thank the Senator for his reassurance.

Mr. WHEELER. I think the language, if the Senator will analyze it carefully, will reassure him.

Mr. HATCH. Mr. President, in sincerely and honestly carrying on the soil-conservation program, the Department of Agriculture, during this period, will be able to cooperate with the farmers in removing from cultivation and crop production lands being destroyed but which nevertheless have contributed in the years past to the burdensome surpluses. The removal of such lands constitutes a logical, reasonable, and legal effort to conserve our lands and soil. But frankly it is hoped, and I trust that the conservation of such lands will aid materially in restoring and maintaining the proper balance between supply and demand so that the farmer will receive better prices and more profit and thereby enjoy, by and through the assistance of the Government, some of the benefits which have been accorded to industry for many years through the medium of the tariff and such measures.

Here opponents of the bill may say the commands of the Supreme Court are violated. I think not. The Supreme Court has not said the Congress cannot aid agriculture; the Supreme Court has not said that a soil-conservation program is purely a local matter for the States; the Supreme Court has not said that efforts to restore the farm purchasing power to the Nation are invalid. The Supreme Court expressly refrained from saying that an appropriation in aid of agriculture is unconstitutional.

In this connection, the Supreme Court said:

> The act invades the reserved rights of the States. It is a statutory plan to regulate and control agricultural production, a matter beyond the powers delegated to the Federal Government. The tax, the appropriation of the funds raised, and the direction for their disbursement are but parts of the plan. They are but means to an unconstitutional end.

The foregoing language states plainly and clearly the holding of the Court. It condemns—

> A statutory plan to contract and regulate crop production.

The Court further said:

> But if the plan were one for purely voluntary cooperation it would stand no better so far as Federal power is concerned. At best it is a scheme for purchasing with Federal funds submission to Federal regulation of a subject reserved to the States.

The Court condemns contracts for the reduction of acreage and the control of production, because such contracts relate to a subject beyond the Federal jurisdiction, and the same opinion also condemns purely voluntary plans of cooperation. Apparently the Court means exactly what the quoted words imply, that before a statute can authorize expenditure of Federal moneys to induce action in a field, the field must be one in which the United States has the power to "intermeddle." In other words, before any valid Federal legislation may be enacted, the subject of that legislation must be within one of the specifically granted powers of the Federal Constitution.

As a lawyer, I so read the opinion of the Court. I am constrained to believe the Supreme Court of the United States has said and means that control and regulation of agricultural production is entirely within the field of State supervision and control alone, and the Federal Government cannot enter that field. In honesty, I must say that if the pending bill is not in reality a bill the main purpose of which is soil conservation, and if it is merely a scheme to regulate and control crop production during the temporary period, it violates the decision of the Court and is unconstitutional. But as a bill to aid agriculture by benefit payments and as a soil-conservation measure, it may well be upheld until the permanent plan may become effective, even during the temporary period and before the plans for the different States became effective.

The opinion seems to point out a difference between a statute stating conditions upon which money shall be expended and one effective only upon assumption of a contractual obligation to submit to regulation. In this connection the Supreme Court says:

> We are not here concerned with a conditional appropriation of money, nor with a provision that if certain conditions are not complied with the appropriation shall no longer be available. By the Agricultural Adjustment Act the amount of the tax is appropriated to be expended only in payment under contracts whereby the parties bind themselves to regulation by the Federal Government. There is an obvious difference between a statute stating the conditions upon which money shall be expended and one effective only upon assumption of a contractual obligation to submit to a regulation which otherwise could not be enforced. Many examples pointing the distinction might be cited. We are referred to appropriations in aid of education, and it is said that no one has doubted the power of Congress to stipulate the sort of education for which money shall be expended. But an appropriation to an educational institution which by its terms is to become available only if the beneficiary enters into a contract to teach doctrines subversive of the Constitution is clearly bad.

Here the Supreme Court may intend to open a way for a conditional appropriation to be expended, upon conditions laid down, but which do not contemplate the requirement of a contractual obligation to submit to a regulation which otherwise could not be enforced. Many very able and learned lawyers construe the opinion of the Supreme Court in this light and believe the Supreme Court did point the very way for aid and assistance to be given to agriculture in a lawful, constitutional manner. In any event, the language of the opinion which I have just quoted would justify Congress in assuming the Supreme Court did not intend to exclude all plans for the aid of agriculture. Especially is this true when it is remembered the Court expressly refrained from saying aid to agriculture is not within the welfare clause.

In connection with the Court's decision it must always be borne in mind that the views of the Court can never be derived by picking out sentences of the opinion here and there any more than isolated sentences from a statute can be selected to show the purposes of the law. The whole opinion must be looked into in determining what is the exact holding. After all, the definite ruling of the Supreme Court was in condemnation of a statutory plan to control and regulate crop production. The Court was dealing with the question of contracts, by which crop production was attempted to be controlled by contract.

The pending bill does not purport to give the Secretary of Agriculture power or authority to go beyond the field of soil conservation, which we believe to be strictly a Federal field, nor can he under this measure enter into contracts designed to regulate or control crop production. Under the pending bill the Secretary cannot do that. The most the Secretary of Agriculture will be able to do will be to announce a program of soil conservation establishing certain benefit payments which will be made to those who furnish evidence of their compliance therewith. If we are correct that soil conservation is a proper Federal field, then a bill authorizing soil-conservation contracts could be provided for in all propriety. Here lies a vast difference between the case before the Court and the pending bill. Here we enter into and occupy a field which is not reserved to the States—that of soil conservation. The other bill, the Agricultural Adjustment Act, did enter a field, according to the opinion of the Court, which is reserved to the States. Under the permanent plan the States will act rather than the Secretary.

If soil conservation is a Federal power and function, as those of us who are interested in the conservation of the soils of the country believe, then we are not trespassing

upon State rights or State authority, and the question which the Court answered negatively in the Agricultural Adjustment Act must now be answered in the affirmative.

Perhaps I assumed too much in saying that soil conservation is within the general-welfare clause. It has been questioned here on the floor today. I think the Senator from Oregon [Mr. McNARY] said that he doubted whether the Soil Conservation Act of 1935 was constitutional because it entered into a field reserved for the States. However, such a construction does not appear to me to be the proper one. It seems to many of us who have made a study of the question of soil erosion and of soil conservation that it is a field of national concern, one which is beyond the power, control, and jurisdiction of the several States; that the Federal Government, and it alone, can exercise jurisdiction here.

I know it is not enough to say that a problem is one of national concern to bring it within the general-welfare clause. Astute legal minds may cleverly distinguish and divide as to where the general welfare begins and where it ends. Hewing closely to the lines established according to their own ideas, technical lawyers may say that the conserving of the soils of the country is a matter for each State and for the States alone; but that is a doctrine hard for me to believe in regard to soil conservation.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. HATCH. I do.

Mr. MINTON. If the Government of the United States had the power to purchase all of Louisiana Territory, does it not have power to conserve its purchase?

Mr. HATCH. According to my thoughts, it certainly has. According to others, that power might be solely reserved to the States which were carved out of that Territory.

Mr. NORRIS. Mr. President, what does the Senator think the power would be according to the Supreme Court?

Mr. HATCH. I should defer my humble judgment to that of the Senator from Nebraska. I should much rather hear him express himself on that subject.

Mr. MINTON. But he does not have the last guess.

Mr. POPE. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. POPE. Does the Senator make any distinction between soil erosion, which conceivably would have some relation to navigable streams to which the Federal power might extend, and soil conservation, which covers a very much larger field, as the Senator himself has demonstrated? Is there any distinction there which the Senator recognizes?

Mr. HATCH. I think soil erosion and soil conservation go hand in hand. I think the control of erosion is a part of conservation, and that they cannot be separated.

Mr. POPE. The point is that under the Constitution, soil erosion might be related to navigable streams, to which the Federal power extends; but is there any contention that the whole field of soil conservation even remotely relates to navigable streams, to which the Federal power extends?

Mr. HATCH. It is pointed out in the committee report that at the last session of the Congress a law to prevent soil erosion was passed. It happened to be my privilege to serve on a subcommittee of the Senate which considered that measure, and which heard the testimony of experts concerning the ravages of erosion and the damage which has already been wrought. The Senator from Kansas [Mr. McGILL], the Senator from North Dakota [Mr. FRAZIER], and myself were members of that subcommittee. We were greatly aided in our work by the Senator from Colorado [Mr. COSTIGAN], the Senator from Arizona [Mr. HAYDEN], and the Senator from Oklahoma [Mr. GORE]. I recall the interest, aid, and help given by these gentlemen as well as by many other Members of the Senate. While that bill dealt with soil erosion, it also included the thought of soil conservation. At the time the bill was passed, as I recall, no question was raised on the floor as to its constitutionality. As I recall, all the Senators familiar with the terms, purposes, and objects of the bill favored it, and none seemed to feel that there was any threatened invasion of constitutional rights.

During the hearings much very interesting and enlightening testimony was adduced. It is a matter of common knowledge that one of the greatest sources of injury to farm lands and to their ultimate destruction is the American way of farming extensively and intensively on a one-crop program which tends to realize the greatest possible cash benefit from the soil, but takes no heed of the damage and injury which is being done by the constant wrongful use of the land. Millions of acres of valuable farm lands in the United States are being sapped and drained in this manner, without thought of the morrow, when the present fertility of the soil shall be gone. The uses of land in America today, and for years past, have tended to destroy the land; and eventually the time will come when America shall pay the price of her folly.

Just here it may be interesting to note briefly some observations of men closely connected with the study of the problem of soil wastage and loss.

Dr. H. H. Bennett, Director of the Soil Conservation Service, appeared last year before a Senate committee and gave testimony. He said:

> We have recently completed an erosion survey of the United States. That shows that we have essentially destroyed, practically destroyed, approximately a hundred million acres of formerly cultivated land. * * * Perhaps we can afford to lose that much land, which formerly was for the most part good land. But, in addition to that, we find that in the neighborhood of 125,000,000 acres of land, much of it now in cultivation, has lost all or the greater part of the top soil, and many of the farmers operating on this land have been reduced to the stage of—well, practically it amounts to bankrupt farming on bankrupt land.

Again, he says:

> In addition to that, we find approximately 100,000,000 acres of land now in cultivation on which erosion is getting actively under way and will surely become as unproductive as the second class I mentioned.

In his testimony, Dr. Bennett made very clear the dangers of improper farming methods. Further, he says:

> So what we have been doing in this country, in cultivating the clean-tilled crops year after year without practicing rotations or without providing any measures for controlling erosion, has been the exhaustion and destruction of large areas of agricultural land at a rate much faster than the average person knows anything about.

The dangers from erosion applies not alone to the actual land being destroyed. While it reduces the fertility of the land, according to Dr. Bennett from 2 to 40 times, or destroys it outright, the products of erosion also go to fill up stream channels, harbors, and reservoirs, and also to cover valley lands with comparatively infertile subsoil material washed out of gullies or washed out of the fields where the top soil has been stripped down to the poor subsoil.

The estimate of the Soil Conservation Service is that erosion is costing the people of the country more than $400,000,000 every year in direct impoverishment of the soil, reduced crop yields, and in damage to lower-lying land and filling of reservoirs; and, of course, in addition to that cost must be considered the great cost involved in the destruction of our land resources, such as throwing farmers on the relief rolls, and the destruction of irrigation civilizations when the reservoirs are filled.

On the 20th day of January the senior Senator from Tennessee [Mr. MCKELLAR] inserted in the RECORD an article which was prepared by Hon. Chester C. Davis, of the Agricultural Adjustment Administration. The article appears at page 764 of the RECORD, in the Appendix. It was written for the Country Gentleman and is entitled "Rise of Grass." To those who are interested in the national problem of soil conservation I commend this article. Read what is set forth concerning the damage already wrought. Mr. Davis has written another interesting article which appears in the current issue of the American Magazine. I suggest it as being well worth reading. I wish I had the time to quote from these and other articles, definitely and clearly pointing out the disaster which confronts America if her lands be not conserved.

In the hearings before the committees of the Senate and the House, the testimony of Dr. Bennett, of the Soil Con-

servation Service, from which I have already quoted, was most interesting. Other witnesses appeared before those committees, and gave testimony which will arouse the concern and interest of every person interested in the welfare of the Nation. In fact, so convincing is that testimony that one is compelled to say that soil conservation is a problem of national concern, and the proper protection and preservation of the lands of America is for the general welfare of the country.

But far greater than the testimony of witnesses, or the articles of learned men, is the mute evidence displayed on the farms and hillsides, in the valleys, the rivers and reservoirs of our country. One needs but to see to be convinced. In my own State, a great reservoir planned to last for more than 200 years seemed destined to fill up and be destroyed, and its usefulness ended, within a period of 60 years, not from today but from the date of its construction, due to soil erosion. Fortunately, the National Government—the Federal Government, if you please—under the Soil Conservation Act of last year is now expending great sums of money which I hope are being expended constitutionally, and in accordance with the opinions of the Supreme Court but, whether that is the case or not, I desire to say that that work is adding years and years to the life of that reservoir, and is saving valuable, fertile valley lands in the State of New Mexico today. I repeat, I hope the Soil Conservation Act is constitutional.

But gentlemen may say, "Soil conservation is a problem of local concern and applies only to the States." To these gentlemen I would say, "Look at your rivers, your streams, your floods, your windstorms, and tell me they are only local." When the heavy rains come in the mountains of New Mexico, and dash down through the canyons, gorges, and arroyos with tremendous force and volume, sweeping across the State of New Mexico, gathering power and flood proportions as they go, carrying the soil and dirt of New Mexico down through the Panhandle of Texas, through the rich lands of Oklahoma, destroying and damaging all along the way, let the Senators from Oklahoma and Texas rise in their seats and say to the floods, "Recede! Go back to New Mexico! You are a local problem." When the high western winds sweep with force and fury across the regions of the West, carrying dust and dirt, destroying land and soil, let those who say only local issues are involved erect their signboards at the State lines and say, "Winds, you must not cross! Here is a State line."

When the high windstorms blow out of the west of my State, as they do, and sweep down over Texas and Nebraska and Kansas and the rest of the United States, perhaps the chairman of the Agricultural Committee of the House, who resides in the State of Texas a short distance from my own town, may wish to go down on the State border and erect a sign and tell those winds to stay within New Mexico; they are ruining and damaging the lands of Texas, as they are. As the Senator from Iowa [Mr. MURPHY] suggests, surely that must be unconstitutional!

I repeat that these are matters of such grave national concern that they are bound to come within and be within the general-welfare clause; and I perhaps am foolish enough to believe that even the Supreme Court might so hold, should this bill ever be presented to it.

Turn back the pages of your daily newspapers to last spring and read of those windstorms which were a repetition of the storms 12 months before, and say, "Here is no national concern. Only local problems are involved." When the men, women, and children of the Panhandle of Texas and elsewhere took pneumonia and died, as they did and as medical history records, as a direct result of the dust-laden air, shall we repeat that it is "only a local problem?"

When in the years to come, if proper steps be not taken, the life of America shall be threatened with an inadequate supply of foods, and our lands no longer produce enough for our own needs, let the National Government wash its hands and say, "The fault is not ours. Every State should have carried on her own program."

It has even been suggested that the proper preservation of the soils of America could well be laid on the grounds of national defense. One more or less eminent authority stated that if we were at war, every step taken to conserve soils and insure a proper flow of food supplies for domestic and foreign requirements could well be sustained on the theory of national defense. To those who hold that view, may not the suggestion be made that we do not wait for war to build our battleships, equip our armies, or provide aircraft? Must the armies of America be actually threatened with shortages of food before any step can be taken to protect and preserve the source of our food supplies?

There is no use in prolonging these suggestions. It seems to me to be almost beyond argument that soil conservation is of national concern; it cannot be handled by the States, and it is for the general welfare of the Nation.

I reassert, Mr. President, that the measure we are discussing today is not unconstitutional, that it can be upheld and can be sustained, first, upon the theory advanced by the Senator from Indiana, that it is in aid of agriculture, and therefore within the general-welfare clause, and is not prohibited by the Supreme Court decision; and, secondly, that soil conservation is its major objective and purpose, and that soil conservation surely is within the general-welfare clause.

There are those who profess to see in the pending bill something in the nature of an afterthought; that the great concern for soil conservation has only arisen since the decision of the Supreme Court in the Butler case; that the officials of the Department of Agriculture and the President of the United States are using the present concern for soil conservation as a mere pretense to avoid and evade the decision of the Supreme Court.

Fortunately, the record was made in many ways before the Supreme Court announced its decision. The Agriculture Adjustment Administration had prepared, for general circulation, a pamphlet on soil conservation, stating how the Agricultural Adjustment program brings about better use of farm land. The pamphlet had been completed and was ready for the printer before the decision of the Supreme Court of the United States. On the first page thereof we find a statement by President Franklin Delano Roosevelt entitled "A Permanent National Soil Program."

I see many members of the committee present. They know that the committee worked day after day, and obtained the best advice possible, both from a legal standpoint and from the standpoint of the Department of Agriculture, even calling the Solicitor General before us to ask him as to the constitutionality of the measure. Even today, after meeting practically all day yesterday, we submitted again a substitute measure, and what I consider to be on the part of the committee, and everyone charged with anything to do with this measure, an honest and sincere effort to present a constitutional measure, one which will at the same time carry out the purposes and objectives we have.

The President said:

> Present and future production of supplies of food and fiber ample for this country's needs and for available export markets is a sound objective. However, there was nothing sound in the situation in the past when, spurred by ruinously low prices, farmers have been compelled to mine their soil of its fertility by overintensive cultivation in a race to make up in volume of units what they had lost in unit price. This has resulted in a waste on a colossal scale. Dust storms and mud-laden streams have been symbols of this exploitation.
>
> Already the adjustment programs have made important gains in conservation and restoration of soil fertility. Many millions of acres which farmers have signed contracts to divert from surplus production are being devoted to legumes, pastures, hay, and other crops which fertilize the soil and protect it from blowing and washing.
>
> The long-time and more permanent adjustment program will provide positive incentives for soil conservation. The benefit payments can be made on a basis that will encourage individual farmers to adopt sound farm management, crop rotation, and soil conservation methods. The crop-insurance features afforded by benefit payments will help farmers to maintain these beneficial systems of farming without interruption in poor crop years. Long-time adjustments can be adapted to natural soil advantages of regions and localities. Already the Adjustment Administration has under way local studies to help in working out farm programs on a county basis so as to fit the best permanent use of the vary-

ing soil resources of the county, up to that county's share of available domestic and foreign markets. Thus, plans are being worked out that should encourage widespread cooperation of farmers in a permanent national soil-maintenance program.

When one reads the President's article and observes how, when it was thought the Agricultural Adjustment Act was constitutional, he then advocated that benefit payments should be made on such a basis as to encourage farmers to adopt sound farm management, crop rotation, and soil conservation methods, it almost seems the President spoke with the spirit of prophecy and had in mind the exact bill which we are this day discussing.

In that pamphlet, which I urge should yet be published and circulated, there is much information as to the efforts of the Agricultural Adjustment Administration to conserve the soils of the land. The same authority suggests there might well be crop rotation, planting of legumes, terracing, contour cultivation, stripped cropping, grass planting, putting the knowledge gained by research into actual experience, the shifting of acreage, the doing of all the things contemplated to be done under this bill. On the last page of the pamphlet the Secretary of Agriculture says:

The strongest criticism which can be made of the old order of things is that it has permitted and encouraged the ruthless and rapid exploitation of our natural resources without regard to the future. Under the doctrine of free competition this country has done an extraordinary job of gutting its forests, silting up and polluting its streams, and mining its soil fertility.

To end these processes of destruction and take measures to undo the damage that has been done is one of the principal tasks of the present generation. I believe that more persons, in and out of Government, than ever before are looking to a new order in which resources may be used without being abused, in which forests may yield lumber without the forests themselves being destroyed, in which fertile farm lands may yield food and fiber without the soil fertility being lost.

The 3,000,000 farmers cooperating in agricultural adjustment programs, who are shifting some of their acres from unneeded crops that deplete the soil to other crops that conserve and build up the soil, are doing their part in the new effort to save the Nation's heritage of natural resources. Their crop-adjustment measures not only increase their own income and promote national recovery but safeguard the interests of consumers of this and later generations by helping to assure plenty for both present and future needs.

There is no afterthought here; there is no evasion. The President and the Secretary made their record, uttered their thoughts, and declared their policies long before the Agricultural Adjustment Act was held unconstitutional. A broad Nation-wide program of soil conservation had been laid down; the needs and necessities therefor had been recognized. The doing of that work was then of vast importance and was so considered. Even the things to which Senators may object as not necessarily flowing as incidentals to a soil-conservation program were set forth and declared as necessary, a natural and logical part of the long-time policy. I quote again:

The crop insurance features extended by benefit payments will help farmers to maintain these beneficial systems of farming without interruption in poor crop years.

Thus, in these words, the President of the United States describes an essential element of the present bill, and he thinks of it and talks of it in terms of soil conservation. Even the effects on prices were considered by the President when he used the following language:

There was nothing sound in the situation in the past when, spurred by ruinously low prices, farmers have been compelled to mine their soil of its fertility by overintensive cultivation in a race to make up in volume of units what they had lost in unit price. This has resulted in a waste on a colossal scale. Dust storms and mud-laden streams have been symbols of this exploitation.

The whip and spur of ruinously low prices developed and brought on the devastation and waste of our soils on a colossal scale, said the President. "Dust storms and mud-laden streams" are the result of that exploitation, the President argued, at a time when there was no occasion to think of Supreme Court decisions. He treated the problem of soil conservation as a national one, and in his characteristic language, pointed out the direct relation and connection between prices, proper methods of farming, and soil conservation.

The Secretary of Agriculture, referring to the crop-adjustment measures and the beneficial results obtained by the shifting of acres from unneeded crops which deplete the soil, to other crops that conserve and build up the soil, declared, at a time when an adverse Supreme Court decision was not contemplated, that such measures did safeguard the interests of consumers of this and later generations by helping to assure plenty for both present and future needs. Again I say, the President of the United States made his record and the Secretary of Agriculture made his record, and each word contained in the present bill is consistent and in exact accord with the details and policies announced and proclaimed long before the Supreme Court spoke in the Butler case. Those who say the policies set forth in this measure are but afterthoughts and are mere evasions, have not read the record. This record, made long before the Supreme Court decision, is full of sincere and earnest efforts to save and conserve the lands of America. A record it is of which none need be ashamed, and for which future generations shall rise up and call us blessed.

Further, let all those who condemn hasty legislation, and let those who say that Congress should take its full responsibility for the passage of laws, understand that the pending bill was originally introduced by the Senator from Alabama [Mr. BANKHEAD]. He introduced the bill in the Senate in regular form and in regular way, and it went to the Committee on Agriculture and Forestry. There were some of us on that committee, including the Senator from Alabama, who believed the bill could be improved. The chairman of the committee repeatedly stressed the thought and desire of preparing a constitutional bill. Manifesting his deep interest in the problem of agriculture, which has always been close to his heart, he sought only to prepare a bill which would give some measure of relief to the farmer and still be within the Constitution and the decision of the Supreme Court. There were others on that committee who entertained similar thoughts.

The subcommittee met. We were offered the original bill; we raised our objections and suggested things which we believed would improve the bill. The bill was redrafted, at the suggestion of the subcommittee. New features were included. The subcommittee voted to report the bill to the full committee. Still not satisfied, still mindful of his high duty and obligation, the chairman of the committee called the full committee into session and laid before it the report of the subcommittee, and then suggested that time be taken for each member of the full committee to study the bill as it had come back from the subcommittee. Action on the bill was deferred for that purpose, and then, still in order that each Senator might have an opportunity to express himself, the chairman of the committee again called the committee into session. The Secretary of Agriculture and the Administrator of the Agricultural Adjustment Administration, Mr. Chester C. Davis, men from the legal division of the Agriculture Department, and finally the Solicitor General, Mr. Stanley Reed, were called in and asked to advise with us concerning the constitutionality of the bill.

Finally, after reporting to the Senate, the committee again met and offered the pending substitute. The chairman of the committee and the members of the committee have exercised every care in the preparation of the bill. No person has been denied a hearing. I believe I can truthfully say it has been the earnest desire and purpose of the chairman of the Senate committee and of each member of that committee to have legislation enacted which will be constitutional and within the limits of the Supreme Court decision.

Regardless of what others may say, the bill is submitted to the Senate upon the theory that:

First. For the temporary period no powers may be exercised by the Secretary of Agriculture except those for the purposes and objects of soil conservation and natural and logical incidents thereto.

Second. The benefit payments to the farmers made during this period must necessarily flow as incidents to a soil-conservation program.

Third. That soil conservation is a proper field of Federal activity; it is not one reserved to the States.

Fourth. That the program during the temporary period could well be said to be in aid of agriculture, and therefore within the general-welfare clause, coming within the thought suggested by the Supreme Court when it said the Court did not hold that aid to agriculture was not within the general-welfare clause.

Fifth. The permanent features of the bill authorize conditional grants to the States to carry out plans inaugurated by the States, thereby coming squarely within the Supreme Court's decision.

It may be the bill is defective. It may not be a complete solution of our agricultural problem. Certainly it is not a perfect measure; but because it may not be complete, because it may not be perfect, it does not follow that it should be rejected. Surely it will be an aid and of great help to all those engaged in agriculture. It seems apparent this measure can be passed by the Congress.

I see nothing in the bill which will prevent the adoption of any better plan. The policy of making grants to the States and working through the 48 different States is yet to be worked out. States must provide and set up the necessary machinery. If Senators have other or better plans which can be carried on under the Constitution, there is no reason why the adoption of the pending bill should hinder or prevent a presentation of such plans. My thought is that, imperfect as the bill may be, it is a step toward the end which we all have in mind. Let us take that step today. Let us conserve our soil, protect our lands, and aid the farmer as much as we can now. If tomorrow brings a better solution, adopt it. Let us do what we can today to accomplish the end we all desire, the restoration of our greatest single industry to that place where it will be on an equality with those favored American industries which have long received the benefits of a high tariff laid in the name of protection.

Mr. BYRNES. Mr. President, so much has been said about the decision of the Supreme Court with reference to the unconstitutionality of the Agricultural Adjustment Act that I ask unanimous consent to have printed in the RECORD the roll call in the Senate upon the passage of House bill 8492, amending the Agricultural Adjustment Act. It was voted upon July 23, 1935, and I noticed that the senior Senator from Idaho [Mr. BORAH], one of the very distinguished Members of the Senate who have often discussed the Constitution, voted for the passage of the bill amending the Agricultural Adjustment Act, and the senior Senator from Oregon [Mr. MCNARY] was also among those who voted for it. I wish to say to the Senator from New Mexico that, even though the Senator from Oregon today expressed his doubt about the constitutionality of the pending bill, the fact is that the Supreme Court did not agree with the Senator from Oregon when the Senator from Oregon voted for the A. A. A., and the Supreme Court may now not agree with him in his contention that the pending bill is unconstitutional.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. O'MAHONEY. Will not the Senator amend his request so as to have the clerk now read the roll call?

Mr. BYRNES. I will ask the clerk to read it in my time.

The PRESIDING OFFICER. Without objection, the clerk will read.

The Chief Clerk read as follows:

The result was announced—yeas 64, nays 15, as follows:

Yeas—64: Adams, Austin, Bachman, Bailey, Bankhead, Barkley, Black, Bone, Borah, Brown, Bulow, Burke, Byrnes, Capper, Caraway, Chavez, Clark, Connally, Costigan, Duffy, Fletcher, Frazier, George, Gibson, Guffey, Harrison, Hatch, Hayden, Holt, Johnson, La Follette, Logan, Lonergan, Long, McAdoo, McCarran, McGill, McKellar, McNary, Minton, Murphy, Murray, Neely, Norbeck, Norris, Nye, O'Mahoney, Overton, Pittman, Pope, Radcliffe, Reynolds, Robinson, Russell, Schwellenbach, Shipstead, Smith, Steiwer, Thomas of Oklahoma, Trammell, Truman, Van Nuys, Wheeler, and White.

Nays—15: Ashurst, Barbour, Bulkley, Davis, Donahey, Gerry, Hale, Maloney, Metcalf, Moore, Schall, Tydings, Vandenberg, Wagner, and Walsh.

Not voting—17: Bilbo, Byrd, Carey, Coolidge, Copeland, Couzens, Dickinson, Dieterich, Glass, Gore, Hastings, Keyes, King, Lewis, Sheppard, Thomas of Utah, and Townsend.

So the bill was passed.

Mr. BYRNES. Mr. President, in conclusion, I merely desire to say that the reading of the roll call would indicate that the only constitutional lawyers who voted against the passage of the Agricultural Adjustment Act were the constitutional lawyers who come from States in which the large cities of the country are located.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. DONAHEY, from the Committee on Interstate Commerce, reported favorably the nomination of Percy Tetlow, of Ohio, to be a member of the National Bituminous Coal Commission for a term of 4 years from September 21, 1935.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the Committee on Appropriations, reported favorably the nominations of the following persons to be regional directors of the Resettlement Administration:

Robert W. Hudgens, of South Carolina, vice Philip Weltner;

Lillo H. Hauter, of New Mexico; and

Jonathan Garst, of California.

Mr. WHEELER, from the Committee on Interstate Commerce, reported favorably the following nominations:

Lee C. Gunter, of Tennessee, representative of the producers, to be a member of the Bituminous Coal Labor Board for a term of 4 years from September 21, 1935;

John J. O'Leary, of Pennsylvania, representative of the organized employees, to be a member of the Bituminous Coal Labor Board for a term of 4 years from September 21, 1935;

Thomas M. Woodward, of Pennsylvania, to be consumers' counsel of the National Bituminous Coal Commission;

Charles F. Hosford, Jr., of Pennsylvania, to be a member of the National Bituminous Coal Commission for a term of 4 years from September 21, 1935;

Walter H. Maloney, of Missouri, to be a member of the National Bituminous Coal Commission for a term of 4 years from September 21, 1935;

George E. Acret, of California, to be a member of the National Bituminous Coal Commission for a term of 4 years from September 21, 1935;

Lee M. Eddy, of Missouri, to be a member of the Railroad Retirement Board for a term of 4 years from August 29, 1935;

Otto Beyer, of Virginia, to be a member of the National Mediation Board for the remainder of the term expiring February 1, 1938;

James A. Dailey, of New York, to be a member of the Railroad Retirement Board for a term of 3 years from August 29, 1935; and

Murray W. Latimer, of New York, to be a member of the Railroad Retirement Board for a term of 2 years from August 29, 1935.

Mr. NEELY, from the Committee on Interstate Commerce, reported favorably the nomination of C. E. Smith, of West Virginia, to be a member of the National Bituminous Coal Commission for a term of 4 years from September 21, 1935.

The PRESIDING OFFICER. The reports will be placed on the calendar. If there be no further reports of committees, the clerk will state the first business in order on the calendar.

POSTMASTER AT NORTH, S. C.

The legislative clerk read the nomination of Eugene C. Jones to be postmaster at North, S. C.

Mr. McKELLAR. I ask that the nomination go over.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

POSTMASTER AT CODY, NEBR.

The legislative clerk read the nomination of Maude S. Yancey to be postmaster at Cody, Nebr.

Mr. NORRIS. Mr. President, I desire to make a few remarks upon the confirmation of the nomination for postmaster at Cody, Nebr.

Cody is a very small town. I am not acquainted with the nominee. I have no personal knowledge of any of the recommendations, nor am I personally acquainted with any of the persons who protested the nomination. I do not feel justified either, Mr. President, in submitting to the Senate the various objections and reasons for objections which have come to me, because, not knowing personally about them, I might do an injury to a worthy person.

Mr. President, I am not able and I am not attempting to defeat the confirmation of the nominee; but I desire to take this occasion to give to the Senate my idea—which I have often given to the Senate—of the method which has been practiced by the party now in power, and by the party heretofore in power, by which the law applying to the appointment of postmasters has frequently been violated, at least indirectly.

I am not going to complain, either, of officials of the Government or of Senators or the Members of the House for the position they have taken. They come into office and become part of a system—and it would be well-nigh impossible for them completely to take themselves out of it—a system based upon incompetency; a system which is entirely wrong from every standpoint; a system which, in the end, is injurious to the Members of the House and the Senate who participate in it. However, since this system has been in operation for years and years, at least ever since I have been in public life, it is probably expecting too much to expect that any Member of the House or the Senate, or member of the Cabinet, or other official, should at once cease to participate in this method of appointing postmasters, unless he should be backed up either by an order of the President extending and modifying the present rule of the Civil Service Commission applying to these appointments or by some positive act of Congress.

It is with the hope that at some time Congress will enact such a law, and take the Post Office completely and entirely out of the control of politicians and job hunters, that I am offering the few remarks I submit today.

I am using as an illustration this Nebraska post office because I have no interest whatever in it. I have no acquaintance with anyone on either side of the controversy which has been going on in this little village for more than 2 years in regard to the settlement of the question. I think, however, it illustrates the evils which exist in our system; and I make these remarks with the hope that at least at some time what may now be said may be of some benefit and some good in bringing to an end a system in regard to the appointment of postmasters that has controlled our official life for 100 years.

At Cody, Nebr., which, as I have said, is a very small municipality, a vacancy occurred in the office of postmaster. I do not remember now just how it came about. I think it came about by reason of the death of the former postmaster. A lady by the name of Mrs. Yancey was appointed acting postmaster under the law. That appointment was made on February 18, 1934. The Post Office Department asked the Civil Service Commission to hold an examination for eligibles from whom a permanent postmaster could be appointed. The Civil Service Commission held such an examination on the 24th day of March 1934, practically 1 month after Mrs. Yancey had assumed charge of the office.

I am making no complaint thus far. I am giving a chronological explanation of just what happened.

The results of that examination were certified to the Post Office Department on May 23, 1934, practically 3 months after Mrs. Yancey had been appointed acting postmaster. As a result of that examination and the certification of the results thereof to the Civil Service Commission, the list of eligibles was by the Post Office Department submitted to the Representative from the district. This submission was made in order to get his recommendation of one of the three highest eligibles on the list. But it seems, Mr. President, that the list was not satisfactory. It did not contain the name of Mrs. Yancey. She took the examination, but failed to qualify. In the examination, as I remember, her mark was 60 or 65. She was far down on the list. So a request for review was made; and, through the Post Office Department, the Civil Service Commission was asked to review that examination, the purpose being, I presume, to see whether any error had occurred, and whether it was not possible under that examination for Mrs. Yancey to be higher on the list.

In accordance with the request of the Post Office Department, the Civil Service Commission reexamined that record, and found on reexamination that there was nothing wrong with the record; and they refused to change it, and so certified to the Post Office Department. They did this on March 25, 1935, and reported to the Post Office Department that the Commission could find no basis for changing the ratings of the applicants.

This information was promulgated through the proper source, I presume, to the Democratic representative. Then came a request that the Civil Service Commission hold a new examination. They first held the examination; they reviewed it and found nothing wrong with it, and then were asked to set it aside and hold another one.

So far as I know, no charge has ever been made that there was anything wrong with the first examination, but the Civil Service Commission proceeded to hold another examination. They held that examination on July 25, 1935, more than a year after Mrs. Yancey had been installed into the office as acting postmaster. She had been to school at the expense of the Government for a year and had had ample opportunity in that time to prepare herself and pass a better examination, which she did. Upon the second examination Mrs. Yancey was one of the eligibles; she was the lowest one, however; she was at the bottom of the list, but she was appointed, and her nomination is now before the Senate. About a year and 5 months, as I remember, elapsed after this postmaster was installed into office before she succeeded in passing the examination the second time and getting on the bottom of the list as an eligible and receiving the appointment.

I have had some correspondence with the Civil Service Commission and the Post Office Department in regard to this case, and I want to quote from a letter which I received from the President of the Civil Service Commission. He says:

> I have repeatedly stated that the present system of selecting Presidential postmasters is not going to work satisfactorily, and, of course, the same method of determining qualifications is followed today as has been followed under previous administrations.
>
> If legislation placing the positions of Presidential postmasters within the classified civil service could be enacted a complete change of procedure would be necessary. If appointments were not made for a term of years but on a permanent basis it would, of course, result in a far lesser number of examinations. This would enable the Commission to make a thorough investigation of the qualifications of the applicants, which would result in those persons best qualified being placed at the head of the lists. This procedure would also avoid the reannouncement of examinations where there are existing lists of eligibles and would require selections from lists of those found qualified within a reasonable time after certification is made.
>
> The Commission believes that the present system, with all its imperfections, has accomplished some good, in that persons who do not meet certain requirements as to experience or who are found to be wholly unfit are not qualified and, therefore, are not made available for regular appointment. On the whole, however, the system is unsatisfactory and is not resulting favorably to the regular merit system of appointments.

Mr. President, I said at the beginning—or I intimated, at least—that, in my judgment, in this particular case—and it is only a sample; it is only one of a great many—the intention of the law, of the statute, had been violated. I am going to read that statute.

Mr. McKELLAR. Mr. President, before the Senator does that, I wish to ask him, does the President of the Civil Service Commission offer any reason why the first examination and declaration of eligibles were entirely set aside?

Mr. NORRIS. He only states that the request to hold another examination came from the Post Office Department, and that it was complied with. I understand that such a request is one of the means by which favored persons are gotten onto the list and that it has been the practice for a great many years and under different administrations that when the Post Office Department asks that another examination be held, the Commission proceeds to hold it.

Mr. McKELLAR. I do not know how that may be. The President of the Civil Service Commission, however, is mistaken in reference to previous administrations. The Senator from Nebraska will recall that in President Wilson's administration he invariably selected the highest man on the list of eligibles, unless something could be shown affecting his moral character.

Mr. NORRIS. Yes.

Mr. McKELLAR. And I think that system was really the very best system we have ever had in the selection of postmasters. It is very much better than the present one.

Mr. NORRIS. I agree with the Senator.

Mr. McKELLAR. But it was done away with.

Mr. NORRIS. And that system, followed out in good faith, would avoid the necessity and even the probability of Members of the Senate and of the House of Representatives ever interfering in the appointment of postmasters.

Mr. McKELLAR. Yes.

Mr. NORRIS. They would have to show some cause and would have to have some personal knowledge of the circumstances before they could have anything to say about it. I want to say that under that system—and I am speaking from memory now—I called attention during President Wilson's administration at least to one very grave instance in my own State where they had done, as I now remember, practically the same thing that is being done here; and yet I can say that during the term of President Wilson, though I do not know how soon after he became President, he promulgated the rule to which reference has been made.

Mr. McKELLAR. There was a law authorizing it to be done, which I think was passed early in his administration.

Mr. NORRIS. I do not know when that was done, but that rule is much better than the rule now in force, to certify three names, and then let a political committee really name one of the three, if they succeed in getting any of their political favorites on the list, and if they do not succeed in getting them on, then to have the Civil Service Commission set the proceedings aside and hold another examination, in the hope finally that they can get some of their job hunters on the favored list.

Mr. McKELLAR. My judgment is that the only fair way is to select the highest man on the list, and make that selection final.

Mr. NORRIS. I agree with the Senator that, if we are going to continue the present system, that ought to be done.

Mr. WALSH. Mr. President, may I make an inquiry of the Senator from Nebraska?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. NORRIS. Yes.

Mr. WALSH. The Senator refers to a second civil-service examination. If I understand the practice, in most cases the examination consists of the sending of a questionnaire to the applicants to be filled out by them; then inquiry is made through the medium of correspondence by the Civil Service Commission of some of the patrons of the office in the locality where there is a vacancy, and then there is a rating made of the various applicants based upon the questionnaires and the letters received, and sometimes an eligible list is then and there established and made final and the nomination for the office of postmaster is made from one of the three highest on the civil-service eligible list.

Another course, which sometimes is followed, is, before the final rating is made, to have an inspector of the Post Office Department and an inspector representing the Civil Service Commission make a personal investigation. They interview persons in the locality and conduct a thorough investigation into the qualifications, experience, and moral fitness of the various candidates. Then a rating is made, based upon the questionnaire and correspondence and the personal investigation.

I will say to the Senator that in one case in my State after a first examination was made, namely, through questionnaires and correspondence with the Civil Service Commission, one applicant was given a rating of 85 percent and a second applicant a rating of 78 percent. In this case, a request was made that the papers be returned to the Civil Service Commission and that a personal investigation be made of all the applicants, so that the final rating would include a personal investigation of all candidates in the locality where the applicants lived. When that examination was made and completed the applicant who received the rating of 85 percent was found to be so addicted to the use of intoxicating liquors as to be unfit, and he was found ineligible by the Civil Service Commission.

The second applicant, who received a rating of 78 percent, was found to be unfit for in a community of some 30 prominent citizens, only three interviewed, could be found who considered the applicant capable of performing the duties of postmaster. The result was there was no eligible list reported to the Post Office Department by the Civil Service Commission.

What I am trying to show is that it is impossible to be able to get at the merits of applicants for a postmastership through an Executive order permitting the examination to be simply a questionnaire and correspondence with certain people in a particular community whose names happen to be submitted to the Civil Service Commission. It is absolutely essential to have a personal investigation. The important thing is the kind and nature and thoroughness of the civil-service examination provided by Executive order.

I have a case pending now where an applicant for postmastership in his questionnaire is alleged to have falsified as to the positions he had held showing himself fit to hold an executive position. The Civil Service Commission had no evidence to the contrary. They took his statement at its face value and rated him accordingly. There had been no personal investigation made. The facts, when ascertained, disclosed that the positions he claimed to have held had never been held, and yet his statement gave him the standing with the Civil Service Commission that resulted in his being found eligible for appointment as postmaster. The examination permitted fraud because it was necessarily superficial.

My judgment is that in all cases, especially in the important offices of the first and second classes, there ought to be a personal investigation upon the premises so that all possible light can be thrown upon the fitness, capacity, and character of the various applicants. The Executive order can provide for this and can embrace other requirements that will eliminate inefficiency. I hope I have not interfered with the trend of the Senator's discussion. I want to impress upon the Senate the importance of a full, thorough, and searching examination of all applicants of the public service as to efficiency and the selection of postmasters is to be made from the applicants most highly qualified.

Mr. NORRIS. The Senator has made a very valuable contribution to the discussion, and I thank him. I agree with every word he has said. There will be mistakes made under any system.

The president of the Civil Service Commission has pointed out, in the letter which I have read, what would happen or what could happen under these examinations if Congress

should change the term of the postmaster and make it during good behavior instead of 4 years. The Commission would then be able with the same amount of money to give better examinations and to make a full personal examination wherever circumstances in the case indicated it ought to be made.

In the case of which I have been speaking I am not complaining of any man who thougnt the examination was wrong and knew something about it and asked that another examination be held. I am not complaining that the Post Office Department upon any proper showing should ask that a review be had. But upon the review, so far as I know, there was nothing in the record indicating that there was any charge that there was anything wrong or anything done in the examination that ought not to have been done. No charge was made of any irregularity. When the Commission reexamined and certified to that effect, leaving the eligibles the same as they were before and leaving off the list the one whom the politicians wanted on it, then they got a new examination simply by asking for it.

It will be found, perhaps in a large majority of the cases, when the Commission holds these examinations, that an investigation such as has been referred to by the Senator from Massachusetts should be made and an investigator should be sent out on the ground to make a personal investigation. Those cases would be exceptional, of course. Something would happen, something would show on the face of some of the papers that there was something wrong, or some individual interested would call attention that something was wrong, and then the Commission would make a personal examination.

Mr. WALSH. That is done in very few cases.

Mr. NORRIS. Certainly. If we were not required to fill the post offices every 4 years and thus limit the term of office, there would of course be a much smaller number of examinations and appointments than are being held and made now. The fact is, as clearly indicated from the record and the letters from the Post Office Department and from the Civil Service Commission in this case, that there never was anything wrong with any examination, but that the applicant, the present appointee, was the person they wanted to name as postmaster. She had been appointed as acting postmaster under the law. They kept working the machinery through a year and a half of education of this applicant until she was able to pass a better examination, although hers was the poorest showing of any of the eligibles. In that way she was put on the eligible list. It does not make any difference what position she occupied on the eligible list, if the political authorities that wanted her for postmaster were anxious, as they were, they would of course select her and recommend her to the Post Office Department, and she would be named.

I started to read the law which applies to acting postmasters, and while there is very little of it that applies to this particular case, yet for fear of misunderstanding I am going to read the whole section:

> Whenever the office of a postmaster becomes vacant through death, resignation, or removal, the Postmaster General shall designate some person to act as postmaster until a regular appointment has been made by the President in case the office is of the first class, second, or third class, and by the Postmaster General when the office is in the fourth class; and the Postmaster General shall notify the General Accounting Office of the change. The postmaster so appointed shall be responsible under his bond for the safekeeping of the public property pertaining to the post office and the performance of the duties of his office until a regular postmaster has been duly appointed and qualified and has taken possession of the office.

Here is the point that has particular application to this case and all other similar cases where an attempt has been made to get some particular person into the position of postmaster:

> Whenever a vacancy occurs from any cause the appointment of the regular postmaster shall be made without unnecessary delay.

In this case there was between a year and 2 years of time elapsed before that was done.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Texas?

Mr. NORRIS. I yield.

Mr. CONNALLY. The Senator indicated a moment ago that he would prefer an indefinite tenure of office during good behavior. Does it occur to him that if that were the case, postmasters might become rather arbitrary and hard-boiled in their treatment of the public?

Mr. NORRIS. That might occur sometimes.

Mr. CONNALLY. The Senator no doubt has had that experience in the bureaus of the Government.

Mr. NORRIS. That might occur, and if it should, the only thing to do as I see it would be to remove such a man from office.

Mr. CONNALLY. That is a rather difficult thing to do.

Mr. NORRIS. It is not very difficult. It only takes one sentence with the right name attached to it, and out he goes.

Mr. CONNALLY. The President is the only man who could do it and it would be difficult to get him to oust some postmasters.

Mr. NORRIS. It is just as easy for the President to remove a postmaster as it is to appoint one. The President acts only informally. He cannot have personal knowledge in all cases. He does not know anything about the circumstances in any given case.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment. I will say to the Senator from Texas that while I think the term of office ought to be for an indefinite period, that is not the object I have in mind and that is not what I am trying to bring before the Senate at this time. I am trying to show that this law has been violated for many, many years in a large number of cases where some partisan political committee is undertaking to get a job for a faithful partisan.

I yield now to the Senator from Wyoming.

Mr. O'MAHONEY. Is the Senator aware of the fact that the Civil Service Committee of the House of Representatives has reported a bill placing all postmasters of the first, second, and third classes under the civil-service law in the same degree that postmasters of the fourth class have been under that law for a great many years?

Mr. NORRIS. Yes; I am aware of that.

Mr. O'MAHONEY. And is the Senator aware that that measure was called up upon the floor of the House a few weeks ago during the consideration of the Consent Calendar and was objected to by the ranking member of the House Rules Committee?

Mr. NORRIS. Yes; I am aware of that.

Mr. O'MAHONEY. Of course, then, the Senator must recognize that no change can be made in the traditional method of selecting and appointing postmasters except by action of Congress; and that bills are pending, both in this body and in the House, to place the selection of postmasters upon a different basis.

Mr. NORRIS. It would not take an act of Congress to remedy the evil of which I am complaining in this case. It could be entirely remedied if the Department wished to place the Post Office Department upon a business basis instead of a job-hunting basis.

Mr. WALSH. Mr. President, of course an Executive order could change the method.

Mr. NORRIS. Exactly.

Mr. WALSH. President Wilson, by an Executive order, declared that no one but the first person on the list found eligible by the Civil Service Commission should be appointed. The present Executive and the other Executives after President Wilson left it to the discretion of the President to say which one of the first three persons found eligible should be appointed. Am I correct?

Mr. O'MAHONEY. The Senator from Massachusetts, of course, is aware of the fact that under the civil-service law as it now stands, the first person found eligible is not selected for any place in the civil service. In every instance, in every Department, wherever an examination of any kind is held or a register is established, the names of three indi-

viduals are submitted, for the obvious reason that to select the first person might bring about the very result to which the Senator himself has just alluded, when it developed in a Massachusetts case that the man with the 85-percent record, at the top of the list, was wholly and totally incompetent to hold the place.

Mr. WALSH. But is it not a fact that President Wilson's Executive order did call for the naming of the first person on the list?

Mr. O'MAHONEY. It did call for the appointment of the person who was first on the list; and that was the first time, so far as I know, in the history of the Government, when a President required such a showing.

Mr. NORRIS. Mr. President, it seems to me that possibly that is not practicable here; but, since this colloquy has occurred between these two Senators, it does seem to me that if an order to appoint always the person having the highest grade were issued and enforced, it would always be possible for any patron of the office, either at the examination or afterward, to make a complaint setting forth the irregularity, if there were one, or the incompetency of the person selected. Patrons of the office ought to have that privilege, and ought to have a hearing on the charge, and ought to have the right kind of an investigation made to ascertain its truth or falsity.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. As I understand the Senator from Nebraska, he favors putting all classes of postmasters under civil service, and appointing the highest man on the list when the examination is held. Substantially, that is his position?

Mr. NORRIS. No; if I had my way, I would not do that.

Mr. McKELLAR. I may be mistaken as to the Senator's position.

Mr. NORRIS. If the Senator will examine the bill which I have pending before his committee, upon which he very courteously gave me a hearing, he will find that my bill does not provide for that; but I would a great deal rather have that than the present system.

Mr. McKELLAR. I have this idea about the matter: Of course, any system of appointment of postmasters is difficult, and is beset with many troubles that we all know about.

Mr. NORRIS. Yes.

Mr. McKELLAR. In my own judgment, the country would get better postmasters if their selection should be left entirely to the discretion of the Representative from the district, who ordinarily is familiar with the qualifications of every man in it. Then, if there should be any trouble about the selection, let the Senate, when it comes to confirm, bring out that trouble. I believe that is the best way to select postmasters.

Mr. NORRIS. Of course, a constitutional question is involved there; about the Constitution giving the President the right to appoint officials of the Government.

Mr. McKELLAR. Of course.

Mr. NORRIS. But, eliminating that for argument's sake, and assuming that that kind of a law would be constitutional, it could not be passed through Congress with a four-horse team.

Mr. McKELLAR. No; I suppose not.

Mr. NORRIS. I say that because Members of Congress would then realize that they were going to have a responsibility, which they ought to have if they should name the postmasters. The law would be a proper one. I should support it if it were a constitutional measure. If we are going indirectly to let a Senator or a Member of the House arbitrarily name postmasters, then I should like to put upon him the entire responsibility and let it rest on his shoulders.

Mr. President, I think a better system would be to eliminate entirely the Post Office Department from politics. I believe that would do the work. It would save Senators and Members of the House not only a lot of work but an untold amount of embarrassment.

I am not now blaming them. I myself was in that class for a long while, and it was one of the greatest burdens I had. We could not get out of it now if we wanted to, because we have had the system so long and the pressure would be so great that it would be too much to expect; but we could pass a law, or, if not, we could get some benefit from the right kind of an Executive order, such as the Senator from Massachusetts [Mr. WALSH] has referred to, which would be a great relief.

Let me tell the Senate what I was informed by a member of the British Government. Several years ago, when the Labor Party won its great victory, and there was a complete change of administration in Great Britain, I was told that less than 100 administrative officers were changed on account of that election. In Great Britain nobody thinks of a postmaster being selected by a Member of Parliament; or, as it would be in this country, nobody would think of having a postmaster selected by a Member of Congress. It is not now part of his official duty. It is a burden that injures him.

I can name man after man of my acquaintance who went down to defeat as a candidate for reelection to the House of Representatives and some men who went down to defeat as candidates for reelection to the Senate for the major reason, and sometimes the sole reason, that they had too much patronage to handle, and they had to disappoint too many men and too many women who wanted jobs.

For the benefit even of the Members of Congress we ought to relieve ourselves of this burden, and we ought to give to the country, especially in the Post Office Department, a system which has nothing to do with politics, from the Postmaster General down to the janitor. We ought to relieve them entirely, and they ought to relieve us, so that politics would not enter into the selection of postal employees; but business ability, competency, and honesty would be the only things to be considered.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. The Senator refers to the English post-office system and to political changes not being made there. I imagine the Senator has had some experience with the English post office. He has been in England, has he not?

Mr. NORRIS. I do not think I have ever been in an English post office.

Mr. McKELLAR. I have not been in any English post office; but I have been in England a number of times, and I desire to say that in my judgment the American postal system is as far superior to the English postal system as day is different from night.

Mr. NORRIS. Let me ask the Senator from Tennessee a question. Does he think that superiority of our postal system over theirs comes about because our postal system is in politics and in the control of politicians, while theirs is not?

Mr. McKELLAR. I have not the same antipathy toward politicians that the Senator from Nebraska has.

Mr. NORRIS. I have not any antipathy whatever toward politicians.

Mr. McKELLAR. I think there are a great many politicians who are very excellent men; and I do believe, as honestly and sincerely as I ever believed anything in my life, that the Representative from a district has an infinitely better grasp and knowledge of the ability and capacity of the men in that district to serve as postmasters than has a person here in Washington.

Mr. NORRIS. Suppose that be true, Mr. President, nine times out of ten the Representative or the Senator selects the man for postmaster who has rendered him the best political service. That is natural, and that is the practice. I could tell the Senate the political connection in this particular case. This nominee is a sister of the chairman of the Democratic county committee in the county involved, and with his power and his pull with the Representative he is able to get her into this position. That is not good service.

Mr. McKELLAR. I agree with the Senator; it is not. I think that sometimes happens. But in the great majority of cases the Representative, who is familiar with the man in each town in his district, in his own self-defense, in order to make his record correct, selects the best man. They do not select inferior postmasters, and as a rule I think we get the best postmasters from those who are acquainted with the people in the particular localities.

Mr. NORRIS. In this case we are not getting the best qualified. There had to be a second examination even to get the nominee on the list, and when she was placed on the list she was at the bottom of it.

Mr. McKELLAR. I agree with the Senator.

Mr. NORRIS. If a Senator or a Member of the House had nothing to do but to select postmasters, and pass on their qualifications, they would do a much better job than they would when they are trying to hold positions in Congress and desire to get all the support they can from their constituents. If a district consisted of one city, for instance, or two cities, with one or two postmasters, the Representative or the Senator would more than likely have some personal knowledge of the applicants.

I represented a district in the House of Representatives for 10 years, and 8 years of that time my party was in power. For the first part of it, at least, I was in good standing and named the men and the women who were appointed as postmasters. I did not know them from Adam a great many of the times. When they are scattered over a territory covering a large portion of a State the Representative cannot personally know them; he does not personally know the qualifications of the aspirants for post offices in all the towns of the district, two or three hundred in number, unless he disregards his duties here, unless he forgets his duty here, and does not try to do anything for the country or the State at large, but devotes all his time to job hunters.

I submit that is not the duty, under the law, of a Senator or of a Member of the House. He should not have his time taken up with those matters, and some of the smallest post offices in the land will take the most time. I could give instances in my own experience where I have tried my best to do what was right and found it almost impossible. But if the officers in the Post Office Department, having the obligation and the duty to appoint postmasters, were not interested in the election, interested in holding offices themselves, or in the election of someone else to hold office, if they were passing on the appointments judicially, we would have a system which I think would bring much better results, would give greater efficiency, and in the end would satisfy the country, and the present system does not do that.

If the Senator thinks it does, I wish to tell him now that many Democratic Members now in the House will go down to defeat at the coming election because they had postmasters to appoint. I do not charge them with doing anything wrong; I do not charge them with having any evil intent; they probably have done the best they knew how. Nevertheless, they have to suffer for the mistakes they inevitably make in the minds of a great many people in regard to something that is not part of their official duty. They should not be weighed by the people who have to elect them in accordance with whether they got jobs or did not get jobs for people. Their constituents ought to be able to pass on them according to their qualifications and their work in Congress.

Mr. McKELLAR. Mr. President, I agree with the Senator about where the principal work is. It is here. But I wish to say to the Senator in all frankness that I believe we get infinitely better postmasters, taken as a rule, by having the Representatives from the several districts make the appointments than we would get by having an official in the Post Office Department appoint all the postmasters in the United States. I do not believe that a man here in Washington could ever become well enough acquainted with the people of the entire Nation to make those appointments in a way that would be fair and would result in getting the best men for the particular places.

Take the Senator's own case. He and I both served in the House, and we both had to recommend postmasters from time to time when we were Members of the House. I would a thousand times rather have had the Senator's judgment on a man in his district than the judgment of a clerk in the Post Office Department.

Mr. NORRIS. Speaking of not knowing all the postmasters—and a Representative, of course, could not know them—under the present law, with the exception of fourth-class postmasters, the President of the United States has to make every appointment, and the Senator knows, and I know, that not in one case in a thousand does he have any personal knowledge about the appointee. The fourth-class postmasters are appointed by the Postmaster General, and he does not know. He gets advice. Does he get it from disinterested people? No; he gets it from politicians, and he would get the same kind of advice, probably, if I gave it to him. I am not complaining about that. It is our system that is wrong. He gets prejudiced advice, biased advice; he does not get the right kind of a picture.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield.

Mr. O'MAHONEY. The Senator's discussion, of course, has been most interesting, and I agree in the main with everything the Senator has said. But I think the RECORD ought to show that the only effort which has been made to change the system which he condemns has been made by Democratic Presidents, first by President Wilson and then by President Roosevelt. It was President Wilson who issued the Executive order, to which the Senator from Massachusetts alluded a little while ago, requiring the appointment of that man who stood highest upon the list when the Civil Service Commission held its examination. Prior to that order the Civil Service Commission was never recognized in the appointment of postmasters. Immediately after the administration changed, and Senator Harding succeeded to the Presidency, that Executive order was changed for the purpose of restoring the system which the Senator now condemns.

Mr. NORRIS. I know that. I remember when it was done, and if the record could be examined, I think the Senator would find on file there as bitter a protest as I could write against that change. I am not making any charge against any particular political party.

Mr. O'MAHONEY. Certainly not.

Mr. NORRIS. I am making the charge against all political parties which have permitted this condition to exist.

Mr. O'MAHONEY. I rose only for the purpose of making the record clear. Whatever progress has been made has been made under the leadership of Democratic Presidents. When this administration began, the present President requested the Postmaster General to see that a bill was drafted which would take the selection of postmasters altogether out of the system which the Senator condemns. That bill was drafted, and has been introduced in the Senate. A similar bill was introduced and discussed in the House of Representatives and, as I stated a moment ago, the Committee on Civil Service in the House reported the bill favorably, and the chairman of the House Committee on Post Office and Post Roads spoke in favor of the bill upon the floor of the House.

As I said, I make these remarks merely for the purpose of not allowing anyone to understand that the criticism which the Senator from Nebraska is making can be directed against the present administration. It may be directed only against the system which has been handed down over many, many years.

Mr. NORRIS. Mr. President, I did not intend to say this, but in view of what the Senator has said I think I ought to say it. Everyone knows it is true. It is no secret that I supported President Roosevelt when he was running for office. It is no secret that I intend to support him again. On the whole, I think his administration deserves enthusiastic support, and I am going to do the best I can, if I have any influence, to see that he is reelected. Yet I think he

can be justly criticized for not taking the right stand in this particular kind of business. And I am going to say to the Democrats that the fact that it has not been done is going to make his road much more thorny than it otherwise would be; it is going to make my job in trying to do what I can to help him much more difficult because it has not been done.

One order from the President would go a long way, not to bring us perfection, but it would go a long way to get us out of this terrible dilemma in the Post Office Department. You may take it from me now—and I regret the condition just as much as you do—that, in my opinion, there are going to be millions of votes in the coming election that would be for Mr. Roosevelt's election which will be against him because of dissatisfaction with the way the Post Office Department has been handled.

Mr. McKELLAR. What would the Senator have put in that order?

Mr. NORRIS. I would put these postmasters all under civil service.

Mr. McKELLAR. Well, they all are under civil service as far as it can be done. The President could not on his own authority go further.

Mr. NORRIS. I will say what the President could do. The President could issue a statement to the American people, which ought to have been issued at the very beginning of his administration, that from now on politics is going to be abolished entirely and completely in the selection of every postmaster in the land, and the men are going to be appointed according to qualification and merit. If they are in the office, doing satisfactory work, regardless of their politics, they are going to be reappointed to that office.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. O'MAHONEY. I desire to give an illustration from my own experience. I happened to be First Assistant Postmaster General when this administration began. In the course of my duties in that position it became necessary for me to examine the record of the postmaster in a certain town in Nebraska. I found that that postmaster was not an efficient postmaster, and I found that in addition to that he had been one of the men in the State of Nebraska who had worked in an entirely improper manner for the nomination for Senator of the grocer, George W. Norris, in a campaign in which the Senator from Nebraska took a prominent part.

Mr. McKELLAR. A successful part.

Mr. O'MAHONEY. I removed that postmaster who had thus assisted the grocer, George W. Norris. Within 3 weeks after that removal order, although the President of the United States had attempted to banish politics in the Farm Credit Administration, that man was appointed to a position in the Federal land bank at Omaha under the Farm Credit Administration. So that no matter what the President tried to do it was quite evident that politics was not adjourned. It was not adjourned, because, though the administration was Democratic, the appointments were being made by Republican advice.

Mr. NORRIS. Mr. President, that calls forth something else. The Senator does not know about it, and I suppose no other Senator knows anything about it, but in my State, in one of the largest cities, in the last Presidential campaign, the postmaster was the chairman of the Republican county committee. As soon as Mr. Roosevelt was elected some steps were taken, either to remove him, or not appoint him again—I do not remember which—and immediately the high officials in the Republican Party, some of them my very best friends too, came to me with a complaint and wanted me to intercede to have him retained in his office, and when I got the facts as they gave them to me themselves, I answered the letter and said "no." Among other things, this man had always been a friend of mine, so they said. I do not know whether that was true or not. If I had the power I would have removed that postmaster immediately. Then they came back and said, "What would you do with the Postmaster General, the head of the Department, who is chairman of the National Democratic Committee?" I said, "I would remove him, too."

I think the Department was justified in removing a man who was chairman of the county committee and had the management of the campaign in his hands. That is not the way to keep postmasters out of politics. That is the way to put the Post Office Department into politics.

Mr. O'MAHONEY. Mr. President, that is a point upon which I disagree with the eminent Senator from Nebraska. I feel that as long as we attempt to cast opprobrium upon political service we may expect only service which is not disinterested. So far as my experience goes in my State—the Senator may speak for his own—I can say in all sincerity that the men who are interested in politics, both upon the Republican side and upon the Democratic side, the men and women who are chairmen of their county or State committees, are men or women who deserve the confidence of their communities. Observe, I say communities, not committees.

Mr. NORRIS. I do not want the Senator to get any idea that I am casting any reflection on a man simply because he is the chairman of a Republican committee or a Democratic committee. I do not wish to do that.

Mr. O'MAHONEY. I think the Senator from Nebraska does do so when he says that the chairman of a county committee should not be considered as qualified to be postmaster.

Mr. NORRIS. No; a man managing a campaign is not and should not be considered competent to hold the office of a postmaster.

Mr. O'MAHONEY. Why not?

Mr. NORRIS. Because by doing so you are putting the Post Office Department right into politics—the very thing that the Senator wants to avoid.

Mr. O'MAHONEY. It depends upon what the Senator means by politics. I think politics is a noble game.

Mr. NORRIS. It depends upon whose ox is gored. When they are engaged in such things they ought not to be in the Post Office Department.

Mr. O'MAHONEY. I am reminded of the statement that Speaker Thomas B. Reed is credited with making—that a statesman is a dead politician.

Mr. BARKLEY. If I understand the rules now governing matters of that sort, they are that no postmaster can manage a political campaign. I think the rules governing the conduct of postmasters prevent them from actively engaging—certainly in pernicious political activity—while they are postmasters. It does not follow, of course, that men who have been active in the management of campaigns and who may have been chairmen of their committees should not be postmasters. The chairmanship of a political committee ordinarily carries with it the implication of some standing in the community. I take it that as a rule men who are selected as chairmen of political committees in both or all political parties are men of standing. There may be some exceptions now and then. However, I do not see myself why a man who is a sufficiently honorable man to be qualified for such a position should be barred from the holding of a postmastership simply because he has managed someone's campaign. Frequently such men are elected by the people to the office of sheriff, or clerk of the court, or judge of the court, and there is just as much reason to assume that we should bar from any local office men who have engaged in any political activity as that we should bar from the positions of postmasters men who have been engaged in political activity.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BARKLEY. Certainly.

Mr. NORRIS. The Senator is assuming I am doing something that I am not doing at all.

Mr. BARKLEY. I do not want to do that, of course.

Mr. NORRIS. I do not have any objection to a man being postmaster who has been governor or sheriff or clerk of the court, or judge. That is entirely beyond what I am advocating. What I did say is that here is a man who, while he was postmaster, was also chairman of the county political committee and managed the campaign. Does the Senator think he ought to be postmaster?

Mr. BARKLEY. That is certainly an outstanding exception to the rule. I know that where any postmaster, either Democrat or Republican, has been engaged actively in a campaign in my State, there have been charges filed against him because of his pernicious political activity, investigation was made, and, if the charges were sustained, he was removed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Maude S. Yancey to be postmaster at Cody, Nebr.? Without objection, the nomination is confirmed.

POSTMASTER AT NORTH, S. C.

Mr. McKELLAR. Mr. President, a little while ago the nomination of Eugene C. Jones to be postmaster at North, S. C., was passed over at my request. Since that time the two Senators from South Carolina have indicated that they have no objection to confirmation. Accordingly I ask that the nomination of Mr. Jones may be confirmed.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

INTERIOR DEPARTMENT

The legislative clerk read the nomination of Miss Evelyn S. Adams, of California, to be recorder of the General Land Office.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Mrs. Gladys Huyck to be register of the land office at Carson City, Nev.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of George Finley to be register of the land office at Roseburg, Oreg.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the remaining nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc. That completes the calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 53 minutes p. m.) the Senate took a recess until tomorrow, Friday, February 7, 1936, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 6 (legislative day of Jan. 16), 1936

PUBLIC WORKS ADMINISTRATION

Thomas D. Rose, of North Carolina, to be State Engineer inspector for the Public Works Administration in North Carolina.

PROMOTION IN THE COAST GUARD

Commander James L. Ahern to be captain in the Coast Guard of the United States, to rank as such from October 7, 1935.

PROMOTIONS IN THE NAVY

MARINE CORPS

Maj. Samuel C. Cumming to be a lieutenant colonel in the Marine Corps from the 8th day of October 1935.

First Lt. Samuel K. Bird to be a captain in the Marine Corps from the 1st day of October 1935.

First Lt. Edwin C. Ferguson to be a captain in the Marine Corps from the 1st day of December 1935.

The following-named first lieutenants to be captains in the Marine Corps from the 1st day of February 1936:

Martin S. Rahiser
Frank J. Uhlig
Adolph Zuber

CONFIRMATIONS

Executive nominations confirmed by the Senate February 6 (legislative day of Jan. 16), 1936

RECORDER OF THE GENERAL LAND OFFICE

Miss Evelyn S. Adams to be Recorder of the General Land Office.

REGISTERS OF LAND OFFICES

Mrs. Gladys Huyck to be register of the land office at Carson City, Nev.

George Finley to be register of the land office at Roseburg, Oreg.

POSTMASTERS

MINNESOTA

William Danielson, Cyrus.
William J. Crook, Pipestone.

NEBRASKA

Maude S. Yancey, Cody.

PENNSYLVANIA

Morris A. Rood, Albion.
Rosa V. Hawk, Cresco.
Margaret M. Kavanagh, Fort Washington.
Harold D. Akens, Linesville.
Delia Dina Fornataro, Russellton.

SOUTH CAROLINA

Eugene C. Jones, North.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 6, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art supremely holy, we approach Thee in an attitude of prayer that we may be clothed with that spirit which knows no anger, turmoil, or strife. At Thy footstool may we reconsecrate ourselves to purity and truth; bind us together in the bonds of cooperation, brotherhood, and in that love "that thinketh no evil." We pray that our minds may be deep and broad, craving knowledge and wisdom for the pursuit of our daily tasks. We urgently ask Thee, our Father, to unite our country to revere the laws which mold our public life and safeguard our destiny. Do Thou enthrone in the very heart of our Nation that divine momentum and unfailing spiritual power that radiate from the heart of the Almighty One. Give us strength for fresh endeavor and bring forth in our own breasts a beautiful and transcendent experience, and Thine shall be the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

METHOD OF PAYING THE BONUS

The SPEAKER. Under the special order of the House, the Chair recognizes the gentleman from Maryland [Mr. GOLDSBOROUGH] for 15 minutes.

Mr. GOLDSBOROUGH. Mr. Speaker, in casting around for a practical method of paying the bonus—that is, a method which would cost the Federal Government nothing, and at the same time would not offend those who are opposed to paying the bonus with new currency—it has occurred to me that the thing to do is to have the Government sell to the Federal Reserve banks the bonds necessary to pay the bonus.

Under the original Federal Reserve Act, the Federal Reserve banks were allowed to earn 6 percent on their capital, plus a certain surplus; the remainder was to be paid into the Federal Treasury as a franchise tax. Under the Banking Act of 1933, and, of course, against the objection of many Members of the Congress—and no one objected more strenuously than I—the act was amended so that the Federal Reserve banks receive the entire profit on their transactions.

I have introduced a bill this morning—H. R. 10974—providing that after the Federal Reserve banks make a profit of 6 percent, the remainder shall be paid to the Federal Government as a franchise tax; in other words, recapturing practically the Federal Reserve Act as it was from 1913 to 1933.

Then the question arises, would it be safe to sell the bonds to the Federal Reserve banks. It will be said that when the Federal Government gets this $2,000,000,000 and pays it to the veterans, and it goes into the member banks, and then goes back to the Federal Reserve banks as the member banks' reserve, the member banks' reserves will be increased by $2,000,000,000. As they have to maintain only a 10-percent reserve, their lending capacity would be increased not by $2,000,000,000, but by $20,000,000,000 or more, which would create a dangerous possibility of inflation. So, in the bill I have incorporated the language of the House bill of 1935, which was the administration bill, language which gives the Federal Reserve Board power to raise and lower reserve ratios in the member banks in their discretion.

In the consideration of the Banking Act of 1935, I was one of the conferees, and every possible effort was made to keep the provisions of the House bill in, but the best we could do was to give the Federal Reserve Board the right to raise reserves up to 20 percent instead of 10 percent, and the way we did that was this: We called attention, in conference, to the fact that giving the power to the Federal Reserve Board to raise reserve ratios, tended to restrain inflation; and this argument, which was absolutely unanswerable, resulted in our getting some consideration for the attitude of the House in the matter of reserve ratios of member banks.

By recapturing the Federal Reserve Act practically as it was between 1913 and 1933 as to the profits of Federal Reserve banks, and by making into law the House banking bill of 1935 as to member bank reserves, it would be possible for the Government to sell to the Federal Reserve banks $2,000,000,000 worth of bonds and pay the bonds without costing the Federal Government a single dollar and without costing the Federal Reserve banks a single dollar.

A proposition of this kind satisfies those who do not think the bonus money should be raised by taxation and those who want the usual procedure of borrowing from banks.

This idea of other than banks borrowing from Federal Reserve banks is not a new idea, because in the Banking Act of 1933 we gave the Federal Reserve banks, along with the Reconstruction Finance Corporation, the right to lend even to private business.

Now, someone may say, however the money is raised, if it is not raised by taxation, it will be inflationary. Suppose the Government needs $100,000,000; under our present system the Government takes $100,000,000 in Government bonds to the Chase National Bank of New York, let us say. The Chase National Bank makes a book entry in favor of the Government for $100,000,000, less the discount, and the Government proceeds to check on that $100,000,000. All that has happened is that the bank, which has relatively nothing, lends to the Government, which has everything, $100,000,000, and the Government lends it back to the bank and proceeds to pay interest on it, and proceeds to check on it. So it is just as inflationary for the bank to issue money in the shape of bank credit to the Government as it is for the Government to issue money directly.

Let us see why this proposal would not be inflationary. You cannot have inflation until your production has reached 100 percent of its possibilities.

Let us assume—and this is a very modest assumption—that we are producing 50 percent of what we can produce. Let us assume that $2,000,000,000 more of money is put into the hands of people who will spend it. You have not done anything to raise the price level. Of course, before production catches up with the extra buying power there will be a slight flurry in the market. Soon production will catch up with the money you have put into circulation so that you will have no permanent rise in prices.

After you have reached the limit of buying power, when a country is producing all it can produce, and still issues more money, that is the time and the only time when you will have inflation. As long as you keep the circulating medium on a parity with production you have no inflation. It is a mathematical impossibility.

The enactment of this bill will make it possible for the Government to sell its bonds to the Federal Reserve banks, when the Federal Reserve banks will place the credit on its books, the Government will check out the money, and nothing will happen except that $2,000,000,000 more of the potential production of the country will be available to the people of the country who spend the two billion. That is all that will happen, and there will be no inflation. [Applause.]

Mr. CRAWFORD. Will the gentleman yield?

Mr. GOLDSBOROUGH. I yield.

Mr. CRAWFORD. What was the accumulation of the Federal Reserve banks since 1913 over and above the 6 percent?

Mr. GOLDSBOROUGH. I think a half a billion dollars; but I think what the gentleman is interested in is that they have almost $10,000,000,000 in their reserves.

Mr. MAIN. Mr. Speaker, will the gentleman yield?

Mr. GOLDSBOROUGH. Yes.

Mr. MAIN. What does the gentleman mean when he says that the banks have nothing and the Government has everything?

Mr. GOLDSBOROUGH. I mean, of course, that while the banks have their capital stock and their undivided profits and surplus, they still have, relatively speaking, nothing. The total capital, surplus, and undivided profits of all the banks in the country is less than $7,000,000,000, and on that shoestring they are practically issuing the currency of the country.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3001. An act for the relief of Walter F. Brittan;

S. 3274. An act for the relief of Mary Hobart;

S. 3647. An act to repeal certain provisions of the act of February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes", and the act of July 3, 1930, entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes"; and

S. 3686. An act to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 423. An act for the relief of Lynn Brothers' Benevolent Hospital;

S. 1950. An act for the relief of the estate of Julius Crisler;

S. 2044. An act for the relief of the Hartford-Connecticut Trust Co., Inc.;

S. 2166. An act for the relief of Ludwig Larson;

S. 2691. An act for the relief of E. E. Sullivan;

S. 3020. An act for the relief of A. E. Taplin;

S. 3186. An act for the relief of Edward H. Karg; and

S. 3934. An act to repeal the Kerr Tobacco Act, the Bankhead Cotton Act of 1934, and the Potato Act of 1935.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10464) entitled "An act making appropriations to provide urgent supplemental appropriations for

the fiscal year ending June 30, 1936, to supply deficiencies in certain approriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes."

AMERICAN NEUTRALITY LEGISLATION

Mr. KENNEDY of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a brief resume of the questions of neutrality by a supreme court justice of the State of New York.

The SPEAKER. Is there objection?

There was no objection.

Mr. KENNEDY of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following brief prepared by Judge Salvatore A. Cotillo, a justice of the Supreme Court of the State of New York, in his individual capacity as a citizen, who has spent many months in study and preparation of the brief which he recently submitted to every Member of the House of Representatives and the United States Senate. The following remarks represent a brief abstract of that scholarly document, which we have all read with great interest:

The momentous interest in pending neutrality legislation, now before the Foreign Affairs Committee of both Houses, is obvious to any visitor of official Washington. When Justice Cotillo saw Senator PITTMAN and Representative MCREYNOLDS, during the Christmas vacation, the respective chairmen of the Foreign Relations Committees in Congress, he expressed his interest to them as an American citizen concerning this topic. He was informed by them that any data or even briefs containing information on this subject would be welcomed by them and their colleagues. Justice Cotillo discussed neutrality legislation in person with Secretary of War George H. Dern, Vice President Garner, Speaker Byrns, and many others at Washington.

In an analytical brief submitted to the members of the Foreign Relations Committees of both Houses and to the individual Members of Congress, Justice Cotillo gives his views concerning pending American neutrality legislation. In a memorandum brief which extends throughout more than 55 pages, Justice Salvatore A. Cotillo, in his capacity as a private American citizen, surveys the situation facing the American Congress in its task of formulating a policy of uniform neutrality.

The memorandum or brief presented discloses a keen appreciation of the tangled skeins of logic and diplomacy behind the neutrality problem itself. Foreign relations at best is never a simple topic, and past experiences show how unexpected have been the turn of events.

Justice Cotillo briefly brings out the relationships of this country with the countries at war and with the League of Nations. He characterizes the League of Nations as a political instrumentality subservient to the great powers. He considers that the present Ethiopian war is of slight importance when the fundamental issues are discussed relative to the so-called silent principals, namely, Germany, France, and England.

It is Cotillo's contention that the commitments we make in 1936 determine conclusively the alinement or side we must take tomorrow when the larger conflict involving the tinder-box peace of Europe is concerned.

Cotillo believes the present war is the result of the iniquities of the Versailles Treaty in 1918. He warns us as Americans that we must be on guard and doubly cautious in avoiding taking sides in future wars.

For instance, America has been the foremost exponent and champion of neutral rights since the decline of the Dutch as a maritime power several centuries ago. We fought two wars to maintain the doctrine of the freedom of the seas unimpaired and in full vigor. In 1812 when England interfered with American ships we fought her and won; in 1917 when Germany violated our rights as neutrals we fought her and won.

On the basis of past experience, America should be, and is, says Cotillo, a firm believer in the doctrine first enunciated by Grotius—that the seas are free and equal to all.

Before the Congress today there are up for consideration two sets of bills contemplating a departure from our domestic law and international law as well.

For instance, the administration favors bills presented by Senator PITTMAN and Representative MCREYNOLDS relaxing our freedom-of-the-seas doctrine.

It is proposed in these bills to permit only normal trade with belligerents. Abnormal trade is barred in that such excess would not be permitted to enjoy American diplomatic or naval protection. The President is granted under said bills the discretion to determine what goods should be protected and in what amount. This elasticity, it is claimed, is what best answers the interests of the American Nation.

Judge Cotillo likewise discusses the bills sponsored by Senators NYE and CLARK in the upper House and by Representative MAVERICK in the lower House. These latter bills make mandatory certain features which in the administration bills are declared a matter for Presidential determination.

For instance, under the Nye-Clark-Maverick bills the President is told what goods may be embargoed. Furthermore, the time which is to measure the period by which normal trade is determined is fixed for him. In the mandatory-legislation bills this period referred to is given as the 5 years immediately preceding the outbreak of any war.

The injustice of this arbitrary designation of time is immediately apparent. So much so is this a fact that Representative TINKHAM, of Massachusetts, is likewise about to present a bill exempting pre-warring nations from the applications of this new change in law.

In the Senate, Senator THOMAS has already introduced a resolution demanding that our existing 1935 Neutrality Act be continued 1 year. The merits of these two last proposals appear on their faces. Cotillo shows that they are designed to hush any criticism, that this country is unfriendly to Italy, also to prevent the accusation that while in the midst of a going war we changed our position in order to help the League of Nations.

Referring further to the mandatory legislation introduced by Senators NYE and CLARK, this bill would compel the President to declare our neutrality legislation operative with the outbreak of war. Under the administration bills the President is empowered to proclaim our neutrality at any time during a war.

Finally in the "mandatory legislation", the President is permitted to further apply for additional restrictions, if, by his application of sanctions, limiting goods to warring nations, does not suffice to protect America's interests.

Justice Cotillo concludes from his examination of these new variations in diplomatic relations, that they are proper subjects of criticism by Americans because (1) they fail to prevent America's entrance into future wars; (2) they fail to protect our rights as neutrals; (3) that the discretion called for in the neutrality bills asked by the administration, compels the President to make a decision as to who is right and who is wrong in each and every military dispute.

In a nutshell, the legislation is termed vicious, cowardly, and un-American, because it has characteristics of all three of these vices. For instance, it is vicious, in that the basis for the discretionary policy asked by the State Department is aimed to shorten the duration of wars. This, Cotillo says, can only be accomplished at the expense of assuming the role of a judge and choosing between who is right and who is wrong. Inasmuch as in no war is one side wholly right and the other side wholly wrong, we are letting ourselves in for a lot of unnecessary trouble and abandoning the wisdom and admonition of our first and great President, George Washington, who warned us to avoid foreign entanglements.

It is cowardly in that it fails to live up to the doctrines we have espoused in the past and for which we have fought two wars and shed many American lives.

It is un-American in that a policy of granting discretion to one man, the President, violates the Constitution of the United States, which declares that our relations with foreign governments should be wholly within the purview of Congress.

Judge Cotillo recalls that Woodrow Wilson was elected by the American people on a platform that he kept us out of war. Yet the Munitions Committee investigations printed at length in the public press show that whenever there was a conflict between neutrality and commercial relations or economic necessity, that neutrality gave way.

What proof have we, asks Cotillo, that the present President or any future incumbent of that high office, will be able to withstand what history shows that tremendously capable and forceful President, Woodrow Wilson, was not able to stand? If the investigations of Senator NYE's committee mean anything, they reveal how, at the beginning, this country was determined, at all hazards, to keep out of war. Yet circumstances compelled a change of policy.

Under the mandatory legislation, it is contended by Cotillo, the prohibition of exports, arbitrarily takes as a basis for measurement, the last 5 years which, if applied in the present war, would be all depression years. It, too, abandons orthodox international law when it abandons American neutrality rights.

A startling contention presented in the brief is that another war will obliterate western civilization; that England, by magnifying the little Ethiopian war into a world-wide conflagration is threatening the existence of western civilization.

The analysis of this proposition proceeds as follows: Should the United States favor the German side in any future conflict between her and France and England, that this world would then be compelled to witness the same sad picture where, the English with their backs to the wall at Calais, and the sea behind them would be duplicated.

Another French bloodletting of a nation already deficient in manpower and military manhood, would pulverize that nation. The consequences become unthinkable.

On the other hand, should the United States favor England and France, inasmuch as the League of Nations would be a belligerent under the proposed bills, we would be piling up on our shores enormous embargoes of oil, cotton, copper, and thus face another depression which we would have to carry on our backs. But more, we would have to wage actual warfare because of letting England have our goods and refusing them to Germany.

Judge Cotillo states, the gravamen of the harm done is in the selection for emphasis and action of clause 16, relative to sanctions by the League of Nations and its abandonment of clauses 19 and 22, relative to the expansion of powers and their relationships to backward states. These latter clauses, history shows, have been kept as a dead letter by the League.

The proof of this statement lies in the fact that in 1928, when the Chaco war broke out, although the League of Nations was both legally and morally bound to act, it did nothing. Again in 1931,

when Japan invaded Manchuria, the League took 2 years to investigate, and though Lloyd Lytton's committee finally reported that the Japanese invasion was a distinct act of aggression, still the League has failed to act up to this very day.

Moreover, when, allegedly, Germany violated the disarmament clauses of the Versailles Treaty, contending that this constitutes a potential menace to the peace of Europe, again the League remained passive. Judged by its past, the League stands indicted as a political instrument with a moral facade available at will, by England, its master state.

The memorandum in analyzing this relation of England to the League of Nations points out that even before a vote of sanctions was taken England had marshaled 72 warships in the Mediterranean; that she was allowing tariff reductions and favored markets to Yugoslavia for her vote on sanctions and contemplated doing the same for Rumania. That in return for their military support Greece had demanded the island of Cyprus; Turkey had demanded the right to refortify the Dardanelles; and France asked a written agreement supporting her against Germany. All these examples demonstrate that the morality behind the League action is purchasable for a price.

Italy has had the audacity to threaten Lake Tana, Egypt and England's life line to India, through the Mediterranean. For doing this England has sought to punish her.

Cotillo makes a very significant distinction with respect to the problem of collective security, which is the basis of the so-called "new neutrality" discussed today. Cotillo's brief makes special mention of the fact that Italy does not repudiate this new doctrine of collective security. This is demonstrated by the fact that, though affirming the point that the League is unfairly ignoring clauses 19 and 22 to the Covenant, nevertheless Italy has not deserted Geneva. Thus she remains within the orbit of its influence.

Cotillo continues: "As hard as practical realists, the Italian thesis is this: Italy, while believing in collective security, thinks national security must take precedence. The English seem to think the opposite, at least when the national-security question is not Britain's. By virtue of this reasoning, the difference between Italy and Great Britain is not a difference in principle so much as it is in degree of emphasis. This distinction is important."

Judge Cotillo would have America not fail to overlook this significant distinction, because he alleges by a policy of discretion in Senate bill 3474 and House Joint Resolution 422 we are nevertheless promoting a principle than aiding and abetting one of the two parties to a dispute. Therefore the memorandum makes this reflection:

"Who can say that granted the elimination of Italy's apprehensions for the safety of her colonies in Africa, she would not be more able to dedicate herself to the organization of peace in Europe more whole-heartedly? She has already proved this at the time of the recent Austrian crisis when her lightning-like mobilization at the Brenner Pass was deemed of decided aid to the principle of collective security."

Cotillo would have us look at the facts facing the world today through the eyes of a stern realist. He assays for us a picture of the manifold conflicts, widespread throughout all lands. He warns America not to be inveigled into a false security and recommends a sturdy and courageous insistence upon our neutral rights. He says:

"Let America's rejection of a policy of discretion be based upon her understanding of these fundamental circumstances. Let us call collective security by its true name. This is a term used to designate a military alliance—no more, no less. It is simply another one of the older forms of pacts which, masquerading under the term 'collective security' is aimed to preserve intact the spoils of the 1918 Versailles peace. That is the peace, you Members of Congress must recall, which was imposed by force on conquered nations. Let us not use American energy, American dollars, American soldiers, to enforce the fruits of war, whether it be under the title of 'collective security' or any other name."

What is the lesson to be learned from all this, asks Cotillo. He concludes that by giving discretion to the President, what we are in fact doing is to pass a law, the true label of which should be "An act to ensure the entrance of the United States into all wars." Further, that too much emphasis has been laid on pacts and agreements and security alliances, and not enough on improving human nature.

Judge Cotillo offers a bit of advice. He urges that we retain our freedom-of-the-seas doctrine. He contends that the administration bills suffer from the just criticisms that they reflect a negative policy which can easily develop into a policy adverse to what are legitimate American interests.

The only conclusion one is compelled to adopt, he contends, is that we should stick to international law; follow that which has been tried and tested in the past; build up an adequate Army and Navy sufficient to protect our rights as neutrals and display a courage sufficient to convince all nations, whether they be pro-League or anti-League, that if they interfere with our rights as neutrals, we will hold them to account. Such a policy is courageous, is correct, is consistent, and in accord with sound legal principles.

If the argument is advanced that this policy fails to utilize American force and American influence in shortening wars, the reply must be that in all wars there is some right on both sides. Judge Cotillo then offers a series of practical recommendations for us to follow if we should stick to a true Americanism and advance the cause of uniform neutrality. They are as follows:

1. Reenact our present neutrality legislation and have it operate until the present conflagration is over.

2. Debate the decision to abandon neutrality when no war is on. Such discussion should be focused on the question of neutrality as an American policy in international relations. If the pros and cons cover the same ground as in public debates which took place when we rejected entrance into the League of Nations in the past, then we are to be congratulated in being able to utilize our greater wisdom by seeing how our adherence would have brought us to Italy's door today crying "wolf", due to a decision made, not in Washington, but in Geneva.

3. Collective security is too risky to attempt as an American policy. Today this is a phrase designating a band of timorous and quaking nations sitting on a powder magazine.

4. Resist all endeavors to subordinate logic to more emphasis and seek with might and main to have the question to be publicly debated, limited as follows: "Does the outbreak of new wars mean that we must inevitably be drawn in? If so, what should our decision be in all such cases?"

(5) As a guide to determining the answer to this last question, we should constantly analyze this proposition, apart from the heat of any present existing war. How far has the principle of collective security been a factor in preserving the peace? Or of accomplishing its goal to prevent wars?

(6) Illustrative of our past neutrality, which has efficiently kept us out of war, except for 1917, when, because of the violation of our neutral rights as a nation and the pressure of war credits and loans to Europe. If Italy does not violate our rights as a neutral nation, and assuming the nonexistence of any Italian war loans or credits to be preserved, we should not change or abandon the only American policy open to us, nor to become unneutral for the sake of helping the present European set-up of military balances of power.

(7) As it is obviously the iniquities of the Versailles peace which account for the 1935 Ethiopian war, let us be on guard so as not to be drawn in under the guise of so-called League forces which are primarily concerned with the question of our putting teeth behind an impossible treaty.

(8) Judged by its own record in the past, the League of Nations stands convicted as a political body, instead of a moral body. She should be treated by us simply as another foreign country with European and not American qualities. Therefore, let us turn our backs on the proposition that our neutrality legislation should in anywise be designed to shorten wars.

(9) Help avoid another world conflagration as predicted by Frank H. Simmonds in Current History Magazine by remaining neutral.

(10) Get a common agreement on the definition of the word "aggressor."

(11) During peacetime arrange a series of pacts with as many nations as possible concerning the rights of neutral nations. Emphasize the rights of neutrals as against the rights of belligerents.

(12) a. Keep our feet always on the ground. Pacts and treaties are one thing; revamping human nature is an entirely different matter. Progress comes as a result of the latter primarily.

(b) We need to devote as much, if not more, attention to how to meet the expanding necessities of various groups of the human race, as to perfect collective force agreements to maintain the status quo of things. Both are inimical to the maintenance of world peace when out of focus with human needs. We have ignored the one and overemphasized the other.

(c) The compulsory maintaining of the status quo, based either on individual or collective force, is based on theories essentially predatory in character and represents another illustration of might making right.

(d) How to meet the legitimate demands of expanding nations is a problem which began since the march of time and will continue until the proverbial crack of doom. The fallacy committed by the League of Nations was in emphasizing clause 16 of the covenant against Italy, relating to sanctions, and in ignoring clauses 19 and 22, which are of equal magnitude. Neglecting one clause and emphasizing another is an illusory method of preserving peace or getting the principle of collective security accepted by those nations, like the United States, who are outside the zone of involvement.

(e) Get the American public to debate the issues in accordance with this analysis; that judged by its past, the League stands indicted as a political organization and is being used by the two great powers to maintain the present status quo or balance of power in Europe. It is the political instrumentality with a moral facade used by the principal powers in jockeying to maintain the present tinder-box peace. If we play their game, we are lost. American diplomacy thus inescapably becomes an appendage to that of Geneva. Avoid this at any cost.

(f) Our safety, it can never be sufficiently repreated, depends on the maintenance of an American policy of strict and uniform neutrality toward all nations with whom we are at peace.

(g) It is positively un-American to abandon neutrality by giving discretionary powers to the President. It represents the taking of sides in every military dispute.

(h) Recognize the baneful influence of loans and credits in past wars. The House of Morgan served its client, the British Empire, well during the last war in these very United States. Remove the same identical threat in future wars by eliminating Presidential discretion to permit under section 5, subdivision (a), the continuance of ordinary commercial credits.

(i) To eliminate war, recognize that we must eliminate the causes of war. This is the message Congress itself can give and should give to the many peace society lobbyists in Washington today and now on behalf of the whole American people. No motives are more worthy than a genuine attempt to save mankind from war's horrors. Yet Europe cares less for these effects on America's well-being—witness England's willingness to enlarge the Ethiopian colonial war into a world-wide conflagration—than it does for preserving the precarious set-up of powers through security pacts and regional agreements predicated on Old World suspicions, jealousies, and, most of all, fears.

In conclusion, let us pass neutrality legislation which will spare our President the dilemma presented in 1917, when it became necessary for our Secretary of State to write the Chief Executive as follows:

"We are face to face with what appears to be a critical economic situation which can only be relieved apparently by the investment of American capital in foreign loans to be used in liquidating the enormous balance of trade in favor of the United States. Can we afford to let a declaration as to our conception of the true spirit of neutrality made in the first days of the war stand in the way of our national interests, which seems to be seriously threatened?"

To be a shrewd banker is one thing. To insure against compulsory entanglement in order to protect financial investments is an entirely different matter. One can find no fault because of the former; it is the duty of Congress to guard against the latter.

If our neutrality legislation fails to close the door tight against future wars for America, it fails to accomplish its purpose. If our neutrality legislation fails to keep us out of wars, then we must know now that the many white crosses on Flanders Field betokening the graves of our American dead represent sacrifices which have been made in vain. Let us gage this next step we take in the light of that past experience! Let us pay, with millions of dollars if necessary, to prevent a reoccurrence of those sacrifices. But not one American life let us give over again to the gods of war.

THE RIGHTS OF THE FARMER

Mr. HILDEBRANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

There was no objection.

Mr. HILDEBRANDT. Mr. Speaker, there is a popular tendency to refer to bankers, capitalists, and financiers as businessmen to the exclusion of farmers and workers.

Years ago William Jennings Bryan told the Democratic National Convention that nominated him for the Presidency, "You have made the definition 'a businessman' too limited in its application." What Mr. Bryan said was true then, and it is true now. There is no more essential businessman than the man who tills the soil and produces food for the country. Food is a primary necessity—the necessity above all other necessities, to be exact. The man who provides it is the greatest businessman in the country and is entitled to be so recognized. How unfair to classify the speculator, the profiteer, the legalized gambler, as a businessman while disregarding the man who creates wealth, who furnishes food, who develops the soil's resources.

Fortunately, public opinion has changed considerably and we have learned by experience. We no longer look with disdain on the man with the plow, the man who raises potatoes and wheat and corn, the man who labors in the field. We realize that he is as important in the economy of things as the captain of industry and the lord of money—and more so. We appreciate his value. We honor him. We look on him as fundamentally necessary.

The Roosevelt administration has done much to make the position of the farmer more comfortable. There are many things remaining to be done, of course, and I am one of those who have urged further legislation for the benefit of the agriculturist. But credit should be given where credit is due, and, while admitting that much remains to be accomplished, it is only just to pay full and honest homage to the Government for the service it has rendered to the man who feeds the Nation.

Some months ago there was much ado about the delegation of farmers who came to Washington in behalf of the A. A. A. Aristocratic snobs spoke sneeringly of the farmers' lobby. As if it were improper for the farmers to have a lobby! As if the farmers were guilty of violating a code, legal or moral, when they lobbied! How ridiculous! If there is any class in the world that is entitled to lobby, to press its claims, to insist upon its rights, it is the farming class. Whether the A. A. A. is perfect or not is aside from the point. It is not perfect, of course. Nothing is perfect in this or any other Government, but we are at least trying in sincerity to give the American people a Government that is frankly representative of them and that protects them from their economic enemies. And we feel that, after all these years, it is quite proper and right that the farmers should be permitted to do a little lobbying—to voice their appeal; to express their desires.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL, 1937

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that debate upon the pending bill, H. R. 10919, the Treasury and Post Office Departments appropriation bill, may continue throughout the day and for 2 hours tomorrow, the time to be equally controlled by the gentleman from New York [Mr. TABER] and myself.

The SPEAKER. The gentleman from Indiana asks unanimous consent that general debate upon the pending bill continue throughout the day and for 2 hours tomorrow. Is there objection?

Mr. O'CONNOR. Mr. Speaker, I reserve the right to object. Are those 2 hours tomorrow to be taken up by the Committee or by some others?

Mr. LUDLOW. There has been no understanding as to that. Of course, I shall want to make a statement, and the gentleman from New York [Mr. TABER] will want to make a closing statement.

Mr. TABER. It will be consumed entirely by the Committee on this side.

Mr. ZIONCHECK. I think it should be confined to the bill tomorrow.

Mr. LUDLOW. Mr. Speaker, I modify my request that general debate may continue throughout the day and be closed at 2 o'clock tomorrow afternoon.

The SPEAKER. The gentleman from Indiana asks unanimous consent that general debate upon the pending bill, the Treasury and Post Office Departments appropriation bill, shall continue throughout today and until 2 o'clock tomorrow, the time to be equally divided between himself and the gentleman from New York [Mr. TABER]. Is there objection?

Mr. TABER. Mr. Speaker, I reserve the right to object. If the time can be fixed at 2 hours tomorrow, I think it will be quite satisfactory, but if we say until 2 o'clock, then if we have any special orders or if a conference report should come in, we will be apt to be crowded down to an hour. The deficiency appropriation bill may come in tomorrow. If we could go into the committee by a quarter past 12, that would be all right, but we would be up against it the other way.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. LUDLOW. I yield to the gentleman from Alabama.

Mr. BANKHEAD. Mr. Speaker, I make this suggestion: We are all interested in the problem that confronts us. We recognize that a great many Members desire to speak on all sorts of topics under general debate, and I think under the debate we have had and the continuation of general debate provided for in this unanimous-consent request reasonable opportunity will be given to both sides for a number of speeches on general questions. We are anxious to get to the reading of the bill, because it is our expectation to stay in session this week until we pass this bill, even if we have to stay in session on Saturday, and I think that is going to be necessary, because we have another bill to take up next Tuesday. I hope the gentleman will not object to the unanimous-consent request closing debate at 2 o'clock tomorrow. I know of nothing coming up to prevent 2 hours of debate tomorrow immediately after the reading of the Journal.

Mr. TABER. As I suggested when I reserved the right to object, the deficiency bill may come up tomorrow.

The SPEAKER. It is up to the Chair to determine whether or not he will recognize anyone to bring up the deficiency bill tomorrow, and the Chair will say to the gentleman that if the agreement is reached to close debate at 2 o'clock

tomorrow, unless the House desires to meet at 11 o'clock, he will not interfere with general debate.

Mr. TABER. Very well.

Mr. LAMBETH. Mr. Speaker, I reserve the right to object. Is the majority leader in a position to tell us what bill will be taken up next Tuesday?

Mr. BANKHEAD. My understanding is that the Army appropriation bill will be the next appropriation bill in order, to be taken up next Tuesday.

Mr. LUDLOW. Then, Mr. Speaker, I renew my request that general debate continue throughout the day and close at 2 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10919) making appropriations for the Treasury and Post Office Departments for the fiscal year 1937, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 10919, the Treasury and Post Office Departments appropriation bill, with Mr. GREENWOOD in the chair.

The Clerk read the title of the bill.

Mr. TABER. Mr. Chairman, I yield 25 minutes to the gentleman from Kansas [Mr. HOPE].

Mr. HOPE. Mr. Chairman, I want to discuss the agricultural situation and some suggestions for legislation, but before I go into that I want to make a few remarks upon the matter of these controversial impounded processing taxes. I do not want to say anything on that matter in a partisan way at all, but there exists a situation which ought to be cleared up. No matter what your views may be on processing taxes, the fact remains that there is today, in the hands of the processors in this country, almost $200,000,000 to which they are not entitled by any stretch of the imagination. This sum has been collected from the producers and consumers of farm products. The only function of the processors, as far as these taxes is concerned, has been to serve as a collection agency for the Government.

Those who actually paid the taxes as producers and consumers are entitled to receive these taxes but, of course, the Supreme Court did not have before it the matter of the rights of those groups. Now that the processors have been awarded these vast sums as a result of the Supreme Court's decision it is up to their individual and corporate consciences, if any, as to what they will do with the money. The attitude of individual processors is quite different on the question. Some of them apparently want to keep the money. As far as I can find, the packers, as a group, are determined that they are going to enrich their own coffers with this money, which, by no stretch of the imagination, can possibly be called theirs. They have continually, in appearances before committees of the House and Senate, in the public press, and elsewhere, said that they were collecting these taxes from the producers. A few days ago I wrote a letter to the president of Swift & Co., reminding him of the statement which has been made so repeatedly by the packers. I asked if they were arranging to refund to the producers, who, they say, paid these taxes, the amount which each individual producer paid.

Mr. JONES. Will the gentleman yield for a question?

Mr. HOPE. Yes; briefly.

Mr. JONES. I want to state that I read a copy of the gentleman's letter with a great deal of interest, and I thoroughly agree with the position which he took. I am just wondering if he has had a reply to that letter from the institution to which he addressed it, as to what they intend to do about it?

Mr. HOPE. No. Up to this time I have had no reply.

The attitude of other processors is quite different. I think those who take a different viewpoint are to be commended. My attention has been called to an editorial in the Northwest Miller, which is the leading trade paper of the milling industry. It is a full-page edition, contains a thorough discussion of the matter, and this is the conclusion which the editor of that paper reaches, and which, I know, reflects the views of many millers:

> All this leads to the conclusion that millers would be wisest, both in their own and in the public interests, if after taking counsel among themselves they make public announcement of their repudiation of all claim to these refunds, and their earnest desire that a way be found to restore them to the Public Treasury. Such an announcement fittingly could be made by the responsible leaders of the industry through their organizations, by a suitable message addressed to the President of the United States, to proper committees of Congress, and to the public, making known the industry's firm purpose not only not to accept these refunds, but to aid in formulation of such constitutional measures as would restore them to the Treasury, and at the same time protect millers from suits by others based on self-serving arguments.

I think that is a sound, reasonable, and generous position to be taken by the leaders in this industry, which will receive more refunds, as an industry, than any other. It seems to me the solution which is offered is one that should be taken by those processors who are receiving these vast sums of money which they do not claim and never have claimed. If some way can be found, by cooperation, to draw up legislation whereby this money can be paid into the Federal Treasury, that will be the best solution of the problem, because it is utterly impossible, in the nature of things, for these taxes to be passed down now to the consumer. They might be passed to the wholesaler and the retailer, but they cannot under present conditions be passed down to the consumer. I commend the suggestion which has been made by Mr. Sterling in his editorial in the Northwestern Miller.

Now I want to get down to the question of the agricultural problem.

The decision of the Supreme Court holding the Agricultural Adjustment Act unconstitutional again brings the matter of farm legislation to the attention of Congress and the country. Whatever may be the effect of the decision in the Hoosac Mills case, it did not solve or in any way change the agricultural situation. The problem still remains. It is one of national concern. It must be settled before we can have permanent national prosperity. Its settlement affords our greatest assurance of social and political stability.

These facts are generally conceded. The question, except perhaps as to method, is not and should not be a political one. It should be treated solely from an economic and social standpoint.

One of the common mistakes in considering this question is to regard it as one problem, whereas it in fact consists of many problems. Remedies which will be helpful as to one branch of the industry would not work at all as to others. A plan which increases the income of a Kansas wheat farmer may be detrimental to a dairy farmer in New York State, who is compelled to pay increased prices for feed. There is no one plan which will even begin to solve the problem. Furthermore, there are many phases of the matter which can only be solved by farmers themselves, either as individuals or through group action.

Insofar as governmental policies are concerned, all that the farmer has ever demanded is to be put on an equality with those engaged in other industries. Surely no fair-minded man will deny that this is a reasonable request. The chief advantages which industry has over agriculture under existing conditions are its greater ability to benefit from tariff protection and its ability to function by means of large corporate organizations. Any legislation to give agriculture equality with industry should, as far as possible, place agriculture in a position to receive these same benefits.

The advantages which industry enjoys through the device of corporate organization can largely be given to agriculture through cooperative marketing and by the development of marketing agreements. It has been the policy of our Government for many years through legislation and otherwise to encourage the establishment of farm-cooperative organizations. Today these organizations are stronger and more effective than ever before. The Government should continue

to lend such further encouragement as it can to cooperative marketing, and farmers should be encouraged to take advantage of this method of solving their collective problems. Likewise, we should to a greater extent use the machinery set up in the Agricultural Adjustment Act for making use of marketing agreements.

With respect to tariff protection, the situation varies as to different farm commodities. There are a number of them such as dairy products, beef cattle, wool, sugar, and others, upon which the tariff is usually effective to the full extent. On the other hand, there are some, in particular cotton, wheat, tobacco, and pork, upon which the tariff is usually ineffective due to the fact that we produce a surplus of these products with the result that their price is fixed in the world market. It is this latter group of products to which the greatest consideration has been given in formulating farm legislation for a number of years past. It was the effort to make the tariff effective upon this group of commodities which resulted in the McNary-Haugen bill, the export debenture plan, and the various domestic-allotment measures which have been considered by Congress for a number of years past. The efforts of the Agricultural Adjustment Administration to bring about parity in farm prices have in the main been devoted to this group.

The decision of the Supreme Court in the Hoosac Mills case holds, in effect, that the Government of the United States has no power to regulate or control agricultural production, either directly or by levying taxes from the proceeds of which benefit payments may be made to those who agree that their production may be regulated or controlled. The decision, however, does not otherwise qualify or limit the power of Congress to levy taxes or provide for benefit payments to farmers. There is, therefore, no reason why, upon the proper basis, the Federal Government may not continue to compensate the producers of surplus crops for the disadvantages which they suffer by reason of the fact that the price of their products is fixed in the world market.

Since the Supreme Court decision many worth-while suggestions have been made both for emergency and long-time programs. Among them are:

The development of a national program of soil-conservation and soil-erosion control.

Payment of bounties for the production of agricultural commodities which we are now importing.

Payment of bounties for the production of crops to be used for industrial purposes.

A revival of the export debenture and equalization-fee plans for handling exportable surplus.

The purchase or leasing of land by the Federal Government.

Different forms of domestic-allotment plans.

The use of embargoes and quotas to control agricultural imports.

Bilateral-trade agreements or the control of foreign exchange for the purpose of developing markets for agricultural surpluses.

All of these plans have their advocates. All of them have their merits and advantages. From them it ought to be possible to work out a practical and beneficial program.

I want this afternoon to suggest the use of three lines of attack on this problem. First, the development and maintenance of the home market for the American farmer. Second, a domestic-allotment plan which will give producers of surplus crops an equivalent for the tariff. Third, the development of foreign markets for our agricultural surpluses.

I want to discuss these three propositions in the order in which I have named them. The policy of giving the American farmer the home market must be the cornerstone of any sound agricultural policy. There are, as previously mentioned, a number of agricultural products such as dairy products, beef, poultry and poultry products, mutton, wool, and a number of others, upon which the tariff is usually effective and upon which we are ordinarily on a slight import basis. Any policy which is based upon the principle of giving the home market to the American farmer up to the full extent of his ability to supply it will protect the producers of these commodities. If the producers of these commodities can be assured of the American market, we will have gone a long way toward giving them equality with industry. The greatest menace to the prosperity of the producers of these commodities is our present governmental policy of reciprocal-trade agreements. However good the intentions of those who have negotiated these agreements may be, the fact remains that they have been made at the expense of agriculture. Through these agreements the protection which is so necessary to the American producer, if he is to operate at a profit, is gradually being whittled away. It is not so much what is done in one treaty, but it is the cumulative effect of all the treaties which is so detrimental. Under our most-favored-nation agreements, which we have with every important nation in the world excepting Germany, the reductions in duty which are made by any reciprocal-trade agreement become applicable to every other country. The word "reciprocal" implying mutual concessions is thus a misnomer because while we secure certain concessions permitting our goods easier access into another country, in order to do so we must reduce our duties and open our markets to the entire world. There is nothing reciprocal about that.

Take the case of cattle. The Canadian agreement permits the entrance of a certain quota of cattle weighing above 700 pounds and a quota of calves weighing up to 175 pounds to be admitted into this country at a reduced rate of duty. It is not contended that the admission of this quota in itself will necessarily have an adverse effect on the cattle industry. It may or it may not. Certainly it will do it no good, and if it is to the advantage of Canadian producers to have a market for these cattle in the United States, it would certainly be to the equal advantage of the cattle producers of this country to have such a market. That, however, is not the most serious part of the matter. We expect to make treaties with other cattle-producing nations. It has been stated, and I have not heard it contradicted, that there is being held open for Mexico a quota at a reduced rate for cattle weighing less than 700 pounds, which is the size and type of cattle that are commonly imported from Mexico. Since we have given Canada a quota, we can scarcely refuse another quota to Mexico. Perhaps the Mexican quota will not in itself be so disturbing, but combined with the Canadian quota it means supplanting a fairly large number of cattle which might well be produced by American farmers.

Now, having given Mexico and Canada a cattle quota, what are we going to do when we come to Argentina? Argentina has nothing to sell us excepting agricultural products, every one of which we produce in an abundance in this country. I am informed that as far as Argentina is concerned, she will be given a quota of fresh beef commensurate with the quota on live cattle which has been given Canada and which will undoubtedly be given Mexico. Under our present quarantine regulations it would not be possible to import fresh or frozen beef from Argentina, but, as is undoubtedly known by all of you, the administration has already negotiated a treaty with Argentina which will in the large degree nullify the effects of the present embargo imposed against Argentine cattle and beef on account of the prevalence of the foot-and-mouth disease in that country. This treaty is now pending before the Foreign Affairs Committee in the Senate, and undoubtedly would have been ratified before this had it not been for the vigorous opposition which has been expressed by the livestock producers of this country.

The same thing is true of the reductions which have been made on cheese. Under the Canadian treaty the duty on Cheddar cheese has been reduced. There has been no quota given on this cheese. The reduction applies to every pound which Canada and every other nation, excepting Germany, wishes to ship into this country. Therefore, for all practical purposes this is a general reduction, world-wide in its application, of the duty on Cheddar cheese. Now, when it came to making a treaty with the Netherlands they naturally insisted upon reductions in the rates of duty upon the particular types of cheese which they produce. These reductions were made applicable, of course, to the entire world excepting

Germany. Now, we have made a treaty with Switzerland with a reduction on the Swiss types of cheese—a world-wide reduction as in the other cases.

Thus, by means of three so-called reciprocal treaties, the protection which has been given that part of the dairy industry whose production consists of cheese, has been gradually cut down. These are only instances of what is occurring under these so-called reciprocal-trade agreements. Had I the time I should like to enumerate the many other reductions in agricultural duties which have been and are being made as a result of these treaties. In other words, we are step by step taking away from the American producer of farm products which can be protected by the tariff his right to the home market—all this at a time when domestic producers are being urged to reduce their production.

I have not become so greatly alarmed as some over the increase in agricultural imports during the past year. Except for the reductions which have been made by reciprocal-trade agreements, these imports came in over a pretty high tariff wall. They were largely caused by the severe drought of 1934 which in some areas continued into 1935. Under normal conditions, if we maintain our past policy of protection to agriculture these imports will not be a greatly disturbing factor. If, however, we persist, through reciprocal-trade agreements, in whittling away the protection which our farmers now have, we will continue to import millions of dollars' worth of agricultural products which could very well be produced by American farmers upon American farms. As it is, our imports of agricultural products last year, which, of course, includes some products such as coffee, tropical fruits, rubber, and other articles not produced in this country, amounted to a sum approximately double the benefit payments made by the Agricultural Adjustment Administration.

Permit me to call attention also to the fact that had it not been for the comparatively high tariff rates upon agricultural commodities imposed by the much-maligned Smoot-Hawley Tariff Act, agricultural imports during the past year would have been much greater. Had the last Democratic tariff law been in effect during this time it is appalling to contemplate the extent to which agricultural imports might have come in.

It is true that we have gotten some slight concessions in the way of agricultural exports as a result of these treaties, but even these have mostly been on paper as far as any benefit to the American farmer is concerned. For instance, we are supposed to have gotten some benefits in the way of concessions on wheat flour from Cuba. These concessions, however, have amounted to practically nothing as far as flour manufactured from American wheat is concerned. Most of the benefit has gone to the millers of Canadian wheat located at Buffalo, N. Y., and milling Canadian wheat in bond. There is no reason that I know of why the Canadian farmer should be favored above the American farmer in this respect, but the State Department in formulating the Cuban treaty seems to have taken better care of the Buffalo millers of Canadian wheat than of those millers who make their flour from wheat produced by American farmers.

I do not object to the idea of some reduction in tariff rates. Some of them are too high. What I do resent, however, and what every farmer resents, is that our reciprocal trade agreements are being made at the expense of agriculture. Enough agreements have now been concluded to definitely demonstrate the policy which is to be followed. Clearly, in order to secure increased industrial exports, we are sacrificing the protection which we have heretofore tried to give the American farmer. The conclusion seems very apparent that if we are to protect the home market for agriculture we must either repeal the Reciprocal Trade Agreement Act or provide that treaties so negotiated must be ratified by the Senate.

Mr. JONES. Mr. Chairman, will the gentleman yield at this point? I should like to ask him a question touching the matter of quotas. If, however, he would prefer waiting until he completes his address, I will defer my question.

Mr. HOPE. If the gentleman's question relates to the quotas, I will yield briefly now.

Mr. JONES. The gentleman, I gather from what he said, is conveying the impression that the placing of a quota on a commodity is a grant of power to bring the commodity into this country, whereas, as I understand a quota, it is a limitation placed on the total amount that may be brought in.

Mr. HOPE. That is true. If I gave a contrary impression, I did not intend to.

Mr. JONES. I am sure the gentleman did not mean to convey the impression that a quota is a kind of privilege to bring in commodities. It is a limitation of privilege.

Mr. HOPE. I think we can assume, however, that these quotas at the reduced rates will all be filled. I do not believe there can be any doubt about that.

Mr. JONES. That may or may not be true.

Mr. HOPE. Time will demonstrate that.

Mr. JONES. The purpose of a quota is to confine, to limit, rather than to expand.

Mr. HOPE. Let me say this: the quota on Canadian cattle is less than our imports of Canadian cattle last year. So it is reasonable to suppose we will at least import the amount of the quota at the reduced rates, and probably even more at the normal rate.

Mr. JONES. But the gentleman does not object to putting a quota limit on importations?

Mr. HOPE. No; I think the treaty would have been very much worse if we had not had a quota limit.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. HOPE. Briefly.

Mr. MICHENER. The purpose is to prevent importation in competition with our production. Now, there is no distinction, as a matter of fact, between a power and a quota. A power is a direct grant of right to do something to the detriment and the injury of the American farmer.

Mr. JONES. The gentleman does not mean that the quota does that?

Mr. MICHENER. The gentleman used the expression "a power." Now, if we grant another nation the power to bring something in here, that is one thing. If we limit them by a tariff from competition, that is something else. I want to impress the difference between a power and a quota.

Mr. JONES. I do not, of course, want to take up the gentleman's time to make an extended statement, but the situation is linked up with a change in the value of money.

Mr. HOPE. Mr. Chairman, I do not like to be discourteous, but I must refuse to yield further, because my time is limited.

Mr. MARSHALL. Mr. Chairman, will the gentleman yield?

Mr. HOPE. Briefly.

Mr. MARSHALL. I think the Members of this body realize that the gentleman now addressing us is one who has not been at all partisan in regard to farm legislation, and that he is a man who has the interest of agriculture at heart. I think a moment ago just as I came in the door the gentleman made some reference to a proposal of a tariff equivalent to the farmer. I wish to call to the attention of the gentleman from Kansas the fact that yesterday the chairman of the Committee on Agriculture appealed to us all to lay partisanship aside and patriotically get together and bring forth a scientific program for agriculture. Only yesterday, however, Secretary Wallace, in what was described as being a very merry mood, at his press conference had this to say in commenting upon the bill introduced by the gentleman from Kansas [Mr. HOPE] in this Congress in an honest effort to assist agriculture:

> I hope the Republicans will become enthusiastic about this Hope bill. Then when they are well out on a limb we will saw it off. I have a high regard for HOPE, higher than for the Republicans behind the bill, but, while the time is not yet ripe, when they are all out on the limb we will get out our saw.

I just wanted to call the gentleman's attention to the kind of cooperation furnished by the Secretary of Agriculture in the matter of the gentleman's constructive proposition.

Mr. HOPE. Mr. Chairman, proceeding further with the thought I was expressing, I want to leave the tariff; we have

had enough on that for the time being, and there are other matters I want to discuss, although the tariff is a subject of vital importance to the American farmer and is a policy and a principle in which he is a firm believer.

Leaving the crops which can be protected by a tariff, because we are on an import basis, let us go to the matter of giving tariff equality to the producers of surplus crops who cannot be protected by the tariff due to the fact that the price of their commodities is fixed in the world market.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 10 additional minutes to the gentleman from Kansas.

Mr. HOPE. I want to call attention to a bill which I have recently introduced, which suggests a new basis and a new plan along this line. Instead of attempting to make the tariff on surplus crops actually effective, this plan is frankly based on the idea that as far as its effects on prices are concerned the producer of surplus commodities has no tariff protection. His disadvantage consists in the fact that the price he pays for the things which he buys is enhanced by the protective tariff on other commodities. It is quite a simple matter to ascertain approximately what proportion of the cost price of the commodities which the farmer buys is due to the tariff. The plan embodied in this bill provides that the producer of surplus commodities should be given a tariff equivalent payment on the part of his production consumed domestically, which is equivalent to the tariff costs which he bears. In other words, the tariff itself is used to correct the disadvantage created by it.

Such a plan could be put into operation very easily and simply. It would first require that the Tariff Commission ascertain the approximate amount which the tariff adds to the price of those articles which the farmer most commonly buys. These articles are readily ascertainable, and as a beginning I would suggest the 200 articles which the Department of Agriculture uses in compiling its indexes of farm purchasing power. Thus, if it were found that on an average the tariff adds 25 percent to the cost of the articles which the farmer buys, a tariff equivalent payment would be given to the producer of export commodities amounting to 25 percent of that portion of his sales which went into domestic consumption.

The practical operation of the plan would be very simple. At the beginning of a marketing year the Secretary of Agriculture would announce the proportion of the commodity in question which would be consumed domestically, basing it upon statistics already in the Department. The tariff-equivalent payments to the producer would then be paid upon that percentage of his total sales. The grower of cotton, wheat, hogs, or tobacco could sell his product at the going market price. He would receive receipts showing what he had sold and what he was paid. These receipts, properly certified, would be deposited with a local representative of the Department of Agriculture, such as the county agricultural agent, and under regulations issued by the Secretary the producer would be issued a tariff-equivalent certificate, which would provide for a payment to the producer at the Federal Treasury of 25 percent, or whatever the tariff equivalent might be, of the price received for the domestic consumption percentage of his crop. These tariff-equivalent certificates would be negotiable, and after receiving them the producer could cash them at his local bank or any Government fiscal agency, which would send them on to the Treasury just as they would any other Government obligation.

The advantages of this plan are its fairness and its simplicity. Under it the farmer is compensated for the disadvantages which he suffers, due to his lack of tariff protection, but there is no regimentation and no bureaucracy. Existing Government agencies could not only supply all the information needed but could effectively put the plan in operation. It is the fairest method of adjusting the tariff disparity, because, if tariffs are reduced, benefit payments will be reduced; if they are increased, the benefit payments go up. At all times the farmer is kept on an equality. The plan is undoubtedly constitutional, and it is economically sound. It protects the domestic consumer by assuring him an ample supply of farm products, and it preserves our export market to whatever extent we are able to develop it.

Mr. NELSON. Mr. Chairman, will the gentleman yield?

Mr. HOPE. Briefly.

Mr. NELSON. What domestic crops would this affect?

Mr. HOPE. It would apply only to four which we commonly export and upon which the price is fixed by the world market. They would be wheat, cotton, hogs, and tobacco. One objection which will undoubtedly be made to this plan is that it does not provide an adequate control over production, and that it might, in fact, invite increased production. That is, of course, a fact which must be considered. The same thing, of course, is true of any plan which raises agricultural income. It would probably have been true under the Agricultural Adjustment Act had it remained in operation longer. A little later on in my remarks I expect to address myself to this phase of the matter. This measure, however, does afford a powerful incentive, operating in a two-fold fashion, for the use of self-restraint on the part of the farmer in keeping his production within reasonable limits. As production increases the market price of the commodity in question will naturally fall, and with it the face value of the farmer's receipts, upon which his tariff equivalent payments are based. Likewise, as the amount of the total production is increased, increasing that part which goes into export or carry-over, the domestic-consumption percentage of the crop upon which the farmer is alone compensated will be reduced. These factors may not immediately have the effect of reducing production, but as the effects of overproduction become apparent there can be no question but what the factors above mentioned will be influential in causing reductions.

Finally, we come to the matter which, in my opinion, affords the greatest problem of all. That is the disposition of our surpluses of cotton, wheat, tobacco, and hogs. Irrespective of what may be done in the future to effect some control of agricultural production—and I am one who has believed that reasonable control is desirable—yet the fact remains that under the Supreme Court decision there is no way by which the Federal Government can control production. The Agricultural Adjustment Act was in effect more than 2½ years.

During a great deal of that time conditions were unusual. Perhaps it cannot be considered as a representative period, yet any consideration of the results attempted and achieved in the way of production control cannot help but afford discouragement to one who feels that overproduction is our big problem. An examination of the figures showing crop acreage planted indicates that control has not been effective or successful, except where done under compulsion as under the Bankhead and Kerr-Smith bills. The advocates of those bills at the time of their enactment insisted and declared that voluntary control had broken down and that on that account it was necessary to enact a compulsory legislation. Such legislation is, of course, unconstitutional under the decision in the Hoosac Mills case and, pursuant to the recommendations of the President, will be repealed at once. Therefore, compulsion is out of the picture.

As illustrating the ineffectiveness of voluntary control, I need only call attention to what has happened with wheat. Due to the fact that there have been three successive short wheat crops resulting in an entire elimination of the surplus, it has been easy to overlook the fact that whatever production control has occurred in wheat has been due to nature rather than the reduction program. Listen to these figures as to acreage of wheat planted. They clearly show the ineffectiveness of voluntary control. Taking winter wheat first, we find that the average acreage during the 5-year period from 1927 to 1931, inclusive, was 44,969,000 acres. The average sown in the fall of 1932 for harvest in 1933, without any production-control program being in effect, was 42,669,000 acres. The acreage sown in the fall of 1933, the first year the reduction program was in effect, was 41,850,000, a reduction of about 2 percent from the previous year.

In the fall of 1934 there was sown 44,530,000 acres, or practically the same amount as was sown during the

1927–31 period. This last fall, 1935, the acreage sown was 47,529,000 acres, or an increase of 6.7 percent over last year and 5.7 percent more than the average during the base period before any production-control program was put into effect. I confess that I record these figures with sorrow and disappointment, because the continuation of this large wheat average cannot help but mean low prices and distress for the wheat producers. As for spring wheat, the results have been just about as disappointing.

It is now proposed to attempt some control of production by means of a soil-conservation and soil-erosion-control program. I think this is a worthy program, but it will not be effective as far as controlling production is concerned. As a matter of fact, in the long run it will result in increasing production, because anything which results in increased fertility means increased yields. It has been proposed that a reduction program be undertaken through the States. Probably this can be done constitutionally, but it hardly seems reasonable to suppose that the individual States can effectively control production when it could not be done nationally.

Furthermore, whatever may be done in the way of control, there is no possibility that we will ever get down to the basis of domestic consumption as far as cotton is concerned. This country must keep its world market for cotton. Further loss of that market means dire calamity for the South and indirectly the remainder of the country as well. Therefore, there can be no doubt but what the most vital problem confronting agriculture today is the disposition of our surpluses. Reciprocal-trade agreements have not helped, and there is no indication that they will help in that direction. I believe that something very definite can be done along this line by means of bilateral trade agreements which have been suggested by Mr. George N. Peek. Surely, if we are to avert disaster, something of that kind must be done. Under section 32 of the A. A. A. amendments we have available approximately $100,000,000 annually which can be used in promoting exports of agricultural products. The use of this fund in working out a program in connection with bilateral trade agreements offers great promise, it seems to me.

Another method which has been suggested is in the control of exchange, segregating the American exchange which is created as a result of our importations of agricultural commodities such as cotton, rubber, sugar, and so forth, and making it available only for the purchase of American agricultural products by other nations. Inasmuch as our agricultural imports exceed our exports there is no reason why such a plan should not work. Other nations are using these methods successfully, and with the crisis which is confronting us there is no reason why we should not do likewise.

If export markets can be developed by these methods, it may be possible to so segregate the surplus as to give that part of the commodity which goes into domestic consumption the benefit of the tariff. To the extent that this is done, tariff equivalent payments might be discontinued.

There are many other matters in connection with the agricultural situation which might be mentioned. Every commodity has its problems. I have only attempted to deal with three phases of the matter. The first is to assure a home market to the American farmer to the full extent of his ability to supply it. The second is to provide some method of compensating the producers of surplus crops for their lack of tariff protection. The third is to take some active, aggressive steps to find an outlet for our surplus agricultural products. There are other things which are desirable: Soil conservation, cooperative marketing, market agreements, the latter particularly as far as fresh fruits, vegetables, and milk are concerned. All of them have their proper place. They are provided for in existing legislation.

I do not mean to imply that the suggestions which I have made this afternoon are the only or necessarily the best methods which might be used to solve our present agricultural situation. I think that there should be a full discussion of all the many plans which have been offered. Hearings should be held by the congressional committees having jurisdiction of such matters, and they should be discussed on the speaking platform, in the press, and over the radio. It should be a common cause and there should be a common effort on the part of all who are interested in the economic and social health of the Nation to find a solution for this problem. [Applause.]

Mr. PIERCE. Will the gentleman yield?

Mr. HOPE. I yield to the gentleman from Oregon.

Mr. PIERCE. Does not the gentleman recognize the fact that the early figures to which he referred were estimates, while the later figures were accurate surveys and there has been a real reduction?

Mr. HOPE. The figures I used here are taken from a publication of the Department of Agriculture entitled "World Wheat Prospects." They are official figures of the Department of Agriculture.

Mr. PIERCE. Does not the gentleman recognize they were all estimates? I have estimated my wheat acreage for 25 or 30 years. The last figures are accurate figures.

Mr. HOPE. The figures for this year?

Mr. PIERCE. Yes. The figures for the last 2 years are accurate surveys.

Mr. HOPE. They are all accurate as far as I know.

Mr. PIERCE. Does not the gentleman realize all the early figures there in regard to acreage of wheat, oats, and everything else were estimates based upon statistics gathered by questionnaires sent out by the Department, and the farmers simply guessed?

Mr. HOPE. The figures which I gave are from the official reports of the Department of Agriculture, and I have never heard their accuracy questioned. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Chairman, I have been bitterly disappointed in the subjects discussed in this debate, and equally as much disappointed in listening to a number of political addresses delivered lately by potential candidates for the Presidency. In every instance they missed the all-important question. They either evaded the proposal, dodging it with diplomacy, or they failed to realize its importance.

In this debate we have been hearing Members talk about the tariff, about taxes, and about the Budget; but they failed to give proper recognition to the paramount question affecting America and other industrial nations of the world—the question of unemployment.

Mr. Chairman, furnishing jobs for the millions of our people who are without work would solve those other questions, because they all stem from that preeminent question. Accomplishing this task involves mastering the machine; and unless we succeed, then that blessing will become the curse of humanity.

As I said in a former speech, there are two plans; the plan of the conservatives and the plan of the progressives. I do not mean to inject the spirit of partisanship into this discussion. I realize there may be conservatives and progressives in both parties, although I appreciate the fact that the vast majority of progressives are lined up with the Democratic Party.

The conservatives want us to go back to 1929. This is revealed in the debates on the tariff, the taxes, and the Budget. But the American people, realizing that this country has emerged from the greatest wreck in the history of the world, do not want to go back to 1929. The rank and file of our people everywhere will fight that turning back as they would fight a plague or a deadly fever. The plan that will win the American people must be a forward-looking, progressive plan containing none of the formula that took America from the heights to the depths of utter despair. We cannot go back. We must keep moving forward. There is no retreat for the American people. It is advance or dissolution.

Mr. Chairman, we abhor the discussion when it pertains to the plan of 1929; but our blood races and we thrill with the joy of adventure and discovery as the progressives propound their plan. Before us appear new avenues of en-

deavor and new fields to be explored and conquered. The tremendous productivity of the machine demands that kind of political philosophy if we are to survive.

I heard the distinguished gentleman from Minnesota [Mr. KNUTSON] speak yesterday about the tariff, and, if I understood him correctly, he, too, wants to go back to 1929. Yet I have heard a hundred men, including the distinguished minority leader, say at different times that we have all we can expect to get from the tariff. Right here let me say, Mr. Chairman, that by reason of a bitter and savage commercial war we stirred up among the nations of the world by our tariff proposals of the last 10 or 15 years, America's industries have left America, and hundreds of them are now our competitors all over the world.

I believe it was the gentleman from Minnesota [Mr. KNUTSON] who made a speech along this very line and set forth the number of American industries which had left America in order to overcome the tariff walls built up against our country by other nations in retaliation of our stupid policy. There are those who will not learn, and in good times or bad their only thought or plan is to raise the tariff.

Mr. Chairman, at this point I ask that I be allowed to continue uninterrupted, as the chairman of the committee states he is anxious to expedite general debate. However, if I can secure additional time, I shall be glad to yield.

Listening to the many speeches delivered here, there is only one philosophy to be gained by the student looking for settlement of our country's problem, which is that the conservative wants to go back to the system that gave us the crash, back to the balanced Budget, back to the gold standard, back to a tax plan that will take care of the wealth of our country, and let the poor work out their own salvation.

The conservative missed the lesson of the depression. He learned nothing from the bitter experiences of 1929, 1930, 1931, and 1932.

We tried his formula, and we refuse to try the same thing again. It failed. We want recovery, but with it we want reform—real reform—that carries with it every possible assurance that the crime of 1929 shall not happen again. But back he wants to go where we were in 1929, when America was almost destroyed. Why, Mr. Chairman? I am convinced that the conservative viewpoint is wrong—just as wrong as any viewpoint in the political world ever was or ever will be. In a statement clipped from the morning newspaper I find this statement by an economist of note, Mr. John T. Flynn:

> All the pother about the Constitution, the Supreme Court, the money muddle, Government spending—all stem from the unemployment problem, yet all candidates ignore it.

There is only one candidate for the Presidency who has a plan and he is the President of the United States. He has a workable plan. That plan in part is still on the statute books but, unfortunately, the keystone of that arch, the N. R. A., has been declared unconstitutional. His is the best plan offered for the economic conditions of today, because it takes care of the unemployment problem.

Mr. CHRISTIANSON. Mr. Chairman, will the gentleman yield?

Mr. MEAD. The gentleman heard my statement a moment ago, and I want him to pardon me for not yielding.

The N. R. A. took care of child labor; it abolished the sweat shops; it increased wages, and shortened hours; and it met the issue as it should be met in this intricate machine age in which we live. I would like to remind the gentlemen on the other side of the aisle that many of them joined with us in voting for the N. R. A. and in defending its constitutionality. Now, with that act declared unconstitutional, you cannot be content at finding fault—you must offer a plan for its solution.

Here is the enigma, the perplexity we find in this question: Production reaches the peak, while employment lags far behind. In 1932, General Motors' net profit was $164,000. In 1935, General Motors' net profit was $167,000,000, or 1,000 times as much. Do they want to relive those gloomy days of 1929? No; they want to go forward and advance with the administration that made it possible for them to get out of the biggest hole which had ever engulfed them.

On January 27 I took occasion to address the House on the general subject of the promotion and maintenance of general prosperity. In doing so I stressed the problem of distribution and its adequate solution as a primary requirement to promote the public well-being.

I said we had apparently solved the problem of production, but we had failed because of our desire to make money and accumulate wealth to solve the problem of distribution. That is the problem which created unemployment and made the farmers of America suffer the agony that was theirs until the present administration passed a real farm-relief program.

I contended then, as I contend now again, that through the steady expansion of productive efficiency we have solved, and more than solved, the problem of production. That fact is established. No valid argument can be leveled against it. Call the roll of the key industry, whether it is cotton, coal, copper, wheat, oil, or what not, and everywhere we find a potential and actual productive capacity so great that the problem of surplus and the disposition of that surplus is the chief difficulty confronting us in maintaining an economic equilibrium. This in turn entails the maintenance of production and consumption on a high and balanced level, and the first requirement in solving the problem of distribution and promoting national prosperity.

On January 28, the succeeding day, the gentleman from Illinois, Representative DIRKSEN, directed attention to my address and the conclusions I had reached, and in dissenting therefrom drew the conclusion that there was nothing new about depression or technocratic advances. He reasoned that as depressions had occurred frequently before, sometimes attributed to an increased machinization of industry out of which we emerged safely, we would do so again in this instance, if—provided I caught his remarks right—we would do nothing about it and let the play of economic forces solve the situation. In definite terms he contended that America had ample money to meet all requirements and that there were plenty of men and women workers to produce an amplitude of goods for human consumption. Moreover, he contended that there was a need and demand for these goods and cited the great number of people without bathtubs and other home equipment to prove his point.

"Then why does not the country break loose? What is the reason?" my good friend, Representative DIRKSEN inquired. Answering his own question, Representative DIRKSEN dismissed all other primary and contributing causes to the depression and stated:

> I will give you my reason. It is simple. Today we lack confidence. That fact should be written in flaming letters across the economic sky.

To this entire system of reasoning and to the philosophy of the gentleman from Illinois, I enter sharp dissent. I challenge his facts and I reject his conclusions as being incorrect. There is no parallel in human history for the economic situation that now confronts this country and, for that matter, practically all countries of the world. The head and front of the economic upset which began in 1929 was the steady expansion of productive efficiency through improved means and methods of production and distribution, through the elimination of competitive wastes, through mass production and standardized operations, and through the failure of the people to measurably participate in this unprecedented expression of social efficiency. Of course, Representative DIRKSEN is right when he stresses the fact that America has ample money seeking sound investment to answer every need, and abundance of workers to man every machine to turn out wealth for social use in a steady stream. To a certain extent he is also right in insisting that there is a demand for these goods if the people have the money to buy them. But demand is one thing and purchasing power is another. It must be obvious to everyone that the vast purchasing power necessary to keep our productive agencies in high key is not here, primarily because we have not solved the problem of distribution.

[Here the gavel fell.]

Mr. O'NEAL. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. MEAD. This is a subject with which all citizens are familiar. There is no doubt about it. The man in the street knows it. Call the roll of the major commodities one by one, and indeed we can include every one of the professions and minor productive and distributive activities, and we will find they all tell the same story—a potential productive capacity that can smother every prospective demand. This is the outstanding fact in our whole economic set-up. It is steadily changing our economic and social environment and compelling us to adjust our composite customs and activities to this changing order of things as the price of survival. To reason that this situation will automatically adjust itself is only a perplexed mind shying at realities and seeking refuge in the illusions of hope. Such is my opinion, at least.

The main trouble, Mr. DIRKSEN contends, is a lack of confidence. He reasons that if we had confidence, which he concedes is "an illusive and abstract thing", investors would engage in business, money would be loaned, new factories and workshops would be put in operation along with a multitude of other things without doing any harm to existing agencies, and that business would soon be restored to normal. Every factor in the equation germane to the consideration of this problem stamps such conclusions as being absurd. Existing productive facilities, even in the present greatly improved business conditions, are far more than ample to answer every present or prospective demand. That is true in every line, whether it be manufacturing, mining, fisheries, transportation, communication, or what not. Under our existing system the farmer does not raise wheat or corn or livestock solely to satisfy human needs. He runs his farm to earn money, and sad experience has proved to him that surplus production beyond existing requirements serves only to destroy the price structure and brings him economic prostration. The same is true in every other line and largely to the same extent.

Confidence! In this case it serves only as a sanctuary for the perplexed mind and those who refuse to accept or fail to see the facts as they stand like a beacon before them and the need for adjusting themselves to the changing order which the machine has wrought. But this is not all. Even those who turn a face of flint to every experimental innovation must, in the finals, have some affirmative philosophy of their own. Men must work; wage rates must be established; commodities must be produced and sold at a price. This means that those who oppose all changes believe that labor is a commodity, and that wages and commodity prices must be fixed solely by the law of supply and demand.

Is not that what all those believe who are opposed to the progressive readjustment of social processes to meet expanding productive efficiency? I insist that it is. If not, what other plan do they recommend for the fixing of wages or for determining commodity prices? And if they do believe solely in the law of supply and demand, then they must be resigned to seeing our entire wage and price structure flattened below the poverty line by the sheer force of surplus piled upon surplus. The farmer will fare no better and no worse than the wage earners.

As I said before, not only has expanding productive efficiency revolutionized all lines of productive and distributive endeavor but its efficiency from an output standpoint, progresses at a steadily increasing rate.

While some may hesitate to believe that it is necessary for us to take drastic action, let me tell them there is no other way to permanent recovery. The machine races faster each succeeding day. Everyone knows there has been an unprecedented expansion of mechanization in industry, resulting in technological unemployment for millions of our wage earners. A remedy must be found. I propose the 6-hour day not as a temporary relief measure, but as a permanent policy. Shorter hours at higher wages is the only sound solution.

America is the only industrial country in the world that has two major parties, one of which has no permanent plan to end unemployment except in an indirect, evasive manner. Let me read to you what the situation is in England:

Mr. Baldwin, in a speech at Bristol on October 5, 1934, said: "Everyone is in sympathy with it. We favor the prospect of shorter hours throughout the world."

He spoke for the Conservative Party.

Mr. Oliver Stanley, at that time Minister of Labor, speaking in the House of Commons on March 4, 1935, said: "It does appear as a natural corollary of the increased ease of production by machinery and the decreasing time which is needed to produce the articles that we require, that there should be an increase in leisure."

He spoke for the Government.

The Labor Party's official program includes the undertaking to introduce legislation establishing the 40-hour week without reduction of pay.

The National Liberal Party in its election manifesto (signed by Sir Herbert Samuel and others) proposed "The extension of leisure and greater facilities for its use."

Mr. Lloyd George in his "new deal" proposals submitted to the Government early in 1935 proposed "The reduction, wherever possible, of the weekly hours of labor for workers in general."

The Trades Union Congress, representing nearly three and one-half million trade-unionists, has adopted the program of a 40-hour week as a maximum, without reduction of pay.

In England all parties advocate shorter hours. In the United States the Democratic Party alone of the major parties supports this policy.

Now, Mr. Chairman, let me exhibit the front page of the United States News to show that we are on the right track and that no one who has in mind a solution of this problem will want to go back to 1929. Every industry is improving day by day.

Let me say it again: Let us fight this unemployment problem as if it were a plague and go forward under President Roosevelt with a real program of progress. [Applause.]

Mr. TABER. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, a couple of days ago in an attempt to justify remarks made by the Secretary of Agriculture, and in response to an address made by my colleague, Mr. TREADWAY, as to statements of Secretary Wallace derogatory to the Supreme Court, the gentleman from Texas [Mr. JONES] propounded a question which we desired to answer, but he would not yield even after he demanded a reply.

The question was, "I would like to have the gentleman answer whether he thinks the processing tax had been passed on to the consumer or charged back to the producer." He asked why the processor should be allowed to keep that money. Others have called this "hot" money. All sorts of things have been said about this $200,000,000 or $180,000,000 impounded by the courts.

Is it possible that the Secretary of Agriculture, through his army of informers, has not learned the truth from the newspapers of this country? Do they not keep track of such information? He seemingly did not want to have the information, but we think he really did have it but deliberately misrepresents it.

Ever since last August the processors in the textile industry, about the largest industry in the country, have sold their goods with a written clause in the contract of sale to the effect that if these taxes are found to be unconstitutional and are recovered they will be returned to the customer.

This information has been carried in the newspapers on the authority of Russell T. Fisher, secretary of the National Association of Cotton Manufacturers, and also on the authority of Dr. Murchison, the president of the Cotton Textile Institute. Most of us have known these facts for many months. It is inconceivable that Mr. Wallace did not know that such a clause was in said contracts.

But the amazing thing is that the chairman of the Committee on Agriculture should quote Mr. Blake, the official of the Packers' Association, who came before his committee when the A. A. A. was being considered and assured that committee that the processing tax would be handed back to the farmer. Certainly they did not believe him then.

That Committee on Agriculture could not have been impressed by Mr. Blake at that time or they never would have

passed any A. A. A. bill if the farmer was to be made to assume the tax. Now, however, Mr. JONES quotes him as authority and wants us to believe the statement. Funny, is it not, but it so appears in the RECORD. The gentleman from Massachusetts [Mr. TREADWAY] arraigned the Secretary of Agriculture for his sarcastic utterance about the Supreme Court of the United States. Since then we have heard some Congressmen speak in similar vein, and the next time they hold up their hands at this bar to take the oath to support the Constitution of the United States we should add, "As interpreted by the Supreme Court." Even the minority members of the Supreme Court accept a majority decision as the law of the land with no further comment than what may be set forth in the minority opinion.

Wallace then goes before the Senate committee and jocularly says, "I think the majority of the committee is firmly convinced that the new farm bill is constitutional, but constitutionality means one thing—passing the Supreme Court another", casting aspersions, of course, on the present membership of that Court. We often hear suggestions that if reelected the President would accomplish his desires through filling probable vacancies. I think we all better take a serious view and determine what the Constitution really is, whether or not we swear to uphold the Constitution of the United States as interpreted by the Supreme Court. A Cabinet officer should certainly refrain from using the radio to ridicule the Supreme Court or the supreme law of the land. We expect Congressmen sometimes to lose themselves in rhetorical moments and say things which, later, they wish they had not said, but a Cabinet officer, representing the President of the United States—undoubtedly he would not long be a Cabinet officer if he were not speaking the thought and the desire of the President—should refrain from such criticism. Such contempt should not be longer tolerated.

In my remarks this afternoon I hope to say a few things that will meet with the approval of some real Democrats in this House. The train was just pulling out. The Quaker and the traveling man just missed it. The traveling man swore fluently. The Quaker said, "My friend, thou knowest that I cannot swear, but I do thank thee for those words." And I happen to know, and we all happen to know, that there are some real Democrats left in this House who would like to speak their own minds in criticism. Judge Pattangall, of Maine, said a few days ago, "I shall vote the Republican ticket next fall because I am a Democrat." No; that does not sound well to many of you on the Democratic side.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. JOHNSON of Oklahoma. Referring to Judge Pattangall, that is probably because he is a member of the Liberty League.

Mr. GIFFORD. The gentleman speaks about the Liberty League, and I shall speak about the league in a moment. In the few rambling remarks I want to make I would exclaim, "What a January we have had." It has been one of the most politically historic months probably in the history of our Republic because of its great variety. First, Congress came into session, the whole country nervously awaiting probable legislation. Business murmured, "We have had a breathing spell, and now are we going to get the knock-out blow?" Having in mind the previous 2 years, the people of the country were worried rather than pleased that Congress was coming into session. However, we came in and took the solemn oath to uphold the Constitution of the United States, and we did not reserve the right to interpret the Constitution against the final determination of the Supreme Court of the land. The President did not wish to come and address us in the usual manner, but desired to dramatize the situation. And how he dramatized it! We were entertained with a fireside chat, held in the evening when the people would be home to listen. It was a great show. We held the greatest political rally ever known in this country. At this time the President advised foreign nations to keep the peace, but told us to go to war against those who were "ganging up" against him, stigmatized business as "entrenched greed", and sowed the seed of "class hatred." A couple of days later the Budget message came along, reassuring us that there was a deficit of but a billion and a half dollars. A very few days later came the Budget disaster.

The Supreme Court had decided against the billion-dollar A. A. A. folly and the bonus bill passed. The Budget became unrecognizable, and we are now sure to have a deficit of from $5,000,000,000 to $6,000,000,000 rather than a billion and a half. In the words of the radio announcer, "Time marches on!" Then in our political history came a matter of great event. It was heralded over the country that Al Smith, who is really a great American, was to make a speech under the auspices of the Liberty League. Oh, how too bad it was that he did make that speech under the auspices of the Liberty League! He could have made it under any other auspices and would have had just as large a number of listeners, and perhaps more.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. HAMLIN. Relative to William R. Pattangall, for whom I voted for Governor twice, and relative to Al Smith, for whom I voted and campaigned, the gentleman then was opposed to them. Now, he is in favor, or at least he is with the gentlemen, and may it not be that the gentleman was mistaken both times, formerly when he was opposed to him and now when he is in favor of him. [Applause.]

Mr. GIFFORD. No; because of the events which have since taken place. Do not applaud too soon.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Not now. I say events have happened since. You have been in power 3 years. You have done all of the cooking up of these things. You have erected a structure of government that we must live in for a time at least, and we cannot tear the building down and build another, as you have spent all the money available. Of course, we, as Republicans, must adopt your repudiated platform of 1932, which Smith and Pattangall still believe in. We have to do this in view of what you have done. Why were the people fooled in 1932? When, if ever, was the Democratic Party a party of economy?

Mr. CHRISTIANSON. Will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. CHRISTIANSON. Is it possible that the gentleman from Maine [Mr. HAMLIN] might have been mistaken before as well as at this time?

Mr. GIFFORD. Oh, no; that would not have been possible! [Laughter.]

Mr. MAVERICK. Will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. MAVERICK. Does not the gentleman think that we, as a government of two parties, are both overemphasizing the American Liberty League, and that perhaps it will become more important than both the Republican and the Democratic Party, if we do not watch out?

Mr. GIFFORD. I thank the gentleman for his contribution. Both Republicans and Democrats are in the Liberty League. I have no part in that organization, but I am grateful for the information which it furnishes us.

Some of you had better look into this Du Pont matter a little. I should like to have some of you go up into Delaware and make those speeches against the Du Ponts, where thousands of men are employed; where their scientists, because of sufficient funds, have discovered hundreds of useful things for our people, and as a result have hired thousands and thousands of people in manufacturing them thereafter. They take great risks, and they are entitled, if they succeed, to great profits. You would never say anything about great losses, if they had such. And again, if Mr. Du Pont does make money, about 80 percent of it is taken away by the income tax and squandered, perhaps, by the Government; which funds, if left to himself as a successful man, might have been used to greater advantage to wage earners.

Now, I am not defending Mr. Du Pont. I know nothing about some of the things mentioned that he may have done; I am pleading for the successful man of the country who has

done things for the people, and if he had not profited himself, the people themselves would not have profited. The gentleman who preceded me, Mr. MEAD, wants unemployment relieved. But many of us seem to join with the President and stigmatize such men as "entrenched greed."

Mr. KNUTSON. Will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. KNUTSON. The gentleman may realize that under the new classification any man who has been successful is a criminal. The gentleman will recall that about 40 years ago John D. Rockefeller, Sr., was denounced by demagogues and blatherskites as a monster and an octopus that should be destroyed.

Mr. GIFFORD. That has been the favorite theme of the Democratic Party ever since I have been in Congress. How typical is it of the feeble mind. When the Supreme Court determines a matter and one is shown that he is wrong, why can he not square his shoulders and act the man?

But it does not matter about the auspices of the Liberty League. Any other auspices would have been just as good or better. You may try as hard as you can to minimize Al Smith, but those words are indelibly stamped upon the whole country. He has many followers. Time marches on.

The following Monday night we listened over the radio to that very nervous—yes; very nervous—Robinson-Michelson speech. The speaker probably stumbled over the Michelson portions more than the others, because he was not used to making that kind of a speech. The effect on the country was far different, I think, than what you expected.

Time marches on. Thunderings come from Georgia. I wish I had time to read at this point the platform of the Georgia convention and the words of some of these speakers. I spare you the intemperate language. Are Al Smith and his followers and the Georgians the only Democrats to walk out? No. Louisiana also spoke in most thundering terms against your present administration. Your troubles are coming thick and heavy. Whistle to keep up your courage. It is all you can do. [Applause and laughter.]

Time marches on.

Finally, not the spectacular, not the dramatist, but from an ordinary citizen of the country comes a voice from Kansas, reserved, plain-speaking, urging the people to get back to the faith of their fathers. We are tired of all this dramatist business, and we are glad to have an honest, plain, common-sense speech, without mouthings against entrenched greed or even against Democrats. [Laughter.]

Mr. HAMLIN. Will the gentleman yield further?

Mr. GIFFORD. Yes; I yield again to the gentleman.

Mr. HAMLIN. May I ask the gentleman whether he does not think that James A. Farley made a correct prophecy when he said this was going to be one of the dirtiest campaigns on earth?

Mr. GIFFORD. Yes; that is true, but the President began it. Farley is keeping it up. Oh, I pay all honor to Jim Farley. He took all the "jack" out of Jackson at that dinner. [Laughter and applause.] It was only a little while before that, as my friend here from Massachusetts may recall, that the Democrats in Massachusetts—about 25 of them from my congressional district—were called upon to attend a dinner and give $100 apiece. That was more than a year ago. As I look down that list of contributors now I see that nearly every one of them seems to have been well rewarded.

Mr. MILLARD. Will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. MILLARD. Is it true that Jefferson founded the Democratic Party and that Roosevelt dumfounded it? [Laughter.]

Mr. GIFFORD. Well, Al Smith said he was not walking out of the Democratic Party, but out of the Socialist Party, whose clothes had been stolen by the "brain trust" boys, who were really running the Democratic Party.

Mr. HEALEY. Will the gentleman yield to me?

Mr. GIFFORD. Oh, yes.

Mr. HEALEY. After all, those contributions came from the ordinary fellows who probably needed a job very badly, whereas the contributions to the gentleman's party for years have come from those sources that have been termed "entrenched greed."

Mr. GIFFORD. Yes; like Raskob, and many others who have contributed to your party. [Laughter.] And I understand that perhaps the Du Ponts believe in a two-party system of government and have been willing, at times, to subscribe to both. This may not be true, but has been charged. Oh, the pot cannot call the kettle black on these contributions, but we can get along with a $5 dinner, and not frighten Government employees into making such contributions.

Time marches on. We hear from the West of a new President Hoover relieved of onerous duties, and of the smearing boys of former days. Mr. Hoover now comes up courageously and tells the facts and the truth about those dark days from November 1932 to March 1933. He tells us—and most people are going to believe it even if some do not—"that the banking crisis was the most unnecessary and political thing that ever happened." You may well dread future onslaughts from this source. If the editorial brains of this country are worth anything, and I highly respect their views, we should be greatly influenced by their warnings and suggestions. In general, these writers show great concern in our present trends of government.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. PIERCE. Who in the world brought on the banking crisis if it was not the party then in power, the Republican Party?

Mr. GIFFORD. Why, if the gentleman will recall the year 1932—and I have stated this over and over again—we were on the way out in July and August of 1932. The business index was high! Then the political campaign came on and the index began to go down, just as it does in all political campaigns when it is a close, or supposedly close, contest. But November came and your newly elected President would say nothing, do nothing, was noncooperative, and nobody knew his views or had any knowledge of his intentions; these contributed most largely to the collapse on the eve of his inauguration.

Mr. PIERCE. The gentleman may convince himself, but he is not going to convince the country.

Mr. GIFFORD. I am not trying to convince the gentleman from Oregon. However, in the first place, I said I knew I was speaking for at least some Democrats here.

Mr. PIERCE. Not for me.

Mr. RABAUT. Is the index going down now?

Mr. GIFFORD. It is. I have it right here. In the last 2 weeks it has gone down about 8 percent. Does not the gentleman know it?

Mr. RABAUT. Where does the gentleman get his figures?

Mr. GIFFORD. It has dropped 8 percent. Glance at your financial pages carried through the last few days. Does not the gentleman know that the automobile business and its allied businesses have been by far the greatest reason of the index going up? You have boasted much of this rising index of business. When the automobile business goes down steel business and others allied with it go down and this will continue unless people can still buy automobiles. Watch next week's business index, and see if our consciences do not hurt us because of some of the great expenditures we have made in Congress in the last few weeks. Do you desire our dollar to fluctuate as it has the last few days?

Mr. RABAUT. Mr. Chairman, will the gentleman yield further?

Mr. GIFFORD. Gladly.

Mr. RABAUT. The gentleman knows very well that the automobile business has been greatly improved. The automobile business is taking us right up the ladder.

Mr. GIFFORD. It is wonderful, is it not, with billions of relief money pouring out how our people can buy automobiles? It is a strange situation.

Mr. RABAUT. They do not get them with relief money. The automobile business has picked up because of the general improvement.

Mr. GIFFORD. Let us hope so.

Mr. RABAUT. I think we ought to have sincerity on the floor about these matters.

Mr. GIFFORD. Sometimes people say things in a jocular vein when there is really a most serious invitation to investigate the truth lightly veiled in the statement.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. WOLCOTT. May I make the observation that all of the charts Professor Pierson, collaborating with Professor Warren, has been presenting to the Committee on Banking and Currency, show that we were coming out of the depression in July and August of 1932.

Mr. GIFFORD. I told them practically that.

Mr. WOLCOTT. And Irving Fisher said that if there had not been any election that year we would have been out of the depression the following year.

Mr. GIFFORD. Yes; he said that. Time marches on! February is coming; our dollar is weakening; and people are getting tax-conscious all at once. They fear some onerous taxing measures are being formulated. Time marches on! Did some of you listen in on Sunday afternoon after 4 o'clock to that snarling voice of the radio priest from Detroit? He named your beloved Speaker of the House as being in the control of the money bags. He was pleading for the Frazier-Lemke bill and naming certain other Congressmen as cowardly and subservient. He stigmatized this Congress in hideous voice and language. He stated that he would name many more of you next Sunday. Listen in and decide if he is a help to the passage of the bill.

Will this condemnation get more to sign or to take their names off the petition?

Mr. KVALE. I hope so, if the gentleman is addressing me.

Mr. GIFFORD. I will leave that to the gentleman's own judgment.

May I illustrate: I saw a picture of a raggedly clothed tramp leaning over a country club fence watching the golf game. When the players came along they ordered him off with insults.

[Here the gavel fell.]

Mr. TABER. I yield the gentleman 3 additional minutes.

Mr. GIFFORD. As I stated, they ordered the tramp away and insulted him. The tramp walked off saying, "That is a 'hell' of a way to get members." [Laughter.]

Mr. Chairman, I, for one, do not want our beloved Speaker, and he is a Democrat, abused like that. [Applause.] Politics are dismissed on such an occasion. A former great Governor of Massachusetts announces this morning as a candidate for delegate to defeat this present administration. With a host of others, he will be at the convention for that purpose. We wish them success. One of the greatest disappointments I have suffered recently is to hear no Democrat from New York State stand upon the floor and say a word for their great American, Al Smith. Surely fear of Farley and the administration should not deter them. Let us take courage to defend our good citizens when attacked and not remain passive under insults heaped upon us as a whole. The Democratic Party have a majority of 3 to 1. Yours is the duty to protect the Congress. [Applause.]

Mr. Chairman, I yield back the balance of my time, if any remains.

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, I want to call the attention of the membership of the House to Senate Joint Resolution 196, which passed the Senate on January 30. It looks harmless, because it is a clarifying resolution, and in order to fully understand what it seeks to accomplish you must get the act passed at the last session that it amends.

In the last session of Congress there passed a bill, providing for the payment of $332,950 to reimburse navy-yard workers for overtime and holiday pay, and so forth, which they had not received. This was justified by reason of the fact that the Court of Claims had considered the various claims and had rendered a decision in favor of the claimants.

Section 3 of the law relates to the distribution of money to the attorneys. The Senate provision carried 20 percent for attorneys. The House struck out the 20 percent and made it 10 percent, but in conference the 20 percent was restored. The enrolling clerk of the Senate erred in enrolling the bill and it went to the President with 10 percent for attorneys' fees. The President signed the bill. When the bill reached the Comptroller General he refused to pay the attorney's fee of more than 10 percent. The Comptroller General was then requested to withhold the attorneys' fees until Congress could clarify section 3 of the act, but to retain 20 percent of any claim he ordered paid, which he has done.

Mr. Chairman, Senate Joint Resolution 196 seeks to clarify this section in that it provides that 10 percent of the amount of $332,950, or $33,295, shall go to the attorneys who handled the cases before the Court of Claims, and there were a number of them, because the navy workers throughout the United States had claims pending.

Now listen to this, it is also provided in the resolution —Senate Joint Resolution 196—that the payments authorized in section 3 of the act passed last session to be made to the attorney or attorneys who performed services toward securing provision for the payment herein of the amount so found shall be made to one Clarence W. De Knight, naming him specifically. In other words, the resolution which passed the Senate on January 30 states: The Congress of the United States authorizes and directs the payment of $33,295 to Clarence W. De Knight, whom the telephone book lists as an attorney in the Hibbs Building in Washington. What for? For getting the Congress of the United States to appropriate the money to pay the claims of these navy workers.

Are we going to place our stamp of approval upon legislation of this character which says that a man is entitled to $33,295 because Congress passed a bill?

Mr. Chairman, I just call this resolution to the attention of the Members of the House at this time and serve notice that I am going to use every parliamentary means at my command to prevent its passage. If this resolution does come up for consideration in the House, if I can secure it, there will be a yea-and-nay vote.

Why, Mr. Chairman, if this resolution becomes a law, we say a lobbyist should receive $33,295 for talking Members of Congress into passing a bill to authorize a claim that the Court of Claims says should be paid. I cannot vote for such a resolution and retain my self-respect.

Mr. MICHENER. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Michigan.

Mr. MICHENER. Who introduced this resolution in the Senate?

Mr. COCHRAN. Senator WALSH, of Massachusetts.

Mr. RICH. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Pennsylvania.

Mr. RICH. If the gentleman will call this matter to the attention of the majority leaders of the House, I think they will be big enough to not permit their Members to vote on it.

Mr. COCHRAN. I am calling this matter to the attention of the Members of the House as a whole, because I believe a Member of Congress, regardless of what party he comes from, has an equal responsibility in passing such legislation. As I said, the resolution appears harmless, but get the original law and read it; read section 3 and then read the resolution, and you will see the statement I make is absolutely correct. There is no dispute about the legal fees for the attorneys who appeared before the Court of Claims; it clarifies the lobbyists' fee.

I hope the members of the Committee on Claims, to which this resolution was referred, will pay some attention to the remarks I make today, because, Mr. Chairman, I cannot see how we as Members of Congress can permit our approval to be placed upon legislation of this character in which we authorize payment of $33,950 to a man for what? I repeat, solely because the Congress passed a law. We would say pay a man $33,950 because you or I might have voted for a bill and it became law. I cannot understand why anyone should attempt to pass legislation of this character.

Mr. CHRISTIANSON. Will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Minnesota.

Mr. CHRISTIANSON. Has the resolution been reported by the committee?

Mr. COCHRAN. As far as I know it has not. It just passed the Senate on January 30, and it was referred to the Committee on Claims.

Mr. CHRISTIANSON. Will it be put on the Private Calendar where objection may be lodged against the bill?

Mr. COCHRAN. I think so and I hope so. [Applause.]

But do not overlook the fact that we have a new Private Calendar rule and if this resolution is recommitted to the Committee on Claims after it has been placed on the Private Calendar it can be brought back in an omnibus bill and then is the time you are going to have trouble preventing its passage.

Mr. Chairman, we condemn lobbying. Both the Senate and House have created select committees to investigate lobbyists and now we are asked to turn around and pay a lobbyist $33,000 plus for getting Congress to appropriate money to satisfy a judgment rendered in the Court of Claims. How ridiculous. So far I have been unable to find where this man, Clarence W. De Knight, ever appeared before the Court of Claims. If he appeared there when the claims were contested, then he will receive his share of the attorney fees that are to be paid to the lawyers of record in the court's file. My information so far is that he entered the case after the court had passed on the claims and his only work was right here at the Capitol getting Congress to appropriate the money to pay the judgment.

I did not vote for the original bill, as I was sick in the hospital at the time it passed, but I know all about the bill. I would not have supported it in the form it passed, because the men who were entitled to this money have long since passed away. It is an ancient claim. I was advised by the Comptroller's office this morning when I sought information that so far only about 1 out of every 10 claimants have been found to be alive. It is the widows, sons, and daughters and other heirs that are making claim for the amount due to the Comptroller.

A thorough investigation should be made by the Committee on Claims to learn who employed Clarence W. De Knight to lobby this appropriation through Congress, if he is responsible for the appropriation, which I cannot believe he is.

This will not, I admit, be an additional charge on the Treasury, but it will be taken out of the money that was appropriated to go to the claimants or their heirs; but it is the principle involved that causes me to rise at this time and enter my protest against such legislation.

It is, I am sure, not necessary for me to remind the Members that we have been limiting the attorney fees in claims bills to 10 percent. Why, then, should we in this instance make it 20 percent. If the attorneys had fought a case over a period of 10 or 20 years and found it necessary to go to the Supreme Court in the end, then there might be some justification for going above the 10-percent fee, but remember this is not for the attorneys who fought the case in court, but for the lobbyist who came down here to offices of Members of the Senate and House, if he did, and induced them to pass a bill to make the money available for payment of the judgments referred to. Why, members of the committee of the House should raise their voices against such an outrageous proceeding, because if this resolution is approved Congress will be charged with having been influenced in its action by a single attorney. A Member cannot be here every minute in the day, and it is for that reason I call the attention of the entire membership of the House to Senate Joint Resolution 196. Let us all be on guard and prevent its passage.

I have another matter I would like to call to your attention very briefly. While I was ill during the last session of Congress, at the last meeting of the committee of which I am chairman, the Committee on Expenditures in the Executive Departments, the committee passed a resolution authorizing the appointment of a subcommittee to make an investigation with a view to bringing in legislation to consolidate and coordinate Government activities.

When I was able to return in the fall I immediately followed out the purpose of the resolution by addressing a communication to some 50 different Government agencies calling for a report, as well as charts of their set-up and a breakdown of their appropriations, showing the number of persons employed in each division and their duties. I had in my office when Congress convened on the 3d of January a stack of papers nearly a foot high covering a desk.

I have had nearly 10 years of experience in considering such legislation. I have been a member of the Committee on Expenditures in the Executive Departments since it was organized by the House. By direction of the committee, I appointed a subcommittee to consider this matter.

Senator BYRD, of Virginia, subsequently introduced a resolution providing for the appointment of a special committee by the Senate for the same purpose, and this Senate resolution carries an appropriation of $50,000. I understand on Wednesday of last week a hearing was granted Senator BYRD before the Rules Committee of the Senate, and the information I have is that the resolution will probably be reported and passed by the Senate. Our subcommittee authorized me to discuss the matter with Senator BYRD, and I did discuss it with him and urged him to make this a joint committee. I told him of the experience I had had in connection with legislation of this kind and explained how hard it is to get anything passed. I informed him that if the Senate was going to do the work by itself and later a bill was introduced in the Senate, there would be nobody on this side, if the bill came over here, who would thoroughly understand the measure, and therefore it might not be properly presented to the House.

Senator BYRD stated he knew what confronted anyone who sought to consolidate Government agencies by reason of his experience as Governor of Virginia. He agreed to consider my suggestion.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman from Missouri 5 additional minutes.

Mr. COCHRAN. If this resolution is passed by the Senate and it provides for a Senate committee, I see no use of our committee trying to duplicate the work. However, I wish to express the hope that if the Senators are going ahead with this matter they will make it a joint committee, because any bill reported by such a committee will have to come to this body, in the event it passes the Senate, and we are going to experience a great deal of difficulty in getting favorable consideration here. We have always experienced a great deal of difficulty, and I may say now, without fear of contradiction, that if the President of the United States does not step in and bear down upon the personnel of the executive branch of the Government and tell them to refrain from interfering Congress is never going to consolidate any Government agencies or stop overlapping and duplication, because the minute you start the employees of the Government start running to Congressmen and Senators saying "if you do this I am liable to lose my job", or "if you do that, I am liable to lose my job", and before you get very far the opposition is such that no thought is given to the Federal Treasury—somebody's job is more important. It is necessary to get the cooperation of the executive branch of the Government in work of this kind. I know it from past experience.

There is only one way to consolidate Government agencies, and that is to do it and let the complaints come afterward. As an example of this, before my letter calling for this information had been in the hands of Government officials 48 hours, some of the officials gave it to the newspapers and there appeared in the local press the statement that Congress was going to disturb Government agencies and nobody was going to suffer except the personnel.

Of course, the Washington newspapers derive their support largely from Government employees, and naturally they support the Government employees in all kinds of legislation, no matter what it is, and in another part of the paper criticize us for not reducing expenditures.

You probably recall the committee had a hearing while I was absent during the last session, and a fight developed between the Secretary of Agriculture and the Secretary of the Interior. The Secretary of Agriculture said that the Secretary of the Interior wanted to take the Forest Service away from him and put it in with the national parks. They both appeared before the House and Senate committees. Think of it, two Cabinet officers fighting because Congress wanted to save the taxpayers some money.

My viewpoint is it does not matter who is going to enforce a law passed by the Congress; it is going to be enforced or Congress is going to want to know why it is not enforced. We change Cabinet officers every time we have a different President, but the laws are enforced just the same, and it does not make any difference whether Mr. Wallace is there or Mr. Ickes is there or someone else, the laws on the statute books are going to be enforced.

Now, another thought. If we are going to put different agencies together and reduce appropriations, there is one thing we should always do in the future, and that is when we provide for a consolidation put in a proviso that there must be a reduction of at least 25 percent in the appropriations. If you do not do this, you will never get anywhere. [Applause.]

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from Pennsylvania, a hard-working member of our committee and one who wants expenditures reduced.

Mr. RICH. As chairman of the Committee on Expenditures in Executive Departments, and with the knowledge the gentleman from Missouri has, and knowing that the number of Government agencies and bureaus should be cut down, does not the gentleman think it would be wise for him to introduce a joint resolution so that when this resolution comes over from the Senate he can make it a joint committee composed of Members of the Senate and House? In this way Members of both bodies will have the same information and can draft a measure that will be worth while in cutting down the number of Government bureaus.

Mr. COCHRAN. The resolution pending in the Senate, as it now stands, is a Senate resolution and will not come to the House, but I shall discuss the suggestion of the gentleman with the subcommittee when we meet next week.

I have nothing further to say, Mr. Chairman. I simply wanted to explain the situation to the Members of the House, and I hope you will realize that if the Senate does go through with its proposal to have a Senate committee there is no use of the Members of the House committee duplicating the work they are going to do.

Mr. RICH. I may say to the gentleman from Missouri that there is no one in the House of Representatives who can do more to bring about such a joint committee than the gentleman himself, and I hope he will use every ounce of energy he has to see that this is accomplished. [Applause.]

Mr. COCHRAN. Mr. Chairman, I will do what I can. I yield back the balance of my time.

Mr. LUDLOW. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. HARLAN].

Mr. HARLAN. Mr. Chairman, it is an unusual pleasure to address this Committee on something that is not politically controversial. My subject is, however, in a marked field of controversy of a decidedly different nature.

I wish to talk for a little while about the proposal to change our present system of judicial supremacy over legislative acts. This, I think, is of interest to everybody on whatever side of the problem they may take.

There are those of us who were disappointed in the recent decisions of the Supreme Court, who had hoped that the liberality advocated by Justice Holmes and many others would be established; and we are now looking for a short cut to reform.

Then there are those of us so pleased by the decisions of the Supreme Court that we feel that the system is working perfectly and that there is no problem involved.

I think I am safe in saying, however, that there is such a problem ever with us.

I do not believe that our Government has arrived at final perfection just yet, piffle patriots to the contrary. The problem of judicial supremacy has reared its head in every government where democratic institutions have attempted to establish themselves with a written constitution. It is a problem that goes to the very basis of democracy.

I think everyone will agree with me that the basic ideal of democracy is that those laws should be passed which embrace the matured desire of the majority.

The different democracies have adopted different plans to solve this problem, from the American plan, as it is called, of extreme judicial supremacy, on the one hand, to the British plan, on the other hand, where Parliament is absolutely supreme. Between those two extremes there are different confusing variations. In France the legislature is supreme as to general laws, but the courts exercise strict supervision over administrative agencies. In others the courts are supreme, but the legislatures can at once amend the constitution and override the judicial veto.

For example, in Switzerland, during the first 48 years of its existence, its constitution was amended 25 times. So on we might go through many others. Mr. Chairman, I wish to submit this afternoon three propositions:

First. That if the American Government veers at all toward the British idea, we shall have to so modify the rest of our lawmaking machinery as to approach the British parliamentary system.

Second. That the present is a most inopportune time for us to consider this question.

Third. If any change is finally desired, it must be in the direction of giving the people themselves greater power, not merely the transference of power from the judicial to the legislative branch.

Who is there that will dare to say that those organized blocs of minorities which intrude themselves into our lawmaking councils and dominate our Government for their personal profit are fostering the matured desire of our body politic? If it is not the Anti-Saloon League, it is the Whiskey Trust; if it is not a bloc of tariff profiteers, it is an organization of different communities interested in some "pork barrel" improvement.

The War Department has been prevented for years from abandoning obsolete and useless Army posts by groups of localities combining their bloc vote in Congress and utterly indifferent to national defense. Marine shipping interests successfully defeat year after year programs to supply adequate canal tolls for the Panama Canal. One group after another demands pensions. The last one frankly tells us that if we do not "provide a revolving fund" for their particular idealistic scheme they will vote to "provide a revolving Congress." These groups are probably not to be blamed too much for their action; they are merely looking after themselves and believe that if they do not do this nobody else will. Certainly Members of Congress are not to be criticized too severely. The conditions under which they are elected in a majority of cases destroy utterly their powers to resist. We see all kinds of visionary groups coming in with plans to lead us all back into the Garden of Eden, building blocs with almost enough force to put these ideas across, men getting on the radio repainting some old economic fallacy that is as old as human folly itself, calling it a new name, and getting a great bloc in Congress here to file a petition for an immediate vote on their pet scheme and bulldoze us into signing that petition.

I say to you, Mr. Chairman, that as long as that possibility exists, as long as we are threatened by such groups, we can never adopt any policy of keeping our acts free from judicial supervision.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. Yes.

Mr. RICH. How about the minority groups that are always harassing Members of Congress?

Mr. HARLAN. That is what I am talking about. In England such a situation is absolutely impossible because of their Cabinet system of framing and passing laws in Parliament. No law can come on the floor of Parliament or be

amended there without the approval of the British Cabinet, and it is useless for those blocks or crack-pot legislative groups to go before the British Cabinet because they cannot get any place. They do not elect the British Cabinet. But in this country they can come before Members of Congress and threaten us with dire punishment, particularly those of us who are elected in communities where the political parties are evenly divided and where blocs exist that care nothing about political parties. They threaten to throw their financial and political support against the man who will not yield to their wishes. The man who stands up against a bloc is taking his political life in his hands. In England they have to go through the Cabinet first; and it does not do them any good to go to the Cabinet, because they do not elect the Cabinet. Parliament elects the Cabinet as a whole, and the result is that blocs and lobbies cannot prevail and do not exist. The result is that the British Parliament speaks the matured will of the whole British people.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. HARLAN. Yes.

Mr. McFARLANE. From what line of reasoning does the gentleman draw the conclusion that a self-appointed group of people speak the will of the people when the people do not have any right to say whether or not they speak that will?

Mr. HARLAN. I am coming to that. In the first place, the Cabinet is not a self-appointed group. It is an elected group, elected by the Parliament.

Mr. WADSWORTH. And they must be members of Parliament.

Mr. HARLAN. They must, of course, be members of Parliament, and they have to be elected by the Parliament. If that Cabinet abuses its power, if, for example, it keeps off the floor of Parliament a bill which the majority demands, a vote of want of confidence will cause that Cabinet to fall at once. If they introduce a bill which the majority do not want, and the Parliament defeats an important administration measure, the Cabinet would fall at once, and then the people in a referendum say what their matured wish is.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. HARLAN. I yield.

Mr. MARCANTONIO. In the contemplated plan which the gentleman suggests, has he taken into consideration the power of the Supreme Court to nullify acts of the representatives of the American people?

Mr. HARLAN. I am discussing that. If the gentleman will be patient for just a moment, please.

For a number of years our respected colleague, the gentleman from Virginia [Mr. MONTAGUE] has introduced into this body a bill that will give us just a little step in the right direction, it seems to me. That step is to require Cabinet members to appear on the floor of this House at stated intervals and to permit them to appear and argue on all bills affecting their different departments. That proposal does not bring to us the British Cabinet system, but, combined with the powers vested in our Speaker, powers wholly foreign to the Speaker of the House of Commons, together with the powers which could be vested in our Rules Committee, we could very closely approximate the British system if we wished.

The executive department is the only department in our Government that has an opportunity to speak for the whole people. They do not always do it, but they have an opportunity to do so, because they are elected by everyone. The Members of this House represent their districts and the Members in the Senate represent the States; but the only elected person who represents everybody, the total views of our people, is the President.

Now, following the introduction of Mr. MONTAGUE's bill, I made a short talk last February 14 and again on February 27 recommending its passage. Following that speech, without any effort at collecting, I received a number of newspaper clippings on this subject. In those talks I called the attention of the Congress to the fact that Mr. MONTAGUE's idea had originally been suggested by Senator Pemberton and advocated by President Garfield, recommended to this Congress in a special message by President Taft, approved by a very illustrious Senate committee some years ago, advocated by President Wilson, and approved repeatedly by Chief Justice Hughes and a number of statesmen in the United States; but our Committee on the Judiciary has been too busy to give it attention from that time on. Since that time I have received some letters, about 50 from Members of this House.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman from Ohio 2 additional minutes.

Mr. HARLAN. I shall put excerpts from some of these letters and editorials in the RECORD, with the permission of the committee.

HOUSE OF REPRESENTATIVES UNITED STATES,
COMMITTEE ON THE JUDICIARY,
January 29, 1936.

MY DEAR COLLEAGUES: The difficulty is that very few people have ever stopped to examine the matter in which you have become interested. The theory seems to be that it has not been done, the "fathers" did not favor it, therefore it ought not to be done. In my judgment we are developing the bad features of our system and of the English system.

It is a matter which ought to begin to be discussed and considered.

HATTON W. SUMNERS.

HOTEL VENDOME, PLACE VENDOME,
Paris, France, April 9, 1935.

MY DEAR MR. HARLAN: I would, indeed, be only to glad to appear before the judiciary committee to which the bill has been referred. Such an opportunity to continue the advocacy which I have so long and so often endeavored to make effective would have been very gratifying to me.

The occasion appears to me so important that I wish I were able to take the next ship for the purpose of appearing before the committee. It is, however, impossible owing to the severe illness of Mrs. Belmont, which, during many months, has required my presence and constant attention.

Sincerely yours,

PERRY BELMONT.

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998 FIFTH AVENUE,
New York, N. Y., April 20, 1935.

DEAR MR. HARLAN: It has long seemed clear to me that we ought to have some arrangement under which Congress would have the benefit of more prompt and authoritative information as to the action of the executive department.

On the other hand, I think that a sense of liability for prompt explanation has a very good effect upon the head and leading members of an executive department.

I hope your bill will be followed up and that some practical results may be reached.

Very sincerely yours,

ELIHU ROOT.

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15 BROAD STREET,
New York, N. Y., March 19, 1936.

MY DEAR CONGRESSMAN: I have always thought it would be a good thing if members of the Cabinet were given the privilege of the floor of either House of Congress.

Congress, having control of its own procedure, can undoubtedly inaugurate such a system if it wants to. I am not sure that each House could not do it on its own account. One of the greatest advantages of the attempt is that it could be abandoned if it proves a failure, without any permanent alteration in our constitutional system.

I do not remember that I have ever discussed the subject in any public address, but I am quite willing to be quoted in favor of the experiment.

Believe me,

Cordially yours,

JOHN W. DAVIS.

CARLTON HOTEL,
Washington, D. C., March 23, 1935.

DEAR MR. HARLAN: I regret that I shall not be able to appear before the committee, but I have written to Mr. SUMNERS, urging him to give the proposition favorable consideration.

Yours faithfully,

CHARLES A. BEARD.

BRYN MAWR COLLEGE,
Bryn Mawr, Pa., March 26, 1935.

DEAR MR. HARLAN: I am much interested in your bill which proposes to require members of the President's Cabinet to attend meetings of the House and Senate and to permit them to participate in debate pertaining to departments.

Some years ago I gave a great deal of study to this matter, and I am strongly of the opinion that such a measure would facilitate the drafting of bills and be greatly conducive to their more efficient administration.

Sincerely yours,

CHARLES G. FENWICK.

Press comments include the following:

[From the Washington Daily News, Mar. 21, 1935]

GOVERNMENT TEAMWORK

(Editorial)

Much of the conflict and suspicion now being engendered between the White House and Capitol Hill might be prevented by the pending Harlan bill to permit Cabinet officers to sit in Congress, lay their cards on the legislative table, and submit to questioning from Senators and Representatives.

The proposal is not new. Back in 1864 a special committee of both Houses recommended that Cabinet members sit with Congress on Tuesday and Thursday mornings and engage in debates. Similar proposals were made by the committees in 1881 and in 1925.

Nor is it novel in other countries. In England, France, Norway, Denmark, the Netherlands, and other parliamentary countries, of course, the government sits with legislative bodies and answers for its policies.

A franker and more efficient relationship is needed, particularly in these days of expanding executive powers. Prof. Harold J. Laski says that Cabinet attendance in Congress would make the debate more responsible, restore the significance of opposition and tend to prevent such costly corruption as was revealed in the Fall and Daugherty scandals.

Woodrow Wilson, whose administration was marred by bitter clashes with Congress, urged that the Cabinet be used as a connecting link between the executive and legislative branches.

[From the Dayton Daily News, Dayton, Ohio]

(Editorial)

If a representative of the White House wants to say anything to Congress, he has to appear more or less privately before a committee of the Senate or House. There is no way, save through the newspapers, for him to get his views before Congress as a whole.

Congressman HARLAN sponsors a bill to permit Cabinet officers to sit in Congress, submit to questioning from Senators and Representatives, and state their point of view.

[From the Christian Science Monitor]

Undoubtedly the proposal would affect the type of men chosen for responsible Cabinet posts, and the proposal deserves to be weighed carefully.

[From the Los Angeles Times]

There is a good deal to be said for the plan. It would tend to improve both the legislative and the administrative branches.

[From the Flint (Mich.) Daily Journal]

In these times, which are more than ordinarily confused and troublous, there is more need than ever for a clearly defined and well-understood administrative policy, and few things would contribute more substantially to this than the right of Congress to question Cabinet members in debate.

[From the Kalamazoo (Mich.) Gazette]

The potential benefits of such a plan should far outweigh its dangers. The direct placing of responsibility, which should always be a foremost objective of any representative governmental system, would be greatly facilitated.

[From the Boise (Idaho) Capital News]

Such arrangement would draw us a step closer to the English parliamentary system under which cabinet members are closely involved in the parliamentary process. It is not clear, of course, that we should go all the way in copying the good points of this system, but to subject Federal department heads to congressional quizzing at regular intervals might be exceedingly wholesome reform.

[From the Cincinnati (Ohio) Enquirer]

(Editorial)

This (the Cabinet bill) would not give us a replica of the English form of government, in which cabinet members habitually occupy the government benches and defend administration policy. There is no way in this country of turning out an administration by legislative action, as in England, and so the vote of confidence in that sense cannot exist.

But theoretically a move to get better legislation with the benefit of advice from administrative officers through the necessity for their defending their policies before a critical audience might seem worth while.

In the December issue of the American Political Science, Prof. E. P. Herring, of Harvard University, wrote, in part, as follows:

The weaknesses in a system that prevents the originators and future administrators of a bill from defending it before the body expected to approve such a measure became manifest. In view of the delay and misunderstanding resulting from this separation of powers, the bill granting Cabinet members the right to debate in Congress seems pertinent. A measure to legalize such procedure was actually debated in this Congress. It was argued that if the course of legislation in the future was to be devised and directed in large measure by the President, existing procedure should be altered to meet this situation.

My second proposition is that in this Presidential-election year nothing should be done with any question pertaining to the respective rights of Congress and the Federal courts. It is a matter that should be determined as far away from party politics as possible. It is a matter that should be determined as free from emotional excitement as possible, and such an atmosphere is completely out of the question when we are considering the vast economic and political questions that will confront us next November.

The third thought which I wish to leave with you, Mr. Chairman, this afternoon is that when the time does come to consider the feasibility of giving us more nearly the legislative freedom exercised by Parliament, that we can only improve our democracy by vesting more power directly with the people. It is very questionable whether we will improve our situation much by merely transferring the power now exercised by the Supreme Court back to Congress without direct sanction by the people.

We should always bear in mind that in Great Britain, where the power is wholly removed from the courts to override an act of Parliament, the people reserve to themselves complete power to condemn or ratify the acts of that Parliament in a general election.

This return of power to the people could be accomplished by one of two methods. The first would be to change our methods of amending the Constitution so as to make that accomplishment an easier task. I know of no free democracy in which the amendment of their basic law is as difficult as it is in the United States, and yet when our Constitution was adopted it was in the minds of those men that they had made the amendment of this instrument very easy.

Madison, in commenting upon the amending section just adopted, said:

The people were, in fact, the fountain of all power; by resorting to them all difficulties were gotten over. They could alter the Constitution as they pleased.

With free people all over the world carrying on government and perpetuating free institutions under easily amended constitutions, and with Great Britain acting as the very bulwark of freedom throughout the world operating with no constitution at all, the wisdom of requiring an initial vote of two-thirds of both Houses of Congress and of three-fourths of the States to effect a change in our basic law is hardly apparent.

If the initial change were made more easy and a mistake were made, by the same process the correction of that mistake would be a simple proposition. We just had the spectacle of our experiment in prohibition, which demonstrated its ineffectiveness very shortly after its adoption, and other countries who adopted prohibition at the same time as we did promptly realized their mistakes and corrected them. We, however, had to labor under this unenforceable, Government-destroying constitutional amendment for 13 years before the people's voice was able to express itself. If this is democracy, then every other idea on which our Government is founded is a mistake.

Before I submit a second possible method of correcting our system of judicial supremacy, I should like to direct attention to the fact that in almost every case where a law has been declared unconstitutional the decision has been by a divided Court and that the question involved was one of the interpretation of English words.

In the New Deal decisions there was but one case decided by a unanimous Court. The Constitution is written in the English language, and in that Constitution are such phrases as "due process of law", "equal protection of law", "general welfare", "interstate commerce", and so forth. Congress, by a divided vote has taken one interpretation. The Supreme Court, by a divided vote, has taken another. In other words, there are practically no cases in which Congress has

purposely intended to violate the Constitution. It has simply placed a construction on certain phrases of the English language with which the Supreme Court subsequently disagreed. They have many times disagreed with their own prior definitions.

Now it is entirely possible that Congress might of its own accord purposely and willfully attempt to pass a law in violation of a simple undisputed term in the Constitution. This was suggested by Chief Justice Marshall in Marbury against Madison:

> It is declared that "no tax or duty shall be laid on articles exported from any State." Suppose a duty on the export of cotton, of tobacco, or of flour, and a suit instituted to recover. Ought judgment to be rendered in such a case? Ought the judges to close their eyes on the Constitution, and see only the law?
>
> The Constitution declares "that no bill of attainder or ex post facto law shall be passed."
>
> If, however, such a bill should be passed, and a person should be prosecuted under it, must the Court condemn to death those victims whom the Constitution endeavors to preserve?
>
> "No person", says the Constitution, "shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."
>
> Here the language of the Constitution is addressed especially to the courts. It prescribes, directly for them, a rule of evidence not to be departed from. If the legislature should change that rule, and declare one witness, or a confession out of court sufficient for conviction, must the constitutional principle yield to the legislative act?

In such a case, of course, there could be no such division in the Supreme Court. The decision would be unanimous and I believe that such cases decided by a unanimous court ought to be unchanged under all circumstances until the Constitution itself is amended. Otherwise, of course, we would have two contradictory methods of amending the Constitution.

But in the other cases where the majority of Congress conceives one definition of the English terms and the majority of the Court conceives another definition of the English terms to be proper, who should decide the issue, and by what divine right shall we say that the decision of the Supreme Court should be final?

Justice Harlan, in the dissenting opinion in the tax cases, speaks as follows of the power of interpretation of the Supreme Court:

> The people of the United States who ordained the Constitution never supposed that a change could be made in our system of Government by mere judicial interpretation.

As suggested before, it would not be any improvement simply to allow Congress to reenact the law because the people would thereby gain no say in the matter.

A special referendum as suggested for the States in the progressive program of 1912 would be an expensive, cumbersome and time-consuming proposition.

However, because of our biennial elections we are already equipped to take a leaf out of British experience. The question could be made an issue at the following congressional election either by the candidates themselves or a special interrogatory could be attached to the ballots, and in this way the people would be the final court to decide this question.

Abraham Lincoln once said:

> Why should we not have a patient confidence in the ultimate justice of the people? Is there any better, is there any equal hope in the world?

At the following session of Congress, guided by the results of this election, Congress could either reenact the law asserting the supremacy of their interpretation or it would be defeated, establishing the supremacy of the Court's interpretation.

In conclusion, I wish to reaffirm that if we hope to achieve more liberty for our people we must provide more protection for our lawmakers; we must take steps to control the power of minority blocs that are sapping at the very foundations of our government. We cannot have liberty for the majorities as long as we protect license for the minorities. [Applause.]

[Here the gavel fell.]

Mr. HARLAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and to include certain letters and editorials.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I desire, in this limited time, to make some observations about the foreign policies of the United States and the pending neutrality bill, and to give, as far as I am able, the position of the Republican Party toward the administration neutrality bill and neutrality itself.

The foreign policy of the New Deal administration has been a dismal failure. There have been no achievements from the very beginning. There is no record on international issues under this administration that is even worthy of discussing. The New Deal foreign policy is a flat failure, and, as a record, it is null and void.

When the Democratic President came into power, or prior to taking office on March 4, 1933, he refused to cooperate with President Hoover in the settlement of the war debts. He said, "No; I want a lone hand to settle them myself." The result is that after 3 years of his administration we are receiving no payments whatever on the war debts, except from the little Republic of Finland. No interest payments, even on sums of money loaned after the armistice, have been received. Under the Hoover administration we received $200,000,000 a year in payments from foreign nations.

When President Roosevelt took office he did everything he could to bring about a financial and economic conference in London. He said:

> We will not go into that conference, however, unless the nations of the world who attend are ready to stabilize their currencies.

They went in on that basis and as soon as we had gotten into the conference we turned around——

Mr. McREYNOLDS. Will the gentleman yield?

Mr. FISH. I am sorry, but I want to proceed with my remarks and my time is limited.

Mr. McREYNOLDS. I should think the gentleman would.

Mr. FISH. I am going to say a lot of nice things about the gentleman later on, but I cannot yield in only 15 minutes.

When our delegates went over there, the other nations at least understood that the main purpose of the conference was to stabilize currencies. Then all of sudden the delegates acting under instructions deliberately repudiated the promise and the pledge of the President, and withdrew, because the conference proposed to stabilize currencies.

The President made an about face in 2 months' time; he marched his troops and our delegates up the hill; and, like the King of France, he turned around and marched them back again. We made the grand retreat, just as we did yesterday on these three unconstitutional farm measures. You Democrats said it was not a retreat when I was speaking yesterday. You were right; it was not a retreat, it was a rout.

The result is that the foreign policy started off with repudiation, like the rest of the New Deal policies. We are now in the midst of a government of repudiation and by repudiation from beginning to end.

Just now we are in the midst of the naval conference. Under Republican administration we reached an agreement to reduce naval armament to a 5–5–3 basis, and we did away with naval competition and threats of war between the United States and Japan. That treaty expired under this administration and they sent Mr. Norman Davis, our ambassador at large and friend of the League of Nations, over there to settle it for us. He settled it as he has all other conferences. That conference has failed and we are launched on the greatest naval competition and spending program in the history of America.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. FISH. Mr. Chairman, I cannot yield. I would love to yield to my friend, but I cannot do it in 15 minutes, because I cannot half complete what I want to say on international issues and neutrality.

Mr. McREYNOLDS. Mr. Chairman, will not the gentleman yield for just one question?

Mr. FISH. No; I cannot do it; I am sorry.

The result was that there, again, an important international conference has broken down and we will spend a billion dollars on naval armament in a pace for naval supremacy, that creates enmity and hostility and invites war. There has been no achievement or no record under this administration for international peace except efforts continually made by the administration for the past 2 years to give to the President the power to determine the aggressor nation, which I will discuss in a moment.

Oh, yes; there is one great achievement I forgot to speak about, one glorious international achievement, the recognition of Russia. I almost forgot that. That was based on the fact that we were going to do $1,000,000,000 of trade with Soviet Russia. They held out that juicy bait to the big international bankers and industrialists up in New York. My banker friends up there, of course, looking forward to these big profits, jumped on the band wagon. Then they went down South into Dixie land and saw the Senators of the cotton States and said to them: "If you recognize Soviet Russia we will buy $200,000,000 worth of cotton from the South." We recognized Soviet Russia 2 years ago, and instead of doing $1,000,000,000 worth of business, we have done about $15,000,000 worth annually. Yet under the previous Republican administration, before we recognized Soviet Russia, we did over $100,000,000 of business with Soviet Russia. Instead of buying $200,000,000 worth of cotton, the Soviets bought $3,500,000 worth and borrowed that money from the R. F. C. to put through the deal. This is the great and crowning achievement of this administration in the international field.

I turn my attention now to the pending neutrality measure and shall give, so far as I am able, the viewpoint of the Republican Party. I suppose I have the right at least on this issue of international affairs to represent my party in the House of Representatives and to that extent in the country because for 15 years I have served on the Foreign Affairs Committee and am now the ranking member of this committee. We are just as desirous of peace as the Democrats or any other group in America. I want to compliment the chairman of the Committee on Foreign Affairs, the gentleman from Tennessee [Mr. McREYNOLDS], and all the members of his committee, Republicans and Democrats, who for the past month have given of their time, of their energy, and of their abilities to try to draft a neutrality bill. For the past month there have been almost daily hearings. Finally a bill was reported out because the embargo on arms resolution Congress passed last year expires on the 29th of this month, yet so far no rule has been given or any indication by the Rules Committee that the bill will even be brought up for consideration. The proposed neutrality bill raises a gigantic issue and affects the lives of those young Americans who may have to fight our battles in the future. The bill should be brought out here and discussed freely as it was in the Committee on Foreign Affairs, without partisanship, if that be possible in these days, and I doubt if it is. Nevertheless, it is your right as Members of the House of Representatives to consider and discuss this issue, to have the bill brought out, and to have both sides of it presented. Your chairman will represent the administration. He says it is an administration bill. I will say for the bill that except for section 4, giving the President certain discretionary powers to effect economic sanctions, I would be glad to vote for it. But speaking, I believe, the viewpoint of the Republican Party, if the administration insists on section 4 giving the President additional powers to involve us in war through economic sanctions, we propose, and I shall probably offer it, a motion to recommit to extend the present embargo on arms and munitions of war for 1 year more, and add to that an amendment of the gentleman from Ohio [Mr. KLOEB], a member of our committee, to prohibit the lending of money and credit under certain circumstances to belligerent nations, and one other amendment to exclude South American countries from the application of the embargo on arms and munitions of war if attacked by a non-American nation. That, I think, is the Republican policy and I believe it will have practically the unanimous support of the Republican Members of Congress.

We do not propose to give any additional power whatever to the President of the United States, discretionary or otherwise, to involve us in foreign entanglements. The policy of the Republican Party is that we will spend millions for defense but not one dollar to send American troops to foreign lands to fight other people's battles; and that is what is involved in this bill if we give the President this discretionary power. If the European nations insist on arming to the teeth and going to war, it is their war not ours.

As Al Smith says, let us look at the record. Two years ago this administration came before the Foreign Affairs Committee with its representatives from the State Department and practically demanded that the Congress give the President the power to determine an aggressor nation, a hostile and unneutral act, practically an act of war.

In order to be nonpartisan in this discussion, let me say to the Democrats that this was identically the same position held and advocated by President Hoover and by Mr. Stimson, who was then Secretary of State.

Mr. Stimson came before our committee 4 years ago and asked us to give President Hoover the power to determine the aggressor nation. Unfortunately, the Members of the House of Representatives voted President Roosevelt this power 2 years ago, but the Senate refused, very wisely and properly, to grant any such power to the President to involve us in wars throughout the world.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. FISH. Mr. Chairman, if we had given this power to Mr. Stimson at that time, when he was bombarding Japan daily with notes every time the Japanese Army marched into Manchuria or cut off the pigtail of some Chinaman, Mr. Stimson could have applied an embargo on arms against Japan, because he could have said that Japan was the aggressor and was making war on China. We might have sent a shipload of munitions to Shanghai, and then, naturally, a Japanese destroyer would have seized that boat flying the American flag. Our honor would have been impugned, and we would have been at war with Japan in 30 days' time.

Mr. Chairman, I have the right to oppose giving the President this discretionary power to effect economic sanctions and involve us in war, as I opposed granting to both President Roosevelt and President Hoover the power to determine an aggressor nation. I led the same fight against a Republican President and against a Republican Secretary of State. Therefore, I am appealing to the Democrats to do likewise under their administration and give their President no discretionary power and no power to involve us in any foreign entanglements. We on the Republican side are against entering into these ancient blood feuds and foreign boundary disputes. We do not believe in trying to police the world or to pick the chestnuts out of the fire for other nations. Our policy is to keep out of all of these foreign boundary disputes and ancient blood feuds and mind our own business, as we have plenty of problems to solve at home. [Applause.]

Mr. MAVERICK. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Texas.

Mr. MAVERICK. Is not the gentleman in favor of bringing the McReynolds bill out on the floor of the House for discussion?

Mr. FISH. Yes; and I so stated.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. McREYNOLDS].

Mr. McREYNOLDS. Mr. Chairman, I am very much surprised at the statement made by the gentleman from New York before this Committee. When he seeks to leave the impression on the Members of the House that the neutrality bill gives the President the right to judge an aggressor nation, he should know that is foreign from the facts. I understood that in a radio speech the other night he left the same impression. But there is no such proposition in this bill and the gentleman ought to know it, if he does not already know it. There is no discretion of that kind. Whatever embargo applies to one nation applies to the other nation. I am sorry I have not time to discuss that further, as I have only 5 minutes.

Mr. Chairman, I want to call attention to some other matters stated by the gentleman. He made the statement that when the President sent the delegates to the Monetary and Economic Conference at London, it was only with the understanding they would undertake to get an agreement to stabilize the currency. I call for the proof. I challenge that statement as untrue. I happen to be in a position to know something about the instructions to the delegates from this country, because I was one of them. There was no such thing involved and we were not expected to do so. He says that we have not collected anything from foreign nations since the present President has been in the White House. Of course, we have not. The gentleman's administration stopped collecting.

Mr. Chairman, the last move President Hoover made in reference to foreign debts was in the way of an agreement with foreign nations extending their time of payment—a moratorium—and then sending telegrams all over this country to the Members of Congress, including some of us Democrats, to uphold the administration. Many of us stood by him and ratified that agreement, regardless of politics, and I was one of them. Where could you find such patriotism as that coming from the gentleman from New York at this time by upholding or helping the administration? His are always criticisms.

Then the gentleman from New York speaks about Norman Davis. Who sent Norman Davis to Europe? That is one good thing President Hoover did. He is the first man who sent Norman Davis to Europe, and the gentleman knows that.

Then the gentleman made some reference to our President recognizing Russia. Let me remind the gentleman that the only passport we could get or means of recognition before that time was through your own candidate for President, Mr. BORAH, and the gentlemen on this side of the aisle know that. Senator BORAH would write letters over there that this man or that man was coming to that country when they could not get a passport, and your candidate for President has advocated the recognition of Soviet Russia for years.

Mr. Chairman, I dislike to see a gentleman of the prominence of the gentleman from New York get up before this House and garble things and leave impressions on matters that are not true.

With reference to the neutrality bill, the only discretion left in the bill under section 4 is whether there is necessity for preserving the neutrality of this country or whether or not there is involved protection of the lives and property of our nationals. If the President finds either to be true, then he shall declare an embargo on materials of war over and above the normal trade. There is another section providing that any embargoes are to apply to each and every nation alike. That is in the bill. Is that the impression that you received from the gentleman's statement when he spoke just a while ago? Was not his statement intended to deceive, and did he not say that a bill of this kind would lead us into war? Did he not further leave the impression that it was the President's discretion to judge the aggressor nation? Go to the bill itself. I stand on this floor and say that is not there, and I challenge him to show it. The bill is just as I stated.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. PIERCE].

Mr. PIERCE. Mr. Chairman, first, just a word in regard to the processing taxes. I listened to the ranking minority member of the Committee on Agriculture, our colleague the gentleman from Kansas [Mr. HOPE], who spoke about the processing taxes, and I listened very earnestly the other day to our colleague the gentleman from Massachusetts [Mr. TREADWAY] when he severely arraigned the Secretary of Agriculture for what he had said about them.

I may say briefly on that subject that the processing taxes were collected in the interest of the farming classes. The processors were the collecting agencies, that is all. They did not pay them. Now, all this money that was impounded by the Court is not their—the processors'—money. It was paid into the hands of the Court and now the order from the Supreme Court that this money is to be returned to the processors, it seems to me, might be very correctly styled, as it was by our Secretary of Agriculture, one of the greatest legalized steals of history. I cannot view it in any other way.

Mr. HOLLISTER. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. In just a moment.

Mr. HOLLISTER. I just want to ask the gentleman to whom the Court could have returned it except to the people from whom it had been exacted by an illegal tax?

Mr. PIERCE. The processing taxes were impounded by the Court, but here is the difficulty and here is the danger. The Supreme Court, by recognizing that process, leaves open the matter of other taxes being impounded pending litigation. Suppose such a condition is brought about by income-tax payers and the courts issue similar orders. The difficulty lies, it seems to me, in the precedent they have set.

Mr. HOLLISTER. I think the gentleman and I are in complete agreement that it is unfair to have that money kept in the hands of the processors who paid it, but I do not quite see why the Court should be condemned, and the question I am asking is to whom else could the Court have ordered it paid unless it had allowed the clerks of the courts to keep it forever?

Mr. PIERCE. It will never go back to those to whom it belongs.

Mr. HOLLISTER. I am simply asking the question, What else could the Court have done, irrespective of the question of whether or not the processor should have the right to keep it now, and whether or not we might enact some kind of tax that would cover the situation?

Mr. PIERCE. We could cover it into the Treasury of the United States.

Mr. HOLLISTER. The Court could not order it covered into the Treasury of the United States.

Mr. PIERCE. I cannot see the justice of it. It does seem to me that if there is anything that leads to bolshevism and disregard of all government and law, it is such a judicial decree as this.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. I yield.

Mr. MAY. As a matter of fact, the processers have not paid this tax into court themselves, because they got it when they increased, for instance, the price of bacon to the consumer from 15 cents a pound to about 30 cents a pound; and if they keep it, they are keeping something that belongs to the consumer; and inasmuch as the Government cannot get it, it is an illegal collection on their part.

Mr. PIERCE. Well, it certainly has worked a great injustice and has brought on a great deal of unfavorable comment throughout our country. The laws must be enforced with some degree of justice and honesty, or a complete break-down of government is coming.

Mr. HOLLISTER. If the gentleman will yield further, I am in full agreement with the gentleman as to the unfairness of the processors keeping it. I think every processor who got this money back should pass on a reduction in price to the consumer; but I would also suggest that I think it is unfair to accuse the Court of doing anything wrong, because the Court could do nothing else but order it paid back

to the processors who paid it, whatever their desire might have been to order it paid to someone else. I think the gentleman is correct in his theory of where the money should ultimately go, but I do not think he should condemn the Court for the order it made.

Mr. PIERCE. I certainly feel the Court has issued a very unjust order. It might be, as Secretary Wallace said, legal, but it is certainly not justice.

Mr. MAY. Mr. Chairman, will the gentleman yield further?

Mr. PIERCE. Yes.

Mr. MAY. If it had been ordered returned to the Government after it was impounded, it would have aided vastly in helping to balance the Budget that we hear so much talk about.

Mr. PIERCE. Yes, indeed.

Now, Mr. Chairman, if I may be pardoned for not yielding any more, I may say there is a thought or two I want to advance in the time I have left.

The Pacific Northwest is that portion of the United States that lies west of the Continental Divide and north of the southern boundary of Oregon. This beautiful and bountiful country was long the last frontier of the United States, and toward it, beginning in 1843, Americans traveled courageously and hopefully in one of the greatest migratory movements in all history. More than half a century ago I followed the pioneer trail and made my home in this favored region. At that time through lines of railroads from the East and South had not yet given easy access to that great empire.

WHEAT GROWING IN THE PACIFIC NORTHWEST

Wheat was being raised in quantities in sections of the Northwest 50 years ago. It was shipped by railroad to tidewater, loaded on boats, and sent by ocean around Cape Horn to the waiting markets of northwestern Europe. This wheat was then selling at about the present price. Values of farm land were extremely low—from $5 to $30 an acre. Farm machinery was simple and comparatively cheap. Taxes were low. The country was practically without mortgage or debt. People were happy, prosperous, and ambitious, eagerly looking forward. Schools and churches were being started, and people valued them. When I look back at the fine communities which were formed in isolated spots in that great empire, those days seem happy days, and I wonder what the pioneers of that period would think of the conditions we face today. The outlook was ever hopeful.

Wheat is, and ever has been, our leading agricultural export commodity, always finding a ready market across the seas, because we were buying freely from European countries. We owed them money, and through our products they were collecting their interest and principal. The whole country prospered. In no other section of the United States were farmers making money more easily than were the wheat farmers of our region when the price was above 60 cents a bushel. The great European war came. Prices advanced, and the price of wheat was pegged at $2.20 a bushel in Chicago.

THE DECLINE OF PROSPERITY

After the close of the war the great deflation set in. Many of us believe this was planned and carried out by the banking group of the Atlantic border. We then began to feel and measure the forces that were driving us to destruction. The first thing we noticed was a rapid advance in the price of farm machinery and everything else we were compelled to buy. Prices had come up, we were told, on account of higher tariffs for the benefit of the manufacturing groups on the Atlantic border. The firms which had purchased our wheat for shipment to Europe—at this time through the Panama Canal—continued to tell us that Europeans were refusing to buy from us, preferring to take the cargoes from Australia, Canada, and other countries which bought their goods liberally. Farm prices commenced to fall. No one who observed or participated in the tragedies of the fall of 1932 and the spring of 1933 will ever forget the conditions that people then faced in our naturally favored region. Farms, horses, cattle, sheep, machinery—everything was mortgaged to the hilt. Entire counties were without a single solvent bank. Merchants ruined; society disorganized; schools closing; taxes unpaid; people dressed in shabby clothes gathering in little groups to talk it over and speculate about what was coming next—this was the picture. In some places people never before lawless defied the processes of the courts and demanded a right to stay on the lands they had reclaimed from nature. In February 1933 I sold my last thousand bushels of wheat at 25 cents a bushel. Hogs at that time were selling for 1½ cents a pound. Beef cattle were 1 cent a pound. The last of my band of beautiful white-faced cattle sold for $14 a head, far below the cost of 1 year's keep. Those were dark days for farmers.

CONGRESS GIVES US THE TRIPLE A

I came to Washington to find here also people distressed and perplexed. I can recall clearly the hours spent in the House Agricultural Committee as the Agricultural Adjustment Act was hammered into shape, and the sense of pleasure and satisfaction when that great, revolutionary act became the law of the land. It was the first real attempt of this Government of ours to solve the farm problem. The hope was so to control production that the great surpluses of agricultural commodities which were breaking the markets might be reduced and reasonable prices could be insured. It was a controlled production which was suggested by real friends of the producers in the administration. These men knew that a controlled agricultural production was as necessary as a controlled industrial production. The makers of mowers and automobiles did not continue to produce a quantity beyond the market demands. They curtailed their production to consumption with a reasonable emergency margin. As rapidly as possible the Government put the Triple A into operation. It worked wonders.

EFFECTS OF THE TRIPLE A

Under the operation of the new law surplus agricultural products could be shipped out of any section of the United States and sold by the Government at a loss, if necessary, domestically or in foreign markets. The autumn of 1933 found the Northwest with a wheat surplus of 30,000,000 bushels. The three States, Oregon, Washington, and Idaho, normally produce about 80,000,000 bushels of wheat each year, and 30,000,000 bushels of this must find a market outside that section, which has a population sufficient to consume but a little more than one-half of its production. The Secretary of Agriculture, working under authority of the Triple A, shipped 28,000,000 bushels of wheat out of the Northwest, absorbing a loss of a trifle more than $6,000,000 in the transaction. This fund was supplied from the collection of the processing tax. No person can tell just how much this tax raised wheat prices in the seasons of 1933 and 1934, but I think it is safe to say that it doubled the market price. The allotment payment given to the grower of wheat amounted to about 16 cents a bushel on his entire production. Allotments and advanced market prices together brought the price of wheat nearly to the cost of production, which the Department of Agriculture figures at about 86 cents a bushel.

In the 2½ years since this law went into operation a wonderful change has taken place in the attitude of our people and in their financial well-being. Normal trade relations were resumed, and merchants' orders came east in increasing volume. Farmers bought long-needed clothing for the family; they again stocked food supplies and replaced farm machinery, tractors, automobiles, gasoline engines. Taxes were paid, schools were opened, school teachers were able to cash their warrants. Prosperity once more seemed possible in that region which knew such unhappy days of despair in March of 1933. Surely 1934 and 1935 will ever be remembered as more hopeful days because agriculture again became the background and foundation for a general prosperity.

Farmers gained more than money advantages under the Triple A. They learned to work together cooperatively and gained much which will be of permanent value and a working basis for a new plan.

EFFECTS OF SUPREME COURT DECISION

On January 6, 1936, the fatal blow fell, when six men temperamentally unable to understand or measure the awful

reversal from normal life which had prostrated our people; six men wearing dark silken robes, six men marked in every way as men apart from the people, sent forth from their beautiful marble building in our National Capital the edict that our Nation could not, through legislation, protect the welfare of its people. They declared that the Triple A Act, which had been so potent in restoring prosperity and happiness, was in contravention of an instrument known as the Constitution of the United States, a document framed and accepted by the people of our new Nation nearly 150 years ago as the basis of a just government for a free people. They did not say that the act was unjust, cruel, extortionate, in contravention of the rules of civilized society. This detached group did not hold that the Triple A Act was in contravention of the rights of man or the laws of God, but it did say that by its passage the Congress had interfered with the rights of the States. What an arbitrary, unjust, and reactionary decision it seems to those of us who hold that the minority opinion is more logical, more legally sound, more just, and more helpfully constructive in a changing social order.

Since the decision of the Court on the 6th of January, consternation has reigned in the wheat-producing sections of the Northwest. Through removal of the Triple A fund created by the processing taxes, farmers have lost 16 cents a bushel allotment money and they have lost Government control of the surplus which regulated market prices. All incentive for wheat farmers of the Northwest to hold land, pay taxes, and maintain production is gone. This decision is a particularly hard blow to all farmers who are producing surplus agricultural products. I cannot believe that it will be allowed to stand uncontroverted and that our people will let the matter rest without remedial action which will make constitutional this and any other beneficial social legislation.

There is now a world shortage in wheat, and our surplus in America has been reduced to the normal carry-over, so that price may not materially fall for some months. Should I fear it will bring a very low price, something similar to that of 1932 and the spring of 1933. Such a collapse will again bring in its wake bankruptcy, closed banks, inability to pay debts, unpaid taxes, and cessation of purchase of goods. Schools will close, clerks will stand at their counters without customers, and farmers will keep the few dollars in their pockets to buy the bare necessities of life.

Processors have announced that consumers must not expect an early fall in the prices of processed agricultural products. They now state, as they should have stated months ago, that the original cost of the commodities processed is only a small percentage of the amount for which the products are sold. So now the cry goes forth from processors and their satellites that very little reduction, if any, will take place in the prices which consumers must pay for farm products after they are processed. They make a great advertising stir over a very small reduction in order to discredit the processing tax, but they will largely retain the high prices they based on it. Our wheat producers are demanding publication of the names of firms who have not paid the processing taxes, those who have paid them and those who are now claiming refunds from the money impounded while the processors sued the Government. They are unanimously opposed to permitting the processors to regain any processing-tax funds, holding that they have already actually collected them from the consumers, fully reimbursing themselves for their payments to the Government.

THE RETURN OF PROCESSING TAXES

Of all the judicial crimes that have ever taken place, and they are numerous, there is none more shocking than the order of the Supreme Court of the United States returning to the processors approximately $200,000,000 of impounded processing taxes. This means undeserved riches for certain great companies which have already profited so enormously from Government activities and have lobbied so insistently here in Washington against farm-relief legislation. The funds will also be given to other big packers, manufacturers, and processors who have already collected the processing taxes from the people who have purchased the processed commodities. It is true that they paid the money to the Government as the law required, and then through court order impounded it, awaiting results of court action. They then proceeded to collect that tax by raising the selling prices of the processed articles, so the consumer paid. It is said now that they even contemplate bringing suits to have returned to them all processing taxes that they have paid to the Treasury of the United States, as well as those impounded by Court permission which should never have been granted. That act of the lower courts was the initial judicial mistake. I was gratified to hear that at least one industry has refused to profit by refunds.

The decision surely sets a precedent for refusal to pay Federal taxes and applying for injunctive relief on the chance of winning.

I was pleased to read that our Secretary of Agriculture has given this its proper name, "the greatest legalized steal in history." One of my thinking constituents writes me about it:

> It is just such things as this that furnish the real breeding grounds for radical ideas. I have heard more such talk in the last 2 weeks in the valley than in years past. I fear the results, if this tax is returned.

By such judicial decisions as this the Court is bringing closer the day of disaster for our form of government. Laws must be interpreted with some degree of justice if our Government is to survive. I was interested in a sheet in the morning mail which stated that a hospital association demanded the return of the processing taxes its funds had helped to pay. Why not? Why again enrich a great trust at the expense of the people? I sincerely hope the smaller, independent processors may share the loot, if loot there must be. What a disgrace it all is! What a travesty on justice! No one is so simple as to believe the processors themselves paid the tax, yet even the Congress seems helpless before the courts established to do justice but often perverted into instruments and tools of privilege.

A PROCESSING TAX IS JUST AND EQUITABLE

We have heard here in the House many speeches from our colleagues who represent industrial districts, and almost without exception they have told us that they are willing to help us on the farm program provided it does not require any tax like the processing tax. How can they help under such a restriction?

The essence of a farm-control program is payment of money to farmers who comply with the regulations. That money must be obtained from some source; and if taken from the Treasury, some form of taxation must be found to replenish the public funds. There is no more just nor fair way of equalizing the burdens of tariff laws than the processing taxes imposed under the original Agricultural Adjustment Act. In the First Congress of the United States, assembled in New York in 1789, it was Alexander Hamilton who proposed a tariff upon imported goods high enough to protect industrialists who manufactured commodities in this country. This was to enable the manufacturers along the Atlantic border to charge more for their manufactured products than they could have charged had they been subject to European competition. Of course, the people who purchased these commodities bore the extra cost imposed by the tariff. The manufacturer charged the merchant, the merchant added it into the selling price, and the ultimate payer was the farmer or the laborer who used the goods and could not pass the load along.

While the tariff bill was pending before that early Congress the question was asked of Hamilton, "If this law proves so burdensome to the farmers in years to come that they cannot pay, what should then be done?" His reply was, "Give the farmers a bounty." So the Agricultural Adjustment Act was a sort of bounty, often called "the farmer's tariff." The funds to meet the cost were obtained from processing taxes.

The section I represent was greatly benefited by this act. It was not excessively expensive to the industrial centers. A bushel of wheat made into flour, and finally into bread,

brought $4.24 at the time the Triple A Act became a law in June 1933. Out of that $4.24 the farmer who raised the wheat got on an average 39 cents, or less than 10 percent of the price paid by the consumer. The same quantity of wheat, made into bread and sold to the ultimate consumer brings at this time—February 1936—$5.17, an increase of 93 cents over the 1933 price. The farmer gets 47 cents of this increase. For his bushel of wheat he now gets an average of 86 cents at terminal points—about cost of production—practically 15 percent of the selling price. The processing tax raised the price of a loaf of bread by one-half cent. That half cent on a loaf of bread was all that should have been, legitimately, charged against the ultimate consumer. The remaining 46 cents advanced price on the bread made out of a bushel of wheat was taken by the processor, the commission man, the storekeeper. The processing tax on cotton raised the price on a pair of overalls 4 cents, but the retail price of the overalls was doubled. The responsibility for these unjust prices charged the consumer cannot be placed upon the Agricultural Adjustment Act. It was the chiseler, the processor, who caused the trouble and collected the profits. Government, eventually, would have controlled this had the N. R. A. not been thrown out by the Court.

On the average through the years the producer has received only about one-third of the consumer's dollar for agricultural products, two-thirds being taken by the processors, handlers, storekeepers, and transportation carriers.

SOIL-CONSERVATION BOUNTIES NOT NEW

The Congress should, and undoubtedly will, enact at this session legislation providing benefit payments to those producers of basic commodities who assist the Government in the conservation of soil and the control of erosion. A beloved former Governor of Oregon, Dr. Withycombe, often told of the old English system under which his family here in the New World still receive annual payments for soil fertility restored and maintained by his English ancestors who were tenant farmers in Devonshire. This vested right to the products of labor and scientific management and sacrifice through farming practices should be recognized in all civilized countries. It may now well be made the basis of our agricultural legislation.

Meanwhile, congressional agricultural committees will offer stopgap legislation under that provision of our Constitution which we believe allows us to preserve our soil and conserve our resources. As to raising the money necessary to pay benefits under a conservation and soil-erosion program, that will be decidedly more difficult. I will gladly vote in this Congress for measures providing income and inheritance taxes similar to those now collected in England. It is estimated that we would double the amount from these sources if we levied on the English plan. It would increase the receipts for the Federal Treasury so that ample benefit payments could be made.

FEDERAL CONTROL OF REGIONAL SURPLUS ESSENTIAL

Before many audiences on many occasions I have said, "Without controlled production of those agricultural products which have a surplus there is no opportunity to save the farmer from a steady march to peasantry." I have foreseen this for years, and was startled to find it so clearly stated by Profoessor Dodd, of Chicago, some 10 years ago in his famous article in the Century Magazine entitled "Must the American Farmer Sink to Peasantry?" I remember with what consternation we read at farmers' meetings in far-away Oregon this man's reasoning, and we decided "It cannot happen here." It is, however, happening here. Our clear duty is to stay the downward movement.

If this ruling of the Supreme Court of the United States is to determine the settled policy of our Government, and there is no way around it, I can see no ray of hope for those who live on the farms and produce surplus agricultural products. By surplus I mean more than is consumed in the United States. If those surplus agricultural products must be sold in the world's markets at the world price, the world price paid will be based on the wages paid the cheaper farm labor in Asia and Europe and on other controlling factors reacting unfavorably on our country.

The industrialist has reiterated that he cannot compete in the manufacture of textiles with the foreign industrialist who pays one-fourth or one-sixth of the wages paid to American labor; neither can the farmer produce wheat and rice and lard and sell the surplus in the markets of the world at prices fixed by foreign conditions. In any contemplated legislation for farm relief provision must be made for the removal of regional surplus commodities like the wheat of the Pacific Northwest. I fear we cannot safely resort to the suggested baby A. A. A.'s. Forty-eight State legislatures cannot deal with the products of the farm which now move across all State lines. The Supreme Court has said the Government cannot regulate agricultural production indirectly by purchasing the farmer's compliance through a voluntary scheme of regulation. I very much fear that the Court will hold that soil erosion and conservation are also barred by the same line of reasoning. The power we need is Federal power, not State power. Our State boundaries are just imaginary lines crossed a million times a day by cars, trucks, and railroads.

TRANSPORTATION AND DISTRIBUTION COSTS

In the Pacific Northwest we are penalized by a 42-cent freight rate on a bushel of wheat to the river—always the Missouri to cattlemen. Farmers of my county pay 15.6 cents a bushel freight to tidewater. We are part of this Union. We pay taxes to support it. Our people are entitled to protection in the line of agriculture forced upon them by soil and climate. Much of our Northwest country can be used only as a granary, which should not be closed to the hungry by the extortionate rate demands of railways.

Ordinarily we find it impossible to ship our surplus wheat east by rail on account of prohibitive railroad rates. We are asking for Government assistance to improve navigation on the Columbia River so as to give our wheat a better westward outlet. We are fighting repeal of the long-and-short haul clause, as that would penalize interior farmers and destroy benefits of waterways.

One of our other difficulties is the high cost of distribution. Out of the 10 leading food products in the United States in 1934, the farmer received 38.6 cents, the distributors 61.4 cents. In Denmark that same year the farmer received 63.4 cents out of the consumer's dollar while the distributors got 36.6 cents. We must have legislation in the very near future that will follow the product from the hand that produces to the mouth that consumes.

THERE IS NO GENERAL SURPLUS

What chance has the isolated farmer to reach the millions of underfed and underprivileged in order to sell his products to them at reasonable prices? One of our problems is to create purchasing power and to abolish the class now underprivileged. It astonished me to learn that more than two-thirds of all Americans are today living on a subsistence or poverty level. Here are the income figures for 1929: One hundred and forty-four thousand persons got $10,000,000,000 and 47,000,000 persons got $10,000,000,000. Average for 144,000, $69,444. Average for 47,000,000, $213.

How much purchasing power is in the hands of those who receive $213 annually?

FARMERS AND THE RECIPROCAL TARIFF

The Congress should at this session levy additional tariff duties on all agricultural products that compete with home-grown products. American markets must in this crisis be reserved for Americans. The industrialists of the Atlantic border have grown rich through such privilege, and the farmers must have that same protection. My people daily protest importation of wheat, corn, oats, and dairy products now helping to ruin their markets.

I voted for the reciprocal tariff law. At that time we thought we were assured that there was no intention of reducing the duties upon agricultural products. I find that full faith has not been kept. I am well aware of the danger of isolation. I believe in trade between nations, but we have a standard of living in America, both in industry and agriculture, that cannot compete with the cheap labor of the foreign countries. We must protect our own interests. Our

living standards must not be lowered. Where conditions are such that we can sell to a foreign country certain specified commodities and receive in return other commodities which we desire and need, then we may well make the agreement and profit through international trade. If that trade or reciprocal tariff privilege must come by allowing importation of Argentine corn, Canadian wheat, Chinese eggs we must put up the bars.

GUARANTY OF COST OF PRODUCTION

A large group of farmers is demanding "cost of production" fixed by the Government. Many of us have given a great deal of thought to this matter of guaranteeing to the producer the cost of production of agricultural products through a system of Government price fixing. I have feared that such a plan might be found unworkable and impossible of enforcement. I remember, however, when our boys were fighting the World War we had a fixed or pegged price on wheat and it worked very satisfactorily for producer and consumer. If the Government can in time of war fix a minimum price, why can it not be done in the times of peace? The foreign countries have now pegged wheat prices at the following rates per bushel: Czechoslovakia, $1.85; Norway, $1.62; Netherlands, $1.84; Sweden, $1.20; France, $1.58; Germany, $2.20; Italy, $1.76; Switzerland, $3.02 to $4; Bulgaria, $1.09; Argentina, $0.90; Canada, $0.87½.

You may say that such laws cannot be enforced in this country. I believe that such a law could again be enforced to fix prices based on the cost of production of agricultural products grown and consumed in our country, the surplus to be sold by the Government or otherwise disposed of. There should always be a normal carry-over for emergency.

OUR PRESENT REMEDY AND THE NEW FARM PROGRAM

What is the remedy for our ills? Shall we take it lying down, or shall we continue to fight as our fathers fought to right injustices? Are we powerless under a court decision that has wrought havoc in our land? A constitutional amendment seems to me the sensible and logical method of approach.

Jefferson fought the Supreme Court and won. Jackson defied the Supreme Court and won. No one has ever talked more critically about the Supreme Court of the United States—and justly so—than did Abraham Lincoln. His followers won, though it took some years to ingraft onto the Constitution the amendments carrying out the ideas advanced in his campaign of 1860. Our leaders will have courage to point the way, heading the campaign for a constitutional amendment which will make unquestionable the right to organize our economic life so that children, laboring men, farmers, and those who need protective legislation may have the advantages so freely accorded the capitalist.

If we cannot soon have some satisfactory legislation, then farmers are doomed to a dark and dismal future. I do not believe we will accept that conclusion without a struggle. The farm program must include conservation of the soil; controlled production; surplus removal; a price covering cost of production with a reasonable margin of profit; reasonable interest rates that can be paid; and regulation of transportation rates for the benefit of the producers as well as the industrial consumers, with free competition between rail, water, and motor carriers.

This Congress should also pass legislation enabling a farmer to borrow money on his real estate at 75 percent of the appraised value, and at a rate of interest not to exceed 2 percent. This means that the Government must lend directly to farmers without the intervention of semiprivate profit-making organizations. Surely the Government can deal directly with farm cooperative borrowers. Let us have some of the privileges given railway and steamship companies and industry. In planning for agricultural welfare it must not be overlooked that remonitization of silver and recognition of it as a money metal the same as gold would raise world commodity prices for agricultural products. I believe this to be an important part of the program for the solution of farmers' problems.

Some such program must be adopted. It will benefit the capitalist, the industrialist, the workingmen of our cities, and the farmers. It cannot be possible that legislative halls must forever be dominated by a greedy group of interest-gathering bankers whose demands brought on the great catastrophe and will utterly wreck us if not checked. That group is now preventing action on the Frazier-Lemke refinancing bill.

CONSTITUTIONAL AMENDMENT PROPOSED

The difficulties from which we suffer in agriculture were unknown and undreamed of a century and a half ago, when the Constitution was framed. Our wealth today is largely liquid—bonds, mortgages, stocks, and money. At the time the Constitution was adopted this wealth was largely in the form of land and livestock. Property was then easily seen and counted and values more readily estimated. A century and a half of national life has developed a dominant, ruling, tariff-protected industry, living side by side with a wholly unprotected agriculture. While those engaged in agriculture are only about one-fourth of our population, it is probably true that nearly one-half of our people is directly affected by the fate of the farmer while the other half is indirectly affected. This agricultural world must buy everything in a highly protected market, where production is curtailed to suit the demand and prices are maintained by regulation far beyond the reach of antitrust laws or any governmental agencies. It sells in an unprotected market.

Some of my colleagues believe that the Constitution gives the Court no specific right to declare our acts unconstitutional and that all we need to do is to define the duties of the Court. My idea is that the Court has so long exercised the right of declaring laws unconstitutional the practice has become a part of the unwritten law of the land. I recognize the serious difficulty of getting 36 States to adopt an amendment, because special interests are so strongly intrenched in some places they might secure adverse votes in 13 States. The six black-robed justices ignored that principle of law which says that, if there is a reasonable or close question in regard to the constitutionality of a legislative act, then the Court will decide in favor of its constitutionality. One-third of the bench agreed on the decision returned by Justice Stone, which seemed to most of us so logical and fine.

I believe we must amend the Constitution. I propose the following constitutional amendment, and suggest the State-convention method for passing on it because of necessity for expediting action by representatives close to the people chosen for this particular purpose:

> Congress shall have power to promote the economic welfare of the United States by such laws as in its judgment are appropriate, and to delegate such power in whole or in part to the States. Existing State powers are not affected by this article, except as Congress may occupy a particular field.

The wording of this amendment I found in a recent discussion by Lloyd K. Garrison. It is so perfect that I am pleased to adopt it and ask this Congress to submit it to the various States for adoption as the twenty-second amendment.

In the almost century and a half during which edicts of the Supreme Court have been the supreme law of the land there have been two epoch-making decisions by that Court of final arbitration. First was the Dred Scott decision, declaring that the colored man had no rights that the white man was bound to respect. The decision was reversed by the American people. That decision, perhaps, did more than any other one thing to force the settlement of the slavery problem by cruel war.

Comparable to the Dred Scott decision is this second epoch-making decision of that same Court, in the declaration that Congress has no power to control agricultural production through voluntary allotment plans—meaning, in fact, that the farmer has no rights the Nation can protect. Ultimately it will mean that no struggling class may be freed from intolerable conditions.

Over the west entrance to the Supreme Court's marble hall are the words "Equal justice under law." I would like to suggest that those words be changed to read "Equal justice under law as interpreted by men." Great men have said for years that this is a government of law and not of men. Can that be true, or is it not a government of law as construed by men—yes, men with the same prejudices and

faulty judgments which made them just average men before they were made judges? In the Triple A decision six judges gave one interpretation and three judges gave another. Which is correct? Are we going to say the majority decision is correct because more judges decided that way? Has it not been true through all the centuries since our ancestors came out of the caves that the minority has usually been the first group to be right on social matters and the majority usually wrong? Just because there happen to be six reactionary judges at this time and only three liberal judges on the Supreme Bench, does that mean the majority decision is supremely right for all time? The Court reflects the attitude of the administration responsible for appointment of its judges. Truly, the sins of the fathers are visited on the children unto the third and fourth generations.

How imperatively essential that a liberal-minded President should be in the White House during the next 4 years to replace the men who must by the immutable law of Nature give way to others!

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman and fellow Members of the House, we are now considering the Treasury and Post Office appropriation bill. I want to pay my respects to the gentleman from Indiana [Mr. LUDLOW] and the gentleman from New York [Mr. TABER], subchairmen on the Appropriations Committee, for taking 67 main items of this bill and recommending great reductions from the sums asked by the Departments.

That is something you do not often find on an appropriation bill, because it takes a good deal of backbone to do that thing.

I want to say that even though the bill carries $29,000,000 plus more than the same appropriations a year ago, that is because of the fact that Members of Congress have enacted laws that required more money to do certain things. That was caused by acts of Congress and not the fault of the subcommittee, so I congratulate the subcommittee on what it has done. [Applause.]

Mr. LUDLOW. Will the gentleman yield?

Mr. RICH. I yield.

Mr. LUDLOW. That is not the whole statement; we have reduced 50 percent of the items.

Mr. RICH. I appreciate that, and I want to say to Members of the House that if they will take the report they can figure that out.

I notice that the paper says that President Roosevelt has cut $1,000,000,000 from the emergency fund, and I want to congratulate the President for doing it. You Members of Congress last year put this money in his hands, more than he actually needed and more than he ought to have had, so I congratulate the President for what he has done, but I want to know whether that is only newspaper talk or whether he just takes it out of the fund and puts it where some political use can be made of it. Is his action definite, and how did he do it. I hope he will explain fully.

I hope the President will come out and recommend to the Congress that we should repeal a lot of the laws passed last year giving him the power which he now enjoys. If he does that, I think there would be some sense to it, because we should never have granted him that power. It should have remained in Congress.

I want to call the attention of Members of Congress to an editorial which appeared in the Herald on January 23, after Mr. Farley had taken the "jack" out of Jackson [laughter], when the Members attended the Jackson day dinner. It was headed "Old Hickory Versus Old Potato", and then it talks about the public finances. I would like to read the editorial but I will not take the time now. You should do so. It compares President Jackson and President Roosevelt on public finances and Treasury raids. Their ideas are not at all alike, or at least what they are doing is entirely different. President Jackson did what he promised to do, but President Roosevelt—well, read the editorial, Washington Herald, January 23.

Now I quote from the Democratic platform:

> The Democratic Party solemnly promises by appropriate action to put into effect the principles, policies, and reforms herein advocated and to eradicate the policies, methods, and practices herein condemned. We advocate an immediate and drastic reduction of governmental expenditures by abolishing useless commissions and offices, consolidating departments and bureaus, and eliminating extravagance, to accomplish a saving of not less than 25 percent in the cost of Federal Government, and we call upon the Democratic Party in the States to make a zealous effort to achieve a proportionate result.
>
> We favor maintenance of the national credit by a Federal budget annually balanced on the basis of accurate executive estimates within revenues, raised by a system of taxation levied on the principle of ability to pay.

I call attention to that plank in the Democratic platform—and by the way I may say that the Republican platform had a plank very similar—and refer you to the statement of the Treasury Department issued by the Secretary of the Treasury, Mr. Morgenthau, which every Member of Congress gets on his desk almost every day. Therefore, I am making this statement from the facts as published in the report. The expenditures of the Federal Government for this year from last June 30 to the present time have been $2,129,974,388.08. I am reading from the statement of January 31. The total expenditures in that period were $4,254,393,517.64, or an excess of expenditures over receipts of $2,124,419,129.56. It will be recalled that when the President delivered his address on the state of the Union on the night of January 3, he made the statement that we were approaching a balanced budget. When the President made that statement he knew better. Or, if he had looked at the Treasury report, he never would have made the statement. I call attention to the fact that the annual expendiures a year ago up to the 31st of January were $1,422,700,632.47.

The expenditures up to the 3d of January this year were $1,815,560,365.05, or we have expended during this year to January 31 almost $400,000,000 more than we did a year ago, which shows that the Budget is getting further and further away from a balance rather than approaching a balance. When we further digest this statement, we find that we are over $30,510,452,985.58 in the red. We voted—I say "we", and I mean you on this side of the House voted—to give the President power to deflate the gold in the dollar, and when he did that he charged off this statement I hold in my hand $2,000,000,000. That money was spent and is not accounted for in this statement, so the statement does not tell the actual truth of the financial conditions of this country in respect to the $2,000,000,000.

Mr. FIESINGER. Mr. Chairman, will the gentleman yield?

Mr. RICH. In a moment.

Mr. FIESINGER. Just to say that in the general statement coming out every day they do make the showing.

Mr. RICH. Here is the statement; and if the gentleman can show it to me, I will beg his pardon.

Mr. FIESINGER. I am talking about the daily statement.

Mr. RICH. This statement I hold in my hand is the daily statement. And I have heard other Members of Congress contend as you do, and they have not been able to show it. I am talking about expenditures, and the gentleman cannot show to me on that statement where we account for the $2,000,000,000.

Mr. FIESINGER. Here is the exchange stabilization fund, $1,800,000,000. Will the gentleman yield further so as to let me put this into his speech? The statement shows under "Liabilities", exchange stabilization fund, $1,800,000,000.

Mr. RICH. But when the President devaluated the gold dollar he charged off $2,000,000,000. That should show in your assets and liabilities. This is only trying to make the gold conform to the idea of the President when he was given the power to devaluate up to 59 percent of gold, and does not mean a thing in regard to expenditures, nor does it in your assets or liabilities.

I have been very much interested in the statement that "America speaks on Budget and debt." This is the result of a poll taken by the papers of this country, showing

the answer to the question "Do you think it necessary at this time to balance the Budget and start reducing the national debt?" The answer is "yes", 70 percent, and "no", 30 percent.

During my service in Congress, for the past 5 years, I have been striving to keep down our national expenditures. Where are we going to get the money? There has not been a Member of this Congress on the Republican side that would venture an opinion as to where we are going to get the money, and there has not been anybody on the Democratic side who knew how to answer the question. It seems to me that the Members of Congress are willing at all times to vote for anything that will spend money because it helps to satisfy a minority group back in their own district. We need today in Congress men who have some ability in operating a big business; the Government of the United States is the largest business operation in the world today.

It would seem sometimes that the Members of Congress have wishbones where their backbones ought to be, which is no doubt due to selfish considerations on the part of Members of Congress rather than a desire to do the thing that is best for their country.

Now America is speaking to you on balancing the Budget on a vote of 70 percent for to 30 percent against; and if you Members of Congress do not stiffen your backbones now, God save the country, because it will be wrecked as sure as the world. Tax mass production and put men back to work or you are going to be compelled to vote for some form of taxes. The majority of you voted to spend the money and your constituents no doubt will tell you when you return home what they think of your actions in voting for the expenditure of huge sums of money by the Federal Government and building up this great national debt.

This, I am sure, cannot be laid at my door, because I have voted for economy ever since I have been here. I knew then and know now that this orgy of spending never would give permanent and lasting employment to people who want jobs. The statement of Harry Hopkins last week that we have as many people on relief today as a year ago, ought to make cold shivers run up and down your spines.

Let us just look at this statement of taxes rise at faster rate than national income. That is for the growing cost of Federal Government, the State governments, and the local communities.

In 1929 our national income was $78,900,000,000; our taxes were 12.4 percent of our income, or $9,800,000,000. In 1932 our national income was $45,800,000,000; our taxes were 17.8 percent of our income, or $8,100,000,000. In 1933 our national income was $43,600,000,000; our taxes were 18.6 percent of our income, or $8,100,000,000. In 1934 our national income, $49,900,000,000; our taxes were 19 percent of our income, or $9,500,000,000. In 1935 our national income was $53,700,000,000; our taxes were 19.1 percent of our income, or $10,250,000,000. Our taxes increase faster than our income.

So you can see that we are not doing as the President of the United States said in his address on January 3 of this year—that we are approaching a balanced Budget. We are going faster and faster away from that goal. In the name of America, will you stop, look, and listen? Where are you going to get the money?

Mr. LUDLOW. Mr. Chairman, I now yield 3 minutes to the gentleman from Nebraska [Mr. LUCKEY].

Mr. LUCKEY. Mr. Chairman, I want to call attention to a situation that has arisen, due to various public-works programs and to Rural Settlement projects. Due to these activities, families have been shifted from one locality to another. This has, in many instances, upset the equilibrium in rural school districts, increasing the number of pupils without increasing the funds of such districts. These families, so moved, are not able to pay taxes in the districts, and therefore they become an additional burden on the already overburdened community. In many instances these rural schools are not able to take care of their own load, without assessing these additional burdens.

I have a letter received a few days ago from a prominent educator of my State, setting forth the whole situation. I wish to insert the letter in the RECORD at this time. I wish I had time to read it so as to emphasize the importance of it, but being limited in time, I ask leave to insert it in the RECORD at this time, and I hope you will all read it.

Mr. HOUSTON. Will the gentleman yield?

Mr. LUCKEY. I yield.

Mr. HOUSTON. In Governor Landon's speech the other night he arraigned this administration for being bitterly partisan. The gentleman comes from Nebraska?

Mr. LUCKEY. Yes.

Mr. HOUSTON. Can the gentleman tell the House who the regional director of the Resettlement Administration is out there at this time? Is it not Cal Ward?

Mr. LUCKEY. Yes.

Mr. HOUSTON. And is he not a Republican?

Mr. LUCKEY. Yes; I understand he is.

Mr. HOUSTON. Would the gentleman call that bitterly partisan?

Mr. LUCKEY. It would seem so.

Mr. HOUSTON. So Governor Landon must have been mistaken?

Mr. LUCKEY. Undoubtedly so.

Mr. Chairman, I ask permission to insert this letter in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The letter referred to is as follows:

STATE OF NEBRASKA,
DEPARTMENT OF PUBLIC INSTRUCTION,
Lincoln, January 20, 1936.

Hon. HENRY C. LUCKEY,
Congressman, First District,
House of Representatives, Washington, D. C.

DEAR SIR: We have written you a number of times during the past year or two relative to the situation which exists in certain rural districts in the State, where the building of Federal farmstead projects has imposed an unusual burden upon school districts.

Under our Nebraska law there can be no question but that the responsibility for educating children residing in the district rests with the local district regardless of how these children happen to reside in the district. It may well be said that inasmuch as these people are Nebraska residents it is purely a Nebraska problem. If there is any lack of logic in the argument, however, it rests on the fact that the Federal Government might also have said that the question of providing farmsteads for these families is also a Nebraska problem rather than a Federal problem.

We feel that we are justified in inquiring as to just why in the matter of feeding, clothing, housing, and the furnishing of farm equipment, etc., it happens to be a Federal problem and the only problem that the Federal Government cannot touch is the one which involves school privileges for the children of these families. It seems perfectly ridiculous to us for the Federal Government to say that it is not concerned with the school problem when it can deal with all of these other questions.

We believe we are safe in saying that no less than 20 men have called at this office during the past year stating they were authorized to investigate and actually do something relative to the school situation in these districts where the farmsteads are located. With one exception we have never had a second call from these men, nor have we ever received a definite report indicating that they ever made a definite recommendation.

It impresses us as being rather strange that the program was set up in the first place without taking into account the school needs of the children of these families. While it could be successfully argued that it was overlooked, due to the emergency nature of the problem with which the Federal Government was dealing that argument fails to hold, since during the lapse of time the question was repeatedly brought to the attention of those charged with the rehabilitation program.

How can the Federal Government say it is justified in building a community hall equipped with such conveniences as few community halls in Nebraska have and at the same time it cannot spend money to build schoolhouses? Here in Nebraska practically every rural school district uses its schoolhouse as its only community hall, and the vast majority of these schoolhouses are not equipped with the conveniences that have been placed in the community halls provided for the people residing on these farmsteads. Is there any logical reason why the Federal Government should furnish these elaborate community centers for families on relief without at the same time providing them for taxpayers who after struggling over a period of 50 years still have to depend upon the old schoolhouse as a place to hold their community gatherings?

It seems to us that it is about time that the chosen representatives of Nebraska brought this matter to the attention of those who are responsible in such a fashion that they will wake up out of their lethargy, brush the cobwebs from in front of their eyes,

come down to earth, and deal with these matters in a sane and sensible way.

Only a few days ago the papers told of the visit of a Dr. Taylor, who went into raptures over the possibilities of the set-up at Venice, Douglas County, where it is proposed to complete a farmstead project that will probably demand school facilities for two or three hundred additional children. Will anyone maintain that it is fair to place the burden of educating these children upon the 20 or 30 substantial farmers of this district?

The tax contribution which these farmsteads make to a district will not equal, at least will not exceed, the contribution made by a well-improved quarter section of land, so the argument that these units will pay their own way seems to be a rather shallow one.

The real friends of the President and his program could render him no greater service than to see to it, either through legislative enactment or through some other medium, that the people entrusted with these large sums of money consult with and heed a few recommendations made by the officials who have been chosen by a majority of the people of a great Commonwealth like Nebraska. The recommendations of such an elective officer should carry some weight. And if there are those who have been entrusted with responsibilities so great that they can no longer get their hats on their heads some way should be found to bring them down to earth.

Summing this all up:

1. Why didn't the Federal Government take into account the school problem before it launched out into these projects?

2. Granting that there was an emergency, isn't it true that enough time has now elapsed so that in planning more of these farmsteads the school problem may be given consideration?

3. There are certain programs which the Federal Government refused to launch until the State of Nebraska had enacted legislation to meet Federal requirements. What logic is involved in overlooking similar action insofar as the needs of the school children on these farmsteads are concerned?

4. Which do you consider most important, a community hall costing $5,000 or $6,000 or a schoolhouse that could have been built for $2,000?

5. What in the name of common sense prevented the combining of a schoolhouse and a community center, just as is done in all self-supported Nebraska school districts?

6. We believe the real friends of the administration can best serve the administration by, if necessary, enacting legislation which will help some of these madcap visionaries to get their feet on the ground. What possible logic is there in sending Federal representative after Federal representative chasing around over the country consulting the chosen spokesmen of a Commonwealth in educational matters if these representatives continually neglect or refuse to pay any attention to the recommendations of these chosen spokesmen?

Very truly yours,

CHARLES W. TAYLOR,
State Superintendent of Public Instruction.

Mr. LUCKEY. This is not idle conjecture on my part. It comes from actual experience in trying to secure help for some of these people. Dr. Alderman is very anxious to help, but he cannot. It is a question of policy, and the policy is against help for these people. The W. P. A. may build a schoolhouse, which may be unneeded when the work is done; they may provide teachers in some cases, but they cannot rent temporary structures or secure books. On a great many of these projects the need is only temporary, but temporary assistance cannot be given.

We appropriate the money for the spenders to spend, but we can not even suggest any policy which might be good even though it comes from a Member of Congress, and not from a highly specialized social worker or spending expert. All that I ask is that you join with me in the one course left open to us: A unanimous demand for the various officials to provide the educational facilities we need. It was a Federal responsibility to bring about these shifts in population, and it is our problem to see that they secure the birthright of our land—a free and adequate education.

Mr. LUDLOW. Mr. Chairman, I yield to the gentleman from Georgia [Mr. CASTELLOW] such time as he may desire.

Mr. CASTELLOW. Mr. Chairman, there has been much discussion during general debate this session of a purely political nature. I am taking little part in these discussions, as I do not claim to be or hope to become distinguished as a politician. In fact, I do not and have never liked politics, though I fully realize that it is becoming more and more interwoven with our every activity and legislative uncertainty supplements the normal uncertainties of every business venture.

As I see it, the welfare of the masses is far more important than the political preferment of any man or the promotion of the selfish ambitions of any class. To me it seems most unfortunate that our great country, so rich in natural resources and replete with inspiring traditions, might be blighted and have its future endangered by the organization of groups, political or otherwise, striving only for individual advantage.

That spirit is sometimes manifested on the floor of this House in acrimonious debate. Unquestionably, this country was confronted with grave difficulties when the electorate, by an overwhelming vote, delivered the helm of state into the hands of the Democratic Party. In common with every loyal Democrat, and I believe every truly loyal citizen, I hope that results will demonstrate beyond question the wisdom of that choice. If, however, we would make good this hope, it behooves us to avoid that most dangerous of all pitfalls, the error of relying too greatly upon numerical strength. Why in the past have great majorities faded so quickly into pitiful minorities? For the same reason that great armies have suffered ignoble defeat at the hands of an adversary discounted by reason of its numerical weakness. For the same reason that Goliath fell an easy victim at the hands of an unpretentious youth—the possession of superior physical strength rendered unnecessary, as he believed, caution or thought. So let us beware, I warn you my fellow Democrats, lest we rely too greatly upon the strength of our numbers to put over, whether right or wrong, policies and legislation which may prove detrimental to the ultimate welfare of our Nation as a whole and which may rise as a ghost in the future to haunt us and those who follow. The effect of legislation upon posterity is of even greater importance than its present effect. Those stalwart patriots who laid in a wilderness the foundation upon which was to be built the greatest civilization of all time, those far-sighted statesmen who constructed for its guidance the greatest governmental document yet known to man, evidently realized that there was land beyond their horizon and unnumbered citizens yet to be born. I apprehend that it was for posterity they felt the greatest concern.

We worry, work, and plan over the various crops of the soil, but just here I should like to impress upon this Congress that in reality there is one crop which stands out in importance preeminently above all others, and that is the crop of citizens we are growing for the future. Historians, if they are wise, will not judge our success by the contents of our barns, by the height of our buildings, nor the precious metal in our vaults. By the moral and intellectual worth of its citizenship only can a nation's greatness be measured. Whoever contributes thereto becomes mankind's greatest benefactor. If we would that our labors avail the most then let us apply ourselves assiduously to a proper instruction and direction of the youths of America.

At a time when the world is full of false propaganda, when error parades in the guise of truth, and deception flows with the freedom of the winds, even wisdom itself is subjected to a crucial test. It has been suggested that a spirit of agnosticism pervades many of our higher institutions of learning, that socialistic and communistic seed are sown in the receptive minds of the young. Against these insidious doctrines let every true citizen be warned. Never did a ship need a rudder as human beings need a God, and communistic doctrines breathe defiance to the wisdom of the ages, and set at naught the teachings of our fathers. With a proper and due regard for the State, let us cherish and preserve to the utmost our individual and inalienable rights as citizens. There are certain limits which no wise government will undertake to transcend. Tyranny within a government may become as humiliating and despicable as tyranny from without. It behooves us to be ever watchful lest the weakness of our natures tempt us to yield to the seductive influence of the "loaves and fishes." Remember the Israelites in the wilderness who were almost persuaded, upon the appearance of hardships and the thoughts of the fleshpots of Egypt, to return to bondage. That was not the spirit of those bold men of colonial days, who, though facing starvation while leaving their footprints in blood upon the frozen ground, yielded never an inch from their determination to be free. Shall we exchange for a mess of pottage the birthright which through such travail those

bold patriots have left us? Let us all be warned, in the light of history, against becoming too dependent for guidance or otherwise upon the Government. Relying too greatly upon any source other than one's self produces weakness.

I heartily approve of a favorite saying of the Norsemen:

I trust my sword, I trust my steed, but I trust myself in time of need.

It is impossible for anyone to learn this lesson too soon. Remember that by exercise is strength obtained. This is true of the body, and likewise true of the mind and will. To avoid responsibility is to invite weakness, which can easily develop into social and political slavery. If the recorded pages of history are not deceptive, strong but ambitious men have in the past secured a throttle grip upon millions of their fellow beings by inviting and encouraging their dependence. It may be accomplished much in the same way as man, mentally stronger than his brother animals, has domesticated and rendered them submissive to his will. Have you ever analyzed the process of domesticating an animal? If not, let us take a cursory glance at the subject—by way of illustrating may we select the pig? In his wild state he depends entirely upon his own resources. He knows where the blackberries grow in their season. He knows where the persimmons are to be found in the fall. He learns where the early settler plants his patch of corn and even takes cognizance of his habits, depredating on his corn patch only during such hours as the farmer sleeps, then hies himself back to the cover of the forest. When all these sources of supply are exhausted he knows where the worms and mussels are to be found. To be sure, he is constantly exposed to the weather and usually short of rations, but this is the price of freedom. He has not been domesticated, and not being subject to the will of man, is reasonably safe in his jungle retreat from roasting oven and frying pan. For this very reason man may consider it desirable to domesticate him. By what process can this be most easily accomplished? The farmer becomes acquainted with his range, places a goodly supply of corn where the hog easily finds it. When this is consumed more is replaced. The pig, not suspecting the motive, is delighted and soon forms the habit of visiting this spot. Finally one day he finds a few rails, not many, around the corn. While at first a little suspicious, his fears, by the enticing appearance of the corn, are soon dispelled, and he climbs over the rails and out again; no harm done. The next day the rails are too many and high for him to climb over, but, strange to relate, a convenient opening is accessible, and through this he goes, unmindful of the trap door which descends and incarcerates him as soon as he has entered. At the early appearance of the farmer the pig is greatly alarmed, and almost commits suicide in his efforts to escape, but the farmer only replenishes the supply of corn and departs.

These visits being repeated day by day the pig soon concludes that instead of being his enemy the farmer is really his friend. So when he is removed to the barn he quickly forgets his old range and instead of being frightened by the farmer's visits he grunts with delight at his approach. Food, nice soaked corn, is placed in abundance in his trough and plenty of water always accessible. If a pig could visualize a paradise, this pig fancies he has found it—and the farmer, what a friend indeed! What a contrast between these luxuries and the hardships of the woods. What a fortunate pig he fancies himself until a certain frosty morning which stimulates in the farmer an appetite for backbone, spare ribs, and bacon. The pig does not understand the significance of the boiling kettle, the sharpened knife, and the approach of his erstwhile friend with an ax. Pay day has come, as pay days will, and the deep forests which he once knew will protect him in his freedom no more; such is the story of the pig, a simple story and not of Aesop's making, but possibly illustrative of a great principle.

Differentiate if you can between an aggregation of human beings absolutely dependent for direction and subservient to the wishes of a man or set of men driven to the field, the workshop, or slaughter at the will of their masters, and a herd of dumb driven cattle, ready alike for the pasture or the butcher. What difference, I ask, is there between domesticated animals and domestically regimented men? It occurs to me that completely domesticated men are more pitiful but deserving of less pity than their unthinking brothers. Observe the plight of some of the great nations of Europe today as thoroughly regimented as any bunch of pigs that ever graced a sty. Why repeat the folly of others by thinking that we can travel the road that has proved fatal to them and yet avoid its hazards. The true test of wisdom is the ability to profit by the experience of others which few, indeed, have ever seemed able to stand. Would that we might now ascend those distant heights over which the slow train of humanity is destined to move and with farseeing wisdom look into the future as far as eye can see, take a vision of the world and what the world will be.

Some years ago upon my return from abroad I remarked that I had visited the real national cemetery—not such as we so designate here, but that really great national cemetery, the cemetery in which nations are buried, and that I had read upon their tombs the history of the diseases from which they died—that their experiences were wonderfully similar—a struggle through many years of adversity and poverty, followed by wealth and power, during which the citizenship grew soft, unwilling to endure hardships, and given to pleasure and dissipation, which inevitably resulted in weakness and decay. Under such conditions ambitious and unscrupulous men appeared and, by regimenting the masses, centralized government and secured for themselves despotic power. Those master minds who formulated our Constitution, foreseeing the danger of concentrated power through centralized government, undertook to protect us by preserving certain rights to the States; being jealous of our liberty, let us zealously preserve these, our richest heritage, and vouchsafe to posterity the blessings and privileges of a great and free Government.

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, we have heard a great deal recently about the return and refund of processing taxes. I wish to present an absolute, concrete case of where those refunds have not been returned. A large concern in my district was assessed as a tax $5,879.70 as floor and processing tax. This claim was made and the tax admitted on December 14, 1933. On December 19, 1933, that claim was forwarded to Washington. There were various communications back and forth between the concern and the Internal Revenue Department, and finally in December 1935, all rights were waived, the claim was adjudicated and ready for payment. That payment was held up. Why, no one seems to know, but it is asserted that under section 21 (d), 1 and 2, there can be no payments made. I was informed this morning by one of the deputy internal revenue collectors that there were 30,000 unadjusted claims scattered throughout the country which are not being paid.

Now, the inquiry is, if this money is available, wherever it may be, and the Government admits that these claims, such as the one I am speaking of, which is a duplicate claim, and is owed by the Government, why they should not be paid? By the way, I should mention that on the solicitation of the Department the company paid this tax twice, and it simply is asking for a refund of that additional tax money. It is in the Treasury. It is admitted by the Department that it is owing to that concern. Now, will somebody be good enough to tell us why it should not be paid and that $5,000 put into circulation in the business of that concern to which I referred? I cannot understand why 30,000 of these adjudicated claims should be left unpaid, even though the Treasury Department is going under the cloak of 21 (d), 1 and 2. These are, as the House knows, the regulations or amendments inserted in the agricultural adjustment amendment bill passed last Congress; but the claim to which I am referring had nothing in the wide world to do with that. Why should the Department say, "We will not pay back this money because we do not know what the decision is going to be; whether 21 (d) is in operation or not"?

Mr. KNUTSON. Will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. KNUTSON. Has the gentleman from Massachusetts positive information that there is as much as $5,000 in the Federal Treasury?

Mr. TREADWAY. It depends on how you rate the money, whether it is gold-standard money or not. [Laughter.]

I am simply referring to this matter, not in a partisan sense, but to show how absolutely useless the Department management is when a claim will run for 3 years' time, all arrangements made for the claim to be paid. The Department then goes so far as to say that if the check was made out to the order of the company it could not get the money now. I think that is the most ridiculous exhibition of satisfying the people I have ever heard of. Do you think 30,000 claimants are going to sit idly by saying that because a Department is inefficient or finds no way, as they say, to get around this section 21 (d) that they should wait the pleasure of the Department making that settlement? Will not everybody find fault with the way in which they are dealt with by the Government when such a plan as that is followed in a plain case that is before them for adjustment?

Further than that, it goes to show that the crowding in of thousands of political appointees in the different departments makes for inefficiency.

This claim was acknowledged in Boston by the acting collector of internal revenue, who, in April 1935, wrote to these people that they could expect a check "in the very near future", using these words in the correspondence—"in the very near future." That was nearly a year ago. That is an indefinite phrase, of course; yet it goes to show what absolute lack of harmony or lack of coordination there is between suboffices and the central office in Washington. I cannot conceive of business being transacted in any such way.

Further than that, I was informed that it would be necessary in order now to get any money out of the Treasury in connection with these taxes illegally assessed that Congress must act. This brings us to another very interesting question. I was informed that the organization was kept intact to make these payments when authorized. The organization, of course, consists of political appointees who are very glad to continue drawing their salary and holding down chairs in some internal-revenue office rented at Government expense; but keeping the organization intact does not get these people their money back. We are informed that Congress must act. I have not heard of any instructions to act coming up to the Appropriations Committee, the Ways and Means Committee, or any other committee which might handle these matters, but somebody is in consultation about it somewhere. Who are they and what are they consulting about? When is any action going to be taken along the line of which I speak? It is a matter that ought to be given attention.

Mr. Chairman, I should like to present another matter affecting one of my constituents. I refer to a matter which has created a great deal of excitement throughout the country and which has brought on the ill feeling of a great many people, namely, the publication or the affording of the opportunity for people to see the names of persons receiving salaries from corporations in excess of $15,000.

Mr. Chairman, I shall read a statement handed me by a very distinguished constituent of mine on this proposition; I am going to permit his words to be mine. I, myself, have never approved of publicity of income-tax returns nor of this law that is now in effect under which people are permitted to inspect in the Ways and Means Committee room over in the House Office Building, salaries paid in excess of $15,000. I can see no reason why a group of inquisitive people should be constantly in that office over there copying these lists. It does not do them any good; it does not do the people of the country any good. Salaries are matters of agreement between companies and their employees—not of public concern. I want, therefore, to read the statement sent me by the gentleman to whom I referred:

I am one of the persons whose salary was made public by the Treasury Department.

My records show that 35 percent of it was paid out in taxes.

That 43 percent went into our community fund and other worthy welfare purposes, all outside of myself and family.

The remaining 22 percent was just about enough to unextravagantly support myself and family.

In fact, I broke about even for the year. For this I am thankful.

But what has been the effect of this publicity of my income?

I know full well that not a few people who know me and no doubt had always held me in respectful regard, after reading in the press the amount of my salary honestly believe I selfishly appropriated the whole sum mentioned.

Thus I am put in a false and almost libelous light by a Government that I am asked to honor and support.

If the present administration feels it a duty to publish my salary, it should at least be fair enough to at the same time let the public and my friends know what I did with it.

I did not keep it. It was all put in immediate and useful circulation.

Thus I have been put in the "entrenched greed" class that President Roosevelt talks about.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Chairman, in view of the jubilation on the left side of the aisle over the downfall of the A. A. A., which was renewed yesterday upon the passage of the bill to repeal the Cotton, Tobacco, and Potato Acts, it might be of some interest to incorporate in the RECORD a little first-hand information as to the reaction of the farmers themselves to what is going on in Washington at this time with reference to the farmers' program.

I hold in my hand a clipping from the Topeka State Capital, published at Topeka, Kans., by the Honorable ARTHUR CAPPER, long-time Republican United States Senator from the State of Kansas, a news item, and, therefore, one which may be considered as coming from a nonpartisan source.

Mr. ZIONCHECK. He is still supposed to be Senator from there, is he not?

Mr. HOUSTON. He has that title.

Mr. MARTIN of Colorado. The headlines read:

Farmers face storm to express position. Take definite stand on farm situation. Endorse A. A. A. principles, and ask satisfactory substitute. Oppose tax repayments.

This meeting was held in St. Francis, the county seat of Cheyenne County, a typical Kansas farm county, and is dated January 30, 1936.

The article begins with the statement:

More than 250 Cheyenne County farmers faced a snowstorm to attend a meeting here and to express their position upon the national agricultural situation. They endorsed the underlying principles of the A. A. A., and demanded a satisfactory substitute law. The resolutions also express the belief that the Supreme Court should not attempt to determine the merits of an act of Congress—

I suppose this would be considered lese majeste on the other side of the aisle, but they might just as well know what the farmers are thinking and saying. The article says they opposed the return of $200,000,000 in processing taxes to the processors.

The resolutions adopted at that meeting are set out in full in this news article. The article said they were adopted unanimously. What this mass meeting of Cheyenne County, Kans., farmers said at St. Francis, Kans., on the 30th day of last January, no doubt reflects the sentiments of the farmers of the State of Kansas, regardless of politics. I want to read you if I have time just two short paragraphs of these resolutions, and I challenge anybody to obtain from any source any better statement of the facts.

The first paragraph is as follows:

We consider it very absurd to state that the farmers had been coerced and that States' rights had been infringed upon when neither the farmers nor the States, nor even the consumers had filed a protest; rather the only protest came from the processor, who merely served as a tax collector and by his own statements was passing the amount of the processing tax to both the farmers and the consumer.

That clear, simple statement, Mr. Chairman, explodes the majority contention in the A. A. A. decision of coercion of the farmers under the A. A. A. Those farmers were the men who were supposed to have been coerced. They pointed out in simple language that they had made no complaint.

They pointed out that their State had made no complaint. They pointed out that the consumers had made no complaint and that the complaint came only from the processors. If that mass meeting had been of 250,000 farmers, instead of only 250, the result would have been the same.

The next paragraph, with reference to where these processing taxes come from and opposing their return to the processors, reads as follows:

We oppose the return of $200,000,000 of impounded processing taxes to the processors because of the fact that the processor has repeatedly told the farmer that the price which he received for his products were reduced by the amount of the processing taxes and because of the fact that the processors have also informed the consumers that the price of goods which they purchased were increased in price by the amount of the processing tax.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MARTIN of Colorado. Mr. Chairman, the processors caught them coming and going. They took the processing tax out of the farmer, then they took it out of the consumer.

Mr. ZIONCHECK. The consumer shouldered the whole burden eventually?

Mr. MARTIN of Colorado. Here is the point I want to make. There is a very subtle propaganda in that proposition. They made this statement to both the farmers and the consumers for the purpose of prejudicing them against this law and to poison their minds against an act that was designed to benefit and did benefit the basic industry of this country—agriculture.

Mr. SNELL. Will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from New York.

Mr. SNELL. I did not understand that the Supreme Court passed on the merits of the legislation. I thought they passed on the constitutionality of it, which has nothing to do with the merits.

Mr. MARTIN of Colorado. May I say that I appreciate the implied admission of the distinguished Republican floor leader that the legislation was meritorious?

Mr. SNELL. The whole article to which the gentleman referred is based on the Supreme Court passing on the merits of the legislation. As I said, I do not understand the Supreme Court passed on the merits of the legislation.

Mr. MARTIN of Colorado. I want to speak respectfully and carefully in this matter. I cannot help but feel that the majority of the Supreme Court were influenced in that decision by their own economic views and sympathies.

Mr. ZIONCHECK. As they always are. If there is to be any refund, should not the consumers get the refund?

Mr. MARTIN of Colorado. Unquestionably they should.

Mr. ZIONCHECK. And no one else?

Mr. MARTIN of Colorado. I should like to venture the prediction they will not get it.

Mr. ZIONCHECK. The gentleman knows they will not.

Mr. WADSWORTH. Will the gentleman inform us how that can be done?

Mr. ZIONCHECK. It cannot be done.

Mr. MARTIN of Colorado. If the money cannot go back to the consumers it cannot go back to the farmers either, and I would let it go to nobody else. I would put it in the United States Treasury.

[Here the gavel fell.]

Mr. MARTIN of Colorado. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein certain resolutions passed by the American Farm Bureau Federation at Chicago, December 9 to 11, 1935, asserting that this legislation was enacted by Congress in response to the demand of organized agriculture in the United States, and commending the President, the Secretary of Agriculture, the Administrator of A. A. A., and Congress.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, the paragraphs I desire to insert are as follows:

We reaffirm our previous pronouncements on the Agricultural Adjustment Act and its amendments, and the necessity for simplifying its administration.

The great farm policy embodied in this act is the culmination of a 12-year fight by organized agriculture to obtain from Government necessary recognition of and assistance and cooperation in an economic program by which farmers may obtain fair and equitable prices for their products in terms of relationships with industry and labor.

The administration of this act during the past 2½ years has proved the soundness and justice of the basic principles embodied in this measure. We rededicate our efforts to improve and perfect this measure in every way so as to make it function equitably in the interest of the entire agricultural industry of the Nation.

We serve notice on all individuals and groups who are opposing agricultural adjustment for political, personal, or other reasons that this program was formulated by the farmers themselves, acting through their own organizations, and will be protected and defended by the farmers and their friends on the basis of its fairness to agriculture, its beneficial contributions to continued national economic recovery, and in the interest of permanent prosperity for all the economic groups and classes of our Nation.

We reaffirm our position that the processing tax is a tariff for agriculture and must be continued as the most effective means by which agriculture may work toward parity prices.

We commend the President of the United States, the Secretary of Agriculture, the Administrator of the Agricultural Adjustment Act, and the Congress of the United States for accepting the recommendations of organized agriculture to amend the original law, thereby giving American agriculture a permanent legislative vehicle for continuous adjustment of production in relation to supply and demand domestically and throughout the world.

Mr. Chairman, the foregoing paragraphs from the resolutions adopted at Chicago should forever settle the question as to the origin of the farm program of the Roosevelt administration, and should forever quiet all claims set up by the Republican Party, or any other party or interest, that the A. A. A. or its amendments were sponsored by the Secretary of Agriculture in order to make him a dictator of agriculture or to regiment the farmers of the United States.

What a tragedy that within a month of the adoption of those resolutions, the great farm policy which was the culmination of a 12-year fight by organized agriculture had been struck down by the Supreme Court of the United States, not on the ground that the legislation was not meritorious, not on the ground that the legislation was not needed, but on the ground that in the opinion of six of the nine members of the Supreme Court, it did not fit into the organic law of the land framed 150 years ago.

The farm representatives at Chicago rededicated their efforts to improve and perfect this law, which they said "was formulated by the farmers themselves, acting through their own organizations." Now the law is dead. There is nothing left to build upon, to improve and to perfect.

Mr. Chairman, if an economic situation has developed in this country, where a law which is meritorious and needed, is unconstitutional, then the question is raised whether the law was made for man or man was made for the law.

This law had the great merit of simplicity. Each agricultural commodity to which it was applied stood on its own bottom. It was self-financing. It was easy to trace its workings and figure out its cost and determine where the cost fell. It even provided that when a given commodity reached the parity price, the cost should cease. The pity of this situation, the tragedy of it, is the very simplicity of the plan. Can Congress replace at this session what the American Farm Bureau Federation solemnly says was the culmination of a 12-year fight by organized agriculture? The great farm policy which the farmers reaffirmed at Chicago did not simply mean certain acts of Congress applied to certain crops. That meeting, like the meeting of the farmers of Kansas, approved the principles upon which the Agricultural Adjustment Act was founded, the allotment plan, and the processing tax. They declared the processing tax to be a tariff for agriculture, which must be continued as the most effective means by which agriculture may work toward parity prices. They declared that the administration of the act during the past 2½ years had proved the soundness and justness of the basic principles embodied in the act. No more powerful and convincing set of declarations can be found in the history of farm legislation than the resolutions adopted by the American Farm Bureau Federation at Chicago. They are almost

ominous in the light of the tragedy so quickly supervening their adoption. What can Congress do in the space of 3 or 4 months to replace the work of 12 years? What can the farmers suggest? Can any substitute be more than a makeshift?

Mr. TABER. Mr. Chairman, I yield 12 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, the major iniquity of the neutrality resolution recently reported to the House is that it gives the President complete discretionary power at any time during the progress of a war to impose embargoes on all articles and materials used in the conduct of war.

If the Congress is to enact any neutrality legislation, the imposition of embargoes on all articles and materials used in the conduct of war should be mandatory rather than discretionary.

The resolution provides that the embargoes on arms, ammunition, and implements of war shall be mandatory. The same provision should be made in relation to articles and materials used in the conduct of war.

The discretionary power given to the President in the resolution with reference to articles and materials used in the conduct of war affords the President unlimited opportunity for secret diplomacy. It submits the neutrality and the peace of the United States to all the perils of this despicable practice.

Fortunately, it now appears that in view of an aroused public opinion which is awakened to the dangers implicit in this proposed legislation, the efforts of the administration to force this measure through Congress are likely to be abandoned.

It now looks as if the administration would content itself with efforts to extend the existing so-called emergency neutrality legislation passed by the Congress last year.

If the United States is to be involved in wars, let every move and every action be known to the American people. Let us have no more of the lying and secret diplomacy which enveloped Washington before and during the last war.

The following is a typical incident of the way in which secret diplomacy was practiced during the last war, and in which it could again be practiced under the discretionary provision of the proposed neutrality bill.

In the private diary of the son of an expatriated Englishman, Col. Edward M. House, who, according to an official report from the State Department, never had any official status and was never on the pay roll of the United States Department of State prior to the signing of the armistice, there appears, under date of September 28, 1914, less than 2 months after war had been declared, the following extraordinary entry:

> I had Hoover (chief usher at the White House) arrange with Billy Phillips (then Third Assistant Secretary of State, now Under Secretary of State) for the use of his home, and I asked Sir Cecil Spring-Rice (the British Ambassador) over the telphone to meet me there at 10 o'clock. The conference was a most interesting one.
>
> I showed the Ambassador the letter X (Secretary of State Bryan) had prepared to send Page (American Ambassador at the Court of St. James). He was thoroughly alarmed over some of the diplomatic expressions. One paragraph in particular he thought amounted almost to a declaration of war. He said if that paper should get into the hands of the press, the headlines would indicate that war with Great Britain was inevitable, and he believed one of the greatest panics the country ever saw would ensue, for it was as bad or worse than the Venezuela incident. He said he did not know what I had accomplished in a busy life, but he felt sure I had never done as important a piece of work as in this instance. * * *
>
> We discussed the best ways and means of getting out of the difficulty, which he said would never have arisen if the State Department had talked the matter over with him frankly in the beginning. His Government's attitude had been known at the State Department for a month, and yet not a word of objection had been raised. If he had known what the feeling of this country was, he would have taken it up with his Government, and their attitude would have been modified. As it was they had already published their intention of doing the things to which our Government objected, and it would be difficult to handle it now in a way to save the amour propre of his Government.
>
> We outlined a despatch for this Government to send Page, and then we outlined the despatch which we thought he should send Sir Edward Grey (British Foreign Secretary). We agreed to be absolutely frank with one another, letting each know just what was being done, so there could be no subterfuge or misunderstanding.

If this entry in the diary of Col. Edward M. House is correct, the son of an expatriated Englishman, a private citizen without official status, having obtained an official note which was to be sent by the United States Government to the British Government in protest of the seizure by that Government of American shipping, in violation of international law, met by appointment at the house of an Assistant Secretary of State, the British Ambassador, and permitted the British Ambassador to rewrite this official note of protest destined to his Government.

This scandalous and perfidious conduct represents the most offensive kind of secret diplomacy.

American neutrality legislation should aim to eliminate as far as possible such practices and such diplomacy. It should not facilitate them as does the present bill.

Col. Edward M. House, more than any other American, was responsible for the involvement of the United States in the last war, as is shown by official records of the war, the memoirs, and confessions written about that period, his "intimate papers", and other sources.

Colonel House was one of the first promoters of the League of Nations, which was British policy; and was one of the signers of the Versailles Treaty, which treaty has brought chaos to Europe and is now bringing war.

Colonel House was one of the principal promoters of the candidacy of Woodrow Wilson for the Presidency and was one of the intimate advisers of President Wilson, particularly in relation to foreign affairs.

Col. Edward M. House is still alive. He was one of the principal promoters of the candidacy of Franklin D. Roosevelt for the Presidency, and today he is one of the intimate advisers of President Roosevelt.

According to his own written declarations, Colonel House was responsible for the appointment of Walter Hines Page as United States Ambassador to the Court of St. James. At a later date I intend to submit to the House evidence to warrant the charge that Mr. Page conducted himself traitorously in that important office. The recently published memoirs of Robert Lansing reveal that Colonel House did everything possible to have Mr. Page made Secretary of State under Wilson instead of Mr. Lansing.

Another protégé of Colonel House during the World War was Norman H. Davis. Norman H. Davis is still alive. There is, indeed, much information that Colonel House urged upon President Roosevelt the appointment of Mr. Davis as Secretary of State. Failing in that, Colonel House was instrumental in having Mr. Davis given his present unofficial portfolio as Ambassador at Large in Europe, where he has continuously favored British foreign policy.

There is not time today to do full justice to Colonel House. At a later date I intend to present to the Congress further evidence of the views of Colonel House, evidence drawn from his own writings, to show that he has held in contempt, if not in hatred, American traditions, the American Constitution, and the American form of government.

The history of the last war has not yet been written, but it is being gradually unfolded. When the truth is known, it will be realized that at critical times, President Wilson, under the influence of Colonel House, did not wish the United States to remain neutral; and that in the brief periods when President Wilson did wish the United States to remain neutral, neither he nor the State Department knew what neutrality was or how to maintain it.

President Wilson's movement toward abandonment of American neutrality began early. It began as early as October 23, 1914, before the Great War was 3 months old. On that date, with advice received from the State Department, he allowed bank credits to be incurred by belligerent governments. This is confirmed by a memorandum written on that date by Robert Lansing, then counsellor of the State Department, later, from June of 1915, Secretary of State, which memorandum was disclosed at a recent hearing before

the Special Committee Investigating the Munitions Industry, United States Senate.

Another fateful date was August 26, 1915. On that date President Wilson first allowed belligerent governments to float loans in this country. This is confirmed by correspondence, dated from August 23 to August 26, 1915, between President Wilson, Secretary of the Treasury McAdoo, and Secretary of State Lansing, which correspondence also was disclosed at a recent hearing before the Special Committee Investigating the Munitions Industry, United States Senate.

Mr. Lansing, Secretary of State from June 1915 until the end of the war, according to his own explicit assertions in his recently published memoirs, was never neutral.

The Congress of the United States could properly and profitably investigate the status and activity of Col. Edward M. House during the last war.

The Congress of the United States at the same time ought to ascertain to what extent the State Department was under the domination and control of the British Foreign office during the administrations of President Wilson from 1914 to 1920, of President Hoover from 1928 to 1932, and of President Roosevelt from 1933 to date.

If, as is to be presumed, this present Congress shall be unwilling to initiate such an inquiry, then such an investigation of the most searching character ought to be the first duty of the next Congress. [Applause.]

Mr. LUDLOW. Mr. Chairman, I yield such time as he may desire to use to the gentleman from Georgia [Mr. WHELCHEL].

Mr. WHELCHEL. Mr. Chairman, it was my purpose to have offered an amendment to the bill that we are now considering which provides for an appropriation for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and that particular part of the bill in which I am intensely interested is Rural Delivery Service.

I had expected to offer an amendment striking from foreign-mail transportation a sufficient amount, to wit, $300,000, this amount to be added to the Rural Delivery Service, not that I have any objection, and I advocate in a general way foreign-mail service, Air Mail Service, or any other type of service, but the Rural Service is a matter that should appeal to both sides of the aisle because it is a direct recognition and help for the farmer. It is a help in reality and not a mere "make-believe", or a use of the phrase, "help the farmer" for political favor, and in the final analysis nothing ever done.

Thousands of thousands of dollars are being spent for rural electrification and many other forms of intended help for the farmer, but I tell you that the delivery of mail to at least the immediate vicinity of the families of these rural people means more than all of these ideas advanced, and if you would have them informed as to what is taking place in the Nation, my idea is a few cents spent each day for Rural Free Delivery of mail is more far reaching, more comprehensive, I may say, than anything to be undertaken.

I notice in the reports submitted by the committee this statement:

> Rural Delivery Service: The amount recommended is the Budget figure of $93,200,000, which is $1,100,000 under the current appropriation. This decrease is effected through consolidation of routes in cases where a vacancy occurs in the position of the rural carrier. Provision is made in the amount of $100,000 for additional routes and $200,000 for extensions, which, combined with the amounts available for such purposes in the present fiscal year, will, in the judgment of the Department, be sufficient to meet the situation in caring for all meritorious additions and extensions.

In view of this added $300,000, the amendment that I had in mind is not necessary. I am intensely interested in having every meritorious extension granted, but I do not favor consolidation of rural routes because the accommodations in my district for rural communities are few, and I am insisting now, as I have heretofore, that the Department be liberal in granting extensions of rural routes, as this is one service that is actually rendered and one that is more appreciated by the farmer than anything that can be done by the Government in his behalf. [Applause.]

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, yesterday, in the House, when the gentleman from Texas [Mr. BLANTON] was so violently seeing red, he made a reference to me that I do not believe was exactly in good taste; at least, I objected to it, although not seriously. I neglected to speak to him about it, but thought he would be here because when he criticized the gentleman from New York [Mr. SISSON] for not spending more time on the floor, I supposed he would always be on the floor. He said I was getting into wild company. Now, I do not know which company he referred to, unless he meant my very good and liberal friends on both sides. If so, it is not seemly for the gentleman to refer to Members of this august body as "wild company."

I do not believe that the gentleman from Texas intended to do this. I do not believe that he intended to convey the impression that I was getting into wild company outside of the House. I consider it entirely proper to ask the gentleman to explain to the Members what he meant by "wild company." It does not look well in print to have a former school teacher, we will say, accused of running in wild company without proof to substantiate it.

I just want to make this little exception to the statement before going further into the subject which the gentleman from Texas [Mr. BLANTON] was discussing, the red scare of 1935–36.

It has been my policy in the past to simply ignore all these senseless attempts on the part of jingoistic patriots to secure patriotism by requiring an oath. I have trusted in the good sense of those in a position to do so to keep such legislation off the floor of this House. They have done so in a highly commendable manner. I offer my congratulations to those who have been instrumental in keeping the two best-known and most objectionable bills, the Kramer antisedition and the Tydings-McCormack military disaffection bills, off the floor.

I should much prefer to ignore proposed legislation of this type, both now and in the future. There are several reasons, however, why I now feel that it can no longer be ignored.

The first reason is the stunt that was pulled on us during the last session when the anticommunism rider was attached to the District of Columbia appropriation bill.

Fourteen hundred teachers and administrators in Washington's public-school system have gone on record as opposing the existing ban on all mention of communism or Soviet Russia in local schools.

I should like to incorporate that resolution in my extension of remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCOTT. The resolution reads:

> We believe that the American form of government is the best yet devised for our people, and that when changes are needed ample provisions are available for such changes.
>
> We believe the American form of government gains in respect and admiration of the people in proportion as it is brought into open contrast with other world forms.
>
> We believe the teacher must be left free to consider all existing forms of government in order properly to give to the American child an understanding of and love for our own. We feel, therefore, that certain restrictions now being advocated dangerously encroach upon the rights of free men and women guaranteed under our Constitution.
>
> We believe the present oath of allegiance to the Constitution of the United States is sufficient to insure the above and provide an adequate basis for prosecution in case of violation.

I do not blame them for protesting. I protest, too. That was why, more or less in a spirit of jest, I introduced the amendment to the Interior Department bill, prohibiting the teaching of the legislative program of the American Liberty League. But it was not all jest. It has a note of seriousness. I want you gentlemen to realize how close you come to making yourselves ridiculous in the eyes of intelligent people when you pass legislation of this kind. I refer to intelligent people as including school teachers and "brain trusters", and all the rest of them, because I think very highly of brains.

Mr. CULKIN. Mr. Chairman, will the gentleman yield there?

Mr. SCOTT. Yes; briefly.

Mr. CULKIN. Does the gentleman hold the terms "brains" and "brain trusters" as being synonymous?

Mr. SCOTT. Oh, absolutely. The people popularly referred to as "brain trusters" I consider as very intelligent people.

The Washington Post the other day stated that Mr. BLANTON was planning to bar the teaching of the facts about Russia and her government from Howard University. The gentleman from Texas on this floor denied that intention. I do not know whether he was or not. If he were not, I am happy for his sake and for the sake of the teachers in Howard University. If he might have been thinking about it, and if what Heywood Broun referred to as our "act in straight-face" was instrumental in deterring the gentleman from his proposed action, I am happy both for his sake and for the sake of the teaching profession. I have a profound and deep-seated respect and admiration for the teaching profession. This woefully underpaid, overworked, much-maligned group of men and women that has suffered so much from the malicious attacks of William Randolph Hearst and his silly sycophants, both paid and unpaid, has done more, to my way of thinking, to build up the proper concepts of citizenship than the pseudo-patriots will ever be able to tear down.

I think, Mr. Chairman, the Members of the House should go on record as endorsing and as praising the school-teaching profession of the United States. I have never seen a more loyal group, a more patriotic group, a more American group in my life than the American school teachers. I think they have done more to build up a proper concept of citizenship in the minds of younger people than any other group. You gentlemen went through it. You had that concept instilled in you or you would not be the great patriots that you are. The school teacher had something to do with that.

I think we would do a whole lot better to praise the school teacher than to pay lip service or play into the hands of what I consider the greatest menace to democracy and liberty in this country—William Randolph Hearst.

Members of this House would do better to pay their respect and gratitude to this loyal law-abiding group than to play into the hands of that filthy fermenter of fetid fiction—William Randolph Hearst. He is the outstanding exponent of all this restrictive legislation, his papers are full of it all the time. When a Member of the House gets up here and speaks in favor of legislation of that kind, he plays directly into the hands of that neofascist leader, Mr. Hearst. Professor Ross, of the University of Wisconsin, has said that it might be a good idea to get a committee together to investigate the activities of Mr. Hearst, to investigate his newspapers, and the purposes behind all his propaganda. I think this is a very timely suggestion.

I wish to insert here a quotation from the Social Frontier for February 1936. Quoting Professor Ross:

PROFESSOR ROSS SUGGESTS

At the fifth annual convention of the Pi Gamma Mu Society on December 28, Prof. E. A. Ross, of the University of Wisconsin, added lustre to his reputation as a man of courage, integrity, and human sympathies. He also outlined a plan for exposing William Randolph Hearst in his unprincipled and vicious attack upon the schools of the country. Characterizing Mr. Hearst as "our chief and most pernicious and malevolent assailant, as a man and a citizen, a property owner and a taxpayer, newspaper owner and editor through 40 years", he proposed the formation of a committee to collect data which would "show the deliberate deceits of which Hearst and his minions have been guilty." He then proceeded as follows to suggest how such facts might be employed:

"There is not a community in the land infested by a Hearst newspaper that would not turn out in numbers for the high-school or college teacher who should announce a lecture entitled 'The Truth About W. R. Hearst and the Hearst Newspapers.' It would be desirable that slides be presented showing the vulgarity and viciousness of many of the cartoons which have appeared in the Hearst press through the years. Loan collections of such slides might be made available to teachers giving the lecture."

Here in our opinion is an admirable suggestion. Mr. Hearst is the most vulnerable man in American public life. The only thing needed is the gathering of the facts, and he has been calling loudly to intelligent and trained men to gather them. Doubtless they will be gathered and brought before the eyes of the citizens of the country.

But to get back to my point. The fact that this obnoxious rider got by the House and Senate must warn us that in the future we must be eternally vigilant.

I am not trying to protect anybody in the right counsel the overthrow of our Government, but I do not intend to sit idly by and see a sixteenth century censorship placed upon the happenings of the present day.

I spoke of several reasons for my action. The second is the move in so many States to require teachers to take an oath to support the Constitution. I took one when I started to teach school. I thought it was rather silly then. But that was before Mr. Hearst started his "red scare 1935 edition." There is a different motive behind the oath today than there was when I took it. Then I think it was a matter of form. Today it has become a matter of persecution. Persecution of American citizens at the instigation of William Randolph Hearst who never acted under the stimulus of a decent motive in his life.

Do you think you can make a man a patriot by forcing him to sign an oath? Do you think you can assuage the pains of an empty stomach by making the sufferer salute the flag? Do you think you can make a school child understand why he did not have any breakfast, why he has to be hungry, why he has not decent clothes, why his father does not have a job, why his mother cries continually, why he is cold, by making him salute and pledge allegiance to a flag? But children have been expelled from their schools because they have refused to do that very thing.

Do you gentlemen realize how far we can go with this silly legislation of demanding oaths from teachers? Let me read the contract that a teacher in a small school in North Carolina had to sign before she could become a school teacher in that town:

I promise to take a vital interest in all phases of Sunday-school work, donating of my time, service, and money without stint for the benefit and uplift of the community. I promise to abstain from all dancing, immodest dressing, and any other conduct unbecoming a teacher and a lady. I promise not to go out with any young man except insofar as it may be necessary to stimulate Sunday-school work. I promise not to fall in love, to become engaged, or secretly married.

I promise to remain in the dormitory or on the school grounds when not actively engaged in school or church work elsewhere.

I promise not to encourage or tolerate the least familiarity on the part of any of my boy pupils.

I promise to sleep at least 8 hours each night, to eat carefully, to take every precaution to keep in the best of health and spirits in order that I may be better able to render efficient service to my pupils.

I promise to remember that I owe a duty to the townspeople who are paying me my wages; that I owe respect to the school board and to the superintendent who hired me; and that I shall consider myself at all times the willing servant of the school board and the townspeople, and that I shall cooperate with them to the limit of my ability in any movement aimed at the betterment of the town, the pupils, or the school.

I think when the District of Columbia bill comes up I shall offer that as a rider and require the teachers to sign it.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. SCOTT. I yield.

Mr. MARCANTONIO. Is the gentleman going to offer this amendment because it was charged on the floor by the gentleman from Texas [Mr. BLANTON] that the gentleman from California was keeping wild company [laughter], in order that the provisions of his amendment might be helpful to his soul? [Laughter.]

Mr. SCOTT. No; If I introduced that as a rider it would be to make ridiculous that kind of legislation. How far do you think you can go in inspiring patriotism by making one swear to an oath.

Did you ever hear the story of the Confederate soldier who was captured by the Yankees.

They did not have a prison to put him in so they had to take him along with them. They gave him the run of the camp. It was the custom to sit around the campfire at night and swap yarns. About the time the meeting was going good, the Confederate always got the floor and said: "Maybe you have given us some lickings, but we certainly whipped 'hell' out of you at Bull Run." This happened every night until the Yankees got tired of it. They decided that the rebel had to be quieted. After talking it over, they told

him that he could take his choice between two alternatives. He could kiss the flag, swear an oath of allegiance to the Constitution, and declare himself a Union man, or be shot at sunrise. When they put it up to the Confederate, he decided to kiss the flag. It was quite a ceremony. After he had kissed the flag, sworn to support the Constitution, and declared himself a Union man, the Yankees thought their troubles were over. The next night they sat around the campfire. The former Confederate got the floor. He look them all over very seriously and said, "Boys, we have given the Confederates some lickings, but didn't they whip 'hell' out of us at Bull Run." [Laughter.]

This persecution by oaths must stop. This nascent nazi-ism must stop. Do not let Congress become a party to it.

There is another reason for refusal to ignore longer this sumptuary legislation. Every day, almost, the Hearst papers carry inflaming editorials on the subject. Let me say right here that, if Mr. Hearst is for this legislation, every decent citizen of principle, every Congressman, every Senator should be against it. But the Senate has already passed the military disaffection bill, and the Hearst press says that the gentleman from Massachusetts [Mr. McCORMACK] has given notice to the Rules Committee of the House that he will begin a drive for immediate action on his bill. It has been reported by the House Committee on Military Affairs. I hope the gentleman will deny the report. I hope the Rules Committee will deny the rule.

Mr. Chairman, I am not trying to overthrow the Government. I am not trying to incite the military or naval forces to disaffection. I am not trying to assist anybody in his attempt to do so. But I am trying to prevent the enactment of wartime antisedition and espionage bills in peacetimes.

I want to insert here an editorial from the Washington Post:

The report that Secretary of War Dern has described the Army as "not especially in favor of the military disaffection bill" must not be overlooked on Capitol Hill. It should particularly interest those preparing to call from committee the Tydings-McCormack measure, to which Mr. Dern referred. Inasmuch as The Assistant Secretary of the Navy has already testified that communistic influence upon the Navy is absolutely infinitesimal, there seems no point in wasting further time in considering this undesirable legislation. It should die in its present pigeonhole.

The bill contains a number of features which in practical application might dangerously threaten fundamental American liberties. This is true, although revisions have somewhat improved the measure since it was passed by the Senate last year. The provision making it a crime to advise, counsel, urge, or solicit any member of the Army or Navy Reserves to disobedience has been deleted. This alteration met the reasonable protest that under these terms anyone criticizing National Guard intervention in industrial disputes might be liable to fine and imprisonment.

But nothing has been done to rid the bill of its search-and-seizure provisions. There are already adequate safeguards in the Army and Navy regulations to preserve discipline against any incitements to disobedience. It follows, then, that the principal application would probably be against civilians. In effect, it could be interpreted to define every criticism of any aspect of Army or Navy operations as a crime, as is indicated by the way the legislation would invoke the wartime Espionage Act.

Justifiable at a time when the Nation was at war, a permanent espionage act in time of peace clearly threatens invasion of the constitutional rights and privileges guaranteed all Americans, without which the United States might soon be indistinguishable from an Old World dictatorship.

I have no intention to impugn the motives of the authors of these bills. I have not the slightest doubt but that they were proposed with the best of intentions.

Here, I want to read the text of a letter received by me from a church organization on the subject of the Tydings-McCormack bill:

Re S. 2253 (H. R. 203)—"An act to make better provision for the government of the Army and Navy of the United States by the suppression of attempts to incite the members thereof to disobedience"

DEAR FRIEND: After careful study of the above bill, we urge you to consider what we believe are serious dangers in it.

Laws such as this, which limit freedom of speech and of the press, are proposed with the best of intentions. Experience, however, clearly teaches that they are dangerous to the liberties of all citizens. They prove ultimately to be two-edged swords, capable of silencing conservatives when radical opinion is predominant, as well as of checking radical or Communist propaganda in a conservative community.

The application of such an act might be made almost universal in its scope. Practically no statement of thought, written or spoken, would be free from possible criticism or hostile interpretation in a time of stress. Consequently printers, publishers, editors, writers, and speakers alike might come under the application of the act. The House Committee on Military Affairs has attempted, in its report, to answer this objection, but has in effect only emphasized the danger, by stressing the purpose of the bill to protect soldiers and sailors from mental agitation. Does not this imply the peril of a censorship over all periodicals and other publications which might in any way fall into the hands of members of the Army and Navy?

The dangers of the bill are increased by the provisions for search. Any treaties on historical Christianity, or on the early history of our own country, might be used to incite disobedience to established authorities. Freedom of thought and speech would clearly be gravely endangered by such a law.

With the lines being drawn between dictatorships, both Communist and Fascist, and governments truly representative of their citizens, it behooves every American who reveres and values the principles upon which our government was founded to use the greatest care not to undermine our own form of government in attempts to protect it.

We appeal to you and to all of our fellow citizens to use the opportunity which we now have to make clearly understood the value of free speech and free press in the maintenance of such a form of government as has been ours. We further appeal to you to use your position of responsibility and trust to defend these fundamental liberties of our citizens and to use your influence against this bill.

On behalf of the representative meeting,
Sincerely,

——— ———.

Mr. Chairman, another reason prompts me to take this action. I have received literally thousands of cards, letters, and telegrams carrying these sentiments:

Please do not favor the Tydings-McCormack bill.

Please do not favor the Kramer sedition bill.

I know many of the signers of these pleas personally. They are Americans, they are patriotic, but they are jealously protecting their constitutional rights to free speech.

I do not favor the Tydings-McCormack bill. I do not favor the Kramer sedition bill. I do not favor any legislation of this kind.

Let us take stock, Mr. Chairman. In spite of the prodigious efforts of the present administration, in spite of the progress, in spite of better conditions than prevailed in 1932, we are yet far from perfect. People still suffer. Would you deny them the right to say so, publicly or privately, to you or to a group of people? Would you deny them to write down and publish their complaints? Do not you feel that if we would improve conditions such sharp criticism would cease? Do you think that you can beat or legislate discontent out of people? Put a plug in the spot of a tea kettle and it will blow the top off. Is ours a good government? If it is, it will not be changed by the people. If it is not a good government, we should make it so.

Let us take stock, Mr. Chairman, and then forget these Tydings-McCormack and Kramer bills. Let us turn our attention to improving living conditions in this country.

We should have learned something from this depression. We should realize conditions. We should do something about them. Let me tell this one story in conclusion. It is taken from a paper in Memphis, Tenn. It says, in announcing the church service:

Dr. Holcomb will discuss "If the depression has disappeared, what lessons are we to learn?" Mrs. W. L. Walker will sing Search Me, O God.

[Laughter.]

Mr. ZIONCHECK. Mr. Chairman, I rise to a point of order to find whether he is a Democrat who is talking or not, because Jefferson, the father of the Democratic Party, said that if such laws were ever passed half the people would become hypocrites and the other damn fools. Is that right?

Mr. SCOTT. That is the way I heard it. Jeffersonian Democrats would never vote for legislation of this kind.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. BUCKLER].

Mr. BUCKLER of Minnesota. Mr. Chairman, I am really thankful for the 10 minutes, although I was expecting to get 15, because it takes a farmer about 10 minutes to get started.

I expect to talk a few minutes about the Frazier-Lemke farm refinance bill and the Federal Reserve Banking System, but I realize that perhaps it will be just like pouring water on a duck's back to talk about the Federal Reserve Banking System to this Congress. Perhaps I would not undertake at this time to talk to you about these subjects except that 2 years ago, when I was running for Congress, I was going down the road and saw a little boy down the lane with a large club hammering something. I drove up to the little fellow and found him wet with sweat. He was hammering a dead skunk. I said, "My little man, the skunk is dead; why keep on hammering him?" He said, "Well, he has been taking our chickens for 6 months, and I made up my mind that if I ever got him I would hammer him until he quit stinking." [Laughter and applause.] The Wall Street bankers and money changers have been taking our money and wealth for many years. I thought if that little fellow could undertake that I could just as well go ahead and talk to you on the Federal Reserve Banking System and the Frazier-Lemke bill, even if I did not expect to accomplish much at this time.

I believe the Federal Reserve Banking System and the fellows on that Board, at least in 1920, were the cause of our troubles, and in time we will have to take over the Federal Reserve Banking System and place it in the hands of the Government and regulate and control the money and credit for all the people, instead of "farming it out" to the big bankers of this Nation. We must exchange the vicious money and banking system before we can get out of this depression. Some of the Members here in the last few days have been talking about and condemning the Townsend plan and also Father Coughlin's social-justice program. I have seen some of the boys here almost have jitters on account of those two organizations.

Do not blame Dr. Townsend or Father Coughlin for the conditions that we have here today and the conditions they are attempting to right, but blame yourselves. Many of you have sat here for a generation and allowed the Federal Reserve Banking System to control the money and the credits of the Nation and that got us in the condition where we are today. You cannot deny but that the Federal Reserve bank, when it took the money and the credits away from the people in 1920 caused this situation. I dare any of you to deny that it was not done and that the panic was caused through their taking the money and the credits of the country away from the people of the Nation. That bank board at that time was told it would break the farmers of this Nation, and they were told it would break the country banks of the Nation if they contracted the currency. But a fellow named Mosher was on the Board at that time and he said, "Take the money away, and we will fetch those farmers to their knees." He said further that they were getting too smart and that so far as the banks were concerned that we had too many banks and to let them go broke. And whom did that system and policy benefit? It benefited the money racketeers down here in Wall Street. It was their game, and they broke up the farmers of this Nation.

I just received a petition this morning supporting the Frazier-Lemke bill. I did not have time to count all of the names, but there must be in the neighborhood of a thousand names or more of those farmers up in one county—Pennington, and nearby—who sent that petition down here, it tells of the distress of the farmers in the Northwest, asking that we pass the Frazier-Lemke bill. Those farmers went out through 3 or 4 feet of snow with the thermometer 30 to 40 degrees below zero and got their fellow farmers to sign this petition, while you sit here, and you do not move.

There are enough of you in this Congress who have nursed at the breast of a good farm mother, and if you would only remember that mother who nursed you and denied herself all pleasures in order to bring you up, you would go up there and sign that petition and get this bill out on the floor for the farmers of this Nation.

Your mother perhaps has left this earth and gone over yonder never to return. But if she could only speak to you, she would say, "My boy, pass this Frazier-Lemke bill to save the homes of millions of farmers." If I could only say something to soften up your hearts to help these poor farmers to keep their homes that furnish you food and clothes so you may live. Some of you have gone up there and taken your names off of that petition. No doubt, at that minute some farmer and his wife, who have worked for 30 or 40 years, went down the lane with their little family, turned out, with no place to go, nothing much to look forward to but the poorhouse and the grave. Why do you not go up there and sign that petition?

Mr. McFARLANE. Will the gentleman yield?

Mr. BUCKLER of Minnesota. I yield.

Mr. McFARLANE. Does the gentleman know of any reason why the farmers of this country should not be allowed the same privileges as are given to the bankers, and have been given to the bankers all these years?

Mr. BUCKLER of Minnesota. No; I do not. Why, they certainly should have the same privilege, but they have not been getting it. This Congress has so far refused the farmers the same privileges that they have been giving to the bankers.

Mr. McFARLANE. Will this Frazier-Lemke bill give the farmers of this country as much consideration as has been given the bankers since 1873?

Mr. BUCKLER of Minnesota. It absolutely does not. I saw in the paper a couple of days ago where the Federal Treasury has seen fit to turn back to the Federal Reserve bank billions of dollars in gold so the Federal Reserve banks could issue $30,000,000,000 in currency and loan it to the people. The farmers of this Nation are only asking for $3,000,000,000, and the Government could take as security a first mortgage on the farms. What is gold worth, anyway? Suppose you had all the gold in the world and you had no farmers to produce the food and clothing of this Nation, you would starve to death. You would not think about the gold. You would go away and leave it there. Still you sit here and let the farmers of this Nation go broke and homeless and destitute before you will give them an interest rate of 1½ percent.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. BUCKLER of Minnesota. I yield.

Mr. ZIONCHECK. Is the gentleman not one of those who signed the petition in connection with the Frazier-Lemke bill, who voted against the simple petition of the gentleman from California [Mr. FORD] to allow the President of the United States to invite foreign countries to Los Angeles, which did not cost any money, when members of the Los Angeles delegation have signed the petition and the gentleman will not even go that far? The gentleman ought to be ashamed of himself.

Mr. BUCKLER of Minnesota. I did not vote for the Ford resolution, and I am not going to vote to have Europeans come over here and let us put up millions of dollars to entertain them while the farmers of this Nation are going broke. Let them stay over there. What we want is to help our farmers that are already here. [Applause.] I am glad to have voted against that resolution. I will do it again, because we want to help our own people before we help entertain those fellows from Europe. We have been feeding them long enough. [Applause.]

Mr. LUNDEEN. Will the gentleman yield?

Mr. BUCKLER of Minnesota. I yield.

Mr. LUNDEEN. I would like to state that no man, to my knowledge, on the floor of this House has fought harder for the Frazier-Lemke bill than the able gentleman from the Ninth District of Minnesota. I wish we had more Members like my colleague from Minnesota, who is sincere in his efforts for the common people of this country.

Mr. BUCKLER of Minnesota. I thank the gentleman. There have been 2,000,000 farmers driven off their farms since 1920. There are 2,000,000 more who have to go. In my own neighborhood there are two or three families right now who are about to lose their farms. I appreciate that the Federal land bank helped quite a number of our people, and they were very liberal when they started, but what are they doing now? They are loaning fifteen or twenty dollars

an acre on land that was worth a hundred dollars an acre in 1920.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. BUCKLER] has expired.

Mr. TABER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BUCKLER of Minnesota. I wish the gentleman could yield me more time. I have not started yet. I am just getting ready to make a speech. [Laughter.] I do not have time to go into the details, but this Federal Reserve System has to be changed. This same banking group, these Wall Street racketeers and bloodsuckers, have caused this Nation all kinds of trouble for the last 60 years. I remember back in 1892 or 1893 when this same crowd called a panic. I was living in Illinois at that time. The farmers down there rose up, and they were getting desperate. Finally they decided to see if they could find out what was the matter. There was a phrenologist traveling through the country, so we got a farmer, a banker, a businessman, a doctor, and an attorney together, and were going to examine their heads to see what was the matter with them. The Congressman happened to come along and they put him in the group. After they examined their heads, what did they find? They found the Congressman's brain was in the best condition of any of them because he had not been using it. [Laughter.] I believe that is the case yet today, my friends.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. BUCKLER] has again expired.

Mr. BUCKLER of Minnesota. Mr. Chairman, I ask for 10 additional minutes.

The CHAIRMAN. The time is in control of the gentleman from Indiana [Mr. LUDLOW] and the gentleman from New York [Mr. TABER].

Mr. LUDLOW. Mr. Chairman, a distinguished Secretary of the Treasury, referring to resumption of specie payment, coined a lasting phrase when he said, "The way to resumption is to resume."

In the process of repetition this phrase became finally reduced to the somewhat more sententious form "The way to resume is to resume", meaning that the way to do a thing is to do it.

Within the scope of our limited possibilities the members of your subcommittee that framed this bill have acted in accordance with a sincere conviction that the way to reduce governmental costs is to reduce governmental costs, and this meant a general, and sometimes deep, paring of budgetary estimates.

FIFTY PERCENT OF ITEMS CUT

The net result of our labors is that we have brought to you a bill that is nearly $12,000,000, or to be exact, $11,943,620 below the Budget, and in no instance rises above the Budget. We have cut 50 percent of the items contained in the estimates for these two Departments. When you consider the fact that some of the reductions were small, ranging as low as a few thousand or a few hundred dollars, you can at least partially visualize about how many cuts were required to secure that $12,000,000 reduction.

We have cut off of the Government's bill for the operation of these two great services—Treasury and Post Office—every dollar of expense we believed could be eliminated without detriment to the public service, but at the same time we have tried studiously to avoid penalizing any Bureau or activity of the Government. We believe that we have given to these two Departments every dollar that is required to operate them in the public interest on an economical basis and to carry out existing law, and we are positively convinced that no branch or agency of the Government committed to our supervision will suffer in the least on account of our well-meant efforts in the direction of economy.

NO POLITICS IN SUBCOMMITTEE

We have tried to discharge thoroughly the people's business entrusted to our care, and the task has been long and laborious. We have had extensive hearings, culminating in 1,338 pages of printed testimony now available to Members of Congress and the public in general. There has been no partisanship whatever in our subcommittee, and I wish here and now to express my thanks and appreciation to all of my associates on the subcommittee for the fine spirit of cooperation that has characterized our deliberations from start to finish. As a result of this cooperation we are able to bring to you a unanimous report.

I would feel derelict if I did not make this public acknowledgment of indebtedness to my colleagues on the subcommittee, Hon. JOHN BOYLAN, of New York; Hon. WILLIAM J. GRANFIELD, of Massachusetts; Hon. EMMET O'NEAL, of Kentucky; Hon. JOHN TABER, of New York; and Hon. CLARENCE MCLEOD, of Michigan; able men, all of them, conscientious and true to their responsibilities as members of the subcommittee, as Members of Congress, and as citizens of our great country. I may add parenthetically that they have been most generous in overlooking the shortcomings of their chairman, and for that I am grateful.

It so happens that the ranking minority member of our subcommittee is also the ranking minority member of the full Committee on Appropriations, Mr. TABER, and if I may I would like to speak from the heart and say in this presence that he is a fine representative of the people. And I may truthfully say of all the members of the subcommittee that they were splendid in every way, seeking diligently to solve all of the many and complicated problems solely on a basis of what is best for our common country, while politics stood adjourned. We were fortunate, too, in having the benefit of the wise counsel and guidance of our able committee clerk, who I verily believe knows more about the fiscal affairs and the multifarious operations of the Government than any other living man, Marcellus C. Sheild.

Those who have never participated in the framing of an appropriation bill can hardly appreciate the difficulty of holding down appropriations. Officials come before us full of enthusiasm for their special interests and activities, and never looking beyond to the condition of the United States Treasury. The problem of making the Budget balance does not bother them in the least and their whole purpose is centered in getting money to carry out their particular ideas. I rather suspect that some of them resort to the dubious strategy of asking more than they want in order to be certain to get what they do want.

I am not censuring, or even criticizing, any bureau official for taking pride in his bureau and fighting for its development along legitimate lines. A less zealous and energetic attitude would seem to imply a lack of the esprit de corps needed to run the Government efficiently, but it is ever the appropriation subcommittee's duty to hold these gentlemen down to earth, to decide what demands should be denied and what estimates should be allowed in consonance with the country's financial situation and the general welfare.

That is what your subcommittee has sought diligently to do and we are now reporting that after the Budget Bureau trimmed down the Treasury and Post Office departmental estimates millions of dollars we have taken off about $12,000,000 more. The appropriations for the Treasury Department which we carry in this bill are $6,175,155 below the Budget estimates and the appropriations for the Post Office Department are $5,768,465 below the Budget.

The appropriations for the Treasury Department are $19,699,546.92 below the appropriations for the current fiscal year 1936, while the appropriations for the Post Office Department are $49,026,895 more than the 1936 appropriations for that Department. However, it should be borne in mind that deficiency postal appropriations for 1936 probably will aggregate $34,000,000, so that from the information now at hand it would appear that the net increase for the Postal Service in 1937 over 1936 will amount to only about $15,000,000 and on that basis the total appropriations for Treasury-Post Office purposes in 1937, carried in this bill, will be $4,600,000 less than the actual expenditures for the two departments in the fiscal year 1936. This increase in the Post Office Department is due to the 40-hour week and other items which are statutory and over which we as an appropriating committee have no control. The 40-hour week alone will add

about $27,000,000 to the cost of operating the Postal Service during the fiscal year 1937.

Mr. LUNDEEN. Mr. Chairman, will the gentleman yield at this point?

Mr. LUDLOW. With pleasure.

Mr. LUNDEEN. I understand that the shorter week in the Postal Establishment has created work for additional people and is much to be desired.

Mr. LUDLOW. I think I can throw some light on the gentleman's inquiry. I have before me for the information of the Committee a statement showing the number of extra employees it is estimated will be required in the fiscal year 1936 on account of the 40-hour week. That number is 11,172, a very large accretion to the personnel of the Department. For the fiscal year 1937 the estimated number of extra employees needed on account of the 40-hour week is put at 3,804. It will thus be seen that in framing this bill we were confronted with these statutory requirements over which we had not the slightest control. Even so, we have effectuated a reduction of around $5,000,000 as compared with the fiscal year 1936.

HOPE EXPRESSED THAT ECONOMY WILL STIMULATE BUSINESS

Let me express the personal hope—speaking as one Member of Congress—that the success we have achieved in holding down the appropriations in this bill—the largest of the supply measures—far below the Budget estimates will be a welcome stimulus to business throughout the country and will meet the expectations of the numerous element of our citizens who believe that, with the worst of the depression over and corrective measures of social justice now permanently installed, the plain and unmistakable road henceforth to recovery is through the exercise of strict control over debt and taxation. [Applause.]

The workman wants and is entitled to employment at good wages, with reasonable hours and sanitary, healthful working conditions, but he cannot realize his desire unless there is someone to employ him. Capital must be encouraged to realize that its muscles are not atrophied and that with a reasonable profit assured it is capable of getting into action again to do its normal part in the work of the community, including production and employment.

Probably nothing else would go so far, or accomplish so much, at this time to start the wheels of business recovery moving as a certainty that there is no longer any need of enormous spending; that the promise of economy is being redeemed by deep cuts in appropriations and that there is a fixed determination to make tongue and buckle of Federal finances ultimately meet, to the end that the cherished dream of the business world for a balanced budget and reduced governmental burdens may be realized at the earliest possible moment. [Applause.]

WITNESSES ASKED TO ECONOMIZE

In accordance with this philosophy I felt impelled, as chairman of our subcommittee, at the very beginning of our hearings on this bill to say to the witnesses congregated on the other side of the table:

> I think it is proper for me, as a member of this subcommittee who happens to be temporarily its chairman, to say to the gentlemen on the opposite side of the table, and to others who will sit there hereafter, that this is obviously a time when the most serious consideration should be given to the conservation of the money of the taxpayers, a reduction of the national debt, and a lowering of the tax burden, with a view to balancing the Budget as soon as that is possible. I think I might also say that, while it is our intention to furnish the funds necessary to conduct the essential activities of the Government, it is not our purpose to spend one dollar needlessly. We will appreciate the cooperation of witnesses to the end that real substantial economies may be brought about in the preparation of the appropriations for the next fiscal year.

My associates on the subcommittee, able men all of them, conscientious and true to their responsibilities, were imbued with the proper spirit of economy. We have not appropriated one dollar needlessly. We cut the estimates wherever we thought they would stand a cut. The product of our efforts is the bill we now bring before you. We feel that we have done our part to hold appropriations to the bone and thus to help as far as our limitations would permit in bringing relief to the country from debt and taxation.

The debt situation, after all, is not as gloomy as some of our friends would have it appear when we consider that substantial recoveries may be expected from a part of the governmental expenditures that have been in the form of loans through Government corporations and credit agencies.

THE DEBT PICTURE

Let us look for a minute at the debt picture. President Roosevelt in his Budget message, delivered at the opening of this session, estimated that on July 1 next the gross public debt will be $30,933,000,000 and that on July 1, 1937, it will be $31,351,000,000.

The United States Government has a proprietary interest in Government corporations and credit agencies amounting at the present time to $4,492,000,000. If these assets were liquidated at their face value, the estimated public debt as of July 1 next could be reduced to $26,441,000,000. Now, let us take inventory of additional assets, if any, which could be applied to debt retirement.

We have the gold stabilization fund that could be so applied. Of the original stabilization fund of $2,000,000,000 there have been relatively small expenditures amounting to $200,000,000, so that $1,800,000,000 remains. If Congress should so decree, that amount could be applied to reduction of the public debt.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. Certainly.

Mr. PETTENGILL. Does the $200,000,000 which has gone out of the stabilization fund represent a loss to the Government or is it a recoverable asset?

Mr. LUDLOW. The gold-stabilization fund is a peculiar fund.

Mr. PETTENGILL. Nobody knows very much about it.

Mr. LUDLOW. I cannot answer the question intelligently because I do not know. I do know, however, that under the gold-stabilization fund amounting originally to $2,000,000,000, two hundred million is all that has been expended for purposes which I assume are known only to the Secretary of the Treasury and the President for purposes which were contemplated by the Congress at the time the fund was created, administrative purposes, regarding which I understand there is no report made to Congress or to anyone.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield further?

Mr. LUDLOW. With pleasure.

Mr. PETTENGILL. The gentleman speaks about the increase of the postal business, which reflects the increase of business transactions of the Nation. Does this increase of postal revenues cause a further loss to the Department? In other words, do not these revenues tend to offset the cost of additional business?

Mr. LUDLOW. It is necessary, of course, to take on additional personnel in order to collect these revenues; and, if this is what the gentleman means, it is a charge against the revenues.

Mr. PETTENGILL. But the gentleman said that there was extra cost on account of the additional employees. My question is, Will not the increased revenues more than offset the cost?

Mr. LUDLOW. I think the gentleman is quite right. I shall come later to the estimated revenues of the Department, and I think I shall be able to throw some light on the matter of interest to him at that time.

Mr. PETTENGILL. I want to compliment my friend for the splendid statement he is making. The gentleman from Indiana is one of the most useful Members of the House. I thoroughly endorse the views he is now expressing with reference to economy; and now that the emergency is over, getting this country back upon the standard of governmental expenditures that formerly prevailed.

Mr. LUDLOW. I thank my esteemed colleague for his contribution.

Mr. FIESINGER. Mr. Chairman, will the gentleman yield for one question?

Mr. LUDLOW. I yield.

Mr. FIESINGER. Do I understand that the revenues of the Post Office Department offset the expenditures?

Mr. LUDLOW. If it is agreeable, I will come to that in regular order a little later on.

Mr. FIESINGER. I do not want to interrupt the gentleman's presentation.

Mr. LUDLOW. Then we have the tidy sum of $276,130,721.60, which represents the seignorage on silver. This sum is carried as a separate account in the Treasury, and could be applied to debt retirement. These three items—recoverables, gold-stabilization fund, and seignorage on silver—represent all of the available assets that might be used for debt retirement, unless we consider in that connection the cash balance in the Treasury, which is something more than $2,133,000,000.

It is my purpose to be entirely fair, however, and I will say that I do not believe that any part of the cash Treasury balance should be regarded as assets that might be applied to debt retirement for the reason that there are many charges against the cash balance in existing appropriations and in appropriations that are on the way, so I think in all fairness that balance should be regarded as already obligated in its entirety.

If the recoverable assets were liquidated at their book value to the United States and if, in addition, the gold stabilization fund and the seigniorage on silver were applied to debt retirement, the President's estimate of a gross public debt on July 1 next of $30,933,000,000 would be reduced to $24,364,869,278.40, which is around $2,000,000,000 less than the high peak of the national debt after the World War.

THE OUTSTANDING RECOVERABLES

The percentages of recoveries of outstanding Government loans will, of course, vary. For instance, the recoverable percentage of crop production and seed loans will be much less than the recoverables of the Reconstruction Finance Corporation or the Public Works Administration.

I will state at this point that I have communicated with the heads of all these establishments that handle Government loans and credits, and I have received from each one an estimate of the amount of recoverables that come under its particular supervision. I am sure the Members will find them to be a very interesting compendium of information on this subject.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield at this point?

Mr. LUDLOW. With pleasure.

Mr. PETTENGILL. Will the gentleman give us his estimate as to the net balance of the present outstanding national debt after applying to the debt the recoverables of which the gentleman has spoken?

Mr. LUDLOW. I was just coming to that. Of a total of $359,663,606 of crop production and seed loans that have been made, the recoverables to date have been $187,852,822, or 52.23 percent of the face of the loans, and of $171,810,784 outstanding in such loans on December 31 last, it is estimated by the Farm Credit Administration that $40,600,000 will be recovered. In regard to Resettlement loans, R. G. Tugwell, Resettlement Administrator, writes to me:

> Every effort is being made to insure the greatest possible recovery of our loaned assets by carefully supervised regulations requiring the security in all cases to be adequate to protect each individual loan as far as such security is practically possible. It is difficult to determine accurately the amount of recoverables from such loans, but it has been estimated that approximately 75 percent of these loans should be recoverable.

In regard to Public Works Administration loans Horatio B. Hackett, Assistant Administrator of that activity, says in reply to an inquiry:

> At the present date, it would be difficult to ascertain the amount of default with any degree of accuracy. However, an estimate of approximately 5 percent should amply cover any anticipated losses from defaulted security issues.

The total volume of loans made by the Public Works Administration to December 31 last was $496,859,895.20.

JONES EXPECTS NEARLY ALL LOANS TO BE REPAID

Jesse H. Jones, head of the Government's largest lending agency, the Reconstruction Finance Corporation, says in a letter to me that it is impossible at this time to estimate the ultimate amount recoverable of loans and other investments of that corporation now outstanding, but he adds, hopefully:

> However, it is my feeling that nearly all of this amount will ultimately be repaid.

HOME OWNERS' LOAN RECOVERABLES

There has been a great deal of speculation, much of it perhaps unduly pessimistic, over the amount of money the Government probably will recover on loans made to save homes through the Home Owners' Loan Corporation.

I have been advised by John H. Fahey, Chairman of the Federal Home Loan Bank Board, that as of January 16 this year the corporation has closed a total of 979,177 loans involving $2,962,810,947.

In reference to the probable recoverables on these loans Chairman Fahey says in his letter to me:

> In reply to your request as to our estimate of total recoverables, I wish to say that no very accurate figures can be given at this time which might properly reply to your inquiry. On the volume of approximately one million loans which have been made by the Corporation, it is estimated that the differential between the interest received from our mortgagors and that paid on the H. O. L. C. bonds will probably fully cover the entire overhead and cost of operation of the Corporation, after setting up a reserve which should be sufficient to take care of possible losses. Thus, with normal recovery of the general conditions throughout the country, the operation of the Corporation should be wholly or nearly self-sustaining.
>
> While the Corporation has been forced to institute a number of foreclosures, and we anticipate that there will be many more in the future, due principally to the fact that individuals whose loans have been refinanced will not be able to carry out their contracts with the Corporation, or willfully default their mortgages, collections are now being made satisfactorily and the percentage of delinquency is decreasing from month to month, and such delinquency represents a showing comparing most favorably with like collections by private lending institutions throughout the country. This is particularly true when there is taken into consideration the fact that in practically all cases our loans were made under distress conditions and to home owners often after having an accumulation of liens against their properties.
>
> I call your attention particularly to the fact that from month to month current collections are improving and our borrowers are catching up on their past delinquencies to the Corporation. This represents a very gratifying situation.

Making liberal allowance for defaults in the payment of Government loans, I think it is a safe, conservative estimate that we have in sight $5,000,000,000 that could be applied to debt retirement if Congress should so decide, reducing the public debt to less than $26,000,000,000, based on the President's estimate of the size of the public debt on July 1 next.

BUDGETARY CALCULATIONS THROWN OFF TRACK

This résumé of the debt situation, however, is subject to revision upward for the well-known reason that recent happenings have thrown all budgetary calculations off the track. The Supreme Court, by its A. A. A. decision, has knocked estimates awry in one direction, while the passage of bonus legislation by the Congress has added its jolt to the Budget column of liabilities, and beyond these substantial unbalancing factors there is the further uncertainty as to the amount it will be necessary to spend for relief. If we add to the President's total of $31,351,000,000 estimated public debt on July 1, 1937, a refund of $1,000,000,000 for processing taxes, the amount necessary to pay the bonus, and a large relief appropriation, we may have a public debt as high as $36,687,000,000 at the beginning of the next fiscal year, as an offset against which we have our $5,000,000,000 of recoverable and other assets.

This total debt liability would include a charge of $2,200,000,000 to pay the bonus. It would also allow $2,136,000,000 for relief, the maximum hinted in the President's Budget message for that purpose, though there are many who are convinced that relief appropriations will not be necessary in anywhere near such a large amount. It is believed that we shall not know before March the amount the Congress will be asked to appropriate at this session for relief purposes.

SOME THINGS WORSE THAN BIG EXPENDITURES

The spending has indeed been enormous—much greater than many of us approved—but, regrettable as it is and important as it is that such drafts on the Treasury shall not

occur again, there are, after all, some things that are worse than big expenditures. Revolution is worse than big expenditures. Starvation stalking through the land is worse than big expenditures. Who can say that the money paid out so lavishly, and in some instances, I think, unwisely, may not have staved off something immeasurably worse than anything this country ever has experienced? Anyway, the hungry have been fed and the naked have been clothed, and the situation has been handled so that in a depression as black as midnight peace has reigned and the faith of the people in their Government has been maintained. [Applause.]

If an orderly recovery emerges from this debacle, with its blessings of contentment and prosperity, I for one shall not quibble over the financial cost, but whether it does or not, I shall always love Franklin D. Roosevelt for his unfailing humanitarianism. [Applause.]

Mr. FIESINGER. Will the gentleman yield?

Mr. LUDLOW. I yield to my friend from Ohio.

Mr. FIESINGER. When the gentleman is considering the public debt, may I say that about $5,000,000,000 of that was created through deficits in the former administration.

Mr. LUDLOW. I thank the gentleman for his observation.

Mr. PETTENGILL. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Indiana.

Mr. PETTENGILL. The prospective increase of the national debt on account of the bonus legislation does not accurately state the picture. When the Adjusted Compensation Act was passed in 1925 it became a deferred liability of the Government right then and there and could properly have been carried as an item of the national debt from that time forward.

Mr. LUDLOW. I think that is true.

HOPE FOR FUTURE IF ECONOMY IS OBSERVED

What has been done has been faithfully done. It has been done with good intent, and the marvel of it all is that throughout the Government's vast operations, put in motion by the Executive to induce recovery, no breath of scandal has touched the performance. With the year 1936 now full upon us, the emergency program is rapidly becoming past history, and we are facing a new era when the indicated order calls for tapering off emergency measures as rapidly as possible and a return to old-fashioned economy in government which is so much needed to give tone and confidence to business. [Applause.] I predict that if this program is followed we will have a recovery that will be a real recovery, introducing an era of prosperity with new ideals of social justice and with as bright prospects as we have ever known in our 147 years of existence as a nation.

GOOD SHOWING MADE BY POST OFFICE DEPARTMENT

Passing from the Treasury Department and the atmosphere of national finance, let us consider briefly the general operations of the Postal Service, to endeavor to ascertain whether that Service is functioning in a businesslike way, or vice versa. The Post Office Department is one department of government that has received no emergency money whatever, and which, figuratively speaking, is running on its own steam. That Department collected $630,795,301.97 in revenue during the fiscal year 1935, an increase of $44,000,000 over the fiscal year 1934. This is the first increase in postal revenues since 1930.

The expenditures of the Postal Service in 1935 were $696,603,252.70, leaving a gross audited deficit of $65,807,950.73. If we were to deduct from the expenditures the nonpostal items, including ocean-mail subsidies under the Merchant Marine Act, air-mail subsidies, frank and penalty mail, etc., we will find that the Department operated during the last fiscal year with a surplus of $4,964,149.31.

If Congress were to assign to the Post Office Department the task of digging a canal across the Isthmus at Nicaragua at a cost of half a billion dollars no one would think that that large amount should be debited against the operations of the postal establishment, and yet that is exactly what we do, only in lesser degree, when we charge such items as merchant-marine subsidy, $28,292,841, against the postal revenues. It seems to me that if we are to appraise the management of the Post Office Department on a basis of absolute fairness, as I am sure all of us desire to do, we should eliminate such items as merchant marine subsidy in our summation of the operation of the Service and give to that operation the credit of a surplus of $4,964,149.31 in the fiscal year 1935.

For the fiscal year 1937 the Post Office Department estimates an income of $705,000,000 which, it singularly happens, was the identical income of the Postal Service in the fiscal year 1930.

Now let us compare the postal expenditures of the 2 years, 1930 and 1937. In 1930 the expenditures were $803,700,085.58 and the amount provided in the bill now before you for the fiscal year 1937 is $778,140,684. In other words, with the same receipts in 1930 the estimated expenditures for 1937 carried in this bill are $25,559,401.58 less than the actual expenditures in 1930 and the estimates submitted by the Department for 1937 were $20,000,000 under the actual expenditures in 1930.

TWO COMPARABLE YEARS

These 2 years, 1930 and 1937, appear to be, as nearly as we can judge, in every way comparable and the fact that the expenditures for 1937 promise to be over $25,000,000 less than in 1930 is, I submit, an indication that the Department is operating under good business management. There have been heavy added costs of operation since 1930 incident, first, to the 44-hour week and then the 40-hour week, necessitating new and large increases in postal personnel to offset the reduction in hours and in addition to that the Department has to assume a public-building expense of more than $20,000,000 in 1937 that did not exist in 1930. On the other hand there has been an increase of letter-postage rate since 1930 with debatable results as far as increase of revenue is concerned, but I think it is only fair to point out, for such interpretation as may be given to it, the fact that with identical revenues in 1930 and 1937 the Department will spend $25,000,000 less in 1937 than in 1930. The estimated increase in 1937 on account of the 40-hour week is about $27,000,000, and the estimated added cost of operation on account of increased business and other items is around $16,000,000.

AIR-MAIL CONTRACTORS NOW "IN THE BLACK"

While we are discussing the Postal Service in a general way I deem it pertinent to call attention to the fact that we reduced the Budget estimate for contract Air Mail Service by a quarter of a million dollars, allowing for that service during the next fiscal year $12,000,000 as against $10,700,000 appropriated for the fiscal year 1935 and a budget estimate of $12,250,000 for the fiscal year 1937.

We made this cut for the reason that we do not think that $12,250,000 will be necessary to cover the contract obligations of this service in the next fiscal year. We base this hope on the well-known fact that increased business is bringing the air-mail contractors out of the red and putting them in the black. Under the law, the Interstate Commerce Commission fixes all of the rates for carrying contract air mail. It must review all of the contracts at least once a year, and while it cannot raise rates above a ceiling established by Congress, it may otherwise adjust rates to whatever basis it may find to be just and equitable, and it has the authority to take up any contract at any time and fix a new rate.

In view of increasing business in the transportation of freight and passengers, as well as the mails, we hope and believe that the Interstate Commerce Commission will find it possible to reduce compensation of air-mail carriers, at least to the point of absorbing the cut we have made in this estimate. In any event the rights of the contractors are in nowise jeopardized, as under the law they must be paid whatever amounts the Interstate Commerce Commission finds to be due them and if they do not get that amount on the regular bill they will get it on a deficiency bill, and this cut will not in any way impair the Air Mail Service.

MERCHANT MARINE CONTRACTS

We have allowed for foreign-mail service under the Merchant Marine Act of 1928 the full amount of the Budget

Estimate, $26,500,000. This service is a matter of contract and the total amount that would be required to carry out the contractural obligations in the fiscal year 1937 on a basis of 100 percent performance would be $33,100,008.50. However, the Post Office Department is reviewing these contracts to ascertain whether the companies are meeting the legal requirements and with the prospects of lower costs now in sight it is unnecessary to appropriate the full amount.

The Budget cut the item to $26,500,000, and that is the amount we have allowed. The whole ocean-mail picture will be changed if Congress passes the administration bill, which would divorce merchant-marine subsidies from the postal operations; and meantime it would seem that a conservative policy would be wise while awaiting developments. Further along in my discourse I shall discuss Alaskan and South American air mail.

I desire now to bring to your attention some of the most important cuts we have made in the preparation of this appropriation bill and to explain the reasons for the same.

MINUS SIGN BEFORE EVERY ITEM

If you will look at the report you will find a comparative statement of the amounts appropriated for the fiscal year 1936, the Budget estimates for the fiscal year 1937, and the amounts carried in this bill for the fiscal year 1937. The extreme right-hand column of that table sets forth the various amounts by items by which this bill differs from the Budget estimates for the fiscal year 1937. If you will run your eye down that column you will see that every item in it has a minus sign before it. This means that in every instance where a change in the Budget estimates was made by your subcommittee the change was downward. In not a single solitary instance have we increased the Budget.

We cut the estimates for the Treasury Department $6,175,155 and the estimates for the Post Office Department $5,768,465. The total cut in the Budget estimates for the two Departments is $11,943,620. The Budget Bureau sent to us a billion dollar plus bill or, to be exact, a bill carrying $1,001,567,449 for the two Departments and the cuts we have made reduce the amount proposed for the two Departments to $989,623,829.

LARGE ACCRETIONS TO PERSONNEL NOT FAVORED

Ever mindful of the condition of national finances and the necessity for holding governmental expenditures to the very minimum, your subcommittee drew a line against making large additions to the permanent personnel of the Government and against the inauguration of new services which would impose heavy fixed permanent charges on the Treasury. We believe that in doing so we acted wisely and in accordance with the conservatism which the times seem to demand.

There are many activities of Government that would appear to warrant great expansion, and there are other proposed new activities that might be established if the Treasury were flush but which under existing circumstances may well be deferred until better times. With the exception of the period immediately following the World War, the number of Government employees now is larger than at any other period in the history of the country. To refuse large accretions to this heavy Government personnel and to reject, at least temporarily, elaborate schemes for new and costly governmental enterprises would seem to be a wise and salutary policy which is likely to produce heavy dividends in a return of public confidence.

"ACCELERATION PROGRAM" NOT APPROVED

A review of some of the important expansions and new activities passed by the Budget but which your subcommittee could not see its way clear to approve may be of interest. Under the head of "Internal Revenue Bureau" you will see that we made a reduction of $1,418,760 in the item of "Expenses of assessing and collecting taxes." The Budget recommended $49,931,740 and we allowed $48,512,980. The Bureau asked for $1,255,850 to carry on an "acceleration program", the objective of which is to reduce from 21 months to 15½ months the date between the filing of income-tax returns and the completion of the audit.

To have carried out this program it would have been necessary to add to the Government pay roll a large group of permanent employees, including 250 Internal Revenue agents at $2,600 each, 59 field deputy collectors at $1,800 each, and 70 junior stenographers at $1,440 each, making a total new personnel of 379 drawing salaries amounting to $857,000 every year. In addition, it would have been necessary to take on 1,025 temporary employees, 235 in Washington and 790 in the collectors' offices.

The principal argument in favor of the acceleration program was that it would be a convenience and advantage to the taxpayers, but while the proposed program may have merit your subcommittee believed that the greater interest of the taxpayers lies in the avoidance of such a fixed heavy annual charge on the Treasury. It was our thought that the placing of this additional heavy burden on the taxpayers would be too great a price to pay for an acceleration which, at most, would mean only 5½ months' difference in the time required for determination of tax liability. While we have not approved the acceleration item we have made generous and adequate allowance of the necessary personnel to take care of the added duties imposed on the Bureau of Internal Revenue and the needs growing out of anticipated increased business. This necessary added personnel includes 300 more storekeeper-gaugers, 10 clerks, and 2 stenographers.

In the 1936 Treasury Appropriation Act we gave the Internal Revenue Bureau 750 additional revenue agents and 265 additional stenographers, or an additional personnel of 1,015 employees, and we feel that with the further additional personnel carried in this 1937 bill the requirements of the Bureau are well provided for beyond any reason for complaint.

DECREASE IN COAST GUARD ESTIMATE

The Coast Guard brought to us an estimate for a large increase in airplane equipment. An elucidating and convincing statement was presented in regard to the value of aviation in the work of the Coast Guard. There is no doubt that the airplane is destined to play an increasingly important part in the Coast Guard of the future, being especially valuable for scouting purposes and the detection of smuggling. But airplanes of the types desired by the Coast Guard are costly.

A long-range plane with a cruising radius of from 1,500 to 2,000 miles costs $152,500, and smaller types in proportion. Coast Guard seaplanes must have strength built into them which is beyond the safety factors required in most commercial planes. Commercial planes carrying ship passengers expect smooth water to take off and smooth water to land on, whereas Coast Guard seaplanes must be prepared at all times to make rough-water landings.

The Coast Guard asked for $1,242,500 for additional airplanes including one plane at a cost of $152,500 to replace an amphibian plane that cracked up and 12 new planes for the air stations now being constructed from P. W. A. allotments at Charleston, S. C., and San Diego, Calif. The average cost of these 12 planes under the estimate submitted would have been about $90,000. There are now no planes at Charleston and three are being operated at San Diego.

It was the belief of your committee that the situation in the Service, and especially the condition of the Treasury, call for a more moderate expansion of Coast Guard aviation than is contemplated by this estimate. There are at the present time 43 very good planes in the Coast Guard Service. We decided to allow the replacement plane and five planes for the new air stations. To the San Diego station we allowed one long-range plane at a cost of $152,500 and one scout plane, $52,500, making a total of five planes, including the present equipment, at that station. To the Charleston station we allowed one long-range plane, $152,500; one intermediate plane, $135,000; and one scout plane, $52,500. By reducing the number of planes we cut the estimate from $1,242,500 to $697,500, a reduction of $545,000, and we feel assured that this substantial economy will in no wise adversely affect the normal development of Coast Guard aviation.

LARGE FORCE OF LAWYERS AND STENOGRAPHERS

The Federal Alcohol Administration appears in this bill for the first time, having succeeded the old Federal Alcohol Control Administration which went out of the picture when the Supreme Court passed death sentence on the N. R. A. The Federal Alcohol Administration has a function of establishing and maintaining fair practices in the wet-goods industries somewhat analagous to the Federal Trade Commission's function in regard to the correction of evil practices in industry in general. It has been our experience that bureaus, once created, seldom if ever grow smaller, but that the constant tendency is to expand, often in mushroom fashion, and take on additional personnel, and it perhaps was this knowledge that prompted us to scan the set-up of the new bureau closely to see that it did not start on too ambitious a scale.

Frankly, we were surprised by the size of the personnel estimated to be necessary to conduct this new bureau. There was brought before us with Budget approval an estimate for 190 persons and a salary roll of $446,780. This included a legal staff of 16 high-salaried lawyers, including a general counsel at $8,500 per annum, an assistant general counsel at $7,000, a chief attorney at $6,000, 4 principal attorneys at $5,200 each, a senior attorney at $4,400, 2 associate attorneys at $3,200 each, 2 assistant attorneys at $2,600 each, 3 junior attorneys at $2,000 each, and a senior law clerk at $2,300—a legal staff of 16 with salaries totaling $67,600 per annum, not to mention a public relations counsel at $6,000 additional.

It was our opinion that this set-up included altogether more high-paid lawyers than were necessary, especially in view of the fact that the Treasury Department, to which this new bureau is attached, has a general counsel and a large legal staff under him. The estimate also provided for a stenographic staff which seemed to us to be out of proportion, including 2 reporting stenographers at $2,000 each, 14 principal stenographers at $1,800 each, 35 senior stenographers at $1,620 each, and 17 junior stenographers at $1,440 each, or a total of 68 stenographers with salaries aggregating $110,380 a year.

Believing that too many persons were provided for on the salary roll of this new Bureau we cut $150,000 from the estimate, reducing it to $400,000, and directed a corresponding cut in personnel.

The Public Health Service brought in an estimate of $1,500,000 for diseases and sanitation investigations under the new Social Security Act. We reduced the amount to $1,155,160, thus bringing it into harmony with the amount carried in the deficiency bill for five-twelfths of the current fiscal year. We believe that this reduction will in no way annul the purposes of the Social Security Act and that it is in accordance with prudence and good policy.

The investigations will be multilateral and will take a wide scope, embracing numerous problems of sanitation and studies of about all of the diseases, communicable and otherwise, that flesh is heir to. It is reasonable to expect that it will be a long time before all of the machinery necessary to conduct these prolific and varied searches for knowledge can be geared to full operation, and no harm can result from making appropriations on a gradual basis but, on the contrary, that would seem to be the business way to proceed.

POST-OFFICE INSPECTION FORCE

In pointing out unusual items which we have brought under the economy ax, I call attention to the fact that we had before us an estimate for 100 additional post-office inspectors. The present inspection force is 555. The chief inspector devoted many pages of justifications to show that these additional 100 inspectors should be allowed, thus increasing the force from 555 to 655. The argument used was that this increase would contribute to postal efficiency and to protection of the postal revenues. No direct financial income would result, as the inspection service is not a revenue-producing agency.

Your subcommittee has a full appreciation of the good work done by the inspection service and of its importance in the scheme of postal organization, but in a time like the present, when governmental revenues are falling so far behind governmental expenses, we could not see our way clear to add such a large group to the permanent personnel of the Federal Government, thus imposing on the taxpayers an additional fixed annual charge of $310,000. We reduced the estimate by four-fifths and allowed 20 new inspectors. We believe that this addition to the force will allow most of the inspectors now in the service to catch up on their leave and will furnish the talent that will enable the Department to conduct a number of contemplated investigations looking toward further eliminations of postal frauds and general improvement of the service.

AIR-MAIL EXPANSION PLANS DEFERRED

Certain other items which we disallowed were in the nature of proposed expansions of the Air Mail Service in Alaska and South America. We felt that those improvements, important and desirable as they may be, should await the coming of better times. One of these proposals was for the establishment of four additional air-mail routes in Alaska, a stem line from Ketchikan to Fairbanks via Tanacross and three branches, or feeder lines, one from Fairbanks to Nome, one from Fairbanks to Bethel, and the third from Tanacross to Anchorage, at a total cost of $242,000 per annum. This service, as proposed, would have been entirely extra and in addition to the Air Service now operating in Alaska.

Second Assistant Postmaster General Harllee Branch, a well-informed student of Alaskan affairs who has visited the sections to be tapped by these proposed routes, entertained our subcommittee with a very interesting and informative as well as enthusiastic presentation of the possibilities of air mail as the leading factor in the future development of the Territory of Alaska. He justified the expenditure of $242,000 per annum for these additional routes on the ground that it is necessary as a "pioneering" movement and that Alaska will never be opened and developed as it should be without this service. Alaska has 62,000 inhabitants, of whom between 30,000 and 40,000 are white. When asked what revenue might be expected from this new service, Mr. Branch said:

> There would be no additional revenue except such as would come from the increased volume of mail. There would be no direct revenue.

It is obvious that the revenue that might be expected would be but a mere bagatelle compared with the cost of this extra service and your subcommittee decided that the proposal should be put over without prejudice until a more propitious time. Likewise we decided that we would not at this time increase the frequency of air-mail service to the east coast of South America—an expansion for which $267,500 was estimated and which Mr. Branch, the Second Assistant Postmaster General, said would probably run ultimately to around $400,000 a year.

While much was said in favor of this extension as a means of improving our trade and political relations with South America the fact remains that there is almost $5,000,000 of subsidy per annum in the foreign air-mail service under existing contracts. While the Post Office Department recommended this expansion of South American air mail the Second Assistant Postmaster General seemed to be somewhat uncertain both as to the urgency and as to the cost of this additional service. In his testimony (page 275 of the hearings) he said:

> One particular thing we are trying to make up our minds on—and it seems to be important—is the advisability of another schedule down the east coast of Central and South America. We have one schedule down the east coast now.

Under the circumstances we decided that this is a matter that may be deferred, at least, until more definite information is obtainable showing the cost of this extra service. Meanwhile we have made provision in this bill to carry on the South American air mail in full operation under existing schedules.

EMERGENCY BANKING, GOLD RESERVE, AND SILVER PURCHASE

Your subcommittee believed that emergency banking is a diminishing activity which soon should vanish from the picture, and in order to facilitate the tapering-off process and

to bring the appropriation under the Emergency Banking, Gold Reserve, and Silver Purchase Acts down to what we regard as proper proportions we reduced the estimate from $1,662,800 to $1,499,190, a cut of $163,610.

There was involved in this estimate of $1,662,800 considerable personnel which seemed to us to be excessive, including a force of 31 stenographers and clerks, with salaries of $54,860, merely to handle the correspondence of the activity. This correspondence was described in the justifications as "several hundred letters daily", and we did not believe that 31 persons are required to dispose of such a volume of mail, since there are days when Members of Congress, with the limited force allowed them, are required to attend to hundreds of letters.

We also have clarified the situation in regard to this appropriation by distributing the sum allowed among the various Treasury Department bureaus and offices concerned with the administration of the Emergency Banking Gold Reserve and Silver Purchase Acts instead of carrying the entire amount in a lump to be apportioned administratively, as heretofore. We believe this is advisable not only from the standpoint of clarification, but that it will assist in closing out such parts of the activity as should be closed.

Mr. Chairman, this is a very large bill and provides for very many services. Obviously, in the presentation of it to the House I can only cover the ground poorly and mention some of the main outstanding features, which I have sought to do. I thank the Members very kindly. [Applause.]

Mr. PETTENGILL. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Indiana.

Mr. PETTENGILL. I am not able to agree with the gentleman's last statement. It is my belief he has made one of the most comprehensive and clear statements on an appropriation bill that I have ever listened to, and, as I estimate, the work of the subcommittee of which the gentleman is chairman in reducing the Budget allowances shows an average saving of about $30,000 to every congressional district in this Nation. I feel very sure the gentleman's constituents will recognize this as a real service to the country.

Mr. LUDLOW. I thank the gentleman.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 10919, the Treasury and Post Office Departments appropriation bill, had come to no resolution thereon.

SUPPLEMENTAL APPROPRIATION BILL, 1936

Mr. TAYLOR of Colorado submitted the following conference report on the bill (H. R. 10464) making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10464) making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 17, 18, 23, 30, 34, 36, 37, 41, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 9, 10, 11, 15, 16, 20, 21, 22, 26, 27, 28, 29, 31, 32, 35, 38, 39, 40, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, and 61; and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "attorneys of record for the contestant, to wit: Grant P. Hall and George H. Williams"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "each; in all, $1,200"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Printing and binding: For the printing of 10,000 additional copies of No. 71–A of Senate Document 92, Seventieth Congress, first session, $2,800."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lines 7 and 8 of the matter inserted by said amendment strike out the word "purchase," and after the word "maintenance" in line 8 strike out the comma; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment, strike out the following words: "any purpose in connection with the"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 12, 13, 24, 25, 33, 62, and 63.

EDWARD T. TAYLOR,
C. A. WOODRUM,
JOHN TABER,
Managers on the part of the House.

ALVA B. ADAMS,
CARTER GLASS,
KENNETH MCKELLAR,
FREDERICK HALE,
HENRY W. KEYES,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10464) making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On nos. 1 to 8, inclusive, relating to the Senate: Appropriates for expenses of the Senate in the amounts and for the purposes set out in the Senate amendments with the exception of amendments nos. 7 and 8. The House bill provided payments of $600 each to three attorneys of record for the contestant in the West Virginia contested-election case. The Senate amendment provided for payment of $600 to one such attorney. The conference agreement provides for payment of $600 each to two such attorneys—Grant P. Hall and George H. Williams.

On nos. 9, 10, and 11, relating to the Library of Congress: Appropriates $3,800 for printing the index and digests of bills pending in the second session of the Seventy-fourth Congress and $443.55 for care and maintenance of the Library building.

On no. 14: Appropriates $2,800, as proposed by the Senate, for printing 10,000 additional copies of no. 71-A of Senate Document 92, Seventieth Congress, and strikes out the appropriation of $50,000 proposed by the Senate for printing 1,000 additional copies of each of those numbers of Senate Document 92, Seventieth Congress, which are out of print or the supply of which is about to be exhausted.

On no. 15: Appropriates $50,000, as proposed by the Senate, instead of $40,000, as proposed by the House, for the George Rogers Clark Sesquicentennial Commission.

On Nos. 16 to 19, inclusive, relating to the Veterans' Administration: Strikes out the transfers of funds of $30,000 and $140,000, respectively, proposed by the Senate, in connection with the naval hospital at Portsmouth, N. H., and the United States marine hospital at New Orleans, La., and inserts the appropriation of $5,500,000, proposed by the Senate, for administrative expenses in connection with the Adjusted Compensation Payment Act, 1936.

On nos. 20 and 21, relating to the government of the District of Columbia: Appropriates $5,250 and $2,250, respectively, as proposed by the Senate, for the filtration system at the workhouse and reformatory.

On nos. 22, 23, 26, 27, 28, 29, 30, 31, and 32, relating to the Department of Agriculture: Appropriates $1,276,709, as proposed by the Senate, for fighting and preventing forest fires; strikes out the appropriation of $33,000 inserted by the Senate for sea-food inspection; and makes clarifying changes, as proposed by the Senate, in connection with the appropriation for payments for agricultural adjustment with the exception of "law books, books of reference, directories, periodicals, and newspapers" where "purchases and exchange" are confined to "past" transactions, as provided by the House bill.

On no. 34: Strikes out the appropriation of $60,000, inserted by the Senate, for a fish-cultural station in the State of Nevada.

On nos. 35, 36, 37, and 38, relating to the Department of the Interior: Appropriates $15,000, as proposed by the Senate, for the

Ackia National Memorial Commission and Battleground National Monument; strikes out the authority, proposed by the Senate, for expenditure, without matching, of the appropriation for grants to States for cooperative vocational rehabilitation of persons disabled in industry; appropriates $4,500, as proposed by the House, instead of $9,000, as proposed by the Senate, for administrative expenses of the office of education in connection with vocational rehabilitation; and strikes out, as proposed by the Senate, in connection with the Bituminous Coal Commission, the House limitation which was to be effective in the event of the determination of the unconstitutionality of the Bituminous Coal Conservation Act of 1935.

On nos. 39 and 40: Appropriates $2,291.87, as proposed by the Senate, instead of $120.29, as proposed by the House, for payment of claims for damages by collision with naval vessels certified to Congress after the bill had passed the House.

On nos. 41, 42, 43, and 44 relating to the Treasury Department: Appropriates $750,000, as proposed by the House, instead of $851,000, as proposed by the Senate, for expenses under the Emergency Banking, Gold Reserve, and Silver Purchase Acts; inserts the appropriation of $6,678,375 for administrative expenses in connection with the Adjusted Compensation Payment Act, 1936; appropriates $180,000, as proposed by the House, instead of $225,000, as proposed by the Senate, for salaries and expenses of the Federal Alcohol Administration; and strikes out, as proposed by the Senate, the House item of $200,000 for purchase of premises designated at 1724 F Street NW., Washington, D. C.

On nos. 45 to 61, inclusive, relating to judgments and authorized claims: Appropriates, as proposed by the Senate, for payment of claims for damages to private property ascertained and determined by administrative action as provided by law, for judgments rendered against the United States, and for audited claims allowed and certified by the Comptroller General, as provided by law, all certified to Congress after the bill had passed the House.

The committee of conference report in disagreement the following amendments of the Senate:

On no. 12: Making an additional appropriation of $75,000 for the California Pacific International Exposition.

On no. 13: Making the appropriation for the Central Statistical Board available from and including January 16, 1936.

On no. 24: Making $12,500 of existing appropriations of the Department of Agriculture available for payment of expenses of the North American Wildlife Conference, February 3–7, 1936.

On no. 25: Making clear that payments to cotton ginners, as proposed by the bill, may be made notwithstanding the repeal of the Bankhead Act.

On no. 33: Clarifying the authority of the Secretary of Agriculture to make purchases of agricultural commodities and products thereof under section 32 of the act of August 24, 1935.

On no. 62: Amending section 1 of the Emergency Relief Appropriation Act of 1935 by providing that funds under limitation (g) of such section (loans or grants, or both) may be expended upon the Federal Highway system without being apportioned in the manner required by such act.

On no. 63: Changing a section number of the bill.

EDWARD T. TAYLOR,
C. A. WOODRUM,
JOHN TABER,
Managers on the part of the House.

REPORT OF MINORITY MEMBERS OF AGRICULTURAL COMMITTEE

Mr. TABER. Mr. Speaker, I ask unanimous consent that the minority members of the Agricultural Committee may have until midnight tonight to file a report on H. R. 10835, the report to accompany the majority report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

COERCION OF TEACHERS

Mr. YOUNG. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered by my colleague the gentleman from New York, Mr. SISSON.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. YOUNG. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address, which was delivered by my colleague, Hon. FRED J. SISSON, representing Thirty-third District of New York, at a meeting sponsored by a politically nonpartisan body, Independent Legislative Bureau, held at the Cosmos Club, Washington, D. C., on Monday evening, February 3. At this time 14 Members of the House of Representatives were present, the United States Commissioner of Education, the executive director of the National Youth Administration, the president of the school board of the District of Columbia, and numerous others engaged in educational work locally and nationally. Mr. SISSON said:

The request has been made of me that I should briefly state the present situation regarding the coercion by Congress of teachers and the suppression of fact and truth in the public schools of the District of Columbia—if such coercion exists—and the reasons that impelled me to introduce a bill in the House of Representatives affecting this situation. In order that the present situation may be more clearly understood a brief recital of the legislative record should be made. Probably many, perhaps all, of the facts contained in both the record and involved in the situation are known to those here who are interested in or responsible for the right sort of education being carried on in the public schools of the District. It is, however, of course, desirable that the public also, both in the District and outside of the District, should know all the essential facts.

Several years ago Dr. Ballou, superintendent of schools of the District, inaugurated a forward-looking experiment in teaching in the schools known as character education. This was, as I understand it, a special course intended to be given to selected teachers on new methods of instruction. During the course of this experiment several consultants were employed by the school authorities to present their views. One of these was Dr. W. W. Charters, a national figure in education and the author of many monographs in his field. It appeared that Dr. Charters had, at one time, held by exchange with American universities an exchange fellowship for a year at the University of Moscow. An already alarmed Member of the House, apparently by reason of this fact alone and without any real evidence at all to support it, drew the conclusion that Dr. Charters was in sympathy with communism. By reason of his position on the subcommittee which has charge of appropriations in the District of Columbia this Member has been able to exert considerable influence regarding appropriations for public schools in the District.

He was able at the last session of Congress to bring it about that an item of $87,000 to continue the character-education experiment which had been approved by the Budget Bureau was killed in the House Appropriations Subcommittee on the District appropriations.

When the bill got over in the Senate the appropriation of $87,000 was restored, and it then became a matter for the House and Senate conferees on the appropriation bill to iron out in conference. The now partly reassured Member finally agreed with the conferees to allow the continuance of the appropriation if he could put in the bill a safeguard against the teaching of communism. It was then that the now famous—or more properly infamous—rider in the District appropriation bill was inserted. But it was inserted so as to apply not to the experiment alone in character education but to the entire school system; and at the instance again of the alarmed Member the word "hereafter" was put in so as to make it permanent legislation. When the conferees returned the bill to the House the conference report was accepted with little or no debate and with only a few Members present. No one raised any objection, either in the Senate or the House, to the inclusion of this rider, for the simple reason that not more than 25 Members of Congress knew anything about it.

It is common knowledge that the House ordinarily takes little or no interest in District legislation. No one expected, or had any reason to expect or suspect, outside of those who were in on the "know", that an important provision of substantive law coercing teachers and suppressing academic freedom would be slipped into an appropriation bill. A point of order could have been made against it upon the ground that it was permanent legislation in an appropriation bill, and there were unquestionably many scores of Members in each branch of Congress who would have done so had they known of it. The conference report was accepted in the House and Senate on the same day, June 6, shortly after the conferees had concluded their meeting.

On June 14, with the signature of the President who, of course, could not take out this rider without vetoing the whole appropriation bill, the bill became a law and the rider became permanent law.

In order to further understand the situation and the lack of openness and straightforwardness in which this important legislation was passed, a further reference to the legislative record, as shown in the statute, is necessary. I do this by quoting literally the language of the particular paragraph. The appropriation bill for the District of Columbia passed at the last session is chapter 241 and covers about 33 printed pages. It is entitled, "A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1936, and for other purposes."

Under the heading of "Public schools" and under the subheading of "Miscellaneous" there appears the following paragraph which contains this famous or now, I trust, infamous rider, and I want you particularly to note the notations in the margin of such paragraph:

"Children of Army, Navy officers, etc., admitted free."	"The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside of the District of Columbia shall be admitted to the public schools without payment of tuition: *Provided*, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person teaching or advocating communism."
"*Proviso.* Restriction on salary payments."	

It is not without significance, in my opinion, that, contrary to the understanding which the alarmed House Member had with the

conferees, this applies not merely to the very fine experiment of Dr. Ballou in character education but also to all of the teaching in the public schools in the District of Columbia, and that it is contained in the same paragraph regarding furnishing of instruction free to the children of many thousands of Army and Navy officers who have their arduous posts here in Washington for our protection against invasion or seizure by an enemy. It is a fair and almost inescapable inference that the alarmed and excited Member was further alarmed and excited by some of the Jingoes, Jingoists and restrictionists who represent the Army and Navy lobby here and who are constantly sticking their noses into legislation.

To digress for a moment, I wish to say that while I think it is entirely proper and necessary that the generals and admirals should be called upon for advice in technical matters involving our military and naval defense, I have always objected to their attempted usurpation of the province of the State Department in matters involving our foreign and international policy. This is one of their first open incursions into the field of academic freedom and public-school education. I resent and shall oppose one as much as the other. However, their entire ignorance of the psychology of our young people is so dense that in this particular instance they are defeating their own purpose. In other words, instead of lessening the interest of young people in communistic ideas they are increasing and multiplying it manyfold.

No right-minded person believes that anyone should be allowed to advocate communism in the public schools. It is an insult, however, to the teaching profession and to the teachers of the District of Columbia to presuppose that it is necessary to forbid it. Moreover, the inclusion of the word "teaching" in addition to the word "advocating" would very likely carry with it the idea that students in the schools should not be allowed to gain the facts about the social, economic, or political systems of other countries. It can only be based upon the supposition that our young people are too feeble-minded to know the truth. The best way to combat communism or anything else which is destructive of our present order is not to cloak it in mystery or secrecy but to let the facts about it be known. To pass legislation to the effect that no mention can be made of the economic, political, or social system of Russia, for example, is the silliest kind of flapdoodle, and is a brand of 100 percent Americanism and pseudo-patriotism of the kind represented by the Know Nothing Party of former years so aptly described and condemned by Abraham Lincoln.

My bill retains the prohibition against the advocacy of communism in the public schools of the District of Columbia. It strikes out the word "teaching" and through that—and by reason of the provision in the bill to the effect that it shall not be construed to restrict or forbid the giving or supervising of instruction regarding the political, social, or economic system of any country—affirmatively permits giving the facts. My reason for retaining the provision against the advocacy of communism in the public schools is that it is already in the law, and I do not want to allow the false issue to be raised that either I, or anyone who favors the passage of my bill, advocate or sanction the advocacy of communism in the public schools. I am, of course, opposed to the repression of free speech, whether advocated by the Army, Navy, or any pseudo-patriotic organization.

I have been asked, as I have already indicated, to give my reasons for introducing this bill.

I have a great deal of respect for the teaching profession as one of the most useful and necessary of all lines of work. A great many years ago, before I became a lawyer, I was principal for some years of a small high school. For about 10 years of my life I was a member of a public-school board of education. I have always been opposed to allowing anyone to tinker with the public schools, even though they were doing it under the guise of patriotism. I have never seen anything but harm result from the coercion of teachers or the suppression of academic freedom. Those who seek to do this in the schools of America are copying the most objectionable features of the systems of government and the methods employed by the governments in some of the countries of the old world, the introduction of which systems they believe—or claim—they are combatting here. I do not believe in communism. I am opposed to it. I am, however, interested in the great experiment that is being carried on by a great people who, having overthrown the despotic rule under the czars, are attempting to work out their salvation by methods different from those which we employ in our country. The repressions, excesses, and abuses which have been employed in the communistic regime in Russia have certainly been no worse than those employed under former despotisms to which such champions as the alarmed and excited Member of the House did not so greatly object. My information is that the people of Russia are gradually working toward an ideal of a capitalistic economic system, with safeguards, from which even we might possibly learn some things.

The schools of the District of Columbia, the Nation's Capital, ought to be made a model of academic freedom and of freedom of speech and thought in this land where freedom of speech and of thought are supposed to be a part of the bedrock of our institutions. I know of none of our States which has seen fit as yet to adopt in their laws governing public-school education similar restrictions to those contained in this famous—or now, I trust, infamous—rider to the appropriation bill.

However, the reasons of which I have already spoken which impelled me to introduce this bill would not alone have been sufficient for me. I believe that the Board of Education, the Superintendent of Schools, and the teachers of the public schools in the District are capable of taking care of the education of boys and girls without any help or interference from me, or any other Member of Congress, so far as courses of instruction are concerned. I deplore the fact, therefore, that it is possible for any Members of Congress to stick their respective noses into these matters. My main reason for introducing this bill is that I am opposed to the method of legislation that was employed in bringing about the passage of this infamous rider, and that I feel that when any such method as this has been improperly employed it is a part of the job of Congress to correct it. I have a very high regard for the standing of the National Legislature. Contrary to a somewhat prevalent but erroneous public opinion, most legislation that passes Congress is very carefully considered. It is studied, considered, debated, and passed in the open. Our various legislative committees at some time or other in the passage of every major bill give an opportunity to and request experts and others, leaders of public opinion—and, so far as time will permit, the public generally—to appear before such committees and give what information or advice they may regarding such legislation. Such legislation is then again reconsidered before each of the two branches of Congress and debated in the open.

Occasionally, however, bills are introduced which are not well considered and which offend against freedom of speech and thought. Among such instances are so-called sedition and military disaffection bills and extremely repressive immigration or exclusion measures. It is a few of these bills, and a few of the publicity seekers who promote them, that lead some of our people to believe that Congress is made up of demagogues, repressionists, bigots, and race haters. Such measures, whether passed or not, expose Congress unjustly to the ridicule of the country by leading people to believe that the exception is the rule. There are now pending before Congress three bills of this type: A bill, for example, providing in substance for the deportation of all aliens in this country; a so-called military disaffection bill; and a so-called sedition bill. None of these bills, in my opinion, will ever be brought out of their committees and see the light of day any further than they have already; and if they do, I am very certain that they will receive the condemnation of the House of Representatives by overwhelming majorities. It was largely as an attempt to correct one of our own errors of omission that I introduced the bill to modify this famous, or rather infamous, rider.

NOT OBSTRUCTIONISTS

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point and include an editorial which appeared on Monday last in the Scranton Times, one of the most influential newspapers in the East. This editorial was written by the owner, Mr. Lynett, who is a most worthy citizen and has the respect of the entire citizenry of Pennsylvania. It is in answer to an attack upon me and some of my colleagues by a certain clergyman in a radio address last Sunday, in which he designated my colleagues and myself as obstructionists.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The editorial referred to follows:

NOT OBSTRUCTIONISTS

Because the strategy of House leaders just at the moment does not favor reporting out the Frazier-Lemke farm bill, leaders of the democratic majority—Speaker BYRNS, Majority Whip BOLAND, and Mr. O'CONNOR, of New York—are termed a "triumvirate of obstruction" by Father Coughlin. It appears that recently a petition was prepared to bring the bill on the floor of the House. Father Coughlin alleges that 27 of the 242 Representatives who signed the petition for release withdrew their names, and declares that BYRNS, BOLAND, and O'CONNOR were the prime movers in having these Members default.

It is part of Mr. BOLAND's duty as majority whip to see to it that no legislation is reported on the floor of the House until such time as the majority strategy calls for a report. With the administration working on a new farm-relief program, it is only natural that leaders should not want any other legislation reported out at this particular time to bedevil the situation. It is decidedly unfair, accordingly, for Father Coughlin, or any other critic of the administration, to charge men like BYRNS, BOLAND, and O'CONNOR with being obstructionists.

Without such a steering group to see to it that legislation is reported out in an orderly way, any program which the administration may have in mind for farm relief might easily be defeated. At least, there would be so much confusion as to endanger the end desired.

Speaker BYRNS, Mr. BOLAND, and Mr. O'CONNOR need make no apology for what they are doing in holding the Frazier-Lemke bill in committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. RABAUT, for an indefinite period, on account of death in family.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 277. An act for the relief of the Perkins-Campbell Co.; to the Committee on Claims.

S. 903. An act for the relief of the Holyoke Ice Co.; to the Committee on Claims.

S. 1645. An act to provide for the creation of a commission to examine into and report the clear height above the water of the bridge authorized to be constructed over the Hudson River from Fifty-seventh Street, New York, to New Jersey, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 1820. An act to provide warrant officers of the Coast Guard parity of promotion with warrant officers of the Navy; to the Committee on Merchant Marine and Fisheries.

S. 1828. An act for the relief of Mrs. Frank G. Sanford; to the Committee on Claims.

S. 2042. An act for the relief of Grace Park; to the Committee on Claims.

S. 2134. An act to prohibit employers from influencing the vote of their employees in national elections; to the Committee on the Judiciary.

S. 2912. An act to repatriate native-born women who have heretofore lost their citizenship by marriage to an alien, and for other purposes; to the Committee on Immigration and Naturalization.

S. 2941. An act for the relief of Izelda Boisoneau; to the Committee on Claims.

S. 2942. An act for the relief of John Hoffman; to the Committee on Claims.

S. 2943. An act for the relief of John Morris; to the Committee on Claims.

S. 3090. An act for the relief of Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne; to the Committee on Claims.

S. 3121. An act to vest in the Register of Copyrights the registration of copyright prints and labels; to the Committee on Patents.

S. 3313. An act for the relief of George W. Olney; to the Committee on Military Affairs.

S. 3430. An act to amend the act of January 5, 1927 (44 Stat. 932), entitled "An act for the relief of soldiers who were discharged from the Army during the Spanish-American War, the Philippine Insurrection, and the Boxer uprising because of misrepresentation of age"; to the Committee on Military Affairs.

S. 3683. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; to the Committee on Claims.

S. 3684. An act to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War; to the Committee on Claims.

S. 3687. An act to validate payments, and to relieve the accounts of disbursing officers of the Army on account of payments made to Reserve officers on active duty for rental allowances; to the Committee on Military Affairs.

S. 3688. An act to validate payments, and to relieve disbursing officers' accounts of payments made to Reserve officers promoted while on active duty; to the Committee on Military Affairs.

S. 3699. An act to authorize the coinage of 50-cent pieces in commemoration of the fiftieth anniversary of Cincinnati, Ohio, as a center of music, and its contribution to the art of music for the past 50 years; to the Committee on Coinage, Weights, and Measures.

S. 3737. An act to authorize the Secretary of War to acquire by donation land at or near Newburgh, in Orange County, N. Y., for aviation field, military, or other public purposes; to the Committee on Military Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3421. An act to authorize credit in disbursing officers' accounts covering shipment of privately owned automobiles from October 12, 1927, to October 10, 1929;

H. R. 3709. An act for the relief of the Norfolk Southern Railroad Co.;

H. R. 4805. An act authorizing adjustment of the claim of the Adelphia Bank & Trust Co. of Philadelphia;

H. R. 4858. An act for the relief of Edward Shippen West;

H. R. 6402. An act for the relief of Julia M. Crowell;

H. R. 7680. An act to amend the act of May 18, 1934, providing punishment for killing or assaulting Federal officers;

H. R. 7814. An act to authorize the Secretary of Commerce to grant to the State of California an easment over certain land of the United States in Tehama County, Calif., for highway purposes;

H. R. 7995. An act to authorize a preliminary examination of the Arkansas River and Fourche Bayou with a view to the control of floods in the vicinity of Little Rock and North Little Rock, Ark.;

H. R. 8515. An act to provide funds for cooperation with Sanish School District No. 1, Mountrail County, N. Dak., for extension of public-school buildings to be available for Indian children;

H. R. 9871. An act to amend an act entitled "An act providing for the participation of the United States in the California-Pacific International Exposition, to be held at San Diego, Calif., in 1935 and 1936; authorizing an appropriation therefor, and for other purposes", approved March 7, 1935, to provide for participation in the California-Pacific International Exposition, to be held at San Diego, Calif., in 1936, to authorize an appropriation therefor, and for other purposes; and

H. J. Res. 459. Joint resolution to amend the joint resolution entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes."

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 166. An act for the relief of Jack Doyle;

S. 246. An act for the relief of Elmer Blair;

S. 272. An act for the relief of William Frank Lipps;

S. 423. An act for the relief of Lynn Brothers' Benevolent Hospital;

S. 889. An act for the relief of Albert A. Marquardt;

S. 1010. An act for the relief of Fred Edward Nordstrom;

S. 1176. An act for the relief of Thomas A. Coyne;

S. 1298. An act for the relief of John Z. Lowe;

S. 1950. An act for the relief of the estate of Julius Crisler;

S. 2044. An act for the relief of the Hartford-Connecticut Trust Co., Inc.;

S. 2166. An act for the relief of Ludwig Larson;

S. 2321. An act for the relief of S. M. Price;

S. 2323. An act for the relief of Ida C. Buckson, executrix of E. C. Buckson, deceased;

S. 2343. An act for the relief of Maj. Edwin F. Ely, Finance Department; Capt. Reyburn Engles, Quartermaster Corps; and others;

S. 2691. An act for the relief of E. E. Sullivan;

S. 2741. An act for the relief of Maj. Joseph H. Hickey;

S. 2897. An act for the relief of Lt. Robert A. J. English, United States Navy;

S. 3020. An act for the relief of A. E. Taplin;

S. 3186. An act for the relief of Edward H. Karg;

S. 3934. An act to repeal the Kerr Tobacco Act, the Bankhead Cotton Act of 1934, and the Potato Act of 1935; and

S. J. Res. 169. Joint resolution granting permission to Hugh S. Cumming, Surgeon General of the United States Public Health Service; John D. Long, medical director, United States Public Health Service; Bolivar J. Lloyd, medical director, United States Public Health Service; and Clifford R. Eskey, surgeon, United States Public Health Service, to accept and wear certain decorations bestowed upon them by the Governments of Ecuador, Chile, Peru, and Cuba.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 3421. An act to authorize credit in disbursing officers' accounts covering shipment of privately owned automobiles from October 12, 1927, to October 10, 1929;

H. R. 3709. An act for the relief of the Norfolk Southern Railroad Co.;

H. R. 4805. An act authorizing adjustment of the claim of the Adelphia Bank & Trust Co. of Philadelphia;

H. R. 4858. An act for the relief of Edward Shippen West;

H. R. 6402. An act for the relief of Julia M. Crowell;

H. R. 7680. An act to amend the act of May 18, 1934, providing punishment for killing or assaulting Federal officers;

H. R. 7814. An act to authorize the Secretary of Commerce to grant to the State of California an easement over certain land of the United States in Tehama County, Calif., for highway purposes;

H. R. 7995. An act to authorize a preliminary examination of the Arkansas River and Fourche Bayou with a view to the control of floods in the vicinity of Little Rock and North Little Rock, Ark.;

H. R. 8515. An act to provide funds for cooperation with Sanish School District No. 1, Mountrail County, N. Dak., for extension of public-school buildings to be available for Indian children;

H. R. 9871. An act to amend an act entitled "An act providing for the participation of the United States in the California-Pacific International Exposition to be held at San Diego, Calif., in 1935 and 1936; authorizing an appropriation therefor, and for other purposes", approved March 7, 1935, to provide for participation in the California-Pacific International Exposition to be held at San Diego, Calif., in 1936, to authorize an appropriation therefor, and for other purposes; and

H. J. Res. 459. Joint resolution to amend the joint resolution entitled, "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes."

ADJOURNMENT

Mr. LUDLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until tomorrow, Friday, February 7, 1936, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

657. Under clause 2 of rule XXIV a letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill to give precedence to civil and criminal proceedings arising under the customs or internal-revenue laws which involve fraud upon the revenues of the United States, was taken from the Speaker's table and referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. STARNES: Committee on Immigration and Naturalization. House Joint Resolution 443. Joint resolution to amend Public Resolution No. 31 of the Seventy-fourth Congress, first session, approved June 17, 1935, so as to extend its provisions to cover the National Boy Scout Jamboree now scheduled to be held in 1937; without amendment (Rept. No. 1970). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWEENEY: Committee on the Post Office and Post Roads. H. R. 10850. A bill to extend the provisions of the 40-hour law for postal employees to watchmen and messengers in the Postal Service; without amendment (Rept. No. 1971). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 10265. A bill to authorize the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of the Treasury to lend Army, Navy, Coast Guard, and other needed equipment for use at the national jamboree of the Boy Scouts of America; and to authorize the use of property in the District of Columbia and its environs by the Boy Scouts of America at their national jamboree to be held during the summer of 1937; without amendment (Rept. No. 1972). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES: Committee on Agriculture. H. R. 10835. A bill to promote the conservation and profitable use of agricultural land resources by temporary Federal aid to farmers and by providing for a permanent policy of Federal aid to States for such purposes; without amendment (Rept. No. 1973). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DIES: A bill (H. R. 10973) to aid agriculture and relieve the existing national economic emergency; to the Committee on Agriculture.

By Mr. GOLDSBOROUGH: A bill (H. R. 10974) to provide that the net earnings of Federal Reserve banks shall be paid to the United States as a franchise tax, and for other purposes; to the Committee on Banking and Currency.

Also, a bill (H. R. 10975) authorizing a preliminary examination and survey of Marshy Hope Creek, a tributary of the Nanticoke River, at and within a few miles of Federalsburg, Caroline County, Md., with a view to the controlling of floods; to the Committee on Flood Control.

By Mr. VINSON of Georgia: A bill (H. R. 10976) to authorize alterations and repairs to certain naval vessels; to the Committee on Naval Affairs.

Also, a bill (H. R. 10977) to authorize alterations and repairs to certain naval vessels, and for other purposes; to the Committee on Naval Affairs.

Also, a bill (H. R. 10978) to authorize the construction of certain auxiliary vessels for the Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 10979) to authorize the President of the United States to dispose of certain public vessels, and for other purposes; to the Committee on Naval Affairs.

By Mr. GRISWOLD: A bill (H. R. 10980) to relieve Government employees of undue charges for quarters, subsistence, laundry, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. JOHNSON of West Virginia: A bill (H. R. 10981) to extend the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. SANDERS of Texas: A bill (H. R. 10982) to amend the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. RANDOLPH: A bill (H. R. 10983) to clarify, perfect, and extend the classified civil-service laws; to equalize in particular the status of the employees of the Navy Yard of the District of Columbia, who are performing tasks vital to the national defense; and for other purposes; to the Committee on the Civil Service.

By Mr. DIRKSEN: A bill (H. R. 10984) making it unlawful to sell certain spirits containing alcohol produced from materials other than cereal grains, and for other purposes; to the Committee on the Judiciary.

By Mr. HARTLEY: A bill (H. R. 10985) to repeal Public Law No. 246 of the Seventy-second Congress; to the Committee on Public Buildings and Grounds.

By Mr. JENKINS of Ohio: A bill (H. R. 10986) relating to travel allowances of certain members of the volunteer forces of the United States; to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 10987) to authorize a compact and agreement between the States of Kentucky, Tennessee, Indiana, Ohio, West Virginia, Virginia, Missouri, and North Carolina, providing for the control of the production of burley tobacco in the said States and for the further purpose of regulating, protecting, and preserving a fair price for said commodity; to the Committee on Agriculture.

By Mr. ZIONCHECK: Resolution (H. Res. 411) appointing a select committee of the House to investigate municipal taxation and assessments, and for other purposes; to the Committee on Rules.

Also, resolution (H. Res. 412) to authorize an investigation of old-age-pension schemes; to the Committee on Rules.

By Mr. CELLER: Resolution (H. Res. 413) proposing an inquiry to protect American investors; to the Committee on Rules.

By Mr. LUNDEEN: Joint resolution (H. J. Res. 483) authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. McSWAIN: Joint resolution (H. J. Res. 484) to close Military Road; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPMAN: A bill (H. R. 10988) for the relief of Russell Baber; to the Committee on Naval Affairs.

By Mr. FARLEY: A bill (H. R. 10989) for the relief of Frederick R. Hamilton; to the Committee on Claims.

By Mr. HART: A bill (H. R. 10990) granting a pension to George W. Detmering; to the Committee on Pensions.

By Mr. JENKINS of Ohio: A bill (H. R. 10991) for the relief of Harry Wallace; to the Committee on Claims.

By Mr. JOHNSON of West Virginia: A bill (H. R. 10992) to authorize the award of a decoration for distinguished service to Acors Rathbun Thompson; to the Committee on Military Affairs.

By Mr. McREYNOLDS: A bill (H. R. 10993) for the relief of James Dawley Bonney; to the Committee on Claims.

By Mr. McSWAIN: A bill (H. R. 10994) to direct the removal of the body of First Lt. William Butler Bonham to Arlington National Cemetery; to the Committee on Military Affairs.

By Mr. POLK: A bill (H. R. 10995) for the relief of Elbert Arnold Jarrell; to the Committee on Claims.

By Mr. WILCOX: A bill (H. R. 10996) for the relief of Juliette Russell; to the Committee on Claims.

Also, a bill (H. R. 10997) granting a pension to Lillie Daley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10998) for the relief of Irma Elizabeth Ruff; to the Committee on Claims.

Also, a bill (H. R. 10999) granting a pension to Leonora Holloway; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9983. By Mr. ARENDS: Petition of 100 residents of Eureka, Ill., advocating passage of House bill 8739; to the Committee on the District of Columbia.

9984. Also, petition of 41 patrons of star route 35137, asking for indefinite extension of all existing star-route contracts, increase of compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

9985. By Mr. CARPENTER: Petition of Essie Thomas and other residents of Greenwood County, State of Kansas, to prohibit, within the District of Columbia, the manufacture, importation, exportation, transportation, sale, gift, purchase, or possession of any spirituous, vinous, malt, fermented, and all alcoholic liquors whatsoever, etc.; to the Committee on the District of Columbia.

9986. Also, petition of Mrs. James Hobkirk and other residents of Franklin County, State of Kansas, to prohibit, within the District of Columbia, the manufacture, importation, exportation, transportation, sale, gift, purchase, or possession of any spirituous, vinous, malt, fermented, and all alcoholic liquors whatsoever, etc.; to the Committee on the District of Columbia.

9987. Also, petition of Veva Smith and other residents of Morris County, State of Kansas, to prohibit within the District of Columbia the manufacture, importation, exportation, transportation, sale, gift, purchase, or possession of any spirituous, vinous, malt, fermented, and all alcoholic liquors whatsoever, etc.; to the Committee on the District of Columbia.

9988. Also, petition of Mrs. John Pinney and other residents of Franklin County, State of Kansas, to prohibit within the District of Columbia the manufacture, importation, exportation, transportation, sale, gift, purchase, or possession of any spirituous, vinous, malt, fermented, and all alcoholic liquors whatsoever, etc.; to the Committee on the District of Columbia.

9989. Also, petition of Mrs. Olive Powell and other residents of Ford County, State of Kansas, to prohibit within the District of Columbia the manufacture, importation, exportation, transportation, sale, gift, purchase, or possession of any spirituous, vinous, malt, fermented, and all alcoholic liquors whatsoever, etc.; to the Committee on the District of Columbia.

9990. Also, petition of citizens of the State of Kansas, counties of Dickinson and Morris, to prohibit within the District of Columbia the manufacture, importation, exportation, transportation, sale, gift, purchase, or possession of any spirituous, vinous, malt, fermented, and all alcoholic liquors whatsoever, etc.; to the Committee on the District of Columbia.

9991. Also, petition of Birdi Knorp and other residents of Barber County, State of Kansas, to prohibit within the District of Columbia the manufacture, importation, exportation, transportation, sale, gift, purchase, or possession of any spirituous, vinous, malt, fermented, and all alcoholic liquors whatsoever, etc.; to the Committee on the District of Columbia.

9992. Also, petition of Mrs. E. A. McFarland and other residents of Lincoln County, State of Kansas, to prohibit within the District of Columbia the manufacture, importation, exportation, transportation, sale, gift, purchase, or possession of any spirituous, vinous, malt, fermented, and all alcoholic liquors whatsoever, etc.; to the Committee on the District of Columbia.

9993. By Mr. HOUSTON: Petition of 2,002 signers, supporting passage of House bill 8739, introduced by Mr. GUYER; to the Committee on the District of Columbia.

9994. Also, petitions signed by 53 residents of the Fifth Congressional District of Kansas, urging the abolishment of the star-route bidding system and the adoption of legislation proposed by the National Star Route Carriers Association providing a permanent tenure of service with fair and reasonable pay based upon that of other forms of United States mail transportation; to the Committee on the Post Office and Post Roads.

9995. By Mr. LAMBERTSON: Petition of Mrs. F. P. Lindsay and 127 other citizens of Topeka, Kans., favoring passage of the Guyer Act, regarding liquor control in the District of Columbia; to the Committee on the Judiciary.

9996. Also, petition of H. T. Vigour and 28 other citizens of Severance, Kans., favoring passage of the Guyer Act, regarding liquor control in the District of Columbia; to the Committee on the Judiciary.

9997. By Mr. PEARSON: Petition of J. T. Burross and others; to the Committee on the Post Office and Post Roads.

9998. By Mr. WHITTINGTON: Petition of the Legislature of Mississippi, urging adequate substitute for Agricultural Adjustment Act; to the Committee on Agriculture.

9999. Also, petition of the City Council of Greenville, Miss., opposing legislation regulating or coordinating inland water traffic; to the Committee on Interstate and Foreign Commerce.

10000. By the SPEAKER: Petition of the city of Cleveland, Ohio; to the Committee on Ways and Means.

10001. Also, petition of the Missouri Bar Association; to the Committee on the Library.

10002. Also, petition of the Ohio State Bar Association; to the Committee on the Library.

SENATE

FRIDAY, FEBRUARY 7, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, February 6, 1936, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 166. An act for the relief of Jack Doyle;

S. 246. An act for the relief of Elmer Blair;

S. 272. An act for the relief of William Frank Lipps;

S. 423. An act for the relief of Lynn Brothers' Benevolent Hospital;

S. 889. An act for the relief of Albert A. Marquardt;

S. 1010. An act for the relief of Fred Edward Nordstrom;

S. 1176. An act for the relief of Thomas A. Coyne;

S. 1298. An act for the relief of John Z. Lowe;

S. 1950. An act for the relief of the estate of Julius Crisler;

S. 2044. An act for the relief of the Hartford-Connecticut Trust Co., Inc.;

S. 2166. An act for the relief of Ludwig Larson;

S. 2321. An act for the relief of S. M. Price;

S. 2323. An act for the relief of Ida C. Buckson, executrix of E. C. Buckson, deceased;

S. 2343. An act for the relief of Maj. Edwin F. Ely, Finance Department; Capt. Reyburn Engles, Quartermaster Corps; and others;

S. 2691. An act for the relief of E. E. Sullivan;

S. 2741. An act for the relief of Maj. Joseph H. Hickey;

S. 2897. An act for the relief of Lt. Robert A. J. English, United States Navy;

S. 3020. An act for the relief of A. E. Taplin;

S. 3186. An act for the relief of Edward H. Karg;

S. 3934. An act to repeal the Kerr Tobacco Act, the Bankhead Cotton Act of 1934, and the Potato Act of 1935; and

S. J. Res. 169. Joint resolution granting permission to Hugh S. Cumming, Surgeon General of the United States Public Health Service; John D. Long, medical director, United States Public Health Service; Bolivar J. Lloyd, medical director, United States Public Health Service; and Clifford R. Eskey, surgeon, United States Public Health Service, to accept and wear certain decorations bestowed upon them by the Governments of Ecuador, Chile, Peru, and Cuba.

RECESS

Mr. ROBINSON. I move that the Senate take a recess until called to order by the Chair.

The motion was agreed to; and (at 12 o'clock and 1 minute p. m.) the Senate took a recess, subject to the call of the Vice President.

At 12 o'clock and 3 minutes p. m. the Senate reassembled, having been called to order by the Vice President.

TODAY'S BUSINESS—ORDER FOR RECESS TO MONDAY

Mr. ROBINSON. Mr. President, many Senators have been unable to reach the Senate this morning on account of the very unusual snowstorm. I do not know whether a quorum will develop upon a roll call. It is not my intention to ask that Senators who have announced they are unable to reach the Senate because of the storm be brought in.

I should like to proceed today with the discussion of the unfinished business. It would not be possible to take a vote on any important issue in the bill for the reason that many Senators are absent who desire to be present and who are unable to get here because of the facts that have already been referred to.

I ask unanimous consent that when the Senate completes its labors today it take a recess until 12 o'clock noon on Monday next.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Byrnes	Johnson	Robinson
Ashurst	Coolidge	Lewis	Russell
Bachman	Couzens	Logan	Sheppard
Barbour	Davis	McCarran	Smith
Benson	Fletcher	McKellar	Thomas, Okla.
Borah	George	McNary	Townsend
Burke	Guffey	Murray	Vandenberg
Byrd	Hatch	Pope	Wagner

Mr. LEWIS. Mr. President, in view of the statement of the leader on this side of the Chamber, which indicates the reason for the absence of a number of Senators, I will not take the time of the Senate to allude to Senators individually who are absent, but I am anxious that the RECORD show that my colleague the junior Senator from Illinois [Mr. DIETERICH] is still detained at his home because of illness in his family.

I also announce that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness.

Mr. AUSTIN. I announce that the Senator from Iowa [Mr. DICKINSON] is necessarily absent.

The VICE PRESIDENT. Thirty-two Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

The Chief Clerk called the names of the absent Senators, and Mr. BAILEY, Mr. BARKLEY, Mr. CAPPER, Mr. HALE, and Mr. NORBECK answered to their names when called.

Mr. AUSTIN, Mr. BROWN, Mr. BULKLEY, Mr. BULOW, Mrs. CARAWAY, Mr. CAREY, Mr. CHAVEZ, Mr. CLARK, Mr. CONNALLY, Mr. COPELAND, Mr. DONAHEY, Mr. DUFFY, Mr. FRAZIER, Mr. GIBSON, Mr. HARRISON, Mr. HASTINGS, Mr. HAYDEN, Mr. KEYES, Mr. KING, Mr. LA FOLLETTE, Mr. LONERGAN, Mr. MCADOO, Mr. MCGILL, Mr. MINTON, Mr. MOORE, Mr. MURPHY, Mr. NEELY, Mr. NYE, Mr. O'MAHONEY, Mr. OVERTON, Mr. PITTMAN, Mr. RADCLIFFE, Mr. REYNOLDS, Mr. SCHWELLENBACH, Mr. SHIPSTEAD, Mr. STEIWER, Mr. TRAMMELL, Mr. TYDINGS, Mr. VAN NUYS, Mr. WALSH, and Mr. WHITE entered the Chamber and answered to their names.

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

PETITION—ARMISTICE DAY

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of South Carolina, which was referred to the Committee on the Library:

Concurrent resolution to memorialize Congress to make November 11 a national holiday

Whereas November 11, the day upon which the World War was terminated, is of great significance and one which the people of the United States should ever honor and hold dear: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States of America is earnestly urged and petitioned to take such steps as are necessary to make November 11 a national holiday; be it further

Resolved, That a copy of this resolution be sent by the clerk of the house of representatives to each of the Senators and Members of Congress from this State and to the clerk of the United States Senate and the Clerk of the United States House of Representatives.

AMERICAN NEUTRALITY—EDITORIAL FROM THE BOSTON POST

Mr. WALSH. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Foreign Relations an enlightening editorial recently published in the Boston Post. This editorial discusses the pending neutrality bill. I recommend it to the consideration of the members of the Committee on Foreign Relations, who are now considering this very important question.

There being no objection, the editorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[From the Boston Post]

FULL OF HOLES

The pending neutrality bill is a queer collection of inconsistencies.

In the first place, its intention is to completely isolate the United States and make it impossible for us to become in any way involved in a foreign conflict. That infers that we shall let the belligerent world severely alone.

However, the bill as planned contemplates the use of our best efforts in the cause of peace. So we are not to be silent spectators in case of a foreign war, but we are to take a hand in persuading the warring nations to make peace.

We are cutting off all war supplies to belligerents, but how far can we go in defining what war materials are? Suppose we decide that cotton is not war material, and insist on selling it to some belligerent nation. If cotton is declared contraband of war, will we insist upon our rights if some belligerent nation moves to seize it?

There is also the proposal that we shall allow the shipment of only normal exports to any belligerent nation. That means, evidently, that a ship carrying an excess of supplies is entitled to no protection whatever.

But assume that a ship which has fully complied with our regulations is seized or fired upon. Will we do nothing or will we insist on American rights?

For one section of the proposed law calls for what amounts to a complete surrender of the doctrine of the freedom of the seas which we so stanchly defended in 1914, 1915, and 1916. Another section declares that we reserve all the rights at international law that existed before 1914.

We can't have both. We cannot give up all our neutral rights and at the same time insist on the freedom of the seas. Yet, that seems to be the purport of the bill.

If we are to virtually give up all trade with any belligerent nation, then we need none of the protection which we have in international law.

The chief argument against the bill is that it is contrary to the economic interests of the country, aside from the question of implements of war.

With a huge stock of cotton on hand and with our normal export of cotton about 50 percent of the crop, who can believe that either Congress or the President will deliberately sacrifice the opportunity to sell cotton at a good price abroad?

And, with a wheat surplus, if we are confronted with foreign orders for large supplies, will we refuse to sell any wheat above the normal export to the belligerent country?

Certainly not. We will not go in for such wholesale sacrifice.

The whole neutrality bill is one of those sentimental gestures which will quickly yield to realities at some future time.

REPORTS OF PUBLIC LANDS AND SURVEYS COMMITTEE

Mr. WAGNER, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 1415) to provide for the establishment of the Richmond National Battlefield Park, in the State of Virginia, and for other purposes, reported it without amendment and submitted a report (No. 1531) thereon.

Mr. ASHURST, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 8172) to authorize the transfer by the United States to the county of Mohave, Ariz., of all public lands in sections 20, 28, and 30, township 20 north, range 15 west, Gila and Salt River meridian, for public park, recreational, and other municipal purposes, reported it without amendment and submitted a report (No. 1532) thereon.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on February 6, 1936, that committee presented to the President of the United States the following enrolled bills:

S. 363. An act to increase the efficiency of the Veterinary Corps of the Regular Army;

S. 1301. An act to provide further for the maintenance of the United States Soldiers' Home;

S. 2148. An act to provide for the leasing of restricted Indian lands of Indians of the Five Civilized Tribes in Oklahoma;

S. 2175. An act to grant to the State of California a retrocession of jurisdiction over certain rights-of-way granted to the State of California over certain roads about to be constructed in the Presidio of San Francisco Military Reservation and Fort Baker Military Reservation;

S. 2206. An act for the relief of the State of New Mexico;

S. 2643. An act to amend section 118 of the Judicial Code to provide for the appointment of law clerks to United States district court judges;

S. 2877. An act to reimpose and extend the trust period on lands reserved for the Pala Band of Mission Indians, California;

S. 2891. An act to provide for the adjustment and settlement of personal injury and death cases arising in certain foreign countries;

S. 3140. An act to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes;

S. 3381. An act to provide for the protection and preservation of domestic sources of tin; and

S. 3447. An act to amend an act entitled "An act to authorize the collection and editing of officials papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended.

EXECUTIVE REPORTS OF MILITARY AFFAIRS COMMITTEE

As in executive session,

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for appointment in the Regular Army.

He also, from the same committee, reported favorably the nominations of the following officers to be major generals in the Regular Army:

Brig. Gen. Henry Wolf Butner, from February 1, 1936, vice Maj. Gen. Robert E. Callan, to be retired January 31, 1936;

Brig. Gen. Stanley Hamer Ford, from March 1, 1936, vice Maj. Gen. Halstead Dorey, to be retired February 29, 1936;

Brig. Gen. Stanley Dunbar Embick, from May 1, 1936, vice Maj. Gen. Dennis E. Nolan, to be retired April 30, 1936; and

Brig. Gen. Herbert Jay Brees, from June 1, 1936, vice Maj. Gen. Paul B. Malone, to be retired May 31, 1936.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LONERGAN:

A bill (S. 3958) to prevent the pollution of the navigable waters of the United States, and for other purposes; and

A bill (S. 3959) to amend section 13 of the act of March 3, 1899, relating to the deposit of refuse in the navigable waters of the United States, and section 3 of the Oil Pollution Act, 1924; to the Committee on Commerce.

By Mr. BARKLEY:

A bill (S. 3960) for the relief of John B. Knuckles; to the Committee on Military Affairs.

By Mr. MURRAY:

A bill (S. 3961) to amend section 9 of an act entitled "An act to provide for the allotment of lands for the Crow Tribe, for the distribution of tribal funds, and for other purposes", approved June 4, 1920; to the Committee on Indian Affairs.

CHANGES OF REFERENCE

On motion of Mr. BENSON, the Committee on the Judiciary was discharged from the further consideration of the bill (S. 3904) to enable consumers and farmers to recover from processors the amounts of processing taxes which were passed on by the processors to such consumers and farmers, but which have now been turned over to the processors by the courts, and it was referred to the Committee on Agriculture and Forestry.

On motion of Mr. SHEPPARD, the Committee on Military Affairs was discharged from the further consideration of the

bill (H. R. 8074) to amend the act of March 3, 1925, relating to Fort McHenry, and it was referred to the Committee on Public Lands and Surveys.

AGRICULTURAL RELIEF—AMENDMENT

Mr. WAGNER submitted an amendment intended to be proposed by him to the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, which was ordered to lie on the table and to be printed.

LT. GEN. HUNTER LIGGETT

Mr. SHEPPARD. Mr. President, I submit for publication in the RECORD three brief tributes to the late Lt. Gen. Hunter Liggett, United States Army.

There being no objection, the tributes referred to were ordered to be printed in the RECORD, as follows:

GENERAL ORDERS, NO. 12

WAR DEPARTMENT,
Washington, December 31, 1935.

The death of Lieut. Gen. Hunter Liggett, United States Army, retired, which occurred at Letterman General Hospital, San Francisco, Calif., on December 30, 1935, is announced with deep regret.

General Liggett entered the United States Military Academy in 1875; was graduated and appointed second lieutenant in the Infantry arm in 1879, and passed through all the grades up to that of colonel, which he reached in 1912. In March 1913 he became a brigadier general and was advanced to the grade of major general in March 1917. He was one of the two officers elevated to the rank of lieutenant general as commanders of armies during the World War emergency, reverting after the close of the war to his Regular Army grade of major general, in which he was retired from active service on reaching the age of compulsory retirement in March 1921. He was advanced to the grade of lieutenant general on the retired list, June 21, 1930, under the provisions of an act of Congress approved on that date. He held commissions as major and assistant adjutant general and major, 31st Infantry, in the volunteer service in the War with Spain and the Philippine Insurrection.

His first service was on the frontier of Montana, during which he participated in an engagement with hostile Indians in 1880. He was adjutant general of a division in the War with Spain and commanded the subdistrict of Davao in the Philippine Islands, 1899 to 1901. He was afterward a member of the General Staff Corps, a graduate of the Army War College, president of that institution, commander of a brigade of the Philippine and Western Departments; and in the World War he commanded the First Army Corps and perfected its organization under difficult conditions of early service in France, and rendered exceptionally meritorious and distinguished services as commander of the First Army of the American Expeditionary Forces. His corps engaged in active operations in reduction of the Marne and St. Mihiel salients and his army participated in the actions in the Forest of Argonne; he was in command of the First Army when German resistance was shattered west of the Meuse. In May 1919, after the First Army had been disbanded, General Liggett was assigned to the command of the Third Army or Army of Occupation, and proceeding to Coblentz, Germany, held this command until July 1919, when he returned to the United States.

For his services in France he was awarded the Distinguished Service Medal; and he received the decorations of the Belgium Ordre de Leopold (Grand Officer); the French Legion d'Honneur (commandeur); the Italian Order of St. Maurice and St. Lazarus (Grand Officer); the Panamanian Medal of La Solidaridad (second class); Order of the Sun of Peru and medal commemorating the first centennial of Peruvian independence.

General Liggett was conspicuous for his ability to rise to any occasion requiring the exercise of the functions of higher command, and his assignment to the command of an army and advancement to a grade second only to that of Commander of the American Expeditionary Forces was in recognition of this ability.

In peace or war the country felt confident of the accomplishment of any object entrusted to him, and he will be remembered as one upon whom, in large measure, the dependability of the American Army rested in its most gigantic struggle.

By order of the Secretary of War:

MALIN CRAIG,
Chief of Staff.

Official:
E. T. CONLEY,
Major General,
The Adjutant General.

[From the New York Sun of Jan. 15, 1936]

A TRIBUTE TO LIGGETT

Of Gen. Hunter Liggett, who commanded the First Army, A. E. F., and to whose professional accomplishments high tribute has already been paid in this country, the London Times says that his "reputation rests on an unusually solid foundation" and

"It was built up on knowledge, and applied with strong practical sense, which in turn was helped by the breadth of his sympathies. He had studied his profession more deeply than most soldiers, yet was far from a pedant. He was a professor of war who never forgot that war is made with men and not with 'chessboard pieces.' His memoirs stand out among those that have been written by the leading soldiers because of their blend of shrewd judgment with unfailing fairmindedness—toward both his fellows and his allies."

His relations with soldiers of the Allies were peculiarly pleasant; the Times speaks of "the appreciation and friendliness" he showed toward British commanders, and makes an interesting comparison of his personality with that of General Plumer, commander of the British Second Army. "Few generals," it says, "looked less the part of great soldiers; a casual observer might have dismissed them as pleasant old gentlemen, so kindly and harmless that it was a shame to drag them from their firesides into such a grim ordeal; the men who served them, however, came to recognize that this kindly demeanor was not a cloak for well-meaning incompetence, but the expression of minds ripened by human understanding to the knowledge that sympathy will draw an extra effort from overstrained men when hardness will merely drive them to breaking point."

In an interesting excursion into General Liggett's technical competence, the Times cites his procedure in the converging attack on the St. Mihiel salient, where "he showed his sound judgment by arguing against a long artillery bombardment on the ground that it would forfeit the essential element of surprise; by urging, if unsuccessfully, the desirability of using a division to attack the Vionville ridges just beyond the corner of the salient, whence the enemy's artillery could enfilade the attack; by insisting in his own corps that the forward troops should be weak in numbers, with strong reserves close at hand but out of exposure." He also receives credit from this foreign observer for laying down the principle that machine guns should be attacked by envelopment and never frontally. The Times adds: "Unfortunately, such ideas were still too new to produce their full effect."

The impression made by Liggett the man on his associates is summed up in this appraisal of his career thus: "Single-minded and high-minded, giving and receiving trust, he was a pattern of the traditional military virtues. But he achieved a reconciliation far from common between spirit and mind; as he was distinguished from this simple type by his breadth of study, so he was distinguished from the typical academic soldier by his understanding of human nature." It is interesting to all, and to Hunter Liggett's friends most gratifying, to have their own high opinion of a fine gentleman who was a great soldier endorsed by a disinterested and obviously informed authority.

[From the New York Herald Tribune of Dec. 31, 1935]

GENERAL LIGGETT

West Point has the reputation of turning out as good Army officers as are produced anywhere in the world. Lt. Gen. Hunter Liggett, from the year of his graduation until his retirement, lived up to its most brilliant traditions. As the commander of the First Army Corps and then of the First Army in France he established an imperishable record not only for himself but for the American soldier.

But all this is well known. What is not so well known, except to those who served under him, was the extraordinary charm of the man, always proof against the exercise of his amazing abilities and the assumption of his tremendous responsibilities. This trait was well illustrated when, as commander of the reunion encampment at Gettysburg in 1913, he played host to some 55,000 veterans of the Civil War—Union and Confederate. No encampment of the kind had ever been attempted, yet none could have been better planned or carried out. Never a sign of strain, never a ripple in the sunny calm of his gentle demeanor betrayed the burden on him of caring for an army of old men, most of them enfeebled and long disused to discipline or camp life. In short, he did play the host.

He could give sharp orders; none could give sharper or see more sharply to their obedience, but he was the antithesis in manner both of the breezy, bluff, hard-boiled warrior more or less traditional in our military annals and also of the rigid martinet. He was known rather as the most human of our general officers. To quote a fellow campaigner, "He didn't seem to give a damn whether we could salute or not, but he wanted to know more about the condition of our shoes and whether we had enough to eat. When Liggett showed up he'd say: "All right, boys; go on with whatever you're doing." Then he'd look around. But he never missed anything, and he knew exactly what was going on.

One can't help feeling that General Liggett's quiet simplicity of bearing, which was nine parts understanding, was an extremely important factor in the proverbial efficiency with which he handled vast masses of troops, most of them from civilian life. It is one thing to command regulars, quite another to lead a citizen army into battle. He could do both with supreme success and make them like him. And since the country must always depend on its citizen soldiers, his genius in this respect is well worth the earnest study of all who have its defenses in charge.

LEGAL ASPECTS OF TRADE AGREEMENTS—MEMORANDUM BY DONALD C. BEELAR

Mr. STEIWER. Mr. President, my attention has been called to a memorandum prepared by Mr. Donald C. Beelar, a member of the Bar of the District of Columbia. This document relates to certain aspects of the Trade Agreement Act of 1934 and is of considerable interest. I ask unanimous con-

sent that it may be printed in the RECORD. I have obtained from the printing clerk an estimate of the cost.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

New customs laws in the form of foreign trade agreements and Executive proclamations have modified or replaced large portions of the Tariff Act of 1930. Ten agreements have already been concluded, and of these the first five published in the Executive agreement series total 230 pages, or nearly twice the page volume of the entire Tariff Act of 1930, as shown by the United States Code, annotated. This new body of tariff law presents several legal questions, both domestic and international in scope. Domestic or municipal questions concern the constitutionality of the statute; namely, the validity of the power conferred upon the President to raise or lower existing tariff duties by Executive decree, the validity of the agreements in the absence of the advice and consent of the Senate, and the validity of procedural provisions, including the withdrawal of remedies from domestic producers and wholesalers.

In the field of international law the question is presented: Are foreign-trade agreements binding as international obligations even if the Trade Agreement Act is declared unconstitutional? Or, if Congress enacts legislation inconsistent with a previously existing foreign trade agreement?

DELEGATION OF LEGISLATIVE POWERS

Even a brief consideration of the act justifies the conclusion that it surrenders to the Executive the whole tariff- and treaty-making power respecting customs. Disregarding the so-called declaration of purposes (*Panama Refining Co.* v. *Ryan*, 293 U. S. 388, and *Schecter* v. *U. S.*, 295 U. S. 495), the act authorizes the President (until June 12, 1937, 9:15 a. m.), upon finding that any existing (1) duties or (2) other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States, etc., (1) to enter into foreign trade agrements and (2) to increase or decrease import duties by proclamation. Under this language, the President is permitted to roam at large in the world searching out burdens and restrictions upon American commerce, and upon discovering them to make such adjustments upward or downward in existing tariff duties as he deems appropriate, which is precisely similar in principle to the ill-fated power Congress unsuccessfully surrendered to him under N. I. R. A. to roam at large in the United States and discover and stamp out burdens upon interstate commerce. The only pretense of a legislative standard is the clause "unduly burdening and restricting the foreign trade of the United States", which is no more adequate than "obstructions to the free flow of interstate and foreign commerce", which was outlawed in *Schechter* v. *U. S.*, supra.

SENATE CONCURRENCE CIRCUMVENTED

Foreign-trade agreements, although treaties in everything but name, are not submitted for advice and consent of the Senate, as required by the Constitution, Article II, section 2.[1] Senate advice and consent is expressly circumvented, although by contrast the act requires the Executive to obtain advice from certain subordinate executive agencies, namely, the United States Tariff Commission and the Departments of State, Agriculture, and Commerce.

However superior bilateral treatment of foreign-trade relations may be as a matter of policy, there is no reason in precedent or law for evading concurrence of the Senate, and in this respect the act offends most because it offends needlessly. Why should the Senate be denied information as to what concessions the Executive has surrendered in exchange for those received?[2]

The Senate cannot surrender its constitutional duty of consenting to and concurring in treaties. In some quarters it is insisted that the Senate can give its advice and consent previous to the negotiation of a treaty. Without considering the merits of this position, the fact is that two-thirds of the Senate (as required by the Constitution) have never consented to or concurred in any foreign-trade agreement or the act pursuant to which such agreements are concluded. The Senate vote on the act was 57 to 33 or three votes short of the required two-thirds vote of those present.

Those who insist that foreign-trade agreements are not treaties, such as require Senate consent and concurrence, are placed in a dilemma. If foreign-trade agreements are not treaties in the constitutional sense, such agreements cannot modify or replace provisions of the Tariff Act of 1930. The Constitution provides (art. VI, par. 2):

"This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land."

Accordingly the distinction between an Executive agreement and a treaty (which is any agreement with a foreign state concluded with Senate concurrence) is that only a treaty can change existing statutory law. It follows that insofar as foreign-trade agreements are effective domestically, their schedules or provisions do not amend or replace the Tariff Act of 1930.

DUE PROCESS OF LAW

Whether or not a proclamation, independently, is effective to amend or repeal the Tariff Act of 1930 depends upon the validity of the legislative standard set forth in the act, the fairness of the proceedings in finding the facts essential to support the proclamation, and the adequacy of judicial review on questions of law.

The legislative standard circumscribing proclamations issued by the Executive in raising or lowering tariff duties otherwise in force and effect under the Tariff Act of 1930 is the same standard established for concluding foreign-trade agreements. It is now obvious that Congress cannot empower the President, upon discovering burdens on interstate or foreign commerce, to remove them by Executive action, and when such action also includes amending or repealing prior statutes, the principle is even more compelling.

Findings of fact sufficient to support a valid Executive action have not been evidenced in any proclamations heretofore issued. Omission of findings of fact is in direct conflict with *Panama Refining Co.* v. *Ryan* (293 U. S. 388, 431):

"The Executive order contains no finding, no statement of the grounds of the President's action. * * * And findings by him as to the existence of the required basis of his action would be necessary to sustain that action, for otherwise the case would still be one of an unfettered discretion as the qualification of authority would be ineffectual."

In the proclamation, which set in force the new rates of duty covered by the several trade agreements, no facts of any kind have been established indicating what existing duties or other import restrictions of the United States the President endeavored to change, or to what extent, if any, the same were unduly burdening and restricting the foreign trade of the United States, or to what extent, if any, such foreign trade might be affected by the changes made in domestic tariff under the agreements. Instead the proclamations merely state a bald conclusion:

"I, Franklin D. Roosevelt, President of the United States of America, have found as a fact that certain existing duties and other import restrictions of the United States of America and the Dominion of Canada are unduly burdening and restricting the foreign trade of the United States of America, and that the purpose declared in the said Tariff Act of 1930, as amended by the said act of June 12, 1934, will be promoted by a foreign-trade agreement between the United States of America and the Dominion of Canada."

Clearly the statement, "I * * * have found as a fact * * *" is not a finding of fact at all but merely a verbal representation. Thus the proclamations even fail to comply with the very loose qualification of authority set forth in the act.

The remedy heretofore granted by the Tariff Act of 1930 (sec. 516 (b)) allowing manufacturers, producers, or wholesalers to protest tariff classifications and duties and bring suit in the United States Customs Court is purportedly withdrawn by the act (sec. 2), and those most confident of that act lasting until its normal expiration on June 12, 1937, place greatest reliance, not on its constitutionality, but rather on the withdrawal of judicial remedy to producers and wholesalers. Of course, so long as trade agreements continue to lower import duties, the importer, who has a remedy, is not injured, and the injured party, the domestic producer or wholesaler is denied a remedy. Contrary to the current assumption any manufacturer, producer, or wholesaler who can

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[1] "He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

[2] One instance where Congress surrendered power to the Executive in an international matter without being informed in the premises is not encouraging to a repetition of such policy. President Wilson, on March 5, 1914, personally presented a curt message demanding a hostile Congress to repeal the provision of the Panama Canal Act which exempted American vessels engaged in coastwise trade from payment of Canal tolls. With all the earnestness at his command he pleaded:

"* * * No communication I have addressed to the Congress carried with it graver or more far-reaching implications as to the interest of the country * * *.

"I have come to ask you for the repeal of that provision of the Panama Canal Act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls. * * *

* * * * * * * *

"I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence, if you do not grant it to me in ungrudging measure."

Congress yielded in support of the foreign policy of the administration, but without knowing why. What was that foreign policy? Thirteen years later Mr. Woolsey, who was Solicitor for the Department of State from 1917 to 1920, stated (21 Am. Jour. Int. Law, 706):

"Colonel House was instrumental in obtaining British support for Wilson's anti-Huerta policy in return for the settlement of the Canal tolls question. * * * House explained the American policy in Mexico to Sir Edward Grey, and the conversation led to a frank exchange of views on the problems of Huerta and the Canal tolls. * * * As a result of this exchange of visits the two countries came to an understanding in regard to Huerta and the tolls."

We are now aware that when President Wilson addressed Congress he had an Executive agreement with Great Britain whereby Great Britain would assist the Wilson administration in liquidating the Huerta government in Mexico in exchange for repeal of the Canal toll exemption, which gave American vessels a preference in the use of an America-built canal in coastwise trading.

establish a special injury arising out of any trade agreement can obtain access to the courts and contest the validity of the act (*In re Sutherland* (533 Fed. 551); *U. S.* v. *Samples* (258 Fed. 479, 482); *Kreutz* v. *Durning* (64 F. (2d) 802); *Truax* v. *Corrigan* (257 U. S. 312).) In the *Sutherland* case, *supra*, the court said:

"So far as appears the Senate not having advised and consented to the so-called treaty it has no legal force, and the proceedings taken thereunder are of no avail."

TRADE AGREEMENTS IN INTERNATIONAL LAW

Foreign-trade agreements considered, not as treaties but merely as Executive agreements ratified without the advice, consent, and concurrence of the Senate present the question of the validity of such agreements as binding obligations in international law independent of the act or proclamations.

A general discussion of the various classes of Executive agreements is not within the scope of this paper. Foreign-trade agreements come under the class of agreements authorized by act of Congress (Willoughby, Constitution of the United States (1929), p. 537; Hyde, International Law, vol. II, p. 27; Moore, Digest of International Law, vol. 5, p. 214; Barnett, International Agreements Without the Advice and Consent of the Senate).

Cases and precedents contradict any claim for broad power in Congress to carry out any of its several legislative functions by empowering the President to conclude Executive agreements.

Postal conventions concluded by the Postmaster General and the President without Senate concurrence under Revised Statutes 398 were hesitatingly approved in an opinion of the Attorney General rendered March 20, 1890, signed by William H. Taft, then Solicitor General. The opinion states that the power conferred upon the Executive to conclude such treaties was contrary to the plain meaning of the Constitution, but that such power was an exception for historical reasons.

"* * * where long usage, dating back to a period contemporary with the adoption of the Constitution, sanctions an interpretation of that instrument different from that which would be reached by the ordinary rules of construction were the question a new one, the usage will be followed."

We know of no usage dating back to the beginning of the Constitution which supports a tradition of power in the President to conclude foreign-trade agreements, and within the reasoning of the above opinion such agreements are clearly unconstitutional.

With respect to Executive agreements concluded pursuant to treaties, the Senate, after a very difficult struggle with the President, refused to permit the Exécutive to enter into special arrangements for arbitration under the Hague Convention of 1899, without the advice and consent of the Senate.

The case of *B. Altman & Co.* v. *United States* (224 U. S. 583) is frequently relied upon to support the validity of trade agreements. Actually this case involved only the construction of an agreement and a question of appellate procedure. The question of the President's authority to conclude the agreement was neither considered nor passed on since it was found that the article imported was not within the scope of the agreement. As a question of legislative policy, the Tariff Act of 1897 is no precedent for permitting the Executive, acting independently of the Senate, to conclude trade agreements of the character authorized by the 1934 act. Senate advice and consent were expressly required for trade agreements concluded under section 4 of the 1897 act, which agreements are precisely similar to the agreements which the 1934 act purportedly empowers the Executive to conclude without the advice and consent of the Senate.

In the case where an Executive agreement was passed on by the courts it was held ineffectual *J. Rebas E'Hijo* v. *United States* (1 Puerto Rico Fed. Rep. 71; Scott, Cases on International Law, p. 445):

"The protocol worked a mere truce. The President has not the power to terminate the war by treaty without the advice and consent of the Senate of the United States."

This case was affirmed by the Supreme Court (194 U. S. 315, 323):

"* * * The claim is in form for the use of the vessel after actual hostilities were suspended by the protocol (Executive agreement) of August 12, 1898. A state of war did not, in law, cease until the ratification, in April 1899, of the treaty of peace."

If the President under his war powers cannot terminate a war (without Senate confirmation) so as to prevent seizure and condemnation of noncombatant property, it is difficult to see how the President under a commerce statute can deprive citizens of tariff protection granted under existing law.

The final and most important consideration is the legal status of foreign-trade agreements as international obligations. As between contracting parties, are trade agreements enforceable against the United States regardless of the invalidity of the act or agreement as a question of municipal law?

A treaty, in essence, is a contract between two or more states, and when a second state pursuant to a trade agreement has made the concessions insisted upon by the United States, and by legislation or otherwise has altered its import duties and has otherwise changed its position under and pursuant to the agreement, clearly that state has a right to insist that the United States keep and observe its part of the agreement, and it does not alter the rights of the second contracting state if subsequent to execution of the agreement it is determined that the President's action in concluding the same was invalid.

One would be, indeed, provincial to expect that a foreign country having been granted valuable import concessions by the United States for a fixed term by formal Executive action would consider itself bound by any subsequent ruling of our municipal courts, or even by any action of Congress in attempting to repeal such concessions.

Trade agreements run for a fixed term—generally 3 years—without reservation of any right in Congress to change duties or without any proviso that the agreement shall be terminated if the act is held unconstitutional by the courts. Any action by Congress or the Supreme Court inconsistent with any foreign-trade agreement will render such agreement void or unenforceable within the United States, but the agreement will still be binding upon the United States in international law. And the United States must either repudiate its international obligation or face the claim of a foreign government for damages. Congress has previously felt bound to pay damages to foreign governments to satisfy a breach of international obligation (9 Stat. 50; act of Aug. 8, 1846; see Senate Rept. No. 188, 41st Cong., 2d sess., 1870; *Taylor* v. *Morton*, Fed. Cas. 13,799). Accordingly, foreign-trade agreements are valid international obligations, independent of the municipal validity or invalidity of the act or Executive proclamations.

That the act of June 12, 1934, and proclamations promulgated thereunder are unconstitutional is now apparent. Under circumstances of such doubtful authority it is, indeed, improvident that the Executive has entered into any trade agreements with foreign countries. The present foreign-trade policy faces the prospect of a demise under a fiasco comparable to N. R. A. and A. A. A. But worse! If the Foreign Trade Act is declared unconstitutional, Congress must either ratify these trade agreements or satisfy damage claims of foreign governments.

THE REFLECTIONS OF AN AMERICAN WORKINGMAN ON RADICALISM AND ITS CAUSES

Mr. BENSON. Mr. President, I present a letter from Gus Thomas, of Crosby, Minn., depicting living conditions under present relief limitations. I ask unanimous consent that with the deletion of the personal references the letter be printed in the RECORD as The Reflections of an American Workingman on Radicalism and Its Causes.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CROSBY, MINN., *February 4, 1936.*

Hon. ELMER BENSON,
United States Senator, Washington, D. C.

DEAR SENATOR BENSON: I am going to talk to you just as I would had I known you personally. We, the workers, are fast finding out that we cannot trust the old gang and we are through being fooled. Such men as Governor Olson are what we need and are going to have in Washington. Now, Senator, I am going to tell you some of the facts that we workers are experiencing. As you know, this district, in and about Crosby, Ironton, Deerwood, is what we term an industrial district. There is absolutely nothing to do here as a means of livelihood except the mines, and they are all, or practically all, shut down. So we have to resort to W. P. A. work or starve. The present wage scale is only $44 per month, and it is certain that a man with a family cannot possibly live on this. Now, Senator, please try and visualize just a case like this one, from a fellow worker:

"Me, my wife, and six chilren live on potatoes, black coffee, and bread. We never have any butter on our table. We cannot think of buying meat. Christmas I bought a few pounds of apples. My little fellows were so glad to get them they even ate the peelings and said, 'Daddy, why can't we have apples and candy and oranges like we used to have?'"

What could he tell these little human beings, his children? When this big strong fellow told me this story, the tears welled up in his eyes. Now, Senator, just such as this is breeding communism fast. Men are getting to where they have no respect for government and will go the limit. We hear it on every side, so. I firmly believe if you, as our Senator and representative, would go directly to Mr. Hopkins and intercede for us we could at least get enough to have the bare necessities of life. Think of men working here in this cold weather in the snow knee deep—weather 10 to 20 below zero—and barely able to keep body and soul together.

We have tried to get our officials here to allow us enough to live on, but to no avail. Our county commissioners endorsed a petition to Mr. Christgau (State W. P. A. administrator). We asked for the same wages they are getting in St. Louis County, namely, $60.50 per month.

Now, to show you that we are not going to give up, we have organized a workers' union, and are known as the Citizens' Protective Union of Crow Wing County. We have a membership of about 1,000, and are growing fast.

Just as an example, our present county engineer, Mr. Rankin, took it upon himself to state that the W. P. A. workers should not be paid more than $2 per day. Well! We got in behind this gentleman with a petition, and, as it looks, we will remove this labor hater. I firmly believe the time is fast approaching when it will be well for office seekers to look to labor for support. We all believe you and our Governor are the type of men that we can trust and that we will not have to drive. Just who keeps the wheels going round? Who does the manual labor? Who creates all wealth? I have never been able to understand why the laboring class is so despised and hated by plutocracy.

I want to just show you the thought that is most paramount in the minds of workers. There are about 52 men in the crew that I work in. I have taken it on myself to talk to them. They

all predict there will have to be something done. When they finally get their thinking done most of them have lost all confidence in getting anything done in a peaceful manner. They talk fight. I tell all of them that violence will never get us anywhere. They shake their heads and say, "We have tried all of them. What have we ever gotten out of it?" Confidence amongst workers is at a low ebb. A little more money to buy at least enough to live on will keep communism away longer than anything else.

I am sure you will do everything that you can to get us a little more money, so to live.

Respectfully,

GUS THOMAS.

DEVELOPMENTS BEFORE BRITISH MUNITIONS INVESTIGATING COMMITTEE

Mr. NYE. Mr. President, I ask permission to have printed in the RECORD a dispatch from London under date of February 5, published yesterday in the New York Herald Tribune, having to do with developments before the British munitions investigating committee.

There being no objection, the dispatch was ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune of Feb. 6, 1936]

PEACE "NO JOB OF OURS", ARMS MAKER ASSERTS—WILLING TO SELL TO BOTH SIDES, MCGOWAN TELLS BRITISH INQUIRY, DEFENDING POLICY

By Joseph Driscoll

LONDON, February 5.—"I have no objection at all to selling arms to both sides—I am not a purist in these things," Sir Harry Duncan McGowan, chairman of Imperial Chemical Industries, Ltd., testified this afternoon before the Royal Commission on the Manufacture of and Trading in Arms, which resumed open hearings at Middlesex Hall.

Part of the day's testimony concerned the working agreement of Imperial Chemical Industries with E. I. du Pont de Nemours & Co., of the United States. McGowan testified that his company had two classes of agreements with the Du Ponts, one dealing with patents and the other with sales.

Sir Philip Gibbs, writer, who is a member of the commission, asked about the moral character of agents of Imperial Chemical Industries. McGowan said he was not responsible for them. Gibbs then referred to one agent and asked:

"Do you know that he was an international spy; that he had acted as an agent for 12 different companies; that he was used by the Germans to mine the Dardanelles and Heligoland; and that he was working in close association with Von Papen in the United States before the end of the war?"

[Franz von Papen, who was Chancellor of the Reich in 1932 and at present is German Ambassador at Vienna, was military attaché of the German Embassy at Washington early in the World War, and was sent home in December 1915 as a suspected plotter against American neutrality.—ED.]

McGowan referred the query to one of his executives, who answered that the agent in question was not employed by Imperial Chemical Industries but by Du Pont, and that Imperial Chemical Industries knew nothing about this until it was revealed in the American munitions inquiry.

Interrogation by Gibbs led McGowan to admit that his company sold explosives and cartridges to both Japan and China during the war that resulted in the creation of the Japanese puppet state of Manchukuo out of Manchuria. Gibbs commented:

"These were for the invasion, no doubt, of Manchuria, and at the same time you were supplying the Chinese with the same materials of war to defend Manchuria. Does not this system of private sales abroad increase the danger of providing an aggressive nation with the weapons it wants, and a defensive nation as well, thus increasing the quality and quantity of the world's explosive forces?"

"If private manufacture did not supply them, they would put up their own plants," McGowan replied.

"It appears", observed Gibbs, "that one side of your firm is engaged in the manufacture of fertilizers to bring forth the fruits of the earth, while the other side is engaged in the manufacture of explosives for the purpose of blasting those fruits off the face of the earth. Was there anything of a delicate feeling in your mind as to the inadvisability of selling military propellents and explosives to the Chinese Government when in other parts of China you were selling things for agriculture?"

"No," said McGowan.

Gibbs remarked that correspondence revealed in the American munitions inquiry indicated that "you didn't consider it right to act as a sort of Jekyll and Hyde in China." McGowan answered that if the Chinese Government wanted anything, his firm sold it.

PEACE NOT THEIR JOB

Then Gibbs referred to letters which said that Imperial Chemical Industries was trying "to solve the far-eastern question", and wanted to know whether that meant that the firm was attempting to bring peace to the Orient.

"That's not our job", said McGowan. "We knew that certain business was on offer, and we wanted to get it for this country."

The witness testified that on one occasion Imperial Chemical Industries had supplied 10 tons of trinitrotoluol to Canton on an order from the Chinese Embassy at London.

The questioning then shifted from the Orient to Germany and Italy.

"Do you deny that there was any suggestion from Imperial Chemical Industries and Du Pont to bring Germany within your selling arrangement?" Gibbs asked.

"Definitely", responded McGowan in denial.

The witness admitted that his firm had an arrangement with an Italian company concerning cartridges, but explained that this arrangement was made at the wish of the Hotchkiss Gun Co., so that cartridges for Hotchkiss guns could be made in Italy, where the guns themselves were being manufactured.

"I imagine you helped this firm to make cartridges for use in a war of which the League of Nations has shown its disapproval?" Gibbs suggested.

"This arrangement expired on November 10, 1935," McGowan said. "If we had not sold them, somebody else would."

"That's not a very good argument", Gibbs retorted.

The Commission will continue it hearings tomorrow.

CONSTITUTIONALITY OF GOVERNMENT MONOPOLIES—ARTICLE BY IRVING BRANT

Mr. FRAZIER. Mr. President, I ask permission to have printed in the RECORD an article entitled "Government Monopolies are Constitutional", by Irving Brant, who is the chief editorial writer on the St. Louis Star-Times. The article was published in pamphlet form by the Peoples' Lobby, Inc., of Washington, D. C.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOVERNMENT MONOPOLIES ARE CONSTITUTIONAL

According to the American Liberty League, the United States Government has no power to control agriculture or industry along the lines attempted by the Roosevelt administration because these activities resemble the mercantile monopolies set up by European governments in the eighteenth century, and one of the purposes in writing our Constitution was to protect our country against eighteenth-century mercantilism.

"The fact is", said the Liberty League in a pamphlet discussing similarities between the New Deal and mercantilism, "that the colonists were the victims of economic planning, and the constitutional structure erected by the new nation was designed to furnish safeguards against economic experimentation conducted by a centralized authority." This was secured, according to the Liberty League, by reserving control of local commerce to the States.

The right to set up mercantile monopolies would, indeed, be a titanic power in the Federal Government. It would cover any degree of regulation of industry. It would permit the establishment of a completely socialized state.

That power exists. It is in the Constitution. The framers said it was there, and two of the leading delegates to the Constitutional Convention cited the existence of that power as a reason for refusing to sign the Constitution.

The subject came up on September 14, 1787, 3 days before the signing of the Constitution.

"As to mercantile monopolies," said Wilson of Pennsylvania (afterward Justice of the United States Supreme Court), "they are already included in the power to regulate trade."

How was this statement greeted? Did the framers rise as one man to cry out against such a power in the Federal Government? They did not. One man, George Mason, of Virginia, the most extreme State righter in the Convention, questioned it. Two days later he admitted that the power was there. He wrote on the back of his copy of the Constitution that he was refusing to sign because, among other things, "the Congress may grant monopolies in trade and commerce." Elbridge Gerry, of Massachusetts, listing his reasons for refusal to sign, said: "Under the power over commerce, monopolies may be established."

During these last days of the Convention these men were begged, implored, to sign the Constitution. But not one delegate challenged the correctness of Wilson's statement that mercantile monopolies were "already included in the power to regulate trade."

Now, what could be done under a power to establish Government monopolies in trade and commerce? Anything. The T. V. A., the N. R. A., the A. A. A., the Guffey Coal Act, and the Wagner Labor Act are modest exercises of Government power compared with what could be done through the establishment of mercantile monopolies.

We have here a startling, indeed a revolutionary, deviation from what we ordinarily hear about the attitude of the framers toward government power. Is there anything in the Constitutional Debates to support this view? For answer, read what Madison, the "Father of the Constitution", said when it was proposed—2 days before the convention adjourned—that the States be allowed to lay tonnage duties for clearing harbors and erecting lighthouses.

"Whether the States are now restrained from laying tonnage duties", said Madison, "depends on the extent of the power 'to regulate commerce.' These terms are vague, but they seem to exclude this power of the States. They may certainly be restrained by treaty. He observed that there were other objects for tonnage duties as the support of seamen, etc. He was more and more convinced that the regulation of commerce was in its nature indivisible and ought to be wholly under one authority." (Madison's notes were written in the third person.)

When one thinks of recent Supreme Court decisions and of the general belief that the framers were State Righters, that's an almost incredible statement, coming "from horse-and-buggy days." Let's analyze it.

The States have a reserved power of taxation, concurrent with that of Congress. Madison held that the power of Congress to regulate commerce included the right to invade the reserved power of the States in a different field.

Next, he said, the States "may certainly be restrained by treaty." That is, even if there should be doubt about the right of the Federal Government to invade the reserved powers of the States under the commerce clause, that right unquestionably exists under the treaty power. In saying this, Madison foreshadowed the Supreme Court decision upholding a law to enforce the Migratory Bird Treaty with Canada, even though, without that treaty protection of birds would have been a matter reserved to the States.

Madison said "the support of seamen" was a legitimate object of taxation. What difference is there between a tax on shipping for pensions to seamen and a tax on railroads for pensions to railroad men; what difference between support of seamen and a general old-age pension system? Yet the Supreme Court in 1935 said railroad pensions were unconstitutional, and the 58 lawyers of the Liberty League say the Wagner Social Security Act is unconstitutional.

Finally, consider Madison's statement that the regulation of commerce is "in its nature indivisible and ought to be wholly under one authority." That, it may be said, is not a statement of what is in the Constitution, but of what ought to be. Very well. What that statement does beyond question is break down the theory that the framers were devoted to State rights, in the control of commerce. That theory breaks down still further when we consider the reply Roger Sherman, of Connecticut, made to Madison's remarks about control by one authority.

"The power of the United States to regulate trade, being supreme, can control interferences of the State regulations when such interferences happen, so that there is no danger to be apprehended from a concurrent jurisdiction."

Sherman did not divide "commerce among the States" into interstate and intrastate commerce. He treated it as a general subject in which the upward limit of State authority was fixed by the downward exercise of Federal authority. Federal power was supreme and could control interferences from the States.

Why do these powers, which the framers took for granted, seem so startlingly great today that the Supreme Court denies their existence? Because the objects, the problems, to which this power would be devoted have multiplied a thousandfold with the development of the Nation. The power exists, but its existence is denied because of the extent to which it could be used.

Make, for instance, a first step toward application of the power to establish mercantile monopolies. Even a law for Federal incorporation of companies engaged in interstate commerce, with Congress reserving the right to amend corporate charters, would open up a regulatory field of almost unimaginable vastness.

Or consider the treaty power, as defined by Madison and upheld by the Supreme Court in the migratory-bird case. That enables Congress to legislate on any subject which is a legitimate subject of concern between nations. What does that cover, or, rather, what does it fail to cover, in this age when nations go to war for raw materials—oil, coal, iron, timber—and when differing wage standards, differing standards of living, are weapons of international attack in the life-and-death struggle for world trade? Let the United States sign a treaty with any oil-producing country for the conservation of petroleum, and all constitutional doubt about the power of Congress to conserve the American oil supply will vanish. A treaty with Canada for the control of competitive surpluses in certain agricultural products would bring the control of those products as definitely within the powers of the Congress as if a specific clause were written into the Constitution. So, too, if the 40-hour week, now on the agenda of the international labor body at Geneva, were made the subject of an international agreement.

Treaties on these subjects are coming. They will be forced upon us by world-wide economic disequilibrium if civilization is not to be destroyed by competitive greed.

Finally, we come to a power which once appeared to be the most powerful of all, but which, on January 6, 1936, was almost driven out of the Constitution in the Hoosac Mills case—the power to raise and spend money to provide for the general welfare. Stated in a sentence, the Hoosac Mills case presented these two conflicting interpretations of the general welfare clause:

1. Supreme Court majority: The power to raise money to provide for the general welfare involves no other powers.

2. Supreme Court minority: The power to raise money to provide for the general welfare involves the incidental power to make the use of that money effective.

What did the framers say on that subject? For answer, let us go to the author of the general-welfare clause, Roger Sherman. On the day he took his seat in the Constitutional Convention he said that the power most particularly needed by Congress was "that of raising money, which would involve many other powers."

What other powers did Sherman think were included in the money power? Well, for one thing, he thought it included the right to establish a national university. When President Washington proposed a national university the author of the general-welfare clause was the first man to arise in Congress to indorse it and assert its constitutionality. The Constitution gives Congress no power over education, so under Supreme Court reasoning it must be a power reserved to the States. If the right to spend money for the general welfare includes the right to establish a national university, how can it be said, as it was said in the Hoosac Mills case, that the power to appropriate for the general welfare carries no power over the objects to which the money is to be applied?

In every great field of Federal power it has been shown the framers granted vastly more power than is now conceded by the Supreme Court, or than is generally recognized by historians. The genuine "State Righters" in the Constitutional Convention refused to sign the Constitution. Yet we are told it was written to protect State sovereignty. Politicians, lawyers, and even historians say so. How can this conflict of ideas be reconciled?

The explanation is simple enough. First, men who don't want Federal authority exercised are eager to deny its existence. Second, circumstances after the Constitution was adopted helped those who wanted to interpret it narrowly.

The debates of the Constitutional Convention, entrusted to Madison, were ordered to be kept secret, and were kept secret for 50 years. Madison himself, shortly after the Constitution was ratified, switched from the Federalist Party to the party of Jefferson (who was in France when the Constitution was being written). From a strong nationalist Madison became a violent "State Righter." He interpreted the work of the convention narrowly, and nobody could challenge him effectively because he alone had the notes.

Then, after Jefferson became President, the early Federalists who had wanted a strong government and who had ruled the Constitutional Convention, switched around and became anti-Federalists. To keep power out of Jefferson's hands, practically all of the men who had written the Constitution in a spirit of nationalism joined in an interpretation of it contrary to the views they had held when they were writing it. But the only thing that counts in judging the intention of the framers is what they intended during the framing period

Was the Constitution drafted by men trying to preserve equality between State and Federal sovereignties? That is what the American Liberty League says. That is what the Supreme Court seems to think. To judge what the framers really intended to do, read the following from Madison, written in almost the same words to Edmund Randolph and George Washington, 1 month before the framers gathered to write the Constitution:

"Let the National Government be armed with a positive and complete authority in all cases where uniform measures are necessary, as in trade, etc. Let it also retain the powers which it now possesses. Let it have a negative in all cases whatsoever on the legislative acts of the States as the King of Great Britain heretofore had. This I conceive to be essential and the least possible abridgement of the State sovereignties."

Think of that proposal. A Federal veto over all State laws whatsoever! Were those the words of a man devoted to State sovereignty? Let us go further.

Alexander Hamilton said in the Constitutional Convention that the States as States "ought to be abolished."

Madison asked for a government "which would most approximate the States to the condition of counties."

Gouverneur Morris said of the States: "We cannot annihilate, but we may take the teeth out of the serpents."

Thus spake the founding fathers while they were writing the Constitution. Would it be humanly possible for men holding such views to write the kind of constitution the American Liberty League and the United States Supreme Court now say we have? We need no constitutional amendments. All we need is to go back to the founding fathers and learn from them what Federal power means. The power is in the Constitution.

THE HORSE IN ARMY SERVICE—ADDRESS BY GENERAL PARKER

Mr. LOGAN. Mr. President, I ask unanimous consent to have printed in the RECORD extracts from an address by Major General Parker, who served with the First Division overseas and was commander of the division for some time during the World War, with reference to the value of the horse in Army service.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

It is frequently stated in public discussion and in the press that the horse is no longer an important factor in war. In fact, his complete disappearance from the battlefield of the future is predicted by some people. Such critics generally refer to the World War for confirmation of their opinions.

Actually the World War brought out the fact that the horse has never been so useful in war as he is now. This is true not only of the cavalry horse but of the artillery horse, the horses and mules used in Signal Corps reel carts and pack reels, and the horses and mules used by the supply services for wagon and pack transportation, as well as the pack animals used for pack, artillery, and machine guns. In all of these uses the horse and mule are more dependable than any machine for bringing supplies up close to the front lines.

Let me state some of the facts of the World War by way of confirming these statements which I have just made. And, in presenting this evidence, permit me to say that many of these instances came to my personal knowledge at first-hand during the time I was an observer with the French Army, prior to our own entry into the war, and as commander of combat units during the entire time of our own participation.

The French Cavalry demonstrated the value of the horse in almost innumerable small affairs, but I shall point out this evening some very important instances where the employment of the

horse was a decisive factor in as many crises. It was a decisive factor because in each case wherever the French Cavalry went in to hold a breach in the line or to cover an interval there the Germans were stopped and held until fresh divisions could be brought up.

First, in the beginning of the 1914 campaign, when the French launched an offensive against the German left in Lorraine, the Cavalry Corps of General Conneau covered the interval between the First and Second French Armies in retreat and prevented a misfortune from terminating in a disaster. It was a single French Cavalry division, the Sixth, which played the principal role in this battle, repelling every German effort to pierce the French lines.

During the early days of August 1914, when the French Second Cavalry Corps was covering the mobilization and the left flank of the French Armies, a squadron of the Fifth Chasseurs captured a German staff officer and obtained from him the definite information that 25 German Army corps were detraining in Belgium, 12 to move on Leige and Antwerp, 13 to move on the Meuse between Namur and Mezieres and then on to Paris.

This was the information on which the French based their counter maneuver on the Marne, which took place about a month later and resulted in the defeat of the Germans and the complete alteration of the situation. The vital importance of this information, secured by the Cavalry and not possible of being obtained by any other arm under the circumstances, is surely apparent to you.

Again in Champagne, in the center, another French Cavalry Corps held a breach of 15 kilometers between the Fourth and Ninth French Armies. During the entire Battle of the Marne the French Ninth Cavalry Division and a small fraction of the Sixth masked this breach against the advance of the Third German Army.

In the great race to the sea, when the Germans sought to get around the French left with a view to establishing their own right flank on the channel so far to the west that this narrow waterway would be denied the British Army, it was the French Cavalry again who stayed off defeat and possible disaster.

You will recall that each army continually extended its northern flank, seeking to overlap its adversary. On the French side it was the First and Second Cavalry Corps which continually led in this race. Sometimes covering the flank of the Allied Army, sometimes joining together widely separated Infantry units, sometimes seeking to envelop the German flank—attacking, resisting, maneuvering—the Cavalry Corps operated without cessation from September 15 until November 19, 1914.

Now, all these great accomplishments of the French Cavalry were achieved under serious disadvantages as to armament, ammunition, and even to training. They went into the war armed with small carbines of comparatively short range and without bayonets; their artillery was woefully insufficient; and they had been trained for mounted combat rather than for that fighting on foot which was imperative in stopping the German masses.

However, they were successful, because the horse did not fail them; by that I mean the horse invariably brought them to the battlefield, however distant, in time to go into dismounted combat fresh and capable of stopping the enemy.

They demonstrated, despite all disadvantages, the distinctive quality of cavalry; that is to say, "the possibility of transporting rapidly and across all terrain, means of great fire power and great maneuvering ability."

For example, note their mobility in 1914, when Sordet's Cavalry Corps covered some 235 miles in 6 days during August; and again, in covering the retreat to the Marne, when the divisions of this cavalry corps marched day and night with but an average of 4 hours' rest out of 24 for the horses and frequently only one opportunity per day for watering. Also, in March 1917, when the First Cavalry Corps, at the time of the German withdrawal, covered 60 miles in the first 24 hours. Again, during the initial days of 1918, on three occasions within the space of 3 months, the First Cavalry Corps as an entire corps executed forced marches of from 100 to 120 miles each, accomplished within 3 days.

Finally, with regard to the front in France, let me remind you of the German attacks in March, April, and June 1918, which doubtless are still vivid in the memories of all of you, so menacing were they and so seriously did they threaten to nullify completely much of all that America had done up to that time. You will recall that the great German attack completely separated the British and French Armies. The way to the sea seemed open to the Germans with a prospect of the British Army being hemmed in against the channel "with their backs to the wall", as Lord Haig expressed it. Here again the horse appeared as a decisive factor in a great crisis. Had the Germans conserved their cavalry and kept it intact as a great mobile reserve, success almost certainly would have been theirs. But it was the French who had foreseen this necessity, and it was the French Second Cavalry Corps who came up, filled the gap between their own Army and the British, stopped the German advance, and saved the day.

Many of you are familiar with the great service of the horse on the fronts in the near and middle east, especially with the accomplishments of Allenby's Cavalry in the Holy Land, where, by holding the enemy in place with his infantry, he repeatedly attacked the enemy's flank or entirely encircled the enemy's positions with his cavalry in large bodies—making marches of 100 miles in 36 hours, 85 miles in 34 hours, 50 miles in 25 hours; and the notable performance of one division which marched 567 miles in 38 days with notable combat successes included.

In Macedonia it was a small body of French Cavalry, only three regiments, which by a march of some 90 miles over extremely difficult mountain trails, placed itself astride the only road by which the Eleventh German Army could retreat and forced the surrender of that Army, the Allies thereby capturing 77,000 men, 1,600 officers, 500 pieces of artillery, and 10,000 horses.

In far-off Mesopotamia the horse played an equally important part, especially in the cavalry operations of 1917 and 1918, following the fall of Baghdad, when, by well-planned encircling movements, large groups of Turks were forced to surrender on some six or seven occasions.

These facts certainly demonstrate that the horse is not disappearing as an important factor in war as a result of modern inventions. The airplane, for example, does not decrease the value of the horse in war; it increases the value. Formerly large bodies of cavalry were too frequently sent out on wild goose chases after enemy groups whose location had been inaccurately reported. Much loss of horse flesh resulted without adequate gain. Now, by its long-distance reconnaissance, the airplane frequently locates those large bodies accurately and the cavalry can speed to its objective. As to close reconnaissance we must remember that the airplane cannot replace the horseman, because neither fog, rain, snow, or close-wooded country can baffle the latter, whereas it does check the former.

Finally, let us consider the views of those great soldiers who led the troops during the World War.

Gen. John J. Pershing: "There is not in the world today an officer of distinction, recognized as an authority on military matters in a broad way, who does not declare with emphasis that cavalry is as important today as it ever was."

Marshal Foch: "On the western front cavalry especially participated in the defensive battles where they were engaged at the most difficult moments; here the large cavalry units, thanks to their own mobility, were able to intervene in time and to bring the precious assistance of their fire to the weak points of the defense."

General Summerall: "There has been a great deal of misinformation broadcast relative to the cavalry. It is a fact that cavalry is of far more importance than it ever has been.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

AGRICULTURAL RELIEF

The Senate resumed consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

Mr. POPE. Mr. President, I desire to speak briefly on the pending bill. I feel that the statement which was submitted by the chairman of the committee, the Senator from South Carolina [Mr. SMITH], and read by the clerk yesterday presents a very fair analysis of the bill. I feel also that the very able discussion by the Senator from New Mexico [Mr. HATCH] yesterday dealt particularly well with the matter of soil conservation and soil erosion as the basis of the bill. What I shall say this morning will be mainly my own convictions with respect to the bill.

Formerly I felt that there was very grave doubt as to the constitutionality of the Soil Conservation Act; in fact, I felt about the same doubt concerning soil conservation as the basis for a bill that I felt in connection with the regulation and control of agricultural production.

I regard farm legislation of more importance to the welfare of the country than anything else with which the Congress has to deal. The prosperity of the farmer is vital to the prosperity of the entire country. In fact, since agriculture lies at the base of our entire economic structure the well-being of this industry is essential to the economic well-being of all the American people. So clear has this become that for many years the Congress has been striving to enact legislation that will establish the farmer in a just relation to other industry in our national economy.

The enactment of the Agricultural Adjustment Act was an effort to accomplish this purpose and the administration of the act, while experimental in some respects and attended with faults that were not unexpected, has gone a long way toward accomplishing the desired object. The establishment of a fair exchange value for agricultural products was attained to a considerable degree. It helped to reduce farm surpluses and stimulated farm organization. That it met with the approval of a great majority of the farmers of the country is certain. The decision of the Supreme Court, finding the act unconstitutional, has made it necessary, it seems to me, for Congress to act to preserve the gains that have been made.

Since the decision of the Supreme Court I have received letters from about 1,500 farmers in my State. These were in response to a request by me for their opinions and advice. About 85 percent of them have urged that Congress act in their behalf. About 75 percent of them are in favor of an amendment to the Constitution, if necessary, to limit the power of the Supreme Court or enlarge the power of Congress to permit effective legislation.

Perhaps the following letter is typical of hundreds received:

> There is no question but what the farmers are better off than even a year ago. Surely the Congress will not let them down now.

I am going to take the liberty of reading several letters taken at random from the 1,500 which I received from farmers of my State. For instance, I will read a portion of a letter from Mr. Harry Jensen, of Mink Creek, Idaho, as follows:

> I feel that the A. A. A. has been the greatest help that agriculture has ever received and that unless something is done to replace it agriculture will surely suffer.

I will now read a paragraph from the letter of another such citizen, a very substantial farmer in my State, Mr. Fred Gohl, of American Falls, Idaho. These letters are selected to represent in part the different sections of the State. He said:

> All I have to say is that the A. A. A. was a lifesaver to many of us wheat growers in this section.

I will read a paragraph from a letter from Mr. Clifford E. Anderson, of Rexburg, Idaho. He said:

> The A. A. A. was operating to give the farmers a margin of profit for the first time in a hundred years. It has aroused us to the realization that a fair return for time and labor was possible. I do not know what the Government has to take the place of the A. A. A., but something has to be done.

I now read a paragraph from a letter written by Mr. H. P. Curts, of Midvale, Idaho, in the central section of my State. He says:

> I believe that Congress should have the right to legislate for emergencies. The A. A. A. was the biggest thing that has been put over for agriculture. The most of us would have been out if something hadn't been done.

I now read a paragraph from a letter from Grace, Idaho, written by Mr. George Hamp, another substantial, solid farmer of my State. He says:

> I think what the Government has done for the farmers the last 2 years has been a wonderful help to them, and I still think something should be done to help them. I farm at Grace, Idaho. The last 6 years the farm has not paid expenses. I have lived like a dog and dressed like a tramp to keep my taxes up.

I now read a paragraph from a letter written from Richfield, Idaho, by Mr. Albert Stevens, another very substantial citizen. He says:

> The A. A. A. has done more for the farmer than any other movement.

I now read a paragraph from a letter written by Mr. Emmett E. Bauer, of Twin Falls, Idaho. I know Mr. Bauer is also a very substantial farmer. He says:

> I sincerely believe that the tillers of the soil must have Federal help in cooperating to regulate production in order to obtain parity prices, which are essential to the agricultural industry and the general welfare of the Nation.

I now read from a letter written by Mr. John H. Fairchild, of Oakley, Idaho, one of our good irrigated sections of the State:

> If something isn't done, we will simply have to move off and give up our homes, in which in my case I have lived since 1890, and have raised 12 children. Now, I am old, and my wife who has struggled with me is old. We are now 64 and 68, with no place to go and nothing with which to buy another home. I can see no chance for people like myself and a number more in our locality. Do what you can. This is the case in thousands of cases.

I now read a paragraph from one more letter received from a citizen of my State, a farmer. This is from Mr. T. B. Wheaton, of Rigby, Idaho. He says:

> I surely believe that something should be done for agriculture if we expect to ever to continue on and feed the world or the United States.

As I have said, I have selected letters from a few received from the farmers of my State. I believe they are typical of a great majority of our farmers.

This expresses the thought of more than 80 percent of the farmers of my State, and I have no doubt it expresses the thought of a great majority of farmers throughout the country. It seems necessary, therefore, that the Congress act with reasonable promptness in enacting legislation that will continue the benefits to agriculture which resulted from the Agricultural Adjustment Act.

It is desired, of course, that an act be passed in harmony with the Constitution of the United States. I think all members of the Committee on Agriculture who considered this measure for many days had the same desire—that is, to enact legislation which would conform to the recent decision of the Supreme Court.

The decision must be considered as a whole. If the following language of the majority opinion is construed as the final judgment of the Court without considering other parts of the decision, it would seem clear that no legislation could be passed by Congress which would have the effect, either directly or indirectly, of regulating agricultural production. The language is:

> It is a statutory plan to regulate and control agricultural production, a matter beyond powers delegated to the Federal Government.

The Court further said in the majority opinion:

> The same proposition, otherwise stated, is that powers not granted are prohibited. None to regulate agricultural production is given and therefore legislation by Congress for that purpose is forbidden.

There is no doubt in my mind that this is the heart of the decision. The Court held that the problems of agriculture are local in character and therefore within the reserved powers of the States.

> It does not help—

The majority holds—

> to declare that local conditions throughout the Nation have created a situation of national concern; for this is but to say that whenever there is a widespread similarity of local conditions Congress may ignore constitutional limitations upon its own powers and usurp those reserved to the States.

The fact that this view—that agriculture is a local matter—is contrary to that of responsible statesmen since the founding of our Government does not alter the opinion of the Court. George Washington, in his eighth annual message, declared that—

> It will not be doubted that with reference either to individual or national welfare agriculture is of primary importance.

He further said that as the nations advance in population and other circumstances of maturity this truth becomes more apparent. Every modern statesman, so far as I know, has held the solution of the problem of agriculture to be a national public purpose.

It can hardly be conceived that the strict doctrine of the majority of the Court in the Hoosac Mills case will be applied to its logical end. If so, all those acts of the Congress under which money is expended for teaching agriculture, for vocational education, for relief of the destitute, for public works, for public health, and for numerous other purposes would be unconstitutional. Under such a construction the conditional appropriations would undoubtedly be beyond the Federal power. All these purposes for which money has been expended for decades are just as local in character as the regulation of agriculture. Many of them are much more so. It might be said that a Nation-wide epidemic of disease might, under this sort of reasoning, be construed as a series of local conditions and not within the spending power of the Federal Government.

In the majority decision, however, the Court makes what seems to me a very illogical distinction between conditional appropriations for education, for instance, and the operation of the Agricultural Adjustment Act. If education is a local matter and if no power is delegated to the Federal Government to deal with or regulate it, then such an appropriation

would not be within the Federal power. Nevertheless, the Court does make such a distinction, and indicates that such conditional appropriations would be upheld.

It does seem, therefore, that notwithstanding the broad and positive language used by the Court as to Federal power under the Constitution, a way to accomplish the same thing within the Constitution is pointed out.

The present bill authorizes the Department of Agriculture to enter upon a program of soil conservation, which includes the preservation and improvement of soil fertility, the promotion of the economic use of land, the diminution of exploitation and unprofitable use of national soil resources, provision for stable supply of agricultural commodities at fair prices, and the establishment and maintenance of farm purchasing power.

Under a strict interpretation of the language of the majority of the Court as to the Federal power, it would seem clear that such purposes are unconstitutional. They are no more delegated to the Federal Government under the Constitution than the regulation of agriculture. It is possible that an argument could be made that soil erosion may, to some extent, affect navigable streams to which the Federal power would extend. But for the most part the purposes contemplated by this bill would not, it seems to me, be even remotely related to navigable streams.

The large subject of soil conservation could not be tied to the constitutional power over navigable waters. That soil conservation is a national public purpose, in fact, there would seem to be no doubt whatever; but the same observation applies to the regulation of agricultural production. If one looks to the strict language of the majority opinion, therefore, it would seem inevitable that soil conservation would fall under the inhibition of the Hoosac Mills decision.

On the other hand, however, if the illogical distinction made by the Court, which is favorable to conditional appropriations for education and the like, is followed by the Court in the future, then there would seem to be little doubt that this measure would not fall under the ban of the majority decision in that case. This gives the advocates of this measure, in my opinion, good reason for upholding the constitutionality of the measure.

Grants to farmers would be made on condition that they comply with the conditions imposed, such as the prevention of erosion, the reduction of acreage planted to certain crops, the increase in acreage planted to legumes and other soil-conserving crops, and the other measures for soil conservation contemplated by this bill.

No one can say that this measure will or will not be held unconstitutional by a majority of the Supreme Court. All that a Member of Congress can do is to support legislation of undoubted benefit to the farmers of the country which seems to him to meet the decision of the Court in the form of the enactment.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. POPE. I yield.

Mr. O'MAHONEY. Does it appear to the Senator that there is any language in the majority opinion in the Hoosac Mills case which affords Congress any standard by which it may determine whether this procedure or that procedure is constitutional?

Mr. POPE. I think not. The only language which would look in that direction is the language indicating the distinction between conditional appropriations and agricultural production, for instance. For example, the Court says that agricultural production cannot be regulated even under the spending power of Congress, because that power is not given to the Federal Government. Neither is the Federal Government clothed with power to regulate or control education, or regulate or control, say, farm-to-market roads under our road program, or to construct public works within a State, or to feed the destitute within a State.

Mr. O'MAHONEY. Then the Senator feels that, so far as this decision goes, the Supreme Court has given us no rule whereby we may with confidence frame the new legislation?

Mr. POPE. I think that is perfectly true. The only hope we have is the very illogical distinction between a conditional appropriation and the procedure under the Agricultural Adjustment Act. Under such a distinction as was made, one can argue that a grant on condition, instead of a contract under which an appropriation is spent, might be upheld by even the majority of the present Court.

Believing this legislation is not only beneficial but is necessary to the very preservation of agriculture, as indicated by letters I have read from substantial citizens of my own State, and there is good reason to believe that it conforms to the decision of the Court, I feel that I must give my support to the pending measure. This I do in spite of doubt as to its constitutionality under the strict language of the majority of the Court in the Hoosac Mills case.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS TO MONDAY

Mr. McNARY. Mr. President, if I may have the attention of the Senator from Arkansas, I wish to say that I was delighted at his description of the rough and stormy weather we are having and the general disposition shown to be considerate and to recess until Monday. I hope he is now in that pleasant mood.

Mr. ROBINSON. Mr. President, a number of Senators are absent who were unable to reach the Senate because of weather conditions, but who wish to be present when the vote is taken. I myself do not feel that it would be fair to force a conclusion in this matter under conditions as they exist today, and, with the approval of the chairman of the Committee on Agriculture and Forestry, in charge of the pending bill, I move that the Senate take a recess until 12 o'clock noon Monday.

The motion was agreed to; and (at 12 o'clock and 40 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until Monday, February 10, 1936, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 7 (legislative day of Jan. 16), 1936

ASSOCIATE JUSTICE, SUPREME COURT OF PUERTO RICO

Martin Travieso, of Puerto Rico, to be an associate justice of the Supreme Court of Puerto Rico, vice Pedro de Aldrey, resigned.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Maj. Alfred Schrieber Balsam, Infantry, with rank from March 18, 1925.

TO CORPS OF ENGINEERS

Second Lt. John Hicks Anderson, Infantry, with rank from June 12, 1934.

Second Lt. Robert Butler Warren, Coast Artillery Corps, with rank from June 12, 1934.

TO ORDNANCE DEPARTMENT

First Lt. William Lewis Bell, Jr., Infantry, with rank from October 1, 1934.

First Lt. Robert George Butler, Jr., Coast Artillery Corps, with rank from June 1, 1934.

TO CHEMICAL WARFARE SERVICE

First Lt. Ralph Bishop Strader, Infantry, with rank from November 1, 1934.

TO FIELD ARTILLERY

First Lt. Daniel Turner Workizer, Infantry, with rank from August 1, 1935, effective June 25, 1936.

TO COAST ARTILLERY CORPS

First Lt. Alexander Johnston Sutherland, Infantry, with rank from August 1, 1935, effective June 25, 1936.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONELS

Lt. Col. Melvin Guy Faris, Infantry, from February 1, 1936.

Lt. Col. William Jackson McCaughey, Infantry, from February 1, 1936.

Lt. Col. Eugene Ross Householder, Adjutant General's Department, from February 1, 1936.

Lt. Col. Eugene Santschi, Jr., Infantry, from February 1, 1936.

Lt. Col. William Addleman Ganoe, Infantry, from February 1, 1936.

TO BE LIEUTENANT COLONELS

Maj. Lester Leland Lampert, Infantry, from February 1, 1936.

Maj. Charles Harrison Corlett, Infantry, from February 1, 1936.

Maj. Louis Alexander Falligant, Infantry, from February 1, 1936.

Maj. William Ord Ryan, Air Corps, from February 1, 1936.

Maj. William Francis Maher, Field Artillery, from February 1, 1936.

TO BE MAJORS

Capt. Harold Edwards Stow, Infantry, from February 1, 1936.

Capt. William Burl Johnson, Quartermaster Corps, from February 1, 1936, subject to examination required by law.

Capt. Wilfred Hill Steward, Coast Artillery Corps, from February 1, 1936.

Capt. Merl Louis Broderick, Infantry, from February 1, 1936.

Capt. Lester Austin Webb, Infantry, from February 1, 1936.

Capt. Samuel Lewis Buracker, Infantry, from February 1, 1936.

Capt. Arthur Edwin Burnap, Infantry, from February 1, 1936.

Capt. James Harrison Donahue, Infantry, from February 1, 1936.

Capt. Thomas Patrick Walsh, Finance Department, from February 1, 1936.

Capt. William Robert Hamby, Cavalry, from February 1, 1936.

Capt. Henry Winter Borntraeger, Infantry, from February 1, 1936.

HOUSE OF REPRESENTATIVES

FRIDAY, FEBRUARY 7, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, in Thine only begotten Son we seek the true Master, the grace to keep the highest law and the eternal rule of conduct. O Thou who withholdeth no good thing, render our souls more acute to catch the whispers of Thy voice and let "the inward man be renewed daily." We pray Thee that Thou wilt witness no harshness in our behavior and no resentment in our spirit. Blessed Lord, guard our hearts; and may they be harmonized with the sweet, strong order of the kingdom of God. Allow nothing to blind us to the mercy that never faileth. O be with us lest we forget and wander from the paths of rectitude and duty and prove ourselves recreant to the trust which has been imposed in us, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. LAMBETH. Mr. Speaker, I ask unanimous consent that on Monday next, following the reading of the Journal and the disposition of business on the Speaker's table, I may address the House for 30 minutes.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, I am not going to object to this request, but Monday is District day, and I understand the Speaker has indicated he expects to give full consideration to the District Calendar on that day. I trust that no other requests will be made, because we will have to go forward with District business at that time.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. LAMBETH. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. LAMBETH. Mr. Speaker, on yesterday the gentleman from Massachusetts [Mr. TINKHAM], on the floor of the House, stated that Walter Hines Page, a dead constituent of mine who cannot speak for himself, as the Ambassador of our country to Great Britain during the World War, was a traitor. I desire on Monday to address the House in answer to this charge and in defense of the character and patriotism of Walter Hines Page.

AS I SEE IT IN WASHINGTON

Mr. JONES. Mr. Speaker, a few days ago I secured the unanimous consent to insert in the RECORD a speech delivered by Bascom Timmons, former president of the National Press Club, on the occasion of the Jackson Day dinner at Dallas, Tex. I did not at that time have an estimate from the Printing Office. I renew the request at this time.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JONES. Mr. Speaker, pursuant to leave granted, I herewith submit for printing in the RECORD an address entitled "As I See It in Washington", by Bascom N. Timmons. This address was delivered at the Jackson Day dinner at Dallas, Tex., January 8, 1936.

Mr. Timmons was formerly president of the National Press Club.

I appreciate the courtesy which the House has shown in permitting his personal comment to be printed in the RECORD.

Mr. Timmons said:

I deeply appreciate the high honor you have done me in asking that I speak to you on this occasion.

When your chairman invited me to come here I was puzzled at the reason I should have been asked. Texas annually produces, and has produced for three-quarters of a century, a bumper crop of orators, capable of making the political welkin ring on the slightest provocation. Yet I am not an orator, nor do I possess any of the orator's arts. I am a newspaperman. I am that by accident.

I was born on a black-land farm over here in Collin County. When I was a year old my father was lured to the Texas Panhandle by the promise of four sections of land and boundless opportunity. Like all boys in that country I dreamed of becoming a cattle baron. I planned no short cut to the opulence I was sure I would attain. I would start out with a few dogies and parley them into a great herd of Herefords. I started out to be a cowboy and had received a liberal education in the science of fixing fences and windmills and was beginning to learn something about cattle when I became a victim of something that has displaced many men from their normal employment—technology. They started busting up the cattle ranches.

So I came down to Dallas and went to work as a reporter on the Dallas Times Herald, owned then as now by a great independent American journalist, Edwin J. Keist. For nearly 25 years I have been in Washington, trying as best I can to accurately report for the people of Texas the things that happen there. That role is not particularly conducive to partisanship, and at times my friends have accused me of having a very thin Democratic veneer, if any.

I am honored far beyond my deserts when I am asked to come here on Jackson Day, the anniversary of Jackson's great victory at New Orleans, in this our Texas centennial year. Andrew Jackson was the friend and patron of Sam Houston. We are told that Jackson envisaged Houston as his successor in the White House.

Instead Sam Houston came to Texas, led our army to victory, became the first President of our own proud republic, saw the flag of the republic furled, and Texas became the biggest sister in the sisterhood of States.

Courageous old Andrew Jackson was a man of action. But I am going to be a little more current. Andrew Jackson is not going to be on the ticket this year.

There is a man in Washington today who is also a man of action. As a matter of fact there are two of them, and one of them is a Texan. I shall have something to say about both of them in this nonpartisan discourse.

But first I want to say something about the Texan. The man who has risen to greater heights in the Nation than any Texan since Sam Houston—John N. Garner, Vice President of the United States, and who will be renominated for that high office at the same time Franklin D. Roosevelt is renominated for President.

I believe few Texans realize how steadily the reputation of John N. Garner has advanced in recent years. I have known him for nearly a quarter of a century. He has been to me as he has been to many of you, a generous, sympathetic, helpful friend. For that he has my affection. But the thing that causes me to love him is his "divine disagreeableness" to those who seek favors or propose selfish measures against the public good.

A man of simple tastes, silent, no seeker of publicity, yet the attention of the Nation has been focused on him as on few Vice Presidents. All the Nation knows of his skill in dealing with men, in solving seemingly unsolvable legislative problems. No statesman in recent years has had a more lucid mind. His wise counsel is sought at both ends of the Capitol and at the President's Cabinet. No Vice President since the early days of the Republic has played so important a role.

As in the days of Andrew Jackson, there has been a lot of action in Washington in the last 3 years. A lot of the things that were said about Andrew Jackson have been dug out of the relic room and said with fervor about President Roosevelt. Even some Democrats have been showing their teeth. Democrats were always hard to please. Thomas Jefferson, the father of his party, could not please all of them, nor could Andrew Jackson, nor sturdy old Grover Cleveland, nor Woodrow Wilson.

I am perfectly willing to concede that many excellent people are not enamored with some of the things that have gone on in Washington in the last 3 years. I am not pleased with all of them myself. I have criticized some of them, but it has turned out that some of the things I criticized have worked excellently, and some of the things I thought were fine didn't do so well. So I think a great deal of the criticism is a second-guessing.

It is a fine thing to criticize if you know what you are criticizing and criticize intelligently. But it is not so creditable merely to mouth complaint about the whole program, especially when that program has brought us so far along the road to recovery as this one has.

There is a class of people who have originated most of the criticism. They are the representatives of special interests who have had their toes stepped on, and a vast number of the stock complaints have originated with these lobbyists and that organization of Mr. Shouse and Mr. Du Pont, the American Liberty League.

I am not going to criticize Mr. Shouse. That is his racket, and a very well-paid racket it is. His salary and expense account for merely carping about what is being done is almost as much as that of the President of the United States, who has the responsibility for the program.

Neither am I going to criticize a well-known southern man who has organized some sort of a Constitution-upholding society. That's his racket.

Certainly no one can blame the Republican Party or individual Republicans for opposing. Sound government in this Nation is best served by two parties, each vigilant and watchful of the other. From a purely humanitarian standpoint you will concede that a politician has to live—it doesn't make any difference whether he is a Democrat or a Republican. A minor politician lives by office holding when his party is in power and is kept alive by hope of future office when his party is out of power. Of course, I suspect the chief complaint of the Republicans is that Roosevelt has built a strong Democratic Party.

Let us see who the critics are:

First, there are the Budget balancers. If they are Republicans, they want their party slogan to be: "Turn the spendthrifts out." A balanced Budget is a wonderful thing. All of us yearn for a government ledger where both ends meet. Yet so vociferously and so long have the opponents of the administration yelled you would think that Franklin D. Roosevelt invented the deficit.

The man who preceded Mr. Roosevelt as President was named—it will come to me in a minute—Hoover. I have no personal unfriendly feeling for Mr. Hoover. My personal relations with him and his official family were pleasant. When I was inaugurated president of the National Press Club he did me the honor to come down to the exercise on a stormy night. I am perfectly candid in saying that despite his achievements in other fields, Mr. Hoover was, in my belief, the most bewildered and out of place man who ever sat in the White House.

But what I am objecting to about Mr. Hoover is his bad memory. Mr. Hoover has recently been making a number of speeches. I do not know where Mr. Hoover is at this hour, but I would be willing to wager my life insurance that he is either on a train going to make a speech or that he is off somewhere by himself preparing a statement for the press, and whether it is a speech or a statement he will have something to say in it about the unbalance in the Budget. His press agents tell us he is a new Hoover. He is no longer so sad. He is a wisecracker now. Some of his efforts at comedy are somewhat clumsy. The result is about what you would expect if Edwin Booth came back and started playing Charlie Chaplin parts.

Mr. Hoover seemingly has forgotten that he left an unbalanced Budget and a deficit. Well, he did. The public debt under Mr. Hoover was increased from $15,900,000,000 to more than $21,000,000,000.

Nor was the National Budget the only one that was unbalanced. Thousands of good American families had their personal budgets so badly unbalanced that sheriffs were throwing them out of their homes and into the streets. Five or six million of these citizens whose budgets were unbalanced have now gone back to work.

At the end of the Hoover administration, soup kitchens, those grim museums of human agony, were seen in every city. Even big business was indigent and looking for relief, and it got it from the R. F. C. to the tune of several billion dollars. Here another Texan, Jesse H. Jones, has done a big job. So well has he performed it that eventually R. F. C. is expected to collect back its loans, perhaps even show a profit.

Yes; business was the first to obtain largess from the United States Treasury. Many of them were, as O. P. Van Sweringen told a Senate committee he was, camping on the steps waiting when the R. F. C. opened for business. Many of these men who received Government largess are today again clipping coupons and complaining about Government interference with business. They are prosperous and mad about it.

At the end of the World War we had a national debt of $26,000,000,000. Between that time and 1929 we cut that debt down by $10,000,000,000. Mr. Hoover in his administration used to tell us that the depression was worse than war. The money has been used to fight depression. The public debt is now approaching $31,000,000,000. It will go higher before it goes lower. But the Nation will pay it. It is a doctor's bill for the national sickness. Some of the medicine for which we will have to pay may have been useless, but the general result started us back to national health.

Through substantial business recovery and the imposition of new taxes, the Treasury receipts today have recovered their depression loss. In the 6-month period ending January 1 revenues received by the Treasury exceeded the amount received in the same period in the boom year 1928–29. The ordinary Budget approaches balance. The outgo in excess of income is for emergency activities, all having to do with some kind of relief.

How long it will be before private business is able to absorb the unemployed, or State and local agencies take over the burden of caring for those remaining unemployed, no one can foretell. But until this happens Federal relief will continue. Senator JOSEPH T. ROBINSON expressed the national feeling when he said in a speech in Little Rock the other day: "I, for one, am not going to modify the policy of not allowing men, women, and children to suffer and hunger when they cannot arrange their own protection."

Another class of critics are those who tell you that President Roosevelt wants to destroy the Constitution. They base this on his statement to the press at a regular press conference on May 31, following the N. R. A. decision. Now, I do not know how they found out so much about what the President said at that conference. I was there. The audience was limited to newspapermen. In that conference President Roosevelt remarked that the United States is the only central Government in the world which cannot, under the N. R. A. decision, set up effectual laws to meet social and economic problems. He did not rail, but accepted it as authoritative, and made no attempt to arraign the people against the Supreme Court.

On the strength of the President's statement at that conference arose the hue and cry that he wanted to change our form of government. Well, he didn't say anything of that sort at that conference, and neither you nor I have seen any statement from him since of that purport. I do not know what he may have had in mind, but I do know that he was discussing the commerce clause of the Constitution, and I know that you can change the commerce clause without changing the form of this Government. After all, the commerce clause was written when this Nation was a little strip of seaboard, extending from Maine to Georgia. The 13 States were self-sufficient. There was little commerce, no railroads, automobiles, airplanes, telegraph, telephone, or radio.

The Constitution is not an ossified document to whose dotted line every situation that has arisen in the last 147 years was supposed to be fitted. Its framers recognized that institutions must keep abreast of the times. James Madison, the father of the Constitution, said:

"Every improvement in our Constitution that can be discovered should be immediately adopted as part of it."

The people of this country do not want a dictatorship by the President of the United States. I think I can say with just as good taste and some timeliness that the people of this country do not want a dictatorship or a supergovernment by the Supreme Court. They want no usurpation by Executive or Court or Congress. If there is to be a system of checks and balances, the checks should apply to all three branches of government.

There has been a river of words about the Constitution in recent months. Some men who have worn the shoes of Hamilton all their lives find it perfectly easy to lace up the shoes of Jefferson and talk of States' rights.

A great many of us who believe in State rights also realize that action through the Federal Government is the normal method provided by the Constitution for cooperative action among the States.

There was not so much talk of the Constitution when Franklin Roosevelt came into office. If we had listened to the counsel of despair from some men, we would have thought that we were not for long going to have any nation to use a constitution. In fact, I suspect that about all of us were thinking more about bread and butter than we were of constitutional liberty.

There has been argument as to the meaning of some of the language of the Constitution since its beginning. The way it has worked out is that this language means precisely what the majority of the men currently sitting on the Bench say it means. A majority of the next nine men may construe it to mean something different. It has worked out that way, too, where a majority of nine men just as profound and versed in the law as a majority of their nine predecessors have reached quite different conclusions than those reached by their predecessors.

The last place I visited before I left Washington Monday was the Supreme Court. They held A. A. A. unconstitutional. As good citizens we accept that. A. A. A. is unconstitutional. It is unconstitutional because there are six conservatives and three liberals on the Court's bench. In other words, it is just twice as unconstitutional as it is constitutional.

We all know that the Supreme Court does not operate in a vacuum. Why, they even hired a press agent the other day. The decision of the Court is not necessarily the ultimate voice. I think it is axiomatic that the citizen has as much right to criticize the Supreme Court as he has to criticize the President and the Congress.

Members of the Court are mortal men. They are not omnipotent. Of course, you might think so if you went from Texas to your National Capital and after climbing the steps of that beautiful edifice find yourself facing nine august-looking men in black robes. Well, they don't sleep in those robes. They put them on just before they go on and take them off just as soon as they leave the Bench. They have an enrobing and a disrobing room. That is something you did not know about.

Members of the Court carry to the Bench when they ascend it the same opinions and principles that a President or a Member of Congress carries into office with him. Some questions which face the Court are more political than legal. No one old enough to get around town by himself would be so foolish as to contend that no judge was ever swayed in his judicial opinions by old party affiliations. You could not make even the Dionne babies believe that. There is, for instance, the decision in the Hayes-Tilden electoral case, where the judges voted strictly along party lines. Quite generally, however, judges live up to their oaths of impartial administration of justice.

Mr. James Bryce, in his American Commonwealth, said:

"The Supreme Court has changed its color—i. e., its temper and tendencies—from time to time according to the political proclivities of the men who compose it. Their action flowed naturally from the habits of thoughts they had formed before their accession to the Bench and from the sympathy they could but feel for the doctrines on whose behalf they had contended."

Nor has the Supreme Court always protected the rights of the States. Just within a month it was accused by three of its own members, in the Vermont tax case, of action "sufficient to cause apprehension for the rightful independence of local government." These words are the words of Mr. Justice Stone, concurred in by Mr. Justices Brandeis and Cardozo. What a roar there would have been if Roosevelt instead of Stone had said that.

Just because the Supreme Court declares a law is unconstitutional does not mean that it is per se bad. If Congress were to enact the Ten Commandments into law and President Roosevelt signed the act and the matter was brought before the Supreme Court in a proper action, the Court undoubtedly would declare at least part of the commandments unconstitutional. One of the commandments—I do not remember which one it is—says, "Thou shalt not steal."

The majority opinion, holding the commandment unconstitutional, would recite that it is up to the States to say whether a citizen should or should not steal and that a Federal law on the subject is an invasion of States' rights.

If, perchance, the preamble to the commandments recited that their observance might bring a future reward, I am sure the whole thing would fail. I can close my eyes now and hear Mr. Justice Roberts, speaking his decision from memory, say the Federal Government would be coercing the citizen.

It is quite interesting to note some of the gentlemen who now speak in awed terms of the Constitution and States' rights. I am not a lawyer, but in 25 years in Washington I have seen men urge National power when they wished to check State power and urge State power when they wanted to check National power, and to do it so effectively that they escaped either State or National regulation.

Now, there are some other complaints about Roosevelt. We have heard it said that he has espoused some of the principles and adopted some of the planks that were in the Socialist platform. That is a perfectly valid charge. The Socialist Party has been in existence a long time. They have never been able to get many votes, but you can't shoot them for trying. Some of the planks in Socialist platforms were enacted into law under Grover Cleveland, some under McKinley, some under Theodore Roosevelt, and some under Taft, Wilson, Harding, the radical Coolidge, and Mr. Hoover. I know this is true, because I have seen the record.

Some of the critics say that, granted that times are better, Mr. Roosevelt didn't have a blessed thing to do with it. Mr. Hoover says that he had the depression licked and that Mr. Roosevelt prolonged it. He avers, for instance, that Mr. Roosevelt's election was responsible for the closing of the banks. Some of the things Mr. Hoover says solemnly are funnier than his wisecracks.

In the 12 years ended December 1932 in which the Republicans were in power 10,562 banks closed. Over half of this amount—5,761, to be exact—were closed during the Hoover administration. From March 15, 1933—after the Roosevelt bank holiday—to the end of the year 179 banks closed. In 1934 there were only 56 closed. and in 1935 only 4 national banks closed their doors.

Mr. Hoover says the Roosevelt administration has installed the European system. Well, Mr. Hoover's administration was one of "naked" Americanism.

Back in the beauty, elegance, and grace of Hoover's administration they passed the Smoot-Hawley tariff bill. That bill put the world in economic armament against us. Our foreign trade in 1932 had shrunk to a third of its former value. Because of those barriers that have been erected against us this administration has undertaken no legislative tariff revision. It is attempting to restore our foreign trade—in the only way which now seems feasible—through international agreements. There has been a quickening of foreign trade during the year as these agreements take effect.

While on the subject of foreign trade, it is interesting to note that November cotton shipments aggregated 1,134,874 bales, or more than double the volume of the exports of that staple during the corresponding month for the previous year. These November shipments surpassed the average November movement during the past 10 years.

During the same 4 months ended November 30 of last year cotton exports were 2,574,786 bales, or more than 600,000 above exports during the previous year's corresponding period.

Improvement in business is shown in every line from year to year. In the rural areas, for the Nation as a whole, sales rose 20 percent above the 1934 figure in 1935. Right here in Dallas the official figures show that the average percentage of gains over the previous year was 17.5 percent. Retail buying in Kansas City reached the best levels since 1929. New York, Minneapolis, Los Angeles, St. Louis, and Memphis all made similar reports of increased holiday business.

Reports to the Commerce Department showed for the year, further improvement in agriculture, some revival in the durable goods industry, widespread improvement in consumer purchasing based on increased employment, further improvement in the financial field, and a rising tendency in security markets.

Our natural recuperative powers didn't do all of that. You will at least have to give the Roosevelt administration credit for an assist. Capable economists say that recovery is too vigorous to be stopped. Mr. Roger Babson forecasts a 10-percent increase in business in 1936 over 1935.

It is rather strange in these circumstances that some business men should be urging business to "gang up on Roosevelt", and that a convention of manufacturers would cheer partisan and ill-tempered speakers who denounced policies of this administration as inspired by "crack pots" and "alien and revolutionary theories."

Let us look at the farm picture for a moment. It challenges the attention of the Nation right now. From 1929 to 1933 (Herbert Hoover period) farm cash income dropped 61 percent and rural retail sales fell 57 percent. Then the A. A. A. law was passed and the farmer began to get some unconstitutional money. From the bottom of the depression until the present time farm cash income has advanced 86 percent and rural retail sales 93 percent.

Estimates place the farmers' gross income from production in 1935 and from rental and benefit payments in excess of $8,000,000,000, as compared with five billion three hundred and thirty-seven million in 1932. For the United States as a whole the cash farm income from marketings, plus rental and benefit payments, was 48 percent greater in 1934 than in 1932.

Estimates are that the Texas farm income for 1935 will be from forty-five million to ninety million dollars more than in 1934.

I think that is one kind of redistribution of income that is justified. I think the farmer over there in Collin County, where I was born, is entitled to enough to give him a decent living, and that is what this administration was trying to give him.

Of course, we are told that to get a decent living he has to submit to regimentation. Mr. Justice Roberts says he has been coerced. The dictionary and Mr. Justice Roberts are a little apart on what coercion means. None of you ever heard of anyone being coerced to his own good. If this sort of coercion is necessary to enable the farmer to gear his production to consumer demand and obtain a fair price for his toil, he can take it. In fact, I imagine he wishes he were sure he would be coerced again in 1936.

The President told you tonight that the farm program, made necessary by invalidation of A. A. A., has not been worked out. You wouldn't expect me to know more about what is going to happen than the President of the United States. But this I do know. I know this administration is not going to say it is useless to try to do anything else for agriculture just because A. A. A. is invalid. There will be some kind of legislation which will give substantially the same benefits as A. A. A.

It may be a plan based on soil conservation, or State cooperation, or something else; of this I am sure—there will be some kind of control over farm production. Steel mills, automobile plants, and every other line of production gear themselves to consumer demand, and so must the farmer.

There are, as you are aware, a number of things this administration has done that are not unconstitutional.

There is the record of the H. O. L. C., which has granted 945,739 home-relief loans, and has had to institute only 2,936 foreclosures, or 1 foreclosure for every 320 loans made.

There is the Farm Credit Administration which has granted 2,432,000 farm loans.

And there are a lot of other things—old-age pensions, etc.—but I want to talk a little about the next election.

I am going to be a reporter now. I am going to report and forecast.

We have heard a great deal about uncertainty in this country. Some say that the Nation cannot go ahead until uncertainty is removed. Certainty is an illusion mankind has always cherished. I do not know of any man or set of men who can remove uncertainty. We have always had it and always will. This country has even prospered under uncertainty. But in my humble way I want to do what I can to end one uncertainty.

The coming election will be bitter. You remember Mark Hanna, the man who was always cartooned wearing the dollar-mark suit of clothes. Mark Hanna was a great man in the Republican Party. The G. O. P. had been winning elections on the bloody shirt from the Civil War to Grover Cleveland's time. The northern electorate were reminded that Democratic victory would put the South in the saddle. When this played out they had to get something new. Mark Hanna supplied it. He raised the greatest campaign fund in history and sold the country the full-dinner-pail idea, which existed in one form or another down to Mr. Hoover's "chicken in every pot." Oh, how they wish they could shine up the old full dinner pail and use it this autumn.

The money Mark Hanna raised would not be a starter to what the Republicans will have this year. With full knowledge of that, and also aware that the electorate is supposed to be fickle, I make this forecast. The next election will be bitter, but it won't be close.

Franklin D. Roosevelt will be reelected President and John N. Garner will be reelected Vice President. Furthermore, I tell you that the responsible leaders of the Republican Party do not expect to win the Presidency.

You have heard a lot about this boondoggling. [A voice from the audience, "What is boondoggling?"] Running against Roosevelt and Garner in 1936 is going to be the most useless form of boondoggling.

I'll tell you what the boys really want to do. They want to make gains and get ready for 1940. What they need to get started back to the big league is to carry some counties—elect some sheriffs and county commissioners. That's where you invigorate and start building organizations back—in the courthouses.

Do you realize that Roosevelt carried every county in California and Washington in 1932, and all but one in Oregon? In all the 22 States west of the Mississippi River there are 1,500 counties. Of these Roosevelt carried 1,454 and Hoover 46. And there was another cyclone and another big Republican casualty list in 1934.

In the Senate of the United States the Republicans are down to a puny 23 Members out of 96. To get control of the Senate this year they would have to carry not only every seat in a Northern or Western State but they would have to elect Republicans over MORRIS SHEPPARD in Texas, JOE ROBINSON in Arkansas, PAT HARRISON in Mississippi, WALTER GEORGE in Georgia, and JIMMY BYRNES in South Carolina.

They have just a little over 100 Members out of 435 in the House of Representatives, and 8 Governors out of 48.

No one knows yet who the Republican candidate will be. It looked for a while like it would be VANDENBERG, but VANDENBERG so far has been too smart for them. He doesn't want it. Let's see who else they might get. Let's canvass some of the Republican candidates—possibly, probable, or potential—Republican possibilities, and Republican impossibilities.

But first let's recall some of the recent vicissitudes of the G. O. P. Last spring it looked as if the roses of health might come back to the cheeks of the Republican elephant. Someone got up the idea of a grass-roots convention out at Springfield, Ill. That was about the time we were having the big dust storms and the topsoil was all migrating. In some parts of the West there were not as many grass roots left as there are Republicans in Ellis County, Tex.

Many people who are Democrats believe in a two-party system. They were sort of glad to see their ancient rival showing signs of life. The whole country was full of hushed expectancy. But before the "grass rooters" could assemble there was a stirring in the tomb at Palo Alto. There were rumors that Mr. Hoover wanted to be the actual instead of the titular leader of his party. The sorely beset Republicans hoped against hope that it was not true. But, alas, it was true.

Mr. Hoover made it pretty plain that he either wanted the nomination himself or he wanted vindication through the nomination of one of his followers. He much preferred, it seemed, to be the Paul Revere himself.

Demand was made that Mr. Hoover say he did not want the nomination. Mr. Hoover did not accede to the demand.

So with that cloud over them the Republicans met at Springfield. It was the greatest collection of has-beens who would like to be again, in history. They adopted ringing resolutions on about every subject except the one the West was interested in—the farm program. Then they adjourned and waited for the reaction.

It came in a dramatic blast of dissent from Mr. BORAH. The Idaho lion said that the result of the grass-roots convention was to try to whitewash the same old elephant. He demanded complete and bona-fide reorganization.

Mr. Hoover and Mr. BORAH are the only two outstanding personalities in the Republican Party. Mr. Hoover got 15,000,000 votes the last time and thinks he can be elected. Mr. BORAH can get the front page any time. Between them there is a wonderful example of vice versa. Mr. Hoover is determined Mr. BORAH shall not get it and Mr. BORAH is determined Mr. Hoover shall not.

Mr. Hoover kept on making speeches during the spring, summer, and fall. BORAH lost himself in the fastnesses of Idaho. The Republican bigwigs felt sure they could keep the nomination away from Hoover and that BORAH had subsided.

Under these circumstances efforts were made to get the party together. But it soon developed that the Republican Party was a house divided against itself. The western wing wanted it to turn Bull Moose. The eastern wing wanted to go back to the McKinley era. The high-minded West and the dissolute East were deadlocked. Some of them made heroic efforts to get the party together on something. They felt that the party ought to rise above principle for the purpose of getting the offices.

A group of hard-boiled Republicans began to boom Col. Frank Knox, of Illinois. But only Colonel Knox and a handful of people seemed interested in the Knox boom. Colonel Knox turned out to be a regular Hoover in making speeches and statements. I have not clocked him in the last few days, but at that time he was two speeches and six statements ahead of Mr. Hoover. Colonel Knox is not a purebred Illinois colonel. In fact, he is a kind of carpetbagger in Illinois via New Hampshire and the Hearst newspapers. The copyrighted Illinois colonel is Colonel McCormick, of the Chicago Tribune. The two publishing Chicago colonels do not bill and coo about one another. Colonel Knox talked out of turn on the farm issue.

The result was that they dropped just one letter further down in the alphabet to Governor Landon, of Kansas. Mr. Landon had some handicaps, to be sure. He had been walking a tightrope on A. A. A. He had made a speech in which he defended President Roosevelt against charges of dictatorship that had been hurled at him by some Republicans. He didn't think Roosevelt any dictator at all, and that speech enraged eastern Republicans. Mr. Landon might look a little comic as the candidate under all the circumstances. So it looked as if they were going to taper down to DICKINSON, of Iowa. That's what you call "devolution."

Then Mr. BORAH emerged and announced his readiness to go into all primaries. Mr. BORAH's candidacy ought to have pleased those Republicans who had been insisting the loudest that the party go into the campaign armed with the Constitution as an issue. Mr. BORAH is our foremost constitutionalist. But it was these people who have been insisting on the constitutional issue who protested most vigorously against the BORAH candidacy. They are fighting him tooth and nail, calling him another Bryan.

Right now they are trying to show that his campaign is phony. BORAH has a very excellent record for supporting New Deal legislation. He voted for the social-security bill, the Wagner Labor Disputes Act, the public-utility holding company bill, the Works Relief Act, validation of gold-dollar devaluation, T. V. A., the Gold Reserve Act, stock-exchange control, and silver purchase. He even voted for potato control.

Out of the confusion of Republican counsel I believe I see a way for them. I think I know the man for them to nominate. The man I am about to name has just won a great victory in the Third Michigan Congressional District. His name is VERNER W. MAIN. He is not the Maine who "as Maine goes so goes the Nation" but MAIN, of Michigan.

Mr. MAIN is sort of a supermagician if we are to believe in platforms. The magician's act primarily is to thrill and confuse his audience; he pulls rabbits, birds, and paper bouquets out of silk hats—even horses pop out of unexpected places. Mr. MAIN goes further than this. He takes that illusive commodity—money—and resolves it into no problem at all. Mr. MAIN, in the special election in which he was chosen, advocated the $19,000,000,000 Townsend pension plan, the payment of the soldiers' bonus, and—I know you've heard this one before—balancing the Budget. All this is not to cost anybody anything. There will be no increase in taxation and no inflation. From this you will see that Mr. MAIN is simply the tailor-made candidate for the Republican Party, and the Michigan Republicans seem to think so. He not only won the election but won it by about the district's normal Republican majority.

While Republicans face the baffling and vexatious problem—finding a candidate—and a fight for control of party machinery similar to that which wrecked the Democratic Party at Madison Square Garden in 1934, the Democrats prepare to renominate Roosevelt and Garner by acclamation.

Franklin D. Roosevelt inherited an ocean of trouble when he entered the White House. Seemingly there was calm judgment nowhere. The cry of despair drowned out the counsel of courage. He brought encouragement in time of deepest gloom. His own courage and his resolute action thrilled the Nation.

I have had an opportunity to see President Roosevelt twice a week ever since he has been in office. In that time new problems have arisen, new issues have pressed, new crises have threatened. I have seen him take the frowns as well as the smiles of fortunes with easy grace. His outlook is as clear today as it was in the beginning; his health as vigorous. The people who want to give him battle will get all the battle they want.

NATIONAL-BANK RECEIVERSHIPS

Mr. KRAMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a

report from the Comptroller of the Treasury, dated Monday, January 6, showing 14 banks throughout the country which have been liquidated and reopened since the general order closing the banks of the country.

Mr. RICH. Mr. Speaker, reserving the right to object, is that from the Treasury Department?

Mr. KRAMER. Yes.

Mr. RICH. Does it contain a statement showing how far in the red the Treasury Department is?

Mr. KRAMER. No; it shows the Treasury Department is not in the red, but that these banks have been liquidated and reopened since they were closed some 2 years ago.

Mr. RICH. It does not refer to the Treasury Department statement showing what our national debt is?

Mr. KRAMER. The gentleman knows that when I am referring to the matter of the closed banks it does not come under that heading.

Mr. RICH. The gentleman is right.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KRAMER. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following report of the Comptroller of the Currency:

TREASURY DEPARTMENT,
Washington, January 6, 1936.

The Comptroller of the Currency, J. F. T. O'Connor, today announced the completion of the liquidation of 14 receiverships during December 1935, making a total of 187 receiverships finally closed or restored to solvency since his last annual report to Congress dated October 31, 1934. Total disbursements, including offsets allowed, to depositors and other creditors of these 187 institutions, exclusive of the 12 receiverships restored to solvency, aggregated $48,272,151, or an average return of 72.94 percent of total liabilities, while unsecured depositors received dividends amounting to an average of 60.33 percent of their claims.

The First National Bank of Wakarusa, Ind., in receivership October 3, 1933; depositors and other creditors were paid 100 percent principal with interest in full amounting to an additional dividend of 7.9 percent. Total payments to creditors, including offsets allowed, aggregated $112,172 and the stockholders received $4,376, together with the assets remaining uncollected.

The First National Bank of Ayrshire, Iowa, in receivership August 12, 1930; disbursements, including offsets allowed, to depositors and other creditors aggregated $114,848, which represented 68.1 percent of total liabilities. Unsecured depositors received dividends amounting to 51.97 percent of their claims.

The Farmers National Bank of Glenwood City, Wis., in receivership August 22, 1930; disbursements, including offsets allowed, to depositors and other creditors aggregated $156,649, which represented 66.61 percent of total liabilities. Unsecured depositors received dividends amounting to 55.75 percent of their claims.

The First National Bank of Dickinson, Tex., in receivership December 19, 1933, the liabilities of the institution having theretofore been assumed by another bank. The receiver was appointed for the purpose of collecting an assessment against the stockholders to cover a deficiency in the assets sold. Disbursements during receivership, including offsets allowed, aggregated $14,055, which represented 109.97 percent of total liabilities, and there was returned to the stockholders the sum of $299, together with the assets remaining uncollected.

The Clyde National Bank, of Clyde, Tex., in receivership November 14, 1933; disbursements, including offsets allowed, to depositors and other creditors aggregated $73,676, which represented 61.65 percent of total liabilities. Unsecured depositors received dividends amounting to 41.17 percent of their claims.

The First National Bank of Monte Vista, Colo., in receivership February 8, 1932; disbursements, including offsets allowed, to depositors and other creditors aggregated $136,416, which represented 61.56 percent of total liabilities. Unsecured depositors received dividends amounting to 24.57 percent of their claims.

The Guernsey National Bank of Cambridge, Ohio, in receivership June 29, 1932, the liabilities of the institution having theretofore been assumed by another bank. The receiver was appointed for the purpose of collecting an assessment against the stockholders to cover a deficiency in the assets sold. Disbursements during receivership, including offsets allowed, aggregated $73,258, which represented 99.15 percent of total liabilities.

The First National Bank of Mountain Lake, Minn., in receivership June 12, 1931; disbursements, including offsets allowed, to depositors and other creditors aggregated $210,438, which represented 82.15 percent of total liabilities. Unsecured depositors received dividends amounting to 79.94 percent of their claims.

The Gregory National Bank of Gregory, S. Dak., in receivership November 25, 1925; disbursements, including offsets allowed to depositors and other creditors, aggregated $372,227, which represented 88.16 percent of total liabilities. Unsecured depositors received dividends amounting to 29 percent of their claims.

The Carlton National Bank of Wauchula, Fla., in receivership February 21, 1929; disbursements, including offsets allowed to depositors and other creditors, aggregated $318,056, which represented 64.77 percent of total liabilities. Unsecured depositors received dividends amounting to 49.7 percent of their claims.

First National Bank of Shenandoah, Iowa, in receivership May 13, 1926; disbursements, including offsets allowed to depositors and other creditors, aggregated $664,837, which represented 64.92 percent of total liabilities. Unsecured depositors received dividends amounting to 41.12 percent of their claims.

The First National Bank of Elk Point, S. Dak., in receivership December 16, 1930; disbursements, including offsets allowed to depositors and other creditors, aggregated $138,022, which represented 65.29 percent of total liabilities. Unsecured depositors received dividends amounting to 47.09 percent of their claims.

The Broadway National Bank of Denver, Colo., in receivership January 16, 1926; disbursements, including offsets allowed, to depositors and other creditors aggregated $1,874,053, which represented 80.63 percent of total liabilities. Unsecured depositors received dividends amounting to 77.71 percent of their claims.

The First National Bank of Roy, Mont., in receivership February 11, 1930; disbursements, including offsets allowed to depositors and other creditors aggregated $48,659, which represented 68.09 percent of total liabilities. Unsecured depositors received dividends amounting to 41.85 percent of their claims.

Dividend payments during December 1935 by all receivers of insolvent national banks to the creditors of all active receiverships aggregated $17,462,026.

Dividend payments to the creditors of all active receiverships from October 31, 1934, the date of the Comptroller's last annual report to Congress, to December 31, 1935, aggregated $145,137,369.

Insolvent national banks liquidated and finally closed or restored to solvency during the month of December 1935

Receiverships	Date of failure	Total disbursements, including offsets allowed	Percent total returns to all creditors	Percent dividends paid unsecured depositors
First National Bank, Wakarusa, Ind	Oct. 3, 1933	$112,172	105.50	107.90
First National Bank, Ayrshire, Iowa	Aug 12, 1930	114,848	68.10	51.97
Farmers National Bank, Glenwood City, Wis	Aug. 22, 1930	156,649	66.61	55.75
First National Bank, Dickinson, Tex.[1]	Dec. 19, 1933	14,055	109.97	74.65
Clyde National Bank, Clyde, Tex	Nov. 14, 1933	73,676	61.65	41.17
First National Bank, Monte Vista, Colo	Feb. 8, 1932	136,416	61.56	24.57
Guernsey National Bank, Cambridge, Ohio[1]	June 29, 1932	73,258	99.15	78.09
First National Bank, Mountain Lake, Minn	June 12, 1931	210,438	82.15	79.94
Gregory National Bank, Gregory, S. Dak	Nov. 25, 1925	372,227	88.16	29.00
Carlton National Bank, Wauchula, Fla	Feb. 21, 1929	318,056	64.77	49.70
First National Bank, Shenandoah, Iowa	May 13, 1926	664,837	64.92	41.12
First National Bank, Elk Point, S. Dak	Dec. 16, 1930	138,022	65.29	47.09
Broadway National Bank, Denver, Colo	Jan. 16, 1926	1,874,053	80.63	77.71
First National Bank, Roy, Mont	Feb. 11, 1930	48,659	68.09	41.85

[1] Receiver appointed to levy and collect stock assessment covering deficiency in value of assets sold, or to complete unfinished liquidation.

THE DEFICIENCY BILL

Mr. WOODRUM. Mr. Speaker, I want to submit a unanimous-consent request in lieu of calling up the deficiency bill.

The conferees on the deficiency appropriation bill which carries items for a number of departments which badly need their money have reached a unanimous agreement. The Senate has adopted the report, but there are several amendments which, because they are legislative in character, have to be formally acted upon in the House. In reality, there is nothing in controversy between us, and, as I do not want to get in the way of the gentlemen who want to finish the consideration of the Treasury and Post Office bill, I wondered if I could have unanimous consent that the conference report on the deficiency bill, which is a complete report, the conferees being unanimously in favor thereof, may be considered as having been read and that the amendments in disagreement may be considered as having been agreed to with the motions which the conferees will recommend.

Mr. WITHROW. Mr. Speaker, reserving the right to object, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. WITHROW. I understand there is authorization in the deficiency bill allowing the Secretary of Agriculture to distribute surplus dairy products as he sees fit. Can the gentleman give us any information about that?

Mr. WOODRUM. There is a provision in the deficiency bill inserted by the Senate which extends the right of the Secretary of Agriculture to purchase and dispose of certain surplus products.

Mr. WITHROW. I am in agreement with the plan and I just wanted to know if it is included in the bill.

Mr. SNELL. Reserving the right to object, of course, it is going pretty far to approve amendments in disagreement without any consideration whatever, but I suppose they will be printed in the RECORD.

Mr. WOODRUM. I know it is going pretty far, and I shall not press the request if anybody objects. The gentleman from New York [Mr. TABER] and I have discussed the matter, I may say to the gentleman.

Mr. SNELL. I think it is a pretty hasty way of considering a conference report; but I am not going to object.

Mr. RICH. Does the conference report increase the appropriations any?

Mr. WOODRUM. Fourteen million dollars, but $11,000,000 is the amount necessary on account of the adjusted-compensation payment.

Mr. RICH. I hope the gentleman will not forget the statement he made on the floor here, which is still ringing in my ears. Budget estimates are one thing and what the Congress appropriates is another, and it is the gentleman's responsibility to reduce the appropriations.

Mr. WOODRUM. I will try to do better in the future, I will say to the gentleman. [Laughter.]

Mr. BLANTON. Reserving the right to object, and I am not going to object, I want to ask the gentleman from Virginia whether he has consulted our friend from California, Mr. SCOTT, and our friend from New York, Mr. SISSON, about now passing these legislative riders before he takes any action?

Yesterday, at a time when no matter of legislation could be voted on, but only general debate was going on in the Committee of the Whole, I was engaged in holding important hearings on an appropriation annual supply bill just upstairs adjoining this Chamber, and my friend from California, Mr. SCOTT, noted my absence from this floor, and he referred to the rider to stop communism in the Washington schools, which I helped to pass last session without a vote being cast against it either in the House or Senate.

He said:

The fact that this obnoxious rider "got by" the House and Senate must warn us that in the future we must be eternally vigilant.

He called such a wholesome rider "obnoxious." His objection, and that expressed by our colleague from New York, Mr. SISSON, would indicate that they did not want "riders" to be passed on appropriation bills.

Since these comparatively new colleagues of ours have indicated that they are against riders, I am wondering if the gentleman has consulted with them about it.

Mr. O'CONNOR. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. What is the request of the gentleman from Virginia?

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent that the conference report upon the deficiency appropriation bill be considered as having been read.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the conference report upon the deficiency appropriation bill be considered as having been read and the conference report agreed to. Is there objection?

There was no objection.

Mr. WOODRUM. Mr. Speaker, I further ask unanimous consent that the amendments in disagreement be considered as having been read and that the following motions be considered as having been agreed to.

The amendments in disagreement referred to are as follows:

Senate amendment 12: Page 5, line 7, insert:

"CALIFORNIA-PACIFIC INTERNATIONAL EXPOSITION

"For the purpose of carrying into effect the provisions of the act entitled 'An act to amend an act entitled "An act providing for the participation of the United States in the California-Pacific International Exposition to be held at San Diego, Calif., in 1935 and 1936; authorizing an appropriation therefor, and for other purposes", approved March 7, 1935, to provide for participation in the California-Pacific International Exposition to be held at San Diego, Calif., in 1936, to authorize an appropriation therefor, and for other purposes', approved , and for each and every object authorized by said act, $75,000, together with the unexpended balance of the appropriation for the California-Pacific International Exposition held in 1935 as contained in the act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1935, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1935, and for other purposes, to remain available until June 30, 1936."

Mr. WOODRUM moves that the House recede from its disagreement to the amendment of the Senate no. 12, and agree to the same with the following amendments:

In line 11 of the matter inserted by said amendment, after "approved", insert the following: "February , 1936."

In the last line of the matter inserted by said amendment strike out "June 30, 1936" and insert in lieu thereof the following: "January 1, 1937."

Senate amendment 13: Page 6, line 13, after the word "Columbia", insert *"Provided*, That of the funds hereby appropriated there shall be available from and including January 16, 1936, such sums as may be necessary for the payment of obligations incurred by the Central Statistical Board created by Executive Order No. 6225, dated July 27, 1933."

Mr. WOODRUM moves to recede and concur.

Senate amendment 24: Page 20, line 15, insert:

"BUREAU OF BIOLOGICAL SURVEY

"The sum of $12,500 of the unexpended balance of the appropriation of $6,000,000 provided by title VII of the act entitled 'An act to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, and certain other acts relating to game and other wildlife, administered by the Department of Agriculture, and for other purposes', approved June 15, 1935 (49 Stat., pp. 378–384), is hereby made available for the payment, by the Secretary of Agriculture, of expenses in connection with the North American Wildlife Conference called by the President of the United States, to be held in Washington, D. C., February 3–7, 1936, including the employment of persons and means in the District of Columbia and elsewhere by contract or otherwise, printing, binding, and other miscellaneous expenses: *Provided*, That no part thereof shall be available for travel or subsistence expenses."

Mr. WOODRUM moves that the House recede from its disagreement to the amendment of the Senate no. 24, and agree to the same with the following amendment:

In line 12 of the matter inserted by said amendment strike out the words "to be."

Senate amendment 25: Page 21, line 19, insert "and shall remain available until expended, whether or not said act of April 21, 1934, as amended, continues in force and effect."

Mr. WOODRUM moves that the House recede from its disagreement to the amendment of the Senate no. 25, and agree to the same with the following amendment:

In line 2 of the matter inserted by said amendment, after the word "available", insert the following: "for such purpose."

Senate amendment 33: Page 25, line 5, after the figures "1935", insert *"Provided further*, That in carrying out clause 2 of said section 32, the Secretary of Agriculture may, if he finds that the purposes of said section will be accomplished thereby, purchase without regard to section 3709, Revised Statutes, agricultural commodities and products thereof, including purchases for donation to the Federal Surplus Commodities Corporation."

Mr. WOODRUM moves that the House recede from its disagreement to the amendment of the Senate no. 33 and agree to the same with an amendment, as follows:

In line 2 of the matter inserted by said amendment, after the word "That", insert the following: "during the fiscal years 1936 and 1937."

Senate amendment no. 62: Page 71, line 1, insert:

"SEC. 7. That section 1 of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, be, and the same is hereby, amended by inserting at the end of the first proviso of the second paragraph thereof, a new proviso as follows: *'Provided further*, That the apportionment requirements of this paragraph shall not apply to loans or grants, or both, to States under limitation (g) of the first paragraph of this section, for public highways and related projects, including grade crossing.'"

Mr. WOODRUM moves that the House recede from its disagreement to the amendment of the Senate no. 62, and agree to the same with the following amendment:

In line 7 of the matter inserted by said amendment strike out the words "to States."

Senate amendment no. 63: Page 71, line 10, strike out the figure "7" and insert in lieu thereof the figure "8."

Mr. WOODRUM moves that the House recede and concur in Senate amendment no. 63.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TABER. That is with the amendments proposed by the conferees.

Mr. WOODRUM. With the amendments which the conferees agreed to recommend to the House.

The SPEAKER. Is there objection? The Chair hears none, and the motions of the gentleman from Virginia are agreed to.

There was no objection.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL, 1937

Mr. LUDLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10919) making appropriations for the Treasury and Post Office Departments for the fiscal year 1937.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10919, with Mr. GREENWOOD in the chair.

The Clerk read the title of the bill.

Mr. LUDLOW. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. ZIONCHECK].

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent that a resolution which I introduced in the House yesterday be printed in the RECORD in full at this point.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that a resolution which he introduced yesterday be printed in the RECORD at this point. Is there objection?

There was no objection.

The resolution referred to is as follows:

House Resolution 411

Whereas rentals in the District of Columbia have been constantly increasing; and

Whereas wages being paid to apartment-house and hotel employees have been decreasing; and

Whereas interest rates are being reduced; and

Whereas taxes, both real and personal have been appreciably decreasing (real property tax upon the Carlton Hotel for 1931–32 was $32,267.14; for 1934–35 they were decreased to $21,970.06). The following is the situation on the personal-property tax in the Carlton Hotel, Inc.:

1928. Account no. 48818. Tax, $4,110. Assessment, paid in full. First year of taxation for personal tax as Carlton Hotel, Inc.

1929. Account no. 69869. Tax, $4,140. Assessment paid in full, as Carlton Hotel, Inc.

1930. Account no. 78488. $4,170. Assessment not paid, as Carlton Hotel, Inc.

1931. Account no. 44494. $4,170. Assessment not paid, as United Realties, Inc., agent.

1932. Account no. 29899. $4,140. Assessment not paid, as Wardman Real Estate Properties, Inc.

1933. Account no. 4541. Tax, $1,808.68. Return paid in full by Carson, Peyser & Tumulty, receivers.

1934. Account no. 29514. Tax, $1,421.65. Return paid in full by Washington Properties, Inc.

1935. Account no. 29679. Tax, $1,408.56. Return paid in full by Washington Properties, Inc.

1936. Account no. 32566. Tax, $1,476.24. Return: First half paid, $738.12. Balance due, $738.12, by Washington Properties, Inc., as of December 20, 1935.

Whereas there is reason to believe this is a common practice in Washington, D. C.: Therefore be it

Resolved, That the Speaker is authorized and directed to appoint a select committee to be composed of seven Members of the House whose duty it shall be to investigate fully the various forms of municipal taxation and assessments and sources of revenue of the District of Columbia and to recommend to the House such new forms of taxation, assessment, and sources of revenue and/or such changes in existing forms of taxation, assessment, and sources of revenue as to them may seem just, fair, and equalized for all property owners within the District of Columbia, and particularly with the view of relieving the small-home owner for paying the taxes of the down-town business-property owners. That said committee, or any subcommittee thereof, is authorized to sit and act during the present Congress at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, by subpena or otherwise, and to take such testimony as it deems necessary. Subpenas shall be issued under the signature of the chairman and shall be served by any person designated by him. The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who, having appeared, refused to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

Mr. ZIONCHECK. Mr. Chairman, I introduced a resolution in the House yesterday which is what might be termed a double-action resolution, predicating itself upon the basis that rents in the District of Columbia were ever increasing, but that the wages paid to the employees of the same places that charge these rents are going down, that their tax assessments are going down, and their taxes are decreasing, and interest rates are decreasing, notwithstanding that their rentals are going up. I submit in this resolution one factual thing by way of an example to show you what they are doing with the matter of taxes, and I think I can explain it very quickly. The Carlton Hotel, in personal-property taxes for the years 1928, 1929, 1930, 1931, and 1932, paid about $4,100 each year. Then a very fine firm of attorneys, Messrs. Peyser and Tumulty, became receivers for that hotel, and the taxes immediately dropped down to $1,800, the next year to $1,421, and the next year to $1,408. The next year they were $1,476; and anyone who has been in the Carlton Hotel—and I have been there several times—knows that the personal property there is as valuable today as it was the day the hotel started, because they have had to replace and renovate it. In my opinion, the taxes they paid for personal property is not enough to pay for their silver alone, let alone anything else.

I ask unanimous consent that at this point in the RECORD there be printed the real-estate and personal-tax assessments for a 10-year period for the Wardman Park Hotel, the Shoreham Hotel, the National Press Building, Woodward & Lothrop, the Standard Oil Co., the Westchester Development Corporation, and the Washington Times and the Washington Herald, both of these last being Hearst publications.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that at this point in the RECORD he may print a statement of the assessment of certain property in the city of Washington. Is there objection?

Mr. CHURCH. Reserving the right to object, Mr. Chairman, what is the object of this?

Mr. ZIONCHECK. The object is this: If there is an equalization in taxes, and these people pay the same taxes proportionately as anyone else in the city of Washington, the Federal Government will not have to contribute any more, and these people could even reduce rents on that basis, if they are honest.

Mr. CHURCH. Does not the gentleman realize that the more he criticizes men who are putting money into property, the more he is increasing the rentals?

Mr. ZIONCHECK. Perhaps I am wrong, but there may be some difference of opinion upon that. There is no objection to this information going in the RECORD, is there?

Mr. CHURCH. The gentleman will accomplish the opposite result from what he appears to be expecting.

Mr. ZIONCHECK. That may be true.

Mr. CHURCH. By discouraging investment in property.

Mr. ZIONCHECK. I should be glad to discuss that with the gentleman at some other time.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The matter referred to is as follows:

Real estate and personal-tax assessment for 10-year period

Name	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936
Wardman Park:										
Tangible assessment	[1] $350,000.00	[1] $350,000.00	[1] $350,000.00	[1] $500,000.00	[1] $500,000.00	[1] $500,000.00	[2] $222,608.00	[2] $207,614.00	[2] $208,213.00	[2] $200,776.00
Intangible assessment	200,000.00	300,000.00	300,000.00	300,000.00	300,000.00	300,000.00	41,512.00	30,414.00	31,808.00	31,272.00
Shoreham Hotel (opened 1931):										
Tangible assessment						315,730.00	314,973.00	315,472.00	276,980.00	236,963.00
Intangible assessment						37,468.00	71,224.00	111,532.00	155,040.00	85,016.00
National Press Building (opened 1928):										
Tangible assessment			3,266.00	1,046.00	956.00	770.00	567.00	390.00	175.00	184.00
Intangible assessment			49,112.00	183,152.00	168,340.00	55,302.00	88,854.00	260,086.00	407,976.00	431,056.00
Woodward & Lothrop:										
Tangible assessment	2,149,060.00	2,203,932.00	2,489,712.00	2,825,260.00	2,879,541.00	2,651,075.00	2,332,760.00	1,936,350.00	1,886,928.00	1,885,764.00
Intangible assessment	1,005,364.00	1,449,284.00	1,624,056.00	1,834,060.00	1,312,896.00	1,403,282.00	1,259,672.00	1,162,090.00	736,096.00	784,042.00
Standard Oil Co.:										
Tangible assessment	305,740.00	305,990.00	354,800.00	453,050.00	359,190.00	327,640.00	327,825.00	365,894.00	392,168.00	396,444.00
Intangible assessment	550,084.00	745,376.00	665,760.00	619,776.00	435,392.00	364,420.00	368,380.00	428,318.00	551,412.00	556,092.00
Westchester Development Corporation:										
Tangible assessment						50,000.00	50,000.00	40,000.00	36,000.00	36,000.00
Intangible assessment						5,000.00	61,224.00	5,384.00	19,013.00	8,715.00
Washington Times & Herald Co.:										
Tangible assessment	209,800.00	209,800.00	236,930.00	205,282.00	160,680.00	246,190.00	218,555.00	198,382.00	206,183.00	224,982.00
Intangible assessment	373,648.00	78,236.00	338,865.00	302,818.00	314,544.00	276,650.00	269,010.00	225,802.00	270,420.00	306,676.00
REAL ESTATE										
Wardman Park	3,200,968.00	5,562,920.00	5,582,566.00	6,777,256.00	4,935,275.00	4,935,275.00	4,582,275.00	4,377,275.00	4,186,675.00	[3] 4,186,675.00
Shoreham Hotel						2,651,264.00	2,651,264.00	2,451,264.00	2,410,135.00	2,545,098.00
National Press Building			6,713,880.00	6,923,370.00	6,923,370.00	6,923,370.00	6,523,370.00	5,830,084.00	5,830,084.00	5,830,084.00
Woodward & Lothrop	4,076,190.00	4,936,310.00	4,936,310.00	5,065,750.00	5,148,750.00	5,188,750.00	5,188,750.00	4,921,388.00	4,921,388.00	5,081,388.00
Standard Oil Co							1,237,170.00	1,237,170.00	1,237,170.00	[4] 1,237,170.00
Westchester Development Co					1,625,010.00	3,625,010.00	3,612,432.00	3,101,944.00	3,101,944.00	[5] 3,101,944.00
Times-Herald Publishing Co	512,920.00	578,650.00	578,650.00	578,650.00	578,650.00	578,650.00	578,650.00	523,437.00	456,628.00	556,628.00
Real estate and tangible rates	1.80	1.70	1.70	1.70	1.70	1.70	1.70	1.50	1.50	1.50

Intangible rate 50 cents per hundred for all years.

[1] Tentative assessments. [2] Returns. [3] Annex added 1930. [4] Office building and land only. [5] Building C added for 1932.

Mr. ZIONCHECK. Mr. Chairman, I learned this morning that the assessor, so far as personal property is concerned, is helpless; and I have here what they claim are the District of Columbia personal tax laws of July 1, 1934. This law was passed by this Congress in 1902, and with the permission of the House I will insert part of this law, as amended, at this point.

TAXATION OF PERSONAL PROPERTY IN THE DISTRICT OF COLUMBIA

"An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1902" (Pub. 218, 57th Cong.).

That hereafter the assessor of the District of Columbia or his successor in office shall annually cause to be prepared a printed blank schedule of all tangible personal property and all general merchandise or stock in trade, owned or held in trust or otherwise, subject to taxation under the provisions of this section, and of the classes of corporations and companies to be assessed, together with the rate of tax prescribed, to which shall be appended an affidavit in blank setting forth that the foregoing presents a full and true statement of all such personal property, taxable capital, or other basis of assessment, or either, as the case may be. When said schedule is ready for delivery, notice thereof shall be given by the assessor by advertisement for three successive secular days in one or more of the daily newspapers published in said District, and a copy of said schedule shall be delivered to any citizen applying therefor at the office of the assessor. Every person, association, corporation, firm, or company in said District liable to taxation hereunder, and every association, company, executor, administrator, guardian, or trustee holding personal property in trust liable to taxation hereunder, shall, during the month of July preceding the one under which the assessment is levied, fill out the proper blanks in said schedule with a full and true statement, as in this section hereinbefore required, and make and sign an affidavit to the truth thereof, as aforesaid, before the assessor or one of the other members of the said Board of Personal Tax Appraisers, and the members of the said Board are hereby authorized to administer such and all oaths in connection with their duties as assessor and appraisers without charge, or before any person authorized by law to administer oaths; and the address in the District of Columbia of the person, corporation, or company making affidavit shall in each case be given below his, its, or their signature, and thereupon said Board of Personal Tax Appraisers, or any one of the members thereof, shall assess said property at its fair cash value, and enter the same in the columns upon said blanks provided for that purpose, and the amount thus ascertained shall be entered upon the books for taxation for the fiscal year beginning July 1, 1902, and each fiscal year thereafter: *Provided*, That if any person, firm, association, corporation, company, administrator, executor, guardian, or trustee shall fail to make and deliver to the assessor or one of the said appraisers during the month of July in the fiscal year under which the assessment is to be levied (Pub. 480, 68th Cong.), the schedule of his or its said personal property owned, held in trust, or otherwise, as provided for in this section, then the said Board of Personal Tax Appraisers hereinbefore provided for shall without delay, from the best information they can procure, make an assessment against such person, firm, association, corporation, company, administrator, executor, guardian, or trustee, to which they shall add 20 percent thereof: *Provided further*, That if the said Board of Personal Tax Appraisers be not satisfied as to the correctness of the return of personal property made by any person, firm, association, corporation, company, administrator, executor, guardian, or trustee, said Board may reject said return, and said Board, or any one of the members thereof, may, from the best information he or they can procure, or by making such an examination of the personal property as may be practicable, assess the same in such amount as may to him or them seem just; and notice of the rejection of the sworn return shall be given to the party interested by leaving the same at the address given in said return, and in all such cases there shall be a right of appeal from the action taken by said appraisers to the Board of Personal Tax Appeals, hereinafter provided for, or to their successor in office, within 15 days after delivery of said notice of rejection as aforesaid: *And provided further*, That if any person, firm, association, corporation, company, administrator, executor, guardian, or trustee shall make a false affidavit touching the matters herein provided for he or they shall be deemed guilty of perjury, and upon conviction thereof shall be subject to the penalties for that offense now provided by section 858 of the Code of the District of Columbia.

PAR. 2. On all tangible personal property, assessed at a fair cash value (over and above the exemptions provided in this section), including vessels, ships, boats, tools, implements, horses and other animals, carriages, wagons, and other vehicles, there shall be paid to the collector of taxes of the District of Columbia at a rate to be determined by the Commissioners on the assessed full value thereof (Pub. 256, 67th Cong.).

That hereafter all real estate and personal property in the District of Columbia subject to taxation shall be listed and assessed at not less than the full and true value thereof in lawful money (Pub. 256, 67th Con.).

PERSONAL PROPERTY

"An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes", approved March 3, 1917 (Pub. 378, 64th Cong.).

Intangible tax

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"SEC. 11. Section 6 of the act of July 1, 1902, entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes', is hereby amended by adding, after paragraph 2 of said section:

"That the moneys and credits, including moneys loaned and invested, bonds and shares of stock (except the stock of banks and other corporations within the District of Columbia, the taxation of which banks and corporations is herein provided for) of

any person, firm, association, or corporation resident or engaged in business within said District, shall be scheduled and appraised in the manner provided by paragraph 1 of said section 6 for listing and appraisal of tangible personal property and assessed at their fair cash value, and as taxes on said moneys and credits there shall be paid to the tax collector of said District five-tenths of 1 percent of the values thereof (Public, 256, 67th Cong.): *Provided*, That savings deposits of individuals in a sum not in excess of $500 deposited in banks, trust companies, or building associations, subject to notice of withdrawal and not subject to check, shall be exempt from this tax: *Provided further*, That such tax on moneys and credits shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution, savings institution, or trust company, nor to savings institutions having no capital stock, building associations, firemen's relief associations, secret and beneficial societies, labor unions, and labor-union relief associations, nor to beneficial organizations paying sick or death benefits, or either or both, from funds received from voluntary contributions or assessments upon members of such associations, societies, or unions; nor shall the provisions of this act apply to life- or fire-insurance companies having no capital stock, nor to the shares of stock of business companies which by reason of or in addition to incorporation receive no special franchise or privilege, but all such corporations shall be rated, assessed, and taxed as individuals conducting business in similar lines are rated, assessed, and taxed: *And provided further*, That corporations, limited partnerships, and joint-stock associations within said District liable to tax under the laws of said District on earnings or capital stock shall not be required to make any report or pay any further tax under this section on the mortgages, bonds, and other securities owned by them in their own right, but such corporations, partnerships, and associations holding such securities as trustee, executors, administrators, guardians, or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals."

Tangible tax

PAR. 3. Dealers in general merchandise of every description shall pay to the collector of taxes of the District of Columbia, at a rate to be determined by the Commissioners (Public, 256, 67th Cong.), on the average stock in trade for the preceding year.

After the passage of this act, it shall be unlawful for any person or persons entering the District of Columbia subsequent to June 30 in each year and establishing a place of business for the sale of goods, wares, or merchandise, either at private sale or at auction, or engaging in the business of common carrier by vessels, ships, or boats, to conduct such business until a sworn statement of the value of such stock, vessels, ships, and boats has been filed with the assessor of the District of Columbia, who shall thereupon render a bill for the unexpired portion of the fiscal year at the same rate as other personal taxes are levied: *Provided*, That this shall not apply to vessels, ships, or boats if it shall be made to appear by affidavit that any vessel, ship, or boat has been assessed for taxation and the taxes paid elsewhere. The assessor is hereby authorized to reassess said stock whenever in his judgment it has been undervalued. The goods, wares, and merchandise of any person or persons who shall fail to pay the tax required by this paragraph within 3 days after beginning business shall be subject to distraint, and it shall be the duty of the assessor to place bills therefor in the hands of the collector of taxes, who shall seize sufficient of the goods of the delinquent to satisfy said tax: *Provided*, That said owner shall have the right of redemption within 30 days on payment of said tax, to which shall be added a penalty of 1 percent, together with the costs of seizure. The collector shall sell such goods as are not redeemed at public auction after advertisement for the 3 days preceding said sale (Public, 247, 58th Cong.).

PAR. 4. Hotel companies and the proprietors of hotels shall pay to the collector of taxes of the District of Columbia at the prevailing rate of tax on tangible property on the assessed value of their furniture (Public, 218, 57th Cong.).

Franchise tax

PAR. 5. Each national bank as the trustee for its stockholders, through its president or cashier, and all other incorporated banks and trust companies in the District of Columbia, through their presidents or cashiers, and all gas, electric-lighting, and telephone companies, through their proper officers, shall make affidavit to the Board of Personal Tax Appraisers on or before the 1st day of August each year as to the amount of its or their gross earnings for the preceding year ending the 30th day of June, and shall pay to the collector of taxes of the District of Columbia per annum on such gross earnings as follows: Each national bank and all other incorporated banks and trust companies, respectively, 6 percent; each gas company, 5 percent; each electric-lighting and telephone company, 4 percent. And in addition thereto the real estate owned by each national or other incorporated bank and each trust, gas, electric-lighting, and telephone company in the District of Columbia shall be taxed as other real estate in said District: *Provided*, That street-railroad companies shall continue to pay the 4 percent per annum on their gross receipts and other taxes as provided by existing law; that that part of the proviso in paragraph 5, section 6, relating to street railroads, shall be construed to mean that all street-railroad companies shall pay 4 percent on their gross receipts within the District of Columbia and other taxes as provided by existing law, and insurance companies shall continue to pay the 1.5 percent on premium receipts, as provided by section 650 of the Code of the District of Columbia. That so much of the act approved October 1, 1890, entitled "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia" as is inconsistent with the provisions of this section is hereby repealed.

PAR. 6. All companies, incorporated or otherwise, who guarantee the fidelity of any individual or individuals, such as bonding companies, and all companies who furnish abstracts of title to real property, or who insure real-estate titles, shall pay to the collector of taxes of the District of Columbia 1.5 percent of their gross receipts in the District of Columbia (Public, 247, 58th Cong.).

PAR. 7. Savings banks having no capital stock and paying interest to their depositors shall, through their president or cashier, make affidavit to the Board of Personal Tax Appraisers, on or before the 1st day of August in each year, as to the amount of their surplus and undivided profits, and shall pay to the collector of taxes of the District of Columbia a sum equal to 1.5 percent on the amount of their surplus and undivided profits on the 30th day of June preceding. That hereafter, beginning with the fiscal year commencing July 1, 1904, incorporated savings banks paying interest to their depositors shall, through their president or cashier, make a report under oath to the Board of Personal Tax Appraisers on or before the 1st day of August in each year as the amount of their gross earnings, less the amount paid as interest to their depositors for the preceding year ending June 30, and shall pay thereon to the collector of taxes of the District of Columbia 4 percent per annum (Public, 247, 58th Cong.).

PAR. 8. The capital stock of all corporations, other than those herein provided for, organized in the District of Columbia or under the laws of any of the States or Territories of the United States chiefly for the purpose of transacting business within the District of Columbia, except those exempted by the laws relating to the District of Columbia, shall be appraised in bulk at its fair cash value by the Board of Personal Tax Appraisers, and the corporation issuing the same shall be liable for the tax thereon according to such value, and shall pay to the collector of taxes of the District of Columbia a sum equal to 1.5 percent on the assessed valuation thereof; but from the assessed valuation of such capital stock shall first be deducted the value of any and all real estate owned by such corporation in said District, which real estate shall be separately taxed against said corporation: *Provided*, That nothing in this paragraph contained shall be construed to include business companies which, by reason of or in addition to incorporation, receive no special franchise or privilege, but such corporations shall be rated, assessed, and taxed as individuals conducting business in similar lines are rated, assessed, and taxed (Public, 247, 58th Cong.).

PAR. 9. Building associations in the District of Columbia shall pay to the collector of taxes of the District of Columbia 2 percent per annum on their entire gross earnings for the preceding year ending June 30 (Public, 247, 58th Cong.).

Exemptions of personal property

PAR. 10. The following personal property shall be exempt from taxation:

First. The personal property of all library, benevolent, charitable, and scientific institutions incorporated under the laws of the United States or of the District of Columbia and not conducted for private gain (Public, 218, 57th Cong.).

Second. Libraries, school books, wearing apparel, and all family portraits (Public, 247, 58th Cong.).

Third. Household and other belongings not held for sale to the value of $1,000 owned by the occupant of any dwelling house or other place of abode in which such household and other belongings may be located (Public, 218, 57th Cong.).

Fourth. Household and other belongings not held for sale and owned by any person in the public service temporarily residing in the District of Columbia who is a citizen of any State or Territory and who is taxed on such personal property in such State or Territory (sec. 10, D. C. Appropriation Act, Mar. 4, 1913).

Intangible exemptions

1. Savings deposits of individuals in a sum not in excess of $500 deposited in banks, trust companies, or building associations subject to notice of withdrawal and not subject to check.

2. Shares of stock of the local banks, including savings banks, the telephone and electric light companies, the gas companies, and street-railway companies, the bonding and title insurance companies, and building associations of the District of Columbia, and any other corporation paying a tax upon its gross receipts, earnings, premiums, etc.

3. Shares of stock of any business company incorporated in the District of Columbia and receiving no special franchise or privilege in addition to incorporation whose property, real and personal, or capital stock is subject to taxation here.

4. Shares of stock of business corporations which are incorporated in other jurisdictions, but chiefly for the purpose of doing business in the District of Columbia, and receive no other special franchise or privilege here, and whose property, real and personal, or capital stock is subject to taxation here and which are engaged in business here.

5. United States bonds, State and municipal bonds, District of Columbia bonds, and such other bonds as are specifically exempted by Congress from taxation are not subject to taxation under the intangible personal property act of the District of Columbia.

6. Deposits in bank and trust companies of corporations and individuals neither resident nor doing business in the District of Columbia.

7. Bank notes or notes discounted or negotiated by any bank or banking institution, saving institution, or trust company.

8. Savings institutions having no capital stock, building associations, fireman's relief associations, secret and beneficial societies, labor unions, and labor-union relief association, beneficial organizations paying sick or death benefits, either or both, from funds received from voluntary contributions or assessments upon members of such associations, societies, or unions.

9. Life- or fire-insurance companies having no capital stock.

10. Corporations, limited partnerships, and joint-stock associations within said District, liable to tax under the law of the said District on earnings or capital stock, shall not be required to make any report or pay any further tax under this section on the mortgages, bonds, and other securities owned by them, in their own right, but such corporations, partnerships, and associations holding such securities as trustees, executors, administrators, guardians, or in any other manner, shall return and pay the tax imposed by this section upon all securities so held by them, as in the case of individuals.

11. National-bank stock is exempt from taxation under section 5219 of the United States Statutes. Such stock is taxed in the city or town where the bank is located, and not elsewhere.

12. The exemption provided by law on deposits runs to the sum of $500, subject to notice of withdrawal and not subject to check. Above that amount the excess is taxable. As to stock held by individuals in building associations, the same ruling should be followed that applies to stock held in local banks, etc.—i. e., that such stock is exempt from taxation, whatever the amount held.

13. An individual residing elsewhere but having a bank deposit in the District of Columbia (as a matter of convenience) would not be taxable in this jurisdiction.

14. Proceeds from war-risk insurance.

Do you know that in 1902 the Congress passed a law that allows these people, as far as taxation on personal property is concerned, just to file an affidavit as to value? The value has been going down by leaps and bounds. Now, they are either losing their property or it is becoming devalued. Or they have committed perjury by way of false statements of value. They ought to be thrown into jail if they have.

Mr. BLANTON. Will the gentleman yield?

Mr. ZIONCHECK. I yield.

Mr. BLANTON. The trouble lies in the fact that there is no way now of collecting taxes here. The bill to correct the Phipps Act has not been passed, and it must be passed before we can enforce collection of real-estate taxes. There was a list of delinquent, still unpaid real-estate taxes for every year back to 1877 which I had the Commissioners prepare, and which I placed in the hearings on the District appropriation bill this morning. Think of it! A large amount of unpaid real-estate taxes each year back to 1877.

Mr. ZIONCHECK. And for 4 of those years, over $4,000 each year the Carlton Hotel has not yet paid.

Mr. BLANTON. The reason is, as I said, there is now no adequate law that will permit the District to sell the property for taxes and get good title to it, such as we have in the States.

Mr. ZIONCHECK. Well, let us pass such a law, then.

Mr. BLANTON. Next Monday is District day. The District Commissioners claim they have been trying to get such a bill amending the Phipps Act passed through the District Committee. If the gentleman will go to the District legislative committee and help get that bill up, that is one bill that we will all help to pass. We must have a law to give the District the right to proceed against property and sell it, and make title to it, if not redeemed in 2 years, when taxes are unpaid.

Mr. ZIONCHECK. I do not want to try to become the mayor of the District of Columbia, but I do want to see things done properly here.

Mr. DIRKSEN. Will the gentleman yield?

Mr. ZIONCHECK. I yield.

Mr. DIRKSEN. The gentleman is not unmindful of the fact that the Carlton is a part of the Wardman properties, valued at $28,000,000, which was sold on the block for $2,800,000.

Mr. ZIONCHECK. Yes; I know. They own the Wardman Park, the Ambassador, the Shoreham, and several others. By the way, does the gentleman know what they are paying their maids for working in the Carlton Hotel? Ten dollars a week, and if the poor maid gets sick a day they dock her $2 a day. People who believe in the New Deal and increased consumers' purchasing power are living at that hotel. They paid $1.35 a day for a maid, and if she gets sick she gets docked $2 a day. The Secretary of State, a New Dealer, lives there. J. D. Ross, a New Dealer, lives there. General Pershing lives there. Quite a few Members of Congress and Senators live there. Why do these New Dealers patronize a hotel like that? If they do not know what is going on, they should know.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein the law to which I have referred.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. TABER. Mr. Chairman, I yield myself 30 minutes.

Mr. Chairman, your Appropriations Committee, in bringing in this bill, has, as the gentleman from Indiana [Mr. LUDLOW] said last evening, made cuts in almost every item in the bill. We have cut every item where there was any possible chance to cut, clear to the bone. I believe the cuts we have made are entirely in the interest of efficiency in the public service.

Last year the unexpended balance in the Post Office Department was $9,112,000. In the Treasury Department it was $4,076,000, or a total of $15,000,000. Now that we can cut that much, the $12,000,000 that we have reported, and still leave them plenty of balance, is absolutely beyond any question. I want to commend the spirit shown by the gentleman from Indiana [Mr. LUDLOW] and other members of the committee in getting out this bill and in cutting it down to the bone.

I am not going into many of the details which the gentleman from Indiana [Mr. LUDLOW] went into in connection with the bill yesterday, because I do not believe it is desirable to repeat. I am just going to say that I believe the job which this committee has done should be a model for the other appropriation subcommittees in getting up their bills and in cutting very substantially below the Budget. Wherever there has been an increase proposed, we have gone into it with the idea of only allowing it if it was absolutely necessary. I do not believe there is a single item in the bill which ought to be raised.

I am now going to spend a few minutes going into some of the things that, it seems to me, need to be gone into, in view of some of the statements that have been made in the last 2 or 3 weeks with reference to the expenditures of the Federal Government and with reference to the public debt. In order that I might be sure I was making no mistake, I have had sent to me yesterday a statement in detail of the gross and net public debt over a period beginning with the 31st day of March 1917, showing in each administration the public debt, showing at the end of each fiscal year the public debt at that date.

The net public debt is arrived at by subtracting from what they call the gross public debt, the cash balance in the Treasury. I do not know how far that presents an accurate picture of the Government's situation, because when we are taking in cash from day to day from revenues, more than sufficient to meet the expenses of the Government, a very small cash balance is required. On the other hand, when we are running behind as we are running behind at this time nearly $4,000,000,000 a year, it is absolutely necessary to carry a tremendous cash balance. At the present time, and I am using January 31, the cash balance is $2,003,000,000. Exclusive of the bonus, on the 2d day of March 1929 the net public debt, after taking out the current cash balance, was $17,281,277,085.79. On the 3d day of March 1933, when President Hoover went out of office, the net public debt was $20,778,823,293.38, an increase of $3,497,546,208.41. At the same time there were R. F. C. loans outstanding and other assets which are now carried on the books as equivalent to cash totaling $1,960,964.935, showing an increase, exclusive of these so-called R. F. C. assets, of $1,533,000,000.

At this date the net public debt is $28,496,020,659.67, an actual increase over the end of Mr. Hoover's administration of $7,717,197,386.29. Then if you want to be right in your

bookkeeping and find out how much has been spent and how much has been tied up, you have to add the alleged gold profit of about $3,000,000,000, showing a real increase of $10,717,197,386.29 in the public debt during the Roosevelt administration.

Recoverable assets as they appear on the Treasury statement as of January 31 were $3,251,951,907. Subtracting the item which existed on the 4th of March 1933, you get an increase in these assets of $1,286,986,972; and if you subtract that from the debt, the actual increase, you get a net increase in debt of $9,430,210,414.29. There is another factor that is not definite with reference to this item, and that is the appropriation of $2,000,000,000 that was made for the gold operations and the bond-rigging operations of the Treasury Department. How much of that remains is a secret within the minds of those in the Treasury Department.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. VINSON of Kentucky. The gentleman states that the gold stabilization fund remains a secret. I want to ask him—and he is a very splendid Representative of his district—does not each daily statement put out by the Treasury show that there is a balance of $1,800,000,000 in the gold stabilization fund?

Mr. TABER. Yes.

Mr. VINSON of Kentucky. There is no secret about it, then, is there? The only part of the stabilization fund that is secret is an item of $200,000,000 that is in operation; and, of course, they do not divulge just exactly from day to day how they are using this $200,000,000.

Mr. TABER. That is true.

Mr. VINSON of Kentucky. I think it ought to be made clear that the $1,800,000,000 shows on each daily statement.

Mr. TABER. That particular figures does appear, but the other does not. Another situation I think the House should consider is that just so long as the dollar stays about so without much variation this figure would be apt to remain about as it is. Just so soon as there is any fear of inflation which may come from this excessive governmental spending the bond-rigging operations of the Treasury are very apt to reduce that fund.

Mr. VINSON of Kentucky. Just this further question, if the gentleman will permit.

Mr. TABER. Certainly.

Mr. VINSON of Kentucky. The gentleman gives a figure as to the debt of the Nation to date?

Mr. TABER. Yes.

Mr. VINSON of Kentucky. Did the gentleman subtract the so-called gold profit from that?

Mr. TABER. No; I did not subtract it because it has already been included in the revenues of the Treasury, and there is none that does not show already on the Treasury statement.

Mr. VINSON of Kentucky. But does not the gentleman think that when the total debt is considered without reference to this $2,000,000,000 free gold that we do not get a true picture, and that to make it a correct statement the $1,800,000,000 should be subtracted from the sum total?

Mr. TABER. It should be for the current picture; but I cannot tell, nor can anyone else, what the picture may be a year from now.

Mr. FIESINGER. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. FIESINGER. In connection with the discussion, has the Government taken any credit on account of deflation except the $2,000,000,000 that went into the stabilization fund?

Mr. TABER. Oh, yes.

Mr. FIESINGER. Where does it show in the statement?

Mr. TABER. It shows in the regular Treasury balance.

Mr. FIESINGER. It is not specifically set forth.

Mr. TABER. Oh, no; it is not specifically set forth, but it is there; it has been figured in.

Now, Mr. Chairman, I want to spend a few moments in going over the post-office situation. The Post Office Department, I think it will be generally conceded, is being managed in about the poorest way the Post Office Department of this country ever has been managed. Under that Prince of Bourbons, General Farley, the service is just about 50 percent of what it was 4 years ago.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield at that point?

Mr. TABER. I cannot. I want the gentleman to understand what the situation is.

Mr. ZIONCHECK. Well, I agree with the gentleman.

Mr. TABER. It is absolutely impossible to get your mail in any kind of shape or in any kind of season. Never in my experience has it been so difficult to have your letters delivered promptly either in Washington or at home. Never has there been such slow service; and it makes no difference whether the weather conditions are good or bad, it takes 2 days where it should take 1.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. ZIONCHECK. I agree with the gentleman so far as his statement concerns the Postmaster General. Will the gentleman agree to support me in an amendment to cut his pay out? So far as the mail service is concerned, I do not agree with the gentleman.

Mr. TABER. I am frank to say I have to make these statements, and I think it is due entirely to the inefficiency of that Bourbon Postmaster General.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. WHITE. Does the gentleman make a comparison between the administration of Postmaster General Brown and the present administration?

Mr. TABER. Postmaster General Brown provided much more efficient service in the delivery of the mail than we are getting today, and Postmaster General Brown was on the job every day in the year; whereas this fellow is traipsing around the country making speeches and managing the disbursement of this $4,880,000,000 political fund that was voted here a year ago under the direction of that prince of spenders, Harry Hopkins.

I do think that the gentleman from Washington has hit a proper chord when he suggested that we ought to get rid of the salary of the Postmaster General, because if the Postmaster General is going to be someone who devotes himself to other duties than those of Postmaster General, I do not think the Treasury ought to be burdened with his salary.

Every year the Postmaster General comes forward with a statement trying to make out that the Post Office Department, if you consider it on a business basis, is being operated at a profit, but to get to that situation he always has to leave something out. In 1934 there was an actual deficit of over $30,000,000. In 1935 there was an actual deficit of at least $25,000,000. In the year 1935, in addition to what was left out before, he has left out the interest on the money which the Government has put into these post-office buildings. Now, if a factory operates, the managers of that factory have to figure in the cost of their factory building the amortization of it and the interest on the money that it costs as a part of their operating expenses.

Any private business would have to figure in its cost interest and depreciation on buildings. I understand from the Procurement Division that there are about $400,000,000 worth of buildings used by the Post Office Department. The interest on this amount of money at 3 percent, and that is not very far from what ought to be figured, would be $12,000,000. Now, we all know that these buildings are not used more than 30 years, as a rule. Sometimes they will last 40; however, that is a big figure. Let us take a depreciation of 2½ percent on $400,000,000. That is $10,000,000 more, making a total of $22,000,000 which is not figured by General Farley in trying to make folks all over the country believe they have a profit instead of a deficit. If the thing is figured honestly and like a businessman would have to figure, it will

be found that instead of having a profit there is a very substantial deficit—a deficit of at least $28,000,000.

Mr. COLDEN. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from California.

Mr. COLDEN. The gentleman from New York, in connection with his charges against the present Postmaster General, would not accuse him of ordering an automobile at Government expense in order to accommodate his high hat?

Mr. TABER. General Farley, the present Postmaster General, was very quickly provided with an automobile to take care of his high hat as soon as he came into office. He did not even have to ask for it.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Washington.

Mr. ZIONCHECK. If the present Postmaster General was onto his business, would the Post Office have burned up recently?

Mr. TABER. Of course, I know they have had a couple of fires over there.

Mr. ZIONCHECK. And a lot of records were burned up?

Mr. TABER. Maybe the records were embarrassing.

Mr. ZIONCHECK. May I ask the gentleman this question: If the Postmaster General had been efficient, would he have spent all the money he did in providing a private bathroom with gold fixtures for himself?

Mr. TABER. I would not want to interfere with the Postmaster General taking a bath.

Mr. ZIONCHECK. If he had been efficient, would this new issue of stamps recently have caused such embarrassment to the Government and the rest of the Cabinet?

Mr. TABER. Those stamps came in pretty handy for some collectors.

Mr. ZIONCHECK. I do not know. I am asking that question.

Mr. TABER. That seems to be the record.

Mr. COLDEN. Does the gentleman mean to say there are now two automobiles provided for the high hats of Postmasters General?

Mr. TABER. There are plenty of automobiles over there. There are two or three automobiles available for the Postmaster General and his assistants.

Mr. COLDEN. Well equipped?

Mr. TABER. Well equipped. General Farley did not have to go to the Appropriations Committee under this administration and ask for an automobile for his high hat. It was handed to him right off. Bourbons are accustomed to those things now. They do not have to appear before appropriation committees.

Mr. MAVERICK. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Texas.

Mr. MAVERICK. Is there anything sinister in the way the gentleman pronounces the word "Bourbon"? Does the gentleman mean "Berbunn" or "Bourbon"?

Mr. TABER. Well, I come from a country district.

Mr. MAVERICK. I come from a highly civilized district, the great county of Bexar, the city of San Antonio. You are invited to visit there during the Texas Centennial and imbibe our great civilization.

Mr. HOUSTON. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Kansas.

Mr. HOUSTON. Did not President Hoover promise two cars for every garage?

Mr. TABER. I never heard of that, and I do not think anyone else did either.

Mr. CULKIN. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. CULKIN. Did the gentleman know that culture with a "K" had reached Texas?

Mr. TABER. I do not know as I am very familiar with that fact.

Mr. CULKIN. I suggest the gentleman be wary about his pronunciations.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. MARCANTONIO. The committee has made quite a number of appropriations for the Post Office Department. I should like to make a suggestion at this time. The city of New York is about to dispose of one of its statues known as Civic Virtue. I wonder if it would not be possible for the committee to appropriate funds with which to purchase this statue and place it in front of the Post Office Building in Washington, which in the final analysis is the last refuge of civic virtue. [Laughter.]

Mr. TABER. Has the gentleman introduced a bill in the House to authorize such an appropriation?

Mr. ZIONCHECK. Is there a statue still in New York since Farley has been here?

Mr. MARCANTONIO. This is not a statue he owns. New York City now owns it, but wants to get rid of it. Why not place it in front of the Post Office Department here in Washington, which is the last refuge of civic virtue.

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. MAVERICK].

Mr. MAVERICK. Mr. Chairman, unfortunately I have not been in Congress a long time, therefore I cannot get 30 minutes. I can only get 10 minutes at a time. Therefore I want it understood that no matter whether my remarks are worth listening to or not I shall yield to nobody. If the President of the United States or the new King of England walks in here, I shall keep on talking. Likewise, shall I do the same for the President of Mexico. It will therefore be useless to ask me any questions.

When some of the leading Members speak, they get 30 minutes, and they are able to waste all the time they please, but I cannot. They can carry on colloquies about the silk hat of Mr. Farley, but I think there are more important matters to discuss. Some of the older Members criticize new Members for talking—such new Members only having been in Congress three terms, or 6 years. I represent my people now, so I will speak.

The other day I voted against the repeal of the Kerr Tobacco, the Bankhead Cotton Control, and the Warren Potato Acts. I had a reason for doing this, and there is not much reason for me to make a long speech on that subject.

MR. MARTIN OF COLORADO TELLS THE WHOLE STORY

I can read the words of the gentleman from Colorado [Mr. MARTIN], who told the whole story in a few words when he said:

> It leaves wholly unsolved the great problem to solve which this program was enacted.

This is the whole story. The problem is unsolved and we are right where we began. I did not vote as a protest. That sounds like an eccentric thing to do. But I did vote as a sort of symbol. I did not like the idea of Congress spending all that time in writing legislation and then with a short measure of a few lines repeal all that legislation involving so many grave questions with hardly any discussion whatever.

I wonder sometimes why we are here. I wonder what fundamental legislation we are working on. I wonder what fundamental theories of economics we are considering. I just wonder sometimes if we are really doing anything this session of a real fundamental nature. It looks like we may not have any neutrality legislation to keep us out of war. I hope this is not so. We seem to have no real solution of our real problems—we do not even discuss them—and we are not meeting fundamental issues face to face.

I have certain conclusions and I am going to state them now, because I will probably be cut off just about the time I should begin to say them.

FREEDOM OF SPEECH AND PRESS

I think the most fundamental thing Congress has before it is to let the country know we as a body are for freedom of speech and freedom of press; that we still understand and appreciate these precious rights, and that we will defend them to the last ditch. I think the most fundamental thing for the country to know is that we do not approve of the Tydings-McCormack military disaffection bill or the Kramer bill. These are peacetime-sedition bills and are wholly unnecessary. We have plenty of laws now protecting our military and naval forces, our Constitution, laws, and our people.

The country should know we are opposed to all kinds of gag legislation.

So I am going to state a conclusion; and that this conclusion will be definitely understood, I state it as follows:

I

Conclusion on Liberty of Speech and Press

The ordinary civil rights of the people ought to be preserved, and any effort to curtail such liberties should be soundly defeated by all political parties, and that means Democratic, Republican, Progressive, and Farmer-Labor.

Mr. Chairman, the newspapers of the Nation are against these gag bills. At least 600 or 700 newspapers have editorialized against these bills in the strongest fashion. The Birmingham News, Monday, January 27, 1936, reprinted an editorial from the St. Louis Post-Dispatch, which, in part, said as follows:

Aside from the Hearst papers, the press of the country rallied against these bills in a most heartening fashion last year. The Baltimore Evening Sun headed one of its editorials "For Senator TYDINGS." Labor papers and so-called conservative papers, like the New York Herald Tribune and the Wall Street Journal, alike condemned the bills. Let this expression reappear.

No lesson is plainer from the continuance of the American form of government than that its greatest safeguard is the freedom of the people from official repressions.

Beat the gag bills!

(For complete editorial see exhibit 1, p. 1667.)

THE CONSTITUTION

Let me discuss next the Constitution. I hear all kinds of conversations about the Constitution, some sincere, some insincere, some deep, some shallow, some just wind. I am not sure but that certain Members who are talking about the Constitution are making a sort of cabalistic repository of divine wisdom out of the Supreme Court. They are making a fetish out of it; an Ark of the Covenant out of it. They would have us fear our own institutions—institutions the people themselves made. They are making gods out of members of the Supreme Court, and I do not believe the members of the Supreme Court are gods; at least, I do not think more than three of them are gods. [Laughter.] You see, I agree at least on one decision with three, so I at least have such eminent company as Stone, Brandeis, and Cardozo. The Republicans think that six of them are gods, but I think there are only three of them that are. Of course, being serious, I do not think any of them are gods; they are ordinary human beings like the rest of us.

Now, when we consider the question of the Constitution and the Supreme Court, we do not approach it with the thought that the Supreme Court is a human institution or that the members of the Court are human beings. So I state this other conclusion, and it is that—

II

Conclusion on Constitution

The Constitution should be regarded as written by human beings, and the Supreme Court should at least be regarded as composed of human beings.

This is the least we ought to do when we discuss this question. No intelligent conclusion can be reached unless we do.

CONSERVATION OF NATURAL RESOURCES

Another thing I regard as an important matter coming before the American people, much more vital than anything else and essential to our existence, is the matter of the conservation of our own natural resources. For instance, we have the Tennessee Valley; we have all these dams, like the Casper Alcova, the Grand Coulee, and the Boulder Dams. We have irrigation and reclamation projects all over the country, and we have the Civilian Conservation Corps; and the National Resources Committee charting out information of untold value. All these deal with vital, fundamental problems, and we must deal with them, because this country will be washed and blown away and made a desert unless we do so. I have heard no substantial consideration of such problems as these in this session of Congress that includes study of the great drainage basins like the Mississippi Valley, and soil-erosion prevention, reforestation, flood control, and the generation of electric power from our natural resources, as well as other uses of such resources.

Now I state my third conclusion, which is this:

III

Conclusion on Conservation

We should conserve our national resources and do whatever is necessary, including the passage of constitutional amendments and statutory changes, in order to effectuate this purpose.

NEUTRALITY AND PEACE

Now, the fourth conclusion I state is on the subject of war and peace. Briefly, the history of this subject since the World War is this: First, the League of Nations was defeated—and I shall not go into the merits of that. Then disarmament was defeated—and I am not going into that, except to say they tried to do it on a mathematical formula of 5-5-3. Then the World Court measure was defeated. All collective action for peace has been defeated and the world is back where it started, except it is universally in a worse condition. So we have come now to the question of neutrality. On account of the discussions on this floor and on account of the pressure of different groups, it looks as if that measure may not come on the floor at all. I maintain it will be shame on Congress and a disgrace to the American people unless we adopt legislation on the subject of neutrality. We have got to keep this Nation out of war. We know how we got into the World War, and we know enough to pass effective legislation; so the McReynolds neutrality bill ought at least to be brought out on the floor for final consideration. The conclusion I make is this:

IV

Conclusion on Neutrality and Peace

We should stay out of war, even at great temporary sacrifice, and should observe strict neutrality.

Mr. Chairman, I have stated four conclusions. They have been roughly summarized. I think nearly all of us can agree that unless we preserve our civil liberties anything may happen. Certainly without these liberties we cannot protect our institutions nor progress, nor save education; moreover, we might fall into some type of arrogant militarism, and then none of our problems will ever be solved. And if we are to solve our problems, we must face them realistically. Then we must regard our Constitution as written by human beings and the Supreme Court as being composed of human beings like ourselves. In the matter of conservation we know that unless we preserve our natural resources our country will wash and blow away, in which case, of course, it makes no difference whether we have civil liberties, a Constitution, a Supreme Court, or not. Neither would it make any difference in that case if we got into a war, which I have discussed by saying that at all costs we must stay out of war and observe peace and neutrality.

Mr. LAMBETH. Mr. Chairman, will the gentleman yield for one brief question?

Mr. MAVERICK. I said I would not yield to the King of England, the President of the United States, or the President of Mexico. But since the gentleman from North Carolina [Mr. LAMBETH] is on the Foreign Affairs Committee, and so interested in keeping us out of war, I yield.

Mr. LAMBETH. The gentleman has given a great deal of thought to the subject of neutrality, and he has his own views on the subject and others have different views, but I should like to ask him at this point if he does not feel that the bill, as reported out, is a good bill and one that ought to be passed?

Mr. MAVERICK. I think that the Pittman-McReynolds bill is a very good bill and ought to be brought on the floor for immediate consideration; and, if I cannot be successful in getting certain amendments, I will fight for the passage of the bill as it is.

I am not going to yield further, because I want to go back to the different acts I voted for and that the House voted to repeal the other day.

REPEAL OF BANKHEAD COTTON, KERR TOBACCO, AND WARREN POTATO ACTS

Originally I either supported those acts or voted for them; at least they were considered good Democratic doctrine and

good for agriculture. For 300 years the economy of the South, and to a certain extent the economy of the Nation, was based on the growing and domestic sale, but principally the export, of cotton. After those 300 years, principally in the last session of Congress before I was a Member, extensive hearings on the Bankhead Cotton Control, and incidentally, on the Kerr Tobacco, the Warren Potato Acts were held, with testimony of farmers, experts, and students. Taking into consideration all the foregoing facts, coupled with the advice of the President of the United States, the various committees, but especially the Committee on Agriculture, and the leaders of my party—and I think the large majority of the farmers of the country—I gave support not only to the acts but the economic theories involved. So how do I find myself? In what position? I find myself in the position as a Member of Congress supporting these measures of having to defend myself in my own district for the things I voted for, and then suddenly I hear a saw buzzing on my limb to cut me off. I do not like this. I am going to stay on that limb; I am not going to scramble up the tree of surrender and go back on what I once believed, at least in theory, if not in practice. If those bills were right in the first place, they are right now, and I am going to stay with them. If I vote to repeal, I want to know why, and with a full explanation.

IF FUNDAMENTAL LEGISLATION IS REPEALED, FULL REASONS SHOULD BE GIVEN

A message came to us from the President of the United States in eight or nine lines merely suggesting we repeal these acts, because the Agricultural Adjustment Act had been terminated—by whom the President did not say. At least, however, no reasonable or thorough analysis of the subject was given in that message. I think it was a stupid thing of the Democratic Party to vote that repeal in the way it did. One of my colleagues said that this was a surrender to the Supreme Court. It looks to me that in these actions the Congress of the United States—although I was in a miserably small minority—surrendered everything it had, statutory powers, constitutional powers, everything, whether to the President or the Supreme Court, it makes no difference. But we gave up everything we fought for for years—all in 40 minutes. The RECORD shows that we went into this thing and gave only 40 minutes discussion to a subject so important to the welfare of people of the United States, and yet we spend hours upon hours upon matters of no apparent importance. I am willing to go along with the President; I am willing to go with him on everything that benefits the people of the United States, but I should like to know why I am going to vote a certain thing and not read in the paper in the morning before I come here telling just how we are going to vote.

I repeat, I am willing to follow the President, because he is the President of the United States and the leader of my party. But I am not willing to junk my whole philosophy of legislative duties upon a short message of a few lines, which gives no reasons, no explanation for such a fundamental abandonment of the program we began. When I went to school I was taught that the Government has three parts—legislative, judicial, and executive. If any one branch of the Government has a final say-so on the other two branches, with no check by the people, then democratic government is gone forever. I respect the Supreme Court; it is a necessary institution. And yet we have a tripartite government—you know, a government that rests on a tripod, and if either one or two legs are knocked out, the tripod and that which it supports—the government—falls. I repeat, I respect the Supreme Court, but sometimes one or more of those human beings that compose it may be wrong, just as Congress is sometimes wrong. Moreover, it is possible that sometimes the President may be wrong, just as Congress is sometimes wrong. It did not make much difference how I voted on those acts, as I say, but I should like to mark up a symbol that I do not like the idea of Congress surrendering all of its rights to both the President and the Supreme Court without even substantial consideration. The questions involved are of a most serious nature and deserve our most serious consideration. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 5 minutes more.

PROCLAIMING SOLEMN OATHS, BUSTING BRAIN TRUSTERS, DAMNING EACH OTHER AND BRAGGING, SOLVES NOTHING

Mr. MAVERICK. Mr. Chairman, I do not think the kind of talk that Congressmen indulge in when they bandy hard words and loose talk about is such correct practice either. Some of them are saying, "I took a solemn oath to support the Constitution", in a trembling, solemn voice of self-righteousness. Well, we all took that oath. I think we are all equally honest, and I think that kind of talk is nonsense. I think this business of cursing the "brain trust" and of the Democrats damning the Republicans and the Republicans damning the Democrats is all nonsense also, and I think also that the bragging about our own party is pretty much nonsense. Such talk does not prove anything. It does not get to any fundamental problems, for 11,000,000 are still unemployed. I think the issues that we have to pass upon here that concern natural resources and what the human beings who live in our country need are important, and if it is necessary to change the Constitution or the laws, those are the things that we ought to discuss. The point is we must deliver the goods. Are we doing it?

In reference to these various acts we repealed, let me say this.

I read in the paper that the reason we did it was because they were unconstitutional. I do not know whether they were or not.

HOW MANY ACTS ARE UNCONSTITUTIONAL?

The Court has not passed upon them. We have not, as far as I know, repealed the Volstead Act, although the constitutional authority under which that act was made law has been repealed. Now, if these acts are unconstitutional, so, more than likely, are the Jones-Costigan Act, the Guffey Coal Act, the Rail Pensions Act, the National Labor Relations Act, the T. V. A., the social security, and more than likely the Reconstruction Finance Corporation, because it lends money to a special class like the farmers, that is, to business. And if we read the A. A. A. decision thoroughly, it would appear that many other acts are really unconstitutional. I am told the Department of Agriculture might even be declared unconstitutional, for it is not mentioned in the Constitution; neither is there mention of the Department of Labor. But I am told by competent attorneys that if the philosophy of the A. A. A. decision is strictly followed that dozens of acts as much as a century old will be unconstitutional by the same token. The question then comes, if we follow this to its logical conclusion, could the Federal Government exist if all this legislation be declared unconstitutional? If everything we do is unconstitutional, and we propose to do nothing about it, let us just repeal everything and go on home.

MR. RICH, AS SPOKESMAN OF REPUBLICAN PARTY, DENOUNCES ALPHABET

Mr. RICH spoke about the alphabet. I do not love A, B, C any more than I do X, Y, Z. They are all letters to me. I do not think there is any cabalistic meaning of impeccable rectitude connected with the alphabet. The gentleman from Pennsylvania [Mr. RICH] gave a list of all the things that ought to be abolished. Mr. RICH is not the elected head of the Republican Party, but he is regarded by all Democrats and the newspapers of the country as the leader of the Republican Party, and speaking authoritatively on Republican doctrines——

Mr. RICH. Will the gentleman yield?

Mr. MAVERICK. I do not yield.

Mr. RICH. The gentleman is speaking about me.

Mr. MAVERICK. But I do not yield out of my time for the gentleman to speak, Mr. Chairman.

Mr. RICH. I want to say that I am not the leader of the Republican Party. I am only a private in the ranks.

Mr. MAVERICK. Do not take that out of my time. I do not yield.

Mr. BANKHEAD. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman from Texas stated in the beginning that he did not want to yield to anybody.

Mr. BANKHEAD. Mr. Chairman, I want to go a little further with my point of order, because a practice has grown up in the House which is absolutely contrary to the rules. If some gentleman should seek to interrupt a Member who is speaking and that Member declines to yield, the party who seeks to interrupt him continues to interject statements into his remarks without permission. I will say to the gentleman from Texas that he has a perfect right, when he revises his remarks, to strike from the RECORD the interruption of the gentleman from Pennsylvania.

The CHAIRMAN. The point of order is well taken. The custom has grown up of Members rising at any place and asking a Member if he yields, without even addressing the Chair or waiting to see whether the Member does yield. I trust that each Member will observe the rules in regard to these details, which are necessary for order. [Applause.]

Mr. RICH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RICH. When a Member on the floor of this House accuses another of being the leader of the Republican Party, has he not a right to defend himself? [Laughter.] I shall say we have leaders in the Republican Party and privates in the rear ranks.

The CHAIRMAN. The Chair is of the opinion that that charge is serious enough that he would have the right to defend himself, but that he should do it in his own time. [Laughter.]

Mr. MAVERICK. Mr. RICH, who is recognized by us all as the leader of the Republican Party, said that these various governmental functions should be abolished. Among others, the C. C. C.—the Civilian Conservation Corps; that would put 500,000 boys on the streets. Then he said that the E. H. F. A.—the Electric Home and Farm Authority—should be knocked out; that would do away with rural electricity and decent assistance to farmers. Then he said he would do away with the F. D. I. C.—Federal Deposit Insurance Corporation—and bring back the policy of banks busting all over the Nation, losing the deposits of the people, and destroying their confidence. He said he would do away with the P. W. A.—the Public Works Administration—and thereby not get the benefit of our public works. He said do away with the T. V. A.—Tennessee Valley Authority—and stop six or seven Southern States from prevention of soil erosion and reforestation, from the cheap production of power, and from bringing up the standards of living of several million people. Then he said we should abolish the F. T. C.—the Federal Trade Commission—and abolish all of its good work, much of which has been done under Republican administrations, including the restriction of unfair business practices and its protection of the American people. That is what he said; that is what he wants; that is what the Republican Party wants; that is Republican doctrine. (See exhibit 2, alphabet.)

A, B, C IS AS GOOD AS X, Y, Z, AND THE BILL OF RIGHTS IS AS GOOD AS THE CONSTITUTION

No, my colleagues, I do not think that one letter of the alphabet is any better than the other. I believe the Bill of Rights is as good as the Constitution of the United States. It is part of it. That is the part that guarantees human rights. Mr. FISH said, in the CONGRESSIONAL RECORD, Wednesday, February 5, 1936, that the passage of certain acts passed by a Democratic majority is treason, and then all the Democrats stood here and took it. He said we are all traitors, and we all took it. Probably 5 or 10 Republicans, I think, voted for these acts, too, so that many Republicans are traitors at least. That is comforting.

Mr. Chairman, let me briefly conclude. The Republican Party offers absolutely nothing to the country, and the people have no confidence in it. But let that not be any consolation to our party. The question is what we, as Democrats, are going to do. Or, to put it more pleasantly—that no Congressman be offended, whether he be Republican, Democrat, Progressive, or Farmer-Laborite—it seems to me that the essential thing for us to do is to face the grave problems which are before us. It seems ill-mannered of me to say so, but many of the American people, including, I am afraid, some Congressmen, are giving way to thoughts based on their wishes. I dislike posing as a prophet, for I am told by cynical scholars that the prophets of Israel were skinny, wind-beaten, and sand-driven old fellows who were always talking of the horrors to come. It does not seem natural that one who walks from a steam-heated office, through a warm subway, to this Chamber while a terrible blizzard goes on outside can speak in such a way. Certainly I am not trying to emulate the prophets. But I hope you will consider these things, because in my reasonably humble judgment we are now passing through the most serious stage in American history, and probably in the history of what we dubiously term civilization. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. MAVERICK. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include certain articles from newspapers.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

NEWSPAPER HEADLINES SOMETIMES MEAN A LOT

Mr. MAVERICK. Mr. Chairman, I think some of the headlines of the newspapers of today are very interesting. In the Washington Herald of February 7 we see a headline as follows:

New farm bill draws biparty fire in Senate. Supreme Court evasion and socialistic trend charged; constitutionality doubted.

Right by the side of the above headline we see another headline which may be of equal if not greater importance:

Eleven million yet without jobs, Green asserts. Only industry can take up slack, he says; December comparisons show decline.

And again the following is out of the Washington News of February 5 and is pretty well self-explanatory:

"Plain Economics," by John T. Flynn. "All the pother about the Constitution, the Supreme Court, the money muddle, all stem from the unemployment problem; yet all candidates ignore it."

Also, in the same paper the same day we see the following:

"It Seems to Me," by Heywood Broun. "Mr. Justice Butler spoke very comforting words to all who travail and are heavy laden; he lifted a heavy tax burden from the Great Northern Railroad."

This is part of his column:

These skilled reporters learn by years of experience to predict decisions. They know that "State rights" is something which means that the farmer or the worker does not get the legislation he needs. And they know that "due process" is the very gentle quality of mercy which falls caressingly upon the shoulders of big business. The Supreme Court has invalidated more than laws. It has changed aphorisms. By a 6-to-3 vote the Court holds that the line should read, "God tempers the wind for the unshorn ram."

There is also a headline from the Washington Post of February 6, which reads as follows:

SENATORS ASK MORGAN ADVICE ON WAR DEBTS

It is unparliamentary of me to refer to the Senate. I must use the words, I am told, "another body." But from the reading of the testimony given by Mr. Morgan, it appears that the proper procedure for this country is to see first that we have a leisure class, of which there should be 30,000,000 families. (Note: The average family has four persons. This makes a population of 120,000,000, that of the United States. Presumably we are all of the leisure class, and should import 30,000,000 maids and give them employment. This would, no doubt, end the depression.) Second, Mr. Morgan thought we should expand the tax base—liberally translated, this means sock those who have not got it.

Also, Raymond Clapper says, on February 6, in the Washington Daily News, as follows:

Manufacturers now seek benefits Recovery Act aimed at, but which they opposed; two schools of etiquette control actions of high-court justices.

In his article there are two pictures of justices. Under Justice Stone the words "Represented sugar" and under Justice Butler "Represented railroads." The article says the railroad decision was given by Justice Butler and that Justice Stone disqualified himself on sugar.

Mr. Clapper also said:

Business groups which during the troubled life of N. R. A. were protesting that the laws of supply and demand were too sacred to be touched by human hands are now proposing that they be permitted themselves to tamper with those laws. There's nothing wrong or impious about that. It's just curious that when the Government tampers with those laws it is outrageous, but is perfectly sound when businessmen themselves propose interfering.

EXHIBIT 1

[Editorial from the St. Louis Post-Dispatch, reprinted in Birmingham News of Jan. 27, 1936]

BEAT THE GAG BILLS

The fight against the gag bills was not won in the last session of Congress. Adjournment came with these very dangerous measures well advanced in the legislative process. The fight should be renewed with all the force that is needed to defeat them.

The first of these bills to be introduced is the so-called incitement to disaffection bill, ostensibly designed to protect soldiers and sailors from subversive influences. Its sponsors are Senator TYDINGS, of Maryland, and Representative MCCORMACK, of Boston. Backed by professional patriotic groups, the Secretaries of the War and Navy Departments, and the Hearst press, it came up in the Senate with only a handful of Senators present and, unfortunately, was passed by unanimous consent. Under the rules it cannot be reconsidered in the upper Chamber, notwithstanding the fact that there are many friends of civil liberties in the Senate who would not have voted for the bill if they had been present.

With the prestige of this misleading Senate approval, the bill was then favorably reported by the House Committee on Military Affairs, only Representatives MAVERICK, of Texas, and KVALE, of Minnesota, objecting. At the present time Representative MCCORMACK is seeking a rule from the Rules Committee in order to call the bill to the fore. A hearing is necessary on the rule, and this hearing affords the first opportunity to concentrate opposition to the bill.

The second of these bills is the sedition bill introduced by Representative KRAMER, of Los Angeles, and reported out by a vote of 12 to 11 of the House Judiciary Committee. The companion measure, sponsored by Senator RUSSELL, of Georgia, has not had committee action, but the Georgia Senator is said to be planning to push it this session. The declared intention of the Kramer-Russell measures is to make it a crime to advocate the overthrow of the Government of the United States by force or violence. The titles appeal to patriotic sentiment. Let us look beyond them to the implications of the measures.

The first objection to the gag bills is that their spirit is wholly counter to that of the Bill of Rights. If we believe in the constitutional guaranties of freedom of speech, a free press, and the right to assemble, we do not want to open the way for undermining these guaranties by unscrupulous local authorities, acting at the behest of pressure groups. The last peacetime-sedition law in this country, passed in 1789, brought about the repudiation by the people of the political party which sponsored it and was quickly repealed.

The second objection is that there is no occasion for the enactment of such laws. The right of the people to criticize governmental policies and to advocate changes cannot be questioned. Abuse of that right is amply covered by existing statutes. It would be folly to enact laws which would invite the persecution of minority groups and of opinion which differs from that of the military and naval authorities.

Third, these bills are unwarranted reflections on the American people and their soldiers and sailors.

Are we spending too much on our Army and our Navy? Was the use of the National Guard in a labor controversy justified or unjustified? Did guardsmen misuse their authority against strikers? Such questions all are proper subjects for popular debate. Yet under the gag bills those who take the side of adverse criticism might conceivably be haled into court.

Aside from the Hearst papers, the press of the country rallied against these bills in a most heartening fashion last year. The Baltimore Evening Sun headed one of its editorials "For Senator TYDINGS." Labor papers and so-called conservative papers like the New York Herald Tribune and the Wall Street Journal alike condemned the bills. Let this expression reappear.

No lesson is plainer from the continuance of the American form of government than that its greatest safeguard is the freedom of the people from official repressions.

Beat the gag bills!

EXHIBIT 2

The alphabetical agencies listed by Mr. RICH, and which he thinks should be abolished, are as follows:

C. A. B.: Consumers' Advisory Board.
C. S. B.: Central Statistical Board.
C. C. C.: Civilian Conservation Corps.
C. C. C.: Commodity Credit Corporation.
C. W. A.: Civil Works Administration.
E. C.: Emergency Conservation.
E. H. F. A.: Electric Home Farm Authority.
F. A. C. A.: Federal Alcohol Control Administration.
F. C. A.: Farm Credit Administration.
F. C. T.: Federal Coordinator Transportation.
F. D. I. C.: Federal Deposit Insurance Corporation.
F. E. R. A.: Federal Emergency Relief Administration.
F. E. S. B.: Federal Employment Stabilization Board.
F. H. L. B.: Federal Home Loan Bank.
F. T. C.: Federal Trade Commission
I. A. B.: Industrial Advisory Board.
J. E. B.: Joint Economy Board.
L. A. B.: Labor Advisory Board.
N. C. B.: National Compliance Board.
N. E. C.: National Emergency Council.
N. L. B.: National Labor Board.
P. A. B.: Petroleum Administration Board.
P. I. A.: Prison Industries Administration.
P. W. A.: Public Works Administration.
S. A. B.: Science Advisory Board.
U. S. E. S.: United States Employment Service.

Mr. McLEOD. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. Mr. Chairman, the brilliant and distinguished Texan's [Mr. MAVERICK] conception of free speech brings me back to what Mr. Dooley, the humorist, said about our treatment of the Philippines. Hennessey, the character in the Dooley story, said that America offered the Philippines their liberty and they would not take it. Then we knocked them down and made them take it. That is the type of free speech that the gentleman from Texas believes in.

I merely interject that into the situation for the purpose of saying that I myself at this time believe in the type of free speech which has been advanced by the gentleman from Texas; and during my brief discussion of the question which I am going to present I would prefer not to be interrupted until the close of my remarks.

Mr. MAVERICK. The gentleman just said I did not believe in free speech except for myself.

Mr. CULKIN. The gentleman misinterprets my statement. I know the gentleman to be a real outstanding liberal in all things.

Mr. ZIONCHECK. I object, Mr. Chairman.

Mr. RICH. Mr. Chairman, I demand the regular order.

Mr. MAVERICK. Does the gentleman yield?

Mr. CULKIN. I thank the gentleman from Washington [Mr. ZIONCHECK] and the distinguished gentleman from Pennsylvania [Mr. RICH] for preserving my rights. I refuse to yield. [Applause.]

Mr. Chairman, the Members of this House know, and the country knows, that during this administration the dairymen, who, with their dependents, constitute 14,000,000 of our people, have been ignored. The House also knows that none of the statutory remedies or policies which have been applied to the other farming groups have been of aid to them. I am not going to make that issue political at this time. It may be that the character of their product rendered its control difficult, but in any event under the present administration their plight, which is most sad, has been ignored and they find themselves today with their backs to the wall, facing economic ruin. Their lands are being sold for taxes, they are unable to educate their children, as has been their practice for generations.

The dairymen's economists attribute their distressed condition to several things. First, they say that the reciprocal trade agreements have laid them upon the altar of foreign trade. I am not going to discuss this phase of the matter today. The gentleman from Wisconsin [Mr. SAUTHOFF] discussed this question most ably last week. They also state, speaking through their economists, and they are represented by able economists, that the invasion of the butter market by butter substitutes is destroying the price structure for their products. Growing out of this situation and as a result of the nonactivity—to use a mild phrase—of the administration to aid in helping the dairymen's difficult condition, a meeting of the representatives of the dairying districts was held on January 28 in the House Office Building. Some 73 Members from dairy districts in the country attended the meeting. May I say at this time that their approach to the solution of these questions was honestly nonpartisan. At this meeting the various phases of the

dairymen's situation were discussed by speakers, and a resolution was passed which carries in it a program which the representatives of the dairymen in the House intend if possible to place on the statute books.

At this point, Mr. Chairman, and for the information of the House, I ask unanimous consent to incorporate that resolution in my remarks. May I say that the resolution was offered by our colleague, Governor PIERCE, of Oregon.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The resolution is as follows:

Resolution adopted at meeting of Congressmen from dairy districts, Tuesday, January 28, 1936

Whereas under the Agricultural Adjustment Act the benefits granted to farmers throughout the United States were not available to dairy farmers because of the difficulty of maintaining a production-control program which would have to apply to more than three and one-half million farm families, and also because of the fact that there was no overproduction of dairy products in the United States; and

Whereas farm lands which were taken out of production of other crops were permitted to be used in pasture and forage crops, with a resultant increase in the production of dairy products by persons who were receiving Federal benefits to reduce their production of other basic crops; and

Whereas the marketing agreement and licensing sections of the Agricultural Adjustment Act have not been of material assistance to dairy farmers because of lack of enforcement, and Government purchases of dairy products for relief distribution, although extremely helpful, have been nullified in a great degree by increased sales of oleomargarine and tremendous increase of the imports into the United States of dairy products from foreign lands: Now, therefore, be it

Resolved, That we, Members of Congress from the dairy districts, do hereby pledge our vigorous and active support to a program which will be beneficial to the dairy farmers of this country, a group who represent from 20 to 25 percent of the total farm income of the country. Such a program should and must include the following basic principles:

1. Provision in the new A. A. A. Act, now called the Soil Conservation Act, to protect dairymen by requiring that any land taken out of production of other basic crops shall not be used for pasture or forage to increase production of dairy prducts.

2. The Reciprocal Trade Agreement Act should be amended to provide either that no further reductions shall be permitted in tariff structure on dairy products or that all reciprocal-trade agreements shall be ratified by the Senate and the House of Representatives.

3. Legislation should be enacted to permit truck drivers who haul farmers' milk to bring to them the farmers' milk checks and settlement sheets, regardless of the provisions of the private postal statutes.

4. All of the present funds authorized by Congress for the eradication of bovine diseases and for the purchase of dairy products for relief distribution should be continued and such additional funds as may be necessary should be appropriated by the Congress.

5. The excise tax on foreign fats and oils should be continued and maintained, and if there are any provisions in the present law which tend to make it unconstitutional the law should be so amended by the Congress as to meet such constitutional objections.

6. Legislation should be enacted to prohibit the importation of dairy products into the United States unless such products have been produced by dairy herds under official test for bovine tuberculosis. Since Federal and State governments have spent approximately $300,000,000 for the eradication of tuberculosis in the United States, there is no justification for permitting imports which come from herds which do not meet the same standards as are required in the United States.

7. Legislation should be enacted to provide a 5-cent tax on all oleomargarine manufactured or sold in the United States, such tax to be in addition to all Federal and State taxes now in effect.

8. Legislation should also be enacted to prevent the use of interstate commerce as a means of evading State taxes on oleomargarine.

The foregoing constitutes the fundamentals of the program for dairying in the United States, and we further pledge our aid and support to other legislation which may be necessary to insure the stability of the dairy industry and the welfare of dairy farmers.

Mr. CULKIN. I said a moment ago that the invasion of the butter market by butter substitutes was in large part to be charged with the present difficulty and impossible economic situation of the dairymen. Certain legislation is pending in the House on this question. The gentleman from Wisconsin [Mr. BOILEAU] has a bill placing an additional tax of 5 cents a pound on butter substitutes. The gentleman from Oregon, Governor PIERCE, has a bill placing an additional tax of 5 cents on butter substitutes produced from domestic fats and oils with a differential of 5 cents or 10 cents additional on butter substitutes produced from foreign fats and oils. I have a bill which provides a 10-cent additional tax on all butter substitutes.

I also have a bill which is not endorsed by the resolution I have presented, which provides for the abolition of the manufacture and sale of butter substitutes in America. At first blush this legislation seems to be drastic, but may I say to the House that our neighbor, Canada, with but 10,000,000 people, and of comparatively moderate wealth, has for 12 years had in effect a law which is an exact counterpart of the bill which I have introduced here. Canada bases her bill on two propositions: First, the health of her people; second, protection of soil fertility. Canada believes, and this House is now coming to believe, that the conservation of soil fertility is an essential plank in the platform for future America. But mostly they stress this legislation as a health proposition, because they are unwilling to feed counterfeit synthetic food lacking the essential food elements and essential vitamins to their growing children.

As an aftermath of that meeting there appeared in the Washington papers some advertising which is signed by the National Association of Margarine Manufacturers of America. If the past is any precedent, this outfit is financed probably in toto by what we are pleased to call the "packer kings of America", including the Swifts and the Armours. May I say at this time that approximately 40 percent of this synthetic product which is sold as butter is produced as a byproduct under the auspices of the packers. They are the moving spirit and contribute in large part the organization that is reaching out to expand the sale of this synthetic product in the American market. In passing, may I call the attention of the House to the fact that last year the Swift concern made a profit of $17,000,000. They stand to recover from the processing-tax decision and the wiping out of the A. A. A. an additional $10,000,000.

So that they will garner in the year of our Lord 1935 some $27,000,000 in profits. The Armour Co., a somewhat smaller establishment, made profits last year of $9,000,000, and will in turn receive back approximately—so the Nation said in a recent issue—$9,000,000 in processing taxes. As I say, these outfits are the men behind the guns in the attempt to force this synthetic product upon the market, thus destroying the health of the children of America and at the same time driving the dairymen to the wall. It is academic, of course, that the price of all dairy products depends on the price of butter. The prices of the various dairy products are interdependent. When the price of one falls they all fall.

I hold in my hand a full-page oleo advertisement taken from the Washington Post. The whole basis of it is fallacious. From the dietetic standpoint it is a definite lie on its very face. It is exploiting this product, which is not a real but a counterfeit food. There is, however, one element of truth in this advertisement, because it carries the picture of a boy lamenting the lack of an oleo spread for his bread. That boy is definitely undernourished, condemned, perhaps, to bad health in his early years and to a shortened life. This picture definitely tells the story of a lack of proper vitamins in the boy's food. He who runs may see that this boy is suffering from an oleo diet.

It is authoritatively stated that the dominant races of the world from the beginning were the races that lived on dairy products. Those that did not, fell by the wayside, nationally. Take, for example, India. No progress. No advance in the arts. No advance in government. No striving for human liberty. Feed a race on synthetic products—and oleo is definitely a synthetic product—and the arms in two or three generations will fall out of their hands. They will be unable to fight a defensive war or play any essential or necessary part in a free civilization.

I wish to now present some evidence on this question which I think is controlling. The outstanding group of consumers in America, in point of numbers and efficient organization, is the American Federation of Labor, which represents 4,000,000 laboring families. At their meeting in Atlantic City they adopted a resolution on October 17, 1935, strongly con-

demning oleo. I ask unanimous consent to extend this resolution at length in my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CULKIN. Mr. Chairman, the resolution passed by the American Federation of Labor is as follows:

Whereas throughout the depression there has been a necessity because of unemployment and inadequate wages among the workers and their families to turn from high-class, health-giving foods to cheaper substitutes; and

Whereas studies made by Dr. C. E. Bloch and confirmed by studies made at Johns Hopkins Hospital indicate serious danger to the eyesight of our children caused by xerophthalmia, a disease arising in a large degree out of a diet lacking in vitamin A; and

Whereas vitamin A is now recognized by scientists as an element which is vitally necessary in abundant quantities in the diets of our children; and

Whereas this disease is occasioned in large part by the use of cheap substitutes for milk, butter, and other dairy products, and it is necessary at this time, when all are hopeful of better economic conditions, to call to the attention of our members the dangers to their families which may be brought about by the use of synthetically composed substitutes in place of wholesome dairy products; and

Whereas we recognize the necessity and the value of the organized workers cooperating with the producers of dairy products in protecting themselves and their families against the destructive competition of synthetic substitutes: Therefore, be it

Resolved, That we pledge our support to the dairy farmers of this country in securing legislation which will insure protection against these substitutes, and at the same time require that these substitutes pay their proportionate share of the local, State, and Federal tax burden as is now or may be imposed upon those engaged in the dairy industry.

Thus we find the American Federation of Labor saying in its national convention that this synthetic substitute should be so taxed as to narrow the spread between the price of butter and oleo, thereby giving the children of America a proper dairy diet. This resolution answers in thunder tones the sob-sister quality of this advertisement because it comes from the greatest group of laboring and organized consumers in America.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. CULKIN. Mr. Chairman, I call attention to another phase of this same matter. More than 40 percent of the products that go into the manufacture of butter substitutes come from the Tropics. They call it the white meat of the coconut.

At this time, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a brief description of the character of copra and its use in the preparation of butter substitutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The matter referred to is as follows:

The coconuts fall from the trees, are broken open, and the meat dried in heaps under the tropical suns. This is called copra.

When dry, copra looks and smells something like stable manure, or worse.

When the stuff is ready for shipment swarms of half-naked Malays load it on ships, tramping it in the hold of vessels with bare feet. An army of naked Malays sweating under the tropical heat tramping copra that is going to be made into the poor man's butter! Think of it!

When copra arrives at American oil mills it is run out of the ship with conveyors. Generally it is piled up in the open air, where it attracts millions of flies and looks exactly like piles of stable manure, and smells a darn sight worse.

This compost is then ground and pressed between steam-heated rollers. The raw oil is about the most rancid and evil-smelling thing in the world. Until recently it was used exclusively for soap grease. German scientists discovered ways of refining it. The process is simple.

First the oil is heated to a very high degree. It is then placed in vats and large quantities of sodium injected. The rancidity attacks the sodium solution and is eaten away. The oil is then treated with ether, which process solidifies the oil.

And this is the stuff they advertise as the "white meat of the coconut." This is the fatty substance of the poor man's butter. This is the vile carrion the packer kings give American children.

But don't take my word for it. Go to the copra mill and see for yourselves. Watch the process from compost to coconut oil. If you can see it made and still eat it or feed it to your children, there is nothing that will turn your stomach.

Mr. CULKIN. Mr. Chairman, it will interest the Members to learn that there are only 16 establishments in America manufacturing oleo. Their total pay roll is $800,000 a year. It will also be interesting to learn that into this synthetic butter hog fats in the last year of the value of only $300,000 were used, beef stearine of the value of only $230,000, and cottonseed oil of the value of $2,500,000. At the same time the dairymen of the Northern States and Midwestern States were buying from the cottonseed group cottonseed meal and its byproducts for feed to the tune of $40,000,000. In normal years their purchase runs to well-nigh $100,000,000. May I say to you gentlemen from the South, who hold the reins of power in this administration, that it is time your attention should cease to be focused entirely on the needs and demands of the Southland. You should look toward these great Northern and Midwestern States, where this great group of Americans, the finest type of farmers, the dairymen are being unhorsed economically and being destroyed by reason of the failure of the administration to take appropriate action.

I ask you to give this earnest consideration, and I make this appeal, not from the standpoint of party or as a threat in the coming campaign, but from a true national standpoint.

We have spent billions, if you please, upon the corn, wheat, and cotton farmer. All that Congress has done with reference to the dairyman has been to embarrass his condition. So I call upon the leadership of the House that has been so kind to its own beloved Southland to give some consideration to the dairying group, both North and South. It is my honest belief that unless this is done, when the ides of November come there will not be a single Democratic Member of Congress returned from a Northern State or Midwestern State, and a Republican President will be seated in the White House. I speak feelingly on this subject. I have studied it at length. Personally I have been sympathetic with the program of agriculture relief. I have been no quitter on that, and I submit these thoughts to you for your candid consideration in the hope that all of you, North, South, East, and West, will get back of this program for the benefit of this great group of Americans whose condition is so desperate. [Applause.]

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. MCLEOD].

Mr. MCLEOD. Mr. Chairman, for some weeks past the House of Representatives has been occupied with its annual task of writing the supply bills to keep the machinery of Government moving through the coming fiscal year.

Appropriating funds necessary to conduct essential affairs of Government is not only the prerogative but one of the most important duties of the Congress. It is, however, no more than a twin duty with our obligation to remember always that for every single dollar we appropriate an equivalent dollar must be provided through taxation.

This is a truism which has received altogether too little attention by those charged with the responsibility of spending the people's money. Willing dupes of their self-hypnotic-inspired vagaries of borrowing the Nation out of the depression, the spenders are simply burrowing further and deeper into the mound of economic confusion.

Government borrowing is nothing more than a sedative which soon wears off. It leaves the taxpayer to receive the accumulated pains and ills of a debt swollen by interest and aggravated by repeated applications of the oldest economic fallacy known to mankind.

Like the well-known prodigal son of Bible days, our prodigal spendthrifts in Government office are working overtime to spend our substance. With this difference: It is not their money they spend so freely and lavishly. They are spending the people's substance; the substance of their children and their children's children.

There is a further difference, too. Unlike the happy ending of the famous parable, when the people's substance has been wasted by the lavish spending of the Washington prodigals, the people will have no kind and indulgent benefactor to turn to for help. They themselves will be forced to bear the full brunt of the burden.

The delay and procrastination in placing our Government on a sound "pay as you go" policy fosters even greater hardships for the taxpayer—and by the taxpayer I mean every man, woman, and child in the country, for they all pay taxes, either directly or indirectly, and whether they realize it or not.

When the burden of Government debts and taxes begins to become oppressive and unbearable, the ugly specter of inflation is always resurrected in garments of glittering promise and jubilant hope to deceive the people into believing that a simple turn of the printing press will solve our problems.

In its first dose, inflation has a taste to the public palate of almost saccharine sweetness. Therein lies its great danger. It it the deadliest of all economic drugs, one dose of which is sufficient to make a confirmed addict of any nation. In the long run, it harms most those whom it is supposed to assist. It acts as the most insidious of hidden taxes which confiscates the property of the workingman, increases the prices of his food and clothing and utterly destroys the value of his pay check.

Regardless of whether we borrow, tax, or inflate, it is the citizen of small income who will eventually have to pay the lion's share of the bill. This bill for cost of government has been growing steadily throughout the years and the spending mania responsible for its growth has by no means been confined to any one branch of our Government.

At the dawn of the present century, the debt of Federal, State, and local Governments was $40 for each individual in the United States. Today, hardly more than 35 years later, we find the combined debt of Federal, State, and local governments equivalent to $394 for each and every American citizen. Yet since 1900 our population has increased by about only 67 percent. But Government debts have not been nearly so modest in growth. The total outstanding bill for all services, essential and nonessential, useful and useless, rendered by the Federal, State, and local government branches is almost fifty thousand million dollars. This represents an increase of more than 1,500 percent over the $3,000,000,000 public debt of 36 years ago, as compared with the 67-percent increase in population.

Back in 1929, when our national income totaled slightly less than $79,000,000,000, taxes paid by the American people amounted to but nine thousand eight hundred million dollars, or just a little more than 12 percent of national income. In 1935, with the national income reduced to less than $54,000,000,000, taxes took ten thousand two hundred and fifty million dollars, or 19.1 percent of national income.

We have now reached the point where the total National, State, and local tax bill is more than the combined bill for food, rental, clothing, and domestic electricity used by the Nation. If government costs were to be reduced by only 4 percent, it would be equivalent to canceling all the bills for domestic electricity used by American home owners.

The facts I have just cited serve to indicate in some measure the ridiculous extent to which costs have increased for running all the machinery of government within the United States. The figures show that there is hardly a unit of government, no matter how small, which has proved immune to the Government spending disease.

Some States have already recognized the evil and are making courageous efforts to economize. It is up to us in Congress to provide the example and pave the way for the rest of the country by placing the Federal Government on a strict policy of "pay as you go."

I introduced a resolution sometime ago, House Joint Resolution 231, which is now pending before the Ways and Means Committee, to provide a means for voluntary cooperation between the 48 States in a Nation-wide campaign to reduce excessive costs of State and local governments. Its passage would be a most forward step toward securing a coordinated plan of action for economy among the State governments and their local subsidiaries.

Right here I should like to pay tribute to the splendid spirit of cooperation with which the members of the Appropriations Committee have worked to keep appropriations pared to bare essentials in the Treasury Department supply bill. It has been a great pleasure to serve on the Treasury subcommittee and assist its membership in working for real savings in Treasury expenditures.

A continuance of present policies can only further exhaust our national resources and increase the ultimate distress of our 127,000,000 taxpaying citizens. Of course, there may be some who possess the notion that the best way out of our present difficulty is to place all citizens on the Government pay roll and let the Government run everything.

If there are such people—and I have little doubt there are, right here in Washington, and occupying positions of trust and honor in the public service—they are in a fair way to see the realization of their dream. On June 30, 1923, there were 515,772 Federal employees. On June 30, 1933, 10 years later, the number had increased by 56,319 to a total of 572,091. From June 30, 1933, to November 30, 1935, 227,988 were added, making the total at that date 800,079. During the month of December last, 15,690 more persons were added, making a total of 815,789 persons on the Federal pay roll as of the first of the present year. What limit is the Government going to reach in setting itself up as the job-providing substitute for private enterprise? At the rate the Government is now going, no man can answer. The sooner we call a halt to this wholesale recruiting of people into the ever-increasing army of Government employees, the sooner we will return to a natural course of legitimate exercise of true Government functions, and the sooner will private enterprise be able to exercise its normal work-providing activities.

Including the 815,789 employees on the Federal pay roll, the American people are now supporting an army of public servants numbering approximately three and a half million persons. This figure includes all Federal, State, and local government unit pay rolls but does not include individuals receiving relief, Government pensions, veterans' assistance, or members of the C. C. C.

I say without hesitation and with the sincerity of deep conviction—and I feel that those who have little fear of offending Government executives will agree with me—that this army of three and a half million Government employees could be cut at least one and a half to two million with no confusion, with no sacrifice, and with absolutely no loss of efficiency in the operation of the machinery of the United States Government or any of its multitudinous units.

We are now engaged in appropriating funds to run the Treasury Department through the fiscal year 1937. The Treasury appropriation bill has been under consideration in committee for some weeks, and during the hearings before the Treasury subcommittee some facts were developed which I feel are most pertinent to the whole question of Government spending.

There was a time when practically all Members of Congress were regarded in the light of "watchdogs" of the Treasury. The various Government departments were only able to secure equipment and funds when they convinced a vigilant Congress that such were essential to the proper conduct of Government business.

For example, the hearings on the Treasury bill show the existence of a new method of circumvention. On page 119 of the hearings, and continuing for several pages, we find where the Treasury Department has obtained, without trouble or cost, 120 adding machines of the latest type and practically new. These machines were purchased for an average of $350 each, or a total of $42,000, by the old C. W. A. in the days when it had money to burn and possessed a free hand in the lavish expenditure and distribution of the people's money. These machines were purchased without either congressional approval or appropriation and were donated to the Treasury by whom no one knows when the C. W. A. became lost in the alphabetical scramble.

On page 179 of the same hearings we find that the Division of Disbursements has been so busily engaged in Government spending that since December 1933 it has had to acquire 93,437 square feet in the Treasury Annex No. 1, 11,583 square feet in the old Post Office Building, 3,065

square feet in the Munitions Building, 500 square feet in the Extensible Building, and 560 square feet of office space in the Interior Department Building.

On page 817 it is shown that during 1936, 89 buildings are being operated by the Procurement Division. During the next year we find that 102 buildings will be necessary.

I am not attempting to criticize the Treasury Department in citing these figures, but am mentioning them simply because they serve as an example of a condition and a practice existing in the majority of Government bureaus and agencies today.

These are some of the results of increased spending. The hearings reveal another result of reckless spending which is far more serious and significant. On page 224 of the Treasury hearings we find the statement:

> Heavy importations of grain, feedstuffs, live cattle, fresh meat, butter, and butter substitutes were made during the past fiscal year. Previously importations of this class of commodity were made in relatively small quantities. During the year (fiscal year 1935) approximately $36,194,000, or more than six times the amount collected on similar commodities during the previous fiscal year, were collected.

From a table accompanying this statement in the hearings on the bill before us we find that in 1934 we imported 61,634 live cattle. In 1935 we imported 233,117.

In 1934 we imported 123,097 pounds of fresh beef. In 1935 we bought 4,383,635 pounds of fresh beef from foreign markets, an increase of more than 4,000,000 pounds in just 12 months.

In 1935 we imported 1,393,816 pounds of fresh pork as compared with only 247,515 pounds in 1934.

Twenty-two million two hundred and eight thousand two hundred and sixty-five pounds of butter were imported in 1935. Only 616,325 pounds of butter were imported in 1934.

The tremendous increase in imports of wheat and beans is shown by the fact that duties on the former increased by more than 4,000 percent in 1935 over 1934 and increased by more than 300 percent during the same period on bean imports.

Processing taxes, crop reduction, and the slaughter of livestock, for which heavy sums have been wasted, are proving just as ruinous to American producers as they are beneficial to foreign farmers and growers. These insane policies have brought about a situation where the people are, in many instances without their knowledge, buying foreign-produced articles, because they are cheaper than the identical domestic commodity, even after the import duty has been added to the price.

The mania for wasteful spending reached a new peak in the late and unlamented Potato Control Act. When the second deficiency bill was under consideration by the Appropriations Committee, the funds to administer the Potato Act narrowly missed being stricken from the bill. With a feeling of deep relief, the country read of how the House struck the funds for administering this illegal act from the bill when it reached the floor. Now, this grotesque attempt to waste money in an effort to dictate and federally supervise the raising of potatoes has been consigned to a merited oblivion at the order of the President, who acted in time to forestall another righteous verdict of annulment by the United States Supreme Court.

The people are entitled to a definite accounting for every dollar which is spent by the Government. While it is, of course, impossible to give a complete accounting in the time allotted, I am making an attempt to give just this brief and incomplete accounting of what happens to just a part of their tax dollars. Public dissemination of the facts is the best weapon in the war against waste, and with the power of knowledge the people are certain to force the cessation of reckless extravagance in Government spending.

The people are entitled to a dollar's worth of government for every dollar spent, not just a dime, or even less. There can be no excuse for paying for services which are not needed, which do not help, and which actually harm.

Twenty years ago the Government was run satisfactorily on the sum of $1,114,937,012.02, appropriated by the Congress to run the Federal Government through the fiscal year 1916. Last year the Congress authorized the expenditure of $9,453,264,662.14. Granted that a good share of this money last year was for relief, it is an undeniable fact that in spite of relief necessities, this sum would have been far under that amount if funds had been appropriated only for absolute essentials and for real relief.

At this point I want to refer the Members of Congress to the so-called Federal Directory issued in each State by the State director of the National Emergency Council, listing the administrative officers of the Federal Government operating in the individual States. These organizations form the units of a powerful machine whose potential possibilities for political use cannot be ignored. It would be a conservative statement to say that the nonrelief employees of these Federal administrative officials in the States number well over a hundred thousand.

Let us stop fooling the people and stop merely talking economy and actually economize before it is too late. Real economy would save the people many hundreds of millions of dollars in taxation. False economy and costly unconstitutional extravaganzas must stop. We have heard much talk about reform, but the best reform we could have would be the reform of the reformers who endeavor to wreck all that is good in their efforts to eliminate the trace of bad. There have been too many thousands of millions spent without due regard to the true welfare of the people. The result has been debt without a corresponding measure of benefit, and in many instances, harm from which we will not recover for many years.

We in Congress possess the means to put a stop to all this. It is we who hold the purse strings of the Nation. Without money wasteful experiments, unconstitutional ventures, and disastrous follies cannot be launched.

Only a short time ago Secretary of the Treasury Morgenthau was asked by a Senate committee what the effect on the economic structure of the Nation would be if he should undertake to raise more money by selling bonds or notes and if he should fail to sell them. His answer should silence the most rabid advocate of prodigal spending. The Secretary of the Treasury told the committee—and I quote his exact words:

> The minute I cannot raise the money required to finance the Government, that minute you will have complete chaos.

Regardless of the exortations and behests of the Executive, the Congress must do an about face and no longer support the blank-check bills and other loosely drawn and unconstitutional measures which have led to the frittering away of the people's substance. The inescapable fact is—and every thinking American knows it—that the Congress must not and cannot longer avoid the responsibility for failure to provide the proper limits and checks upon expenditure of the public funds.

Let us keep this fact in mind, and let us remember our duty and our responsibility in our consideration of the pending Treasury Department supply bill and all other appropriation measures. Upon our shirking or our devotion to our responsibility depends in a great measure the progress we will achieve toward a renewed era of common sense and normal living standards for all our people. [Applause.]

Mr. LUDLOW. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. FIESINGER].

Mr. FIESINGER. Mr. Chairman, I rise to take a few minutes of the time of the House to comment on the meeting that has been held here in the city of Washington this week—the North American Wildlife Conference.

This conference was called by the President of the United States because of his tremendous interest in the subject, and it was attended by some 3,000 people from all over the United States, Canada, and Mexico; in fact, it was not a national conference, but an international conference, devoted to the important subject of conservation, and especially conservation of wildlife, on the North American Continent. The conference was attended by distinguished representatives from the Dominion of Canada and the Republic of Mexico, who

not only participated in the deliberations but contributed valuable and interesting papers and assured us of their friendly cooperation. In addition to the distinguished representatives from abroad, the conference was addressed by Hon. Henry A. Wallace, Secretary of Agriculture, who delivered a message from the President of the United States; Hon. Harold L. Ickes, Secretary of the Interior; Hon. J. N. Darling; Hon. F. A. Silcox, Chief of the United States Forest Service; Hon. Key Pittman, Hon. Richard Kleberg, Hon. A. Willis Robertson, Members of Congress; and many distinguished scientists, publicists, and government representatives, State as well as National.

It was my pleasure to be designated as a delegate to the conference from the State of Ohio, and between my activities here in the House of Representatives and the conference I have not been able to read as assiduously, as I usually do, the CONGRESSIONAL RECORD, and I do not know whether anyone else has spoken upon this subject here in the House or not; but I may say that the people who have come here have finally coordinated the various groups and interests in connection with the conservation of wildlife, and day before yesterday the conference adopted a constitution that is broad enough so that all of the interests may stand upon it and work under it and will now take the name of the General Wildlife Federation.

The conference elected a man who is imbued with the spirit of wildlife conservation as its president for the coming year, Mr. J. N. Darling. From my observation, he has done very important work in this activity and will make a great president of the organization. Better than any other man in America, he is capable of fusing and coordinating the various interests, not all of which have been in complete harmony.

I also wish to say just a word about the Biological Survey of the Department of Agriculture under Dr. Ira N. Gabrielson. The survey is doing a very comprehensive work, and I am sorry that the Congress has not paid more attention to its importance. There has been some money given to the wildlife committee of this House in cooperation with the survey, but I think the Congress ought to get back of this subject and cooperate whole-heartedly with the survey and the interests devoted to wildlife propagation and conservation so that the committee may extend its activities.

I shall endeavor to use whatever little influence I may have to get proper appropriations for this work, and to give the House the sense of its responsibility to this great conservation movement that it may cooperate therewith. This movement has various national aspects; it is important in economics, in social relations, and in beautification of the great outdoors, not to mention its great importance to the public health. Besides its many other economic aspects wildlife is important because of the part it plays in the food supply of the Nation, particularly in time of economic stress. There are many organizations interested in the general objects, to mention a few, the Isaac Walton League of America, American Wildlife Institute, the garden clubs, Audubon societies, 4-H clubs, and many others. My personal interest in the matter outside of the national and international aspects is that in my district we have property valued at several millions of dollars, comprising tens of thousands of acres, which is not only used by sportsmen but is devoted to the propagation and conservation of game. And in that connection I desire to mention specifically the activities of the League of Ohio Sportsmen, the Izaak Walton League, the Ohio Marsh Land Owners Migratory Waterfowl Conservation League, which has been ably represented at the conference by the Honorable Chester Bolton, Member of Congress; Mr. Oliver True, of Port Clinton; and Mr. Charles Neilsen, of Sandusky, Ohio.

Mr. LUDLOW. Mr. Chairman, I now yield to the gentleman from Tennessee [Mr. PEARSON].

Mr. PEARSON. Mr. Chairman, on yesterday, when the chairman of the Committee on Agriculture presented the resolution providing for the repeal of the Bankhead Cotton Control Act, the Kerr-Smith Tobacco Act, and the Warren Potato Act, I desired to make a brief statement in regard to this resolution, but the time was limited and so many were desiring to be heard I did not ask for recognition. I desire to extend my remarks at this time, so as to present briefly the reason for my vote on this measure.

I was not a Member of Congress when the Bankhead bill was passed, but I live in and represent a district which is a large producer of cotton, and I have had ample opportunity to observe and note through personal experience the benefits of the several control production acts which we are now being called upon to repeal. This is particularly true with reference to the production of cotton.

In my judgment, no measure adopted by Congress in a generation has been as wholesome and beneficial to the cotton producers as has the Bankhead bill.

During the past few years the farmers of the South have had a difficult road to follow, and the problem of paying taxes, keeping up improvements, and financing the ordinary farm operations left them struggling under a burden of debt. While they were in this situation the Bankhead Cotton Control Act went into effect, and today, in my opinion, the farmers of my section are in the best financial condition they have enjoyed since 1928 and 1929.

I voted for the repeal of these control acts because the Supreme Court, in its A. A. A. decision, has in effect declared each of them unconstitutional, and because the President, in deference to the final decision of the Supreme Court, requested their repeal. I, like every other law-abiding citizen, accept the decision of the Supreme Court, and while I agree in principal with the dissenting opinion of the minority, I cannot permit my difference in opinion with the majority to lead me in a course which would defy that decision. The word of the Supreme Court is final and the American people accept it in good grace.

I am confident this session of Congress will be able to enact within the limits of the Constitution legislation which will bring about the same result as the three acts which we are repealing, and it shall be my purpose and intention to cooperate in the passage and enforcement of such legislation.

I want to pay tribute to the farmers of America for the manner in which they have accepted the decision of the Supreme Court which is so vital to their welfare. They constitute the backbone of our civilization, and whenever Congress is able to place upon the statute books laws which will bring to them parity in the scheme of economics the Nation will have taken the first essential step toward a permanent condition of national prosperity.

Mr. LUDLOW. Mr. Chairman, I yield now to the gentleman from North Carolina [Mr. HANCOCK].

Mr. HANCOCK of North Carolina. Mr. Chairman, on January 15, 1936, as stated in the CONGRESSIONAL RECORD, on page 423, Representative FISH, of New York, asserted:

> Senator BORAH voted for a lot of the good measures of the New Deal and I am very glad he did. So did I. The Republicans would make a terrible mistake if they start this campaign condemning and indicting every New Deal measure. They would not get to first base if they went out and attacked the stock exchange regulation bill, the securities exchange regulation bill, the social security bill, and the Home Owners' Loan Corporation bill, which, by the way, emanated originally from President Hoover.

The assertion is, of course, untrue, because the Home Owners' Loan Act was not even proposed before the Democratic administration came into office. You will doubtless recall that the President suggested this legislation in his message to Congress on April 13, 1933, in which he said:

> As a further and urgently necessary step in the program to promote economic recovery, I ask the Congress for legislation to protect small home owners from foreclosure, and to relieve them of a portion of the burden of excessive interest and principal payments incurred during the period of higher values and higher earning power.
>
> Implicit in the legislation which I am suggesting to you is a declaration of national policy. This policy is that the broad interests of the Nation require that special safeguards should be thrown around home ownership as a guaranty of social and economic stability, and that to protect home owners from inequitable enforced liquidation in a time of general distress is a proper concern of the Government.
>
> The legislation I propose follows the general lines of the farm-mortgage refinancing bill. The terms are such as to impose the least possible charge upon the National Treasury consistent with the objects sought. It provides machinery through which existing mortgage debts on small homes may be adjusted to a sound basis

of values without injustice to investors at substantially lower interest rates and with provision for postponing both interest and principal payments in cases of extreme need. The resources to be made available through a bond issue to be guaranteed as to interest only by the Treasury will, it is thought, be sufficient to meet the needs of those to whom other methods of financing are not available. At the same time, the plan of settlement will provide a standard which should put an end to present uncertain and chaotic conditions that create fear and despair among both home owners and investors.

Legislation of this character is a subject that demands our most earnest, thoughtful, and prompt consideration.

The Home Owners' Loan Act was passed by Congress on June 10, 1933, and approved by the President on June 13, 1933.

In view of the fact that there are so many claims being made nowadays and that there is such an earnest effort on the part of our good friends on the other side to claim a part in the enactment of certain bills enacted by the Democratic Congress, I think it essential that the record be kept straight. [Applause.]

Mr. LUDLOW. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. HEALEY].

Mr. HEALEY. Mr. Chairman, in the course of his remarks yesterday on the foreign policy of this administration and the proposed neutrality bill, the gentleman from New York [Mr. FISH] professed to state the policy of the Republican Party on the neutrality bill. He stated that the Republican Party was opposed to section 4 of the bill as reported. I think it rather unfortunate and wholly unfair to those Democrats who also share the view that section 4, as reported, should not be included in the proposed neutrality bill, and to our citizens in general, that the gentleman from New York should attempt to make a partisan issue out of this vital measure. This bill, which seeks to establish the neutrality policy of the United States, is of the utmost importance to the future security and safety of our common country, and should not be made a matter of partisan or political consideration. I say to the gentleman that I, as a Democrat, appeared before his committee in opposition to the inclusion of section 4. On January 20 last I introduced a bill, H. R. 10400, to extend the present neutrality law for 1 year, and I have urged the chairman of the gentleman's committee to have the same considered as expeditiously as possible.

Mr. CHRISTIANSON. Mr. Chairman, will the gentleman yield?

Mr. HEALEY. Yes.

Mr. CHRISTIANSON. Mr. Chairman, I rise to corroborate what the gentleman has said about his appearance before the Committee on Foreign Affairs, and to say that he made a very admirable argument. Also I desire to state that there are several Democrats on the committee who have stood with the Republican members in opposition to a discretionary embargo as embodied in the provisions of section 4 of the bill that was reported out. Whether the bill will raise a partisan issue will depend upon the attitude the Democratic majority of the House takes when we come to a consideration of the question whether the vast discretionary powers embodied in that section shall be vested exclusively in the President.

Mr. HEALEY. I thank the gentleman for his contribution. There are a great many Democratic Members of the House opposed to the provisions of section 4. I know that practically all of the Democratic Representatives from my own State are opposed to it, and many of them have been as active in their opposition to that controversial section as the gentleman from New York.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TABER. Mr. Chairman, I yield now to the gentleman from Pennsylvania [Mr. DITTER].

Mr. DITTER. Mr. Chairman, I quote from page 21 of the Treasury Department appropriation bill hearings the following statement made by the chairman of the Committee on Appropriations, our colleague, the gentleman from Texas, Mr. BUCHANAN:

Mr. Chairman, I can see where purchases made until a proper ratio is reached could be a very fine thing, provided it lays a foundation that would be successful for the adoption, internationally, of a double standard of both silver and gold. But not having succeeded in having such a foundation adopted among the commercial nations of the world, I cannot see what good it does, except to boost the domestic price for the production of silver in a few States.

This pointed remark in reference to the silver-purchasing program made by the chairman of the Appropriations Committee, Mr. BUCHANAN, during the course of the hearings on the Treasury Department appropriation bill which is now before the House, should arrest the attention of all Members, Democratic and Republican alike. Coming as it does from one of the outstanding leaders of the administration forces, it can be taken as an authoritative declaration. It is an admission that the silver program advocated by those presently in charge of the Government is just another expensive fiasco. It is a confession of the failure by the economic experimentalists of their effort to create wealth by artificial means. Another of the tricks drawn from Pandora's box by the alphabetical jugglers has flopped. The rabbit did not come out of the hat.

By the terms of the Silver Purchase Act of 1934 the Secretary of the Treasury is ordered to buy silver until it reaches $1.29 an ounce, or until the monetary stocks of silver are equal to one-quarter of the amount of the monetary value of the stocks of gold and silver. According to the testimony of Secretary Morgenthau before the Appropriation Committee handling the present bill, the total deliveries of silver purchased by the Government as of December 21, 1935, under the terms of the Silver Act amounted to a little over 620,000,000 ounces at a cost in excess of $375,000,000, or at an average cost of slightly more than 60 cents an ounce. Based upon the price in 1932, 60 cents an ounce represents an advancement of 140 percent in the cost of silver to the Government. Based upon the 1932 value, the silver purchased by the administration under its silver-purchasing program is worth $156,250,000, or a loss in round figures of $218,750,000 for the Federal Government. On this basis the taxpayers of the country have contributed over $200,000,000 for the speculative silver pot opened up by the New Dealers. They have been as liberal with the taxpayers' money in this silver game as they have been reckless in tossing around the letters of the alphabet.

Some excuse might be found for this silver-spending spree, had any appreciable benefits been derived from the measure. But the results have been disappointing even to those who sang of its potential blessings in the loudest tones. It has failed miserably to produce the promised results. It has succeeded admirably in enriching, at the expense of the Government, money changers in the silver speculators' temples. Apparently these money changers were invited in and not driven out.

The silver-purchasing program is a part of the weird scheme adopted by the administration and dignified by the name of monetary policy, by which the wealth of Eldorado was to be fantastically and artificially created. Contemporary history records the laconic expression "baloney dollars" as the appraisal made by an outstanding Jeffersonian Democrat of the monetary policy. The advocates of the scheme promised to raise the price level of commodities within the United States and to open markets for our goods in those countries in which silver serves as money, particularly in South America and in the Far East.

The records of the Department of Commerce show that silver buying has been followed by a decline in trade with China, rather than an increase, and it is known that a degree of animosity and estrangement has been created in the Far East which will prove a deterrent to the reestablishment of profitable commercial relations. Only too well do we realize that the experiment has not produced the desired effects at home.

The silver question is not a new one. It immediately brings to the mind of the American people the name of Bryan. This is indeed a sore subject with most Democrats. The memory of dissension, discord, and strife in the

party is not a pleasant one to recall. In the light of past experiences, one wonders at the willingness of the present administration to invite a recurrence of the previous disasters of the Democratic Party on the silver question. Suffice it to say, that caution has been thrown to the winds in many cases by the present administration in its disordered, inconsistent, and frenzied efforts to ingratiate itself with the American people by extravagant experiments and worthless theories. The observation of Mr. BUCHANAN is not only pertinent but factual when he says:

I cannot see what good it—the silver purchases under the act of 1934—does except to boost the domestic price for the production of silver in a few States.

He might well have added that a very much greater degree of benefit has resulted to Mexico from the purchases than has come to this country. Our neighbor to the south has enjoyed a boom in mining and a marvelous prosperity at the expense of our people, as its mines have produced an ever-increasing supply of silver for which we were willing to pay an exorbitant price.

The importance of silver has been over emphasized. Prior to the speculative push of the purchasing program, silver played but an insignificant part in comparison with the values of other commodities or in comparison with the mineral wealth of the Nation. Reliable statistics indicate that of the aggregate value in exchange derived from 550 commodities, silver contributed only one-tenth of 1 percent, and when compared with all commodities its value was even less important. When compared with the value of other minerals produced in the country, silver gained but slight recognition.

Of the total revenue produced by all minerals, the value of silver was but six-tenths of 1 percent. Coal, on the other hand, constituted 25 percent, petroleum 21 percent, and iron 12 percent of this total. The importance of Pennsylvania in its mineral wealth is self-evident from these figures. The oil fields and the iron and coal mines of Pennsylvania hold a preeminent position in the national economy. A sense of loyalty and a justifiable pride prompt a passing reference to the Keystone State at this point. In view of the relative unimportance of silver, it is difficult to understand the motive which has prompted the administration in its silver venture. It has been in operation a sufficient length of time to demonstrate its worth. If it merits the faith of its proponents, domestic trade should reflect today the direct contribution which it has brought and the marts of the world, especially where South America and the Far East come to trade with us, should be beehives of activity. Uncle Sam did not buy a gold brick on Broadway this time. He bought a silver brick without trimmings instead. We have purchased disappointment and chagrin and have paid an enormous price for them. We have adopted a speculative policy in the silver market through the operations of the Federal Treasury which would have been denounced and held up to public scorn had it been practiced in private business. We have watered the silver stock so generously that it is difficult to determine which is water and which is stock. For, be it remembered, we have gone only part way with the performance. Uncle Sam may pay as high as $1.29 an ounce for his folly. The escapade might be amusing were it not for the fact that the taxpayers are required to pay the admission price to the show. Levity must give way to the seriousness of the situation.

A change of policy should be advocated. The admitted mistake should be corrected. The acknowledged failure should be rectified. The Silver Purchase Act should be repealed. Silver should find its real value without artificial stimulus. A definite monetary policy should be adopted. A sound currency based on a gold standard should be assured to encourage future commitments in our home markets and stimulate confidence in our commercial relations with the nations of the world.

Mr. TABER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Chairman, I rise at this time simply to expose the cowardice behind a statement appearing in today's press issued by the officers of Rhinehart & Dennis, contractors, who constructed the tunnel in Gauley Bridge, W. Va., which has been aptly described by the junior Senator from West Virginia as America's Black Hole of Calcutta.

This statement charges that the testimony adduced at the hearings is preposterous and that nobody died down there.

I point out at this time that the company declined the committee's invitation to come here and defend itself before our committee. If the company was lily white, why was it afraid to come before our committee and defend itself? Instead it resorts to willful misstatements in the press. This is rank cowardice.

When the Members of the House read the hearings they will readily learn why the company refuses to come before our committee. The Members will come to the inescapable conclusion that Rhinehart & Dennis has been guilty of wholesale murder and large-scale racketeering.

The CHAIRMAN. The time of the gentleman from New York has expired.

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Bureau of Internal Revenue, including not to exceed $23,780 for personal services in the District of Columbia, $69,990.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

It is regrettable that there are not more of the proponents of the silver measure of 1934 on the floor today. My old friend the governor [Mr. PIERCE], of course, will remember that in 1933 and 1934 the atmosphere of this Chamber fairly rang with silver speeches.

Mr. PIERCE. Will the gentleman yield?

Mr. DIRKSEN. In just a moment, please. But we do not hear those silver speeches today. I believe also it is rather regrettable that we are not in a position to have the amount in the Treasury bill that is allocated to carrying on the silver-purchase program stricken from the bill so that the silver farce might be terminated.

Mr. WHITE. Will the gentleman yield?

Mr. DIRKSEN. In just a moment, please.

Mr. WHITE. I will make a silver speech for you in just a minute.

Mr. DIRKSEN. The regrettable thing is that the various items in this paragraph of the bill are not dissociated so that these things might be stricken from the bill. When the silver program went into effect in 1934 we sought to accumulate in the vaults of the United States Treasury $1 in silver for every $3 in gold, and we had to buy approximately one thousand three hundred million ounces of silver. The Treasury promptly went into the market and became the largest marginal buyer in the entire world. London, of course, happens to be the center of silver speculation. We saw the spectacle of speculators all over this wide world buying silver and selling it back to Uncle Sam at a profit. The Treasury as the world's largest buyer created an ideal market for every silver speculator from Shanghai to Mexico City.

Mr. WHITE. Will the gentleman yield?

Mr. DIRKSEN. Just let me finish, please.

Now, we have proceeded under this silver program and we have accumulated 805,000,000 ounces, according to the latest figures I can obtain, which is approximately 26,652 tons of silver. Having bought all that silver, where are we in this ratio of silver to gold today? We are still shy 1,300,000,000 ounces of silver. We have been on a beautiful merry-go-round, if you please, and perhaps the Treasury ought to give up the fool notion of trying to approximate that ratio of 1 to 3. In my estimation, it is a grand piece of folly, one of the most asinine pieces of legislation that have ever gone through this House, and it fairly takes the hand-embroidered "boondoggle", I should say, for sheer asininity. However, the Treasury has not abandoned the silver program. They have simply abandoned the idea of buying from speculators. They now buy directly from the Governments of Peru, Mexico, and China, and I suppose others. That is the reason these official gentlemen from Mexico were here not so long ago, for the purpose of making an arrangement whereby we can continue this silver program and buy directly from Mexico.

What good has it done? Where are all these proponents of silver legislation who shouted to the skies telling us how we would expand our foreign trade, what magic would be performed in boosting trade between the United States and China? Where are they? Do you hear any of them offering glorious speeches today? Oh, no. The reason for it is that when we got well along on this silver purchasing program the Chinese ministers had to go to the State Department and make a complaint that we were virtually ruining the fiscal set-up in China. So today, after having purchased 805,000,000 ounces of silver, we are shy just exactly the same amount of silver that we were in January 1934 of approaching that ratio of $1 in silver for $3 in gold.

The operation of the silver-purchase measure is much like the story related last week by Representative EATON, of New Jersey, about how long it would take a cat to climb out of a well if he climbed up 1 foot each day and fell back 2 feet. You remember the schoolboy's answer that, given a clean slate and another half hour, he would land that cat in hell. Give the Treasury more time and they will land us in China on the silver program.

Of course, the objective of those who had a vital interest in the bill was to push the price of silver to $1.29 per ounce. The program got under way at a time when silver was 40 cents an ounce. Total purchases thus far are about 805,000,000 ounces of silver. And after these astronomical purchases, during which the price fluctuated up and down, it is now back in the neighborhood of 40 cents an ounce. Meanwhile it has done incalculable harm to our oriental trade; but apparently the program of silver purchases will doubtless go blithely forward. It is to laugh!

The bill ought to be repealed, just like certain other measures were repealed the other day; but I rather fancy, in this highly controversial election year, the silver program will stay on the books until after November of 1936.

I now yield the floor to the distinguished gentleman from the West [Mr. WHITE], who has been a constant crusader in behalf of the silver-purchase program. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WHITE. Mr. Chairman, I rise in opposition to the pro-forma amendment.

I was very much interested in the discourse of the learned gentleman from Illinois [Mr. DIRKSEN] on the question of silver. I should like to remind the gentleman that when the credit of England was shaken, when they could not meet their obligations, when they had to make an emergency settlement with the people of India, and had to turn somewhere to get metallic money, something that the people of India would accept in payment of the English obligation, there was one spot in the world, there was one place where they could obtain that necessary wherewithal to meet their Indian obligation. It was a God's blessing for the great British Empire that here, in the Treasury of the United States, by the wisdom of our leaders, we had accumulated some $200,000,000 in metallic money, silver. In their distress, in their dilemma, English financiers and representatives of the English Government came to the Treasury of the United States and made a pact with our Government, acquiring 200,000,000 ounces of silver, which saved the day for the British Government and enabled them to meet their obligation with the Indian people and brought about one of the best eras in that peak of prices that we see in all charts, 1920–21, when we had the best times we ever had in this country, due to the effects of the Pittman Purchasing Act, when we repurchased that silver from American mines and put into circulation $200,000,000 in buying domestic silver.

I should like to call the gentleman's attention to the balance sheet of the Treasury under date of January 31. Let me call his attention to the item of silver that is contained in that report and its effect on the business stability of this country.

Under the heading "Assets" we find the item, silver, $624,907,407.98 under one item; and the other item, silver dollars, we find $508,895,215. I am told that this first figure represents the coinage value of the silver.

On the other side of the ledger statement under liabilities we find, silver certificates outstanding, $1,027,082,831. This, Mr. Chairman, is money that is in circulation. This, Mr. Chairman and Members, is the money that is circulating against that silver in the Treasury which is carrying the commerce of this country. We hear a great deal these days about the velocity of money, about the speed with which money changes hands. Let me remind you that the $1 bill in your pocket has a greater velocity, circulates faster by 5 or 10 times, than the Federal Reserve notes of $5 and $10 denominations. If you take into consideration velocity, that $1 silver certificate is doing the work of a $10 Federal Reserve note. If there is one thing from which the people of the United States have received benefit in the financial transactions of the Treasury, it is this silver-purchasing policy.

Mr. Chairman, in further answer to the statement of the gentleman from Illinois, may I read from the Treasury statement of January 31. We find on the assets side of that statement the sum of $1,133,802,622.98. On the liability side we find the items silver certificates outstanding, Treasury notes of 1890 outstanding, and silver in general fund amounting to the same figure, $1,133,802,622.98.

Now turning to the item of seigniorage, to the amount of $283,334,787.83. This represents a profit to the American people resulting from the Silver Purchase Act and the silver that is owned by the Federal Government.

Mr. Chairman, if there is any one item, if there is any one transaction that has been made by the Treasurer of the United States for the American people that has resulted in a profit, this stands above all of them. I should like to have the Members remember when we print Federal Reserve notes down here at the Bureau of Engraving—and I am told it costs about 35 cents per $1,000 of bills—we are maintaining a Secret Service at the same time to prevent counterfeiting. That is an expense to the Government for the protection of these bank notes. May I say to the gentleman when he states it is asinine to buy silver, that this is one of the few transactions from which the people of the United States made a profit.

Mr. DIRKSEN. Will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Illinois.

Mr. DIRKSEN. The gentleman will recall that when we started out on the silver-purchase program the price of silver was 40 cents an ounce, and after purchasing 805,000,000 ounces it is now back to 40 cents an ounce.

Mr. WHITE. And circulating this silver at $1.29 an ounce has yielded a handsome profit to the Government. I hold in my hand a silver dollar. I want to say to the gentleman that this is the best piece of money ever minted. The American silver dollar is primary money, the money of ultimate redemption, which is doing the business of this country more good, and is better than any money we circulate, because it is issued into circulation minus interest at a profit to the Government. It is not issued on notes bearing interest, as the Federal Reserve notes are, which yield interest to the bankers. This silver money circulates minus interest. It is put into circulation, and circulates free of interest, which cannot be said of any other kind of money we have.

May I make another statement? If the United States would get on a cash basis and by some miracle could get out of debt, and if the business of this country got on a cash basis, what would we use for money? We could not use Federal Reserve notes, which would go out of circulation as debts were paid, because they are all based on debts, which debts bear interest. These notes are also subject to contraction by men who are put in charge of the Federal Reserve System. We have created in this country recently a new Federal Reserve Board, a small group of men clothed with the power to contract the currency and the credit of this country or expand it at will—financial dictators. We have given them unlimited power, as we shall see, when, under the excuse of meeting some emergency, a policy of currency contraction is decided upon, as it was in 1920.

Mr. Chairman, I venture to say that few Members of this House—not even the bankers themselves, who have been so insistent for the plan they have foisted on this Congress—realize the power and control over the security and the very life of the citizens of this country we have placed in the

hands of this small group of men. Let an administration or the Congress adopt a policy or enact laws—constructive and necessary as they may be—laws that will promote the welfare of the common people, if they meet with the opposition of big financiers.

It is in the power of this Board to destroy the people's credit by contracting the currency and ruin business, which can be done to discredit any constructive policy that may be adopted by any administration and the Congress, and force a system of finance upon the country that may ultimately destroy our institutions and our Government.

Let us return to the use of the money of our forefathers—the money used to build America during the period of its greatest development, a system of money automatically adjusted to the growth of population and the expansion of business, supplied by the coinage of the precious metals—gold and silver—and limited to the production of these metals, keeping even pace with the natural demands of business, a controlling factor in providing the stable dollar so aptly described by our President when he said:

The United States seeks the kind of a dollar which a generation hence will have the same purchasing and debt-paying power as the dollar value we hope to attain in the near future.

In other words, Mr. Chairman, a stable dollar, a stable monetary unit. This is what the people all over the world are crying for, which is impossible to establish with a managed currency system, and can only be attained by the adoption of international bimetallism. This must be had before there can be any permanent business recovery.

Mr. WHITE. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. LUDLOW. Mr. Chairman, it is with great reluctance that I ask the gentleman to forego this additional time. We must get through with this appropriation bill.

Mr. WHITE. Will the gentleman object to an extension of 5 minutes?

Mr. LUDLOW. I must object; I am sorry.

The Clerk read as follows:

For miscellaneous and contingent expenses of the office of the Secretary and the bureaus and offices of the Department, including operating expenses of the Treasury, Treasury Annex, Auditors', and Liberty Loan Buildings; newspaper clippings, financial journals, books of reference, law books, technical and scientific books, newspapers, and periodicals, expenses incurred in completing imperfect series, library cards, supplies, and all other necessary expenses connected with the library; not exceeding $10,000 for traveling expenses, including the payment of actual transportation and subsistence expenses to any person whom the Secretary of the Treasury may from time to time invite to the city of Washington or elsewhere for conference and advisory purposes in furthering the work of the Department; freight, expressage, telegraph and telephone service; purchase and exchange of one passenger automobile (at a cost not exceeding $2,500) for the Secretary of the Treasury and of motor trucks, and maintenance and repair of motor trucks and three passenger automobiles (one for the Secretary of the Treasury and two for general use of the Department), all to be used for official purposes only; file holders and cases; fuel, oils, grease, and heating supplies and equipment; gas and electricity for lighting, heating, and power purposes, including material, fixtures, and equipment therefor; purchase, exchange, and repair of typewriters and labor-saving machines and equipment and supplies for same; floor covering and repairs thereto; furniture and office equipment, including supplies therefor and repairs thereto; awnings, window shades, and fixtures; cleaning supplies and equipment; drafting equipment; ammonia for ice plant; flags; hand trucks, ladders; miscellaneous hardware; street-car fares not exceeding $500; thermometers; lavatory equipment and supplies; tools and sharpening same; laundry service; laboratory supplies and equipment; removal of rubbish; postage; uniforms for Treasury guards not exceeding $1,200; custody, care, protection, and expenses of sales of lands and other property of the United States, acquired and held under sections 3749 and 3750 of the Revised Statutes (U. S. C., title 40, secs. 301, 302), the examination of titles, recording of deeds, advertising, and auctioneers' fees in connection therewith; and other absolutely necessary articles, supplies, and equipment not otherwise provided for, $150,300: *Provided*, That the appropriations for the Public Debt Service, Internal Revenue Service, Federal Alcohol Administration, and Division of Disbursement for the fiscal year 1937 are hereby made available for the payment of items otherwise properly chargeable to this appropriation, the provisions of section 6, act of August 23, 1912 (U. S. C., title 31, sec. 669), to the contrary notwithstanding: *Provided further*, That section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not be construed to apply to any purchase or service rendered for the Treasury Department when the aggregate amount involved does not exceed the sum of $50.

Mr. BURDICK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to take this opportunity to call the attention of the House to the fact that while the interest rate on farm mortgages was reduced last year by 1 percent, still, as a matter of fact, there was not any reduction made in the interest rates at all to bondholders, because in this appropriation bill is an item of $24,000,000 to pay to the Federal land banks the reduction of interest that was given the farmers on contracts. Now, if this is carried out to its logical conclusion for the next 5 years until these contracts mature, the general public will have paid in something over $120,000,000. The general public will have to pay for our action in reducing the interest rates to the farmers and at the same time paying bondholders the old rate. It occurs to me that this is all unnecessary. It occurs to me that to have to pay the holders of these mortgages $120,000,000 in times like these is not justified. This Government does not have to sell these bonds at 5.7 percent, as the bulk of the Federal land bank bonds were sold. Since you reduced this interest rate Federal land bank bonds have sold at 3 percent or less, which is an admission that the former program of selling at 5 plus was not justified. All will agree that it is much more difficult to sell bonds now than it was 5 years ago.

I want to say further that if this Congress would adopt a plan of farm finance that would be just to all the general public we would not have to pay this $120,000,000 in order to reduce the interest rate on these contracts. It is wholly unnecessary. It seems to me, Mr. Chairman, that this provision was put in here by this Congress for the purpose of heading off a real relief measure for the financing of the farmer; that as a matter of fact it was introduced in this Congress for the purpose of saying to the farmers, "We are not going to give you a real finance bill, the Frazier-Lemke bill, but are reducing the interest and keeping up the wholly inadequate and now useless Federal land bank system."

Mr. PIERCE. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, the matter of reduction of interest on the Federal land bank loans did result in reducing the interest to the farmer. The bonds that are now drawing 5 and 5½ percent have been out for some time. Some of them will soon be maturing and will be taken up by the Federal land banks as they mature. They are selling their bonds now on long terms for around 2.6 and 2.7 percent. They are selling their short-time debentures to get money for the intermediate credit banks at one-half of 1 percent.

As the gentleman from North Dakota said, if the money for the Federal land banks could all be borrowed now at less than 3 percent there would be no necessity for this appropriation. This appropriation is necessary this year, but the amount will not be nearly as large next year, as the old 5-percent bonds are maturing. Eventually the necessity for this appropriation will disappear.

The bill for the reduction of interest was introduced first in the Senate by Senator WHEELER. Then it came to our Committee on Agriculture and we recommended its adoption by this House. I think the only wrong lay in not reducing interest on Commissioner's second-mortgage loans also. The reduction of interest was quite proper. The present 3½-percent interest expires next June. Then the rate continues at 4 percent for 2 years and then goes back to the regular rate.

Mr. BURDICK. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. I yield.

Mr. BURDICK. I think the gentleman's statement, as to the purpose of the act, was very clear, but let me ask whether our procedure under this amendment reducing the interest rate and selling these bonds now at less than 3 percent does not raise in the gentleman's mind a question as to whether we were justified in ever offering these bonds for 5 and a fraction percent?

Mr. PIERCE. At the time the bonds were selling at 5 and 5½ money could not be obtained at a lower rate. That is what money was bringing in the market, and the Government

at that time was justified in fixing the rate at that high point.

Mr. BURDICK. The gentleman states they are selling them for less than 3.

Mr. PIERCE. Yes; they are selling them now for less than 3.

Mr. BURDICK. Is it not more difficult to sell bonds on the market now than it was when these original bonds were sold?

Mr. PIERCE. No; you can sell bonds very much easier at a lower rate of interest now.

Mr. TABER. Will the gentleman yield?

Mr. PIERCE. I yield to the gentleman from New York.

Mr. TABER. The Government is back of the present bonds, while not back of the other bonds?

Mr. PIERCE. That is true.

Mr. TABER. This makes a considerable difference.

Mr. PIERCE. It makes some difference. The Government is not back of the intermediate-credit bonds, which replenish the money in the intermediate-credit banks. They are selling at one-half of 1.

Mr. TABER. The Government is not back of the old land-bank bonds, either.

Mr. PIERCE. That is true.

Mr. Chairman, I am in agreement with the gentleman from North Dakota in regard to cheaper money for the farmers. It is one of the ways we can help. I do not think a farmer ought to pay over 2 percent on a farm mortgage, and I have many times, I may say, raised my voice against high interest rates. I think when the history of this period is written, sometime in the future, it will be pointed out that high interest was one of the factors causing the depression.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read as follows:

For personal services in the District of Columbia in connection with Federal Rserve and national currency, $25,000, to be reimbursed by the Federal Reserve and national banks.

Mr. COCHRAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the House now approaches the appropriation for the administration of the Bureau of Internal Revenue, a part of the Treasury Department. As you are all aware, this Bureau collects the income tax, corporation tax, estate tax, and so forth.

By reason of a law passed some years ago the Commissioner of Internal Revenue is required to submit to the Congress annually the names and amounts of refunds of taxes that have been made for the year of amounts over $500. This report comes to the House and is referred to the committee of which I am chairman—the Committee on Expenditures in the Executive Departments. The newspapermen immediately request permission to publish the names and the amount of refunds. It is the policy of the committee to always let the standing committee of the press gallery select the date for release of the list, and it is also my policy when releasing the information to give out a statement calling attention to the fact that while the law makes it mandatory to report the refunds it forbids the Commissioner's giving information concerning additional taxes that are collected, and I make it clear that the amount refunded is minor in comparison to the amount of additional assessments and collections. However, very few of the newspapers ever print my statement; so the taxpayer, when he reads of the refunds, naturally feels all is going out and nothing coming in.

The hearings on this bill are public property, and in the hearings we find some information which the Commissioner of Internal Revenue cannot release to the press. It becomes public now by reason of the release of the hearings, and I am inserting a table showing receipts, additional assessments, and overassessments of internal-revenue taxes for the fiscal years 1917 to 1935 and for the first 3 months of 1936. The table follows:

Statement showing internal-revenue receipts, additional assessments, and overassessments of internal-revenue taxes (refunds, abatements, and credits) for fiscal years 1917 to 1935 and first 3 months of the fiscal year 1936

Fiscal year	Total internal-revenue receipts	Amount of additional assessments resulting from office audits and field investigations	Amount of refunds of taxes illegally collected	Amount of credits and abatements	Total
1917	$809,393,640.44	$16,597,255	$887,127.94	[1]	$887,127.94
1918	3,698,955,820.93	29,984,655	2,088,565.46	[1]	2,088,565.46
1919	3,850,150,078.56	123,275,768	8,654,171.21	[1]	8,654,171.21
1920	5,407,580,251.81	466,889,359	15,639,952.65	[1]	15,639,952.65
1921	4,595,357,061.95	416,483,708	28,656,357.95	[1]	28,656,357.95
1922	3,197,451,083.00	266,978,873	48,134,127.83	[2] $134,237,470.05	182,371,597.88
1923	2,621,745,227.57	[3] 735,216,858	123,992,820.94	306,583,881.95	430,576,702.89
1924	2,796,179,257.06	[3] 739,225,261	137,006,225.65	355,628,775.65	492,635,001.30
1925	2,584,140,268.24	[3] 457,314,407	[4] 151,885,415.60	226,155,508.74	378,040,924.34
1926	2,835,999,892.19	[3] 553,404,633	[5] 174,120,177.74	339,237,700.53	513,357,878.27
1927	2,865,683,129.91	[3] 416,669,507	103,858,687.78	262,292,604.21	366,151,291.99
1928	2,790,535,537.68	[3] 414,251,490	142,393,567.17	199,194,252.14	341,587,819.31
1929	2,939,054,375.43	[3] 405,855,576	190,164,359.48	228,775,274.72	418,939,634.20
1930	3,040,145,733.17	[3] 303,055,027	126,836,333.22	199,937,206.97	326,773,540.19
1931	2,428,228,754.22	[3] 382,788,076	69,476,930.26	213,731,335.60	283,208,265.86
1932	1,557,729,042.64	[3] 332,363,708	80,583,504.11	250,617,381.94	331,200,886.05
1933	1,619,839,224.30	[3] 357,581,305	51,484,845.92	212,529,757.00	264,014,602.92
1934	2,300,816,308.88	[3] 315,663,123	45,820,318.28	195,331,325.15	241,151,643.43
1935	2,773,213,213.94	[3] 313,409,778	24,058,964.19	111,120,506.61	135,179,470.80
First 3 months, 1936	804,615,704.62	[3] 76,698,487	6,115,505.40	28,380,872.83	34,496,378.23
Total	55,516,813,606.54	7,123,706,754	1,531,857,958.78	3,263,753,854.09	4,795,611,812.87

[1] No record available; credits first applied in fiscal year 1922.
[2] Estimated; based on amount of claims allowed in 1922 ($182,371,597.88) less refunds allowed in 1922 ($48,134,127.83).
[3] Includes jeopardy assessments as follows: 1923, $132,525,380.55; 1924, $161,515,217.33; 1925, $144,646,530.53; 1926, $148,867,165.26; 1927, $32,704,156.33; 1928, $45,685,725.80; 1929, $50,865,425.58; 1930, $36,124,226.65; 1931, $50,425,493.68; 1932, $50,973,391.84; 1933, $109,895,996.57; 1934, $53,296,583.68; 1935, $53,472,371.77; first 3 months, 1936, $9,685,110.78.
[4] Includes $17,777,642.45 refunded taxes under provisions of sec. 1200 of the Revenue Act of 1924 (25-percent refunds of 1923 individual income taxes).
[5] Includes $206,115.29 refunded taxes under provision of above section of law.

It is interesting to note that the total amount of refunds of taxes illegally collected, which were made during the past 19 years and 3 months, namely, $1,531,857,958.78, is approximately 22 percent of the total amount of additional assessments resulting from office audits and field investigations ($7,123,706,754) which have been made during the same period. The percentage of the total refunds ($1,531,857,958.78) to the total internal-revenue receipts during the period in question ($55,516,813,606.54) is approximately 2.8 percent.

The amounts of additional assessments resulting from office audits and field investigations during each of the fiscal years 1929, 1930, 1931, 1932, 1933, 1934, and 1935, and the first 3 months of the fiscal year 1936, are shown by classification of tax in the statement attached.

For the information of those who read this table, let it be known that the amount under the head "Credits and abatements" is practically a refund because while the taxpayer does not actually receive this amount in money he does get credit on past or future returns. If we included the credits and abatements in the refund column, you will see the Government collects almost twice as much as it returns and credits to the taxpayer.

I feel that the public should have this information because when the statement is carried in the article about refunds the taxpayer, of course, has no knowledge of what the Bureau is doing in this field of additional assessments.

A part of the Bureau of Internal Revenue is the intelligence unit. This unit investigates all fraud cases. It also investigates the conduct of the employees of the entire Bureau. As a result of its investigations many of the outstanding criminals in this country were sent to the penitentiary when State and local authorities were unable to convict or even indict them for law violations. It was this division that sent so-called public enemy no. 1, Al Capone, to the penitentiary, as well as many of his associates. Leading gangsters throughout the country who had made money illegally were likewise convicted and sent to penitentiaries, where many of them are now still confined because they did not make proper income-tax returns.

I regret that the operations of this very important unit were not touched upon by the subcommittee during the hearings, because I have always contended that if there is one Government agency that we should give all the money, and even more than it requests, it is the intelligence unit of the Bureau of Internal Revenue. Why do I make this statement? Because the record shows up to and including the fiscal year 1935 this division, on an annual appropriation of $660,000, succeeded in collecting an average yearly of $33,000,000. It seems to me to be very good business when you can collect $33,000,000 in additional taxes for an expenditure of $660,000, and I insist that if we would double the amount no doubt this division would bring in at least $50,000,000. I understand that last year some of the relief funds were granted to this unit; but, as there is no break-down in the additional collections, we have no way of learning what part of this amount was due to the activities of the intelligence unit.

Elmer L. Irey is the Chief of this unit, and he is one of the most efficient men in the Government service. Naturally, he has many enemies because he has made the tax evader pay, regardless of whether he was big or little. The amount that I have referred to in annual collections by this unit is insignificant in comparison with what this activity really brings to the Treasury. There is no way we can even estimate the amount. It works this way. The unit catches an income-tax evader. He is not only made to pay, but in hundreds of cases he goes to the penitentiary or he receives a very heavy fine from the trial judge on a plea of guilty. This results in a great deal of publicity, and when the time arrives for the filing of another income-tax return some taxpayers remember the fate of the one who has been convicted, and he is more careful when he prepares his figures upon which he bases his return. Of course, the great majority of our citizens always make an honest return. I refer to the one who might be inclined to evade the law.

I noticed a few days ago a bill was introduced to provide that all law-enforcement activities in the Treasury Department be placed under one head. If this bill becomes a law, which it undoubtedly will, as it has the support of the administration, then the intelligence unit, the special agents in the Customs Service, the Secret Service, the Narcotic Service, and other enforcement officers in the Treasury will be grouped together.

Such a division will be one of the most important agencies in the Government, and the number of men that will be under the Chief of the Division will far exceed the number now under Edgar Hoover, Chief of the Division of Investigation of the Department of Justice, whose record you are all acquainted with. The work, however, is of a different type, and it would be absolutely impossible from the standpoint of efficient service to group the two.

The bill as introduced gives the Secretary of the Treasury the power to appoint the head of the new enforcement agency of the Treasury. There certainly should be no politics in selecting the man who should hold this most important office. Political recommendations should not be considered. A man who has shown beyond question by past service with the Government that he is thoroughly qualified for the position should be selected. No one should be brought from outside of the service and appointed to this position, because it would take years before he could familiarize himself with the duties of the office. I repeat, the success of the new division will depend upon the man selected to supervise the activities of the enforcement agents of the Treasury Department. As the responsibility for enforcement will rest upon the shoulders of the Secretary of the Treasury, it seems to me he alone should have the power to select the man whom he must depend upon. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein certain figures.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read as follows:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting, forging, and altering United States notes, bonds, national-bank notes, Federal Reserve notes, Federal Reserve bank notes, and other obligations and securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other crimes against the laws of the United States relating to the Treasury Department and the several branches of the public service under its control; purchase (not to exceed $25,000), exchange, hire, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles when necessary; purchase of arms and ammunition; traveling expenses; and for no other purpose whatsoever, except in the performance of other duties specifically authorized by law, and in the protection of the person of the President and the members of his immediate family and of the person chosen to be President of the United States, $850,000: *Provided*, That no part of the amount herein appropriated shall be used in defraying the expenses of any person subpenaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts": *Provided further*, That of the amount herein appropriated, not to exceed $10,000 may be expended in the discretion of the Secretary of the Treasury for the purpose of securing information concerning violations of the laws relating to the Treasury Department, and for services or information looking toward the apprehension of criminals.

Mr. LUDLOW. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. LUDLOW: On page 30, line 1, after the word "witnesses", insert the words "and jurors."

The committee amendment was agreed to.

The Clerk read as follows:

Division of Venereal Diseases: For the maintenance and expenses of the Division of Venereal Diseases, established by sections 3 and 4, chapter XV, of the act approved July 9, 1918 (U. S. C., title 42, secs. 24, 25), including personal and other services in the field and in the District of Columbia, $80,000, of which amount not to exceed $19,420 may be expended for personal services in the District of Columbia.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it has always seemed rather strange to me that we should cherish a certain prudish notion about the matter of venereal disease.

The bill under consideration allows $80,000 for the Division of Venereal Diseases, and to me it is a most singular thing that we can spend $2,000,000 of the public money to check the chinch bug, we can spend $4,000,000 to eradicate the Mediterranean fruit fly, we can spend $1,275,000 in this bill for chasing narcotics addicts all over the United States, we can spend sundry millions for the eradication of the hoof-and-mouth disease from cattle, and then we spend a paltry $80,000 for the elimination of syphilis and gonorrhea.

We are such prudes about it we are afraid to tear the veil from this thing and drag it out into the open, in spite of the fact that the experts from the Public Health Service come before the committee and say that every year there are 500,000 or more new syphilitic cases and one and a half million new cases of gonorrhea in the United States. Despite such startling figures, we spend only $80,000 for their eradication.

Dr. Vonderlehr testified before the committee that from 15 to 25 percent of the heart disease of the country can be traceable to syphilis. Is it not rather strange that we can dip into the public purse and spend money for every known reason under the sun, improving the quality of our livestock, our sheep, and our kine, eliminating insects from the apple orchards and the peach orchards and the pear orchards, and do various other things of this nature, and yet have so little regard for human welfare, for tearing the veil from this hideous thing and dragging it out into the open and on the front pages of the newspapers, and doing a real, militant, affirmative job of checking the ravages of gonorrhea and syphilis on the American people? Why, they had thousands of such cases that go to the clinics in Washington, D. C., alone every year, and here is a meager appropriation of only $80,000 for the entire United States.

Now, why is it we have to be so prudish? Why do we have to be so squeamish and have a false sense of shame about venereal diseases, when, like some specter, it is reaching out over the country and gradually ravaging and devastating the welfare of millions of human beings?

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MAVERICK. Have we any prophylaxis stations in the United States in addition to those maintained by the Army?

Mr. DIRKSEN. There are some clinics.

Mr. MAVERICK. I am referring to prophylaxis stations.

Mr. DIRKSEN. I do not know about prophylaxis stations, but I doubt it very much; at least, none has come to my attention. However, instead of $80,000, this item ought to be $5,000,000, because if we can spend $2,000,000 on chinch bugs and $4,000,000 on the Mediterranean fruit fly, certainly $5,000,000 would not be too much to protect the welfare and health of this generation. As the Scriptures say, these sins are going to be visited on the generations to come, and what a strange and ghastly kind of heritage will be passed on to the people who are to inhabit this country in the future.

You will note in the hearings on this item that Dr. Vonderlehr states that little inroad had been made upon these scourging diseases because of insufficient funds. Surveys and studies have been made and doubtless the information obtained has been passed on to State health divisions and State clinics. But that is not enough.

The Federal Government health agencies should be fortified with whatever funds are necessary and carry on a vigorous and determined campaign against venereal disease. It is one of the tragedies of this enlightened age that prudery, false delicacy, and false shame has limited the campaign against venereal diseases to placards posted in public toilets in the nature of warnings. Do we use such tactics in dealing with tuberculosis? No. The reason for the success of antituberculosis campaigns is because we have been giving the matter pitiless publicity. Do we use such tactics in dealing with cancer? Indeed not. It has been dragged into the open and the fight against it goes steadily on. Then why this ghastly attitude against a scourge that is 10 times more serious than cancer and far more serious than tuberculosis?

I fully appreciate the limitations of the Appropriation's Committee insofar as this appropriation is concerned, but I want to call attention to it now, in the hope that publicity might be focused upon this national problem of social diseases. If public opinion can be aroused, there will be a prospect of an appropriation commensurate with the gravity and extent of this problem. The lives, the happiness, the welfare of the people of this country are fully as important as chinch bugs, fruit flies, cattle, hogs, and apple orchards. [Applause.]

[Here the gavel fell.]

The Clerk read as follows:

Grants to States for public-health work: For the purpose of assisting States, counties, health districts, and other political subdivisions of the States in establishing and maintaining adequate public-health services, including the training of personnel for State and local health work, as authorized in sections 601 and 602, title VI, of the Social Security Act, approved August 14, 1935 (49 Stat. 634), $8,000,000.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 36, line 19, after the period, strike out the period, insert a comma and the following: "*Provided*, That no part of the funds appropriated in this paragraph shall be distributed to States on a per-capita income basis.

Mr. VINSON of Kentucky. Mr. Chairman, I make a point of order. The basis for the point of order is that it is legislation on an appropriation bill.

Mr. TABER. Mr. Chairman, it is purely a limitation. It prohibits the expenditure for certain purposes.

The CHAIRMAN (Mr. GREENWOOD). The Chair is of the opinion that it is a limitation on an appropriation, and, therefore, overrules the point of order.

Mr. TABER. Mr. Chairman, under the social-security bill a certain amount of money was authorized for grants to States for public-health work. Some of it was to be allocated on the basis of population; some of it on the basis of special health problems; and some of it on the basis of financial needs, meaning, as I understand the language, the financial needs for this particular health work.

Under the method of allotment which the Public Health Service told the committee they would allot the money, $1,200,000 was to be allotted on the basis of per-capita income. This appears on pages 706 and 707 of the hearings in a table. As a result of that, in this allocation, California, Connecticut, Delaware, the District of Columbia, Illinois, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New York, Pennsylvania, Rhode Island, and Washington would receive nothing. Frankly, it has seemed to me that many of the States, with their large rural populations, which are included in that list, have health problems and financial needs not based upon their per-capita income, because the per-capita income in some of those States is large, on account of the large urban population, but based upon actual health conditions in those States. It does not seem to me that it is fair to allocate all that money in that way. It does not seem to me that it is substantial compliance with the statute which was passed last summer. I hope this amendment will be adopted, and that the Social Security Board and the Public Health Service will be notified that they must follow the language of the act as it was intended to be—the basis of financial need and not something else.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment. The Social Security Act which was passed last year provided for the distribution of $8,000,000 among the States, and specifically it was written into that statute that the distribution should be on the basis of three factors; namely, population, public-health problems, and financial needs. The Public Health Service, in submitting this estimate, has performed in exact accordance with the law as it understood it. A very difficult question arose as to how to devise a formula that would be equitable as among the States, for distribution on the basis of financial needs. It was a very hard problem for them to solve. Finally, after consultation with the Brookings Institute, they decided that the very best approach they could make to it would be on the basis of per capita income. On that basis they have made a distribution of that portion of the fund that is to be distributed on that factor of financial need. They worked out that formula as the best their skill could devise. It was the best formula, in their opinion, that they could adopt.

I have a great deal of sympathy with those who believe that that was not a perfectly accurate formula. I have doubts myself on that point. Perhaps it is not, but the only way we can proceed in this case is to get an approximation of accuracy. This appears to be the closest approximation of accuracy. But my principal reason for suggesting that the amendment offered by the gentleman should not be adopted is that the deficiency bill, which made provision

on a five-twelfths basis for the remainder of this fiscal year, approved exactly the formula that we have extended into this bill. If we change the formula in this bill, then we are entirely out of joint with what has been done in the deficiency bill. I submit that we ought to carry this through, as it is provided in this bill, and then if it is not a satisfactory formula, we should approach it from the direction of a new and separate act to carry into execution by specific direction of Congress exactly the formula which we Members of Congress think, after careful deliberation, ought to be adopted.

I think the Public Health Service has done the very best it could with the light which it had to work out this problem. I really think we should stand by the Health Service in this particular matter by voting down the amendment. This Congress then, in a subsequent session, can give careful consideration to devising a formula of its own in the light of full deliberation and riper experience. [Applause.]

[Here the gavel fell.]

Mr. VINSON of Kentucky. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to have the attention of the gentleman from New York [Mr. TABER] in order to detail to him something of the history surrounding this appropriation. I want to suggest to the gentleman that in the original bill, the social-security bill, as prepared by the President's Social Security Commission, which was considered by the Ways and Means Committee, the basis for the allotment of all money under the public-health program was the needs of the States. This is clearly shown in the original social-security bill, H. R. 4120.

It was recognized that in the years gone by battles have been fought in the Congress with reference to the method and fairness of allotment of Federal funds. In order to make fair and just allotments, the Ways and Means Committee determined that the population, special health problems, and financial needs of States should control the allotment of these funds. We wrote into the bill that these public-health moneys should be allotted in accordance with: First, population; second, special health needs; and, third, financial needs of the States. Certainly it would seem equitable that the money would be divided three ways. However, it was not done that way. The Public Health Service allotted 57½ percent upon basis of population. It allotted 22½ percent upon basis of special health needs. It allotted 20 percent upon a basis of financial needs. It is the latter allotment that would be effected by the amendment of the gentleman from New York [Mr. TABER].

I call the attention of the House to the manner in which these allotments were agreed upon. Since 1902, under the law, the health officers of the States are called to Washington annually to confer with the Surgeon General of the Public Health Service. In the social-security bill we provided that before any moneys would be expended on this original health program, the public-health officers of the States should come and confer and advise with the Public Health Service with reference to the rules and regulations under which the allotments would be made. I say to the Members of the House that this matter was submitted to a committee upon which a very distinguished New Yorker, Dr. Thomas Parren, Jr., was a member. It is reported that he will soon be the Surgeon General of the Public Health Service in the United States. The committee reported back in respect to this allocation, and when it was submitted to this health officers' conference, in which every State of the Union was represented, there was not one single vote in opposition to that report. So I suggest to my friend that per capita income to prove financial needs is the best and most practicable yardstick they could find. It was suggested that the yardstick should be upon the question of the taxable wealth of a State. Immediately it was said that such would be unfair, unjust, because one State might levy its tax upon a 100-percent valuation and another State of equal wealth would tax on a 50-percent valuation.

Only $1,200,000 is involved in the amendment of the gentleman from New York [Mr. TABER]. The other moneys are allowed on the basis of population and special health problems. It seems to me that my generous-hearted friend from New York would be happy to have an allocation of 57½ percent based on population, the allocation of 22½ percent on the basis of special health problems, which he recognizes as fair and just, and then an allocation of a flat grant to each one of the 48 States on financial needs, and be generous with some of the States that may not be so fortunate in the financial capacity to meet their health problems as the State of New York.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last word. There is nothing that I can add to the statements already made by the chairman of the subcommittee, and the gentleman from Kentucky [Mr. VINSON] with reference to the needs for carrying forward this appropriation on the basis suggested by the Public Health Service and set out in the bill.

What I do desire to say is that as one who for nearly 20 years in the House of Representatives has been particularly interested in appropriations for the Public Health Service, I am deeply gratified that after a lapse of many years the necessity for ample appropriations for this great humanitarian service has been recognized. When I first came to Congress my recollection is that the total Federal appropriations for Public Health Service activities for the entire country were only $50,000 a year. A few of us here in Congress, recognizing the great benefits of this appropriation, insisted from year to year that those appropriations ought to be substantially increased. I have made the statement on this floor a number of times, and I take pleasure in reiterating it today, that in my opinion the very best money that the Government of the United States spends outside of its Federal Treasury is for the Public Health Service of this country.

I rose, Mr. Chairman, merely to add a word of sympathy for this appropriation, and to express my gratification that the needs of this great Service are at last being recognized in generous and substantial fashion.

Mr. HILL of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. HILL of Alabama. The gentleman, of course, agrees that many forms of disease know no State lines; that an epidemic in one State or an unhealthy condition might affect the situation in another State or in a vast section of our country; and, furthermore, that the better the health in one section the better it is for some other section in an economical and financial way.

Mr. BANKHEAD. That is undoubtedly so.

Mr. HILL of Alabama. The economic loss, due to the failure to properly safeguard our health, is one of the most shocking things we have.

Mr. BANKHEAD. I am very glad to confirm what the gentleman says.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Salaries: For the Director of the Mint and other personal services in the District of Columbia, $38,360.

Mr. PATMAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, much has been said recently about gold. According to the Treasury statement there is about $10,160,000,000 of gold in the Treasury. Under existing law, if I understand that law, the title to all gold is in the Government of the United States. It does not belong to the Federal Reserve banks, it does not belong to the private banks, it belongs to the people, the Government of the United States. I have noticed where the Secretary of the Treasury has permitted a small amount, comparatively, of this gold to leave this country. It was my understanding when the gold acts were passed that the title to this gold would remain in the

Government unless it was used for the purposes of settling trade balances.

It is a well-known fact that the trade balance is in our favor, and there is no reason on earth why gold should be allowed to leave this country for that purpose when there is no trade balance in favor of any other country to settle. France, Italy, Germany, and other countries owe this country a considerable sum of money; and during the past 2 days this gold that has been going out has been going to the defaulting nations. Imagine the ridiculous position this places the people of this country in! Everybody in this country was required to turn in his gold to the Government or subject himself to punishment for a penal offense. They were required to turn this gold in. After this gold is in the Treasury the title to it is in the Government. Are we going to permit the situation to be that foreigners, even defaulting nations, can withdraw this gold for themselves, but that American citizens cannot withdraw it? That is the position we are being placed in. I cannot see any reason on earth for the export of this gold for settling trade balances.

There is, therefore, only one other reason why people would want to export the gold, and that is for the purpose of speculation. The United States Government, the Secretary of the Treasury, should not permit that gold to be exported or used in such a way that certain people of the Federal Reserve banking system would profit by reason of the speculation incident thereto. As one Member of Congress, as a representative of the people in my district, I want to protest against the further export of that gold except for purposes we understood when the gold acts were passed.

The point is made—at least an effort is made to convince the people—that many foreigners imported that gold into this country, that they brought it here, and, therefore, should be allowed to withdraw it any time they want to. It is true that about $2,000,000,000 of that gold, possibly a little more, was brought into this country; but the ones who deposited that gold here did it with knowledge of our laws. They deposited that gold here with the knowledge that the title to it is in the United States Government and that it is not to be exported except for the purpose of settling trade balances.

[Here the gavel fell.]

Mr. PATMAN. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. LUDLOW. Mr. Chairman, I really hope the gentleman will not press his request. Many Members desire an opportunity to be heard, and we are anxious to complete the bill today. Many Members are anxious to get away on the evening trains.

Mr. PATMAN. I would remind the gentleman that I took no time during general debate.

Mr. LUDLOW. I am very sorry to oppose the gentleman's request.

Mr. WHITE. Mr. Chairman, I hope the gentleman from Indiana will not object, for the gentleman from Texas is making a very interesting statement on an important, timely subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PATMAN. Mr. Chairman, one reason one would want to export gold is anticipating that there will be further revaluation. It is known that if anything is done it will be revaluation. There is, therefore, certainly no risk in the withdrawal of gold; all to gain and nothing to lose. I am just expressing the hope that the Treasury Department will not permit this gold to be used for the purpose of speculation.

Furthermore, who is going to get the profit on this exported gold? The reason it is withdrawn is that it is worth more in foreign countries than it is worth here. Somebody, therefore, gets a profit on it. Does the Treasury get this profit on the gold, or is the gold transported to the New York Federal Reserve Bank and the New York Federal Reserve Bank permits it to be exported and receives the profit on the gold? If this be true, I want to protest against it, because I do not believe it is fair to the people or fair to the Government for the Federal Reserve bank to get the profit on this gold.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. WHITE. Is it not common knowledge there is a rumor current that gold is to be revalued; and is it not possible this gold is being withdrawn from the country so that when we revalue gold they may send it back and make a large profit?

Mr. PATMAN. That is a logical conclusion. I am sure the people of this country would be interested to know who withdrew gold before the other revaluation. At one time during 1 month a considerable sum of gold was withdrawn from the banks and from the Government Treasury. After revaluation that gold was brought back and naturally those who withdrew it and redeposited it made a considerable sum of money. In withdrawing gold now, naturally they are not going to lose. If there is any chance, it is the chance there will be a gain.

Mr. WHITE. Mr. Chairman, will the gentleman yield further?

Mr. PATMAN. Yes.

Mr. WHITE. Do we not hear a great deal in the papers about the profits made in the speculation on silver? Is it not a fact that speculations made on gold during its nationalization will be much greater than the profits made on silver? Yet we hear nothing about it in the papers.

Mr. PATMAN. That is a matter I am concerned about, I will say to my good friend from Idaho. I do not want this gold used for the purpose of speculation. There is more than $10,000,000,000 of it in the Treasury. That gold is in the possession of the Treasury and the title to it is in the Government. One-half the gold that is in the Treasury today is sufficient to retire 100 cents on the dollar in gold all outstanding money.

We have a 200-percent gold reserve, and I am expressing the hope at this time, instead of this gold being used for speculative purposes, instead of permitting defaulting countries to withdraw our gold when the title to it is in our own Government and refusing to our own citizens the right to withdraw the gold they have deposited, that this gold may be used in the interest of the general welfare of our country as a reserve and as a basis for the issuance of additional money upon which the people of this country will not have to pay interest. [Applause.]

The Clerk read as follows:

Salaries and expenses: For the Director of Procurement and other personal services in the District of Columbia and in the field service, and for miscellaneous expenses, including two 3½-ton and two 1½-ton motor trucks, office supplies and materials, maintenance of motor trucks, telegrams, telephone service, traveling expenses, office equipment, fuel, light, electric current, and other expenses for carrying into effect regulations governing the procurement, warehousing, and distribution by the Procurement Division of the Treasury Department of property, equipment, stores, and supplies in the District of Columbia (including not to exceed $500 to settle claims for damages caused to private property by motor vehicles used by the Procurement Division), $580,000: *Provided*, That the Secretary of the Treasury is authorized and directed during the fiscal year 1937 to transfer to this appropriation from any appropriations or funds available to the several departments and establishments of the Government such amounts as may be approved by the Director of the Bureau of the Budget, not to exceed the amount of the annual compensation of employees heretofore or hereafter transferred or detailed to the Procurement Division, Branch of Supply, respectively, from any such department or establishment, where the transfer or detail of such employees was or will be incident to a transfer of department or establishment, where the transfer or detail of such employees was or will be incident to a transfer of a function or functions to that Division: *Provided further*, That payments during the fiscal year 1937 to the general supply fund for materials, supplies (including fuel), and services, and overhead expenses, for all issues shall be made on the books of the Treasury Department by transfer and counter-warrants prepared by the Procurement Division of the Treasury Department

and countersigned by the Comptroller General, such warrants to be based solely on itemized invoices prepared by the Procurement Division at issue prices to be fixed by the Director of Procurement: *Provided further*, That advances received pursuant to law (U. S. C., Supp. VII, title 31, sec. 686) from departments and establishments of the United States Government and the government of the District of Columbia during the fiscal year 1937 shall be credited to the general supply fund: *Provided further*, That the term "fuel" shall be held to include "fuel oil": *Provided further*, That the requirements of sections 3711 and 3713 of the Revised Statutes (U. S. C., title 40, sec. 109) relative to the weighing of coal and wood and the separate certificate as to the weight, measurement, or quantity of coal and wood purchased shall not apply to purchases by the Procurement Division at f. o. b. destination outside of the District of Columbia: *Provided further*, That the reconditioning and repair of surplus property and equipment, for disposition or reissue to Government service, may be made at cost by the Procurement Division, payment therefor to be effected by charging the proper appropriation and crediting the appropriation "Salaries and expenses, Branch of Supply, Procurement Division."

Mr. LUDLOW. Mr. Chairman, I offer an amendment, which I send to the desk. I offer this amendment merely to correct a duplication of language.

The Clerk read as follows:

Amendment by Mr. LUDLOW: Page 45, strike out lines 15 and 16 and the following in line 17: "and transfer of."

On page 46, lines 3 and 4, strike out the following: "Supp. VII."

The amendment was agreed to.

The Clerk read as follows:

MISCELLANEOUS ITEMS, TREASURY DEPARTMENT

AMERICAN PRINTING HOUSE FOR THE BLIND

To enable the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind in accordance with the provisions of the act approved February 8, 1927 (U. S. C., Supp. VII, title 20, sec. 101), $65,000.

Mr. LUDLOW. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LUDLOW: On page 48, line 9, strike out the following: "Supp. VII."

The amendment was agreed to.

The Clerk read as follows:

Salaries: For the Postmaster General and other personal services in the office of the Postmaster General in the District of Columbia, $228,344.

Mr. ZIONCHECK. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ZIONCHECK: On page 48, line 24, after the sum "$228,344", insert the following: "*Provided*, That salary of the Postmaster General hereunder shall be $1 per year if the occupant of that office to be paid hereunder is the same as the incumbent of that office on February 7, 1936."

Mr. LUDLOW. Mr. Chairman, I make a point of order against the amendment that it is legislation in an appropriation bill.

The CHAIRMAN. Does the gentleman from Washington [Mr. ZIONCHECK] desire to be heard?

Mr. ZIONCHECK. Mr. Chairman, I think the point of order is well taken on one basis; however, I have another amendment that will not be subject to a point of order, if the gentleman wishes that. Does the gentleman want to reserve his point of order?

Mr. LUDLOW. Mr. Chairman, I ask for a ruling on my point of order.

The CHAIRMAN. The Chair is of the opinion that the amendment offered by the gentleman from Washington [Mr. ZIONCHECK] is legislation on an appropriation bill; and, therefore, sustains the point of order.

Mr. ZIONCHECK. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment by Mr. ZIONCHECK: On page 48, line 24, after the period, insert a colon and "*Provided*, That no part of this appropriation shall be used to pay the salary of the Postmaster General at more than $1 for the fiscal year 1937."

Mr. LUDLOW. Mr. Chairman, I make the same point of order.

Mr. ZIONCHECK. Mr. Chairman, this comes clearly under the Holman rule. It is a limitation.

The CHAIRMAN. The Chair thinks the amendment offered by the gentleman from Washington is a limitation on an appropriation, and therefore overrules the point of order.

Mr. ZIONCHECK. Mr. Chairman, it is a rather unusual procedure in the House of Representatives, or even in the Senate, that a Member would be presumptuous enough to come before the body offering an amendment to abolish the salary of a Cabinet member. I do not want to appear presumptuous nor facetious, and when I get through with my remarks I shall ask unanimous consent to withdraw the amendment. In the meantime, and before I make the request, I want to say that it is immaterial to me whether Farley stays out of the Post Office or stays in. He has to do one thing or the other. Personally, I feel that for the good of the Post Office Service it would pay us to pay him to stay out of the Post Office Department, because as long as he is away from that Department it runs smoothly. As soon as he comes back things are all messed up.

As a politician in the Post Office Department I can think of no one that could be more dumb, more incompetent. So politically speaking he is not worth anything to us. I am satisfied if he would have occupied himself only as a watchman that the recent $10,000,000 new Post Office fire would not have occurred and many valuable records would not have disappeared, but he would not do even that for the $15,000 salary he now gets. I am satisfied if he had conducted himself as a watchman those original first-run stamps to the extent of $3,200,000 would not have been dissipated and suspicious aspersions cast upon some very good and innocent people. These stamps were distributed and given away by this so-called Cabinet member to which I allude in the dignified capacity of a souvenir vendor.

If he stays here in Washington, D. C., we might justify the salary on the basis that he will use this gold-leaf bathroom which he fixed up for himself at the expense of his staff and without authorization. He might at least wear some of the gold off of it. He may need a bath, we cannot tell. Generally speaking, I think he is neither useful nor ornamental so far as the Democratic Party is concerned, and that he is a distinct liability and nuisance as far as our great Post Office institution is concerned.

Mr. WHITE. Will the gentleman yield?

Mr. ZIONCHECK. I yield to the gentleman from Idaho.

Mr. WHITE. It has been my impression, in dealing with the various departments, that the Post Office Department is run in a businesslike and efficient manner and has the finest class of personnel of any department. Is not that the gentleman's impression?

Mr. ZIONCHECK. Oh, I admit that with the exception of the Postmaster General the Department is very efficient and it will be run better without him.

Mr. WHITE. Aside from the gentleman's statement about the Postmaster General, does he not believe that it is the most efficient and best run of any of the departments here in Washington?

Mr. ZIONCHECK. That is right. There can be no more efficient department in the United States than the Post Office Department. Why handicap it with such a Postmaster General?

Mr. MORITZ. Mr. Chairman, will the gentleman yield?

Mr. ZIONCHECK. I yield.

Mr. MORITZ. Does not the gentleman think that Mr. Farley did great work in electing President Roosevelt?

Mr. ZIONCHECK. He did better work in electing the last mayor of New York. He is a self-styled political generalissimo. A political wonder in his own opinion. It was impossible to defeat Roosevelt in 1932. If that was possible Farley would have done it.

Mr. WHITE. Does not the gentleman give Mr. Farley credit for selecting the efficient personnel that is now in that Department?

Mr. ZIONCHECK. He did not have anything to do with that. That was done under civil service. If he had had anything to do with it, it would have been entirely different and inefficient.

Mr. WHITE. I am referring to those officials who are not under civil service.

Mr. ZIONCHECK. He may have accidentally gotten some good men here and there. I know some of them to be efficient, competent, and real men.

Mr. MORITZ. Could we have elected a Democratic Congress without the help of Mr. Roosevelt?

Mr. ZIONCHECK. I did not ask Roosevelt to elect me before, and I am not going to ask him to elect me hereafter or hereunder, despite the fact that it has been said that we all slid in on his coattails; which was not true in my case, in my opinion, despite the fact that I have a high regard for him and consider him the best President we have had to my knowledge.

Mr. MORITZ. Well, I did. I want to be frank with the gentleman.

Mr. ZIONCHECK. I did not.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read as follows:

Clerks, division headquarters: For compensation of 159 clerks at division headquarters, $396,100.

Mr. DOBBINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOBBINS: Page 54, line 3, strike out at the end of the paragraph "$396,100" and insert "$446,100."

Mr. DOBBINS. Mr. Chairman, this amendment is offered to the end that the Inspection Service of the Post Office Department may be enabled to operate under its own power.

The application of the 40-hour week to the field service of the Inspection Bureau necessitated some 35 or 40 additional clerks, for which no provision has been made. To take care of this work in the Inspection Service they have been borrowing clerks from the post offices, and to this extent hampering the regular mail service in the post offices. About 35 clerks are needed for this purpose, but no increase for that purpose is provided in the bill under consideration; in fact, the bill in combining the various appropriations for the entire Inspection Service reduces by some $354,000 the amount recommended and approved for this Service in the Budget estimate.

This amendment would provide an additional $50,000, which, as I roughly estimate, would take care of the salaries of the additional clerks required.

I hope the chairman of the committee will not object to the increase, which I know is very much needed and which the chief inspector will need in order to operate this very important branch of the Postal Service with that high degree of efficiency which it has achieved and pridefully hopes to maintain.

In the limited time I have I should like to tell you something of this Service, which embraces the oldest and the largest single investigating force of the entire Government.

We look back upon Benjamin Franklin as the first post-office inspector. By his own statement, part of his duties as a postal official in 1737 were "regulating the several post offices." Nearly 200 years ago he really did visit the post offices throughout the Colonies. He audited their accounts, instructed postmasters, adjusted complaints, established post offices, and made his influence felt in every part of the Service.

Today the highly trained force of 555 post-office inspectors perform with ever-increasing efficiency the same duties that their predecessors have faced, ever since the time of Benjamin Franklin. They are the picked men of the Postal Service. Among other things, they act as traveling auditors. They negotiate leases; locate post offices; determine their needs in the way of equipment; lay out rural-, village-, and city-delivery routes; report on the qualifications of prospective postmasters; adjust losses due to fire and robbery; stand as vigilant guards against the use of the mails to swindle and defraud; and investigate all manner of complaints. They are constantly on the lookout for improved methods of business management for their great institution. When violations of the postal laws occur, they quickly locate the offender and develop the evidence required for his conviction, and then assist the United States attorney in his prosecution. In brief, they have been well described as the eyes, ears, and hands of the Postmaster General and the Assistant Postmasters General.

Post-office inspectors handle on an average more than a thousand cases of blackmail, extortion, threatening, and kidnaping in a year. Their criminal work in the investigation of mail frauds, train hold-ups, post-office robberies, poison-pen cases, and the like make their investigative work the most intricate of any in the Government. The number of cases successfully handled by them compares favorably with the record of any great law-enforcement agency.

The policy of this expert force is to avoid publicity, for that is not only detrimental to successful investigation but it also aids a morbid tendency to place criminals in the role of heroes. This policy has stood the test of time and causes criminals and those with criminal intentions to shun the use of the mails for their nefarious schemes. True to its fine traditions, the Postal Inspection Service has never sought to advertise its greatness. Let us not be unwisely parsimonious in providing for the recognized needs of this splendid organization.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

This question was carefully considered by the subcommittee and we decided that the status quo might as well go on. These people are detailed now to this service and we will have the clerks just the same if this additional appropriation is not attached to the bill. We regard it as an expenditure that is not necessary and one which would not, in any way, tend to a betterment of the public service. We ask that the amendment be voted down.

Mr. MEAD. Mr. Chairman, I move to strike out the last word. I do not believe any man in the House is more familiar with the work of the Postal Inspection Service than the distinguished gentleman from Illinois [Mr. DOBBINS], who has just completed his argument in favor of his own amendment. He is a product of the Post Office Department. He was one of its most efficient inspectors for years. While serving in Washington he studied law and has become, in my estimation, the best lawyer on postal laws in either the House or the Senate. In my judgment he is one of the most valuable men who served on the Post Office Committee of this House, and I am fearful, unless he changes his mind, that we will lose him after he serves this year. I hope for the benefit of the Department, the committee, and the Congress that he will change his mind, and that he will come back here for 2 years more, at least. [Applause.] I also hope that this amendment which pertains to the Service he knows so well, and which means so little so far as its total amount is concerned, will be adopted by the House. If it is not, then both he and I feel confident that the money will be spent for other purposes while the practice will be continued of borrowing clerks from the Postal Service or Delivery Service and transferring them to the Inspection Service. It is not an orderly procedure. Nevertheless, it is necessary unless we give the Inspection Service the money they need for their own clerk hire. I hope the amendment submitted by the gentleman from Illinois will be adopted, and I also hope that my advice to him will be taken.

Mr. LUDLOW. Mr. Chairman, we do not want to adopt this amendment, because provision is made in the appropriation bill for clerk hire for those employees affected, and the effect of that would be to pay them out of another appropriation without deducting from the appropriation for clerk hire.

Mr. DOBBINS. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. Yes.

Mr. DOBBINS. Instead of increasing the amount requested for clerk hire in the post offices did the committee not cut it a million dollars?

Mr. LUDLOW. We did that for other reasons, because the Service did not need it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. LUDLOW) there were—ayes 27, noes 22.

So the amendment was agreed to.

The Clerk read as follows:

Clerks, first- and second-class post offices: For compensation to clerks and employees at first- and second-class post offices, including auxiliary clerk hire at summer and winter post offices, printers, mechanics, skilled laborers, watchmen, messengers, laborers, and substitutes, $186,500,000.

Mr. MEAD. Mr. Chairman, I move to strike out the last word. Just a moment ago the distinguished chairman of the subcommittee, the gentleman from Indiana [Mr. LUDLOW], whom I admire, and whose work in this House has been helpful to us all and to the country, made a statement about the appropriation for clerk hire and the possibility of utilizing some of it, instead of adopting the amendment proposed by the gentleman from Illinois [Mr. DOBBINS]. That is not as I see the record. It is not possible to take care of the matter in the manner he suggests. The bill provides a sum of $186,500,000 for clerk hire in the first- and second-class offices. This is a cut of $1,000,000 under the Budget recommendation, which, to begin with, was lower than the Department's estimate. So it is a double cut, as you will see by turning to page 16 of the report on this bill. There it is stated that this cut is on the supposition that the new appointees to regular positions will be those who have no credit for substitute service, and will thus enter the service at the minimum rate of $1,700 a year. But that is not so, Mr. Chairman. The report states that the appropriation makes provision for 1,500 men to be appointed from the substitute roll. There are 4,000 substitutes who have enough time credits to start in at $2,100 a year. In view of this, if only 1,500 appointments are to be made, how can you pick out 1,500 men and appoint them regulars at the lowest grade? If you did that, you would have to jump over 4,000 men with the maximum required service, and you could not do that according to law.

Mr. ZIONCHECK. Has the gentleman an amendment to rectify this wrong?

Mr. MEAD. No. There is an appropriation of $186,000,000. The present administration is known for its economies and its savings, and if an additional sum of money is required, it can be included in the deficiency bill. I want the RECORD to show, however, that you cannot use this money for clerical help in any other department, as was suggested a moment ago; it cannot be utilized for clerks in the Inspection Service. The Department needs every dollar of it, and if you will go back to the hearings, you will see that the Department is strongly of an opinion opposite to that held by the chairman of the committee. On page 55 of the hearings Mr. Burke states that practically all these employees will come in at $2,100 a year, and not at $1,700 a year, which contradicts the reason given by the subcommittee for the reduced appropriation.

Mr. ZIONCHECK. Is there not some way we can remedy that in this very bill?

Mr. TABER. Would the gentleman permit me to read what the committee gave as the reason?

Mr. MEAD. I have only a moment. I just want to state for the RECORD what I assume prompted your subcommittee to act.

Mr. TABER. We have told you right in the report.

Mr. MEAD. The report states that it provides for the appointment of 1,500 regular clerks, but from the fact that there are 4,000 substitute field clerks with sufficient time credits to enter the maximum grade, it is obvious that all of these appointments to regular clerks will be made from the ranks of these old substitutes. If you are going to appoint the old substitutes, you are not going to be able to fill the regular positions at $1,700.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I ask recognition. The committee stated in its report, at the bottom of page 16:

The committee also does not believe it reasonable to assume, as the Budget estimates did, that the entire number of new personnel would be in the service commencing with the beginning of the fiscal year, but would be staggered throughout the year. For these reasons a reduction of $1,000,000 was made in the Budget estimate.

That is the reason we made that cut. It is a very fair and reasonable expectation. We get it all the time.

Mr. LUDLOW. Mr. Chairman, I wish to be heard in regard to this matter.

The distinguished gentleman from New York [Mr. MEAD] is entirely mistaken about the available substitutes who are entitled to come in at a higher rate than $1,700 a year, because that is not at all the testimony of the Post Office Department. I call attention to page 15 of the hearings, quoting Mr. Howes, First Assistant Postmaster General, who came before us representing the Post Office Department. He said, concerning the status of the substitute, as follows:

One of the things that we always felt worse about—and you seem to feel that way, too—was the fact that there were men who took the examination and became substitutes and were subject to call, but who would only get 2 or 3 hours' work a day and who would come around with pitiably small checks. This has all been eliminated so that we have been able to take up the slack in most places and put every substitute on a regular job, and in some places we have even had to call for a special civil-service examination to establish some new lists.

This estimate was made on the basis of this accretion of new employees coming in on the basis of $2,100 per annum, when the fact is that the substitute lists being exhausted, as specifically stated by the First Assistant Postmaster General in the testimony just quoted, they would come in on the basis of $1,700 per man. There was a difference of $400 per man. On the basis of that very substantial differential applied to all of this entire new personnel, we made this cut of $1,000,000. It was a very proper and justifiable cut. It is absolutely justified by the facts and should stand in this bill.

[Here the gavel fell.]

The Clerk read as follows:

Star-route service, Alaska: For inland transportation by star routes in Alaska, $207,245.

Mr. DIMOND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIMOND: Page 56, line 21, after the word "Alaska", strike out "$207,245" and insert "$450,000."

Mr. DIMOND. Mr. Chairman, this amendment is not just a formal amendment in order that I may get an opportunity to speak for 5 minutes. It is offered in all seriousness, with the earnest conviction that it should be adopted by the Committee and by the House.

The other day in the consideration of the Department of the Interior appropriation bill I offered an amendment to insert the sum of $25,000 for the relief of the destitute natives of Alaska. The distinguished, able, and very courteous chairman of the subcommittee, Mr. TAYLOR of Colorado, then submitted a very pertinent inquiry as to why a greater effort had not been made to get an estimate from the Bureau of the Budget and thus give the committee something to work upon.

During my brief experience I have found that the Bureau of the Budget is apparently not only 1 but 10 watchdogs of the Treasury, and heretofore whenever I have been able to get anything past the Bureau of the Budget I have not had much trouble on the floor, but to my astonishment I find that the committee has differed, as it has a right to do, with the office of the Bureau of the Budget and with the Department concerning this item, because we find on page 41 of the report that the Bureau of the Budget has sent up here an estimate of $450,000 for star-route service in Alaska, which is the exact amount I am asking by the amendment here proposed.

In order to make this matter clear to the Committee it is necesary for me to refer to a map of Alaska. Let me say in the beginning that we have no air mail in Alaska, in the sense in which that term is understood in the United States. It is true, a great volume of mail is carried in Alaska by airplanes, but all of that is carried under the ordinary star-route contracts.

The money that we desire now is for an expansion of the service. This additional sum I am asking for, $242,755, is to

expand, enlarge, and make more efficient the service of mail by air in Alaska. We propose to begin down at the city of Juneau, which I indicate on the map, a city of 5,000, the Capital of Alaska, and carry first-class mail or whatever mail may be designated by the Post Office Department or may be properly carried, a distance of between seven and eight hundred miles, passing for a short distance over the Dominion of Canada, and then stopping at Tanacross and continuing on to Fairbanks. In addition to that, we desire to give weekly service, all the year service instead of 6 months' service, by airplane carriers to region of Bethel, to which I am now pointing on the map, and also to a very important mining district, the center of which is Nome, Alaska, on the Bering Sea. That is where the extra money will be employed if we can get it.

For years we have gone along without any material improvement or increase in the mail service of Alaska. We realized that we were passing through a terrible and devastating economic depression. I for one was reluctant to ask for any increase in a regular annual appropriation. But now we have proceeded far enough that we ought to think of the prosperity that always follows a sound and reasonable expansion. In Alaska there is at hand a region in which to expand—our last frontier. Let us begin that expansion now.

The new service involving carriage of mail by air would extend not only from Juneau, the capital of Alaska, by way of White Horse and Tanacross to Fairbanks, in the Tanana Valley, but in addition it is contemplated that a branch line will extend in the direction in which I am pointing on the map, southward to Cordova, thence to Valdez, Seward, and Anchorage. In addition to this line, which is entirely new so far as mail service by air is concerned, the desired increase of appropriation will permit service both winter and summer to Nome, to McGrath, Flat, and other places in the Kuskokwim Valley, terminating at Bethel, and an extension from Bethel to Goodnews Bay, and also a year-around service between Anchorage and various points in the Bristol Bay region, which I am indicating here.

At the present time the mail is carried by air on star routes in Alaska only for about 6 months during the winter, and in the summer there is a service every 2 weeks to Nome by steamer on the Yukon River via St. Michael, and a similar service every two weeks across the portage between the Yukon and Kuskokwim from Russian Mission to Akiak and thence to Bethel. This service certainly ought to be improved and made more frequent.

The Post Office Department, as I have indicated, made a careful investigation of the entire subject and very definitely recommends the increased appropriation. The Bureau of the Budget has approved it. So now the matter is presented to Congress for final action in this appropriation bill.

There are a number of important reasons why this service, and consequently the desired appropriation, are amply justified. I shall try to present some of them briefly.

It must be remembered in the beginning that Alaska is a land of magnificent distances. The area of the Territory is about 589,000 square miles, which is about one-fifth of the total area of the 48 States. In this large country we have only about 2,000 miles of motor roads plus some sled roads and trails and about 700 miles altogether of railroads, so that in going from one part of the Territory to another, except in the very narrow regions where roads or railroads are to be found, it is necessary under present conditions to use airplanes. In fact, it has been reliably estimated that 90 percent of the people traveling in Alaska a distance of more than 200 miles, except in the immediate vicinity of the railroads or the motor roads, travel by airplane. In hundreds and hundreds of square miles of the Territory roads are absolutely nonexistent. A part of the land is very rugged, and it is cut by deep and swift rivers. If there is any place in the world where the use of airplanes is necessary and amply justified, that place is Alaska.

The population of Alaska is increasing—not rapidly, it is true, but still it is increasing. Business also is increasing. Upon economic grounds the improved service is amply justified. From figures furnished by the Department of Commerce we find that the imports of Alaska, practically all of which come from the United States, in the year 1935 amounted to $36,200,000, and that the exports amounted to $60,072,000. This was shown to the committee by Mr. Harllee Branch, the Second Assistant Postmaster General, as will be seen from an inspection of page 207 of the report of the hearings. Of the exports from Alaska for 1935, approximately $18,859,000 consisted of newly mined gold. From the above figures it will be seen that in this particular year, 1935, Alaska had an exportable surplus of $24,872,000. A similar exportable surplus produced in the United States in proportion to its population would amount in a year to more than $49,000,000,000.

By reference to data at hand I find that the average value of the imports into Alaska covering the years 1915 to 1934, inclusive, amounted to $31,722,000, and that the value of the exports from Alaska during the same period amounted to $64,738,000. It is evident from these figures that the average yearly exportable surplus from Alaska during that time amounted to $33,000,000, and that the production in the United States of a similar exportable surplus would amount to the enormous sum of $66,000,000,000 for each of the years between 1915 and 1934.

From these figures it is evident that Alaska as an economic resource is well worth all we are spending on it and more. I have said here several times, and I now repeat because it is important in consideration of this measure, that the Territory of Alaska is the most valuable single national resource which the country possesses. Is it not well worth development in every reasonable way and manner? And how, may I ask, can the development of the resources of the Territory be better stimulated than by giving an adequate service of mail by air?

It will be understood, of course, that it is not the carriage of mail by air alone which is desired but the beneficial effects in commerce and industry which will follow the establishment of such a service of mail through the air. I suppose it is impossible for any air-transportation company to carry air mail alone at any price which it would be practicable for the Government to pay, and on the routes indicated for the improved, enlarged, and new service, in many cases, it is also impossible for any air-transportation company to carry passengers, express, and freight for the price which people can afford to pay. But by putting them both together, we bring the whole problem to a solution. For the air-transport companies, if they are granted contracts for carriage of mail by air at reasonable prices, will thus be enabled to carry passengers, freight, and express at reasonable prices which people in the country or businessmen living in the United States and doing business in Alaska can afford to pay. The whole plan must be worked out together as one plan and not as several.

What we ask in Alaska is now being done in the United States. By having air-mail contracts in the United States, air-transport companies are able to fix prices for transportation of passengers and of freight and express at such figures that people can afford to use the air service. It is obvious to all of us that the air-mail laws have done more to develop air transportation of passengers, express, and freight in the United States than anything else; and that without the air-mail contracts we should not have in this country at the present time anything like the high degree of development which exists in air transportation.

This leads us to another, and perhaps the strongest, reason that can be advanced for the desired service in Alaska, and that reason is based upon a sound policy of national defense.

The importance of Alaska in any plan of national defense cannot be overestimated. It is obvious, I think, to almost anyone that if we ever become involved in difficulty with foreign nations that difficulty will arise across the Pacific Ocean and not across the Atlantic. Let us remember that Alaska is on the short and straight highway between the Orient and the main body of the United States. Let us remember that the great circle route between Yokohama on one end and Seattle, San Francisco, and Portland on the other

skirts the Aleutians. Let us remember that it is 1,392 miles shorter from Yokohama to San Francisco by way of the southern shores of the Aleutians than it is by way of Honolulu. Let us remember also that a ship traveling from Yokohama to San Francisco and taking the short, or great circle, route will pass more than 2,000 miles north of the Hawaiian Islands.

When all of these matters are considered and we bear in mind also the really enormous economic value of the country in fisheries, in gold, in coal, in copper, and probably in oil, and perhaps in tin—and tin we surely need—then it ought to be equally obvious that it is to our own interest to take some defensive steps with respect to Alaska. And yet at the present time nothing has been done. We hear some talk of it occasionally in the newspapers, but that is all. That is not quite all, because this Congress at the last session passed and the President approved the Wilcox bill looking toward the establishment of air-defense bases in various parts of the United States and Alaska. In my opinion, Congress will fall short of its duty if it fails to appropriate money at this session for the establishment of the bases there authorized. The Wilcox bill was the best and most statesmanlike act of Congress with respect to national defense that has been taken in a good many years.

Our plan for the extension of air transportation involving the carriage of mail in Alaska is in entire harmony with any sound or reasonable plan for the establishment of defensive forces and works in the Territory of Alaska. All of the information gathered in commercial flying in Alaska will, of course, be available to the Army and Navy. Every commercial airfield in Alaska will be used by the Army or by the Navy if it desires to use them. It is the cheapest thing that we can do in line with the plan of national defense involving Alaska, and we ought not fail to do it, and do it now.

Recently Congress appropriated money for an air-mail service to Manila via Honolulu. This line, I assume, will eventually be pushed on to China. It requires a good deal of money, but I doubt if there is a Member of Congress who thinks that this money is not well spent. It is well spent because it develops our business and our trade and contributes otherwise to the national welfare.

I submit that in Alaska the relatively small amount that we ask for will, if granted, be spent to better advantage and more for the benefit of the people of the country than the money which has been appropriated and which will be appropriated for the foreign air-mail contracts. After all, Alaska is a part of the United States. I have given you figures to show its economic value. Why should not Congress at least do for Alaska a small fraction of what it is doing for the development of trade and the extension of the mail service to the Orient?

The Post Office Department, which I believe is perhaps the most efficient Department of the Government, from the Postmaster General to the most poorly paid clerk or carrier, has recommended the appropriation I ask for. The Department has made a thorough investigation of all phases of the subject and has considered every factor involved. May I repeat that even the Bureau of the Budget, usually very chary of spending public funds, has realized and recognized the economic advantage and the ultimate national profit in making the proposed expenditure. This amendment which I request does not involve frivolous waste but a sound investment. The best-informed body of public servants in the Nation on this matter, those in the Post Office Department, after a thorough investigation, recommend the investment. Is there any good reason why we should hesitate?

The Post Office Department does a business of about $700,000,000 each year. Its object is to serve the public, and no profit is sought to be made. Compare this $700,000,000 with the increase I am requesting, an increase of about $243,000. I submit that our case is made and that the amendment should be adopted.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ZIONCHECK to the amendment offered by Mr. DIMOND: Strike out "$450,000" and insert in lieu thereof "$350,000."

Mr. ZIONCHECK. Mr. Chairman, it is a most unusual thing that a Member or Delegate asks that an item be restored to as much as the Bureau of the Budget has allowed. Every one of us knows that the Bureau of the Budget cuts unmercifully. This appropriation of $450,000 was allowed and recommended by the Bureau of the Budget. Then, under the guise of economy—and I doubt whether it is wise economy—this amount was cut to $207,000, more than cut in half. In fairness and in decency I think the entire amount should be restored; that we should give at least what the Bureau of the Budget recommended, but my amendment to the gentleman's motion only cuts the recommendation of the Bureau of the Budget down approximately $100,000. You can either vote it up or down.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to both the amendment and the amendment to the amendment.

Mr. Chairman, I want to compliment the Territory of Alaska on the Delegate it has sent to represent it in this House. No gentleman in this Chamber is more respected by his associates. He is highly esteemed by all who know him and he is a credit to the Territory he so ably represents. [Applause.] At the same time I disagree with him on his amendment, because I think I speak from a national viewpoint, and especially from the viewpoint of the present condition of the United States Treasury. I believe that the situation calls for moderation in regard to extensions of service and in regard to the taking on of additional personnel. I think the time is at hand when we should just simply mark time for a while. This matter was carefully considered. It was proposed to establish four additional air-mail routes in Alaska, a stem line from Ketchikan to Fairbanks by way of Tanacross to Anchorage, at a total cost of $240,000 per annum, and three branch or shuttle lines. That service is entirely over and above the regular mail service which Alaska has at the present time, and which costs $180,000 a year, of which one-half is airplane service.

The Second Assistant Postmaster General, Mr. Branch, is an Alaska enthusiast. He has made many trips up there and is very strongly committed to the policy of the development of Alaska. He justified this item wholly on the ground of its being a pioneering project. Everybody, of course, wants to see Alaska developed, but there was no immediate urgency for this service. It was not contended that there was any urgency for it; and when he was asked what revenue might be expected from this new service, he said there would be no additional revenue, except such as would come from the increased volume of mail. It is obvious that the revenue that might be expected would be a mere bagatelle compared with the cost of this extra service. Your subcommittee, therefore, decided, in view of our national situation and our desire to hold down expenditures so that business might take on new confidence in this country, that such proposed extensions as this could very well be passed over without prejudice until a more propitious time. Your subcommittee is unanimous, the members of both political parties on the committee holding to this view that the extension should not be undertaken at this time. With all due deference to my friend the Delegate from Alaska, whom I esteem so highly, I ask that this amendment be voted down.

I have no further statement to make, but leave it to the House to decide.

Mr. WHITE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, a great deal has been said about taking care of the unemployed and the surplus population in this country; about there being no more frontiers. We do have a great frontier, Mr. Chairman; we have the immense Territory of Alaska. Anybody who has ever pioneered in a mountainous section of this country that becomes snowbound in winter will realize the importance of giving those sturdy pioneers, those rugged individuals who go in to sub-

due a new country and to develop national resources and add to the wealth of this country, the facilities of regular mail service. I do not think there is any class of men in the whole United States who as individuals contribute more to the production of wealth than the hardy pioneers who are penetrating the snow-bound vastnesses of Alaska. Just recently we have established a colony in Matanuska Valley in an effort to utilize some of the rich potential agricultural land of this Territory. To deny these people the modest request that is made by their representative when we in this country have all the facilities we need seems unjust. Air mail is not the necessity here as it is in Alaska. We have our railroads and Rural Free Delivery lines, we have prompt service; but up in Alaska, over those rugged mountain ranges, the only way the people can be kept in touch with the outside world or furnished postal facilities is by airplane and the Air Mail Service.

If we want to benefit the whole of the United States and develop our business with that wonderful territory we acquired from Russia and which is pouring out its wealth of precious metal, I think this is one of the most constructive ways to do so. We should increase this appropriation. We have increased the air-mail facilities in this country. This is a necessity, because those people up there are snow-bound. If the Members would read Whittier's Snow Bound, they would realize what it means to be cut off for 6 months of the winter in that land of snow. They would appreciate the short days of the winter. They would realize what the receipt of mail means. This would mean a boon to those people and help develop the country, and, therefore, I urge that the amendment be adopted appropriating this modest sum for the benefit of Alaska.

Mr. O'NEAL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I share, with the chairman of the committee, a very high opinion of the Delegate from Alaska. I also share with the gentleman from Idaho a sympathy and interest in the problems of Alaska. But as a member of this subcommittee I hold a very deep interest in economy, which is so essential to the country at this time. It appears that we have different viewpoints as to the function of our Government. Some seem to feel that whenever any good thing can be thought of that the Government might do for someone, we should embody it in a bill and proceed to pass it. There are others who hold to the opinion that the Government should furnish a satisfactory service, but not necessarily a de-luxe service to the people. It would be very easy for every member of this committee to propose something in connection with these appropriation bills that would benefit some particular individual, or would be of value to a certain community or would help certain interests; but the Appropriations Committee feels it has a responsibility to the taxpayers and that their money must not be spent for something just because it may be good to have. The members of that committee feel that the money should be spent only to provide what is necessary and desirable and always with the thought in mind that economy must prevail.

Mr. WHITE. Will the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from Idaho.

Mr. WHITE. The gentleman just spoke of economy. Does he not think it would be far more beneficial to the people here in continental America to pass this item than some of the many things we have spent money for in the past?

Mr. O'NEAL. I shall go along with the gentleman in cutting down expenditure items, this one and others.

Mr. Chairman, the committee has considered all phases of the subject. They went into it conscientiously and with the idea of saving the public money while at the same time giving an adequate service to Alaska. The committee feels that if we have the desire that we hear so much about, namely, to save money, the committee should be supported in trying to hold the appropriations down, in order that we may protect the public's money from wild expenditures of one kind or another; it matters not how pleasing the expenditures may be to a portion of the public. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington as an amendment to the amendment offered by the Delegate from Alaska.

The question was taken; and on a division (demanded by Mr. BANKHEAD and Mr. ZIONCHECK) there were—ayes 27, noes 0.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment as amended.

The question was taken; and on a division (demanded by Mr. ZIONCHECK) there were—ayes 7, noes 30.

So the amendment as amended was rejected.

The Clerk read as follows:

Foreign Mail Service, Merchant Marine Act: For transportation of foreign mails under contracts authorized by the Merchant Marine Act of 1928 (U. S. C., title 46, secs. 861–889; Supp. VII, title 46, secs. 886–891x), including the cost of advertising in connection with the award of contracts authorized by said act, $26,500,000: *Provided*, That no part of the money herein appropriated shall be paid on contract no. 56 to the Seatrain Co.

Mr. MASSINGALE. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. MASSINGALE: On page 59, strike out lines 23 and 24, and lines 1, 2, 3, and 4 down to the colon on page 60.

Mr. LUDLOW. Mr. Chairman, I make the point of order that we have passed that point in the reading of the bill.

The CHAIRMAN. The Chair feels the amendment is offered at the proper place and overrules the point of order.

Mr. MASSINGALE. Mr. Chairman, this amendment is offered without knowledge on my part as to just exactly what these contracts contain, but in the presentation of this bill the chairman of the committee made the statement that they were forced to recognize an existing law which required this appropriation.

The gentleman from Iowa [Mr. WEARIN], who is a member of the committee, made the statement that these contracts were fraudulent, were known to be fraudulent, and that the Post Office Department had made an investigation which showed they were fraudulent in the respect that the contracts were made on the basis of the speed capability of these ships. Whether these are all of the ships to which contracts have been awarded, I do not know; but the record discloses that these ships did not come up to the speed requirements for use as a part of the merchant marine, and that they had been reclassified to show that they were not eligible to receive money under the contracts.

Mr. Chairman, this involves an expenditure of twenty-six and one-half million dollars. In addition to this, the record discloses that the gentleman from Iowa [Mr. WEARIN] addressed a letter to Comptroller General McCarl calling his attention to the fact that these contracts were fraudulent, and asking the Comptroller General to investigate the matter and report to Congress as to whether or not this appropriation of $26,500,000 should be made notwithstanding development of the fact that the contracts were fraudulent. He received no reply from Mr. McCarl except what he terms a perfunctory one, saying he would look into the matter further.

Now, so far as I am concerned, as a Member of this body, I am not going to vote for any $26,500,000 in the face of a record like this coming from two members of this committee; and, therefore, I have offered this amendment to strike from the bill the provision requiring the payment of $26,500,000 to any steamship company which has not complied with Government specifications; in other words, this is just handing them $26,500,000; and I think the chairman of the committee, or somebody else interested in these merchant-marine contracts primarily should see to it that the Attorney General of the United States takes steps to see that the proper proceedings are brought to cancel these contracts, and not ask Congress to sit here and pass out $26,500,000 on a contract that is patently fraudulent and not made in good faith. I am not going to stultify myself by voting for this appropriation. If this is not pleasing to the committee, I regret it; but I cannot afford to vote for this appropriation.

Mr. LUDLOW. Mr. Chairman, I may say in regard to the general merit of a merchant-marine subsidy that individually I have very much the same opinion as the gentleman who offers the amendment; but, regardless of that, we have no right to strike this appropriation out of the bill.

These contracts are in force and payments are being made under them. If there has been any fraudulent work, it is the duty of the Post Office Department and the duty of the Comptroller General to disallow payments. These contracts do not expire until 1938. So far I understand there has been one cancelation, and this whole subject of a merchant-marine subsidy in its relation to the mail service has been undergoing a very thorough study, and legislation is pending before the Congress; and it is the part of orderly procedure, without question, to continue this appropriation until the matter is finally determined. I may add that these contracts were all entered into under the last administration.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield.

Mr. MEAD. In this connection I may say that the Department has done everything it possibly could to effect a saving. It has cut $1,000,000 from our foreign mail service, and effected economies of more than $900,000 in our ocean-mail contracts. The administration is doing everything it possibly can, and I believe this question is a matter of legislation rather than a matter of attacking the appropriation.

Mr. LUDLOW. Exactly so; and I may add that if these contractual obligations were allowed on the basis of 100-percent performance next year the amount would be over $33,000,000. This item is cut to $26,500,000, and they are inspecting these vessels all the time to see whether or not they meet the requirements of law. The Post Office Department is doing everything on earth it can to hold down these expenditures, and this matter ought to be allowed to continue as it is until it can be reached, as the gentleman from New York has said, in a proper legislative way.

Mr. MEAD. If the gentleman will yield further, this administration has given out no new contracts, and the contracts pending at the time the present administration took office were never put into effect.

Mr. LUDLOW. That is absolutely true. The picture is the same with the exception of one that has been canceled. No new contracts have been let.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I will be pleased to yield to the gentleman from Texas.

Mr. BLANTON. What the gentleman from New York [Mr. MEAD] has said about our Post Office Department effecting economies of more than $900,000 in our ocean-mail contracts and many other savings is consistent with all the other business dealings of the present Post Office Department and our present able and efficient Postmaster General. Notwithstanding all this hullabaloo you see in the papers, Jim Farley is one of the most highly efficient executive officers we have ever had in this Government.

Mr. LUDLOW. Absolutely.

Mr. BLANTON. And he has the confidence of the people everywhere.

Mr. LUDLOW. Absolutely.

Mr. BLANTON. And Jim Farley is a darned good scout with it. [Applause.]

Mr. LUDLOW. It can be said without fear of successful contradiction that no department of government is run on a better business basis than the Post Office Department. I make this statement from intimate knowledge of the operations of the Department.

I hope the amendment will be voted down.

Mr. CARPENTER. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the subcommittee a question. Can the gentleman tell us the date these contracts were entered into?

Mr. LUDLOW. All of them were entered into before March 4, 1933.

Mr. CARPENTER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

Mr. LUDLOW. Mr. Chairman, I offer an amendment to correct the text.

The Clerk read as follows:

Amendment offered by Mr. LUDLOW: Page 60, line 2, strike out "Supp. VII."

The amendment was agreed to.

The Clerk read as follows:

Contract Air Mail Service: For the inland transportation of mail by aircraft, as authorized by law, and for the incidental expenses thereof, including not to exceed $18,800 for supervisory officials and clerks at air-mail transfer points, and not to exceed $42,000 for personal services in the District of Columbia and incidental and travel expenses, $12,000,000.

Mr. MEAD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MEAD: Page 60, line 16, strike out "$12,000,000" and insert in lieu thereof "$12,250,000."

Mr. MEAD. Mr. Chairman, this is the first amendment I have offered. It is rather inexpensive and will require no new contractual obligations on the part of the Post Office Department. There are now pending in the Post Office Department many applications for air-mail service from all over the United States. Some of them are meritorious; others should never be considered. The Post Office Department went before the Director of the Budget and asked him for an appropriation of $12,250,000, or some such figure; in any event, the Budget allowed $12,250,000. The committee reduced that amount to $12,000,000, and I merely ask that there be inserted in the bill the $250,000 which the Budget allowed for the extension of air-mail service. I should like to see this amendment adopted. As you gentlemen know, the air-mail contracts were canceled some few years ago; then new lines were inaugurated and new services given to additional States and cities. The air-mail rate was reduced. The total cost of the service then was $21,000,000. It is now but $12,000,000; and so that we might perfect the air-mail map and permit the Department to make an orderly extension of service and connect lines which will increase the revenues of the system, I think they ought to have at least what the Budget allowed and what they themselves asked for in this connection. This administration has shown its good faith to us, because they have reduced the appropriation from $21,000,000 to $12,000,000, and when the administration makes a record like that and asks for $12,250,000, that sum ought to be allowed.

I have in mind an extension like that in the State of Texas, where the Pan American comes up to Brownsville, goes to Corpus Christi, and then turns north and west into San Antonio and Chicago and the West. From Corpus Christi to Houston the distance is 175 miles. We have no air-mail service there, but from Houston to New Orleans and Miami and to the north and east we have the map dotted with splendid service. This $250,000 could be utilized in a number of instances just like the one illustrated, and it would connect logical systems. If there were a line from Corpus Christi to Houston, we would have the Pan American coming into Brownsville and Corpus Christi and then divided equally north and east and north and west in regular service. That is true in a number of instances all over the United States.

Mr. KLEBERG. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes.

Mr. KLEBERG. This amendment the gentleman is offering would, in the case he illustrated, join up all of the existing air services in Texas by merely connecting that one link?

Mr. MEAD. Yes.

Mr. KLEBERG. As it is, it is divided into two groups?

Mr. MEAD. Yes. And by connecting those 175 miles the entire country will be linked together.

Let me make this observation: Italy has 5,000 combat planes, and by reason of her power in the air she made the mighty force of England listen before she acted in the

Mediterranean. We talk about spending $12,000,000 for the Air Service and make a heroic fight against an amendment of a few thousand a year, yet at the same time we spend $40,000,000 on a battleship that could be destroyed by any one of these planes. I hope the amendment will be adopted.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment. I have great respect for the knowledge of the chairman of the Post Office Committee in the matter of air mail and all subjects relating thereto, and I ask the chairman of that committee if it is not true that the domestic air-line contractors are coming out of the red very rapidly and getting into the black with the existing rates that the Interstate Commerce Commission has allowed, and is there not a possibility, indeed a probability, that they will be overpaid in a short time?

Mr. MEAD. The Interstate Commerce Commission has shown no disposition as yet to reduce the cost. In fact, it is now considering raising the rates on a number of lines. This amendment does not apply to any existing line. It applies to new lines, and should there be any saving it could not be effected until next year.

Mr. LUDLOW. Does the gentleman know how many domestic air-mail companies and the names of the companies that have come out of the red and gone into the black?

Mr. MEAD. That list includes P. W. A., United, Western Air Express, and possibly some lines in the American system. Last year was the first time the system in the aggregate came out of the red.

Mr. LUDLOW. Is it not true that as many as five or six of these great transcontinental systems are now beginning to show a very substantial profit?

Mr. MEAD. They are, and I expect that in 2 or 3 years the Interstate Commerce Commission may reduce their rates, but not this year. This amendment applies only to new lines, and they will get the top rate.

Mr. LUDLOW. Under the law the Interstate Commerce Commission, as I understand it, must revise these rates once a year. It has authority, under the law, to take up any contract at any time and revise the rates. Is that not true?

Mr. MEAD. I think that is fairly accurate.

Mr. LUDLOW. Then I will state to the gentleman that I think we have made a cut here that ought to be made, and on the hypothesis that these companies are coming out of the red and they are going to make money, we believe that the Interstate Commerce Commission, in the discharge of its duty to determine these rates, will find it possible to reduce these rates, and therefore that the appropriation which we have allowed, $12,000,000, is ample to cover this service, and the appropriation we have made also provides, and I want this distinctly understood, $850,000 on a 100-percent performance basis, for new emergency service and for increased frequency and additional schedules. We must remember that the appropriation for this fiscal year is only $10,700,000. We have increased that to $12,000,000. We have raised the amount by adding $1,300,000 for the next year. I suggest to the House that we have made a very ample increase to cover this service for the coming fiscal year.

Mr. MEAD. The Interstate Commerce Commission will increase the rate on a number of lines this year, because they are still in the red; their applications are pending before the Interstate Commerce Commission. There will be no reductions, in my opinion, until next year.

Mr. LUDLOW. This appropriation bill, of course, covers the next fiscal year, beginning next July.

Mr. MEAD. During the life of this appropriation there will be no reductions, but, on the other hand, there will be a number of increases granted by the Interstate Commerce Commission.

Mr. LUDLOW. I am advised, and I think I am correctly advised, that not only is the air-mail business increasing by leaps and bounds, but the passenger and freight business is increasing also.

Mr. MEAD. It is.

Mr. LUDLOW. And the earnings of those companies are speeding upward, so that they can readily absorb this amount of $250,000. The Appropriations Committee should be sustained, and this amendment should be voted down.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I move to strike out the last word. If the Members will turn to page 306 of the hearings, they will find that under that bill which Congress was persuaded to pass by the Post Office Committee, the Interstate Commerce Commission has increased the rates received by these air lines from their contract price of $10,622,000 to $11,810,000. Sixteen of these routes have been increased. Just a very few have been decreased. One of them has been increased from a basic rate of 8 cents to a rate of 28 cents, from a total price of $67,900 in bid figures to $237,700 in the allowed rate. Numerous lines have been increased 10 cents. Many of them have been doubled above their contract bid. It does not seem reasonable to me that the Interstate Commerce Commission should go ahead and more than double and sometimes multiply by four the bid price that these people made, who are operating these airplanes. When they bid, in order to have been qualified by the Postmaster General, they must have had experience in flying and experience with airplanes. It is absolutely ridiculous for us to go ahead and make this appropriation without taking into consideration that the Interstate Commerce Commission should go over these rates and revise them downward somewhere near the price that was bid for the work. I hope that this increase will be disallowed, because they will have plenty of money to make all the necessary extensions if they will only go over these rates and put them where they should be put.

Mr. MEAD. Will the gentleman yield there?

Mr. TABER. Yes; I yield.

Mr. MEAD. The gentleman knows that when the contractors bid, after the cancelation of the contracts, they did not bid on a rate that would make any money. They bid on a rate that would retrieve their lines. Some of them bid as low as 9 or 10 cents a mile. If you wish to find the answer and see the difference between what they should get now and what their bid price was, just go back to the appropriation in the last year of the Hoover administration, which was $21,000,000 for less air-mail mileage than we are now paying $12,000,000 for, and you will readily realize the need for some adjustment. Canada is paying 90 cents a mile, whereas the maximum paid in this country is only 33⅓ cents. Those men cannot make any money if you hold them to their bid prices.

Mr. TABER. Why should people be permitted to put in one kind of a bid and make a contract with the Government and then get out of it when other companies are all held to the mast? I cannot see why the Interstate Commerce Commission should be permitted to double and treble and quadruple the amount that is allowed.

Mr. MEAD. Oh, they cannot do that.

Mr. TABER. But they have done it.

Mr. MEAD. They can only go to 33⅓ cents.

Mr. TABER. There is an increase from 8 cents to 28 cents or from $67,900 to $237,000 in one instance. That is practically multiplying it by four. We ought not to stand for that. We ought to serve notice on the Interstate Commerce Commission, by reducing this increase in the appropriation, that we expect them to revise these rates and revise them downward.

Mr. MEAD. But you cannot run a truck for 8 cents a mile.

The CHAIRMAN. The time of the gentleman from New York [Mr. TABER] has expired.

Mr. KLEBERG. Mr. Chairman, I move to strike out the last two words.

My support of the increase in this appropriation is not involved with any of the matters contained in the raising or lowering of rates by the Interstate Commerce Commission. The amendment offered by the distinguished gentleman from New York [Mr. MEAD] was not for the purpose of creating so-called new service, but, to the contrary, for the purpose of permitting extensions under contracts

already existing, which extensions are not provided for under the bill in the fund allowed.

I regret that the condition of my throat does not permit me to bring more definitely to the attention of the Committee that this plea is not involved in the question of whether or not the Interstate Commerce Commission pays some lines too much and others too little, or whether there should be a revision upward or downward of rates. It is simply for the purpose of effectuating the present mail service by permitting the filling of certain gaps and creating certain extensions under existing contracts.

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. O'NEAL. Mr. Chairman, with regard to contracts and to companies that are in the red at the present time, the Appropriations Committee cannot forget that the biggest company of all is in the red—the United States Government. We are right now in the red, as far as operations are concerned. I think we have got to sacrifice something. You cannot have economy unless you sacrifice something in your personal life or in national affairs. You have got to sacrifice something; you have got to deprive yourself of something.

Here is a service the Appropriations Committee went over very carefully and they were rather generous in that this is $1,300,000 more than the current appropriation. Six million dollars of this amount in 1935 was a subsidy. Surely when we are trying to practice economy, when we are trying to get our country out of the red, when we have got to deprive ourselves of something, here is a place we can afford to be a bit economical.

It is the opinion of this committee that cutting $250,000 off what the Budget allowed, but allowing them well over $1,000,000, is giving them sufficient to do the job; and that it is the duty of this committee to urge the Members of the House to support this further effort toward economy at a place where it will not do any harm.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. MEAD) there were—ayes 10, noes 30.

So the amendment was rejected.

The Clerk read as follows:

Deficiency in postal revenues: If the revenues of the Post Office Department shall be insufficient to meet the appropriations made under title II of this act, a sum equal to such deficiency in the revenues of such Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply such deficiency in the revenues of the Post Office Department for the fiscal year ending June 30, 1937, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

Mr. MEAD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, before we finish this bill I want to say that I have served on the Post Office Committee for many years, but never have I served during the administration of a more capable officer than the present Postmaster General of the United States.

Our Postmaster General—Mr. Farley—deserves commendation for the splendid state of postal finances, and I want to take this occasion to praise him for his excellent management of postal affairs.

For more than 15 years prior to the present administration the postal expenses had been running away with the postal income. Steadily but surely the gross and net deficits were mounting year by year, even before the depression, so that by 1929, at the height of all of the prosperity we have ever had, the gross deficit was eighty-five millions—that is, including subsidies, franks, and penalties—and after crediting these nonpostal items the deficit was still $55,000,000.

Three-cent postage and more than half of the salary cuts were inherited from the previous administration. In carrying on the policy under the Economy Act no single person lost his position. Excess personnel was retired on a hundred dollars a month. No other concern, public or private, can match that depression record.

In the fiscal year 1934 the present administration actually achieved a surplus of postal income over true postal expenses, the first for over 18 years. This was done by taking credit for subsidies, franked mail, and penalty mail, as all administrations have done since the passage of the nonpostal law of June 9, 1930. In 1935 this same result was achieved again, but most of the pay cut had been restored; there were no administrative furloughs; 2-cent postage had been restored for local letters; the hours of work had been reduced from 48 to 44 hours a week; the custodial expense of post offices was assumed; all administrative promotions had been restored—and still the postal income was in excess of the true postal expenses on a volume of mail still far below 1930. The Postal Service is absorbing the cost of coming down from 44 to 40 hours a week for 9 months, and still we have hopes of balancing the normal postal budget.

The bill we are now considering concerns the fiscal year 1937. By that year we will have assumed the full cost of the 40-hour week, leading the whole country in enlightened labor relations, the full cost of salary restorations and administrative promotions. The new custodial cost of public buildings will have grown in accordance with the public-building program. We will have expanded the establishment to take care of the rising volume of mail, and, so far as can be forecast at this time, our normal postal income will practically equal the true postal expenses, and the deficit will be represented by the cost of the nonpostal items of subsidies, franked, and penalty mail.

In 1937 the postal income is expected to be $705,000,000, or equal to the all-time high in 1930. In bringing in this income, I should like to point out that not only have we absorbed these costs just mentioned in detail, and which were not present in 1930, but the total expense of the Department, despite these costs, will be less by $20,000,000 than it was in 1930. In other words, the legislation which Congress provided has restored the postal income, but, despite legislation vastly increasing the expense of the postal establishment, the Department is asking for appropriations for $20,000,000 less than in the last year—1930—of like income. It is direct evidence that one department in the Government has reduced its expense.

These economies have not been effected at the expense of the service rendered by the Department. Mail deliveries have been increased both in the business and residential districts; rural routes have been extended; the Air Mail Service has been expanded—six new routes have been added in the United States; since March 4, 1933, 51 cities and 4 States—West Virginia, Vermont, New Hampshire, and Maine—have been added to the air-mail map; contract service has been established in Hawaii, connecting the principal islands, and in the Territory of Alaska.

On the other side of the ledger a saving of approximately a million dollars a year has been effected in the Foreign Mail Service and economies of more than $900,000 in ocean-mail contracts.

Rentals under leases for post-office quarters have been reduced by nearly $3,000,000.

On October 1, 1933, the Treasury Department transferred the care of Federal buildings to the Post Office Department. At that time there were 1,569 buildings and 7,352 custodial employees on the pay roll. On January 31 of this year—1936—the number of buildings had increased to 1,981, and there were 11,776 custodial employees.

I should also like to call attention to the cooperation given other departments of the Government, evidenced by the distribution and sale of documentary internal-revenue stamps, the selling of stamps for the Bureau of Biological Survey, Department of Agriculture, and the distribution and sale of United States savings bonds for the Treasury Department, all of these approximating sales of more than $10,000,000 a week.

For the fiscal year 1935 the revenues of the Department amounted to $630,795,302. The audited gross expenditures were $696,603,253. Taking credit for the nonpostal and

adjusted items, amounting to $70,772,100, leaves a net surplus of $4,964,149.31.

This is the same method of bookkeeping which has been in operation for the past 5 years, in accordance with legislation introduced and advocated by the late Clyde Kelly, of Pennsylvania, taking recognition of the principle that the Post Office Department should not be charged with the free mail services and subsidies imposed upon it. This bill was signed by President Hoover on June 9, 1930, and since that time the Department has charged off ship and aviation subsidies, franked and penalty matter, free-in-county newspapers, postal-rate differentials accorded our religious, educational, scientific, philanthropic, agricultural, labor, and fraternal publications—special rate of 1½ cents a pound on these publications, the same as the rate for the reading portions of other second-class matter.

Table showing postal revenues and expenditures and the gross and net deficiency of revenues, fiscal years 1930 to 1934, inclusive

Fiscal year	Audited expenditures	Revenues	Gross deficiency of revenues	Credit for nonpostal and adjusted items	Net deficit
1930	$803,700,085	$705,484,098	$98,215,987	$40,644,475	[2] $57,571,512
1931	802,529,573	656,463,383	146,066,190	47,568,299	[2] 98,497,891
1932	793,722,534	588,171,923	205,550,611	51,969,203	[2] 153,581,408
1933	700,096,257	587,631,365	112,374,892	64,058,887	[2] 48,316,005
1934	630,767,001	586,733,166	44,033,835	56,195,250	[1] 12,161,415
1935	696,603,253	630,795,302	65,807,951	70,772,100	[1] 4,964,149

[1] Surplus.
[2] These deficits exclude payments applying to prior years and take into account obligations for the particular year outstanding but unpaid.

I have here a table showing the revenues, expenditures, and balances for the past 5 years—ever since the Kelly Postal Policy Act went into effect. In the fiscal year 1930 the deficit was fifty-seven and one-half million dollars; in 1931 it grew to nearly ninety-eight and one-half million; and in 1932 it shot up to one hundred and fifty-three and one-half million. Before the fiscal year was over, however, the present administration had come into office, and the deficit for that year dropped below that of 1930. A still better record was established in the following year, when the Department announced a surplus; and the same splendid showing was made in the year following that, the one which closed on June 31, 1935.

The record for the past 3 years is one of which the Postmaster General can be justly proud. He has kept his organization intact; he has increased the services rendered the people; and with all this he has balanced the books of the Department, something which few Postmasters General have been able to do.

The cooperation of Congress and the Post Office Committees with the Department has resulted in increasing postal revenues. Measures protecting the postal monopoly have helped to bring up the earnings of the Department; committee recommendations with respect to the purchase of trucks and materials have also effected saving; and we now have on the calendar of the House a bill which will permit the Department to construct its own garages, stations, and branches, which will result in substantial reductions in cost.

KELLY BOOKKEEPING BILL—INTRODUCED BY MR. KELLY—BECAME EFFECTIVE JUNE 9, 1930

[Public—No. 316—71st Cong.]

S. 3599. An act to provide for the classification of extraordinary expenditures contributing to the deficiency of postal revenues

Be it enacted, etc., That the Postmaster General shall certify to the Secretary of the Treasury and to the Comptroller General of the United States, respectively, as soon as practicable after the end of each fiscal year, the following:

(a) The estimated amount which would have been collected at regular rates of postage on matter mailed during the year by officers of the Government (other than those of the Post Office Department) under the penalty privilege, including registry fees;

(b) The estimated amount which would have been collected at regular rates of postage on matter mailed during the year by (1) Members of Congress and (2) others under the franking privilege;

(c) The estimated amount which would have been collected during the year at regular rates of postage on publications going free in the county;

(d) The estimated amount which would have been collected at regular rates of postage on matter mailed free to the blind during the year;

(e) The estimated difference between the postage revenue collected during the year on mailings of newspapers and periodicals published by and in the interests of religious, educational, scientific, philanthropic, agricultural, labor, and fraternal organizations, and that which would have been collected at zone rates of postage;

(f) The estimated excess during the year of the cost of aircraft service over the postage revenues derived from air mail; and

(g) The estimated amount paid during the year to vessels of American registry for carrying the ocean mail in excess of what would have been paid at pound rates if carried in vessels of foreign registry.

And the amounts so certified shall be separately classified on the books of the Treasury Department and the General Accounting Office, respectively, in stating the expenditures made from the appropriation to supply the deficiency of postal revenues.

Approved, June 9, 1930.

The above law provides for the segregating of nonpostal items—franked and penalty matter; second-class matter mailed free in county; differentials in postage rates accorded religious, education, scientific, philanthropic, agricultural, labor, and fraternal publications; free matter for the blind; ocean and aviation subsidies.

Effective June 9, 1930. Introduced by Mr. KELLY.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes; gladly.

Mr. MARCANTONIO. The gentleman referred to labor relations in the Post Office Department. Is the gentleman aware that there have been many instances of men discharged without hearing simply because of labor union organizational activities in the Post Office Department within the last 6 months?

Mr. MEAD. I will say to the gentleman from New York that I have never heard of a single instance, yet I hear from every postal organization in the United States. On the contrary, wherever I go, no matter whether it is among the clerks, carriers, railway-mail clerks, or the laborers, they tell me they never worked under better conditions or under a more fair chief than is the case today. Not only the men who are in the organization but all the personnel of the Service can go before the Department with their grievances. This was not so in the last administration or in any preceding administration I know of. This administration leads in its friendly relations with the workers in the Postal Service.

My purpose in rising, however, was to say that, while we hear a lot about the Postmaster General and his interest in politics, still, if you will consider the postal volume and expenditures of 1929 and 1930, you will find that expenditures at that time were running wild and postal revenues were not keeping pace. Today it is a vastly different story.

[Here the gavel fell.]

Mr. MEAD. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield; surely.

Mr. LUDLOW. Supplementing what the gentleman says, I think I can make a contribution of interest. Postal revenues for the fiscal year 1930 and estimated revenues for 1937 happen to be the same; but the postal expenditures carried in this bill for the fiscal year 1937 will be more than $25,000,000 less than expenditures for the year 1930, and this in spite of the fact that by statutory enactment we have a 40-hour week, which has largely increased postal expenses.

Mr. MEAD. Not only that, but also the further burden of paying the bonus, and also custodial work in all Federal buildings throughout the United States.

I want to say that the present Postmaster General has reduced subsidies within and without the country. He has cut the cost of lease and rentals 25 percent. He was interested in service and not interested in subsidies or contracts.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Washington.

Mr. ZIONCHECK. Does the gentleman of his own personal knowledge know whether the Postmaster General realizes the difference between revenues and expenditures?

Mr. MEAD. Why, of course, he does. Of my own personal knowledge, we have never had a more practical Postmaster General or a Postmaster General of better business acumen than the Postmaster General we have at the present time. All the gentleman has to do is to look at the record and he will find that is so.

[Here the gavel fell.]

Mr. MARCANTONIO. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is not my purpose to enter into a political discussion at this time, nor is it my purpose to criticize the Postmaster General or any other Cabinet officer. As the Members of this House know, I am interested in labor, and I am interested particularly at the present time in having workers who are employed in Government service given the same rights as we insist that workers employed by private industries should have. To insist on a Connery-Wagner law for private employees and not for Government employees is most inconsistent.

I have received numerous complaints from postal employees in the city of New York who have been discharged because of organizational activities. If the gentleman from New York [Mr. MEAD] would like to have this information I shall present it to him and request his cooperation to obtain a hearing for these men. None of them were ever granted a hearing. All they received was written charges. They were then given an opportunity to present answers in 5 days. After their answers were presented they received notices of discharge. I do not know what the practice was years ago. I am not here to criticize the Post Office Department of today nor praise the Post Office Department of yesterday. However, there is a certain evil in existence at this time. I say that post-office employees have just as much right to organize as do the bricklayers, plasterers, or clothing workers of this country, and should have the same protection.

Mr. MEAD. Will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman from New York.

Mr. MEAD. I should like to have those specific cases. I wish to say to the gentleman that every national officer of every postal group is with me when I make the statement they have never had better conditions nor more agreeable relations than exist at the present time.

Mr. MARCANTONIO. I am not questioning the gentleman's statement in that regard, as I know nothing about it. I am simply pointing out certain specific instances and I shall be glad to turn the facts in these cases over to the gentleman from New York.

Mr. MEAD. I should like to have them. Years ago an employee of the Post Office Department was dismissed if he appealed to his Congressman, but now he may take these matters up not only with his Congressman but with the Department or with the postmaster. He is as free as any citizen in America.

Mr. MARCANTONIO. He is not. He has no right to a hearing, nor has he a right to be heard on an appeal. I am in position to prove to the gentleman what I say. I shall present specific instances to him of discrimination against the postal employees because of labor-union activities. I hope the gentleman will give me his cooperation.

Mr. MEAD. I shall be glad to.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. MARCANTONIO. I yield to the gentleman from Washington.

Mr. ZIONCHECK. The only improved conditions that have been brought about in the Post Office Department, as far as the post-office employees are concerned, were brought about because of an act of Congress creating the 40-hour week. Will the gentleman from New York [Mr. MEAD] say that the Postmaster General, Mr. Farley, supported him in reference to that bill?

Mr. MEAD. I will say that when we needed him most, when the bill was delayed in the Senate, it was the Postmaster General who pulled it out of the fire.

Mr. ZIONCHECK. When he knew it was going through anyway.

Mr. MEAD. No; but when it was held up in the Senate.

Mr. ZIONCHECK. But it went through anyway, and we put it through.

Mr. MEAD. Only with the help of the Postmaster General.

Mr. MARCANTONIO. Mr. Chairman, it was my intention to point out the specific instances of discrimination to the gentleman from New York and endeavor to have his cooperation as well as the cooperation of Members of Congress to correct these evils. However, we should go further. Why not set up a board in the Post Office Department similar as provided under the Wagner-Connery law, where an employee may take his case and be given a fair hearing as well as an opportunity to be heard on an appeal.

You have no right to talk about protecting labor in general unless you start doing so where we have absolute control; that is, in the Government service.

We should by all means enact a Wagner-Connery law for Government employees.

[Here the gavel fell.]

The Clerk read as follows:

SEC. 2. Appropriations for the fiscal year 1937 available for expenses of travel of civilian officers and employees of the executive departments and establishments shall be available also for expenses of travel performed by them on transfer from one official station to another when authorized by the head of the department or establishment concerned in the order directing such transfer: *Provided*, That such expenses shall not be allowed for any transfer effected for the convenience of any officer or employee.

Mr. MARTIN of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I offer this motion in order to ask the chairman of the Post Office and Post Roads Committee a question. I see a statement on page 17 of the report that a reduction had been made in the appropriation for star-route services due to reletting of contracts at lower rates. I refer to the showing that the appropriation is $700,000 under the 1936 appropriation and $50,000 under the Budget estimate, and that "this decrease under 1936 is due to reletting expiring contracts—4-year basis—at a lower rate than that provided in the previous contracts."

Mr. MEAD. I may say to the gentleman that the Department has effected a saving by reletting contracts, due to low bids submitted by contractors.

Mr. MARTIN of Colorado. Is it not a fact that they are virtually starvation bids?

Mr. MEAD. There is no doubt about that.

Mr. MARTIN of Colorado. May I say it is a shame to note the treatment to which the contract carriers of this country are subjected. I have in mind a case which I may say is typical. A star-route contractor came to my office to consult with me in connection with his bid for the ensuing 4 years. He was a veteran, which was the reason he came to me. I said, "Now, you know what the conditions are. There will be lots of competition. You have had that route for 4 years. You ought to know the very lowest dollar for which you can afford to undertake that route for 4 more years. I would advise you to cut your bid to the bone." He did cut it to the bone, and he was underbid by eight other men. The contract went to a man who underbid him $700.

I believe we have hundreds of star-route carriers in this country who are not making a living out of their jobs. There is no comparison between the pay in this Service and the Rural Delivery Service, and yet the two Services are largely the same. This very man was carrying the mail on a contract route for $260 a month, and he made more mileage and delivered more mail than two rural carriers combined, each of whom got $300.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. I yield.

Mr. LUDLOW. Of course, the Star Route Service is let on the basis of contract and there is nothing the Government can do except award the contract to the lowest and best bidder. If they bid lower than they ought to, it is unfortunate; but there is really nothing the Government

can do about it. It is mandatory on the officials to award these contracts to the lowest bidders who can give proper bond.

Mr. MARTIN of Colorado. I think the Government ought to take the good of the Service and the welfare of the carriers into consideration and do something for these people. This situation is no credit to the Government.

Mr. MEAD. Mr. Chairman, will the gentleman yield for a constructive suggestion?

Mr. MARTIN of Colorado. I yield.

Mr. MEAD. This situation is similar to the air-mail contracts. When we canceled the contracts and advertised all the lines for bids, the contractors bid as low as possible. They wanted these lines. Imagine operating a palatial airship for 8 cents a mile. You could not operate a truck profitably at that rate. They bid low in order to get their lines, and later the Congress gave the Interstate Commerce Commission authority to set fair and reasonable rates. That is what these star-route contractors are after now. They want the Department to establish the line and then have the Interstate Commerce Commission set a rate for that line.

Mr. MARTIN of Colorado. I take it that was an exceptional and temporary situation in the case of the Air Mail Service growing out of the recent cancelation of all air-mail contracts, but this seems to be a long-established and permanent policy in the case of the star-route contracts.

Mind you, I am not criticizing the Post Office Department, but the law. The policy of the Government with respect to these two similar services—the star route and the rural route—is utterly inconsistent, and must work to the detriment of the character of the Star Route Service as well as the starvation of the carriers. I know this matter cannot be taken care of in an appropriation bill, and I know that if it could be taken care of in the bill there is no Member of Congress who would be more ready to do so than the very able and humane chairman of the Post Office Committee, the gentleman from New York [Mr. MEAD]. I sincerely hope to see legislation at this session of Congress that will put this important but grossly underpaid branch of the Mail Service on at least a footing of decency as compared with the other branches. It was only for the purpose of calling this condition to the attention of the House that I made the pro-forma motion.

[Here the gavel fell.]

The Clerk concluded the reading of the bill.

Mr. LUDLOW. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 10919, the Treasury and Post Office Departments appropriation bill, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. LUDLOW. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LUDLOW, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the bill may have 5 legislative days within which to extend their remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ADJOURNMENT OVER

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3001. An act for the relief of Walter F. Brittan; to the Committee on Claims.

S. 3274. An act for the relief of Mary Hobart; to the Committee on Claims.

S. 3647. An act to repeal certain provisions of the act of February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes", and the act of July 3, 1930, entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes"; to the Committee on Military Affairs.

S. 3686. An act to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property; to the Committee on Military Affairs.

ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned to meet, in accordance with its previous order, on Monday, February 10, 1936, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

658. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill authorizing the President to present the Distinguished Service Medal to Commander Percy Tod, British Navy, and the Navy Cross to Lt. Comdr. Charles A. deW. Kitcat, British Navy; to the Committee on Foreign Affairs.

659. A letter from the Secretary of War, transmitting a copy of a resolution received from the Philippines relative to trade relations between the United States and the islands; to the Committee on Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. NORTON: Committee on the District of Columbia. H. R. 10929. A bill to amend the District of Columbia Unemployment Compensation Act with respect to excepted employment; without amendment (Rept. No. 1975). Referred to the Committee of the Whole House on the state of the Union.

Mr. MEAD: Committee on the Post Office and Post Roads. H. R. 10193. A bill to amend the act to fix the hours of duty of postal employees; with amendment (Rept. No. 1976). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAINES: Committee on the Post Office and Post Roads. H. R. 6014. A bill to regulate the rate of premium on bonds of officers and employees in the motor-vehicle service of the Post Office Department; with amendment (Rept. No. 1977). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10323) for the relief of Mary Brunjes; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 10782) for the relief of the heirs of Haym Salomon; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 5191) for the relief of Pokegama Sanatorium; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7185) for the relief of Martha R. McCoy; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AYERS: A bill (H. R. 11000) to amend section 9 of an act entitled "An act to provide for the allotment of lands for the Crow Tribe, for the distribution of tribal funds, and for other purposes", approved June 4, 1920; to the Committee on Indian Affairs.

By Mr. FADDIS: A bill (H. R. 11001) to provide for the common defense by acquiring certain commodities essential to the manufacture of supplies for the armed forces in time of an emergency, and for other purposes; to the Committee on Military Affairs.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 11002) to advance a program of national safety and accident prevention; to the Committee on Appropriations.

By Mr. IGLESIAS: A bill (H. R. 11003) to amend section 13 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes"; to the Committee on Insular Affairs.

Also, a bill (H. R. 11004) to amend section 19 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes"; to the Committee on Insular Affairs.

By Mr. TONRY: A bill (H. R. 11005) to provide that airplanes, dirigibles, and other aircraft for the use of the Army, the Navy, and Coast Guard shall be constructed by domestic firms with employees who are citizens of the United States; to the Committee on Military Affairs.

By Mr. WEST: A bill (H. R. 11006) providing for the examination of the Nueces River in the State of Texas for flood-control purposes; to the Committee on Flood Control.

By Mr. BURDICK: A bill (H. R. 11007) to authorize payment to the Indians of the Fort Berthold, Fort Totten, and Standing Rock Indian Reservations, N. Dak., of the amounts due on certain delinquent homestead entries; to the Committee on Indian Affairs.

By Mr. GRAY of Pennsylvania: A bill (H. R. 11008) to authorize the refund of amounts deducted from pensions of Civil War veterans and the widows and dependents of such veterans by reason of economy legislation; to the Committee on Invalid Pensions.

By Mr. CELLER: A bill (H. R. 11009) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. SMITH of West Virginia: A bill (H. R. 11010) to provide for the construction of a post office at Dunbar, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. McKEOUGH: Joint resolution (H. J. Res. 485) directing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. TONRY: Joint resolution (H. J. Res. 486) making June 14, commonly known as Flag Day, a legal national holiday; to the Committee on the Judiciary.

By Mr. DICKSTEIN: Joint resolution (H. J. Res. 487) authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of South Carolina, memorializing Congress to make November 11 a national holiday; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 11011) granting a pension to Bertha M. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11012) for the relief of the estate of Thomas Stack; to the Committee on War Claims.

By Mr. BOEHNE: A bill (H. R. 11013) granting a pension to Fannie Conrad; to the Committee on Invalid Pensions.

By Mr. BURNHAM: A bill (H. R. 11014) for the relief of the estate of Samuel C. Reid, Jr.; to the Committee on Claims.

Also, a bill (H. R. 11015) for the relief of the Consolidated Aircraft Corporation; to the Committee on Claims.

Also, a bill (H. R. 11016) for the relief of the Consolidated Aircraft Corporation; to the Committee on Claims.

By Mr. COLE of Maryland: A bill (H. R. 11017) for the relief of Richard E. Payne and Annie R. Payne; to the Committee on Claims.

By Mr. CALDWELL: A bill (H. R. 11018) for the relief of Noah Spooner; to the Committee on Claims.

By Mr. FARLEY: A bill (H. R. 11019) for the relief of George W. Iler; to the Committee on Claims.

By Mr. FERGUSON: A bill (H. R. 11020) granting a pension to James D. Hembree; to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 11021) granting an increase of pension to Sarah E. Johnston; to the Committee on Invalid Pensions.

By Mr. McGEHEE: A bill (H. R. 11022) for the relief of Ethel Armes; to the Committee on Claims.

Also, a bill (H. R. 11023) for the relief of Edward Francis Wood; to the Committee on Claims.

By Mr. McKEOUGH: A bill (H. R. 11024) granting a pension to Johanna Marbra Gray; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 11025) for the relief of Anna V. Bivans; to the Committee on Claims.

By Mr. O'CONNOR: A bill (H. R. 11026) for the relief of James G. Hardy & Co.; to the Committee on Claims.

By Mr. SANDERS of Texas: A bill (H. R. 11027) for the relief of the city of Gilmer, Tex.; to the Committee on Claims.

Also, a bill (H. R. 11028) for the relief of John Thomas Allen; to the Committee on Naval Affairs.

By Mr. SECREST: A bill (H. R. 11029) granting an increase of pension to Harry L. Dye; to the Committee on Pensions.

By Mr. SHANNON: A bill (H. R. 11030) granting a pension to Hattie M. Warner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11031) granting a pension to Salina Jane Slaughter; to the Committee on Invalid Pensions.

By Mr. THOMASON: A bill (H. R. 11032) for the relief of Ann Rakestraw; to the Committee on Claims.

By Mr. TONRY: A bill (H. R. 11033) for the relief of Samuel Engler; to the Committee on Immigration and Naturalization.

By Mr. WEST: A bill (H. R. 11034) granting a pension to Hattie House; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10002. By Mr. AYERS: Petition of William Mineschmidt and 63 other citizens of Gilt Edge, Mont.; to the Committee on the Post Office and Post Roads.

10003. Also, petition of George H. Miller and 34 other citizens of Brussett and Butte Creek, Mont.; to the Committee on the Post Office and Post Roads.

10004. Also, petition of Mark T. Selkirk and 25 other citizens of Columbus, Absarokee, Fishtail, and Limestone, Mont.; to the Committee on the Post Office and Post Roads.

10005. Also, petition of William E. Ricketts and 78 other citizens of Belfry, Mont.; to the Committee on the Post Office and Post Roads.

10006. By Mr. BEITER: Petition of the Common Council of the City of Buffalo, N. Y., approving legislation providing for a national lottery; to the Committee on Ways and Means.

10007. Also, petition of the Common Council of Buffalo, N. Y., approving legislation authorizing the Federal Government to contribute funds in the improvement of a section of the New York State Barge Canal; to the Committee on Rivers and Harbors.

10008. By Mr. ENGLEBRIGHT: Petition of citizens of star routes nos. 76308 and 76510, Mariposa County, Calif., praying the enactment of pending legislation to grant increase of compensation in star-route contracts to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10009. By Mr. MEAD: Petition of the Common Council of the City of Buffalo, N. Y., relative to legislation authorizing the Federal Government to contribute funds in the improvement of a section of the New York State Barge Canal; to the Committee on Rivers and Harbors.

10010. By Mr. MICHENER: Petition signed by J. H. Jones and 21 other residents of Jackson, Mich., urging that legislation be enacted at this session to indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10011. By Mr. REED of Illinois: Petition signed by Hugo F. Nelson and 127 residents of Woodstock, Ill., requesting passage of House bill 6472; to the Committee on Interstate and Foreign Commerce.

10012. By Mr. LEWIS of Colorado: Petition of Esther I. Stump, corresponding secretary of the Highlands Woman's Christian Temperance Union, of Denver, Colo., urging that the House of Representatives restore to the District of Columbia its prohibition law by passing, at the earliest possible moment, House bill 8739; to the Committee on the District of Columbia.

10013. Also, petition of Louise M. Myers, chairman, temperance committee, Grant Avenue Methodist Church, Denver, Colo., urging that the House of Representatives restore to the District of Columbia its prohibition law by passing, at the earliest possible moment, House bill 8739; to the Committee on the District of Columbia.

10014. By Mr. MOTT: Petition signed by J. C. Ponsler and 55 others of Florence, Oreg., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

10015. Also, petition signed by Charles L. Walker and 94 others, of Washington County, Oreg., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

10016. By Mr. PATTERSON: Petition of Rose Meador and 57 other citizens of the Third District of Kansas, favoring the enactment of the Guyer bill (H. R. 8739) for liquor control in the District of Columbia; to the Committee on the District of Columbia.

10017. Also, petition of Mrs. D. V. Wagner and 30 other citizens of the Third District of Kansas, favoring the enactment of the Guyer bill (H. R. 8739) for liquor control in the District of Columbia; to the Committee on the District of Columbia.

10018. Also, petition of Eva C. Wright and 87 other citizens of the Third District of Kansas, favoring the enactment of the Guyer bill (H. R. 8739) for liquor control in the District of Columbia; to the Committee on the District of Columbia.

10019. Also, petition of Ida Maxson and 425 other citizens of the Third District of Kansas, favoring the enactment of the Guyer bill (H. R. 8739) for the control of liquor in the District of Columbia; to the Committee on the District of Columbia.

10020. By Mr. PFEIFER: Telegram from the Port of New York Authority, John E. Ramsey, general manager, New York City, opposing House bill 31 and Senate bill 1645; to the Committee on Interstate and Foreign Commerce.

10021. Also, petition of the American Society for the Prevention of Cruelty to Animals, New York City, concerning House bill 7901; to the Committee on Interstate and Foreign Commerce.

10022. By Mr. TAYLOR of Colorado: Petition of citizens of Silverton, Colo., requesting passage of legislation indefinitely extending all existing contracts for star mail routes, etc.; to the Committee on the Post Office and Post Roads.

SENATE

MONDAY, FEBRUARY 10, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, February 7, 1936, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10464) making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 13 and 63 to the said bill and concurred therein, and that the House had receded from its disagreement to the amendments of the Senate numbered 12, 24, 25, 33, and 62, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 10919) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum and move a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Byrd	Duffy	Johnson
Ashurst	Byrnes	Fletcher	Keyes
Austin	Caraway	Frazier	King
Bachman	Carey	George	La Follette
Bailey	Chavez	Gerry	Lewis
Barbour	Clark	Gibson	Logan
Barkley	Connally	Glass	Lonergan
Benson	Coolidge	Gore	McAdoo
Black	Copeland	Guffey	McCarran
Bone	Costigan	Hale	McGill
Borah	Couzens	Harrison	McKellar
Brown	Davis	Hastings	McNary
Bulkley	Dickinson	Hatch	Maloney
Bulow	Dieterich	Hayden	Minton
Burke	Donahey	Holt	Murphy

Murray	Pittman	Shipstead	Tydings
Neely	Radcliffe	Smith	Vandenberg
Norbeck	Reynolds	Steiwer	Van Nuys
Norris	Robinson	Thomas, Utah	Wagner
Nye	Russell	Townsend	Walsh
O'Mahoney	Schwellenbach	Trammell	Wheeler
Overton	Sheppard	Truman	White

Mr. McNARY. The Senator from Kansas [Mr. CAPPER] is absent from the city attending the funeral of the late former Vice President Charles Curtis.

Mr. GORE. I announce that my colleague [Mr. THOMAS of Oklahoma] is absent on account of illness in his family.

Mr. LEWIS. I announce the absence of the Senator from Alabama [Mr. BANKHEAD], occasioned by illness, and I further announce that the Senator from Mississippi [Mr. BILBO], the Senator from Idaho [Mr. POPE], and the Senator from New Jersey [Mr. MOORE] are necessarily detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Rhode Island [Mr. METCALF] is necessarily absent from the Senate.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

SENATOR FROM LOUISIANA

Mr. OVERTON. Mr. President, several days ago I presented the credentials of the Senator-designate from Louisiana issued in the name of Mrs. HUEY P. LONG. I ask unanimous consent to withdraw those credentials and present other credentials issued in the name of Mrs. ROSE MCCONNELL LONG. I send the credentials to the desk.

The VICE PRESIDENT. Without objection, the credentials previously presented by the Senator from Louisiana will be considered as withdrawn, and the credentials now presented by him will be received, printed in the RECORD, and placed on file.

The credentials are as follows:

STATE OF LOUISIANA,
EXECUTIVE DEPARTMENT,
Baton Rouge, January 31, 1936.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Louisiana, I, James A. Noe, Governor of said State, do hereby appoint Mrs. ROSE MCCONNELL LONG a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Senator Huey P. Long, is filled by election, as provided by law.

Witness: His Excellency our Governor, James A. Noe, and our seal hereto affixed at Baton Rouge this 31st day of January, A. D. 1936.

JAMES A. NOE,
Governor.

By the Governor:
[SEAL]

E. A. CONWAY,
Secretary of State.

Mr. OVERTON. The Senator-designate from Louisiana is in the Chamber and is ready to take the oath of office.

The VICE PRESIDENT. The Senator-designate will present herself at the desk to take the oath of office.

Mrs. LONG, escorted by Mr. OVERTON; advanced to the Vice President's desk; and the oath of office having been administered to her, she took her seat in the Senate.

ABRAHAM LINCOLN

Mr. BARKLEY. Mr. President, I desire to advise the Senate that on Wednesday next, as soon as possible after the assembling of the Senate, I shall ask recognition to deliver a short address on Abraham Lincoln.

SUPPLEMENTAL DEFICIENCY APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the following action of the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
February 7, 1936.

Resolved, That the House recede from its disagreement to the amendments of the Senate nos. 13 and 63 to the bill (H. R. 10464) making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes, and concur therein.

That the House recede from its disagreement to the amendment of the Senate no. 12 to the said bill and concur therein with the following amendments:

In line 11 of the matter inserted by said amendment, after "approved", insert "February —, 1936."

In the last line of the matter inserted by said amendment strike out "June 30, 1936," and insert "January 1, 1937."

That the House recede from its disagreement to the amendment of the Senate no. 24 to said bill and concur therein with the following amendment:

In line 12 of the matter inserted by said amendment strike out "to be."

That the House recede from its disagreement to the amendment of the Senate no. 25 to said bill and concur therein with the following amendment:

In line 2 of the matter inserted by said amendment, after "available", insert "for such purpose."

That the House recede from its disagreement to the amendment of the Senate no. 33 to said bill and concur therein with the following amendment:

In line 2 of the matter inserted by said amendment, after "That", insert "during the fiscal years 1936 and 1937."

That the House recede from its disagreement to the amendment of the Senate no. 62 to said bill and concur therein with the following amendment:

In line 7 of the matter inserted by said amendment strike out "to States."

Mr. ADAMS. I move that the Senate agree to the amendments of the House of Representatives to the amendments of the Senate numbered 12, 24, 25, 33, and 62.

The motion was agreed to.

PROCEEDINGS ARISING UNDER THE CUSTOMS OR INTERNAL-REVENUE LAWS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to give precedence to civil and criminal proceedings arising under the customs or internal-revenue laws which involve fraud upon the revenues of the United States, which, with the accompanying paper, was referred to the Committee on the Judiciary.

TRADE RELATIONS WITH THE PHILIPPINES

The VICE PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting copy of a resolution received from the Municipal Council of Solsona, Ilocos Norte, P. I., relative to trade relations between the United States and the Philippine Islands, which, with the accompanying papers, was referred to the Committee on Territories and Insular Affairs.

WILLIAM KING RICHARDSON *v.* THE UNITED STATES

The VICE PRESIDENT laid before the Senate a letter from the Chief Clerk of the Court of Claims, transmitting, pursuant to order of the court, a certified copy of the court's opinion in the case of William King Richardson against the United States (Congressional Reference No. 17746), which, with the accompanying paper, was referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of South Carolina, which was referred to the Committee on Agriculture and Forestry:

Concurrent resolution memorializing Congress to enact suitable legislation to reduce tenancy through the acquisition of farms by deserving tenants and landless citizens

Whereas the effects of tenancy upon soil fertility, crop rotation, soil erosion, and farm diversification are admittedly evil and tend to unbalance farm crop production and oftentimes serve to pile up huge surpluses of certain basic farm commodities; and

Whereas the percentage of tenancy in the United States has, according to competent authority, increased within the last 50 years from 26 percent of the total number of farmers to 42 percent as of today and bids fair to increase progressively in the future unless steps be speedily taken; and

Whereas home ownership has ever proved to be the shortest cut to individual contentment, initiative, and resourcefulness, as well as the best antidote for communism, crime, and social turmoil and confusion; and

Whereas the more progressive countries of Europe have long since enacted legislation to reduce tenancy by loaning deserving individuals sums wherewith to buy land at low rates of interest spread over an amortization period of 40 to 60 years; and

Whereas bills are now before the United States Congress the purpose of which is to bring about similar legislation for the welfare of the American people and Nation: Now, therefore, be it

Resolved by the South Carolina House of Representatives (the senate concurring), That the Congress of the United States be, and hereby is, petitioned and memorialized to enact at this session of the Congress such legislation as will tend to decrease tenancy among the American farmers and make it possible for any deserving but landless person to acquire land through loans made at low rates of interest and running over a long period of years, to the

end that the now landless man may sit with pride and dignity beneath the shade of his own vine and fig tree and enjoy the blessings of the more abundant and joyful life attendant upon home ownership, the while the whole social fabric of the American people is made thereby stronger and more enduring; be it further

Resolved, That a copy of this resolution be forthwith dispatched to the respective presiding officers of the two branches of the United States Congress, to each and every Member of each of these branches from the State of South Carolina, and to Senator BANKHEAD, of Alabama, and Representative MARVIN JONES, of Texas.

The VICE PRESIDENT also laid before the Senate a resolution of the Wake County (N. C.) Junior Bar Association, favoring the enactment of House Joint Resolution 237, for the establishment of a trust fund to be known as the Oliver Wendell Holmes Memorial Fund, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the National Aeronautic Association in convention assembled at Washington, D. C., favoring the creation by the Senate of a standing committee on civil aviation, which was referred to the Committee on Rules.

Mr. WALSH presented a resolution adopted by the Cambridge (Mass.) Industrial Association, protesting against the enactment of legislation providing for the setting up of a Government corporation to acquire the railroads of the country, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Grand Lodge of Massachusetts, Order Sons of Italy in America, at Boston, Mass., protesting against further changes in the practice and policy of American neutrality, which was referred to the Committee on Foreign Relations.

Mr. COPELAND presented a resolution of Hankins Local, Dairymen's League Cooperative Association, of Fremont Center, N. Y., favoring the imposition of a tax of 5 cents per pound on all fats used in the production of oleomargarine, which was referred to the Committee on Finance.

He also presented a resolution adopted by Warren G. Harding Council No. 118, Junior Order United American Mechanics, of Mineola, N. Y., favoring the enactment of legislation for the deportation of habitual alien criminals and other alien law violators, which was referred to the Committee on Immigration.

He also presented a resolution of the board of directors of the Batavia (N. Y.) Chamber of Commerce, protesting against the enactment of legislation providing for the Government ownership of railroads, which was referred to the Committee on Interstate Commerce.

He also presented the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on the Judiciary:

Whereas in January 1935 the Senate and the Assembly of the State of New York unanimously passed the following resolution:

"Whereas the comparatively uncontrolled market of firearms within the State has made it possible for almost any person to purchase any type of firearm; and

"Whereas persons irresponsible and criminal have been able to purchase firearms illegally within the State with consequent tragic results to organized society; and

"Whereas due to the constitutional inability of the State by reason of the commerce clause contained in the United States Constitution to register the sale of firearms at their point of manufacture it has been impossible to pass laws which would effectively stop the illegal sale and possession of firearms; and

"Whereas the State legislature could enact effective laws in this regard for the benefit and safeguarding of the public were the Federal Government to pass enabling laws permitting the State so to act: Now, therefore, be it

"*Resolved* (*if the assembly concur*), That the Federal Government be, and hereby is, respectfully memorialized to enact such laws through the Congress or to authorize the promulgation of such rules by the Department of Justice or the Interstate Commerce Commission to compel every manufacturer of firearms to mark such firearm manufactured with a serial number which will be plainly visible, such serial number to be registered with the Department of Justice as to its consignee at the time of its shipment by the said manufacturer, the consignee to record with the Department of Justice immediately at the time of sale the serial number and to whom such firearm was sold; the Department of Justice thereafter to inform the duly authorized police department of the State involved as to the type of firearm, serial number, name of consignee, and the name of the purchaser; and be it further

"*Resolved*, That a copy of this concurrent resolution be, upon passage, sent to the Clerk of the House of Representatives at Washington, the Secretary of the Senate, the Attorney General of the United States, the Chairman of the Interstate Commerce Commission, and to each Member of the House of Representatives and the Senate elected from this State"; and

Whereas to date the Federal Government has passed no legislation which will give this State the right to pass laws for the protection of its citizens in connection with the sale of firearms manufactured in another State; and

Whereas the Federal Government has also not given the Department of Justice or the Interstate Commerce Commission the right to make rules which will protect the citizens of every State as far as the sale of firearms manufactured in other States is concerned; and

Whereas the situation regarding the illegal sale of firearms is still critical, due to the fact that the same irresponsible and criminal-intent persons can still purchase firearms in an uncontrolled market to the detriment of the citizens of this State: Now, therefore, be it

Resolved (*if the assembly concur*), That the Federal Government be again memorialized to enact such laws which will give this State the right to enact legislation which will be a protection to the citizens of this State; and be it further

Resolved, That a copy of this concurrent resolution be sent to the Clerk of the House of Representatives, the Secretary of the Senate of the United States, the Attorney General of the United States, the Chairman of the Interstate Commerce Commission, and to each Member of the House of Representatives and the Senate elected from this State.

REPORTS OF COMMITTEES

Mr. BAILEY, from the Committee on Claims, to which was referred the bill (H. R. 4925) to authorize and direct the Comptroller General to settle and allow the claim of George P. Money for fees for services rendered, reported it without amendment and submitted a report (No. 1533) thereon.

Mr. KING, from the Committee on the District of Columbia, to which was referred the bill (S. 3450) to regulate the sales of goods in the District of Columbia, reported it without amendment and submitted a report (No. 1534) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on February 7, 1936, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 166. An act for the relief of Jack Doyle;

S. 246. An act for the relief of Elmer Blair;

S. 272. An act for the relief of William Frank Lipps;

S. 423. An act for the relief of Lynn Brothers' Benevolent Hospital;

S. 889. An act for the relief of Albert A. Marquardt;

S. 1010. An act for the relief of Fred Edward Nordstrom;

S. 1176. An act for the relief of Thomas A. Coyne;

S. 1298. An act for the relief of John Z. Lowe;

S. 1950. An act for the relief of the estate of Julius Crisler;

S. 2044. An act for the relief of the Hartford-Connecticut Trust Co., Inc.;

S. 2166. An act for the relief of Ludwig Larson;

S. 2321. An act for the relief of S. M. Price;

S. 2323. An act for the relief of Ida C. Buckson, executrix of E. C. Buckson, deceased;

S. 2343. An act for the relief of Maj. Edwin F. Ely, Finance Department; Capt. Reyburn Engles, Quartermaster Corps; and others;

S. 2691. An act for the relief of E. E. Sullivan;

S. 2741. An act for the relief of Maj. Joseph H. Hickey;

S. 2897. An act for the relief of Lt. Robert A. J. English, United States Navy;

S. 3020. An act for the relief of A. E. Taplin;

S. 3186. An act for the relief of Edward H. Karg;

S. 3934. An act to repeal the Kerr Tobacco Act, the Bankhead Cotton Act of 1934, and the Potato Act of 1935; and

S. J. Res. 169. Joint resolution granting permission to Hugh S. Cumming, Surgeon General of the United States Public Health Service; John D. Long, medical director, United States Public Health Service; Bolivar J. Lloyd, medical director, United States Public Health Service; and Clifford R. Eskey, surgeon, United States Public Health Service, to accept and wear certain decorations bestowed upon them by the Governments of Ecuador, Chile, Peru, and Cuba.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the Committee on Appropriations, reported favorably the nomination of Thomas D. Rose, of North Carolina, to be State engineer inspector for the Public Works Administration in North Carolina.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARBOUR:

A bill (S. 3962) for the relief of the First, Second, and Third National Steamship Cos.; to the Committee on Claims.

By Mr. SCHWELLENBACH:

A bill (S. 3963) for the relief of Dean Wilson; to the Committee on Claims.

A bill (S. 3964) granting a pension to Jacob R. Stiltner; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3965) granting a pension to Hosea F. Dearth;

A bill (S. 3966) granting an increase of pension to Anzina L. Harper;

A bill (S. 3967) granting a pension to Joseph J. McNeal;

A bill (S. 3968) granting a pension to Sarah M. Waugh; and

A bill (S. 3969) granting a pension to Roy Wilcox; to the Committee on Pensions.

By Mr. COPELAND:

(By request.) A bill (S. 3970) for the relief of Frank Aquilina (with an accompanying paper); to the Committee on Claims.

A bill (S. 3971) to extend the times for commencing and completing the construction of a bridge across the St. Lawrence River at or near Ogdensburg, N. Y.; to the Committee on Commerce.

A bill (S. 3972) granting an increase of pension to Nellie Trapp;

A bill (S. 3973) granting an increase of pension to Kate O'Donnell Wood; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3974) to amend the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes", approved July 2, 1926; to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 3975) to authorize the rewriting of the Code of the District of Columbia;

A bill (S. 3976) to amend the act approved February 27, 1931, known as the District of Columbia Traffic Act; and

A bill (S. 3977) to authorize the Washington Gas Light Co. to alter its corporate structure, and for other purposes; to the Committee on the District of Columbia.

By Mr. FLETCHER:

A bill (S. 3978) relating to taxation of shares of preferred stock, capital notes, and debentures of banks while owned by the Reconstruction Finance Corporation and reaffirming their immunity; to the Committee on Banking and Currency.

By Mr. GORE:

A bill (S. 3979) authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to be held May 16 to May 23, 1936, inclusive; to the Committee on Foreign Relations.

By Mr. BULKLEY:

A bill (S. 3980) for the relief of Evica Arbutina; to the Committee on Claims.

By Mr. MURRAY:

A bill (S. 3981) for the relief of William Hays Hammond; to the Committee on Military Affairs.

By Mr. SHIPSTEAD:

A bill (S. 3982) to authorize the sale and conveyance by the Department of the Interior to the State of Minnesota of the southwest quarter northwest quarter section 3, township 159 north, range 35 west, fifth principal meridian, in the State of Minnesota; to the Committee on Public Lands and Surveys.

PROPOSED AMENDMENT TO THE CONSTITUTION

Mr. LEWIS. Mr. President, I ask the Senate to permit me to tender, by request, a proposed constitutional amendment sent to me by an eminent authority on constitutional law, the head of one of the colleges of Illinois. I take the liberty of asking that the joint resolution be printed in the RECORD.

The VICE PRESIDENT. Without objection, the joint resolution will be received, printed in the RECORD, and appropriately referred.

The joint resolution (S. J. Res. 208) for the purpose of restricting the application of section 1 of article 14 of amendment to the Constitution of the United States was read twice by its title and referred to the Committee on the Judiciary, as follows:

Senate Joint Resolution 208

Joint resolution for the purpose of restricting the application of section 1 of article XIV of amendment to the Constitution of the United States

Whereas the fourteenth amendment of the Constitution of the United States was adopted, among other purposes, for the purpose of establishing and securing rights of citizens of the United States, born or naturalized therein, and did not aim to establish or preserve rights of other persons than citizens of the United States; and

Whereas the provisions of section 1 of this amendment have been extended by judicial decision to fictitious and artificial persons, not citizens of the United States and incapable of being born or naturalized in the United States, resulting in grave consequences to the economic, social, and political institutions of the United States: Therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be, and hereby is, proposed to the States, to become valid as part of said Constitution when ratified by the legislatures of the several States, as provided in the Constitution:

"ARTICLE —

"SECTION 1. The provisions of section 1 of the fourteenth amendment to the Constitution of the United States shall be held to apply only to natural persons and not to corporate or other artificial persons created by law.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within 7 years from the date of the submission hereof to the States by the Congress."

HOUSE BILL REFERRED

The bill (H. R. 10919) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CHANGES OF REFERENCE

On motion of Mr. KING, the Committee on the District of Columbia was discharged from the further consideration of the bill (S. 3855) to amend the act entitled "An act to incorporate the National Education Association of the United States", approved June 30, 1906, as amended, and it was referred to the Committee on the Judiciary.

On motion of Mr. NEELY, the Committee on Pensions was discharged from the further consideration of the following bills, and they were referred to the Committee on Finance:

S. 976. A bill granting a pension to Golda Stump Darr; and

S. 3305. A bill granting a pension to Modie A. Quick.

AGRICULTURAL RELIEF—AMENDMENT

Mr. WHEELER submitted an amendment intended to be proposed by him to the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, which was ordered to lie on the table and to be printed.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. GERRY submitted an amendment intended to be proposed by him to House bill 9863, the independent offices appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 41, line 2, to insert the following:

"The Administrator of Veterans' Affairs is hereby authorized and directed to transfer $34,218.75 of the funds of the Veterans' Administration for the fiscal year 1936 to the Navy Department, for disbursement by it under the various headings of its applicable appropriations, for 25 beds at the Newport Naval Hospital, Newport, R. I., for the care and treatment of beneficiaries of the Veterans' Administration, including minor repairs and improvements of existing facilities under their jurisdiction necessary to such care and treatment."

COMMANDER ALFRED HART MILES, UNITED STATES NAVY

Mr. BYRD submitted the following resolution (S. Res. 232), which was referred to the Committee on Naval Affairs:

Resolved, That the Committee on Naval Affairs, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation into the reasons why Commander Alfred Hart Miles, United States Navy, was not selected for promotion. The committee shall report to the Senate as soon as practicable the results of its investigation.

WORLD PEACE AND THE LEAGUE OF NATIONS—ADDRESS BY SENATOR THOMAS OF UTAH

Mr. CONNALLY. Mr. President, I ask unanimous consent to have printed in the RECORD an interesting and able address delivered by the Senator from Utah [Mr. THOMAS] at the annual dinner of the League of Nations Association at the Biltmore Hotel, New York City, on February 7.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

My old Greek teacher, at the end of a class discussion one day, remarked, "If Homer did not write the Iliad, another man by the name of Homer did." So with the world as it is today and has been since 1918, if we had not had the League of Nations, we would have had a union of states or a society of nations for consultation. The old story told, I believe, by Irving Fisher, in 1920, of the League purposes is still the best one of its subject, and illustrates better than any what our world gone askew has been doing since 1918. A darky soldier boy coming down the gangplank on leave in 1918 was asked when the war was going to be over. "In 101 years," he said. "It will take 1 year to lick the Germans and 100 years to wind up the barbed wire." The whipping of the Germans signified the end of fighting, and the barbed-wire winding may be expected to prove to be merely a setting of the stage for a world of peaceful processes.

The function of the League of Nations Association is primarily educational. The success of the League itself must in its final analysis rest upon common consent. All human institutions that are social in their nature rest, too, on common consent. War is possible between nations today only when there can be aroused a unity for its support. The success of free government and the success of peaceful processes rest upon the same basis, therefore, as war. One accepts forces backed up by unquestioning obedience as its motive power; the other accepts reason supported by knowledge as its method of carrying on. One, therefore, seems, to the thoughtless, to be strong; the other appears weak. But it is not. So accustomed have men become to accepting the mere appearance of force as being force itself that they have become poor at weighing the elements which hold men together.

In America, governed as we are by a Constitution whose ultimate success rests upon the thin thread of fair play, we have lost the ability to appreciate the power of that simple idea. Our Constitution and our Government adhere, not because we have a President who is Commander in Chief of an Army and a Navy, not because we have a Supreme Court that has been permitted to make itself able to discommode and upset the even tenor of Congresses and administrations, not because we have a Congress which can override a President's veto or can tax everyone for the benefit of the few or a few for the benefit of all—but our Constitution survives just because of the plain spirit of fair play which keeps each branch of a coordinated government in bounds. Our Constitution can be brought to an end in scores of ways. The President can force Congress. He can ignore the opinion of the Supreme Court. He can even take us into war before we may stop him. But these things he does not do. Is it his oath that holds him back? Some may think so, but it is not. It is the simple fact of fair play. Congress can refuse to appropriate. The Senate can refuse to sustain judges. Either action would destroy our Constitution. The Supreme Court might become wholly legislative in its nature and strike down until it destroys. I emphasize these points because my theme tonight deals with the subject of what should be our attitude. It should be one seeking and spreading knowledge, knowing that only that which is built in accordance with such truths as have proved themselves to be fundamental to man's social and political progress is the sure foundation on which to build lastingly.

The League of Nations, call it by whatever name you wish, is historically and logically built upon and built out of conditions which make it inevitable. Accept in the fullest every criticism you may hear against it. Call it a court of intrigue. Assume that the men who make the League function are insincere, selfish, dominated by great states or conspiring groups. Call it a league for war instead of a league for peace. Say that it is brave in the Italian case because it is dominated by Great Britain, and that it was weak in the Japanese case because of English indifference. Accept all the loose gossip, all the thoughtless tales about Geneva, its suspicious influences, and its ambitions. Point out the hypocrisy of the mandate system, the political domination of the World Court. Call the League a union of victors. Those who opposed a harsh peace have failed to see that the League has been the greatest of all tempering influences. In less than 7 years after the signing of the treaty, Germany, the chief of the vanquished sat with equality on the Council. That the actions of the leading victors in refusing to continue a tempering attitude is not a reflection on the League but merely a condemnation of the backward thinking of the victor states.

Think up all the ill you have heard in the last 17 years and you have still not destroyed the fact of the League. There she stands a mountain of strength for potential good. Shall we love it or shall we hate it? Do neither. We might as well hate or love the Rocky Mountains. Those of us who live among the mountains know their worth, their strength, and appreciate their danger. We do not hate them, we do not love them, we use them. We put their wealth to the good of man. Their strength gives men courage to aspire. Men who master themselves in the mountains never go backward. The League is established among the mountains. Nations and people will go up to her and learn the worth of peace. The League stands a monument in the earth. What shall it be, a monument for service in a better way of doing things, or shall it stand a monument to a lost cause, an ideal for which men aspired but could not attain, a desire of nations doomed to wait because men without vision rule in the earth? How long will the spirit of good strive in the hearts of men to no avail?

Without the League the question of suggesting a way to discover world-wide public opinion remains unanswered. You are still without a medium for collective action. You have still not invented a plan where international disputes can be so readily settled. Abolish the League and all its agencies, and you will find that much which the League's many institutions are doing would survive and in some form would remain even if its name were lost. The world surely wants a registry for treaties. We would never want to go back to the day of official recognition of secret treaties. We would not like to see those things which the international labor office has accomplished wiped out of our international experience. No one wants to repeal the decisions of the World Court. No one can think of a better way than the League's way of taking care of the repatriation of lost persons. Everyone is happy over the world-wide advancement of theories concerning the betterment of women and children. All commend the League for its efforts in control of drug and opium traffic and in curbing slave trade. The League's record in the Saar is a source of pride and proves again that nations can cooperate. Minority populations now have standing in the world. The mandate theory of trusteeship is an addition to international stewardship which may become the key through which problems of backward peoples may be solved. It is only under League auspices that the problem of a homeland for the Jews will be attained. Thanks to the League we today are witnesses of the fulfillment of the words of the prophets of old, for verily, the Jews by thousands are returning to build Jerusalem, as was foretold, under the auspices of the gentile nations. The spiritual blessings to the whole world which will follow in the wake of a restored Jerusalem cannot be measured.

Disarmament conferences have failed, let us grant, and the League has not been perfect. No one is satisfied. Still, every thoughtful person, even though biased because of some local allegiance, knows that its record in the light of other social and political accomplishments is one which, if prophesied 16 or 17 years ago, would have been called an optimistic vision of the first order and the prophet one whose zeal had the better of his judgment.

Now, what should be our attitude toward the League? I say simply one of appreciation. We have rights in the League. We have active membership in many of its institutions and committees. We have sustaining memberships in some and not in others. We do not have to have membership in the Council or in the Assembly. We need not help pay the expenses of the secretariat; and with public sentiment as it seems to be in the United States, I honestly believe that we should gain nothing by joining tomorrow, because our contribution would be little, just as has been our contribution to some recent conferences because our support has been, and therefore would be, half-hearted. If leaders of public life in America are mere sentimentalists, if our diplomatists are amateurs, if our soldiers and sailors are citizens first and soldiers afterward—if, in other words, all those governmental activities which are recognized as professional in other states are mere amateur concerns with us—it may be well for us to keep away; because, if all international questions are settled by intrigue, by wit, by deception, I think we had better stay over in our pure atmosphere of amateurism; but let us honestly appreciate that which we really are.

After all is said, what are we going to do about it? The success of the League of Nations rests upon understanding, appreciation, and a conviction that the contributions which its institutions offer for making the world better and man's life in the world broader are essential. Until the American people can be convinced that this is the case, we had better remain where we are.

That the American people shall be brought to the place where an appreciation of the attitudes which I have suggested is possible is your task and my task. This can come only by work and by honest education. In the meantime the League will very well take care of itself. It is a living and growing institution. It need not be exacting in its demands that peace be preserved in accordance with its ideas about how peace should be preserved. Its objectives are bigger than it, itself, is. It can stand to be in the background so long as that for which it stands goes forward. Do you remember how Dr. Nitobe saved the situation in the Corfu affair? The League was younger then than it is today. It had not learned how to take punishment. It thought that it had a face to be saved, and when the spokesman for the Italian Government refused to put his case before the council of the League, but offered to present it to the Council of Ambassadors, Nitobe laid down the great dictum that the purpose of the League was to

maintain peace and prevent war. It was not necessarily interested in the method. In other words, the objective of this great institution, or I should say more correctly, of these great institutions, and not the method is the important thing. The League should be thought of as a means and not an end. It exists to minister, not to be ministered to. It has no face to save, it has no face that needs to be saved; in fact, it has no face at all. It exists to save the faces of its member states. This is the important consideration. The League is a society serving many nations, not many nations serving a society. It is the nations and not the League that are to be stressed. Just as I wish individuals to be themselves I want nations and national cultures to remain themselves, each nation establishing and promoting its own happiness in accordance with its own idea of happiness. The League must never be a single-willed institution. It is merely a medium through which many wills may express themselves, their differences be ironed out through discussion, and unity reached only as it is reached in a parliament or a congress in our America under our Constitution, in a spirit of fair play. It is the principles behind the League that count and not the League form. Our contention, therefore, is for principles and not for words.

Those who are familiar with the history of this country know of our early failures in attaining unity. At length we succeeded in making one nation out of many. The problem of bringing about a world-wide cooperative action is not the problem of creating one nation out of many; it is merely the problem of establishing media through which the many nations may speak in unity when occasions for such cooperative wills arise. The bond which affords the assertion of a collective will need not be great. International police power does not need any army or a navy to enforce its will. It needs only the respect for a reasoned opinion such as men now give a court. It is the acceptance of the method that commands the respect, not the imagined force that probably could not be used even if it were tried. Police power is not an active force. It is a concept and seldom does it become anything else. All States accede to public opinion or reasoned judgment most of the time, so why not do it all the time? The peaceful process is just as strong as the warlike one and is more lasting.

Knowing, then, that in every attempt at international cooperative action our national behavior has been a reluctant, almost unwilling, relatively impotent, and, too often, distrustful delegation of but little power or authority, we are confronted with the question, What are we going to do about it?

Fortunately nations may learn by experience. The lesson that jealousy and greed do not pay was learned in the eighteenth century, if not fully accepted. In 1918 and the years that followed every nation on the face of the globe either learned a new lesson or became conscious for the first time in their lives of an old truth, that wars do not pay.

If we do have one agency or a dozen agencies or a hundred agencies that are honestly trying to preserve the peace, we should know what to do for them. We know that we cannot take everything from them and contribute nothing. If everyone wants to take something from them and to put nothing into them, we know that they will fail, because we have seen them fail before. We must be less conscious of our rights and more conscious of our duties. With those agencies for the preservation of peace, unity, and understanding, we must not tinker. It is ungracious to embarrass a pauper by asking him for alms. It should be nationally impolite to pluck and pull at anything symbolizing a community of interest with demands that dull and deaden hoped-for results.

Do we not today know better than to take all and give nothing? We know what should be done. But having foolishly believed that war could beget peace, our shattered faith now holds us back. We blame the institution instead of the method used in the institution. We still claim we have the ideal but say that men and nations are not big enough to live up to the ideal. We know that our present agencies of peace, strengthened slightly by experience, will be all that we may expect to have for some time to come. Weak as they appear, no one would destroy the ideal behind them. No thoughtful person would belittle the loss to the world if they ceased to exist. We know that too much taking and too little giving, too much jealousy and too little unselfishness, too much greed and too little bounty will break them. International good will will cause it them to succeed. There is no deficiency that cannot be overcome by a right attitude.

Let us not be afraid of international conversation. An exchange of thought was probably man's first cooperative step in building civilization. A united will for peace can be developed in no other way. Peace must rest on understanding. Peace cannot grow; it must be developed. As long as the constitutions of the nations of the world rest on force, nations can slip into war. War, therefore, can come without plan. Peace, though, can remain only by restraint and be made lasting only by conscious effort.

Peace-sustaining conversation is worth much more than the international hate-provoking action. The one unites us in peaceful endeavor, the other joins us in war. Why is it that America has been backward in joining with other nations in peaceful processes but has united with all her strength in giving her blood and wealth in war? History answers the question for us. It is easy to join in hating but hard to join in loving. If we cannot go the whole way and love our neighbor, let us at least appreciate him. If we will appreciate him, we will refrain from hating him, and in time we may join for love quite as readily as we have joined for hate.

War really has no place in our modern international scheme, because every purpose which a modern nation has can be accomplished better by some other medium or instrument. When we become thoughtful about the lessons of the last war we find that not a single principle for which men fought was accomplished. Some men might have inwardly accepted the theory of the sordid destruction of a neighbor nation, but this no statesman dared to admit to his people. Our American President even denied being at war with the German people. Our Government told our people and the German people, too, that we were at war only with the rulers of Germany. We may become sordid and say that that idea was put forth by our President to undermine the morale of the German Army, and it was so used, but you know and I know that mere hatred of our fellow man had been bred out of American minds and hearts. We had too many German neighbors, too many German wives, husbands, fathers, and mothers for us to want to kill because of a nationalistic hate. We could be made to fight only for a principle and only for a cause. We fought to save democracy. We fought to end war. You may today laugh at the logic we accepted. But the fact remains that the late war was never sordid in its spirit. It was made to seem even sweet, and mothers were happy in the sacrifices they had to offer.

We all now know that the principles for which we fought failed of attainment. Nay more, the principles we attempted to attain cannot be attained by war. We cannot build by destroying. We cannot give life by killing. We cannot make the world safe for democracy by fighting, because the very essence of democracy depends upon peaceful processes. How can we bring equality among men in a community where only force is recognized? How can justice prevail if only the mighty speak? How can the rights of a minority be preserved if the majority rules by force? War is a contest of physical power. Democracy depends upon an intellectual and spiritual concept of live and let live. The futility of war is evident to all.

In the days when Newton's theory dominated thought, liberty was in theory maintained by a balance. It was assumed that the forces in government were in constant opposition. The laws relating to the push and the pull in nature were transplanted and thought of as being fundamental, and they actually did dominate man in his thoughts about himself and other men. When the Darwinian theory became the controlling thought men beheld themselves and judged mankind a growing organism or they saw man himself as an evolving animal. From this observation came the theory of change which brought about the acceptance of war on the basis of the survival of the fittest or which supported the concept of peace on the basis of cooperation and mutual aid. The Darwinian theory lent itself to two opposing attitudes, one that we win by combat, the other that we go forward by mutual endeavor.

Today our fundamental thought is probably based on Einstein, and we are faced with a present deduction that all things are relative and that the absolute is gone. Perfection is attainable but never attained. This brings us, of course, to the social human philosophy of the relative good—not the highest good as an absolute, but the best good as an objective. There is some hope if we can bring about its universal acceptance. We must break down the absolutes if good will is to reign in the earth. An absolute in international clash justifies us in killing a man because he is a Frenchman, or because he is an Italian, or because he is a Britisher! What an indictment of civilized thinking!

What, then, should be our attitude? It must be built upon the great universals, upon a recognition of a fact that the thinking, conscious part of humanity has been more of a unit than we have even let ourselves dream. We have stressed wars without emphasizing that in these conflicts each fight has been a fight for a right which on analysis proves that the aim of each was the same. Men do not fight until someone asks another to do something he himself would not do. Nations, like men, only fight when one insists upon the other submitting to something or doing something the demanding nation itself would not submit to or would not do. War is a clash of two rights, not a fight between wrong and right. In the history of nations not one has ever fought in defense of wrong.

In the migrations and the spreadings of various peoples over the globe the objectives have been the same more often than they have been different. We talk of the rise and the destruction of civilizations. What do we mean? Let us see. Man by 1900 A. D. had evolved three concepts which marked him a creature different from man 2,000 years before. The struggle for the discovery of the concept of the individual had made some progress among the Hebrews and the Greeks, but it did not find its fulfillment until Jesus gave us the key. In the wake of this discovery the church had introduced the concept of pity in the world. The letter of an ordinary husband who lived in Alexandria during its greatest days and who had left home to get work, written to his wife said: "When I get some pay I'll send you some of it. When the baby is born if it is a boy raise it and feed it; if it is a girl, throw it out." The father who wrote that letter meant it. The mother was not surprised in its contents nor was she shocked. Religious thinkers had not evolved and developed the theory of the right to life. Much later political thinkers made life a right inherent in man, and the western civilized world standard by 1900 recognized that life was something of which a person should not be deprived without cause.

In the enlargement of the idea of the individual and the individual's right to live, came an evolution of the theory of private property. Men not only said, "this is I", but they also said, "this is mine", and other men respected such assertions. In war time this developed to the extent that certain persons and property were not subject to capture or destruction and certain other property should be paid for when taken. In our war killings we divided human beings into classes, because the right of life as

such was respected and we knew that a combatant and a noncombatant had respective rights. The acme of this remarkable evolution of concept and practice came during the Japanese-Russian War in the siege of Port Arthur. The Russian fleet had bottled itself in the harbor. The harbor was protected by high hills; the city itself was protected by hills. The Japanese were faced with the necessity of destroying the Russian fleet before the arrival of Russia's European fleet in Asiatic waters. The fleet could have been easily destroyed by hurling bombs over the mountains, but in doing so private property would have been exposed to destruction, and noncombatants, women, and children killed. So high had we developed the theories of these concepts which we call good, that the Japanese sacrificed regiment after regiment and brigade after brigade in the taking of a high hill so that the exact location of the war ships could be signaled before the Japanese fleet out of the harbor hurled destructive bombs over the mountains on the bottled-up Russian ships.

The World War came. Armies ceased to fight armies. Instead, nations fought nations. A noncombatant was a potential combatant and therefore subject to destruction. The World War ended, and an ideal was crushed. Then came Chapei, the proof that an ideal was dead. Chapei, a Chinese incident in a nonlegal war, proved the point. Planes soared through the heavens and dropped bombs. Were they aimed at the military? No. Was there any consideration of the noncombatants or private property? There was not. An American naval officer who witnessed the bombing was asked, "What about the women and children?" His reply was that it was just too bad. But the saddest picture of all came when the foreign element in the city of Shanghai went to the tops of the high buildings with field glasses to witness the bombing as they would a public game. Civilization slipped. It has slipped, and one result of that slipping is the Ethiopian war. If we analyze again we find the reactions much the same as they always have been—one general element of the world seeking for a spread of a universal good, and a particular element contesting that spread.

Of course, civilization as such has not slipped and cannot be destroyed. Our civilization, for example, rests upon three things—cereal food, domestic animals, and the wheel. But there is more to civilization than these great bases. There are ideals. Civilization may be made to slip through the destruction of ideals. The mere destruction of men and places does not necessarily count, for men die and places decay. But ideals live on.

Peace and life become secure to man as the peaceful places broaden and man is free to go and come. The early Greeks could not cooperate because they assumed that the perfect good could be found in the city-state. The Hellenistic Greek, even with the theory and the example of Alexander and the spreading of the Greek language over the globe and the birth of the imperial concept, found that the particular somewhere must be made to suffer even though the universal became the accepted good. To read of cosmopolitan Alexandria is to read of the cosmopolitan cities of today. Jew hunting attracted Egypt's Alexandria as it does Hitler's Germany. Tremendous conflicts between the particular and the universal are shown in simple things. A name illustrates the point. Jewish children in Alexandria were often named Isidore. Think of it—a Hebrew naming his baby a Greek name which meant "lover of the Egyptian god Isis"! That is America in 1936. There are enough Isidores in America today to make a city. Each, Jew or Christian, would deny being a lover of a heathen Egyptian goddess. Consider how easy the change was in Hellenistic time, and you will call it good. Where do we turn to find the survival of the particular or the narrow anywhere? History shows that it only occurs when artificially created for a purpose. In the political theory developed, it happens when it is for war purposes. Men mingle, philosophies fuse, religion blends, life is complex, culture is world-wide, thought transcends all barriers. The white man in his spread over the world has carried "pidgin" English as well as gunpowder and whisky. Mission labor has not been in vain. The zeal to sell has taken the salesman into every corner. In fact, the world's salesmen today, be they white, yellow, or brown, are seeking a prospective buyer with all the zeal with which the white man chased the last Tasmanian. When the last Tasmanian was shot, I have been told, it made news as great as the act of a man biting a dog ever did. But it was the word "last" that made the news, not the shooting or the death of a fellow human being.

In Bavaria we came to a wayside shrine with its crucifix and its lesson in brotherly love. Within a few feet of this proclamation of peace on earth and good will to men there stood a shrine of hate, a sign which read, "Jews move on; you are not wanted here." Thus the age-old contest between those who sought the good for all against those who sought good for a part is still with us.

On and on we might drift, for my theme is age-old. The striving for the universal and a medium through which it might find expression is not new. It has always been the aim of the thoughtful. If we could only appreciate that fact we could change our world today just as it has been changed in the past. Many times our world has become close to attaining a world-wide outlook. Alexander might have done it. The Han dynasty, Chandrupaka, Asoka, and the Caesars reflected thought and approached it in actual accomplishment. The universal church might have accomplished it. Ancient China tried, but when collective action contested with balance of power, the universal ideal went afoul just as in the Hellenic world the sloganized perfection of the city state would not give way to the bigger ideal. Each time the problem is the same. And in this we seem to have struck a good universal. We ourselves have been willing to join for war, but we insist upon independent action when the aim is peace. It is easier to agree to disagree than it is to unite in accomplishing ends which we acknowledge to be identical. Is not our problem today the age-old one? Sophocles makes Antigone say, "Not to join in hating but to join in loving." Cannot the people of the world be made to see that joining for hate is bad, but that joining for love is good?

Tonight we have placed the structure for world peace not upon a form, although we know its permanent growth can be maintained only through institutional development. Our contention for principles led us to advocate that we join for good in the future as we have joined for ill in the past. Never should we be disheartened about slow growth. New League concepts are evolving from day to day, and as they grow new world theory develops. Japan left the League, but in her leaving a new League idea is given birth. Japan still claims rights at Geneva. She was a signer of the treaty, and she remains a member of the sisterhood of states. The League took its first collective action when it moved to restrain Italy, but all members did not join. Austria and Hungary remained aloof from sanctions. Thus is answered, and satisfactorily answered, the question of whether the theory of neutrality remains part of the world's peaceful process, and thus is answered in the affirmative the question whether a League member may remain neutral when the League takes joint action. Theories for better understanding take years in bearing fruit. We now have the British Commonwealth of Nations. The fundamental principle upon which the Commonwealth rests is one on which the Thirteen Colonies insisted.

England would not in 1776 grant the Colonies the promise that Parliament or the Crown would not veto the acts of our colonial governments, and Jefferson in the Declaration of Independence thundered that the King had vetoed our laws. Upon an American political theory of 1776 rests the security and the unity of the British Commonwealth of Nations in 1936! The mills of the gods do grind. Men and states do change. Institutions founded upon the rock of truth have a way of persisting. View the League in the light of the evolution of an idea and the golden thread of men's age-old purposes finds expression and promise of fulfillment. Historians are never good interpreters of the present. This quotation from Tacitus in speaking about Rome's burning in Nero's time should make us thoughtful today:

"Neither human aid, nor imperial bounty, nor offerings to the gods, could remove the sinister suspicion that the fire had been started by Nero's orders. So, to get rid of this rumor, Nero shifted the blame onto others; and with the most elaborate tortures he punished those people, whom the mob, hating their abominations, used to call Christians. The source of the name was one Christus, who, in the reign of Tiberius, was punished with death by the procurator Pontius Pilatus. For the moment the detestable superstition was checked; but it began to break out again, not only in Judea, where the mischief began, but also in Rome, where everything hideous and shameful from every quarter gathers and is welcome."

Tacitus, in describing the Christian superstition, uses the imperfect tense, as if it were a matter of the past which educated readers of his day might have forgotten. He emphasizes that Nero's cruelties roused pity for his victims, richly, according to Tacitus, as they deserved their fate. The vulgar are often more sentimental than historians. Tacitus was too close to Rome and its feelings toward a "growing superstition" to see what was happening. Are not the wise of the earth today too interested in the news of the earth to fail to comprehend the force of the new world opinion? It is an old theory for governments and ministers to fall when they run counter to public opinion of their own states. It is a new thing when ministers fall because they run counter to world opinion. But in our day we have seen it happen.

World thought, concerning the conduct of nations to each other, made articulate through a medium existing for the exchange of opinion and the development of a universal public will, is the League's crowning glory. In the attainment of that desired end the League will have the blessings of the thoughtful of the earth.

ADDRESS BY HON. JAMES A. FARLEY AT MIAMI, FLA.

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered at the Roosevelt dinner, Miami, Fla., on February 5, 1936, by Hon. James A. Farley, chairman of the Democratic National Committee.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Chairman, Governor Sholtz, distinguished guests, ladies, and gentlemen, I am having a most enjoyable visit in Florida. It is delightful to be again under the Florida sun and away from the blizzards of less-favored sections, even if my stay is temporary, and I am particularly happy to again meet many old friends, some of whom I have met here upon former visits and some of whom, like myself, come from colder climes to enjoy and benefit from your wonderful climate.

It is cheering to know that Florida is enjoying another wonderful season; that your hotels are doing well; your beaches thickly populated; and that all places of recreation are experiencing a fine season. There is a general atmosphere of success and contentment everywhere. As I note these most satisfying conditions, I recall another season down here. I refer to the winter of 1933 when a very different picture was presented. Many of those I see about me now were not in Miami during that period. There was

not a single hotel in which accommodations were not eagerly extended. Not a few of the winter palaces of our wealthy citizens were untenanted that year. The familiar faces which I note today were conspicuous by their absence. The reason for this was pretty obvious. Business throughout the country was at a low ebb. Most of our large industrial corporations were running along on a deficit, and many of our important financial institutions were also either "in the red" or pretty close to it.

Evidences of better times that are so apparent in Miami and other sections of Florida have a far wider application than your local contentment. Florida, as a national winter recreation center, is the symbol, as well as an index of national economic conditions of the country. A big play season here usually means a prosperous season in the great centers of commerce and industry.

I do not mean to infer that the presence of a large group of millionaires on the Florida beaches tells the whole story, for if it were not that the people of more modest income felt that they could afford to travel thousands of miles and enjoy such a vacation as you give them here, you would not have these crowds of people doing happy spending as a preparation for the strenuous life of the rest of the year. The merchants, manufacturers, and their employees all feel the impulse of better days and the urge as well as the ability to pay for the rest and recreation of a winter sojourn in Florida.

Three years ago the one gleam of sunshine amid the prevailing gloom to the captains of industry and of finance was the anticipation of the advent of a new President. They looked forward to March 4th of that year as the date of the happy release from their afflictions. They had turned thumbs down on the President under whom the country had floundered in economic chaos. They had no plan of their own by which to check the downward trend, to check the ebbing tide of business, to check the ever-rising discontent of that great mass of the population which, through no fault of its own, faced destitution and desperation.

It seems incredible now but 3 years ago the idea of revolution did not seem far-fetched to many of the eminent group of whom I have made mention. Their only hope was in Franklin D. Roosevelt. They did not know how he was going to do it, but they did know that they themselves did not have a process in mind and he represented their only hope.

Now, I wonder how they thought he was going to do the job? Did they think he had a magic wand by which he could put back to work millions of the unemployed? Did they think that he could weave a spell with a few mystical words that would start their mills and factories turning at full speed again? Did they think that all he had to do was to say the word to put money into empty pockets and so restore the purchasing power of professional men, farmers, clerks, and mechanics who could thus buy and pay for their goods and so get the wheels of business revolving again? Did they think that by some magic formula he could still the hungry unrest and put hope into the hearts of a hungry and angry multitude?

Well, he did a good job. You have only to look about you to see that money is again in circulation and that business is flourishing. I will not bore you with statistics but I do wish to give you a few figures which emphasize the point I make.

Recently, Business Week printed a list showing how dividends of major industrial groups in 1935 compare with those in 1934. This list follows:

Banks and insurance up 7 percent.
Chain stores up 1 percent.
Copper up 148 percent.
Foods up 2 percent.
Department stores up 31 percent.
Mail-order business up 165 percent.
Motors up 42 percent.
Motor equipment up 42 percent.
Oils up 8 percent.
Public utilities up 1 percent.
Railroads up 3 percent.
Railroad equipment down 40 percent.
Steels up 100 percent.
Tobaccos down 3 percent.
The total was up 10 percent.

Three or four weeks ago the newspapers throughout the country, and particularly in New York, published articles summing up business conditions in the country during 1935 and anticipated further improvement in 1936. One of the metropolitan papers carried a three-column story about the resumption of dividends on preferred and common stocks and of increased dividends, whereas most of these corporations were passing dividends 3 years ago.

Comparing the less than 3 years of the New Deal with the last 3 years of the Old Deal, we find that there has been a reduction in unemployment of 30 percent; an increase in the value of cotton, wheat, and corn of 100 percent or more; an increase in industrial production of 51 percent; and that listed stocks have gone up 130 percent in value, while listed bonds have increased in value 22 percent.

The so-called money class, who 3 years ago were frightened lest their fortunes be engulfed by a repetition in the United States of what had happened in some of the foreign countries, are now so confident and prosperous that they think all peril is past and that no problem confronts them except to make more money. They are so cocky over their relief from the pain of fear that they want to cast aside the new mechanisms which made it possible for the economic machinery to move again.

You are all familiar with the process of mind which makes a few people think they are the whole show. I think that that is what is the matter with some of those who form the backbone of the American Liberty League, or what is often referred to as the American Lobby League. They have, of course, at their command vast sums of money and the ability to purchase propaganda in unlimited amount. They have made so much noise that they have perhaps convinced themselves that the racket of their own raising is a voice of the business community.

I feel obliged to undeceive them. They will find when it comes to the showdown next November that for every capitalist or industrialist who wishes to bring back Hoover days there will be 10 of his own economic group who appreciate that the New Deal, of which these eminent persons are so critical, stopped the panic and gave them, each of them, a chance to recover. They know it is absurd to charge the Roosevelt administration with being the enemy of business. Its whole successful effort has been to save and restore business and it has accomplished that very thing, just as it has removed the great mass of our people from the jeopardy of economic destruction.

The so-called Liberty League, composed of representatives of very big business and the very enormous fortunes, corporation lawyers who are being well paid to belong, and others, held a widely heralded dinner in Washington, a few evenings ago, the objective being to attack and undermine the Roosevelt administration and its accomplishments.

In this connecion we recall that this American Liberty League recently announced its program for the Congress of the United States, which announcement helped to clarify its purpose and objective in having taken upon itself to organize its own supreme court of "52 distinguished corporation lawyers" and to pass upon the constitutionality of Roosevelt legislation. Under these circumstances it is not amiss for the American Liberty League to assume the functions of the President in sending a message.

Ninety-five percent of Americans may be astonished at the nature of its demands.

It demands the immediate balancing of the Budget, knowing full well that this would mean the abandonment of all those activities for the creation of work and the prevention of starvation to those who have no work.

It does propose "moderate relief appropriations"—which means the abandonment of relief in view of the number who are dependent upon it for food and shelter.

It demands that the public works, which has given employment to 3,500,000 people, who with their dependents number to 10,000,000 people, be abandoned and the 3,500,000 be thrown back on charity.

It naturally demands the repeal of the recent tax measure which increases the taxes of the enormously rich and increases the inheritance taxes.

This loss is to be made up, as pointed out at the meeting of the great industrialists, by denying exemptions for children to the taxpayers and by increasing the taxes of the poor and by adding to the list of income-tax payers those who barely have enough on which to live.

It demands the repeal of the Wagner law, which has been referred to as the Magna Carta of labor and which guarantees collective bargaining and protection to the toiler in his right to organize. It demands the throwing out of the Guffey Act, which tends to end the cutthroat competition of the coal operators, which was driving the coal companies to bankruptcy and reducing the miners to the status of serfs.

And it rushes to the defense of unscrupulous holding companies of the type made notorious by Sam Insull, to the end that a few porch climbers of high finance may continue to enrich themselves by robbing the stockholders.

It proposes to destroy the President's social-security legislation, the most humane, progressive, and decent in our history, by divorcing the people's National Government from any connection with it. This would mean the destruction of the Social Security Act and this is what is intended.

If the party opposing Roosevelt in the coming elections is honest with the people it will incorporate all these demands in its platform. The so-called Liberty League is the center and soul of the predatory powers.

Its program is frankly plutocratic and asks for the rule of money over men as during the 12 years before Roosevelt's administration.

It abhors all governmental activity that offers interference with the selfish will of very powerful selfish groups.

It demands that workers and farmers be "put in their places", and made to understand that they are mere hewers of wood and carriers of water.

It resents taxation of the very rich in accordance with their capacity to pay and believes that the Mellons and the Morgans and the Du Ponts should be relieved by increasing the taxes of the middle class and the poor.

Its idea of the "American way" is to maintain a system under which all the wealth of the Nation was being concentrated in the hands of a very few—5 percent of the people.

It seems no obligation on the part of the Government to adopt the social legislation England has had for many years for the protection of the superannuated people from an old age of beggary and charity.

The Liberty League is the organization of those Bourbons who learn nothing and forget nothing. It will do much to advance socialism and communism. It would rule America. It would squeeze the worker dry in his old age and cast him like an orange rind into the refuse pail. And it would continue the infamous

policy of using the agencies of government to create a plutocracy that would perpetuate the sorry business of the Mellons and the Morgans in reducing 95 percent of the people to the status of serfs at the mercy of the exploiters at the top.

The American Liberty League speaks as conclusively for the reactionaries and their party as does Mr. Hoover, the United States Chamber of Commerce, and the National Manufacturers Association.

Indeed, the league is composed in large part of the representatives of that big business which brought the Nation to the outer rim of ruin.

While the Republican National Committee and its allies, such as the American Liberty League, are denouncing the Roosevelt administration with the charge that it has failed to carry out in full all planks of the Chicago platform, they choose to ignore the fact that notwithstanding the Roosevelt administration went into office facing more acute emergency problems than ever had been faced by any previous administration, it has carried out many of the most important planks of that platform.

Our critics ignore the fact that the Roosevelt administration has passed social-security legislation; that it has provided regulation of investment firms and stock exchanges; that it has prevented the unloading of worthless stocks and other securities on the public; that bank deposits have been guaranteed; that banks have been required to divorce their investment business from their commercial banking business; that the prohibition law has been repealed; that hundreds of thousands of home owners have had their homes saved for them; that thousands upon thousands of farmers have been protected from the foreclosure of mortgages on their farms; that relief has been provided for millions of those who had no work; that farm and commodity prices have been about doubled; that farm and other property values have been increased many billions of dollars.

This does not appear such a bad record after all.

The desperate condition of the country early in 1933 called for emergency treatment, and this has delayed the fulfilling of some of the campaign pledges. However, the percentage of platform pledges carried out has been as great in the Roosevelt administration, if not greater, than in previous administrations.

Regardless of what the spokesmen of the Republican National Committee and of its ally, the American Liberty League, have to say in their criticism and their denouncement of President Roosevelt, the fact remains that there is not a single man in public life today who remotely approaches Franklin D. Roosevelt in a capacity for public service and leadership in these reconstruction days.

First, he has courage, and no one denies that. Whatever he thinks necessary to do, he does, regardless of the power of the forces against him. He is no more impressed by the grumblings from Wall Street than by the clamor of other misguided minority groups. He has Jacksonian courage.

Second, he has vision, and no one has seen so clearly through the system of privilege to its wrongs and fatal weaknesses and no one looks so far into the future in his planning for the betterment of living conditions for all.

Third, he has constructive genius; and while minor mistakes have been made his every plan has rested on the sound foundation of the realities.

Fourth, he has a humanitarian outlook; he knows that government affects men and women and children and must be made to serve their interest if it deserves to live. He has thought of the aged no longer able to work; of thousands of young men who, unable to find work, were roaming aimlessly up and down the highways, facing all kinds of temptation and providing a fertile field for the revolutionary and communistic agitators; of the worker threatened with the loss of his job through no fault of his; of mothers on whose care poor children depend, of crippled children who may be saved for useful service to society. He has a heart.

Fifth, he has tireless energy, and when others have gagged he has remained fresh and eager and pushed on.

Sixth, he retains an open mind, which means that he admits the possibility of occasional misjudgment, and having no conceited pride of authorship he keeps his mind open and receptive both to suggestions and criticisms.

Seventh, he has a passion for public service, and from the moment he entered the Legislature of New York he dedicated himself, his thought and his strength, to the service of society, and his worst enemy does not suggest that there is a stain upon his record.

Eighth, he is honest, and that requires no amplification. No one doubts it.

Ninth, he is passionately attached to the American system of democracy and constitutional liberty. With him this is an instinct. It runs in his blood.

Tenth, he looks upon himself as the servant of the people, and beyond any other President has been frank with them. He requires no advance written questions to be answered at press conferences. He takes his questions off the bat and answers them with a most refreshing frankness. And at intervals he sits down at the microphone and in simple language and in conversational tone he chats with the people in city, hamlet, and on far-off ranches, explaining what he has done and why he has done it. Because of this no other President has ever been as close to the people.

Eleventh, he is no demagogue; he does not rant; he does not stoop to conquer by demagogic appeals.

Twelfth, he has a saving sense of humor, and this keeps him human and his feet upon the ground.

Call the roll of public men and match this combination if you can.

JAPAN'S ORIENTAL POLICY

THREAT TO THE UNITED STATES AND CHINESE OPEN-DOOR POLICY

Mr. PITTMAN. Mr. President, there have been a great number of publications emanating from officers of the Japanese Government touching their policy in the Orient as it affects our own foreign policy. I have very carefully segregated and collated these statements for the purpose of having Congress determine exactly what their policy is and, as nearly as possible, how it will affect us in the future. I have condensed my statement as much as possible, I will say to the Senate, and therefore I will appreciate it if I may read the statement before any questions are asked. If there shall be any questions after that, I shall be very pleased to attempt to answer them.

Mr. President, I think it is high time that Congress take cognizance of the Japanese policy with regard to China, and its intended effect upon the United States. I say "Congress", because in the end Congress alone has the power and the duty imposed upon it to appropriate money for the national defense.

The Japanese Government seems very intense in its desire that we should fully understand their foreign policy and its relation to our Government. Let us, therefore, calmly and judiciously accommodate the Japanese Government and consider their policy as evidenced by their frank and bold pronouncements, and substantiated by their acts.

The Japanese Ambassador to the United States, who never hesitates to advise our people as to the foreign policy of his Government as it affects us, and to justify such policy, in his speech before the Japan Society at New York, on January 31, publicly discussed the Japanese foreign policy with regard to China, and for the evident purpose of silencing our citizens, and possibly our Government, with regard to Japan's Chinese policy, intimated that such policy is the same policy as our Monroe Doctrine. Portions of his speech, and subsequently an interview with regard to the intimation above referred to, were published in the press throughout the country.

I will state that I wrote the Japanese Ambassador and asked him if he was correctly reported in the press, and, in answer to my inquiry, he sent me a copy of the speech he had delivered. I find that he was correctly reported in the press.

Here is what the Japanese Ambassador says with regard to our Monroe Doctrine and with regard to Japan's Chinese policy:

AMBASSADOR MISCONSTRUES MONROE DOCTRINE

Up to the time of the World War all of the great nations of the west possessed territory in east Asia which they had taken from the Chinese or other people near to Japan. These occidental aggressions had caused the Japanese to wage several minor and at least one major war. Naturally our people want no repetition of these western encroachments into their sphere of the world. The United States would countenance favorably none in any part of the Americas from Europe or Asia.

The report of the speech then says that the Japanese Ambassador contended that wherever Japanese have gone "they have enormously improved conditions for the interest and welfare of local peoples." He cited specifically benefits to Formosa, Korea, and Manchuria, and implied that Japan could similarly help China.

We have not forgotten the history of the conquest of Korea, and the conquest of Manchuria is fresh in our minds. That last conquest was in violation of the Covenant of the League of Nations, the Kellogg-Briand Pact to outlaw war, and the nine-power pact adopted at Washington in 1922. Japan at the time of such conquest was a party to all of such treaties. We have taken notice of the acts of Japan in North China, looking to the consummation of the Chinese policy. We are aware of the three-point demand made by Japan on China; we are aware that the acceptance by China of such demand is a final surrender of her sovereignty. Yes; we fully understand Japan's policy toward China and toward our Government with relation to China.

I am astonished, however, that the distinguished Ambassador of Japan, who is so learned in history and international law, should attempt to create the impression in our country that Japan's doctrine with relation to China is similar to our Monroe Doctrine. Such doctrines may have similarity as to the threat implied against foreign conquest, but under the Monroe Doctrine we did not arrogate to ourselves the right of conquest or domination in the Americas.

We were seeking to preserve the republics of Latin America, not to destroy them.

There is, however, a Monroe doctrine applicable to China, which Japan, together with eight other governments, including the United States, solemnly agreed to abide by and respect. It is in full force and effect at the present time and has been in full force and effect since 1922. It is known as the Nine-Power Pact. It was adopted at Washington, at the great conference for the elimination of armament and for other purposes, held in the years 1921 and 1922.

MONROE DOCTRINE FOR CHINA

Let us see what that doctrine is. I wish the Senate to note carefully this compact. It has been challenged absolutely by Japan and apparently ignored by other members of the compact. I read article I:

The contracting powers, other than China, agree:
(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;
(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;
(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;
(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly states, and from countenancing action inimical to the security of such states.

That is the Monroe doctrine for China. I wish now to proceed with further evidence.

Now, let us consider the definite and emphatic pronouncement of an even higher Japanese authority. I say "higher" authority because since 1932 the Government of Japan has been dominated by the officers of the Japanese Army and Navy. Vice Admiral Sankichi Takahashi, commander in chief of all of the Japanese fleets, tells us abruptly how the Japanese policy shall affect the United States. I will read the press report of his statement as published in the Washington Post under date of January 23, 1936. I implore the Senate to listen to this authoritative statement of, I believe, the highest officer in the Japanese Government. I read the article exactly as published:

JAPAN'S THREAT

A threat that Japan may extend the cruising radius of her Navy in the Pacific waters if the United States does not alter its commercial and naval policies was voiced tonight by Vice Admiral Sankichi Takahashi, commander of the Japanese fleets.

Speaking before the Osaka Club, Takahashi warned:

I quote his exact language:

"Unless America renounces her naval policy aimed at the expansion and protection of her foreign trade, Japan will be forced to extend the fleets' cruising radius to New Guinea, Celebes, and Borneo, and establish footholds in Formosa and the mandated South Sea Islands."

That is the end of the quotation of his exact language. The press article continues:

The only objective of Japan's naval policy thus far, Takahashi asserted, has been the "national defense", and he suggested that the United States confine her naval program to that purpose.

He commands, in language that cannot be misunderstood, that we abandon our naval policy, refrain from expanding our commerce in China, and cease the protection of our foreign commerce. This command is accompanied with the threat that if we do not yield to his demands Japan will increase its fleet and fortify its islands. Is there any doubt as to the meaning of this threat? We are warned that the admiral intends that we shall be unable to protect our commerce in the west Pacific by reason of the overwhelming Japanese fleet. The admiral should qualify his statement, lest some might be led to believe that it includes our commerce and our relations with the Philippine Islands.

Never in the history of modern times has such an undiplomatic, arrogant, and impertinent statement been volunteered by one holding such a position. That statement has been published around the world for over 2 weeks, and yet no explanation or retraction has been heard from representatives of Japan, or any expression of resentment from any source.

Of course, Congress will not be bulldozed into the abandonment of our national defense, the protection of our legitimate foreign trade, or our commerce with China, a friendly nation that is at peace with us and the rest of the world.

JAPANESE DECEPTIVE PROPAGANDA

The Japanese propagandists are apparently attempting to influence the good, peace-loving people of this country through deceptive articles and threats of war, with the obvious purpose of having public sentiment restrain the proper action of our Government. As an illustration of this false and destructive propaganda, permit me to call to your attention an article published in the Washington Post of January 19 by Mr. K. K. Kawakami. Mr. Kawakami is a learned and distinguished subject of the Emperor of Japan, and an editorial correspondent of the Tokyo Hochi Shimbun, one of the largest papers of Japan, and a supporter of the Japanese military government. This article was published at a very opportune time. The women's great peace society of the United States, the committee on the cause and cure for war, was just assembling in Washington. I hold in my hand this article. It occupies practically one whole page. At the top of the page are three large military pictures showing marching soldiers, airplanes in the air, and great battle fleets maneuvering. These pictures clearly indicate the Japanese military power and are calculated to instill in the minds of the pacifists the dominant feeling of fear. That article was published just as this great convention was assembling.

But let me read some of the false and deceptive statements in this article. I quote from Mr. Kawakami's signed article. Listen to this false statement, intended undoubtedly for deception. I read his exact language:

FALSEHOOD EXPOSED

At a congenial gathering during the preliminary naval parley held in London a year ago Admiral Standley, so the story goes, gave Admiral Yamamoto a friendly slap on the back and said jokingly, "We will go over to your side and lick you with our present ratio." If the Japanese took the joke seriously it was not because of their proverbial lack of the sense of humor.

Before that good-natured back slapping at London American admirals, including Mr. Standley himself, had declared solemnly and in no uncertain terms that under the present ratio their fighting fleet was powerful enough to cross the Pacific and engage the Japanese Navy in Japanese waters. They agreed that in the event of trouble between Japan and America, the only region where the American Navy expected to confront the Japanese was on the Japanese side of the Pacific. They also agreed that the Japanese Navy, under the present ratio, could not and would not cross the Pacific to face the American Fleet.

That statement, because of its unreasonableness, is false upon its face; but I do not depend solely upon that. At my request our Government cabled that statement to Admiral Standley at London. He cabled his reply upon the same day. Here it is:

I categorically deny statement attributed to me by Kawakami.

That false statement was calculated to influence the peace convention then being assembled, and to urge upon it the adoption of a resolution against further naval construction by the United States. Whether such article had its influence or not the fact remains that that women's great peace society did adopt a resolution opposing the further strengthening of our Navy.

But Mr. Kawakami felt impelled to give some excuse why Japan refused our proposal at the London conference to cut all navies 20 percent, even if his excuse is inconsistent with his former argument. Here is what he said in this article:

At London the American delegation proposed that all navies be reduced by 20 percent. The proposal is superficial and impracticable, if not deceptive. The 25 percent which the American Navy would scrap would consist of obsolete, superfluous ships which it is but too glad to get rid of.

Well, our Government knows that we have many obsolete ships, and so does the Japanese admiral; but how did Kawakami get in on this secret? The reasoning leads to the

obvious conclusion that Japan has a first-class navy and no obsolete ships. Evidently Mr. Kawakami is in the confidence of high Japanese authorities. He shows no fear of contradiction or of reprimand from that source; and that source does not hesitate to reprimand in no uncertain manner. He speaks freely with regard to both our naval and foreign policies. In his article he declares:

THREATENS OPEN-DOOR POLICY

To the Japanese, American naval policy, like Janus, has two faces. On the Atlantic side America is determined to pursue a policy of noninterference, so much so that she is ready to renounce her traditional principle of the freedom of the seas, at a sacrifice of billions of dollars in trade. On the Pacific side she insists upon the open door in China, even at the risk of war with Japan, though this open door, in the economic sense, is not an asset but a liability to America.

Well, the United States does not intend to surrender the freedom of the seas, and recognizes no jurisdiction in any government on the high seas beyond the 3-mile limit in time of peace.

The pending neutrality legislation, moreover, expressly reserves and reaffirms all of our rights under international law even in time of peace. Foreign governments may be warned that any restrictions that the United States may see fit to put upon its citizens in time of war will not constitute any warrant for illegal treatment of our citizens by foreign governments nor deprive our Government of the right to take any action it sees fit, voluntarily, on behalf of its citizens.

But what has Mr. Kawakami or Japan to do with our policy with regard to the freedom of the seas? And, again, what has our policy with regard to neutrality during war got to do with our peacetime trade with peaceful China? There is no question of the freedom of the seas, neutral rights, or contraband of war involved in the relations between the United States and China. China is still an independent sovereign Government, at peace with the world, and desirous of trading with us, and there is nothing in the circumstances that can legally, or long physically, interfere with such trade.

The last sentence in the paragraph just quoted is quite material and interesting. It confirms and clarifies the policy of which the Ambassador and the Japanese admiral spoke. The door of China is to be closed to us, even if war is necessary to accomplish it; this in spite of the fact that Japan, in reply to the mild inquiry of the British Foreign Minister, promised to maintain the open door to Manchuria.

Well, there is no open door in Manchuria—to us! American bankers, importers, and businessmen have been run out of Manchuria and replaced by Japanese. Our educators and missionaries will not long be able to remain. But if the so-called law of necessity, pleaded by every conqueror, justifies the breaking of the solemn promises contained in the treaties to which I have referred, why should Japan worry about breaking a promise to maintain the open door in China?

OBEDIENCE TO TREATIES OR NAVIES

We have a right to worry over the violation of peace treaties. We know that there are only two ways of protecting our peace. One is through respect for and obedience to peace treaties, and the other is through a sufficient Navy and air force. We prefer the former method of maintaining peace. I deeply regret that some of our greatest peace advocates and peace societies, who have given so much to obtaining the execution of these peace treaties, are incomprehensibly silent when they are openly and ruthlessly violated, and their instrumentalities challenged.

Yes; some of these great advocates go even further, and mercilessly attack those who do protest against the violation of such treaties. Unless the moral sentiment of the world can be brought to bear in condemnation of those who violate peace agreements, those agreements will become inoperative, held in contempt by all the world! Then war, and war alone, will be left as the only instrument to settle international controversies.

At the peace conference held in Washington recently on the cause and cure of war, this subject was discussed most ably and frankly by one of our great peace advocates, and one who has lent his voice and services to the adoption of peace treaties. On January 23, Prof. Grover Clark, of the department of history and political science of Wellesley College, addressed this great peace society, known as the National Committee on the Cause and Cure of War, on the subject of "The New Dangers of War." I know that the Senate will be interested in hearing read a few quotations from this great speech. In part, he said:

PROFESSOR CLARK DENOUNCES VIOLATION OF PEACE TREATIES

We call ourselves civilized. We have built a civilized and adequate paper structure of peace pledges and machinery. We need no more treaties, no more pledges, no more international agencies, to show that we really are beginning to be civilized in our international relations. All we need is the determination to use the machinery we have set up. We can have the certainty of continuing peace whenever we are ready to pay the price of peace—effective insistence on international justice and respect for international pledges.

In the Far East the danger of war is real today because Japan now is controlled by men who are determined to secure for their country dominance in that part of the world, and because we of the West in effect have told these militarists and all the peoples throughout Asia that we do not take seriously our own peace pledges. By their move in Manchuria in 1931 the Japanese military chieftains created a situation precisely such as our peace machinery was designed to meet. We failed then, and we have continued to fail, to make that machinery work.

The machinery of peace has proven useless, however, not through any internal structural lack. The League Covenant and the nine-power treaty contain provisions entirely adequate for putting an abrupt end to the use of force as an instrument of national policy by the Japanese militarists. The peace machinery did not do that for which it was created simply because we were not sufficiently determined to make it work. The machinery was there. The driving power to make it function was not.

We also have failed in another vital way. We have failed completely to show by our dealings with this military-dominated Japanese Government that our attitude was in any way affected by the fact that that Government flagrantly had broken solemn international pledges to which it and our own Government were parties. We have continued to deal with this brazenly faithless Government precisely as though it had remained completely faithful to the pledges which it had made to and with us. We have sent our Ambassadors to it and received its Ambassadors as though we still felt perfect confidence in its good faith. We have exchanged notes and other communications with it, recalling friendly relations in the past and expressing satisfaction that such relations still continued, as though that Government had done nothing whatever to which we had the slightest objection. And finally—crowning mockery—representatives of the American and British Governments have just spent 2 long months in negotiations looking toward a new treaty with the representatives of this military-dominated Japanese Government, which has proved by its acts that even the most solemn treaty pledges mean nothing to it.

Truly we of the West, by our failure to use the peace machinery when the situation cried out for its use, and by our continued dealing with this Japanese Government as though it were a thoroughly dependable and honorable member of international society, have demonstrated that our desire for peace is of the lips only and our machinery for securing peace is a castle in the clouds of Spain.

Professor Clark performed an invaluable service to this large representative body of women gathered from all over the United States seeking a cure for war. I deeply regret to be compelled to admit that his suggested cure for war—namely, the enforcement of peace treaties—failed to receive official endorsement by the convention.

COMPARISON OF JAPANESE AND AMERICAN NAVIES

I have attempted accurately to give the facts, and fairly to analyze the effect of such policy. It is obvious that it bears directly upon our naval policy. I intend at the proper time to discuss the comparative strength of the navies of Japan and the United States on the Pacific. I may say, however, that it is generally conceded that the United States Navy is not as strong as the Japanese Navy in any operations that might take place in the far Pacific. We have no safe base for supplies and repair west of the Hawaiian Islands. The deterioration of the effective strength of naval vessels attempting to operate 3,000 or 4,000 miles away is too well known to require discussion. I will content myself at present by reading a statement recently made by Admiral Edgar B. Pratt, retired, former Chief of Naval Operations, and an officer who is recognized as one of the greatest naval strategists this country has produced. The statement of Admiral Pratt was published recently, after the statement of Admiral Takahashi, which I have just read. I will not read the entire statement; I will read only a part of it. Admiral Pratt said:

Japan is doing what every country has done which has had motives other than limitation of arms. Her demand for naval

parity means that Japan desires to become excessively strong, for the sum of power is not based on naval limitation alone.

If Japan were to have a navy equal in size and strength to the United States, her common limit of power would be greater than ours; her Army is superior to ours; her air force is equal to ours.

The Japanese ask for more than is just. She is seeking to do what Germany did in the years that led up to the World War. Germany sought the greatest army and the greatest navy. The sum of the power factors gave her a "common upper limit" of arms far in excess of other nations.

Continuing, he said:

So long as we have an adequate navy we are secure from invasion. It is important, therefore, that we keep abreast of every improvement in all branches of naval equipment.

DEFENSE SACRIFICES BY UNITED STATES

No government has made more serious efforts toward the limitation of armaments than the United States; apparently, however, up to the present our efforts have accomplished no beneficial results, but have resulted in great and unnecessary sacrifices by our Government.

We cannot forget the great convention held in the United States upon the invitation of our Government in 1921 and 1922 for the limitation of armaments and fortifications. Never was there a stronger appeal made to the conscience and sentiment of the world than was presented by our own delegation upon the opening of that great convention. Our present Chief Justice, as the head of our delegation, boldly and frankly opened the meeting by the proposal that our Government would destroy seven battleships constructed and in the process of construction.

We cannot forget with what acclaim the representatives of other governments in the world approved and accepted this astounding proposition. We destroyed our battleships, and other governments in good faith destroyed their blueprints or obsolete vessels. And, this having been accomplished to our great sacrifice, the convention then refused to limit the construction of cruisers of 10,000 tons and under, submarines, and military airplanes, and the manufacture of poisonous gases.

We did not take advantage of this unlimited power, but other governments did. We did not build up to the limit, but other governments did. And then, to add to the further amusement of the foreign representatives at this great convention, Japan insisted, before even entering this agreement, that the status quo of the insular fortifications in the far Pacific north of Singapore should be maintained.

Well, whom did that hit? It did not strike at Great Britain's plans of fortification at Singapore, its great naval base; it did not touch deeply the Japanese plan of fortification, because that Government, prior to that time, had been feverishly fortifying various of its islands.

By every obligation imposed upon a government it is our duty, in honor and in good conscience, to defend and protect our citizens and those dependent upon us for protection, not only in the far Pacific but wherever they may be. Apparently this cannot be accomplished through treaties, and if that be so, then there is only one answer, and that is dominating naval and air forces.

It is my purpose to continue to give my support to the maintenance of respect for and obedience to peace treaties and the enactment of legislation that will tend to keep us out of war without the surrender of any of our international rights, but until the time arrives when there is universal respect for and obedience to peace treaties I favor and will support the construction and maintenance by the United States of naval and air forces that will be sufficient to protect our citizens, those dependent upon us, and their legal rights.

Mr. LEWIS. Mr. President, I rise to address the Senate in acknowledgment of an indebtedness to the able chairman of the Committee on Foreign Relations, the Senator from Nevada [Mr. PITTMAN], for calling to the attention of this body a state of facts too much ignored by both the Congress and the people. I had not intended in any wise to address this honorable body upon this subject, or this day on any subject, but the address of the able Senator revived to my mind how I had boldly asserted in the Senate but a short while past, in support of the naval bill then before us, that there would arise as menacing the United States from the Pacific coast a situation because of which, did we not now take heed of it in the calm moments when reflection could occupy her office, we would find ourselves, at some serious moment, in a condition when excitement so exaggerated our emotions as to avoid a just measure of judgment. From such inflamed state danger to our people surely would follow.

Mr. President, I then boldly proclaimed that the time had come when it was evident to me that the policy of Japan was to take charge of all Asia, her policy being upon the theory that she would announce as in emulation of that of the United States to the South American Continent known as the Monroe Doctrine. I said that Japan would go further in the process of her undertaking by announcing the theory of Asia for the Asiatics. Her next step would be the gradual elimination, by such force as she would be able to command, of all the interests of Americans and all the people of America in the Orient. In this departure she would seek to justify herself before the world on the ground that the United States, under our exclusion law, having forbade her people citizenship in this country and limited the number who could be residents, she has the right to exclude Americans from Japan and from the soil of Asia when she is powerful enough to enforce it.

Mr. President, I see another feature which the chairman of the Committee on Foreign Relations possibly avoided, or possibly he has not viewed it as I do. Mr. President, I assert that the United States has not yet become acquainted with either Japan or Russia and their possibilities adverse to the United States. Sir, just before the United States, just ahead of it, is a serious antagonistic approach. It is that Japan will soon move toward Russia or surely Germany with a proposition that Russia or Germany, leading out by the way of Siberia, though now a competitor, may become a partner, if you please, in the enjoyment of all of Asia, and shall have the control of all of Asia and lands to the east.

As the chairman of the Foreign Relations Committee has ably pointed out Japan as having a great navy, I add to this the fact: There is Russia with a great army. As I saw the display while lately in Russia—Russia presents now the largest fleet of airplanes there is in all the world, and to this the largest standing army in numbers on earth. As the finality of this situation the result will be clearly that instead of fighting out the quarrels of the day over Manchuria, between Russia and Japan—an alliance between these two will be made with the understanding that Russia is to furnish the army from the north, Japan to furnish the navy. These two in combination will assert and maintain the supremacy of the whole zone from Russia in the main to the end of Siberia. This will involve China and Japan, Korea, and the Philippines. Including them all the two nations will have complete control and direction particularly as against the United States of America.

I beseech my eminent colleagues who have favored me with their attention since I rose to follow the intimations made by the chairman of the Foreign Relations Committee; to dwell on the fact that our United States are only 18 miles from Russia. From Pacific edge of Russia to the western extremity of that part of our country called Alaska it is but 1 hour's ride in the ordinary flying machine; it is not half a day's journey by the ordinary naval vessel. Our country seems not to think of the situation. Sirs, if the time should come that this Nation shall be so lax in the strengthening of its Navy and the due preparation of its defense as to allow the countries whose object it is to drive us out of all competition, commercial and industrial, in the whole sphere of Asia; we would be the victim of the proposed combination and result I describe. Hear me, Senators! at the expense of having in length or extreme of assertion risked the loss of your good opinion.

I here announce that without a complete and sufficient Navy the seizure of our Territory would first be made of Alaska, when the assailant would say to the United States, "Gentlemen, come and get it"; and we should then be com-

pelled from the long, long distance to get our Navy from some source, as in another instance such as occurred in the Spanish-American War, when we had to make a great circle and circuit, going around the Horn, to be ready for the protection of the interests of this our country.

Then we next would find Japan seizing the Philippines and saying to us, "If you have any interests here, gentlemen, come and protect them." Between the Philippines on the one side possessed by Japan, Alaska right by the doorway, at the foot of Russia, possessed by Russia and her forces; with these two nations in combination, pray, will our country not do well now to consider what is the likelihood tomorrow of the consummation of such an event?

Mr. President, I do not wish to take issue with my brethren as to the measures they have proceeded with and, perchance, closed with respect to the Philippines; but for myself, sirs, I regard it as a great blunder on the part of the United States if it shall wholly give up, at this particular time, control of the Philippine Islands.

The eminent chairman of the Foreign Relations Committee has just alluded to the existence of the Navy, and in his address has spoken of the absence of proper bases for the Navy, the lack of which would so separate our Navy to different parts of the seas that to gather itself together to defend our country would be in itself almost an impossible task.

Yet, in face of this fact, this, our Government, out of a specious, and, in my judgment, a mistaken generosity and form of zeal, indulging a Utopian theory under which one thinks of every country but one's own, is now on the eve of abandoning the only real base that America rightfully had as a legitimate ground of concentration for the Navy in order to guard and to prepare against the conditions I suggest and describe; and the existence is proven, sirs, by the events around us and of which established history now recorded affords complete confirmation.

Mr. President, this brings me to the conclusion to which I wish to direct the attention of my able colleagues. I ask, what is the meaning of these institutions throughout our country which have among their number eminent professors of colleges, splendid and noble-minded women, impulsive, and, I know, wholly patriotic men, assembling throughout the land to condemn the Congress for voting appropriations for the support of the Navy? Here we have the accusation that by making modern the Navy and supporting it by fitting guardianship we are inviting conflict. Goodly women, inspired by some sources of wrong guidance, have put the query to us, "Do you expect to drive our sons to war?" They overlook, I fear—not having had time to contemplate the situation—that the only defense of their sons to protect them from going to war is a complete and sufficient Navy. Sirs, the greatest assault that will come on this country is not from within. We are able to guard ourselves against the feared dangers to our country at home. The National Guards of our respective States, sirs, may in emergencies at our doors be called upon in their several spheres for our country's protection. The country may command them if need be. The same thing is true with respect to the police forces of our cities in any eventualities that could explode of local disturbance.

Mr. President, our national danger does not come from sources from within; our peril lies in assault from abroad. But, sirs, with a Navy complete, watching and guarding our shores, we shall be able to see that none shall intrude upon us; that they are not allowed to trespass upon or become possessed of our soil by investing the shores of this our country. That truth, sirs, makes it unnecessary to accumulate great armies within the interior. In that result we protect the sons of the mothers from being drafted and drawn and enlisted into armies. We can, by means of our Navy, avoid the prospect of the country being assailed by a foreign foe to the extent necessary to call upon our whole force of national defense to rally themselves in the form of protection for America.

Then, Mr. President, I ask the question—and it is for that purpose I rose to supplement the remarks of the able chairman of the Foreign Relations Committee: How can America anticipate the things referred to by the chairman of the Foreign Relations Committee and that which I depict, or how shall our country prepare its defense, if there shall be all around us a spirit that condemns the United States in its effort to prepare for its defense and safeguard America?

We seek no war upon Japan. We seek no war upon any land. We are prepared to do that which the ordinary judgment of mankind approves—to prepare to defend ourselves against a war that is intended against us. It may not be for today; it may not be for tomorrow; but the war we prepare against is a form of war that is to be carried on at once for the purpose of reducing us, in all matters of commercial and industrial competition, to a point where we shall be impotent as against these who are our rivals. This to prevail—even though martial conflict against us becomes necessary to achieve the object.

Mr. President, it is because of that that I summon my colleagues to contemplate whether we should not ask these peace organizations, with their great resources, if they do not realize that in their desire that we should abandon every effort of strengthening the Navy and adding to the defense of our land, by that very course we invite assault upon us? I dare say to this honorable body, we never would have been in war with Germany had this country been in such a condition that the German masters of military maneuvers could have seen that their country would have been defeated in its submarine venture had it dared assault us. We never would have gone to war in the mere matter of conflict of France and England with Germany as to the rivalry of economic advantages, commercial monopoly, and territorial aggression, one over the other. Sirs, in that dread day our country would have been wise enough to see the danger arising from the propaganda coming from those seeking to drive us to war. War on our part did not, as is now charged in select sources, come because of President Wilson, nor was it originated by the United States Army. It was instituted by those standing at a distance of superiority, arrogating to themselves that they were purer and nobler in patriotism than the rest of mankind, and charging that all who opposed war lacked true patriotism. These, through their propaganda, characterized the citizens who disagreed with them as wanting in loyalty or respectability. It was they who brought on the war by their demonstration; they now deplore yet condemn the United States for yielding to the propaganda they propagated.

Do my colleagues think if these propagandists were powerful in one instance they would not be equally so in another? And yet note the activity now presented by this group! Let us be frank with ourselves. Do my colleagues in this body fancy that these who discourage the country in its defense may not be stimulated as before by the same propaganda from abroad? And this with purpose to weaken us at home?

Through the cry of the necessity for peace at any price they enable our rivals, whoever they are—our opponents, from wherever they may come—to behold at the proper time the weakness of our Government, the lack of defense and support, and in such an hour to strike. From this phase of danger and destruction we must awake to that fact of peril and realize the duty to overcome it.

Mr. President, I would that my honorable colleagues in this body and those in the other body of the Congress should begin to consider the threats by conduct directed to this country, and to know what will be our fate if we fail to advise caution and give consideration to our real situation. Therefore, Mr. President, indulging as I have already too far the generosity of this body in listening to me, I propose that we begin to inform our fellow citizens of the societies which organize opposition against America's national defense of the evils they are bringing on themselves. Let them see the situation of the world as it confronts us; and let them behold the plain tragic truth, Mr. President—that this, our great America, has not one real friend among the nations of the world. Neither appreciation for our aid, nor gratitude for our sacrifices, has moved those to whom in the World

War conflict we gave so much. They will not even, in this hour, recognize the debts growing out of the money they drew from our Treasury. They do not appreciate the sustenance we gave them financially, nor have they gratitude for the sacrifices of our children on the battlefield to fall in death for them. These nations do not acknowledge their debt to us, and far less do they contribute a dollar toward its repayment, as they scoff and smirk at our demand for payment.

Yet, with a spirit of that nature and with the account as given us today by the chairman of the Foreign Relations Committee, we and our country realize that it has in hazard and peril nowhere to go but to itself. In all tribulation it must depend solely on itself. Sirs, the situation must be perfectly apparent to a reflective mind. In the face of this, are we to sit idle and flatter ourselves that all the world is craving to embrace us to its bosom in fraternity under the specious name of world peace? Let there be no further delusion; let us realize that peace with us lies in our being able to compel it, and that the real defense of this country lies in its ability to show before the whole world that we contemplate no quarrel with any people, but that if there be any who contemplate a quarrel with us we are ready to resist the advance, and that this Nation still stands, as it ever must, as Americans in America for America and for the honor of this the United States of America. I thank the Senate. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. GEORGE in the chair). Visitors in the gallery will preserve order.

Mr. BORAH. Mr. President, I wish to ask the Senator from Nevada as to the speech of Professor Clark from which he quoted, and which I have never read. In his speech Professor Clark repeats that the machinery was at hand to enforce the peace treaties but that we did not use the machinery. What does he mean by that?

Mr. PITTMAN. I would have to give my own construction of it, of course. His subject, as I said before, was The New Dangers of War, and he took as one of the "new dangers of war" the attitude of the Japanese in China. He referred, of course, to the three treaties, the Kellogg-Briand treaty, the Covenant of the League of Nations, and the nine power pact.

In regard to the nine-power pact, he called attention to the fact that the United States was a party to that pact. I take it he means that the threat of a new war about which he was talking possibly could be stopped by proper representations made to the Japanese Government by the parties to the nine-power pact.

Mr. BORAH. Mr. President, when gentlemen constantly speak of "the machinery" being at hand to enforce the peace treaties at a time when it is contended that the other parties to the treaties were disregarding them, I do not understand what they mean unless they have in mind the use of force. They were disregarding the treaties, it is claimed, and yet we are told by Professor Clark that "the machinery" was at hand to enforce them. There was no "machinery" at hand to enforce the treaties.

Mr. PITTMAN. I believe that the nine-power pact provides for a conference of the nine powers.

Mr. BORAH. Yes; that pact provides for a conference in contemplation of trouble arising; but here was an instance in which the nine-power pact had been disregarded and the time for a conference was here.

Mr. PITTMAN. There is no doubt in my mind, the Senator will understand, that peace treaties are a snare and a delusion unless obedience to them is enforced. I have said before that I do not think it is always necessary to use the Navy to enforce them or to use other forms of physical force. I think that there are other repressive methods that sometimes succeed and sometimes do not succeed.

Mr. BORAH. What I was undertaking to convey to the able Senator was the fact that, in the last analysis, when they talk about enforcing the peace treaties they mean to use force, because that is the only way. You may discuss situations, you may interchange views, but when you talk about enforcing peace treaties you must mean the use of force; and yet you are advocates of peace.

Mr. PITTMAN. I thoroughly agree with the Senator that those who want peace through treaties will have to enforce the treaties or they will not get peace.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER, as in executive session, laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on Finance.

(For nominations this day received, see the end of Senate proceedings.)

DEATH OF FORMER VICE PRESIDENT CURTIS

Mr. ROBINSON. Mr. President, since the Senate was last in session there has departed this life a former Member of this body, who was also Vice President of the United States. His death occurred on Saturday the 8th instant. Former Vice President Curtis served in the House of Representatives for 14 years; he served in this body for a prolonged period, and throughout 4 years was our Presiding Officer. His career was, in many respects, unusual and remarkable. I do not intend now to speak at length with reference to his character and his public services. I yield to the Senator from Kansas [Mr. McGILL].

Mr. McGILL. Mr. President, on Saturday morning the people of the country were shocked at the news of the death of former Vice President Curtis, who was a citizen of the State of Kansas. Charles Curtis, to my mind, was the most distinguished of Kansans. He rose from an humble parentage and birth to the second position of importance in the Nation.

He first came to the Congress as a Member of the House of Representatives in 1893. He served seven different terms as a Member of that body and served for a long period of time as a Member of the Senate of the United States from Kansas, and then 4 years as Vice President of the United States. With the exception of about 2 years, he served 40 years as a public servant.

I do not propose at this time to make further remarks, but on some future occasion I shall ask the time of the Senate to review the career of former Vice President Curtis. At this time I send forward a resolution, which I ask to have read and considered.

The PRESIDING OFFICER. The clerk will read the resolution.

The legislative clerk read the resolution (S. Res. 233), as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. Charles Curtis, a former Member of this body from the State of Kansas and a former Vice President of the United States and President of the Senate.

Resolved, That as a mark of respect to the memory of this distinguished man, whose long life was filled with useful service to the Nation, to his State, and to his fellow men, the Senate do now take a recess until 12 o'clock noon Tuesday.

Mr. McNARY. Mr. President, I join with the able Senator from Arkansas and the distinguished Senator from Kansas in asking for the immediate consideration of the resolution. When I came to the Senate in the early summer of 1917 Charlie Curtis, a Senator from Kansas, was then "whip." Later he became the very distinguished leader of the majority side, and finally he ably and nobly served the country in the office of Vice President.

His was a disposition that called for and inspired affection, and I am pleased to say that every Member of this body who served with him during his long period of service saw fit, on account of his friendly feeling for the former Vice President, to call him by the name of "Charlie." His kindly, generous, tolerant nature endeared him to us all. I sincerely hope that the Senate may now recess out of respect to his memory and his great achievements of public service.

The PRESIDING OFFICER. The question is on agreeing to the resolution submitted by the Senator from Kansas [Mr. McGILL].

The resolution was unanimously agreed to; and (at 1 o'clock and 10 minutes p. m.), under the second branch of the resolution, the Senate took a recess until tomorrow, Tuesday, February 11, 1936, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 10 (legislative day of Jan. 16), 1936

FEDERAL ALCOHOL ADMINISTRATION

Capt. Wilford S. Alexander, of Meriden, Conn., to be Administrator of the Federal Alcohol Administration, to fill an existing vacancy.

NATIONAL EMERGENCY COUNCIL

Donald Renshaw, of California, to be State director, National Emergency Council, for California, vice Jerome F. Sears, resigned.

PUBLIC HEALTH SERVICE

Passed Assistant Dental Surgeon William C. Parker to be dental surgeon in the United States Public Health Service, to rank as such from February 11, 1936.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 10, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty and everlasting God, at the beginning of another day we most humbly praise Thee for the divinity which Thou hast implanted in us; it binds us forever to the Father's heart.

In the night of death, Hope sees a star, and, listening, Love catches the rustle of the wings. Augment the thought in us, O God, that he most lives who thinks most, feels noblest, and acts best.

Gracious Lord, a most distinguished son of the Republic has passed to the larger life, leaving a void in the hearts of those who knew him best. Through many years he proved himself worthy by his public service and by his nobility of soul.

For we know that if our earthly house of this tabernacle were dissolved, we have a building of God, a house not made with hands, eternal in the heavens.

O blessed undying truth, which bridges the gulf and makes the continuity of life a glorious reality. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Friday, February 7, 1936, was read and approved.

WITHDRAWAL OF A BILL

Mr. EKWALL. Mr. Speaker, I ask unanimous consent to withdraw from the files of the House the bill H. R. 9032, introduced by me sometime ago.

The SPEAKER. Is there objection?

There was no objection.

WAR DEPARTMENT APPROPRIATION BILL, 1937

Mr. PARKS, from the Committee on Appropriations, reported the bill (H. R. 11035, Rept. No. 1979) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes, which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BOLTON. Mr. Speaker, I reserve all points of order.

HOW CAN WE AVOID WAR?

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address I delivered last night in New York City.

The SPEAKER. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, by permission of the House, I am offering for printing, as part of my remarks, the full text of an address that I prepared to deliver at a meeting in the Mecca Temple in New York City, held last night, February 9, under the auspices of the New Masses Forum. Due to the fact that my time was limited to 35 minutes, I was unable to deliver all of this address, but for the information of those who may be interested to know what my views are upon the question of "How can we avoid war?", I am offering these remarks. On the evening of January 23, 1936, I delivered an extemporaneous address before an audience assembled in the auditorium of the Y. M. C. A. Building of the city of Washington, at the invitation of a group conducting a series of lectures on public questions. Upon numerous other occasions during the fall of 1935 and upon several occasions during the month of January of this year, I delivered addresses or brief talks at different places upon the same general theme.

Mr. Speaker, as a lover of peace, I am firmly persuaded after many years of study and reflection and of observation in European countries, and with some little experience in life, that safe and sane, adequate, and reasonable preparedness for defense is one of the several important factors in preserving peace to America. Of course, the conduct of our foreign relations in the proper spirit is vital, also the avoidance of partiality as between nations, and especially as between belligerents, thereby observing a practical, reasonable policy of neutrality, an attitude of fairness, toleration, and justice on the part of all our people toward the peoples of other nations, and other factors that I do not have time to enumerate, must all cooperate harmoniously with a program of national defense in order to preserve our peace.

It is true, Mr. Speaker, that many people think that preparedness implies getting ready to begin aggressive warfare. They ask, "If you do not propose to fight, why prepare to fight?" It is true that our appropriations for preparedness upon land, sea, and in air are very large and have grown enormously in the last 20 years. But our preparedness cannot fairly be measured with that of other nations in terms of dollars. Our standards of living are very high, our pay to soldiers and sailors is much higher than in other countries, our war materials, munitions, arms, and instrumentalities of war are all very much more costly than in other countries. Therefore, the true basis for comparison is number of men and volume of munitions and quantities of supplies, arms, and instrumentalities of war.

Measured upon that basis, America is perhaps almost equal to Great Britain upon the sea, but in the army America ranks fifteenth or sixteenth in actual organized and trained military forces. Of course, there is a reason for this also, and the reason is obvious. But to say that America need not make adequate and proper preparation against the possibility of war being forced upon her simply because we cannot now, and dare not if we could, state what nation, or combination of nations, we think might eventually attack us and attempt to invade us, is unreasonable. Of course, if we know what nation will attack, surely everybody will agree that we should make feverish preparations for defense. But it would probably be too late for us to make adequate preparation, after we learn who are about to attack us. It is something like fire insurance. A man may own several houses and hesitate to insure them because he would not know which one would get burned and when it would get burned. Yet the man who would fail to take out insurance because he did not know when a house would get burned, and which house would get burned, could certainly not be considered a prudent man and many would probably consider him a foolish man. Merely because we do not know when the fire will break out, nor where it will break out, is the very reason we must take out insurance. After we learn when the fire breaks out is absolutely too late to take out insurance. So it is with regard to military preparedness. To be perfectly frank, we all know that America is not very popular now with any of her powerful sister nations in the Old World.

Fortunately, we have the confidence and friendship of our sister Republics in North and South America. But the fact that many nations owe us great sums of money, that we have grown strong and rich very suddenly while many of them have grown poorer, and the fact that we have vast stretches of open country for expansion of our population while many other countries are overcrowded and seeking room for their people, the fact that our industrialists and inventors and

enterprising merchants are taking many of the markets from some old countries, the fact that our financiers have made investments in many countries to both other countries and other nationals, and many other facts all combine and concur to induce a feeling of jealousy, envy, and resentment toward America. In such a state of feeling, some mere incident, or some accident, some happening that has no direct relation toward war may precipitate in some other country or countries such agitation and turmoil of feeling as to lead to an outbreak of hostilities against America. We must be realists and read history with open eyes. Idealists may say that they cannot conceive of any reason why any nation should make war upon us. If these idealists, these dreamers, will thoughtfully study the history of most of the wars that have occurred in this country and other countries, they will be able to say of the people of that day and generation that there was no adequate, sufficient, and just reason for commencing a war that entailed so much suffering, destruction, and demoralization. Yet in spite of these facts the wars took place.

I am no optimist and no alarmist, but I know that human nature could not have changed within the last generation or two, and I believe that my father and grandfather and uncles and cousins and ancestors back for generations were just as good, if not better, than I am, and yet they wholeheartedly and patriotically engaged in warfare when it came to the Nation. They were typical of the men of their generations. In spite of good intentions, in spite of Christian civilization, in spite of our detached geographical position, in spite of our being relatively weak, and in spite of our relatively small commerce and few international contacts, we nevertheless got into war. How, therefore, can this generation say that a situation will not arise, and may not arise even in a few years, whereby our Nation will be forced into war? All sane and responsible public men from the beginning of our Republic to the present time, without a single exception, have advocated and supported an adequate defense program. What is adequate is the question that can be answered only in the light of surrounding circumstances, including military activities of other nations and of our international relations and measured by these standards, I believe that America now has a mere minimum of preparedness and that her defense measures for protection against attack by air ought to be greatly increased and enlarged.

Mr. Speaker, I herewith submit the text of the address above referred to:

How can we avoid war?

1. While a positive and satisfactory answer cannot be given at this stage of the world's development, millions of the best minds of the world are constantly working upon the solution of this problem of averting war, and we can only sketch some of the principal considerations that should constantly engage the thought and attention of American citizens seeking to avoid the coming of war to America. The problem is both world-wide and local as applied to each separate nation. Naturally and necessarily each nation must approach the solution of this and all other problems from a selfish point of view. That is the law of nature, which was ordained by God. If each nation can separately solve this great problem and all other problems satisfactorily for itself, then step by step the problems will be solved on a world-wide basis.

The first duty of American citizens is to America; and if this leading nation of the western world and one of the leading nations of the whole world—leading in power and influence and humanitarian interests—can avert war as to America, it will be an example to other nations and will help to localize any war that may occur elsewhere and may ultimately be largely influential in eliminating the cancer and curse of war throughout the world, just as American influence since 1776 has been very powerful in wiping out the autocratic hair-trigger monarchies of other nations, and in substituting for them representative government responsible to the will of the people of the several nations.

2. Agitation against war as such, however militant and aggressive that agitation may be, will accomplish little, if anything, toward the ultimate elimination of war as a means of settling or of unsettling, as a means of composing, or as a means of multiplying differences, rivalries, competitions, and jealousies between different nations; the attack must be against the causes of war. It would be foolish for any public-health service to carry on propaganda against typhoid fever. The propaganda must be directed against the insanitary, the unclean, and the infected areas. conditions and places where the germs of typhoid breed and from which they spread. So in the case of war, we must seek deep for the cause and if we can ever eliminate the cause, we will accomplish the cure. Therefore, what are some of the causes of war? While they are numerous and occur with varying degrees of causative influences at different times and at different places, yet they may be generalized under the following heads:

(a) National, racial, religious, rivalries, jealousies, and envy.

(b) Commercial rivalries and competitions.

(c) Industrial competitions, causing unemployment, dislocation of populations, and thus human misery and distress.

(d) Mutual distrust based upon ignorance of each other, thus creating fear; and fear breeds armaments.

(e) National greed for power and territorial expansion, being but the expression in a collective way of the individual and personal greed and ambition of individual citizens.

(f) Vaulting ambition of individual autocrats, formerly represented by rulers, kings, emperors, kaisers, and czars, and, in these very modern times, by dictators under different names, but seeking to exploit personal success and glory at the expense of the people's sacrifice and suffering, because the governments have been allowed to consolidate all powers in the hands of single persons, rather than having the power distributed among numerous representatives of the sovereign people who ultimately must do the fighting, the paying, and the suffering in the event of war.

PROPOSED NEUTRALITY

The American public is just now worked up on the subject of neutrality. Many believe that the right kind of neutrality policy will enable us to avoid being drawn into any general European war. Too often words acquire in the popular mind a value that they do not possess upon close analysis. Popular ideas concerning neutrality may be classed under four general heads with all sorts of variations and modifications, according to the individual notions of each person.

1. The neutrality of George Washington simply meant that America would not take the part of either belligerent, but would trade with either, and with the world at large when opportunity presented, and this policy made it necessary for America to insist upon the freedom of the seas, except where any nation might set up an effective blockade. This has continued to be the policy of America until the passage of the Neutrality Act in the summer of 1935, which act expires on February 28, 1936. The principal feature of this doctrine is the freedom of the seas, for which in part America entered the war in 1917 to maintain and vindicate.

Manifestly, such a theory implies that whenever Americans travel in American ships, and whenever American goods are carried in American ships, it is the duty of the American Government to protect them. Such a policy will necessarily sooner or later involve us in war.

2. The next general group of ideas as to neutrality insists that America should not sell any arms, munitions, or instruments of war, or any other material capable of being converted into instruments of war to either belligerent, nor permit any American firm to finance either belligerent, but that commerce should flow freely to all nations not at war, unless it appears that goods shipped to any government are intended by the consignee for transshipment to either of the belligerents. This policy is enthusiastically supported and bitterly condemned by various sections of American opinion.

3. Still another program of neutrality proposed for America is to keep American citizens and American ships at home, unless they be permitted to travel at their own risk; but that American ports be kept open, and that any foreign ship, either of a belligerent or of a nonbelligerent, be permitted to enter and to load with American goods purchased on the docks and paid for before loading, so that from the moment the outgoing ship crosses the 3-mile limit the goods will no longer be entitled to any American protection, and no one can claim that America is partial to any one belligerent. This policy wil permit a partial flow of international trade, but will virtually paralyze for the time being American shipping.

4. A fourth and last proposition of many ardent individuals is the policy of virtual isolation during war between other and major nations having substantial fleets capable of protecting their own carriers upon the seas. This means that not only would American shipping be paralyzed for the period of the war, but American exports would cease, and the prices for those American products that find a substantial market in foreign countries would undoubtedly decline very seriously if a general war should continue for 3 or 4 months, and if the policy of complete isolation was enforced. In this event cotton would probably drop to 4 or 5 cents a pound, and wheat might drop to 40 or 50 cents a bushel. Other products would probably drop in proportion, and the result would be a complete stagnation of American business. While many Americans would say that American farmers and American businessmen would gladly support such losses and sacrifices rather than the greater loss and sacrifice of war, yet I am disposed to doubt if the American public, including farmers, laborers, railway employees, and businessmen generally, with their various clerical forces, would long submit to any such policy. Truly it might be better from a financial point of view to do that, but knowing how people feel in such circumstances; how they become aroused by reason of their own sufferings; how they insist upon their rights of world trade, I apprehend that before many months they would begin a hue and cry for breaking through this embargo, and enforcing our rights to send commerce upon the high seas, and before many months public sentiment would demand that the policy be abandoned, and that American goods and American citizens be permitted to travel and do business in the markets of the world, thus raising prices and relieving unemployment.

OTHER PEACE-PROMOTING PLANS

Some of the various expedients proposed for reducing the probability of war, because all admit that the possibility of war cannot be eliminated, are a popular vote or referendum before any war can be instituted, except to prevent invasion. Another is to join the League of Nations, and enter into the World Court, and combine with the other nations of the world in maintaining the status quo as to frontiers, populations, existing institutions, etc. Another is complete disarmament among all nations, thus drawing the teeth of the dogs of war and virtually making war impossible. While there is much to be said in favor of the referendum and a concert among all the civilized nations of the world, yet complete disarmament is a dream so insubstantial as to render discussion thereof a waste of time. Even if any one nation should be itself willing to disarm, the fact that other nations would certainly not disarm would prevent any single nation from rendering herself thus defenseless and helpless.

A practical proposal that has been sponsored by the American Legion since the end of the World War is universal mobilization of manpower and resources, and stopping profiteering in time of war, either upon the Government or upon the civilian population, and thus tending to equalize the burdens of war and to remove any temptation to incite war for the purpose of profiteering. This proposal is undoubtedly feasible, practical, in the right direction, and we trust will in a few short months be upon the statute books of the United States. The bill has passed the House of Representatives and is pending before the Senate Committee on Military Affairs, and legislation at this session of Congress is highly desirable. This plan proposes a program of "pay as you fight", so that while the soldiers are striving on land, on water, and in air to defend the Nation and the Nation's rights, that part of the population not in the Army will not be permitted to enjoy profits arising from the existence of war. Heavy taxation will be laid upon incomes and heavy excise duties imposed so that the revenues currently derived from business and industry will be sufficient to pay the costs of munitions and arms, and instrumentalities of warfare, and also to pay the soldiers and to provide for their support and maintenance during the war. According to this plan when the war is over there would be no war debts to be discharged. According to this plan there would be no inflation during the war arising from a program of financing the war by the issuance and sale of bonds, which usually are taken over by the banks and upon these bonds currency issued or credit extended, thus vastly inflating the credit structure and the volume of the paying medium, whether by checks or paper money or coin.

All people interested in justice and fairness should join in a popular demand that this legislation be speedily enacted. In this connection I insist that due recognition shall be given to the efforts and influence of Bernard M. Baruch, of New York City, for his unselfish and patriotic campaign ever since the World War to see that some law shall be passed calculated to prevent profiteering in the event of a future war. Mr. Baruch was chairman of the War Industries Board during the World War, and rendered a most magnificent service to not only this Nation but to our Allies. While in that position he learned just how the practice of profiteering is carried on, and therefore he learned how it might be prevented by proper legislation. Mr. Baruch was under no special obligation to tell the country all that he had learned along this line. Certainly, Mr. Baruch was not under any obligation to carry on at much expense and at great inconvenience his campaign by public speeches, by pamphlets, by magazine articles, by radio addresses, and by newspaper interviews to keep the interest of the public alive in this great plan of preparedness. The latest thing along this line that I have seen from Mr. Baruch appears in the January 1936 number of the American Legion Monthly under the caption "We Won't Have to Fight It." Of course, it means that by proper preparedness along economic, commercial, industrial, and military lines we may avoid war.

If any nation knows that America is prepared by a definite plan, already put upon the statute books, to conduct a war by drawing upon all the resources of the Nation, by meeting the obligations of that war during the war itself, by inspiring cooperation, mutual confidence, and a splendid zeal for a just cause, then any other nation that might otherwise be tempted to invade us, or to violate our rights, and to provoke us to resentment, would be careful not to do so. No nation would recklessly rush into a war and invite almost certain defeat. Due to our geographical situation, if we are adequately prepared not only in arms but in a plan of industrial mobilization, then any other nation would realize the futility of attacking us or of provoking us to war. Thus would peace be assured. Since it takes two parties to make a fight, if we as a peace-loving Nation do not begin any war of aggression against another nation, and if other nations either from the same motives, or from fear of our great power and from a realization of the impossibility of defeating us, would not commence war against us, then our peace would be assured.

OCEANS NO LONGER BARRIERS OF DEFENSE

America is fortunate in her geographical situation which determines her strategy. With an ocean on each side, and with friendly republics occupying both the North and South American Continents, to whom we have always played the part of big brother, we contemplate nothing but a defensive position to maintain our own peace and to prevent interference with the republican institutions of our sister republics, an obligation we assumed in 1823 under the Monroe Doctrine. With the exception of the War of 1812, which was a mere distant repercussion of the Napoleonic wars, and with the further exception of the War with Spain in 1898, which was but a logical development of the Monroe Doctrine, we have had nearly 150 years of peace with European powers, with the exception of our war against the German Empire. But what of the future? Multiplied speed by steamships, rapid communication by telegraph, telephone, and radio, with aircraft capable of spanning the Atlantic Ocean in about 15 hours, America's happy isolation from Europe and her turmoils is about to cease. With our expanded commerce, with our vast financial interests in European countries, nothing European can long remain a matter of indifference to us. All these numerous points of contact increase our chances for collision with the interests and finally the forces of the larger nations of Europe. In view of this changed position, nations though separated by oceans, now have almost a common frontier, and cities and industrial areas even located far inland from our coasts are now upon the front line and are subject to attack from the air by a hostile air fleet. This spells but one conclusion for America, and that is to have an air force at least equal in numerical strength and more efficient if possible in personnel and in machine performance than that of any other nation.

The only defense against air attack is air defense. According to all human probability, based upon the experience of history, America may have to face a combination of two or more powerful fighting nations. In order to reach us they will be drawn far from their base but nevertheless, they can accomplish great destruction of life and of property, and it remains for us to be prepared to beat down any such hostile air fleet. No longer are mere seaport towns and cities alone interested in problems of defense. Every city and industrial center, however far located from salt water and a land frontier is a possible objective of air attack. This makes the whole Nation vitally concerned with the problems of defense. Fighting is no longer a matter for the soldiers in the air or upon the ground or the sailors on the sea. War becomes a paramount peril and indescribable hazard to the whole civilian population, and every man, woman, and child, of every age, business, station in life, or calling, is vitally concerned with two persistent problems. These are, first, to see that America pursues such course as may not provoke animosity, desire for revenge, and therefore invite attack from any other nation or combination of nations. Second, to be so prepared on land, on water, and especially in the air that if any other nation or combination of nations, disregarding our good will, ignoring our desire to be friends, should attack us for any cause, actual or imaginary, then we will be prepared to defend our people and our possessions, even as the father should be prepared to defend the home of his wife and children against the midnight burglar and assassin.

DEFENSE PREPAREDNESS NOT PROVOCATIVE OF WAR

Many good people have thought there is danger of provoking war by maintaining a military establishment. They argue that to prepare for war means that ultimately preparation will be consummated by action. It is true that there is much force in this argument when applied to a nation whose powers of taxation and appropriation and of command of military forces and of the right to declare war are all concentrated in the hands of one person. This would be true of such modern autocracies as exist, according to well-established reports, in Italy, Germany, and in Russia. But it could not ever be true of America so long as the Constitution stands and is respected and obeyed by the people and by the Government. Under our Constitution the command of the Army and the Navy rests in the President. But the power of taxation and of appropriation and of declaring war rests in the Congress. The Congress is closely in touch with the feelings of the people. Due to this separation of powers and counterbalance of action, there is no danger that America would ever enter upon a war of aggression. This is especially true when we remember the very small number of Army and Navy officers, even if Reserve officers and National Guard officers are added to the Regular officers, in comparison with the total population. If to this consideration is added the proposal for universal mobilization of manpower and of industry in the event of war, with the provision against profiteering and preparing for payment of the war expenses during the period of such war, so as to eliminate entirely any selfish motive from any group however influential, and to impose upon noncombatants "the burden of paying for the fight while the boys are out fighting", then we have double assurance that the American people would never approve of any action by Congress declaring a war of aggression.

Members of the Congress are so closely in touch with public sentiment that they would not vote for war unless virtually instructed in advance by popular sentiment calling upon them to declare war. This being the case, America is assured that militarism will never ride in control of our policies. Whatever military establishments we have, and whatever armaments and instrumentalities of war we maintain, they are all avowedly and genuinely acquired and will be employed solely for defense. Surely no sane American can ever object to adequate defense. If anyone imagines that America can maintain her power and her prestige and uphold her civilization without armaments, then such person is due to meet a rude awakening. Simply look at the example of China. She has vaster territory than America has, she has more than three times as much population as America has, her resources are equally as rich as America's, and yet for at least 50 years China has been the football of other nations possessing military power. The Chinese have been driven hither and thither like a flock of sheep by a single dog. Whoever could contemplate such a fate for America without hanging his head in shame surely must be a strange mentality. Surely such person is not worthy of the heritage of the fathers who

fought for our independence and gloriously achieved it and set up our representative Government as a result of such fight, and thus established a model of democratic institutions that most of the other nations of the world have since imitated.

Our American Revolutionary fathers fought to gain independence and to establish constitutional freedom, whereby all necessary changes may be made in constitutional, peaceful way, at the ballot box, and we must remain prepared to defend, by war if necessary, this freedom, purchased at the price of blood and suffering.

SENATOR BORAH AND THE ANTILYNCHING BILL

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, as a Member of the House of Representatives since the World War, and as one who has on numerous occasions spoken and voted for an antilynching bill in Congress, I am willing to concede that the position taken by Senator BORAH on the Costigan-Wagner antilynching bill is sound and probably correct.

Senator BORAH is admittedly the greatest constitutional lawyer in either House of Congress, and it is very evident that he formed his conclusions after careful study as a member of the Judiciary Committee of the Senate to which the bill was referred. He has rendered a service to the colored people by his courageous stand, and it is time that the antilynching bill ceased to be a political football to catch the votes of free American Negroes before election.

Senator BORAH is right. Let us find out where President Roosevelt stands. He is the head of the New Deal administration. Has he ever sent a message to Congress or lifted a finger for the antilynching bill? Where do the other candidates stand on the question of its constitutionality?

My grandfather, Hamilton Fish, as Secretary of State to President Grant, proclaimed the fifteenth amendment, giving the Negroes the right to vote. My father, as speaker of the New York State Assembly, put through the civil rights' bill. As an officer of the gallant old Fifteenth New York colored infantry during the war, I think I know as much about the problems of the colored race as any white man. I led the fight in the American Legion to permit colored veterans to organize their own posts. In Congress I introduced and secured the passage in the House of Representatives of a bill, opposed by practically every southern Democrat, including John N. Garner, now Vice President of the United States; Joseph Byrns, now Speaker of the House of Representatives; and William Bankhead, now Democratic floor leader, as shown by roll call no. 85, page 8395 of the CONGRESSIONAL RECORD of April 28, 1926, to erect a monument to commemorate the heroism of those colored veterans who paid the supreme sacrifice on the battlefields of France.

Before Oscar DePriest was elected to Congress I handled thousands of compensation cases for colored veterans. I assume I have the right to speak to colored Americans without having my sincerity or record questioned.

I resent the cowardly and unfair attacks that are being made on Senator BORAH in the colored press of the country, because they are hitting below the belt and are not founded on facts. Are they being inspired from Democratic sources through the use of political patronage, or do they emanate from the secret councils of the old guard and reactionary politicians who have never done anything for the colored people except to exploit them?

At any rate, among the untrue and vicious charges is that Senator BORAH used his influence to unseat colored delegates at the Republican national convention. The answer is that Senator BORAH has not been on the committee on credentials since 1912, at which time he favored the nomination of Theodore Roosevelt, and naturally supported the colored delegates who were supporting him. The ousting of colored delegates took place in recent years under the Hoover administration, and Senator BORAH had nothing whatever to do with it.

Senator BORAH is a liberal, and as such is for a square deal for all classes of Americans. He has always opposed persecutions of all racial and religious groups, as witnessed by his denunciation of the interference with religious liberty in Mexico and the persecution of the Jews in Palestine a few years ago. He is opposed to intolerance in all forms. He has not a drop of racial prejudice in his make-up. The 12,000,000 colored American citizens can be assured of a square deal from him more than from any other living Republican.

He comes nearer to upholding the humanitarian principles of Abraham Lincoln and the Americanism, fearlessness, and square-deal policies of Theodore Roosevelt than any man now in public life.

He is probably the only living Republican statesman who ever saved a colored man from being lynched by an infuriated mob. Back in 1903, at the risk of his life, he saved James Quarles, a colored man, from being taken from the jail at Nampa, Idaho, by a mob seeking to kill him for having shot a white deputy sheriff. Senator BORAH and a deputy sheriff, armed to the teeth, got the colored boy out of the jail, after the mob had broken the door down and marched him through 2,000 people with drawn pistols and put him on a waiting engine and caboose and got away before the mob had the nerve to attack. Later the boy was freed on a plea of self-defense.

Men with racial prejudice do not risk their own lives to save the life of a Negro. Senator BORAH, as a fearless liberal, will see that the 12,000,000 colored people are given a square deal and economic justice, and that is all they have ever asked.

I realize that there is an inspired campaign on to turn the Negro voters against Senator BORAH. It is understandable as an attempted offset to the rising tide of popularity and political strength manifested toward him by the American people.

Let me, as a long-standing friend, say to the colored people that his position in upholding the Constitution is a tremendous service to them. As Al Smith says, the Constitution is the civil bible of America, representing the rights of the minorities, racial and religious. The American Negro has more at stake through undermining or destroying the Constitution than any other group. The thirteenth, fourteenth, and fifteenth amendments are safeguards and guaranties for the civil rights of 12,000,000 colored Americans. Once the Constitution becomes a scrap of paper these guaranties may be wiped out overnight. When such a day comes the colored people under an unfriendly administration may be treated as the Jews now are in Germany, outlawed, deprived of civil and economic rights and liberties, and even denied the right to hold jobs in the Government service or to trade with white people.

My advice to the 12,000,000 colored American citizens is to stand steadfast by the Constitution and all defenders of the Constitution, and particularly by Senator BORAH, who is the greatest and most fearless expounder and upholder of the Constitution in the United States.

Senator BORAH has been in public life for 30 years and has never cast a single vote against any proposal for the benefit of the colored people, such as appropriations for Howard University, or any other such legislation. He voted against the confirmation of Judge Parker, who was known to be antiracial in his views, and none of BORAH's racial critics can show a single piece of legislation he has voted against, except the antilynching bill, and that on clearly sound constitutional grounds.

In this crisis we need strong, sound, and fearless leaders who will stand on and for the Constitution regardless of vote-catching phrases, whether it affects the white or the Negro.

As one who served 2 years in France with a fighting colored regiment and who favors placing machine guns in every jail, North and South, to be used against lawless and murderous mobs seeking to take the law into their own hands, I favor and urge the nomination of WILLIAM E. BORAH on the Republican ticket for President, as a great American, uncompromising champion of the Constitution, outspoken opponent of foreign entanglements and internationalism, and on his fearless record for a square deal for all Americans regardless of race, color, or creed.

It is high time the inspired propaganda emanating from selfish political and partisan sources be exposed to the light of day, before a political wrong has been done and the colored people suffer the natural consequences of the result of vicious and untruthful attacks on a great American who has always stood for a square deal for all.

It is true that under the present administration, and under recent Republican administrations, the colored people have not received a square deal or the patronage that they were entitled to. Under Theodore Roosevelt they did receive proper consideration and treatment. I personally assure and guarantee to the colored people of America that they will receive at the hands of Senator BORAH, if elected President, the same kind of fair treatment, patronage, and economic and political justice under the law and the Constitution as they did under Theodore Roosevelt, and a far squarer deal than they have received for a quarter of a century under either Democratic or Republican administrations.

The answer is up to the colored voters in the Presidential primaries to be held in a few months in such States as Ohio and Illinois. If, in these States, the colored voters listen to inspired and false propaganda and are deceived by misrepresentation of facts, no matter from what source, it will be an unfortunate set-back for the colored people of America. I am not willing to believe that they can be so easily fooled. The truth is mighty and will prevail.

THE LATE VICE PRESIDENT OF THE UNITED STATES, CHARLES CURTIS

Mr. GUYER. Mr. Speaker, I ask unanimous consent to proceed for 12 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GUYER. Mr. Speaker, on behalf of the Members of the Kansas delegation I speak with profoundest regret and sorrow of the death of former Vice President Charles Curtis. Out in Kansas it came with such startling suddenness, like a thought uninvited, like a sudden cry of fear, that the State was stunned by the sad news. It seemed so unbelievable that this vital man of iron will and constitution should be touched by the hand of Death. But—

> Leaves have their time to fall,
> And flowers to wither at the north wind's breath,
> And stars to set—but all—
> Thou hast all seasons for thine own, O Death.

Senator Curtis, as he preferred to be called, was a Member of this House for 14 years, and of the Senate 20 years, and 4 years Vice President. His whole life was given to the public service, having been county attorney of Shawnee County, Kans., 4 years before his election to the House in 1892. In that public service he poured out his life like a prodigal spendthrift which rendered him a premature victim of the grim reaper; which again illustrates the havoc wrought by this exacting and corroding official life at the Capital. I have served 10 years in this body under five Speakers, three of whom have answered the last roll call.

Charles Curtis was for nearly a half century the dominant political figure in the State of Kansas, and reached the highest official position any citizen of Kansas ever attained, and he deserved every honor ever conferred upon him. But it is not of his high honors and distinction which his career shed upon his native State that the people of Kansas are thinking today as he returns on the last home-coming. Out there today on the prairies and in the cities and villages of his beloved Kansas they are not thinking of the Congressman Curtis of long ago, of the great majority leader of the United States Senate, nor of Vice President Curtis; but deep in their affections they are thinking of one they called "Charley" Curtis, or just "Charley", as he was lovingly known to hundreds and thousands in these five and forty years which embraced his public career.

For 30 years he has been my warm, loyal, unfaltering friend; always ready to give his wise and unselfish advice and counsel; and thousands of Kansans, regardless of party, today, like myself, will bow in deepest sorrow above the bier of one who was in the highest and truest sense a sincere and loyal friend—the rarest thing in the world. Today this good man comes back to his beloved Kansas to sleep beneath the sod he loved so well, rich in the loving memory of his myriad friends and opulent in the good will of a grateful Republic, to whose welfare he gave his life so unreservedly and so faithfully. Peace be to his ashes, and sweet be his rest.

WALTER HINES PAGE

The SPEAKER. Under a special order, the gentleman from North Carolina [Mr. LAMBETH] is recognized for 30 minutes.

Mr. SISSON. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. LAMBETH. I yield.

Mr. SISSON. Mr. Speaker, the gentleman from North Carolina is about to deliver an address on a subject of great importance and I believe of general interest. I believe that ample time should be allowed him, and therefore I ask unanimous consent that he be permitted to address the House for 40 minutes instead of 30 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that the time of the gentleman from North Carolina be extended 10 minutes. Is there objection?

Mr. BANKHEAD. Mr. Speaker, I reserve the right to object. I shall not object to this extension, but we have a program which we are very anxious to carry forward as soon as we can. The War Department appropriation bill is waiting to be taken up after the District of Columbia business is disposed of.

Mr. SNELL. Is the War Department appropriation bill to be taken up immediately?

Mr. BANKHEAD. After the disposal of business in order on District day. We expect to take it up for general debate.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAMBETH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by inserting at the conclusion thereof the message of President Wilson to Congress on April 2, 1917, and to insert certain correspondence and excerpts with reference to the subject of my address.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. LAMBETH. Mr. Speaker, in the generation just preceding mine, a family by the name of Page contributed five brothers, all of them distinguished for public service. No man in North Carolina would dare rise in any public forum or write upon paper which might meet the eyes of the public any intimation or insinuation or innuendo attaching upon the character and honor of those five brothers. Four of them now sleep in the churchyard of Old Bethesda, near Aberdeen, N. C.

One of them represented for 16 years in this body the district which I now have the honor of serving. Some of the older Members will recall the quality and statesmanship of Robert Newton Page. Mr. Speaker, I would that I had time this morning to pay tribute to the life and character and public service of Robert Page, but time will not permit. On some other occasion I hope to have the opportunity to pay fitting tribute to him.

Another brother who distinguished himself for public service was Frank Page, for years chairman of the State Highway Commission for North Carolina. Under his chairmanship more than $100,000,000 was spent for construction of a system of modern highways throughout the length and breadth of North Carolina than which there is none superior in all the world. That money was spent without ever a hint or suspicion or any breath of scandal. On the contrary, it has been stated that Frank Page broke more highway contractors than any man in this country ever did, so correct was his integrity.

Another brother who lies sleeping in that old Scotch churchyard is Henry A. Page, who served as food administrator for North Carolina during the World War. He also served several terms in the North Carolina House of Representatives, where he was noted for his fearlessness as well as ability. It might be of interest to the gentleman from Massachusetts [Mr. TINKHAM] to know that this Page once

defied upon the floor of the house the superintendent of the Anti-Saloon League of North Carolina, as a result of which he was defeated in the next election. And while this has no connection whatever with my subject, I might say it takes more courage to defy the Anti-Saloon League in North Carolina than in Massachusetts.

These three brothers, together with the only surviving brother, J. R. Page, I have known personally, and two of them intimately, and may I say that Robert Page, next to my own father, was more responsible than any other one man for my coming here as Representative of the old Seventh North Carolina District.

The fourth brother, who lies sleeping beneath the pines at Old Bethesda, I never knew personally. Due to his position he achieved greater fame than his brothers. Walter Hines Page was born at Cary, N. C., August 15, 1855. He was a student at old Trinity College, North Carolina, then at Randolph-Macon College in Virginia, and did graduate work at Johns Hopkins University.

Entering the field of journalism, for more than 30 years he held important positions with various publications, notably on the staff of the New York Evening Post, editor of the Forum, Atlantic Monthly, and World's Work.

From 1913–18 Page was Ambassador to the Court of St. James. In this position his labors were so unceasing that his health was broken and he was compelled to resign in August 1918 and return to this country. He died December 21, 1918, on the North Carolina soil he loved so well, and was buried at Old Bethesda, under the longleaf pines, "down in the old country where the sands are white and the air clean."

Mr. Speaker, I have always heard that tropical heat waves had an effect on men's minds, often driving them mad, but I believe now that blizzards must sometimes have the same effect. Last Thursday the gentleman from Massachusetts [Mr. TINKHAM] arose on this floor, not speaking extemporaneously in the heat of debate but reading from a manuscript written in advance, and made the bold assertion, and I quote from his remarks:

> According to his own written declarations, Mr. House was responsible for the appointment of Walter Hines Page as United States Ambassador to the Court of St. James. At a later date I intend to submit to the House evidence to warrant the charge that Mr. Page conducted himself traitorously in that important office.

Mr. Speaker, it is a very serious charge to say that any man, even in time of peace, is a traitor to his own country, but in time of war for even a private soldier—and I happen to have been a private soldier—to give any information to the enemy there is but one penalty, and that is death. But even that does not approach in gravity the insinuation that an Ambassador of this Government in time of war was a traitor, coming as it did from a Representative, a responsible Member of Congress. That is the most shocking statement that I have ever heard made by any man in public office during my lifetime. I could not believe my own eyes as I read it the following morning in the newspapers and in the RECORD!

Who's Who states that the gentleman from Massachusetts [Mr. TINKHAM] fired the first shot against the Austrians after war was declared between the United States and Austria. He was in this House when I was in the Army. It was given to me to fire some shots against the enemy, and I think that I know something of war at first hand. But it has not been given to me to make 24 visits abroad, because I do not possess the means of the gentleman from Massachusetts [Mr. TINKHAM]; and, more important, the demands of my constituents are such that even if I had the means and the inclination I could not absent myself from my post of duty for such indulgence. I have had only a bare acquaintance with the gentleman from Massachusetts [Mr. TINKHAM] during my three terms here, until recently when the Committee on Foreign Affairs began hearings on the neutrality bill. During that period, sitting across the table, we engaged in several verbal clashes, none of which left any sting whatsoever with me, and I am frank to confess that I had become extremely fond of the gentleman from Massachusetts [Mr. TINKHAM] as I became better acquainted with him.

It is common knowledge that he has in his apartment many trophies, among which are the heads of lions and other wild beasts which he delights to hunt on the continents of Africa and Asia. The gentleman from Massachusetts [Mr. TINKHAM] does not hunt small game. He does not go to Scotland to shoot grouse; he goes to Africa to shoot elephants. I rather suspect that he has in his apartment the scalps of the League of Nations and the World Court, and you will all remember the spasms of oratory which he exhibited here on the closing night of the Seventy-third Congress when he attempted to defeat a simple resolution providing that our Government send representatives to the International Labor Office at Geneva.

But there is one scalp that the big-game hunter does not have, and that is the scalp of the British lion, although it is common knowledge that he has already declared war on Great Britain! Indeed, in the course of his wild declamation last Thursday he made the nonsensical accusation that our State Department was a sort of subsidiary of the British Foreign Office under the Wilson, Hoover, and Roosevelt administrations. What could be more absurd?

Secretary Hull and Assistant Secretary Moore were both Members of this House during recent years, and the gentleman from Massachusetts [Mr. TINKHAM] knows them well enough to realize himself how completely he lost his sense of proportion and of propriety on that occasion. The best description which could be given his performance of last Thursday is a quixotic tilting at a windmill.

But on Thursday he turned his Big Bertha for a long-distance shot upon a tomb at Old Bethesda. Only one thing would have shocked me more, and that would have been that the gentleman here had risen and announced that he had documents to prove that the Unknown Soldier was the son of an expatriated Englishman and therefore he was a British spy.

I do not intend to impugn the motives of the gentleman from Massachusetts [Mr. TINKHAM]. Even if I wished to do so, the rules of this House would not permit it, and I do not wish my emotions and deep resentment to carry me beyond the limits of parliamentary language. I do not believe in dealing with personalities, whether on or off the floor of the House. While I do not impugn the motives of the gentleman from Massachusetts [Mr. TINKHAM], I do think that his judgment is bad and his ideas are queer, and I cannot imagine any other Representative who would have had such a brainstorm.

In connection with the neutrality bill about which the gentleman had so much to say in his remarks, during the hearings before the Committee on Foreign Affairs he took a very active part. He brought down a battery of professors to shoot the bill to pieces. The interesting thing about it was that none of the professors agreed with his position. In fact, it is very rare that anyone is found who agrees completely with the gentleman from Massachusetts [Mr. TINKHAM]. He is the arch isolationist of the United States, and perhaps the whole world. I imagine that he will consider this as a great compliment. For myself, Mr. Speaker, let it be understood that his philsosophy and mine are almost as far apart as the Poles; or better, as far removed as the Equator is from the Poles, because otherwise the gentleman would say that I am an internationalist and favor the entrance of the United States into the League of Nations. That is not my position at all. When anyone disagrees with the gentleman from Massachusetts [Mr. TINKHAM], he immediately labels that person as an internationalist or an advocate of the League of Nations. Reduced to an absurdity, his philosophy means simply this: That under no circumstances would there be any cooperation between our Government and foreign governments, and in the event of war he would close our ports. In other words, he would have the United States out-China China in order to make completely effective his philosophy of extreme isolationism.

But when the time came to vote upon reporting out the bill, the gentleman was not even present in the committee

although he has more decided views regarding these questions than any man or woman on the committee.

He has consistently opposed every proposal for peace. During all the years he has been here he has advocated no constructive legislation. If he has ever proposed anything to help prevent war, I should like to know what it was.

As to the charge that Colonel House was responsible for Page's appointment as ambassador—if this were true, it would have been a matter in which he could have taken pride. Such, however, was not the case. When Page was 26 years old, doing work in Atlanta for a New York newspaper, he met Wilson, then a struggling young lawyer 25 years old. Until Page died, these two kept in touch with each other—Wilson often contributing to Page's magazines. Page prevailed upon Wilson to be a candidate for the governorship of New Jersey and threw himself with fervor into the task of securing the Presidential nomination for Wilson, because Wilson represented the ideals which Page cherished. He suggested that Wilson deliver his message to Congress in person, which Wilson did.

Page introduced Colonel House to Wilson at the request of Colonel House, who had never met him and wished to be presented by one of whom Wilson thought highly. This introduction took place before Wilson's first nomination for the Presidency. Wilson thought so highly of Page that he consulted him freely as to Cabinet appointments. From these facts it would appear that Wilson's choice of Page as his ambassador was entirely his own.

Walter Hines Page was a gentleman; not only a gentleman but a Christian gentleman, even if that term is becoming a little obsolete. What do I mean by a gentleman? The best definition I can give is that of Irwin Laughlin, a fair-minded Republican, himself a gentleman and a distinguished diplomat, who was counselor in the Embassy at London while Page was Ambassador. He was daily at his elbow, knew him intimately, and thought so highly of Page that he made the following statement:

A gentleman is a man of gentle and considerate feelings, of courteous demeanor, of just perceptions, of sound principles, of unflinching truthfulness, of loyal devotion, of self-forgetfulness, of courage. To all this Walter Page added a whimsical sense of humor, good judgment, and that very uncommon endowment, sound common sense, and with such qualities there is no need of the showy attributes of genius for great accomplishment. The many and complex problems with which he had to do in London from the beginning of August 1914 were to him, as far as his own action was concerned, comparatively simple. He knew his duty and he did it.

He was an audacious truth teller. He felt that he was sent over to England to report the whole truth. At first it was surprising, then irksome, and at last irresistible. Wilson once said that if anyone wanted to get him to do something the best approach would be to get Page to write him a letter. What is an ambassador for, anyway? A cynical person has defined an ambassador as a man sent to lie abroad for the good of his country, but Page all his life had been noted for speaking the truth regardless of the reaction at the moment. He felt that he was sent there to do it.

At this point I quote from pages 240 and 241 of a book entitled "Old Bethesda", recently written by the late Bion Butler, of Southern Pines, N. C., an independent Republican:

Fortunately for this country and for the whole world, another broad mind, Woodrow Wilson, when the German Kaiser opened his gates of hell, had made Page the representative of this Government in Great Britain. Two men who knew each other, unafraid, moved by loftiest motives, were at the helm when the storm let loose. Walter Page gaged the solid integrity of the British people and the faculty they have of hanging to the right and to the common world good. When an emotional wave would have made it possible for the United States to add to Britain's tremendous tasks by lending aid to the Germans, Page in positive language told Wilson, "No." Wilson knew Page was right. Walter Page would not let the country embarrass Great Britain, and that courageous stand saved the world from becoming the suzerainty of a German war lord and German absolute monarchy. A few people realize what a narrow margin kept us from becoming an ally of the German to destroy the British savior of government by the people. But some day perhaps a monument at the hands of a world-wide popular contribution will tell how much more clearly men see things sometimes after the history is made than during its making. And he who saved the world for freedom of the whole people came back in his democracy to await the solution of the common mystery that is the tomb, back to the cardinal principles of the rights of man and the sovereignty of the individual, among his neighbors and friends.

Page as Ambassador will take rank among the foremost of all time. Never have we had abroad an envoy who had better knowledge of our history—political, economic, and social—than did Page. Persistent and intelligent, he was always striving to better the lot of the human race. He was a democrat and also an aristocrat in the best sense of the word. A man of tender sympathy, he had faith and hope for the peoples of the world. There was no sublety or mystery or cunning or self-delusion in his make-up; he was a big, wholesome human being. His was the open diplomacy, direct diplomacy, the diplomacy of candor.

His life was gentle, and the elements
So mix'd in him that Nature might stand up,
And say to all the world "This was a man!"

During his service as our Ambassador he wrote three resignations; first, when the campaign of 1916 was on; the second one he wrote and tore up at Laughlin's urging; the third the President had to accept, because he was dying. Ambassadors are often regarded as ornamental appendages of the country, but Page gave his lifeblood in service to America.

In addition to all these other great qualities of spirit and mind, he had the most wonderful ability for writing letters. No man in recent years has been his equal as a letter writer. And such letters! Beautiful in engraved-like handwriting, finished in thought, turbulent with strident common sense and radiant hope, in virile humor. If he shall not be adjudged the best letter writer of his generation I shall be much mistaken.

Now, Mr. Speaker, when I rose on Friday to ask unanimous consent to address the House today I made the statement that the dead Ambassador could not speak for himself. Upon second thought I realize, however, that he can speak for himself more eloquently than any living man. Therefore I am going to ask your indulgence while I read two letters, one which he wrote his brother, Robert N. Page, never heretofore published, and the other which he wrote from London to his son Frank, who was then at Aberdeen with his mother, it being the first Christmas after the war began. I ask you to listen for several reasons. In the first place, to my mind, they are the most complete answers that can be given to the accusation of the gentleman from Massachusetts [Mr. TINKHAM], for they show the real love of Mr. Page for his home country and his hatred of war.

6 GROSVENOR SQUARE, *November 27, 1914.*

MY DEAR BOB: Truth in this world? Old Pontius Pilate never saw half the difficulties of getting it. This kingdom belongs to the past. The whole future is ours. We are so much bigger, stronger, happier, surer of the future that any American here with half sense has continually to restrain himself from saying so. I am always afraid that I'll boast, afraid even that I'll blurt out some day some such question as this: "Now, since the whole future of the world belongs to America and since we feel most kindly to you as our kinsmen and to your country as the chief motherland of our people and of our institutions, what do you want us to do with you, when we definitely assume command of the world?"

And yet I'm pictured as bowing down to 'em, etc., and—what do you call it?—abasing myself and my country.

What I'd like to know is whether these fellows who say this and say that the President ought to be impeached for treason and that Andy Carnegie is selling out American liberty, do they really believe these things or are they simply common gutter liars? I can't make out, in my amazement.

Truckle to Great Britain? It's these fellows that do that—not I. Isn't it funny? Such a reputation as I have made here at all is a reputation for bluntness, for plain speaking, for forgetting the usual ambassadorial courtesies. Men said to me the night of the famous speech: "How you do hit us!" Then at home, I'm regarded as a truckler? Or, am I? Is it all stage thunder, or are you all gone crazy?

As I said, old Pontius Pilate "wasn't in it." If any bomb is laid for me, cable me (not signing your name). Or am I forgotten in their fight on the President?

Affectionately,

W. H. P.

TO FRANK C. PAGE

SUNDAY, DECEMBER 20, 1914.

DEAR OLD MAN: I envy both you and your mother your chance to make plans for the farm and the house and all the rest of it and to have one another to talk to, and, most of all, you are where

you can now and then change the subject. You can guess somewhat of our plight when Kitty and I confessed to one another last night that we were dead tired and needed to go to bed early and to stay long. She's sleeping yet, the dear kid, and I hope she'll sleep till lunch time. There isn't anything the matter with us but the war, but that's enough, Heaven knows. It's the worst ailment that has ever struck me. Then, if you add to that this dark, wet, foggy, sooty, cold, penetrating climate, you ought to thank your stars that you are not in it. I'm glad your mother's out of it, as much as we miss her; and miss her? Good gracious! There's no telling the hole her absence makes in all our life. But Kitty is a trump, true blue and dead game, and the very best company you can find in a day's journey; and, much as we miss your mother, you mustn't weep for us; we are having some fun and are planning more. I could have no end of fun with her if I had any time. But to work all day and till bedtime doesn't leave much time for sport.

The farm—the farm—the farm—it's yours and mother's, to plan and make and do with as you wish. I shall be happy whatever you do, even if you put the roof in the cellar and the cellar on the top of the house.

If you have room enough (16 by 10 plus a fire and a bath are enough for me), I'll go down there and write a book. If you haven't it, I'll go somewhere else and write a book. I don't propose to be made unhappy by any house or by the lack of any house nor by anything whatsoever.

All the details of life go on here just the same. The war goes as slowly as death, because it is death, death to millions of men. We've all said all we know about it to one another a thousand times; nobody knows anything else; nobody can guess when it will end; nobody has any doubt about how it will end, unless some totally improbable and unexpected thing happens, such as the falling out of the Allies, which can't happen, for none of them can afford it; and we go around the same bloody circle all the time. The papers never have any news; nobody ever talks about anything else; everybody is tired to death; nobody is cheerful; when it isn't sick Belgians it's airplanes; and when it isn't airplanes its bombarding the coast of England. When it isn't an American ship held up it's a fool American-German arrested as a spy; and when it isn't a spy it's a liar who knows the Zeppelins are coming tonight. We don't know anything; we don't believe anybody; we should be surprised at nothing; and at 3 o'clock I'm going to the abbey to a service in honor of the 100 years of peace! The world has all got itself so jumbled up that the bays are all promontories, the mountains are all valleys, and earthquakes are necessary for our happiness. We have disasters for breakfast, mined ships for luncheon, burned cities for dinner, trenches in our dreams, and bombarded towns for small talk.

Peaceful seems the sandy landscape where you are, glad the very blackjacks, happy the curs, blessed the sheep, interesting the chin-whiskered clodhopper, innocent the fool darkey, blessed the mule, for it knows no war. And you have your mother; be happy, boy; you don't know how much you have to be thankful for.

Europe is ceasing to be interesting except as an example of how-not-to-do-it. It has no lessons for us except as a warning, when the whole continent has to go fighting, every blessed one of them, once a century, and half of them half the time between and all prepared even when they are not fighting, and when they shoot away all their money as soon as they begin to get rich a little, and everybody else's money, too, and make the whole world poor; and when they kill every third or fourth generation of the best men and leave the worst to rear families, and have to start over afresh every time with a worse stock, give me Uncle Sam and his big farm. We don't need to catch any of this European life. We can do without it all as well as we can do without the judges' wigs and the court costumes. Besides, I like a land where the potatoes have some flavor, where you can buy a cigar, and get your hair cut, and have warm bathrooms.

Build the farm, therefore, and let me hear at every stage of that happy game. May the New Year be the best that has ever come for you.

Affectionately,

W. H. P.

"Kitty" referred to in this letter was his daughter. She is now Mrs. Charles G. Loring, of Boston, Mass.

I shall pause in order that any man within the hearing of my voice may rise in his place who believes that Page was a traitor or that he was pro-British or pro-anything except pro-American. I will not be able to yield even for a question, because my time is fast slipping away. I simply want the RECORD to show the name of any Member who believes that this gentleman from Massachusetts [Mr. TINKHAM] spoke the truth. [No Member rose.]

Frank Copeland Page, a son of Walter Hines Page, was in the service during the World War. Five nephews of Walter Hines Page—J. R. Page, Jr., R. A. Page, William F. Page, R. N. Page, Jr., and Allison Page—were also in the service. Allison Page, a marine, lost his life at Chateau-Thierry. The son-in-law of Walter Hines Page—Charles G. Loring—was also in the service.

Not only did his son go to war, and his nephews, one of whom died on the field of honor, but Page himself gave his own life to the country just as truly as did Wilson. It ill becomes any Member of the American Congress now, at this late date, to impugn the motives, character, and integrity of one of the greatest Americans of all times.

Why, then, at this late date, 12 years after the letters of Walter Hines Page were published, why are these charges now made? There can be but one answer, and that is that gentlemen who have certain views concerning this neutrality legislation wish to stir up mob spirit, incite false propaganda, muddy the waters, and becloud issues involved in the great decision now confronting the Congress and the American people.

Not one of these four Pages now sleeping at Old Bethesda was a demagogue. They differed honestly, but did not question the motives of others. For instance, Representative Robert Page favored the McLemore resolution, warning our citizens that they would travel on armed ships at their own risk.

Ah, Mr. Speaker, I am sick and tired of hypocrisy and demagoguery, of insincerity in high as well as low places. [Applause.] God save America from demagoguery! The demagogues are the worst enemy in our land. What is a demagogue? I looked up the word in the new English Dictionary and quote:

> A leader of a popular faction or of the mob; a political agitator who appeals to the passions and prejudices of the mob in order to obtain power or further his own interests; an unprincipled or factious popular orator.

Your Committee on Foreign Affairs held dignified hearings on the neutrality bill. It was a serious attempt to settle a most complicated problem and out of the best composite judgment of the minds of that committee to write an American neutrality policy. There was no sensationalism, no use of poison gas or hurling of stink bombs. With one exception no member of that committee has sought the headlines with innuendoes or insinuations.

I am not opposed to investigations if they accomplish anything, if they reveal any information not previously known that will aid in framing proper legislation; but I am opposed to wasting the money of the taxpayers of this country for no purpose other than to stir up propaganda and to publicize certain persons without serving any useful public purpose. [Applause.]

These ghouls and vandals, in order to further their own selfish ends, go at night to the sepulchres of the dead, drag out their corpses, smear them, holding them up as traitors and liars while they sneer with insinuations and innuendoes.

I do not possess the vocabulary of the Senator from Virginia and I fear that I will be unable to restrain myself as admirably as did he recently upon a similar occasion in another body. Is the Congress of the United States to become a National Order of Ghouls? No wonder we are held in contempt by a large segment of thinking public opinion in this country!

As I sometimes pass the heights of St. Albans, on which is rising the National Cathedral, in which the mortal remains of Wilson are buried, memory brings back to me the day when I, as a college boy, saw him inaugurated as President, and that other day in December 1918, when I saw him arrive in Paris, aged beyond his years, carrying on his shoulders the burden of the world. He was not only Commander-in-Chief of our Army and Navy but he was the captain of the ideals and hopes of the common peoples not only of America but of the entire world. His was the world vision, and though his dreams of setting up a plan to outlaw war have not yet come true, the League still lives and is the only hope of the world that another great European war may be averted.

The eagle has passed on * * * into the blue * * *
  And all the chattering of the sparrows dies
  They could not bear to see the eagle rise
Beyond the reaches that their small wings knew.
Above the housetops they could compass, too—
  But though they strove to blind the eagle's eyes
  With fluttering wings * * * to stay him with their cries
He rose and passed—above, beyond their view.

An eagle always is a lonely one—
  The far heights call to him and he must go;
But little birds cannot look on the sun,
  And what an eagle knows they cannot know * * *
When he is gone the small ones know, at last,
That there, above their heads, an eagle passed.

We all know that lately in another place the dead as well as the living have been assailed, a ghoulish propensity of sick minds mistaking abuse for argument and diatribe for dialectics that ought not to spread to this House. We also know of the proper rebuke that was administered; a castigation which ended by leaving nothing to be said but the inexpressible. Words of mine are inadequate to express my indignation and contempt. I, therefore, borrow the words of Shelley, one of the greatest poets who, in writing of the critics who destroyed his young friend, John Keats, used these words:

The herded wolves, bold only to pursue;
The obscene ravens, clamorous o'er the dead;
The vultures to the conqueror's banner true
Who feed where desolation first has fed.

[Applause.]

President Alderman, of the University of Virginia, in his notable address in this Chamber on the occasion of the memorial for Woodrow Wilson, said:

He was aflame with will to advance the slow ascent of man.

These words might have just as truly been spoken of Walter Page, for no two men lived during that critical period who had a closer bond of spiritual kinship and understanding than they. They were two Southern gentlemen.

The gentleman from Massachusetts [Mr. TINKHAM] has classed Walter Page with Judas Iscariot and Benedict Arnold. Like Cyrano de Bergerac, as he walked off the stage of human action, Walter Page carried with him his white plume, and no attempt of the gentleman from Massachusetts [Mr. TINKHAM] can besmirch or besmear that white plume.

Mr. Speaker, having stated the philosophy of the gentleman from Massachusetts [Mr. TINKHAM] and his allies who would have this country become a second-rate world power and not only lose the respect of the other great nations but sacrifice even our own self-respect, not to speak of our economic stake in foreign trade, I wish to declare unhesitatingly my own philosophy with reference to these matters. Let no man understand that I profess to speak for the administration, for the Committee on Foreign Affairs, or for any other man or set of men, but solely my own views in this matter. I believe in the theory of common security; that the peace of the world cannot be maintained by nations acting individually and alone. That means that I believe in what is known as the policy of naming the aggressor nation: whenever two-thirds of the signatories of the Kellogg pact shall meet and declare that an aggressor has broken its pledge and has proceeded by force in violation of commitments made between itself and other nations, thereupon the President of the United States shall inform the Congress of the facts, submit his recommendation, and the Congress shall proceed in the light of its own judgment and of the sentiment of the American people at that time to lay unilateral embargoes against that aggressor nation. In other words, I simply mean that international outlaws should be treated like domestic outlaws. I believe this not only as a matter of good morals but as a matter of good common sense, for the only way to prevent war and to keep ourselves from becoming involved in war is to cooperate, always having our own interest foremost in mind, and without involving ourselves in entangling alliances, to choke to death, if need be, such lawless nations before hell breaks loose upon the continent of Europe or elsewhere in the civilized world. [Applause.]

ADDRESS OF THE PRESIDENT OF THE UNITED STATES DELIVERED AT A JOINT SESSION OF THE TWO HOUSES OF CONGRESS, APRIL 2, 1917

Gentlemen of the Congress, I have called the Congress into extraordinary session because there are serious, very serious, choices of policy to be made, and made immediately, which it was neither right nor constitutionally permissible that I should assume the responsibility of making.

On the 3d of February last I officially laid before you the extraordinary announcement of the Imperial German Government that on and after the 1st day of February it was its purpose to put aside all restraints of law or of humanity and use its submarines to sink every vessel that sought to approach either the ports of Great Britain and Ireland or the western coasts of Europe or any of the ports controlled by the enemies of Germany within the Mediterranean. That had seemed to be the object of the German submarine warfare earlier in the war, but since April of last year the Imperial Government had somewhat restrained the commanders of its undersea craft in conformity with its promise then given to us that passenger boats should not be sunk and that due warning would be given to all other vessels which its submarines might seek to destroy, when no resistance was offered or escape attempted, and care taken that their crews were given at least a fair chance to save their lives in their open boats. The precautions taken were meager and haphazard enough, as was proved in distressing instance after instance in the progress of the cruel and unmanly business, but a certain degree of restraint was observed. The new policy has swept every restriction aside. Vessels of every kind, whatever their flag, their character, their cargo, their destination, their errand, have been ruthlessly sent to the bottom without warning and without thought of help or mercy for those on board, the vessels of friendly neutrals along with those of belligerents. Even hospital ships and ships carrying relief to the sorely bereaved and stricken people of Belgium, though the latter were provided with safe conduct through the proscribed areas by the German Government itself and were distinguished by unmistakable marks of identity, have been sunk with the same reckless lack of compassion or of principle.

I was for a little while unable to believe that such things would in fact be done by any government that had hitherto subscribed to the humane practices of civilized nations. International law had its origin in the attempt to set up some law which would be respected and observed upon the seas, where no nation had right of dominion and where lay the free highways of the world. By painful stage after stage has that law been built up, with meager enough results, indeed, after all was accomplished that could be accomplished, but always with a clear view, at least, of what the heart and conscience of mankind demanded. This minimum of right the German Government has swept aside under the plea of retaliation and necessity and because it had no weapons which it could use at sea except these which it is impossible to employ as it is employing them without throwing to the winds all scruples of humanity or of respect for the understandings that were supposed to underlie the intercourse of the world. I am not now thinking of the loss of property involved, immense and serious as that is, but only of the wanton and wholesale destruction of the lives of noncombatants, men, women, and children, engaged in pursuits which have always, even in the darkest periods of modern history, been deemed innocent and legitimate. Property can be paid for; the lives of peaceful and innocent people cannot be. The present German submarine warfare against commerce is a warfare against mankind.

It is a war against all nations. American ships have been sunk, American lives taken in ways which it has stirred us very deeply to learn of, but the ships and people of other neutral and friendly nations have been sunk and overwhelmed in the waters in the same way. There has been no discrimination. The challenge is to all mankind Each nation must decide for itself how it will meet it. The choice we make for ourselves must be made with a moderation of counsel and a temperateness of judgment befitting our character and our motives as a nation. We must put excited feeling away. Our motive will not be revenge or the victorious assertion of the physical might of the nation, but only the vindication of right, of human right, of which we are only a single champion.

When I addressed the Congress on the 26th of February last I thought that it would suffice to assert our neutral rights with arms, our right to use the seas against unlawful interference, our right to keep our people safe against unlawful violence. But armed neutrality, it now appears, is impracticable. Because submarines are in effect outlaws when used as the German submarines have been used against merchant shipping, it is impossible to defend ships against their attacks as the law of nations has assumed that merchantmen would defend themselves against privateers or cruisers, visible craft giving chase upon the open sea. It is common prudence in such circumstances, grim necessity indeed, to endeavor to destroy them before they have shown their own intention. They must be dealt with upon sight, if dealt with at all. The German Government denies the right of neutrals to use arms at all within the areas of the sea which it has proscribed, even in the defense of rights which no modern publicist has ever before questioned their right to defend. The intimation is conveyed that the armed guards which we have placed on our merchant ships will be treated as beyond the pale of law and subject to be dealt with as pirates would be. Armed neutrality is ineffectual enough at best; in such circumstances and in the face of such pretensions it is worse than ineffectual; it is likely only to produce what it was meant to prevent; it is practically certain to draw us into the war without either the rights or the effectiveness of belligerents. There is one choice we cannot make, we are incapable of making: we will not choose the path of submission and suffer the most sacred rights of our Nation and our people to be ignored or violated. The wrongs against which we now array ourselves are no common wrongs; they cut to the very roots of human life.

With a profound sense of the solemn and even tragical character of the step I am taking and of the grave responsibilities which it involves, but in unhesitating obedience to what I deem my constitutional duty, I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the Government and people of the United States; that it formally accept the status of belligerent which has thus been thrust upon it; and that it take immediate steps not only to put the country in a more thorough state of defense but also to exert all its power and employ all its resources to bring the Government of the German Empire to terms and end the war.

What this will involve is clear. It will involve the utmost practicable cooperation in counsel and action with the governments

now at war with Germany, and, as incident to that, the extension to those governments of the most liberal financial credits, in order that our resources may so far as possible be added to theirs. It will involve the organization and mobilization of all the material resources of the country to supply the materials of war and serve the incidental needs of the Nation in the most abundant and yet the most economical and efficient way possible. It will involve the immediate full equipment of the Navy in all respects but particularly in supplying it with the best means of dealing with the enemy's submarines. It will involve the immedate addition to the armed forces of the United States already provided for by law in case of war at least 500,000 men, who should, in my opinion, be chosen upon the principle of universal liability to service, and also the authorization of subsequent additional increments of equal force so soon as they may be needed and can be handled in training. It will involve also, of course, the granting of adequate credits to the Government, sustained, I hope, so far as they can equitably be sustained by the present generation, by well-conceived taxation.

I say sustained so far as may be equitable by taxation because it seems to me that it would be most unwise to base the credits which will now be necessary entirely on money borrowed. It is our duty, I most respectfully urge, to protect our people so far as we may against the very serious hardships and evils which would be likely to arise out of the inflation which would be produced by vast loans.

In carrying out the measures by which these things are to be accomplished we should keep constantly in mind the wisdom of interfering as little as possible in our own preparation and in the equipment of our own military forces with the duty—for it will be a very practical duty—of supplying the nations already at war with Germany with the materials which they can obtain only from us or by our assistance. They are in the field and we should help them in every way to be effective there.

I shall take the liberty of suggesting, through the several executive departments of the Government, for the consideration of your committees, measures for the accomplishment of the several objects I have mentioned. I hope that it will be your pleasure to deal with them as having been framed after very careful thought by the branch of the Government upon which the responsibility of conducting the war and safeguarding the Nation will most directly fall.

While we do these things, these deeply momentous things, let us be very clear, and make very clear to all the world what our motives and our objects are. My own thought has not been driven from its habitual and normal course by the unhappy events of the last 2 months, and I do not believe that the thought of the Nation has been altered or clouded by them. I have exactly the same things in mind now that I had in mind when I addressed the Senate on the 22d of January last; the same that I had in mind when I addressed the Congress on the 3d of February and on the 26th of February. Our object now, as then, is to vindicate the principles of peace and justice in the life of the world as against selfish and autocratic power and to set up amongst the really free and self-governed peoples of the world such a concert of purpose and of action as will henceforth insure the observance of those principles. Neutrality is no longer feasible or desirable where the peace of the world is involved and the freedom of its peoples, and the menace to that peace and freedom lies in the existence of autocratic governments backed by organized force which is controlled wholly by their will, not by the will of their people. We have seen the last of neutrality in such circumstances. We are at the beginning of an age in which it will be insisted that the same standards of conduct and of responsibility for wrong done shall be observed among nations and their governments that are observed among the individual citizens of civilized states.

We have no quarrel with the German people. We have no feeling toward them but one of sympathy and friendship. It was not upon their impulse that their Government acted in entering this war. It was not with their previous knowledge or approval. It was a war determined upon as wars used to be determined upon in the old, unhappy days when peoples were nowhere consulted by their rulers and wars were provoked and waged in the interest of dynasties or of little groups of ambitious men who were accustomed to use their fellow men as pawns and tools. Self-governed nations do not fill their neighbor states with spies or set the course of intrigue to bring about some critical posture of affairs which will give them an opportunity to strike and make conquest. Such designs can be successfully worked out only under cover and where no one has the right to ask questions. Cunningly contrived plans of deception or aggression, carried, it may be, from generation to generation, can be worked out and kept from the light only within the privacy of courts or behind the carefully guarded confidences of a narrow and privileged class. They are happily impossible where public opinion commands and insists upon full information concerning all the nation's affairs.

A steadfast concert for peace can never be maintained except by a partnership of democratic nations. No autocratic government could be trusted to keep faith within it or observe its covenants. It must be a league of honor, a partnership of opinion. Intrigue would eat its vitals away; the plottings of inner circles who could plan what they would and render account to no one would be a corruption seated at its very heart. Only free peoples can hold their purpose and their honor steady to a common end and prefer the interests of mankind to any narrow interest of their own.

Does not every American feel that assurance has been added to our hope for the future peace of the world by the wonderful and heartening things that have been happening within the last few weeks in Russia? Russia was known by those who knew it best to have been always in fact democratic at heart, in all the vital habits of her thought, in all the intimate relationships of her people that spoke their natural instinct, their habitual attitude toward life. The autocracy that crowned the summit of her political structure, long as it had stood and terrible as was the reality of its power, was not in fact Russian in origin, character, or purpose; and now it has been shaken off and the great, generous Russian people have been added in all their naive majesty and might to the forces that are fighting for freedom in the world, for justice, and for peace. Here is a fit partner for a league of honor.

One of the things that has served to convince us that the Prussian autocracy was not and could never be our friend is that from the very outset of the present war it has filled our unsuspecting communities and even our offices of government with spies and set criminal intrigues everywhere afoot against our national unity of counsel, our peace within and without, our industries, and our commerce. Indeed, it is now evident that its spies were here even before the war began; and it is unhappily not a matter of conjecture but a fact proved in our courts of justice that the intrigues which have more than once become perilously near to disturbing the peace and dislocating the industries of the country have been carried on at the instigation, with the support, and even under the personal direction of official agents of the Imperial Government accredited to the Government of the United States. Even in checking these things and trying to extirpate them we have sought to put the most generous interpretation possible upon them because we knew that their source lay, not in any hostile feeling or purpose of the German people toward us (who were, no doubt, as ignorant of them as we ourselves were), but only in the selfish designs of a Government that did what it pleased and told its people nothing. But they have played their part in serving to convince us at last that that Government entertains no real friendship for us and means to act against our peace and security at its convenience. That it means to stir up enemies against us at our very doors the intercepted note to the German Minister at Mexico City is eloquent evidence.

We are accepting this challenge of hostile purpose because we know that in such a government, following such methods, we can never have a friend; and that in the presence of its organized power, always lying in wait to accomplish we know not what purpose, there can be no assured security for the democratic governments of the world. We are now about to accept gage of battle with this natural foe to liberty and shall, if necessary, spend the whole force of the Nation to check and nullify its pretensions and its power. We are glad, now that we see the facts with no veil of false pretense about them, to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included: for the rights of nations great and small and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. We have no selfish ends to serve. We desire no conquest, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind. We shall be satisfied when those rights have been made as secure as the faith and the freedom of nations can make them.

Just because we fight without rancor and without selfish object, seeking nothing for ourselves but what we shall wish to share with all free peoples, we shall, I feel confident, conduct our operations as belligerents without passion and ourselves observe with proud punctilio the principles of right and of fair play we profess to be fighting for.

I have said nothing of the governments allied with the Imperial Government of Germany, because they have not made war upon us or challenged us to defend our right and our honor. The Austro-Hungarian Government has, indeed, avowed its unqualified endorsement and acceptance of the reckless and lawless submarine warfare adopted now without disguise by the Imperial German Government, and it has therefore not been possible for this Government to receive Count Tarnowski, the ambassador recently accredited to this Government by the Imperial and Royal Government of Austria-Hungary; but that Government has not actually engaged in warfare against citizens of the United States on the seas, and I take the liberty, for the present at least, of postponing a discussion of our relations with the authorities at Vienna. We enter this war only where we are clearly forced into it, because there are no other means of defending our rights.

It will be all the easier for us to conduct ourselves as belligerents in a high spirit of right and fairness because we act without animus, not in enmity toward a people or with the desire to bring any injury or disadvantage upon them, but only in armed opposition to an irresponsible government which has thrown aside all considerations of humanity and of right and is running amuck. We are, let me say again, the sincere friends of the German people, and shall desire nothing so much as the early reestablishment of intimate relations of mutual advantage between us. However hard it may be for them, for the time being, to believe that this is spoken from our hearts. We have borne with their present Government through all these bitter months because of that friendship, exercising a patience and forbearance which would otherwise have been impossible. We shall, happily, still have an opportunity to prove that friendship in our daily attitude and actions toward the millions of men and women of German birth and native sympathy who live amongst us and share our life, and we shall be proud to prove it toward all who are in fact loyal to their neighbors and to the Government in the hour of test. They are, most of

them, as true and loyal Americans as if they had never known any other fealty or allegiance. They will be prompt to stand with us in rebuking and restraining the few who may be of a different mind and purpose. If there should be disloyalty, it will be dealt with with a firm hand of stern repression; but if it lifts its head at all, it will lift it only here and there and without countenance except from a lawless and malignant few.

It is a distressing and oppressive duty, gentlemen of the Congress, which I have performed in thus addressing you. There are, it may be, many months of fiery trial and sacrifice ahead of us. It is a fearful thing to lead this great peaceful people into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other.

EXCERPTS FROM REMARKS OF MR. MILLER, REPUBLICAN, OF MINNESOTA, IN THE HOUSE OF REPRESENTATIVES JANUARY 21, 1919

* * * There is another son of our country, of whom I would speak today, one whose service to this land of ours during the long period of war stands out conspicuous even in these days of greatness and achievement, one who died for his country as resolutely, as nobly as any soldier ever died for the country he loved. I speak of Walter Hines Page, late Ambassador to Great Britain. He was truly a remarkable man, a wonderful man. The smoke of battle must disappear from the earth, the perspective of a distant year when his work shall be better known must come, before the world will know him and measure his deeds.

The Court of St. James has been the most important diplomatic post under the American flag. The line of illustrious men who have represented our country there presents many of the greatest names in our history. In truth, their lives form a large part of the history of our country. Five of these—John Adams, James Monroe, John Quincy Adams, Martin Van Buren, and James Buchanan—later became Presidents of the United States. In the list are also found the names of Rufus King, William Pinkney, Albert Gallatin, John Jay, and Thomas Pinckney, among the most brilliant intellects our Nation has produced. In this list are many of the foremost names in American letters—George Bancroft, James Russell Lowell, Edward Everett, and Charles Francis Adams.

In recent times we find such names as John Hay, Joseph H. Choate, and Whitelaw Reid. Walter Hines Page was the last of this illustrious line and, in my judgment, the greatest, if service is to measure greatness. No other diplomatic representative of our country in all our history ever had as many and as difficult burdens laid upon him. Hardly had he adjusted himself to the duties of his exalted position, acquainting himself with the English people and all branches of their Government, when the Great War like a thunderclap from a clear sky struck Europe. There were more than 50,000 Americans abroad, frantically struggling to escape from the scene of conflict. Letters of credit were valueless and all were in financial straits. Means of transportation were uncertain and often unobtainable. They managed somehow to get to London and there found asylum under the protection of Ambassador Page. Great mobs besieged his home and the American Embassy. He and his staff—in fact, his entire personal and official family—worked night and day during weary weeks and months. The multitude had to be fed, housed, and a passage home secured. Yes, even though passenger ships had nearly ceased to sail, a passage home somehow had to be found. What a motley throng they were! Millionaires, teachers, Negroes, Indians, and cowboys from stranded wild-west shows elbowed and surged in one great American throng. Millionaire and Negro, teacher and cowboy, looked alike to Mr. Page. It was enough that they were Americans, and each received the best Mr. Page could do or give. Many a poor cuss, penniless and stranded, without credit at home or abroad, had his passage home paid by the American Ambassador with no possible hope of return.

But this was only a part of his work. During those whirlwind days, and during all the days for nearly 3 years, the diplomatic relations between America and Great Britain were at fever heat. America was the only great power of the world then not engaged in the great conflict. The fleet of mighty Britain dominated the seas of the world, and the rights of our great neutral country were often jeopardized as Britain fought for her life. Distant as we were from the zone of conflict, and feeling it our duty to be perfectly neutral, we could not and did not appreciate the necessity which England believed made legitimate many acts of hers on the high seas. It is not too much to say, and to say it is not divulging any secret that ought to be hid, there was a time when our relations with Great Britain reached practically an impasse.

* * * I have jogged pretty well over this world, one time and another, and have met in foreign lands many representatives of our country. Among them many stand out in memory for splendid courtesies extended and for the most excellent Americanism they displayed. But Ambassador Page was in a class by himself. Never at home or abroad have I met a man like him.

* * * As Mr. Page was the most perfect American in character and conduct I have ever found in our country's service, so he was the ablest executive and wisest adviser our country has had in its Diplomatic Service in modern times.

* * * It may be if one caught only a fleeting glimpse of this Ambassador of ours he would be thought homely in form, but no one that knew him ever thought that of him. The bigness of his character and the splendor of his mind were thought of. Like the woman who came from the presence of the great Lincoln, with a pardon for her son in her hand, and amid her happy tears exclaimed, "And they told me he was a homely man."

Mr. Page possessed many of Lincoln's elements of greatness. He was simple in manner, direct in expression, lofty in thought, and filled with human sympathies. To inspire love in one's fellow man one must love that fellow man. And Page loved his fellow men. To be of service was as natural to him as to live. In a very human heart there reposed a lofty soul. In his presence you felt vastly more than your mind interpreted from what he said. He lived thought and feeling and in this way exerted a powerful influence. He personified America as our ideals want America to be.

* * * Mr. Page knew nothing of the intrigue of diplomacy. His method was direct, straightforward, honest. His word was relied upon as soon as it was spoken.

* * * But he knew the end was near. He knew his days were numbered. For months he worked on, looking ahead straight into his open grave. Yet he faltered not, nor did he complain. He felt himself a soldier of his country even unto death. At last that worn-out body could carry the burden no longer, and he took to this couch, saying, "I am tired and must rest." He knew it would be a long, long rest. And his heart yearned for the hills and the valleys of Carolina he so loved when a boy; and they bore him there, quietly and reverently. Those eyes, with a vision death had not yet dimmed, once more saw the clear skies and the sunshine of his native State, the land he loved so well, the hills he climbed when a boy, the old home that was associated with so much that was dear in his life. Then, with the bells of victory ringing throughout the land, with the world saved and again at peace, with the country he loved and served advanced high in grateful thought of mankind, his work ended, he went to sleep.

EXCERPT FROM ADDRESS OF VISCOUNT GREY OF FALLODON, K. G., AT THE UNVEILING OF THE TABLET TO WALTER HINES PAGE IN THE CHAPTER HOUSE AT WESTMINSTER ABBEY, JULY 3, 1923

The tablet that is to be unveiled today is in memory of one whose every word and act in great places were inspired by single-minded and earnest desire to make human freedom, as he saw it realized in democracy, prevail among the nations of the world. Walter Hines Page was an example of the truth that the strongest personalities are the outcome not so much of striving for personal success or fame as of patriotism and of faith in an ideal. His patriotism was of the noblest kind; he loved his country both for what it was and for what he believed it could and would do for the benefit of mankind. His perception of the power of the United States, his belief in its democracy, his absolute and never-faltering trust in the will of its people to do great things and good things for the world, were part of his very being. Surely it must be a proud as well as a happy thought for his country to remember that it inspired a faith so high in a mind so keen and pure.

LIFE AND LETTERS OF WALTER HINES PAGE. (HENDRICK, VOL. 1, P. 397)

That the world was saved from this calamity is owing largely to the fact that Great Britain had in its Foreign Office a man who was always solving temporary irritations with his eyes constantly fixed upon a great goal, and that the United States had as Ambassador in London a man who had the most exalted view of the mission of his country, who had dedicated his life to the world-wide spread of the American ideal, and who believed that an indispensable part of his work was the maintenance of a sympathetic and helpful cooperation with the English-speaking peoples.

REPRESENTATIVE ROBERT N. PAGE'S STATEMENT

[From the Washington Post]

Many patriotic citizens of North Carolina are writing me and wiring me to support the President in his diplomatic controversies with European countries. Many just as patriotic are telling me to support a resolution warning American citizens against taking passage on armed vessels of belligerent countries.

The Constitution vests in the President all diplomatic questions, and I, as one Member of Congress, am willing that he should exercise this prerogative. I do not think that Congress or any other large body of men can successfully negotiate matters of diplomacy with other countries. When the President demanded that Congress pass upon a resolution warning American citizens against taking passage on armed vessels of belligerent nations I suggested the following resolution:

"Whereas the Constitution vests in the President all matters of diplomacy:

"*Resolved*, That the Senate and House of Representatives in Congress assembled hereby express confidence in the President in the exercise of this prerogative for the protection of the lives and liberties of American citizens and the honor and peace of the Republic."

SAYS IT SHIFTS RESPONSIBILITY

The President is not satisfied with an unreserved expression of confidence on the part of Congress, but demands a vote upon the

warning of American citizens to refrain from using armed vessels of belligerent countries, asking that it be voted down. This shifts to the conscience and convictions of Members of Congress a responsibility that the Constitution imposed upon the Executive. Having the responsibility thrust upon me, I claim the right to exercise my own judgment and convictions and not have them dictated by someone else. I do not believe that an American should insist upon the exercise of any abstract right that will jeopardize the peace of his country.

To vote against a resolution of warning, places upon me the responsibility for the death of all Americans who, in absence of such warning, may lose their lives by the destruction of an armed vessel of some one of the warring powers, and perhaps thereby plunge this country into war. I cannot gain the consent of my conscience, much as I would like to gratify the President and meet what seems to be the demands of my constituents, regardless of my own conscientious convictions, to in every matter vote as the President requests, thereby assuming responsibility for the loss of a single American life, or even indirectly stain my hands with his blood.

In this instance I am sure that I am in possession of facts which a partial press has kept the people I represent in ignorance of.

QUOTES SAVIOR'S UTTERANCE

Jesus Christ never uttered a more profound truth than when He declared, "Where your treasure is, there will your heart be also." The loan of $500,000,000 to England by American capitalists, to say nothing of the profits of munition manufacturers, has destroyed the semblance even of neutrality in the United States and will probably lead us into war. I have no pro-German or pro anything sentiment or inclination other than pro-American. I realize very forcibly my obligation and responsibility to my immediate constituency and to the American people. I will not stultify my conscience or stain my hands with the blood of my countrymen, neither will I do violence to my conscientious conviction of duty, thereby forfeiting my self-respect.

And now while, so far as I am informed, I would have no opposition for renomination in the approaching primary, I desire to announce that I will not be a candidate for the nomination.

I can never express the depth of my gratitude to the Democrats of the Seventh District for their support and friendship. I would not be in any degree worthy of it if I did not maintain my self-respect and intellectual integrity by retiring instead of remaining your Representative without either.

COPY OF PART OF LETTER WRITTEN BY ROBERT N. PAGE TO HIS SISTER-IN-LAW, MISS CORNELIA SHAW, LIBRARIAN OF DAVIDSON COLLEGE

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 13, 1916.

I thank you sincerely for your note, prompted by your love and confidence in me. I can't talk to the public with the same degree of candor that I can you. My action in declining to be a candidate was prompted by a hearty disgust for the insincerity of men in both high and low places. It was not the result of impulse; on the contrary, it was the unavoidable culmination of a tendency on the part of the people to deny a Representative the right to use his brain (if he happened to have one) and demand the blind following of a popular idol. I greatly admire Mr. Wilson and in most things find it easy to agree with him, but I have not forgotten the first commandment; many of my constituents have.

Fourteen years ago I wrote into the bond when my people first sent me here the spending of my physical and mental powers to their limit in their service. I did it gladly, and I have paid it to the last ounce of both—I did not sell them my convictions or my conscience—many of them (by no means all) demanded these. I refused, and that's all there is to it. They wanted a phonograph with power merely to vote as it's told, regardless of conviction or conscience. They do not want any thinking done—merely do what some other tells you to do.

Then, here, men elected to Congress privately in cloak room and office loudly proclaiming their position upon questions, swearing no power could change them—a whisper from the White House—presto change "vote any way you say vote, never thought of doing otherwise." I am happy in full possession of my self-respect, headed for private life, where I can think my own thoughts and dare utter my own convictions.

THE WHITE HOUSE,
Washington, February 23, 1915.

Hon. ROBERT N. PAGE,
House of Representatives.

MY DEAR MR. PAGE: May I not thank you very warmly indeed for your letter of February 17?

I hope you know how entirely I respect and honor you. I have been grieved, of course, that you could not support me in such matters as the vote on the ship-purchase bill. The fact that you could not has, however, made me question my own judgment more than it made me question your confidence in me or your loyalty to the party. I do feel very strongly that party government is not possible unless the judgment of individuals can yield to the determinations of party councils, but I have no doubt that that consideration is as prominent in your own mind as in my own and that you do not need to have it recalled.

Pray never think that any false impression will be lodged in my mind as to your motives.

Cordially and sincerely yours, WOODROW WILSON.

REMARKS BY COLLEAGUES CONCERNING THE SERVICE OF MR. ROBERT N. PAGE IN THE HOUSE OF REPRESENTATIVES

[From the CONGRESSIONAL RECORD, Dec. 21, 1916, p. 662]

Mr. MANN. Mr. Speaker, we are in the House, having finished the consideration of the District of Columbia appropriation bill in committee. I think it is a duty that I owe to the House—and a very pleasant duty—to make a reference to the gentleman who has had charge of the District appropriation bill in the House. I do not recall how long Mr. Page has been a Member of the House of Representatives, nor even how long he has had charge of the District of Columbia appropriation bill, but I do recall that for many years in this House it has been a sincere pleasure to me personally, and I am sure to all the other Members of the House, to meet with the pleasing personality of the gentleman from North Carolina. [Applause.]

I make it a practice, and I have done so for many years, of privately receiving advice, suggestions, and information from Members on the Democratic side, though I do not always give them credit in public. [Laughter.] I have frequently had the honor and the pleasure of seeking the advice of the gentleman from North Carolina. The House has learned to rely very largely upon his judgment and to have the highest regard for his opinion. [Applause.]

We come and go, treating those who are here and dealing with those who are here on terms of equality. No matter how much we may love a Member who goes out, we treat his successor as one of us, on the same plane with all. But to me the one thing that causes me distress as a Member of this House is parting with those Members whom I have learned to love.

The gentleman from North Carolina goes out of the House purely on his own volition. He goes with the respect and the admiration of every Member of this body, and with the sincere regret of us all that he will not be in the next House to give us the benefit and comfort of his courage, indomitable as it is [applause], of his wise opinions, and of his pleasing manner of dealing with all who come into contact with him. [Prolonged applause.]

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to speak for 5 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for 5 minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, everyone who is acquainted with the gentleman from North Carolina [Mr. Page] not only shares the high opinion entertained of him by the gentleman from Illinois [Mr. Mann] but must be under a deep sense of obligation for the generous manner in which he has expressed it.

Six years ago, when first appointed to the head of the Committee on Appropriations, I was in the somewhat unusual position of being placed over a committee of 14 members of the majority party, only 3 of whom had ever served on that committee. It necessitated careful and patient work to organize the committee properly, and to have the members unfamiliar with its work become acquainted with the many multiplied duties of its members and to enable them to accumulate the information necessary to discharge their duties in a manner satisfactory to the House and to the country. The gentleman from North Carolina had not served upon the committee prior to that time, but with an industry that was unrivaled, with great patience and tact, he not only became thoroughly familiar with the work of the committee, but he also did that much more important thing, he very speedily gained the confidence of the House for his wide knowledge and for the accuracy and the reliability of his statements.

Mr. Speaker, my experience in the House, now extending over a period of 18 years, leads me to believe that more important than brilliant attainments or great talents is that sincerity of purpose and honesty of statement that make Members of this House have absolute faith in the Member addressing them. [Applause.] Once that confidence is gained it is invaluable, and I have never in my experience known of a Member to do anything or to act in any way to justify the House in withdrawing its confidence. The gentleman from North Carolina has so mastered the details of his work, has so won the confidence of the House, and has exercised such sound judgment in the discharge of his public duties that he has not only relieved me of a very considerable portion of the burdens and duties of my position, but he has made the District of Columbia appropriation bill one that now has the approval not only of the House but of the community.

The most surprising thing I have known in many years has been the universal approval of the press of this city of the District bill as reported and just completed in the committee. The bill was so framed that it aroused but slight antagonism. With the exception of some matters of legislative concern, which the experience and wisdom of the committee led them to believe were desirable to submit to the House, but which Members could properly eliminate by the exercise of their right under the rules, the bill received practically universal commendation in the House. I can only hope that in the future these bills will be received with the same favor, not only here but on the outside. The gentleman from North Carolina has had an intelligent interest in the development and beautifying of the National Capital. He has not been anxious to rush hastily and speedily to the completion of many things that, although desirable, cannot be done too rapidly, but with an intelligent and comprehensive knowledge of the needs of the District of Columbia and the necessities of its government he has so framed the appropriation bills as to give satisfaction to all concerned.

I regret exceedingly that he determined to retire to private life. He has been a loyal supporter in many difficult hours; he has been a safe counselor in troublesome matters; he has been a confidant who consoled; he has been a generous and devoted friend. He has had a successful and brillant career in the House, and I know I express the hope of all Members that the years after his retirement will be long, happy, and prosperous. [Prolonged applause.]

Mr. PAGE of North Carolina. Mr. Speaker, I shall not attempt to express my feelings upon this occasion. I cannot trust myself. I can only thank my friends, the leader of the minority [Mr. Mann], the chairman of my committee [Mr. Fitzgerald], and the membership of this House for their very liberal estimate of my service here.

I want to say to my colleagues that I have felt until just now that I should be very happy when I retired to private life, and I hope I shall be; but I cannot forget, nor shall I undertake to forget, that I separate with my colleagues here with very great reluctance, because it means a separation from those whom I have learned to love very dearly. I thank you, my colleagues, for this tribute. [Applause.]

SUPPORT H. R. 10310 AND HELP COLLECT THE WAR DEBTS—EUROPE MUST BE MADE TO PAY FOR THE LAST WAR BEFORE IT STARTS ANOTHER ONE

Mr. ELLENBOGEN. Mr. Speaker, I ask unanimous consent to extend my own remarks on the war debts.

The SPEAKER. Is there objection?

There was no objection.

Mr. ELLENBOGEN. Mr. Speaker, on January 16 I introduced a bill to collect $12,000,000,000 due us. I believe the time is opportune to demand that foreign debtors resume payment of defaulted installments of the war debts.

We must collect these debts to enable us to pay for public works, feed the unemployed, provide for the needy and the aged, pay the soldiers' bonus, and reduce the national debt.

BABY BONDS CAN BE REDEEMED BY WAR DEBTS

Several weeks ago the Congress decided to pay its war debt to the soldiers by voting for immediate payment of the adjusted-service certificate. New or increased taxation to meet this nonrecurring expense connected with payment of these certificates is inadvisable. Instead I suggest that our war debt to our soldiers be paid by insisting on the collection of the war debts due us.

DEBTORS ARE ABLE TO PAY

I maintain that England, France, Italy, and other foreign debtors have made sufficient recovery to enable them to make payments to this country. Part of these payments should be sufficient each year to meet the expense of paying this debt to our soldiers, who fought and sacrificed for the benefit of these debtor countries.

HOOVER MORATORIUM WAS UNWISE

Since June 15, 1931, when President Hoover unwisely and without authority in law granted a moratorium on interest payments due us semiannually, the debt problem has been neglected and permitted to drift toward cancelation. This moratorium postponed the payment of $252,566,900 due the United States Government from European nations for 1 year.

This has continued to cost the American taxpayer a quarter billion dollars a year.

The Hoover moratorium expired on June 15, 1932, but has unofficially remained in force indefinitely. The generosity of the United States and its willingness to forego its claims for 1 year was not appreciated by the debtor nations. It served as an excuse for the complete stoppage of all foreign-debt payments to the United States, with one notable exception.

FINLAND MAINTAINS HONOR

Finland has regularly made its own payments, whereas all other foreign debtor governments have defaulted since December 1933, and some of them since June 15, 1932.

We have a right at this time to question the sincerity of our former allies in refusing to pay even a small part of the debt they owe us. It is an amazing spectacle, a story of base ingratitude, of repudiation, and of national dishonor.

The ability to forget unpleasant things is as convenient for nations as it is for individuals. From 1914 to 1917 all the nations of Europe were drawn up into two great camps of war. It may have begun as a war for expansion, for new trade outlets, new territories, a larger "place in the sun." But by 1917 it was a war which meant national life for the victor and extinction for the loser.

GOVERNMENT LOANS REPLACED PRIVATE LOANS

The sinews of war are dollars. We all know that, and the munitions investigation which is now going on in Washington has exposed the terrific pressure that was being exerted over here for the granting of private loans to the Allies.

When the United States entered the World War in 1917 Government loans took the place of private loans. When the armistice brought a halt to the murdering of millions of men the United States had loaned to its European allies a total of $7,077,114,750. A colossal sum, and a good place to stop. But we did not stop. For, following the armistice, we loaned the Allies the additional sum of $3,085,126,000. And today, 17 years after the war, there is still due us, delinquent, unpaid, overdue, and in default, the staggering total of $12,328,960,509.67.

SACRIFICE OF AMERICAN PEOPLE CANNOT BE CALCULATED

Since we are confining our subject right now to war debts, we will not speak of a more important expenditure—the dead and wounded Americans who made the greatest contribution of all, and the countless dollars spent in various ways by the American people for a war 3,000 miles away.

But we can remember this, and we should, despite the fact that the European nations are so eager to forget it: Once we were in the World War, the United States poured into it, without stint, freely, loyally, and enthusiastically, the great stream of its manpower and its wealth.

AMERICAN IDEALISM PROVED

If ever the conduct of a nation was idealistic and above reproach, it was the conduct of the American people during the World War. I except, of course, the vile merchants of death—the war profiteers who, like vultures, preyed on the dead. But these were the few—it was the 120,000,000 Americans who believed that this was really a war to end wars.

AMERICA REJECTED SPOILS

The best proof of that was the post-armistice period, and the sordid spectacle of the Treaty of Versailles. Alone of all the participants, we did not want a slice of Europe. We had no desire for new colonies, new trade routes, new slices of territory, or spoils of victory.

All we wanted, all we asked, was a repayment of sums due us from those who had borrowed them. We wanted no part of their profits, only what they owed us. We wanted those sums because we needed them. Those loans came from the pockets of the American people. They came from the Liberty loans, each generously oversubscribed by a patriotic people. Each Liberty loan bond is a debt of the United States Government, which it must repay.

INGRATITUDE OF DEBTORS DENOUNCED

I am only recalling these facts in order to show the incredible ingratitude of the debtor governments. I am only recalling these facts to show that after we gave of our manpower and of our financial resources to the war, after we saved Belgium, preserved the territorial integrity of France, and perpetuated England's domination over Europe, these foreign governments forget not only the vast sacrifice which we made for them but also their solemn obligation and national honor.

ENGLAND AND FRANCE ARE ABLE TO PAY

On December 15, 1935, the installment of principal and interest due from England amounted to $117,670,765.05. Does England, which dominates one-fourth of the world and taxes hundreds of millions of people, mean to say that it could not meet a debt payment of $117,000,000? On that day the amount due from France amounted to $22,308,312.22. Does the Government of France mean to say that on that date it was unable to pay the installment of $22,000,000 which had become due? Of course not! The people of England and France are better able to bear this burden than the American people. Europe must be compelled to assume this burden.

DEBTS WERE GREATLY REDUCED

Let us not overlook the fact that in settling or funding the war debts our Government has been most generous. The original obligations acquired by the United States when the

loans were made bore interest at 5 percent per annum. The funding agreements provided for payments of a much lower rate of interest.

The total amount of principal and interest due to the various dates on which settlements became effective was $12,909,000,000. The value of the payments to be made under the debt settlement is $5,888,000,000. This represents a cancelation of $6,200,000,000 made by the American Government, or, if you wish, a cancelation of one-half of the debt due at the dates of the various settlements. In justice it should be said that this difference or cancelation is not due to an abatement or cancelation of principal, but is solely due to a reduction in the rate of interest. This reduction will mean heavy losses to our Government, because in many cases the rate of interest we charge is lower than the rate we pay on the public debt incurred in obtaining the funds to lend to these foreign governments.

GOLD DEVALUATION REDUCED DEBTS

Another partial cancelation was made in 1934 when we devalued our currency by 41 percent. At that time we canceled 41 percent of the gold value of the debts due us because the debts are due in the devalued dollar currency. This is another concession or cancelation in part which we have voluntarily made to the debtor governments.

I do not mean to say that we should insist on the letter of our contract. But I do say that they should pay as much as they are able to pay, and certainly England, France, Italy, Belgium, Hungary, and Poland, and the other debtor nations, can pay and should pay.

The default in the payments due by the European governments has continued since December 1933. If we permit these defaults to continue much longer, we agree by our silence to the cancelation of the entire debt.

DEBTORS THREATEN PEACE OF EUROPE

These defaulters are again disturbing the peace of the world. Their diplomacy and selfishness is calculated to plunge the world into another needless and useless war that will again deluge Europe in blood and tears.

We must say to these nations whose contract is a worthless scrap of paper that they must pay for the last war before they start another. When Europe was in the throes of an economic depression, we were willing to wait; but now, when these debtors are spending millions for armaments, when, instead of paying their honest debts, they are wasting their resources on implements of war, we must cease our leniency and demand prompt payment.

I have therefore introduced H. R. 10310, creating a Debt Commission to negotiate for the prompt resumption of debt payments due us.

PARTIAL ABATEMENT OF INTEREST

In view of the urgency for prompt payment we are willing to make further concessions. The success of the various abatement acts in providing large payments of delinquent taxes leads us to believe that abatement of a part of delinquent interest should be sufficient incentive to the debtor nations to make payments. We are willing to do this, provided they make arrangements for the payment of the entire principal obligation before December 1937.

ACCEPTING PAYMENTS IN DEFENSE EQUIPMENT

If these European debtors cannot pay us in cash they can pay us in kind. Instead of our Government spending millions of dollars from current revenues for the purchase of ships, airplanes, and other equipment necessary for national defense, we can ask the debtor nations to transfer to us ships, airplanes, and other equipment as part payment of the debts. Not only will we save the cost of the appropriation for such equipment by such action but we will be preserving the peace of Europe by thus reducing the armaments of these war-anxious nations.

TRANSFER OF AMERICAN INVESTMENTS HELD BY NATIONALS OF DEBTOR COUNTRIES

At the present time citizens of foreign countries own seven and one-half billion dollars' worth of American stocks, bonds, mortgages, and other forms of investment. In other words, American industry and American enterprise, in that great sum, are turning over their profits to these foreign investors. I see no reason why a substantial part of these investments cannot be turned over by the countries whose citizens hold these investments to us in partial payment of these debts. This action would not disturb trade markets or affect trade balances. It is a practical method and a sound one.

RECOVERY WOULD BE PROMOTED

When you and I think of those billions of dollars, we also wonder what it could do for our distressed country today. Hundreds of thousands of unemployed would be put to work. Idle wheels of industry would start revolving. Thousands of homes would be built. Millions in agricultural produce would be bought. The soldiers' bonus baby bonds would be redeemed without imposing new taxes.

I submit that to get back any part of this $12,000,000,000 debt is worth all possible effort which we can make. I hope I will have your support.

Mr. Speaker, I hope that my colleagues will support and that the Congress will pass H. R. 10310.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H. R. 10464) making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes, numbered 12, 24, 25, 33, and 62.

PERMISSION TO ADDRESS THE HOUSE

Mr. SISSON. Mr. Speaker, I ask unanimous consent that on tomorrow, after the reading of the Journal and disposition of matters on the Speaker's table, I may address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SISSON. Mr. Speaker, I ask unanimous consent to address the House for 15 seconds at this time.

The SPEAKER. Is there objection?

There was no objection.

Mr. SISSON. Mr. Speaker, I wish to state that the subject on which I shall speak tomorrow, after devoting 2 or 3 minutes, not more than that, to answering some remarks of the gentleman from Texas [Mr. BLANTON] about myself upon this floor, will be a discussion of the so-called "red" rider.

[Here the gavel fell.]

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that on tomorrow, following the speech of the gentleman from New York [Mr. SISSON], I may address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, I imagine that the request of the gentleman from Texas, judging from the notice of the character of the speech to be made by the gentleman from New York [Mr. SISSON], is a reasonable request. I shall not object to his request, but I do desire to state that it is the purpose of the organization of the House to take up at the earliest possible moment all of the unfinished appropriation bills and a few other essential measures, with the idea that we may conclude as speedily as possible the deliberations of this session of Congress and adjourn sine die. [Applause.] The War Department appropriation bill is the order of business, and I imagine the gentleman from Arkansas [Mr. PARKS], who has charge of that bill, has a great number of requests for time. I think he has kindly agreed to limit general debate on that bill in order that we may pass it by Thursday or Friday of this week. I, therefore, trust that no further requests will be made for unanimous consent to speak except in general debate.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. I am not objecting to the gentleman's request.

Mr. BLANTON. I know, but will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. BLANTON. I would say to my friend the majority leader that, for one, I am helping him. To do that I missed all my Christmas family reunions in Texas. I came up here to Washington in December and have been busily engaged in holding hearings on appropriation bills to expedite the program of our majority leader.

Mr. BANKHEAD. I appreciate that. I am not objecting to the gentleman's request.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I do not intend to ask unanimous consent to speak, but the remarks of the gentleman from New York [Mr. SISSON] may compel it tomorrow. He has announced that he will speak on "red" chasing, or something of the kind. Remarks have been made lately which tend to impugn the motives of Members of the House, and I am serving notice now, having refrained from speaking on the floor before, that I shall ask for time should the gentleman from New York in his remarks enter the field of personalities.

Mr. RICH. Mr. Speaker, reserving the right to object——

Mr. BANKHEAD. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, is there objection to the request of the gentleman from Texas?

There was no objection.

A NATIONAL LOTTERY—SHALL WE USE IT?

Mr. MONAGHAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a radio address delivered by my colleague the gentleman from New Jersey [Mr. KENNEY].

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MONAGHAN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following radio address delivered by the gentleman from New Jersey [Mr. KENNEY] on February 8, 1936:

Nineteen hundred and twenty-nine.

The crash.

Result: An unbalanced Budget for the fiscal year ending June 30, 1930. The Budget has been out of balance ever since.

Nevertheless, the Budget of ordinary expenses has been balanced during the administration of President Roosevelt. The extraordinary expenses made necessary by the national economic collapse are alone responsible for the recurring deficits.

Throughout, the credit of the Federal Government has weathered all financial storms. Receipts are mounting to offset expenditures. Eventually we shall emerge masters of our debt.

But, we must be cautious. It was the last straw that broke the camel's back. We have been bearing down heavily on the taxpayer. He can stand so much and no more. Right now he is carrying a load which added to might destroy him and us with him. Still we must have more revenue if we are to meet our bills.

There is a way to get this revenue, without inflation, without taxation.

A national lottery, available for any worthy purpose, would go far to balance the shifting Budget.

In his message to Congress President Roosevelt estimated that the Federal income would be sufficient for the fiscal year ending June 30, 1937, for all activities except work-relief items. But we have still to deal with our work-relief problem. One billion one hundred and three million dollars will be available for recovery and relief purposes out of previous emergency appropriations, as is pointed out in the President's message. Another billion can be garnered from the idle funds and the proceeds of authorized debentures of various Government lending agencies. The President has already taken steps to bring these funds into use. If two billions or less will serve for relief and recovery purposes for the fiscal year ending 1937, as is believed, since demands for relief are diminishing, the funds will be available.

But that is not all. To the expenditures so far mentioned we must add an expense of $500,000,000 if we are to have a farm program to aid the farmers of the country. In addition, we shall need another $100,000,000 each year for the next 9 years for bonus payments. To meet this outlay we shall have to raise at least $600,000,000 to keep our Budget near balance and the national debt in check.

There is at the moment in Congress a bill introduced by me providing for the establishment of a national lottery to be conducted under the auspices of the Federal Government to raise a sum not exceeding $1,000,000,000 in any one year, the tickets to be sold at the post offices throughout the country. The passage of this bill would tap a source of treasure which could, it is believed, provide the needed revenue without crushing our millions of taxpayers who now stagger under triple loads of Federal, State, and local taxes.

As for the billion dollars, take heed:

Under date of August 23, 1934, in a release issued by Horace J. Donnelly, Esq., former Solicitor of the Post Office Department, this statement appeared:

"During the past 2 years no less than a billion dollars have been kept from going out of this country in support of foreign lotteries."

Altogether, according to estimates, between three and six billions are spent by the American people on lotteries, many of them dishonest, foreign and domestic. Operators of these lotteries do not confine their activities to the large cities, but mulct the people everywhere. Our laws prohibit, but they do not prevent, participation in lotteries. The average citizen is ever ready to spend a small sum of money for a chance to better his condition. He cannot do so under the law, yet he does so.

New schemes of lotteries, both foreign and domestic, are springing up daily to supplement the innumerable rackets, numbers, policy, and other forms of games of chance which are always with us to fleece the great masses of our population.

And be it remembered that the moneys now spent for lotteries keep outside the pale of our economic structure. They do not find their way to the banks. They go out of the country or are hoarded in safes by the racketeers away from economic circulation. The only way you can harness these moneys for economic uses is for the Government to intervene with a legal outlet for their flow into the Government Treasury.

Down in the Isthmus of Panama, where there is a population of 472,468, exclusive of the occupants of the Canal Zone, the gross receipts of its Government lottery are $90,000 a week. The annual intake figures $4,680,000. That averages just about $10 per person per year. Here we now have a population of 127,000,000 people. If we could do as well as Panama we could command gross lottery receipts amounting to $1,270,000,000. But with our resources could we not do twice as well as Panama? If so, we would have gross receipts of $2,540,000,000, of which 40 percent, or one billion, could go into the Federal Treasury.

This does not mean that every person in the country will have to contribute his per-capita share. The lottery is voluntary. None needs to buy a ticket except he wills. The curse of direct compulsory taxes is lifted. The income-tax payer would welcome it. Hosts of our citizens who never paid income or real-estate taxes would be happy to participate. The average would be worked out without hardship to anyone.

Now, then, shall we use the lottery?

So far as I am concerned, I serve notice on the Congress that I shall hesitate to vote for any new tax plan whatever unless and until there shall be enacted into law a bill which shall bring into the Treasury funds in lieu of taxes to be derived from a governmentally operated lottery.

These are extraordinary times, requiring extraordinary governmental expenditures. To discharge our rehabilitation expenses, staggering in their proportions and brought about not by choice but through crucial necessity, we are called upon to provide gigantic funds not readily available from ordinary sources.

In such times it is well to look into the history books for guidance. If we do so we shall find that small contributions from our citizens available to our Government in national crises have invariably rescued us.

During the Revolutionary War when funds were scarce and hard to get and insufficient from ordinary sources to carry on the war, George Washington, father of our country, fostered the lottery as a means to the end that we might become a free and independent people. Washington prevailed when his recommendation was adopted by the Continental Congress. In the Journals of Congress under date of Friday, November 1, 1776, is found the following resolution:

"Resolved, That a sum of money be raised by way of a lottery for defraying the expenses of the next campaign, the lottery to be drawn in the city of Philadelphia."

When the war was won, Alexander Hamilton, the first Secretary of the Treasury, declared that having gained our political independence we should forthwith establish our economic independence. He contributed to the latter by proposing two courses: First, to instruct our people in manufactures; and, second, to pass effective Federal legislation. It was his objective to supply the domestic market with the aid of a protective tariff and to follow through with a bid for world trade.

To accomplish his objective he turned to my State and to the neighborhood where live the good people I have the honor of representing in Congress. Selecting the northern part of New Jersey for the great industrial community of our country, he caused a corporation to be formed under an act of the State of New Jersey to carry on industrial enterprises in which he interested men of importance of that time. This company, chartered as the "Society for Establishing Useful Manufactures", is still in existence.

In writing of his great plan, Hamilton had this to say:

"When application shall be made for an act of incorporation it ought to include a request that provision may be made for incorporating the inhabitants of the district within a certain defined limit which will be chosen by the company as the principal seat of their factories, and a further request that the company may have permission to institute a lottery or lotteries in each year for a term of 5 years for a sum or sums not exceeding in 1 year $100,000. The State of New Jersey, if duly sensible of its interest in the measure, will not refuse encouragement of this nature. * * *

"The lottery will answer two purposes: It will give a temporary command of money, and the profit arising from it will go toward indemnifying for first unproductive efforts."

Thus wrote Alexander Hamilton of the efficacy of the lottery.

Meanwhile, the First Congress under the Constitution was called into session in 1789. But the new Nation's legislative body had no quarters of its own. In the public dilemma the young metropolis of New York invited the Congress to assemble in its city hall to enact laws for the Nation. So that the building might be suitable in arrangements and appointments, the municipality remodeled and repaired it. The Congress accepted the hospitality of New York and met there for the first time.

But the city incurred a large deficit, as money was then reckoned in America, £13,000, which was beyond the power of the city treasury to pay. So the city laid its problem before the State legislature, asking permission to conduct a lottery to meet this obligation. The lottery was held by the city pursuant to chapter 8 of the laws of 1790 of the State of New York, was a quick success, and the city paid its bill.

When the Ways and Means Committee of the House meets next week to consider a new tax plan, the members of the committee will be reminded by me, if given the opportunity, that the lottery also furnished the funds for the first public buildings erected in the city of Washington, now the District of Columbia. The lottery was conducted by the city pursuant to authority granted by the Congress. It was a solution to its problem when the city and the Capitol were being established. That was in 1795. Washington was President. John Adams was Secretary of State. At the dedication of the building November 22, 1800, John Adams, who was then President, in the course of his address said:

"May this territory be the residence of virtue and happiness. In this city may that piety and virtue, that wisdom and magnanimity, that constancy and self-government which adorned the great character whose name it bears be forever held in veneration. Here and throughout our country may simple manners, pure morals, and true religion flourish forever."

Nowhere have I read of the self-respecting, sturdy American patriots of that time censuring the Congress because it invited revenue by citizens' contributions made in the form of lottery participation, although then, as now, the need was felt for eliminating and placing a ban on private lotteries, rackets, and the many crooked games of chance.

Shall we use the lottery?

Other countries have recourse to the lottery. It is in vogue under every form of government. It is found in the Kingdom of Italy, the Republic of France, the Irish Free State, Germany, Soviet Russia, Holland, Sweden, Australia, Turkey, Argentina, and many more.

From a high authority in the Italian Government is this endorsement of the lottery:

"I want to confirm to you that we have had a national lottery in operation since the organization of the Kingdom. It is conducted with weekly extractions in the 12 most important cities.

"The system in question has had no bad results on the general welfare of the people but has offered, on the contrary, a healthy method of contentment and happiness, with the possibility of drawing a fortune, especially on the part of the people of modest means. The system is under the strictest control of the Government, and since its operation its functioning has been most regular and efficient."

From the German Government I have received this communication:

"For many years legalized lotteries have been conducted in various German states under the auspices of the respective governments.

"As to the effect of these lotteries upon the citizenry, I can unhesitatingly state that they have been adding to the contentment of a large part of the population. Thus their reaction upon the state of mind of the individual citizen has been a favorable one."

From Turkey this has come to me:

"I may say that the Turkish lottery has had no bad effects whatever upon the general welfare of Turkish people and has in no way increased crimes or misdemeanor.

"On the contrary, the lottery, which is conducted for the promotion of aviation, the purchase of planes, and the training of pilots, has been beneficial in arousing public interest in the cause which it supports."

Shall we use the lottery?

Since our people, as is obvious, have been, and still are, contributing vast sums to give vent to their speculative urge and unconsciously but in reality are pouring millions of money abroad, and are spending billions at home to keep alive dishonest, unscrupulous rackets and the forces of organized crime, can we do better than to give them a self-respecting and wholesome chance to participate in aid of our country in a national lottery conducted under Government auspices?

Shall we use the national lottery?

Tell your Congressmen and Senators.

Petition them.

POWER TRUST PROPAGANDA AND THE WICHITA FALLS, TEX., MUNICIPAL LIGHT PLANT ELECTION

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address I delivered over a national hook-up last Friday evening.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. McFARLANE. Mr. Speaker, on Friday evening, February 7, from 7:45 to 8, I was kindly granted permission to use the National Broadcasting Co.'s facilities to talk on the power question. Under permission given to extend my remarks in the RECORD, I include a copy of the speech delivered.

It has snowed about 15 inches here in Washington today, and the weatherman promises more snow for tomorrow. Weather like this requires plenty of heat and power—so if you will just stay with me for a few minutes, I want to discuss the power question and some of the many difficulties we are experienced in trying to secure for you lower utility rates.

You are familiar with the Walsh resolution, under which the Federal Trade Commission the past 7 years has carefully investigated the power interests of the Nation. I wish it were possible for each one of you to read the nearly 100 volumes, comprising thousands of pages, contained in the testimony taken by this committee, and especially their summary and recommendations to the Congress as a result of their thorough investigation.

"WRITE-UPS"

No doubt you have followed some of this testimony in the press as it was given. If you have, you will recall how the power-company employees' testimony, and particularly some of their records, make startling disclosures. For these records showed a write-up and inflation for the 18 top holding companies totaling $273,420,165, for the sub holding companies $353,370,035, for the operating companies $864,231,623, making a total write-up of $1,491,021,823, and these fictitious increased values were added by these companies based on no more than their optimistic judgment of the value of the property being unified or as the result of so-called "horseback" appraisals based on a superficial inspection of the property by their officials, without any money or property being added to the assets of the company.

Let me name some of these leading companies and the amount of their write-ups.

Electric Bond & Share and affiliates, $352,243,898; Cities Service and their subsidiaries, $262,110,708; Central Public Service and subsidiaries, $252,462,118; South Eastern Power & Light Co. and subsidiaries, $122,603,437; Middle West Utilities and subsidiaries, $111,072,732. Yet these companies strenuously deny such write-ups, until the facts were disclosed by the Commission.

These hearings are full of startling disclosures as to the operations of the power interest and how they have been able to control legislation—State and National—to continue their operations of high-rate structures Nation-wide without serious interference.

BRIBE PUBLIC OPINION

The records disclosed how the power companies were carefully organized Nation-wide, and while they had a national monopoly with little if any competition, to bribe public opinion they have spent annually from $25,000,000 to $30,000,000 in advertising in the newspapers throughout the Nation. The hearings show how completely their lobbies have been able to control legislation effecting the utilities Nation-wide and have been able to practically defeat all State legislation, providing adequate regulation of the utilities. The hearings further show that State regulation, because of court decisions, has practically broken down any chance of adequate rate regulation.

POWER TRUST OPPOSES WHEELER-RAYBURN BILL

These voluminous hearings of the Federal Trade Commission submitted to this administration, who promptly, in keeping with the platform pledges, began an earnest consideration of legislation to curb these evils. You remember reading daily the results of the battle waged by this administration and how finally we successfully enacted into a law the Wheeler-Rayburn bill, known as the Public Utility Act of 1935. This act was designed to adequately regulate these holding companies, operating in interstate commerce. The power interests who have in the past bitterly opposed State regulation, came to Washington in a body and opposed the Federal regulation, saying that they wanted all matters left with the State, knowing full well that the States could not force adequate regulation.

POWER TRUST OPPOSES ALL REGULATION

The power interests have likewise opposed any and all adequate regulation of any kind and character. They opposed, before the Senate, the resolution calling for the investigation made by the Federal Trade Commission. The Electric Bond & Share Co. officials refused to testify on material points and refused to furnish their books and records for the committee, and were finally forced to submit same after decisions were rendered by the Federal courts. And now since the Utility Act has finally been written into the law, we find these same holding companies still opposing same and refusing to register and to give information as required under the law. Registration of these holding companies was required by October 1, 1935.

HOLDING COMPANIES REFUSE TO REGISTER

The Electric Bond & Share and others not having filed by the last of November, the Government was forced to file suit to require compliance. When the lobby-investigating committees of the House and the Senate began calling the officials of the power

company to testify as to their lobbying activities, the Government had trouble in requiring their attendants to testify.

POWER TRUST BLOCKS P. W. A. PROJECTS

When the Government began to further assist the overburdened people of the Nation in securing lower utility rates through the Public Works program of construction of municipal light plants, we again find the power interests through injunction suits and through every other possible way to thwart the construction of municipal light plants under Government supervision. For instance, I called to the attention of the Congress on April 29, 1935, how completely the power interests had been able to block the P. W. A. power program. In my remarks I pointed out that out of several hundred power-plant applications filed that very few plants had been constructed because of the opposition of the power interests.

THE GOLD DUST TWINS IN TEXAS

Let me refer to the power situation in my own district, which is a fair example of how this and similar companies have functioned Nation-wide. The Electric Bond & Share Co., I believe the largest power holding company of the group, own and operate both subsidiaries that service my district and a large part of Texas—the Texas Electric Service Co. and the Texas Power & Light Co. These two companies, "the Gold Dust Twins", we call them, were acquired about 20 years ago by one of their subsidiaries, the American Power & Light Co., for less than $7,000,000. These two companies are now valued for rate-making purposes for more than $150,000,000. They actually paid $2,390,000 for the Texas Power & Light Co. and in turn issued common and preferred securities totaling ten and one-half million dollars; the Texas Electric Service Co., costing a similar amount, made a similar immediate inflation. These two subsidiaries, like others, pay all real profits to the holding company. The 5 or 6 percent interest on the preferred stock, if paid, is all that goes to the real owners. We find these properties, like most all others, have paid handsome fees to their holding company year after year for supervision, construction, and other useless contracts which which the holding companies milk the operating companies.

ELECTRIC BOND & SHARE CO. FORCED TO PRODUCE RECORDS

In 1931 the Texas Power & Light Co. paid the Electric Bond & Share $248,862.60 for such so-called fees and services. Similar amounts were paid by the Texas Electric Service Co. It will be remembered that high officials of the Electric Bond & Share Co. testified before the Feedral Trade Commission on their honor that such contractual fees just about covered the costs of the services rendered and when the commission requested their books to check their records they refused to furnish them until the Federal courts forced them to.

RECORDS SHOW ENORMOUS PROFITS

When the Electric Bond & Share was forced to furnish their records, instead of making only a nominal profit the Federal Trade Commission discovered that over a term of more than 20 years this company had been making a substantial part of their income through such various fees and through such contract fees, had collected over $51,000,000, and had averaged making more than 100 percent profit annually from their subsidiaries on the contractual services furnished.

How do these exorbitant fees affect the local operating companies? Let me illustrate. The Texas Electric Service Co., the last year's records available, 1932, shows that out of a profit of $1,740,000, that they sent about $1,350,000 to the Electric Bond & Share and their intermediate holding companies for these services. Thus the poor preferred stockholders, the real owners of the operating company, received less than $300,000, practically all the common stock being owned by the Electric Bond & Share.

A similar distribution of the earnings of the Texas Power & Light Co. has been made to the Electric Bond & Share.

MUNICIPAL LIGHT-PLANT RATES LOWER

The Federal Trade Commission hearings clearly show that the rates under municipally owned light plants are much lower than those under private companies for similar services rendered.

You would naturally think with such an elaborate set-up the private power companies would be able to furnish more power for less money, but such is not the case.

POWER TRUST OPPOSES LIGHT-PLANT ELECTION

Again let me refer to how the Electric Bond & Share Co. has tried to defeat the construction of the municipal light plant at Wichita Falls, Tex.

An election is being held at Wichita Falls tomorrow to decide whether or not the people want to accept a P. W. A. loan with which to build their municipal light plant, this city being forced to pay the highest light rates of any city its size in Texas. The Texas Electric Service Co. has spent money like "wild Indians" in every way possible to try to defeat this election. They have spent large sums through newspaper advertising, through radio broadcasting, through hiring personal workers, and in every way possible have spent money recklessly to defeat this worthy Government project that will insure those people lower electric-light rates. In the last election, held December 11, 1935, they were very reckless in their public statements concerning the light-plant controversy. They have been even more reckless in their public statements in this campaign.

For example, their so-called citizens taxpayers committee continues to advertise an expenditure of more than $200,000 in commissions and fees to machinery salesmen, engineers, legal fees, etc. They know this project, like all other projects, will be constructed under supervision of the Government authorities, and that no scandal of any kind has ever been attached to the construction of such projects. They even charge the city council will receive $25,000 when they know, under the laws of Texas and the city charter, that such a thing is impossible. They also advertise that many Government loans for municipal light plants have been turned down, including in the list of towns is the name of Marshall, Mo. They state the citizens of this community voted down a municipal light plant. The reverse is true. Marshall, Mo., has recently approved the construction of their municipal light plant, and the P. W. A. loan and grant is still in effect.

Devils Lake, N. Dak., a P. W. A. loan and grant is still in effect, and the power company has filed an injunction suit.

Columbia, Tenn., the loan and grant for a municipal light plant is still in effect.

They mention several other cities that for one reason or another have withdrawn or turned down their application for a municipal light plant. However, they failed to mention the large number of cities that have recently approved elections for municipal light plants, as shown from the records of the P. W. A. authorities here in Washington. The following cities have held elections, approving the construction of a municipal light plant from November 5, 1935, to January 23, 1936:

Waynesboro, Ga.; Forsyth, Ga.; Blissfield, Mich.; Statham, Ga.; White Cloud, Mich.; Zeeland, Mich.; Eveleth, Minn.; Starkville, Miss.; Marshall, Mo.; and Brookland, Tex.

It is well known that it costs less than 1 cent per kilowatt-hour to generate electric current. Whatever is charged above that amount goes to retire plant or other indebtedness.

For a city the size of Wichita Falls on their high rates the power company is annually collecting more than $1,000,000, most of which is siphoned out of the city to New York never to return.

A municipally owned utility pays better wages, employs more people, and keeps all of the citizens' money at home to help build a bigger and better city. It seems that in view of the splendid successful record made by the more than 3,500 municipally owned light plants operating over a long period of time throughout the Nation that this is ample proof of the soundness of the proposition and what municipal ownership has done and will do for any community which undertakes it.

In conclusion, my friends, particularly you at Wichita Falls, let me say I urge you all to vote on tomorrow for the construction of this municipal light plant; this will guarantee to you lower light rates, and it is the only way you or any other city can be assured of receiving permanent lower rates.

Good night.

A MILLION AND A HALF ALIENS ON RELIEF COST UNITED STATES $500,000,000 A YEAR

Mr. BLANTON. Mr. Speaker, yesterday's papers carried a very interesting statement by our colleague from Texas, Mr. DIES. I ask unanimous consent to put it in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD and to include therein a statement of the gentleman from Texas [Mr. DIES], which appeared in a newspaper on yesterday. Is there objection?

There was no objection.

The following is the statement of Hon. MARTIN DIES, and the headlines under which it appeared in the Washington Herald, Sunday, February 9, 1936:

A MILLION AND A HALF ALIENS ON RELIEF COST UNITED STATES $500,000,000 A YEAR—DIES—WHILE EUROPEAN NATIONS EJECT ALL JOBLESS FOREIGNERS, OUR LABOR DEPARTMENT NOW "CODDLES THEM"

By MARTIN DIES, Congressman from Texas

While we have a million and a half aliens on relief, at a cost of half a billion dollars a year, the average citizen is under the impression that the dangers of alien invasion are past.

It is not true. There are no quotas for immigrants from this hemisphere. Mexicans can come in by the hundreds of thousands. Europeans can go to Canada for a short time, then enter from there.

Thousands enter by shipping as sailors and deserting. Since ship lines are fined for such desertions, the inclination is not to report these. Finally, there are organized gangs who smuggle aliens, provide papers, and even jobs on arrival.

While we face a gigantic unemployment problem, the Department of Labor policy has been to coddle aliens. Criminal aliens have been allowed to remain. Radicals and communists have been admitted. Aliens are given relief on the same basis as citizens. And bills are being prepared to give the Secretary of Labor discretion to relax our immigration laws—at precisely the time when they should be tightened.

NEWCOMERS CROWD CITIZENS OUT OF JOBS

No; the alien invasion continues. And these newcomers, glad to break American wage standards, continue to crowd American citizens out of jobs.

Few realize that there are now some 2,500,000 aliens, mostly Mexicans, in our Southwest. Largely because of this, about an equal number of American citizens are on relief there.

Mexicans will work for less; every Mexican at work within our borders means an unemployed citizen.

Fifteen million dollars a month is the relief bill of Texas, Arizona, New Mexico, and California. What a subsidy to pay in order that

Mexicans may earn American dollars to send back home, while tax burdens force American homes under the hammer, and our citizens are forced into bread lines.

Representative Kent H. Redwine, of California, declares that the cost to Los Angeles County alone of unemployed and unemployable aliens is $6,000,000 a year; and he adds that "3,000 Mexicans are being kept on charity rolls only 5 miles north of the border of their own country."

The magazine Today found 3,000 Mexicans on relief in Imperial Valley alone. In Kern County, Calif., there are twice as many Mexicans as all other nationalities, and almost all aliens. In 1933 the California Joint Immigration Commission found 1,000,000 Mexicans living in that State.

It has cost the Government $400,000 to support 2,500 Mexicans in Ray, the Miami-Globe district, and Superior, Ariz., since mines there closed permanently in 1932. They could have been deported for $5 a head, or $12,500.

During the depression of 1921 the Harding administration sent 6,000 Mexicans home from this district and 40,000 from Arizona as a whole. Now, with conditions 10 times as bad, the Government taxes the people of the State to carry this unwanted alien burden.

Half of all relief in Arizona goes to Mexicans. In Laredo, Tex., three-quarters of those on relief were Mexicans.

Mexico has a population of 16,000,000. More than 2,000,000 Mexicans get their living in dollars—in jobs or on relief. No wonder President Cardenas could boast, "No hay depresion en Mexico."

CONDITIONS PREVAIL IN OTHER CENTERS

Similar relief conditions prevail elsewhere, though not always in the same degree.

Seventy thousand aliens are on relief in Massachusetts; 20 cents of every Cleveland relief dollar goes to foreigners; Illinois has 300,000 aliens on relief; Los Angeles, 50,000; 27 percent of San Diego relief checks go to noncitizens, while they take one-quarter of the New York City relief funds.

On the country relief rolls as a whole one out of seven is an alien.

There is talk of being fair to aliens. We should be fair first to our own citizens—the taxpayers, the employed, the unemployed. Other nations practice "enlightened self-interest" in this matter, and their gain has been our loss.

In Europe unemployment shrank by 8,000,000 last year.

There are today 50 percent more persons out of work in the United States than in all of Europe.

As noted in the previous article, while we give haven to 8,000,000 aliens—supporting them in jobs or on relief—8,000,000 employable Americans are jobless.

And in remarkable degree it appears that European nations have recovered and brought about reemployment in proportion as we have taken over their surplus populations.

Figures from the International Labor Office in Geneva covering the year 1934 show:

Germany reduced unemployment by 671,897 that year, and she has sent us 665,000 immigrants since the armistice.

England put 188,614 back to work that year; 171,801 of her citizens had come here since the war.

Italy's relief rolls' reduction was 238,235, and of her crowded population 250,000 came to our shores in a decade.

These aliens write home joyfully declaring that they are better off here on relief than they ever were at home at hard work. However, in large numbers, they do not express content, but complaint, to the Americans who hand out the bounty over here.

In February of last year there were 14 demonstrations for more relief in New York and Chicago alone for which the police said Communists were responsible. In six of these aliens were arrested. At every important relief office in the country there have been similar organized demands by aliens at one time or another.

If we propose firm, fair dealing regarding aliens, we are accused of intolerance and racial prejudice.

AMERICA ASYLUM FOR ALL WORLD

And yet there is no other country in the world today which allows foreigners in any numbers to hold jobs while its own citizens are unemployed. Point out what other countries do, and one is told that America should be an asylum for the peoples of all the world. It has been. And that is the chief cause of our present unemployment.

If you are to enter Great Britain for more than a visit, a permit must be issued to your employer, and will not be issued unless he can show no British subject is available for the particular position to be filled. Britain's alien population is 100,000, half of what it was before the war.

In the last few years France has deported 4,000,000 aliens to make room for her own citizens at jobs. She doubled the tax on persons staying over 2 months. Refusal of permits and expulsions are becoming more frequent.

REGULATIONS RIGID IN OTHER COUNTRIES

Germany generally refuses work permits to foreigners, and deports destitute aliens. Switzerland allows aliens to work there only during the short tourist season. Belgium's regulations are most rigid.

Mexican laws require aliens coming to work there to invest 20,000 pesos in industry or agriculture, or to show such outside income as to insure their not becoming charges of the state.

Regulations are such that 75,000 Americans have had to give up Mexican jobs. Chinese, Negroes, Malayans, Hindus, Soviet citizens, gypsies, clergymen, doctors, and professional men are excluded. And yet 1,300,000 Mexicans have come legally into this country in 35 years, and another 500,000 have entered illegally.

That is the viewpoint on the alien question abroad. Obsessed by sentimental weakness, blinded by alien propaganda, we permit alien hordes to pour into our industries, usurping the jobs of Americans. Or we support them permanently on relief.

Our alien population, in proportion to total population, is 40 times that of Great Britain, 90 times that of Germany, 100 times that of Mexico.

It is time for us to think as Americans, about Americans. Must we forever carry the loads of all other peoples?

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD referring to the resignation of Mr. F. G. Awalt from the Treasury Department, and to include therein his letter of resignation, a letter from the President, a letter from the Secretary of the Treasury, and a letter from the Comptroller relating to Mr. Awalt.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BROWN of Michigan. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to say just a few words about my good friend F. G. Awalt, who on February 15 next is severing his connection with the Treasury Department, where he has served with great ability for the past 16 years under five Secretaries of the Treasury. He has been a most capable advisor to our Committee on Banking and Currency. Mr. Awalt is returning to the private practice of the law. I know he will be missed at the Treasury Department, and at this time feel it entirely proper to place in the RECORD copies of the letters he has received from the President, the Secretary of the Treasury, and the Comptroller of the Currency in response to his formal letter of resignation, a copy of which I also include in the following:

JANUARY 15, 1936.

The Honorable the PRESIDENT OF THE UNITED STATES.

MY DEAR MR. PRESIDENT: I have this day submitted to the Secretary of the Treasury my resignation as First Deputy Comptroller of the Currency and Counsel to the Comptroller to take effect February 15, 1936. It is my intention to reenter the private practice of law.

I cannot refrain from again expressing to you my great admiration of your courage and leadership during the dark days surrounding the banking holiday, when I had the honor of serving under you as Acting Comptroller of the Currency.

Faithfully yours,

F. G. AWALT,
Deputy Comptroller and Counsel.

JANUARY 31, 1936.

Mr. F. G. AWALT,
Deputy Comptroller and Counsel, Treasury Department:

MY DEAR MR. AWALT: I learn with regret that you are about to leave the Government service after so many years of able and devoted work in responsible positions in the Treasury Department.

Naturally I am best acquainted with the remarkably wise and competent manner in which you carried on the duties of Acting Comptroller in the heart of the banking crisis in the early days of my administration and with the fine assistance that you have given to Secretaries Woodin and Morgenthau and to Comptroller O'Connor since then. For this great service you deserve and you have my most sincere gratitude and you deserve also the gratitude of the Nation.

It has been encouraging to me to be able to rely on your continued loyal support and you have my good wishes as you leave the public service with a clear record of good work well done.

Sincerely,

FRANKLIN D. ROOSEVELT.

JANUARY 30, 1936.

Mr. F. G. AWALT,
Deputy Comptroller and Counsel, Treasury Department.

MY DEAR MR. AWALT: Since you have expressed to me so firmly your fixed desire to reenter the private practice of law I am reluctantly accepting your resignation as Deputy Comptroller of the Currency and Counsel, to be effective on February 15, 1936.

Your record of 16 years of able and loyal service in the Treasury Department is an enviable one. You have crowned it with work of the heaviest responsibility in the Comptroller's office in one of the most difficult periods that office has ever seen; and in every crisis, every duty, and every responsibility you have acquitted yourself nobly.

I have valued your advice and support, and I regret deeply your leaving. My heartiest good wishes go with you.

Sincerely yours,

HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

JANUARY 29, 1936.

Mr. F. G. AWALT,
Deputy Comptroller.

DEAR FLOYD: Your letter addressed to me stating you desire to return to private practice is before me.

Permit me to express my appreciation of the fine service rendered as First Deputy Comptroller in a period of stress which can never be forgotten. Your strict application to duty, your long training in the Comptroller's office perfectly fitted you for the task you performed so well. It is a pleasure, indeed, to look back for almost 3 years and recall that not a single incident marred our official relations or strained a friendship I value so highly. Into the broader field of the law you carry my best wishes.

The legal profession gains a thoroughly grounded expert in banking law, and your industry and application will insure your continued success.

I have transmitted your letter to the Secretary.

Cordially yours,

J. F. T. O'CONNOR, *Comptroller.*

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I should like to have unanimous consent to ask the majority leader a question in reference to the appropriation bills.

The SPEAKER. The gentleman will have that privilege when we go into the Committee of the Whole.

Mr. BOILEAU. Mr. Speaker, I ask unanimous consent that on tomorrow, immediately after the gentleman from Texas [Mr. BLANTON] addresses the House, that the gentleman from North Dakota [Mr. LEMKE] may address the House for 20 minutes.

Mr. BANKHEAD. Mr. Speaker, I shall have to object.

AMENDING DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 10929) to amend the District of Columbia Unemployment Compensation Act with respect to excepted employment.

The Clerk read the title of the bill.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 (b) of the District of Columbia Unemployment Compensation Act is amended in the following respects:

(1) At the end of paragraph (5) strike out "and";

(2) At the end of paragraph (6) strike out the period and insert in lieu thereof "; and"; and

(3) After paragraph (6) insert the following new paragraph:

"(7) Service performed in the employ of the following: All religious institutions and schools maintained by them; colleges or universities, no part of the net earnings of which inures to the benefit of any private shareholder or individual."

Mrs. NORTON. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mrs. NORTON. Mr. Speaker, that concludes the business of the Committee on the District of Columbia.

WAR DEPARTMENT APPROPRIATION BILL, 1937

Mr. PARKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes; and pending that, Mr. Speaker, I should like to ask the gentleman from Ohio in reference to general debate. It has been suggested that we have general debate on the bill today. I hope that tomorrow we can confine the debate to the bill and, if possible, close debate; but at any rate, even though it went into Wednesday for a little, we could still conclude on Friday and pass the bill Friday afternoon, the time to be equally divided and controlled between the gentleman from Ohio and myself.

Mr. BOLTON. Mr. Speaker, it is quite agreeable that we close the debate on Wednesday, but I think it might be well if we continue the general debate into Tuesday, for I have special requests for time. Is it the gentleman's desire to have general debate close today?

Mr. PARKS. I hope we may do that.

Mr. BOLTON. To be confined to the bill entirely.

Mr. PARKS. And confine the debate thereafter to the bill.

Mr. BOLTON. Could we not make it more liberal and bear that in mind tomorrow, but leaving it flexible so that if we have continuing requests general debate may continue tomorrow?

Mr. PARKS. I do not believe we would finish this week if we did that.

Mr. BOLTON. I am just as anxious as the gentleman is to finish the bill this week.

Mr. PARKS. I think we should go on with general debate today, the debate to be confined to the bill tomorrow. If it should be impossible to conclude general debate today for any particular reason we might extend the time or at least consider an extension of time tomorrow.

Mr. BLANTON. Why does not the gentleman change his request and ask unanimous consent to allow general debate to run on today, to be equally divided between himself and the gentleman from Ohio?

Mr. PARKS. That is a good idea. I will do that.

Mr. RICH. Will the gentleman yield?

Mr. PARKS. I yield to the gentleman from Pennsylvania.

Mr. RICH. We are taking up these appropriation bills, and I should like to ask at this time what the status of these appropriation bills is. When we had up for consideration the independent-offices bill, the Interior Department bill, and the Treasury and Post Office Departments bill we found that those bills involved greater expenditures than a year ago. The majority in this House, and the majority leader ought to assign the responsibility to someone of cutting down these appropriations. If there is going to continue the expenditure of money and greater appropriations every year, when are you going to balance the Budget? I think it is the duty of the majority leader or somebody on that side to take charge of things in the House of Representatives and see that this may be accomplished.

The regular order was demanded.

Mr. PARKS. I may say to the gentleman that we are within the Budget on both sections of this bill.

The SPEAKER. What is the request now of the gentleman from Arkansas?

Mr. PARKS. Mr. Speaker, I ask unanimous consent that general debate may run along today, the time be equally divided between the gentleman from Ohio [Mr. BOLTON] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CALENDAR WEDNESDAY

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that the business on Calendar Wednesday this week may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask if the majority leader is going to have someone on that side take the responsibility for cutting down these appropriations?

Mr. BLANTON. Why does not the gentleman assume that responsibility?

Mr. RICH. I have tried every way I possibly can to do just that, and the gentleman from Texas is aware of that fact. Somebody on that side ought to do it.

The regular order was demanded.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

WAR DEPARTMENT APPROPRIATION BILL, 1937

The SPEAKER. The question is on the motion of the gentleman from Arkansas [Mr. PARKS] to go into the Com-

mittee of the Whole House on the state of the Union for the consideration of H. R. 11035, the War Department appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11035, with Mr. PARSONS in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. PARKS. Mr. Chairman, I yield 25 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I want to compliment my colleague from Arkansas [Mr. PARKS] on the hard and arduous work he has done on this bill. For not only the work he has done in preparing this bill but for the work he has done in checking up Army projects all over the United States and in our possessions, I think he deserves great credit and the thanks of the House and Nation. [Applause.]

Mr. Chairman, the people of the United States are not envious of anything that the people anywhere else in the world possess. The people of the United States are not jealous of any other government anywhere on the face of the earth. The people of the United States do not covet anything which people elsewhere have and possess. The people of the United States do not want or expect anything from any other people on earth except good will and fair treatment. The people of the United States are peaceful people. They do not want war with any other nation. They want only friendly relations.

I am one of the economists of this House. I believe in economy in Government. For 20 years on this floor I have fought against waste, against extravagance, and against graft in Government. I have fought for strict economy. Yet I am one of those who believe that in order to preserve the peace of our country, in order to keep this country out of war, and in order to preserve the integrity of our Nation internally it is absolutely necessary that there should be sane and adequate preparedness and national defense. [Applause.] I am willing to vote for every dollar necessary to give us adequate preparedness and sane national defense.

Mr. Chairman, there was a time on the frontiers of western Texas when a man could not properly protect his person, family, or his property unless he had a good gun, kept in good condition, available at all times, unless he had good ammunition, unless he kept the gun loaded, unless he knew how to use it, and unless he was quicker on the draw than anyone else. He did not disarm as long as enemies of law and order went armed. As long as there was no adequate protection to his person, his family, and his property except by being well armed and knowing how to use his gun, he carried it in a convenient and accessible place on his person.

But when law and order prevailed, and disarmed the dangerous thief and organized desperado, and granted adequate protection to family and property, then the good citizens on the frontiers of western Texas disarmed and cast aside their trusty and dependable six-shooters. I have seen some of the finest citizens in the United States wear guns all over the district of our friend, EWING THOMASON, of El Paso.

Mr. THOMASON. Yet they were all law-abiding citizens.

Mr. BLANTON. Certainly. They were all law-abiding citizens and men who believed in law and order and believed in law enforcement. They did not want the property of other people, but they wanted other people to let their property alone.

When all nations of the world disarm and law and order is guaranteed without it I stand ready and willing then to vote to disarm the United States. But with the present situation prevailing I want to see enough 16-inch guns placed in strategic places on our coast and in our possessions so that if any domineering enemy should ever attack us and should bring one of its modern $50,000,000 battleships within 27 miles of our coast with unfriendly designs against us we could blow it out of the sea. This is what we are going to be prepared to do, and when we are prepared to do it we will never have to shoot a 16-inch gun. The mere knowledge on the part of nations of the world that we are adequately prepared will keep us from ever having to fire a gun. No enemy is every going to risk a $50,000,000 battleship with its accouterments within 27 miles of one of our 16-inch guns, which, under our present equipment and training, could blow it out of commission with one 900-pound projectile.

Mr. ZIONCHECK. It never could be done with 1 projectile or 1 torpedo or 12 torpedoes or 12 projectiles.

Mr. BLANTON. I did not yield to the gentleman. Whenever the gentleman wants to interrupt my remarks he must first secure permission.

Mr. ZIONCHECK. I withdraw the remark.

Mr. BLANTON. Under the rules I could strike out the interpolation, but I will not do it. Whenever the gentleman wants me to yield I want him to conform to the rules.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I am going to yield in a few minutes.

Mr. ZIONCHECK. I withdraw the remark.

Mr. BLANTON. I know something about the efficacy of 900-pound projectiles from our 16-inch guns.

Mr. ZIONCHECK. Will the gentleman yield now?

Mr. BLANTON. No; I am making my own speech.

I repeat that I know something about the efficacy of 900-pound projectiles from our 16-inch guns. When I spoke of one of them being able to blow a battleship out of commission I was speaking figuratively. Of course, I realize that probably one projectile would not do it, but where one comes from others can follow.

Mr. Chairman, I ask unanimous consent to extend my remarks and to insert some tables and data and excerpts that I desire to refer to.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Certainly; I yield to the gentleman from Pennsylvania, and in order to be able to yield to my colleagues to a reasonable extent I asked for permission to extend my remarks.

Mr. RICH. I am interested in national defense, and I would like to know who is to be the judge of just what we have to do to reach the point of adequate protection only. I believe the gentleman formerly was interested in economy.

Mr. BLANTON. Formerly?

Mr. RICH. Formerly, yes; and I want the gentleman to maintain that attitude.

Mr. BLANTON. Why, seriously, right today I am more seriously interested in economy in 1 second than my friend from Pennsylvania will be from now until he dies. [Laughter.]

Mr. RICH. I question that statement, but I would like the gentleman to explain just when that point is reached, and I am interested in hearing his discussion of it.

Mr. BLANTON. I do not mean to be abrupt with my friend from Pennsylvania [Mr. RICH], who, when not engaged in partisan politics here, is a most valuable and conscientious legislator, I consider him one of the most earnest and conscientious Members on the Republican side of the aisle. He ought to receive more consideration from his leadership over here, and if they would follow him, it would help wonderfully in the affairs of the Nation.

Mr. RICH. I am not worried about that. All I am interested in is what the House of Representatives does.

Mr. BLANTON. Answering my friend, as to what we deem adequate preparedness, we make up our own minds after hearing from our General Staff and the many splendid major generals in our Army and checking up the situation in person.

Mr. FITZPATRICK. If the gentleman will yield, as I understand, the gentleman believes that adequate protection is the best way to prevent war and is the best kind of economy.

Mr. BLANTON. Certainly; it is economy; and whenever you maintain a proper air force, with a proper navy and army properly mechanized and motorized, and with our defenses properly equipped with a sufficient number of 16-inch guns that can shoot accurately 27 miles, no nation is going

to be foolish enough to bring a $40,000,000 or $50,000,000 battleship within their range.

Mr. FITZPATRICK. And that is good economy.

Mr. BLANTON. Yes. It is sane, wise economy.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. COLDEN. The gentleman from Texas, I understand, made a visit to the Pacific coast this last fall in connection with his duties on this committee.

Mr. BLANTON. Yes; we checked up on Army projects all over the country. I drove my own car approximately 6,000 miles, and also went to Hawaii and the Panama Canal.

Mr. COLDEN. Did the gentleman find the Pacific coast as adequately prepared by way of national defense as it should be?

Mr. BLANTON. I am ashamed to tell my friend that it was not. We found some guns on the west coast and elsewhere that would not shoot within 7 miles of the range of guns on modern battleships. If proper provision had not been made, we would have been absolutely helpless.

Mr. COLDEN. Mr. Chairman, will the gentleman yield further?

Mr. BLANTON. In a moment. I want to tell my friend this: When your committee gets through with its program, if the Congress backs us up, no one can ever say that you are not adequately prepared, because we are going to see to it that the United States is adequately prepared, not only on the west coast but at the Panama Canal and in Hawaii and everywhere else. But it all cannot be done at once, but must be accomplished through a sane program that we can gradually but surely effectuate.

Mr. COLDEN. I heartily agree with what the gentleman has said; but does he not think that southern California and some points farther north are the most vulnerable points in the United States?

Mr. BLANTON. The gentleman need not be uneasy, because we are looking after all of them, and we are sympathetic to the needs of southern California.

Mr. COLDEN. As I say, I am heartily in sympathy with what the gentleman has said, because we have been uneasy as to national defense on the Pacific coast.

Mr. BLANTON. I want to say that Congress will be recreant to its duty to the people of this country if it does not establish needed air bases on the Pacific coast at an early date. Congress should establish a proper air base around Fairbanks, Alaska, and a proper air base in the Seattle country, and if we do not take steps to coordinate them with everything else that goes with such needs there we will be recreant to our duty. I do not care how much it costs, Congress should vote the money to make the people of the United States secure. It will be economy. It will keep us out of war.

Mr. COLDEN. Does not the gentleman think that the air bases should be extended to San Francisco and southern California?

Mr. BLANTON. I can promise the gentleman that our committee is sympathetic and that the west coast from Alaska to San Diego will eventually be looked after.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. BLANTON. Yes; I gladly yield to my friend from Washington.

Mr. ZIONCHECK. The gentleman stated that one shell from a 16-inch gun——

Mr. BLANTON. Oh, I was stating that figuratively.

Mr. ZIONCHECK. It will take at least 12 torpedoes to sink a modern battleship, and they do not hit one time out of three.

Mr. BLANTON. My friend may not know that by the use of our Cloak range-finding board that a battleship running at full speed 27 miles away can be hit by our trained gunners with a few shots from our 16-inch guns, and one proper hit may put them out of commission. We have some improvements that are being perfected daily.

Mr. ZIONCHECK. Will not other nations have the same improvements?

Mr. BLANTON. I will say that our Yankee ingenuity—when I was a boy I hated that word "Yankee"—but Yankee ingenuity of the people of our country will be just as alert and just as ingenious as the people of every other country.

Now, I cannot yield further, because I want to finish my remarks.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes; I cannot refuse my friend from Massachusetts.

Mr. McCORMACK. The gentleman has made an able presentation of the present condition. Is it not a fact that our present condition with reference to national defense is much better than it was 3 years ago?

Mr. BLANTON. Yes; and it is going to be still much better.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Kentucky.

Mr. MAY. I came into this discussion at the time the gentleman from Texas was speaking about the question of economy. In the hearings before the House Military Affairs Committee I think it has been clearly demonstrated that had we been adequately prepared for war when the World War started it would have been much less expensive for us, and probably we would not have gotten into it at all.

Mr. BLANTON. As one of those who voted for war on April 6, 1917, I know that we would have saved billions if we had been adequately prepared, and I honestly believe now that if Germany had known that the United States Government was adequately prepared—and it was not—and if she had known that the United States within a short time could mobilize 4,000,000 men and uniform and equip them and send nearly 2,000,000 of them across the sea she would never have given us the affront that caused us to enter that war.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. No; I must get back to my speech. The man who knows how to fight is the man who keeps out of fights.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I know men on this floor, a dozen of them, who were splendid athletes and good boxers in their universities, men who took lessons under some of the finest sparring masters in the world, and they never get into fights because they know how to keep out of them. They are not afraid of fights. Some of them are as brave as lions, and I can see them in front of me now. They know how to keep out of fights, because they know how to fight. It is the nation that is prepared that is not afraid of another nation and knows how to laugh off some insignificant affront that keeps it out of fights.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I yield to one question.

Mr. RICH. Does the gentleman not think it is more important for the protection of our shores to have these air bases than it is to build a lot of battleships to send to other countries?

Mr. BLANTON. Certainly; but we must always have some battleships. We have been scientifically mechanizing and motorizing our Army, properly so. And yet when I asked the Chief of Staff—and you will find it in the hearings—whether the time would ever come when the United States Army could do without cavalry horses, he said, "No; neither now nor in the future"; and he said that from his experience as a general in the United States Army it is his belief that when you have two opposing forces, one without horses and one with them, everything else equal, the one with cavalry horses will prevail. They are absolutely needed, however much you mechanize and motorize your Army.

Mr. ZIONCHECK. Will the gentleman yield for one very pertinent question?

Mr. BLANTON. No; I am sorry. If the gentleman wants to put his views into the RECORD, he can do it in his own

time. I am very sure that his views of national defense and mine do not coincide.

Mr. ZIONCHECK. Just one little question?

Mr. BLANTON. I cannot, because I do not want to impose upon the good nature and kindness of my chairman. When we Members take oath here that we will defend the Constitution and our flag, we do not say merely "against all foreign enemies", do we? The President's oath does not say that. The oath of every public official of this Nation does not say that. We all take oath that we will defend our Nation against all enemies, both foreign and domestic, and, in my judgment, there is no scare of foreign enemies that is in front of the American people.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I regret that I have not the time. I am sorry. I must use, myself, what little time I have left. In my judgment, the greatest menace in our Nation today is from domestic enemies. I say that without fear or any reservation. It is from those within our own borders. It is those who claim to be Americans who, by their talk and by their action every day, if not seeking themselves to undermine our Government and to destroy our institutions and our Constitution, at least are giving aid and encouragement to those who are seeking to do it.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. No; I cannot yield.

Mr. ZIONCHECK. The gentleman is——

Mr. BLANTON. That is not going into my speech.

Mr. MILLARD. Mr. Chairman, I rise to a point of order; the gentleman from Texas does not yield.

Mr. BLANTON. Oh, I can take care of myself, I thank the gentleman from New York. I am not going to allow unauthorized interpolations to go into my speech. All this talk against curbing communism and all this defense of communism on this floor and these advocates for reds who are trying to undermine our Government need not alarm us particularly; I may say to the gentleman from Massachusetts [Mr. McCORMACK] that I can count them in this House on the fingers of my two hands.

Mr. ZIONCHECK. Name them.

Mr. BLANTON. If you will let me eliminate as many as I can count on the fingers of my two hands, you will not have any communistic expression on this floor. The few make a big hullabaloo. It is just a big hullabaloo.

Why any Members of this House appreciate having their names extolled in the Daily Worker, which is the official mouthpiece of the Russian Soviet, is beyond my comprehension. When it denounces me for denouncing communism I feel honored. If it ever agreed with me on anything I would feel dishonored. When it advocates and preaches disbelief in God, disbelief in all religion, the tearing down of our institutions, the destruction of our Constitution, and the overthrow of our Government by force and violence, I would feel disgraced if it agreed with me on anything. When it attacks and threatens me, I feel that it is a sure sign that I have been faithful to my country and have been doing my duty. It will never find any solace from anything I say here. I will never give it aid or encouragement.

Communists and the Daily Worker want us to disarm. They want no preparedness. They want no Army or Navy or National Guards or Reserves. They want us to be helpless. They want no Supreme Court. They want us to behead our Supreme Court judges. And strange to say aid and encouragement is being extended them by some of the Members of this House and by some newspapers in the country.

Here is an editorial written by V. O. Hatcher, a cheap, little editor, published in his Weekly Record, January 17, 1936, which is an inconsequential, uninfluential newspaper which to most of its readers he distributes free and without charge. He cannot obtain enough paid subscribers to get a second-class post-office permit to mail his paper. Yet to every boy and girl in his county who may happen to read his editorial he may give a distorted, perversive view of the judicial branch of their Government, and an unjustified contempt for the distinguished Justices who preside over the Supreme Court of the United States.

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I yield the gentleman from Texas 10 additional minutes.

Mr. BLANTON. This is what this "two-bit" editor said about your Supreme Court:

> Our United States Supreme Court, ever the servile minion of wealth.

How many Members here will get up and say that that is so? "Ever the servile minions of wealth." That means that since our Government began the judges of our Supreme Court have been the slaves of wealth, doing wealth's bidding. Since he has arisen, will the gentleman from Washington [Mr. ZIONCHECK] say that is so?

Mr. ZIONCHECK. What is this? I did not understand the gentleman.

Mr. BLANTON. This editor said that the Supreme Court of the United States has been "ever the servile minion of wealth."

Mr. ZIONCHECK. It usually has been; yes.

Mr. BLANTON. Now, is there anybody else besides the gentleman from Washington who will get up here and say that? If there is, I want to yield to him.

Mr. ZIONCHECK. If they are intellectually honest, they will.

Mr. BLANTON. I do not yield further to the one who has declared himself. I have found out where the gentleman stands. Is there any other Congressman here who will get up and say that, in his opinion, the United States Supreme Court has been "ever the servile minion of wealth"?

Mr. MAY. Will the gentleman yield?

Mr. BLANTON. No; because I know the distinguished gentleman from Kentucky has an entirely different opinion of the Supreme Court of the United States.

Mr. MAY. I just thought possibly the gentleman used the wrong word when he said "there was no other 'Congressman' here who would say that."

Mr. BLANTON. Well, is there?

Mr. MAY. No, there is not; and I do not think there has ever been one here.

Mr. BLANTON. My friend from Washington [Mr. ZIONCHECK] agreed with it.

Mr. MAY. But you used the word "Congressman." [Laughter.]

Mr. BLANTON. Now, let me quote further from this editorial. The same "two-bit" editor of this "two-bit" newspaper says this about your Supreme Court:

> They are nine old fossils.

Is there a Member of this House who will say of the Supreme Court of the United States that "they are nine old fossils"? If there is, God knows I want to see your countenance. [Laughter.] Is there? Does the gentleman from Washington say they are nine old fossils?

Mr. ZIONCHECK. There are about four or five anyway.

Mr. BLANTON. Well, we are finding out where the gentleman stands. Is there any other Member here who will say they are "nine old fossils"?

Mr. ZIONCHECK. If they are intellectually honest they will.

Mr. BLANTON. I believe my colleagues are intellectually honest. Is there any other Member here who will make that statement—that our Supreme Court Justices "are nine old fossils"? If there is another such Member here I will gladly yield to him. Our Supreme Court through Republican administrations and Democratic administrations has been composed of some of the greatest lawyers of the universe—splendid, outstanding American lawyers.

I do not agree with them sometimes. They render opinions which I do not think they ought to render, but I still have confidence in their honesty, in their ability, and in their integrity. I am getting tired of all this monkey business. It is only the grossly uninformed and those who are too highly prejudiced who would call the able and distinguished Justices of our Supreme Court "old fossils."

Let me quote further. This "two-bit" editor says: "Who were formerly corporation lawyers, steeped in the ancient and hallowed doctrine of the sacred rights of capital." Will any Member get up here and say that our nine Supreme Court Justices are that kind of corporation lawyers?

Mr. ZIONCHECK. Well, seven out of nine.

Mr. BLANTON. Well, even my friend from Washington admits there are two of them who are not?

Mr. ZIONCHECK. That is right.

Mr. BLANTON. Then you say that this editor lied about two of them?

Mr. ZIONCHECK. He was mistaken about one or two. [Laughter.]

Mr. FITZPATRICK. Will the gentleman yield?

Mr. BLANTON. I yield to my friend from New York.

Mr. FITZPATRICK. Does the gentleman know any lawyer in the practice who would decline a retainer from a corporation?

Mr. BLANTON. No; I do not.

Mr. ZIONCHECK. You do not know what?

Mr. BLANTON. Just a minute. Do not interrupt my speech any more without conforming to the rule.

Mr. PARKS. Mr. Chairman, I know the gentleman from Texas is perfectly capable of taking care of himself; but I think we ought to proceed in order in this body. I seriously object to Members sitting in their seats and addressing remarks to the speaker. I insist that we have order.

The CHAIRMAN. The Chair will say that when a Member is speaking and another desires to interrupt, he should first address the Chair and ask the Member if he will yield.

Mr. BLANTON. Mr. Chairman, while in the law practice I have represented very few corporations in my life. Most of the time I have represented persons suing corporations when I was in the practice of law. I have been in some pretty good-sized cases, both in the State and Federal courts; but I want to say this to you, that most of the lawyers, when they enter practice, are hoping that some day they will be employed at big retainers by some big concerns. They are not ashamed when they get employed by big concerns and are paid big retainers. How many lawyers here would deny a retainer from a big concern if he were in the practice of law? Is there anybody here who will get up and say that he would not accept such a retainer?

Mr. ZIONCHECK. I will.

Mr. BLANTON. I do not think the gentleman from Washington would ever have a chance of getting one from a good-sized corporation. [Laughter.]

Mr. ZIONCHECK. Because they know I would not represent them.

Mr. BLANTON. I do not yield further.

The other day one of the Washington newspapers criticized the House of Representatives and the Congress of the United States very severely because the Judiciary Committee of the House favorably reported the Kramer bill. It said we were "red" baiters. I got this from my friend from Massachusetts "that it is better to be a 'red' baiter than a 'red' lover." That paper got after the Congress because your Judiciary Committee, composed of some of the finest men in this House, reported favorably the Kramer bill way last June or July during the last session of this Congress. Let me show you what the Kramer bill provides.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield for a question?

Mr. BLANTON. I am sorry, but I have not the time.

Here is the Kramer bill. Now, if there is any Member here who is backing up this "red" loving newspaper, I want him to listen to these few lines, for they are the whole of the whole Kramer bill:

> That any person who knowingly and willfully shall advocate the overthrow of the Government of the United States by force or violence shall upon conviction thereof be punished by a fine of not more than $5,000 or imprisoned for not more than 5 years, or both.

That is all of the Kramer bill. Is it bad? It is bad for "reds." As an American citizen I am for this kind of law. Whenever by insidious subversive propaganda some dirty scoundrel on the pay roll of the Soviet Republic, follower of the Third International, comes over here and seeks to undermine this Government and to overthrow it by force and violence, he ought to be sent to the penitentiary.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield right there?

Mr. BLANTON. No; I am sorry; I cannot. I have not the time.

Then this paper got after the Senate because it reported favorably and passed the Tydings bill. Is there anything wrong with the Tydings bill? Here is the Tydings bill—it is a short bill and it can be easily understood by a child:

> *Be it enacted, etc.*, That whoever with the intent to incite disaffection advises, counsels, urges, or solicits any member of the Army and Navy of the United States to disobey the laws or regulations governing the Army and the Navy, or whoever with the intent to incite disaffection publishes or distributes any book, pamphlet, paper, print, article, letter, or other writing, which advises, counsels, urges, or solicits any member of the Army and Navy of the United States to disobey the laws and regulations governing the Army and the Navy shall be punished—

And so on. Then it provides punishment. Is that not a good bill? It is bad for the "reds."

Is there anybody here who will join this "red" loving newspaper in its fight to stop laws that prevent communizing our Army and Navy?

Mr. ZIONCHECK. Here is one. I will tell you why: Because I am a Jeffersonian Democrat.

Mr. BLANTON. I am sorry. I am sorry the gentleman is choosing such company. I am choosing these God-fearing, God-loving colleagues of mine here who stand for the Government of the United States as against Soviet Russia; who stand for our Army and Navy being wholly disaffected by any subversive propaganda.

Is there any other Member who will stand in this body and say we should not stop subversive efforts to communize our Army and Navy?

Mr. ZIONCHECK. Will the gentleman let me tell him why I stand that way?

Mr. BLANTON. Just a minute. I want to find out how many Members would stand for disaffection of the Army and Navy.

Mr. ZIONCHECK. That is an unfair statement; it is patently unfair.

Mr. BLANTON. Mr. Chairman, I do not yield to the gentleman; I do not care to yield all my time to him.

The CHAIRMAN. The gentleman from Texas declines to yield.

Mr. BLANTON. I want to find out how many colleagues there are here who believe it is right for the followers of the Soviet Republic of Russia to come here and in this damnable and subversive manner try to disaffect our Army and Navy and make the enlisted personnel disobey the rules of their superior officers.

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I yield 5 additional minutes to the gentleman from Texas.

Mr. PIERCE and Mr. BOILEAU rose.

Mr. BLANTON. I yield first to the gentleman from Oregon.

Mr. PIERCE. I want to say that I will probably vote against the Kramer bill; and I will give my reasons.

Mr. BLANTON. Do not do it now, please, as I have only 5 minutes more.

Mr. PIERCE. At that time I will.

Mr. BOILEAU. The gentleman asked Members to rise. Does he mean that nobody can have an honest objection to anything placed in those bills?

Mr. BLANTON. The gentleman is against them. All right; now, there are three. Is there anybody else?

Mr. MAY. Mr. Chairman, if the gentleman will yield, I would say to the gentleman from Texas that the penalty in neither bill is severe enough.

Mr. BLANTON. The gentleman is quite correct. If it were wartime, they would be taken out and shot at sunrise.

Mr. BOILEAU. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOILEAU. Is it within the rules of the House for a Member to propound questions to the Members of the House

and ask how Members stand? Is not the policy of the House a matter to be determined by a majority vote and not by one or two or three advocates of a measure?

The CHAIRMAN. The gentleman from Texas has the floor and is proceeding in order.

Mr. DUNN of Pennsylvania. Will the gentleman yield?

Mr. BLANTON. I am sorry; I have not the time. I cannot yield to the gentleman. I know what the gentleman thinks with reference to these things, and he does not think as I do.

Mr. DUNN of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

Mr. BLANTON. Mr. Chairman, I will yield to my friend, the gentleman from Pennsylvania, because he and I are good friends, although we sometimes do not agree.

Mr. DUNN of Pennsylvania. What was the question which the gentleman asked the Members of the House a while ago?

Mr. BLANTON. I asked whether there was any other Member who is against these bills to stop overt acts or insidious propaganda causing our men in the Army and Navy to be disaffected and to disobey the orders of their superior officers? That is the question. The gentleman is not for that, is he?

Mr. DUNN of Pennsylvania. I am not.

Mr. BOILEAU. The gentleman asked awhile ago who was against these various bills.

Mr. BLANTON. Mr. Chairman, the time has come for a show-down on this question. The time has come for the people of the United States to know whether we are for the people of the United States or for the paid hirelings of Soviet Russia who come to the United States to cause disaffection in our Army and Navy. The time has come when we should know whether or not we are for letting these foreign Communists slip in and get into our schools all over the country—Chicago, Columbia, and other universities of this country—with their subversive matter. I am against it. I do not want my grandchildren to be taught by any such professors.

In his Washington Post for last Saturday, February 8, 1936, Mr. Eugene Meyer's editorial writer, under the title "Little Red Rider", criticized Congress for attaching an amendment to the District appropriation bill stopping the teaching of communism in the Washington schools. Is Eugene Meyer and his Washington Post in favor of communism? Do they want communism taught in the Washington schools? Over 92,000 Washington children attend these schools. With this rider, not one of the 3,000 school teachers in the schools in Washington can now teach communism. We have stopped it. Does Eugene Meyer want to revive it? Does he not know that he is working in double harness with the Daily Worker, the paid mouthpiece of Soviet Russia, when he publishes such editorials?

I want to say to my colleagues that I think just as much of the school-teaching profession as does any other man in this House. My sister has devoted her entire life to teaching. She was the first woman in my State to hold the position of State superintendent of public instruction in Texas. For 20 years she has been with the State university at Austin, and has devoted her whole life to the teaching profession. Some of the finest people in the world are engaged in teaching. There are, on the other hand, some black sheep, such as you will find in every flock. It is just like any other profession. You will find good and bad. You will find some outstanding Americans loyal to the cause. You will find some who are willing to scatter subversive principles to the youth of our land.

Mr. McCORMACK. Will the gentleman yield?

Mr. BLANTON. I yield to my friend from Massachusetts, who has done a great work in this matter.

Mr. McCORMACK. The unfortunate thing about the teaching profession is that there is a small percentage who believe they should instruct students and pupils what to think as distinguished from their duty of instructing them how to think. I agree with the remarks of the gentleman.

Mr. BLANTON. And we must protect students from that kind of teachers.

Mr. McCORMACK. Then, when that small group is attacked, they claim their academic freedom is being taken away from them and make the claim they are being abused.

Mr. BLANTON. The gentleman is correct. I must refer to another matter before I conclude.

The gentleman from Massachusetts [Mr. TINKHAM] in his speech last Thursday not only unjustly criticized Ambassador Page, who is now dead, but he likewise viciously attacked a very good friend of mine from my own State—one of our greatest Americans—Mr. Edward M. House, a man who was a close personal friend of Woodrow Wilson and the man who is also a close personal friend and adviser of Franklin D. Roosevelt. In referring to acts of Edward M. House, the gentleman from Massachusetts [Mr. TINKHAM] said:

> This scandalous and perfidious conduct represents the most offensive kind of secret diplomacy.

And then he had the audacity to make the following statement:

> Mr. House was one of the principal promoters of the candidacy of Woodrow Wilson for the Presidency and was one of the intimate advisers of President Wilson, particularly in relation to foreign affairs.
>
> Edward M. House is still alive. He was one of the principal promoters of the candidacy of Franklin D. Roosevelt for the Presidency, and today he is one of the intimate advisers of President Roosevelt.

The loyal friends of Mr. Edward M. House are legion in the United States. He can be in no way hurt by anything the gentleman from Massachusetts may say about him. He has rendered distinct service to his country. It was rendered gratis, wholly without pay or hope of reward.

I remember when I was a young man in the University of Texas. During my 7 years there in the academic and law departments it was necessary that I should earn my own college expenses. At night, for 7 years, I kept the books for a wholesale and retail grocery firm in Austin and worked some in their store during the daytime.

Many times I walked when going down to the store. We did not have automobiles in those days. Once I was awfully tired, and while walking down the street a man in a buggy came along. He said, "Son, do you want a ride?" I said, "Why, certainly I do." I got in the buggy and there was Edward M. House driving his own horse, a multimillionaire, plain and unassuming, having time and inclination to think about a poor college boy walking along the street and wanting to help him. That is typical of Colonel House's entire life. He tried to help everybody. He has helped more Governors and he has helped more Presidents than any other man I know of.

He has never asked for a single dollar in salary for either himself or his friends. He has never asked a personal favor from any government. He is an outstanding American. Long after the gentleman from Massachusetts [Mr. TINKHAM] is dead, gone, and forgotten, the name of Edward M. House will stand out in the memory of the American people as a patriot. [Applause.]

[Here the gavel fell.]

Mr. BLANTON. Mr. Chairman, under the leave granted me to extend and to print excerpts, I want to quote two valuable articles from the Washington Herald, the following from last Sunday, to wit:

[From the Washington Herald of Feb. 9, 1936]

"RED" PROPAGANDA IN UNITED STATES—OUR COLLEGIANS DUPED—COMMUNISTS GAIN GRIP ON SCHOOLS—DEPRESSION AIDS RADICALS TO MOBILIZE YOUNG AMERICA

For the past 5 months or more a group of earnest college students have been making a Nation-wide survey of the extent and effect of communism on our institutions of higher education.

In all, more than 30 universities and colleges were actually visited in person or canvassed by them.

Every effort was made to obtain a calm, unbiased picture of the actual situation.

The following is the first of a series of articles setting out the result:

ARTICLE 1

How strong is the Communist foothold among the million students in American colleges and universities?

Is the revolutionary movement for a Soviet America, under the guidance of Moscow, growing in our schools of higher learning? How is it being promoted and how is it being combated?

To answer these questions, an impartial, fact-finding group of students set out in August 1935, to conduct a survey of the leading colleges of the country. The investigators mingled with all groups and elements.

Altogether the survey embraced about 30 major institutions, from the Atlantic to the Pacific, namely:

In the East, Columbia University, Columbia Teachers College, New York University, College of the City of New York, Smith College, Amherst, Rutgers, Princeton, Harvard, Yale, Dartmouth, Cornell, Syracuse, Bennington, and Vassar.

In the Midwest, the University of Chicago, Northwestern University, University of Wisconsin, University of Michigan, University of Illinois, Ohio State University, and University of Minnesota.

"REDS" HAVE FOOTHOLD

On the Pacific coast, the University of Southern California, Los Angeles Junior College, University of California at Los Angeles, Leland Stanford University, University of California (Berkeley), University of Oregon, Oregon State University, and the University of Washington.

On the basis of this survey, it can be definitely asserted that the Communists have established a strong foothold in the American student body.

Although still comparatively small, numerically, the Communist invasion is potentially powerful and has made tremendous steps forward in a short period of time.

A vast quantity of college periodicals, pamphlets, and leaflets, all carrying on blatant propaganda, has been gathered in the course of this investigation. In most cases the financial source responsible for the production of this "literature" remains shrouded in mystery.

AIDED BY DEPRESSION

The Communist minority takes advantage of the profound interest which the depression has awakened in current political and social problems on the American campus.

Although Communists and Communist sympathizers form less than 2 percent of the American student body, they are a militant minority able to sway much greater numbers on various specific issues which are raised to agitate the student minds.

In all countries students have ever provided inflammatory material for revolutionary agitators. The youthful ardor, the spirit of adventure, have made students the favorite fodder of insurrectionary plotters. The Communist International has traded on this explosive material for many years in Europe, as well as in Asia and South America.

The change wrought in the American student body by the depression has opened to the Communist International a new field of exploitation. Never before was the American campus so alive to contemporary national and international questions as it is today.

DECEIVED BY MINORITY

The number of students displaying a healthy, vigorous interest in the world-wide crisis of our times far exceeds that of the Communist minority this survey has established.

But the aggressive Communist minority, highly organized and cleverly disguised, has been able to capitalize on this interest by sponsoring "pacifist" and "antiwar" and "academic freedom" campaigns which the Communists use as a means to their end.

The eagerness for new ideas, the consciousness of a changing world, the momentous economic and political events in the life of America have made the average American student ripe for propaganda. Yet there has hardly been any sane and constructive effort on the part of our educators or molders of public opinion to combat insidious propaganda disseminated by crafty methods.

CREATE DISTURBANCES

Paid Communist field workers operate openly on the college campuses of the country. With the aid of a shouting and agitating minority they have been able to create frequent and unwholesome disturbances in the universities and colleges.

Yet 9 out of 10 students will scoff at campus Communists and other "left wingers." In most colleges the Communist students are of the type generally not cultivated by the leading groups or fraternities. These agitators are usually idealists, some of them dreamers, who for various reasons had already failed to become prominent in the traditional campus activities. These young people flock with a handful of misled intellectuals to the Communist camp because it offers them a new field of endeavor.

But how does the small minority of Communists manage to attain such a wide scope of influence? A nucleus of 5 or 10 or 20 Communist students operates merely as a steering committee for stirring up trouble whenever a crisis can be created on any immediate pretext in sight.

"UNITED FRONT" TACTICS

The pretext is turned into a general issue. The appeal is then made on a broad front, and the regular students find themselves fighting side by side with many individuals whose ideas are diametrically opposed to their own.

These are the tactics of the "united front." Such concerted efforts on the part of a number of extremists swell the ranks of interested students, and eventually draw unsuspecting young men and women into camouflaged Communist organizations.

The Communist minority has thus gained such prestige through national strikes on Armistice Day and other big demonstrations. Its steady progress, however, is achieved by the work of each local body knowing the best possible attack in its particular field of action. This local activity is carried on by experts in revolutionary strategy.

STUDENTS ARE DUPES

Most of the students who lend their support to the noisy campaigns engineered by the Communists on local issues do not realize that they are being used as dupes for ulterior purposes. The same is true of many "liberal" professors and clergymen who join in the defense of these campaigns.

In the institutions surveyed it has been found that Y. M. C. A.'s and Y. W. C. A.'s various "open forums" and lecture platforms are unsuspectingly being placed at the disposal of organizations furthering the program of Communist revolution in this country.

The Communist appeal to the students is not an isolated effort. It is part of the strategy of the Communist International to enlist the entire youth of the country in the acknowledged struggle for a Soviet America. It is part of the "united front" of the youth formed by the dextrous hand of Moscow.

MOBILIZED FOR MOSCOW

This "united front" was the keynote of an address delivered in Moscow by Gil Green, of New York, national secretary of the Young Communist League. Speaking before the Seventh World Congress of the Communist International, he told of the work of his organization and boasted of 1,000,000 youth in the United States. His remarks were later published in a pamphlet circulated by the Young Comunist League.

The college youth is in the van of this growing front. Large numbers of American students have become aware of the youth movements in Europe and have been wondering if the time has come for young Americans to take an active interest in national affairs.

The Communists have seized upon this desire of the youth to do things, to assume responsibility, and are telling the students that the young generation must lead the country to a better future. By effectively concealing their true colors the agents of Moscow are mobilizing the great American student body.

And the following valuable article appeared in the Washington Herald this morning:

[From the Washington Herald of Feb. 10, 1936]

STUDENTS ORGANIZED FOR COMMUNISM—SOVIET UNITED STATES BEING TAUGHT ON COLLEGE CAMPUSES—"UNITED FRONT" MASKS EFFORT TO ESTABLISH SOVIET UNITED STATES

"Agitate! Organize! Educate!" are the orders given Communist student leaders on every college campus this survey has covered. All effort is concentrated to solidify the new "united front" of left-wing students with their progressive and liberal fellows.

Every opportunity for a demonstration on any campus, every chance to incite to riot, every possible excuse for a noisy campaign is quickly exploited in the interests of the "united front."

The theory of the Communist International is that discontent breeds recruits for the cause of revolution. If there is no discontent, create it! If there is local discontent, fan it into general disturbance!

FIRST MOVES QUIET

This was not the method pursued by the Communist International when it first invaded the American campus, it is revealed by the survey of the country's leading institutions of learning.

Up to 1931, the only radical organization among American students was the Socialist Student League for Industrial Democracy, formed in 1905 by Jack London and Upton Sinclair.

This collegiate society had made fair progress, adhered to serious and sober thought, attempting to bring about Socialist control of the Government by democratic means.

In 1931 the nucleus of the present Communist movement was organized, when the New York Student League, influenced strongly by the Communist Party, sprang to the fore, and included many left-wing Socialists.

The following year a group of New York City students made a dramatic "pilgrimage" to Kentucky to take part in the coal strike there. The movement spread to several metropolitan districts.

Two bus loads of students left New York City for Kentucky in March of 1932 to "investigate" the coal strike. Many were seriously interested in social problems. There were about 75 students from the colleges in New York plus a handful from Smith, Harvard, and one or two other schools.

However, the nucleus of the caravan is found to have been of the publicity-seeking type that sought to bring no good to the State of Kentucky.

A crowd of a couple hundred people, some of them armed and wearing badges of deputy sheriffs, stopped the first bus at the Kentucky borders, called its occupants, among other things, "aliens and agitators", and escorted them to a hurried courthouse hearing. Then they were sent out of the State under guard.

The students were furious, protested to Governor Laffoon, and made a public statement to the striking miners, which further helped to incite them. And although a series of interviews and hearings followed, they could not get back into Kentucky, where irate citizens were in arms against practically everybody foreign to Kentucky at that time.

AGITATOR IS TEACHER

A University of Pennsylvania teacher, Maynard Kreuger, led a group of students carrying banners to the Morgan establishment in Philadelphia. Police broke up the demonstration and jailed Kreuger for "inciting to riot."

Kreuger is now a professor at the University of Chicago, and an active leader of the "united front." At the same time Reed Harris was expelled from Columbia University, and therefore automatically removed from the editorship of the Columbia Spectator.

Other investigations and student actions followed throughout the country. University of Chicago students tried to "investigate" in their own State. California students became interested in waterfront, seamen, and longshoremen problems.

Such were the beginnings of the National Student League. The policy followed by its Communist mentors, as reported to the survey group throughout the country, was to ally the students with the "underdog", to make them comrades in arms of embattled workers.

URGED SOVIET AMERICA

The open battle cries of the moment were, "Support the soviet fatherland!" and "Build a soviet America!"

But these tactics and slogans, based on propaganda in favor of imitating the soviet revolution, left the large body of students cold. The "liberal" element kept away from the stark Communist banner, the survey findings show.

Today this is still true. More than 2,000 students were contacted personally in this survey. Fewer than 20 of these, aside from those already in Communist organizations, answered "Yes" to the questions: "Do you believe communism has any place in America?" or "Would you work for a soviet America?"

Then the National Student League staged a series of raids upon the Socialist Student League for Industrial Democracy, the only available force on the campus which lent itself to conquest. By this time Norman Thomas was dominating the latter organization.

"REDS" CLAIM LEAGUE

The raids were carried out by the "boring from within" tactics. This was made possible, in the first place, by the Communist group's name. The National Student League was a harmless-sounding title. It was calculated to draw into its net many gullible progressives.

As the National Student League grew, largely at the expense of Socialists, the Young Communist League could no longer conceal its pride in the growing organization. It courted credit from the Communist International for its achievement in developing the National Student League.

This led to serious trouble between the Socialists and the Communists during the next 2 years. These sectarian bickerings continued until Stalin changed completely the policy of the Communist International and launched the new campaign of the "united front."

The new tactics, the survey finds, relegated the real aims of the Communists to the background. Instead, all emphasis was put on immediate problems of interest to the typical student.

Mr. BOLTON. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Chairman, I want to take this minute which has been placed at my disposal because I am fearful that certain injections I may have made into the remarks of the gentleman from Texas might be misinterpreted. I want to make it very clear that, so far as I am concerned, I am as much opposed to communism as is the gentleman from Texas or any Member of the House. On the other hand, I want to make it clear that I have a wholesome regard for the constitutional rights of the citizens of this country—the right of freedom of speech and the press. I also want to make it clear that, in my opinion, we should not enact laws that may be regarded as espionage acts; nor do I uphold any element which seeks to suppress freedom of speech or freedom of the press. I want to make it clear that I do not uphold anyone who advocates the overthrow of our Government by force or violence. I do, however, want to preserve for American citizens such rights and liberties as are guaranteed to them under the Constitution of the United States.

[Here the gavel fell.]

Mr. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and include therein a letter written by myself on old-age pensions.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FOCHT. Mr. Chairman, I am afraid that my subject, as well as my oratory, will be somewhat more moderate than what you have been hearing this morning, and yet the subject I shall discuss, I think, is quite germane to the dissertation we have had from the gentleman from Texas [Mr. BLANTON], having a direct relationship to his remarks. In other words, after a long search I have found what I think both Democrats and Republicans would like to have and would like to know about at this particular time as we approach a great campaign, followed by an election.

This subject may be entirely familiar to most of you, but until recently I was never able to get a complete confirmation of one of the most important subjects we discuss and debate in this country today; in other words, in a few minutes I am going to try to show you and the country how hopeless and utterly impossible it will be now or at any future time for socialism or communism to exist in the American Republic.

This is woven around the rule of perpetuity, and this is the climax of research and study I have made over a period of many years. I heard here the greatest Socialist the world has ever known, probably the best educated Socialist America ever saw, our friend from Milwaukee, former Congressman Berger. He was graduated from at least three German universities and a couple in America. He said there are four or five or a dozen kinds of socialism in Europe and in America, and he discussed particularly that character of socialism that was enunciated and pressed forward up to the French Revolution by Rousseau, Mirabeau, and Robespierre, and the rest of those who finally went to the guillotine and whose theories were expressed up to the time Napoleon took possession of the French Assembly and swept the boulevards of Paris with his artillery. He even said that I was somewhat of a Socialist. He had heard me make speeches here, and having always been for a square deal for the laboring man, he said, "You have been giving expression here to something akin to socialism and", he said, "you have robbed us of our thunder; both the Democratic and Republican Parties have stripped us of all those beneficent, humanitarian things we have advocated, and we are left marooned."

Then, as you will recall, Norman Thomas, as a candidate on the Socialist ticket, received 100,000 less votes than the old chap, Eugene V. Debs, who had run 4 years before, and who at the time of his campaign was confined in the Atlanta Penitentiary, showing that that kind of thing in this country is dying out, and the reason it is dying out is because of the unfolding of the truth in regard to perpetuity, which makes it impossible for the so-called rich men to ever attain their final objective of entailing their accumulations.

The common-law rule against perpetuities prohibits the postponement of the absolute power of alienation of property for a longer period than lives in being and 21 years thereafter, an extension being allowed for gestation or a slightly modified form thereof, and this principle of law is in force in the following States.

Here I give you a list of the States in which there is a limitation on entailment. You see there is where the whole point is involved, and yet these Socialists and Communists never discuss that. These men may talk about people getting richer and richer, and piling up their money and perpetuating it in their families throughout all time, but they cannot do anything of the kind under the principle of law which I have just stated. I shall put this list in the RECORD so you can find just what is happening in your State.

This makes impossible the two things you have discussed this morning, and that you discuss almost every day here. This rule of law makes it impossible that such a thing could happen of perpetuating wealth in a family by entailment.

Mr. Chairman, let me say further that in this country we have seen every kind of socialism from the kind I have referred to to the international socialism of Karl Marx, which is another kind that followed the French Revolution. They wanted to standardize the labor of all the countries of the world. How utterly impossible this would be. Then they would say that we are going to have universal free trade without any standardization of the condition of the people. We have seen both political parties, Democratic and Republican, absorb what was meritorious and virtuous in the paternalism of socialism in this country until there is nothing left of the idea, particularly, since old-age pensions are assured and Government help for the blind has reached these unfortunates.

There is a reason for the eclipse of socialism, which I shall briefly state:

We have heard Socialists in their evident ignorance, at least the kind of socialism Victor Berger told me about, in-

veighing against the accumulation and perpetuation of wealth in America. I have listened to a great deal of this kind of false philosophy and the error held as to the pillars upon which this Nation of constitutional liberty rests. And what a lot of nonsense, since what is contended for in this idea has its very definite limitations. We all know the fathers when they made the Constitution omitted anything about entailments—no feudalism to stain this continent. The fathers said to the sovereign people, "Here is your land of freedom, given to you in fee simple—take it and protect it."

When I say there was and is no entailment on land and property here, but a limitation on how far an estate may be controlled by the will of a testator, I say what I am sure is not any too clear to many; that supports my contention as to the fallacy of socialism, but which, nevertheless, knocks socialism and communism into a cocked hat.

I have here and will insert into the RECORD the law as it applies in nearly every State in the Union, and which shows how far a testator may control his estate. This statement is thoroughly authentic.

This should be conclusive enough to break down the poppycock argument of some few college professors, here and there, that the rich always become richer and never poorer, and that the poor can never become rich.

There is one other great and transcendent reason why the rich can be held in leash, and that is the system of taxation which is always in the hands of the people. You saw during the World War an income tax of 75 percent, while there will soon go into effect a tax law even more drastic than that which takes much from the middle class while they live, and more if they give away any while they live, and most all if they wait until they die.

We are not saying the rich should not be taxed, but we have to aver that the socialistic and communistic theories that the rich cannot be reached except by appropriating all they have is erratic and impossible for intelligent minds to accept.

Truly, as Emerson said, this is a land of opportunity; in fact, man's last chance. That chance is here and to remain for all to acquire a competency and station in life on their own merits, but not by stripping others of what they have earned.

Statesmanship, benevolence, and fraternity should be gradually applied to equalize God's given blessings, but these blessings cannot be acquired by violence or usurpation or the establishment of a dictatorship and the dull and ignoble understanding of our present Government of attempted regimentation of our liberty into cringing submergence. [Applause.]

RULE AGAINST PERPETUITIES

The common law rule against perpetuities which prohibits the postponement of the absolute power of alienation of property for a longer period than lives in being and 21 years thereafter, an extension being allowed for gestation, or a slightly modified form thereof, is in force in the following States (where a statute declaratory of the rule was found the citation is given): Alabama, Laws 1931, page 816; Arkansas; California, Constitution, article XX, section 9, Civil Code, section 711; Colorado; Connecticut, Delaware; Florida; Georgia, Code 1933, sections 85–707; Illinois; Iowa, Code, 1931, section 10127; Kansas; Kentucky, Carroll's Statutes, 1930, section 2360; Maine; Maryland; Massachusetts; Missouri; Nebraska; Nevada; New Hampshire; New Jersey; New Mexico; North Carolina; Ohio, Code, 1930, sections 10512–8; Oregon; Pennsylvania; Rhode Island; South Carolina; Tennessee; Texas; Utah; Vermont; Virginia; Washington; West Virginia; Wyoming, Revised Statutes, 1931, sections 26–101.

Idaho, Annotated Code, 1932, sections 54–11, 202; Indiana, Burns' Statutes Annotated, 1933, sections 56–142; Montana, Revised Code, 1921, sections 6705, 6734; North Dakota, Laws 1933, chapter 203, Compiled Laws, 1913, section 5315; Oklahoma, Statutes 1931, sections 11756, 11759; South Dakota, Compiled Laws, 1929, sections 294, 322; limit the postponement of the absolute power of alienation to the lives of persons in being, except that a contingent remainder in fee may be created on a prior remainder in fee to take effect in the event that the persons to whom the first remainder is limited die under 21 years of age, or upon any other contingency by which the estate of such persons may be determined before majority.

Arizona, Revised Code, 1928, section 2761; Michigan, Compiled Laws, 1929, section 13516; Minnesota, Mason's Statutes, 1927, sections 8045, 8053; New York, Cahill's Consolidated Laws, 1930, chapter 51, section 42; South Dakota, Compiled Laws, 1929, sections 294, 322; limit the postponement of the absolute power of alienation to the lives of two persons in being, except that a contingent remainder in fee may be created on a prior remainder in fee to take effect in the event that the persons to whom the first remainder is limited die under 21 years of age, or upon any other contingency by which the estate of such persons may be determined before majority.

Louisiana, Civil Code, section 1520, requires future estates to vest immediately.

Mississippi, Code, 1930, section 2117, allows the conveyance to any number of living donees and upon the death of the last of such donees to any person or heir.

North Dakota, Laws 1933, chapter 203, besides the foregoing limitations, has an alternate limitation which allows the suspension of the power of alienation for any period not exceeding 25 years.

Wisconsin, Statutes, 1931, section 230.15, limits the postponement of the absolute power of alienation to the lives of persons in being and 30 years thereafter.

POVERTY ABDICATES

Demands being made today for social security legislation would have been ridiculed out of the picture 10 years ago. In fact, less comprehensive programs were eased out of the legislative picture without ado.

Today, with a patchwork system of various phases of an ambitious social security program operating in various parts of the country, the seed has been sown, and the day is apparently not far distant when the medieval system of public charity, which too often accomplished little more than providing a body-and-soul existence and placing the stamp of pauperism upon the unfortunate, will have been relegated to the limbo of discarded usage.

Pennsylvania's mothers' assistance fund, now in its twenty-fourth year of operation, its blind-pension system, in vogue nearly 2 years, and its old-age assistance plan, which has been operating for more than a year, are examples of what can be done to sensibly meet the problems one hears so much about today.

All needs, to be sure, are not yet met by any one of these agencies, but their work has been gradually expanded and will continue to branch out. Untold good has been accomplished by each of these agencies and without an excessive burden upon the public.

The thought in mind is that social security is a gigantic problem, a problem which must be solved by degrees rather than overnight; that any such vast undertaking as abolishing want and suffering requires time to attain perfection and to encompass all needs.

It is gratifying that Pennsylvania is on the right path, that the Keystone Commonwealth is a step ahead of most of her sister States in this respect, and that there is definite hope for progress. (From the Sunbury Item.)

Notwithstanding the vast change in the customs and habits of the people during the past 30 years, it may not be said in truth that Christianity is being frowned upon as something effete, even though there are those who openly indulge in what was once looked upon as sinful. Dancing, card playing for prizes, drinking, and face painting are done openly, whereas years ago these pleasures were despised and denounced from the pulpit.

And yet Christianity is not perishing even though customs change.

For so much that is humanly sympathetic there must be more back of it and sustaining it than mere sentiment.

It is the Christian spirit that impels men to subscribe to great charities—colleges, churches, hospitals, and the weak and unfortunate.

And thank a merciful God that spirit is ever growing and expanding until we see poverty abdicating and the tears of unhappiness caused by penury wiped forever away.

After 5,000 years of only two classes, the patrician and plebeian, and the latter four-fifths of the whole, we see a tide of humanity impelled by the spirit of Christianity, sweep the harsh things of the world into oblivion and substitute gracious, kind-hearted humanity.

In 1831 Governor Wolf was defeated for Governor because he was for free education and Thaddeus Stevens was compelled to leap from a window of the State capitol to escape violence because he led a fight for free schools.

But the free schools came, then free books, and within a century we are talking of giving every boy and girl a free college education.

But the greatest achievement during the entire story of Christian civilization is the mothers' assistance fund and pensions for the blind and the aged.

In these great benevolences is the evidence that Christianity is not dead but is stronger than ever even though the habits of some have changed.

We are pleased to note the fine understanding of all this as expressed by the editor of the Sunbury Item in the article we quote at the top of this column. (B. K. F.)

UNNATURALIZED FOREIGN CRIMINALS

Recommendations on a Mifflin County grand jury that alien criminals be investigated and, where possible, deported strikes the right key and offers food for thought in Northumberland County.

For years on end the foreign element, for the most part unnaturalized, has been the cause of most of the heavy expense involved in the operation of Northumberland County's criminal courts. Perusal of the court records will show countless repetitions of alien names involving crimes of every description, including murder.

With the January grand jury convening next week, would it not be timely to launch an investigation in Northumberland County with a view to ridding the community—and the courts—of at least a sizeable portion of these undesirables?

Congressman B. K. FOCHT, of the Eighteenth District, has earned the admiration and commendation of all 100-percent Americans by his efforts in behalf of selective immigration and the deportation of alien criminals. The fight goes on.

The United States Department of Justice has given the cue by wholesale shipment of alien felons to their home countries, as witnessed from time to time at the Northeastern Penitentiary, Lewisburg. The county can well follow that lead. (Sunbury Item, Jan. 20.)

There is a law on the statute books of Pennsylvania, and placed there by Representative B. K. FOCHT in 1895, when he was a member of the lower house of the Pennsylvania Assembly, which provides for the deportation of unnaturalized foreigners quartered upon the Commonwealth. At that time it was found that there were being taken care of over 30,000 unnaturalized foreigners in the hospitals, protectories, and prisons of the State. Likely very many more are enjoying this high-priced public entertainment at this time.

The reason given for failure of the authorities to act under the provisions of this Focht bill of 1895 is that members representing the cities will not permit necessary appropriations to carry out the provisions of the act, inasmuch as the foreign element in all cities is so predominant that no man can be elected to Congress who favors measures of this kind and also the restriction of immigration.

So far as Pennsylvania, New York, and some Western States are concerned, everything is set for the deportation of criminal and unnaturalized foreigners, if the public officials have enough of what is commonly termed "intestinal fortitude" to clean house and leave room for American citizens and reduce taxes, as well as provide a wider opportunity for American unemployed.

There is nothing before us to accomplish the desired results excepting action. This the Item calls for; in fact, all Americans demand!

Mr. PARKS. Mr. Chairman, I yield 20 minutes to the gentleman from Indiana [Mr. LUDLOW].

Mr. LUDLOW. Mr. Chairman, judging by various announcements in the newspapers which appear to be ex cathedra, and by everything one hears around the Halls of Congress, I think we are warranted in having some feeling of apprehension that we are about to witness the most ideal exhibition of white-flag waving ever witnessed in any legislative body in any country in the entire history of the world.

In less than a week after Chairman MCREYNOLDS, of the Foreign Affairs Committee, impressively informed the House Rules Committee that a powerful lobby is ensconced here to stop neutrality legislation because it might block foreign trade the announcement comes from a distinguished United States Senator and other high authorities that neutrality legislation has been stopped and that the Congress which was champing at the bit in its eagerness to keep America out of war will drop the subject and will extend the existing no-account neutrality law 1 year.

I wish to offer my warm congratulations to the great and puissant lobby for the progress it seems to have made in this fight. The lobby is a time-honored American institution dating away back to the "horse and buggy" days. It is as permanent as the Constitution itself and, I think, a little more permanent than the Bill of Rights. In various decades it seeks various objectives, but it is always the same old lobby. It will interest the American people to know that it is still flourishing—strong, powerful, and superactive. Its latest victory—killing neutrality legislation, if it has actually won such a victory—exemplifies the lobby in its fullest flower and its finest and most facile form. I do not know of any more knightly and chivalric way to administer the coup de grace to neutrality legislation than for the advocates of said legislation to surrender without firing a shot.

This would be a great surrender—a historic surrender. It would be one of the greatest surrenders in American annals. It would be the "perfect surrender." The masterful retreat of the Federal forces at the first Battle of Bull Run would be nothing in comparison with it. It would be a surrender that would go down in history so that our children and our children's children and the America of all posterity may admire the perfect work of the antineutrality lobby of 1936. When and if we knuckle so gracefully to the demands of the third house in this matter, I think we might very well send a committee to wait on the foreign-trade lobby so graphically described by Chairman MCREYNOLDS and ask it if there is any other legislation it desires. It might have some other helpful suggestions to make in regard to our foreign relations in general.

Mr. MORITZ. Will the gentleman yield?

Mr. LUDLOW. I yield.

Mr. MORITZ. Is the gentleman in favor of the McReynolds neutrality bill?

Mr. LUDLOW. I am not, but I am in favor of neutrality legislation.

Mr. MORITZ. Then why is the gentleman advocating neutrality legislation?

Mr. LUDLOW. I have great hopes that we may be able by bringing the subject up to get behind a bill that will better fulfill the expectations of the country than the bill to which the gentleman refers.

Mr. MORITZ. By amendment?

Mr. LUDLOW. By amendment or otherwise.

Mr. Chairman, in view of our solemn and, I had hoped, sacred pledges to the American people, that we would enact legislation at this session that would keep our boys out of the hell of another foreign war, I was shocked when I read in a morning paper the other day the headlines:

Neutrality bill conceded dead at this session. Measure is not expected to become a law.

And I was given another shock when I read in Sunday's New York Times the glaring headline:

Neutrality bill to be abandoned.

And I want to say that I have been utterly amazed by the talk I have heard in responsible quarters to the effect that what we should do in regard to neutrality legislation is to do nothing at all.

I have been both amazed and distressed by the suggestion, seriously offered, that we should dawdle along until the existing Neutrality Act expires on February 29 and then quietly put over the entire subject of neutrality into the limbo of the unforeseen and unpredictable future, to be revived if and when the time ever comes to take up unfinished business.

LETHAL PROGRAM OF INACTION

Courageous, energetic action by the friends of real neutrality is needed to offset and neutralize this lethal program of procrastination and inaction. The Foreign Affairs Committee has furnished us with a basis of performance in the so-called McReynolds bill, and we should now proceed to act. The chairman and members of that committee have had a most grueling duty to perform, and they have exhibited zeal, patriotism, and devotion in the highest degree in the performance of the monumental task of drafting a permanent neutrality law. For them I have the highest respect. As a citizen and as a Member of Congress I pay my tribute of appreciation to their faithfulness and earnestness, while at the same time I utterly disapprove their product. I believe the bill that has come from the committee would be more likely to involve us in war than to keep us out of war, and I shudder when I think of section 4 of that measure—the big-stick section—which in effect transfers the power of making war from the Congress and vests it with the President, where it ought not to be.

I endorse every word John Bassett Moore has said in criticism of section 4 of the pending neutrality bill—and

then some. We have gone much further in recent years than we should toward setting up the President as an economic dictator in this country. Are we now, by adopting section 4, going to be unthinking enough to set up the President as a military dictator? If so, God help the country.

While I have the most affectionate admiration for the courtly and able gentleman from Tennessee [Mr. McREYNOLDS], who is one of the ablest and most patriotic Members of this Congress, I believe the so-called McReynolds neutrality bill would be far worse than no legislation at all. But that is no reason we should drop this subject of neutrality legislation and do nothing. The McReynolds bill in its provision allowing normal quotas of war materials to belligerents would be terribly unjust to Italy. It would be terribly unjust to Germany. It would be terribly unjust to any country that might become involved in war with the British.

FORTY-THREE PERCENT OF EXPORTS TO BRITISH COUNTRIES

Why? Because 43 percent of all American normal exports go to British countries. In 1934, the last year for which we have complete export statistics, we sent $842,150,000 worth of goods to British countries, $64,091,000 worth to Italy, and $106,649,000 to Germany. On that basis you can easily see how much we would contribute to Britain's capital war assets in the form of exports in case she becomes involved in war and how little, relatively speaking, we would contribute to Italy or Germany should one of those countries happen to be Britain's adversary.

The Census Bureau reports that there are 1,790,424 persons in the United States who were born in Italy and 1,608,814 who were born in Germany, and every person so enumerated has American-born relatives. What would those vast national groups think of us if we were to enact a law that would give Britain such a tremendous advantage in the eventuality of war? Would they not be entitled to boil over with righteous indignation?

Mr. MORITZ. I heartily agree with the last statement referred to, but does not the gentleman think that an amendment providing that they may buy goods of us and pay in cash would solve it?

Mr. LUDLOW. That would be an improvement, but I do not believe in that kind of a neutrality bill.

With all due respect to the noble purposes of the author of the McReynolds bill, it was introduced in the wrong House. It should have been introduced in the House of Commons. It is not an American bill. If we fix up a contraption and call it a neutrality law that pumps $13 worth of war supplies into Britain to every dollar's worth sent to Italy and that sends $8 worth of supplies to Britain to every dollar's worth sent to Germany that, I submit, is not true neutrality. It is playing Britain's game with a vengeance. Of course, it was not designed for such a purpose but that will be its effect.

If we pass the pending bill with its "normal quotas" provision, I think we should send that gallant and intrepid veteran of the Secret Service, Chief Moran, out to investigate to see what has become of the American eagle. I think I can even now hear his stentorian voice reporting the result of his investigation:

"I searched among the mountain crags expecting to find the American eagle in its aerie, but it was not there. Then I secured a telescope and searched the illimitable spaces of the heavens, expecting to see it flying with head erect, its wings spread in splendid majesty, but it was not there. But finally I have found it. It is riding like a flyspeck on the back of the British lion."

Friends and Americans, if we are true to our responsibilities, if we are true to America, we cannot pass this bill with its transfer of the war-making power to the Executive and its British "equal quotas" provision. But we can pass a real neutrality bill that will go far to keep our boys out of the blood-letting orgies with which foreign nations regale themselves.

PROPOSAL OF VALUE

While I believe the McReynolds bill must be drastically amended if it meets the peace-loving hopes and aspirations of the American people, I hail that measure as a proposal of value as a basis of action, and I hope that the leadership of the House will now put it forward so that not a single minute will be lost in framing a real neutrality law with teeth in it to take the place of the makeshift and abortive neutrality law that was passed at the last session. Let us spike the program of inaction with a program of action. Let us cease thinking in terms of trade and think in terms of humanity. Let us rise to the occasion and show the courage which the situation demands.

Persistent and insistent rumors have been afloat for some time about this Capitol to the effect that neutrality legislation is finally to be "put to sleep."

"HOT POTATO—FULL OF DYNAMITE"

That very phrase has been used in my presence to describe what apparently is going on behind the scenes. One friend of mine, who seems to be "in the know" on this proposition, said to me:

> There is too much political dynamite in the neutrality question to risk handling it. A lot of us at both ends of the Capitol have decided that the best thing to do is to put all of the neutrality bills to sleep."

And then my friend, his voice quavering with emotion, added:

> Neutrality is a hot potato, full of dynamite.

I have handled—and have dropped—a good many hot potatoes in my time, but I have never handled one which, besides being hot, was full of dynamite, from which I infer that neutrality is a very deadly kind of hot potato.

I think the Nation should be given warning of a movement of untoward interests to attempt to prevent any neutrality legislation whatever by this Congress. This movement is playing on emotions and influences that are most potent in the psychology of gentlemen who place expediency above the hard and grueling exactions of duty. It is inspired by the thought that, as surely as Heaven exists, if we Members of Congress pass a real neutrality law we will bring upon ourselves heavy political reprisals from voters who are allied by strains of kinship to countries that would be affected and from Americans who would hope to profit by foreign trade and whose corns will be stepped on if we pass a real neutrality law. All of the forces of greed and selfishness are whispering: "Go slow on neutrality legislation."

JOB OF UNSURPASSED IMPORTANCE

But the American people have cut out a job for us unsurpassed in importance by any task ever submitted to a peacetime Congress and that is the framing of a real neutrality law that will prevent our boys from being dragged into foreign wars. Are we going to "make the word of promise to the ear and break it to the hope" of millions upon millions of American mothers who are expecting this Congress to throw some adequate protection around their flesh and blood? Is it possible that red-blooded Members of the American Congress will be guilty of such a pusillanimous surrender to expediency? I have too good an opinion of Congress to believe any such thing. My observation has been that Members of Congress as a rule are conscientious, patriotic men and women who want to do the right thing.

Americans everywhere—the rank and file of Americans—are crying aloud to us to pay heed to the advice of Washington against foreign entanglements. The American people know that the best way to keep ourselves from being dragged into foreign wars is to cut off all exports, loans, and credits from nations that go to war. They know that any legislation less stringent than that will fall short of the mark and will be pitifully ineffective. They know that just as long as we have trade and financial transactions with belligerent foreign nations we will be risking the peace of America to protect our trade and our loans. They know that in exchange for the mere bagatelle of business we would lose if we cut off all exports and loans to belligerent nations we would receive the inestimable assurance of peace, and that is what they want above all things else.

Before we rush into a stampede to kill neutrality legislation let us try to visualize how the public opinion of America would react to such a disaster. In dealing with a question

that involves life and death and the highest values of human existence the people of this country expect us to show a sense of responsibility. They do not expect us to run away from the performance of a plain duty.

TIME FOR PATRIOTS TO RALLY

It is our blessed privilege to perform a great service for the American people and for humanity if we can but visualize in its correct proportions the magnitude of the task that has been committed to us. I repeat that the people of our country—the country we all love—have cut out a great job for us at this session of Congress in the framing of a permanent neutrality law of worth and substance and they are looking to us for faithful performance. Now is the time for patriots to rally. Now is the time for statesmanship to shine. If we do not perform that task with a full measure of faithfulness and devotion the Seventy-fourth Congress will dwell in the memory of men of our time and will be heralded to generations yet unborn as the most reprehensible Congress in history. After all of our glowing promises to protect the fine young manhood of America from the danger of being sacrificed in foreign wars, after all of our lip service to the cause of neutrality, let us not, for God's sake, march up the hill and then march down again.

Mr. BOLTON. Mr. Chairman, I yield 20 minutes to the gentleman from Wisconsin [Mr. SAUTHOFF].

Mr. SAUTHOFF. Mr. Chairman, first let me say to my friend from Indiana, Mr. LUDLOW, who has spoken so eloquently and who has taken such prominent interest in the subject of neutrality, that if we cannot interest the membership of this House in the subject, then let us talk to the galleries, and perhaps we may get some response from them.

NEUTRALITY

All mankind abhors war, yet everywhere men say it is inevitable. Everywhere upon this earth men and women pray for peace, yet everywhere they are feverishly preparing for the next war. Every nation, every people in every clime is burdened with the costs of past wars, yet they are all voting tax upon tax for future wars. Why these amazing contradictions? The whole world hating and fearing war, yet driving relentlessly on to the next one. What madness hypnotizes the will so that it does the thing it dreads the most? What mental anesthetic has dulled the mind so that, numb and cold, it refuses to function? What fatal magic is there in this word "war" that men should lose their reason and, bereft of their senses, grope blindly over the precipice into oblivion?

Perhaps we can find our answer in the annals of the past. As we review the pages of history we hear again the martial tread of the conquering hordes—the ancient empires of the East founded upon conquest. Egypt under the Ptolemies, the oriental luxury of Babylon and Ninevah and Tyre. The glory of the Greeks and Alexander's 10,000 immortals mowing a path of blood from Macedonia to the borders of India; Rome dominating the civilized world. The military genius of a Caesar, a Ghengis Kahn, or a Napoleon leaves in its wake the bleaching bones of an entire generation. For many years the Spanish race dominated the civilized world, then the French, and then the English. To accomplish these ends they dipped their arms deep in the best blood of many lands. And the end is not yet. One might exclaim with the Wandering Jew, "How long, O Lord, how long?"

Is there then not enough intelligence and courage in our day to solve this problem—the problem of how to stay out of war? The answer to that question is simple. All we have to do to stay out of war is not to get into it. The main motive for war is greed. The lure of profits; the sordid lust for money and power. If then we remove this motive, will we not have achieved something of good for mankind? Surely we can all agree that your life shall not be taken merely that my profits may be increased. Of course, you admit that that is true. If it is true in the case of an individual, why then must it be less true in the case of a whole people? Does the fact of a greater number lend it sanctity and make this cause holy? The mere statement of the case is enough to show its absurdity.

Mass destruction, then, is no defense. And when that mass destruction is motivated by godless gain, it shocks the instincts of every intelligent mind. And yet in the face of that fact we sit here idle, drugged with the narcotic doctrine of defeatism—"It cannot be done." Let us arouse, my friends, and fight off this stupor. Every moral fiber of my being cries out against it. Can you look into the innocent eyes of a smiling baby and see beyond it in the years to come that lovely body slimy with muck and mire of a distant battlefield, wrenched and racked, groveling in the filth and vermin, gasping his last breath? Look closer into those eyes and read there the damning accusation, "You failed me."

I refuse to desert this cause. If I learned anything from my friend and teacher, the late Robert M. La Follette, it was this:

> Boys, it is no disgrace to go down fighting; but the man who quits marks himself for life.

[Applause.]

He never quit. That great crusader for human freedom is an inspiration to every struggling minority. The world can never forget, and as long as some of us live we shall never let it forget, that memorable April day when, fearless and undaunted, he faced the frenzied hysteria of a war-maddened world and opposed our entrance into the World War. All honor to those brave souls who so fearlessly accepted their responsibilities on that dreadful day. Some of them are still with us—Senator NORRIS, of Nebraska, and two Members of this House, HAROLD KNUTSON and ERNEST LUNDEEN, of Minnesota. [Applause.] And I would feel that I had been ungenerous to the dead did I fail to mention the Honorable Claude Kitchin, who stood on the floor of this House 19 years ago and said:

> It takes neither physical nor moral courage to vote for war which somebody else will have to fight.

Our task is to legislate for the welfare of our people. We approach that task conscientiously and with a high sense of duty. We apply ourselves diligently to the matter in hand and then pass such measures as we honestly and sincerely believe will help our beloved country. If we err we can remedy the mistake by repeal a few months later. But how irrevocable is a vote on war. Once declared war must be fought to the bitter end. There is no repeal.

> The Moving Finger writes; and, having writ,
> Moves on: nor all your Piety nor Wit
> Shall lure it back to cancel half a line
> Nor all your tears wash out a word of it.

Thus spake the Persian poet, and uttered a great truth—a truth which applies to nothing in human affairs so overwhemingly as to war.

And here is a strange fact in our political life. Our people may vote on public offices from the President down; they may vote on bond issues to finance local, county, and State affairs; they may express themselves on many social and political problems; but upon the most important and momentous crises—war—they have no voice. The people fight our wars; they pay for our wars; but they do not have the right to say whether or not there shall be a war. The people may mortgage themselves, their children, grandchildren, and great-grandchildren; they may shed their heart's blood on foreign soil; but why they are there or how they got there was never entrusted to their keeping. In our school days we learned that our independence was achieved with the slogan, "Taxation without representation is tyranny." Why should we feel that it is more important that the people have a voice in taxing a man's money than in taxing his life? Because I believe firmly that human life is more precious than property I am in favor of a referendum on war except in case of actual invasion. No one can deny the people's right to this vote, even if you do not want to trust them with it.

Congressman LUNDEEN, of Minnesota, conducted an interesting referendum in his district on the question of our entrance into the World War. You will find it one of the finest speeches I have ever read in the CONGRESSIONAL RECORD. This poll showed a vote of 8,000 opposed to war,

while less than 800 were for it. At Monroe, Wis., a vote was held, and the count showed, for peace 954, for war 95. There was also a Massachusetts referendum conducted by postal card. Of 20,000 postal cards which were sent out at the time we declared war, 66 percent of the answers were opposed to war.

The people showed better judgment than the Congress.

I am offering for your consideration the following amendment:

SECTION 1. Except in the event of an invasion of the United States or its territorial possessions and attack upon citizens residing therein, the authority of Congress to declare war shall not become effective until confirmed by a majority of all votes cast thereon in a Nation-wide referendum. Congress may by law provide for the enforcement of this section.

Full credit for this suggested addition to any neutrality legislation must go to one of our ablest and most conscientious Members, the gentleman from Indiana [Mr. LUDLOW]. He has introduced a joint resolution, House Joint Resolution 167, to this effect, which I trust all of you will seriously consider.

LA FOLLETTE'S SPEECH

I have read again recently the speech of Wisconsin's greatest statesman, the late Robert M. La Follette. Time does not permit a dissertation on that able address, so I will ask your indulgence for only a few excerpts from his historic speech, delivered in the Senate of the United States, April 4, 1917:

We need not disturb ourselves because of what a minority may do. There is always lodged, and always will be, thank the God above us, power in the people supreme. Sometimes it sleeps, sometimes it seems the sleep of death; but, Sir, the sovereign power of the people never dies. It may be suppressed for a time; it may be misled, be fooled, silenced. I think, Mr. President, that it is being denied expression now. I think there will come a day when it will have expression.

What prophetic words in that last sentence! May I say to my departed friend, "Yes, Senator; the day has come when it will have expression." It is here now, and neutrality legislation must be the result. It is a melancholy fact that a militant, bulldozing majority may threaten and browbeat a weak minority into silence. This is a tragic truth in our democracy, for if ever there is a time when all sides to a question should be heard, when every thought and suggestion should be carefully weighed and considered, it should be when the black clouds of war hover over our people. Again I quote from the Senator's address:

I have said that with the causes of the present war we have nothing to do. That is true. We certainly are not responsible for it. It originated from causes beyond the sphere of our influence and outside the realm of our responsibility. It is not inadmissible, however, to say that no responsible narrator of the events which have led up to this greatest of all wars has failed to hold that the government of each country engaged in it is at fault for it. For my own part, I believe that this war, like nearly all others, originated in the selfish ambition and cruel greed of a comparatively few men in each government, who saw in war an opportunity for profit and power for themselves, and who are wholly indifferent to the awful suffering they knew that war would bring to the masses.

Today, 19 years since my Senator made that statement, we have spent $125,000 to find out that he was right. The munitions inquiry has rendered a magnificent service to humanity in uncovering the truth. Let us hope that its findings are not written in sand. You mothers of the world, who have brought your little ones upon this earth in sorrow and in suffering, who have watched over them with infinite patience and tender care, will you forget? I place my hope for future generations in you, for men have signally failed to protect their own children.

The late Senator La Follette realized fully that not much faith could be placed in the belligerent nations across the Atlantic. He realized fully the perfidy and treachery practiced in international diplomacy, and, realizing that fact, he tried to safeguard our people from the snares and pitfalls of foreign intrigues. Again I quote:

The secret treaty between France and England for the partition of Morocco, while making a public treaty with Germany, the terms of which were diametrically opposite to those of the secret treaty, did much to arouse the suspicion and hostility of the German people toward both France and England.

I doubt if the diplomatic history of any of the nations of the earth in civilized times can show so reprehensible, so dishonest, so perjured a record as the Moroccan affair brings home to the doors of those who were responsible for that Moroccan treaty, the diplomatic agents of the French and the English Governments.

Think of it, Mr. President! German citizens had acquired property as individual purchasers in the rich mineral fields of Morocco. A treaty was entered into between England, France, and Germany which protected all the interests of all those who signed the treaty. Then France and England executed a treaty, certain provisions of which were not published when the treaty was published.

By the terms of these secret provisions German enterprise was to be driven out of Morocco. Mark you, it was not the people of France and England—it was not even the governments of these respective countries—which were guilty of the great wrong committed against both Morocco and Germany, but less than a half dozen ambitious, intriguing diplomats, who made the secret plan to divide Morocco between France and Spain. Germany was to be thrown out. England backed up France and Spain in the disreputable deal and received for her part of the swag the relinquishment of France to all rights which she had theretofore claimed in Egypt. Herein history will find the real cause for this war. England would tolerate no commercial rivalry. Germany would not submit to isolation.

I repeat the Senator's words:

England would tolerate no commercial rivalry. Germany would not submit to isolation.

These then were the true causes of the World War. And to settle that question for England and Germany we sacrificed 130,447 American lives, wrecked the minds and bodies of over 200,000 more, and have burdened our people for generations to come with a tax load of $100,000,000,000. And even that staggering figure does not include the awful wreckage of the depression, the major fault of which can be attributed to the World War. For depressions follow war as surely as night follows day. And no human mind with its imperfections and limitations can conceive of the cruel, brutal, devastating effect of the depression.

The Washington News had an editorial recently from which I quote briefly:

Walter Millis' The Road to War has just been widely read, refreshing America's memory of how the Sarajevo gunshot of 1914 had drawn all Europe into a bloody vortex into which a then isolated America had first thrown her goods and then her money and finally her manpower.

There you have the inevitable sequence—goods, money, men. The age-old fact of history—financial penetration followed by military intervention. Check the flow of money and you will check the flow of men.

I should love to pause to pay a passing tribute to our beloved leader, but I shall refrain in order that I may quote one of the finest things that was written about him. It is an editorial from the foremost liberal daily newspaper in the United States, the Capital Times, published at Madison, Wis. This tribute was written by its editor, the fearless, militant William T. Evjue, who faced boundless abuse, threats, and boycotts for asserting that La Follette was right.

WISCONSIN'S GREATEST SON

One little man, one lonely figure.

One little man—a 2-year target of one of the most terrific campaigns ever launched to destroy an individual; one human being, standing up against the angry roar of a war when a nation permitted hatred to take the seat of reason; one individual, drawing the attack of a national pulpit, press, and film; one fighter standing with his back to the wall and staving off the avalanche which the tremendous power of organized wealth is able to let loose.

Odds? Were odds ever greater against one man?

Standing at the end of 2 years in which he has borne a load such as few men could carry; maligned and misrepresented for many weary months; compelled to hold his ground practically alone, vindication has finally come to Wisconsin's greatest son, Robert M. La Follette.

Last Tuesday the sons of Wisconsin used that great instrument of democracy, the ballot, and in no uncertain terms they gave Senator La Follette a personal endorsement such as but few men fighting alone have ever received.

Two years ago there were but few men who had the courage to stand with Wisconsin's little giant. The enemies of democracy had so effectively employed the passion and hatred and hysteria of war against him that the man who refused to denounce La Follette as an enemy of this country was given the badge of disloyalty.

Reactionary enemies of the Senator's who seized the places of power in the conduct of the war proceeded immediately to use their vast powers to destroy the Senator and his friends.

A great university, to whose upbuilding no man had made a greater contribution than Senator La Follette, witnessed the spectacle of its faculty besmirching the name of the greatest alumnus Wisconsin ever turned out.

It was in this State that La Follette reared a movement which was the greatest contribution of its kind to a democracy which spelled economic justice and in which humanity was placed above

property. And yet the legislature of this State was driven by the powers of wealth to join in the campaign to place La Follette forever outside the pale of good citizenship.

Social organizations, dominated by men who made millions out of the war, removed the Senator's name from their membership rolls.

The story is too recent for extended amplification. Wisconsin still has fresh in its mind the outrageous treatment that was accorded the bravest man who ever came from within her borders.

Meanwhile, during all these cruel months Senator La Follette was patiently biding his time. This campaign of calumny was only new to the Senator because of its increased ferocity. For 25 years the Senator had been withstanding the attacks of privilege and wealth in every conceivable form.

He knew back of this campaign his old enemies were pulling the wires and directing the moves by which it was planned to encompass his downfall. He knew the real reasons that compelled the cowardly editors of the State to join in the united chorus against the Senator. He knew only too well the manner in which the editorial pages of this country respond to the wishes of organized wealth.

La Follette knew, too, that the people of this State would ultimately see through the campaign. He was content, therefore, to go along and await the final verdict of the people.

That verdict has come, and what an overwhelming answer it is to those who took part in the campaign to destroy Wisconsin's greatest son.

One little man—one lonely figure. He is a little over 5 feet tall. What little he has of worldly goods is mortgaged. He is small in stature and he is poor. And one man beats the combined power of the millions in wealth in this State; he beats the combined power of a press which stopped at nothing to smash him; he beats the combined assault of privilege and wealth single-handed and alone.

The pages of Wisconsin history are filled with the deeds of her illustrious sons. But none can be more dramatic or inspiring than the page that was written last Tuesday.

NEUTRALITY

What is neutrality? The dictionary defines it as "the state or fact of taking no part with either side in a controversy." Congress defined it legally as a foreign policy in these words:

Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during the war.

Unfortunately this act expires February 29, 1936. This act specifically provides that upon the outbreak of hostilities between two or more foreign powers, the President shall proclaim that fact; furthermore, that he shall by proclamation definitely enumerate the arms, ammunitions, or implements of war, which shall be subject to a licensing by the National Munitions Control Board. These provisions were mandatory, but the resolution left to the discretion of the President the declaring of an embargo on so-called "contraband commodities"; that is, oil, cotton, copper, wheat, and so forth.

This resolution was a compromise measure aimed to satisfy or pacify various differing groups in the Senate and the House.

PROCLAMATION

In pursuance of the mandates of the joint resolution of Congress, President Roosevelt issued a proclamation on October 5, 1935, admonishing all citizens of the United States to abstain from traveling on any vessel of either of the belligerent nations and, furthermore, in pursuance of the same resolution, President Roosevelt on the same day also proclaimed that a state of war existed between Ethiopia and the Kingdom of Italy, and admonished our citizens not to violate the congressional resolution by exporting arms, ammunition or implements of war. Then follows a list of articles within the scope of the joint resolution: Rifles and guns, ammunition, grenades, tanks, vessels of all kinds, including aircraft carriers and submarines, serial gun mounts, torpedo carriers, revolvers and automatic pistols, propellers, fuselages, aircraft engines, flame throwers, projectors, mustard and other gasses.

This list is by no means complete, but it is a beginning. The next step must include an embargo on the articles necessary to make these things and also the loans and credits necessary to buy them.

What is the necessity for this legislation? It is an effort to prevent our participation in another world war. Many of us believe that our free institutions could never stand the strain of another world war; many of us believe that western civilization would be wiped out; many of us believe that occidental ideals would perish and be succeeded by oriental ideals. The ends achieved by such a conflict would not be commensurate to the cost. The price is too great.

As Mr. JOHNSON of Texas said in the House on August 23, 1935:

The prevention of war is one of the highest duties that government owes to society, and any nation that will not take every precaution and use every legitimate means to avert the holocaust of war is unworthy to stand among civilized nations of the world.

It is noticeable that this compromise measure omitted one of the outstanding provisions that I feel should be in the bill; that is, the provision denying credit or loans by citizens of this country to governments engaged in war. I believe that the extending of credit to belligerent nations by private citizens of the United States was one of the principal reasons for involving us in the World War. My reason for making such a statement is the letter of Secretary Lansing to President Wilson in 1917:

The difficulty is—and this is what Secretary McAdoo came to see me about—that the Government early in the war announced that it considered "war loans" to be contrary to the "true spirit of neutrality."

A declaration to this effect was given to the press by Secretary Bryan August 15, 1914. His exact language is as follows:

In the judgment of this Government loans by American bankers to any foreign nation at war is inconsistent with the true spirit of neutrality.

Similar statements were repeated subsequently, while private bankers were giving loans to belligerents with which to finance munitions purchases. These loans grew rapidly, and in time Secretary Lansing informed President Wilson that he was embarrassed by this earlier declaration of policy by Secretary Bryan.

To quote from the remarks of Senator BONE on August 20, 1935:

Secretary Lansing, who was probably one of the Nation's ablest officials, describes the mushroom growth of war purchases by belligerents, with the consequence that the European governments would go bankrupt if they tried to pay for those purchases in gold. Any demand to make them pay in gold would result in an industrial depression in this country. The alternative to this foreign-made depression was for us to loan money to the belligerents. This had previously been declared to be "inconsistent with the true spirit of neutrality" by the Department of State. In view of our financial entanglement with Europe, this policy of neutrality was now "a source of embarrassment."

One month after this letter the first great Anglo-French loan of $500,000,000 was floated by a syndicate headed by J. P. Morgan & Co. Other loans followed. Andre Tardeau, former Premier of France, commented that after these foreign loans had been floated "from that time on, whether desired or not, the victory of the Allies became essential to the United States."

Though our citizens did not know it and had no voice in the matter, we had ceased to be neutrals and had arrayed ourselves on the side of the Allies. Because of these facts, I believe that the prohibition of loans and credits by our citizens to belligerents is fully as essential as the prohibition of sale of munitions by our citizens to belligerents.

Let us take the case of the *Lusitania*. The sinking of this vessel by a German submarine off the coast of Ireland was one of the causes of war. Let us apply the main points sought in neutrality legislation to this case and see what the result would have been.

First. The *Lusitania* carried munitions of war in her hold, which would have been prohibited under our act.

Second. Those munitions were financed by loans from private banks in this country, which would have been prohibited.

Third. Citizens of this country were passengers on this ship, which was sailing in territory prescribed as war zone by the belligerents, which would have been prohibited.

The result would have been that either the *Lusitania* would have altered her plans or she could not have sailed at all.

FREEDOM OF THE SEAS

Of course, it will be said that we are surrendering the freedom of the seas. For 150 years our policy consisted in the time-honored doctrine that the private citizen could sell what he wanted, where he wanted, and when he wanted, and that we should maintain a navy strong enough to back him up. We have heard plenty about "dollar diplomacy", "trade follows the flag", and that other false bromide, "a warship for every dollar invested abroad."

This last slogan has always impressed me as particularly cold-blooded. Why should you and I be compelled to pay for battleships, man them with our sons, and send them to China because John Smith invested a lot of money there? To me it just does not make sense. And yet that is exactly the foreign policy to which we have adhered during our existence—first financial penetration, succeeded by military intervention. I am convinced that this policy has been a failure and that it has resulted directly in involvement in war instead of prevention. Therefore I feel that we must adopt a new policy and avoid the mistakes of the past. To continue as we have in the past is like drinking typhoid-contaminated water and saying we must not boil it because it would injure the medical profession.

Three well-known formulas have been advocated and tried out:

First. League of Nations.

Second. Sanctions.

Third. Neutrality legislation.

Let us consider these in turn.

THE LEAGUE OF NATIONS

The League of Nations has not been accepted by our citizens or the United States Senate. Its critics point out its failure in the Chaco, Manchukuo, and Ethiopia. The most powerful nations have flouted it with impunity, and the League has been helpless to do anything about it. Personally I have no faith in the League because I have no faith in the membership composing the League. I cannot advise my countrymen to join a copartnership of which I am suspicious. Personally, I would never join a partnership, the other members of which broke their solemn oaths without any qualms, and repudiated their debts with clear conscience. No lawyer would advise his client to choose partners who were known to be liars and cheats, who refused to pay what they owed him, and who wasted all they earned on fancy firearms instead of applying that money on their debts.

SANCTIONS

Sanctions are now being applied to Italy as a punitive measure to bring pressure to bear on her to cease the Ethiopian invasion. We are invited to join in these sanctions. What are they? Merely embargoes on trade with Italy. A penalty applied to Italy's commerce. How far have these sanctions gone? To date they have merely been applied to munitions, which Italy cares nothing about. The rub will come when sanctions are applied to so-called "contraband commodities", as oil, cotton, copper, and so forth. Foreign nations are hesitating to do this, because it may be interpreted as a hostile act and lead to war. England and France are attempting to avert this drastic step by holding out to Mussolini the juicy bait of the partitioning of Ethiopia.

Our people must not be embroiled in such international intrigue.

I am opposed to joining foreign nations in applying sanctions first, because you must sit in judgment on the conduct of a foreign power; and then having found it to be guilty of aggression, apply a penalty. This is assuming the role of a prosecutor, jury, judge, and jailor, all in one, which I do not favor. It means acting as the monitor of the conduct of other nations, which could easily involve us in endless foreign entanglements, which is just the thing we want to avoid. Another reason for opposing this method is because the effectiveness of sanctions depends entirely upon the wholehearted cooperation of other nations. This you never get. The lure of profits, the fear of reprisals, economic necessity, and other reasons always keep some nations trading with the aggressor nation. And last, but not least, I would not care to place my trust in those whom I knew to be untrustworthy.

NEUTRALITY LEGISLATION

Neutrality legislation remains as a solution to be tried, but not yet definitely proven. It rests upon the simple theory that the way to stay out of a fight is not to get into it. This is to be accomplished by making our citizens keep their hands off belligerents with both goods and money.

News dispatches emanating from Washington would indicate that the State Department does not approve of the restrictions upon so-called contraband commodities, but it could have a more elastic regulation that could be adjusted to meet changing conditions—such a policy would not be neutral but could and would be made partisan, and, therefore, it ought to be rejected.

Am I therefore so fatuous and ingenuous that I believe by passing neutrality legislation we will never again have a war? By no means. Such legislation accomplishes two purposes—(1) it serves notice on war makers that there will be nothing in it for them, and (2) it is a preventive measure which will minimize our chances of becoming involved.

The causes of war are nearly always economic. Knowing this to be a fact, what can we do about it? It occurs to me that we might create some form of international money that would simplify trade between countries and establish better relations.

It is a hopeful sign that thoughtful men and women everywhere are seeking a solution for this most difficult problem. On one point we are all agreed. No amount of profit can compensate the lives of our boys and girls, and never will we permit them to be sacrificed except it be in defense of our homes to repel an invader.

After all, our main objective is self-preservation. As Rousseau said in his Social Contract, chapter V:

> The social treaty has as its end the preservation of the contracting parties. He who desires the end also desires the means, and some risks, even some losses, are inseparable from these means.

Rousseau also said in chapter II:

> All men being born free and equal alienate their liberty only for their own advantage.

These truths of the great Frenchman are squarely in point. If we would enjoy immunity from foreign entanglements, we must be prepared to give up something. What shall we give up? War profits, of course. That term "war profits" is a misnomer, because there are no profits in war—not for the great mass of people. The only dividends of war ever declared for their benefit are misery and despair.

COST OF WAR

Mr. John T. Flynn, one of the most prominent writers on economics of the present day, had a very interesting article in the Washington News recently. It was The Cost of War, Past and Present.

In the year 1929 to 1930—

Says Mr. Flynn—

> the Federal Government spent in round numbers $4,000,000,000. Of this huge sum we spent $2,225,646,000 on war—past wars, future wars. This was for the Army and Navy, pensions, interest on war debts, and retirement of the war debt. In other words, out of every one of Uncle Sam's dollars spent in the fiscal year 1929–30 we spent 55.7 cents for war. This left only 44.3 cents for all the other expenses of the Government.
>
> In the last fiscal year, ending June 30, 1935, the ordinary expenses of the Government were $3,621,000,000. Of this sum $2,300,000,000 was for war—61 cents out of every dollar paid by the taxpayer. For the coming year the best estimate that the departments can make at this time is that there will be a total expenditure of $7,850,000,000. Of this amount, the Budget shows that as it stands there is a billion for national defense, $790,000,000 for veterans' benefits and administration, and about $900,000,000 for retirement and interest on the war debt. Add two billion for bonus and you will have a total of $4,600,000,000—about 60 cents out of every dollar. Do you think war is worth it?

OPPORTUNITY

The question now squarely before us is: Shall we continue the same blundering, muddling, foolish course that involved us in the World War, or shall we forsake that policy of destruction and turn to a new policy learned from the great lessons of the great disaster? For my part, I am ready and eager to accept the challenge. Let us cast out fear and face the issue. This is a glorious opportunity. Permit me to quote from the poem of that name by Edward Rowland Sill:

OPPORTUNITY

This I beheld, or dreamed it in a dream:
There spread a cloud of dust along a plain;
And underneath the cloud, or in it, raged
A furious battle; and men yelled, and swords
Shocked upon swords and shields. A prince's banner
Wavered, then staggered backward, hemmed by foes.
A craven hung along the battle's edge,
And thought, "Had I a sword of keener steel—
That blue blade that the king's son bears—but this
Blunt thing!"— he snapt and flung it from his hand,
And lowering crept away and left the field.
Then came the king's son, wounded, sore bestead,
And weaponless, and saw the broken sword,
Hilt-buried in the dry and trodden sand,
And ran and snatched it, and with battle-shout
Lifted afresh he hewed his enemy down,
And saved a great cause that heroic day.

Would that God would give us the strength and understanding to protect those who are so dependent upon us. [Applause.]

Mr. PARKS. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman, I have asked the indulgence of the committee at this time to discuss for a few moments what I consider to be a most distressing and alarming situation. I refer to the proposed serious curtailment of the Civilian Conservation Corps that is now in the making. As most of you know, the order is now out to abandon nearly 700 C. C. C. camps on April 1, making all told 1,000 camps to be abandoned from January 1 to April 1. It is proposed that the personnel of these camps be cut from 500,000 to 300,000 in the name of economy.

It will be recalled that these camps were established under very trying circumstances. When the President suggested that such camps be established in every State in the Nation for worthy but unemployed young men who were tramping the highways and byways looking for jobs, his political enemies scoffed at the idea. Enemies of the New Deal not only scoffed at the establishment of C. C. C. camps throughout the Nation, but the movement was ridiculed and criticized severely by those who have been unwilling to believe that anything good could come from the Roosevelt administration.

Many will also recall that the establishment of the Civilian Conservation camps were at first the butt of jokes and the enrollees were called "sapling setters", and someone said he would eat all the trees that were ever actually set out by these boys.

But how things have changed. Today no activity of the New Deal is more popular than are the C. C. C. camps. In fact, they are almost universally praised. Many of the critics of the New Deal reluctantly admit that the C. C. C. camps have justified their existence. More than 500,000,000 trees had been planted by the enrollees up until September 1, 1935.

In the State of Oklahoma there are now 24 soil conservation camps functioning in a highly efficient manner under the able leadership of Dr. N. E. Winters, regional director of soil conservation for Oklahoma, Kansas, and Nebraska. I have spoken on the floor of this House several times with reference to the Soil Conservation Service alone. It is suffice to say that no Member of this House would question the fact that the soil conservation camps, as well as the Soil Conservation Service, have justified their existence.

There are also about 20 Park, Forest, and Biological Survey camps in Oklahoma. In fact, the C. C. C. camps under the various activities have given a splendid account of themselves in Oklahoma, and I am sure the same is true in every section of the country.

Not only have these camps conserved the soil, the forest, and protected wildlife, and transformed wildernesses into areas of wondrous beauty, but the Civilian Corps activity has rendered its greatest service in building up the morale of the young manhood of America. It has by its far-reaching program and splendid training given hundreds of thousands of desperately needy and deserving young men a new lease on life.

Originally it was planned that 600,000 young men would be enrolled in these camps, but because of impractical, foolish, and unreasonable rules inaugurated, requiring that before any young man was eligible to be enrolled, that his parents had to be actually on relief, the number of enrollees never reached the 600,000 mark that was anticipated. In August 1935 the peak enrollment was 506,000 in the camps in the United States, aside from approximately 11,000 Indians, who were enrolled in the same work, but a majority of whom lived at home. Add to this number the C. C. C. camps in Puerto Rico, Hawaii, and Alaska and we had enrolled at the peak approximately 520,000 enrollees for the United States and its Territories. All told 1,500,000 young men have gone through the C. C. C. camps, of which 134,000 have quit to accept jobs.

At its peak we had more than 2,400 camps throughout the Nation. Then, like a clap of thunder from a clear sky, came the order abolishing 1,000 of these camps with one fell swoop in the name of economy. We are told that private industry will absorb 200,000 of the 500,000 enrollees in the next 6 months, even though it has only absorbed 134,000 of the one and one-half millions of these enrollees who have gone through these camps during the past 2 years. It is a compliment to the C. C. C. camps that private industry has employed 134,000 of them. It is certain that not one of them ever secured a job in a private business that did not have a good, clean record as an enrollee in the camp.

But I submit that it is unreasonable to expect private industry to absorb so many young men with the unemployment as acute as it now is. Do you know that technical experts have said that the value of the work already done is more than $500,000,000? So I say to you that if any part of the New Deal can be justified, and it can be, certainly the Civilian Conservation Corps camps can be justified from every standpoint. Yet we are told in no uncertain terms that 1,000 camps in all are to be abandoned by April 1.

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. MASSINGALE. The gentleman, I am sure, has observed the work that has been done and is now being done in Oklahoma by the C. C. C. camps. I would like him to give his opinion to this House of the result of the abolition of the C. C. C. camps on the present program of farm relief we expect to be enacted into law, based on the soil-conservation idea.

Mr. JOHNSON of Oklahoma. Mr. Chairman, the gentleman has assigned me quite a task, and I have not time here to go into details; but I will say that the people of Oklahoma are strong for soil conservation; and the elimination of 10 or a dozen soil-conservation camps April 1 would be demoralizing. The State of Oklahoma had at first some 49 C. C. C. camps. Five of those camps have been abandoned. The camps had been established at a cost of from $17,000 to $18,000 each. These abandoned camps stand there like beacon lights to the enemy to say, "Look at the extravagance of the New Deal", and you cannot blame them. It is unjustifiable, it is inexcusable, and nobody can defend such reckless foolishness as abandoning camps that cost $18,000 each. If on April 1, 700 more are to be abandoned, as now planned, I will say to my colleague from Oklahoma that no less than 10 will be soil-erosion camps in Oklahoma, so I am advised.

Personally I do not want to see one of those camps abandoned, but to thus cripple the great soil-erosion program as would follow the closing of so many camps is, I repeat, inexcusable.

Mr. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. ANDRESEN. In connection with the C. C. C. camps doing erosion work we find that the organization has signed up a good many projects and promised producers that these projects would be completed. We find that all over the country they are abandoning camps, abandoning projects that had been promised the farmers in the various sections,

and the farmers are greatly disappointed. They are disappointed on account of the waste of money in abandoning these camps that have been built up, and they are disappointed that promises should be made to the farmers to carry on the work and that those promises are now to be unfulfilled.

Mr. JOHNSON of Oklahoma. I thank the gentleman for his contribution.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. JOHNSON of Oklahoma. Yes; I will be glad to yield to our distinguished floor leader.

Mr. BANKHEAD. I am not critical of the gentleman's attitude, but, as a matter of fact, when the C. C. C. camps were established in a great many communities they had certain allotted work to do. There was forest work, road work, trail work, soil-erosion work, and so on. When they have completed their activities in that section there is no necessity for them keeping the camp at that particular place, and it is necessary to abandon it, is it not?

Mr. JOHNSON of Oklahoma. I agree with the gentleman that when a job is completed then the work certainly ought to be abandoned at that particular place, but not until that time. I can give the distinguished floor leader many examples of where orders were issued to abandon a camp right in the middle of a project. Camps, I am ashamed to say, were ordered abandoned before they had hardly begun in many instances. I hold in my hand a clipping from the El Reno American, one of the largest and most widely read weekly newspapers published in Oklahoma. The story and pictures appear on the front page of that publication. Here is a picture of a camp established in Canadian County, Okla., at a cost of more than $18,000. It had been established only 6 months. Below the picture of the abandoned camp is that of a dam, half completed—work done by the C. C. C. boys. With only a few days' notice, this camp was abandoned, and the headline at the top of this paper says in bold letters, "Uncle Sam's bad investment." After 6 months' excellent work, after just getting under way, and with a splendid program outlined, Uncle Sam abandons an $18,000 camp in the name of economy. And the Congressman from that district will be expected to defend such a policy. Well, for my part I do not propose to do it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKS. Mr. Chairman, I yield the gentleman from Oklahoma 5 additional minutes.

Mr. BOLTON. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. BOLTON. I do not know whether the gentleman is aware of the fact that several of these camps have been abandoned before they have been occupied, as a matter of fact. What does the gentleman suggest? How is he going to continue these camps if there is not sufficient money appropriated or allocated for the purpose? The President has indicated he wants to cut down the C. C. C. activities. Therefore it must follow that certain camps must be abandoned.

Mr. JOHNSON of Oklahoma. That is the purpose of my speaking to you this afternoon. We know that only recently $364,000,000 were allocated to Dr. Tugwell for his Resettlement Administration, that, so far as Oklahoma is concerned, has been woefully disappointing. I say to you that funds for C. C. C. camp activities should be earmarked if there is any justification for earmarking funds for Dr. Tugwell's Resettlement Administration. [Applause.]

Mr. BIERMANN. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. BIERMANN. I agree with the idea the gentleman is advancing, but is it not a fact that the cutting down of those camps is due to the fact that the law provides that the enrollees have to be taken from families who are on relief, and as times have gotten better, there are not so many families on relief and there is not the possible number of enrollees?

Mr. JOHNSON of Oklahoma. Oh, the gentleman has hit the nail on the head. Oh, yes. Times have gotten better. There is no question about that. But it is a foolish and ridiculous rule that these boys must be taken from the relief rolls. I mentioned that rule a while ago. It is just an arbitrary rule and it ought to be modified. There are hundreds and thousands of young men in every State in the Union who are clamoring to get into these camps, and who have been unable to do so because, perchance, their fathers and mothers have not yet gone on relief. I agree that the camps were for those who needed jobs, who wanted to work, but by requiring that their mothers and fathers must be on relief, they have done an injustice to the boys, and it was impossible to make the enrollment 600,000 as was first decided upon. However, let me remind Members that there are more than 300 camps in the United States now standing like signboards on the highways and byways, "This is what the New Deal established. This is what the New Deal abandoned. This is Uncle Sam's bad investment." There is no justification for it. It is time this Congress asserted itself. It is time the Members of this Congress should say if these C. C. C. camps could justify their existence, then they certainly ought to be continued until the job is finished. [Applause.]

Mr. MASSINGALE. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I will be glad to yield again to my colleague from Oklahoma.

Mr. MASSINGALE. The gentleman from Alabama [Mr. BANKHEAD] asked the gentleman a question to the effect if he did not think those camps should be abandoned where they have completed the work. I want to ask the gentleman if he has not observed that, as far as Oklahoma is concerned, the C. C. C. camps have not really started to work?

Mr. JOHNSON of Oklahoma. The gentleman is correct. They have merely touched the surface. We could use several times the number of camps in my State, especially the soil erosion camps, and still it would require years to do the soil conservation job that has been undertaken.

Mr. HAINES. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. HAINES. I am very much interested in the gentleman's statement, because I have a number of these camps in my own district.

Mr. JOHNSON of Oklahoma. I will say to my friend he will not have after the 1st of April, unless Congress does something affirmatively about it, and does so quickly.

Mr. HAINES. As I understand, there are about 300 members in a camp.

Mr. JOHNSON of Oklahoma. No; there were originally about 200 enrollees. But each C. C. C. camp in the United States had its personnel cut to 184 enrollees. Thus the overhead of the camps of 184 is equal to that of a 200-man camp. In fact, I am reliably and officially informed that the overhead of a camp of 200 men would be practically the same as for a 150-man camp.

Mr. HAINES. That will call for throwing 150,000 young men back home on relief, will it not?

Mr. JOHNSON of Oklahoma. Yes; they will be back on relief or walking the streets and highways and byways looking for a job as they were doing before they got into these camps.

Mr. HAINES. Would it not be wiser financially to permit these boys to do this construction work in these camps rather than to send them back home and give them a dole?

Mr. JOHNSON of Oklahoma. Certainly. That is what I am pleading for today. That is what this Congress ought to insist upon being done.

Mr. HAINES. I agree with the gentleman.

Mr. JOHNSON of Oklahoma. We ought not to stand idly by and permit 700 camps to be abandoned April 1. You will recall that the order abandoning 1,000 camps was first made to become effective January 1. The original plans were to abandon all of the 1,000 camps January 1. I came here the latter part of November to be at the hearings of the Appropriations Committee December 3. When I heard this I protested to Mr. Fechner; I protested to everyone I thought possibly would have any effect on the situation, but got nowhere. We were told it was absolutely impossible; that nothing could be done about it—that the order was out, the

orders were out, and they were going to be abandoned anyway.

Some of us felt justified in carrying our protests to a still higher authority. It is sufficient to say that finally the order was modified, and only 300 of these camps were actually abandoned January 1. So this April 1 order is merely a postponement of the death sentence that was ordered for a thousand C. C. C. camps January 1.

Considering the fine record made by these camps throughout the country, considering the thousands of families it has helped tide over during these cold winter months, and also what the C. C. C. has done in building the morale of the 1,500,000 young men, I say it is our solemn duty at this time to use every effort possible to prevent the abandonment of these camps on April 1 and thus permit 700 more vacant camp sites to stand there idle, like signboards saying to the passers-by, "Look at the extravagance of the New Deal; look at Uncle Sam's bad investment."

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. CULKIN. The gentleman is making a very interesting speech.

Mr. JOHNSON of Oklahoma. I thank the gentleman.

Mr. CULKIN. And may I add I endorse heartily the gentleman's suggestion that some way ought to be found by which this money now allocated to Dr. Tugwell in the sum of $350,000,000 may be recaptured and taken away from boondoggling efforts and applied to this real humane purpose of continuing these C. C. C. camps.

[Here the gavel again fell.]

Mr. PARKS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Let me say in closing that I have no desire to detain you longer. But it occurs to me that if the Congress of the United States desires to do so it can find a way to keep these camps open. Not only should existing camps be kept open but the 300 camps that have been abandoned should be reoccupied without delay. As one member of the Appropriations Committee, let me say that when another public-works program comes to Congress—and I understand one will be on the way before long—I give notice now that I expect to insist on earmarking sufficient funds to keep every C. C. C. camp in the United States open. And not only that but to reopen the ones that have been closed. It is my sincere hope that Members of this House will join in this fight and give the C. C. C. camps a square deal under the New Deal. [Applause.]

[Here the gavel fell.]

Mr. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, as a general thing when a Member comes into the well of the House and speaks about the responsibility of Congress it is a fine bit of fancy phraseology that we do not often take seriously. There has, however, been reposed upon the Seventy-fourth Congress not an abstract responsibility but a very personal responsibility by a resolution that was passed last year.

On the 23d day of August 1935 the Seventy-fourth Congress passed Resolution No. 350, staying the deportation of 2,862 individuals until the 1st of March 1936. Substantially, in 20 days, unless this Congress makes up its mind what it intends to do, not even the President of the United States can stop the sending of 2,862 people out of this country. When they are sent away they will leave 6,389 near relatives. Of this number 4,400 are citizens of the United States of America.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Let me finish first, please; then I shall be pleased to yield.

A great many of these near relatives, a great many of these 4,400 are minors who will be deposited upon the relief rolls of the United States of America, and we have got from now until the 1st day of March to discharge not a general responsibility but a very personal responsibility. I am sure I am at a loss about the matter, even though I happen to be a member of the Committee on Immigration and Naturalization, because I have seen one after another of the bills that have been reported out of that committee die through objection to their consideration when the Consent Calendar was called.

It may be interesting for the Members of the House to know that of the 2,862 who will be sent away on the 1st day of March despite any effort that may be made by any Federal court or any administrative officer, 59 percent have been here, as I recall, for more than 10 years; 34 percent have been here for more than 5 years; and 7 percent have been here under 5 years. It may be interesting to know also that over 1,800 of the 2,862, or substantially 66 percent, have never been on relief, have never been public charges, and have no police records. It may be interesting to know further that 17 percent have had slight relief, and no police records; and only 4 percent have had police records involving minor misdemeanors and no moral turpitude.

Through Resolution No. 350, passed on the 23d day of August last year, we have virtually served notice upon the Commissioner General of Immigration not to deport these people until the Congress of the United States can examine the reports and determine for itself what it is going to do. There is a complete file, there is an individual and personal analysis of every case now filed with the chairman and the clerk of the House Committee on Immigration and Naturalization.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. VINSON of Kentucky. Do I understand that under existing law these 2,862 people are subject to deportation except for the passage of the resolution of the last Congress?

Mr. DIRKSEN. Exactly.

Mr. MAPES. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Michigan.

Mr. MAPES. The gentleman states that there is no hand which can stay the deportation of these 2,862 individuals, not even the President of the United States, unless the Congress acts. As a matter of fact, has not the hand of the Department stayed deportation for a period of something like 2 or 3 years, notwithstanding that the law requires their deportation? Is it not also true that the resolution to which the gentleman refers is not a resolution of the Congress but merely a resolution of the House of Representatives which in effect says that the majority of the House of Representatives approves of the action of the Bureau of Immigration in refusing to deport these men according to law? Is this not a proper statement?

Mr. DIRKSEN. I think technically the statement is correct.

Mr. MAPES. And does not the gentleman overstate the fact when he says that no hand can do it and when he intimates that this resolution had any effect in law?

Mr. DIRKSEN. The discretion of the Secretary of Labor goes only so far as fixing the actual date for deportation. These cases will have to be deported. That has been settled. It is only a question now of determining the date of deportation.

Mr. MAPES. But their deportation has been detained now for something over 2 years without any change in the law.

Mr. DIRKSEN. Yes; and the Congress of the United States can continue that situation, of course, by further resolution; but in view of the fact that there has been a settled determination here, I should say, to carry on a restrictive policy with which I am substantially in accord, of course, it appears to me under such circumstances these people are going to have to be sent out, irrespective of the merits of the cases involved.

Mr. MAPES. I do not care to argue with the gentleman, but I thought his statement might be just a little misleading as to the technical situation.

Mr. DIRKSEN. That is possibly very true.

Mr. MAPES. Is it not true the resolution which the House of Representatives passed in August, but not the Senate, had no effect in law whatever?

Mr. DIRKSEN. It had a certain effect. It must be remembered that this thing is being administered by our Commissioner General on Immigration. We cannot go on and throw rocks at the Commissioner for being lax in his deportation policy and we cannot throw rocks at the Department of Labor because they are allowing people to come in and not sending enough people out without making the Department of Labor very definitely amenable to what the Congress wants. How can they do other than to carry out that policy, even though the gentleman from Michigan is technically correct?

Mr. VINSON of Kentucky. The gentleman, I understood, agreed that under the existing law of the land, which Congress has passed, these 2,862 people are subject to deportation. It seems to me that you really have a greater point involved than merely 2,862 people being deported, and that is whether or not the law of the land will be maintained.

Mr. DIRKSEN. That is exactly the question, whether these 2,862 individuals under existing law, irrespective of the merits of the cases, are going to be sent out.

Mr. VINSON of Kentucky. Congress never went into the individual cases at all.

Mr. DIRKSEN. This is the first time.

Mr. VINSON of Kentucky. The only remedy there is now is to present legislation. The facts are that we have laws upon the books and a department of our Government has failed to carry the laws into execution for 2 or 3 years. Then we had this namby-pamby resolution of a past Congress, behind which one part of the executive branch is hiding. Of course, the gentleman will agree with me that the point involved is whether the law will be enforced. The only way to reach this question, if the gentleman determines to do it, is through amendment to the substantive law of the land.

Mr. DIRKSEN. I shall ask the gentleman to allow me to proceed from the point he is making.

Mr. VINSON of Kentucky. If Congress does not do that, I do not think the gentleman can be critical.

[Here the gavel fell.]

Mr. BOLTON. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. DIRKSEN. Mr. Chairman, there is pending before the Committee on Immigration at the present time a bill known as the Kerr bill, which undertakes to remedy this situation in part. It goes thoroughly into matters of immigration. Generally, I agree with some of the provisions of the bill, but not insofar as conferring discretion to an interdepartmental committee is concerned. I have some decided views about this matter. Perhaps that particular provision of the bill should be revised. However, the bill has been stymied in the committee; meanwhile the restrictionist element on the floor—and I say this with no malice or criticism at all, because I do believe that we ought to go in for restriction generally—has made it almost impossible to get proper consideration of an immigration bill. Nevertheless, we have 2,862 cases which we are going to have to dispose of one way or the other by legislation or by resolution of Congress directed to the Department of Labor or otherwise.

Mr. VINSON of Kentucky. It seems to me that if the law is enforced the matter is disposed of.

Mr. DIRKSEN. I will get to that point. The question is whether the Congress under the circumstances, after the Commissioner General of Immigration has stayed deportation in these 2,862 cases, wants to go ahead and permit them to send these people out of the country, irrespective of the fact they are noncriminals; irrespective of the fact that we are going to leave approximately 4,400 people behind who are American citizens, out of a total of some 6,300 near relatives, almost 4,000 of which are going to be deposited on the relief rolls of the United States. That is another consideration.

Mr. VINSON of Kentucky. Will the gentleman yield further?

Mr. DIRKSEN. I yield to the gentleman from Kentucky.

Mr. VINSON of Kentucky. The gentleman is making a very interesting statement, but may I ask, How many of these minors will stay here, and how many will go with their parents to their real home?

Mr. DIRKSEN. Permit me to finish, and I believe I can get over to the gentleman what I have in mind.

I said that 59 percent of these people had been here over 10 years, and 34 percent of them over 5 years, and by sending these 2,862 people out you are going to disintegrate and dismember a great many families, of whom 4,665 are American citizens at the present time.

Now, think of the futility of sending these people out of the country, because if they have kinfolks and families here they can qualify under the quota numbers that run to any country with which the United States has an arrangement under the National Origins Act, and they can get a nonquota status or a preferential quota status and in a year's time can be back in the country.

Mr. VINSON of Kentucky. And if they can get such a quota status, that keeps somebody else from coming in under the same status. The gentleman is always convincing, and the heart appeal, of course, is handled splendidly by him——

Mr. DIRKSEN. Never mind about the heart appeal; I am interested in the injustice of sending these people out of the country.

Mr. VINSON of Kentucky. But when the gentleman appeals to the House and talks about the pulling of the heartstrings and about the father being separated from the child, I know the gentleman recognizes the fact that if one of these aliens has violated the law and is sent to the penitentiary, or if a citizen of the United States violates the law and is sent to the penitentiary, there is a pulling on the heartstrings of the wife and children, and oftentimes there is real suffering.

Mr. DIRKSEN. Instead of the gentleman making a speech in my time, let me ask the gentleman this question: Are you in favor of sending these 2,862 people out of the country when their 4,400 dependents are citizens of the United States of America, and 4,000 of them are going to be placed upon the relief rolls because the bread winner of the family has been sent out of the country, although he can come back in a year, which indicates the futility of the thing.

Mr. VINSON of Kentucky. I will answer the gentleman and say "yes", because I have sat at his feet and I have listened to his resonant oratory, but I love my country, the Constitution, and the law of my country, just like the gentleman from Illinois.

Mr. DIRKSEN. The gentleman from Kentucky and I just do not see eye to eye on this matter.

This is not a question of what our future policy shall be. It is a question of whether we are going to dismember these families at the present time, and you can put it on the line that the Commissioner General is going to send these people out unless the Congress takes some action. This action may very well be embodied in a bill that is in the committee at the present time, but which has not been reported out because of an adverse report; moreover, what good would it do to bring it out on the floor if every immigration bill and every naturalization bill, just because it has the name of being an immigration bill or a naturalization bill, is going to have its head chopped off when it comes before the House for unanimous-consent consideration?

[Here the gavel fell.]

Mr. POWERS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. MILLARD. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MILLARD. Is the gentleman in favor of the Kerr bill? Did the gentleman vote for that measure?

Mr. DIRKSEN. I am in favor of some provisions of the Kerr bill.

Mr. MILLARD. But the gentleman is opposed to most of them?

Mr. DIRKSEN. And, if the gentleman will permit, I may say that he knows as well as I that when a man is convicted of an offense under a State law pertaining to narcotics he cannot be deported. On the other hand, if he violates the Federal Narcotic Act he can be deported. Certainly the gen-

tleman from New York knows as well as I do that if you steal a little toy to give to your child, or a loaf of bread, it is a crime involving moral turpitude, for which you can be deported, and yet the gangsters in Philadelphia and Chicago and New York and Cleveland and elsewhere can carry concealed weapons and be convicted time and time again, and yet you cannot send them out of the country because that does not involve moral turpitude.

We talk about smuggling on the Canadian border and the Mexican border, but the singular thing about that law at the present time is that the wily person who smuggles Chinamen and others into the country cannot be deported, although the person who is smuggled in is an illegal entrant and can be deported.

I mention this to indicate what the loopholes are in the law at the present time, and some portions of the Kerr bill undertake to close these loopholes and give us a more satisfactory immigration law.

The gentleman will agree with me that the only difficulty, the only point of discord, and the only point about which we have not been able to reach an agreement is on conferring discretionary authority upon the Department of Labor or an interdepartmental committee with respect to deportation.

Mr. MILLARD. Which we thought was very dangerous.

Mr. DIRKSEN. But despite all that, we can bring out some satisfactory kind of bill so as to cover this situation and also take some action upon the 2,862 cases pending at the present time.

I shall not try to persuade this House to any course of action. I simply deposit the problem right on the doorstep of the House and say there are 2,862 cases with 6,400 dependents, 4,500 of whom are American citizens, 4,000 of whom will land on the relief rolls if you send the breadwinners back to their own countries for some little infraction of law, noncriminal in character. Do you want to send them out of the country or do you not? I think this is a personal responsibility of the Congress because the gentleman who administers that section of the Department of Labor is going to be deferential to the wishes of the Congress. And when we keep on throwing brickbats at him constantly he will say, "I will end the problem forthwith, and just chuck them out of the country."

Mr. EKWALL. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. EKWALL. I should like to know why these various people are deportable. What is the situation? Did they come in here illegally?

Mr. DIRKSEN. I suppose 98 percent of them are illegal entrants.

Mr. EKWALL. Then, why should they not be deported?

Mr. DIRKSEN. Let the gentleman answer that question himself.

Mr. EKWALL. No; the gentleman is up here talking about it and asking us for something.

Mr. DIRKSEN. I am stating the problem. That is all.

Mr. EKWALL. That is the trouble in this country. We have allowed these people to come in here, and we have encouraged them by reason of soft soaping them after they come here.

Mr. DIRKSEN. Fifty-nine percent of them have been here over 10 years. They have married American citizens, and now you want to send them away. You answer the question personally. I will answer it for myself. It is your responsibility as well as mine.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. DONDERO. Does the gentleman not think that the damage done by the reverence for the law would be much greater than the injury done if their people and their relatives were deported?

Mr. DIRKSEN. It is not an abstract question. Suppose you were placed in the position of these people. Stop and think of it from the standpoint that there will be 4,500 American citizen dependents as a result of the 2,862 deportations, 4,000 of whom may become candidates for relief and become public charges. It is no mere abstract question. It is a very vital, personal question.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. MAPES. The gentleman from Illinois, in answer to the inquiry of the gentleman from Oregon [Mr. EKWALL], says that probably 98 percent of them have come in illegally, and that there would be separation between those illegal entrants and American citizens. Does the gentleman know how many of those who married these entrants did so with the full knowledge of their status, knowing they would have to be deported sooner or later? In other words, are there so many innocent people involved as the gentleman's statement might lead people to believe.

Mr. DIRKSEN. As a matter of fact, I suppose a great many of them knew they might be subject to deportation; but you leave behind a lot of innocent people who become the responsibility of the United States Government and of the States in which they live. So let every Member of this House answer the question for himself, because too often these matters do not receive any discussion or consideration at all when the Consent Calendar is called. They are knocked down by an objection, and the matter is never properly presented. I have taken this opportunity to present it as it is and throw it on the shoulders of every Member in the House individually. At this point I shall insert the full text of the resolution which was passed by the House last August.

House Resolution 350

Whereas during the past 2 years the Department of Labor has stayed the deportation of some 2,600 hardship cases of aliens technically subject to deportation whose deportation would involve the separation of many families, leaving approximately 7,000 dependent relatives here, of whom approximately 5,000 are wives and minor children, pending consideration by Congress of certain proposed legislation; and

Whereas the House Committee on Immigration and Naturalization on June 18, 1934, unanimously adopted a resolution urging the continued stay of deportation in such cases pending such time as the Congress required for a further opportunity to study the problem: Therefore be it

Resolved, That in order that the Congress may have adequate time to consider the proposed legislation, the Commissioner of Immigration and Naturalization be requested to continue the stay of deportation until March 1, 1936, in the cases of aliens of good character, excepting those involving a question of moral turpitude, in which deportation would result in unusual hardship; and be it further

Resolved, That on or before January 15, 1936, the Commissioner submit to the Congress for its consideration a list of all cases, excepting those involving a question of moral turpitude, stayed up to and including December 31, 1935, and to submit a list of the names of all cases, together with the full and complete file of each name and case, and all facts pertaining to same.

Mr. Chairman, you will note by the terms of this resolution that the Congress has requested the Commissioner of Immigration to stay deportation in the case of aliens of good character, where no moral turpitude is involved, until the Congress has had opportunity for further study of the problem. This is the 10th day of February. That resolution will remain in effect until March 1. That is 20 days. The Commissioner has made his report as requested by the resolution. It involves, as I have stated, 2,862 cases, who, if deported, will leave behind 6,389 near relatives, 4,665 of whom are American citizens, of which number 3,994 are dependents, who will become public charges. They are noncriminal aliens. The resolution applies only to aliens of good character who have not been involved in offenses which embrace moral turpitude. Deportation is mandatory under existing law. The only discretion permitted the Secretary of Labor is as to the fixing of the time on which the deportation shall be made. The attitude of this Congress, as I have observed it, is for greater restriction because of our far-flung unemployment condition. I concur in that attitude. The immediate matter, however, does not concern itself so much with future policy as it does with these involved cases which will occasion the separation of families. The Congress can do one of several things. It can enact a resolution for a further stay of deportation in these cases. It can enact legislation conferring upon the Department of Labor discretionary authority in cases of this kind; I am satisfied that it

will never do that. It can take care of these instant cases by special enactment covering them. Or finally it can confer discretionary authority upon an interdepartmental committee from the Department of State and the Department of Labor to handle such cases. I doubt whether it would confer such authority. But in any event it is the responsibility of Congress, because we specifically requested the Commissioner of Immigration to stay deportation until March 1, 1936, and he has done so. The next move is up to Congress.

The Kerr bill, which failed to come out of the Immigration Committee, has a provision conferring discretionary authority upon the interdepartmental committee. That provision was the bone of contention. In other respects the bill has some excellent provisions, which will get at the 20,000 criminals who should be deported but cannot be under existing law, the mandatory deportation of those engaged in vending narcotics, the deportation of habitual criminals, the deportation of racketeers who carry concealed weapons and are convicted of so doing.

All that, however, is beside the point in dealing with the instant cases. If it is thumbs up on these 2,862 cases, they will stay. If it is thumbs down, it is up to the Department of Labor to proceed with deportation. Since they have families here and can, within a year, return under a nonquota or preferential quota status, I wonder if deporting them would not be a gesture and a bit of magnificent futility. They are not criminals within the meaning of existing immigration laws, and I know of nothing to prevent their return at the end of a year. Since they must be deported at Government expense, it looks like a year's vacation and an ocean trip for 2,862 people at the expense of Uncle Sam. It remains, however, a responsibility of the Congress. Someone might well say, "Why does not your committee do something about it?" The answer is that any legislation to cover it must come up under a special rule, by suspension, or by unanimous consent. Every Member of this House can testify as to what happened to many immigration bills which came up under suspension or on the Consent Calendar. They have about as much chance as the proverbial snowball. The committee is divided on the matter, and I, in conjunction with some of the members of that committee, have opposed bills that were reported favorably. So there you are, and when all is said and done, the question still remains, What will the Congress say to the Labor Department on March 1 with respect to these 2,862 cases? Of course, the Congress is not obligated to say anything and can let the matter go by default, in which event the deportations will be made. In any event, I have tried to do my duty by laying the substance of the Commissioner's report before the House for its consideration.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PARKS. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. HOOK].

Mr. HOOK. Mr. Chairman and members of the Committee, at this time I rise to call attention of the House to a situation in regard to the river and harbor appropriation. It seems that the Great Lakes region, where commerce and fishing is so extensive, has been completely forgotten.

I am going to call special attention to a project in the upper peninsula of Michigan, which is known as the Keweenaw waterway.

This project opens a waterway clear across a portion of the upper peninsula and serves as a harbor for vessels in times of storm. It also serves as a harbor for copper-ore vessels.

The traffic in the open lake passing Keweenaw Point averages 62,000,000 tons annually. This includes ore, wheat, and all other shipments. This project will afford shelter in storms and considerably shorten the down Lakes' route. It is very necessary to good navigation. This project has been approved by the War Department and has been approved by the Committee on Rivers and Harbors, but it has been given no status of an appropriation.

I also want to call attention to another project, the Presque Isle Harbor at Marquette, Mich.

In that connection I want to call attention to a letter that I received this morning from an Army engineer who has made a survey of this project, and in that letter he says:

> Activities in the various harbors of your district during the coming season will depend upon the amount of funds made available. I have requested that $575,000 be allotted for dredging and breakwater construction at Presque Isle Harbor (Marquette Bay) and $1,300,000 for similar work in the Keweenaw waterway. No doubt the amount of money which the Chief of Engineers will be able to allot to these projects will depend upon the size of the lump-sum appropriation for rivers and harbors in the Army appropriation bill now pending.

In company with two of my colleagues, Mr. DONDERO and Mr. LESINSKI, we went down and conferred with the engineers of the War Department. I do not know as we were given much encouragement. I asked the question "Whether we could earmark this fund?" and he said, "Well, it has not been done for over 20 years."

I do not want to violate the precedents of the House or encourage the breaking of any rule established by usage, but I may say that if the Great Lakes region is going to be abandoned I am going to attempt, when the bill comes up, to earmark this fund in behalf of the Great Lakes region.

All we are asking for our section of the Great Lakes region is $7,500,000. When we stop to think that—and I am not criticizing what is going to be done in other sections of the country—when we stop to think that $143,000,000 is going to be spent on a canal across the great State of Florida, and about $12,000,000 has been allotted for this year when only $7,000,000 was asked, and we ask only for $7,500,000, I think we are entitled to that fund for this section of the Great Lakes region.

Mr. BOLTON. Will the gentleman yield?

Mr. HOOK. I yield.

Mr. BOLTON. Will the gentleman explain where he finds the item of $7,500,000 for the Great Lakes region? Offhand, I can think of a great many more millions that have been authorized for the Great Lakes than seven and a half million.

Mr. HOOK. That is true. I am taking the information from one of the district engineers, wherein he informed the Manistee Board of Commerce as follows:

> The United States Chief of Engineers has requested an appropriation of $209,000,000 for river and harbor work this coming year. The Budget Director has requested that appropriation be cut to $129,000,000, and now a movement is under way to cut this appropriation to $100,000,000.

He sets forth that the Budget Director, for rivers and harbors, has requested for the coming year the sum of $129,000,000; and if we would endeavor to get and do get an additional amount, that $7,500,000 could be allocated as has been requested by the engineers for this section of the Great Lakes. They would then be able to do something on the Great Lakes in behalf of navigation. I grant that we will need a lot more than that.

Mr. BOLTON. Will the gentleman yield further?

Mr. HOOK. I yield.

Mr. BOLTON. I understand now where those figures came from, but may I say in that connection the list submitted by the Chief of Engineers, according to the Chief of Engineers, is rather elastic, and if he finds more is needed for one locality than the other he has a right to change it.

Mr. HOOK. That is true.

Mr. BOLTON. In other words, these items are not definitely earmarked.

Mr. HOOK. That is true.

Mr. DONDERO. Will the gentleman yield?

Mr. HOOK. I yield.

Mr. DONDERO. I think what we know now and what we did not know Saturday morning when we appeared before the Army engineers the fact that the $12,000,000 intended to be included in this bill for the Florida Ship Canal has not been included in the report of the committee that has been submitted on the floor. I ask the chairman of the subcommittee if that is not correct?

Mr. PARKS. Yes. It is not in this bill. It was approved by the Budget, but not authorized by Congress.

Mr. CULKIN. Will the gentleman yield?

Mr. HOOK. I yield.

Mr. CULKIN. Does the gentleman know that the threat to these funds consists in the application of these funds to P. W. A. projects which were started by "Honest Harold" Ickes without authority of Congress?

Mr. HOOK. I will come to that in just a minute. On the project known as the Marquette Bay project, that was estimated at $79,000 plus. In the report of the Committee on Rivers and Harbors it was stated that $75,000 was allotted by P. W. A. for that project. I find that is not true; that when the amount was applied for, our good friend Harry Hopkins claimed it would cost too much per man-hour, and therefore the money was not allotted. Therefore, this project has not even been given consideration because of the fact that the record showed there was $75,000 allotted by P. W. A. which cannot be spent upon the project. Therefore, our Marquette Bay project is held up. There are any number of projects in the Great Lakes region that are in need of funds, but I want to call special attention to this Presque Isle Harbor project that will cost $575,000. Just a year or two ago, because of the fact that this harbor is not fit for vessels to enter, one vessel, costing over $400,000, was destroyed. If this money is appropriated to this project, then our ore shipments and our navigation will be improved. Unless this money is spent upon these harbors in northern Michigan, it will cripple our navigation. We will not be able to proceed.

I may say that the Secretary of War himself has approved of these projects and says they are necessary.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. HOOK] has expired.

Mr. HOOK. Mr. Chairman, I ask unanimous consent that I may revise and extend my remarks and to include therein certain letters that I have received with regard to these projects.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LAKE SUPERIOR & ISHPEMING RAILROAD CO.,
Marquette, Mich., December 27, 1934.

Hon. FRANK E. HOOK,
Member of Congress, Washington, D. C.

DEAR SIR: A short time ago the Marquette Daily Mining Journal contained a news dispatch from Washington that the Presque Isle Harbor-Marquette Bay improvement project is included in the Great Lakes rivers and harbors development program recommended to Congress by the War Department district engineers.

This was recommended by the Secretary of War August 10, 1932, to the Speaker of the House of Representatives under the following title:

[House of Representatives, Doc. No. 473, 72d Cong., 2d sess.]

MARQUETTE BAY, HARBOR OF REFUGE (PRESQUE ISLE HARBOR), MICH.

Letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of harbor of refuge, Marquette Bay (Presque Isle Harbor), Mich.

This contains recommendations from Maj. Gen. Lytle Brown, Chief of Engineers; Col. W. J. Barden, Corps of Engineers; Col. E. M. Markham; Maj. P. C. Bullard; and Colonel Deakyne; it is suggested that you secure a copy for full particulars.

This recommendation includes the extension of the breakwater and also the deepening of the harbor in accordance with the standards adopted by the War Department.

The total estimated cost of this improvement is $547,000 for both the breakwater extension and the dredging.

The Presque Isle Harbor is an important factor in shipping of iron ore; it stood fourth of the 11 iron-ore shipping railroads by docks in the Lake Superior region in 1933 and 1934. Shipments of the past 6 years were as follows:

	Long tons
1929	3,572,545
1930	2,410,986
1931	1,212,752
1932 (this was depression year and the total shipments from Lake Superior region were only 3,568,000 tons)	192,453
1933	2,192,848
1934	1,571,214

It is doubtful if there is any harbor on the Great Lakes where there is such great necessity for these improvements as at Presque Isle Harbor. The present breakwater extends from Presque Isle southeasterly about 1,200 feet and the recommendation in the document referred to is for an additional length of 1,600 feet so that the proper safety may be given to vessels entering and leaving Presque Isle Harbor and to protect them while they are tied to the dock during the storms from the northwest, north, and northeast, which cause the greatest risk and often necessitate vessels going to Marquette Harbor for shelter, or because the surge on the mooring lines is so heavy that the large vessels cannot be held at the dock; this improvement will overcome that serious condition.

Because of the surges and the difficulty in maneuvering the vessels, there have been many minor and near accidents and some serious accidents, the most serious being to the steamer *Sheadle* in 1920, that damage amounting to $426,000, which was due entirely to the lack of sufficient length of breakwater.

Because of the recommendation of the Secretary of War and the important necessity for this improvement we endeavored through Congressman James to have this work done during 1934, but there was no appropriation for it.

Vessels of many ownerships come to this harbor for cargoes; the Lake Carriers Association, consisting of practically all the vessel owners on the Great Lakes are fully aware of this need and have given it their strong recommendation.

Now that there is a definite recommendation for this improvement, which is in your district, it is hoped it can be done in 1935, and I am writing before the session of the new Congress to ask your efforts to have it included in the program for 1935.

Will appreciate very much if you will advise me the prospect, and also the names of the members of the Rivers and Harbors Committee, and if you suggest that they also be written or interviewed or if you prefer to negotiate with them alone.

Yours truly,

H. R. HARRIS,
Vice President and General Manager.

INLAND STEEL CO.,
Chicago, February 5, 1935.

Hon. FRANK E. HOOK,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: As you perhaps know, our company operates iron mines in Marquette County and moves a substantial tonnage of ore through the port of Marquette.

With the opening of navigation on the Great Lakes not far away, I have recently received a very urgent letter from the captain of one of our freighters calling my attention to a serious condition existing at the Presque Isle dock of the Lake Superior & Ishpeming Railway Co., situated near Marquette, Mich., over which our ore moves. He points out that under certain conditions of weather it is extremely dangerous for a large ship to remain in the loading position alongside that dock. A few years ago a large steamer suffered complete disaster by attempting to maneuver under these conditions, and since that time apprehension has grown with respect to this danger. It is only lately that our fleet has been operating to this dock, so that the hazard is new to us; but our operation is now a permanent one at that point, therefore we are disturbed about it.

A few days ago, upon receipt of this letter, I wrote to the officials of the railway company asking that steps be taken to protect vessels from this hazard, and they at once replied that a project was pending in Congress which if carried out would eliminate the danger.

They informed me that you are already familiar with this project, and I should therefore like to take this opportunity of urging upon you its extreme importance and asking that it receive your effective consideration.

Very truly yours,

CLARENCE B. RANDALL,
Vice President.

CITY OF MARQUETTE,
Marquette, Mich., December 31, 1934.

Hon. FRANK E. HOOK,
Member of Congress, Washington, D. C.

DEAR SIR: On December 27 Mr. H. R. Harris, vice president and general manager of the Lake Superior & Ishpeming Railway, wrote you relative to Presque Isle Harbor-Marquette Bay improvement project, which the Marquette Mining Journal reported as having been included in the Great Lakes rivers and harbors development program recommended to Congress by the War Department district engineers. The letter from Mr. Harris to you covers the tonnage data for this harbor and other important information pertinent to the project, and I will, therefore, not go into this detail. I wish to say, however, on behalf of the city of Marquette, that we are very much interested in the improvement of this harbor. It is a worthwhile and necessary project, and, as you will note, the tonnage involved is so great that the money expended by the Government would help a great deal in facilitating the business of this port and, at the same time, eliminate hazards of navigation to which the harbor is now subjected.

This matter came up for discussion about a year ago, and at that time we took the matter up with various parties, including the Department at Washington, also with Mr. Horatio J. Abbott, national committeeman for Michigan. He promised to do all he could to assist in obtaining the appropriation for the project. It would afford employment for many men, and thus assist in the reduction of unemployment. The merits of this improvement are such that it would appear reasonable to expect that it would be high on the list of approved Government projects. We would appreciate it very much if you would lend your efforts toward the completion of the details necessary to make this appropriation effective, and would like to hear from you at your convenience regarding prospects relat-

ing thereto. With kindest regards and wishing you and your family a happy and prosperous New Year, I remain,

Yours very truly,

A. F. JACQUES, *Mayor.*

CHAMBER OF COMMERCE,
Marquette, Mich., March 19, 1935.

Hon. FRANK E. HOOK,
Member of Congress, Washington, D. C.

DEAR CONGRESSMAN HOOK: This morning's Daily Mining Journal, in a news item dated Washington, March 18, states that the House Rivers and Harbors Committee have approved an extension of 1,600 feet to the breakwater at Presque Isle Harbor and the deepening of the harbor, but apparently the appropriation has not been authorized.

As you know, the Secretary of War recommended this project, in the House of Representatives Document No. 473, Seventy-second Congress, second session, at a cost of $547,000, it having been previously recommended by the War Department engineers after they had investigated and surveyed the harbor and determined that there was much hazard to boats entering and leaving and maneuvering within the harbor and while being loaded, and that the breakwater extension was of vital necessity to protect the vessels using the harbor.

It becomes necessary during storm periods to beach the vessels in the sand on the shore or to ground them by filling their tanks with water to prevent serious damage. One steamer, due to inadequate protection, when maneuvering to leave the harbor, grounded on a rocky shoal and sustained a loss of $426,000. Storms frequently reach such intensity that vessels moored to the dock part their lines, break their deck engines, and damage their plates, resulting in many minor damages to vessels.

During storm conditions it is extremely hazardous to enter or to leave this harbor, and when approaching it during the progress of a storm or in departing they are required to seek shelter at Marquette Harbor, which causes serious delays, and only by anticipating the approach of a storm can such maneuvering be accomplished. There is also a heavy undercurrent which is serious.

There is located in the harbor one iron-ore dock and one general-merchandise dock, both of which are used by the general shipping interests of the Great Lakes. There are 27 different boat lines that use them. The Lake Carriers' Association, representing these various vessels' interests, is vitally interested and is endeavoring to secure this much-needed protection.

During the ore-shipping season of 1933 there were 294 boats loaded at the ore dock and 236 in 1934—and this was during the depression years. There have been as high as 375 boats loaded at the dock. For 5 years prior to 1930 there was shipped from this harbor an annual average of 2,711,320 tons of ore. Document no. 473, referred to, states that from 1916 to 1931 the average shipments were two and one-half million tons per year. During this business depression this has, of course, been reduced somewhat; however, reliable estimates of the business to be transported through this harbor in the future indicate that the annual tonnage mentioned above will continue for many years to come, and there is much likelihood that it will be increased. This dock ranks fourth as to shipments of ore in the Lake Superior region, and that in itself indicates its importance.

We understand that this project has been recommended to you by others, but we are writing so that you will know that the Marquette Chamber of Commerce has given its approval, and we earnestly request that you use your influence to secure the necessary appropriation to carry out the work as planned. If there is anything that we can do to assist, we will be glad to do so.

While the protection to the vessels is of the greatest importance, to have this extension made at the present time would assist in relieving the unemployment situation.

Yours very truly,

MARQUETTE CHAMBER OF COMMERCE,
GEORGE C. QUINNELL, *President.*

[Telegram]

JUNE 29, 1935.

Mr. E. L. PEARCE,
Care of Chamber of Comerce, Marquette, Mich.:

Presque Isle Harbor project approved by War Department. Approved by National Emergency Council. Sent to Works Progress Administration May 21. Contacted National Emergency Council this morning; advised it was before advisory committee on allotments. Contacted Works Progress Administration; they advised me that on account of order issued by Harry Hopkins that no project should run over $1,100 per man per year, therefore, they refused to consider it as a work-relief project. Captain Clay, of War Department, working on this now trying to bring it within ruling. Letter explaining in detail follows. Will do everything I can.

FRANK E. HOOK,
Member of Congress.

Official business; Government charge.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 29, 1935.

Mr. RUSH CULVER,
Marquette, Mich.

DEAR RUSH: I have been working on the Presque Isle Harbor project and will give you the status of same at the present time. This was included in the rivers and harbors bill, which is H. R. 6732, House Document 473, page 15, of the bill. This carries a recommendation for $650,000.

On May 21 this year it was submitted to the P. W. A., and funds requested for the project. The project was completely approved by the War Department, and the War Department engineers recommended that it be started immediately. The National Emergency Council recommended that it be approved and sent it to the Works Progress Administration for their comments.

I had a talk with Mr. Pearce, of Marquette, over long-distance telephone this morning and wanted to write him direct, but do not have his initials. I wish you would contact him immediately with regard to this.

I have kept in constant touch with this proposition, and after receiving the call from Mr. Pearce I appeared at the National Emergency Council and was informed there that they had approved it and expected a clearance. They told me, however, that it was up to Harry Hopkins' outfit, known as the Works Progress Administration. I went down there and contacted a man by the name of Mr. Fellos and, by the way, this man Fellos is a former Michigan man. He called the War Department again and talked with a Captain Clay, who is in the Munitions Building, and who is handling this project. He informed me that because of the fact that it would take considerable material that they could not get it within the rule of $1,100 per man per year, due to the fact that it would not take enough direct labor.

I informed Mr. Fellos that, in my opinion, this rule laid down by Harry Hopkins was one of the most foolish things that I knew of. I asked him whether or not they expected to keep men on relief permanently, and assured them that if their ideas as set forth by Harry Hopkins was put into effect they might just as well have men out raking leaves, hauling sand from one side of the road to the other, and doing nothing constructive. I informed them further that I was not in sympathy with Mr. Hopkins' ideas of handling this. It is my opinion that Harry Hopkins is the biggest detriment that this administration has. I believe he is a millstone around President Roosevelt's neck, and the sooner the President gets rid of him the sooner this country will have recovery.

With Harry Hopkins handling this thing as he is attempting to do, we will have a bunch of social workers in the picture; and you know as well as I do that if men were put on jobs where they could earn a decent living and the country brought back to recovery, that the social workers would be out of a job.

This project is a worthy project, one that has met the approval of every department, and, on account of Harry Hopkins' crazy rule, it seems to be doomed for this year.

You may rest assured, however, and you may inform Mr. Pearce and the others that are interested, that I am going to keep after this with all the vigor and force that I have until I get something definite. You may rest assured also that I am going to use whatever influence that I have to help change this rule or policy that Harry Hopkins is laying down, which is blocking practically every worthy project that we have.

I am sorry that this project has met with a set-back, and hope to be able to give you some better news soon. I know that this letter is not very encouraging.

Very truly yours,

FRANK E. HOOK, M. C.

Mr. BOLTON. Mr. Chairman, I yield 35 minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, an ancient prophet once said:

> I will bring the blind by a way they know not.
> I will lead them in paths they have not known.
> I will make darkness light before them and crooked things straight.

It is with this spiritual as well as patriotic purpose in mind that I shall address myself to the subject of the tariff, its effects upon agriculture, industry, and labor, as revealed by history. When I shall have finished I hope that the blind followers of free trade will see a new light and that their crooked thinking will have been made straight.

No one man in the Constitutional Convention of 1787 contributed more to the immortal document, the Federal Constitution, than did James Madison, a loyal disciple of Thomas Jefferson. It will be recalled that the Federal Constitution was formulated in 1787 and ratified later by the States. The First Congress under the new Constitution was called to meet in New York, March 4, 1789, and it did actually assemble for the transaction of business in April of that year. Spread before this group of patriotic Americans in Congress assembled were the blank pages of a new Republic, destined, under the sound economic principles then and there adopted, to become a mighty nation.

How important did James Madison consider a tariff to the development of the new Republic? So important did he consider it that on the second day of the first meeting of the Congress, "the House of Representatives being in a Committee of the Whole on the state of the Union", he offered a reso-

lution that specific duties should be devised on spiritous liquors, wines, teas, sugar, pepper, cocoa, and spices, and an ad valorem duty on all other articles. Thus the first tariff was sponsored by a Democrat closer to Thomas Jefferson, the founder of that party, than any other living man.

This tariff bill was supported and passed by the followers of Thomas Jefferson. The debates show that this tariff bill was passed to safeguard American industries against foreign competition. Why do I mention these historic facts? I do so to remove from the minds of thoughtful Democrats partisan bias and prejudice against a protective tariff. I know the answer of those who would have our country put on a free-trade basis, the answer that you have dinned into the public ears for years rather than admit candidly the errors of your position. You will say as you have always said that Madison in offering the resolution had in view only the obtaining of revenue for the support of government. The best evidence of the purpose he had in mind is to be found in the preamble to the resolution itself, which reads as follows:

Whereas it is necessary for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures that duties be laid on goods, wares, and merchandise imported.

But what more does the record reveal? Mr. Madison stated that he was—

Looking to the preservation of internal industries upon which the Government and the people could rely for strength and well-being.

Furthermore, when questioned as to the constitutionality of the tariff act, he asserted that the right to regulate commerce with foreign nations delegated by the several States "embraces the object of encouraging by duties the products of the country."

What about the position of Thomas Jefferson on the tariff? In his message in 1802 he said:

To cultivate peace, maintain commerce and navigation, to foster our fisheries, and protect manufacturers adapted to our circumstances are the landmarks by which to guide ourselves in all our relations.

Thomas Jefferson wrote a letter to J. B. Say, a French economist, in which he expressed his views on the tariff in no uncertain language. I quote:

The prohibiting duties we lay on all articles of foreign manufacture which prudence requires us to establish at home, with the patriotic determination of every good citizen to use no foreign article which can be made by ourselves, without regard to difference in cost, secure us against a relapse into foreign dependency.

And did not Jefferson, when he believed a national exigency required it, lay an embargo against goods of British manufacture?

After the War of 1812 had been won President Madison sent a special message to Congress. At that time our country was prosperous because the war had shut out imports and our industries had been permitted to enjoy the home market unhampered by the products of cheap foreign labor. President Madison, in his special message to Congress, cautioned against destroying this prosperity. He asked his Secretary of the Treasury, A. J. Dallas, to make an estimate of what amount of reduction of tariff rates would be safe, but made it plain that the protective feature should be preserved. Unfortunately the Congress lowered the duties to a point that failed to protect.

What is the judgment of history on the wisdom or lack of it in reducing the tariff rates in 1816?

Woodrow Wilson, in his History of the American Republic, referring to this tariff act, said:

It was manifestly injurious to every young industry that a flood of English imports should continue to pour into the country at the open ports. The remedy was a protective tariff.

Did not James Monroe say in his message of December 2, 1817:

Our manufactures will require the continual attention of Congress. * * * Their preservation, which depends on due encouragement, is connected with the high interest of the Nation.

Permit me to marshal evidence from Democratic sources in condemnation of the low-tariff policy adopted in 1816 lest I be charged with partisanship. Senator Thomas H. Benton, of Missouri, graphically described the effect of that low-tariff act in these words:

No price for property, no sales except those of the sheriff and the marshal; no employment for industry; no demand for labor; no sales for the products of the farmer. Distress was the universal cry of the people.

But let us call another witness. Hear what Henry Clay had to say of the years following the low Tariff Act of 1816. I quote:

If one desires to find the 7 years of greatest adversity in this country since the adoption of the Constitution, let him examine the 7 years before 1824.

The testimony of the witnesses I have produced to show the folly of the low-tariff experiment of 1816 ought to have probative force, even with present-day Democrats. What happened following this tragic experience with a low-tariff act? This period of acute national distress was followed in 1824 by the restoration of protection. Recovery was so prompt, so effective, so general that Andrew Jackson testified to the benefits derived from the higher duties of the act of 1824 in these words:

Our country presents on every side marks of prosperity unequaled perhaps in any other portion of the world.

It was at this point that great leaders shifted their position upon the tariff. Daniel Webster, impelled by the logic of events, shifted from his free-trade position to that of a stanch protectionist, a position from which he never afterward departed. John C. Calhoun shifted from his stand as a protectionist to that of a free-trader. From that time on the Democratic Party repudiated the sound economic law of national self-preservation. After 1824 it became the sponsor of international doctrine.

This change in Democratic economic philosophy came soon after the invention of the cotton gin. Then it was that the leadership of Mr. Calhoun repudiated the tariff ideas of its founders. No man in public life up to that time had more ably presented the arguments for protection than had John C. Calhoun. Even in 1818, 6 years before he repudiated the tariff views of Madison, Jefferson, and Monroe, while visiting a factory on the River Charles in Massachusetts, where the first power loom in America had been installed, Mr. Calhoun said that it was he and William Lowndes, of South Carolina, who were responsible for establishing this industry because of the encouragement given to the enterprise by their fight for a protective tariff.

Mr. Calhoun reversed himself on the tariff in 1824 and later opposed the collection of custom duties at the ports of South Carolina. The Democratic Party "took a walk", deserted protection, and alined itself with the foreign importing interests. Why did Mr. Calhoun change his position? It was because his constituents in South Carolina were agriculturists, cotton was their principal crop and their chief pursuit. It was produced by slave labor; therefore they felt that it required no protection. They believed it to be to their advantage to sell their cotton abroad and to purchase such goods as they required in the foreign market. Mr. Calhoun, no doubt, changed his position on the tariff to coincide with the views of his constituents, but in doing so he lacked the penetrating vision to foresee the necessity of our home market for agriculture, including cotton.

One leader of that time to whom modern Democrats now give lip service, but whose doctrines they have repudiated in practice, was Andrew Jackson. He was neither deceived nor mislead by the economic sophistry of that time. When the high tariff bill was before the Congress in 1824 he voted for it, and when challenged for doing so, he answered his critics with his usual candor and logic, even those who threatened him with political reprisal if he supported the higher tariff rates. Dr. L. H. Coleman, of Warrenton, N. C., a political supporter, threatened to relax his partisan zeal if Old Hickory did not conform to his views. Jackson wrote to him:

It is time we should become a little more Americanized, and instead of feeding the paupers and laborers of Europe, feed our own,

or else in a short time, by continuing our present policy, we shall all be paupers ourselves.

On June 18, 1824, Jackson wrote to Brigadier General Coffee as follows:

What is our situation? Have we a market for any surplus agricultural products but sugar and cotton, and cotton very precarious; and cannot expect to continue except the home market which has and will be opened for it by the manufacturing of the raw material in America; what is the consequence. If a home market is not created, there being no foreign market, I answer the agricultural interests must continue to languish, and the farmer must withdraw himself from the consumption of the dutiable article, not being able from the product of his labor to pay for it. * * * It is the course of the antitariff men that must inevitably lead to direct taxation, by depressing agriculture from the want of a foreign or home market for their surplus products, by which they become unable to procure and consume the dutiable articles.

It must not be overlooked that South Carolina threatened to secede rather than pay the duties imposed under the 1824 Tariff Act. This stubborn resistance to the collection of customs under the tariff law by the followers of Mr. Calhoun was met by President Jackson with vigor and firmness.

This head-on collision of economic principles finally resulted in the compromise bill sponsored by Henry Clay, which became a law March 2, 1833. This act reduced the tariff duties contained in the 1824 Tariff Act, with the result that foreign imports poured into this country until business and industry were prostrate.

To check this devastating foreign competition a tariff bill increasing import duties was passed in 1842. Prior to the enactment of this tariff act sheep sold under the hammer in Missouri at 13½ cents a head and cattle brought only a dollar and a half. Let us call a witness on the effect of the low tariff bill of 1833 and the high tariff bill of 1842. John M. Berrin, United States Senator from the State of Georgia, declared:

The credit of the Government was prostrate and has been redeemed. The Treasury was empty; it is now replenished. The commerce and navigation of the country have increased. Its agricultural condition has improved.

Prosperity continued from 1842 to 1846. The best proof of the fact is to be found in the message of President Polk to the Congress. I quote:

Abundance has crowned the toil of the husbandman, and labor in all its branches is receiving an ample reward. * * * The progress of our country in her career of greatness, not only in the vast extent of our territorial limits and rapid increase of our population, but in resources and wealth, and in the happy conditions of our people, is without an example in the history of nations.

The Democratic Party was in control of the Congress in 1846. The Walker bill, lowering tariff rates was enacted that year. Fortunately for the United States, four events intervened, which for a time delayed the disaster which inevitably follows a drastic reduction in the tariff rates. These four events, viz, the Mexican War, the Irish famine, the discovery of gold in California, and the Crimean War. The Crimean conflict involved Great Britain, France, Germany, and Turkey, stimulating our sales abroad and acting as an embargo to the importation of foreign goods. When hostilities ceased, however, releasing foreign shipping, our ports were deluged with cheap foreign-made goods.

Instead of recognizing the real cause of our industrial and agricultural paralysis, the Congress in 1857 further reduced tariff duties. I shall not describe what followed, but instead I shall call a Democratic witness to do so. President Buchanan in his message to the Congress in 1858 said:

With all the elements of national wealth in abundance our manufactures were suspended, our useful public enterprises were arrested, and thousands of laborers were deprived of employment and reduced to want. Universal distress prevailed among the commercial, manufacturing, and mechanical classes.

Two years later, December 4, 1860, referring to the widespread suffering and disaster then existing, President Buchanan said:

Indeed, all hope seems to have deserted the minds of men.

What I have been offering in the way of testimony is from Democrats. You cannot deny the facts without impeaching the intelligence and judgment of the statesmen you profess to follow.

Every low tariff experiment, except when a foreign war has intervened to act as an embargo against foreign importations, has brought the same result, viz, unemployment, breadlines, suffering, bankruptcy, and industrial and commercial disaster.

The revival of industry and agriculture following the 14 years of low tariff and hard times prior to the Civil War came with the enactment of the Morrill Protective Tariff Act. Thereafter industrial prosperity continued with only slight interruption until the enactment of the Wilson-Gorman Tariff Act.

What was the condition of the country in December 1892? I respectfully call my first Republican witness to show the condition of the Nation at that time. President Harrison said:

There never has been a time in our history when work was so abundant or wages were so high, whether measured by the currency in which they are paid or by their power to supply the necessities and comforts of life.

What event intervened to destroy this happy state of affairs? The Democratic Party was entrusted with power on March 4, 1893, and the announcement was immediately made that a low-tariff measure, with all raw products on the free list, would be enacted. The announced intention to lower the tariff destroyed public confidence. Now I call a Democratic witness.

President Grover Cleveland, to contrast conditions under Benjamin Harrison's administration with conditions as they existed on August 8, 1893, under the Democratic administration, stated:

With plentious crops, with abundant promise of remunerative production and manufacture, with unusual invitation to safe investment, and with satisfactory assurance to business enterprise, suddenly financial distress and fear have sprung up on every side. * * * Values supposed to be fixed are fast becoming conjectural, and loss and failure have invaded every branch of business.

Past experience meant nothing to the Democratic leaders. The Wilson-Gorman bill, putting all raw materials of the South on the free list, was enacted in 1894. Some of your statesmen, faithful followers of Jefferson, Madison, and Jackson, condemned the enactment of the Wilson-Gorman Low Tariff Act as rank economic and political heresy, but to no avail. The bill was passed. The disaster resulting from this legislation was visited upon the South as well as the North.

Permit me to again call a Democrat as a witness to show what was done to the South when you deserted the economic doctrine of Andrew Jackson and practically placed sugar on the free list. I offer the testimony of the former Governor of Louisiana, who described the effect of the low tariff on the domestic-sugar producers:

There were 62 sugar mills between New Orleans and the Gulf before the action was taken. The number was reduced to one, and more than a hundred million dollars was wiped out at a single stroke of the pen. It is a human impossibility for the sugar farmer, even with the most modern equipment to come in competition with Cuba and its cheap labor. Our living standards are so far above theirs that it cannot be done.

Mr. Chairman, experience should have taught the public long before this that when low duties have destroyed the domestic production of a necessity of life, then the foreigner who has been given a monopoly and made master of the situation fixes the price which our consumers must pay or go without. What did our consumers pay for sugar in 1920? Our consumers were obliged to pay as high as 35 cents a pound for this necessity because forced to relinquish home production by a low tariff. Are other countries following the shortsighted policy of the United States in placing themselves at the mercy of a foreign country for one of the prime necessities of life? The answer is that the United States levies a lower duty on sugar imports from Cuba, where we get our principal supply, than any of the European countries. I quote the duty on sugar imposed by each of the following countries:

Sugar tariffs of certain foreign countries (96 degrees polarization)

[Approximate duty and internal tax (U. S. cents per pound)]

Country:	
Argentina	[1] 4.83
Belgium	2.50
Brazil	17.20
Czechoslovakia	[2] 10.17
France	[3] 8.20
Germany	[4] 9.64
Greece	[5] 4.50
Italy	[6] 18.70
Mexico	[5] 2.33
Spain	[4] 11.70
United Kingdom	[7] 1.70

[1] Includes surtax and internal tax.
[2] Includes consumption and turn-over tax.
[3] Includes additional taxes; duty alone is 5.1 cents per pound.
[4] Includes internal tax.
[5] Includes surtax.
[6] Includes import surtax; 18 percent of c. i. f. value imposed in addition.
[7] Imports from British Dominions, 0.9 cent per pound; from British colonies, 0.3 cent per pound.

Data furnished by Division of Foreign Tariffs, U. S. Department of Commerce.

But what has the administration been doing to build up this nonsurplus crop? Instead of attempting to build up our domestic production, it has tried to limit expansion of acreage under a system of quotas, and it has entered into a trade agreement with Cuba, which further stifles this business by reducing the tariff on imported sugar.

It will be recalled that under the Hawley-Smoot Tariff Act of 1930 the duty on 96-degree sugar was fixed at 2.5 cents per pound. By reason of 20-percent differential in favor of Cuban products, under the treaty of 1903, the rate on Cuban sugar was 2 cents per pound.

On May 9, 1934, the President exercised his powers under the flexible-tariff provision by reducing the duty on sugar to 1.875 cents per pound, thus bringing the Cuban rate down to 1.5 cents per pound.

Under the Cuban trade agreement, which became effective September 3, 1934, the President granted Cuba a further reduction of 40 percent, reducing the rate on Cuban sugar to 0.9 cents per pound.

Since practically all the sugar which we import from foreign countries comes from Cuba, we may say for all practical purposes that the present rate of duty on sugar is 0.9 cents per pound. So much for sugar. The producers of cane and beet sugar will have an opportunity to reflect on this subject as the months go by, and so will our consumers when placed at the mercy of foreign producers of sugar.

In 1913 a Democratic administration lowered the duties. The World War intervened, and until hostilities ceased the war acted as a partial embargo, but immediately the war closed there was no tariff barrier to check imports. I know that the suffering caused to northern industries by that legislation may not disturb those whose only answer is that a tariff is "a robber", but to the cattlemen and sheep producers who were ruined, the facts revealed a different picture. The stockmen of the Southwest have not forgotten what Argentine shipments of frozen beef did to them. Cattle raisers of Texas, New Mexico, Arizona, and Wyoming know what they suffered from the importations in 1920. They saw their home market glutted and paralyzed and their credit destroyed.

I doubt if the woolgrowers have forgotten the nearly half billion pounds of wool that was imported into their home market in the year ending June 30, 1920. They recall quite vividly and painfully that their wool remained in warehouses while foreign wool sold here far below the cost of domestic production. They know that when wool went on the free list Australia and New Zealand captured the American wool market. The history of all this is a matter of record in the bankruptcy courts of the wool-producing States.

It will be recalled that conditions throughout the Nation were desperate. Suffering was acute and widespread. Millions of men were out of work, and to feed them soup kitchens were opened in every city. Such were the conditions in the fall of 1918. When the election was held in November of that year the voters repudiated the party that had promised to "keep us out of war" and put a Republican Congress in power.

One of the most important pieces of legislation to be passed by the Republican Congress was an emergency tariff bill to relieve distress among the farmers, especially the cattlemen and sheep raisers. It would have placed emergency duties on the most important agricultural products, which the Democratic Tariff Act of 1913 had placed on the free list. President Wilson vetoed the bill on March 3, 1921, the day before he went out of office.

The previous November, the people had elected both a Republican President and a Republican Congress. The first thing Mr. Harding did when he assumed office was to call a special session of Congress to consider the farm problem. The emergency tariff bill was immediately reintroduced and passed, and was signed by President Harding on May 27, 1921. It was intended to operate until a permanent general tariff law could be written. What was the result? The price of wool advanced from 20 to 50 cents a pound, and soon a high level of prosperity was attained. Moreover, 5,000,000 idle men were put to work—not on relief projects but in industry—thus creating a market for our farmers.

I have not forgotten, nor have the Members of Congress, that in May 1923, following the passage of the Fordney-McCumber Act in 1922, a commission of southern Governors and commissioners of agriculture journeyed to Washington to tell a Republican President that they were doing well under the tariff law and urged that the schedules be not disturbed.

There is not a Democrat on this floor who does not know that every southern city made greater progress, underwent greater development, enjoyed greater prosperity under the Fordney-McCumber tariff than it had during any previous decade. It is known to every Member of the Congress that no industrial city—north, south, east, or west—can prosper under a low tariff. Yet in spite of the facts many Members in this House laud and applaud the bartering away of our home market under the so-called trade agreements.

I challenge any free-trade Democrat to point to a single nation that has built up its industrial strength under a system of free trade. The industrial ascendency of every nation can be traced to a policy of protection. Once industrial stability has been established by a nation under a protective system, a shift by that nation to a free-trade policy has been at the cost of a lower standard of living for its people.

British statesmen built up her industries under a system of protection. Prior to the system of protection established under Edward III wool was the chief product of England; this she exported to Flanders, where it was manufactured into beautiful fabrics. Edward III decided to prohibit the exportation of wool and to put a duty on the importations from Flanders. It was this policy of protection that developed the great industrial centers of Sheffield, Nottingham, and Manchester. After the British industries had been developed a movement was started to abandon the policy of protection, adopt free trade, and capture the markets of the world. Why this change of policy? The statesmen, some of them, reasoned that as England led the world with her great industries, that no country could compete with her in the low cost of production. Fortunately for the United States, the challenge was met by our statesmen with three protective-tariff acts, the Morrill bill, the McKinley bill, and the Dingley bill. It was these three acts that saved us from industrial servitude.

Did the change of policy benefit England? It did not. Many times since, her statesmen have had cause to reflect upon the prophecy of her great prime minister, Benjamin Disraeli, in his effort to deter his nation from this shift in policy. He warned his countrymen in these words:

> It may be in vain now, in the midnight of their intoxication, to tell them there will be an awakening of bitterness. It may be idle now, in the springtide of their economic frenzy, to warn them that there will be an ebb of trouble. But the dark and inevitable hour will arrive; then—when their spirit is softened by misfortune—they will recur to those principles which made England great.

The accuracy of Benjamin Disraeli's prophecy was recognized 30 years ago by Joseph Chamberlain in these words:

> What has most impressed me is that every great prediction that was made by the Manchester school has failed of realization; that other nations have progressed under a different system more rapidly than we have; that our comparative decline has become more and more evident.

Now, when other nations are beginning to recognize the folly of permitting their markets to be taken from them, we proceed to barter away the jobs of millions of our workmen, destroy the home market for our farmers, and put our farmers and our workingmen in competition with the cheap labor of other countries. We are deliberately surrendering the greatest asset upon which our farmers and laborers must rely for their well-being, namely, the home market, the best cash market in the world, the market that when protected absorbs more than 90 percent of all that the Nation produces; a market that under the fostering care of adequate protection would absorb practically our entire surplus.

Because of our lack of vision, must history some day record that our Government put our people in competition with the most poorly fed, clothed, and housed laborers of the world? Must it eventually be said of us, as it has been said of other nations that have followed such a system:

> Thousands of the manufacturing poor are, even when employed, reduced to such a state of poverty in the midst of abounding opulence that they live not in houses but in underground cellars, lighted only by the entrance. Daylight comes to them an hour later than to other people, and leaves them an hour earlier. No chair, no bed, is found in many of these subterraneous caverns. The wretched inmates huddle together without distinction of age or sex, sometimes on the broken straw of rapeseed, sometimes even on dry sand. * * *

What is the use of talking as though our tariff had been responsible for establishing barriers to international trade? Every person who is conversant with the facts knows that in 1921, when the United States was collecting customs at the customhouses amounting to $3.29 per capita, England was collecting revenue at her customhouses amounting to $14.75 per capita. Is there anybody so naive as to believe that England is not using her high tariff to the utmost to protect her industries, as well as to use it to drive bargains with other countries to the advantage of her industries? If there are such persons, let me quote from the London Times of March 9, 1935:

> The importance of the tariff weapon in negotiating trade agreements was emphasized by Mr. Runciman, president of the Board of Trade, at a National Government meeting at Norwich last night. "I have made trade agreements," he said "with 15 different countries, and I say emphatically that if I had not been armed with the weapon of a tariff it would have been absolutely impossible for me to have made even one agreement."

We are trying to enter into trade agreements when it is demonstrated by official figures that under our present tariff rates exports have increased only 7 percent and our imports have increased 24 percent.

It is evident from these figures that the Hawley-Smoot Tariff Act, which you so vigorously condemned in 1930, and which you have not dared to repeal, has not been sufficiently high to prevent the ever-increasing volume of imports from entering the United States. Yet, instead of taking steps to protect agriculture, labor, and industry, this administration is now whittling down what little protection we have by entering into star-chamber trade agreements with foreign nations.

Why was the Hawley-Smoot tariff bill enacted into law? It was passed primarily to relieve the American farmer from the crushing effect of importations of farm products which, in spite of the tariff rates in the Fordney-McCumber Act, were pouring into our domestic market. Let us examine the figures as to imports, especially agricultural products, that were flooding our market during and covering the year from July 1926 to June 1927. The figures of the United States Department of Commerce show that total imports were valued at $4,252,000,000; that $3,300,000,000 of these were agricultural products; and that $2,545,000,000 of these, eliminating coffee, tea, cocoa, and rubber, were products which we could grow on our farms, either the same or a practical substitute therefor.

If we take only a part of these agricultural imports—not the whole, but after eliminating lumber and paper, pulp—in order to be ultraconservative it leaves $900,000,000 of imports. This amount displaced during the year from July 1926 to June 1927 a total of 82,203,550 acres of farm land. Does any thoughtful person contend that this displacement did not cause an accumulation of surplus farm crops which depressed our domestic prices?

Why not face the facts and be honest with the American farmer about the tariff? Candor demands that we consider figures showing the displacement of farm lands during the year 1926 to 1927. I submit a table which discloses estimated acreage displaced by each class of imports:

Estimate of farm acreage thrown out of production by agricultural imports

Imports	Quantity	Value	Plow land acreage displaced
Cattle---head	267,000	$7,000,000	1,602,000
Hogs---pounds	40,465,000	5,000,000	140,000
Meat---do	92,054,000	14,000,000	1,600,000
Poultry---do	5,510,000	2,000,000	18,000
Milk and cream---gallons	11,380,000	9,000,000	570,000
Butter---pounds	10,710,000	4,000,000	236,000
Cheese---do	90,000,000	25,000,000	900,000
Eggs---do	26,141,000	7,000,000	83,600
Casein and lacterine---do	26,320,000	3,000,000	877,000
Rice---do	54,000,000	3,000,000	30,000
Wheat---bushels	13,000,000	18,000,000	900,000
Bran and wheat byproducts---tons	184,000	5,000,000	483,000
Potatoes---pounds	381,000,000	7,000,000	56,000
Tomatoes---do	124,500,000	4,000,000	16,850
Tomatoes, canned---do	80,200,000	4,000,000	11,400
Hides---do	369,000,000	95,000,000	17,000,000
Leather, raw and manufactured		51,000,000	2,000,000
Furs		138,000,000	5,000,000
Horses for breeding---head	3,000	2,100,000	30,000
Beans and chickpeas---pounds	125,000,000	5,000,000	200,000
Onions---do	131,000,000	3,000,000	8,300
Other vegetables		3,000,000	8,300
Bananas---bunches	57,000,000	32,000,000	[1] 600,000
Olives---gallons	5,212,000	5,000,000	44,000
Olive oil:			
Edible---pounds	88,000,000	18,000,000	18,000
Inedible---do	46,000,000	4,000,000	340,000
Dates---do	43,400,000	3,000,000	5,700
Pineapples		2,000,000	2,800
Birds and other animals		2,500,000	22,500
Figs---pounds	39,500,000	3,000,000	5,700
Almonds---do	16,300,000	6,000,000	51,400
Nuts, Brazil and cream---do	42,867,000	3,000,000	100,000
Filberts---do	14,500,000	3,000,000	45,000
Walnuts---do	46,700,000	10,000,000	150,000
Peanuts---pounds	51,200,000	2,000,000	70,000
Sugar---tons	4,270,000	255,000,000	16,180,000
Molasses---gallons	260,000,000	10,000,000	3,000,000
Castor beans---pounds	119,400,000	4,000,000	200,000
Clover seeds---do	25,345,000	4,000,000	320,000
Tobacco---do	96,000,000	86,000,000	122,000
Cotton, raw---do	191,000,000	37,000,000	1,020,000
Cotton, semimanufactured		6,000,000	60,000
Cotton, manufactured		59,000,000	250,000
Flax and hemp, raw---tons	6,000	2,000,000	120,000
Flax and hemp, manufactured		49,000,000	600,000
Wool:			
Raw---pounds	271,000,000	83,000,000	20,000,000
Semimanufactured		12,000,000	1,000,000
Manufactured		62,000,000	1,000,000
Silk---pounds	85,000,000	421,000,000	[2] 500,000
Silk, manufactured		42,000,000	10,000
Artificial silk		16,000,000	20,000
Jute, raw and manufactured		92,000,000	140,000
Manila---tons	61,000	15,000,000	203,000
Sisal---do	116,000	19,000,000	258,000
Vegetable oils		52,000,000	286,000
Copra		22,000,000	200,000
Flaxseed---bushels	24,200,000	43,000,000	3,615,000
		898,600,000	82,203,550

[1] Native fruits displaced. [2] Converted at equal pounds, cotton.

This was the situation that caused Democrats and Republicans alike to demand the protection carried in the Hawley-Smoot bill.

It is an indisputable fact that 93.73 percent of all increases, measured in value, made by the Hawley-Smoot Tariff Act, were upon products of agricultural origin.

If it had not been for the tariff dike, our farmers would have been ruined by a flood of foreign agricultural imports. Even with the agricultural rates carried in the Hawley-Smoot bill, which for political purposes Democrats in the last campaign condemned as too high, foreign imports scaled the tariff wall, and they now continue to pour into our market to the injury of our farmers.

This protection against foreign imports would have been highly effective, had there not followed soon afterward a break-down in the currency abroad which made it possible, through lower costs of production, for foreign interests to pay the duties and enter our market. It will be recalled that a bill was introduced by my colleague from New York, Mr. CROWTHER, to equalize this currency situation by adjusting

our rates and again making the tariff effective; and, although the bill was brought upon the floor of the House by petition to discharge the Ways and Means Committee, the legislation was voted down by the Democratic Congress.

This administration, instead of raising the dike to avert further devastation and displacement of our productive acres, has been and is now tearing holes in the tariff walls and letting foreign imports flow into the domestic market.

The trade agreement with Canada, Cuba, the Netherlands, and others shows a brutal indifference to the welfare of the farmers. I know what disaster the Canadian trade agreement will ultimately visit upon the farmers of New York State, especially to the dairy interests.

It does not require the tables I have inserted to show to the blind followers of free trade the devastating effect of a low tariff. All that is necessary to do in order to convince candid men of the wisdom of a protective tariff is to invite them to examine the progress this Nation has made under a century of high-tariff laws; study the conditions of labor during those years and then draw a comparison between that progress and those conditions and what you find relative to the 46 years of a tariff for revenue only, when our industries, our home markets were not protected. One is the story of prosperity, abundance, and happiness; the other reveals business stagnation and decay and bankruptcy.

There can be no sustained prosperity in this Nation, neither can our American standard of living be maintained, by following a policy that forces our agriculture and our labor to compete with the cheapest labor in the world, including foreign child labor and practically slave labor of the most backward nations. [Applause.]

Mr. REED of New York. Mr. Chairman, I yield back the balance of my time.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein the table to which I referred.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PARKS. Mr. Chairman, I yield 10 minutes to the gentleman from Maine [Mr. MORAN].

Mr. MORAN. Mr. Chairman, the letter written by me today to the Comptroller General of the United States is self-explanatory and is a reply to his letter dated February 8 requesting detailed information which he has promised will be promptly examined into.

It should be pointed out that all of the foreign ocean-mail contracts referred to were negotiated by the previous and not by the present national administration; all of them were in existence before March 4, 1933.

By his Executive order dated July 11, 1934, President Roosevelt splendidly took the initiative, authorizing and requiring the Post Office Department investigation which disclosed this situation. Acting under that Executive order, Postmaster General Farley has fearlessly and efficiently investigated and has presented the facts to the public, performing a distinct public service. In this connection much credit is due to Senator HUGO L. BLACK and his associates on the so-called Black committee for its development of facts concerning these contracts.

In furnishing the Comptroller General with specific information, which I hope will enable him to stop payment on these subterfuge subsidies and lead to the establishment of the straight, honest aids proposed by President Roosevelt, and which I hope will lead to the inauguration of new merchant-marine legislation which will end present abuses and build a real American merchant marine on the principles advocated by the President, I want to make it clear that my action is not intended to reflect any criticism of the present administration of these contracts by Postmaster General Farley and his Department. On the contrary, in addition to the splendid service performed by the Postmaster General and the Post Office Department in developing the facts concerning the award of these contracts, there is the further fact that the Post Office Department's current investigation of the speed of vessels under these contracts, an investigation undertaken under the direction of the Postmaster General, has already saved the taxpayers many thousands of dollars under these contracts, and I believe the saving will run into millions before the investigation is concluded.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 10, 1936.

Hon. J. R. MCCARL,
Comptroller General of the United States,
Washington, D. C.

DEAR MR. MCCARL: I hereby respectfully submit for your consideration and determination the allegation that certain foreign ocean-mail contracts, herein specified, are voidable ab initio, and further payments from the United States in connection therewith should be stopped, because (1) the Merchant Marine Act of 1928 requires competitive bidding for such contracts; and (2) that these specified contracts were not in fact awarded on basis of competitive bidding as required by said law.

I. MERCHANT MARINE ACT OF 1928 REQUIRES COMPETITIVE BIDDING

That the Merchant Marine Act of 1928 requires competitive bidding is evidenced by the following quotation from the law:

"Before making any contract for carrying ocean mails under this title the Postmaster General shall give public notice by advertisement once a week for 3 weeks in such daily newspapers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, Charleston, Norfolk, Savannah, Jacksonville, Galveston, Houston, and Mobile, calling for bids for carrying such ocean mails; or when the proposed service is to be on the Pacific Ocean then in Los Angeles, San Francisco, Portland, Tacoma, and Seattle. Such notice shall describe the proposed route, the time when such contract will be made, the number of times a year, the schedule required, the time when the service shall commence, the character of the vessels required, and all other information deemed by the Postmaster General to be necessary to inform prospective bidders as to the character of the service to be required" (May 22, 1928, c. 675, sec. 406, 45 Stat. 694).

And "each contract for the carrying of ocean mails under this title shall be awarded to the lowest bidder who, in the judgment of the Postmaster General, possesses such qualifications as to insure proper performance of the mail service under the contract" (May 22, 1928, c. 675, sec. 407, 45 Stat. 694).

II. CERTAIN SPECIFIED CONTRACTS WERE NOT IN FACT AWARDED ON BASIS OF COMMITTEE BIDS AS REQUIRED BY LAW

Pursuant to Executive order of July 11, 1934, hearings were conducted by the Post Office Department on 43 foreign ocean-mail contracts and made the subject of a report of the Postmaster General to the President, dated January 11, 1935, which has been officially published. From page 5 of that report the following is quoted:

"It may be said that in spite of the fact that authority had been taken away from Government officials to negotiate mail contracts by the act of 1928, and imposed upon them the duty to award the contracts by competitive bidding, nevertheless they continued to make private agreements and negotiate private contracts. Their advertisement was a mere sham and matter of form. The practice of having no actual competitive bidding was admitted by former Postmaster General Brown, who testified at the hearing before the House Committee on the Merchant Marine and Fisheries on H. R. 8715, January 22, 1930, as shown on page 44 of the report as follows:

" 'I think that some of the specifications were prepared so that it was practically impossible for more than one line to bid.' "

On page 54 he said:

"I am not criticizing the practice before, because it was for the purpose, frankly, of giving a contract to the operator of the line then in existence, and so the time for the beginning of the service was fixed so close to the date of the advertisement that only one person, the fellow who was already on the line, could get together a fleet to go into operation."

The following specific cases are submitted:

FOREIGN OCEAN-MAIL ROUTE 4

"The contract for foreign ocean-mail route no. 4 may be canceled, for there could be, and there was, no competitive bidding on the route as required by law." (Postmaster General's report to President, p. 31.)

FOREIGN OCEAN-MAIL ROUTE 22

"The contract on foreign ocean-mail route no. 22 may be canceled for failure to substitute the new vessel required to be furnished in 1932. The full performance of this contract is not required in the public interest." (Postmaster General's report to President, p. 31.)

FOREIGN OCEAN-MAIL ROUTE 5

"This contract may be canceled as having been let in violation of the law requiring competitive bidding and upon the further ground that it was contrary to the public interest in that the Export Steamship Corporation was bound contractually to perform adequate service over the route for not less than 5 years of the contract term." (Postmaster General's report to President, p. 54.)

FOREIGN OCEAN-MAIL ROUTE 6

"This contract may be canceled without any offer of compensation for the following reasons: (a) It was not awarded as a result of competitive bidding as required by law * * *." (Postmaster General's report to President, p. 66.)

FOREIGN OCEAN-MAIL ROUTES 8, 37, AND 38

"The contracts for foreign ocean-mail routes nos. 8, 37, and 38 may be canceled because they were awarded in violation of the law requiring that such contracts be let upon competitive bids." (Postmaster General's report to President, p. 90.)

FOREIGN OCEAN-MAIL ROUTES 15 AND 22

"The contracts on routes 15 and 52 may be canceled. They were awarded in violation of the requirement that contracts under the Merchant Marine Act of 1928 be let upon competitive bidding." (Postmaster General's report to President, p. 108.)

FOREIGN OCEAN-MAIL ROUTE 16

"This contract may be canceled on the ground that there could be and was no competitive bidding on the route." (Postmaster General's report to President, p. 117.)

FOREIGN OCEAN-MAIL ROUTES 17 AND 47

"These contracts may be canceled for the reason that they were awarded after being negotiated and without opportunity for competitive bidding, and the contract covering route no. 17 may be canceled by the terms thereof for failure to provide a replacement required." (Postmaster General's report to President, p. 132.)

FOREIGN OCEAN-MAIL ROUTE 18

"This contract may be canceled, having been awarded in violation of the law requiring competitive bidding, and the contractor having failed to put into operation on the route an additional vessel * * * immediately after completion of the third year of the contract, as required by the contract." (Postmaster General's report to President, pp. 142–143.)

FOREIGN OCEAN-MAIL ROUTE 19

"This contract may be immediately canceled on the ground that it was illegally awarded." (Postmaster General's report to President, p. 154.)

FOREIGN OCEAN-MAIL ROUTES 20 AND 21

"These contracts may be canceled without any offer of compensation for the following reasons: (1) The contracts were negotiated and competitive bidding was precluded * * *." (Postmaster General's report to President, p. 170.)

FOREIGN OCEAN-MAIL ROUTE 23

"The advertisement was designed by the Post Office Department and the Shipping Board in such manner as to prevent competitive bidding * * *." (Postmaster General's report to President, p. 54.)

FOREIGN OCEAN-MAIL ROUTE 45

"This route is of no value as a mail route. Its establishment was not necessary 'to afford an adequate postal service between' the ports, within the meaning of section 404 of title IV of the Merchant Marine Act of 1928, and it was made without authority of law. The route was advertised in such manner as to prevent competitive bidding * * *." (Postmaster General's report to President, p. 193.)

FOREIGN OCEAN-MAIL ROUTE 57

"This contract may be canceled on the grounds herein set forth, as unlawfully negotiated"; and "the advertisement was purposely drawn so as to effectively prevent competitive bidding." (Postmaster General's report to President, p. 205.)

FOREIGN OCEAN-MAIL ROUTE 24

"It is concluded that this contract may be canceled because it was awarded in violation of the law, which requires competitive bidding, and the advertisements of the route were so framed and worded and limited bids in such a manner as to preclude competitive bidding and did accomplish this result." (Postmaster General's report to President, p. 214.)

FOREIGN OCEAN-MAIL ROUTES 25, 26, AND 27

"These three contracts may be canceled on the ground that they were negotiated without opportunity for competitive bidding." (Postmaster General's report to President, p. 228.)

FOREIGN OCEAN-MAIL ROUTES 28 AND 29

"There was no competitive bidding as required by law." (Postmaster General's report to President, p. 231.)

"It is concluded that this contract may be canceled because it was awarded in violation of the law, which requires competitive bidding." (Postmaster General's report to President, p. 234.)

FOREIGN AND OCEAN-MAIL ROUTES 30, 31, 48, AND 49

"It is concluded that these contracts may be canceled for the following reasons: (1) Because they were not awarded as the result of competitive bidding as provided by law." (Postmaster General's report to President, p. 247.)

FOREIGN OCEAN-MAIL ROUTE 32

"The contract may be canceled because it was not awarded as a result of competitive bidding." (Postmaster General's report to President, p. 253.)

FOREIGN OCEAN-MAIL ROUTES 43 AND 44

"The contracts may be canceled on the ground that they were entered into without competitive bidding." (Postmaster General's report to President, p. 277.)

FOREIGN OCEAN-MAIL ROUTE 33

"It is concluded that this contract may be canceled for the reason that it is a contract awarded as a result of negotiations * * * and was not awarded as a result of competitive bidding as required by law." (Postmaster General's report to President, p. 292.)

FOREIGN OCEAN-MAIL ROUTE 34

"It is concluded that this contract may be canceled because: (a) It was awarded in violation of the law which requires competitive bidding." (Postmaster General's report to President, p. 298.)

FOREIGN OCEAN-MAIL ROUTE 36

"This contract may be canceled for the reason that it was awarded after negotiation and not as the result of competitive bidding, and for the reason that the contractor has failed to provide the substitute vessel, as required by the contract." (Postmaster General's report to the President, p. 318.)

FOREIGN OCEAN-MAIL ROUTES 39, 40, AND 41

"It is believed that the cancelation of three contracts is justified, because (a) they were awarded as a result of negotiation and not as a result of open competitive bidding, as required by law, and are, therefore, illegal." (Postmaster General's report to President, p. 331.)

I am unofficially informed that the contract for route 41 has been canceled by mutual agreement.

FOREIGN OCEAN-MAIL ROUTE 46

"This contract may be canceled without any offer of compensation for the following reasons: (a) This contract was a negotiated contract and awarded without authority; (b) the contract was illegally transferred and assigned to the subcontractor." (Postmaster General's report to President, p. 354.)

FOREIGN OCEAN-MAIL ROUTE 53

"It is concluded that this contract may be canceled for the reason that it was not awarded as a result of competitive bidding, as provided by law * * *." (Postmaster General's report to President, p. 373.)

FOREIGN OCEAN-MAIL ROUTE 54

"This contract may be canceled without any offer of compensation for the reason (a) the contract was a negotiated one and was not awarded as a result of competitive bidding, as required by law." (Postmaster General's report to the President, p. 386.)

FOREIGN OCEAN-MAIL ROUTE 55

"This contract may be canceled on two grounds. First, under the provisions of paragraph 5 (e) of the contract. * * * Second, under the provisions of the paragraph 5 (b) of the contract. * * *." (Postmaster General's report to President, p. 392.)

It is, therefore, contended that these specified foreign ocean-mail contracts should be considered voidable ab initio, and further payments from the United States in connection therewith should be stopped.

In my letter to you dated February 6, this general question, without detail, was brought to your attention. In your reply thereto, dated February 8, you stated:

"You do not state the particular contracts which have been found to have been awarded without competitive bids as required by the Merchant Marine Act of 1928, and if you will advise me thereof the matter will be promptly examined into."

This letter furnishes the specific information requested by your letter dated February 8 and is submitted in full confidence that "the matter will be promptly examined into." I am sure you will agree with me in the general position that sound public policy does not permit continuation in any form of contracts let in violation of law. It is submitted for your consideration that these specific contracts were let in violation of the law, and, therefore, payments thereon should be disallowed.

Sincerely yours,

EDWARD C. MORAN, Jr., M. C.

Mr. PARKS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PARKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 11035, the War Department appropriation bill, 1937, had come to no resolution thereon.

THE FORTHCOMING NEUTRALITY BILL

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHANLEY. Mr. Speaker, the paramount all-pervading principle in all this neutrality legislation is the necessity right now at the start for determining whether or no our philosophy of neutrality demands that we contemplate changes of our laws in the midst of conflict, for which it seeks to legislate. It seems to me that we must make that decision before we analyze the bill's contents.

With your indulgence I wish to present this question to you in as fair a manner as is possible to show both sides of this all-important question.

I present a colloquy between Mr. TINKHAM, of Massachusetts, and Mr. Hackworth, of the State Department, on a specific example of this case, but still indicative of the general rule.

[Neutrality hearings, Foreign Affairs Committee, 1936]

Mr. TINKHAM. Mr. Hackworth, I wish to ask another question. What do you think of the wisdom of passing this legislation with a war on between Italy and Abyssinia? Do you think such legislation should be passed if there were a war in progress between two great powers?

Mr. HACKWORTH. So long as we apply our policy equally, I do not think either belligerent would have any just ground for complaint. We know that belligerents change their contraband lists from time to time as the war progresses. They endeavor by those lists to circumscribe neutral rights with respect to the shipment of these commodities. If belligerents can change their position during the progress of the war, why cannot neutrals? This, of course, is subject to the condition that the neutrals must make their policy or their law apply equally to all the belligerents. It cannot be said on the basis of law or reason that a neutral must determine upon its whole attitude or policy and course of action as regards a given war at the outbreak of that war, and that that policy and course of action must remain static thereafter. This would in effect amount to placing the neutral in a strait jacket, so to speak. A different situation would obtain if the neutral acted at the behest of one of the belligerents. In such a situation it would be favoring the belligerent making the request and hence might be regarded as unneutral.

It is interesting to note that Mr. Hackworth brings out the fact that belligerents change their laws and he impliedly says that neutrals may do so too, so long as they apply those changes equally.

Do neutrals change their laws?

We quote from the testimony of Prof. Edwin M. Borchard, certainly one of the foremost practical authorities in the whole world. This is his comment on section 3 of the McReynolds bill:

SEC. 3. Prohibition on export of arms, etc.: If we must have arms embargoes, perhaps they ought automatically to apply upon the proclamation of the President that war exists, and not "upon the outbreak" or "during the progress" of any war. "During the progress" gives considerable Executive discretion possibly not here intended. The draftsmanship is poor. The Nye bill is preferable in this respect.

Now, here is the view of Prof. Charles Cheney Hyde, another authority of well-recognized scholarship and renown:

Mr. GRAY. Are you in favor of not changing an embargo during the continuance of a war either by the President or by Congress?

Professor HYDE. That is a difficult thing to do. I am glad I have not the responsibility of being on this committee.

Along a different line apparently but still indicative of what this witness thought of the necessity for mandatory legislation at the beginning of a conflict is this extract:

Mr. TINKHAM. Are you, as a matter of policy, in favor of the Chief Executive having broad optional power or are you in favor of legislation which is, in a general way, mandatory?

Professor HYDE. I have given that a lot of thought and I feel that the latter is preferable.

Mr. TINKHAM. That is, it should be mandatory?

Professor HYDE. Yes, sir; because otherwise it puts too heavy a burden on the President. It makes it necessary for him to make a decision, and that is the hardest thing a man can do—to make those changes. I think that is such a serious burden that that should be left to Congress. Yet, after you have once decided what articles should not go out, that should stick.

Apparently the professor wished to enlarge upon this thought and give his more seriously considered ideas a chance to find expression for in his memorandum, which he added, he has the following additaments concerning this mooted question.

Accordingly, it is suggested that in the proposed act restrictions of every kind upon the use of American resources for belligerent purposes should be made automatic in their operation, applicable, whenever possible, upon the outbreak of war, and remain unchanged throughout the duration of the conflict, so long as the United States remains a neutral. Solid practical reasons seem to justify this conclusion. Affirmative changes by a neutral state in its embargo policies, either after the outbreak or during the continuance of a war, are likely to affect the opposing belligerents unequally; and the chief belligerent sufferer is bound to complain that the neutral action is a direct attempt to penalize it and so weaken its chances of success.

This is true despite clean motives on the part of the neutral, and notwithstanding the fact that it may take such steps without necessarily violating a legal duty toward either contestant. The grave consequences that may result from arousing the conviction of a friendly though belligerent state that affirmative neutral action taken after the beginning of a war has robbed it of the fruits of victory may cause a country such as our own to hesitate long before it goes the whole way, and by affirmative legislative action makes a radical change in its trade relationships with a particular belligerent which its law existing prior to the outbreak of the conflict did not contemplate. Such considerations demand, therefore, careful consideration by the Congress of the question whether the operation of sections 4 and 5 of House Joint Resolution 422 should not await the termination of the present war between Ethiopa and Italy, and so be confined in their operations to future conflicts when and as they afflict the world after the enactment of the proposed law.

Representative MAVERICK, of Texas, student of the entire subject and author in this House of the Nye-Clark-Maverick bill, adds this comment:

The travel of American passengers on belligerent ships was allowed during the World War, and Americans traveled on ammunition-laden ships, always an enemy target. The administration at the time found it impossible to change its policy to forbid this practice, because it had not been announced at the beginning of the war. That is the reason it ought to be done now.

Representative KOPPLEMANN, energetic and interested with a bill of his own displaying study and clear thought, added this:

That is your statement of it, but if you are asking me the question, let me say this to you, that I do not believe, under my bill or under any bill that your committee favorably reports and becomes a law, the President of the United States would at this stage of affairs, place an embargo on oil, so far as the countries now at war are concerned.

Representative HEALEY, of Massachusetts, vigorous exponent of "no changes during conflict", testified before the committee:

It has always been considered that neutrality has followed principles of international law. For a neutral to alter or change its policies once a war is in progress so as to affect unequally one belligerent or another is contrary to accepted practices and precedents of international law and may constitute a hostile or unneutral act toward the belligerent so affected.

Representative HEALEY introduced the famous statement of President Woodrow Wilson which is passing current inspection these days:

I am quoting now the letter which was written by Mr. Wilson: "* * * Of course, we are arguing only to the special case, and are absolutely unanswerable in our position that these things cannot be done while a war is in progress against the parties to it." * * *

In other words, that is, to change the policy with respect to shipment of munitions. This position was later expressly declared in the well-known note to Germany in 1915, in the course of which the United States stated:

"This Government holds—and is constrained to hold in view of the present indisputable doctrines of accepted international law—that any change in its own laws of neutrality during the progress of a war which would unequally affect the relations of the United States with the nations at war would be an unjustifiable departure from the principle of strict neutrality by which it has consistently sought to direct its actions. The placing of an embargo on the trade in arms at the present time would constitute such a change and be a direct violation of the neutrality of the United States."

Dr. Stoddard, publicist and son of the widely known lecturer, said:

In regard to this particular situation, this particular fracas, that is going on in East Africa, which is clearly localized and, as was said by one of the witnesses yesterday, essentially a colonial war, I think that that particular situation ought to be recognized and that this legislation ought not to apply.

But I think it ought to be very clearly set forth that if any other belligerents join in that war, in effect, it becomes a different kind of war and that then it would apply to all belligerents, including Italy and Ethiopia.

I do think the Italian Government has a just ground for complaint if we pass this bill and apply these conditions to Italy and Ethiopia, to that localized situation. I think that ought to be taken care of. Because, after all, gentlemen, it either is going to remain a localized war, in which case it would not have much practical effect on us, anyway, or it is going to broaden out into a greater war. So that if you frame your legislation with that in view, if it does remain a local war, you avoid incurring the enmity of the Italian Government and the Italian people; and if it broadens out into a great war, that situation is taken care of.

He added:

We are concerned with two things. Primarily we are concerned with the interests of the United States. But, at the same time—and I get back to my thesis that I started out with—we are striv-

ing to treat this matter in order to attain realism and justice. It seems to me that we do an injustice to Italy by changing the rules of the game during the progress of the war. We ought to have taken care of this matter, or, we might well have taken care of this matter, last summer. But it was not done.

Our own precedents in this country show the following with most of them selected from the Policy of the United States Toward Maritime Commerce in War, an issue of the State Department based on documents in its files and archives.

Page 41: On January 20, 1915, the Secretary of State held that the duty of a neutral to restrict trade in munitions had never been imposed by international law or by municipal statute. Three months later he informed the German Ambassador that the placing of an embargo on the "trade in arms" would be a direct violation of the neutrality of the United States, as it would unequally affect the relations of the United States with the belligerents.

In a communication of June 29, 1915, the Austro-Hungarian Government urged that the United States should adopt measures to "maintain an attitude of strict parity with respect to both belligerent parties" in regard to the exportation of munitions.

Secretary Lansing stated to the President that although this communication could be merely acknowledged, it offered an excellent opportunity to make to the American people a convincing statement of the attitude of their Government. A reply would be addressed to Vienna, but home consumption would be the real purpose. He was convinced of the strength of the position of the Government and of the desirability of making a frank public statement in order to remove the opposition to sales of munitions.

The Secretary reiterated these opinions on August 2 when he sent to the President a draft of reply to the Austro-Hungarian Government. He urged a speedy transmission of the reply, believing that it would have a beneficial effect upon public opinion. It was "our first opportunity to present in a popular way the reasons why we should not restrict the exportation of munitions of war." He mentioned that meetings were being held looking to the imposition of an embargo on arms and ammunition, and that propaganda being conducted on the subject might become embarrassing to the Government.

Page 42: In the communication to the Austro-Hungarian Government, sent on August 12, Secretary Lansing declared that the United States could not accede to Austria-Hungary's "assertion of an obligation to change or modify the rules of international usage." He stated that although the principle urged by the Austro-Hungarian Government related only to arms and ammunition, if this principle were sound, it should apply to all articles of contraband. A belligerent controlling the high seas might possess an ample supply of arms and ammunition, but be in want of food and clothing. On the "novel principle" that equalization was a neutral duty, neutral nations would be obligated to place an embargo on these articles because one of the belligerents could not obtain them through commercial intercourse.

The Secretary mentioned that during the years preceding the war Austria-Hungary and Germany had sold arms and ammunition to belligerents. Therefore, he believed that the United States could not be considered unneutral in continuing its legitimate trade in war supplies, even though the circumstances of war prevented Austria-Hungary from obtaining them from the American markets which were open to all belligerents alike, so far as the action and policy of the United States were concerned.

Page 43: The Secretary concluded that the principles of international law, the practice of nations, the national safety of the United States, the prevention of increased armies and navies, the adoption of peaceful methods for the adjustment of international differences, and finally, neutrality itself were opposed to the prohibition by neutrals of the exportation of arms and ammunition to belligerent powers during the progress of the war.

Eleven months later the Department of State reiterated its position that no obligation rested upon the United States to prevent all trade in contraband; that it would be unneutral for the United States to adopt such a policy.

Woodrow Wilson and the World War, by Charles Seymour, page 44: The inability of the Central Powers to import arms from the United States resulted from their inferiority on the high seas; the Government would be departing from its position of impartiality if it failed to keep American markets open to every nation of the world, belligerent or neutral. The United States could not change the rules in the middle of the game for the advantage of one side. The perfect legality of Wilson's decision has been frankly recognized since the war by the German Ambassador.

Why We Fought, by C. Hartley Grattan, page 150—German protest on sale of munitions to Allies: To this letter Secretary Bryan replied in part:

This Government holds, as I believe Your Excellency is aware, and as it is constrained to hold in view of the present indisputable doctrines of accepted international law, that any change in its own laws of neutrality during the progress of a war which would effect unequally the relations of the United States with the nations at war would be an unjustifiable departure from the principle of strict neutrality by which it has consistently sought to direct its actions, and I respectfully submit that none of the circumstances, urged in Your Excellency's memorandum, alters the principle involved.

America on Armed Merchantmen, President Wilson:

But in any event our duty is clear. No nation, no group of nations, has the right, while war is in progress, to alter or disregard the principles which all nations have agreed upon in mitigation of the horrors and sufferings of war; and if the clear rights of American citizens should very unhappily be abridged or denied by any such action we should, it seems to me, have in honor no choice as to what our own course should be.

In the House the Committee on Foreign Affairs reported the McLemore resolution with a recommendation that it be tabled because it was the President's business to conduct foreign relations and the House ought not to interfere. On this basis the House voted to table the resolution. Furthermore, were not editorial writers, and so forth.

Armed merchantmen: Secretary explained that the United States admitted the legal right of merchant vessels to arm for the sole purpose of defense, but felt that there should be a change in the existing rule of international law permitting them to arm. Nevertheless, the United States did not feel that during the war it could change the established rule without the assent of the contending belligerents. The proposal of January 18 to the Entente powers he stated had been made in the interest of obtaining for humanity's sake assent to the removal of all armament from merchant ships.

The following extract illustrates the attitude in the highly controversial armed merchantmen doctrine as taken from page 71, "The policy of the United States toward maritime commerce in war":

Germany declared on February 8, 1916, that armed enemy merchant vessels no longer had any right to be considered as peaceable commercial vessels and that German naval forces would receive orders to treat them as belligerents.

A week later Secretary Lansing announced that if Americans should lose their lives in a submarine attack which came without warning upon a belligerent merchantman armed solely for defense, the act would be regarded as a breach of international law. He stated that there was then no intention to warn Americans to refrain from traveling on belligerent merchantmen armed solely for defense.

The Secretary explained that the United States admitted the legal right of merchant vessels to arm for the sole purpose of defense but felt that there should be a change in the existing rule of international law permitting them to arm. Nevertheless, the United States did not feel that during the war it could change the established rule without the assent of the contending belligerents. The proposal of January 18 to the Entente Powers, he stated, had been made in the interest of obtaining "for humanity's sake" assent to the removal of all armament from merchant ships. He hoped they would accept the proposal but until they did there was no intention to submit it to the Central Powers. If the proposal was not accepted, the United States would "rely upon the present established rule of international law that merchant ships are entitled to armament for defensive purposes only."

Resolutions were soon considered in Congress to warn American citizens against traveling upon armed merchantmen of belligerents. In a letter of February 24 to Senator Stone, chairman of the Committee on Foreign Relations, President Wilson made known his view on the proposition. He could not consent to any abridgment of the rights of American citizens. To forbid the American people to exercise their rights for fear the Nation might be called upon to vindicate them would be an implicit acquiescence in the violation of the rights of mankind and a deliberate abdication of the position of the American people as spokesmen "for the law and the right."

James W. Garner, certainly not biased against the Allies, professor of the University of Illinois, in his two volumes, International Law and the World War, has the following to say concerning a very closely related set of circumstances:

Legality of the alteration of the rule during war: But admitting that considerations of morality and the spirit of neutrality outweigh the inconveniences and dangers to which certain neutral states would be exposed by an abrogation of the existing rule, the question arises when and how should the rule be altered? The right of a neutral power to prohibit, at the outbreak of a war, the exportation of arms and munitions from its territory is universally admitted; but may it do so during the progress of the war after one of the belligerents by means of his superior naval strength has succeeded in commercially isolating his adversary and cutting off his access to neutral markets?

If a neutral government upon the outbreak of war announces that its markets will be open on equal terms to all belligerents, and subsequently when one belligerent has driven the naval forces of his enemy from the seas and blockaded his ports the neutral decides to close its markets to all belligerents, would not the effect be to nullify in large degree the victory achieved by the one belligerent by depriving him of an advantage honestly won? Has the latter not a right to expect, as von Bar says, that the relations between the neutral and his adversary shall not be changed to his own disadvantage?

The general opinion of the authorities is that such a change would not only not be consistent with the maintenance of an attitude of neutrality but, on the contrary, it would, in effect, amount to giving assistance to the belligerent who in consequence of the fortunes of war has been excluded by his enemy from recourse to neutral markets. The true principle was stated by Secretary Lansing in his communication to the Austro-Hungarian Government. In this communication the Secretary said:

"This Government holding, as I believe Your Excellency is aware, and as it is constrained to hold in view of the present indisputable doctrines of accepted international law, that any change in its own laws of neutrality during the progress of a war which would affect unequally the relations of the United States with the nations at war would be an unjustifiable departure from the principle of strict neutrality, submits that none of the circumstances urged in Your Excellency's memorandum alters the principle involved. The placing of an embargo on the trade in arms at the present time would constitute such a change and be a direct violation of the neutrality of the United States. It will, I feel assured, be clear to Your Excellency that, holding this view and considering itself in honor bound by it, it is out of the question for this Government to consider such a course."

This view is that held by the leading jurists and text writers. To cite only one of many, Westlake, adverting to Earl Granville's statement to Count Bernstorff in 1870 that "Her Majesty's Government would be prepared to enter into consultation with other nations as to the possibility of adopting in common a stricter rule", observed that "at least, whether or not such a consultation may follow the conclusion of the present war, it must be allowed that to change an existing rule to the prejudice of one belligerent during the war, and that in compliance with the express request of the other belligerent that our neutrality should be more favorable to him, would be a clear breach of neutrality, even although there might be the most excellent reasons for giving a general preference to the new rule on future occasions."

But, it was asserted by those who argued that an alteration of the rule by a neutral during the progress of the war would constitute no violation of neutral duty, most of the neutral powers of Europe had in fact prohibited the exportation of arms, munitions, and other commodities of war from their territories. The answer to this argument is that those embargoes, as has already been stated, were not intended as neutrality measures but measures of conservation and defense, proposed American embargo. Moreover, as was pointed out by Senator Lodge in the course of a debate in the Senate, the effect of the European embargoes was in no case to alter the existing situation as between the several belligerents by depriving one of an advantage already gained, whereas the proposed American embargo would in fact have cut off the supply of but one belligerent and its allies without affecting the other. In the language of the Senator it would have been "worth more than a million men to Germany." The argument that the action of President Wilson in 1914, in lifting an embargo which had been laid in 1912 on the exportation of arms to Mexico, constituted a precedent in support of the contention that the rule may be changed during the progress of a war was without weight because the situation in the two cases was not analogous.

The Collected Papers of John Westlake on Public International Law gives the views of this distinguished scholar, who died April 14, 1913, after a life which was noted for its emphasis on international-law researches. The afore-mentioned article quoted above from the book of James W. Garner was written in 1870 and is worth the eclectic student's study. It is an amazing anticipation of many of the problems of today and one is richly repaid in encountering the mind of this cogent thinker of the Victorian era.

In the familiar saying of Mark Pattison, "A man who does not know what has been thought by those who have gone before him is sure to set an undue value upon his own ideas", we may find much that is true in reading these sages of that period.

We wish to present some passages in Road to War, Walter Millis' provocative book. It is interesting to point out that Mr. Millis pays a book from which we have already quoted a splendid tribute. In the preface of his book there is this statement:

The only book I know of specifically devoted to the reasons for the American entry into the European conflict is C. Hartley Grattan's Why We Fought, published in 1929. I have availed myself of Mr. Grattan's work, though my own approach has been a rather different one.

May I add that it is difficult in offering these extracts to permit a thoroughly precise or studious presentation of all the facts directly and indirectly prompting the statement? No one can hope to paint the picture in its entirety, displaying that prejudice, this whim, or that one of many reasons that surround a conclusion.

A study that would pursue all the subtle threads from Dan to Beersheba might be complete, but it would run into many a cul de sac and many a spur track that would be destructive of the main theme. We have observed before that few discoveries are more painful than those which expose the pedigree of ideas.

Another recent book, Road to War, by Walter Millis, at page 99:

When Congress convened in December it was to meet a flood of bills calling for an embargo upon the export of munitions.

The leading bill was introduced by Senator Hitchcock, of Nebraska, a pillar of the Democratic majority. Unfortunately, the movement was presented as one of humanitarian idealism rather than as a severely practical way of preserving the United States from involvement in the war. Even more unfortunately it at once enlisted the enthusiastic support of the pro-German minority. They plunged into a propaganda campaign which made it only too easy to discredit the whole idea as mere Teutonic treachery; besides, the sale of munitions was lucrative. Even so, Spring-Rice, always nervous, took instant alarm. He hurried off adroit warnings to Grey. Should the administration threaten to support the embargo, he suggested, "it will become necessary to point out that such unneutral action will disqualify the Government from the office of impartial mediator. And this impartial mediation is the most cherished ambition of the President." On December 11 Sir Edward "unofficially" suggested that the Hitchcock bill "would be special legislation passed while war is in progress, making a radical departure from a long-established custom", and so a definitely "unneutral act." Loudly the Allies and their American sympathizers reechoed this view, and Mr. Bryan soon reassured Spring-Rice that the Hitchcock bill was without administration endorsement. Curiously enough, no one appeared to notice that Sir Edward, at the very moment that he protested the "unneutral act", was forcing the European neutrals to adopt precisely the same sort of munitions embargo. But in their case it worked in favor of the Allies.

Thus Mr. Wilson missed a valuable opportunity. There was really nothing whatever in international law to forbid a munitions embargo applying equally to all belligerents. To have supported the measure would, of course, have opened the President to a furious attack from the pro-ally Americans and from the gentlemen who were getting the munitions contracts; at the time, however, few if any munitions had actually been exported, and the embargo would not have been the body blow either to American prosperity or to the allied war effort which it would have been later on. The export of raw materials and commercial supplies would have supported all the prosperity we needed; the Allies would have been driven sooner to organize their own munitions manufacture, as the Germans did, and the net result might well have been far more satisfactory to them as well as to the United States. Doubtless the Germans would still have resented the commercial exports, but without the deep sting of bitterness which came with the thought that one's son had been eviscerated by a shrapnel shell made in America. Afterward, when a great munitions industry had been organized in the United States and the Allies were dependent upon it in earnest, it was too late; at the time we might have preserved a much greater share of practical neutrality at relatively small cost.

Foreign Affairs, January 1936. Pages 212 to 213, by Charles Warren:

It was on this account that Secretary Lansing, fully conscious that international law could not be changed during a war by either belligerent or by the United States as a neutral, suggested to the Allied Powers his famous modus vivendi in a note dated January 18, 1916. What he proposed was that as a temporary compromise the one side should relinquish its right to arm its merchant vessels and the other in return should relinquish its right to attack without warning. He set forth the situation with succinct clarity, as follows:

This right seems to have been predicated on the superior defensive strength of ships of war and the limitation of armament to have been dependent on the fact that it could not be used effectively in offense against enemy naval vessels, while it could defend the merchantman against the generally inferior armament of piratical ships and privateers. The use of the submarine, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small caliber gun would be able to use it effectively for offense against a submarine. * * * Consequently the placing of guns on merchantmen of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament. * * * If a submarine is required to stop and search a merchant vessel on the high seas, and in case it is found that she is of enemy character and that conditions necessitate her destruction, to remove to a place of safety all persons on board, it would not seem just or reasonable that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.

International Law Chiefly as Interpreted and Applied by the United States, volume 2, by Charles Cheney Hyde (pp. 750–751):

Both Austria-Hungary and Germany contended in 1915 that by reason of the magnitude of American exportations of munitions of war and the circumstances that the United States was the only neutral country from which they could be obtained, it behooved its Government, if imbued with the "spirit of true neutrality", to effect a measure of intervention which would serve to lessen the detriment which the complainants suffered in consequence of inability to utilize the American market.[1]

Surprise was expressed by the Government of the United States at the implication that observance of the strict principles of international law under conditions developing during the war did not suffice. It declined, moreover, to accede to the suggestion that there was any obligation to change or modify "the rules of international usage" on account of special conditions confronting a particular belligerent. It declared that a neutral state was not burdened with the duty of applying a theory of equalization to the utilization of the resources of its territory. According to the Department of State, the only ground justifying a change of the rule, as set forth in the Hague Convention, was the necessity compelling a neutral power to do so in order to protect its own rights.

One of the most illuminating episodes in the history of neutrality was that of the militant stand of little Holland to ward off the epistolary, as well as the economic, pressure which was exerted to compel her to change her rules of neutrality. Vehemently would England write to protest against the rule of the Government of Netherlands, which excluded armed merchantmen from the ports of Holland. The French wrote, too, and so did we when we entered the war, but Holland was adamant and refused to yield at the very outbreak or during the progress of the war. She had determined to exclude belligerent armed merchantmen. In article 4 of the proclamation of Netherlands, enunciated on the 6th of August 1914, she forbade the entry of such belligerent armed merchantmen.

The French pleaded in vain that the methods of submarine warfare, the torpedoing of innocent vessels, the death of crews and cargoes were all causes that demanded the abolition of the rule of Holland, but the Government of the Netherlands did not yield. It is probably the most brilliant display of intellectual writing and sound reasoning in the history of international correspondence. Holland did not dispute the right of nations to arm their vessels within the understood code of international law. In fact, she admitted they could do that under the law of war, but she countered with the proposition that under the law of neutrality each had the right to set out its own standards.

Her stand saved her from massed attack and kept her harbors and territorial waters immune from the hostile contending belligerents. In addition it was a guaranty to the belligerents that the territorial waters of Holland would not be the base of either one side in the furtherance of that side's military program. Despite the entreaties of England, the Holland policy, fashioned by a man named Strycken, remained unchanged—

Besides, a change in its attitude at the present time would be especially serious, because it would involve the revocation of a rule of neutrality laid down in the very beginning of the war and duly notified to both belligerents. Nothing could be more contrary to the very purposes of neutrality than to repeal a rule of neutrality which on the results of events, whatever they may be, is found to the disadvantage of that belligerent alone.

This statement of the policy of Holland sets out, of course, the necessity for the enunciation of the rules at the beginning of the conflict and then stresses the necessity of notification to the belligerents. It was also said that at the second peace conference the British peace delegation had insisted that the only chance to modify a rule of neutrality was the right to make it more strict.

I should like to close with a quotation from John Acton. I believe that in this legislation more than anything else we must keep our feet on the ground and not be slipping through gossamers of fanciful visions spun by wishes and hopes.

Whenever great intellectual cultivation has been combined with that suffering which is inseparable from extensive changes in the condition of the people men of speculative or imaginative genius have sought in the contemplation of an ideal society a remedy, or at least a consolation, for evils which they were practically unable to remove. Poetry has always preserved the idea that at some distant time or place, in the western islands or the Arcadian region, an innocent and contented people, free from the corruption and restraint of civilized life, have realized the legends of the golden age. The office of the poets is always nearly the same, and there is little variation in the features of their ideal world; but when philosophers attempt to admonish or reform mankind by devising an imaginary state their motive is more definite and immediate, and their commonwealth is a satire as well as a model. Plato and Plotinus, More and Campanella, constructed their fanciful societies with those materials which were omitted from the fabric of the actual communities by the defects of which they were inspired. the republic, the utopia, and the City of the Sun were protests against a state of things which the experience of their authors taught them to condemn, and from the faults of which they took refuge in the opposite extremes. They remained without influence, and have never passed from literary into political history, because something more than discontent and speculative ingenuity is needed in order to invest a political idea with power over the masses of mankind.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. LARRABEE, indefinitely, on account of serious illness in family.

Mr. FARLEY, for 5 days, on account of important business.

Mr. DISNEY (at the request of Mr. JOHNSON of Oklahoma), indefinitely, on account of the death of his former law partner, the late Judge Alcorn, of Tulsa, Okla.

Mr. BULWINKLE (at the request of Mr. DOUGHTON), for 2 weeks, on account of illness.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10464. An act making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes.

THE LATE VICE PRESIDENT CURTIS

Mr. GUYER. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House Resolution 416

Resolved, That the House has learned with profound sensibility and sorrow of the death of Hon. Charles Curtis, former Vice President of the United States.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased this House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned until tomorrow, Tuesday, February 11, 1936, at 12 o'clock noon.

[1] Herr von Jagow, German Minister of Foreign Affairs, to Mr. Gerard, American Ambassador at Berlin, Feb. 16, 1915, American White Book, European War, 1, 56; Memorandum from the German Embassy at Washington, Apr. 4, 1915, 73; Count Burian, Austro-Hungarian Minister of Foreign Affairs, to Mr. Penfield, American Ambassador at Vienna, June 29, 1915, II, 193; same to same, Sept. 24, 1915, IV, 105.

COMMITTEE HEARING

PUBLIC LANDS

The Committee on the Public Lands will hold hearings beginning at 10:30 o'clock a. m., considering H. R. 8137.

EXECUTIVE COMMUNICATIONS, ETC.

660. Under clause 2 of rule XXIV a letter from the Secretary of War, transmitting a draft of a bill to amend the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army, and for other purposes", approved July 2, 1926, was taken from the Speaker's table and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. PARKS: Committee on Appropriations. H. R. 11035. A bill making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes; without amendment (Rept. No. 1979). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 9671. A bill to authorize the Secretary of the Treasury to dispose of material to the sea-scout department of the Boy Scouts of America; with amendment (Rept. No. 1980). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ROGERS of New Hampshire: Committee on Military Affairs. S. 1991. An act for the relief of Wilson G. Bingham; without amendment (Rept. No. 1978). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10946) to provide that the disabilities of Lawrence A. Ebert shall be held and considered to be service connected; Committee on World War Veterans' Legislation discharged, and referred to the Committee on Pensions.

A bill (H. R. 10947) to provide that the disabilities of Sam Pizula shall be held and considered to be service connected; Committee on World War Veterans' Legislation discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PARKS: A bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes; to the Committee on Appropriations.

By Mr. BLAND (by request): A bill (H. R. 11036) to amend section 4321, Revised Statutes (U. S. C., title 46, sec. 263), and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BURNHAM: A bill (H. R. 11037) to provide for the construction by the Secretary of the Treasury of three Federal buildings for use as Naval Reserve armories on the Pacific coast; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11038) to authorize the construction by the Secretary of the Treasury of Federal buildings for use as armories for the Naval Reserve; to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 11039) to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station, and to authorize the construction and installation of a naval air station thereon; to the Committee on Naval Affairs.

By Mr. DICKSTEIN: A bill (H. R. 11040) to deport certain aliens who secured preference-quota or nonquota visas through fraud by contracting marriage solely to expedite entry to the United States, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. DIMOND: A bill (H. R. 11041) to authorize the incorporated city of Klawock, Alaska, to construct, reconstruct, enlarge, extend, improve, and repair certain municipal public structures, utilities, works, and improvements, and for such purposes to issue bonds in any amount not exceeding $20,000, and for other purposes; to the Committee on the Territories.

Also, a bill (H. R. 11042) authorizing a preliminary examination of the Matanuska River in the vicinity of Matanuska, Alaska; to the Committee on Flood Control.

By Mr. GASQUE: A bill (H. R. 11043) to extend the times for commencing and completing the construction of a bridge across the Waccamaw River at or near Conway, S. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCIALKOWSKI: A bill (H. R. 11044) to provide a government for American Samoa; to the Committee on Insular Affairs.

By Mr. BOEHNE: A bill (H. R. 11045) to extend the times for commencing and completing the construction of a bridge across the Ohio River between Rockport, Ind., and Owensboro, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Utah: A bill (H. R. 11046) to facilitate the conservation of public lands and other natural resources by coordinating the executive agencies of the Government exercising functions in connection therewith, and for other purposes; to the Committee on the Public Lands.

By Mr. STEAGALL: A bill (H. R. 11047) relating to taxation of shares of preferred stock, capital notes, and debentures of banks while owned by Reconstruction Finance Corporation and reaffirming their immunity; to the Committee on Banking and Currency.

By Mr. McSWAIN: Resolution (H. Res. 414) for the consideration of S. 2253; to the Committee on Rules.

Also, resolution (H. Res. 415) for the consideration of House Joint Resolution 484; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULKIN: A bill (H. R. 11048) to provide for the appointment of Harold E. Nelson as a second lieutenant, United States Army; to the Committee on Military Affairs.

By Mr. CROWE: A bill (H. R. 11049) to authorize the Commissioners of the District of Columbia to reappoint James P. Day in the police department of said District; to the Committee on the District of Columbia.

By Mr. ENGLEBRIGHT: A bill (H. R. 11050) granting a pension to Julie Allen; to the Committee on Invalid Pensions.

By Mr. GEARHART: A bill (H. R. 11051) for the relief of William Hays Hammond; to the Committee on Military Affairs.

By Mr. LEA of California: A bill (H. R. 11052) for the relief of Joseph M. Purrington; to the Committee on Claims.

By Mr. McREYNOLDS: A bill (H. R. 11053) authorizing the President to present the Distinguished Service Medal to Commander Percy Tod, British Navy, and the Navy Cross to Lt. Comdr. Charles A. deW. Kitcat, British Navy; to the Committee on Foreign Affairs.

By Mr. MILLARD (by request): A bill (H. R. 11054) for the relief of Adolph Schultz; to the Committee on Military Affairs.

By Mr. ROBSION of Kentucky: A bill (H. R. 11055) granting a pension to Jesse F. Crawford; to the Committee on Pensions.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 11056) to place William W. Wade on the retired list of the United States Army as a major; to the Committee on Military Affairs.

By Mr. SHANLEY: A bill (H. R. 11057) for the relief of Harry B. Bissell; to the Committee on Claims.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 11058) granting an increase of pension to Georgianna K. Griest; to the Committee on Invalid Pensions.

By Mr. SOMERS of New York: A bill (H. R. 11059) granting a renewal of Patent No. 1150239, relating to an automatic burglar- and fire-alarm system and telephone service; to the Committee on Patents.

Also, a bill (H. R. 11060) granting a renewal of Patent No. 1145659, relating to an automatic selecting multiparty telephone system; to the Committee on Patents.

By Mr. WOLCOTT: A bill (H. R. 11061) for the relief of the estate of Elizabeth Purtill O'Brien; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10023. By Mr. BIERMANN: Memorial of the Iowa Civil Liberties Union, resolving against the Tydings-McCormack disaffection bill; to the Committee on the Judiciary.

10024. By Mr. CULKIN: Petition of 28 residents of Georgetown, Madison County, N. Y., urging passage of House bill 8739, restoring to the District of Columbia its prohibition law; to the Committee on the District of Columbia.

10025. Also, petition of the Propeller Club of the United States, port of Erie, protesting passage of House bills 6202, 6203, and 6189; to the Committee on Merchant Marine and Fisheries.

10026. Also, petition of 66 residents of Jefferson County, New York State, served by star route no. 7594, urging that Congress pass legislation to indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for the other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10027. By Mr. DEMPSEY: Petition requesting passage of the Hildebrandt bill (H. R. 7325) for the welfare, convenience, and fair compensation of star-route carriers; to the Committee on the Post Office and Post Roads.

10028. By Mr. HOPE: Petition of T. J. Walters and 68 others, by Johnson, Kans., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

10029. Also, petition of Henry Hoor and 66 others, of Elkhart, Richfield, and Johnson, Kans., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

10030. Also, petition of U. S. Bullard and 150 others, of Rolla, Kans., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

10031. By Mr. GOODWIN: Petition of the New York State Legislature, memorializing Congress to enact such laws as will authorize the promulgation of rules by the Department of Justice or the Interstate Commerce Commission to compel the manufacturer of firearms to properly register them; also giving to the State the right to pass laws for the protection of its citizens in connection with the sale of firearms manufactured in another State; to the Committee on Interstate and Foreign Commerce.

10032. Also, petition of 39 residents of Esperance and Delanson, N. Y., urging Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10033. By Mr. KENNEY: Resolution adopted by the Italian-American Citizens' League of Bergen County at its regular meeting held on January 21, 1936, petitioning Congress to reenact the neutrality legislation now in force and effect; to the Committee on Foreign Affairs.

10034. Also, petition of the Linden Junior High School Parent-Teacher Association, numbering 151 members, at its regular meeting held on February 5, 1936, requesting that they endorse the Pettengill bill (H. R. 6472) and that it be brought before the House of Representatives for a hearing; to the Committee on Interstate and Foreign Commerce.

10035. By Mr. KRAMER: Resolution of the California State Chamber of Commerce, of San Francisco, relative to the Pacific coast maritime strike, etc.; to the Committee on Merchant Marine and Fisheries.

10036. By Mr. MEAD: Resolution of the Common Council of the City of Buffalo, N. Y., requesting that Congress give serious consideration to the bill of Representative KENNEY, of New Jersey, which proposes a national lottery, so that money could be raised without recourse to inflation or additional taxes for payment of the soldiers' adjusted-service certificates; to the Committee on Ways and Means.

10037. By Mr. PATMAN: Resolution of the board of governors of the Michigan Bakers' Association, Inc., favoring the principles of House bill 8442; to the Committee on the Judiciary.

10038. By Mr. PFEIFER: Petition of the Grand Lodge of the State of New York, Order Sons of Italy in America, New York City, concerning continuing the existing neutrality law; to the Committee on Foreign Affairs.

10039. Also, petition of the Senate of the State of New York, Albany, concerning the illegal sale and possession of firearms; to the Committee on the Judiciary.

10040. By the SPEAKER: Petition of the National Aeronautic Association; to the Committee on Rules.

SENATE

TUESDAY, FEBRUARY 11, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, February 10, 1936, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a bill (H. R. 10929) to amend the District of Columbia Unemployment Compensation Act with respect to excepted employment, in which it requested the concurrence of the Senate.

The message also communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. Charles Curtis, former Vice President of the United States.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 10464) making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes, and it was signed by the Vice President.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Barkley	Bulkley	Carey
Ashurst	Benson	Bulow	Chavez
Austin	Black	Burke	Clark
Bachman	Bone	Byrd	Connally
Bailey	Borah	Byrnes	Coolidge
Barbour	Brown	Caraway	Copeland

Costigan	Hatch	Moore	Sheppard
Couzens	Hayden	Murphy	Shipstead
Dickinson	Holt	Murray	Smith
Dieterich	Johnson	Neely	Steiwer
Donahey	Keyes	Norbeck	Thomas, Utah
Duffy	King	Norris	Townsend
Frazier	La Follette	Nye	Trammell
George	Logan	O'Mahoney	Truman
Gerry	Lonergan	Overton	Tydings
Gibson	Long	Pittman	Vandenberg
Glass	McAdoo	Pope	Van Nuys
Gore	McGill	Radcliffe	Wagner
Guffey	McKellar	Reynolds	Walsh
Hale	McNary	Robinson	Wheeler
Harrison	Maloney	Russell	White
Hastings	Minton	Schwellenbach	

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness; that the Senator from Mississippi [Mr. BILBO], the Senator from Illinois [Mr. LEWIS], and the Senator from Nevada [Mr. MCCARRAN] are necessarily detained; that the Senator from Florida [Mr. FLETCHER] is absent in attendance on the funeral of a friend in Florida; and that the Senator from Oklahoma [Mr. THOMAS] is absent because of illness in his family.

Mr. MCNARY. I announce that the Senator from Kansas [Mr. CAPPER] is absent attending the funeral of the late former Vice President Charles Curtis. I ask to have this announcement stand for the day.

Mr. AUSTIN. I announce that the Senator from Rhode Island [Mr. METCALF] and the Senator from Pennsylvania [Mr. DAVIS] are unavoidably detained from the Senate.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate letters in the nature of petitions from several citizens in the States of California and Washington, praying for the adoption of the so-called Townsend old-age pension plan, which were referred to the Committee on Finance.

He also laid before the Senate a letter in the nature of a memorial from C. Hurkmans, of Green Bay, Wis., remonstrating against the enactment of the bill (S. 5) to prevent the manufacture, shipment, and sale of adulterated or misbranded food, drink, drugs, and cosmetics, and to regulate traffic therein; to prevent the false advertisement of food, drink, drugs, and cosmetics; and for other purposes, which was ordered to lie on the table.

Mr. COPELAND presented a resolution of the Oxford (N. Y.) Local of the Dairymen's League Cooperative Association, favoring the further devaluation of the dollar with a view to restoring prices of basic commodities to their 1926 level and thereafter the institution of what is known as the commodity dollar for the stabilization of prices in the future, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the Common Council of the City of Buffalo, N. Y., favoring the enactment of the so-called Beiter bill, to authorize the Federal Government to contribute funds in the improvement of a section of the New York State Barge Canal provided the State of New York makes an appropriation of $10,000,000 for the same purpose, which was referred to the Committee on Commerce.

He also presented a resolution adopted by the Common Council of the City of Buffalo, N. Y., favoring the enactment of the so-called Kenney bill proposing a national lottery, which was referred to the Committee on Finance.

He also presented the petition of members of the young men's class of the Second Presbyterian Church of Amsterdam, N. Y., praying for the enactment of pending neutrality legislation, which was referred to the Committee on Foreign Relations.

He also presented a letter in the nature of a petition from Corner Stone Council, No. 3, Junior Order United American Mechanics, of Brooklyn, N. Y., praying for the enactment of the bill (H. R. 5921) to authorize the prompt deportation of criminals and certain other aliens, to guard against the separation from their families of certain law-abiding aliens, to further restrict immigration into the United States, and for other purposes, which was referred to the Committee on Immigration.

He also presented papers in the nature of petitions from the Mothers Club, the Parents and Teachers Association, and sundry citizens of Arecibo, P. R., praying for the extension of the Federal social-security plan to Puerto Rico, which were referred to the Committee on Territories and Insular Affairs.

REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (S. 2188) for the relief of the estate of Frank B. Niles, reported it without amendment and submitted a report (No. 1535) thereon.

Mr. AUSTIN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 8821) to define the crime of bribery and to provide for its punishment, reported it with amendments and submitted a report (No. 1536) thereon.

Mr. MCGILL, from the Committee on Naval Affairs, to which was referred the bill (H. R. 6254) for the relief of David N. Aiken, reported it without amendment and submitted a report (No. 1537) thereon.

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 3514) to regulate the manufacturing, dispensing, selling, and possession of narcotic drugs in the District of Columbia, reported it with amendments and submitted a report (No. 1538) thereon.

Mr. MCCARRAN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 8437) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Arthur B. Walker, reported it without amendment and submitted a report (No. 1539) thereon.

Mr. KING (for Mr. CAPPER), from the Committee on the District of Columbia, to which was referred the bill (S. 3586) to authorize the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of the Treasury to lend Army, Navy, Coast Guard, and other needed equipment for use at the National Jamboree of the Boy Scouts of America; and to authorize the use of property in the District of Columbia and its environs by the Boy Scouts of America at their National Jamboree to be held during the summer of 1937, reported it without amendment and submitted a report (No. 1540) thereon.

Mr. RUSSELL, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 1470. A bill for the relief of Carl A. Butler (Rept. No. 1541); and

H. R. 2165. A bill for the relief of Charles A. Gettys (Rept. No. 1542).

Mr. BYRD, from the Committee on Naval Affairs, to which was referred the bill (H. R. 4084) for the relief of Charles D. Jeronimus, reported it without amendment and submitted a report (No. 1543) thereon.

Mr. ADAMS (for Mr. FLETCHER), from the Committee on Banking and Currency, to which was referred the bill (S. 3978) relating to taxation of shares of preferred stock, capital notes, and debentures of banks while owned by the Reconstruction Finance Corporation and reaffirming their immunity, reported it without amendment and submitted a report (No. 1545) thereon.

Mr. WAGNER, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 10104) to aid in providing the people of the United States with adequate facilities for park, parkway, and recreational-area purposes, and to provide for the transfer of certain lands chiefly valuable for such purposes to States and political subdivisions thereof, reported it with amendments and submitted a report (No. 1547) thereon.

INVESTIGATION AND COORDINATION OF EXECUTIVE AGENCIES

Mr. BYRD, from the Committee on Rules, to which was referred the resolution (S. Res. 217) creating a special committee to investigate executive agencies of the Govern-

ment with a view to coordination, reported it with amendments, submitted a report (No. 1546) thereon, and moved that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which motion was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TRUMAN:

A bill (S. 3983) granting a pension to Iva Humphrey; to the Committee on Pensions.

By Mr. BYRNES:

A bill (S. 3984) relating to pensions for disability incurred during peacetime service in the military or naval forces of the United States; to the Committee on Pensions.

By Mr. GEORGE:

A bill (S. 3985) for the relief of the Brooks-Callaway Co.; to the Committee on Claims.

By Mr. STEIWER:

A bill (S. 3986) to amend section 401 of the act entitled "An act to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, and certain other acts relating to game and other wildlife, administered by the Department of Agriculture, and for other purposes", approved June 15, 1935; to the Committee on Agriculture and Forestry.

(Mr. McNARY (by request) introduced Senate bill 3987, which was referred to the Committee on Agriculture and Forestry, and appears under a separate heading.)

By Mr. BYRD:

A bill (S. 3988) to provide for the administration and maintenance of the Blue Ridge Parkway, in the States of Virginia and North Carolina, by the Secretary of the Interior, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. JOHNSON:

A bill (S. 3989) to provide for the construction and operation of a vessel for use in research work with respect to Pacific Ocean fisheries; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 3990) to authorize the Secretary of the Treasury to dispose of material to the sea-scout service of the Boy Scouts of America; to the Committee on Commerce.

(By request.) A bill (S. 3991) conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on certain claims of Joseph and Josephine A. Gatti et al. against the United States; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 3992) for the relief of Capt. Laurence V. Houston, retired; to the Committee on Military Affairs.

By Mr. CHAVEZ:

A bill (S. 3993) to ascertain the amount of losses of certain property owners in New Mexico caused by the floods in the Rio Grande Valley during 1929; to the Committee on Irrigation and Reclamation.

A bill (S. 3994) to correct the naval record of Alfred F. Wagoner; to the Committee on Naval Affairs.

By Mr. HATCH:

A bill (S. 3995) for the relief of Viola DeLancey; to the Committee on Claims.

A bill (S. 3996) granting a pension to Joseph F. Haynes; to the Committee on Pensions.

By Mr. BULKLEY:

A bill (S. 3997) to authorize the Secretary of War to lend War Department equipment for use at the Eighteenth National Convention of the American Legion at Cleveland, Ohio, during the month of September 1936; to the Committee on Military Affairs.

By Mr. ADAMS (for Mr. FLETCHER):

A bill (S. 3998) to enable the Commodity Credit Corporation to better serve the farmers in orderly marketing, and to provide credit and facilities for carrying surpluses from season to season; to the Committee on Banking and Currency.

By Mr. CAREY:

A bill (S. 3999) to authorize the Secretary of the Interior to investigate and adjust irrigation charges on non-Indian lands within projects on Indian Reservations, and for other purposes; to the Committee on Indian Affairs.

By Mr. GLASS:

A joint resolution (S. J. Res. 209) authorizing the presentation of silver medals to the personnel of the Second Byrd Antarctic Expedition; to the Committee on Banking and Currency.

By Mr. REYNOLDS:

A joint resolution (S. J. Res. 210) to close Military Road; to the Committee on Military Affairs.

AGRICULTURAL RELIEF

Mr. McNARY. Mr. President, at the suggestion of Mr. George N. Peek, one of the best qualified men in America to speak on farm problems and farm relief, I am offering a proposed plan in the form of a bill, which I ask may be printed in the RECORD and appropriately referred.

There being no objection, the bill S. 3987—introduced by request—to make further provision for the conservation and proper utilization of the soil resources of the Nation, and for other purposes, was read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

A bill to make further provision for the conservation and proper utilization of the soil resources of the Nation, and for other purposes

Be it enacted, etc.—

TITLE I

SECTION 1. The act entitled "An act to provide for the protection of land resources against soil erosion, and for other purposes", approved April 27, 1935, is amended by inserting at the end thereof the following:

"SEC. 7. (a) It is hereby declared to be the policy of this act also to secure, and the purposes of this act shall also include, (1) preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; and (3) diminution of exploitation and wasteful and unscientific use of national soil resources.

"(b) The Secretary of Agriculture shall cooperate with States, in the execution of State plans to effectuate one or more of the purposes of this section, by making grants under this section to enable them to carry out such plans.

"(c) Any State which submits to the Secretary, prior to such time and in such manner and form as the Secretary prescribes, a State plan to effectuate one or more of the purposes of this section shall be entitled to payments, as provided in this section, for the year to which such plan is applicable, if such plan is approved by the Secretary as provided in this section.

"(d) No such plan shall be approved unless by its terms—

"(1) It provides that the agency to administer the plan shall be such agency as is authorized by the State and approved by the Secretary;

"(2) It provides for appropriate participation in the administration of the plan by county and community committees or associations of agricultural producers organized for such purpose by the State, or by counties or communities in the State, as the Secretary finds necessary for the effective administration of the plan; and

"(3) It provides for the submission to the Secretary of such reports as he finds necessary to ascertain whether the plan is being carried out according to its terms, and for compliance with such requirements as the Secretary may prescribe to assure the correctness of and make possible the verification of such reports.

"(e) Such plan shall be approved if the Secretary finds that there is a reasonable prospect that substantial accomplishment in effectuating one or more of the purposes of this section will be brought about through the operation of such plan and the plans submitted by other States.

"(f) Upon approval of any State plan for any year the Secretary shall allocate to such State such sum (not in excess of the maximum amount fixed in pursuance of subsection (h) for such State for such year) as he finds necessary to carry out such plan for such year, and thereupon shall certify to the Secretary of the Treasury for payment to such agency of the State as the Secretary of Agriculture certifies is designated in the plan, and the Secretary of the Treasury shall pay to such agency one-fourth of the amount so allocated. The remainder of the amount so allocated shall be similarly certified and paid in such installments (payable prior to the end of the calendar year) as may be provided in the plan. No such installment shall be certified for payment if the Secretary of Agriculture finds that, prior to the due date of such installment, there has been a substantial failure by the State to carry out the plan according to its terms. No amount shall be certified for payment under any such installment in excess of the amount the Secretary finds necessary for the effective carrying out of the plan during the period to which the installment relates.

"(g) On or before November 1 of each year the Secretary shall apportion among the several States the funds which will be available for carrying out State plans during the next calendar year, and in determining the amount to be apportioned to each State the Secretary shall taken into consideration the acreage, type, and value of the major soil-depleting crops produced in the respective States during a representative period.

"(h) The amount allocated to each State for any year shall not exceed the amount of taxes payable for such year with respect to lands planted to soil-improving or erosion-preventing crops during such year, together with the cost of seed for such planting.

"SEC. 8. The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting, and methods of accomplishing most effectively, the policy and purposes of section 7 (a). Notwithstanding any provision of existing law, the Secretary is directed to make public information necessary to carry out the provisions of this act.

"SEC. 9. The term 'agricultural commodity' as used in this act means any such commodity and any regional or market classification, type, or grade thereof.

"SEC. 10. Notwithstanding any other provision of law, the action of any officer or employee in determining the amount of or in making any grant or payment under section 7 shall not be subject to review by any officer of the Government other than the Secretary of Agriculture.

"SEC. 11. (a) This act shall apply to the United States, the Territories of Alaska and Hawaii, and the possession of Puerto Rico, and as used in this act, the term 'State' includes Alaska, Hawaii, and Puerto Rico.

"(b) This act may be cited as the Soil Conservation Act."

SEC. 2. The unexpended balance of the funds appropriated by the second paragraph of Public Resolution No. 27, Seventy-third Congress, approved May 25, 1934, to carry out section 6 of the act entitled "An act to amend the Agricultural Adjustment Act so as to include cattle and other products as basic agricultural commodities, and for other purposes", approved April 7, 1934, and the unexpended balance of the funds appropriated by section 37 of Public Act No. 320, Seventy-fourth Congress, entitled "An act to amend the Agricultural Adjustment Act, and for other purposes", is authorized to be made available for the purposes enumerated in said acts until June 30, 1937. The authorization contained in section 37 of Public Act No. 320, Seventy-fourth Congress, is likewise authorized to be made available until June 30, 1937.

TITLE II

SECTION 201. (a) Whenever the President has reason to believe that any one or more agricultural commodities are being imported or are likely to be imported into the United States in increasing ratio to domestic production of any competitive agricultural commodity or commodities, as compared with the ratio during the preceding 5 years, and in sufficient quantities to endanger or materially to interfere with the maintenance of agricultural price levels in the United States (as contemplated in sec. 2 (1) of the Agricultural Adjustment Act, as amended), he shall cause an immediate investigation to be made by the United States Tariff Commission, which shall give precedence to investigations under this section to ascertain the existence of such facts. Such investigation shall be made after such notice and hearing and subject to such regulations as the President shall specify.

(b) If, after such investigation and report to him of findings and recommendations made in connection therewith, the President finds the existence of such facts, he shall by order direct that the entry of such agricultural commodity or commodities shall be permitted for such period or periods and subject to (1) such terms and conditions, or (2) such limitations on the total quantity thereof which may be imported, or (3) the payment of such compensating fees, not to exceed 50 percent ad valorem (on a basis of value as defined in section 402 of the Tariff Act of 1930) or its equivalent, as he finds necessary to prescribe in order that the entry of such agricultural commodity or commodities will not endanger or materially interfere with the maintenance of such contemplated agricultural price levels in the United States. In order to enforce any limitations imposed on the total quantity of imports, in any specified period or periods, of any agricultural commodity or commodities under this subsection, the President may by order forbid the importation of such agricultural commodity or commodities unless the importer or consignee thereof shall have first obtained a license from the Secretary of the Treasury. Upon the issuance of any order of the President under this subsection, the President shall inform the Secretary of the Treasury, who shall thereafter permit entry of any agricultural commodity or commodities specified therein only in conformity with such order.

(c) Any decision of the President as to facts under this section shall be final.

(d) After investigation and report in the manner provided in the case of an order under subsection (b), any such order or provision thereof shall be suspended or revoked by the President whenever he finds that the circumstances are such that the order or provision is no longer required to maintain such contemplated agricultural price levels in the United States, or shall be modified by the President whenever he finds that changed circumstances require such modification to make the order or provision conform to said contemplated agricultural price levels.

SEC. 202. Section 32 of the act to amend the Agricultural Adjustment Act, as amended, approved August 24, 1935, is amended to read as follows:

"SEC. 32. There is hereby appropriated for each fiscal year beginning with the fiscal year ending June 30, 1936, an amount equal to 30 percent of the gross receipts from duties collected under the customs laws during the period January 1 to December 31, both inclusive, preceding the beginning of each such fiscal year. Such sums shall be maintained in a separate fund and shall be used by the Secretary of Agriculture only to (1) encourage the exportation of agricultural commodities and products thereof by the payment of losses in connection with the exportation thereof or of indemnities for losses incurred in connection with such exportation; (2) encourage the domestic consumption of such commodities or products by diverting them, by the payment of losses or indemnities or by other means, from the normal channels of trade and commerce; and (3) encourage production of agricultural products now imported and new uses for agricultural products produced in the United States in industry and commerce. The amounts appropriated under this section shall be expended for such of the above specified purposes, and at such times, in such manner, and in such amounts, as the Secretary of Agriculture finds will tend to increase the exportation of agricultural commodities and products thereof, and increase the domestic consumption of domestic agricultural commodities and products thereof."

SEC. 203. (a) Whenever the Secretary of Agriculture finds that the exercise of the powers conferred by sections 201 and 202 is not sufficient to provide for the reestablishment and maintenance of farm purchasing power (as contemplated in sec. 2 (1) of the Agricultural Adjustment Act, as amended) in the case of basic export commodities, he shall use such part of the funds appropriated pursuant to the authorization contained in this section as he deems necessary for making payments to agricultural producers based upon a percentage of their normal production of any one or more of such basic export commodities which equals that percentage of the normal national production of such commodities required for domestic consumption.

(b) For the purposes of this section, the term "basic export commodities" means wheat, cotton, field corn, hogs, rice, tobacco, and milk and its products, and any regional or market classification, type, or grade thereof.

(c) There is hereby authorized to be appropriated for the purposes of this section the sum of $.

HOUSE BILL REFERRED

The bill (H. R. 10929) to amend the District of Columbia Unemployment Compensation Act with respect to excepted employment was read twice by its title and referred to the Committee on the District of Columbia.

NATIONAL CEMETERY AT FORT BAYARD, N. MEX.—AMENDMENT

Mr. HATCH submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 3317) to establish a national cemetery at Fort Bayard, N. Mex., which was referred to the Committee on Finance and ordered to be printed.

AGRICULTURAL RELIEF—AMENDMENTS

Mr. BYRNES, Mr. LOGAN, Mr. MCNARY, Mr. NORBECK, and Mr. WAGNER each submitted an amendment, and Mr. DICKINSON submitted two amendments, intended to be proposed by them, respectively, to the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, which were severally ordered to lie on the table and to be printed.

REPORTS OF DISTRICT PUBLIC UTILITY COMPANIES (S. DOC. NO. 171)

Mr. KING. Mr. President, under the law the Potomac Electric Power Co. and the other public-utility companies in the District of Columbia are required to submit annual reports. I present the reports of the various utility organizations and ask that they be printed as usual.

The VICE PRESIDENT. Without objection, it is so ordered.

The request of Mr. KING was reduced to writing and entered in the form of an order, as follows:

Ordered, That the annual reports of the following-named public-utility companies in the District of Columbia for the year ended December 31, 1935, heretofore transmitted to the Senate, be printed as a Senate document: Capital Transit Co.,; Chesapeake & Potomac Telephone Co.; Georgetown Barge, Dock, Elevator & Railway Co.; Georgetown Gaslight Co.; Potomac Electric Power Co.; Washington Gas Light Co.; Washington Interurban Railroad Co.; Washington Railway & Electric Co.; and Washington Rapid Transit Co.

LOANS FOR CROP PRODUCTION—CONFERENCE REPORT

Mr. SMITH submitted a report, which was ordered to lie on the table, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3612) to provide for loans to farmers for crop production and harvesting

during the year 1936, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That the Governor of the Farm Credit Administration, hereinafter in this Act referred to as the 'Governor', is hereby authorized to make loans to farmers in the United States and in Alaska, Hawaii, and Puerto Rico, during the year 1936, for fallowing, for the production of crops, for planting, cultivating, and harvesting of crops, for supplies incident to and necessary for such production, planting, cultivating, and harvesting, and for feed for livestock, or for any of such purposes. Such loans shall be made and collected through such persons and agencies, upon such terms and conditions, and subject to such regulations, as the Governor shall prescribe.

"SEC. 2. (a) There shall be required as security for any such loan a first lien, or an agreement to give a first lien, upon all crops of which the production, planting, cultivating, or harvesting, is to be financed, in whole or in part, with the proceeds of such loan; or, in case of any loan for the purchase or production of feed for livestock, a first lien upon the livestock to be fed. Fees for recording, filing, registration, and examination of records (including certificates) shall not exceed 75 cents per loan, and may be paid from the proceeds of the loan. Each loan shall bear interest at the rate of 5½ per centum per annum.

"(b) The amount which may be loaned to any borrower pursuant to this Act shall not exceed $500: *Provided, however,* That in any area certified by the President of the United States to the Governor as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations as to amount, under such regulations and with such maturities as he may prescribe therefor.

"(c) No loan shall be made under this Act to any applicant who shall not have first established to the satisfaction of the proper officer or employee of the Farm Credit Administration, under such regulations as the Governor may prescribe, that such applicant is unable to procure from other sources a loan in an amount reasonably adequate to meet his needs for the purposes for which loans may be made under this Act.

"SEC. 3. (a) The moneys advanced by the Governor in connection with each loan made under the provisions of this Act are declared to be impressed with a trust to accomplish the purposes provided for by this Act (namely, for fallowing, for the production of crops, for planting, cultivating, and harvesting of crops, for supplies incident to such production, planting, cultivating, and harvesting, and for feed for livestock, or for any of such purposes); and may be used only for the purposes stated in the borrower's loan application, and until so used, shall continue subject to such trust and be free from garnishment, attachment, or the levy of an execution.

"(b) It shall be unlawful for any person to make any material false representation for the purpose of obtaining, or assisting another to obtain, a loan under the provisions of this Act; or willfully to dispose of, or assist in disposing of, except for the account of the Governor, any crops or other property upon which there exists a lien securing a loan made under the provisions of this Act.

"(c) It shall be unlawful for any person to charge a fee for the purpose of preparing or assisting in the preparation of any papers of an applicant for a loan under the provisions of this Act.

"(d) Any person violating any of the provisions of this Act shall, upon conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment for not more than six months, or both.

"SEC. 4. The Governor shall have power, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, to employ and fix the compensation and duties of such agents, officers, and employees as may be necessary to carry out the purposes of this Act; but the compensation of such officers and employees shall correspond, so far as the Governor deems practicable, to the rates established by the Classification Act of 1923, as amended. For the purpose of carrying out the provisions of this Act, and of collecting loans made under Acts of the same general character, including loans made by the Governor with funds appropriated under the provisions of the Emergency Appropriation Act, fiscal year 1935, the Governor is authorized to use the facilities and services of any agency, institution, or corporation, operating under the supervision of the Farm Credit Administration, and any officer or employee of any such agency, institution, or corporation, or of the Farm Credit Administration, and may pay for such services and the use of such facilities from the funds made available for the payment of necessary administrative expenses, and such agencies, institutions, and corporations are hereby expressly empowered to enter into agreements with the Governor for the accomplishment of such purposes.

"SEC. 5. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000,000, or so much thereof as may be necessary, to carry out the provisions of this Act. Any moneys so appropriated, and all collections of both principal and interest on loans made under this Act, may be used by the Governor for making loans under this Act and for all necessary administrative expenses in carrying out the provisions of this Act and in collecting outstanding balances on crop production, seed, and feed loans made under prior legislation of the same general character.

"(b) Expenditures for printing and binding necessary in carrying out the provisions of this Act may be made without regard to the provisions of section 3709 of the Revised Statutes."

And the House agree to the same.

E. D. SMITH,
GEO. MCGILL,
PETER NORBECK,
Managers on the part of the Senate.

MARVIN JONES,
H. P. FULMER,
WALL DOXEY,
CLIFFORD R. HOPE,
J. ROLAND KINZER,
Managers on the part of the House.

LIBERALISM AND THE REPUBLICAN PARTY—ADDRESS BY SENATOR DICKINSON

Mr. HALE. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the Senator from Iowa [Mr. DICKINSON] before the National Republican Club of New York City on Saturday, January 25.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

We are gathered here as Republicans. We are here to discuss your responsibility and mine, not as liberals or conservatives, but as Republicans. We are not here to seek division in sentiment among our own ranks, but we are here to present a united front against the common enemy.

As we take counsel together today, let us consider briefly two things: How to achieve as Republicans that will to victory which will bring success this fall, and how to present the issues of the day in such clear and unmistakable terms that the public cannot be deceived as to what is at stake.

The election next November will be more fateful than any in the Nation's history. As an indication of this, let me point out the unusual situation that now exists. The national conventions of both parties are still nearly 5 months ahead, but the campaign itself is already actively under way. It has begun—like most modern wars begin—without any formal declaration of hostilities. Even the party platforms this year can do no more than ratify the positions which already have been taken by those who are leaders in this vital struggle.

President Roosevelt's address to Congress on January 3 sharply outlines the issues. He demands that the New Deal be accepted as an entirely new social and political philosophy by the American people. Where the Constitution and existing institutions stand in the way of acceptance of that philosophy—of the "new order of things", the President and members of his Cabinet proclaim—they must be modified or discarded. The challenge to all that is meant by Americanism, with its reliance upon initiative and enterprise as the mainsprings of national action, is thus clear-cut. For, fundamentally, the New Deal would alter the basic concept of the relationship between the state and the citizen. When its veneer of catch phrases is stripped away, government becomes the master rather than the servant of the people.

When the issue before the Nation is understood in these terms, can there be any question as to the position that the Republican Party must take? Can it attempt to out-deal the New Deal, or to out-promise the greatest promiser in history? It seems to me that there can be only one answer to such questions—unqualified and uncompromising opposition! In this campaign the Republican Party cannot pussyfoot its way to victory! There can be none of those twilight zones of political half-truths which please the politician but confuse the voter. In this contest there must be no revival of that "copperheadism" which within his party surrounded Lincoln, counselling him during the dark days of the war to seek peace at any price and to trade principle for political expediency!

Perhaps as never before, America is confronted with a choice between two roads which lead in opposite directions. One veers off sharply to the left into an uncharted no-man's land. It has never been explored except by socialistic dreamers. New Deal reforms, it is now clear, are merely a disguise under which to hide the erection of an entirely new social order. Tempting the traveler, weary and hard-pressed after 5 years of depression, are alluring road signs: "This way to the more abundant life", "Share the wealth utopia", all designed to provide escapes from reality. They are substitutes for that age-old formula of hard work and thrift, now regarded as completely obsolete by these planners of "Paradise Incorporated."

In preparing the approaches to this new Eden, with its promise of effortless plenty revealed on every hand, billions in taxpayers' money has already been spent. Mr. Hopkins' army of boondogglers has marked out the landscape, like a real-estate subdivision, with countless new projects. Most of these the country couldn't afford even in prosperous times. But the amazing and disturbing fact is that, despite 3 years of zealous and misdirected energy, nothing is yet completed. The new utopia is in a hopeless state of confusion. On many of its pet schemes work has stopped without the foundations even being finished. Those in charge of the job are constantly rushing off to begin something new.

But what the traveler does not see as he surveys this alluring short cut toward the future is that the road ends abruptly on the brink of a sharp and steep cliff. That cliff is labeled national

bankruptcy. A national debt soon to be thirty-five billions, and Government financing to the tune of eleven billions forecast the year ahead, brings that brink dangerously near.

The other road leads straight ahead and offers no enticing adventure. It is not a pleasure boulevard, but a work road, deep rutted and dusty. It is the traveled road of experience and common sense. Many generations have labored in its building. It links the "horse and buggy" past to the living present. Each year it lengthens, but it is always preserved so that our children can carry on from where we leave off. Perhaps in appearance it may be a bit somber and unpromising, but at least it is an honest road.

The 1936 campaign calls for that same straightforwardness and honesty of approach. It will be fought with a bitterness never equaled in American political history. While this is regrettable, it is none the less inevitable when two basically antagonistic economic and political philosophies are joined in a life-and-death struggle.

The Republican Party was born during a similar national crisis. It came into being as a successor to the old Whig and Free Soil Parties, dedicated solely to preserving that Union of States which had transformed the scattered colonies along the Atlantic seaboard into a united people. But while they thus became united, those political subdivisions—essential if self-government is to be successful—were carefully preserved. It is now proposed that, under a highly centralized, autocratic Federal power, these should be subordinated into what would be merely administrative divisions or provinces.

In 1860 the Republican Party repulsed attacks from those who sought to destroy the Federal Government. This year it must again endure assaults from those who would undermine the Union. This time its enemies would strike down all of the 48 pillars upon which it rests. The attempt is being made to alter that partnership of the state created under the Constitution and to erect in its stead what the President calls a "people's government." How strongly that phrase—the people's government—echoes of Moscow and of those European states where democracy today lies trussed and strangled.

Openly the President boasts of this New Deal objective. "In 34 months", he declares, "we have built up new instruments of public power." But in the very same sentence he then goes on to warn of its danger. In the hands of others, he admits, such power becomes autocracy ending in "enslavement for the public."

What stronger indictment of the New Deal can be drawn than is here given so unconsciously by Mr. Roosevelt himself? Striking that pose of self-righteousness always affected by those who grasp at dictatorship, he condones for himself what he condemns in others. He dismisses as null and void those solemn referenda through which the American people have governed themselves in the past. Have past administrations been less a "people's government" than the New Deal, with its brazen betrayal of the Nation and its record of broken party pledges?

But consistency has never been one of Mr. Roosevelt's virtues. Thus we find him a few years ago, when Governor of New York State, taking a contrary view. Dangers from an overconcentration of power in the Federal Government then loomed large to him. Clearly he prophesied its consequences when he declared:

"It was clear to the framers of our Constitution that the greatest possible liberty of self-government must be given to each State, and that any national administration attempting to make all the laws for the whole Nation * * * would inevitably result * * * in a dissolution of the Union itself."

From that statement it is evident that Mr. Roosevelt, as Governor, had a greater respect for the Constitution than he now holds as President. That contempt for the Supreme Court, disclosed in his famous interview with the press after the N. R. A. verdict, was again glimpsed when the Triple A decision was handed down. Just as he spurned the "platform of industry" framed by patriotic business leaders who had sought to aid the Government in furthering national recovery by flippantly remarking that "he would read it some rainy Sunday afternoon", so Mr. Roosevelt withheld acceptance of the Court's interpretation of the powers of Congress to deal with the agricultural problem. Since the Justices divided 6 to 3, he could not decide his own course, he said, until he had studied both opinions. Likewise, when Secretary Wallace sought to concoct a hasty substitute measure for the defunct Triple A, only such farm organizations as were friendly to the administration were invited into conference. All others were barred. No critics need apply!

The importance of these incidents lies in that they reveal the New Deal attitude of mind. In this sense they have a significance far beyond Mr. Roosevelt's formal utterances. They show that behind that engaging smile, behind those solicitous gestures for the common man, there is a fundamental intolerance of spirit, a resentfulness of criticism, an impatience of opposition. And it is these essential Roosevelt characteristics—intolerance, resentfulness, impatience—and, I might add, vindictiveness—that today are supremely important to the Nation. For they are also the primary characteristics which mark the autocrat and the dictator.

Now, it is one of the anomalies of the present campaign that those who lead this assault upon liberty under the guise of providing a "planned economy" call themselves "liberals." There is apt to be a great deal of confusion over that word "liberal." It has become a badge too often used by self-seeking men who have not the slightest conception of what true liberalism stands for. There are some who answer to this description within the Republican Party. They profess to be liberals, but what they really seek is to impose upon the majority their own minority viewpoint. Everyone is out of step except themselves.

Some of these would go so far as to graft parts of the New Deal upon the Republican Party itself. They do not see that between the Roosevelt philosophy and the principles of Republicanism there is an impassable gulf. They do not see that the issue now raised strikes far deeper than merely States' rights, or even the powers of the Supreme Court. All social relationships are profoundly affected, since, with the enlargement of the sphere of Government economic control, it follows that the rights of the individual must be correspondingly restricted.

Thus what is actually challenged is that system of free enterprise under which during the past century the comfort and well-being of mankind has been raised to a plane never before equaled. The New Deal defeatist philosophy alleges, but it does not prove, that this system has now become bankrupt. Mr. Roosevelt would have the public believe that this assault is aimed solely at what he calls "entrenched greed" and a "resplendent economic autocracy." This again merely raises a dust cloud behind which to conceal his real attack on American institutions recently.

If monopoly has again become a menace, why doesn't Mr. Roosevelt do something about it? The Sherman antitrust law is still on the statute books. It has teeth. Every Republican administration has utilized it in protecting the public and in preserving free competition. The Republican Party is still committed to this doctrine. The Roosevelt administration's record on such prosecutions is one of complete negation. Instead, the Sherman law was suspended under the late N. R. A.; while under the codes the big corporations were encouraged to embrace the administration's doctrine of scarcity. Up went prices and up went the cost of living! It thus embraced the very creed of monopoly and special privilege!

What must be guarded against is that the cause of true liberalism is not betrayed by those who pretend to be its friends. They have stolen its clothes to disguise the very essence of reaction—glorification of the State as if it were some omnipotent superbeing. True social progress cannot be achieved by force and repression. Manifest injustices which have developed out of our rapidly changing economic order can be corrected only by practical American horse sense, not by appeals to emotion or to mob hysteria.

The New Deal proceeds on the belief that by fettering the industrious the weak are to be made strong. The untenable theory is set up that the production and exchange of goods—which is called business—is inherently dishonest. Suspicion is directed at all who engage in such enterprises. They are supposed to be of such low moral character that they would rob everybody in the community unless the Government compels them to be good. Because a few have committed wrongs, all must be placed under supervision, as in Russia, by setting up an all-powerful secret police.

This is always the creed of bureaucracy. It is not the creed of liberty-loving peoples. It alters the basic concept of Anglo-Saxon jurisprudence. The object of laws is to define wrongs and to prescribe penalties for them. Infractions are punished by suits of injured parties. The civil courts establish the facts and assess the amount of damage. Or where the violations are of ethical standards of the community, formalized by statute, then the offenders are prosecuted directly by the Government's own law officials. The New Deal philosophy changes this procedure.

Under bureaucratic government those simple legal processes are replaced by continuous coercion. For regulation functions only through permanent administrative machinery. Therefore every new regulatory law rears a new board, a new bureau, or a new commission which imposes added burdens on the taxpayers. These commissions, like the kings' agents of old, are parts of the executive arm of government. They are vested with power to make rules and regulations of their own, which can be changed at will. They can require reports or impose exactions—even interpret the very laws they are supposed to administer. Thus within a single year under the late N. R. A. more than 20,000 pages of "instructions" to industry were issued, each of which had the full force of statutory law.

But there is a highly important political byproduct to this system of bureaucratic regulation. It is a source of enormous revenues for the politicians. For with infractions of all kinds prescribed, the businessman is placed in a state of continued jeopardy. There thus arises, alongside of regulation, that practice known in medieval times as the sale of "indulgences." Thus we see many of Mr. Farley's close associates on the Democratic national Committee opening offices in Washington. And for what purpose? So that, in the sublimated atmosphere now dedicated to "the more abundant life", they may engage in that old-fashioned Tammany practice of "political fixing." While Jim Farley sits on the right hand of those who administer the high, low, and middle justice, political tribute will be exacted. Make no mistake about that.

These are some of the real fruits of the New Deal's so-called liberalism. Under it the Civil Service has been broken down and a "spoils system" erected that would make Andrew Jackson blush. But you will not hear the merits of the New Deal philosophy debated before the bar of public opinion. The Roosevelt administration will again seek, as it did in 1932, to deceive the public as to its real objectives. It will strive to make political capital out of privation and those far-reaching economic readjustments which, for great numbers of our citizens, are the inevitable aftermath of every great depression.

It will endeavor to be all things to all men. While the radical members of the "brain trust"—Messrs. Frankfurter, Tugwell,

Ickes, and Hopkins—proclaim a "worker-farmer" alliance for the exploitation of political power, Secretary Roper and Postmaster General Farley will solemnly reassure the conservatives that these subversive activities on the part of high-placed Government officials are harmless and mean nothing. Which of these conflicting voices is the public to believe?

Secretary Wallace sets national self-sufficiency as the goal for American agriculture. But Secretary Hull, still believing naively in free trade for a world that has gone nationalistic, negotiates secretly, on the other hand, with our foreign competitors to let down our own customs barriers. Which of these contradictory policies is the true policy of the administration? Or can such vagaries be described as anything more than a hit-or-miss program of blunders?

The responsibility for placing these facts before the American people this fall belongs to the Republican Party. It must raise a standard to which believers in constitutional government everywhere can rally. This means something more than sounding those ancient trumpets of blind partisanship. It means more than rattling the dry bones of old and hoary political issues. It requires not only absolute union within the party's own ranks but an approach to the independent voter as well. He must be brought to appreciate what not only true republicanism stands for but also in the present grave national crisis that larger appeal of patriotism.

It is no simple task to rouse the Nation from its lethargy. To make it see that beneath pleasant and appealing catch phrases subtle poisons are being brewed which are destructive of self-reliance and of liberty; or that through various monetary and economic "shots in the arm" a sense of false security has been created while the public's pocketbook has been picked and stuffed with Government I O U's.

How are the true facts to be made known? How are the dangers confronting the Nation to be pointed out, except as the Republican Party assumes courageous leadership? Against a foe who will neither give nor ask quarter there can be no soft pats on the wrist, no amenities, no compromise or equivocation. And it may be that the tide will be too strong, the siren voices of "easy money" too persuasive. I do not know. But whatever the outcome, the Republican Party will not have stultified itself; at least it will have remained true to those great principles which gave it birth.

Let me refer briefly to two other factors which give the approaching campaign great historic significance. In that aggrandizement of executive power which Mr. Roosevelt seeks, those other coequal arms of government under the Constitution—the Supreme Court and the Congress—are placed at a serious disadvantage. The Supreme Court can speak only in the decision it hands down. Even though its own authority to interpret the Constitution may become a campaign issue, its lips must remained sealed. For justice cannot be administered from the political arena. Perhaps never in its history has the Court occupied so high a plane of national prestige. But what shall we say about Congress?

The dangers to the Nation that have arisen as a result of congressional subservience to the White House I have sought to point out in an article which was published yesterday in the American Mercury Magazine. I can only make passing reference here to this vital phase of our present situation.

But it does seem to me that, against the plain duty of Congress to maintain a coequal status with the Executive, it succumbed and surrendered through greed for those lush gifts which the administration began handing out so lavishly. Senators and Representatives who might have been bewildered by such an incomprehensible amount as $5,000,000,000, rushed to approve an appropriation of $4,800,000,000, because, by simple arithmetic, the sum represents $100,000,000 for each State.

The pressure from constituents was terrific. It became a case of every man for himself. Visioned in terms of the familiar "pork barrel" for post offices, river, harbor, and highway improvements, plus all the new "boondoggling" devices invented by Mr. Harry Hopkins, is it any wonder that Congress found virtue an embarrassment and, under the prevailing philisophy of spending, cut itself a piece of pie? Having opened Pandora's box and become a victim of its own cupidity, what was more natural than that Congress should accept those lesser collateral applications of New Deal philosophy?

The projected regimentation of the Nation's economic life provided vistas of still more jobs for the ever-expanding Federal bureaucracy. That the Potato Control Act or the Guffey coal measure were but logical extensions of this doctrine of collective control, Congress comprehended only when it was too late. Nor did it realize the viciousness of the principle involved under a nationally administered relief program or under the Triple A, where the beneficiaries of a system of subsidy are permitted to vote on the continuance of such Government aid. To all of this New Deal philosophy the Republican Party should stand unalterably opposed.

These questions pose the problem not only of how to forestall further subversion of American institutions, but a deeper and more searching inquiry: What has happened to that spirit of liberty which we had thought was part of the American birthright?

Each generation must redefine for itself its own concept of that precious heritage. The Republican Party will take its stand on Americanism. Dr. Virgil Jordan has expressed our views. Let me quote:

"Liberty is not granted us by grace of governments, constitutions, courts, or congresses, nor can we depend upon them permanently to preserve and protect it for us. It does not prevail or persist by the power of political traditions, parties, personalities, or laws. Liberty springs solely from the spirit of those common citizens who have the will and the courage to create it for themselves, the strength and integrity to accept its responsibilities and pay its price, the valor, vigilance, and fortitude to defend it even with their life against its unseen, incessant, and insidious enemies—indifference, ignorance, indolence, and injustice. Save as it is more precious to us than prosperity, peace, comfort, or security, it will never exist or long endure among us. Every man in each generation must renew and replenish its spirit in himself, and no man nor any group can demand it for themselves and deny it to others without destroying it for all."

PENDING FARM RELIEF LEGISLATION—ADDRESS BY SENATOR MURPHY

Mr. HATCH. Mr. President, I ask leave to have printed in the RECORD a radio address delivered by the Senator from Iowa [Mr. MURPHY] on the 10th instant, on the subject of the pending farm relief legislation.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The decision of the Supreme Court of the United States in the Hoosac Mills case nullified the Agricultural Adjustment Act in respect to crop regulation through contracts under which a great majority of farmers producing our major food and fabric crops operated during 1934 and 1935.

The Agricultural Adjustment Act had as its object the reestablishment of parity price for the products of the farm. "Parity", in this usage, is interchangeable with "equitable", the equitable price sought being one which would enable the farmer to buy with the proceeds of his crop as much as he was able to buy during the pre-war period 1909–14. The difference between the current average price and the fair exchange value was made up to him in benefit payments. Thus, if hogs sold at $7 per hundredweight, and the fair exchange value was determined to be $9.25, the difference of $2.25 was given the farmer as acreage rental for land retired from production of corn and as compensation for the reduced number of hogs bred. In other words, the act sought to increase the price by stopping surplus production.

The money paid the farmer was raised by processing taxes. The crops affected were wheat, cotton, corn, tobacco, hogs, peanuts, sugar, rice, and rye. Hogs alone, of all meat products, and contrary to general opinion, bore a processing tax. The pork chop was taxed but the beefsteak was exempted—not a just arrangement, but we won't go into that.

In nullifying the law, the Court held that the regulation of agricultural production was not a power delegated by the States to the Federal Government and was therefore unconstitutional. The Court, as I read the decision, did not say that Congress is without power to levy a processing tax; nor did it say that Congress may not serve the general welfare by legislation seeking to effect a fair price for farm commodities as between producer and consumer.

It was foreseen by few, if any, persons that the Agricultural Adjustment Act would be held unconstitutional for the reason stated by the Court. Certainly it was not foreseen by the Republicans in national convention in 1932, for their party platform of that year declared:

"The fundamental problem of American agriculture is the control of production to such volume as will balance supply with demand. In the solution of this problem the cooperative organization of farmers to plan production, and the tariff to hold the home market for American farmers, are vital elements. A third element equally as vital is the control of the acreage of land under cultivation as an aid to the efforts of the farmer to balance production."

The similarity between that platform plank and A. A. A. is obvious.

But A. A. A., as related to the three and one-half million contract signers, is dead, and we are concerned now with meeting the situation resulting from this nullification. It is fairly to be said that it served to enable the distraught and helpless farmer to lift from his back some of the crushing weight of debt and to feel anew at least some of the pulsations of economic freedom. It served, further, to lay the basis for national recovery in its contribution to the restoration of the farmer's purchasing power. Any future historical accounting of the strides taken by the United States in bringing about the return of a stable prosperity which fails to list the benefit payments of A. A. A. and its effect upon prices among the major causes of our national come-back will be as a history of the War of the Revolution without George Washington. The results of its operation supplied proof anew, if proof were needed, that agricultural prosperity is the basis of national prosperity, and that without the one there cannot be the other.

It is unthinkable that the agricultural industry should be permitted to drift back into the helpless condition in which it found itself in the years from 1920 to 1933. And because it is unthinkable that all or part of our people should return to incomes of the depression period, the administration proposes the farm bill now under consideration in the Senate. Briefly, the bill proposes a continuance of benefit payments to farmers for their cooperation in soil conservation and the prevention of soil erosion. For a period of 2 years, or until January 1, 1938, these payments will be made to the farmer by the Secretary of Agriculture, not in fulfillment of a written contract but in the nature of an award for having done certain specified things which I shall enumerate later. At the end of 2 years awards by the Federal Government to individual farmers will cease. Thereafter

the awards will be made to the States which present plans promotive of agriculture, which are approved by the Secretary of Agriculture.

Suggestion of this as the constitutional course to follow is found in the majority opinion of Mr. Justice Roberts in the Hoosac Mills case. I quote:

"We are not here concerned with a conditional appropriation of money, nor with a provision that if certain conditions are not complied with the appropriation shall no longer be available. By the Agriculutral Adjustment Act, the amount of the tax is appropriated to be expended only in payment under contracts whereby the parties bind themselves to regulation by the Federal Government. There is an obvious difference between a statute stating the conditions upon which moneys shall be expended and one effective only upon assumption of a contractual obligation to submit to a regulation which otherwise could not be enforced."

The clear implication of Mr. Justice Roberts' statement is that while benefit payments may not be made under contract, awards may be made following compliance with certain conditions. This is the plan projected in the new farm bill.

The objective of A. A. A. was to raise farm-commodity prices by adjusting production. Under its operation some 30,000,000 to 35,000,000 acres were retired from commercial crop production and planted in nitrogenous crops—soybeans, clover, alfalfa, or like crops which effect to add soil fertility or prevent soil erosion. In sections where the drought prevailed in 1934 permission was given to plant retired acreage in forage crops, that livestock might be fed. Little was said about this achievement of the A. A. A.; this contribution to the service of future food supply. Its importance is so vast that it could well have been the objective of A. A. A. But it was not; it issued incidentally from A. A. A. It was a consequence the attainment of which would justify the expenditure of great sums and which must be served if this Nation is to assure itself a sufficiency of food in the years to come.

What was an incidental benefit of A. A. A. now becomes one great objective of the new farm legislation, which is in the form of an amendment to the Soil Erosion Act, which became effective in 1935 and has not been passed on by the Supreme Court. The other objective is the "reestablishment and maintenance of farmers' purchasing power, at prices fair to both producers and consumers." In effecting these purposes it is required that "due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand."

A continuous flow of food and fiber for the Nation is dependent upon the conservation of the soil. The maintenance of farm income is largely dependent upon the legislation Congress shall enact.

The preservation of the soil is essential to the food supply of the Nation. It has not been preserved in the past. Already, 50,000,000 acres of once productive land are totally and permanently unproductive because of erosion. That is an area as large as my State of Iowa. It is an area equal to all the land in farms in Illinois and Indiana. In addition, another area just as large is definitely on the way.

Besides there are 100,000,000 acres from which a few inches of topsoil have been washed away and which have begun to lose their fertility through overintensive cultivation and neglect of sound farm practice. Dust storms have written the handwriting on the wall in our own country, and history has written the warning tragically in many other countries. China's River of Sorrows was her River of Plenty once. Mountains and plains have eroded away, and the sea into which the deposits of China's lost wealth, her soil, have been dumped for centuries, is known as the Yellow Sea. Flood and famine and starvation and poverty are the price China pays today for her uncontrolled cultivation of her soil a few hundred years ago. To waste our soil resources is to pass along a burden to our sons and grandsons greater than any financial charges that could be measured in any form except in terms of want and scarcity. The tax is too great a tax to pass along to future generations. It most certainly dos not fulfill the first fundamental requirement of a sound national economy, namely, to insure a continuous and dependable supply of food and fiber for the consumers of the Nation. Soil conservation is essential to fulfillment of that requirement.

If the practice of crop rotation were the rule, smaller acreages would be devoted to crops which contribute to commercial surpluses as well as deplete the soil. Experience has shown this to be the case. Prior to 1933 big surpluses of cotton, corn, wheat, and tobacco—all soil-depleting crops—accumulated, unsold even at disastrous prices. In 1934 some 35,000,000 acres, and in 1935 about 30,000,000 acres, were shifted, as I have said, from the production of these crops and devoted largely to soil-conserving and erosion-preventing crops. At the same time, incident with the removal of these surpluses, the farm income grew back toward normal and the soil was conserved.

Now, this bill does not contemplate or promise the control over production of particular crops that was achieved through the production adjustment programs. Such control has been declared an invasion of States' rights. While the most effective kind of support for farm prices is now denied agriculture, the present plan seems to be the best available under the legal limitations laid down by the majority of the Court, and will do an enormous amount of good for the farmers and for the Nation.

It just works out that this sound farm practice, the kind of farming that a farmer knows is best, serves the national welfare as well as his own, if the practice is common among most of the farmers. It is not good practice, either, for the national welfare or for the individual farmer's own welfare unless it is common practice by the majority. It is this fact which makes Government assistance necessary.

The bill, as has been said previously, empowers the Secretary of Agriculture to make conditional grants of money direct to individual farmers for the ensuing 2 years, specifically, until January 1, 1938. How may the farmer obtain this money? Here's the answer: The Secretary will proclaim that farming operations must be so conducted as to serve the purposes of the act: (1) Preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; (3) diminution of exploitative and wasteful and unscientific use of national soil resources.

Those are the purposes. What is the yardstick for measuring the payments? (1) The farmer's acreage of crop land; or (note the use of "or" to afford more than one yardstick); (2) The acreage of soil-improving or erosion-preventing crops; or (3) changes in farming practices during such year on the land with respect to which such payment is made; or by (4) a percentage of the normal production on such land of any one or more agricultural commodities designated by the Secretary which equals that percentage of the normal national production of such commodity or commodities required for domestic consumption through normal channels; or by any combination of the foregoing.

The Secretary will also take into consideration the productivity of the land affected by the farming practices adopted during the year with respect to which the payment is made.

That is a technical statement hard to follow over the radio. Let it be stated in this way, for better understanding: The Secretary will relate all the conditions stated to restoration of the farmer's purchasing power. If there be too much cotton, wheat, or corn to yield the farmer a fair price, conservation and erosion measures will be applied to land planted in these crops. The Secretary knows from the experience and knowledge gained in the operation of A. A. A. what are the farming conditions as to all the farms covered by acreage contracts entered into the past 2 years.

It will be noted that the Secretary is given power to deal only with the land. He is given no authority to deal with livestock. If he is to influence the price of hogs, conservation measures must be applied to the land in corn. He will be without the benefit of the Bankhead Cotton Control Act in respect to cotton, that act having been repealed because concededly unconstitutional in the light of the Supreme Court's A. A. A. decision. He will be without power in respect to dairy products, except that the marketing agreements are not outlawed and may yet be employed.

To facilitate exports a provision in the A. A. A. is embodied in strengthened form in this bill in the authority given the Secretary of Agriculture to use "such part as he deems necessary of the sums appropriated to carry out this act for the expansion of domestic and foreign markets or for seeking new or additional markets for agricultural commodities or the product thereof, or for the removal or disposition of surpluses of such commodities or the products thereof."

The machinery for administration is all ready in the A. A. A. organization, which the Secretary probably will employ.

On and after January 1, 1938, the Secretary may no longer make conditional grants direct to farmers. What, then, are the plans for agriculture? The Supreme Court having said that the power to control agricultural production is in the States and not in the National Government, thereafter the job is left to the States.

By or before the date mentioned, or thereafter, the Federal Government will make awards of money to the States if by action of their legislatures they agree to the conditions of the grant. Like awards are now made in the case of land-grant colleges, highway construction, vocational education, etc. The States' plans for agriculture must be in line with the purposes of the act, and to that extent have the approval of the Secretary of Agriculture before they may become operative. But they may go further than meet the conditions laid down in the Federal law. They may frankly provide control of production and set up an A. A. A. of their own.

The bill is now under consideration in the Senate; and the House, which has a like bill before it, will wait until Thursday for Senate action. If nothing unforeseen develops, the Senate will probably pass the bill tomorrow or Wednesday. I need hardly add that it will receive Executive approval.

Obligations to the farmer under his 1935 contract will be paid, both Houses of Congress having approved appropriations for this purpose, and the appropriation bill will be signed by the President within a few days.

Is the bill as drawn constitutional? Senator McNARY, able leader of the minority party in the Senate and an undoubted friend of agriculture, while conceding that, when the point of cooperation with the States is reached, the bill may work out in a practical and beneficial way, insists that the 2-year plan "falls squarely within the prohibitory language of the decision of the Supreme Court, namely, that during that short period this measure in its present form does interfere with the reserved right of the States to control agriculture." The other view, adopted by friends of the measure, is that it proposes a do-something as against a do-nothing policy; that the general welfare is served by soil conservation and prevention of soil erosion, and that the Supreme Court will so hold. Moreover, the advocates of the measure point out that the general welfare is bound up in the purchasing power of the farmer, and that any control of production is voluntary with the farmer, involving no duress, and is an incident to the purposes of the bill, precisely as soil conservation was incident to A. A. A. The Senate Committee on Agriculture and Forestry, of which I have the honor to be a member, heard from the lips of the

highest legal officers of the Government, that the bill as drawn is constitutional. When lawyers disagree, as they always do, a layman may be pardoned for observing that no one can say with certitude which way the cat will jump. At least this is true—that agriculture was too long neglected to be outraged anew with 2 years more of neglect. Better trial with the danger of error than no trial at all.

PRESIDENT ROOSEVELT AND HON. ALFRED E. SMITH

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the Washington Post of February 9, 1936, signed "Observer" and entitled "F. D. R. Against Al."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post of Feb. 9, 1936]

F. D. R. VS. AL—OBSERVER WRITES TO SET RECORD STRAIGHT IN STORY OF TWO MEN

To the EDITOR OF THE POST.

SIR: The very able and interesting article by Sidney Olson in the Post of Sunday, February 2, was doubtless read by many, many people with interest, but especially by those who happened to know the two men who were there contrasted—Alfred E. Smith and Franklin D. Roosevelt.

There was one slight flaw in the article, and perhaps it is too much to say it was a flaw. While it is true that Smith had been in the legislature as an assemblyman 9 years before Roosevelt was elected to the State senate, it is wrong to say that the latter was ever the pupil of the former. If anything, it was the reverse.

Up to that time Smith had never been anything but the typical Tammany assemblyman—energetic, intelligent, amiable, and industrious, but always taking his orders from his immediate boss in New York, Tom Foley.

In the 9 years that Smith had been in the assembly before Roosevelt showed up the revolt against Tammany had been steadily growing. But the corporation and Wall Street connections of Tammany still dominated the organization; and when the Democratic Party elected John A. Dix Governor of the State, Tammany selected as its candidate for the United States Senate William F. Sheehan, a man so closely identified with Tammany methods and corporation control that a protest went up all over the State.

Arriving in Albany, young Franklin D. Roosevelt, elected to office for the first time, responded to the State-wide protest by organizing within the legislature a sufficient number of Democrats to prevent the election of Sheehan. It was a bold, unexpected, and startling move for a young man, hitherto unknown. He threw down the gauntlet, not only to the Tammany organization in New York City, then controlling the Democratic organization of the State, but to the powerful utility interests and their political associates.

In all this exciting period—exciting to New Yorkers—Franklin D. Roosevelt was proving himself a natural leader of force and courage, and Al Smith was never anything but the Tammany legislator.

It was shortly after this that Smith retired from the legislature to become sheriff of New York, and Roosevelt became Assistant Secretary of the Navy under Woodrow Wilson. The fight against Tammany on Roosevelt's part did not stop with his retirement to Washington. The following year he entered the primaries as the anti-Tammany candidate for United States Senator against Murphy's candidate, James W. Gerard.

Smith continued to devote himself to city politics, running for the board of aldermen, as your article says, in 1917. In 1918 he was nominated by Murphy and elected to the governorship.

Up to this time there was never a point in which the public service of Franklin D. Roosevelt were not superior, both from the point of view of politics as well as that of culture, reading, and study, to those of Alfred E. Smith. I say this with no disparagement to Smith, for whom I have always had considerable admiration, but it is simply putting a strange face on the appearance of things to make it seem that the young, hard-hitting, cultured, and studious Roosevelt was learning from the uncultured Tammany officeholder. Roosevelt was fighting all the things that Smith and his associates then stood for.

That Smith eventually did come nearer to Roosevelt's point of view than Roosevelt to his is evidenced by the fact that after Smith's election the second time to the governorship, assisted by that extraordinarily able woman, the late Mrs. Belle Moskowitz, he initiated and carried through the progressive and humanitarian measures that made him a great Governor and gave him a national reputation.

Great credit should be given to Al Smith for all that he has accomplished, but dispassionate history, I think, will only accord him fame for those things done when he was a progressive and not for those done simply as an organization Tammany man or the friend and associate of financial and political interests opposed to humanitarian and progressive legislation. Times are too bitter to expect exact justice in the estimation of the characters engaged in the present fray, but the facts of history can be stated and, let us hope, with impartiality.

THE POST OFFICE DEPARTMENT—ADDRESS BY POSTMASTER GENERAL FARLEY

Mr. McKELLAR. Mr. President, last Saturday Hon. James A. Farley, on the occasion of a testimonial dinner given in his honor by the executives and employees of the New York City post office, delivered a most interesting and illuminating address on the Post Office Department. I ask unanimous consent that the address be published in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Mr. Toastmaster, distinguished guests, ladies, and gentlemen, from time to time since I was appointed Postmaster General the officials and employees of the New York post office have complimented me by indicating a desire to have me as their guest at a testimonial dinner to be given by them.

I greatly appreciate this manifestation of the friendly attitude of those connected with the New York postal system, and I regret that until recently my engagements were such that I have been unable to accept your kind invitation and agree with your excellent postmaster and my good friend, Mr. Albert Goldman, on a date for such a dinner. I am most happy that I can be with you tonight.

From the first day I became associated with the Post Office Department I began developing an attachment to the Service and the workers in the Service. I soon discovered that on every hand there was evidence of a spirit of loyalty unsurpassed by any group with which I have ever been affiliated or have had the opportunity to observe.

I came into the Post Office Department without any knowledge of its policy, its practices, or of the vast machinery it employs to serve the public, and I had but a vague idea as to the time and effort which is put into the Service by the thousands of employees who make possible the prompt collection, transportation, and delivery of mail.

I can say with all sincerity that in my judgment no Government department can boast of any greater degree of loyalty or any finer conception of public duty than is found in the employees of this Department.

The handling of the mail is characterized by a comparatively few mistakes, and the functioning of all branches of the Service is nothing short of marvelous. Millions of letters, parcels, and publications are daily dispatched to all sections of our country—rural and urban sections as well—to our far-off Territories and to practically all the foreign countries of the world. Two hundred and forty-five thousand employees are engaged in this work, and the significant fact that few mistakes are made and few complaints received bears evidence to the diligence, efficiency, and loyalty of those in the Service. In no other business—be it large or small, governmental or private—does there exist such a splendid morale among the workers, and it is a source of gratification to me when some of the old-timers tell me that the morale of the Service is now at the highest point in its history.

The friendly feeling which prompted you to welcome and honor me here tonight stirs within me a feeling of appreciation which it is difficult for me to express in words.

Just let me say most sincerely, and from my heart, that I not only respond to your welcome but to your hopes and aspirations. I thank every one of you, from the youngest messenger up to the postmaster—every carrier, every laborer, every clerk, every supervisor—to all who make up the great staff and force which provides the postal service for this city—a service which is second to none in the world.

You and I have worked together for nearly 3 years in the closest contact and I believe in the happiest of cooperation. During this time there have been good days and there have been bad days. Through your loyalty to your Government and to the great Postal Service, the bad days were weathered with flying colors. Your fidelity never failed during the early days of the present administration when, because of the necessity of economizing, there were salary reductions, furloughs, and lapsed vacations. No one regretted more than I the hardships these necessary readjustments brought to you, and I know you realize it was only with the greatest reluctance and because of the dictates of stern necessity in an effort to rehabilitate the Postal Service that we resorted to such measures.

We have come through that deep and dark period of the depression which made these things necessary. For the past 2 years there has been a continual improvement in the postal business and during these 2 years the service of the Department for which the public pays in postage has been conducted within the revenues received for those services which it holds out for hire. Not only have we been able to wipe out the huge annual deficits in those services for which the public pays, but many improvements have been made in the Service as well as many additions and extensions. Also the working hours and conditions of the postal employees have been improved. The last Congress provided a 40-hour week for those in the Service and I was glad to recommend the passage of the bill.

During the 3 years of the present administration reorganizations and improvements have been made in the Railway Mail Service, the Rural Delivery Service, the domestic Air Mail Service, the foreign Air Mail Service, and economical readjustments have been effected and are being effected in the Ocean Mail Service. While considerable savings have resulted, there has been no impairment to any of the Services and no hardships placed upon the personnel of the Department. Hundreds of new post offices have been built and the clerical and carrier forces in post offices all over the country have been placed upon a more efficient and satisfactory basis.

What has happened in other sections of the country has happened in perhaps a larger degree in the city of New York, because here we have our largest staff of workers and more varied services.

New York is the great metropolis of the Western Hemisphere. It is the country's most important and busiest spot in which and through which a vast volume of business is transacted. It is especially necessary that the mail service of the city be kept highly efficient. Postal receipts here approximate one-tenth of the entire postal revenues of the country.

The history of the Post Office Department reveals that practically all Postmasters General have been solicitous that this city should lead the way in mail facilities and in the diligence and character of the men and women who see to it that a maximum of efficiency is obtained from these facilities.

Having personally studied the service here I was interested to learn what some of my predecessors had said about it. Just 89 years ago today, February 8, 1847, Postmaster General Johnson personally wrote the New York postmaster, who was perturbed about his ability to handle the St. Valentine's Day mail and had asked permission to hand some of the mail over to one of the private express companies. The then Postmaster General wrote that it would be remarkable if the 19 New York carriers could not deliver all the letters and that while he expected the postmaster to provide proper means to do so he must not do it through private express companies, directly or indirectly.

To most of us the year 1847 seems a long time ago; yet it was not such a long time after all. Just a few days ago I had the pleasure of congratulating the mother of my able associate, Third Assistant Postmaster General Eilenberger, upon her one hundredth birthday. On the day that Postmaster General Johnson was writing to the New York postmaster about his 19 letter carriers Mrs. Eilenberger was a young lady of 11 years. There has been remarkable growth and rapid development since 1847. Today we have in some of our great office buildings nearly as many carriers as we had in the entire city of New York 89 years ago.

One hundred and ten years ago Postmaster General McLean wrote the then New York postmaster that he looked for efficiency in the employees of the New York office and that they should feel and never fail to evidence a solicitude for the character of the Post Office Department and that they should ever suggest remedies for existing evils, and when it was in their power, point out necessary changes called for by the people. Postmaster General McLean had confidence that this was the character of your predecessors just as I know it is the character of the 19,000 men and women who conduct the Postal Service in New York today. The exceptions are extremely rare.

I believe you live up to the oath of office which each of us took when we entered upon our duties—that we would well and faithfully perform all the duties imposed upon us. I trust that when we lay down our work as members of the great postal establishment, as sooner or later we must, we can all say we have observed not only the letter but the spirit of all the laws of our country, and especially those which relate to the Post Office Department.

I not only hope to be able to say this in truth, but I hope to be able to also say in truth that I have not intentionally done an injustice to any man or woman.

We have made much progress in the last 2 or 3 years, but there is still room for improvement. We must never become satisfied with conditions as they are. Difficulties in service must be continually sought, reported, and corrected. Waste and extravagance must not be permitted, and ways must be devised to eliminate unnecessary costs. I note from our last cost-ascertainment report that we still lose more than 9 cents on every registered article we handle, more than 3 cents on every money order issued, and more than 11 cents on every c. o. d. parcel.

It is a good thing to remember that we cannot live on our past reputations. It is not what we did yesterday that counts most, but what we do today and what we will do tomorrow. All of us should strive to increase the volume of mail. With our present facilities and a comparatively small increase in our personnel we can handle much more mail than is now being turned over to us by the public.

We can obtain a better view of the improvement in the Postal Service and the betterment of the conditions under which we work if we look back into the past. One hundred and fifty years ago postage was paid on delivery because no one trusted the postman. In 1778 you saved money if there was an accident en route, because most of the mail was handled on a c. o. d. basis. When Benjamin Franklin admitted newspapers to postal privileges in 1758, he cut the Boston-Philadelphia time down from 3 weeks to the marvelously short time of 16 days. The cost of sending letters in those days about equaled the cost of sending a telegram today. Rates varied by districts—roughly, 6 cents for 30 miles and up to 25 cents for 450 miles. At one time the bootlegging of mail was a real problem. By 1790 there were 75 post offices. To send a letter from Maine to Georgia took 20 days, from Boston to New York 5 days, and there is a record of a letter sent from New York to Philadelphia in 2 days. Around that time the newspapers carried articles to the effect that mail would be delivered between New York and Philadelphia "once a week if wind and weather permitted."

A great advance was made in 1790, in transporting the mail from New York to Boston. The delivery time was cut down to 5 days, and service ran three times a week. Most of the correspondence was in cipher because everyone was afraid that letters would be stolen on the way. A great deal of the difficulty in conducting post offices in the early days was due to the fact that we had so many different kinds of money—Spanish, French, Portuguese, and English—all interchangeable with English shillings. It was some job to make change when a customer wanted to buy a 3-penny stamp. Even if you had shillings in your pocket and entered the post office you had to bear in mind that a dollar was worth 6 shillings in New England, 8 shillings in New York, 7 to 32 shillings in the Carolinas, 5 shillings in Georgia, and 7 shillings, 6 pence elsewhere.

At the beginning of the present fiscal year, July 1, 1935, there were in operation in the United States 45,686 post offices, and we were sending mail by air across the continent in about 18 hours. Hamlets, towns, and cities were connected by railway, airlines, and star routes; rural delivery routes traversed all the sections of the country, and we were sending mail by steamship and by plane to the foreign countries.

There has been a marvelous transformation in our Air Mail Service, both domestic and foreign. In the United States we now have more than 29,000 route miles of air lines and on many sections of these routes several daily round-trip schedules are run. We are serving 4 States and 64 more cities than we were 2 years ago. Air-mail service has been provided among the Islands of the Hawaiian group, and we are operating air-mail services in Alaska, where we hope very soon to be able to provide additional air-mail service.

In addition the domestic air lines are in the main equipped with the very latest and finest type of airplanes. We have foreign air-mail service to the countries of Central and South America, to the West Indies, and to Mexico, more than 16,000 route miles. Recently we established a trans-Pacific service which will soon be regularly operating mail and passenger schedules between San Francisco, Calif., and the Orient.

It is our expectation that next year experimental trans-Atlantic services will be inaugurated and that by the following summer regular schedules between the United States, Great Britain, and Continental Europe will be in effect.

I can assure you that President Roosevelt has maintained a constant and active interest in the affairs of the Post Office Department, and he has heartily approved and assisted in bringing about the improvements in the Service and the betterment of the working conditions for those who are engaged in those services.

And the President, as busy as he is, has also constantly and actively sought to improve all Government services and to make the Government as a whole more responsive to the needs of the people of this country. His determination to do this and the efforts he has put forth in this direction have brought from certain sources which always seek and welcome special privileges at the hands of the Government the criticism that his policies are socialistic and communistic, but the frenzy into which these critics have worked themselves and their hostile propaganda poured out from various sources and by devious ways has not shaken him one iota in his conviction that the needs of every citizen and every group of citizens is entitled to just and fair consideration at the hands of the Government.

I derive great satisfaction from my association with the United States Postal Service and the opportunity to serve under our fearless leader, President Roosevelt. It is a joy and an inspiration to work with such a leader—one whose every heartbeat is for the betterment of our country and the happiness and welfare of our people. In closing I wish to again express my gratitude to the members of the postal service in New York City for the splendid work they are doing and the wholehearted cooperation which they are giving toward maintaining a postal service of which all may be proud.

I feel the same gratitude to the other members of the Postal Service throughout the country and I appreciate the interest and good will of my friends outside the Service who have gathered with us here tonight.

Be assured that I will always have your interests at heart and that it is my desire that we work together toward our objective of providing a better postal service for the people and at the least possible cost.

"REMEMBERING THE ALAMO"—EDITORIAL FROM NEW YORK HERALD TRIBUNE

Mr. CONNALLY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Herald Tribune of Sunday, February 9, 1936, entitled "Remembering the Alamo."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REMEMBERING THE ALAMO

Everyone knows that Texas is our biggest State. It is so big that when it was admitted to the Union in 1845 it was authorized by the Federal Government to divide itself into "not more than five States." This the Texans have never chosen to do, because, vast as their territory is, and widely as their relatively small population is scattered, they have a common pride in their historical background, and therefore a clan feeling, which has always made the thought of subdivision repulsive to them.

During this year, if the centennial exposition at Dallas gets anything like the national patronage that it will deserve, some millions of Americans will be reeducated in the traditions of which the Lone Star longhorn State is so unobtrusively proud. Plenty of the pilgrims to this party will be surprised to learn that in 1836 a scattered population of about 30,000 Texans declared their independence of Mexico, defended it with a desperate heroism which has few parallels in American history, and set up a sovereign nation which was recognized by all the world powers for 9 years.

Originally Texas was, of course, a part of the Spanish Empire in America, from the time that the first of the exploring Dons crossed the Rio Grande in 1528 until Mexico secured her independence in 1824. Until San Antonio was founded in 1718, no lasting civil community was established, however, and even under the Mexican regime nothing much was done to make the territory a part of Latin America. The American and English colonists who began to trickle in after a license was secured for them by Moses Austin in 1821 were, therefore the real pioneers, and they were almost wholly self-governing, though nominally subject to Mexican jurisdiction.

It was not until Santa Ana set himself up as Mexico's dictator in 1835 and denounced the constitution of 1824, to which the American colonists felt that they owed their loyalty, that the latter took an active interest in Mexican affairs or that Mexico took much interest in them. Then the pioneers promptly became rebels against the dictatorship, and Santa Ana as promptly set out with an army of 5,000 men to force their submission to him. Under the general leadership of that splendid Scotch-Irish Virginian (and Cherokee Indian by adoption) Sam Houston, the English-speaking settlers declared their independence of Santa Ana on March 2, 1836. On March 6 one of Santa Ana's columns reached San Antonio and took the Alamo, defended by Travis, Bowie, Davy Crockett, and one hundred and eighty-odd frontiersmen, only after every last man had been killed. A few days later a body of 500 Americans put up a similar fight to the last man at Goliad. Then on April 21, 1836, Santa Ana, with 1,800 of his force, ran into Sam Houston and 750 pioneers, whose slogan was "Remember the Alamo", and took his medicine.

Not only were the Mexicans defeated with terrific losses, but the would-be dictator of Mexico was himself captured. No obstacle then remained to the establishment of the Republic of Texas, which functioned with great efficiency and with international recognition until it voluntarily negotiated its annexation to the United States in 1845. Texas has never quite lost the character and feeling of being a republic within a republic. To this she is fully entitled; and this feeling possibly explains why the Texan, wherever found, seems to stand a little more firmly on his own hind legs than most of us.

In this manly stance the longhorns will undoubtedly be confirmed by the series of local celebrations at San Antonio, Goliad, San Jacinto, and other scenes of dramatic events in 1836, before the big show opens at Dallas on June 6 in its $15,000,000 group of Spanish-American stone buildings. In the mood in which these revivals of past glories will put them, the Texans will undoubtedly be even better worth knowing by that time than usual.

AGRICULTURAL RELIEF

The Senate resumed consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

Mr. HASTINGS. Mr. President, I have never taken any active part in the debates upon farm legislation. I have not given it the same study that many other Senators have, and I have never been able to suggest any adequate remedy for the troubles of the farmer. The one remedy I have always insisted upon was a tariff sufficiently high to prevent the outside world from competing with our own farmers. While that policy has not proven entirely adequate, the present administration is responsible for a great part of its failure, as anyone will observe who will read the record of the importation of farm products which are in direct competition with the commodities produced on our own farms.

I am sure many Members of the Senate voted for the Agritural Adjustment Act in 1933 without realizing the drastic effect its administration would have upon the people of the Nation. I think the administration of that act and the Supreme Court's decision have had, as ought to have been the case, a profound effect upon the Congress and upon the people as a whole. It seems to me that it is not too much to say that since that decision the administration has been going around in a circle. The bill now before us is, I think, the fourth draft, and this one comes to us without even a report from the committee.

The distinguished senior Senator from Oregon [Mr. McNARY] has perhaps given as much study to farm problems as has any person in either House of the Congress. Certainly no man has endeavored with greater zeal, year in and year out, to find a way to legislate for the benefit of the farmer. I listened with great interest to his remarks the other day about the pending bill. Knowing his keen interest in the subject, his determination to oppose this bill had great effect upon me. I have given some study to the subject since that time.

I listened also with great interest to the Senator from New Mexico [Mr. HATCH]. I was particularly interested in his very frank statement to the effect that the constitutionality of this bill must be based upon the soil-conservation program during the temporary period mentioned in the bill. If I understand him correctly, while it is unconstitutional "to provide for reduction in the acreage, or in the production for market, or both, of any basic agricultural commodity through agreements with producer, or by other voluntary methods", as provided in the Agricultural Adjustment Act, it is perfectly proper "to provide for reduction in the acreage, or the reduction for production for markets, or both, of any basic agricultural commodity, through agreements with producers, or by other voluntary methods", if the object be one of soil conservation.

In other words, while the Secretary of Agriculture can no longer pay a farmer for reducing his wheat crop 10 or 20 percent, under an agreement to leave the 10- or 20-percent of land idle, it does become constitutional to permit the Secretary of Agriculture to make the same agreement with the farmer about the reduction of his wheat crop, but with the added condition that the land not planted to wheat shall be planted to some other crop that will conserve the soil.

Mr. FRAZIER. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from Delaware yield to the Senator from North Dakota?

Mr. HASTINGS. I yield.

Mr. FRAZIER. I merely wish to state that I think the Senator is laboring under a misapprehension. The difference, as I understand, is that under the A. A. A. plan a contract was signed by the farmer, while the pending bill does away with such contracts. The attorneys who came before the committee seemed to think that had a good deal to do with it. The present bill provides for a voluntary mode of procedure and not for a contract.

Mr. HASTINGS. A little later I shall answer the suggestion made by the Senator. I think the suggestion he made is an important one.

Bear in mind that the Court has said that contracts for the reduction of acreage and the control of production are outside the range of Federal power. I think it is admitted that soil conservation can only be had under section 8 of this bill, which is to be administered by the Secretary of Agriculture, by controlling in one way or another the crops that are planted by the farmer. This is a fine distinction made by the Senator from New Mexico, and one that could be asserted only by a brave and courageous man.

As nearly as I can work it out, the framers of this bill are not depending so much upon the arguments made by the distinguished Senator from New Mexico, as they are upon the word "contracts" so often mentioned in the Supreme Court's decision.

I call attention to the last four lines on page 6 of the present bill, reading as follows:

> In carrying out the provisions of this section, the Secretary shall not have power to enter into any contract binding upon any producer or to acquire any land or any right or interest therein.

We are told by the chairman of the committee that "those who participated in presenting this amendment had had the proper parties draw up a full explanation of the purpose of the amendment."

In the explanation subsequently read, we find this language:

> In administering the programs during the temporary period the proposed bill specifically prohibits the Secretary from entering into contracts binding upon producers or acquiring any land or right or interest therein. This provision was placed in the bill in order that it might fully conform with the opinion of the Supreme Court, as set forth in its decision of January 6.

I should like now to call attention to the language following that which I have quoted from the bill, which reads as follows:

> Any payment or grant of aid made under subsection (b) shall be conditioned upon the utilization of the land, with respect to which such payment is made in conformity with farming practices which the Secretary finds tend to effectuate the purposes specified in clauses (1), (2), or (3) of section 7 (a).

The clauses referred to are:

> (1) Preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; (3) diminution of exploitation and wasteful and unscientific use of national resources.

One would get the impression that these three clauses placed a limitation upon the authority of the Secretary, and that he could have nothing to do with the control of production condemned by the Supreme Court decision, but a further reading of the bill will convince you that that is not correct, for we find in section 12 this significant language:

Whenever the Secretary finds that the exercise of the powers conferred in this section will tend to carry out the purpose specified in clause (4) of section 7 (a), he shall use such part as he deems necessary of the sums appropriated to carry out this act for the expansion of domestic and foreign markets or for seeking new or additional markets for agricultural commodities or the products thereof or for the removal or disposition of surpluses of such commodities or the products thereof.

The clause (4) of section 7 (a) referred to reads as follows:

Reestablishment and maintenance of farmers' purchasing power at prices for agricultural commodities fair to both producers and consumers.

Let us see what it is in the opinion of the Supreme Court that made it necessary, in the opinion of those who drew the bill, to place in it this provision prohibiting the Secretary of Agriculture from making contracts.

The Court says:

But appropriations and expenditures under contracts for proper governmental purposes cannot justify contracts which are not within Federal power. And contracts for the reduction of acreage and the control of production are outside the range of that power.

Again, it says:

By the Agricultural Adjustment Act the amount of the tax is appropriated to be expended only in payment under contracts whereby the parties bind themselves to regulation by the Federal Government. There is an obvious difference between a statute stating the conditions upon which moneys shall be expended, and one effective only upon assumption of a contractual obligation to submit to a regulation which otherwise could not be enforced.

I assert, and without much fear of contradiction, that this bill, so far as the temporary part of it is concerned, can be administered only by contracts between the Secretary of Agriculture and the farmers. If I understand the theory of placing this prohibition on the Secretary in the matter of contracts, it is that only written contracts were condemned by the Supreme Court. This must be the theory, because in the very next subsection at the top of page 7, which I have already quoted, provision is made for payment by the Secretary upon certain conditions, which in itself contemplates a contract.

We are told in the explanation appearing in the RECORD that—

The Secretary would announce in advance the terms and conditions upon which grants would be made.

The only thing necessary to constitute a binding contract when such announcement is made is compliance with the terms by the farmer. It does not even become necessary for the farmer to announce that he has accepted the terms. Williston in his work on contracts, in paragraph 68, sets out the rule as follows:

It is often said that "notice" of acceptance is necessary for the completion of a contract, but it is not true and never has been true as a general proposition that where an offerer requests an act in return for his promise, and the act is performed, that notice to the offerer of the performance is necessary to create a contract. The performance of the act requested furnishes consideration for the offerer's promise, and is also an overt manifestation of assent. The general rule is that if the offerer wishes notice he must make that a condition of his offer, otherwise he must inform himself whether the act requested has been done.

There can be no possible question that in order to make this bill effective there must be contracts existing between the Secretary of Agriculture and the farmers. The Secretary announces that upon certain conditions being performed by certain classes of farmers he will pay a certain sum of money, the consideration being ostensibly the improvement of the soil, and so forth. The acceptance of this offer by the farmer is just as much a contract as though it had been signed, sealed, and delivered. The contracts which the Supreme Court condemned were called voluntary contracts, but the Supreme Court distinctly held that that did not increase the Federal power over the subject matter. The fact that they are not written will not change the Court's view.

It may be that this is not an important point, but I call attention to it solely for the purpose of emphasizing the fact that we ought not, by the use of this language, to fool ourselves, we ought not to fool the farmer, and we ought not to try to deceive the courts by writing into a statute an affirmative provision which can have no valid effect.

But, Mr. President, while I think the pending bill is unconstitutional, and that it appears upon its face to be nothing more than a weak effort to get around the decision of the Supreme Court, I am frank to say that if I believed the bill would be successful in doing that, I should still be bitterly opposed to its enactment. I think it is an unlawful delegation of power, and that always means the surrender of a duty or obligation imposed upon the Congress and transferred to some other agency.

Mr. ROBINSON. Mr. President, will the Senator yield there?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Arkansas?

Mr. HASTINGS. I yield.

Mr. ROBINSON. The Senator, of course, is aware that in its last national convention the Republican Party declared for agricultural production control through national laws.

Mr. HASTINGS. Suppose I am aware of it—what of it?

Mr. ROBINSON. The Senator knows that the Agricultural Adjustment Act was consistent with that declaration. Is that true?

Mr. HASTINGS. It is the first time I knew it to be true; but do I understand the Senator to contend that the Democratic Party, in adopting the Agricultural Adjustment Act, undertook to follow the Republican platform after the Republicans had been defeated in 1932?

Mr. ROBINSON. Mr. President, in passing the Agricultural Adjustment Act the Democratic Party did carry out an express provision in the Republican platform, and many Republicans voted for it. If the Senator will indulge me, I will read the language to which I refer.

Mr. HASTINGS. I will give the Senator whatever time he desires.

Mr. ROBINSON. I read from the Republican platform of 1932:

The fundamental problem of American agriculture is the control of production to such volume as will balance supply with demand. In the solution of this problem the cooperative organization of farmers to plan production, and the tariff to hold the home market for American farmers, are vital elements. A third element equally as vital is the control of the acreage of land under cultivation as an aid to the efforts of the farmer to balance production.

I maintain that was an express declaration in favor of the substance of the Agricultural Adjustment Act; and while I, as a Democrat, do not think a Republican platform is a good basis for action, certainly my good friend from Delaware cannot accuse Democrats of acting unwisely or unfairly if they carry out a provision in the Republican platform.

There are other provisions in the same platform which reiterate the doctrine that the one vital thing that it is necessary for the Nation to do is to control agricultural production. That was the plan on which the Republican Party went to the country in 1932. The Supreme Court has not held what some lawyers have assumed it has held, but it has ruled directly on three propositions:

The first is that the control of agricultural production is not within the Federal authority, being reserved to the States under the tenth amendment to the Constitution.

The second ruling is that the Federal Government cannot enter into contracts with citizens to regulate or to control agricultural production.

The third is that processing taxes levied for the purpose of controlling agricultural production are illegal exactions, and their collection cannot be enforced.

The point I am making is that the Senator from Delaware, in attacking Democrats for enacting the Agricultural Adjustment Act, also arraigns his own party for making a declaration in favor of the principles of that act.

Mr. HASTINGS. Mr. President, I think the Senator from Arkansas, merely because I was addressing the Senate, as-

sumes that I was attacking the Democrats, which is a false assumption.

Mr. ROBINSON. I do not think the Senator from Delaware would be happy unless he were attacking the Democrats. [Laughter.]

Mr. HASTINGS. But the Senator from Arkansas should wait at least until I get to that point. I have not yet gotten to it. The truth is, as I said in the beginning, that I have never made an argument in the Senate with respect to a farm bill. I have never studied the farm bill. I do not pretend to know anything about it until I do study it. I have not studied the general subject. I have not in mind just what was meant in the Republican platform when this language was used. I was depending upon experts in our own party as to how that should be carried out; but let me point out that the Senator from Arkansas is talking about something which is entirely beside the point. I promise him that he cannot find in the Republican platform anything which indicates that the Republican Party was in favor of doing something which the Supreme Court said might not be done.

Mr. ROBINSON. Why, certainly not.

Mr. HASTINGS. The point I make is——

Mr. ROBINSON. Will the Senator yield further?

Mr. HASTINGS. Just a moment. The point I make in my argument in relation to this bill is that this administration is trying to do something which the Supreme Court says may not be done in any such fashion as this. I repeat that the Senator from Arkansas cannot find the Republican Party standing for any such proposition as that, and I am a little astonished that the distinguished leader on the other side should stand for it.

Mr. ROBINSON. Mr. President, will the Senator yield further?

Mr. HASTINGS. I yield.

Mr. ROBINSON. I did not assert, and do not assert, that the Republican Party, in making the declaration which I read, and which I submit can have no other meaning than that which I gave it, meant to suggest the enactment of legislation in violation of the Constitution. What I do insist is that when the Agricultural Adjustment Act was passed, both Democrats and Republicans believed that it was constitutional and would be sustained by the Supreme Court of the United States.

In reply to the latter part of the Senator's statement just made, as I shall attempt to show, if someone else does not do so in a better way than I am able to do it, that this bill is not, within the meaning of the decision to which the Senator refers, a regulation or control of production by the Federal Government. It is not intended to be. It will, or may, affect production; but that fact does not render it unconstitutional.

Mr. HASTINGS. Does the Senator from Arkansas contend that under this bill the Secretary of Agriculture will not be able to control production in violation of the opinion of the Supreme Court of the United States?

Mr. ROBINSON. I certainly do. Otherwise I should not support the bill.

Mr. BYRNES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield, and to whom?

Mr. HASTINGS. I prefer the Senator from Arkansas to discuss that question in his own time, because that would take too long. I yield to the Senator from South Carolina.

Mr. BYRNES. I merely desire to say that the roll call shows that when the bill containing the Agricultural Adjustment Act amendments was passed, only six Republicans in this body voted against its passage. The Senator from Delaware did not vote. There were only six Members on the other side of the Chamber who did not vote for it.

Mr. HASTINGS. Mr. President, it seems to me that the greatest contribution the distinguished Senator from South Carolina makes to the Senate lately is to call attention to some vote which was had at some time in the past.

Mr. BYRNES. Mr. President, this was only last session, the vote on the act which was declared unconstitutional by the Supreme Court.

Mr. HASTINGS. Very well. I have no apology to make for any person who voted for the Agricultural Adjustment Act. I have no condemnation of anyone for voting for it. I have not made a single complaint about it. The only comment I shall make about that act is that if it had been a little more sensibly administered, it would not have been resented so much by the American people everywhere. I had not any notion, when we passed the act, that we should find the Secretary of Agriculture imposing almost unbearable taxes upon the people of the Nation; but that is all beside the point. As I understand, the purpose of our present deliberations is to frame a bill which will carry out the objects that the friends of the bill want carried out and which is within the Constitution of the United States. I wonder whether it is true or not true that the pending bill is within the Constituion. I contend that it is not true, and I shall undertake to show it before I conclude.

Let me repeat what I had said before I was interrupted by the Senator from Arkansas, and let us see whether there is anything in what I said which should have caused the interruption. I said this:

> But, Mr. President, while I think the pending bill is unconstitutional—

I am talking about the pending bill; I am not talking about an act upon which the Supreme Court has already passed—

> and that it appears upon its face to be nothing more than a weak effort to get around the decision of the Supreme Court, I am frank to say that if I believed the bill would be successful in doing that, I should still be bitterly opposed to its enactment. I think it is an unlawful delegation of power, and that always means the surrender of a duty or obligation imposed upon the Congress and transferred to some other agency.

I am opposed to giving any man, whether it be the President or a member of his Cabinet, the tremendous powers that go with this bill, especially when it is completed by the appropriation of something like $500,000,000. I am unwilling to have enacted any measure which leaves to any man the expenditure of a huge sum of money for soil conservation or any other purpose in a single State of the Union to the exclusion of every other State. The Senator from New Mexico points out that under the proposed act the Secretary of Agriculture could go to the States of Kansas and Oklahoma, and under the pretense of soil conservation the Secretary might say to the farmers of those States, "The Government will pay you for retiring all of your wheat lands from the production of wheat." The Senator from New Mexico points out that the same thing might be done with the cotton farmer, and he warns us that these things would be bad for the country, because, in the case of wheat, it would upset the balance, and the continuous staple supply of wheat which must be maintained, and that the same reason would apply to cotton.

But, Mr. President, without any reflection upon the Secretary, and without any reflection upon this administration, may I inquire whether any man sitting in the Congress believes that he does his duty when he votes to pass that power on to any individual?

Mr. HATCH. Mr. President, will the Senator from Delaware yield?

Mr. HASTINGS. I yield.

Mr. HATCH. The Senator has quoted part of the remarks of the Senator from New Mexico. Will he not be kind enough also to say that in those same remarks will be found the interpretation of the Senator from New Mexico that under the declaration made in the bill itself it will be impossible to do the things to which the Senator has just referred?

Mr. HASTINGS. Very well; I am glad to have that explanation, and I shall discuss it in a few moments; but, Mr. President, without any reflection upon the Secretary, and without any reflection upon the present administration, may I inquire whether any man sitting in the Congress believes that he does his duty when he votes to pass that power on to any individual? The only way by which we can maintain our form of government is to see that it is regulated by laws, clearly and plainly stated, and not trust either to the

honesty or the judgment of men who are called upon to administer such laws.

Suppose, for instance, after the pending bill shall be enacted and the $500,000,000 shall be appropriated, the Secretary of Agriculture should decide that the soil of the farmers in my State was not in as great a need for conservation as the soil in some other State, and should decide to appropriate none of this money for use in my State—and I use the word "appropriate" advisedly, because we have clearly passed on the power of appropriation to the Secretary.

If I voted for the bill and the farmers in my State should receive none of this appropriation, what answer could I make to them? Would it be sufficient to say that I depended upon the honesty, and if honesty is not involved, that I depended upon the judgment of the Secretary of Agriculture? Certainly that would be no answer to a people who have entrusted me with the high office which I now occupy.

Suppose, for instance, the Secretary should decide to make his program applicable to the whole country, but should conclude that the taxes the farmers in my State were paying were less than those paid by farmers in other States, and that, therefore, he must pay a larger sum per acre to the farmers in the other States who need greater help. Does anybody know of any remedy the Congress would have in a situation like that?

On the other hand, suppose, as the Senator from Wyoming suggested the other day, a farmer is engaged wholly in raising alfalfa. Alfalfa is one of the crops that is supposed to improve the soil. Is there anything in the proposed act to prevent the Secretary of Agriculture from making any proposal he pleases to such a farmer?

It must be observed that one of the objects of the bill and one of the purposes for appropriating the money is the "reestablishment and maintenance of farmers' purchasing power at prices for agricultural commodities fair to both producer and consumer." Suppose the Secretary finds the alfalfa growers have not as much purchasing power as they ought to have. If he reaches that conclusion there is nothing in the bill to prevent him from giving all alfalfa growers a certain sum per acre for all of the acreage they have in alfalfa. There is nothing in the bill which would prevent the Secretary from giving one sum per acre to the farmers of one State and another sum to farmers in another State. As I have pointed out there is nothing to prevent the Secretary from giving to the farmers in one county in a single State a sum different from those in the county adjoining.

But let me call attention to another matter. Let me read section 14, which is as follows:

> Notwithstanding any other provision of law, the action of any officer or employee in determining the amount of or in making any grant or payment under sections 7 or 8 shall not be subject to review by any officer of the Government other than the Secretary of Agriculture.

There will be $500,000,000, when the bill is completed, in the hands of the Secretary of Agriculture, without any rules or regulations provided by the Congress, with the opportunity to spend every dime of it in any way he pleases, without having to account to anybody for what he does.

Oh, it may be said that there are limitations, but the limitations are confined solely to what the Congress says the objects of the bill are.

The only limitation placed upon the Secretary of Agriculture is that this sum of money shall be paid to farmers. If he diverted it and paid it to brickmasons or carpenters or people who were not engaged in tilling the soil at all, it may be that he would be subject to some kind of punishment, although the bill does not make any such provision. It cannot be denied, however, that the Secretary of Agriculture, when this money reached his hands, could pay it out to 6,000,000 farmers of the country in equal proportions. If he desired, he could confine it to 5,000,000 farmers, or 1,000,000 farmers, or even a half million farmers, or a smaller number. In other words, there would be no limit as to how he should divide it. More than that, he could confine it to the farmers of a few States if he wanted to.

He could employ a man, pay him what he wanted to pay, and give him the job of watching over a half dozen farmers who had indicated a desire to accept the plan offered. Such inspectors might visit such farms every week, or every day, for that matter, and keep the farmer constantly worried about receiving the necessary certificate for the payment of the money promised. In other words, the farmer would be in a worse position than he was in under the Triple A, where he had a written contract. Under this he would be dependent upon the arbitrary decision of the man who would be given the authority to pass upon what he had done. Here is a bold attempt to coerce the farmer into doing what his neighbor has done in order that he may be on an economic equality with such neighbor.

When you levy the tax to get this $500,000,000 and say to every man, woman, and child in America that you want each of them to contribute $4 this year to raise a fund to help Mr. Wallace conserve the soil on the farms; that there is danger in permitting the soil to become poor; that it might ultimately result in a shortage of food, you will be met with the suggestion that for more than 2 years large contributions have been made to induce the farmer to plant less, to kill young pigs, plow under certain crops, and so forth, and, in addition to the taxes which have been levied, there has been a great increase in the cost of living by reason of such policy. You may convince some that the Supreme Court is responsible for some things, but you will not be able to explain to intelligent people that a sudden change from levying a tax to sustain a program of scarcity to a tax to sustain an increase in abundance is either logical, desirable, necessary, or has any quality above downright foolishness.

Talk about the passage of the bonus bill for political reasons. There is no iniquity in the bonus bill from anybody's standpoint that is comparable to what is being done here. We have never seen here a greater abuse of congressional power and a greater disregard of our duty to the people of the Nation.

In the administration of the Triple A, I know of an instance in my own State where a tenant farmer called at the proper place to find out whether it was desirable for him to enter into a wheat contract. He was asked the average amount of wheat his land would yield per acre, and he replied "20 bushels", and he wanted to reduce it by only 2 acres. There were two Delaware representatives present and one representative of the Department from Washington. The suggestion was made to the farmer that he increase his average production to 30 bushels, and reduce his acreage by 2 acres, but claim a reduction of 5 acres. When the farmer protested about making a fraudulent contract, he was told that there was no danger of an investigation, and that they were endeavoring to increase the payments for the State of Delaware. That story comes from a Delaware farmer who is a cousin of one of our colleagues here. In another instance about which I know, the contract was not made until the harvesting of the wheat crop, and then the farmer was paid because his crop was smaller than he expected. I have no doubt there are literally thousands of such instances in the administration of this act. On May 25, 1935, I placed in the RECORD many letters from farmers condemning the administration of that act.

This bill could be made very much more respectable, and a little confidence could be inspired in it on the part of the farmer as well as other people, by writing in it a provision making it a criminal offense for the Secretary of Agriculture, or any of his agents or servants, in administering the measure, knowingly or willingly to discriminate against any person, community, county, or State, or knowingly or willingly to pay or withhold benefits provided for in this act, for political or other improper purposes. I suppose it would be urged that this would place a curb upon the Secretary that would defeat the purpose of the measure. That, it seems to me, largely depends upon what the real purpose of the bill is.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Idaho?

Mr. HASTINGS. I yield.

Mr. BORAH. I take it the Senator is about to leave the subject of delegation of power. I think it is a very important feature of the bill. Does the Senator from Delaware think that the question of delegation of power provided in the bill could be properly guarded by establishing a more definite rule or standard limiting the delegation of power?

Mr. HASTINGS. I do not know whether or not it could thereby be made valid, but such provisions certainly would very much improve the bill. In my judgment, the bill would be strengthened tremendously if we were distinctly to make it a criminal offense to do the things I have just suggested. I do not think it would answer the question which the Senator asked, but I think it would add greatly to the bill if some such provision were placed in it. What I have been complaining about was the great power given to one man, under which he can do all kinds of things with no limit upon him at all except the mere statement of the Congress of the object of the bill.

Mr. BORAH. If, however, we establish a standard controlling the question of delegation of power, it would necessarily prevent many of those things which the Senator seems to think are objectionable.

Mr. HASTINGS. That is true. The chances are that when you do that you come back to the question of control and run again into the Supreme Court decision.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. ROBINSON. If I correctly understood the Senator a few minutes ago, in his remarks he maintained that the purpose of the pending bill is substantially identical with the purpose of the Agricultural Adjustment Act.

Mr. HASTINGS. I think that is pretty nearly clear.

Mr. ROBINSON. Does the Senator derive that conclusion from the language of the bill or from some confidential knowledge he has derived from some unnamed source?

Mr. HASTINGS. I arrive at it from the language in the bill plus the explanation that was read at the request of the chairman of the committee to the Senate which the distinguished chairman of the Committee on Agriculture and Forestry said had been prepared—at least that was the impression derived by me—by those on the outside; and I got the very clear impression that it was done by those at the White House or somewhere around there who were interested in this bill.

Mr. ROBINSON. Will the Senator yield to one further question, and then I shall no longer interrupt him?

Mr. HASTINGS. I yield.

Mr. ROBINSON. The Senator will concede, will he not, that, while under the Supreme Court decision involving the Agricultural Adjustment Act the Congress cannot directly regulate or control agricultural production, it is not prevented from indirectly influencing or even controlling production if it proceeds for some other purpose that is within the Federal power, and by a method that does not violate the national authority?

Mr. HASTINGS. Yes; I understood the Senator from New Mexico.

Mr. ROBINSON. Let me make my question perfectly clear. In other words, if as an incident to the exercise of a power that the Congress does possess it regulates or controls production, that of itself, under the Agricultural Adjustment Act decision, would not invalidate the pending bill?

Mr. HASTINGS. Will the Senator kindly repeat his question?

Mr. ROBINSON. Perhaps I did not state it clearly.

Mr. HASTINGS. I did not quite understand it.

Mr. ROBINSON. Even though the pending bill may influence or affect agricultural production, the statute would not be invalid if that result came from the exercise of a power which the Congress does possess?

Mr. HASTINGS. I do not know whether I could answer. Let me state, as I understand it, the position taken by the distinguished Senator from New Mexico [Mr. HATCH], who made a very clear statement with respect to this bill. His position was that if this bill should be passed for the sole purpose of getting around the Supreme Court decision, in other words, in order to do the same thing in a different way by stating the object of it as being different, it would be invalid. But his contention was, and the fine distinction that he made was, that Congress had authority over soil conservation, although not authority controlling the products of that soil. That is what I understood his argument to be. Now, I think we are right back to this problem: We cannot possibly read the pending bill and read the explanation of how it is expected to work without coming to the conclusion that contracts must be made between the Secretary of Agriculture and the farmers, and that is the thing which has been condemned. And whether those contracts have for their object soil conservation or the control of the production, to my mind, is wholly immaterial.

Mr. HATCH rose.

Mr. ROBINSON. Will the Senator permit one further brief statement in that connection?

Mr. HASTINGS. I yield further to the Senator from Arkansas, and then I shall yield to the Senator from New Mexico in a moment.

Mr. ROBINSON. Mr. President, the fact that the Senator from Delaware and I differ as to conclusions of fact or law will not be startling or amazing to the Senate.

Mr. HASTINGS. I agree with that statement.

Mr. ROBINSON. I maintain that under the proposed bill there is no violation of the decision of the Supreme Court unless you choose to regard the implications in the arguments of the Justices constituting the majority as law, which, I take it, the Senator would not do. There is no processing tax provided for, no contracts with citizens are contemplated, and no other feature of the Supreme Court decision is contravened by this bill.

Mr. HASTINGS. Will not the Senator please explain to the Senate how this bill is to be made effective? So far discussion has had to do with the temporary features of it. I have not touched the other part of it. But will not the Senator explain to the Senate how it is possible for the Secretary of Agriculture to carry out the provisions of this bill and spend $500,000,000 without making contracts?

Mr. ROBINSON. Mr. President, the Secretary makes the benefit payments on condition. The Senator maintains that the acceptance of the condition is a contract.

Mr. HASTINGS. Does the Senator deny it?

Mr. ROBINSON. Yes; certainly.

Mr. HASTINGS. Very well; then we cannot get anywhere.

Mr. ROBINSON. I do not deny that in some circumstances the acceptance of a condition would be a contract, but I do dispute the assertion that acting upon a conditional grant constitutes a contract in all cases, and I think the Senator himself will recognize that the rule he has stated is too broad. Let me state the point I seek to make, with the Senator's indulgence, and I will not further interrupt him. He has been very kind to yield. The majority members of the Supreme Court said a good many things in the opinion that I do not regard as law, and that I believe no other lawyers will regard as law. For instance, I do not think it rises to the dignity of nonsense to say that when an inducement is offered to a farmer to take a certain action, such inducement constitutes coercion. Inducement never has meant coercion in any dictionary that has ever been written or in any court, unless it was so construed by the majority in the Supreme Court. They implied at least that the payment of benefits to farmers constituted coercion; that the farmers were compelled to comply with the law, notwithstanding the fact that a large percentage of the farmers of the United States did not comply with the law. And they made other declarations and implications in their argument that do not stand the test of reason in my poor judgment.

What they held was that Congress cannot levy an exaction and call it a tax for the purpose of regulating through national law or controlling through national law agricultural production. They said that the Federal Government cannot enter into contracts for that purpose—and that is the substance and the gist of the decision—for the reason,

they said, that agricultural production is not within the Federal power but is among the reserve powers of the States. They did not hold, if the Congress provides a different method from that in the Agricultural Adjustment Act which indirectly affects or regulates production that the act would be invalid; nor is any such interpretation or conclusion warranted. So the sole question which arises is whether the pending measure is within the Federal power.

Mr. HASTINGS. Mr. President, I am anxious to know whether I have found out exactly what the Senator from Arkansas means by the last statement he has made with respect to the Supreme Court decision. Certainly he cannot quite mean that when the Court writes the final word "affirmed" or "reversed" that is all that we can look to. Certainly the written language published in the reports of the Supreme Court of the United States means something. The only way, I take it, that Congress can be guided by the Supreme Court's decision is to read the very language used and undertake to interpret it and apply it to the bill then before the Congress.

I can understand how many Senators might not agree with the majority opinion of the Supreme Court, but I have always been taught to believe that, regardless of whether or not there was a minority opinion, regardless of whether the decision was by a small majority or was unanimous, whether it was the decision in the Triple A case by a vote of 6 to 3 or the N. R. A. decision, which was a unanimous decision, when the Supreme Court rendered a decision we were bound by the majority opinion. Does the Senator disagree with that?

Mr. ROBINSON. Certainly not; but——

Mr. HASTINGS. Then, we are bound——

Mr. ROBINSON. Will the Senator permit me to proceed for a moment?

Mr. HASTINGS. No; just a moment. We are bound by the language used.

Mr. ROBINSON. No; that is just where the Senator is wrong. I think I made myself clear to everyone else who heard me but the Senator from Delaware, and I will try now to do that.

Mr. HASTINGS. No; I do not think the Senator need do that.

Mr. ROBINSON. Will the Senator yield to me to explain my last statement?

Mr. HASTINGS. No; because I clearly understand what the Senator is saying.

Mr. ROBINSON. I do not think the Senator does.

Mr. HASTINGS. And if I do not understand it, I will take my chances on other Senators' understanding it.

Mr. ROBINSON. Does the Senator wish to assume that attitude? I think the Senator has misrepresented my attitude.

Mr. HASTINGS. May I suggest to the Chair, and may I suggest to the Senator from Arkansas, that I have been patient with him. He has made a statement, and he now assumes that every Senator on the floor understood it except the Senator from Delaware.

Mr. ROBINSON. That is true.

Mr. HASTINGS. It seems to me, with that statement, it is not worth while for me to have further argument with the Senator from Arkansas.

Mr. ROBINSON. The Senator, then, refuses to yield?

The PRESIDING OFFICER. The Senator from Delaware refuses to yield.

Mr. HATCH. Mr. President——

Mr. HASTINGS. Now, I yield to the Senator from New Mexico.

Mr. HATCH. The point the Senator from New Mexico was going to interrogate the Senator from Delaware about passed sometime ago. He was discussing the question of soil conservation, and I was wondering whether or not the Senator from Delaware is prepared to say that soil conservation is not a proper exercise of Federal power?

Mr. HASTINGS. I am not prepared to say one way or the other with respect to it. What I am pointing out is that when we are undertaking to do it by means which the Supreme Court has prohibited, we are not passing a law that the Supreme Court will uphold.

Mr. HATCH. May I ask the Senator, if soil conservation is a proper exercise of Federal power and is a proper field, and if the main object of the bill is the preservation of the soil of the country, because incidental benefits might flow therefrom, does the Senator think it would render the bill unconstitutional?

Mr. HASTINGS. I maintain that we cannot make the act constitutional by merely declaring the policy of Congress when in the same act we provide for doing things which the Congress is not authorized to do.

Mr. HATCH. I understand the Senator's position, but the point I was getting at is, even though incidental benefits may flow, if the main purposes are constitutional and legal, the entire act is constitutional and legal, is it not?

Mr. HASTINGS. If the Federal Government wanted to adopt a soil-conservation program and should begin to furnish free seed to the farmers of the country necessary to preserve the soil and to make it grow greater crops, and it were done for the purpose of conserving the soil, I do not know of any objection to that, but may I point out—I may be wrong about it, but I do not think I am—that the one thing, as is admitted by those who drafted this bill, they are trying to avoid is contracts with the farmers in order to get around the Supreme Court decision. I say that a reading of the explanation of this bill put into the RECORD by the chairman of the committee immediately demonstrates that nothing can be done under it without these contracts with the farmers.

Mr. HATCH. Of course, I cannot agree with the Senator's construction and interpretation of the purposes of the bill nor with what he says in that regard.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Georgia?

Mr. HASTINGS. I yield to the Senator from Georgia.

Mr. GEORGE. Will the Senator allow me to direct his attention to certain language of the majority's opinion which I think is very pertinent on the question of contracts?

Mr. HASTINGS. From what is the Senator about to read?

Mr. GEORGE. I am about to read from the majority opinion in the Triple A case. Mr. Justice Roberts therein used this language:

> We are not here concerned with a conditional appropriation of money, nor with a provision that if certain conditions are not complied with the appropriation shall no longer be available. By the Agricultural Adjustment Act the amount of the tax is appropriated to be expended only in payment under contracts whereby the parties bind themselves to regulation by the Federal Government. There is an obvious difference between a statute stating the conditions upon which moneys shall be expended and one effective only upon assumption of a contractual obligation to submit to a regulation which otherwise could not be enforced. Many examples pointing the distinction might be cited. We are referred to appropriations in aid of education, and it is said that no one has doubted the power of Congress to stipulate the sort of education for which money shall be expended. But an appropriation to an educational institution which by its terms is to become available only if the beneficiary enters into a contract to teach doctrines subversive of the Constitution is clearly bad. An affirmance of the authority of Congress so to condition the expenditure of an appropriation would tend to nullify all constitutional limitations upon legislative power.

May I not point out to the Senator—and I think it is a pertinent suggestion—that even if a conditional grant when actually accepted by compliance on the part of the citizen or of the State is contractual in part or partakes of the nature of a contract, the Supreme Court then seems to recognize that that kind of a contractual relation was not within the condemnation found by it in announcing its opinion in the Agricultural Adjustment Act case.

Mr. HASTINGS. Does the Senator make a distinction between written contracts and other kinds of contracts?

Mr. GEORGE. No; I do not. I do not think that every conditional grant and acceptance, however, constitutes in any fair sense a contract; but, assuming that there is a contractual element in the case that the Senator assumes to be raised by this measure between the Government and the landowner or producer, nevertheless the Supreme Court then

seems to recognize that that type of agreement or that type of contract, if you wish to characterize it as a contract, is not within the decision of the Agricultural Adjustment Act case, because the Supreme Court says explicitly that they are not concerned with that sort of case, and seems to indicate clearly that a grant may be made and accepted by the individual landowner or producer and not fall under the condemnation of the rule announced by the majority in the Triple A case.

Mr. BORAH. Mr. President——

Mr. HASTINGS. I yield to the Senator from Idaho.

Mr. BORAH. In connection with the debate which is now proceeding, I wish to read a paragraph which seems to me exceedingly relevant to the present discussion. I quote from the decision of the Court in the case referred to as follows:

> The Government asserts that whatever might be said against the validity of the plan, if compulsory, it is constitutionally sound because the end is accomplished by voluntary cooperation. There are two sufficient answers to the contention. The regulation is not in fact voluntary. The farmer, of course, may refuse to comply, but the price of such refusal is the loss of benefits. The amount offered is intended to be sufficient to exert pressure on him to agree to the proposed regulation. The power to confer or withhold unlimited benefits is the power to coerce or destroy. If the cotton grower elects not to accept the benefits, he will receive less for his crops; those who receive payments will be able to undersell him. The result may well be financial ruin. The coercive purpose and intent of the statute is not obscured by the fact that it has not been perfectly successful—

And so forth.

The question is, when the Government has power to say to one farmer, "We will grant you favors upon your doing certain things but we will not grant favors to the farmer who does not do them", are we not precisely within the rule which the Supreme Court condemns?

Mr. HASTINGS. It seems to me so.

May I say to the Senator from Georgia that I know of nothing in the pending bill which provides to the contrary, and I take it that, with a few exceptions, this is what the Secretary of Agriculture will do: He will set forth the conditions upon which the Federal money will be paid to a farmer, and those conditions in many instances, so far as I know, do not have to be any different at all from the exact contracts he has been making with the farmers heretofore. He might set up everything that is in those contracts as one of the conditions which the farmer must meet in order to get the payments.

Mr. President, I had just referred to certain suggestions and said I thought if they were adopted it would improve the pending bill. I had also suggested that I suppose this would place a curb upon the Secretary which would defeat the purpose of the measure. That, it seems to me, depends upon what is the real purpose of the bill.

In my judgment, this bill is not for the purpose of soil conservation. Nay, it is not for the purpose of controlling the farm crops. Its primary and ultimate purpose is to control the farmers themselves, and to give jobs to the thousands of Democrats who were employed under the A. A. A. Section 13 of the bill specifically provides for that. This is done in the face of a Supreme Court's decision that such acts were beyond the power of Congress. The argument that it is constitutional is a mere pretense. That argument is made with the assurance that the test of its constitutionality cannot be had any time soon. It is undoubtedly made with another important consideration in mind, namely, as to how the question of its constitutionality can be raised. If those who argue that this bill is constitutional would confine themselves to the question as to how that question could be raised, they would rest their case upon a very much firmer foundation.

The question certainly cannot be raised until a Secretary of Agriculture, who has charged the Supreme Court with participating in a legalized theft of $200,000,000, shall have illegally expended at least five hundred millions of the people's money. There may be some merit in trying to limit the decision of the Court in the matter of declaring acts of Congress void as some people have recently urged, but from my point of view that is nothing like as important as finding a way to test the validity of an act that is clearly void before a half billion dollars of the taxpayers' money shall have been used in administering it.

The explanation of the bill, read at the request of the chairman of the committee, undertakes to point out to us how it will work. He does it in the following language:

> The Secretary would announce in advance the terms and conditions upon which grants would be made. The producer could be advised through the State boards and county associations what these terms and conditions would mean in terms of farming practices on his own farm. It would not be necessary nor permissible for a producer to execute any application, agreement, or contract binding him to carry out the conditions for a grant on his farm. The producer would merely make application for a grant after the planting season was ended, if he chose to do so. A representative of his county association could then inspect his farm to determine whether conditions for the grant had been complied with. If this was found to be the case, then the county association would make proper certification to the Secretary of Agriculture, recommending that the payment be made. If it was found that the producer had failed to meet the standards of performance necessary for obtaining the grant, the application obviously would not be accepted.

Mr. CAREY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Does the Senator from Delaware yield to the Senator from Wyoming?

Mr. HASTINGS. Certainly.

Mr. CAREY. Would it not be possible for the Secretary of Agriculture to dictate absolutely to the farmer by denial of payment unless the farmer acquiesced in the demands of the Secretary?

Mr. HASTINGS. Undoubtedly. One of the purposes of the bill is to put the Secretary in a position where he can deny payment unless the farmer complies with the rules and regulations laid down by the Secretary.

Mr. CAREY. The Secretary, simply by issuing general rules and regulations with which every farmer would have to comply, would control the situation.

Mr. HASTINGS. Yes.

If this bill and its possibilities have not yet been brought to the attention of Mr. Farley, the chairman of the Democratic National Committee, I should like to be the first to call his attention to it. He may have a little difficulty with Mr. Wallace, who, I understand, still classes himself as a Republican, but I think Mr. Farley is skillful enough to find his way around, and is perhaps anxious enough about the situation to seize this very excellent opportunity.

I think it was the chairman of the Committee on Agriculture and Forestry who told us that he did not know whether this money was to be made available at the moment, or whether it would not be made available until the end of the fiscal year. That is of no very great importance, because $500,000,000, properly expended in the 4 months beginning July 1, will be a great help, if even partially used to influence the next campaign.

Now, let us see how it might work. Of course, I am not charging anybody with doing anything. I am merely pointing out the opportunity lest someone who might want to take advantage of it might not observe it.

In the first place, the Secretary announces in advance the terms and conditions upon which grants will be made. He could, if he wanted, allocate this money to doubtful States, if Mr. Farley will admit there are any doubtful States. I do not pretend to say that the Secretary would do this, but I merely point it out for the benefit of anyone who is in a position to take advantage of it. Bear in mind that the Secretary is prohibited from making a contract. The producer is advised, through the State boards and the county associations, what the terms and conditions are. The producer cannot make any application, cannot make any agreement, cannot make a contract. He merely makes application for a grant after the planting season is ended, if he chooses to do so. A representative of the county association then inspects his farm to determine whether the conditions have been complied with.

Now, who is it that is to make that inspection before he can get his pay? Is it a civil-service employee not interested in politics at all? Or is it someone who will be appointed upon the recommendation of the head of the Demo-

cratic Party in that State or county; and is that appointment to be limited to an approval by Mr. Farley, as most of such appointments have been? Does anybody doubt that those who are called upon to approve what the farmer has done will be able to influence that farmer in his vote next November? Does anybody doubt that here is the greatest opportunity that has ever been offered for the building of a corrupt political machine within a period of 4 or 5 months?

O Mr. President, it is too much to expect of a politician to refuse to utilize such a power so suddenly possessed in a campaign such as now confronts us. My complaint does not go to the man in the political field who seizes the opportunity which the Congress so carelessly throws in his way. The condemnation will not be upon these men, located in the 3,000 counties of the country. The condemnation will be upon the Congress which authorized the appropriation and passed this bill which permits this thing to be done in a democratic form of government such as ours.

The condemnation will be upon this administration for sponsoring the reenactment of legislation which the Supreme Court has condemned. I challenge those who say this measure is constitutional, to add to it a tax provision to supply the necessary money and thus give to the American people an early opportunity to test its validity. Do not do the cowardly thing and separate the tax provision from this bill, thus making it impossible to prevent the illegal spending of at least a half billion dollars.

This bill is no solution of the farm problem. It may help to solve the political problem now confronting the New Deal. I am not in favor of doing that, but my protest goes to the illegal spending of $500,000,000 of public money, any part of which may be used for that purpose; any part of which may be used to coerce and intimidate the American farmer who may be in distress. When I support a farm bill I want it to have as its object the placing of the business of farming upon a higher plane, the reestablishment of the farmer's liberties as an American citizen, free from unnecessary regulation, free from temptation of bribery, free from coercion, political or otherwise.

This bill should be condemned by the farmer whom it is expected to benefit, by the taxpayer who may be called upon to support it, by the consumer who will be compelled to pay a higher price for his food, and by all other good citizens who believe in the Supreme Court as a necessary and independent branch of our form of government.

Mr. BLACK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Coolidge	Keyes	Pope
Ashurst	Copeland	King	Radcliffe
Austin	Costigan	La Follette	Reynolds
Bachman	Couzens	Logan	Robinson
Bailey	Dickinson	Lonergan	Russell
Barbour	Dieterich	Long	Schwellenbach
Barkley	Donahey	McAdoo	Sheppard
Benson	Duffy	McGill	Shipstead
Black	Frazier	McKellar	Smith
Bone	George	McNary	Steiwer
Borah	Gerry	Maloney	Thomas, Utah
Brown	Gibson	Minton	Townsend
Bulkley	Glass	Moore	Trammell
Bulow	Gore	Murphy	Truman
Burke	Guffey	Murray	Tydings
Byrd	Hale	Neely	Vandenberg
Byrnes	Harrison	Norbeck	Van Nuys
Caraway	Hastings	Norris	Wagner
Carey	Hatch	Nye	Walsh
Chavez	Hayden	O'Mahoney	Wheeler
Clark	Holt	Overton	White
Connally	Johnson	Pittman	

The PRESIDING OFFICER (Mr. CLARK in the chair). Eighty-seven Senators have answered to their names. A quorum is present. The question is on agreeing to the committee amendment, in the nature of a substitute.

Mr. McNARY. Mr. President, I inquire about the parliamentary situation.

The PRESIDING OFFICER. The committee amendment, in the nature of a substitute, is pending. The Chair understands that by unanimous consent the other day the present committee amendment, in the nature of a substitute, was substituted for the previously printed committee amendment, in the nature of a substitute.

Mr. McNARY. Then if the committee amendment should be adopted, that would operate as the passage of the bill?

The PRESIDING OFFICER. The bill would not be open to further amendment, although, of course, it would be necessary to pass the bill as amended by the committee amendment. If the committee amendment, in the nature of a substitute, should be adopted, in the opinion of the Chair, the bill would not be open to further amendment.

Mr. McNARY. So that if the committee amendment now offered by the Senator from South Carolina [Mr. SMITH] on behalf of the committee should be adopted, it would fix the status of the legislation?

The PRESIDING OFFICER. That is the opinion of the Chair.

Mr. McNARY. And it could not be further amended?

The PRESIDING OFFICER. That is the opinion of the Chair.

Mr. McNARY. Then the only question would be whether the Senate should vote the bill up or down?

The PRESIDING OFFICER. The committee amendment, of course, is open to amendment at the present time.

Mr. McNARY. Yes.

The PRESIDING OFFICER. But if the committee amendment should be adopted, it is the opinion of the Chair that it would not be open to further amendment.

Mr. McNARY. That is my view entirely. So, if any amendments are to be offered, they should be offered at this stage of the parliamentary situation?

The PRESIDING OFFICER. The Chair agrees entirely with the Senator from Oregon.

Mr. BYRNES. Mr. President, I offer to the amendment in the nature of a substitute the amendment which I send to the desk.

The PRESIDING OFFICER. Does the Senator from Oregon desire to hold the floor further?

Mr. McNARY. No; I thank the Chair. I simply desired to propound a parliamentary inquiry and ascertain the present status of the measure.

The PRESIDING OFFICER. The Senator from South Carolina offers to the amendment in the nature of a substitute, an amendment which will be stated.

The CHIEF CLERK. On page 9, after line 19, it is proposed to add a new section, as follows:

To enable the Secretary of Agriculture to carry out the purposes of sections 7 and 8, there is hereby authorized to be appropriated for any fiscal year not exceeding $500,000,000.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Carolina [Mr. BYRNES] to the amendment in the nature of a substitute.

Mr. SMITH. Mr. President, I think this amendment is absolutely essential. The criticism was made here the other day that without such an amendment an unlimited amount might be placed at the disposal of the Secretary. I think this amendment will strengthen and clarify the bill, and I hope it will be adopted.

Mr. McNARY. Mr. President, my attention was distracted for a moment. Does the amendment offered by the Senator from South Carolina make a draft upon the Treasury in the sum of $500,000,000 to pay the grants and benefits provided for under this bill?

Mr. BYRNES. It is simply an authorization. The Senator from Oregon the other day raised the question that the substitute did not carry an authorization, I then stated to him that I intended to offer an amendment embodying an authorization.

Mr. McNARY. This, then, is an authorization to pay a specific sum of money out of the Treasury of the United States?

Mr. BYRNES. No; it authorizes an appropriation not exceeding a certain sum. It is not an appropriation.

Mr. McNARY. I appreciate that; but is it an authorization limited to an appropriation out of the Treasury, or could the money be collected in some other fashion?

Mr. BYRNES. It is limited to an appropriation out of the Treasury.

Mr. McNARY. The adoption of this amendment would eliminate any scheme of processing taxes, sales taxes, transactions taxes, or anything of that kind?

Mr. BYRNES. The amendment authorizes the money to be taken out of the Treasury so far as the action of the Senate at this time is concerned. Of course, it does not preclude Congress from passing future acts. I know nothing about any other act, however. I am simply proposing a limitation upon the amount that may be authorized. That is the only purpose of the amendment.

Mr. McNARY. Does this amendment come from the Secretary of Agriculture?

Mr. BYRNES. O Mr. President, I know nothing about the Secretary's views regarding the amendment.

Mr. McNARY. I do not speak with any reflection or resentment. It was stated before the committee, however, that three ways could be employed for raising these grants and benefits: One, a processing tax; another, a general sales tax; a third, draft upon the Treasury of money raised through the process of taxation. I simply make a frank inquiry as to whether this amendment meets with the approval of the Secretary of Agriculture.

Mr. BYRNES. I have not discussed the matter with the Secretary of Agriculture.

Mr. McNARY. Is it the purpose of the able Senator from South Carolina that all benefits under this bill shall be paid out of the Treasury of the United States?

Mr. BYRNES. Absolutely.

Mr. McNARY. That is the purpose and meaning of this authorization, then?

Mr. BYRNES. It will be the province of the Finance Committee, I assume, if they determine that it is necessary to provide funds, to determine how those funds shall be raised. This amendment is simply the authorization which must be carried in any measure, as the Senator knows.

Mr. McNARY. Has the able Senator from South Carolina given consideration to the fashion in which the sum of $500,000,000 is to be raised annually to pay these grants and benefits if this amendment shall be adopted?

Mr. BYRNES. No, Mr. President; because of the fact that it will be the province of the Committee on Finance to determine how the funds shall be raised. I assume that the Ways and Means Committee of the House originally would have to act upon any revenue measure.

Mr. McNARY. Is the Senator from South Carolina willing at this time to suggest that the sum of half a billion dollars annually may be paid out of the Treasury without making any inquiry as to whether the proposal meets the views of the Secretary of Agriculture or whether the Treasury can afford to make this expenditure or whether any means have been devised for collecting this fund?

Mr. BYRNES. Yes, Mr. President. Only a few days ago the Senator from South Carolina listened to the complaint of the Senator from Oregon that the bill authorized payments without any restrictions.

Mr. McNARY. Exactly.

Mr. BYRNES. The Senator from South Carolina now is proposing to place restrictions upon the bill in that regard, but he finds that the Senator from Oregon is very difficult to please. First, the Senator from Oregon is opposed to an authorization of payments with no restrictions, and then he is opposed to restrictions.

Mr. McNARY. No; the Senator from South Carolina entirely misconceives the attitude of the Senator from Oregon. It is most friendly. I desire to know whether the able Senator from South Carolina—who is a financier and has much to do with that line of legislation in the Senate—has worked out a plan whereby the $500,000,000 may be paid.

Mr. BYRNES. No, Mr. President. The Senator from Oregon knows that the Senator from South Carolina is not even a member of the Committee on Finance, which will be charged with working out such a plan.

Mr. McNARY. But if this amendment shall be adopted, is it the idea of the Senator from South Carolina that this money shall be taken out of the Treasury, and then shall be returned to the Treasury through the issuance and sale of bonds?

Mr. BYRNES. The Senator from Oregon knows the answer to his question, that the amendment authorizes the Congress to appropriate money. If hereafter an appropriation shall be made by action of the Congress, then the money must be provided for.

Mr. McNARY. I know; but I am curious to be informed whether the Senator or the Secretary of Agriculture or the administration has devised any plans for meeting the payment of this great sum of money.

Mr. BYRNES. Mr. President, the Senator from South Carolina can answer for himself, but not for the Secretary of Agriculture, as to any plan he may have.

Mr. STEIWER. Mr. President——

The PRESIDING OFFICER. Does the senior Senator from Oregon yield to his colleague?

Mr. McNARY. I yield.

Mr. BLACK. Mr. President, I would call the attention of the Senator from South Carolina to the fact that the Senate cannot originate a revenue bill; it must originate in the House.

The PRESIDING OFFICER. The senior Senator from Oregon has yielded to his colleague.

Mr. BYRNES. I was under the impression that I had the floor.

The PRESIDING OFFICER. The Senator from South Carolina did not claim the floor, and the Chair recognized the Senator from Oregon.

Mr. McNARY. I thank the Chair.

Mr. STEIWER. Mr. President, with the permission of my colleague, I should like to direct a further question to the Senator from South Carolina. I am not for the moment so concerned over the question of the raising of the money as with regard to the question of the amount. As I understand the amendment, it provides an authorization up to $500,000,000 for any fiscal year. Was it the purpose of the Senator from South Carolina to make it possible to appropriate $500,000,000 for the fiscal year ending June 30, 1936, and then, if thought desirable, an additional $500,000,000 for the fiscal year commencing July 1 of this year?

Mr. BYRNES. Mr. President, I can very definitely say to the junior Senator from Oregon that I would not be in favor of any such appropriations.

Mr. STEIWER. In other words, the purpose of the Senator from South Carolina is to provide an authorization for the total sum of $500,000,000 for the crop year 1936?

Mr. BYRNES. Yes; and I will say to the junior Senator from Oregon, who is familiar with the fact that the proposal was presented to the Committee on Appropriations, that my own view would be that if an appropriation should hereafter be authorized it should not exceed that amount to be immediately available.

Mr. STEIWER. And to remain available in the next fiscal year?

Mr. BYRNES. Yes.

Mr. STEIWER. In other words, it is not proposed to expend more than $500,000,000 during the year 1936?

Mr. BYRNES. Mr. President, I will say to the Senator that if that is authorized in a bill, the bill will provide an appropriation for the next fiscal year, and the money would not be available now, unless by the language of the appropriation made immediately available. Of course, that is a question to be met in the future, if the appropriation shall be proposed.

Mr. STEIWER. Is there any reason why this authorization should be a permanent and continuing authorization? In other words, it relates, as I take it, to the temporary feature of the bill, but apparently from the language it is a continuing and permanent authorization.

Mr. BYRNES. It is for the purposes set forth, and it is no more permanent than the purposes set forth in the measure, and limited by the bill, and simply places a restriction upon the amount which can be spent to carry out

the purposes set forth in the act, if the measure shall be enacted into law.

Mr. STEIWER. I shall be grateful if the Senator will answer just one more question in the same regard. What is the basis of the calculation which has resulted in arriving at the figure $500,000,000 for each fiscal year?

Mr. BYRNES. I will have to say to the Senator that the original bill was introduced by the Senator from Alabama [Mr. BANKHEAD], a member of the Committee on Agriculture and Forestry, who, as the Senator knows, came to the Committee on Appropriations asking the committee to include in the Independent offices appropriation bill an appropriation of $450,000,000. The appropriation was not included because we did not think it wise to do so until the authorization was proposed and acted upon. The Senator from Alabama stated that that amount had been determined by the Department of Agriculture. The officials of the Department said that was the amount that would be needed. The purpose of the Senator from South Carolina is to put a restriction on the amount.

Mr. McNARY. Mr. President, if the Senator will permit another question or two, if the Senator from Alabama proposed $450,000,000, what was the necessity for increasing it by $50,000,000, and making the amount a half billion dollars?

Mr. BYRNES. I may say to the senior Senator from Oregon that my purpose in doing it is just what I have said to the junior Senator from Oregon, that if this appropriation is offered as an amendment to the independent offices bill as an appropriation for the next fiscal year, the year ending June 30, 1937, and is made immediately available, then it would cover a period greater than 12 months, and covering a greater period than 12 months there might be justification. In any event, there would be latitude, and it is for the Congress to say whether it shall be $100,000,000, $400,000,000, or $500,000,000. I object to the unlimited power without any restriction.

Mr. McNARY. Does the Senator propose that this money shall be expended for paying grants and benefits or for the purpose of preventing erosion?

Mr. BYRNES. What is the question?

Mr. McNARY. Does the Senator propose that this $500,000,000 shall be spent for benefits to farmers for controlling their crops or for the prevention of erosion?

Mr. BYRNES. Mr. President, the Senator not only has good eyesight, but sometimes has good understanding. Reading the bill, he can see that it is "for the purposes of the act", and the Senator spent an hour and a half discussing what the purposes of the act were, and if he has not discovered them in his service on the committee and in his study, I could not hope to enlighten him.

Mr. McNARY. The Senator from Oregon has no difficulty, after reading the bill, in knowing that the purpose is to pay grants and benefits to farmers for controlling their crops, and I presume the purpose is to carry out the very ideas expressed in the measure.

Mr. BYRNES. Does the Senator want to reduce the appropriation; and if so, why does not the Senator move to reduce the amount?

Mr. McNARY. I do not know anything about this——

Mr. BYRNES. I am satisfied the Senator is correct.

Mr. McNARY. But I have found by inquiry that $27,000,000 is now being spent for the purpose of preventing erosion. If that amount is not sufficient, the Senator wants to spend half a billion for the purpose of preventing erosion in addition to the $27,000,000.

Mr. BYRNES. I should like to ask the Senator if he will move to reduce the amount made available to carry out the agricultural program? If so, what sum does he wish to have us appropriate?

Mr. McNARY. If I thought this was for the purpose of preventing erosion, I should want to reduce it; but inasmuch as I believe it is to pay farmers benefits in order to increase the price level, I am not going to do it.

Mr. BYRNES. I knew the Senator was not going to do it.

Mr. McNARY. Exactly, because I know the purpose of the bill. I said the other day that the object is to pay farmers for decreasing their acreage and their production, and not for preventing erosion, as the Senator knows.

Mr. BYRNES. The Senator will admit that he is not in favor of reducing it, but he is not for it. Is he in favor of increasing it, then?

Mr. McNARY. Not at all. If it were for the purpose of preventing erosion, I should move to strike the whole item out.

Mr. BYRNES. Is the Senator for it, or against it, or on the fence?

Mr. McNARY. The Senator is against the measure because he knows it is a fraud and a sham.

Mr. BYRNES. He is against the appropriation?

Mr. McNARY. I am against the appropriation if it is for the prevention of erosion.

Mr. BYRNES. The Senator knows what it is for—"the purposes of the act." Is he for it or against it?

Mr. McNARY. I am against the appropriation because I know it is not in consonance with the decision of the Supreme Court and will not reach the farmers.

Mr. KING obtained the floor.

Mr. BYRNES. Mr. President, before the Senator from Utah proceeds, will he permit me to offer an amendment so that he may have the benefit of having it pending?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Carolina to offer an amendment?

Mr. KING. I yield.

The PRESIDING OFFICER. To the committee amendment the Senator from South Carolina offers an amendment, which the clerk will state.

The CHIEF CLERK. In the amendment reported by the committee, on page 8, in lieu of section 14, it is proposed to insert the following:

> 14. The facts constituting the basis for any payment or grant or the amount thereof authorized to be made under section 7 or 8 hereof, when officially determined in conformity with regulations promulgated by the Secretary of Agriculture, shall be reviewable only by the Secretary of Agriculture.

Mr. BYRNES. Mr. President, will the Senator from Utah permit an explanation of the proposed amendment?

Mr. KING. I yield.

Mr. BYRNES. I fear the existing language might be construed as not authorizing the General Accounting Office to audit the expenditures under the proposed act. I think the expenditures should be audited. The language which I have offered as an amendment would give to the Secretary of Agriculture the authority to determine the facts, but the language which I have submitted, after conferring with the General Accounting Office, will make clear that the question of whether or not the expenditures are in accordances with law will still be left to the General Accounting Office.

The PRESIDING OFFICER. The Chair understands that the Senator from South Carolina has sent forward an amendment which he suggested to be read for information. There is now pending an amendment offered by the Senator from South Carolina, and the one he has just presented would be an amendment in the third degree.

Mr. BYRNES. Mr. President, I thought there had been a vote on the other amendment. If not, I withdraw the one I just sent to the desk until there shall be a vote on the pending amendment.

Mr. McNARY. Mr. President, the amendment suggested by the Senator from South Carolina for the appropriation of half a billion dollars is still pending?

The PRESIDING OFFICER. That amendment has not been disposed of.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H. R. 4178) for the relief of the International Manufacturers' Sales Co. of America, Inc., A. S. Postnikoff, trustee, returned by the President of the United States, with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

AGRICULTURAL RELIEF

The Senate resumed consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

Mr. KING. Mr. President, the measure under consideration is one of importance. In my opinion it has not received proper consideration and its implications are not fully understood. It is, in my opinion, discriminatory in character and in its operation will produce injurious consequences. It contravenes the rights of individuals and of local self-government, and is violative of plain provisions of the Constitution. Perhaps it is not as glaring in its unconstitutionality as the Agricultural Adjustment Act which has but a few days ago been held invalid by the Supreme Court of the United States.

There is being developed a cult which implies, if it does not teach, that individuals are incapable of determining their own lives and working out their own destiny; that local self-government is incompetent to handle local problems; that States, which under our theory of government, have sovereign rights, are incapable of dealing with matters which are wholly within their authority; and finally that the Federal Government is to compound the States into one protoplasmic mass to be controlled and moved and directed without restraint from courts, by the legislative branch of the Federal Government. The philosophy underlying the totalitarian state is finding support in this Republic; the ideals of the fathers and their concepts upon which liberty rested and justice was to be enjoyed are being attacked and, by many, disregarded. It is urged that they be abandoned because they are archaic; that there are no enduring fundamental principles which are applicable to all periods. Much is said about modernism, about changes which new discoveries in science have made, and, accordingly, the verities and fundamentals of religion are challenged. The principles upon which democratic institutions rest are being combated, a jazz philosophy of Government is urged, and efforts are made to supersede policies and principles upon which a genuine republic rests.

Undoubtedly, many Americans are infected with the views which prevail in socialistic states, and also in governments where power is concentrated in the hands of one man, or a limited number of individuals. That efforts are being made to break down State lines cannot be denied; that views which are at variance with the interpretation placed upon the Constitution by those who framed it, and which have been accepted for more than 100 years, are now prevalent in the land, must be obvious to all.

But there are landmarks and enduring things in religion, philosophy, and in governments. All change is not progress, and iconoclasm is a dangerous weapon to employ in dealing with faiths, as well as with governmental principles and policies.

Mr. President, I believe in our form of government and not in socialism or policies and principles which are being adopted in Italy, Germany, Russia, and some other countries. Under the Constitution puissant States have grown, local self-government has flourished, and strong and healthy individualism has been maintained; a great Nation has been evolved and liberty and prosperity have been enjoyed by tens of millions of citizens of this Republic. The influence of this Republic has been felt in all parts of the world; the democratic principles upon which it rests have had their effect upon the peoples of many lands, and millions of individuals have regarded it as the standard bearer of liberty and justice among all the nations of the world. It would be a calamity, immeasurable in its consequences, if the principles upon which this Republic was founded were repudiated and the foundations of this Republic undermined. Dangerous currents are sweeping around the world—conflagrations are raging in many lands which threaten governments and the rights of individuals. In the midst of these perils this Republic should stand unmoved and unafraid. That it will stand every test I have no doubt if the American people shall remain true to democratic principles and to constitutional government. The fate of this Nation rests with the American people. There is no promise of immortality to any nation, and the pages of history record the rise and fall of governments and civilizations. There are, however, enduring things in life, indestructible principles, and it is only necessary to discover these truths and principles and to incarnate them in the lives of individuals and communities and nations to develop liberal and progressive institutions and to insure happiness and peace. But it is not my purpose to further elaborate this point.

There has been no little criticism of the Supreme Court during the past few weeks because of several of its decisions, notably that in the Agricultural Adjustment Act case.

Mr. President, in a discussion of governmental and constitutional questions we must not forget that we are acting—and if this Republic is to be preserved—under a written Constitution, formed to secure the blessings of liberty to individuals living within the United States. This Constitution is a restraint upon the Government itself in favor of the people. The Constitution was not hastily prepared—it was not an accident—it was the product of searching investigation by patriots and men possessing profound wisdom. The records of the past were searched, and from them lessons were taught which were important guides in the framing of the Constitution of the United States. Our fathers believed that the Constitution which they framed must contain provisions for the maintenance and enforcement of restraints upon the Federal Government. It was in no spirit of hostility to the rule of the people in a democracy, but rather to secure and protect that rule—and with prophetic vision as to the means of preserving it—that the framers of the Constitution evolved a system of government unique in the annals of mankind, the most important as well as the most novel feature of which was an independent judiciary, through whose action the limitations of government itself—the rights reserved to the people even as against the Government—could be tested by the rules laid down in what many declared to be "the ark of the covenant." It is the glory of our system of government that, in establishing three independent and coordinate branches, there has been achieved that balance of power which not only has deprived any one branch of the opportunity for tyranny, but has made impossible the rearing of the head of tyranny itself anywhere, and has made this a nation of millions free and yet restrained by those limitations which make men free. It is this marvelous arrangement of checks and counterchecks and distribution of power to secure such balance which has made the Constitution the greatest instrument ever struck off by the brain and purpose of man. This balance can only be protected if we preserve unimpaired the full vigor and strength of each of the three supports or departments of the Government. To weaken or destroy either is to endanger the whole structure.

An inquiry as to the reason for the strength, dignity, and respect of the judicial branch of the Government which makes it a truly coordinate branch of our constitutional system, of equal weight with each of the other two, will, I feel sure, be fully answered by an examination of the records of the past, and an understanding of the causes which led to the overthrow of individual liberty and the destruction of governments. There are two important factors to be considered in connection with this inquiry: First, the position of the court of last resort—the Supreme Tribunal—is one of such honor and distinction as well as power as to make any lack of personal integrity and essential impartiality practically unthinkable. To those who by study and training and as a life work might aspire to such a position, it is the highest honor in their profession. The rank of that tribunal as one of the three heads of the whole Nation is conferred not by any passing favor of any other body or of any group; but it is forever fixed by the very instrument from which any power may be derived, and its existence cannot be taken away, and it cannot be changed unless by the will of the people that government itself be changed and there be a redistribution of power and distinction all around. Its members, it is true, are secured by the cooperation of two other branches of the Gov-

ernment, but once appointed they are made as independent as any member of any other branch. They serve for life and cannot be disturbed in that service except by removal for cause. And so great is the honor of a place in its membership and so well has its tradition been maintained that never in our history has such cause for removal existed or been exercised. Its membership throughout our history has contributed its full share to the list of the great men of the Nation whose thoughts and acts have influenced and shaped our destiny. It is not even necessary to any school boy to recite any part of that contribution. It readily occurs to anyone the least familiar with the annals of our country. Today it stands, probably with the universal consent of the peoples of all nations, as the greatest court in the world.

Second, the supervisory powers of this august constitutional tribunal over all inferior courts, State and National, in the matter of individual rights protected by the Constitution as against encroachments of Government itself, has engendered the confidence of the citizen in all courts as such and has inspired respect for the whole judicial system regardless of whim or prejudice of some individual court or judge of an inferior tribunal. For the humblest citizen, asserting the rights of free men guaranteed in the Constitution, may feel that such rights cannot be finally and successfully denied contrary to the views of the highest court in the land; and any misconception of those rights which may accidentally occur must ultimately be corrected by the one great unimpeachable authority. So that in our system tyranny, even of the courts, is forever prevented so long as the Supreme Court holds the position which is given it in the Constitution.

We are accustomed to speak thoughtlessly of the power of the Supreme Court to protect the rights of the individual against the Government by holding void any law that is clearly inconsistent with the fundamental charter of our Government as an expedient adopted by the designers of the system for conveniently distributing the powers of government instead of a necessity born of the very nature of the social compact which we have set up to govern us. If rights, which even the lawmaking body cannot take away, can be asserted only in the body which took them away, what becomes of the limitations on the legislature in favor of the people? What becomes of our theory upon which the whole structure of government rests that this is a government of limited powers? If the appeal to the higher law, in the contest between the citizen and the lawmaking body, must be decided by one party to the contest, what worth is there to the blessings of liberty which it was the purpose of this Government to secure? As said by William Wirt:

> If the judiciary be struck from the system, what is there of any value that will remain; for government cannot subsist without it? It would be as rational to talk of a solar system without a sun.

Again, if there were not those supervisory powers of the Supreme Court, or if they were hampered and restricted so as to be ineffective in their exercise, what assurance could the citizen have of equal protection in all parts of the Nation? The fundamental rights, such as those of life, liberty, and the pursuit of happiness, as it is expressed in generalities, are not local but national. They do not depend upon the details of a system best suited to a particular community, and possibly not suited to another community; conditions may change from time to time and they may vary in different sections; but individual rights, which even governments may not take away, are immutable and universal if they are to exist. They are the very thing which it was the purpose of our Bill of Rights to secure; they were the ideals the attainment of which was the reason for our Government.

In our Nation the Congress makes the laws pursuant to the Constitution. The Constitution is supreme. It outlines the essential rules by which the game of life, so far as it concerns men's political activities, is to be played. By the very laws of human nature the right exists only because it has been accorded in advance of its assertion and vindication. In the conflict of human relations we must know in advance the elemental rules governing the contest. Under our system, for better or for worse, we have not given all powers to government; but, on the contrary, we have secured to the people themselves and to the individual citizens certain rights which are either withheld from government or reserved to the citizens. To say that the lawmaking body whose function is to provide the details of administration and remedy according to the needs of changing times and conditions must also be the final judge of fundamental rights without restriction other than its own restraint, is to destroy the one good of a written constitution. No one has ever supposed that the Constitution of the United States is merely an admonition and a warning. That is not our thought, that is not our ideal; that does not run through our discussions; we do not start our argument from any such premise. The greatness of our written charter lies in the fact that it is effective—that what it secures may be enforced and what it denies may be restrained.

Since the Government began to function there have been from time to time, and particularly in times of stress, the suggestion in various forms that the powers of the court—of some courts; or of the Supreme Court—should be restricted, limited, or hampered. Those suggestions are rampant today. Always in times past, when the crisis was over, we have realized the danger if they had ever succeeded. That danger exists today. It is before us now—we ought, with our experience, to be able to see in advance. It is not merely lip service which we give when we say that we do give reverence to the letter and spirit of the Constitution. Let us be not led astray by any suggestion of expediency in such a vital matter as tampering with the distribution of powers in our charter of government. It is as true today as it was when so eloquently spoken by Chief Justice White many years ago:

> How marvelously the existence of these United States as they stand today a mighty people with a National Government adequate to fulfill its purposes, with State governments sufficient to preserve local autonomy, and with its millions of people all free and yet all restrained by those limitations which make men free, is due to the wisdom of the fathers in lodging the ultimate protection of the Constitution in judicial authority.

No one can seriously doubt that to impair the power of the Supreme Court to hold laws invalid as conflicting with the Constitution would be to hamper the carrying out of the distribution of powers ordained in the Constitution, and thus would be to tamper with the very structure of our Government.

While there is not expressly conferred upon the Supreme Court by the language of the Constitution a power to declare laws unconstitutional, this power so clearly follows as necessary to carry out the grant of judicial powers in articles 3 and 6 of the Constitution as to leave no room for argument.

Mr. Corwin, in his work entitled "The Doctrine of Judicial Review", discusses the question as to whether the Constitution sanctions judicial review, and it is his opinion that while there was no clause inserted in the Constitution for the specific purpose of bestowing this power on courts, the power rests upon certain general principles thought by its framers to have been embodied in the Constitution.

And he adds that:

> * * * the members of the Convention of 1787 thought the Constitution secured to courts in the United States the right to pass on the validity of acts of Congress under it cannot be reasonably doubted.

Important members of the Convention, in framing the Constitution, definitely asserted that this would be the case. Among them Mr. Corwin names Gerry and King, of Massachusetts; Wilson and Gouverneur Morris, of Pennsylvania; Martin, of Maryland; Randolph, Madison, and Mason, of Virginia; Dickinson, of Delaware; Yates and Hamilton, of New York; Rutledge and Charles Pinckney, of South Carolina; Davie and Williamson, of North Carolina; Sherman and Ellsworth, of Connecticut.

Four of the five members of the committee of detail, which drafted the Constitution, and four of the five members of the committee of style, which gave the Constitution final form, were among the persons just named.

Mr. Corwin refers to the fact that article 6, paragraph 2, announces the supremacy of the Constitution and the acts of Congress in pursuance thereof, and the treaties made under the authority of the United States are declared to be as the law of the land, and that the specific mandate is laid upon State judges to enforce this supreme law, anything in the law or constitution of any State to the contrary notwithstanding. He states that this mandate furnishes a powerful confirmation of the view that the Supreme Court have the power of judicial review, and may declare laws unconstitutional. He contends that the judicial power of the United States extends to every act of Congress whether made in pursuance of the Constitution or not, and he quotes Chief Justice Taney in the case of Ableman against Booth, wherein he states that it, referring to the Constitution—

covers every legislative act of Congress, whether it be made within the limits of its delegated power or be an assumption of power beyond the grants in the constitution.

After a further discussion of the question of judicial review, Mr. Corwin states:

We are driven to the conclusion that judicial review was rested by the framers of the Constitution upon certain general principles which in their estimation made specific provision for it unnecessary, in the same way as, for example, certain other general principles made unnecessary specific provision for the President's power for removal.

Professor McLaughlin, in his work The Courts, The Constitution, and Parties, states the doctrine of judicial review as follows:

In theory any court may exercise the power of holding acts invalid; in doing so it assumes no special and peculiar role, for the duty of the court is to declare what the law is and, on the other hand, not to recognize and apply what is not law.

The apothegm of Vattel that the "legislature cannot change the Constitution without destroying the foundation of its authority" was a commonplace in Massachusetts before the Revolution.

Mr. Curtis, in his Constitutional History, volume 2, page 13, edition of 1890, states that—

* * * The right to find relief against an act of Congress which transcends its constitutional powers springs from and is regulated from the Constitution itself. It is a right that can be exercised only by resorting to a judicial remedy. * * *

Mr. Corwin states that the power of judicial review rests upon certain propositions, namely: That the Constitution binds the organs of government; that it is law in the sense of being known to and enforceable by the courts; that the function of interpreting the standing law appertains to the courts alone, so that their interpretations of the Constitution as part and parcel of such standing law are, in all cases coming within judicial cognizance alone, authoritative, while those of the other departments are mere expressions of opinion.

That the framers of the Constitution of the United States accepted the first of these propositions goes without saying. Their acceptance of the second one is registered in the Constitution itself, though this needs to be shown. But it is their acceptance of the third one which is the matter of greatest significance, for at this point their view marks an entire breach not only with English legal traditions, but, for the vast part, with the American legal tradition as well, anterior to 1787.

James Otis as early as 1761 in the Writs of Assistance case contended that if—

An act of Parliament should be made in the very words of this petition it would be void. The executive courts must pass such acts into disuse.

He contended that the acts in question were against the Constitution as well as against natural equity, and therefore void.

In Virginia the Supreme Court of the Colony as early as 1766 put the question whether officers of the law would incur a penalty if they did not use stamp paper in conformance with the prescriptions of the Stamp Act, and declared that the act did not bind the inhabitants of Virginia as they conceived it to be unconstitutional.

And George Mason argued 6 years later that the same doctrine is applicable to the case of local legislation.

Mr. Corwin states that on the eve of the Declaration of Independence, Judge Cushing, later one of the original bench of the Supreme Court of the United States, instructed a Massachusetts jury to ignore certain acts of Parliament as void and inoperative.

During a discussion of the Constitution one of the members stated—

That the power of making ought to be kept distinct from that of expounding the laws, and that no maxim was better established.

Mr. Corwin further states that—

The utterances of other members bear out his words * * *, for in one form or another the notion of legislative power as inherently limited power is distinct from and exclusive from the power of interpeting the standing law was reiterated again and again and was never contradicted when, the convention adopted article 3 of the Constitution vesting "the judicial power of the United States in one court and such inferior courts as Congress shall from time to time establish", it must be regarded as having expressed the intention of excluding Congress from the business of law interpreting altogether.

Madison had said that—

A law violating a constitution established by the people themselves would be considered by the judges as null and void.

Mr. Hamilton in his argument in the Federalist (no. 78) states that—

The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be, regarded by the judges as a fundamental law. It must, therefore, belong to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body, and in case of irreconcilable difference between the two to prefer the will of the people declared in the Constitution to that of the legislature as expressed in statute.

No one can doubt that Hamilton was restating a matured conclusion of the Convention itself.

James Wilson, who was one of the leading members of the Convention, declared that—

Judicial review is a necessary result of the distribution of power made by the Constitution between the legislative and judicial departments.

The writings of Hamilton, Madison, and Jay, found in the Federalist, are recognized as interpretations of the provisions of the Constitution therein discussed. The people were familiar with these discussions and they read the Constitution with the interpretations placed upon its provisions by the persons just named. Madison had earnestly espoused the doctrine of judicial review while the Constitution was being framed, and in the Federalist he had described the Supreme Court as a tribunal which was ultimately to decide the questions that would necessarily arise between the States and national jurisdictions.

The Constitutional Convention had before it examples of judicial review found in most of the Thirteen Colonies. The validity of the acts of the colonial legislative bodies, and, indeed, of the Crown, were not infrequently challenged by colonial courts and held to be void. Undoubtedly the position taken by the colonial courts in protecting the citizens against unjust or invalid laws influenced the members of the Constitutional Convention in providing for an independent judiciary possessing the power of judicial review.

Mr. Justice Allen, one of the early Justices of the Supreme Court, said:

The Revolution of 1776 was largely a protest against the exercise of arbitrary power, and one of the principal reasons for adopting a written constitution was that limitation should be placed on the exercise of power.

Having experienced the tyranny exercised by the British Crown, the framers of the Constitution were unwilling that there should be an omnipotent legislative body. They had suffered from an omnipotent Parliament and therefore determined to impose checks upon the National Legislature to be exercised by the judiciary department of the Government.

Professor McLaughlin stated:

No one can understand the rise of judicial authority unless he understands the nature and course of revolutionary argument, the American inheritance of principles of individual right, and the seriousness with which men, in the midst of political turmoil, went back to fundamental principles of political philosophy and strove to make them actual.

And he added:

The assertion of independent judicial power to maintain the fundamental law and to preserve individual liberty, even against the encroachment of legislative bodies, appears to be the natural product of the ages, finding place and opportunity for expression in a new and free country where people were making their institutions.

Mr. McMasters, in his History of the United States, volume V, page 394, declares that:

The majority of the Colonies for years before their quarrel with the mother country had seen their laws disallowed at pleasure by the King or Queen in council. They had, therefore, become used to the idea of the existence of a body that could set aside a law enacted by a legislature and approved by a Governor. They were used to written charters and frames of government and were accustomed to appeal to them as the source of all authority under the King. When, therefore, in their quarrel with the mother country it became necessary to find some reason for resisting the stamp tax, the colonists appealed to a written document and declared the tax law invalid because it violated the provisions of the Magna Charta.

One of the most important cases decided by a State judicial body was one arising in North Carolina several years before the adoption of the Constitution of the United States. It was the case of Bayard against Singleton. The case arose under an act of the General Assembly of 1785. James Iredell, subsequently a member of the Supreme Court, submitted a statement which perhaps had weight with the Constitutional Convention. He stated in his argument that—

The power of the assembly (speaking of North Carolina Assembly) was limited and that the people * * * have been chosen to be governed or promised to submit upon any other; and the assembly have no more right to obedience on other terms than any different power on earth has a right to govern us.

He stated that the great argument is that—

* * * Though the assembly have not a right to violate the constitution, yet if they in fact do so, the only remedy is either by a humble petition that the law be repealed or a universal resistance of the people. But that, in the meantime, their act, whatever it is, is to be obeyed as a law; for the judicial power is not to presume to question the power of an act of assembly.

Replying to this view he stated that—

The constitution is the law of the State as well as an act of the assembly with this difference, only that it is the fundamental law unalterable by the legislature, which derives all its power from it. * * * One act of the assembly may repeal another act of assembly. For this reason an act of assembly inconsistent with the constitution is void and cannot be obeyed without disobeying the superior law to which we were previously and irrevocably bound. The judges therefore must take care at their peril that every act of assembly they presume to enforce is warranted by the constitution since if it is not they act without lawful authority. This is not a usurped or a discretionary power, but one inevitably resulting from the constitution of their office, they being judges for the benefit of the whole people, not mere servants of the assembly.

Professor Haines states:

* * * The clearest and frankest statement of the theory of judicial supremacy, as it was developed in America, is to be found in the letters of Iredell.

Though the doctrine that the powers of government should be separated, and that a tripartite division should be made, was somewhat novel, it was not entirely new. Montesquieu had advocated the tripartite division of governmental authority, and, as I have indicated, in the Colonies the judicial branch of the Government had declared legislative acts to be invalid. The Constitutional Convention also had before it the views for which Lord Coke had so earnestly contended, namely, that the powers of the King and the Parliament were not supreme. Lord Coke had impressed his view against formidable opposition upon Great Britain, and his contention had met with more or less approval in the New World. However, autocratic kings in Great Britain and a subservient Parliament had rejected the doctrine which Coke had impressed upon the people during his lifetime. It was largely against the tyranny of an omnipotent Parliament, as well as an autocratic king, that the colonists rebelled.

The framers of the Constitution had been the victims of legislative tyranny and they determined that neither the executive nor the legislative branch of the Government should exercise unrestrained and unlimited authority.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. KING. Yes.

Mr. MINTON. In the Constitutional Convention, was not the proposition of the power of the Court to declare acts of Congress unconstitutional four times argued and submitted and rejected?

Mr. KING. I answer, no. Upon four separate occasions propositions were submitted that the Supreme Court, together with the President, should have a veto power of acts of Congress after their passage. This, in effect, was a proposition that the Court should be a part of the lawmaking body—quite different from the proposition that the Court should have the power of judicial review. As has been stated, judicial review can only be exercised when the statute is involved in a particular case between parties, and is only exercised after full argument of the case by counsel. Against the proposition, it was urged in the Convention, that the judges should not be allowed to concern themselves with the merits or demerits of a statute, for their functions only related to the legality and constitutionality of a law, and that this function could only be properly exercised in passing upon actual controversies after argument. It was conceded during the discussion that if the validity of an act of Congress was challenged, the Supreme Court would ultimately have the authority to pass upon the question, and that to give it a "double chance" was improper. It is clear that upon each occasion when the proposition was submitted, there was no opposition to the view that the Supreme Court should ultimately have the power to determine whether acts of Congress were unconstitutional or whether the executive branch of the Government had transcended its authority.

Randolph first submitted the proposition that the Executive and a convenient number of the national judiciary should compose a "council of revision" with authority to pass upon acts of Congress before they should become operative. This proposition was opposed by Gerry, who expressed doubts as to whether the judiciary should constitute a part of the council, since the courts would have a sufficient check against encroachment by their interpretation of the law—which involved a power of deciding upon its constitutionality—and he referred to the fact that in some of the States judges had set aside laws as being against the Constitution. He further contended that "this was done with the approval of the people", and that it was quite foreign, from the nature of the office, to make them judges of the policy of public measures. Finally, it was decided that the proposal for a council, or committee of revision, should be abandoned, and the veto of the President should be provided for in the Constitution.

As I recall, Rutledge believed that the judges ought never to give their opinion on a law until the matter involving its validity was presented for consideration. And the point was urged that the device of a "council" was improper because it made the judges as "the expositors of the law, the legislators." Mr. Haines, in his excellent work, states that without any grant, express or implied, State courts had exercised the power to declare laws invalid and had advanced the view that to declare void a law, considered by the judges as contrary to the Constitution, was "a duty which judges should not refuse to accept." Mr. Charles A. Beard, in his work, The Supreme Court and the Constitution, states that of the 25 outstanding characters in the convention, 17 of a selected list had declared directly or indirectly for judicial review of legislation.

Mr. McKELLAR. Mr. President, is it not a rule of interpretation of the Federal Constitution that no power is granted unless specifically stated or necessarily implied in order to carry out a power already granted? Is not that the interpretation?

Mr. KING. I think so.

Mr. McKELLAR. Is there any provision of the Constitution that provides that the Supreme Court shall have the power to declare acts of Congress unconstitutional? Is it not an implied power of the Supreme Court as determined, first, through Chief Justice Marshall, and then in a num-

ber of cases since? Is it not purely an interpretive power which is not in the Constitution itself?

Mr. KING. I dissent from the position taken by my friend. As I said a moment ago, it was not a new doctrine at the time the Federal Constitution was being drafted, that legislative acts might be declared invalid by judicial bodies. An examination of the debates during the Constitutional Convention and of the writings of Hamilton, Madison, and others, will clearly show that it was understood that the judicial power conferred upon the Supreme Court was a sufficient warrant for it to subject to judicial review the acts of Congress, and to declare them invalid if they violated the Constitution. The Constitution declares that the—

> Judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish.

The Constitution itself specifically vests all judicial power in the Supreme Court and in inferior courts. This, together with other provisions in the Constitution, constitute, in my opinion, full and complete authority in the Supreme Court to subject measures to judicial review.

Mr. Madison, in an address delivered on February 7, 1792, in the House of Representatives, stated that—

> * * * Were the power of Congress to be established in the latitude contended for it would subvert the very foundation, and transmute the very nature of the limited government established by the people of America; and what inferences might be drawn, or what consequences ensue from such a step, it is incumbent on us all well to consider.

Perhaps the Senator was not in the Chamber when I called attention to Mr. Corwin's statement:

> * * * And that the members of the convention of 1787 believed that the Constitution secured to courts the right to pass on the validity of acts of Congress cannot be reasonably doubted.

It seems to me that the conference of the judicial power upon the Court is in effect a conference or delegation of authority and power of judicial review. The Senator is familiar with article VI, paragraph 2, of the Constitution, which in effect, as I interpret it, confirms the view that the power and authority rest upon the courts to subject legislative acts, whether State or National, to judicial review.

Mr. McKELLAR. But, Mr. President, the question which I asked was whether the rule of interpretation that the Supreme Court has set upon the Constitution and which the Constitution itself fixed is not that the Court has not the power unless it is specifically granted or is implied for the purpose of carrying out a power that is specifically granted. There is no power granted to the Supreme Court to declare an act of Congress unconstitutional. I know the Senator agrees with me that that power would not be used except for the opinion of Mr. Marshall, which has been followed in subsequent cases, and that it is an implied power, but absolutely unauthorized by the Constitution.

Mr. KING. I am not in entire agreement with the Senator. As I have stated, before the Federal Constitution was adopted the courts of many of the States exercised judicial review and held legislative enactments invalid. I repeat that the doctrine of judicial review was not entirely new when the Constitution was formed and that members of the Constitutional Convention were familiar with cases in their own States wherein legislative and executive acts were successfully challenged. Undoubtedly Chief Justice Marshall's great opinion in the Marbury against Madison case gave emphasis to the doctrine of judicial review, but he was not announcing a new doctrine. It had been an accepted construction of the Constitution from the time it was written. It is true there were some criticisms of the Supreme Court by Jefferson, Jackson, and by some of the anti-Federalists in the days of Jefferson, but their criticism of the Court largely rested upon the ground that it had declared acts of Congress constitutional which they believed to be unconstitutional. One of the decisions of the Supreme Court that aroused the strongest criticism by the anti-Federalists or Democrats was that upholding the validity of an income tax. A number of other cases might be cited where acts of Congress were upheld but which the followers of Mr. Jefferson and Mr. Madison regarded as unconstitutional. In other words, the Court was criticized because it declared acts of Congress to be constitutional rather than because of its holding acts of Congress unconstitutional.

Almost from the foundation of the Democratic Party it has, in its national conventions as well as in its State conventions, condemned opposing parties because of their efforts to strengthen the National Government and to weaken the States. In other words, the Democratic Party has always stood for local self-government, for the sovereignty of the States, and as opposed to centralizing tendencies which tended to weaken and devitalize the States, and to build up a powerful central government. Can it be that this sound and patriotic position is to be abandoned?

It appears that there are some Members, Democrats, who are now abandoning the position taken by the party for more than 150 years and are criticizing the Supreme Court because it held a few acts of Congress to be invalid.

Mr. President, if the Supreme Court may not review the acts of the legislative department when challenged, and may not declare them unconstitutional when they contravene the Constitution, the result will be a redistribution of power and authority, and a challenge to the integrity of the Government, as it was established by the fathers. To impair the power of the Supreme Court to hold laws invalid which conflict with the Constitution, would be to prevent the carrying out of that distribution of powers declared in the Constitution, and would thus tamper with the very structure of our Government. The judicial power was expressly extended to all cases arising under the Constitution, and the Constitution was declared to be the supreme law of the land. The laws of Congress were effective and supreme only when they were made in "pursuance of the Constitution."

But if there could be any possible misunderstanding of the matter, it was set at rest by the First Congress which met after the Constitution was adopted, and which provided that a "final judgment of any State court in which was drawn in question the validity of any act of Congress, might be affirmed or reversed by the Supreme Court." Under that act States were given the power of judicial review and the authority to hold an act of Congress invalid.

If the Supreme Court of the United States were denied the right to declare congressional enactments invalid, a remarkable situation might be presented. Forty-eight States have the authority to declare unconstitutional acts of Congress. The decisions of the courts of each State might differ. There might be 48 different interpretations of congressional laws or treaties. Such a confused situation might arise were the Supreme Court to be denied the right to pass upon the validity of congressional laws. The Judicial Act of 1789 was passed by a Congress which was in a position to give a contemporaneous construction to the Constitution. Many of the leaders of that Congress were outstanding figures in the Constitutional Convention which adopted the Constitution. Of the 56 delegates to the Constitutional Convention, my recollection is that nearly 20 of them were in the Congress that enacted the Judiciary Act of 1789.

Their interpretation of the Constitution was that even State courts might have the authority to pass upon the validity of congressional enactments. If 1 of the 48 States may declare an act of Congress unconstitutional if it calls into question the validity of any statute or treaty, such decision might affect other States and the citizens therein, as well as the Federal Government and its relations to countries with which it had treaty relations. If the highest tribunal of New York held a treaty or an act of Congress unconstitutional, the Supreme Court of Arizona or California might take a different view. If the Supreme Court is denied the judicial power which it possesses and which the Constitution confers upon it, then, as stated, great confusion and harm undoubtedly would result. This view would destroy our theory of government and lead to most serious, if not disastrous, consequences.

I read this morning a statement from a book entitled "Constitutional Government in the Spotlight", by William H. Hirst. I take the liberty of reading a paragraph or two from the same:

The men who formulated and promulgated the Federal Constitution sought "to secure the blessings of liberty to ourselves and our posterity." These men had attained freedom after a bitter and protracted struggle, and their purpose was to set up a government that would secure the liberty of the individual with the least possible interference by the Government, for their own generation and to posterity. They realized that for centuries men had struggled and suffered in the slow progress towards the ideal of freedom. This Government was not a mere spontaneous invention, but was based on the accumulated governmental experience of the Anglo-Saxon race. The authors of the Constitution were familiar with the experiments in government that antedated their deliberations; they knew about planned economies, controlled production, the fixing of prices and wages, the control of monopolies, the debasement of currencies, and the operations of kings, empires, and bureaucracies in economic and political matters, down all the centuries of history.

The founders studied the economic as well as the political interpretation of history in an effort to solve the problems of an efficient and lasting government. They recognized that men cannot always act in the intelligent interest of their own pocketbooks, and they made no attempt to replace the natural inequality of men with an artificial and unstable equality of either political powers or economic rights; it was far from their intent to throttle the natural competitions of men by discriminating favors to the least able, the inept, or the moron. They had no notion of setting up an organization where the complacent, reasonable, and ordered part was to be under the menace or domination of the rebellious, unreasonable, or disordered part; where normal persons were to be penalized because of the mistakes and deficiencies of mediocrities. These pioneers certainly did not intend to blaze a trail for jealousy of possessions honestly gained or envy of attainment based on merit; they rather builded for the encouragement of "opportunity for all men to reach the heights of their fullest capacity for service and achievement." The interest and ideas of these patriots were the interests and ideas of capable, moderate men, determined to bring to earth those fair abstractions of liberty and justice expressed in the Declaration of Independence and safeguarded in the instrument born of their deliberations.

Mr. President, let me read a few words written by President Wilson. Perhaps his philosophy is not acceptable to some persons in these days. He states:

Our courts are the balance wheel of our whole constitutional system; and ours is the only constitutional system so balanced and controlled.

I wonder if it is desired to accept the German theory of government or that prevailing in other countries to which attention might be called, including Great Britain, where the Parliament is supreme. We have protested against an omnipotent parliament; and that is the reason why, as I stated, there was given to the Supreme Court of the United States the authority to determine the validity of congressional acts.

Recurring to President Wilson's statement:

Other constitutional systems lack complete poise and certainty of operation because they lack the support and interpretation of authoritative, indisputable courts of law. It is clear beyond all need of exposition that for the definite maintenance of constitutional understandings it is indispensable, alike for the preservation of the individual and for the preservation of the integrity of the powers of the Government, that there should be some nonpolitical forum in which those understandings can be impartially debated and determined. That forum our courts supply. The constitutional powers of the courts constitute the ultimate safeguard alike of individual privilege and governmental prerogative. It is in this sense that our judiciary is the balance wheel of our entire system.

Mr. President, I take the liberty of reading from Mr. Norton's book entitled "Losing Liberty Judicially":

The conclusion to be drawn from this study (of the Constitution) is that the judicial department of our Government is, as the writers of the Constitution believed, indispensable to liberty, and in need always of the support of the people. Without that support it will eventually be weakened, if not broken; for in our own supposedly enlightened time it has been most viciously attacked, with an incredible volume of popular applause, by both the executive department and the legislative, as Hamilton and Madison predicted that it would be, for which reason they commended it to the careful keeping of the people. Only a people indoctrinated by the schools with our philosophy of government can be capable of holding the President and the Congress where they belong through the force of an enlightened and positive opinion. The judicial department has for a century and a quarter met the purpose for which it was established and generally kept the Government in its constitutional course. Thereby the American people were enabled to reach their eminence among the nations. Any curtailment of its prerogative or diminution of its conferred powers would be a move toward suicide, the end of the Republic which the English historian Macaulay prophesied, and the only one that Abraham Lincoln feared.

Mr. President, I desire to consider the decision of the Supreme Court in the A. A. A. case and also the minority opinion in the same case.

The Supreme Court in the Agricultural Adjustment Act case has again applied the fundamental rule of constitutional law that the Federal Government may not, under the pretext of executing delegated powers, usurp the powers reserved to the States and to the people under the tenth amendment.

Mr. WHEELER. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Does the Senator from Utah yield to the Senator from Montana?

Mr. KING. Yes.

Mr. WHEELER. Has the Senator read the recent decision of the Supreme Court of the United States in the case of North Dakota against the Great Northern Railroad Co.?

Mr. KING. No; but I have seen excerpts from it. The Senator refers to the opinion written by Mr. Justice Butler?

Mr. WHEELER. The opinion written by Mr. Justice Butler. I was about to ask the Senator, if he had analyzed it, whether he did not feel that the decision in that case was an invasion of States' rights by the Supreme Court, when they laid down the doctrine that the tax commission of a State must take into consideration a depression in fixing the valuation of a railroad; and then I was about to ask the Senator whether or not he had read the decision of the Supreme Court in the Baltimore Utility case wherein they said that they could not do the very thing which they declared should be done by the North Dakota Tax Commission.

Mr. KING. I am sure the Senator would not expect me to give a curbstone opinion upon a decision which I have not read.

Mr. WHEELER. No.

Mr. KING. I shall do myself the pleasure of reading it tonight; and if we have time tomorrow, and the Senator cares to propound the question again, if I can do so without infringing upon the time of the Senate, I shall attempt to answer it. Let me say, however, that if Mr. Justice Butler announced any opinion in which he held that the Federal Government could infringe upon the rights of the States or interfere with the liberties of individuals, it would be most regrettable; and I cannot believe that Mr. Justice Butler—who is recognized as a patriotic and able judge—would announce a doctrine that was at variance with democratic principles or our theory of government.

Mr. WHEELER. Let me say to the Senator from Utah that, if he will read that opinion, he will see that instead of leaving the question of valuation in the exercise of the taxing power to the tax commission of every State in the Union, the opinion places the ultimate determination in the Supreme Court in every case where a commission places a valuation for purposes of taxation upon an individual or upon a railroad, and gives the Supreme Court power to set aside any determination reached by a tax commission.

I shall not discuss the decision further at this time, but at a later date I am going to take up that case and discuss it in this Chamber at some length. Then I am going to compare it with decisions rendered in previous cases. Invariably where the railroads or the utilities are involved on one side or the other of a case, we find some members of the Supreme Court taking the side which is favorable to the utility companies or the railroads, whichever way it may be. I think it is extremly unfortunate for the Supreme Court to be put in that position, and I am going to take up and analyze some of these decisions at some length.

Mr. KING. I may say to my friend that lawyers disagree in their interpretation of statutes, and they differ in their interpretation of the decisions of courts; so the Senator from Montana may differ from the interpretation which some Senators may place upon the decisions to which he refers, and he may differ in his interpretation of the decision of the Supreme Court in the A. A. A. case from the interpretation which many persons might place upon it.

Mr. WHEELER. I agree with the Senator that that is entirely true. Likewise it is true that members of the Supreme Court differ among themselves with reference to their interpretation of the powers of the Supreme Court in declar-

ing laws unconstitutional. What the Senator from Utah is arguing for is that nine men should be placed upon the Supreme Court, and that five out of that total nine men should have the ultimate power to declare any law unconstitutional, notwithstanding the fact that the Constitution gives to the Supreme Court no power to do so.

Mr. KING. I do not agree with the Senator in the last part of the statement, and he is flying in the face of the accepted view of the Supreme Court and of the framers of the Constitution of the United States.

Mr. WHEELER. I challenge the Senator to find any language in the Constitution of the United States giving the Supreme Court the power which he says is found in the Constitution. The only way they got it was by a decision of the Supreme Court itself, entirely from their own interpretation, not from any language in the Constitution itself.

Mr. KING. I do not accept the Senator's views. His statement compels reference to statements which I have heretofore made, perhaps while he was absent from the Chamber. I stated, and repeat, that the Constitution does confer the judicial power upon the Supreme Court to review acts of Congress and to hold them void as violative of the Constitution. That the framers of the Constitution accepted and adopted that view, I insist can be demonstrated. I have stated that the doctrine was not new. Lord Coke had announced it in his day, and though his view was finally repudiated by autocratic kings, and parliaments insisting upon the right to exercise despotic power, nevertheless it found root in the Colonies, and expression in the writings and teachings of patriotic Americans, such as Otis, Madison, and Jefferson, and also in the courts of all, or nearly all, of the Thirteen Original Colonies or States. As I have stated, when the Constitutional Convention was held, the delegates to the same were familiar with this view and with the decisions of the courts of their respective States. They had suffered from unjust laws imposed upon them by the British Crown, as well as by enactments of their own legislative bodies, and therefore in drafting the Constitution they wrote into it provisions separating the powers of government into three departments, and they vested in the judiciary department the authority to pass upon the validity of congressional enactments.

And may I say in passing that some who criticize the Supreme Court for invalidating acts of Congress, and, for that matter, acts of States, seem to forget that they have given to their own State judicial tribunals, authority to hold unconstitutional State legislative enactments. It is a fact that literally hundreds of the acts of State legislatures have been declared unconstitutional by the supreme courts of the States. Within the past few days a supreme court of one of the States held unconstitutional an act recently passed by its legislature. And some of the critics forget that the Supreme Court of the United States has held constitutional hundreds of measures, the validity of which had been challenged by States and by individuals. Nor do they seem to remember that many of the decisions of the Supreme Court have vindicated personal rights and thrown the shield of protection around individuals, communities, and States.

There has been no little propaganda to excite prejudice against the Supreme Court, and one would be led to believe that that great tribunal had arbitrarily, or otherwise, declared hundreds of acts of Congress or State legislatures, or both, to be unconstitutional. The fact is that from the beginning of the Government until 1924, only 53 decisions were rendered holding invalid acts of Congress. An examination of these decisions will furnish convincing proof that most of them met with approval, and only a limited number with disapproval.

It is often stated that in many cases the decisions are rendered by a 5-to-4 vote. The fact is, as stated by Mr. Charles Warren in his book entitled "Congress, the Constitution, and the Supreme Court", that in the 135 years of the existence of the Supreme Court it has only decided eight cases holding an act of Congress unconstitutional by a 5-to-4 vote. Mr. Warren states that one of these cases was the Test Oath case in 1867, and the country today applauds the opinion of the majority. The other seven cases involve the income-tax law of 1895, the stamp tax on foreign bills of lading in 1901; the First Employers' Liability Act in 1908; the first child-labor law in 1918; the workmen's compensation admiralty law in 1920; the stock-dividend tax in the income-tax law in 1920; and the Federal Corrupt Practices Act in 1921. Mr. Warren adds that to these eight cases there might fairly be added the District of Columbia minimum wage case, in which the vote was 5 to 3.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. O'MAHONEY. I should like to ask the Senator whether he believes that the Supreme Court has the right to define the undefined powers which have been granted to the Congress by the Constitution. For example, we are now told that the Constitution grants to Congress the right to legislate for the general welfare. The Supreme Court has held in the A. A. A. case that Congress has the right to tax for the general welfare. Does the Senator contend that the definition of "general welfare" is solely within the jurisdiction of the Supreme Court?

Mr. KING. In reply may I say that I may be regarded as inconsistent in declaring that I do not accept the obiter dicta in the Agricultural Adjustment Act case to the effect that Congress may, under the general-welfare clause, enact measures such as the Agricultural Adjustment Act. I do not accept Mr. Story's view or Mr. Hamilton's view with respect to the general-welfare clause of the Constitution. That clause does not grant any authority or power to Congress. The Congress may legislate only upon those matters where specific grants of power are given in the Constitution.

I do not admit that Congress may interpret the commerce clause in any way that it pleases, or under the commerce clause enact legislation such as was found in the N. R. A. or in the A. A. A. Act. I concede that the Constitution does not define the commerce clause or prescribe a field within which the Congress may legislate with respect to interstate commerce. I do not admit, however, that there are no limitations upon the power of Congress to legislate under the interstate-commerce clause. The interpretation of the clause in the A. A. A. case is not final by any means; and though the authority of Congress may not be clearly delimited or bounded, there are limitations beyond which it may not go, and the Supreme Court of the United States—not Congress—is authorized to determine where such limits may be placed. I know there are some who would give to Congress absolute authority to control all transactions, intrastate and interstate—persons who claim that the most minute transaction in any State affects trade and commerce in other States, and that, therefore, any transaction, business, or enterprise becomes interstate commerce, and therefore subject to congressional control.

Under this view the States would become inert and impotent organizations and business of all kinds would be under the control of all-powerful Federal bureaucratic agencies. A totalitarian state would result. This view is regnant in Russia, and it is followed in Germany, and now prevails in Italy. Neither Congress nor the legislatures of the States are supreme. Their acts are subject to judicial review.

Mr. O'MAHONEY. May I give another illustration?

Mr. KING. I yield, but I should like to recur to the point I was discussing when interrupted.

Mr. O'MAHONEY. I should like to ask the Senator whether he believes, with respect to the power to regulate commerce among the States, that the Supreme Court, rather than Congress, should be the body which would define what commerce among the States is?

Mr. KING. I do not concede the power of Congress to definitely determine and define what is commerce among the States. Certain acts may clearly fall within the term "interstate commerce" and other acts as clearly would fall within the term "intrastate." The fiat of Congress that certain acts are interstate does not preclude the courts from examining the facts presented and deciding whether they are intrastate or interstate. I might cite a number of cases which I believe support the position which I have stated.

May I say that I have read the bill which the Senator has introduced, which relates to transactions intrastate and interstate—a measure which I do not approve. I know there are movements in various parts of the land to subject all business and trade and commerce to Federal control. There are some who would like to see the cartel system which was employed in Germany before the war and which in a more rigid form now exists in Germany. Efforts are being made to regiment individuals and business and to bring all persons and business under rules and regulations prepared by Federal officials and executed by powerful bureaus with a personnel whose number is legion.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. NORRIS. The Senator has said two or three times what I frankly admit to be true, that a State court may hold an act of Congress unconstitutional. They get that authority, do they not, under a statute passed in the First Congress of the United States? Is not that where they get the authority?

Mr. KING. It has been held that they have the right under that, but I do not find any decision where it has been held by the Supreme Court of the United States or by a State supreme court that they did not have the inherent power outside of the Judiciary Act.

Mr. NORRIS. Congress gave them that power by specific act of Congress, did it not? I think the Senator referred to the act in the course of his remarks.

Mr. KING. Yes; the Judiciary Act, under which they would have the right to challenge a treaty or the validity of any act of Congress.

Mr. NORRIS. If the authority was conferred and if it does exist by virtue of a statute passed by Congress, Congress could take the authority away from the State by statute the same as it could by statute take a power away from a Federal court, could it not?

Mr. KING. May I ask the Senator if he were a judge and a case was before him involving the validity of an act of the legislature or of Congress—an act which he believed violated the rights of an individual, I believe the Senator would hold the act to be unconstitutional. Or suppose the law which was challenged denied the right of trial by jury in contravention of State or Federal Constitution as the case may be—I have no doubt as to what the course of the Senator would be.

Mr. NORRIS. The Senator has asked me a question. Will he permit me to answer it? I will say, by the way, that the Senator has not answered the question I propounded to him, which had nothing to do with the question the Senator has propounded.

Mr. KING. I think I did answer. I stated in substance that I had found in my reading that the doctrine had been announced that a State court might declare an act unconstitutional.

Mr. NORRIS. If the Senator will yield, I can answer his question.

Mr. KING. I yield.

Mr. NORRIS. The question is, if Congress has given to a State by statute, authority to pass on the constitutionality of a Federal statute, then Congress can take away that authority by statute, can it not?

Mr. KING. Of course.

Mr. NORRIS. That is all there is to it.

Mr. KING. Wait a moment; in my view that is not all there is to it. Congress can, of course, repeal an act.

Mr. NORRIS. That answers my question, and that is all my question implied. The Senator had been saying, with considerable force, referring to the statute passed by the First Congress of the United States, that they had given to the States that authority. My question is, If they repeal that statute, they take the authority away, do they not?

Mr. KING. I do not concede; in admitting that they passed that law——

Mr. NORRIS. I am not questioning the Senator's contention that the power might exist in some other way.

Mr. KING. Exactly.

Mr. NORRIS. I am not contesting that.

Mr. KING. It may be inherent in the court. I agree with the Senator that the Congress could repeal that act.

Mr. President, after these interruptions I return to a discussion of the decision in the Agricultural Adjustment Act case. I stated that the Supreme Court has again applied that fundamental rule of constitutional law that the Federal Government cannot, under the pretext of executing delegated power, usurp the powers reserved to the States and the people under the tenth amendment.

The Court quoted with approval from its decision in the case of Linder against United States, a case to which I referred in my address in the Senate on the social-security bill on June 18, 1935. I quote from my speech and from that decision of the Supreme Court in the Linder case:

> Congress cannot, under the pretext of executing delegated power, pass laws for the accomplishment of objects not entrusted to the Federal Government. And we accept as established doctrine that any provision of an act of Congress ostensibly enacted under power granted by the Constitution, not naturally and reasonably adapted to the effective exercise of such power but solely to the achievement of something plainly within power reserved to the States, is invalid and cannot be enforced.

Of course, I know that some of my brethren argue that the Supreme Court had no right to make that statement; that Congress is supreme rather than the Constitution of the United States.

The tax, the appropriation of the funds raised, and the direction for their disbursement, under the Agricultural Adjustment Act, were found by the Court to be a part of a plan to regulate and control agricultural production, a matter beyond the powers delegated to the Federal Government and reserved to the States under the tenth amendment. To quote the Court:

> They are but means to an unconstitutional end.

May I say in passing, with respect to the bill before us, that it has infirmities as palpable as the Agricultural Adjustment Act, and it will be subject to many of the legal objections as were urged against the former. I shall not attempt to analyze the bill under consideration and to point out what I concede to be the legal and illegal similarities between it and the A. A. It is worthy of note, however, that the measure before us is not accompanied by any hearings or by any information based upon testimony taken by any committee of the Senate. It confers greater power upon the Secretary of Agriculture and bureaucratic agencies than was found in the discredited A. A. Act. I have not learned the paternity of this bill. No light is shed upon that question. I do not know whether it was the product of the genius of Mr. Chester Davis or Mr. Tugwell or Secretary Wallace, or some of the "scientific experts" in and about the Agriculture Department. I am informed that executive sessions were held by the committee, but that no hearings were had and that no testimony was taken and none submitted for the consideration of the Senate. I was told by a member of the committee that the only persons who appeared before the committee were Mr. Davis and Mr. Wallace.

One would suppose that a measure which called for an annual appropriation of $500,000,000 to be expended practically without limitation or restriction or direction by an executive department of the Government would have provoked discussion and called for detailed explanations as to its purpose, manner of administration, and hoped-for results. But we are left to guess what consequences will flow from this measure.

A few years ago, when the Republicans were in power, a measure called the "farm bill" was enacted. It called for $500,000,000 to aid agriculture. It was much more specific than the one under consideration, and it did not possess provisions for its immortality. Leading Democrats denounced the measure and in their Democratic platform condemned it.

Congress during the past 2 or 3 years has conferred upon the Department of Agriculture almost unlimited authority. The A. A. Act is an illustration of the unjustifiable conference of unrestricted power upon an organization. This bill proposes, as I have stated, to confer additional authority and

to appropriate annually for an indefinite period the enormous sum of $500,000,000.

Again I return to the decision in the A. A. A. case.

In holding the Agricultural Adjustment Act unconstitutional, the Court undertook to discuss the meaning of the phrase "general welfare" as used in that clause of the Constitution which confers upon the Congress the power "to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States." In this connection the Court said:

> The clause thought to authorize the legislation—the first—confers upon the Congress power "to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States * * *." It is not contended that this provision grants power to regulate agricultural production upon the theory that such legislation would promote the general welfare.

In other words, it is not contended that the general-welfare clause is a grant of power and falls into the same category as the well-defined and enumerated powers found in the Constitution.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER (Mr. DUFFY in the chair). Does the Senator from Utah yield to the Senator from Indiana?

Mr. KING. I yield.

Mr. MINTON. I wish to ask the Senator, in view of the fact that the Constitution has plainly granted the power to levy the tax, whether it would not be a reasonable construction to imply that since you have the power to levy the tax the power to spend the tax would be as broad as the taxing power itself? Otherwise, why authorize the laying of the tax?

Mr. KING. I do not accept the view that because a tax may be levied, unlimited authority is given to spend it. Generally speaking, taxes are imposed for the purpose of meeting legitimate expenses of the Government. There is a presumption that they will not be levied for improper and illegitimate purposes. I admit that this presumption is not always valid. Indeed, taxes are sometimes wrung from the people and expended for unwise, if not improper, purposes. Congress may collect taxes ostensibly to meet legitimate expenditures and devote them to entirely different purposes—indeed, to carry out a policy which finds no warrant under the Constitution. We can conceive of Treasury funds being devoted to some illegal and clearly improper purpose.

Mr. MINTON. Since the Constitution provides that Congress may lay a tax and collect a tax for, among other things, the general welfare, is not the spending power as broad as the taxing power—that is to say, that Congress could authorize the expenditure of the money for the general welfare?

Mr. KING. I do not concede that. However, who is to interpret the "general welfare"? The Senator would interpret the "general welfare" one way and I might determine it another way. Even in this case referred to, Mr. Hamilton, under the general welfare, would not concede that the authorization to levy a tax for the general welfare might justify the expenditure of the money so obtained for purposes which were outside the general welfare.

Mr. MINTON. May I tell the Senator where I think the power lies to determine whether or not the tax is properly expended? It rests with the Supreme Court to the extent that the Supreme Court could say whether or not the expenditure bore any fair or reasonable relation to the general welfare.

Mr. KING. The Senator may be right. The Supreme Court in the A. A. case seems to have adopted that view. However, I shall attempt to show before concluding my remarks that that holding was not necessary to a determination of the issue involved and was therefore obiter dicta. Courts not infrequently, after deciding the real and only question presented, invade another field—the broad and unfortunately widening field—of obiter dicta. This results in confusion and in a vast amount of obscurantism. Many decisions clear as crystal as to the only question to be decided, lose their potency because of learned discussions in which erudition surrounds the crystal decision with clouds of darkness.

Mr. President, I return to the majority opinion in the A. A. case to which I was giving attention when interrupted.

> The Government concedes that the phrase "to provide for the general welfare" qualifies the power "to lay and collect taxes." The view that the clause grants power to provide for the general welfare, independently of the taxing power, has never been authoritatively accepted. Mr. Justice Story points out that if it were adopted "it is obvious that under color of the generality of the words, to 'provide for the common defense and general welfare', the Government of the United States is, in reality, a government of general and unlimited powers, notwithstanding the subsequent enumeration of specific powers." The true construction undoubtedly is that the only thing granted is the power to tax for the purpose of providing funds for payment of the Nation's debts and making provision for the general welfare.
>
> Nevertheless the Government asserts that warrant is found in this clause for the adoption of the Agricultural Adjustment Act. The argument is that Congress may appropriate and authorize the spending of moneys for the "general welfare"; that the phrase should be liberally construed to cover anything conducive to national welfare; that decision as to what will promote such welfare rests with Congress alone, and the courts may not review its determination; and finally that the appropriation under attack was in fact for the general welfare of the United States.
>
> The Congress is expressly empowered to lay taxes to provide for the general welfare. Funds in the Treasury as a result of taxation may be expended only through appropriation (art. I, sec. 9, cl. 7). They can never accomplish the objects for which they were collected unless the power to appropriate is as broad as the power to tax. The necessary implication from the terms of the grant is that the public funds may be appropriated "to provide for the general welfare of the United States." These words cannot be meaningless else they would not have been used. The conclusion must be that they were intended to limit and define the granted power to raise and to expend money. How shall they be construed to effectuate the intent of the instrument?

The Court refers to the views of Madison as to the interpretation to be placed upon the general-welfare clause. His views, and the views of Jefferson, Monroe, and many other great leaders and statesmen who were familiar with the Constitution, were that the general-welfare clause is not a grant of power but as used was merely for the purpose of identifying the specific grants. In other words, it was a qualification of the specific grants, and in effect proclaimed that they were within the general welfare—that any appropriation or legislation must find authority for the same in the specific grants of power to the Federal Government and that the same must be for the general welfare.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. MINTON. Did not the Supreme Court of the United States in the case of United States against Butler put its stamp of approval upon the Hamiltonian theory?

Mr. KING. I have stated that whatever the Court said upon that question was obiter dicta, and nothing else. It was not necessary to a determination of the case. I am sure that my friend from Indiana, an able lawyer, and one of the growing lights in our political life, will agree with me.

I continue reading from the opinion of the Court:

> Since the foundation of the Nation sharp differences of opinion have persisted as to the interpretation of the phrase; Madison asserted it amounted to no more than a reference to the other powers enumerated in the subsequent clauses of the same section—that as the United States is a Government of limited and enumerated powers the grant of power to tax and spend for the general national welfare must be confined to the enumerated legislative fields committed to the Congress. In this view the phrase is mere tautology; for taxation and appropriations are or may be necessary incidents of the exercise of any of the enumerated legislative powers. Hamilton, on the other hand, maintained the clause confers a power separate and distinct from those later enumerated, is not restricted in meaning by the grant of them, and Congress consequently has a substantive power to tax and to appropriate, limited only by the requirement that it shall be exercised to provide for the general welfare of the United States. Each contention has had the support of those whose views are entitled to weight. This court has noticed the question but has never found it necessary to decide which is the true construction. Mr. Justice Story, in his Commentaries, espouses the Hamilton position. We shall not review the writings of public men and commentators or discuss the legislative practice. Study of all these leads us to conclude that the reading advocated by Mr. Justice Story is the correct one. While, therefore, the power to tax is not unlimited, its confines are set in the clause which confers it, and not in those of section 8, which bestow and define the legislative powers of the Congress. It results that the power of Congress to authorize expenditure of public moneys for public purposes is not

limited by the direct grants of legislative power found in the Constitution.

But the adoption of the broader construction leaves the power to spend subject to limitations.

As Story says:

The Constitution was, from its very origin, contemplated to be the frame of a national government of special and enumerated powers and not of general and unlimited powers.

Yet some persons are insisting that the general-welfare clause is a grant of power unlimited in its terms and under which Congress may expend money for any purpose, legal or illegal.

Again Story says:

A power to lay taxes for the common defense and general welfare of the United States is not in the common sense, a general power. It is limited to those objects. It cannot constitutionally transcend them.

That the qualifying phrase must be given effect all advocates of broad construction admit. Hamilton, in his well-known report on manufactures, states that the purpose must be "general and not local." Monroe, an advocate of Hamilton's doctrine, wrote: "Have Congress a right to raise and appropriate the money to any and to every purpose according to their will and pleasure? They certainly have not." Story says that if the tax be not proposed for the common defense or general welfare, but for other objects wholly extraneous, it would be wholly indefensible upon constitutional principles. And he makes it clear that the powers of taxation and appropriation extend only to matters of national, as distinguished from local welfare."

As elsewhere throughout the Constitution the section in question lays down principles which control the use of the power, and does not attempt meticulous or detailed directions. Every presumption is to be indulged in favor of faithful compliance by Congress with the mandates of the fundamental law. Courts are reluctant to adjudge any statute in contravention of them. But, under our frame of government, no other place is provided where the citizen may be heard to urge that the law fails to conform to the limits set upon the use of a granted power. When such a contention comes here we naturally require a showing that by no reasonable possibility can the challenged legislation fall within the wide range of discretion permitted to the Congress. How great is the extent of that range, when the subject is the promotion of the general welfare of the United States, we need hardly remark. But, despite the breadth of the legislative discretion, our duty to hear and to render judgment remains. If the statute plainly violates the stated principle of the Constitution, we must so declare.

Mr. President, I regard it as fortunate that the Supreme Court has now conclusively settled the question that the welfare clause is not a power by itself, but a limitation upon the taxing power. It was necessary for the Court to dispose of this question, for if the general-welfare clause had been held to be a Federal power, instead of merely a limitation on the taxing power, it would fall within the powers delegated to the Federal Government and not reserved to the States. As the Court pointed out, such a construction would be absurd, for it would make the Government of the United States a government of general and unlimited powers, notwithstanding the enumeration of specific powers.

It is interesting to note in this connection the report of a speech made on June 16, 1798, on this clause by Albert Gallatin, of Pennsylvania, who was a member of the Constitutional Convention:

He was well informed that these words had originally been inserted in the Constitution as a limitation to the power of laying taxes. After the limitation had been agreed to and the Constitution was completed a member of the Convention, being one of a committee of revisal and arrangement, attempted to throw these words into a distinct paragraph, so as to create not a limitation but a distinct power. The trick, however, was discovered by a member from Connecticut, now deceased, and the words restored as they now stand. So that Mr. Gallatin said, whether he referred to the Constitution itself, to the most able defenders of it, or to the State conventions, the only rational construction which could be given to that clause was that it was a limitation, and not an extension of powers. (U. S. Annals of Congress, 5th Cong., 1797–99, vol. 8, 1796; Framing the Constitution, Farrand, p. 182; A. B. A. Journal, August 1927.)

But the Supreme Court did not stop at this point, but considered the question as to whether the general-welfare clause should be construed according to the Madisonian interpretation or according to the Hamiltonian interpretation as espoused by Mr. Justice Story. The Madison theory holds that the general-welfare clause is merely descriptive of and limited by the specific grants of power to Congress, and that the power to tax and appropriate is, therefore, confined to the enumerated powers.

That was his view and the view of Jefferson and others. Hamilton's view holds that the Congress has authority to tax and spend, if such matters relate to the national welfare as distinguished from local welfare. The Supreme Court concluded that the reading advocated by Mr. Justice Story was the correct one. However, neither the interpretation by Madison nor the interpretation by Hamilton, as espoused by Mr. Justice Story, would permit the Congress to regulate or control (as distinguished from appropriation in aid of) matters of State concern, with respect to which Congress has no authority to interfere, regardless of whether or not such matters relate to the "general welfare of the United States." Since the Court held that the Agricultural Adjustment Act was a plan—of which the tax was merely a part—to regulate and control agricultural production, a matter not delegated to the Federal Government, its conclusion that the reading by Mr. Justice Story was the correct one is purely "obiter dicta." There was only one question to decide, and the Court determined it against the contention of the Government. In my opinion, the Court ought then to have terminated its discussion, but unfortunately it proceeded from sound and safe ground into the realm of uncertainty and confusion.

This was admitted by the Court when it said:

We are not now requested to ascertain the scope of the phrase "general welfare of the United States" or to determine whether an appropriation in aid of agriculture falls within it.

The conclusion of the Court at this point being merely obiter dicta, it cannot be accepted as controlling. It was Chief Justice Marshall who said, in the celebrated case of *Cohens* v. *Virginia* (6 Wheat. 254)—and, by the way, that was a case that incurred the criticism of Mr. Jefferson, because he thought that it tended too much to the consolidation of Federal power:

It is a maxim not to be disregarded that general expressions in every opinion are to be taken in connection with the case in which these expressions are used. If they go beyond the case, they may be respected as obiter dicta, but ought not to control the judgment in a subsequent suit when the very point is presented for decision. The reason for this maxim is obvious. The question actually before the Court is investigated with care and considered in its full extent. Other principles which may serve to illustrate it are considered in relation to the case decided, but their bearing on all other cases is seldom completely investigated.

This maxim has been frequently applied by the Supreme Court. For instance, Chief Justice Taft, in *Hill* v. *Wallace* (259 U. S. 44), in holding that certain parts of the Grain Futures Act were unconstitutional, expressed the opinion that section 3 of that act was constitutional. However, despite this conclusion by Chief Justice Taft, the Supreme Court did not hesitate to hold section 3 of the Futures Trading Act unconstitutional when a case involving that section was actually presented to it (*Trusler* v. *Crooks*, 269 U. S. 475).

Accordingly, we should not rely upon this obiter dicta as settling the question.

I am of the opinion that, both from a historical standpoint and from the standpoint of logic, the view advocated by Madison is the correct one, not that of Hamilton.

Permit me to trace the history of the general-welfare clause through the debates of the Constitutional Convention. The struggle in the Convention was between the Pinckney plan, which prescribed definite powers to the Congress and the Hamiltonian plan, which gave the Congress the power to pass all laws whatsoever, subject to a veto by the President. He modified his views to accommodate himself to the views of others, but, nevertheless, adhered to the philosophy which guided him prior to his entrance into the Constitutional Convention, and which followed him during the discussion and subsequent to the Constitutional Convention. I might add in passing, however, that Mr. Hamilton was not a very faithful attendant upon the Constitutional Convention.

The advocates of the Pinckney plan were successful in getting their plan adopted. On August 6, 1787, the com-

mittee of detail made its report, which did not contain any welfare clause but contained the following:

ARTICLE VII

SECTION 1. The Legislature of the United States shall have the power to lay and collect taxes, duties, imposts, and excises;

To regulate commerce with foreign nations, and among the several States;

To establish an uniform rule of naturalization throughout the United States;

To coin money;

And so forth.

There were, in this section, 17 paragraphs in all conferring specific grants of power, the last of which provides:

And to make all laws that shall be necessary and proper for carrying into execution the foregoing powers vested by the Constitution, in the Government of the United States, or in any department or office thereof.

I cite Formation of the United States, which contains reference to Elliott's Debates and other cognate publications. If the grant of the taxing power had been retained in this form, which omitted the qualifying clauses, there would be no doubt that the power to tax or appropriate could have been exercised only for purposes within the field of enumerated powers. However, the qualifying clauses were not added to extend the taxing power. The discussions in the convention show that the members of the convention were concerned not with the meaning of the qualifying clause "to provide for the common defense and general welfare of the United States" but with the necessity of having an express provision to make it clear that the new Government would be absolutely responsible for its obligations.

This was thought necessary because of the spirit of repudiation which was rampant in the country when the provisions of the Constitution were being debated in the convention.

Let us follow the proceedings on this point.

On August 18, 1787, Mr. Madison referred to the committee on detail certain powers to be added to those of the General Legislature. Among such was the power—

To secure the payment of the public debt. (Formation of the United States, p. 564.)

August 22, 1787, the committee on detail made a supplementary report, recommending among other things:

At the end of the first clause of the first section of the seventh article add, "for payment of the debts and necessary expenses of the United States: *Provided*, That no law for raising any branch of revenue, except what may be specially appropriated for the payment of interest on debts or loans, shall continue in force for more than — years. (Formation of the United States, p. 595.)

August 23, 1787:

The first section of article VII being so amended as to read: "The legislature shall fulfill the engagements and discharge the debts of the United States and shall have the power to lay and collect taxes, duties, imposts, and excises", was agreed to.

Mr. Butler expressed his dissatisfaction lest it should compel payment as well to the bloodsuckers who had speculated on the distresses of others, as to those who had fought and bled for their country. He would be ready, he said, tomorrow to vote for a discrimination between those classes of people, and give notice that he should move for a reconsideration. (Formation of United States, p. 605.)

August 24, 1787:

Mr. Butler, according to notice, moved that clause 1, section 1, of article VII, as to the discharge of debts, be reconsidered tomorrow. He dwelt on the division of opinion concerning the domestic debts, and the different pretentions of the different classes of holders. General Pinkney seconded him.

Mr. Randolph wished for a reconsideration in order to better the expression and to provide for the case of the State debts as is done by Congress.

On the question for reconsideration

New Hampshire, no; Massachusetts, aye; Connecticut, aye; New Jersey, aye; Pennsylvania, absent; Delaware, aye; Maryland, no; Virginia, aye; North Carolina, absent; South Carolina, aye; Georgia, aye; and tomorrow assigned for the reconsideration. (Formation of United States, p. 608.)

August 25, 1787:

The first clause of section 1 of article VII being reconsidered.

There was a great deal of discussion as to the meaning of the clause relating to debts.

Mr. Sherman thought it necessary to connect with the clause for laying taxes, duties, etc., an express provision for the object of the old debts, etc.; and moved to add to the first clause of first section, article VII, "for the payment of said debts and for the defraying the expenses that shall be incurred for the common defense and general welfare."

Senators will see it was in connection with the payment of the debts that the general-welfare clause was first brought into the Constitution.

The proposition as being unnecessary was disagreed to, Connecticut alone being in the affirmative. (Formation of the United States, p. 616.)

Final action on this clause was not taken at that time. Senators will recall that the Convention held it was unnecessary to add these words because the paramount and only consideration in respect to that clause was the provision for the payment of the debts contracted during the Revolutionary War.

Final action on this clause was not taken at that time. August 31 the Convention referred—

Such parts of the Constitution as have been postponed and such parts of reports as have not been accounted for to a committee of a member from each State. (Formation of the United States, p. 655.)

This is certainly the proper construction to place upon the words, and that was the view of Madison and others. September 4, 1787, the committee to whom the resolutions were referred on August 31, reported that in their opinion the following additions and alterations should be made to the report before the Convention:

1. The first clause of section 1, article 7, to read as follows: "The Legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States." (Formation of the United States, p. 660.)

The (first) clause of the report was agreed to, nem. con." (Formation of the United States, p. 661.)

It will be noted that the report of this committee contains substantially the same language which Sherman advocated, but which was voted down as unnecessary. In explanation of the reason why the committee should have reported back this language, the following is quoted from Framing of the Constitution, by Farrand, pages 176–178:

Sherman was a member of the committee on the unfinished parts of the Constitution, and it is noticeable that favored ideas of the individual members were apt to be recommended by the committee. Morris also was a member and as a representative of the moneyed interest, he naturally had been in favor of a specific obligation to assume the old debts. These men probably had to do with the phrasing of the clause just referred to and with its recommendation by the committee.

September 8, 1787, the Convention appointed a committee of five to revise the style and arrangement of the articles which had been agreed to. This committee consisted of Mr. Johnson, Mr. Hamilton, Mr. Morris, Mr. Madison, and Mr. King (Formation of the United States, p. 694).

September 12 this committee reported their plan, the taxing clause reading as follows:

SEC. 8. The Congress may by joint ballot appoint a treasurer. They shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States. (Formation of the United States, p. 706.)

September 15 the Constitution as amended was agreed to and then ordered engrossed. (Formation of the United States, p. 738.)

September 17, 1787, the engrossed Constitution was read. The taxing power in the engrossed Constitution read as follows:

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States. (Formation of the United States, p. 993.)

As heretofore stated, the discussion in the Convention about the qualifying clause "to pay the debts and provide for the common defense and general welfare of the United States" was solely in relation to debts. However, having decided to add one purpose for which taxes could be levied, namely, "to

pay the debts", it was necessary to refer to the other purposes covered by the remaining enumerated powers to avoid the possibility of a construction which would exclude them. This is evident from Sherman's proposal, which was first voted down as unnecessary and later adopted in substantially the same language. While Sherman was concerned only about the question of debts, his proposal provided that taxes should be levied not only "for the payment of said debts" but also "for defraying of the expenses that shall be incurred for the common defense and general welfare."

"Common defense" and "general welfare" were, therefore, apt words to describe objects of taxation which would include all purposes for the promotion of which Congress, in section 8, was given substantive power to provide. This is certainly the only logical explanation and conclusively answers Story's argument that under the interpretation by Madison they would be mere subterfuge. Being words of general import and without power in the Articles of Confederation from which they came, they must be regarded as having the same innocuous character when inserted in the Constitution of the United States.

Mr. President, those words, being of general import and being devoid of power as employed in the Articles of Confederation from which they came, must be regarded as having the same innocuous and inert character when they appeared in the Constitution of the United States. I emphasize the fact that the words of the general-welfare clause, as repeatedly stated by those drafting the Constitution and by Chief Justice Marshall in one of his decisions, were taken from the Articles of Confederation. No greater meaning was ascribed to them by the framers of the Constitution than was attributed to them by those who drafted the Articles of Confederation and by the people of the States who lived under the Confederation. The latter regarded the words as devoid of any power—indeed, as being innocuous and as conferring no authority or power upon the Government under the Confederation.

The so-called coefficient clause, which gives Congress the power to make all laws which shall be necessary and proper for carrying into effect its powers, being a general provision, might have been interpreted as not enlarging the specific purposes for which taxes could be levied or appropriations made under the taxing power. So, to settle the question, it was logical to provide that taxes could be levied and appropriations made, not only for payment of the debts but also for carrying out the other enumerated power, and, therefore, the terms "common defense" and "general welfare" were adopted.

Moreover, under the reading by Justice Story, while the Federal Government may not regulate or control matters reserved to the States, it may possibly appropriate the money raised by taxation in aid of such matters, if they relate to and clearly and concisely concern the general welfare. The distinction is pointed out by Justice Story, in his Commentary on the Constitution, as follows:

> The distinction between the power to make internal improvements and the power to appropriate is that in the latter Congress may appropriate to any purpose which is for the common defense or general welfare; but in the former it may engage in such undertakings only as a means or incident to its enumerated powers.

For instance, Congress may authorize the making of a canal as an incident to the power to regulate commerce, or authorize the purchase of buildings, customhouses, and public warehouses as incidents to the power to lay and collect taxes. However, Congress could not authorize Federal authorities to go into a State and create an educational department or take over the public-health operations therein.

In *Gibbons* v. *Ogden* (9 Wheat. 1) Chief Justice Marshall, in discussing the powers of taxation belonging to both the Federal Government and the States, said:

> Congress is authorized to lay and collect taxes, to pay debts, etc. This does not interfere with the power of the States to tax for the support of their own governments, nor is the exercise of that power by the States the exercise of any portion that is granted to the United States.
>
> In imposing taxes for State purposes they are not doing what Congress is empowered to do. Congress is not empowered to tax for those purposes which are within the exclusive power of the States.

In other words, Chief Justice Marshall, who, many contend, developed the doctrine of implied powers (*McCulloch* v. *Maryland*, 4 Wheat. 316) so that the Federal Government could exercise its powers to the fullest extent, did not agree with Mr. Justice Story's reading of the welfare clause. Mr. Justice Story's interpretation would seem to permit the Congress to tax but not regulate for those purposes which are within the exclusive power of the States. This is exactly what Chief Justice Marshall said Congress was without the power to do. Mr. Justice Story's reading would permit the Federal Government to levy taxes for the purpose of appropriating billions of dollars for activities solely within the regulation and control of the States, and which had no relation to the enumerated powers conferred upon the Federal Government. Under Marshall's interpretation, Federal money must be raised for Federal purposes and not for State purposes. This permits the two governments—the State and the United States—to operate within their respective orbits without any conflict or overlapping with the other, for the activities of each would be confined to the field which belongs to it under the Constitution.

Moreover, Justice Story's interpretation fails to give any effect to the use of the words "United States" in the taxing clause. This clause, under the interpretation placed upon it by some, gives Congress the power "to pay the debts and provide for the common defense and general welfare of the United States." Clearly, "United States" must mean "Government of the United States", for no one would admit that the clause gives Congress the power to pay the debts of a particular State or of the people of the United States. Therefore, an appropriation to assist the States in carrying out their agricultural programs would clearly be unconstitutional, for the general welfare to be secured is only that of the Government of the United States.

I know there are many who will point to the many appropriations which have been made in the past as substantiating Mr. Hamilton's view, as espoused by Mr. Justice Story. But the Supreme Court was careful to point out in the Agricultural Adjustment Act case that such expenditures have not been challenged because no remedy was open for testing their constitutionality in the courts, citing *Massachusetts v. Mellon* (262 U. S. 447). So the fact that appropriations to carry out activities reserved to the States have been made in the past does not prove that they are constitutional.

Mr. Madison expressed his view in the Federalist, no. 41, in which he denounced the assumption that this clause amounts to an unlimited commission to exercise every power alleged to be necessary for the common welfare. He regarded it as a mere general expression, and fraught with no special meaning as a substantive delegation of power. He says, "Nothing is more natural nor common than just to use a general phrase, and then explain and qualify it by particulars"; and then refers to the fact that this language is "a copy from the Articles of Confederation", which, as I stated a moment ago, were regarded as innocuous by the States which formed the Confederation. This statement must have had a considerable effect in obtaining the ratification of the Constitution of the United States, as the States were very jealous about giving up their powers to the Federal Government, as evidenced by the tenth amendment, which the Supreme Court said, in *Kansas* v. *Colorado* (206 U. S. 46), was adopted "to dispose of such contentions as at present, that the National Government might under pressure of supposed general welfare attempt to exercise powers which had not been granted."

Madison also renewed the same statement in his message vetoing a bill for internal improvements, March 3, 1817 (4 Elliot's Debates, pp. 468–470), and in a letter to Andrew Stevenson dated November 27, 1830 (4 Madison's Works, pp. 120–139).

Mr. President, I ask permission to have incorporated in the RECORD at this point in my remarks Madison's statement to which I have just referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

[Madison, in the Federalist, no. 41, Jan. 22, 1788]

Some, who have not denied the necessity of the power of taxation, have grounded a very fierce attack against the Constitution, on the language in which it is defined. It has been urged and echoed that the power "to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States" amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defense or general welfare. No stronger proof could be given of the distress under which these writers labor for objections than their stooping to such a misconstruction.

Had no other enumeration or definition of the powers of Congress been found in the Constitution than the general expressions just cited, the authors of the objection might have had some color for it, though it would have been difficult to find a reason for so awkward a form of describing an authority to legislate in all possible cases. A power to destroy the freedom of the press, the trial by jury, or even to regulate the course of descents or the forms of conveyances, must be very singularly expressed by the terms "to raise money for the general welfare."

But what color can the objection have when a specification of the objects alluded to by these general terms immediately follows and is not even separated by a longer pause than the semicolon? If the different parts of the same instrument ought to be so expounded as to give meaning to every part which will bare it, shall one part of the same sentence be excluded altogether from a share in the meaning; and shall the more doubtful and indefinite terms be retained in their full extent and the clear and precise expressions be denied any signification whatsoever? For what purpose could the enumeration of particular powers be inserted if these and all others were meant to be included in the preceding general power? Nothing is more natural or common than first to use a general phrase and then to explain and qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning and can have no other effect than to confound and mislead is an absurdity which, as we are reduced to the dilemma of charging either on the authors of the objection or the authors of the Constitution, we must take the liberty of supposing, had not its origin with the latter.

The objection here is the more extraordinary, as it appears that the language used by the convention is a copy from the Articles of Confederation. The objects of the union among the States, as described in article III, are, "Their common defense, security of their liberties, and mutual and general welfare." The terms of article VIII are still identical: "All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress, shall be defrayed out of a common treasury", etc. A similar language again occurs in article IX. Construe either of these articles by the rules which would justify the construction put on the new Constitution, and they vest in the existing Congress a power to legislate in all cases whatsoever. But what would have been thought of that assembly if, attaching themselves to these general expressions, and disregarding the specifications which ascertain and limit their import, they had exercised an unlimited power of providing for the common defense and general welfare? I appeal to the objectors themselves, whether they would in that case have employed the same reasoning in justification of Congress as they now make use of against the convention. How difficult it is for error to escape its own condemnation!

Mr. KING. Mr. Madison's views were further powerfully presented in his speech delivered in the House of Representatives on February 7, 1792 (Annals of Congress, 2d sess.). He there stated:

Those who proposed the Constitution conceived, and it is still more fully known, and more material to observe, that those who ratified the Constitution conceived that this is not an indefinite government, deriving its powers from the general terms prefixed to the specified powers, but a limited government, tied down to the specified powers which explain and define the general terms. * * * The gentlemen who contend for a contrary doctrine are surely not aware of the consequences which flow from it, and which they must either admit or give up their doctrine."

He further declared that—

It will follow that if the terms be taken in the broad sense they maintain, the particular powers afterward so carefully and distinctly enumerated would be without any meaning, and must go for nothing. It would be absurd to say, first, that Congress may do what they please, and then that they may do this or that particular thing. After giving Congress power to raise money, and to apply it to all purposes which they may pronounce necessary to the general welfare, it would be absurd, to say the least, to superadd a power to raise armies, to provide fleets, etc. In fact, the meaning of the general terms in question must either be sought in the subsequent enumeration which limits and details them or they convert the Government from one limited, as hitherto supposed, to the enumerated powers into a government without any limits at all.

He then refers to the fact that the terms—

"Common defense and general welfare", as used in the Constitution, were not novel terms or first introduced in the Constitution. They are terms familiar in their construction and well known to the people of America. They were found in the old Articles of Confederation where * * * it was never supposed or pretended that they conveyed any such power as is now assigned to them. On the contrary, it was always considered as clear and certain that the old Congress was limited to the enumerated powers and that the enumeration limited and explained the general terms.

Mr. Madison further added—

If Congress can apply money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion in their own hands; they may establish teachers in every State, county, and parish, and pay them out of the Public Treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may undertake the regulation of all roads, other than post roads. In short, everything from the highest object of State legislation down to the most minute object of police would be thrown under the power of Congress, for every object I have mentioned would admit the application of money and might be called, if Congress pleased, provision for the general welfare.

Mr. President, if Congress is the sole judge of what is the general welfare (and that is the contention of many), and may tax for any purpose, then ours is not a government of enumerated powers. Congress would be supreme and it could tax without limit and expend enormous sums wrung from the people for the control of matters and concerns private or communal or State without restriction or limitation. Under this view ours would not be a government of enumerated powers but an autocratic and despotic government. It would cease to be a republic. Who shall say that our government is not in danger when that doctrine is maintained by officials of importance and many who are guided by their sophistries and precepts?

I shall not take the time of the Senate to present some of of the views of Mr. Jefferson, found in his writings, and also in his opinion as to the constitutionality of a national bank, under date of February 15, 1791.

I referred earlier in my remarks to the fact that Jefferson and Jackson had criticized the Supreme Court for holding constitutional, acts of Congress which they believed infringed upon the rights of the States, but as I have indicated, some Democrats are following Hamilton and condemning the views and philosophy of Madison and Jefferson and other great leaders in the early days of this Republic. But to return.

Mr. President, in my opinion Congress should not rely upon the dicta in the Agricultural Adjustment Act case as being any authority for appropriating large sums of money to aid in activities which are reserved to the States under the tenth amendment. This question has never been authoritatively decided; and I believe that when the question is squarely presented to the Supreme Court it will adopt the Madisonian interpretation instead of that of Hamilton.

But the Supreme Court, after concluding the way of dicta that the general-welfare clause was broader than the enumerated powers, made the statement that the question of what constitutes the general welfare of the United States is a matter which rests with the Judiciary for ultimate decision. My friend from Indiana [Mr. MINTON] referred to that a few moments ago. In this connection, the Court, after quoting the following statement from Justice Story—

A power to lay taxes for the common defense and general welfare of the United States is not in common sense a general power. It is limited to those objects. It cannot constitutionally transcend them—

Said:

when such a contention comes here we naturally require a showing that by no reasonable possibility can the challenged legislation fall within the wide range of discretion permitted to the Congress. How great is the extent of that range, when the subject is the promotion of the general welfare of the United States, we need hardly remark. But, despite the breadth of the legislative discretion, our duty to hear and to render judgment remains. If the statute plainly violates the stated principles of the Constitution we must so declare.

However, since there is such a wide range of discretion in determining what is for the general welfare, it does not

appear that this conclusion would act very much as a check upon a huge spending program by the Federal Government.

In concluding this discussion of the general-welfare clause I wish to make a few comments upon the minority opinion of Mr. Justice Stone, which was concurred in by Mr. Justice Brandeis and Mr. Justice Cardozo.

The minority opinion takes the position that the Congress has the power to tax and spend for the general welfare and that an expenditure of public moneys in aid of farmers is within the specific grant of Congress to levy taxes for the general welfare. Of course I find no decision supporting that view. The minority place the power to levy taxes for the general welfare upon a parity with the other enumerated powers conferred upon the Congress by the Constitution. In effect, this means that the general-welfare clause is a definite and specific grant of power, under which Congress may tax and spend for any purpose which it may think relates to or promotes the general welfare. I suppose under this view Congress alone determines what will promote such welfare.

In this connection I wish to quote the following from the opinion of the minority comparing the commerce power with the taxing power:

> Congress through the Interstate Commerce Commission has set aside intrastate railroad rates. It has made and destroyed intrastate industries by raising or lowering tariffs. These results are said to be permissible because they are incidents of the commerce power and the power to levy duties on imports. (See *Minnesota Rate Cases*, 230 U. S. 352; *Shreveport Rate Cases*, 234 U. S. 342; *Board of Trustees of the University of Illinois* v. *United States*, 289 U. S. 48.) The only conclusion to be drawn is that results become lawful when they are incidents of those powers but unlawful when incident to the similarly granted power to tax and spend.

The conclusion from reading the minority opinion is inescapable that their position is that the power to tax and spend for the general welfare is a power delegated to the Federal Government and overrides the powers reserved to the States.

Under that, of course, they might override all the personal guaranties of the 10 amendments. They might ignore the amendment which preserves the rights of the States. Congress might say, "Under this unlimited power we may pass any law, even though it infringes upon the reserved rights of the States, or those of individuals." But to hold that the power to tax and spend for the general welfare is not limited by the tenth amendment leads to absurd results. Such a holding is as far reaching in its effect as if Congress were given an express power to provide for the general welfare; for Congress could undertake, through the taxing power, the regulation of any activity reserved to the States or the people by the tenth amendment, if it were regarded as being for the general welfare. Even the minority must have realized the far reaching effect of such a holding, for in their concluding remarks they attempt to modify the effect of such a holding in the following statement:

> The power to tax and spend is not without constitutional restraints.

Of course, if it were an unlimited grant of power, it would not be subject to the qualification just made.

> One restriction is that the purpose must be truly national. Another is that it may not be used to coerce action left to State control.

The bill under consideration, I insist, is coercive and it is not "truly national."

> Another is the conscience and patriotism of Congress and the Executive.

But where do such limitations lead us? The limitation that the purpose must be national does not result in much of a restraint against the usurpation by the Federal Government of the power reserved to the States. The minority opinion holds that in view of the present depressed state of agriculture a program by the Federal Government in aid of the curtailment of production of agricultural products is for a national purpose. By the same reasoning, a program in the aid of manufacturing and mining is also for a national purpose. Then, too, programs for the public health, the relief of the unemployed, the care of the sick and needy, the regulation of child labor, the regulation of hours and wages of employees might also be said to be for a national purpose. In fact, under the minority view, a Federal program in aid of any situation or condition which is "Nation-wide in its extent and effect" is for a national purpose. So this limitation is a poor safeguard against the Federal Government usurping the powers of the States.

The second limitation—that the taxing power may not be used to coerce action left to State control—becomes equally ineffective under the minority view. The minority opinion takes the view that the Federal Government has the authority to enter directly into voluntary contracts with the people in the several States in respect of matters reserved to the States. The minority opinion takes the position that the contracts entered into under the Agricultural Adjustment Act were voluntary and not coercive. On the other hand, the majority opinion, although holding that such contracts were not voluntary, stated that "even if the plant were for purely voluntary cooperation, it would stand no better so far as Federal power is concerned. At best it is a scheme for purchasing with Federal grants submission to Federal regulation of a subject reserved to the States."

In other words, the Federal Government, even through a voluntary plan, could usurp powers belonging to the States, just as the bill under consideration does.

It is a fundamental rule of constitutional law that a Federal statute, if enacted pursuant to constitutional authority, overrides any State statute in conflict therewith. Article VI, subdivision 2, of the Federal Constitution, reads:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land.

In construing this provision, in *Ex parte Siebold* (100 U. S. 371), the Supreme Court said:

> The true doctrine, as we conceive, is this, that whilst the States are really sovereign as to all matters which have not been granted to the jurisdiction and control of the United States, the Constitution and constitutional laws of the latter are, as we have already said, the supreme law of the land; and when they conflict with the laws of the States, they are of paramount authority and obligation. This is the fundamental principle on which the authority of the Constitution is based; and unless it is conceded in practice, as well as theory, the fabric of our institutions, as it was contemplated by its founders, cannot stand.

So if we adopt the minority viewpoint, the Federal Government could enter into contracts with persons in the several States regulating hours and wages of employees, conditions of employment, child labor, and could also increase or curtail production and manufacture, and impose such other conditions affecting police matters reserved to the States as might be deemed to be Nation-wide in their extent and effect.

I make bold to state, Mr. President, considering the character of measures with which we have been confronted for some time, it is obvious that if they are persisted in the States, in the not far distant future, will be subjugated by the Federal Government, and controlled by Federal organizations and overshadowing bureaucracies, which will control the domestic and internal affairs of States. As I stated at the beginning of my remarks, the States and the Federal Government are being compounded; and the former, if this policy continues, will lose their sovereignty and vitality. Instead of guarding the States and local self-government and individual rights, there are some persons who entertain socialistic views or favor policies which devitalize the States and concentrate all power in an omnipotent Federal Government.

The States would be powerless to interfere with contracts between the Federal Government and persons in the several States, to which I have referred, for under the minority view they would be entered into pursuant to a valid Federal statute and therefore would override any State statute in conflict therewith. Furthermore, by such an arrangement the Federal Government could nullify any existing State statutes in conflict with the contracts. What would become of the powers reserved to the States under such a theory?

How can the minority reconcile such a view with the opinion of the Supreme Court in *United States* v. *Knight* (156 U. S. 1), in which the Court said:

> It cannot be denied that the power of a State to protect the life, health, and property of its citizens, and to preserve good order and the public morals, "the power to govern men and things within the limits of its domain" is a power originally and always belonging to the States, not surrendered by them to the General Government nor directly restrained by the Constitution of the United States and essentially exclusive.

And with the statement of the Court in *Kansas* v. *Colorado* (206 U. S. 46), in which, in referring to the tenth amendment, the Court stated:

> This amendment (tenth) was adopted to dispose of such contentions as at present that the National Government might under the pressure of supposed general welfare attempt to exercise powers which had not been granted.

How can the minority reconcile such a theory with the statement of Chief Justice Marshall in Gibbons against Ogden when he said that the Federal Government had no authority to appropriate money for matters reserved to the States?

The final limitation upon the power to tax and spend, under the minority view, is "the conscience and patriotism of Congress and the Executive."

But the Congress and the Executive represent the Federal Government, and not the States. How can the rights of the States be protected if the Congress and the Executive actually usurp their powers? The motive actuating the Congress and the Executive might admittedly be a laudable one; but, nevertheless, if the Federal program did usurp the State powers, the States would be without protection in the matter, being merely parties on the side line, watching the Federal Government depriving them of their constitutional powers.

The absurdity of the minority position is illustrated in the majority opinion, as follows:

> If the act before us is a proper exercise of the Federal taxing power, evidently the regulation of all industry throughout the United States may be accomplished by similar exercises of the same power. It would be possible to exact money from one branch of an industry and pay it to another branch in every field of activity which lies within the province of the States.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. BLACK. Having in mind the arguments I have heard the Senator make on the floor, I believe he will agree that the tariff laws have for more than a hundred years been taking money out of the pockets of one group and putting that money into the pockets of another group.

Mr. KING. Is that a question?

Mr. BLACK. Yes.

Mr. KING. I admit that many of the tariff laws have been improper exactions; there is no doubt about it. However, they have been enacted by Democrats for revenue purposes, and by Republicans primarily for so-called protection to infant industries. I am not defending our tariff policies.

Mr. BLACK. Irrespective of what we know with respect to the tariff, the point I was making was that the Supreme Court majority indicates that it is their belief that one group of citizens should not be taxed to benefit another. Yet the Senator will recall that in the early history of this country all admitted that the purpose of the tariff was to aid the manufacturing industry, and all were compelled to admit that it injured the farmer, who was dependent upon foreign trade. The point I was making, and in which I believe the Senator will agree, was that even conceding the majority opinion now to be correct, is it not strange that we have permitted to be built up in this country over a period of more than 150 years a system which has laid a tax upon the farmer for the direct benefit of the manufacturers of this Nation?

Mr. KING. I may say to the Senator that I have voted against every tariff bill which has been before Congress since I entered Congress. I was a Member of the House as a young chap when the Dingley tariff bill was under consideration, and I voted against it; and since I have been in the Senate a number of tariff bills have been passed and I voted against every one of them. I admit, however, that we should obtain some revenue through the imposition of duties upon imports into the United States. There are many products which are imported, and which do not conflict with local industries. I do not now intend to enter into a discussion of the tariff, because it would unduly prolong my remarks, and I have already taken too much time of the Senate, owing in part to the detours which I have been required to make in attempting to reply to the interruptions of Senators.

Mr. BLACK. I was aware of the Senator's viewpoint on the tariff, and I think, if my recollection is not wrong, I have heard him call attention to the fact that the tariff did take something away from one group and give it to another.

Mr. KING. There is no doubt about it.

Mr. BLACK. And the Senator is also aware of another practice against which he has also consistently voted, and which would be compelled to fall if the opinion of the majority were held to be the law hereafter with reference to other matters, in that we take money directly out of the pockets of the people of this country and give it to ship operators with which to operate ships as a direct subsidy, and give it to aviation operators as a direct subsidy. I believe the Senator will agree that is exactly in the teeth of the majority opinion, and if the majority should hold as they did on the question of aiding the farmer, they would be compelled to say that money should not be taken from the pockets of the farmers in order to aid ship operators.

Mr. KING. In reply to the Senator's inquiry or statement concerning ship subsidies, he knows that in a report which he and I signed my views were briefly stated and stated that if we pursued a sensible, just and patriotic course we could have our ships upon every sea and our flag in every port of the world. If I had my way I would permit American citizens to purchase ships wherever they could and have them subjected to American registration, and operated under the American flag. I would permit American ship owners, when their vessels needed repairs in foreign ports, to have such repairs made. Our unwise laws, passed after the Civil War, drove our ships from the seas. The Senator knows that, up until 1861 and 1862, 85 to 87 percent of our foreign trade was carried in American bottoms, our flag was seen in every port, and our ships were found on every sea.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. MINTON. The Senator will agree, then, that the statement of the Supreme Court of the United States that money cannot be taken out of the pockets of one taxpayer and put into the pockets of another is not good law?

Mr. KING. I agree to that doctrine. I was pointing out, though, the results that would flow from the minority opinion. That is what I am criticizing now. I am only quoting the majority opinion in order to show their interpretation of the effect of the minority opinion.

I continue to quote from the majority opinion:

> The mere threat of such a procedure might well induce the surrender of rights and the compliance with Federal regulation as the price of continuance in business. A few instances will illustrate the thought.
>
> Let us suppose Congress should determine that the farmer, the miner, or some other producer of raw materials is receiving too much for his products, with consequent depression of the processing industry and idleness of its employees. Though, by confession, there is no power vested in Congress to compel by statute a lowering of the prices of the raw material the same result might be accomplished, if the questioned act be valid, by taxing the producer upon his output and appropriating the proceeds to the processors, either with or without conditions imposed as the consideration for payment of the subsidy.
>
> We have held in *Schechter Poultry Corporation* v. *United States* (295 U. S. 495) that Congress has no power to regulate wages and hours of labor in a local business. If the petitioner is right, this very end may be accomplished by appropriating money to be paid to employers from the Federal Treasury under contracts whereby they agree to comply with certain standards fixed by Federal law or by contract.
>
> Should Congress ascertain that sugar refiners are not receiving a fair profit, and that this is detrimental to the entire industry, and in turn has its repercussions in trade and commerce generally, it might, in analogy to the present law, impose an excise of 2 cents a

pound on every sale of the commodity and pass the funds collected to such refiners, and such only, as will agree to maintain a certain price.

Assume that too many shoes are being manufactured throughout the Nation; that the market is saturated, the price depressed, and factories running half time, the employees suffering. Upon the principle of the statute in question, Congress might authorize the Secretary of Commerce to enter into contracts with shoe manufacturers providing that each shall reduce his output and that the United States will pay him a fixed sum proportioned to such reduction, the money to make the payments to be raised by a tax on all retail shoe dealers or their customers.

Suppose that there are too many garment workers in the large cities; that this results in dislocation of the economic balance. Upon the principle contended for an excise might be laid on the manufacture of all garments manufactured and the proceeds paid to those manufacturers who agree to remove their plants to cities having not more than a hundred thousand population. Thus, through the asserted power of taxation, the Federal Government, against the will of individual States, might completely redistribute the industrial population.

A possible result of sustaining the claimed Federal power would be that every business group which thought itself under privileged might demand that a tax be laid on its vendors or vendees the proceeds to be appropriated to the redress of its deficiency of income.

What protection have the States under such a theory? In many cases the States may want to carry out some of the activities reserved to them under the police powers, but which have already been made the subject of voluntary agreements entered into between the people of the States and the Federal Government, under the seductive measures—I was about to say the compelling measures which have been so prevalent of late.

Under the minority opinion these voluntary agreements having been entered into pursuant to a Federal law enacted within the constitutional power of the Federal Government, the States would be powerless to act in the matter. Thus the time would soon come when the States would be stripped of practically all of their police powers. Certainly the framers of the Constitution never contemplated giving any such drastic power to the Federal Government. As stated by the Court in the majority opinion:

The expressions of the framers of the Constitution, the decisions of this Court interpreting that instrument and the writing of great commentators will be searched in vain for any suggestion that there exists in the clause under discussion—

That is, the welfare clause—

or elsewhere in the Constitution, the authority whereby every provision and every fair implication from that instrument may be subverted, the independence of the individual States obliterated, and the United States converted into a central government exercising uncontrolled police power in every State of the Union, superseding all local control or regulation of the affairs or concerns of the States.

What a dangerous doctrine this would be. Instead of having a dual system of government as contemplated by the Constitution, the State governments would be reduced to mere empty shells and the Federal Government, instead of being a government of delegated powers, would become a government of almost unlimited powers.

Mr. President, there are persons, some holding positions of responsibility, who are spending a portion of their time criticizing and denouncing our form of government. They preach that we must have a new social order and urge the people to express indignation over, if not opposition to, our political and economic system. Statements are made tending to inflame the minds of the people and to induce them to accept socialistic or other policies utterly at variance with the principles upon which this Republic is founded. This is to be regretted. Our fathers bequeathed to us a priceless inheritance, the greatest and most liberal form of government the world has ever produced, and it must be preserved.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from South Carolina [Mr. BYRNES] to the amendment in the nature of a substitute reported by the committee.

Mr. MURPHY. Mr. President, on Wednesday last the able Senator from Oregon, in remarks which revealed his usual keen and penetrating mind, analyzed the pending bill and stated his conclusions. The Senator said that the philosophy of the whole proposal is not offensive to him, and gave it as his opinion that when the point of cooperation with the States is reached it may work out in a practicable and beneficial way.

The Senator's objections lie against what may be designated the 2-year plan, effective from the effective date of the act, if passed. He views the plan for this period—

As falling—

To quote his language—

squarely within the prohibitory language of the decision of the Supreme Court, namely, that during that short period this measure in its present form does interfere with the reserved right of the States to control agriculture.

His objection is on constitutional grounds, and I lack the effrontery to debate the constitutional issue with him, not merely because he is a lawyer and I am not but because he is an able lawyer, skilled in constitutional interpretation.

But it is permitted me without presumption, Mr. President, to point out in his remarks considerations which, in my opinion, may have influenced his conclusion that the main purpose of the pending bill is "wholly to curtail production, to reduce acreage, and thereby to elevate the price levels." It occurs to me that when the Senator contemplated the fact that whereas the substantive law of which this bill is amendatory carried only $27,000,000, and the pending bill involves and appropriation of some $400,000,000 to $500,000,000 to pay the conditional awards the Secretary of Agriculture shall make to farmers, he saw insincerity written all over it, and an approach to the same objective of the old law, with only a change in the title of the means employed.

It is true, Mr. President, as the Senator from Oregon pointed out, that to attain an objective for which a year ago we appropriated $27,000,000 it will be necessary to appropriate as a result of the adoption of the pending bill some $500,000,000—true, if we add to the prevention of soil erosion the conservation of the soil to assure future food supply. And yet, Mr. President, this is the fact, that the half-billion dollars it will be necessary to expend in service of the objectives of this bill were expended with like consequence, although not with like objective, under A. A. A. Conservation of the soil was not a stated objective of A. A. A., but conservation was served in degree perhaps only slightly less than will be the service of it under A. A. A. Land retired from production was put, except where planted in forage crops to meet drought needs, in soil-conserving crops. That statement will be readily approved as true by the Senator from Oregon, I have no doubt.

So, Mr. President, what appears to be striking proof, in the disparity between the appropriations, that the pending bill and A. A. A. have the same objective of crop regulation, is neither presumptively nor factually that. Soil conservation issued as an incidental, but not the least beneficial result of the operation of A. A. A. And that crop regulation will necessarily issue as an incidental result of the service of soil conservation supplies no proof that the unconstitutional objective of crop regulation is the real objective of this bill.

Illuminating the distinction I have sought to make, it may be said that a farmer's objective in planting corn is to provide feed for fattening steers and that a consequence is the fertilization of the soil.

Another farmer's objective in planting alfalfa may be primarily to stop erosion of his farm, and not to grow a crop for feed—though the latter issues as a consequence of the former.

Yet another farmer's objective in resting his acres may be to restore their fertility, rather than to influence price by curtailing production.

These are all normal farming practices. The objective one farmer entertains may issue as an incidental result of another's plans.

I conclude, Mr. President, that it by no means follows that the objective sought to be served by this bill is the unconstitutional one of crop regulation rather than conservation of the soil to assure future adequate supplies of food and fabric at prices fair to producer and consumer.

If this bill is unconstitutional, as asserted by the Senator from Oregon, then good farming practices ought to be enjoined on one or another pretext.

So much for the remarks of the Senator from Oregon. I should like now to correct an error appearing in the RECORD in some remarks of mine. In the RECORD of Thursday, February 6, at page 1621, it appears that I said that the Secretary of Agriculture would enter into a contract with individual farmers based on a system of awards for doing specific recited things. The error is in the statement that he would "enter into a contract." There will be no contract involved.

Furthermore, in the colloquy with the Senator from New York [Mr. WAGNER] I made the statement that I had never subscribed to the idea that the period 1920 to 1929, designated by the Senator, should be taken as a standard, as suggested in the amendment which he had sent to the desk, because that was a "period of depressed prices" in this country. The Senator said he thought I was mistaken in the statement that it was a "period of depressed prices." For whatever bearing it may have, I send to the desk and ask to have incorporated in my remarks at this point data taken from the Agricultural Situation of the Department of Agriculture for January 1936, pages 20 and 21, showing the farm prices for the 3 selected years—1921, 1925, and 1929—were lower than farm wages, farm real estate, taxes, prices paid by farmers, and industrial wages. In each case the figures are percentages, with the 1910–14 averages taken as 100.

There being no objection, the data were ordered to be printed in the RECORD, as follows:

	1910–14=100		
	1921	1925	1929
Farm prices	125	156	146
Farm wages	150	168	170
Farm real estate taxes	223	232	241
Prices paid by farmers for living expenses	161	164	158
Industrial wages	203	223	236

Mr. MURPHY. Finally, Mr. President, the figures of the Bureau of the Census show that the value of farm property in the United States declined from $77,900,000,000 in 1920 to $47,800,000,000 in 1930; that in 1920 the average farm was worth $12,000, and in 1930 only $9,000. With these statements I conclude my remarks.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Carolina [Mr. BYRNES] to the amendment in the nature of a substitute reported by the committee.

Mr. McNARY. The pending amendment to the committee amendment is that which relates to the authorization for an appropriation of $500,000,000?

Mr. BYRNES. Yes.

Mr. McNARY. The amendment mentioned a moment ago is for the purpose of giving to the Secretary of Agriculture plenary power and taking away from the Comptroller General the general power to audit accounts.

Mr. BYRNES. The first amendment offered was the authorization amendment. The other amendment which I offered is upon the clerk's desk, but not now pending.

The PRESIDING OFFICER. The Chair understands the pending amendment to the committee amendment is the authorization amendment. The question is on that amendment to the committee amendment.

The amendment to the amendment was agreed to.

Mr. BYRNES. Mr. President, I wonder if we could have a vote upon the other amendment as to the Comptroller General auditing the accounts?

Mr. McNARY. I would prefer not to have a vote on that today. It is a very important amendment. I prefer that it should go over until Thursday.

Mr. BYRNES. Very well.

Mr. ROBINSON. Mr. President, with the approval of the chairman of the Committee on Agriculture and Forestry, the Senator from South Carolina [Mr. SMITH], I desire to make a brief statement and submit a request for unanimous consent.

Tomorrow will be the anniversary of Lincoln's birth. A large number of Senators will be absent from the city, and some of them will not return before Thursday night or Friday morning. I should like to have an arrangement under which a vote on amendments to the pending bill and on the bill itself might be had on Thursday, but I am informed by the Senator from Oregon [Mr. McNARY] and other Senators that such an arrangement cannot be effected for the reason that some Senators will not be able to return to the Senate Thursday. I therefore submit the following request for unanimous consent:

I ask unanimous consent that after the Senate meets next Friday no Senator shall speak more than once or longer than 15 minutes on the bill, or more than once or longer than 10 minutes on any amendment that may be pending or that may be offered.

I should like to add to my statement that it is expected such an arrangement would result in a final vote on the bill next Friday.

The PRESIDING OFFICER. Is there objection to the request submitted by the Senator from Arkansas?

Mr. McNARY. Mr. President, that somewhat conforms to the general understanding between the Senator from Arkansas and the Senator from Oregon. However, there will be but few Senators present tomorrow on this side of the Chamber and not many more on the other side. Several important amendments will be offered. For instance, I shall move to recommit the bill. The Senator from Texas [Mr. CONNALLY] will offer the so-called debenture plan as an amendment. The Senator from Iowa [Mr. DICKINSON] will offer an amendment to strike out section 8, a vital section of the bill.

I should hesitate to agree upon any proposal that would bring those matters before the Senate when there is only a small number of Senators present. I am willing to proceed with consideration of the bill tomorrow and Thursday, and I believe that is the consensus of view on the Republican side of the Chamber, but I would not want to be forced to meet the vital amendments or modifications with only a few Senators present, which condition will obtain through tomorrow and Thursday.

Mr. ROBINSON. I think the Senator from Oregon misunderstood my request for unanimous consent.

Mr. McNARY. Perhaps I did.

Mr. ROBINSON. While I stated that I and the chairman of the committee would like to have an arrangement which would result in a vote on Thursday, I further stated that I had been informed that such an arrangement could not be entered into, and for that reason I would request unanimous consent that after the Senate meets on Friday no Senator shall speak more than once or longer than 15 minutes on the bill, or more than once or longer than 10 minutes on any amendment that may be pending or that may be offered. The limitation which I request would go into effect Friday noon.

Mr. McNARY. I quite clearly understand the Senator from Arkansas, but he does not understand my position. With the small membership present, the request is now made by the Senator for a limitation of debate and a vote on Friday when these important amendments are pending. I do not desire to have them proposed, and be forced to vote upon them, with so many Senators absent. That is the point I am making. In other words, I should like to have these important amendments go over until Friday.

Mr. ROBINSON. Very well, Mr. President. I will state frankly that under the arrangement I have proposed it is not my expectation that a vote will be forced on any amendment, or on the bill itself, either tomorrow or Thursday. My object is, as I explained, to effect an arrangement by which a vote may be had on Friday.

Mr. McNARY. Very well. The Senator has stated just what I desired him to state—that we shall not vote on these vital amendments until Friday.

Mr. WAGNER. Mr. President, may I make an inquiry of the Senator from Arkansas?

Mr. ROBINSON. Certainly.

Mr. WAGNER. What is to be regarded as an "important" amendment? I propose to offer an amendment which perhaps may receive universal support here, or it may not do so. I regard it as important. Perhaps no one else will. Who is to determine what amendments we shall vote on tomorrow or next day and what amendments must be stayed until Friday?

Mr. ROBINSON. Mr. President, I think I can answer the Senator from New York. If amendments should be proposed, and no objection should be made to voting on them tomorrow or the next day, the votes would be taken.

I will say frankly that I have consented to delays in the consideration of this bill which have prolonged the time of its pendency before the Senate somewhat beyond the period that many of us expected. I should like to make some progress on days when some Senators will be absent. The arrangement suggested by me would not prevent any Senator bringing forward his amendment tomorrow or the next day, but it does not contemplate a vote on such an amendment if the Senator offering it should object to an immediate vote, or if serious objection should be made by other Senators, in which case the amendment would go over until Friday. That, I am sure, is the understanding of the Senator from South Carolina, with whom I have discussed this matter.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Texas?

Mr. ROBINSON. Certainly.

Mr. CONNALLY. It is, then, the purpose of the Senator from Arkansas that the Senate shall be in session tomorrow and Thursday?

Mr. ROBINSON. Yes.

Mr. CONNALLY. I will say to the Senator that the reason for my inquiry is that I have an amendment printed and lying on the desk which will require some debate. Probably it will be my purpose to debate it Thursday. Then we could vote on it Friday, as I understand.

Mr. ROBINSON. Very well.

I have tried to frame the unanimous-consent agreement so as to take care of the convenience of as many Senators as possible. I submit it for the action of the Senate.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Arkansas? The Chair hears none, and the order is entered.

EXECUTIVE SESSION

Mr. ROBINSON. Mr. President, if no Senator is ready to proceed with debate on the pending bill, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. DUFFY in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Dudley G. Dwyre, of Colorado, now a Foreign Service officer of class 4 and a consul, to be a consul general, which was referred to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

Mr. VAN NUYS, from the Committee on the Judiciary, reported favorably the nomination of Matthew T. Abruzzo, of New York, to be United States district judge for the eastern district of New York (pursuant to law).

Mr. HARRISON, from the Committee on Finance, reported favorably the nomination of Edward Dana Durand, of Minnesota, to be a member of the United States Tariff Commission for the term expiring June 16, 1940.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Col. Archibald Henry Sunderland, Coast Artillery Corps, to be Chief of Coast Artillery, with the rank of major general, for a period of 4 years from date of acceptance, with rank from April 1, 1936, vice Maj. Gen. Harry L. Steele, Chief of Coast Artillery, to be retired March 31, 1936.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the calendar is in order.

THE CALENDAR—NATIONAL BITUMINOUS COAL COMMISSION

The legislative clerk proceeded to read the nominations of sundry members of the National Bituminous Coal Commission.

Mr. ROBINSON. Mr. President, at the request of the junior Senator from West Virginia [Mr. HOLT], I ask that the first five nominations and that of the consumers' counsel go over.

The PRESIDING OFFICER. Without objection, the nominations will be passed over.

Mr. NEELY subsequently said: Mr. President, what action was taken on the nominations of members of the National Bituminous Coal Commission and the Bituminous Coal Labor Board?

The PRESIDING OFFICER. They went over.

Mr. NEELY. Upon whose request?

The PRESIDING OFFICER. At the request of the Senator from Arkansas [Mr. ROBINSON], speaking for the Senator from West Virginia.

Mr. NEELY. Not the senior Senator from West Virginia, because he unqualifiedly favors the immediate confirmation of all of the members of the Commission.

The PRESIDING OFFICER. The junior Senator from West Virginia [Mr. HOLT].

Mr. ROBINSON. Mr. President, the junior Senator from West Virginia [Mr. HOLT] submitted to me a request that the nominations of the five members of the Coal Commission and the nomination of the Consumers' Counsel be carried over for the day. I made that announcement a few moments ago.

Mr. NEELY. Mr. President, I was not present when the announcement was made. May I inquire of the Senator from Arkansas whether he intends to take up tomorrow the matter of the confirmation of the Bituminous Coal Commissioners?

Mr. ROBINSON. The request which came to me was that the nominations be carried over for a single day.

Mr. NEELY. If there is an executive session tomorrow, I shall insist upon action being taken on the nominations for the Bituminous Coal Commission and the Bituminous Coal Labor Board, unless the majority leader—the distinguished senior Senator from Arkansas—objects. The welfare of the coal miners, the coal operators, and the country demands that these officials be confirmed without delay.

Mr. ROBINSON. I think I should further explain to the Senate that the only information I have upon the subject is the request which was communicated to me from the junior Senator from West Virginia [Mr. HOLT] that these nominations be not acted upon today.

RAILROAD RETIREMENT BOARD

The legislative clerk read the nomination of Lee M. Eddy, of Missouri, to be a member of the Railroad Retirement Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of James A. Dailey, of New York, to be a member of the Railroad Retirement Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Murray W. Latimer, of New York, to be a member of the Railroad Retirement Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NATIONAL MEDIATION BOARD

The legislative clerk read the nomination of Otto Beyer, of Virginia, to be a member of the National Mediation Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

RESETTLEMENT ADMINISTRATION

The legislative clerk read the nomination of Robert W. Hudgens, of South Carolina, to be regional director, Resettlement Administration.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Lillo H. Hauter, of New Mexico, to be regional director, Resettlement Administration.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Jonathan Garst, of California, to be regional director, Resettlement Administration.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PUBLIC WORKS ADMINISTRATION

The legislative clerk read the nomination of Thomas D. Rose, of North Carolina, to be State engineer inspector for the Public Works Administration in North Carolina.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. Mr. President, I ask that the nominations of postmasters on the calendar be confirmed en bloc, except the nomination of Mary R. Meredith to be postmaster at Mammoth Cave, Ky., which I ask to have recommitted to the Committee on Post Offices and Post Roads, and the nominations of postmasters in Massachusetts, as to which I make the same request.

The PRESIDING OFFICER. Without objection, the nomination of Mary R. Meredith to be postmaster at Mammoth Cave, Ky., and the nominations of postmasters in Massachusetts will be recommitted; and, without objection, the remaining post-office nominations are confirmed.

Mr. WALSH. Mr. President, what is the reason for the recommittal of the Massachusetts nominations?

Mr. McKELLAR. I was asked by the Senator's colleague [Mr. COOLIDGE] to have the nominations of postmasters in Massachusetts recommitted to the committee for further consideration.

Mr. WALSH. The request was made by my colleague?

Mr. McKELLAR. Yes. Does the senior Senator from Massachusetts object to that course? If so, I shall ask that the nominations go over for the day, and the Senator may see his colleague in the meantime.

Mr. WALSH. There was one nomination on which I understand action was withheld.

Mr. McKELLAR. Yes; action has been withheld in that case.

Mr. WALSH. I supposed the others were ready to be acted upon.

Mr. McKELLAR. The Senator's colleague asked that they be recommitted to the committee.

The PRESIDING OFFICER. What is the request of the Senator from Tennessee?

Mr. McKELLAR. I ask that the nominations of postmasters in Massachusetts go over for the day, and that the nomination of Mary R. Meredith to be postmaster at Mammoth Cave, Ky., be recommitted to the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. Without objection, the previous action on the Massachusetts nominations will be reconsidered, and the nominations of postmasters in Massachusetts will go over. The nomination of Mary R. Meredith has already been recommitted.

Mr. McKELLAR. The other nominations of postmasters have been confirmed?

The PRESIDING OFFICER. They have been confirmed.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the Army nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc.

That completes the calendar.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. If there be no further business to come before the Senate, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, February 12, 1936, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate February 11 (legislative day of Jan. 16), 1936

DIPLOMATIC AND FOREIGN SERVICE

Dudley G. Dwyre, of Colorado, now a Foreign Service officer of class 4 and a consul, to be a consul general of the United States of America.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 11 (legislative day of Jan. 16), 1936

RAILROAD RETIREMENT BOARD

Lee M. Eddy to be a member of the Railroad Retirement Board.

James A. Dailey to be a member of the Railroad Retirement Board.

Murray W. Latimer to be a member of the Railroad Retirement Board.

NATIONAL MEDIATION BOARD

Otto Beyer to be a member of the National Mediation Board.

RESETTLEMENT ADMINISTRATION

Robert W. Hudgens to be a regional director of the Resettlement Administration.

Lillo H. Hauter to be a regional director of the Resettlement Administration.

Jonathan Garst to be a regional director of the Resettlement Administration.

PUBLIC WORKS ADMINISTRATION

Thomas D. Rose to be State engineer inspector for the Public Works Administration in North Carolina.

APPOINTMENTS IN THE REGULAR ARMY

Brig. Gen. Henry Wolf Butner to be major general.

Brig. Gen. Stanley Hamer Ford to be major general.

Brig. Gen. Stanley Dunbar Embick to be major general.

Brig. Gen. Herbert Jay Brees to be major general.

Oscar Samuel Reeder to be first lieutenant, Medical Corps.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Maj. Joseph William George Stephens to Quartermaster Corps.

Capt. John Orn Roady to Quartermaster Corps.

Capt. William Edward Smith to Quartermaster Corps.

First Lt. Cyrus Lawrence Peterson to Corps of Engineers.

Second Lt. Charles Warren Schnabel to Corps of Engineers.

Maj. Edwin Eugene Schwien to Cavalry.

Second Lt. Charles John Bondley, Jr., to Coast Artillery Corps.

First Lt. Andrew Mark Wright, Jr., to Infantry.

POSTMASTERS

ARIZONA

Myrtle Prophet, Oatman.

ARKANSAS

William Angus Biggers, Hampton.

Parker D. Clear, Hardy.

CALIFORNIA

Ruth B. McQuarrie, Gardena.

Lloyd C. Rowe, Lancaster.

Charles A. Ottmann, Livingston.
Fred Jacobsen, Roscoe.
Mary E. Rozier, Tuolumne.
Charles W. Deming, Universal City.

HAWAII

Antone Fernandez, Kekaha.

ILLINOIS

Howard J. Hall, Elburn.
Daniel L. Cobb, Highland Park.
Dwight S. Sharer, Mount Morris.
William Claude Rogers, Sr., Percy.

INDIANA

Emma Knesek, Cedar Lake.

IOWA

Frank C. Hentges, Le Mars.
Boies Capper, Postville.

KANSAS

Rollie O. Tobias, Liberal.
Florence J. Lehman, Nickerson.
Fred Moffitt, Tampa.

KENTUCKY

Beulah A. Foley, Ravenna.
Charles L. Hollingsworth, Smithland.
Haden Owens, Wickliffe.

MAINE

Grace L. Harriman, Searsport.
Philip B. Seavey, Sherman Mills.

MARYLAND

Nettie Fowler, Bowie.

MICHIGAN

Earl B. Sill, Cassopolis.
Blanche L. Mann, Ortonville.
James Reid, Port Huron.
Helen MacMillan, St. Clair Shores.

MISSISSIPPI

Luna B. Stocks, Baldwyn.
Lily B. McDonald, Bay Springs.
William D. Fisher, Dundee.
Edward Otis Johnson, Glen Allan.
David C. Branham, Jr., Itta Bena.
Clarence E. Bilbo, Magnolia.
Lilly M. Wilson, Marks.
Abbie A. Cunningham, Raymond.

MONTANA

Jennie W. Chowning, Ennis.

NEW JERSEY

William J. Lawlor, Carteret.
George A. Keenan, Clifton.
William J. Maloney, Fords.
Cornelius S. Hoff, Frenchtown.
Lottie A. Cubberley, Hamilton Square.
Francis W. Lyman, Lincoln Park.
Floyd Smith, Montville.
William J. Reynolds, Newfoundland.
Anne C. Murphy, North Hackensack.
Anthony V. Gross, Passaic.
Bessie M. Lippincott, Pemberton.
George Nock, Pompton Plains.
Margaret A. Esposito, Sicklerville.
Frances B. Tonking, Tabor.
Peter F. Martin, Waldwick.
Irma Goodman, Woodbine.

NEW YORK

Leonard S. Cole, Ovid.
George H. Stanton, Pine Bush.
Anton K. Dickson, Shelter Island Heights.
Albert Prindle, Shushan.
William C. Long, Tully.

NORTH CAROLINA

Edna E. Maurer, Aberdeen.
Pinckney R. Holman, Ridgecrest.

OHIO

Chalmer R. Hayes, Brookville.
August Fellerath, Gypsum.
Earl F. Reeb, Newark.
Robert D. Fisher, Warrensville.

OKLAHOMA

Ruth S. Howe, Helena.
Charles Williams, Hooker.
Eleanor Barnhill, Stringtown.

OREGON

Gaphart D. Ebner, Mount Angel.

PENNSYLVANIA

Daniel F. Scobie, Baden.

TENNESSEE

Robert Royce Jones, Dyersburg.
Nona C. Armstrong, Martel.

TEXAS

Addison Lysander Lincecum, El Campo.
Helen M. Peel, Jourdanton.
A. Earl Estes, Monahans.
Joe Marecek, Rowena.
Ethridge C. Fowler, Silverton.
Annie E. Finn, Sunset.

UTAH

Elliott Larsen, Monroe.
Pontha Calder, Vernal.

VIRGINIA

Robert H. Wall, Cambria.
Bessie S. Burgess, Fork Union.
Gustavus A. Scruggs, Salem.

WASHINGTON

Dessie M. Hewett, Lyle.
Daniel L. Jackson, Port Gamble.

WEST VIRGINIA

John T. Hollandsworth, Jr., Beckley.
Benjamin F. Penix, Belle.

WISCONSIN

Victoria St. Angelo, Frederic.
August W. Frisch, New Holstein.
Bertram A. Ruskauff, Saukville.
Russell E. Burlingame, Statesan.
Richard M. Grimsrud, Westby.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 11, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Give ear, O Shepherd of Israel, we pray Thee, and stretch forth Thine hand from above. Hold us back from presumptuous sins and keep us free from the ignoble delights of pride and revenge. Heavenly Father, purify our hearts and justify our daily conduct by kindling and fortifying every gift and privilege of our complex lives. Concerned as we are with the rights and the enrichment of humanity, we beseech Thee that the poor in this abundant land may be blessed with peace and plenty. Lord God of the nations, remember most mercifully our country; may it strive for those ideals that make a nation great and glorious. Hasten the day when Thy promises shall be fulfilled and the knowledge of the truth shall be abroad in all the world. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of

his secretaries, who also informed the House that on February 8, 1936, the President approved and signed bills of the House of the following titles:

H. R. 7680. An act to amend the act of May 18, 1934, providing punishment for killing or assaulting Federal officers; and

H. R. 7995. An act to authorize a preliminary examination of the Arkansas River and Fourche Bayou with a view to the control of floods in the vicinity of Little Rock and North Little Rock, Ark.

NEUTRALITY

Mr. PFEIFER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PFEIFER. Mr. Speaker, there is much misunderstanding as to what may be regarded as neutrality and who is to specify same. We will soon have the Neutrality Act of 1936 for discussion before this House. Were we to adopt this act of neutrality, what would be our rights in carrying on trade and commerce? What about our freedom of the seas? The very things which we have fought and died for, and have always upheld before the world for the past 140 years as a symbol of our democratic principles and government, are they to be sacrificed?

This drastic legislation is inconsistent with the purpose of the merchant marine bill that came before this House last year and S. 3500 which will come before us this year.

The Members of this House will recall during the last session how anxious we were to stabilize our world trade by building up our American merchant marine, which today is emerging from trade misery. Why paralyze that trade now by the restrictions called for in section 4 of this act, which, if enacted, would certainly create havoc and perhaps cause collapse of our American industry and commerce.

Why should we forfeit our neutral rights by giving up the freedom of the seas? With our ships anchored in our harbors the result would be closed factories and increased unemployment. We have already had a taste of this and a very bitter one. Can you imagine if millions more were unemployed? This would give rise to a condition which would be very hard to cope with and which would perhaps destroy our economic well-being.

However, some believe to forfeit our neutral rights would mean peace. I am positively sure that the enactment of this law can in no way guarantee the United States peace. We are now at peace, but to my way of thinking the enactment of this bill with all its present decorations will inevitably lead us into war rather than keep us out of war. For it is admitted that this neutrality act certainly is not any guaranty that we would not be drawn into a war.

The trade restrictions called for in section 4, prohibiting shipment from the United States to belligerent countries of certain articles and materials in excess of a normal amount, except food, medical supplies, and clothing materials, violates not only international law but also the commercial treaties of the United States, as admitted in section 16. It would cause further controversies with foreign countries and hinder international trade. This would immediately encourage the expansion of the trade of foreign countries and stifle our own markets. It would give internationalists a chance to thrive while we are locked in port. We would not only create unfriendly relations with all foreign countries, but at the same time create internal strife within our own borders. We certainly do not want that.

Section 4 of this bill not only applies restrictions to belligerents but also to neutrals, "or to any neutral country for transshipment to or for the use of any belligerent country in excess of a normal amount in quantity and kind, of exports from the United States to the respective belligerent countries." Do we not recall that we were unable to control prohibition within our own borders? Then, how can we control the ships and nations of the world? How can we prevent the ships on the seas from carrying on unlawful trade not only with the belligerent countries but with the neutral countries as well, who might transship to any belligerent? Why should we act as "police of the world"? Why be so blind as not to foresee trouble? Should this policy be adopted, the friction resulting therefrom would sooner or later cause a break in our diplomatic relations with some country.

International law authorizes no such limitations of exports other than arms, munitions, and implements of war. Why should the United States as a neutral country inaugurate a law that cannot fulfill its purpose?

Should this act go into effect, the questions that would arise from our private industries, as to the shipment of the normal quota would be: Who will be the chosen few to receive permission to ship this normal quota? How is it going to be divided? et cetera. This would mean more headaches for our Government.

I cannot see any reason why we, as a fair-minded, right-thinking Nation, should restrict shipment to any country that has been on most friendly terms with the United States just because some greedy European country has stirred us into action and at the same time sits smilingly silent waiting for this Congress to act on this bill.

Do we not recall what Stanley Baldwin, Prime Minister of England, said in Glasgow last November?—

> Never as long as I have any responsibility in the Government will I sanction the British Navy's being used for an armed blockade until I know what the United States is going to do.

What does this mean? Why should we participate in any international scheme or alliance? This holds true today. Why has the League of Nations, under British generalship, postponed sanctions so often? It is simply waiting for the United States to get in line and in step.

For God's sake, America, is it not time for you to keep yourself free from any European entanglement by following a policy of minding your own business rather than joining hands with the League, which would inevitably lead us into a European war?

Let us not forget that sanctions is an act of war, and that oil embargo is a transition from economic to military sanction, which means war. The question arises, Do we want to become involved in a war which will aid England or any other European country, or shall we maintain a true neutral standing? We are still paying the price for the "Follies of 1917." We Americans will never hesitate to shoulder arms for the protection of our own rights, interests, and welfare, but never again for any European interest. Then why should we enact this neutrality bill, which is bound to entangle us in this or any European conflict? Why should we interfere with any European disorder or confusion? Why should we apply sanctions or restrict trade to the belligerents of today? We are not a member of the League. It has so been determined by the rank and file of the American people. Then, for Heaven's sake, let us stay neutral by minding our own business.

There is no question of the fact that we want to maintain peace. We do, however, not at the price of submission to the dictates of any foreign country, but rather that peace which we now have and enjoy and wish to maintain through our cordial relationship with all the countries of the world as heretofore, and continue our lawful trade with them, which has been and still is the true American policy.

We know what arms and munitions are, but implements of war, that is the bugaboo. This has set master minds thinking. Definitions by the Senate of the United States as to what constitutes arms, munitions, and implements of war, when the Senate ratified the Convention of Geneva in 1925, did not include any raw material in any of the definitions given for implements of war. Now, let us see what happened. Last November, as you recall, the League declared sanctions against Italy. Immediately thereafter, our Secretary of State, Cordell Hull, asked for a moral embargo on oil to Italy. Why did he pick on oil? He knew and the League knew that Italy needs oil to carry on her campaign.

This unauthorized ruling by the Secretary of State certainly did cause some disturbance of our peaceful Nation, especially where it affected American citizens of Italian parentage.

It was not the intent of Congress, in the passage of the Neutrality Act of 1935, that implements of war should include raw material. Why does our Secretary of State class oil as an implement of war?

There are bound to be many discrepancies as to what is regarded as "implements of war." I intend, therefore, to offer an amendment in section 2 defining "implements of war", for the sole purpose of having a definite knowledge, once and for all times, of what is incorporated in this phrase, so that we may know what material we may be allowed to ship even under the normal quota limit. You will notice in section 4, page 4, line 4, of this act, before being revised, read, "would contribute to a prolongation or expansion of the war." This, to my way of thinking, jibes with the wish of the administration, as shown by the act of the Secretary of State last November, when he called for an embargo on oil to Italy under the subterfuge of claiming that this was the best means of shortening the war. In other words, it was a direct attempt to penalize Italy—thus encouraging her defeat. Surely this is not true neutrality. Why should we be a pawn in the hands of some foreign nation?

ISOLATION

Some are of the opinion that we should completely isolate ourselves during the period of war. This is foolhardy, for it would be most disastrous. Advocates of the complete embargo provision, though not in the present House bill, are willing to sacrifice the American trade and economic well-being, rather than lose one life in battle. Yet they claim that complete isolation is no guarantee against war. Complete isolation from the world will not only instill hatred and revenge in the minds of European countries but invite dissension and uprising within our own borders, particularly at this time when the patience of the people and of industry is at its lowest ebb. An immediate change of the law would be demanded by the people.

America will find herself then in a position for ridicule, and the loss of American prestige would render her subject to a possible attack by some European country simply on account of this cowardicial act. This would be suicidal.

The cry, "Peace at any price", is heard from all corners of the globe. We are at peace. Why should we run the risk of being drawn into any international conflict? There cannot be any perfect neutrality bill enacted into law that will keep us out of future wars. Even extreme isolation with marked deprivation of our individual rights, a contradiction of American policy, is apt to break our diplomatic relations, not only with the belligerent countries but with the neutral countries as well.

Of course I am for peace. I also am in favor of prohibition of export of arms, munitions, and implements of war to any country at war or to any neutral country that tends to transship to any belligerent country. And I would also curtail loans and credit to any belligerent country, but I do not think it advisable to restrict trade. I suggest, therefore, that we adhere to international law and uphold the true American tradition by reenacting the Neutrality Act of 1935.

THE FOUR VITAL FACTORS OF WILDLIFE CONSERVATION

Mr. ROBERTSON. Mr. Speaker, some days ago I asked and was granted permission to extend my remarks in the RECORD by including therein a speech delivered by ex-Senator Hawes before the North American Wildlife Conference, entitled "The Four Vital Factors of Wildlife Conservation."

Many of us know the serious problem which confronts us, with 40,000,000 acres of forest land being destroyed, with soil erosion causing a loss of $400,000,000 a year, with our migratory birds facing extinction, and with 85 percent of our streams polluted. The President called a conference in Washington. Ex-Senator Hawes, a recognized authority on the subject, delivered a wonderful address that I should like to see inserted in the RECORD so that we may have copies printed at private expense, and sent throughout the United States in order to let the people know about this serious problem. At that time, I did not have an estimate from the Public Printer. I now have the estimate and renew my request.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ROBERTSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address by Hon. Harry B. Hawes before the North American Wildlife Conference at Washington, D. C., February 6, 1936:

The four vital factors in the wildlife conservation movement are: The Federal factor, the State factor, the farmer factor, and the sportsman factor.

The conservation movement will not meet with practical success unless there is united effort and cooperation among these four vital elements. The first two involve the law machinery of the Nation and the 48 States, the last two are a matter of education and persuasion.

It is quite unnecessary to prove there is a shortage in our wildlife of both fish and game. The proof is adequate. The evidence comes from every source.

In the Federal field the attempt to count migratory birds results in a mere guess. No one can count them on the breeding grounds, and certainly they cannot be counted in the air. They wheel and circle; they pass through at night at a speed of some 30 to 50 miles an hour.

The human eye and brain can only guess their numbers, but fortunately the duck-stamp bill has given us something more substantial, more understandable, and more reliable than the mere guess.

And this information is so alarming, conclusive, and distressing that it demands your earnest, thoughtful consideration.

In the season of 1934–35 there were sold 635,344 migratory-bird hunting stamps. It is reported that in the 1935–36 season up to date of December 21, 1935, only 356,000 duck stamps were sold.

This shows that in that period nearly 280,000 sportsmen refrained from migratory-bird shooting, a decrease of nearly 50 percent.

Whether these 280,000 have permanently abandoned the field because of shortage or because of an overregulation is problematical.

It may be reasonably assumed, however, that these 280,000 guns were not put aside permanently, but were used on upland game birds and animals. Whether they have permanently retired from the field of hunting or changed the field from migratory birds to crowd upland game birds has not been ascertained.

Conservationists are assembled today, as I understand it, for two definite purposes. The first is to prepare a definite program and devise means for carrying out a practical organization plan of saving both game and fish seed stock and for its replacement.

We have been proposing plans that are vague and uncertain. The time has come to shoot with a rifle at certain fixed targets, with certain definite objectives. Our danger arises from the fact that we must know where the bullet goes. Shooting in underbrush always carries with it a hazard. We should know what we want now before we go on our way.

The backbone of the movement must necessarily be the hunter and the fisherman who pay the State conservation bill. Intelligently organized, with definite, sensible objectives, the hunter and the fisherman can wield a greater influence than any single industry or occupation or any other sport in the United States.

Game is not a mechanical thing. Taken into possession, it is food of a delectable, healthy, and appetizing character. Reduced to possession, it has an economic value in the life of the Nation running into many, many millions of dollars.

We cannot restore primitive conditions, but we believe that the factors inimical to the great outdoors can be counterbalanced by modern methods of game and fish replacement.

We may search for a utopia, but we will not find it. We may place an ideal so high that it could never be reached. We may propose plans so impracticable that they will destroy the attainable, the enforceable.

I trust you will pardon me if in what follows I appear to be too precise in my recommendations.

My long experience is my apology. For over 40 years the subject has been a hobby. I carried it into the legislature of my State, into the National House of Representatives, into the United States Senate, as a member of the Federal Migratory Bird Commission, and discussed it with hunters and fishermen in conventions throughout the United States and Canada, and as a member of every national organization for conservation that has stood the test of time.

With this explanation of the definite recommendations I shall make, I give them to you for frank criticism, for approval or rejection, hoping they will be helpful, but with no thought that they are necessarily right and all-inclusive or that they are not subject to change or modification.

I plead only experience—some of it sad—with the hope that out of this great meeting will come an organized, harmonious, persistent effort to bring back nature's heritage and hand it down to our boys and girls in replenished abundance.

THE FEDERAL FACTOR

The Federal Government owns approximately 400,000,000 acres of land, and it may control and direct the disposition of wildlife on this land through congressional action.

It has no control or direction with respect to the 1,500,000,000 acres of privately owned State land excepting that which is given by courtesy. The State legislatures have authority over this private property.

Efforts have been made to place all game under the control of the Federal Government. In each case these efforts have proved abortive, they have never made any advance. In my opinion they have no possible chance of success, for the States will never yield their local prerogatives, and they should not yield.

It is unthinkable that a Federal bureau should determine the local problem of each State. A man from Connecticut should not direct what should be done in Texas, nor the man who lives in Texas decide what should be done in North Dakota.

Population, characteristics, geographical conditions, habits, and environment will not permit this to be done.

It cannot be done under any circumstances without a new amendment to the Constitution, which can be defeated by a little over one-third of the Congress or one-fourth of the States.

There are two other forms of Federal direction. One is its powerful example set by national investigations, reports, and recommendations, its pamphlets, its educational services, and its cooperation with States.

The other form of direction comes from a treaty which might be withdrawn, and there is always the possibility—although I hope it will never happen—that zealots may bring its repeal by overregulation, just as there came a repeal of our prohibition amendment because it went too far and was therefore not susceptible of enforcement.

I refer to the migratory-bird treaty with Canada, for it is a strange and interesting historical fact that because of their migratory habits, and for that reason alone, certain birds and waterfowl have extended Federal jurisdiction and initiated a novel method of legislative enactment predicated upon a treaty concluded between two sovereign nations, the United States and Great Britain.

Had it not been for the migratory habit of these game birds, the powers of the Biological Survey would have been limited exclusively to the control of game on property owned by the United States.

We have a limitation on Federal authority, therefore, very clearly defined. Our problem seems to be to improve the machinery of this Federal control. How can it be done? First and in part by—

A consolidation of all Federal conservation agencies under one control—that is, either under a new department or under a secretary, reporting directly to the President, or through the designation by the President of some one official who shall have real authority to secure by mandatory process the active, practical cooperation of those departments covered by the Coordination Act.

Until a new consolidation of organic resources is perfected, and, pending the creation of one conservation department, either by act of Congress or by request upon the President, a coordinator or director, with power to secure cooperation and effective administration for conservation should be created. This director or coordinator, in my opinion, should report directly to the President to avoid opposition and some natural jealousies from other departments.

We should demand action under the coordination bill, team work, and practical results.

What is everybody's business we find is nobody's business.

If departments will not act voluntarily as the law provides, an official selected by the President and vested with authority can force cooperation or at least publicly place where it belongs the responsibility for failure to cooperate.

The advisory board should be restored to full vigor and power. This board came into existence nearly a quarter of a century ago and has met each year for conference until the year 1935. Then, for the first time, it did not meet, and the opinions of its members were obtained by written questionnaires. It should be restored and revitalized.

The President, acting through the Secretary of Agriculture, can select a representative board, having due regard for regional and geographical location, thus making it a most valuable agency in fact collecting and for consultation and advice.

We must preserve a publicly known advisory board or it will degenerate into an unofficial advisory board whose members are not responsible to the public; or, stated in another way, advisers known to the public may be replaced by unknown advisers with no official responsibility.

We should preserve a publicly known group for what may become private meetings of "tailors of Tooley Street."

Its success or failure, however, hinges upon the absolute independence of thought and conviction of its members, on proper geographical representation, and upon freedom of opportunity to discuss, even to criticize, proposed regulations.

It would be useless to have a board unless these factors are recognized. To make of it a mere "rubber stamp", or a board whose opinions were not ascertained by personal exchange in meeting, would be a mere waste of time and would be of little value.

Experts from the various departments should appear and answer questions and give the board the benefit of their scientific knowledge and investigation.

Added to this, members of the advisory board would bring facts from their respective sections. They could exchange opinions, and experts of the Government should frankly and freely discuss the results of their official observations.

As I have said, the members of the board should have complete independence of thought and conviction, and their selection in the future should be scrutinized with great care by the sportsmen's organizations of the United States.

Membership on the board would then be considered a very high honor and there would be attracted to it the best thought of the best conservationists in America.

Many splendid men and one fine woman have served on these boards in the past. They have given very unselfishly of their time, and most of them have had the courage to express their convictions.

Its membership should be enlarged, and no new migratory-bird regulations should be promulgated until they have been presented for this board's consideration.

I recommend the board's restoration in enlarged form, with greater authority and independence, and that all efforts to make of it a "rubber stamp" be defeated.

No 1 man's mind is better than 20 men's minds. There may exist a man with a brain more commanding than all others, but we have not yet discovered such a man. Personally, I do not think he exists.

Members should be selected with regard to regional residence and experience. To concentrate its membership in one section and omit representation from other sections will defeat the object of securing a diversified personal contact experience so valuable and so necessary in the solution of a problem as diversified as that of Federal game control.

The name "Bureau of Biological Survey" does not carry with it an explanation of the duties of that agency. A change in its name has been recommended from time to time by Senate and House committees, by individual game organizations, and by outstanding conservationists.

It is no reflection upon the men who serve in that bureau that its name should be changed. In fact, it is a commendation of their growing influence and extended jurisdiction.

Biology is only a small though important part of the problem, but the designation "Biological Survey" does not now carry its true story to our people.

A national experimental station or game farm should be created in the vicinity of the National Capital for research and experimental purposes.

Here training could be given in game management, game breeding, and in the study and treatment of disease.

Students entering this institution should be selected from the various States. Their appointment should be suggested by Governors of States, land grant colleges, 4–H clubs, and other interested organizations. The method of designating these students is not at the moment important.

If this farm or game college or experimental station could be established within 50 miles of Washington, it could be made of great educational advantage. In the first place, every patriotic citizen who can afford the trip visits Washington at some time in his life, and, in the second place, the Capital City is nearly always included in tours of college students.

The proximity of the school would afford an opportunity for the 96 Senators and 435 Congressmen, members of congressional committees, and executive officials to visit it and visualize the practical work of replacement under scientific methods.

It would be readily accessible to the scientific staffs of the Departments of Agriculture, Interior, and Commerce. It would undoubtedly stimulate renewed and popular interest in the subject of conservation. I believe that an Executive order could bring this about. Certainly it can be done by an act of Congress.

Regulations of the duck-stamp bill should be strictly enforced. The bill provides an opportunity for securing, in new applications, vital statistics regarding the "kill" of the previous season. In fact, it is the only exact method of ascertaining what actually happens. A new license should not be issued until the applicant has given the exact number of migratory birds killed by him during the preceding year.

This would assure some degree of accuracy in the ascertainment of the annual "kill", stop the absurd guessing which is going on, and forestall some of the foolish estimates that cannot possibly be based upon accurate reports.

It would further assist in revealing the true situation as to regional abundance or scarcity of migratory birds.

The statement has been made frequently by intelligent observers that in the four established lanes of migratory bird flights there are in some sections an abundance, in others a shortage, and in still others a dangerous shortage.

A record of the "kill" in the preceding year would do much to definitely establish the shortage or the supply.

I have watched the progress of this bill with keen interest, because it is what I might call "my baby", and I would like not only to see it become a source of income but also a method of securing exact knowledge in replacement of guess and conjecture.

Senate and House Committees on Wildlife Conservation have performed invaluable work, probably the best that has been given to our people, because their recommendations have been practical and have been written into law.

We may express the hope that both the special Senate and House committees shall be made permanent standing committees. The subject is sufficiently large, from the point of view of economics and public interest, to justify this action.

I make these few recommendations because they are easily effectuated if united effort is put behind them.

They represent by no means all that can be done nor all that should be done, but they are achievements which are within sight in perfecting Federal control.

THE STATE FACTOR

The State factor represents by far the largest portion of the problem. The Federal Government may point the way and give assistance through scientific research, but a coordination of the whole plan of conservation depends upon the intelligent activity of the States.

This brings a direct challenge to each Governor, to each legislature, and each unofficial organization.

While the total of Federal acreage is approximately 400,000,000, the State acreage is approximately 1,500,000,000. It is upon this vast State acreage that we find most of our upland game.

First in food and hunting value is the lowly rabbit—the young hunter's delight, and a choice morsel for the farmer's table—whose skin has a great fur value. Then come the deer, the quail, the grouse, the pheasant, the wild turkey, and a number of other birds and animals, all upland game, under State jurisdiction.

Game belongs to the States or, when on Federal property, to the Federal Government.

The State has the right to regulate the bag limits and seasons for shooting, and to impose these regulations in the exercise of its police power or what might be termed community interest. And these regulations are binding on the landowner or lessee of lands.

The first requisite, therefore, is proper administrative laws for each of the 48 States. Some States have excellent laws which require no revision. Many more certainly require a change in the manner of administration, and some are unquestionably bad.

Some 2 years ago a committee was organized to prepare a model State law for administrative purposes, and it is a pleasant thing to record that the legislatures of six States adopted, in whole or in part, our plan of administration, which is simple but effective.

My recommendations in the State field are:

Adopt the proposed model State administrative law. Urge its passage upon all candidates for Governor and candidates for legislatures. Some variation of the act may be required because of local conditions, but the fundamentals are sound, and it follows the thought of uniformity in State legislation now urged for all subjects. Remove politics from game and fish administration. Hunters and fishermen are neither Republicans nor Democrats; they are primarily sportsmen, and can be persuaded to disregard partisan lines and unite in removing game and fish management from political uses in both primaries and elections.

Establish new State game parks and sanctuaries. An increased acreage is necessary. Purchases can be made now while the land is cheap and submarginal land is on the market. One experimental station in each State is necessary; more than one are desirable.

State universities, colleges and public schools should promote the study of game and fish conservation. It greatly interests the student. They like the subject. They are what might be called the seed crop for future conservationists. What they require is not alone academic study but stimulation, assistance, and applause for work well done.

Financial assistance is necessary for instruction in land-grant colleges, in the 4–H clubs. The subject should be brought home also to the Boy Scout and the Girl Scout, the junior chambers of commerce, the chambers of commerce, to the farm organizations, the American Legion, and the Federation of Women's Clubs.

It can be made a topic of interesting and entertaining discussion for Kiwanis Clubs, Rotary Clubs, and kindred organizations. I cannot mention all.

State funds for the support of conservation, which come from the hunter and the fisherman, should not be diverted and used for any other purpose than conservation. Any attempt to divert their use for other purposes should be vigorously opposed.

The State program should be short, understandable, and not difficult to explain. We should stress its scenic and health advantages and by all means avoid the impractical in both legislation and administration.

THE FARMER FACTOR

The farmer and the landowner hold the key to the restoration of game. Without an understanding between the sportsman and the farmer, preservation and restoration cannot succeed.

The farmer must be convinced, and it can be done, that game is a valuable byproduct of the farm, and the sportsman must not expect the farmer to contribute to his pleasure without compensation.

The farmer has been put to expense and trouble to acquire what he has, and the sportsmen must expect to bear his part of the cost.

The farmer lives on the land. On his acreage there is or could be ample food and cover for upland game birds and many of our smaller animals.

He controls the latchstring to the hunting field, and his importance in the picture of wildlife restoration must not and cannot be overlooked.

No plan for the restoration of wildlife can be successful without the inclusion of the farmer as the first vital factor, and when this thought finally impresses the sportsman, the greatest hurdle in the wildlife restoration program will have been passed.

A new relationship must be established between the sportsman and the farmer which will carry with it mutual respect and cooperation characteristic of any other effective partnership.

When he is shown how, the farmer can make enough from game to at least pay his taxes. This has been done in many of the Southern States where shooting privileges are leased.

I am convinced that the future of game restoration depends upon the attitude of the farmer or landowner, who, with the sportsman, will bring about constructive legislation in game management for this purpose.

THE SPORTSMAN FACTOR

Sportsmen, hunters, and fishermen are the chief support of real wildlife conservation.

To those splendid men and women who know the law and observe it, advice and suggestions would be a gratuity.

Game, fish, and fowl are valuable as foods. There is no waste in the killing of these so long as the seed stock is preserved and replenished.

A man with a hunting license and a gun should not be permitted to cheat. Every time a hunter or a fisherman exceeds the bag limit he steals from his fellow sportsman; he does a dishonorable thing.

When the limit is 10 birds, and he takes 15, he steals 5 birds from his fellow sportsman; he violates the law and plays the game unfairly.

Other sportsmen should not tolerate him. A license should be considered a decoration, something worthy of pride. It should not be a device for evading or violating the law.

No man should attempt to hunt until he is thoroughly familiar with his gun and has practised with it.

I am convinced that cripples constitute a serious loss in game life, and I might add in fish life, such as the careless handling of undersized fish in returning them to the water.

Accuracy in shooting and the possession of a retriever dog will lessen the heavy toll of cripples.

To illustrate: We will suppose that the limitation is 10 birds, but in securing this limit the hunter wounded 5 others, which escape only to die later. This, in effect, has raised the hunter's limit to 15 birds instead of 10, even though the 5 which were crippled are lost to him.

He has done more than violate the law of ethics in hunting; he has not only killed 50 percent more than the bag limit, but he has been guilty of a serious actual waste of wildlife.

A real sportsman obeys Federal and State laws. If he does not approve regulations, or finds them too rigid, or, like the prohibition law, he considers them too extreme, he may exercise his American prerogative by asking for a change, but as long as the laws are on the statute books they must be observed.

By setting an example the sportsman can do much by his own conduct.

If he will give just a little time to the new hunters, the boys that are coming along, and instill in them a true spirit of sportsmanship, the work will be more than half done.

Sportsmen will find that State legislators, Congressmen, and United States Senators are, as a rule, good fellows, and if he will secure contact with them, or write to them giving his point of view, I am sure his letters will be acceptable and helpful.

For the sportsmen I would recommend the following:

1. Assist the farmer, cooperate with him, by advice and practical assistance in the preservation and restoration of game.

2. Join the most representative and practical sportsman's organization in his immediate vicinity, and be sure that this local organization has a contact with a national organization.

3. Become acquainted with the game warden. Do not hesitate to report violations of the law. It is not an unethical, despicable thing to do; be brave about it. You would report a thief, a counterfeiter, or an embezzler. Why should a game "outlaw" not be reported in the same way that other violators are reported? It is the right thing to do.

4. Appeal directly to the State representative and State senator from your district. Tell them of the necessity of a model State administrative law. Express an interest. Write a letter. It will be appreciated.

5. Communicate with the Governor of your State or the candidate for Governor. Let him know that you are watching and are interested. Do not suggest the impossible. Demand a few sensible things.

CONCLUDING

Concluding, it will be noted that I have omitted reference to the important subject of pollution, and have not had an opportunity to refer at length to game fish and the fisherman. It has been a disappointment to me that I have had to avoid these important subjects, but 15 minutes is too short a time in which to cover even one of them.

We must preserve our game fish, we must battle with the fish "hog" as we do with the game "hog." We must instill sportsmanship and respect for law.

We all know that 7,000,000 fishermen, who pay for conservation in their respective States, are nearly all hunters as well. Their problems are much the same.

State legislation and administrative laws are under one head, so that in discussing game and in making suggestions, all that I have said of hunters applies with equal force to the fisherman.

The division of powers between the Federal and State Governments is relatively the same, except that navigable streams are under the jurisdiction of the Federal Government.

Fishermen and hunters have the power; they ought to have the incentive. If they raise their voices we can bring back or restore that wildlife so essential to the health, the pleasure, and I believe fine patriotism for our citizens.

"A long pull, a strong pull, and a pull all together" should be our slogan for restoration of wildlife.

CONSERVATION OF WILDLIFE RESOURCES

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a radio address by my colleague, the gentleman from California [Mr. BUCK], on the subject of National Wildlife Conservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KLEBERG. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following radio address on the subject of Conservation of Wildlife Resources delivered by Hon. FRANK H. BUCK on February 7, 1936, over the National Broadcasting System:

We are today concluding the 5-day conference called by President Roosevelt for the purpose of developing a comprehensive program for the conservation and restoration of the Nation's wildlife resources.

To my own State, California, with its splendid heritage of wild birds and animals, its wonderful fishing, its great clubs of sportsmen, and its interest in nature, the developments that have taken place in this conference must be of prime importance. While everyone has known that many forms of wildlife were in grave danger and that hundreds of kinds of birds and animals were too scarce to supply our needs, either for sport or for study, for simple interest in observation, or for natural control of insects and other pests, still grave doubts have been held by many as to the possibility of concerted and effective action. Now that the conference is about over, it is easy to see that there is a real hope for future conservation of these birds and animals, and that the furnishing of future supplies of game can be put on an effective business basis. The only form of wildlife that the conference has reduced to the vanishing point is the wild tribe of doubters and critics, who are in real danger of becoming extinct.

Existing Federal, State, county, and private agencies have for many years past been doing important work in the cause of conservation, but there has been no effective cooperation, no Nation-wide planning undertaken which would even offset the forces of destruction. Increased population, increased cultivated area, increase in the number of hunters and fishers going forth each season, increased accessibility to mountainous regions, have all been part of these destructive forces. Inland streams have become polluted; mountain waters have been diverted for human consumption or for irrigation purposes, doing incalculable damage to aquatic life. Drainage has impaired, and in many cases destroyed, the natural refuges of migratory wild fowl.

It is no wonder, therefore, that those of us who have been interested in the advancement of the cause of conservation have been seriously concerned and have made efforts to promote not only legislation in the Halls of Congress but to aid and assist the executive departments and bureaus in every way possible to remedy the conditions that man has brought about which would ultimately destroy wildlife. Great opportunity exists not only in the work of the Bureau of Biological Survey, the Bureau of Fisheries, the Forest Service, and the National Park System but in the activities of the new agencies which have been created under the present administration. For example, the C. C. C. camps have devoted a great portion of their work to suppressing forest fires, building firebreaks, and planting trees over denuded areas. This forest work provides protection for the birds and animals that inhabit the forests and for the fish that dwell in the forest streams.

The Soil Conservation Service, which was made a permanent Bureau in the Department of Agriculture by Congress in 1935, is engaged now in 140 separate projects, affecting a total of 50,000,000 acres. Over 500 C. C. C. camps supply the labor. Farmers everywhere have shown their interest in this particular activity. They are signing soil-erosion agreements which undertake to avoid farming operations that will be detrimental to desirable forms of wildlife; to improve wildlife conditions generally; and to produce where possible an annual replacement of game and game fish as a means of providing supplemental compensation for land retired from cultivation through the operation of the soil-conservation program. Land retired in large tracts by this service may be developed into game refuges throughout the Nation.

The Special Committee on the Conservation of Wildlife, established by the House of Representatives on January 29, 1934, was created with a view to bring about progress toward some definite goal of conservation. The Senate had previously established a similar committee and these two committees have been in close collaboration with each other. The House committee has been under the able leadership of Hon. A. WILLIS ROBERTSON, of Virginia, who has been indefatigable in his efforts to bring about proper consideration of wildlife problems. Although the committee has made effective inquiries into, and surveys of migratory fowl and upland game, its efforts have not been confined to those. Nearly one-half of its report filed with Congress on January 3, 1935, is devoted to conservation of fisheries in interior waters and conservation of commercial fisheries.

As a member of that committee since its establishment, I have been particularly interested in watching and helping the development of the cooperative spirit which has developed in Congress and which has been consummated now in this present conference. In order to understand the present situation, perhaps it will be well to consider some of the doubts that have beset many persons and see how they have been resolved.

First, there were the factional doubts: The sportsmen were afraid that the tender-hearted would get control and try to stop all shooting; while the tender-hearted were afraid that the sportsmen would get control and maybe open the season on songbirds. But there is no factional control. The individuals attending the conference have come from every section of the country, and they represent every school of thought. They have organized on an acting and temporary basis the General Wildlife Federation, and practically every group is represented in the temporary set-up. Unquestionably the same will be true of the final permanent organization. Moreover, even a pot hunter realizes that broad measures to conserve and restore streams and forests cannot but add to the game supply; and even the most ardent nature lover cannot fail to see that any measure to conserve and restore game cannot help doing the same for countless nongame species. Hitherto conservationists have dissipated their energies in fighting each other instead of uniting to fight together for the many things on which they all agree. It has been a main purpose of the conference to define and support everything that everyone agrees will help wildlife in general, and it has been a surprise to some to find how many good ideas others had when the fighting was stopped for a moment.

The next set of doubts was geographical. Easterners were afraid that the westerners would get control and dictate to them, and westerners were afraid of the easterners. These doubts had no foundation either. The function of the national organization which is proposed is not governing or regulatory, but cooperative and advisory. At the bottom of this structure will be local groups, including sportsmen's clubs, bird and nature societies, fish-planting clubs, and all other agencies interested in wildlife restoration. These will combine into county units, headed by a chairman; county groups will merge into a State federation; which in turn will become part of a regional set-up comprising some 13 regions. It is the hope and expectation of the leaders that it will be the State branches which will be the strongest and most independent parts of the whole—but of course that when truly national problems arise, as they do from time to time, the State organizations will give their advice, and if they feel it proper, their support.

Finally, there were political doubts of various kinds. People whose knowledge of politics and politicians had been gained largely from newspaper cartoons feared that these frightful monsters would run away with the meeting. Hard-working and harrassed State and Federal officials feared that they would be deluged with impractical theories and lobbied at and against by wild-eyed men who talked a lot but didn't represent anybody. Authorities in several of the States, including my own, have been jealous of their own prerogatives and fearful that the Federal Government would pack the meeting and usurp the right and proper control of their own resources by the States. These doubts, too, have been removed. The Federal Government has no representation on the federation as organized. In a few cases Federal employees who are citizens of a given State have been drafted to act temporarily as State delegates, but only where there have not been enough private citizens to go round, and these men will turn over their duties to someone not connected with the Federal Government immediately upon their return to their several States. I sincerely hope that those States which have not seen fit to have their own fish and game authorities attend this conference will now realize that it is to the benefit of their own organizations and their own States to cooperate fully from this time on.

Further, the federation will not be a lobbying organization, and this has been made quite clear by Mr. Jay N. Darling, former Chief of the Bureau of Biological Survey, who has been chosen temporary president. Perhaps the best way to explain the function of the General Wildlife Federation is to take an imaginary situation and show how the federation would be expected to operate.

Suppose that in one of the counties of California, part of which is national forest, the deer suddenly begin to die from some unknown cause. The chairman of the county committee will get in immediate touch with the State committee and the State committee will see that the facts are laid before the best available biologist with no delay. In many cases, of course, it will be the State fish and game department that will have the best knowledge. In any case, within the shortest possible time the cause and cure of the disease will be found. Perhaps it is a dangerous epidemic, and the affected deer must be eliminated immediately

to save the rest in the State. Such action, perhaps, will require special legislation by the State and cooperation by the Forest Service. The State committee, knowing exactly what is needed and how to present it to the legislature, will do that (meanwhile arranging for the national committee to contact the Chief of Forest Service in Washington and explain the situation to him) and then notify, through the county chairmen, all the members in the State and advise them to tell their representatives in the legislature what they want.

Thus, with the common wishes of everyone interested in wildlife correlated and clarified quickly and accurately, a possible catastrophe might be turned into a local incident.

It remains, of course, to be seen whether strong State federations under alert and disinterested leadership can be formed to correlate the desires of their memberships with the scientific facts of nature, and make use of the national committee, the various Government agencies, and the political structure of our States and Nation to conserve and restore wildlife for the use and pleasure of everyone. The ideal is a high one, and even an approximation of it will be a great step in advance.

Let me say that though this ideal may be high the spirit shown by the conference encourages me to believe that we are at last going to accomplish something in securing public recognition of the needs and value of wildlife resources. This program is broader than just the restoration of wild birds and animals and the protection of fish, it involves the welfare of lands, forests, waters, and soils, and through protection of them the welfare of our future citizens and of all the people.

PERMISSION TO ADDRESS THE HOUSE

Mr. PARSONS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PARSONS. Mr. Speaker, I have had several inquiries from Members lately about the acquisition program of the Forestry Service. With the permission of the Members of the House, I should like to insert in the RECORD this morning, following my remarks, a statistical table showing the purchase units, the cost to date and the estimated cost of finishing the purchase of these various units. Also appearing will be the names of the Members of Congress in whose districts these forestry lands lie, so that if you are interested in the forest acquisition program you may look at the RECORD tomorrow and see what your unit has and what interest you may desire to take in obtaining additional funds when the appropriation bill comes up for consideration next week.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein these tables.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask the gentleman if he will state where we are going to get the funds with which to acquire these lands?

Mr. PARSONS. I may say to the gentleman that matter will be taken up at a later date.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The tables referred to are as follows:

Distribution of purchase units by congressional districts

State	Congressman	Purchase units
Maine	Simon Moulton Hamlin	White Mountain.
Do	Ralph O. Brewster	Grand Lake.
New Hampshire	William Nathaniel Rogers	White Mountain.
Do	Charles William Tobey	Do.
Vermont	Charles Albert Plumley	Green Mountain.
Pennsylvania	Robert F. Rich	Allegheny.
Do	D. J. Driscoll	Do.
West Virginia	Jennings Randolph	Monongahela.
Do	Andrew Edmiston	Do.
Do	John Kee	Do.
Virginia	A. Willis Robertson	Monongahela, George Washington.
Do	Howard Worth Smith	George Washington.
Do	Thomas G. Burch	Unaka, White Mountain.
Do	Clifton Alexander Woodrum	Mountain Lake.
Do	John W. Flannagan, Jr	Unaka, Clinch, Mountain Lake.
Kentucky	Virgil Chapman	Cumberland.
Do	Fred M. Vinson	Do.
Do	John Marshall Robsion	Do.
Tennessee	B. Carroll Reece	Unaka, Pisgah.
Do	J. Will Taylor	Cherokee.
Do	Sam D. McReynolds	Do.

Distribution of purchase units by congressional districts—Con.

State	Congressman	Purchase units
North Carolina	Robert L. Doughton	Unaka, Yadkin.
Do	A. L. Bulwinkle	Unaka.
Do	J. Walter Lambeth	Pisgah, Uharie.
Do	Zebulon Weaver	Pisgah, Cherokee, Nantahala.
Do	Harold Dunbar Cooley	Uharie.
Do	Graham Arthur Barden	Croaton.
South Carolina	John Clarence Taylor	Nantahala, Enoree, Long Cane.
Do	John J. McSwain	Enoree.
Do	James Prioleau Richards	Do.
Do	Thomas Sanders McMillan	Wambaw.
Georgia	B. Frank Whelchel	Nantahala, Cherokee.
Do	Malcolm Connor Tarver	Cherokee.
Alabama	William B. Bankhead	Alabama.
Do	Archibald Hill Carmichael	Do.
Do	Frank William Boykin	Tombigbee.
Do	Sam Hobbs	Talladega, Oakmulgee.
Do	Joe Starnes	Talladega.
Do	William Bacon Oliver	Oakmulgee.
Do	Lister Hill	Conecuh.
Mississippi	Wall Doxey	Holly Springs.
Do	A. L. Ford	Do.
Do	Aubert C. Dunn	Bienville.
Do	William Myers Colmer	Chickasawhay, Leaf River, Biloxi.
Do	Dan R. McGehee	Homochitto.
Do	William Madison Whittington	Delta.
Louisiana	Cleveland Dear	Vernon, Kisatchie, Evangeline, Catahoula.
Texas	Martin Dies	Sabine, Angelina.
Do	Nat Patton	San Jacinto, Davey Crockett.
Oklahoma	Wilburn Cartwright	Kiamichi.
Arkansas	Ben Cravens	Ouachita, Ozark.
Do	Claude A. Fuller	Ozark.
Do	David Dickson Terry	Ouachita, Ozark.
Do	John L. McClellan	Ouachita.
Do	John E. Miller	Ozark.
Missouri	Dewey Short	Gardner, Gasconade, Table Rock, Pond Fork.
Do	Clyde Williams	Fristoe, Clark, St. Francois, Gasconade.
Do	Orville Zimmerman	Fristoe, Wappapello.
Illinois	Claude V. Parsons	Shawnee.
Do	Kent Ellsworth Keller	Illini.
Indiana	Arthur H. Greenwood	Patoka, Pleasant Run, Lost River.
Do	John William Boehne, Jr	Lafayette.
Do	Eugene B. Crowe	Pleasant Run, Lost River, Patoka.
Ohio	James G. Polk	Little Scioto.
Do	Thomas A. Jenkins	Symmes Creek, McArthur.
Do	Robert Thompson Secrest	Muskingum.
Do	Mell G. Underwood	Rocking Valley, McArthur.
Idaho	D. Worth Clark	Boise.
Iowa	Edward Clayton Eicher	Keosauqua.
Do	Lloyd Thurston	Chequest, Grand River, Chariton.
Do	Hubert Utterback	Chariton.
Michigan	Albert J. Engel	Manistee.
Do	Fred L. Crawford	Do.
Do	Roy Orchard Woodruff	Huron, Manistee.
Do	Prentiss M. Brown	Marquette, Hiawatha.
Do	Frank E. Hook	Ottawa, Gogebic.
Wisconsin	Gerald J. Boileau	Oconto.
Do	George J. Schneider	Argonne, Oconto.
Do	B. J. Gehrmann	Chequamegon, Mondeaux, Flambeau.
Minnesota	Harold Knutson	Chippewa.
Do	William Alvin Pittenger	Superior, Mesaba.
Do	Richard Thompson Buckler	Chippewa.
North Dakota	Usher L. Burdick	Souris, Sheyenne.
Do	William Lemke	Do.
Puerto Rico	Santiago Iglesias	Toro Negro, Luquillo.
California	Clarence Frederick Lea	Redwood Purchase Units.
Do	Bertrand Wesley Gearhart	Sequoia.
Utah	J. W. Robinson	Provo and Davis Counties.

MEMBERS OF CONGRESS IN WHOSE DISTRICTS NEW UNITS OR ADDITIONS ARE RECOMMENDED BY THE REGIONAL FORESTER

North Carolina	J. Bayard Clark	Cape Fear.
Tennessee:		
District 2	J. Will Taylor [1]	Chattanooga.
District 3	Sam D. McReynolds [1]	Chattanooga, Sand Mountain, Scottsboro.
District 4	John Ridley Mitchell	Scottsboro.
District 6	Clarence W. Turner	Duck River.
Alabama:		
District 8	Archibald Hill Carmichael [1]	Duck River, Scottsboro.
District 7	William B. Bankhead [1]	Duck River.
District 5	Joe Starnes [1]	Sand Mountain.
Mississippi:		
District 6	William Meyers Colmer [1]	Addition to Chickasawhay.
District 5	Aubert C. Dunn [1]	Addition to Bienville.
District 7	Dan R. McGehee [1]	Do.
Louisiana:		
District 5	Riley Joseph Wilson	Addition to Catahoula.
District 8	Cleveland Dear [1]	Do.
California	Harry Lane Englebright	Diamond Springs.
Oregon	James W. Mott	Marys Peak, Cottage Grove.
Do	Walter Marcus Pierce	Ochoco and Sisters.
Idaho	Compton I. White	Payette, Weiser.

[1] Congressman in whose districts are located established units.

Forest land acquisition under Weeks and Clarke-McNary laws by land exchange and by withdrawal from public domain

CURRENT LAND AND FINANCIAL STATUS OF ESTABLISHED PURCHASE UNITS, AS OF AUG. 29, 1935

Region and unit	State	Gross	Reserved public lands	Acquired through exchange	Purchased or in course of purchase	Average cost per acre	Total amount expended or obligated to date	Additional area to be purchased	Approximate cost to complete unit	Area believed to be nonpurchasable
New England:		*Acres*	*Acres*	*Acres*	*Acres*			*Acres*		*Acres*
Grand Lake	Maine	785,000						600,000	$2,550,000	185,000
White Mountain	New Hampshire and Maine	859,795			707,804	$7.65	$5,412,792	105,991	727,590	46,000
Green Mountain	Vermont	593,908			160,143	10.52	1,685,361	338,265	2,924,767	95,500
Total		2,238,703			867,947	8.17	7,098,153	1,044,256	6,202,357	326,500
Appalachian:										
Allegheny	Pennsylvania	726,340	20	158	422,714	6.44	2,727,137	183,308	730,315	120,140
Monongahela	West Virginia and Virginia	1,727,088			824,356	3.33	2,749,103	564,202	1,430,612	338,530
George Washington [1]	do	1,161,700		135	855,534	3.46	2,968,585	153,757	575,149	152,274
Mountain Lake	Virginia	1,977,516			202,307	2.26	458,409	1,029,309	3,775,920	745,900
Clinch	do	658,000			42,230	3.58	151,352	443,770	2,226,126	172,000
Cumberland	Kentucky	1,346,880			354,071	3.91	1,387,086	872,441	2,907,100	120,368
Unaka	Virginia, North Carolina, and Tennessee.	1,503,700			335,180	3.77	1,264,114	1,078,370	3,775,151	90,150
Pisgah [2]	North Carolina and Tennessee.	1,154,840			435,001	5.39	2,345,249	606,116	2,965,307	113,723
Nantahala	Georgia, North Carolina, South Carolina.	1,550,900	8,394	70	466,501	6.28	2,932,752	942,290	3,855,326	133,645
Cherokee [3]	Georgia, Tennessee, and North Carolina.	1,765,600	4	14	621,901	4.45	2,770,692	1,080,511	4,262,547	63,170
Alabama	Alabama	561,065	17,709		137,686	4.73	651,710	340,330	1,361,499	65,340
Total		14,133,629	26,127	377	4,697,481	4.34	20,406,189	7,294,404	27,865,052	2,115,240
Piedmont:										
Uharie	North Carolina	560,000			24,180	5.31	128,442	437,794	1,274,520	98,026
Enoree	South Carolina	342,000			95,406	4.99	476,531	172,594	864,815	74,000
Long Cane	do	409,000			71,590	5.28	378,067	230,410	1,412,148	107,000
Total		1,311,000			191,176	5.14	983,040	840,798	3,551,483	279,026
Southern pine:										
Croatan	North Carolina	307,000			96,539	3.31	319,055	180,461	513,138	30,000
Wambaw	South Carolina	418,500			234,743	7.18	1,688,186	183,757	563,997	
Osceola	Florida	161,813	80		155,199	5.02	779,740	3,298	13,077	3,236
Ocala	do	478,981	158,689	189	84,591	2.80	236,781	211,897	419,033	23,615
Apalachicola	do	297,770			278,059	2.30	639,143	1,711	6,003	18,000
Choctawhatchee	do	368,048	133,635	55,931	111,805	2.44	272,584	17,812	24,345	48,865
Talladega	Alabama	422,000			123,940	2.03	252,048	222,060	1,972,309	76,000
Oakmulgee	do	282,000			44,130	3.03	133,675	209,870	755,325	28,000
Tombigbee	do	611,000						515,000	3,218,000	96,000
Conecuh	do	342,100			55,280	2.24	123,860	233,720	1,285,618	53,100
Holly Springs	Mississippi	530,520			97,079	3.77	366,188	102,921	289,851	330,520
Bienville	do	382,820			173,440	2.55	441,883	182,380	543,744	27,000
Chickasawhay	do	192,000			134,890	2.67	359,886	57,110	113,964	
Leaf River	do	623,261			231,737	2.08	481,846	336,524	750,885	55,000
Biloxi	do	409,600			127,720	5.26	671,422	192,040	769,042	89,840
Homochitto	do	412,469			188,010	3.39	636,508	153,159	540,085	71,300
Delta	do	323,840			13,344	55.00	733,920	261,496	502,860	49,000
Kisatchee [4]	Louisiana	838,459			471,114	2.78	1,310,044	309,748	838,198	57,597
Vernon	do	107,500			80,746	1.43	115,682	112	1,637	26,642
Sabine	Texas	350,000			193,023	2.81	542,026	86,977	358,985	70,000
Angelina	do	300,000			131,283	2.72	357,152	138,717	485,554	30,000
San Jacinto	do	400,000			145,657	3.93	572,204	174,343	601,676	80,000
Davy Crockett	do	350,000			152,835	9.05	1,383,742	147,165	1,181,555	50,000
Total		8,909,681	292,404	56,120	3,325,164	3.73	12,417,575	3,922,278	14,848,911	1,313,715
Clark and central Mississippi:										
Ouachita [5]	Arkansas and Oklahoma	2,476,576	628,077	32,945	650,842	2.31	1,506,446	898,052	2,271,607	266,660
Ozark	Arkansas	1,233,040	284,960		434,067	2.89	1,257,713	465,033	1,629,143	48,980
Table Rock	Missouri	247,420			30,589	2.62	80,300	156,831	388,250	60,000
Pond Fork	do	356,729			73,438	2.24	164,657	191,905	468,893	91,386
Gardner	do	269,796			68,195	2.73	186,240	156,917	469,867	44,684
Fristoe	do	466,655			252,420	1.96	494,149	133,022	343,907	81,213
Wappapello	do	347,592			98,650	2.14	210,845	188,230	524,664	60,712
Gasconade	do	469,364			93,606	2.24	210,070	272,194	748,884	103,564
Clark	do	704,469			306,131	2.02	617,755	260,652	662,774	137,686
St. Francois	do	451,680			40,494	2.12	85,985	321,186	727,795	90,000
Illini	Illinois	352,186			68,682	6.52	447,498	181,682	1,373,680	101,822
Shawnee	do	489,856			75,519	4.85	366,288	310,743	2,035,357	103,594
La Fayette	Indiana	201,320			13,154	8.19	107,678	146,686	931,282	41,480
Lost River	do	182,000			7,604	8.45	64,244	136,576	945,016	37,820
Patoka	do	209,000			6,565	7.77	51,019	159,735	1,113,081	42,700
Pleasant Run	do	189,000			7,979	8.74	69,724	134,021	924,276	47,000
Little Scioto	Ohio	287,000			16,508	6.44	106,252	219,492	2,725,748	51,000
McArthur	do	285,000			2,102	10.62	22,324	239,898	2,397,676	43,000
Hocking Valley	do	355,000			14,670	4.80	70,399	260,330	2,129,601	80,000
Muskingum	do	282,000						238,000	2,380,000	44,000
Symmes Creek	do	255,000			5,898	6.08	35,863	185,102	1,301,137	64,000
Total		10,110,683	913,037	32,945	2,267,113	2.72	6,155,449	5,256,287	26,492,638	1,641,301
Lake and upper Mississippi States:										
Keosauqua	Iowa	126,080						84,540	845,400	41,540
Chequest	do	244,040						154,400	1,544,000	89,640
Chariton	do	151,520						108,200	1,298,400	43,320
Grand River	do	307,360						225,220	2,702,640	82,140
Manistee	Michigan	1,282,847			190,689	2.62	499,763	982,316	2,413,737	109,842
Huron	do	579,992	137,512	128,672	154,767	1.88	291,243	37,918	151,087	121,123
Marquette	do	502,369	28,875	9,128	175,692	2.12	372,561	213,440	522,864	75,234
Hiawatha	do	675,843	2,634		362,989	2.30	836,820	145,237	411,843	164,983
Ottawa	do	1,738,553	320		487,722	3.32	1,728,471	1,035,008	11,722,367	215,503
Oconto	Wisconsin	444,194	483		229,515	2.02	465,785	104,252	283,181	109,944
Argonne	do	542,434	189		295,949	2.62	775,946	129,065	354,824	117,231
Flambeau	do	353,768	245		131,958	1.62	214,403	2,864	11,339	218,701
Mondeaux	do	169,913	120		114,157	1.44	164,743	398	339	55,238
Chequamegon	do	578,342	750		423,734	1.81	768,435	12,665	27,155	141,193
Moquah	do	111,434	908		97,999	1.41	138,310	653	1,519	11,874

[Footnotes at end of table]

Forest land acquisition under Weeks and Clarke-McNary laws by land exchange and by withdrawal from public domain—Continued

CURRENT LAND AND FINANCIAL STATUS OF ESTABLISHED PURCHASE UNITS, AS OF AUG. 29, 1935—continued

Region and unit	State	Gross	Reserved public lands	Acquired through exchange	Purchased or in course of purchase	Average cost per acre	Total amount expended or obligated to date	Additional area to be purchased	Approximate cost to complete unit	Area believed to be nonpurchasable
Lake and upper Mississippi States—Continued.		*Acres*	*Acres*	*Acres*	*Acres*			*Acres*		*Acres*
Superior	Minnesota	2,613,514	809,412	26,514	667,791	$2.54	$1,699,320	414,413	$1,469,719	695,384
Mesaba	do	287,789	1,029		121,144	1.93	234,391	64,614	196,283	101,002
Chippewa	do	1,311,792	193,933		336,594	2.38	800,626	331,974	1,179,434	449,291
Souris	North Dakota	478,080			480	9.99	4,796	299,520	745,204	178,080
Sheyenne	do	293,760						200,000	600,000	93,769
Total		12,793,624	1,176,410	164,314	3,791,180	2.37	8,995,613	4,546,697	26,481,335	3,115,023
Utah:										
Provo		33,250						17,140	42,850	16,110
Davis County		58,200						49,149	147,447	9,051
Idaho: Arrowrock		142,000						30,000	106,500	112,000
California:										
Northern Redwood unit		262,000						132,660	4,560,000	129,340
Southern Redwood unit		580,000						268,400	4,494,000	311,600
Sequoia		1,928,411	1,331,631		21,133	17.39	367,534	561,116	3,553,195	14,531
Tahoe		51,613			51,613	2.00	103,226			
Total, Utah, Idaho, California		3,055,474	1,331,631		72,746	6.47	470,760	1,058,465	12,903,992	592,632
Puerto Rico: Carribean		242,950	13,824		5,564	12.18	67,781	145,386	1,452,105	78,176
Total, region 4		233,450						96,289	296,797	137,161
Total, region 5		2,822,024	1,331,631		72,746	6.47	470,760	962,176	12,607,195	455,471
Total, region 7		10,079,177	13,844	293	3,574,723	4.91	17,607,606	4,436,429	19,299,684	2,053,888
Total, region 8		20,466,402	1,231,548	89,149	6,597,518	3.88	26,129,291	10,173,778	38,520,974	2,374,409
Total, region 9		19,194,691	1,176,410	164,314	4,973,384	2.42	12,386,903	8,439,899	49,073,223	4,440,684
Total, regions 4, 5, 7, 8, 9		52,795,744	3,753,433	253,756	15,218,371	3.71	56,594,560	24,108,571	119,797,873	9,461,613

[1] George Washington National Forest, includes George Washington and Natural Bridge units.
[2] Pisgah National Forest includes Pisgah, Yadkin, Boone, Mount Mitchell, and French Broad units.
[3] Cherokee National Forest includes Cherokee and Georgia units.
[4] Kisatchie National Forest includes Kisatchie, Evangeline and Catahoula units.
[5] Ouachita National Forest, includes Ouachita and Kiamichi units.

Grand total purchased or in course of purchase	$15,428,902.09
Average cost per acre	3.06
Grand total amount expended or obligated to date	57,076,050.00

Mr. FADDIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FADDIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include therein a letter received this morning from Harold Lawson, president of the Richland County Farmers' Union—North Dakota. Mr. Speaker, in explanation may I say I wish to include this letter in order to show the insidious method of lobbying which is all too prevalent in the United States today by organized minorities. This lobbying is harming the cause of the people for whom these movements are intended. Such threats create a bad impression upon any clear-thinking citizen. It is an attempt at back-seat driving by people who are not fully informed on the matter and an attempt to unduly coerce and threaten Members of the House. I believe such letters as this should be published in order to demonstrate to the country the harm which they are doing to the farmers of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The letter referred to is as follows:

RICHLAND COUNTY FARMERS UNION,
Wahpeton, N. Dak., February 7, 1936.

Hon. CHARLES FADDIS,
Member of Congress, Washington, D. C.

DEAR MR. FADDIS: Of all the efforts along the lines of farm relief made by the present administration, the work of the Farm Credit Administration, in what it has already accomplished, and in the possibilities it has for doing still greater good in the future, is by far the most effective and offers the greatest possibilities of success for the present administration. While we, as an organization, recognize the fact that the farmer must get better prices, and while we lament the Supreme Court decision concerning the A. A. A., we also recognize the fact that the solution of our problems by the cooperative method will take a long time. Therefore we not only comment to you the matter of lower interest rates, as is proposed by the Frazier-Lemke bill, but we demand that this legislation be passed immediately. In order to impress upon you still further the fact that we mean business, we propose to enlist the aid of every farm organization over the country to make the Frazier-Lemke bill their major legislative program. We suggest that you provide yourself with a special basket (not a waste-basket) to receive correspondence and telegrams concerning this most serious matter.

We wish to further advise that we are making a study of the work of the Farm Credit Administration locally, and propose to have the farm organizations make such a study wherever the Farm Credit Administration is at work. The 1933 legislation, which did so much good, also established a monopolistic system of control over the Farm Credit Administration. Now, we are not living in Russia, nor Italy, nor Germany. We are free-born American citizens, who have finally awakened to the fact that we must fight for even a fair living in this land of plenty. We expect to get the Frazier-Lemke bill now or get it into the coming campaign, so as to give it the required airing in your district, as well as every other congressional district. This airing is to include the matter of how you voted. We trust that we can convince you "to get right."

Yours for real and immediate farm relief.

Respectfully submitted.

HAROLD LAWSON,
President, Richland County Farmers Union.

"LITTLE WATERS"—A BOOK REVIEW

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at the point just following the speech to be made by the gentleman from Texas [Mr. BLANTON] and the gentleman from New York [Mr. SISSON].

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BLANTON. Mr. Speaker, reserving the right to object, if the gentleman is going to refer to any matter of interest to me in his extension of remarks in the RECORD, I think he would be fairer if he would let me know what he is going to say, so that I may have a chance to answer him.

Mr. MAVERICK. I shall be glad to submit a copy of my remarks to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. If necessary, I want a chance to reply.

Mr. MAVERICK. I will not do it unless the gentleman agrees.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. SNELL. Mr. Speaker, reserving the right to object, may I ask the majority leader if it is going to be the policy to have extensions of remarks appear in the body of the daily RECORD? This has never been the policy of the House, and I think it is a matter that ought to be determined before the Members ask for such right.

Mr. BANKHEAD. I agree with the gentleman from New York that it has not been the practice heretofore.

Mr. SNELL. I think it is a mistake to follow such a practice. I am willing that these gentlemen may extend their remarks in the Appendix of the daily RECORD, where such matter should be put.

Mr. MAVERICK. Let me make this explanation. What I have to say——

Mr. SNELL. If we do it for the gentleman from Texas, we will have to do it for every other Member who asks it.

Mr. MERRITT of New York. Regular order, Mr. Speaker.

Mr. MAVERICK. What I have to say will be pertinent to what has gone before.

Mr. SNELL. I think it is a matter that is up to the majority leader. I am willing to help him, but I am not going to take the responsibility myself.

Mr. MAVERICK. I shall withdraw the request if you want me to.

Mr. BANKHEAD. I will state to the gentleman that I think it is a matter that ought to be given serious consideration.

Mr. MAVERICK. I am willing to withdraw the request.

Mr. BANKHEAD. No; I am not going to object in this instance, but I think hereafter we ought to define some definite policy with reference to the matter, and I shall be very pleased to confer with the gentleman from New York about it.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ABRAHAM LINCOLN

Mr. MILLARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech made on Abraham Lincoln by Cornelius A. Pugsley, of Peekskill, N. Y.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MILLARD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address on Abraham Lincoln by Hon. Cornelius A. Pugsley, of Peekskill, N. Y., aboard the ship *Laconia*, at the Port of Hilo, in the Hawaiian Islands, on February 12, 1926, formerly a Member of Congress from the State of New York:

It seems eminently fitting that Americans sailing the mighty Pacific, after spending a day amid some of the loveliest islands that lie anchored in any ocean, and now belonging to the United States, that we should celebrate and commemorate the birth of that matchless American, Abraham Lincoln, whose name and fame are the common heritage of the American people; Lincoln who believed in and who came close to the great throbbing heart of the common people of his country. "Lincoln, who came from the plain people and heartily liked them, and we rejoice that in his lifetime he knew they returned the feeling with usury." Lincoln, who still lives in the hearts of his countrymen, and who stands forth as the typical American, comprehending within himself all the strength and gentleness, all the majesty and beauty of this Republic.

I love to think that when the Old World was tired of old conditions there crossed the Atlantic men of courage and of high ideals and sublime faith, who, facing afresh the problems of life, determined to reconstruct its institutions on a new foundation. It seemed to be given the builders of our Republic to look down the future and know that they were nation-building, founding institutions, setting in motion forces that should endure so long as men should fear God and love and treasure liberty and freedom. Great men were needed for the task and great men came forth, but they did not fall like shooting stars from the sky; they developed like the mighty oak on mountain side and in forest through years of sunshine and storm. Someone has said a thousand unrecorded patriots helped to make Washington, and we might add a thousand lovers of liberty and of equal rights for all men contributed to Lincoln, who preserved and extended the principles of liberty and freedom in our beloved land, for which the early builders hoped and fought and "gave the last full measure of devotion."

I love to think that through the indomitable spirit, courage, and westward yearning of our fathers, that in about two centuries our mighty Republic forced its way from Plymouth Rock to the Golden Gate and into the sunset sea, fulfilling the dream and the prophetic vision of Daniel Webster when he said: "There is nothing to check this people until they touch the shores of the Pacific, and then they are so much accustomed to water that that is a facility and no obstruction." We need to remember that terse saying of Edmund Burke, "Big empires and little men go ill together." Lincoln stands forth preeminently in our Republic's life and in our Nation's history as one of our great master builders.

Sixty-five years ago yesterday Lincoln left his home in Springfield, Ill., on his memorable journey to the Nation's Capitol. He was then in the prime of life, within a day of 52 years of age. In Philadelphia, so rich in historic memories, he spoke to the assembled multitude at Independence Hall; referring to the great principle of liberty which had been enunciated in the Declaration of Independence, "which gave liberty to this country and hope to the whole world", he said, "If this country cannot be saved without giving up that principle, I would rather be assassinated on this spot than to surrender it."

Well may we rejoice that for every great hour the great man is born. In every crisis of our Nation's life, in every hour of need, forth from the loins of our Republic's life has sprung every son of strength and power she needed. To 1776 came Washington, to 1861 came Lincoln. Born in poverty he touched life at every point. He heard its minor chords when his much-loved mother was laid to rest amid the solitude of the wilderness, and when the sorrow, distress and burden of a mighty Nation fell full upon him. But he heard its major, its swelling triumphant tones in a world's acclaim, in the gratitude of a race redeemed from slavery, and when the angel of peace and the angel of death both came and the music of earth was drowned in the music of heaven.

Pascal, that eloquent master of sentences, said: "Man is the feeblest branch of the universe, but he is the branch that thinks." Brain power gives a crown where fortune has denied it; brain power invests man with royalty. Who of us do not love to recall an American boy, plowing alone or splitting rails, who in the loneliness of his occupation revolves over in his mind the contents of the few books he has read and becomes a thinker. A wonderful vista of possibilities opens before him; the flame of ambition is fired. The furrow is plowed straighter, the rails split with greater energy, and behold, a Lincoln who stood for freedom as Washington stood for independence, whose teachers were his mother's Bible, the silent forest, the lonely prairie, the swift-moving river, and the voiceless stars.

Well, as one said: "Give me the hut that is small enough, the poverty that is deep enough, and the love that is great enough, and out of them I will raise the best there is in human character."

It is said that framed and hanging upon the wall of Oxford College, England, as a sample of the finest and purest English in the world, is Lincoln's Gettysburg Address, the product of this child of the wilderness, who never studied within college walls, but whom, I believe, stimulated and inspired by supreme crises and events, rose from height to height until at Gettysburg, and in his second inaugural address, he caught the thrilling majesty tones of the old prophets of Israel and of Israel's sweet singer, David.

Lincoln stands forth as the model American, fulfilling the vision so beautifully pictured of the great masterful American by one of the great orators of this country when he said: "He will have the strong brain of the German, the polished manner of the French, the artistic taste of the Italian, the staunch heart of the English, the steadfast piety of the Scotch, the lightning wit of the Irish, and when he steps forth, bone, muscle, nerve, brain, entwined with the fiber of all nationalities, then shall the nations of the world break forth with the cry, 'Behold the American!'"

Lincoln lived to clutch the golden keys
And shape the whisper of a throne;
And mounting up from high to higher,
Became on Fortune's crowning slope
The pillar of a people's hope,
The center of a world's desire.

LAKE MEAD

Mr. STUBBS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STUBBS. Mr. Speaker, no more appropriate honor could have been paid to Dr. Elwood Mead, the late great Commissioner of Reclamation, than that bestowed by giving his name to the lake formed by construction of Boulder Dam.

Lake Mead is one of the large lakes of the West. It is the world's largest artificial body of water and is unrivaled in scenic wonders. But even more important, Lake Mead, through the storage of the waters of the Colorado River for use by the people of the cities and farms in the southwest, plays a vital part in lives of millions.

Lake Mead epitomizes the life work of Dr. Mead, who supervised the construction of the dam which forms it.

I am sure that the people of the arid and semiarid regions of the West will join with me in acclaiming the action of the Board of Geographic Names of the Interior Department on the thoughtfulness of the tribute to Dr. Mead.

Mr. Speaker, I ask unanimous consent to include in the RECORD at this point the report that was made by the Board of Geographic Names of the Interior Department.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The matter referred to follows:

Secretary Harold L. Ickes, in announcing the action of the Board of Geographic Names, said, "It is altogether appropriate that this great, new geographical feature of the West should bear the name of Dr. Mead. He supervised the construction of Boulder Dam and he first envisioned the lake as a fine new playground dedicated to the benefit and pleasure of the people of the Nation. It is a fitting tribute to his large part in the development of the arid West."

The official designation by the Board of Geographic Names is as follows:

"Lake Mead: An artificial lake in Mojave County, Ariz., and Clark County, Nev., formed by damming the Colorado River in Upper Black Canyon. Named in honor of Dr. Elwood Mead (born Jan. 16, 1858, died Jan. 26, 1936), Commissioner, Bureau of Reclamation, 1924–1936, under whose supervision the dam that impounds the lake was built."

Lake Mead began forming February 1, 1935, when the gates of the diversion tunnels at Boulder Dam were closed. It caught the spring flood on the Colorado River last year and today contains approximately 4,000,000 acre-feet of water, being more than 82 miles long.

At capacity Lake Mead will reach 115 miles up the Colorado River, through Boulder Canyon, Virgin Canyon, Iceberg Canyon, and Travertine Canyon, and into the lower end of Grand Canyon. It will broaden to a maximum distance of 40 miles. It then will contain 30,500,000 acre-feet of water, or about 80,000 gallons for every person in the United States, and will cover 146,500 acres, or 229 square miles.

Lake Mead is the most important body of water in a vast territory adjacent to it on the map. It is the safety valve on the Colorado River. In it is held that stream's dangerous floods, and from it flows water stored for use by millions in Arizona and California in cities and on farms during the late summer, fall, and winter, when the natural flow of the river is insufficient for their needs.

The large capacity of the lake has been allocated as follows to its various uses: 9,500,000 acre-feet for flood control; 5,000,000 to 8,000,000 acre-feet for a silt pocket; 12,000,000 to 15,000,000 acre-feet active or regulation storage.

Lake Mead will be under the joint supervision of the Bureau of Reclamation and the National Park Service. The Bureau will regulate the outflow of the water in conformity with the purposes for which Boulder Dam was built—flood control, improvement of navigation, regulation of the lower river in behalf of irrigators in the Palo Verde, Yuma, and Imperial Valleys and in behalf of domestic water users in the cities of southern California, and for generation of power. The National Park Service will have charge of the recreational facilities on the lake.

The scenic shores of Lake Mead, formed as they are by the towering cliffs of the canyons of the Colorado, are destined to prove a major tourist attraction in the Southwest. The lake will be stocked with game fish.

Dr. Mead said, in advocating the development of the recreational features of the lake, that he believed as many as 500,000 people annually would eventually visit it to see the magnificent vistas and to fish and bathe in its clear waters.

Because of Dr. Mead's outstanding work in the development of the Boulder Canyon project, the Department of the Interior received many suggestions from the West during the Commissioner's life that the lake be named in his honor. These suggestions were not adopted at that time, because the broad policy of the Department under Secretary Ickes does not permit the use of names of living persons in this manner. Until today the lake was unnamed.

LOANS TO FARMERS FOR CROP PRODUCTION AND HARVESTING

Mr. JONES submitted a conference report on the bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes.

APPROPRIATION BILLS

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. RICH. Mr. Speaker, I should like to call the attention of the Members of the House to the fact we have passed three appropriation bills and now have under consideration the fourth appropriation bill. Every one of these measures has carried an increased appropriation over last year's appropriation. The majority leader said yesterday he hoped to pass the appropriation bills and adjourn. I should like to know from the majority leader and the membership of the House what arrangement they are going to make to take care of these appropriations. The responsibility of making these appropriations rests upon the Democratic Party in power and Members of the Congress.

You say you are going to balance the Budget. Your Democratic platform calls for it, and so does the Republican, but we are getting further and further away from balancing the Budget every day. We are squandering money recklessly.

This is the most serious question confronting the Nation today. We are building on sand, and we are going to fall if we do not do something to stop this spending. Where are you going to get the money?

[Here the gavel fell.]

ABRAHAM LINCOLN

Mr. SNELL. Mr. Speaker, I ask unanimous consent that on tomorrow, after the reading of the Journal and disposition of such business as may be on the Speaker's table, the gentleman from Illinois [Mr. REED] may have 20 minutes to speak on the life, character, and public service of Abraham Lincoln.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, and I shall not object, of course, to this request, but I feel I ought to give notice that I shall be compelled to object to any further unanimous-consent requests to speak tomorrow after the reading of the Journal.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ADMISSION OF THE STATE OF OREGON

Mr. EKWALL. Mr. Speaker, I ask unanimous consent that on Friday, February 14, which is the anniversary of the admission of the great State of Oregon into the Union, after disposition of business on the Speaker's table, I may be permitted to proceed for 15 minutes or less to tell the gentlemen and ladies of the House about the greatest State of the Union, in my estimation.

Mr. PARSONS. Mr. Speaker, reserving the right to object, and I shall not object, I should like to know if the gentleman is going to include some words of praise and commendation of the great Governor of the State of Oregon.

Mr. EKWALL. I am.

Mr. PARKS. Mr. Speaker, reserving the right to object, and I am not going to object, I may say to the membership of the House that we are hoping to be able to complete the consideration of the Army bill Friday regardless of how much time it may take us to do so. I do not want to object to these requests, but it is going to mean that we will have to go that much farther into the night if we are to complete the consideration of the bill. We are going to try not to adjourn Friday until the bill is passed, and I am making this statement to the membership for the purpose of stating that you may have to stay here later Friday to make up for such time as you may take up on matters not connected with the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ELLENBOGEN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Pennsylvania makes the point of order there is not a quorum present. The Chair will count.

Mr. ELLENBOGEN. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. Under the special order of the House, the Chair recognizes the gentleman from New York [Mr. SISSON] for 10 minutes.

Mr. SISSON. Mr. Speaker, the gentleman from Texas [Mr. BLANTON] on two occasions during the past week has taken the floor to make some remarks to admonish and reprove me, and to indicate that, in general, he did not approve of me.

The immediate cause of the gentleman's grief appears to have been an address that I made at a meeting at the Cosmos Club in this city on Monday evening of last week. The subject on which I was invited to speak was the coercion of teachers and the suppression of academic freedom.

Among the other speakers on the same occasion were Dr. Studebaker, United States Commissioner of Education; Mr. Aubrey Williams, the head of the National Youth Administration; and Mrs. Doyle, the president of the Board of Education of the District of Columbia. Numbered among the guests were members of the faculty of several colleges and universities, including the president of the Wilson Teachers' College, representatives of parent-teachers associations and civic groups, and a considerable number of Members of Congress. The expressions of opinion at this meeting were free and outspoken, and I think that it is not an overstatement on my part that practically everyone present agreed with what I had to say and with my purpose in saying it.

The request had been made of me by several of the educational and civic organizations that I should discuss the law passed last year as a rider to the District appropriation bill, which forbids the teaching of communism in the schools of the District of Columbia; and that I also state the reasons which led me to introduce at this session a bill repealing the provision forbidding such teaching.

I did this in a talk which took probably 20 or 25 minutes. My entire speech was inserted in the CONGRESSIONAL RECORD by the courtesy of my friend the gentleman from Ohio [Mr. YOUNG] on February 6, and appears in the RECORD at pages 1699–1700. I shall not, therefore, rehash it here, but I should be glad if all of the Members of the House who are interested would read it, not only for the purpose of determining whether I violated any rule of fair play, so far as the gentleman from Texas is concerned, but also for the information which it furnishes as to the dangerous character of this law forbidding the teaching of communism in the District of Columbia, and the method which was used in slipping this important legislation through in such a manner as to escape the study, scrutiny, and open discussion which most of the Members on both sides of this House mean to have given to important legislation.

I did not, as the RECORD will show, mention the gentleman from Texas [Mr. BLANTON] by name. Perhaps that is one of the things which irritated him. However, I had no grievance against him and I did not think it important. It is likely, however, that from my discussion of the dangerous and vicious character of this law, and the unfair method used to pass it, the gentleman from Texas [Mr. BLANTON] might have been readily identified as the Member mainly responsible for both the character of the legislation and the way in which it was passed.

Thereafter, and on Wednesday of last week, and after notifying me that he intended to do so, the gentleman from Texas [Mr. BLANTON] took the floor to reply to me.

After admitting, as usual, the purity of his own motives and the fairness which always characterizes him, he proceeded to reply to me by emphasizing the fact that I had been here only two terms and that if I would spend more time on the floor I would learn more about the rules and become a better parliamentarian. He then devoted the rest of his time to an attack upon some of the many newspapers and editorial writers who have on one occasion or another indicated that they do not entirely admire or respect the gentleman from Texas [Mr. BLANTON].

I read the gentleman's remarks in the RECORD the morning after he made them; and as the gentleman's perennial discontent over the lack of esteem which all of the newspapers here—except the Hearst papers—have from time to time manifested for the gentleman from Texas [Mr. BLANTON]—and as I certainly cannot violently quarrel with any of the said newspapers because it is no quarrel of mine—I decided that there was nothing in the gentleman's remarks to warrant my taking either my own time or the time of the House in replying to him.

However, although the gentleman had 20 minutes of the time of the House on Wednesday to reply to me, he absolutely failed to discuss the merits of this law coercing teachers and suppressing academic freedom for which he was responsible and totally neglected to discuss the question as to whether this was an open and straightforward method to legislate, but devoted the whole time to personalities rather than the merits. Then, on Friday of this week, he again took occasion to manifest the fairness for which he has so long been noted and to use his unequaled powers of sarcasm by asking if I had been consulted about certain legislation which was then under discussion and by making further remarks to attempt to imply that as I was absent from the floor at that time that I was not attending to my legislative duties.

I still do not think there is anything in the gentleman's remarks which would cause me very much sleeplessness, and I would not take the time of the House to reply except for the fact that the many people who desire the repeal of this legislation have indicated to me that they do not wish this body to get the impression that there is any large public approval of the gentleman from Texas [Mr. BLANTON] for getting this law onto our statute books or for his efforts to retain it there. I hope, therefore, that the Members of the House will look up this law and the method by which it was passed and will make some investigation as to its effects in the schools of the District of Columbia. I do not know of anyone who has made any public statement about this matter—either the educational or civic associations or any of the newspapers that agree with the gentleman from Texas [Mr. BLANTON] about this law, with the possible exception of the Hearst papers.

The gentleman spent considerable time in telling how fair he was in this matter. Well, although I have been in Congress only two terms, I have been here long enough to know what brand of fairness to expect from the gentleman from Texas [Mr. BLANTON].

The meeting of the Cosmos Club was an open meeting, attended by the press and by a large number of men and women who have given many years to educational and civic service and who are interested in the welfare of boys and girls. I criticized the law and I criticized the method by which the law was passed. The gentleman from Texas has not made any reply on either of these grounds. He showed his fairness, first, by lifting a couple of sentences out of my address, out of their context, but otherwise not discussing the issues at all. He showed his fairness by attacking the Washington Post and claiming the Post had made a false statement about him, but he did not say wherein the statement was false. He showed his fairness by attacking Mr. Noyes, of the Washington Star, and ascribing to him an improper motive on another matter, namely, that he wanted to avoid taxation.

He showed his fairness in one of his other statements by attacking the Washington News and referring to it as a "damnable lying sheet." Any man in public life—even a Member of Congress—is bound to be subjected to criticism, whether on the floor of Congress or otherwise, publicly or privately. The gentleman from Texas [Mr. BLANTON] is the only Member of Congress I know that will not take such criticism standing up; but when he is criticized, or any measure which he has slipped in, as he did in this case, is criticized, does he meet the issue by talking about the merits of the particular law? No. He immediately resorts to personalities and uses his congressional immunity to attack men like Mr. Noyes and to attack educators such as Dr. Charters on the floor of the House of Representatives where he is safe by reason of his congressional immunity and where they cannot reach him. Last year he violently attacked Hon. Edward Keating, former Member of this House and now the editor and publisher of Labor, because the editor criticized him for blocking and preventing a vote on old-age pensions for the District of Columbia. However, the editor of a newspaper cannot reply to the gentleman in kind with his kind of fairness, because the newspaper could be sued for libel. It is not protected by the immunity by which the gentleman from Texas is protected and to which he so frequently resorts. His kind of fairness is about the same as striking another man when he is blindfolded and has his hands tied behind his back.

It is entirely true, and I plead guilty to it, that I have been a Member of Congress for only two terms. It is also true, and I plead guilty to that, that I am not as good a

parliamentarian as the gentleman from Texas [Mr. BLANTON]. However, in my comparatively brief service in this House, I have managed to acquire some working knowledge of the rules and also, as is the case with most of the Members on both sides of this House, I had, when I came here, at least some elementary idea of the rules of fairness and of decency. The gentleman from Texas [Mr. BLANTON], of course, has had a long and varied experience in determining just how far he can skate on thin ice and not go through into the water, as the records of this House show. I do not believe it will be necessary for me to sit at the feet of the gentleman from Texas [Mr. BLANTON] in order to learn how to avoid the censure of the House for violation of the rules of decency or the condemnation of gentlemen for violating good sportsmanship and fair play.

It is also true, as the gentleman from Texas [Mr. BLANTON] says, that on the occasion when the so-called "red rider" was passed, I was not on the floor. It is also true that the overwhelming majority of the other Members of the House, on both sides of the House, were not on the floor at that time. The gentleman from Texas has made a great study of the rules. Therefore, he knows what even newer Members of the House than myself know, that permanent legislation on an appropriation bill is improper and would be subject to a point of order. Of course, the gentleman knew this. Does he now want to resort to the defense that because there was no one present who saw the "nigger in the woodpile", that it was fairness for him to put over this important provision of substantive law in an appropriation bill where it would escape the study and discussion and scrutiny which the majority of Members on both sides of the House want to have it subjected to?

The SPEAKER. The time of the gentleman from New York has expired.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that the gentleman from New York may proceed for an additional 5 minutes.

The SPEAKER. Is there objection?

Mr. PARKS. Reserving the right to object, and I never have objected to a man having sufficient time, but I do think that Members should appreciate the fact that we ought to proceed with this appropriation bill. I will not object to this extension, but I hope the gentleman will conclude in that time, and I will not object to an additional 5 minutes for the gentleman from Texas if he wishes it.

The SPEAKER. Is there objection to an additional 5 minutes for the gentleman from New York?

There was no objection.

Mr. SISSON. Mr. Speaker, I am not on the floor of the House every minute of every session. I have not even been on the floor of the House every minute when the gentleman from Texas [Mr. BLANTON] is speaking and taking up more of the time of the House, and incidentally costing the taxpayers of this country more money for printing his statements about his extreme fairness, his superhonesty, and his value as a watchdog over the District of Columbia, and over the Treasury than any other five Members of the House. Like most of the Members of this House I find it necessary at times to serve in committee meetings and to visit departments in the interests of my constituents and my other congressional work, for which I was sent here—and at times when the House is in session. Even at that, sometimes this time is more profitably spent than it would be if I were on the floor of the House listening to the gentleman from Texas [Mr. BLANTON]. Also, being a comparatively new Member, I have to spend a considerable amount of time studying legislation and cannot spend all of my time on the floor, either listening to the gentleman from Texas [Mr. BLANTON] or endeavoring to talk myself.

The gentleman said nothing about the merits of this legislation, this un-American law which is a suppression of free speech and of academic freedom and a coercion of the teachers of the District of Columbia. What is the effect upon teachers and upon the boys and girls in the schools of the District? Why, the effect is just exactly the same, so far as the boys and girls are concerned, as everyone who knows anything about child psychology, as anyone who knows anything about our boys and girls, knows would inevitably happen. Instead of leading the boys and girls to believe that communism is opposed to our economic, social, and political system in America, it has a tendency to produce the opposite effect. It is invested with a magical, mystery air which inevitably leads the average boy and girl to go and find communistic meetings and communistic organizations to find out what it is all about. [Applause.] The teachers are required to sign a statement every month before they get their pay check that they have not taught communism in the schools of the District or anywhere else. The result is that a majority of them, although the ruling of the courageous Corporation Counsel has been otherwise, ban all mention of the political, economic, or social system prevailing in Russia or anywhere else where they understand it to be tainted with communism. The chapters of the textbooks in geography, history, civics, and allied subjects are skipped over when they come to Russia. One instance was noted—although probably this is an extreme illustration—where the teacher in physiology taught that the blood was a fluid in the body made up of white corpuscles and "the other kind." I hope that the Members of Congress have enough of the red corpuscles in their blood to see to it that this evil, un-American thing is forever driven out of the public schools.

The gentleman from Texas [Mr. BLANTON] has had a good deal to say about our beloved colleague from Missouri [Mr. CANNON] in an attempt to make you believe that Mr. CANNON agrees with him. I have a great deal of respect and admiration for the gentleman from Missouri [Mr. CANNON], and I note that he is reported in one of the newspapers as stating this:

> I am unalterably opposed to the teaching of communism in the public schools as a separate or special course of study. I am just as strongly in favor of its being taught in the regular courses, where it would be discussed, namely, in history, civics, and philosophy. * * * It is a mistake on the part of those opposing the teaching of communism, for the reason that, being denied a knowledge in the schools, the child will come to have heightened interest in the subject and will go out to inquire and listen to soapbox harangues. He will thus get his information from irresponsible fanatics and get the wrong idea. It is a safeguard to have it taught from authorized textbooks which have been approved by the educational authorities and by teachers who are trained to teach in the community. The child should get its information from authorized and supervised courses rather than from street-corner discussions and so-called "workers' literature."

I agree with that statement.

However, the inclusion of the word "teaching" in the so-called "red rider" has, as I have already indicated, caused a great many of the teachers in the District of Columbia to ban all discussion of communism in all of the subjects which they teach, and it has multiplied manyfold the curiosity of the boys and girls in the subject itself, and led them, just as Mr. CANNON has pointed out, to get their information from bootleg sources.

Corporation Counsel Prettyman took a very courageous positions and held that teachers should not be deprived of their pay if they had told the facts about communism in a proper way, but this has not cured the evil caused by this foolish law.

I wonder if the gentleman from Texas [Mr. BLANTON] in the time that he is going to devote to replying to me, will get close enough finally to the merits of the real question to tell us whether he agrees with the ruling of Corporation Counsel Prettyman. As indicating to the House the attention which this has attracted and the state of public opinion upon the question, I want to incorporate in the RECORD a partial list of organizations which are opposing the so-called "red rider" which the gentleman from Texas [Mr. BLANTON] has espoused and has put over—and urging its repeal:

> Southwest Citizens' Association: Burleith Citizens' Association; Kalorama Citizens' Association; the Central Labor Union (102,000 members); the Teachers' Union of the District of Columbia; Education Association of the District of Columbia (1,400 members among public-school teachers and principals); the Washington Branch of the American Association of University Women (1,000

members); the Voteless District of Columbia League of Women Voters (360 members); the Citizens' Forum of Columbia Heights; the Francis Scott Key Parent-Teachers' Association.

I further call your attention to a resolution passed on this subject by the Washington Central Labor Union, representing 102,000 members of organized labor of the District of Columbia. This resolution unanimously backed the school board in its stand on teaching the facts of communism.

Backing of the school board also included a recommendation that the central body instruct its legislative committee to oppose in Congress any legislative control of the course of study in District public schools.

The resolution read, in part, as follows:

In the current District appropriation bill there was attached a rider through which the Congress is assuming to legislate on the facts which shall be taught in our schools, and is further attempting by act of Congress to establish details of educational administration and policy, a power which rightfully belongs to the Board of Education. * * *

The Central Labor Union believes that the democratic ideals of a country can best be served through an honest, full, uncensored discussion of political events.

In other words, the Central Labor Union recommends that the law forbidding the teaching of communism should be repealed.

And again I hope that the gentleman from Texas [Mr. BLANTON], will not again attempt to get away from the real issue by singling out some other people to attack or by attempting to laugh this off, but will tell us whether he has anyone agreeing with him in opposition to these educational and civic organizations and to the leading educators of the country, other than Mr. Hearst and the Hearst newspapers.

And in conclusion, I wish to say that inasmuch as my duties to my constituents require me to devote some of my time to other congressional matters, that I do not intend to engage in any further discussion with the gentleman from Texas [Mr. BLANTON], either in reply to any personal attacks that he may make upon me, except insofar as may be necessary to secure the purpose to which I am devoted of ridding the statute books of this obnoxious piece of legislation and of freeing Congress from the approbrium of having passed such an un-American thing. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

The SPEAKER. Under a special order, the Chair recognizes the gentleman from Texas [Mr. BLANTON] for 10 minutes.

Mr. BLANTON. Mr. Speaker, I never start a fight and I never run away from one and I do all of my fighting standing up.

I did not start this fight. Several weeks ago the Washington Post reported the gentleman from New York [Mr. SISSON] as stating that Mr. CANNON and Mr. BLANTON had in "a cowardly way slipped through Congress" a rider to stop the teaching of communism in the schools.

Immediately I wrote a letter to Mr. SISSON and asked him if he made that statement. I did not get any reply. Then I called him up over the telephone and asked him if he had been quoted correctly by the Post, and if he claimed that Mr. CANNON and I had cowardly slipped such a rider through Congress. He denied it. He said he did not make any such statement, but that the Post had misquoted him. I said, "Well and good." It ended there with me. I attributed it to the well-known malice of the Post and not to him.

Then later he made his speech before the Cosmos Club, I not being there, and the Post again quoted Mr. SISSON as saying that in an improper way Mr. BLANTON had slipped through Congress the rider that stopped communism in the Washington schools, and made some references to me to which I took exception. I notified Mr. SISSON again personally. I did not slip down town before some club, in his absence, and make a speech about him, referring to him in an uncomplimentary manner, or cause uncomplimentary reports to be made about him in the newspaper as he did. I took the matter up with him personally after he had failed to make the newspaper correct it. That is my way of doing things. If I ever have anything to say uncomplimentary about one of my colleagues I shall come to him and say it in person, face to face. That is the 20 years' reputation I have in this House I will say to the gentleman from New York [Mr. SISSON]. I notified him personally that I was going to answer him and wanted him to be present.

I called him up over the telephone in person and said, "Mr. SISSON, I am going to discuss the report of your speech. This is the second time you have had occasion to refer to me, and I am going to discuss you on the floor, and I want you to be present and hear what I have to say." Was not that fair? Is not that the kind of method that you would have used? But he did not come. He remained away. That is the only time I have ever referred to the gentleman from New York being absent from this floor. I never refer to the absence of any colleague. I had a right to tell you when speaking about him that I notified him to come, did I not? You will not find in the RECORD what the gentleman claims I said the other day about asking the gentleman from Virginia whether or not he had conferred with the gentleman from New York, for the RECORD will show that I did not mention the gentleman's absence. I did not say that he was not here. I made no reference to his being absent. I merely said, "Has the gentleman referred this matter to the gentleman from New York and another gentleman, who claim they do not want these riders put on appropriation bills, indicating that they were going to be alert hereafter and be on this floor and stop it." That is what the other gentleman said—they were going to be alert; that they had learned they had to watch to keep riders from going on appropriation bills. I had a right to say that facetiously, and I think, since the gentleman from New York claimed riders are not passed properly, we should find out whether or not he had been consulted about the riders Mr. WOODRUM was then passing in the House by unanimous consent.

If you gentlemen will look at the RECORD for June 6, 1935, you will see where our chairman, Mr. CANNON of Missouri, who is a splendid gentleman and whose reputation in every particular will match that of our friend from New York, appeared on this floor with a conference report on the District of Columbia appropriation bill and told the House that there was a piece of legislation in it that had to be voted on.

He had the Clerk read that amendment from the Clerk's desk on the floor of this House, which amendment provided that hereafter no part of the money appropriated should be paid to any teacher who teaches or advocates communism in the public schools. That was read aloud by the Clerk of this House, and voted upon, and passed unanimously.

That was the time for the gentleman from New York [Mr. SISSON], exercising his Representative duty, if he did not like that amendment, to rise in his place and say, "Hold on, I do not like it, I do not want you to pass it, I vote against it, I make the point of order that there is no quorum present, I want the entire 435 Members here." But he did not do it. He says he was not here. Why was he not here? Whose fault was it? I repeat that amendment was read from that Clerk's desk by the Clerk. The House voted on it. The House passed it without a single objection being raised against it.

Do we have to sneak over to the House office, or around town, to hunt for the gentleman from New York and look him up and tell him about everything that is going to be done on the floor of the House with respect to legislation before we can pass it? Is that the plan that is to be adopted, that we would have to take it up with him in his private office or elsewhere and say, "We are going to take this and that up today; the gentleman from Virginia [Mr. WOODRUM] has two important riders that he has put on an appropriation bill and the Senate has agreed to them and will not let the bill pass if we do not pass these riders. Please let us pass them." Would that procedure not be ridiculous?

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MAY. If the gentleman from New York had been in the Chamber at the time when that amendment was pro-

posed, he could have made the point of order and stopped it. It would have been subject to a point of order as legislation on an appropriation bill, and therefore, subject to be thrown out.

Mr. BLANTON. But the gentleman says he was not here; and because the House passed it during his absence, and the contention he makes is that it was slipped by him. Does not he know that we have a Speaker in the chair who requires the House to pass legislation in the orderly manner and in accord with the rules and precedents of Congress? Does he not realize that if he were correct in saying that it was slipped over on the House, when it was read by the Clerk and voted upon by the House, that he is convicting every Member then present of being asleep, of not being watchful, of being negligent, of not attending to their duties, and of being inefficient?

Mr. ZIONCHECK. Will the gentleman yield right there?

Mr. BLANTON. Certainly.

Mr. ZIONCHECK. I was on the floor of this House all the time. About 40 or 50 Members were here, and never before did I hear TOM BLANTON speak in a muffled tone so that no one could know what it was. The Clerk was not understood, because I was here and I would have objected. I know what a point of order is. I know what legislation in an appropriation bill is; that it is improper and subject to a point of order.

Mr. BLANTON. O Mr. Speaker, that is all nonsense. TOM BLANTON was not even speaking. The gentleman from Missouri [Mr. CANNON] made the motion to adopt the rider, and it was read by the Clerk from the desk in front of the Speaker.

Mr. ZIONCHECK. Yes. You and Mr. CANNON were right there [pointing].

Mr. BLANTON. Mr. Speaker, is there any way to stop this obstreperousness? [Laughter.] Mr. Speaker, that motion to adopt the rider I had the conferees to agree to, stopping communism in the Washington schools, was made by the gentleman from Missouri [Mr. CANNON], who moved to recede from the amendment of the Senate and concur with this anticommunism amendment, which amendment he had the Clerk read aloud to the House. That was Mr. CANNON talking and our Clerk reading. It was Mr. CANNON's motion, not mine. The gentleman from Washington must be ———. [Laughter.]

Mr. ZIONCHECK. Will the gentleman yield right there? If not, I rise to the privilege of the House.

Mr. BLANTON. If the gentleman will go and sit down in his place, I may yield.

Mr. ZIONCHECK. All right. Now, will the gentleman yield?

Mr. BLANTON. I yield for a proper question.

Mr. ZIONCHECK. When I made the statement, I did not say the gentleman from Texas made the motion, but the gentleman from Texas and the gentleman from Missouri [Mr. CANNON] were there [pointing] and you stood right alongside him, and in muffled tones told him what to do. Mr. CANNON made that motion. [Laughter.]

Mr. BLANTON. If the gentleman knows all that, he must have known about the motion to adopt the rider to stop communism. Mr. Speaker, I do not yield further. That contention is just as asinine and ridiculous as every other statement the gentleman has made.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. BLANTON. I do not yield further.

The SPEAKER. The gentleman declines to yield.

Mr. ZIONCHECK. Mr. Speaker, I ask that the words be taken down; then the gentleman will have to yield.

The SPEAKER. What are the words of which the gentleman complains?

Mr. ZIONCHECK. That I was doped; that I am an ass or asinine, and a few other things like that. [Laughter.]

The SPEAKER. The Chair thinks the request comes too late.

Mr. ZIONCHECK. Does the Chair mean the reference to my being doped?

The SPEAKER. Yes.

Mr. ZIONCHECK. Will the gentleman take it out?

Mr. BLANTON. Oh, sure.

Mr. ZIONCHECK. All right.

Mr. BLANTON. Mr. Speaker, does anybody think for a minute he is going to tell the gentleman from Missouri [Mr. CANNON] what to do or how to do it? He is the greatest parliamentarian in the United States. He is the author of one of the greatest works on parliamentary precedents that has ever been produced, about a dozen large volumes of which are on the press now.

Mr. ZIONCHECK. We know about that.

Mr. BLANTON. Of course; the statement is ridiculous. I repeat, it is asinine to contend that anyone must tell the gentleman from Missouri [Mr. CANNON] what to do here or how to do it—it is asinine.

Mr. ZIONCHECK. Mr. Speaker, I ask that the gentleman's words be taken down. What does "asinine" mean? I forget. I ask that the words be taken down. I make the point of order on the basis of privilege and ask that the words be taken down.

The SPEAKER. Does the gentleman desire the words to be taken down?

Mr. ZIONCHECK. Yes; I do for a while; I want to find out what it means.

Mr. BLANTON. Let the House vote on it.

Mr. ZIONCHECK. Oh, no; just a minute; we know something about procedure, too.

The SPEAKER. The gentleman from Washington will indicate the words he desires taken down. The Clerk will report the words.

The Clerk read as follows:

Mr. BLANTON. I repeat, it is asinine to contend that anyone must tell the gentleman from Missouri what to do here or how to do it—it is asinine.

The SPEAKER. The Chair does not think there is anything in the language quoted to merit a point of order.

Mr. ZIONCHECK. Mr. Speaker, another point of order.

The SPEAKER. Permit the Chair to conclude the ruling.

Mr. ZIONCHECK. May I make another point of order?

The SPEAKER. The gentleman will remain quiet until the Chair finishes the ruling.

Mr. ZIONCHECK. All right.

The SPEAKER. The Chair was about to say that the language referred to does not even refer to the gentleman from Washington. It is simply stated that it is asinine to undertake to tell the gentleman from Missouri or to instruct the gentleman from Missouri on the subject of parliamentary law. The Chair will now hear the gentleman from Washington.

Mr. ZIONCHECK. Mr. Speaker, in reference to the point of order, I thought I was being complimented by being called an ass by the gentleman from Texas. Now that I am not complimented, I withdraw the point of order.

The SPEAKER. The gentleman from Texas will proceed.

Mr. BLANTON. Mr. Speaker, whatever has been done by your committee, headed by the distinguished gentleman from Missouri [Mr. CANNON], to stop communism in the Washington schools, and whatever little help I may render this committee from time to time, or any other committee, is done, in our opinion, for the good of the country.

[Here the gavel fell.]

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for an additional 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Speaker, when we stopped communism from being taught in the Washington schools to the 92,000 school children—and we have stopped it; there is no question about that [applause]—we did it for their protection, and there is not going to be any subversive, insidious propaganda put out in our schools to sovietize the school children of the Nation's Capital. [Applause.] I wish my friends on the Republican side would talk to my good friend the gentleman from Pennsylvania [Mr. DITTER] in

reference to what he knows about this situation. I wish my friends on the Democratic side of the aisle would talk to our colleagues the gentleman from Iowa [Mr. JACOBSEN] and the gentleman from West Virginia [Mr. JOHNSON], about all they know of the situation now confronting us with reference to the Washington schools. My colleagues will find that everything we have done has been done conscientiously, unafraid, and in the interest of the people whom we represent. We are not going to be deterred by any onslaught from Washington newspapers or anybody else in doing our duty.

Mr. Speaker, who is it that is taking the side of communism in Washington? I am not. It is not the gentleman from Missouri [Mr. CANNON]. It is not the members of our committee. Who is lending the Communists aid and encouragement? Who is encouraging them? I am not. It is not the gentleman from Missouri [Mr. CANNON] or my committee. Why all of this sympathy for communism that we see almost daily appearing in Washington newspapers? You will find it all in the Daily Worker, the mouthpiece of Soviet Russia, being published in New York every week. You will find the ones who attack me being likewise applauded by the Daily Worker. It does not applaud me. I would consider it a reflection if the Daily Worker ever said anything nice about me. I would feel like I had been disgraced. I would feel there was something the matter with my patriotism.

Mr. Speaker, all this effort and stir is to try to get this anticommunism rider repealed. When an amendment to repeal that rider is brought in this House we will meet the sponsors in a parliamentary way. We will not meet them before the Cosmos Club or the clubs of Washington, but will meet them on the floor of the House, where legislation is passed in an orderly way. We will meet them on that proposition at any time.

Mr. MAY. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Kentucky.

Mr. MAY. Has the Daily Worker a press representative in the gallery of either the House or the Senate?

Mr. BLANTON. I hope not.

Mr. MAY. I do, too.

Mr. BLANTON. We see, however, some Daily Worker communistic sympathy floating around here. Mr. Speaker, there is heard on this floor once in a while some of the same arguments that you see in the Daily Worker against Congress and what Congress does for the protection of the people. Speaking about Washington people, did you know that our committee right now is working heart and soul, shoulder to shoulder, with the representatives of the Federated Clubs in Washington on this proposition? They are the ones with whom we are harmoniously working. There is no discord whatever. Once in a while you hear from one of the scores of associates here and there that there was a resolution passed about this or that matter, but with the authorized representatives of the Federated Clubs of Washington we are working in complete harmony and in perfect accord on this proposition to stop communism in the schools of Washington.

Mr. CHRISTIANSON. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Minnesota.

Mr. CHRISTIANSON. In order that we may have some light as well as heat upon this subject, may I ask the gentleman whether it is teaching the facts concerning communism which is prohibited here in Washington or the advocacy of communism?

Mr. BLANTON. I will say it is ridiculous to charge that teachers could not tell the children that Russia is a subversive government which requires the people not to believe in God, not to believe in any form of religion—a government that does not believe in orderly constitutions, a government that believes and advocates the destruction of our Constitution and the overthrow by force and violence the Government of the United States. Any teacher may tell the children about those things right now and there is nothing to keep them from doing so; but they cannot teach or advocate communism in the sense of inculcating its principles, and they cannot indoctrinate any of its principles. We have stopped all that. And, in my opinion, this Congress will never allow any "red" sympathizers to get it to repeal its action.

[Here the gavel fell.]

"LITTLE WATERS"—A BOOK REVIEW

Mr. MAVERICK. Mr. Speaker, conservation, at least in my opinion, is the most important subject before the American people, and two Government publications are of vast importance: One, the National Resources Board Report, dated 1934, which is a monumental piece of work, intelligently and attractively done; and the other, Little Waters—Their Use and Relations to the Land, which has just been published. Therefore, I am writing what amounts to a book review, hoping that people will take an interest in it, or, if they do not read the book, I have condensed some of the principal facts here.

The author is listed as H. S. Person, who, for some reason, calls himself a consulting economist, with the cooperation of E. Johnston Coil, who is only an economist, and Robert T. Beall, who is an associate economist. Outside of this display of titles, which means nothing to 120,000,000 Americans, they have done a good piece of work and deserve credit for it. The book has the backing of H. H. Bennett, Chief of Soil Conservation Service; Morris L. Cooke, Administrator of the Rural Electrification Administration; R. G. Tugwell, Administrator of the Resettlement Administration; and Harold L. Ickes, Secretary of the Interior.

The publication indicates a new high in Government publications from the viewpoint of form, clearness, attractiveness, and effectiveness. It is all wrapped up in pretty covers, picturing water running on the good earth—which is all right, as the cost is no more than for an ugly cover. More, it is written in plain English, almost good American. The last chapter of the book is poorly written and might just as well be omitted, for it is a lot of Pollyannic nonsense and has no part in the book. The book as a whole, however, is excellent.

IF THE LAND PERISH, HOW SHALL MAN SURVIVE?

This book was sent to Congress in a special message of the President, who realizes the necessity of conservation and who understands this subject as well as any man in America. The grave necessity of conservation is impressed; let us save our little waters, and, "if the land perish"—it proclaims dramatically in the foreword of Land and Man—"how shall man survive?"—and then it goes on to tell us how we can survive.

EROSION—DEVASTATION—BUT A CHANCE TO REHABILITATE

Drawings, the hydrologic cycle, simple, with enough color to be attractive, explain the function of water in the soil, the water table, and precipitation, infiltration, evaporation. Pictures show the murderous devastation of wind erosion—of "dead land"—destroyed by overcropping or overgrazing. Horrifying washaways, ghoullike gullies; skeletonlike houses covered by earth piled up by the wind, surrounded by fallen trees and broken windmills; stunted corn, eroded cow paths—these and others pain the eye for looking. An old soldier sees in all this the devastation of modern war.

Then, not like a pacifist's sweet dream, we are shown in a practical way how to save our soil and lands, how to plow on contours, to terrace, to strip-crop, build check dams, and build back the country, start again infiltration, water table, plant life, fertility—how, in effect, to save and conserve the country in which we live.

It is a grand and glorious little book, and though it is not written with any flash, the drama of the subject holds you on. It will prove, I think, the prayer book of the conservationists, just as the report of the National Resources Board shall be their bible.

Speaking of outstanding social losses, they say:

With respect to conservation of water assets (we shall consider later conservation of soils) the outstanding losses are: First, a large proportion of the waters precipitated on the land surface find their way to the oceans without having rendered all their potential services to man; and, second, in their course they destroy property and frequently human lives.

The necessity of a larger supply of ground water, or "underground water store", for every purpose; and the necessity for conservation in relation to highways, industrial uses, and municipal life is demonstrated. Also the devastating effect of the washing away of fertile topsoils, which will take literally centuries to rehabilitate the injury that took no longer than a generation.

AMERICA NOT PERMANENT—IT CAN WASH AWAY LIKE SAHARA AND GOBI DESERTS

Then two challenging paragraphs:

The question whether the United States is a permanent country, first raised some 70 years ago, has been considered fantastic. Recent measurements indicate that it is far from fantastic—is very real and practical—and that one can rationally assert that in another century this great American granary may have become inadequate to support our population if erosion is permitted to continue at the present rate of increase. Already in some sections of the country once cultivated lands have been reduced to sterility.

A deep-rooted but utterly fallacious American tradition is that agriculture is inherently a permanent industry. As waters are lost, the soil may be lost. "When the soil is gone, men must go; and the process does not take long," said Theodore Roosevelt. Recent studies indicate that the Sahara and Gobi Deserts were once occupied by prosperous peoples.

And soil losses through cultivation is graphically shown in black-and-white chart pictures, as well as wastage of basic soils and vegetative cover, leading the Nation as a whole into tragic social and economic consequences. Worse, erosion is greatly accelerating and causing loss to billions of dollars of permanent investments in navigation, water-power sites, municipal utilities, irrigation districts, and the general life and economy of people living everywhere.

Then it says:

No nation, however vigorous it may otherwise appear to be, can survive a progressively declining agriculture. The sustenance it draws from the soil determines its powers of resistance. In a final analysis, the food, clothing, and shelter of merchant, manufacturer, and banker come from the land. Their prosperity rests definitely on the prosperity of agriculture.

Engineers are quite properly berated for giving so little attention to watershed problems in their hurry to engineer on great rivers. Our forefathers quite innocently destroyed forests, causing waste and destruction leading to our condition.

At page 41—exactly half through the book—when we are about to feel the battle of our national existence is lost, we are given a chance to turn over a new national leaf, repair the injury, and save for the future. Leopold, distinguished scientist, they quote, "our dominion once gained" must "be self-perpetuating rather than self-destructive"; and for this last half of the book, ways and means are told to reestablish the true order of the land.

We are told:

The governing objective in regulation and control should be for general rehabilitation of rural culture, all practicable conservation and profitable use of waters and soils, and revision where necessary to the end of land occupation and use. Involved in this would be component objectives—relinquishment of submarginal and marginal cropped lands to vegetative cover and to ponds, reservoirs, and marshes; more intensive occupancy and cropping of superior lands; adoption of revised agricultural practices to eliminate erosion and promote infiltration.

WATER HAS NO RESPECT TO STATE BOUNDARIES—NOT EVEN FARM FENCES

And again:

One of the basic conditions of action is that physical factors have no regard for line fences between farms or for political boundaries. The rain that falls on one farm may flow onto and erode a neighboring farm; even small streams usually traverse several townships or counties; an underground reservoir may underlie a very large area.

And in relation to drainage problems it says:

The area of the problem of regulation and use of little waters is coextensive with the area of the United States, but any national program must consist of coordinated programs for specific small drainage areas.

Pertaining to erosion control we read:

The physical factors are such that theoretically the beginning of water and soil regulation and control should be at the raindrop and rill stage rather than on larger bodies of water downstream. Practically it should be done at least simultaneously. For where there is a series of dependent influences, regulation should begin with the first of the series. Given erosion control of individual farms, conditions are set for the establishment of ponds and reservoirs on the farms; given erosion control and ponds and reservoirs on individual farms, regulation of creeks and other headwater streams by communities is more feasible; given such regulation on an entire headwater area, regulation and control of big waters below are more effective and economical.

BUSINESS CANNOT EXIST WITHOUT PRODUCTIVITY OF SOIL

Mr. American, this country must be preserved by systematic, intelligent planning, whether the word "planning" is pleasant to some people or not. When I hear people denouncing planning I wonder if they know what they mean. We are told this is socialism, this being a vague accusation that planning is wicked. Is it sensible to let this country wash away? We know it is not. We know, moreover, that business cannot exist on any scale understood by Americans, if the productivity of the soil is destroyed and erosion goes unchecked and floods left uncontrolled. In this Little Waters we are given constructive, intelligent information. They quote George W. Field, who said:

Dirt farming must now be coordinated with water farming to provide a balanced food ration for a well-balanced nation.

I think it plain that planning and saving our lands is the opposite of being wicked or sinister, and that democratic government will cease to exist unless we save the soil.

The book continues to give methods of saving soil, as practiced by individuals on farms and small areas of lands. These methods are enumerated:

First. Selective use of land.

Second. Rotation of crops, wherein it is said "uninterrupted cultivation promotes erosion, and loss of the topsoil is a drain on the farmer's capital assets"; and also "forces generated by the World War appear to have so changed economic conditions that a new agricultural economy must be developed in the United States. In that connection there will be required wise judgment and skillful management of agricultural factors—conservation as well as exploitation, conservation of water assets as well as soil assets"; and that the time of the slipshod farmer without training, judgment, or skill is over, and such farming cannot be personally successful or publicly tolerated. I believe the latter—that a farm dangerous to other farms because of erosion is as dangerous as one house is dangerous to other houses in cities because of fire hazards or lack of sanitation.

Third. Cultivation of tilled lands, where methods are discussed with, first, cultivation itself, moisture, weed and vegetative covering control; second, contour plowing; third, terracing; fourth, stub planting or strip cropping, and then it says:

The reader may be inclined to think that this is too expensive a form of agriculture. From the point of view of an era when there was plenty of free or moderately priced fertile land, when an owner could exploit one particular farm and then move to new and fertile land previously untouched—what the Europeans long ago named "robber agriculture"—from that point of view it may usually be a more expensive form of agriculture to the individual, although not to society. However, that era of exploitation is passed. Today the landowner who desires to leave to his children a farm that is more productive—worth more, instead of much less—or a nation that desires to maintain self-sufficiency in feeding, clothing, and housing itself must observe those agricultural practices which will conserve the waters and the soils. It is no longer possible to abandon robbed land and turn to new, rich lands to be had at the cost of a trek in a covered wagon. As a matter of fact, numerous farms can be operated much more profitably on a basis of correct land use, such as that called for under the system of soil and water conservation outlined above, than where all the land is farmed without regard to principles of soil adaptability and soil conservation.

Fourth. Check dams in gullies, where methods to reduce velocity of waters and build up soils by low-cost gully control with logs, brush, and straw and the planting of shrubs is explained.

Fifth. Check dams on streams.

Sixth. Ponds and reservoirs.

Seventh. Swamps, marshes, and wet lands.

CONCLUSION; WASTE AS DETRIMENTAL TO CITY AS FARM LIFE; WE MUST PRESERVE RESOURCES

Concluding, I recommend this book to the thoughtful consideration of every American. We have been talking about agriculture from a viewpoint of price control and so-called benefits to each American farmer. It seems to me that we

must now give serious and close attention to conservation of the soil, and not by any means for the sole benefit of the individual farmer but for the preservation of the Nation. If individual farms suffer from erosion, they are worthless to the owners and worthless to posterity. Likewise, erosion on one farm causes erosion on another, and the wastage of such waters in some cases causes floods for miles away, and sometimes causes the beginning of deserts and wasteland. Such practices therefore destroy cities. An industrial worker living on the twelfth floor of a tenement or an apartment house in New York City or Philadelphia has as much interest in soil conservation as a farmer at the source of the Mississippi in the State of North Dakota or Minnesota, or a farmer anywhere in the whole United States of America. Any study of civilization shows that when the soil is destroyed the people are destroyed, and the situation of the soil of America is a desperate one. To go into the enumeration of more facts may prove tiresome, but this book, Little Waters, effectively shows the wastage of our lands, water, and other natural resources.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—INTERNATIONAL MANUFACTURERS' SALES CO. OF AMERICA, INC., A. S. POSTNIKOFF, TRUSTEE (H. DOC. NO. 405)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H. R. 4178, an act for the relief of the International Manufacturers' Sales Co. of America, Inc., A. S. Postnikoff, trustee.

This bill authorizes and directs the Secretary of the Treasury to pay to the International Manufacturers' Sales Co. of America, Inc., A. S. Postnikoff, trustee, the sum of $900,000 in full settlement of all claims against the Government of the United States for losses sustained by the claimant company during the years 1918 and 1919 while engaged in furnishing articles of necessity to the Siberian population of Russia under and in pursuance to the plans formulated by the War Trade Board in the fall of the year 1918 for extending economic aid to the Siberian population of Russia. The bill also states that said losses were incurred through the inability of the claimant company to exchange the Russian rubles received from the sales of said articles into American dollars because of the regulation issued by the Federal Reserve Board under date of February 14, 1919, under authority of the Executive order of January 26, 1918, prohibiting the exportation or importation of Russian rubles or the transfer of funds for their purchase by persons or dealers in the United States.

It is not asserted, nor is it a fact, that the claim in question rests upon any legal basis whatsoever. The claimant company was engaged in business in Siberia, and had, by its own voluntary act, shipped a large stock of shoes from the United States to Vladivostok, where it was held in storage pending sale. The representatives of the War Trade Board, pursuant to a national policy, lent its assistance in the sale of the goods in question, chiefly in facilitating transportation and delivery. The funds received by the claimant company for these sales were not, at any time, handled by or in the possession of the representatives of the Government, but, on the contrary, were deposited in Siberian banks to the credit of the claimant company.

The action of the Federal Reserve Board in adopting regulations concerning the exportation and importation of Russian rubles, which, it is asserted, made it impossible for the claimant company to convert its funds into currency of the United States, was manifestly an exercise of sovereign power which does not contemplate compensation for incidental damages even if it could be shown that such damages had occurred. In the present case, however, the direct cause of the loss appears to be the action of the Soviet Government in taking over the assets of the banks in which the claimant company had deposited its funds and in canceling outstanding currency. To recompense the claimant company for the loss thus sustained, out of funds in the Treasury, would extend the rule followed in the matter of claims alleged to be based upon moral considerations to classes of cases not hitherto considered sufficiently meritorious to warrant special treatment and would open the door to a multitude of cases fully as well founded.

The Secretary of the Treasury, the Acting Director of the Bureau of the Budget, the Comptroller General, and the Attorney General unite in recommending that the bill be vetoed.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 11, 1936.*

The SPEAKER. The objections of the President will be spread at large on the Journal and ordered printed as a document.

Without objection, the bill and the message will be referred to the Committee on Claims.

Mr. RANKIN. Mr. Speaker, reserving the right to object, I desire to say that we who opposed this vicious piece of legislation should like to see it disposed of for all time. I can see no reason for its going to a committee, and I am going to object to its going to a committee and move the previous question on the President's veto. I want to vote to sustain the veto. The President has rendered a great service in vetoing this measure, and I want him and the country to know that we are with him on it.

The SPEAKER. I may say to the gentleman from Mississippi that his motion will require a roll call and take up that much more time.

Mr. RANKIN. I understand, Mr. Speaker, but it is important enough to have a roll call. We must stop this kind of legislation.

The SPEAKER. I think it is stopped.

Mr. RANKIN. But I want to be dead sure of it, and this is the only way those of us who oppose this legislation and agree with the President can get on record as opposing this legislative outrage. I ask for a roll call on the President's veto and on that I move the previous question.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding?

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Those voting to sustain the veto will vote "no"?

The SPEAKER. Those who wish to vote to pass the bill will vote "aye" and those who wish to vote against its passage will vote "no."

Mr. RANKIN. Then our vote is "no."

The question was taken; and there were—yeas 4, nays 333, answered "present" 1, not voting 92, as follows:

[Roll No. 17]

YEAS—4

Cavicchia	Clark, N. C.	Kvale	Pittenger

NAYS—333

Adair	Burdick	Cullen	Ekwall
Allen	Caldwell	Cummings	Ellenbogen
Andresen	Cannon, Mo.	Curley	Engel
Andrews, N. Y.	Carlson	Daly	Englebright
Ashbrook	Carmichael	Darden	Evans
Ayers	Carpenter	Darrow	Faddis
Bacharach	Carter	Deen	Ferguson
Bacon	Cartwright	Delaney	Fernandez
Bankhead	Cary	DeRouen	Fish
Barden	Castellow	Dickstein	Fitzpatrick
Barry	Chapman	Dies	Flannagan
Beiter	Christianson	Dingell	Fletcher
Bell	Church	Dirksen	Focht
Berlin	Claiborne	Ditter	Ford, Calif.
Biermann	Cochran	Dobbins	Ford, Miss.
Blackney	Coffee	Dockweiler	Frey
Blanton	Colden	Dondero	Fuller
Bloom	Cole, Md.	Dorsey	Fulmer
Boehne	Cole, N. Y.	Doughton	Gambrill
Boileau	Collins	Doxey	Gasque
Boland	Colmer	Drewry	Gavagan
Bolton	Cooley	Driscoll	Gearhart
Boykin	Cooper, Tenn.	Driver	Gehrmann
Boylan	Costello	Duffey, Ohio	Gifford
Brewster	Cox	Duffy, N. Y.	Gilchrist
Brooks	Cravens	Duncan	Gildea
Brown, Ga.	Crawford	Dunn, Miss.	Gillette
Brown, Mich.	Creal	Dunn, Pa.	Gingery
Buck	Crosby	Eagle	Goldsborough
Buckbee	Cross, Tex.	Eckert	Granfield
Buckler, Minn.	Crowe	Edmiston	Gray, Pa.
Burch	Culkin	Eicher	Green

Greenway	Ludlow	Patton	Spence
Greenwood	Lundeen	Pearson	Starnes
Greever	McAndrews	Perkins	Stefan
Guyer	McClellan	Peterson, Fla.	Stewart
Gwynne	McCormack	Peterson, Ga.	Stubbs
Haines	McFarlane	Pettengill	Sullivan
Halleck	McGehee	Peyser	Sumners, Tex.
Hamlin	McGrath	Pfeifer	Sutphin
Hancock, N. Y.	McKeough	Pierce	Sweeney
Harlan	McLaughlin	Plumley	Taber
Hart	McLean	Polk	Tarver
Harter	McMillan	Powers	Taylor, Colo.
Hess	McReynolds	Quinn	Taylor, S. C.
Higgins, Conn.	McSwain	Ramsay	Terry
Higgins, Mass.	Maas	Randolph	Thom
Hildebrandt	Mahon	Rankin	Thomason
Hill, Knute	Main	Ransley	Thompson
Hobbs	Mansfield	Reed, Ill.	Thurston
Hollister	Mapes	Reed, N. Y.	Tinkham
Hook	Marcantonio	Reilly	Tolan
Hope	Marshall	Rich	Tonry
Houston	Martin, Colo.	Richards	Turner
Huddleston	Martin, Mass.	Richardson	Turpin
Hull	Massingale	Risk	Umstead
Imhoff	Maverick	Robertson	Underwood
Jacobsen	May	Robinson, Utah	Utterbach
Jenkins, Ohio	Mead	Robsion, Ky.	Vinson, Ga.
Johnson, Tex.	Merritt, Conn.	Rogers, Mass.	Vinson, Ky.
Johnson, W. Va.	Merritt, N. Y.	Rogers, N. H.	Wadsworth
Jones	Michener	Rudd	Wallgren
Kahn	Millard	Russell	Walter
Kelly	Miller	Sadowski	Warren
Kennedy, N. Y.	Mitchell, Ill.	Sanders, Tex.	Wearin
Kenney	Mitchell, Tenn.	Sandlin	Welch
Kerr	Monaghan	Sauthoff	Werner
Kinzer	Moran	Schneider, Wis.	West
Kloeb	Moritz	Schuetz	Whelchel
Knutson	Mott	Schulte	Whittington
Kocialkowski	Murdock	Scott	Wilcox
Kopplemann	Nelson	Sears	Williams
Kramer	Nichols	Seger	Wilson, Pa.
Lambertson	Norton	Shanley	Withrow
Lambeth	O'Brien	Shannon	Wolfenden
Lanham	O'Connell	Sisson	Wolverton
Lea, Calif.	O'Day	Smith, Conn.	Wood
Lehlbach	O'Leary	Smith, Va.	Woodruff
Lemke	Oliver	Smith, Wash.	Woodrum
Lesinski	Owen	Smith, W. Va.	Young
Lewis, Colo.	Palmisano	Snell	Zioncheck
Lewis, Md.	Parks	Snyder, Pa.	
Lucas	Parsons	Somers, N. Y.	
Luckey	Patterson	South	

ANSWERED "PRESENT"—1

Ryan

NOT VOTING—92

Amlie	Dempsey	Johnson, Okla.	Rayburn
Andrew, Mass.	Dietrich	Kee	Reece
Arends	Disney	Keller	Rogers, Okla.
Beam	Doutrich	Kennedy, Md.	Romjue
Binderup	Eaton	Kleberg	Sabath
Bland	Farley	Kniffin	Sanders, La.
Brennan	Fenerty	Lamneck	Schaefer
Buchanan	Fiesinger	Larrabee	Scrugham
Buckley, N. Y.	Gassaway	Lee, Okla.	Secrest
Bulwinkle	Goodwin	Lord	Short
Burnham	Gray, Ind.	McGroarty	Sirovich
Cannon, Wis.	Gregory	McLeod	Stack
Casey	Griswold	Maloney	Steagall
Celler	Hancock, N. C.	Mason	Taylor, Tenn.
Chandler	Hartley	Meeks	Thomas
Citron	Healey	Montague	Tobey
Clark, Idaho	Hennings	Montet	Treadway
Connery	Hill, Ala.	O'Connor	Weaver
Cooper, Ohio	Hill, Samuel B.	O'Malley	White
Corning	Hoeppel	O'Neal	Wigglesworth
Crosser, Ohio	Hoffman	Patman	Wilson, La.
Crowther	Holmes	Rabaut	Wolcott
Dear	Jenckes, Ind.	Ramspeck	Zimmerman

So (two-thirds not having voted in favor thereof) the veto was sustained.

The Clerk announced the following pairs:

Until further notice:

Mr. Buchanan with Mr. Treadway.
Mr. O'Connor with Mr. Cooper of Ohio.
Mr. Bland with Mr. Goodwin.
Mr. Griswold with Mr. Andrew of Massachusetts.
Mr. Bulwinkle with Mr. Hoffman.
Mr. Gray of Indiana with Mr. Lord.
Mr. Patman with Mr. Thomas.
Mr. Rayburn with Mr. Wolcott.
Mr. Weaver with Mr. Short.
Mr. Steagall with Mr. McLeod.
Mr. Montague with Mr. Hartley.
Mr. Samuel B. Hill with Mr. Crowther.
Mr. Hancock of North Carolina with Mr. Eaton.
Mr. Connery with Mr. Arends.
Mr. Crosser of Ohio with Mr. Burnham.
Mr. Beam with Mr. Holmes.
Mr. Corning with Mr. Reece.
Mr. Disney with Mr. Taylor of Tennessee.
Mr. Celler with Mr. Fenerty.
Mr. Farley with Mr. Wigglesworth.
Mr. Fiesinger with Mr. Doutrich.
Mr. Lamneck with Mr. Tobey.
Mr. Maloney with Mr. Amlie.
Mr. Kniffin with Mr. Schaefer.
Mr. Hennings with Mr. Dear.
Mr. Wilson of Louisiana with Mr. O'Malley.
Mr. Gregory with Mr. Buckley.
Mr. Brennan with Mr. Romjue.
Mr. Keller with Mr. O'Neal.
Mr. Sabath with Mr. Zimmerman.
Mr. Meeks with Mr. Mason.
Mr. Montet with Mr. Dempsey.
Mr. White with Mr. Sirovich.
Mr. Larrabee with Mr. Dietrich.
Mr. Scrugham with Mr. Healey.
Mr. Kleberg with Mr. Clark of Idaho.
Mr. Ramspeck with Mr. Binderup.
Mrs. Jenckes of Indiana with Mr. Gassaway.
Mr. Hill of Alabama with Mr. Cannon of Wisconsin.
Mr. Kee with Mr. Chandler.
Mr. Sanders of Louisiana with Mr. Citron.
Mr. Johnson of Oklahoma with Mr. Kennedy of Maryland.

Mr. BANKHEAD. Mr. Speaker, I desire to announce that the following Members of the House are temporarily absent from the Capitol on official business; and if they were present, they would each vote "no" upon the vote just had: Messrs. SABATH, HILL of Alabama, JOHNSON of Oklahoma, SCRUGHAM, TAYLOR of Colorado, GREGORY, and CANNON of Missouri.

The result of the vote was announced as above recorded, and the message and bill referred to the Committee on Claims and ordered printed, and the Clerk directed to notify the Senate of the action of the House.

ELLENBOGEN BILL, H. R. 9072

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. FULMER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include a statement made by me on January 29, 1936, before the subcommittee of the Committee on Labor, of which the Honorable Mr. KELLER, of Illinois, is chairman, during hearings on the Ellenbogen bill H. R. 9072, as follows:

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I am delighted to have this opportunity of coming before your committee.

I want to say in behalf of the wage earners of the country that they are fortunate, indeed, to have the members who compose this committee which is now holding hearings on this bill because of their interest in the wage earners of the country and their deep desire to be helpful to them.

I agree with the statement made by the chairman some days ago that if this is not the proper bill to take care of that great class of people who need the assistance of the Federal Government today, you and your committee will work out something to take care of the situation.

I find that a great many of the people who oppose any legislation proposed by the Congress in the interest of unorganized classes have no objection to these unorganized groups doing the same thing intended under these bills. And, in that agriculture and labor are unorganized, they have not been able to compete with well-organized industry to the extent of getting a square deal. It is my belief that the Congress of the United States should pass legislation to enable that great class of people to do for themselves that which they are unable to do now, in that they are not organized and never will be thoroughly organized.

In other words, it is an easy matter for industrial groups to organize, monopolize, fix prices and wages, in that they are composed of a small group of people, in a great many instances, who are well educated and well financed. On the other hand, agriculture and wage earners, being composed of millions of individuals, in many instances uneducated—through no fault of their own but because of their financial condition—are absolutely helpless in trying to organize so as to bring about bargaining power in selling farm products and demanding fair wages.

I have not had an opportunity to study the Ellenbogen bill, and naturally would not be able to speak on its real merits. But I wanted to appear before your committee and tell you that I am very much concerned about and in sympathy with that class of people who, as I said a few minutes ago, need the protection of the Government in the passage of legislation that will enable them to take care of their interests, especially when they have to go up against these well-organized and well-financed groups.

In my State we have a number of textile mills, and in my district there are quite a number of them. I believe that the operators of the mills in South Carolina are trying to be just as fair as they can possibly be to the employees; but without some national legislation so that we can make the fellow who is not willing to cooperate or who is not willing to be fair with his employees, naturally the people in my State, perhaps, would not

be able to do that which they would like to do or that which they should do.

Something has been said about the problem of passing legislation coming within the Constitution of the United States, especially after the decision of the Supreme Court some days ago on the A. A. A. It is my belief that the Constitution is elastic enough to pass legislation to take care of the interests of the great masses of the people who, as I said a little while ago, are unorganized and apparently helpless at this time. It is my contention that the Constitution of the United States was so written that we can legislate today to take care of the masses of the people and still remain within the Constitution. I would not like to think that in this day and generation the Congress would not be able to pass legislation to take care of the unorganized who have to go up against the rules and regulations of these well-organized groups. However, I can easily understand that, perhaps, although the men who wrote the Constitution of the United States were capable, outstanding, patriotic citizens at the time of the writing of this great document, they could not visualize the tremendous increase in population, communication, and other developments that we have at this time so as to be able to write a constitution 150 years ago which would take care of every situation that might arise at the present time. And if the present Constitution is not elastic enough to take care of these problems, although I believe it is, there is only one thing to be done—that is, let the people decide whether or not they want to amend the Constitution of the United States so as to take care of this situation.

I want to say to you that I am deeply interested in any type of legislation that will look to the welfare and protection of the great masses of the people who really need to be placed on an equal basis with these well-organized groups. I have this feeling largely because of the understanding I have for suffering humanity. I have had to go up against a great many of the problems which are now confronting the agricultural interests and the wage earners of this country. I was born and reared on a farm. I had to walk 4 miles to secure a high-school education. I started life's work as a young man behind a grocery counter at $10 per month and board. During all of these years I worked, as stated, first, as a wage earner, then engaged in the mercantile business, country banking, and farming. And during all of this time I had to go up against well-organized and well-financed groups. I am in a position to understand and sympathize with the people for whom I am speaking here today. I have had a long and stumpy road to travel because of not being able as an individual to cope with these well-organized and well-financed groups I am talking to you about. Therefore, as previously stated, I am deeply interested in seeing to it that this great group of innocent toilers of the soil and wage earners of the country get a square deal to the extent that they are placed on an equal basis with these well-organized and well-protected groups.

We have heard much about the policy of some people in regard to "sharing the wealth of the country." The policy I am interested in is to protect the people we have been talking about to the extent that they may be able to make for themselves a name and a reasonable livelihood to which they are clearly entitled. It is unthinkable to me, knowing as I do the conditions under which the farmers of this country have been operating as well as the conditions under which the wage earners of the country have been operating, knowing that they are not able out of their experience to demand for themselves a square deal; that the Congress of the United States, under the welfare clause of the Constitution of the United States, is not able to pass legislation to do that which these people should do for themselves but which they are unable to do because of not being able to organize. My father and his father and generations of the past have submitted to this unfair procedure. Many of them lived in poverty, were unable to secure for themselves a home, education, and many of the good things in life that other people were receiving and to which they were clearly entitled. But it is my belief and contention that the generation of today and unborn generations will not submit to this unfair and uneconomic treatment at the hands of these organized groups, the Congress, and the decisions of the Supreme Court.

It is my belief that some of the highest type citizens and some of the best brains to be found in the country can be found in the rural sections and the industrial centers. But, because of the handicap brought about under the present situation we have been talking about, these people are not permitted to exert and develop themselves to that extent to which they are entitled and which would enable them to become a real asset to their community, State, and Nation.

I realize that there are a great many people on the farm, in the factory village, as well as many who reside in the great cities of the country that, if today the wealth of the country were divided and turned over to them, the days would not be many before it would go back to those who control the finances of the country at this time. But I do contend that there are millions of citizens who today are unable, as stated, to own their own homes, educate their children, and take their places in this great Republic to which they are entitled and which position they would possess if they had a fair, square deal that I am interested in having the Congress of the United States provide or give to them.

I thank you.

Mr. KELLER. I thank you, Congressman FULMER.

Mr. WOOD. I appreciate the statement made by our colleague, Mr. Chairman. It was a very valuable addition that he has made to the testimony already given.

Mr. KELLER. I am very glad you expressed that compliment. It is my own sentiment.

Mr. WOOD. I think it expresses the view of every member of the committee.

WAR DEPARTMENT APPROPRIATION BILL, 1937

Mr. PARKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes; and, pending that motion, I may say that the gentleman from Ohio [Mr. BOLTON] and I had expected to finish general debate on this bill today and begin reading it for amendment the first thing in the morning. However, these delays have caused us to change our plans, and, with the approval of the gentleman from Ohio, I now ask unanimous consent that we may run on with general debate this afternoon, with the hope that there will be very little general debate in the morning, if any at all; the time, of course, to be equally divided and controlled by the gentleman from Ohio and myself.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11035, the War Department appropriation bill, with Mr. PARSONS in the chair.

The Clerk read the title of the bill.

Mr. PARKS. Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. DOCKWEILER].

Mr. BOLTON. Mr. Chairman, will the Chair advise us how the time now stands?

The CHAIRMAN. The gentleman from Arkansas has occupied 1 hour and 37 minutes, and the gentleman from Ohio 1 hour and 26 minutes.

Mr. DOCKWEILER. Mr. Chairman and Members of the Committee, as a member of the subcommittee on the Army appropriation bill I wish to make this statement: The seven members of that committee, including myself, have not considered this appropriation bill haphazardly or neglectfully, but we have given it our most serious attention.

I think you will agree with me that in times like these—as Shakespeare would say, "When times are out of joint"—your committee, more than ever before, has been more careful in the appropriation of money for national security. We sat in committee several weeks before this Congress went into session. We came to Washington and met on December 15 last. We have been virtually in session ever since that time.

I mention this fact, not to bring out the idea that your committee is more devoted to its duties than other committees, but I feel that there is in this country today an attitude of disparagement toward expenditures for national defense; and so, my friends, my theme is national defense.

Someone said yesterday during the course of the debate, "Who is it that determines the measure or the standard of the necessities for national defense?"

Why, my friends, it is not your Committee on Appropriations for the Army, it is not the Military Affairs Committee who determines what is necessary for national defense of this Nation, but it is the accumulation of evidence through the years that has predicated this result.

During the World War and before our participation in it, in 1916, we recast or re-formed the national defense for the security needs of this Nation. As a result, the National Defense Act was passed and we went in and conducted our part of the World War under the terms of that National Defense Act of 1916.

However, my friends, we had some experiences during that war, and after the accumulation of those experiences it was determined to recast the National Defense Act of 1916.

So in 1920 the Military Affairs Committee, after many months of study, hearings, and considerations of every possible angle, brought out upon the floor of this House the National Defense Act of 1920. That is today the law that governs the personnel, and I might say the structure of our national defense of this Nation.

Since then there have been two important boards that have considered whether there should be any further revision of our National Defense Act and the things that should be done

to secure this great Nation of ours. Consequently you have the report of the Drum Board and also you have the report of the Baker Board, and all these boards that have studied the subject and made determinations for the Nation are not necessarily militaristic boards. They have not always had the military viewpoint. They have been civilian in character, and I refer to the Baker Board that gives us our standard or norm to follow, particularly in matters of aviation, and the general headquarters that has had to do with all matters of aviation. That board was entirely a civilian board, and when it speaks I think the Members of Congress, particularly the committees of Congress in charge of these duties of national defense, should listen to such boards, and take heed of their recommendations.

There has been considerable published on the subject of national defense, particularly charging this Nation and the Congress with militarizing the country. I hold in my hand a very recent article published in the Atlantic Monthly of February, which in a more or less oblique manner criticizes the Congress for its activities in the last 3 years in rehabilitating the national defense of this Nation. Let us review the picture for a moment. Three years ago we had an army of enlisted men of 118,000. Last year this Congress provided for an army of 165,000 enlisted men. However, the President saw fit to enlist only one hundred and forty-seven thousand-and-odd men. This year this present bill provides for an army of enlisted men of not less than 150,000. We have a Nation of 127,000,000, with $400,000,000,000 of value to it, with 3,000,000 square miles of territory in continental United States, and does anyone think a little police force in the way of an international army, so to speak, of 150,000 enlisted men, is too much for this great Nation?

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. I do not wish to be interrupted now. Let me call attention to the fact that out of 147,000 enlisted men we have today there are but 120,581 that are in the combat or fighting arm of the Army. We all must recognize that the Army has various components, and there are components in the Army that do not bear arms, but, of course, they are as necessary in the make-up of the Army as the Infantry or the Cavalry. In the Army today with 147,000 men we have 51,467 in the Infantry, 9,619 in the Cavalry, in the Field Artillery 19,833, in the Coast Artillery 15,492, in the Air Corps 15,424, in the Engineer Corps 5,046, in the Signal Corps 3,105, and in the Chemical Warfare Service 595, making a grand total of 120,581. I have given you every branch of the Army that is considered a combat arm. Forty thousand of these men are in our possessions and 20,000 are policing the border along the Mexican-United States line. What result do we get? I say to those who prate about militarizing the United States that the high command in Washington could not within a week's time gather together in continental United States more than 35,000 fighting troops to protect us against any sort of emergency. It is true that our Army is not all regular troops. We have the National Guard, so to speak, 48 little armies, and that National Guard has 195,000 troops in it, both officers and men. Under the terms of this bill we are giving it an additional 5,000 men, making a total of 200,000 men in all of the 48 little armies known as the National Guard.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. I cannot yield because I have such little time. We are not yet doing what the Baker Board has asked us to do, and what the Drum Board has suggested that we ought to do for national defense. We are not today within 48 percent of the National Defense Act of 1920, and yet people prate about the fact that the United States is going militaristic. I am far from militaristic myself. My attitude of mind is in the opposite direction, and if I thought the United States was getting into such a rut, I would be the first to stand before you and decry against it. All we ask is national security. Mr. Ford has more men in his factory at the River Rouge than the whole standing army of the United States.

Mr. LUNDEEN. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. Some people say that we have built up something huge, some Frankenstein that will destroy America. The combined police forces of Philadelphia and Chicago and New York have more men in them than the standing Army of the United States, and still we talk about militarizing the United States!

Mr. LUNDEEN. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. For a brief question.

Mr. LUNDEEN. Would the gentleman advise then that we should double the appropriations to more than $2,000,000,000?

Mr. DOCKWEILER. No. The United States cannot at this juncture afford to spend any more than we are spending.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. Yes.

Mr. POWERS. I am very much interested in the gentleman's speech. I am much interested in the fact that he brought out that there are more men in the combined police forces of New York, Chicago, and Philadelphia than in our standing Army today. I would also like to call the gentleman's attention to the fact that there are more employees in the Department of Agriculture today than we have in our standing Army.

Mr. DOCKWEILER. I thank the gentleman for his contribution.

Mrs. O'DAY. Will the gentleman yield?

Mr. DOCKWEILER. I yield.

Mrs. O'DAY. In spite of all this deficiency in our Army, is it true that out of every dollar that comes into the Treasury, 60 cents goes for wars, past and future, and the other 40 cents goes for all other expenses of Government?

Mr. DOCKWEILER. I think the lady from New York might be quite right. At this juncture I am going to interrupt what I was going to say, and call attention to the fact that we have existed for 159 years as a Nation, and our batting average for wars has been one in every 29 years. I do not think there is a Member in this House who will contend that at the entrance of any one of those wars we have ever been prepared. It is my position that if at any time in the juncture of our national history we would have had adequate preparedness and security, we would not have been in any one of those wars. [Applause.]

Mrs. O'DAY. Why is it, after spending all of that money, we are so far behind in our national defense?

Mr. DOCKWEILER. We are spending more money now than we have spent in the years past, but we are trying to keep in peace, so far as the family of nations is concerned. I think that national security secures us in peace. That is my point of view. Other Members may disagree with me.

Mrs. O'DAY. Is it not true that 60 cents out of every dollar is spent on wars, past and future?

Mr. DOCKWEILER. I think it might be true that 60 cents out of every dollar goes for past, present, and future wars. I am not going to deny that fact; but it adds to my argument and it strengthens my point of view. My argument is that while we are spending a billion dollars a year for pensions on account of past wars, and the Lord only knows how many more billions we will spend before the last veteran of the last war is gone, it would have been cheap economy for us, in 1914, when the record shows we only appropriated a little more than $100,000,000 for the Army and national defense, to have spent a few hundred million more at that time, and we would not have been held up to the world in the despicable, indefensible manner as we were. I call attention to this fact, that when the world was at war and we were only spending $100,000,000 a year for an Army, we had Pancho Villa on our hands along our southern border. He made a raid at Douglas, Ariz., and finally when he made many of those raids we determined we should do something about it. We determined we should chastise Pancho Villa. So we sent our great general, General Pershing, whom we all considered to be one of our most able generals, down there on an expedition. We raised an Army of fighting men to penetrate into Mexico to find Pancho Villa, and we came back with empty hands. We could not get Pancho Villa. The world saw this debacle, and then it was the world made up its mind. The Central Powers said, "Why, we can do what we want with America, because it cannot fight. If

they have men that can fight, they are not prepared to fight." So from that time on we were insulted. We were driven into the World War. We would have saved ourselves these multitudes of millions if we had been prepared. I repeat an ounce of prevention is worth a pound of cure. If we are prepared, you will not see us getting into that conflict in Ethiopia or anywhere else. We cannot pass a neutrality law, the kind we might desire, to day, because we do not have sufficient preparedness. We cannot tell the world that we will not sell, because we have the richest nation in the world and we have the greatest resources. No nation today can conduct a war without our help. We have 40 percent of its gold. We have all the great natural resources for the purpose of conducting war. We can pass a neutrality bill when we have national security; when we can say, "You fellows can not do it." Then we will pass a neutrality law that will change the course of international law. But we can not do it today with our unprotected conditions.

Mrs. O'DAY. I think we can, perhaps.

Mr. McFARLANE. Will the gentleman yield?

Mr. DOCKWEILER. I yield.

Mr. McFARLANE. I am interested in the gentleman's statement that we cannot pass a neutrality law. What does the gentleman say is the reason?

Mr. DOCKWEILER. Because we are not prepared to defend that neutrality.

Mr. McFARLANE. If we are not in a position to assert that neutrality now, what makes the gentleman believe we will ever be able to do it?

Mr. DOCKWEILER. I think we are getting to the point now where we are securing ample national defense. We will have it in a few more years if we are let alone. I am not asking for everything that the National Defense Act asks for. I am just asking for half of it. I think we will have ample national defense.

Mr. McFARLANE. Then, would the gentleman say that the neutrality resolution which was passed last session, weak as it was, was a mistake and should not have been passed?

Mr. DOCKWEILER. No. That Neutrality Act was all right. I would vote for it again.

Mr. McFARLANE. Why should that not be continued with real teeth in it?

Mr. DOCKWEILER. The only kind of neutrality act that we have a right to pass, aside from the one that was passed, is one that is absolute; that gives no authority to any President, be he the President of my party or the President of anybody else's party, to say, "We will not sell something to you or we will sell something to you."

Mr. McFARLANE. Why should we not pass that kind of a law?

Mr. DOCKWEILER. International relations and the world's condition are such that we are not prepared to adopt such a law.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. Yes.

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I yield 5 additional minutes to the gentleman from California.

Mr. MAY. For the 5 years I have been a member of the House Military Affairs Committee, the evidence from all the authorities of the Army is to the effect that we are wholly unprepared, so far as the air force is concerned. Now, with the Atlantic seaboard and with the Pacific coast and the Panama Canal, is there anything more important at this time than to prepare the Air Corps for national defense?

Mr. DOCKWEILER. If the gentleman will just stop there and let me answer this question. I do not believe the Air Corps is the be-all and the end-all of national defense. I am very gratified, however, to be able to say that there is now under construction and to be delivered because of past appropriations, 752 airplanes. This bill provides for 515 airplanes of various categories. If next year's Congress provides for 575 airplanes, we will have 1,782 airplanes which will be anywhere from a day to 2 years old, and our air force will be in pretty good condition, considering the present state of the law.

Mr. MAY. I do not know just what is being done, but it seems that as fast as we accumulate planes of new construction others become obsolete, so that in reality we are making no actual progress in the number of planes in the force.

Mr. DOCKWEILER. I do not know about that; but I just stated that there is in process of building and delivery now 752 planes for the Army. Five hundred and fifteen will be manufactured under the terms of this bill. My information is as of February 4, a few days ago, and it comes from the War Department.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. I yield.

Mr. McSWAIN. According to the figures the gentleman has, by 1938, assuming that the Congress 1 year from now will be as generous as the gentleman's committee now proposes to be, there will still be something short of 1,800 effective serviceable combat planes.

Mr. DOCKWEILER. Yes.

Mr. McSWAIN. Does the gentleman remember that in 1926, 10 years ago, the House, as the world then stood and as the development of air power then stood, directed that the program of expansion of air power should in 5 years from 1926 accomplish a realization of 1,800 combat planes? So that even though in 1938 we should have reached the status indicated by the gentleman in his statement, we would still be short of the number we should have had 5 years ago, according to the program of 1926, and we will then be 8 years behind the program we contemplated in 1926, notwithstanding air power has greatly increased and the relative importance of the air force in warfare has tremendously increased since 1926. I am sorry to have made my question so long.

Mr. DOCKWEILER. The gentleman's question is quite lengthy, but I tried to follow it. Assuming that next year Congress is as generous to the Aviation Corps as we are this year, I figure there should be 1,782 planes, new planes, from 1 day old to 2 years old delivered to the Army by the close of 1938. In addition to that we will have whatever obsolete or other planes may be in existence. The gentleman from South Carolina is chairman of the Committee on Military Affairs. So far as I know the only authorization now on the books provides for 1,800 planes for the Army.

Mr. McSWAIN. The gentleman is correct.

Mr. DOCKWEILER. One hundred and fifty-two of these planes must be assigned to the National Guard. So the Army would have only 1,748 active planes in its air force unless the Committee on Military Affairs reports out a bill in conformity with the recommendations of the Baker Board, which calls for 2,320 planes.

Mr. McSWAIN. The gentleman realizes the present authorization for additional planes continues to 1938. Before that time I hope we shall have authorization not only for what the Baker Board recommended but for what in my humble judgment we ought to have, to wit, 4,000 planes.

Mr. LUCKEY. Mr. Chairman, will the gentleman yield for one brief question?

Mr. DOCKWEILER. Yes; for a brief question only.

Mr. LUCKEY. We hear it said repeatedly on the floor that our Army is unprepared. Can the gentleman tell me how our Army stands compared with the armies of the other nations of the world?

Mr. DOCKWEILER. We are eighteenth on the list.

Mr. LUCKEY. We are eighteenth on the list, but how does our appropriation for the Army compare with the appropriations of other nations?

Mr. DOCKWEILER. Our appropriations are comparatively larger than theirs.

Mr. LUCKEY. How does the gentleman explain the fact we are so unprepared when we are spending more than other nations?

Mr. DOCKWEILER. Because our standard of living is so high.

[Here the gavel fell.]

Mr. POWERS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. DOCKWEILER. When we in this country appropriate $370,000,000 it is about equivalent to the Japanese Government appropriating 150,000,000 yen, because the boiler workers or the manufacturer of bombs, munitions, or other implements of war in Japan can get along on 1 yen a day, and that is what their workers are paid, 1 yen a day on a gold basis; but we pay our people higher wages than that; we pay them what we feel is a living, ample wage.

So whatever we procure in the Army costs more. The subsistence of our Army costs more than it does other nations. Therefore, you cannot use figures and say that we are spending more for national defense than some other nation. You have to consider the problem comparatively. Of course, our dollar buys much less when we spend it for national defense than the French franc equivalently or the Italian lire, or the British pound, for that matter. Everything is more costly to us when we secure procurement for national defense. That is about the answer. When figures are quoted alone they are not true and do not present the entire picture.

Mr. Chairman, I want to go now to the subject of seacoast defense. For the first time in many years there will be found a substantial item in this appropriation bill for seacoast defenses. Starting on page 13 of the report, that subject is discussed. Away back in 1895 the Endicott Board determined what kind and character of seacoast defenses this Nation should have. That is, the type of fixed defenses which guard the port cities on the Atlantic and Pacific coasts. About 30 years ago a certain type of defense was installed on the Pacific coast at Bremerton, Seattle, Portland, San Francisco, Los Angeles, and San Diego. Those defenses, of course, have grown obsolete in many particulars. An automobile of 30 years ago would look pretty old as compared with the automobile of today.

Most of the members of the subcommittee went out this summer at an inconvenience to themselves, may I say, after the long session of Congress last year, and made a tour of parts of the Ninth and Eighth Corps area. The Ninth Corps area covers all of the Pacific Coast States, while the Eighth Corps area covers the States beyond the Middle West and lying just east of the Ninth Corps area. We inspected barracks and fortifications. We climbed up and down such fortifications. We visited munition depots. We went everywhere we possibly could from 8 o'clock in the morning until 4:30 in the evening. After that study we determined that something should be done which should have priority. As a result it was determined that we should follow the plan which has been on file and perfected by the War Department. It was determined that we would rehabilitate and modernize the Pacific coast defenses. There will be found in this appropriation bill now an item of $3,000,000 to commence rehabilitation of the fortifications at all the port cities along the Pacific coast. There will be found an extra $3,000,000 for the Hawaiian department and a substantial sum for the Panama Canal.

Mr. Chairman, 25 years ago I was a young man in Los Angeles when the fortifications at Fort McArthur were installed. I am only speaking comparatively to show how the Los Angeles territory has grown in importance and how our establishments should be defended against an enemy so that the fleet may be free to render aid and the mobile forces of infantry may be used somewhere else, all of which should not be at home defending the cities and the properties around the cities. There were perhaps about 350,000 souls in the county of Los Angeles. Today there are approximately two and a half million souls in the same county. There are in storage at that point—known as the Los Angeles basin—100,000,000 barrels of oil. Industrially we have increased. So has the great area around the bay of San Francisco. The fortifications were placed there to protect these areas. Today we commence a fresh program I am pleased to note. Starting this year we are going to spend a little money to improve and modernize these coast defenses. The program will take about 5 years. But at the end of that time, at a cost of a little over $15,000,000, every single person who lives in the coastal city areas may feel comfortable and repose in a state of security should any emergency arise.

Mr. CHRISTIANSON. Will the gentleman yield?

Mr. DOCKWEILER. I yield to the gentleman from Minnesota.

Mr. CHRISTIANSON. From what source or from what Nation does the gentleman expect an attack, upon, we will say the gentleman's gasoline resources in the Pacific coast cities?

Mr. DOCKWEILER. I am happy the gentleman asked that question, because if he will read history he will find there really no good reasons for most wars. War is illogical.

Mr. CHRISTIANSON. I agree with the gentleman.

Mr. DOCKWEILER. The gentleman cannot ask logically why any war is going to come, or why it has happened in the past. It is just a question of emotion.

Mr. CHRISTIANSON. The gentleman has not answered the question.

Mr. COLDEN. The gentleman ought to know the answer to that question himself.

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, I have asked for this time for the purpose of making a few observations and propounding a few inquiries. In the Washington Post this morning appears an article by the Associated Press under this heading, "Hagood asks Army be given some of W. P. A. 'stage money'."

Quoting from this article, I read:

> Congress received advice yesterday from Maj. Gen. Johnson Hagood to take advantage of what he called "a lot of easy money floating around"—including "stage money from the W. P. A."—and use it to improve living conditions at Army posts.

Further along in the article I read as follows:

> The major general said he was "not familiar with the various pockets in which Uncle Sam keeps his money" but that he understood "there is Budget money, which is very hard to get; there is P. W. A. money, which is not so hard to get; and then there is a vast quantity of W. P. A. money, which is very easy to get for trifling projects but almost impossible to get for anything worthwhile."

I am wondering, Mr. Chairman, if the general knew when he made the statements accredited to him, if he did make them, that he was denouncing officers of our military organization, though not of quite such high rank as the general himself, because I have here a memorandum with reference to the officers of the Corps of Engineers on duty with the Works Progress Administration, including the Assistant Administrator and Chief Engineer, assistant to the Chief Engineer, another assistant to the Chief Engineer, and then military officers in the six different regions, and there are 41 of these engineering officers of the Army thus assigned to the W. P. A.

I understand, furthermore, that those officers who have control of these regions pass upon the projects in the various States and deny them or approve them. If this be true, then Major General Hagood is indicting his own organization in the accusations which he makes.

Now, I want to propound a few inquiries. I should like to know, in the first place, if any gentleman on the committee can give me the information, how many officers we have in the Engineering Corps of the Army.

Mr. PARKS. I cannot give the gentleman the information right off, but the information is in the hearings, and I shall refer to them and give the gentleman the number a little later.

Mr. LANHAM. I could not find the information in the hearings.

I should like to know also whether or not these officers are needed in the Engineer Corps of the Army.

If they are needed in carrying on military work, then why should they be diverted to civilian undertakings that are supposed to give employment to civilian engineers in this country? Here are 41 of them not engaged in Army work.

I want the Army to have all the engineers it needs for competent and efficient service, but it seems to me we are going pretty far afield when we go to our Army for our official personnel for W. P. A. projects for several reasons: Not only that these men displace competent engineers in civilian life but also because of the fact that the projects undertaken by the W. P. A. are not of a character that require military engineering. They require, on the contrary, civil engineering.

Mr. PARKS. If the gentleman will permit, on page 64 of the hearings he will find that the officers of the Engineering Corps on October 31, 1935, numbered 459.

Mr. LANHAM. I assume those officers are needed for the work of the Army; and if so, why should 41 of them—almost 10 percent—be diverted to take the place of civilian engineers in the operation and administration of projects which have to do with civilian construction?

Mr. ZIONCHECK. Will the gentleman yield there?

Mr. LANHAM. I yield to the gentleman.

Mr. ZIONCHECK. The thing I object to, too, when you go down to these Army engineers in W. P. A. you have to salute them and click your heels, or you do not get anything.

Mr. LANHAM. Well, I have not had occasion to consult or confer with any of these officers. I feel sure they are courteous gentlemen. I do not think they are specially trained in civilian engineering, and I think they are out of place when they are placed in the W. P. A., displacing competent civilian engineers in the administration of civilian projects.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I yield to the distinguished chairman of the Military Affairs Committee.

Mr. McSWAIN. The gentleman realizes that these officers did not detail themselves to this work, neither were they detailed at the request of the War Department. They were requested by these emergency administrations because of the fact that being not only Army engineers having to do with field fortifications, and so on, but civil engineers of great experience, they have had in charge such great works as our rivers and harbors, flood control, and projects of that sort.

Mr. LANHAM. May I say to my friend that I have nothing to say in disparagement of these gentlemen or of their efficiency, but I do think they are out of place. They are not working here to any great extent with rivers and harbors; they are working rather with road construction and things of that character, not military roads but civilian roads, and I think that if we need the number of engineers in the Army that has been cited, there must be work in the Army for these engineers to do, and they are out of place in directing and placing under military supervision civilian undertakings of the Government.

Now, I am a friend of the Army. I want it to have all the engineers it needs, but I think they should keep their place and do their engineering work with reference to military projects and undertakings.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman permit a very brief interruption?

Mr. LANHAM. I will; yes.

Mr. MARTIN of Colorado. As I read the statements of General Hagood in the papers this morning it struck me they bordered on disrespect, if not contempt, for the administration. This was the first reaction I got from his statements. I did not know that Army officers were permitted to refer in such a disrespectful and contemptuous way to the Government of the United States.

Mr. LANHAM. I will say to my friend that also the general probably did not know that he was reflecting upon men in his own military organization who hold high rank, because here are 41 men connected with this work and they are all officers of the Army.

I have no reflections to cast upon Major General Hagood. I think he is a most competent and efficient officer, but I think we certainly ought to look with some degree of misgiving upon extending further, as suggested by General Hagood, the military operations of this civilian organization.

Mr. CHRISTIANSON. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. CHRISTIANSON. The gentleman refers to diversion of military personnel to W. P. A. and P. W. A. projects. Does not the gentleman think that the diversion of P. W. A. funds to military and naval objectives is even more dangerous, in view of the fact that the American people and the English people—the Anglo-Saxon people—have always insisted upon maintaining control over defensive funds in the hands of their legislative bodies?

Mr. LANHAM. That is probably true; but, of course, that is a little apart from the thought I had in mind. My thought was that if these men are needed in the Army their field of operation is in the military service.

Mr. FADDIS. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes; I yield.

Mr. FADDIS. I might suggest to the gentleman that in all probability a great many of these engineers are engineers who are concerned with the upkeep of the rivers, and some of this emergency work has to do with the revetment of banks, and so forth, along the rivers; and, therefore, they would properly belong in that field.

Mr. LANHAM. May I bring it to the attention of the gentleman that there are six regions in the United States, all of which cannot be primarily concerned with rivers and harbors, and all of which are under the supervision and control of these Army officers.

[Here the gavel fell.]

Mr. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. STEFAN].

Mr. STEFAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and incorporate therein the report from General Valdes, of the Philippine Constabulary.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. STEFAN. Mr. Chairman, I take the floor at this time to discuss briefly the bill before us, namely, one which makes the appropriation for the military and nonmilitary activities of the War Department for the fiscal year of 1937. The bill carries a proposed expenditure of nearly $375,000,000 for military activities, compared to about $379,000,000 recommended for military activities in the same bill last year. While I strongly favor adequate defense, I wish to join other Members of the House in a plea for economy and elimination of useless expenditure of taxpayers' money in time of peace. I will not discuss here the merits or reason for spending this gigantic sum of money during peacetime, leaving that to others who will debate the question on those issues. I have studied the hearings of the subcommittee with a great deal of interest, and I wish to confine my remarks to the question of whether or not—in view of the fact that we have just returned from the Philippine Islands where we attended the inauguration of the Philippine Commonwealth—we should begin to reduce the heavy expenditures for the maintenance of our military establishment in the Philippine Islands. Excepting the item for the activities of the Philippine High Commissioner, which will be found on page 65 of the bill, very little information is given in the bill or the hearings as to the actual amount of money we are spending today in those islands, which in 10 years from now will be free and independent. On page 136 of the hearings will be found references entitled "Pay of Philippine Scouts." The gentleman from South Carolina, the Honorable THOMAS MCMILLAN, apparently took a deep interest in this item, and while his questions were not meant as a criticism, he indicated that this question was of vital importance to him and must be settled sometime in the future. Partly because of my colleague's interest in this matter, and because I have recently returned from those islands, where I made a study of certain conditions, I wish to bring to the attention of the House the fact that we today are

spending huge sums of money to maintain our Army in those far-away islands. I believe the presence of our Army in the Philippine Islands at this time may become a menace to the future independence of the Filipino people, and I sincerely believe that our Army should be withdrawn in order to give the Philippine Government a real opportunity to carry out the intent of the transition period.

How expensive the maintenance of our Army in the Philippines is to the taxpayers of the United States is a matter of much concern to me. There are 6,386 enlisted Scouts and 52 Philippine Scout officers in the Philippine Islands at this time drawing pay from the United States Treasury. Besides that there are 4,317 American enlisted men and 535 Regular American Army officers on the Philippines drawing pay from the United States Treasury. Besides that there are 55 warrant officers and 42 nurses in the Philippines, also drawing pay from the United States Government.

The officers of the Regular Army and the Philippine Scouts for the fiscal year 1935 drew, in salary alone, $2,056,829.

The army nurses drew $69,469.

The warrant officers drew $129,775.

The American enlisted men drew $1,680,360.

The Philippine Scout enlisted men drew $1,210,199.

This makes a total of $5,146,631 which we paid to our standing Army in the Philippine Islands last year.

Of course, this does not include the tremendous amount of money we spend every year to transport officers and enlisted men and their families to and from the Philippine Islands, nor does it take in the maintenance of military equipment and buildings and other expenses.

The foregoing statistics may be supplemented by the following facts: Of the 535 officers of the Regular Army assigned to duty in the Philippine Islands as of November 30, 1935, 278 are on duty with the Regular Army of the United States and 257 are on duty with the Philippine Scouts.

The average value in property of barracks, quarters, and so forth, appurtenant to the Military Establishment in the Philippine Islands is $14,165,828, upon which there is incurred an annual cost for repairs, and so forth, of $956,070. The estimated average value of military equipment in use in the Philippines and in reserve is $40,624,317. The estimated annual cost of transporting passengers and cargo to and from the Philippine Islands on account of our military activities there is $880,678. It is estimated that the annual lump-sum total expended in the operations of the Philippine department for the fiscal year of 1935 amounted to $11,257,893.

I wish to go on record at this time and make the statement that in my personal belief the people of the Philippine Islands are better equipped for complete independence today than were our forefathers when we took this land away from Great Britain. The majority of the people in the Philippine Islands want independence; they believe that the United States has promised them independence and they are entitled to all of the help and assistance we can give them toward their present objective—complete independence at the expiration of this 10 years of commonwealth government. We have promised these people their independence, and because I believe like other Members of Congress that the word of Uncle Sam is good, we should not place any obstacles in the way of the Philippine people toward gaining their objective. I believe that by keeping a large and expensive armed force of our soldiers and officers in those islands at this particular time will obstruct Filipino independence, and their presence there may become an implement of use to certain politicians who may use the presence of our armed forces in the Philippine Islands for their personal political advancement. Members of the House should know that these Philippine Scouts are native Filipinos and could easily be absorbed in the Philippine Army, which is being organized under the guidance of that well-qualified Army officer, Gen. Douglas MacArthur. This is not only my own opinion but the opinion of some of our very able Army officers who today are living in the Philippine Islands and who believe that if we are really going to carry out our promise and give the Filipino people their independence we should aid them by eliminating the presence of our Army at a time when they are endeavoring to make their own army efficient.

Members of the House should know that for over 30 years American soldiers and Philippine Scouts paid by the United States Treasury have taken absolutely no part in the defense of the Philippines; have had no experience in any battle whatsoever in the Philippine Islands, nor have they participated within a quarter of a century in maintaining peace within the borders of the Philippine Islands. Their entire activity during a quarter of a century has been that of drilling or detached duty. This is not said with the view of casting any reflections as to ability or high standing or character of the officers and men of the Philippine Islands. Some of the Army officers discussing the removal of our own men and the amalgamating of Philippine Scouts with the native troops, state that these officers and soldiers would have to serve somewhere and that the Philippine Islands is just as good a place as any for them to be stationed. Other officers, however, whose motives cannot be questioned, call attention to the fact that these officers and men could be used within the borders of the United States and a tremendous amount of money could be saved in transportation and maintenance in idleness nearly 10,000 miles away from home.

Members of the House of Representatives interested in the Philippine Islands and their eventual complete independence should study something of the history of that great organization known as the Philippine Constabulary, which for more than a quarter of a century has preserved law and order and successfully met all contingencies without any assistance from United States troops stationed in the Philippine Islands. This organization of Filipino natives was organized under American auspices. It was the new army created by the Philippine Commission, as the new civil government in the Philippines was called when it was organized in 1901.

Originally its enlisted strength was native. Its senior chiefs were officers of the United States Army, and the remainder of its commission strength was made up of the best of American volunteers who remained in the islands after the civil government was established. A few Filipino officers entered the lower commission grades, and these have increased in strength until this constabulary is commissioned by practically all native officers. Today this constabulary has an actual strength of 6,570 enlisted highly drilled soldiers and 412 officers. It is commanded by Brig. Gen. Basilio J. Valdaes, who is one of the most outstanding officials of the Philippine Archipelago, with a long history of valuable service to the American Government during the World War. The Philippine Constabulary, with its West Point of the Philippines located at Baggio, the summer capital of the islands, has gone through a baptism of terrible odds, due to much jealousy on the part of better equipped and better financed military organizations. It has won its mark of distinction through the bravery and heroism of American officers and enlisted men, until today, due to that active service of a quarter of a century, it is considered by military experts as one of the most effective military organizations in the world.

Members of this House should also know that in the Philippine Islands today there is an organization called the National Volunteers of the Philippine Islands, commanded by that fine gentleman, Panfilo Laconico, which has in its membership 100,000 men, ranging in age from 18 to 45 years, uniformed and drilled, and sworn to uphold and protect the Constitutions of the United States of America and the Philippine Islands and all organized law and order, and dedicated to Philippine freedom. Its membership can be found in every Province of the Philippine Islands. Besides this, in the Philippine Islands, there are cadet organizations, Boy Scouts, and university military groups, and with compulsory military training, and through the advice of Gen. Douglas MacArthur, the military adviser of the Philippines, it will be easily seen that so far as protecting itself internally the Filipino people have not only been able to successfully combat this question for a quarter of a century but are well on the

road toward the organization of further unifying the entire citizenship toward the future internal safety of those islands.

Therefore, the brief reference to the pay of the Philippine Scouts in the hearings of the War Department appropriation bill becomes very important today, and I feel it my duty to call attention of Members of this House to my belief that the longer we maintain an expensive American Army in the Philippine Islands, the longer the menace to eventual Philippine independence. In questioning Major Worrall on the matter of pay of the enlisted men of the Philippine Scouts, my colleague, Mr. McMILLAN, asks this question:

What effect, if any, will the independence of the Philippine Islands have on this project?

Major WORRALL. That is a matter that will have to be settled prior to the expiration of the 10-year period.

Mr. McMILLAN. Has that subject been considered at all?

Major WORRALL. I think it has been taken up, but what decisions have been reached I do not know. Of course, that will be some years from now, and these men are all putting in time toward retirement. Whether they will continue enlistments for that service, or what the situation will be, I could not tell you. But they are still a part of the American Army.

Mr. McMILLAN. That will be a subject for consideration at sometime, of course.

Major WORRALL. Yes, sir; there is no doubt about that.

Mr. McMILLAN. That is why I mention it now.

Major WORRALL. They are largely officered by Philippine Scouts also, although there are some Americans in command.

Mr. McMILLAN. My inquiry is not meant as a criticism at all, but it must be settled sometime in the future.

Last October I, with other members of the Insular Affairs Committee of the House of Representatives and some Members of the United States Senate, left Seattle for the Philippine Islands as guests of the Philippine people to attend the inauguration of the Philippine Commonwealth. I was among other members of the party who before sailing from Seattle made brief addresses of farewell to the American people, during which we stated that we were on our way to cross the Pacific Ocean to attend the birth of a new nation. The question of Philippine independence had been sealed insofar as actual independence is concerned, because every one of us before sailing were under the impression that the United States had passed the Tydings-McDuffie Act and that at the end of the 10-year transition period the American flag would come down, the Philippine flag would be raised, and there would be actual independence for the Filipino people. Yet before we were many miles on the high seas arguments were placed before us to the effect that the Filipinos were not prepared for independence and never would be prepared for independence. Before, during, and after the great inaugural program, during which Filipino people were lauded to the skies by American orators; during which the "promise of America is good" and that "Uncle Sam never goes back on his word", many members were bombarded with additional arguments that these natives can never govern themselves. So by the time our ship left for home many members felt that our voyage to the Philippines was not to attend the birth of a new nation.

So it was not surprising to receive on the high seas the wireless report to the effect that Mr. Roy Howard, representing the Scripps-Howard Newspaper Syndicate, had issued a statement to the effect that Philippine independence is doomed and that Philippine independence is fading, that the launching of the Commonwealth government was gasping its last and that on every side there was evidence that the Philippine Republic, lauded by the Tydings-McDuffie Act, was destined never to materialize. While we have yet to learn the reply to Mr. Howard's statement from President Manuel Quezon, I personally wish to commend to Members of the House the feelings of many Filipino people to the effect that Mr. Howard's statement was at least untimely. The Manila Herald was quick to respond to Mr. Howard's statement with:

The United States Congress has outlined a definite program for us to accomplish, and the most sensible thing for us to do is to set our hearts and souls on it and get it done.

Col. John R. White, who for many years lived in the Philippines and fought and bled to carry out America's plans of bringing liberty to the Filipino people, stated some years ago that the fitness of the Filipinos for independence is not the only consideration, but in fairness to the Filipinos the general economic and political necessities of the Pacific should be considered on one page and the Filipino fitness should be on another page, and that it would be wrong to mix these two pages and do injustice to a people of as many virtues as ourselves and, perhaps, not more vices.

Long before the Tydings-McDuffie Act was passed, this hero of many battles in the Philippine Islands against insurrectos and ladrones, in his book entitled "Bullets and Bolos", which should be read by every Member of Congress, indicated that it was a thankless task to make the Filipinos safe, healthy, and prosperous. How could we—

Then little versed in history or philosophy, know that happiness would not follow; that the Filipino people or that element among them strongest lunged would rather be unsafe and poverty-stricken under their own flag than everything that was good under the Star-Spangled Banner.

And yet the task has not been a thankless one as witnessed by the comradeship and pride established by the Filipinos and Americans.

I am speaking today not so much on the question of Philippine independence, which I believe is a closed chapter, as I am in preserving the promise of the United States to these people and at the same time endeavoring to call attention of Members of this House toward the necessity of economy in the spending of taxpayers' money. More especially do I wish to repeat my belief that the maintaining of an expensive army in the Philippines at a time when the Filipino people do not need it represents not only waste of taxpayers' money but a serious menace in the path of the independence we have promised to the people of the Philippine Islands.

I spent some years in the Philippine Islands 30 years ago, and I have more or less kept in contact with some of the people there. During my recent visit to those islands I made it my duty to study the improvement that had been made there during the lapse of these many years. I cannot complete my address without paying a tribute to the officers and men who gave their lives in the service under our flag in the early struggles in the Philippines—the men who never came back and whose remains are buried in some of the cemeteries and swamps of those islands. It was my privilege to lay a wreath on the graves of American soldiers as my humble tribute to their services; and, viewing the great improvements 30 years later, I hope that their sacrifice years ago has not been in vain. Eliminating disease, bringing health, great highways, and modern transportation, and, above all, education to a helpless people, is a tribute to American generosity which I believe is appreciated by the rank and file of the people of the Philippine Islands. My contact with the Filipino people indicated that 90 percent of them want their independence, and they believe that Uncle Sam's promise is good enough for them. The masterful address of our beloved Speaker, the Honorable Joseph W. Byrns, the addresses of our Vice President, the Honorable John N. Garner, the Secretary of War, Mr. Dern, and others at the inaugural ceremonies all contained messages of cheer and assurances to these people that complete independence for the Filipino people was at the end of the road of this 10-year transition period.

The Philippine Islands are rich in natural resources, rich in mineral, lumber, gold, grain, sugar, copra, and so forth, and yet, in my opinion, they are not necessary to our United States. On the contrary, they are an expensive possession. I personally believe that the Japanese scare is one which has been overdone by the anti-independence advocates and that it will be many, many years before Japan, with its hands full of the Russian menace in China, can turn its eyes to the acquisition of the Philippine Islands. The neutralization of the Philippines, in my opinion, is the answer to all of those who today feel that the strong arm and the purse of Uncle Sam must be perpetually extended across the 10,000 miles over to the Philippine Archipelago. I believe in the statement of Maj. William C. Rivers, who spent many years in the Philippine Islands, when he says, "Yes; there is something out there, staying out there in the Philippines for us—a big war, and for what earthly use?"

In closing my address I wish to state that the question of Philippine independence is one that has been closed, and the

time has arrived for the American people to realize it and give the Filipino people every encouragement to work out their own salvation and eliminate all menaces which may in any way become detrimental to the ultimate carrying out of our promise to the people of the Philippine Islands. Give the common man of the Philippine Archipelago the opportunity of majority rule, such as we enjoy in these United States. This common man of the Philippine Islands can never put into effect majority rule if we put obstacles in his way. [Applause.]

During the address of Mr. STEFAN the following occurred:

Mr. BOILEAU. Will the gentleman yield?

Mr. STEFAN. I yield.

Mr. BOILEAU. Several newspapers have stated that it would be difficult to maintain the independence of the Philippine Islands, and the gentleman, I know, has studied the situation, and I think the information that he could give us would be valuable.

Mr. STEFAN. I am glad the gentleman has asked the question. I am not discussing Philippine independence, I am discussing the economy and expenditure of money during peace times. We attended the inauguration of the commonwealth, and the following day the Manila Bulletin reported the story by Roy Howard.

In answering the gentleman from Wisconsin [Mr. BOILEAU], I will state that on December 11, the Manila Daily Bulletin printed an Associated Press story dated South Bend, Ind., describing the visit to Notre Dame University by President Franklin D. Roosevelt, which read partly as follows:

President Roosevelt accepting an honorary degree from Notre Dame University, lifted the great torch of liberty, of human thought, and liberty of human conscience for the guidance of other nations if they will accept it.

The occasion was a special convocation commemorating the Philippine Commonwealth. The same story quotes our President as follows:

We are here to welcome the commonwealth. I consider it one of the happiest events of my office to have signed my name to the instrument which will give national freedom to the Filipino people.

Hardly had the echoes of the independence celebration died down in Manila and the congressional party well on its way back home on the Pacific Ocean, than every newspaper in Manila was filled with stories to the effect that Roy Howard had published a story which was carried in all of the Scripps-Howard newspapers and practically all other newspapers in our country to the effect that Philippine independence is doomed. The Filipinos, who had believed that we had just witnessed the celebration of a birth of a new nation, were aghast over that statement. I hope this explanation answers the question of the gentleman from Wisconsin.

Mr. BOILEAU. Yes; that answers the question. I wish to thank the gentleman from Nebraska for the explanation.

Mr. STEFAN. By leave given me, I insert some excerpts from newspapers sent to me from Manila. This is from the Manila Herald of December 11, 1935, by Roy W. Howard, editor of the New York World-Telegram and chairman of the board of the Scripps-Howard newspapers:

MANILA, December 10.—The Filipino dream of independence is fading fast. Today, within 1 month after the launching of the Commonwealth government, the 35-year-old major issue of island politicians is gasping its last. On every side there is evidence a plenty that the Filipino Republic as contemplated by the Tydings-McDuffie law, and as demanded by political leaders from Aguinaldo to Quezon, is destined never to materialize.

Following are excerpts from the Manila Herald, Philippine Islands, of December 11, 1935:

CONFESOR PROMISES TO EXPLODE IN ASSEMBLY THIS AFTERNOON

Political and educational figures today alternately boiled, beamed, and boomed in expressing their varied reactions to Editor Roy Howard's article declaring that Philippine independence was doomed because the Filipinos no longer desired it.

President Manuel L. Quezon was reported this noon as studying the article carefully and planning to comment on it possibly within a few days.

Assemblyman Tomas Confesor declared that if Howard's statement is true, then there must be a well-organized and well-financed conspiracy among some politicians, businessmen, financiers, and educators to frustrate independence under the independence law. Mr. Confesor announced that he will deliver a speech in the assembly this afternoon on the Howard article.

UNTIMELY

The least that could be said of Mr. Roy Howard's statement, to the effect, more or less, that Philippine independence is doomed, is that it is very untimely.

The United States Congress has outlined a definite program for us to accomplish, and the most sensible thing for us to do is to set our hearts and souls on it and get it done.

If we get busy now and do our part of the job, we will merit the admiration and respect of the American people; if we lie supinely on our backs, if we show fear instead of courage, we will deserve but pity and contempt.

SENATORS, ROOSEVELT, AND OTHERS DISCUSS FUTURE OF ISLANDS

WASHINGTON, December 10.—The declaration of Roy W. Howard, chairman of the board of the Scripps-Howard newspapers, that there was a change of heart in the Philippines with respect to complete independence attracted wide attention in the United States today and drew varied response.

THE POLITICAL FRONT

Publisher and Editor Roy W. Howard says that Philippine independence is doomed. He said a mouthful. The political front was agog and aghast over his statement. Sensible legislators, in general, commented against the statement, but with a wink of an eye. Howard is right from the point of view of a few and powerful businessmen. But he is certainly wrong if you ask the simple and rustic farmers out in the provinces, where they have fashioned their own peculiar dream of political liberty. Economics is now the ruler of the world and business is its prime minister. Howard may be right.

By leave given me, Mr. Chairman, I submit the following information regarding the Philippine Constabulary, written by Brigadier General Valdes, Chief of the Philippine Constabulary:

[Second endorsement]

HEADQUARTERS, PHILIPPINE CONSTABULARY,
Manila, September 28, 1934.

Respectfully returned to Mr. Jas. A. P. Henderson through the secretary of the Governor General.

The Philippine Constabulary is the armed force of the Government of the Philippine Islands, established and maintained for the preservation of peace, law, and order within the islands. Its Commander in Chief is the Governor General, who, through the Chief of Constabulary, exercises general supervision and control of its administration, including all matters pertaining to appointments, assignments, promotion, discipline, and field operations. For administrative purposes the Constabulary is designated a bureau with the Chief as director, under the Department of the Interior. Officers and enlisted men of the Constabulary are vested with police powers and are authorized to prevent and suppress brigandage, unlawful assemblies, and other breaches of the peace and violations of law. They are required to execute any lawful warrant or order of arrest for violation of law and to make arrests without warrant upon reasonable suspicion.

COMMISSIONED SERVICE

Commissioned officers are those having the following rank: (a) general officer: brigadier general; (b) line officers: captain, first lieutenant, second lieutenant, and third lieutenant. In each grade relative rank is determined by date of commission or appointment, except in the case of officers who have, for disciplinary reasons, been reduced in files.

The chief and assistant chiefs of constabulary are appointed by the Governor General, by and with the consent of the Philippine Senate. All other officers are, subject to the approval of the Governor General, appointed or promoted by the chief. Original vacancies in the commissioned ranks are filled by the appointment of graduates of the Constabulary Academy. Appointments may also be made of graduates of an accredited school or university, having organized military training as a feature of its curriculum, and whose educational standard and requirements are equal to those of a high school, or of candidates who have qualified for admission to the United States Military or Naval Academy or of officers of the Organized Reserve of the United States Army; or of honorable discharged noncommissioned officers of the United States Army, Navy, or Marine Corps; or the Philippine Constabulary, who have had 1 or more years of service as noncommissioned officers: *Provided*, That the candidate herein referred shall have qualified in a written examination on the subject required by law, and shall have been certified upon by the faculty of the Constabulary Academy as having graduated from a successful course of instructions therein. Promotion in the grades of lieutenant are made by seniority provided that every third promotion may be made by selection through merits in the discretion of the chief. Promotions in the grades higher than first lieutenant are made exclusively through merits of the officers. Eligiblity for promotion shall be determined by examination in the subjects prescribed by regulations, except that third lieutenants who are graduates of the Constabulary Academy are exempted from examination for promotion to the next higher grade. Officers who

failed in three consecutive examinations are required to relinquish their commission unless, in the opinion of the chief, the good of the service requires or justifies their retention. Officers are assigned to districts or may be transferred from one district to another by the chief. Assignment of officers to companies are made by the district commanders.

ENLISTED SERVICE

The enlisted service is classified in the following grades: (1) Sergeant major, (2) staff sergeant, (3) first sergeant, (4) sergeant, (5) corporal, (6) lance corporal, and (7) private. Sergeant major and staff sergeant are appointed from grade of sergeants by the chief. Promotion of enlisted men of the line in the noncommissioned grades below that of staff sergeant are made by district commanders from lists of eligibles furnished them by company commanders through regular channels, which are revised on January 1 and July 1 of each year and at other times when the exigencies of the service so demand. Noncommissioned officers reduced to the grade of privates by sentence of summary court may not be advanced within 6 months from date of such sentence.

ENLISTMENT

Any male citizen of the Philippine Islands who has taken oath of allegiance to the United States, between 18 and 35 years of age, able-bodied, free from disease, of good moral character and habits, of average intelligence, and possessed of such educational attainments as may be prescribed from time to time in orders may be enlisted in the service. Enlistment is for a term of 3 years. Minors between 18 and 21 years of age may be enlisted only with written consent of the father, the mother when she is the only surviving parent, or the publicly known guardian. Enlistment of the following persons is prohibited: Deserters or men dishonorably discharged in the constabulary, military, or naval forces of the United States; men whose former service was not honest and faithful; men who have been discharged for physical disability or as unsuited to the service; men with criminal records; and members of the United States Army Reserve. Applicants for enlistment or reenlistment are examined physically by medical officer.

REENLISTMENT

Men of all grades who reenlist, or shall have reenlisted within 2 months after date of discharge, provided discharge was by reason of expiration of term of enlistment, shall receive ₱2 per month additional pay for first reenlistment and ₱1 per month additional pay for their second and each subsequent reenlistment. Noncommissioned officers who do not reenlist on the day following discharge may subsequently be reenlisted only as privates.

FURLOUGH

Furlough for a period of 30 days may be granted by company or detachment commanders to men who reenlist on the day following their discharge if the furlough be spent within the Province; if the furlough is spent outside the Province approval of the provincial commander is first obtained. Furlough of over 30 days has to be approved by the chief or district commanders.

HONORABLE DISCHARGE

Enlisted men will be honorably discharged (a) at the expiration of the term of enlistment, (b) by order of the chief or of the district commander of the district in which the man is serving in the following cases: (1) Upon his written application for good and sufficient reason, (2) for reasons of unsuitability for constabulary service, and (3) for physical or mental disability not contracted in line of duty.

DISHONORABLE DISCHARGE

An enlisted man may be dishonorably discharged by (1) order of the chief or by order of the district commander of the district in which the enlisted man is serving after a third conviction by a summary court within 1 year, (2) by order of the chief after conviction by a civil court.

PENSION AND RETIREMENT LAW

The administrative code of the Philippine Islands provides for the pension and retirement fund of the Philippine Constabulary. Pensions may be paid from this fund for the benefit of widows and orphans of members of the constabulary who lose their lives in line of duty and for members of the constabulary who become incapacitated to gain a livelihood by reason of wounds or other causes contracted while in the service. To the pension fund shall accrue (1) all fines and forfeitures imposed by summary courts; (2) all fines imposed upon commissioned officers; (3) 4 percent of the pay of every officer and enlisted man of the constabulary, which shall be deducted from said pay monthly; and (4) all sums accruing from vacancies in the authorized strength of officers and enlisted men, together with all other savings from positions the occupants thereof are or shall be entitled to the benefits of the constabulary pension and retirement funds.

Pensions are granted in cases of (a) death; (b) disability from wounds received in line of duty; (c) disability from disease contracted in line of duty; (d) total disability; (e) completion of 20 or more years of actual and satisfactory service and to those who have attained the age of 55 years, or who, without having reached said age, is on account of his physical or mental condition prevented from continuing in active service, may retire from active service upon approval of the Governor General, and when so retired he shall receive until his death from the funds an annual pension equal to 2½ percent for each year of active service rendered by him to date of the total pay received annually by him on the date of his retirement, but in no case more than 75 percent of such total current pay. With the exception of the chief, no officer shall be retained in active service after having attained the age of 64 years.

In addition to the insular constabulary, local peace and order is maintained by members of the municipal police force. Before a person may be appointed member of the police force he must first qualify in an appropriate examination given by the police board. Qualifications for taking the examination are fixed by law and include, among others, the following:

(a) Sound physical condition.
(b) Age, not below 18 and not over 40 years of age.
(c) No criminal records.
(d) Must not have been dishonorably discharged from the Army, Navy, or Philippine Constabulary.
(e) Must speak and write the vernacular.

Appointments are made from the list of eligibles by the local municipal presidents with the consent of the municipal council.

Once appointed a member of the local police cannot be separated except for cause or by resignation.

BASILLO J. VALDES,
Brigadier General, Chief of Constabulary.

Mr. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. Mr. Chairman, the distinguished gentleman from Texas [Mr. LANHAM] a moment ago made some remarks concerning the functions of the United States Engineers, and by inference, perhaps, suggested that they were ousting their civilian brethren. That, of course, is an old story. That story has been told in the present administration and it was told during the days when the President of my party was in the White House. The attempt to unhorse the Army Engineers has never reached first base and, while this Congress functions, it never will. Mr. Chairman, the United States Engineers are the most distinguished public servants of this Nation. They are so outstanding that they are in a class by themselves.

During 8 years' service on the Rivers and Harbors Committee I have been amazed at the work of the Army Engineers. The efficiency and devotion of this group to the cause of America is, in large part, the basis of our national development. The future engineers were the intellectual leaders at West Point. Under the stress and discipline of that system they were the dominating mental and physical types and as such were selected for the engineering service. Originally the engineers pioneered the West, built railroads, bridges, and performed other notable service in peacetime. It is, of course, a combatant branch of the United States Army in times of war. One who knows them well has written of them:

> Our Government requires the services of engineers who combine high professional qualifications in the above lines with esprit, personal probity, and complete freedom from political influence which the officer possesses.

The Nation has expended hundreds of millions of dollars for pioneering purposes, for the improvement of rivers and harbors, and for flood control. This work has been highly technical in character, requiring the exercise of the highest engineering skill. It has all been accomplished successfully, and the Nation, which hears little of this group of technicians, has reaped incalculable economic benefits from their work. It is interesting to note that while all the millions of dollars appropriated for these purposes, running beyond the billion mark, has been expended under the direction of the engineers, there has been but one case of peculation in 110 years of this service. The engineers are the real field marshals of the public domain. They combine extraordinary industry and power of research with the highest order of intellect. Through my services on the Rivers and Harbors Committee I have been brought in contact with this group of remarkable public servants and have been amazed by the breadth and clarity of their findings on all questions concerning waterways and economics.

The Corps of Engineers numbered among its membership Gen. Robert E. Lee, Gen. George B. McClellan, and a host of other soldiers hardly less distinguished. These men partook of and added to the traditions of this body of men. The suggestion coming from the gentleman that these men usurp some of the functions of some civilian group is, of course, a mistaken suggestion. The fact is that the Army Engineers are more perfectly equipped to perform the service they do perform than any civilian body could ever be.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. Yes.

Mr. McSWAIN. The gentleman also realizes that, by reason of the fact that the Army Engineers perform this useful service in times of peace, that branch of the Army at least is eliminated from the criticism that the Army is but a body of tax eaters waiting during all the years of peace for service in time of war. If it were possible for all of the other branches to be as usefully, advantageously, and economically employed for the good of the country, it would eliminate much of the criticism of the expense of the Military Establishment as a whole.

Mr. CULKIN. What the gentleman says is true, and I thank him for his contribution. What I want to impress upon the House and the country is that the Engineers of the United States Army form a group of economists who have no peers in any other country in the world. It would be a disastrous day when through the urge of an outside group these extraordinary public servants should be unhorsed so that some few civilians might get jobs. It would be disastrous to America in time of peace and equally harmful to America in time of war.

Mr. LUNDEEN. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. Yes.

Mr. LUNDEEN. Was not the builder of the Panama Canal one of these great engineers—Colonel Goethals?

Mr. CULKIN. Yes; and with all deference to the distinguished civilian engineer who preceded him, it was Colonel Goethals, the Army engineer, and his associates in the Engineer Corps who took over the job and pushed it to completion. But that is just one phase of their remarkable service. May I say this: If at the outset of this depression, when the spending of the $3,000,000,000 began and then the spending of the $4,000,000,000 continued, our distinguished President had laid the proposition of spending this money in the lap of the Army Engineers, now under the leadership of that great economist, General Markham, then indeed would that money have been well spent and in the interest of future generations. It would have been spent for posterity by men who have the national outlook and, indeed, have the true national eye.

I did not rise particularly to call the attention of the House to the services and worth of the Army Engineers. The remarks of the gentleman who preceded me made them necessary. What I rose to call attention to is the need of decent housing for our military forces in America. The distinguished gentleman from Texas [Mr. LANHAM], whom I greatly admire, called attention to some extracts of a statement of General Hagood before the Subcommittee on Military Appropriations.

General Hagood said in that same statement, with reference to the housing conditions that exist in the service, that since returning from the World War he has seen families of soldiers and civilian employees of the Army living under conditions worse than anything he saw among the Belgian refuges. This article in the Washington Post further quotes General Hagood as saying:

> I cite cases of 16 families with only one bathhouse among them, and not even a suitable partition for privacy between the occupants of the different sides.

Mr. LUNDEEN. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. In just a moment.

The New York Times this morning carries a statement from this same officer, as follows:

> There are fine young white girls and boys, children of worthy noncommissioned officers, who have been born and raised under living conditions worse than darky tenements in many a southern State.

What the general said is too true. Adequate housing for the Army has been neglected. I am not going to pass the buck on that to the Military Affairs Committee of the House or to the committee in charge of the pending bill, nor am I going to pass the buck to the Army authorities. I am going to charge them all jointly with responsibility for this condition.

Last year on the floor of this House I called the attention of the Members to conditions existing in two posts within my own district where noncommissioned officers and their families are living in insanitary firetraps. They are housed under conditions that were concurrent with the Mexican War days. Today we come exactly into the situation that we were a year ago. Nothing has been done to cure this disgraceful situation.

The CHAIRMAN. The time of the gentleman from New York [Mr. CULKIN] has expired.

Mr. BOLTON. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. CULKIN. There is nothing carried in this bill for military housing. I said a year ago on this floor that the morale of the soldier depends on his environment. If you house him shabbily and inadequately, it matters not how well you may uniform him, how well you may officer him, his environment strikes into his soul, and he is an inadequate soldier.

The gentleman from Texas might well have called attention to the fact that under the present emergency auspices, if you please, some three or four billion dollars, according to some estimates, have gone into the business of raking leaves or moving piles of mud. I wonder if some of the group in charge of these funds are, in fact, surcharged with pacific feelings and hostile to the needs of national defense. When this $4,800,000,000 was authorized, the Senate wrote in a provision, concurred in by the House, that these moneys might be used for military housing but not for ordnance or armaments. That authority apparently did not reach very far, and today we do not find the Quartermaster General extraordinarily vocal on this subject. We do find this distinguished soldier, Major General Hagood, saying that the conditions are in fact disgraceful. We are spending annually $400,000,000 upon our land forces. I am for that. I am not one of those who would "Chinafy" America. The world was never more national than it is today, and it is no time to talk about reducing our pitiably small land forces. What I do speak for is proper housing for the enlisted men of the land forces. I speak for it earnestly, not alone for the posts in my own district but for all the posts of the Nation. I speak with all the force I can command to the Military Affairs Committee of the House, to this present committee which is charged with this appropriation bill, to the Quartermaster General and others in high command charged with the proper care of the Army, to get busy and cure this situation that amounts to a national scandal. I say it is their function to speak in thunder tones, as General Hagood did, and bring about a correction of this evil condition. If that is not done, if this deplorable environment is permitted to continue in Army posts, an environment probably provocative of a holocaust and many deaths, then, indeed, will that responsibility be upon the staff officers of the Army, the Quartermaster General, this committee, and the Military Affairs Committees of the House and Senate. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. PARKS. Mr. Chairman, I yield 20 minutes to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Chairman, I desire most sincerely to congratulate the subcommittee on War Department appropriations for the splendid support manifested by their report to an adequate defense program. I only received this report last evening, and, as far as I have been able to glance through the hearings since then, there are only two respects in which I could offer any criticism. Of course, I hope they will be constructive criticisms, and certainly it is friendly criticism.

The first one I desire to call attention to is our serious disappointment in not finding in this bill the money to make operative the provisions of law enacted at the last session under what was known then generally as the Thomason bill. This bill was approved by the President on August 30, 1935. Briefly, that bill provided that 1,000 Reserve officers, and, of course, we understand they would be young, recently graduated in R. O. T. C. units, in the second-lieutenant grade,

should be called to active duty with the Regular Army for 1 year, and at the end of 1 year, after those young officers had been under the observation of the Regular Army officers in the posts, in schools, the Regular Army would pick out from those 1,000 young men only 50 of the choicest material and offer them permanent commissions in the Army.

I want to suggest to you how the sifting process goes on by which we finally find the 50 young men for permanent commissions. First, there are 112,000 young men in all the R. O. T. C. schools throughout the whole Nation. All told, in the lower grades, the first 2 years, and in the senior grades, the last 2 years, there are 112,000. At the end of each year they graduate approximately 7,000 of the 112,000. The cream is first skimmed out of a total of 112,000 into 7,000. Of the 7,000 who graduate, it was the proposal of the law that each year 1,000 of the very best, the most promising young men of the 7,000, would be called by the Regular Army to active duty for 1 year for additional training. How would they be picked? They would be picked by the War Department. Of course, you could not order a young man against his will. Let us assume that of the 7,000 who should finish in any one year only 3,000 would apply for the 1 year's duty. Of course, we know that under conditions as they have obtained in the last 5 or 6 years practically every one of the 7,000 would apply. You know how the young men in your districts have all been insisting, urging, and begging even for 6 months' duty with the C. C. C. But let us say that only 3,000 would actually ask for the duty. The records of those 3,000 go into the War Department. That is, their records as students, how they stood in military duties, their moral characters, their leadership, their personality, and so on. Of the 3,000 the Department selects by this eliminating process 1,000, and you skim the cream again.

Yes, here you skim the cream again. Now you have the cream of the cream, 1,000. Then this 1,000 will be daily on duty in service schools, at posts under the eye of the highly trained regular officer who is marking and grading him and making up his reports all the time. At the end of the year 50 of these only are offered commissions. This 50, then, are the cream of the cream of the cream; and I respectfully submit that these 50 young men would equal any 50 young graduates of any school in any year, because they are selected from such a broad base and by such elimination.

Is there a need for these young men? I call attention to page 5 of the recent report of the Secretary of War wherein in referring to the repeated and constant request of the War Department to increase the officer personnel from 12,000 up to 14,000, something the Army authorities for years and years and years have been insisting on, something upon which hearings have been held, something the War Department officially has been endorsing, it was suggested that the proper way to get these young officers was by a gradual stepping up by annual accretions, because if we took in the whole 2,000 in any one year we would soon have another hump such as the one we tried to get rid of by the promotion bill that was passed last year. In order to meet this deficiency of officers the Congress in its wisdom acted. I admit that they are all wiser than I am; they will remember the bill passed at the last session to increase the cadet strength of the Military Academy by practically 50 percent, giving us each one more cadet, whereas up to that time we had two; but that will not become operative until the first new class under that increase graduates in 1939. The report of our subcommittee refers to this fact and states that there will not be until that time sufficient eliminations, sufficient attribution, as it is called in Army parlance, wearing down or elimination of officer personnel to justify taking in even 50 a year. What are the facts about this? In the first place, the Secretary of War states in his report—this is a solemn report—speaking of graduates of the 1939 class that they will be needed as replacements for officers leaving the active list. By 1939 the normal separations of commissioned officers will have increased so that the number of graduates from the Military Academy will even then be insufficient to meet the vacancies. We know, of course, they are insufficient now, because we cannot obtain a single additional Military Academy graduate until 1939. If we needed two thousand 5 and 6 years ago, as all studies revealed, we need them now, or at least we ought to begin to add them.

I have from The Adjutant General of the Army an official statement, a correct statement which is true, that for the year and a half ending December 31, 1935—for the whole year 1935 and the last 6 months of 1934—the separations from the service of officers was 806. If the average obtains for the current 6 months there will be during this 6 months 268 separations.

For the 2 years there will be 1,074 separations; and average annual separation will be 535. The graduates from the Military Academy, with the cadet strength of 1,900, will certainly very seldom exceed 400. Why? Because the elimination goes on there, too, due to failure to make grades, dismissals from the service, discharge for health, resignations for various reasons. The graduating class for the last several years has been averaging only about 275. Sometimes it would run up to 300 or more, but the average was between 275 and 300. Multiply this by 50 percent and you will have an average annual increase of approximately 425 or 450. Thus we shall be short about 100 officers at the average rate of attrition going on now. But the Secretary says that by 1939 the benefits offered for retirement under the promotion bill we passed at the last session will be so great that the attrition will be greater than it was during the last 2 years; so instead of 535 losses of officer personnel there may be 600 or more. Where are we going to get the replacements? Many of you have for several years heard me discuss the 50–50 ratio between graduates of the Military Academy, and these fine youngsters picked as the cream of the cream of the cream from all over the country. This would make a proper proportion, a wise admixture for the benefit of the Army itself, to wit, one-half of the officer personnel ultimately ought to come from the Military Academy and the other half from these various R. O. T. C. units, the National Guard, and the enlisted personnel of the Army, and so on. Thus the graduates of the Military Academy will feel they have some competition and that they have got to stiffen their efforts a little more, whereas the fellows who do not come from the Military Academy will realize that there is upon them an obligation to behave themselves better, to be more amenable to discipline, to study harder, to make better officers; and there will be that friendly, wise, and beneficial rivalry between these two groups which will balance them. I am very proud to say that the distinguished former Chief of Staff, General MacArthur, in his final report, after 5 years' service, stated that he thinks the 50–50 ratio is wisest and best.

Mr. BOLTON. Will the gentleman yield?

Mr. McSWAIN. I yield to the gentleman from Ohio.

Mr. BOLTON. I dislike to interrupt the gentleman's discussion because it is very interesting, but I should like to inquire if a request for an appropriation for the purposes he has in mind was made by the War Department of the Director of the Budget?

Mr. McSWAIN. I will answer the gentleman's question, but I will ask him not to ask a second question. I may say that my information is the War Department estimated the expense in its tentative budget which it submitted to the Budget Bureau. That is my information, not officially, so do not ask me to say who told me because I will not say.

Mr. ANDREWS of New York. Will the gentleman yield?

Mr. McSWAIN. I yield to the gentleman from New York.

Mr. ANDREWS of New York. The gentleman will recall that last summer, when this bill was passed, it had the complete approval of the then Chief of Staff, Douglas MacArthur, and the Secretary of War, Mr. Dern, with the further suggestion, at least according to our understanding in the Military Affairs Committee, that it would be included in the proposed budget for the War Department. The gentleman will recall, furthermore, that the bill almost exactly followed the specifications given to the Military Affairs Committee by General Pershing and a former Secretary of War, Mr. Newton D. Baker.

Mr. McSWAIN. I thank the gentleman. I am going to read the language of General Pershing before the House Military Affairs Committee in 1934.

Mr. McFARLANE. Will the gentleman yield?

Mr. McSWAIN. I yield to the gentleman from Texas.

Mr. McFARLANE. I have been interested, as we all are, in the young men who want to get into the service that the gentleman is discussing. I have talked to the Department down there, and I know that the Department is friendly to the attitude that the gentleman is taking in reference to this question. They would like to see the matter taken care of.

Mr. McSWAIN. That is my belief. Of course, the Budget has reported on the matter, and the gentlemen of the War Department by Executive order cannot discuss the matter further. But that is all right. But we are the ones to decide this question. [Applause.]

Mr. McFARLANE. That is right.

Mr. McSWAIN. We do not have to ask yea or nay.

Mr. Chairman, in 1934 General Pershing followed word for word the very ideal we have sought to legislate here. He said:

I am in complete accord with the proposal for acquiring additional officers by increments. With respect to the utilization of Reserve officers during the period of acquisition, I believe that in general they should be rotated on this duty by relatively short periods, and that such use should, so far as possible, be confined to those recently graduated from our Reserve Officers' Training Corps institutions. Under these methods the invaluable training imparted would be wisely distributed and would longest effect the efficiency of the Officers' Reserve Corps. At the same time opportunity would be accorded the War Department to select from among these young men those best suited for permanent commissions.

Now, I want to remind the Members that both Houses of the Congress have approved this measure twice by unanimous consent. How? When the bill to increase the number of cadets at the Military Academy came before our committee, realizing the tremendous interests that were back of that measure, we engrafted onto the bill an amendment incorporating the provisions of the Thomason bill. It came up for consideration; and the amendment, together with the bill, were unanimously accepted. Then it went to the Senate, where it was unanimously accepted. It went to the White House for approval, and it was then referred to the Budget. From some source an objection came. The Senate and the House rescinded their action. We reconsidered the matter by unanimous consent, with the understanding that we would come forward with the other bill on its merits. We passed the academy bill minus the amendment. Then we brought up the Thomason bill, which was on the House Calendar. There was not a single dissenting voice. The distinguished gentleman from New York asked some very pertinent and proper questions, but there was not a dissenting vote. That bill went to the Senate. It provided for 2,000 officers, 200 to be commissioned annually. The Senate cut that down to 1,000 officers, 50 to be commissioned annually. Congress was about to adjourn, and rather than to take the chance of not having any legislation upon this matter that has been so dear to the hearts of those who have been seeking to accomplish a wise policy and dear to the hearts of those who are responsible in the War Department, we accepted the amendment unanimously. So it again passed both Houses.

Mr. MAY. Will the gentleman yield?

Mr. McSWAIN. I yield to the gentleman from Kentucky.

Mr. MAY. As I understand the quotation from General Pershing's recommendation there, it is strictly in conformity with the plan that the chairman of the Military Affairs Committee has just outlined to the committee?

Mr. McSWAIN. Yes. It seemed to me either he copied our ideas or we copied his or else we all thought the same way.

Mr. MAY. May I ask the chairman if this bill appropriates a sufficient amount of money to make possible that recommendation?

Mr. McSWAIN. It does not appropriate any money for the purpose at all. It will require about $1,875,000 to put this into effect.

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I ask unanimous consent to extend my remarks and to include therein some very interesting data from The Adjutant General's Department with reference to the great value the R. O. T. C. has been to the cause of national defense.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The matter referred to is as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, December 27, 1935.

Hon. J. J. McSWAIN,
House of Representatives.

MY DEAR MR. McSWAIN: In reply to your letter of December 26, 1935, I am pleased to furnish you the following information compiled from the records of this office. It should be stated, however, that records are available only since 1920 insofar as pertain to graduates and enrollments. The enrollment figure is the total of the initial enrollment figure beginning with the fall of 1920. It should be further stated that graduates, i. e., advanced students, appear four times, i. e., twice in advanced course and twice in the basic course, taking 4 years to graduate, while basic students appear twice in number of basic students, the basic course being a 2-year course. With the above understanding your questions are answered as follows:

1. Total graduates from senior R. O. T. C. units, 76,201.

2. Total number of students enrolled in senior R. O. T. C. since 1920:

Advanced students	196,941
Basic students	1,056,281

NOTE: Based on the premises set forth above these figures may be further analyzed as follows:

Total advanced course students enrolled = 196,941 ÷ 2 = 98,470.

Total basic course students enrolled = 1,056,281 less 196,941 advanced course students who have also been counted in basic enrollment = 859,340 ÷ 2 = 429,670.

3. Expended for the R. O. T. C. since its inception, $54,882,871.10.

4. Number of schools and colleges having senior units, 115 (opening school year 1935–36).

5. One hundred and thirty-nine junior institutions having junior units. (Records do not show number of individual schools in which units are distributed.)

6. Number now enrolled in junior R. O. T. C. units, 53,202 (opening school year 1935–36).

Very respectfully,

E. T. CONLEY,
Major General, The Adjutant General.

POLICE OFFICERS IN THE UNITED STATES—1930

The Bureau of Census, in compiling its statistics of occupation in 1930, included several categories of police officers. Included in their compilation are the following:

Policemen	131,687
Guards, watchmen, and doorkeepers	148,115
Marshals and constables	9,350
Detectives	12,865
Probation and truant officers	4,270
Sheriffs	15,338
Total	321,625
	130,095
	451,720

In addition, under the heading "Officials and Inspectors", many of whom it might be expected to have certain police powers, the census lists the following number:

Officials and inspectors, 1930:	
City	48,309
County	30,086
State	15,236
Federal	36,464
Total	130,095

There are also 132,830 soldiers, sailors, and marines resident in continental United States at the date of the census enumeration.

R. O. T. C. are operated in the following institutions of learning:

Yale University, New Haven, Conn.
Boston University, Boston, Mass.
Harvard University, Cambridge, Mass.
Norwich University, Northfield, Vt.
Princeton University, Princeton, N. J.
College of the City of New York, One Hundred and Thirty-ninth Street and Convent Avenue, New York, N. Y.
Fordham University, Fordham, N. Y.
New York University, University Heights, N. Y.
Syracuse University, Syracuse, N. Y.
University of Buffalo, 24 High Street, Buffalo, N. Y.

Georgetown University, Washington, D. C.
George Washington University, Washington, D. C.
Howard University, Washington, D. C.
Johns Hopkins University, Baltimore, Md.
Carnegie Institute of Technology, Pittsburgh, Pa.
Drexel Institute, Philadelphia, Pa.
Gettysburg College, Gettysburg, Pa.
Lafayette College, Easton, Pa.
Pennsylvania Military College, Chester, Pa.
University of Pittsburgh, Pittsburgh, Pa.
Virginia Military Institute, Lexington, Va.
Georgia School of Technology, Atlanta, Ga.
Davidson College, Davidson, N. C.
Presbyterian College, Clinton, S. C.
Wofford College, Spartanburg, S. C.
Vanderbilt University, Nashville, Tenn.
Indiana University, Bloomington, Ind.
Rose Polytechnic Institute, Terre Haute, Ind.
University of Akron, Akron, Ohio.
University of Cincinnati, Cincinnati, Ohio.
University of Dayton, Dayton, Ohio.
Western Reserve University, Cleveland, Ohio.
University of Chicago, Chicago, Ill.
Michigan College of Mining and Technology, Houghton, Mich.
University of Michigan, Ann Arbor, Mich.
Ripon College, Ripon, Wis.
University of Wisconsin, Madison, Wis.
Municipal University of Wichita, Wichita, Kans.
University of Kansas, Lawrence, Kans.
University of Washington, Seattle, Wash.
University of North Dakota, Grand Forks, N. Dak.
University of South Dakota, Vermillion, S. Dak.
Colorado School of Mines, Golden, Colo.
University of Oklahoma, Norman, Okla.
Baylor University, Dallas, Tex.
Leland Stanford University, Stanford University, Calif.
Pomona College, Claremont, Calif.
Mississippi State College, Starkville, Miss.
New Mexico College, State College, N. Mex.
University of Illinois, Urbana, Ill.
University of Minnesota, Minneapolis, Minn.
University of New Hampshire, Durham, N. H.
Connecticut State College, Storrs, Conn.
University of Kentucky, Lexington, Ky.
University of Missouri, Columbia, Mo.
University of Idaho, Moscow, Idaho.
South Dakota State School of Mines, Rapid City, S. Dak.
University of Maryland, College Park, Md.
Oregon State Agricultural College, Corvallis, Oreg.
University of Pennsylvania, Philadelphia, Pa.
Utah State Agricultural College, Logan, Utah.
Lehigh University, Bethlehem, Pa.
Ohio State University, Columbus, Ohio.
University of Georgia, Athens, Ga.
University of Arizona, Tucson, Ariz.
Michigan State College, East Lansing, Mich.
North Dakota Agricultural College, Fargo, N. Dak.
Clemson Agricultural College, Clemson College, S. C.
Louisiana State University, Baton Rouge, La.
University of California, Berkeley, Calif.
The Citadel, Charleston, S. C.
University of Florida, Gainesville, Fla.
West Virginia University, Morgantown, W. Va.
Texas Agricultural and Mechanical College, College Station, Tex.
Western Maryland College, Westminster, Md.
University of Vermont, Burlington, Vt.
Massachusetts State College, Amherst, Mass.
Oklahoma Agricultural and Mechanical College, Stillwater, Okla.
Rhode Island State College, Kingston, R. I.
University of Nebraska, Lincoln, Nebr.
Virginia Polytechnic Institute, Blacksburg, Va.
University of Puerto Rico, Rio Piedra, P. R.
University of Nevada, Reno, Nev.
Rutgers University, New Brunswick, N. J.
Massachusetts Institute of Technology, Cambridge, Mass.
University of Wyoming, Laramie, Wyo.
University of Hawaii, Honolulu, Hawaii.
University of Alabama, University, Ala.
Purdue University, Lafayette, Ind.
Cornell University, Ithaca, N. Y.
Kansas State College, Manhattan, Kans.
Alabama Polytechnic Institute, Auburn, Ala.
University of Arkansas, Fayetteville, Ark.
University of Maine, Orono, Maine.
Pennsylvania State College, State College, Pa.
State College of Washington, Pullman, Wash.
University of Tennessee, Knoxville, Tenn.
University of Delaware, Newark, Del.
University of Montana, Missoula, Mont.
North Pacific College of Oregon, Portland, Oreg.
University of Oregon, Eugene, Oreg.
University of Utah, Salt Lake City, Utah.
Washington University, St. Louis, Mo.
Creighton University, Omaha, Nebr.
Quachita College, Arkadelphia, Ark.
Coe College, Cedar Rapids, Iowa.
North Georgia College, Dahlonega, Ga.

Mr. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. POWERS].

Mr. POWERS. Mr. Chairman, it is not my intention today to inflict upon the Members of the Committee a long, drawn-out discourse on the War Department appropriation bill. Several members of the subcommittee on this appropriation have already outlined various phases of the bill to you. For that reason I shall confine my remarks chiefly to a brief discussion of the appropriation for the National Guard and the civilian components of the Army.

However, as far as the military portion of the bill is concerned, I can see no reason for any surprise on the fact that it is in excess of its counterpart for the current fiscal year. Leaving out of consideration the Air Corps, which accounts for a very considerable portion of the increase, the committee was faced with a very unusual problem. During the last session many measures were passed to strengthen the national defense which, if they were not to be mere gestures, deserved the consideration of the committee. For us to appropriate in accordance strictly with the wishes of the Congress as expressed in those bills would have meant a tremendous increase. We have tried to find a happy medium, to create a compromise which would be acceptable to the Congress, and at the same time would adequately care for the national defense.

If any surprise is shown over the size of the military portion of this measure, it should be because the appropriation is relatively so small. This bill contains no money for construction at military posts, no money for complying with the terms of the Thomason bill, and only an amount sufficient for an enlisted personnel of 147,000, while we have every reason to believe the number would be 165,000. No money is appropriated in this bill, either, for establishing and developing additional air bases, as contemplated by the Wilcox bill.

Many of these things for which we were unable to appropriate should really not be deferred. However, we have reported out a bill which contains an increase of only $23,803,501 over the current fiscal year.

This bill carries for military activities the amount of $374,981,521. That amount is $43,989 less than recommended in the Budget. By resort to reappropriation of $2,845,925, the substitution of $2,669,786 of contract authorization for appropriation, and certain reductions effected in a number of appropriations, the means were found to finance several projects not having Budget support calling for a total of $8,447,304. There was an amount left over of $43,989, which constitutes the margin between this measure and the Budget.

I am a strong advocate for a balanced Budget, but I hope this can be accomplished without withholding necessary funds for national-defense purposes. I also believe in a proper balance between personnel and matériel, and I feel we are a long way from being prepared in a material sense, yet I think we could rightly have been somewhat more liberal touching the Officers' Reserve Corps.

The bill provides for giving active-duty training to 21,667 out of a total of 89,404 Reserve officers eligible for training, excluding enlisted men of the Regular Army holding commissions as Reserve officers. It is my thought the number of trainees should be not less than 30,000, and that every man identified with this component should receive active-duty training not less frequently than every other year. Now, if he gets to camp once in every 5-year enrollment period, he can consider himself extremely fortunate.

The Reserve Officers' Training Corps, familiarly known as the R. O. T. C., is the main feeder to the Officers' Reserve Corps. The R. O. T. C. will have a larger enrollment next year than this by approximately 25,000, to make a total of 150,000. This increase grows out of the establishment of 26 new senior units and 41 new junior units in consequence of the larger appropriation made for the present fiscal year with such expansion in view.

The citizens' military training camps are, in my opinion, among the finest and most worthy of the civilian components of the Army. It has been provided with the same amount

of money as in last year's bill, namely, $2,000,000. This sum will train approximately the same number of C. M. T. C. boys for a 30-day period as was trained last year—between twenty-seven and thirty thousand.

Our main civil component, the National Guard, has been very well taken care of by the committee. We have allowed them $1,513,004 more than the Budget as the result of representations made to the committee by the National Guard Association. The amount is broken down in this way:

1. Modernization of one-half of the heavy artillery of the National Guard	$888,400
2. Further additional amount for caretakers	56,400
3. Additional for gas and oil for armory drills	68,204
4. 5,000 increase in strength	500,000
Total	1,513,004

The first project embraces equipment for towing at high speed, and motor vehicles to be employed as prime movers and servicing vehicles. Such modernization will put the heavy artillery on a parity with the light artillery for expeditious, efficient, and economical movement. Movement now depends upon tractors, all of which are old and in disrepair. It has been represented that the expenditure here proposed will be repaid in 3 years in savings resulting from discontinuance of the antiquated motive power now employed.

As to the second project, while the Budget takes cognizance of the need of and makes provision for additional caretakers, the National Guard Association strongly urges an additional allowance of $118,618. The committee has made provision for 94 additional caretakers at $600 each, which appears to be the number necessary on account of the additional units to be established pursuant to the increase of 5,000 in strength of the Guard to occur the present fiscal year.

The project touching gas and oil is justified by the large expansion that has occurred in motor equipment.

There was a general understanding when the current appropriation act was being considered that the strength of the National Guard would be increased from approximately 190,000 to 200,000 officers and men in two annual increments of 5,000 each. The committee, therefore, is providing an amount to take care of the second increment, but, like the present year, of proportions only adequate to do so toward the close of the fiscal year. The full cost will be felt in the fiscal year 1938.

No increase is recommended by the committee in the Budget allowance for camp and armory drill pay. Attendance may or may not create demands beyond the sums included in the bill. If they do, it is not the thought of the committee that the extra load will be met by using the interchange authority and use funds provided for other objects. If an additional amount should prove to be necessary, and that can be determined better after the middle of the ensuing fiscal year, it is the idea of the committee to recommend in the appropriation bill for the fiscal year commencing July 1, 1937, that an amount sufficient to meet the deficit in camp and armory drill pay be made immediately available.

I should say that the National Guard as a whole has just cause to be pleased with the recognition the committee has accorded their splendid organization. I should have liked to have provided them with some new horses. It was upon my insistence that the committee expressed itself in this way in its report on the bill touching horses for the National Guard:

It is the thought of the committee that the additional animals for which the Budget and bill make provision for the Regular Army are sufficient to take care of any pressing needs of the National Guard during the ensuing fiscal year and that the Department will see that this is done.

I believe the membership of this House will agree with me that when the present War Department appropriation bill is passed national defense will be adequately provided.

In closing, I want to pay my personal tribute to our chairman, the Honorable TILMAN PARKS, of Arkansas. Mr. PARKS, who conducted these hearings, has worked diligently since the first part of December. He has a keen insight into the various problems of national defense. He has, I believe, reported a bill satisfactory in all respects.

I also want to pay my respects to the other majority members of the subcommittee, the Honorable THOMAS BLANTON, of Texas; the Honorable THOMAS MCMILLAN, of South Carolina; the Honorable BUELL SNYDER, of Pennsylvania; and the Honorable JOHN DOCKWEILER, of California.

Certainly I cannot close this short discourse without dwelling briefly upon the services of the Honorable CHESTER BOLTON, of Ohio, the ranking minority member of the committee. Mr. BOLTON's service on this committee for the past 4 years has been invaluable, with his experience as an officer during the World War and his experience since the war as a high-ranking officer of the Ohio National Guard.

In conclusion, Mr. Chairman, may I express the hope this measure will have the support of my colleagues, particularly on this side of the aisle? After all, these large appropriation measures are difficult to frame. I believe the one we have reported is, however, a good measure. Generally speaking, I think it is a progressive measure and looks unquestionably to a state of better military preparedness. I thank you. [Applause.]

Mr. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. LUNDEEN].

Mr. LUNDEEN. Mr. Chairman, the press reports that the Secretary of the Navy will ask funds for dirigible construction. The Durand Committee, a subcommittee of the Science Advisory Board, has made its report to the Secretary and recommended further experiments in lighter-than-air craft. The Durand Committee is composed of very able gentlemen, scientists who visualize the future of the rigid airship. The committee was headed by Dr. William F. Durand. Other members of the committee were Prof. Alfred V. De Forest, Prof. William Hovgaard, Prof. Theodore Von Karman, Charles F. Kettering, Dr. R. A. Millikan, and Prof. Stephen Timoshenko.

EXPERIMENTING AND RESEARCH NECESSARY

It is reported that the Secretary of the Navy personally favors continued experiments with lighter-than-air craft. The Durand Committee's report is to be studied by the Navy Department before a decision will be made. Progress cannot be held back by hazards which always accompany such advances. The Durand Committee has stated, according to an International News dispatch:

Nothing—

In transportation methods—

is entirely safe. Railway travel has its accidents and casualties; surface ships are wrecked; airplanes crash; and the automobile, including errors of operation, is perhaps the most unsafe of all modern agencies of transport. Yet, in the face of these all too familiar occurrences, we do not contemplate giving up any of these means of transport.

The disasters to the *Macon* and *Akron* must not cause this country to retreat. It should not prevent us from participating or leading the way in airship development.

FUTURE OF LIGHTER-THAN-AIR CRAFT

Soon Germany will produce the latest product of years of airship study and research by a small but indefatigable band of workers. Twice as large as the *Graf Zeppelin*, in fact exceeding in size and performance any other aircraft yet built, the *LZ–129* will soon be sharing the oceanic air lanes with its smaller world-famed predecessor, the *Graf Zeppelin*. The German people, through the practical medium of the *Graf Zeppelin* demonstrations, are today more "airship minded" than at any time since the World War. A new airship-operating concern has been formed around the old Zeppelin Airship Navigation Co. ("Delag") and includes the German Lufthansa and the German Government itself. Two new large airship construction hangars are now ready at Friedrichshafen. At Frankfort another hangar and a modern airship operating base are nearly completed.

Upon the successful completion of the trials of the *LZ–129* a second ship of that type will be begun immediately.

Dutch steamship interests, likewise awaiting the demonstrations of the *LZ–129* are ready with money and pen in hand to close the contract for a third such ship to be employed between the homeland and outlying Dutch colonies. Just outside of Rio de Janiero, the Brazilian Government is finishing a modern airship hangar and base. The arrivals and departures of the *Graf Zeppelin* at Pernambuco, Rio Seville, and Friedrichshafen are accepted as commonplace events and attract no more attention than similar movements of steamers. Many businessmen have learned the great advantage of 3-day passage between Europe and South America, over steamship service requiring 13 to 14 days.

DIESEL ENGINES

The commercial airship, exemplified by the *LZ–129*, will lead in another important aerial advance. Four diesel en-

gines of 1,200 horsepower each, operating at a fuel economy of 25 percent better than previous engines, will constitute her power plants.

COMBINED USE OF AIRPLANES WITH LIGHTER-THAN-AIR CRAFT

The Navy Department has developed the use of planes in conjunction with airships. It is a striking example of the complementary uses of the two types of aircraft as well as of correct specialization in the air.

It is entirely probable that from now on no rigid airship will ever be built without incorporated means of launching and recovering airplanes in flight. This feature seems as much a fixture and equally as important as small-boat equipment on ocean-going steamers.

THE HOOK-ON PLANE

There are many technical ways in which planes may serve airships; there are also practical remunerative ways for employing the two craft together. For example, an airship such as the *Macon* had a dynamic carrying capacity, entirely exclusive of that derived from its lighter-than-air buoyancy, of some 20 tons, or actually more than practically any heavier-than-air craft of today has for its entire lift. Of course, it is impracticable to provide a running start for a large airship to permit it to take such an additional load off the ground dynamically. The advent of the hook-on plane, however, solves the problem in a simple way. The airship first gets into the air safely and easily by its normal ballooning methods. The additional cargo up to the very limit of its full speed dynamic carrying capacity can then be readily transferred to the ship in flight.

An airship arriving under such stormy conditions as to preclude its landing at the moment, may readily and with entire safety discharge its passengers and other cargo by means of the hook-on plane while remaining aloft under full control in the air without regard to surface conditions. It may even reservice, change its crew, take on its return load of passengers and cargo without alighting. Even some of those intimately associated with airship operations felt that Capt. Eddie Rickenbacker, indeed, had an unusual amount of imagination when he said large airships might remain in the air for years at a time without ever landing, and being serviced by smaller aircraft. But the successful use of planes with airships has brought his dreams very much nearer to realization.

By such cooperation of airships and airplanes and in conjunction with such splendid air transport systems as exist over our continents airship authorities say that passengers and cargo can be carried from Los Angeles to London, from California to the capitals of Europe, in less than 2 days.

NEW FIELDS TO CONQUER

The *LZ–129* when completed is expected to carry 50 passengers plus 20 to 30 tons of other cargo from either Canton or Manila to San Francisco in 3½ to 4 days. The United States cannot afford to overlook a carrier unequaled in safety and comfort that can carry 50 passengers and 20 to 30 tons other pay cargo between the same points in the elapsed time of less than 4 days.

NORTH ATLANTIC AIR SERVICE

Recent conferences in Washington discussed the establishment of North Atlantic air service by a combination of several countries involved in the islands and points required by the contemplated type of carrier—the same as that now used in the Pacific—to negotiate the Atlantic. Forty-eight hours is the contemplated elapsed time of the service between the United States and Europe.

THE "GRAF ZEPPELIN"

More than 6 years ago the *Graf Zeppelin* comfortably and safely spanned the North Atlantic, nonstop, from the Statue of Liberty to the Scilly Islands off the top of England, with 63 persons, 23 of whom were passengers, and 1,800 pounds other cargo, in 38½ hours. New York to Paris was negotiated in less than 48 hours; Friedrichshafen in central Europe required only 7 hours more to reach.

Today's airship with very materially greater pay load can span this route in even less time.

SAFETY AND SPEED

It is reported that the specifications laid down by this recent conference for the proposed North Atlantic air service were: Safety, first; passengers, second; speed, third. These are specifications that the airship can fulfill. Our commercial airships have already carried nearly a quarter of a million passengers over land and sea; it began passenger service at its very inception.

NONSTOP FLIGHTS MAKE UP FOR SLOWER HOURLY TIME

The airship plugs along day and night, nonstop, with no necessity for intermediate stops on even the longest of ocean stretches. It flies on a great circle rather than in zigzag course. It actually arrives at its destination in appreciably less elapsed time than commonly believed. The airship is the bulk and quantity aerial carrier over oceans.

It appears entirely probable that it will also prove to be the most economical of oceanic air carriers. We must not forever remain oblivious and indifferent to such a carrier.

PROGRESS OF AIRSHIPS IN FOREIGN COUNTRIES

Recent outstanding events challenge the United States not to overlook the airship in the field of oceanic air transport. In the Pacific an air-mail contract extending over a period of 10 years has been awarded. The service required is the weekly carriage of 800 pounds of mail from San Francisco to Manila and later to Canton, China, with eventual increase to about 1 ton of pay load when the carrying of 6 passengers is permitted. Each of the craft used carries a crew of nine.

The vital factor in the transportation of pay loads by air is the total elapsed time, whether the journey be broken or continuous; in this case it amounts to between 5 and 6 days. Yet on the first attempt over the Pacific the 1928 model *Graf Zeppelin,* more than 6 years ago, carried 59 persons, 20 of them passengers, and 1,000 pounds of mail and other cargo, comfortably and safely, nonstop, by day and by night, in fair weather and foul, from Tokyo to San Francisco in 69 hours, or less than 3 days!

During the last part of the journey from Germany to Japan, but a few days before, Dr. Eckener learned of a typhoon tearing northeasterly across the Sea of Japan. His concern, however, was not that of giving it wide berth; quite to the contrary, he sought out and utilized the northerly winds along its rear to nearly double the *Graf Zeppelin's* normal speed over the ground. Departing from Japan the *Graf Zeppelin* chased and overtook a typhoon to gain the advantage of the westerly winds along its southern border.

HISTORY OF AIRSHIP DEMONSTRATES ITS SUCCESS

The first regular transoceanic mail, passenger, and cargo aerial service began at the moment the first rigid airship built for such a purpose was put into service. Completed in 1928, the *Graf Zeppelin* made numerous outstanding miscellaneous flights during a few years, and then settled down to scheduled service between Europe and South America. Following the World War there were imposed on Germany, the laboratory and "proving grounds" of the rigid airship restrictions as to size of airships she might build. This hindered the development.

AFTER 8 YEARS OF SERVICE

The *Graf Zeppelin* continues to streak through the skies with full cargoes between Friedrichshafen and Rio de Janeiro.

The world little realizes the unparalleled record of commercial lighter-than-air transport for passenger and cargo safety. Already a quarter of a million passengers have been carried in unequaled aerial comfort, without so much as a scratch to a single one. By the airship the North Atlantic has been spanned with mail and passengers in 1 day and 18 hours.

On the very first attempt of an airship to cross the vast Pacific, in 1929, the *Graf Zeppelin* carried 20 passengers and 1,000 pounds of mail, flying night and day comfortably and safely from Japan, the land of the rising sun, to the Golden Gate of San Francisco in 69 hours, or 3 hours less than 3 days. And now the 5 years of scheduled operation between Europe and South America by this same splendid ship con-

stitutes strong cumulative evidence that the feasibility of oceanic transport is definitely removed from the realm of doubt.

AIRSHIPS HAVE NOT BEEN GIVEN A CHANCE

There are many reasons why airship progress has been slow. Very few people have concerned themselves with the development of airships. Only a small number of ships have been built since the World War compared with other types.

Beginning with 1919 airplane production in the United States has averaged more than 1,600 planes per year. In the whole world there have been built only 10 rigid airships of post-war design and but 156 in the entire history of the world. This and other information has been given to the world by Commander C. E. Rosendahl, of Naval Air Station, Lakehurst, N. J., a very able and distinguished commander.

Of these 10 post-war ships the *Rodensee* and the *Nordstern* were seized by the Allies and soon dismantled. The British *R–38* failed structurally during an early trial flight and burned in the air due to its hydrogen. The *R–101* flew into a low hill in France and was totally consumed by hydrogen fire. *The R–100*, a radical departure and unpromising ship, was dismantled. In the United States the *Shenandoah* failed structurally in flight and was wrecked. The *Akron* flew into the sea and sank. The *Macon*, as a result of deferred reinforcement at a structural location where it was known to be necessary, failed structurally in flight and sank in the Pacific. The *Los Angeles*, built in Germany as a reparations ship, although now more than 12 years of age, is still in good condition. The *Graf Zeppelin* is now in her eighth year of successful operation.

SCIENTISTS SEE GREAT FUTURE FOR AIRSHIPS

Recently there was held under the auspices of the Guggenheim Fund for Aeronautics, a lighter-than-air forum attended by those few scientists and other persons familiar with the airship, to discuss technical aspects. The predominating note at this forum was the unmistakable feeling of optimism on the part of those who really know what there is to be known about the airship today. The outstanding paper of the occasion was that delivered by Prof. Max Munk, a well-known American scientist, who has contributed much to American aeronautics. In this paper Dr. Munk cited some 20 features which in his opinion are worthy of serious consideration in connection with the development of airships and hold possibilities for improvement of the airship.

In citing these 20 phases which had occurred to him, Dr. Munk did not mean to indicate that the present-day airship has that many important faults. Practicable airships can be built and operated today. The present status of heavier-than-air craft is due to continued evolution and refinement and to the contributions from such scientific bodies as the National Advisory Board for Aeronautics.

Certainly such agencies can contribute equivalent progress to lighter-than-air craft if they are given the occasion for such work.

New engines, materials, principles, and developments in heavier-than-air may be expected to have an influence on lighter-than-air improvement. Speed, strength, reliability, general utility will increase in proportion to the efforts exerted on such problems.

SPECIALIZATION NEEDED

America should take the lead in airship development. Experts should be encouraged to assist in research activity.

The principle of specialization holds good in aerial transportation just as in every other form of transport. There is no doubt as to the practicability and utility of lighter-than-air craft. There are advantages of the airship entirely sufficient to warrant continuation of its development. Congress should realize the advantages of the airship and provide a program of research to determine the advantages of the airship for commercial and military purposes.

It is a sad commentary that there has not been on the statute books of this Nation legislation establishing the lighter-than-air ship as a common carrier. The legal basis of the airship should be established.

Just as the merchant marine and the advances in general ship construction influence the development and improvement of naval surface vessels, so would an aerial merchant marine exert its influence on the development of the air service.

There is room and need for both heavier-than-air craft, carrying light loads for short or moderate distances at very high speed, and lighter-than-air craft, carrying much greater loads for much greater distances and much more comfortably and safely, at speeds not so high as the airplane's, but much greater than those of which surface vessels are capable. In a Navy such as our own there are jobs to be done which can best utilize the long-range airship scout and the smaller nonrigid airship for anti-mine and anti-submarine operations, convoying, and such duties as require an elevated platform and wide speed variation from zero up to much more than the speed of which surface vessels are capable.

These days attempts are being made to give heavier-than-air craft ocean-going characteristics while carrying worthwhile loads. Serious consideration has been given to such ideas as building and anchoring, all the way across the ocean, a series of huge artificial islands as airplane landing fields, since nature's own are too far apart.

At the same time there is a growing tendency to blink at the practicability of further improvements in airships; and in some cases we even find a comparison of day-after-tomorrow's heavier-than-air craft with day-before-yesterday's airships.

In the United States no rigid airships were built until after the World War and then only three. Summarizing:

Rigid airships

I. Built and flown before the World War:	
(a) Germany	29
II. Wartime design, built and flown:	
(a) Germany	104
(b) England	14
Total	118
III. Post-war design, built and flown:	
(a) Germany	4
(b) England	2
(c) United States	3
Total	9
IV. Totals:	
(a) Germany	137
(b) England	16
(c) United States	3
Grand total built and flown in entire world	156

And yet because we have not achieved our rigid airship goal by building three naval airships, there are those who clamor for a cessation of the whole program. One wonders what sort of Navy we should have today had we been forced to decide the adequacy and finality of the battleship, the cruiser, the destroyer, the submarine, the airplane, when only three of each type had been built.

Our latest battleship is the forty-eighth designed; we are approaching our two hundredth submarine and our four hundredth destroyer.

So, judging by the vastly greater sums of money spent and the many more units of other types built and the fact that the succeeding units in each class will represent still further progress rather than mere reproduction, one cannot but feel it would be unwise and unfair to draw final conclusions as to the naval rigid airship when we have built only three of them, and as to the commercial ship when we have built none.

COST OF AIRSHIPS

There is an impression that the airship is costly.

The *Shenandoah*, built by the Navy, cost $2,200,000. The *Akron* and *Macon*, first airships built by private concerns in this country, cost $5,358,000 and $2,600,000, respectively. Built in numbers, airship costs would recede materially.

The figures as to the cost of our airship program throw light on the seriousness of our effort. Since 1918, the Navy has spent on its lighter-than-air program about $40,000,000,

which I am informed includes $2,000,000 paid on the British *R–38* (*ZR–2*), never delivered to us. Uncle Sam still has two splendid airship bases: Lakehurst, representing a plant inventory of some $9,000,000; and Sunnyvale, more than $5,000,000.

In addition, we still have equipment and assets of various kinds, not including good will, if any, and experience, of at least another million dollars' value.

Actually, $25,000,000 represents the Navy's major lighter-than-air expense over a period of some 17 years. Using a familiar old reduction to simple terms, this represents an outlay of only about the price of one stick of chewing gum per year per person in the United States.

On the basis of the full $40,000,000, the average annual outlay has been $2,352,941; on the "deductible" $25,000,000 basis it has been $1,471,176. The total lighter-than-air cost for 17 years would hardly have built one battleship; it certainly did not prevent building of any surface vessels or airplanes for it was "earmarked" for airships and not for general expenditures.

GENEROUS GOVERNMENT AID TO RAILROADS

It is entirely apparent from a study of all the facts that with the assistance of generous land grants the transcontinental railroads came into being.

A recent feature article on our merchant marine mentions that the sum by which our Government came to the assistance of the merchant marine, in the fiscal year 1934, was $26,700,000.

This 1 year's assistance to the merchant marine is practically equal to 17 years' expenditure on lighter-than-air ships by the Navy, the Government agency in whose hands the development of the airship rests.

AID TO AIR MAIL

In the CONGRESSIONAL RECORD there recently appeared figures relating to the United States air-mail costs. For the 4 fiscal years of 1931–34 the revenue from domestic air mail was slightly more than $24,000,000, the "expenditure" was nearly eighty millions, giving an "excess of apportioned expenditures over revenues" of nearly $56,000,000, which is an average contribution of almost $14,000,000 annually to domestic air mail.

Turning to foreign air mail, the revenue for the 4 years was slightly more than $4,000,000; the "expenditures" were nearly seven times as much, or more than $28,000,000. Foreign air-mail support, therefore, cost out of Uncle Sam's pocket more than $24,000,000, or an average of more than six millions a year.

Altogether foreign and domestic air-mail support has required in 4 years about $80,000,000, an annual average of nearly $20,000,000.

This average air-mail support for only 1 year is equivalent to nearly 14 years' total expenditure on naval lighter-than-air. After all, the rigid airship also has demonstrated that it can carry mail and passengers safely over both the North and South Atlantic and the Pacific, and does so regularly between Europe and South America. Judged by comparable expenditures on American air mail, the total sum expended by the United States on rigid airships would indeed seem very small had it been spent solely on their development as commercial carriers, whereas actually naval and other governmental uses also are being developed from them.

Everyone knows the criticism that results when any airship has trouble. But no such call for extermination goes out when a steamer or an airplane gets into difficulty; instead, the cry is to join hands in solving their problems. After generations of shipbuilding, the latest ocean mammoth suffers so severely from vibration troubles that even the most sympathetic propagandist cannot avoid comment; it even necessitates structural changes and new propellers. Only a few years ago new cruisers developed sternpost troubles.

But in neither case was there a cry to exterminate the giant liner nor the cruiser; their troubles were accepted as necessary grief in advancing the art. Yet if an airship is lost as a result of deferred structural reinforcements there is a clamor for no more airships.

Certainly airships at the bottom of the seas are no good to anyone. But why and how they got there must be considered. Surface vessels up on the rocks, submarines fast on the bottom, flying boats splintered into matchwood—none of these, either, is any good to anyone.

Analysis of the major airship losses since the World War shows that in these 17 years there is at least a well-founded suspicion that the failure of the human equation, human fallibility somewhere along the line from design to operation, was to an appreciable degree responsible for the loss. This statement implicating the human equation is based almost entirely on the official findings and reports in each case.

ACCIDENTS

Turning now to loss of life, everyone is familiar with the mournful cartoons that adorn the printed page and the list of famous accidents brought to light whenever an airship has difficulties.

If swayed by some of these representations, one might think the airship the greatest offender of all modes of transportation. Actually it is the least.

VALUE OF LIGHTER-THAN-AIR CRAFT NOT APPRECIATED

Of all pioneering development transportation the airship is probably the least understood. Unfortunately it has been judged largely by "hearsay" evidence. Many groups which have investigated the airship fully enough have found much in its favor. A great deal of information was uncovered by the House Naval Affairs Committee, which investigated the replacement of the *Shenandoah*, and the joint congressional committee, which investigated the loss of the *Akron*, but this information about the value of lighter-than-air craft was kept in the background since there was greater "human-interest appeal" to other phases of the investigation.

RECORD OF SAFETY FOR AIRSHIPS

Following the World War, the small *Bodensee*, in brief operation before the Allies seized the ship, carried many passengers in entire safety. The Goodyear fleet of blimps has carried nearly 180,000 passengers with a perfect safety record. The *Graf Zeppelin*, the first airship built for and operated on oceanic routes, for more than 7 years has carried thousands of passengers as well as cargo, in perfect safety. That ship has made more than 50 round trips between Europe and South America and more than 500 flights. And what about the crew casualties? Actually, there has never been a casualty to a single member of any commercial rigid airship crew. In the commercial blimps, one pilot and two members of a ground crew comprise the total casualties. Organized commercial airships have carried nearly a quarter of a million passengers with complete safety to them and with only three crew casualties. This is the information and these are the figures of Commander C. E. Rosendahl, of Lakehurst Naval Air Station. I am greatly indebted to Commander Rosendahl.

NEWSPAPERS PLAY UP SENSATIONAL AIRSHIP ACCIDENTS

When we turn to the so-called miscellaneous airship operations, we find that the casualty record of airships falls almost entirely to Army and Navy operation.

In the entire world in major airship accidents since the World War there have been lost 282 lives. Life is just as precious whether it is lost en masse or less spectacularly, but airship losses, for various reasons, are particularly sensational it seems. In other forms of pioneering accident figures utterly dwarf these airship losses.

SUBMARINE ACCIDENTS

Although the origin of the submarine is said to date back some 300 years, and in the United States certainly to Civil War days, there have been reported in the navies of the world 69 major accidents involving 80 submarines and the loss of 771 men since the World War. Yet construction and operation of submarines goes forward unchallenged the world over.

The development of water-borne vessels has been continuous from the dugout canoe and Noah's Ark up to the modern floating fortresses and seagoing palaces of today, literally through centuries. Yet, since the World War, "notable"

marine disasters have accounted for more than 100 ships and the loss of 12,000 lives. The seagoing public is not much disturbed, however; last year's oceanic travel was among the heaviest.

Since the World War railroad casualties in the United States alone have totaled nearly 100,000 killed and well over a million and a half injured. Yet fear of casualties certainly has not outlawed railroads or prevented widespread rail travel as part of our daily lives.

Turning to man's most indispensable servant, the automobile, we find that even during the 1 week end of Labor Day, 1935, in the United States alone deaths due to automobiles amounted to nearly 300, or more than all those for which airships have been responsible in 17 years. Last year 36,000 lives were charged up to automobiles in the United States—one life every 15 minutes, one person injured every 31 seconds by automobiles. Yet the average citizen evinces little, if any, indignation or alarm over this situation. Instead, many only dig deeper into the pocketbook, sign another note, or skimp elsewhere to acquire any sort of an automobile to enter in the casualty competition.

Under the heading of "Home casualties", statisticians have recently informed us that from such common matters as "falls, fires, poisoning, wrong pills, and so forth, and on the farm from machinery improperly handled, mistreated livestock, especially bulls", and so on, there were 34,500 lives lost in the United States alone in the 1 year of 1934.

Summarizing then, we find the following startling situation so widely divergent from popular opinion. In the same period—since the World War—compared with airships, submarines have taken a toll of nearly 3 times as many lives; marine disasters have taken more than 40 times as much life; railroads killed more than 300 times as many persons; automobiles have accounted for more than 1,000 times as many deaths.

NAVAL RIGID AIRSHIP USES

American naval rigid airships have demonstrated the complete feasibility of carrying their own planes to sea and utilizing them very efficiently for detailed scouting purposes. Airships of the future certainly will carry more than the five planes borne by the *Macon*. They will be able to maintain continuous airplane scouting from the airship itself. By such means the airship should never allow itself to come within either gun range or enemy airplane range. The details of the discovery and reconnaissance of areas or enemy forces are left to small high-flying planes sending back their information by radio telephone to airship which with its more powerful equipment passes it on to the commander in chief.

Against attack from a small number of enemy planes the airship has the advantage of a larger machine-gun battery, located to protect all possible angles of approach, with the advantage of a more steady gun platform.

In the subcloud observation car, the airship has another distinctively advantageous asset. Cruising entirely hidden and unseen in the clouds above, the airship can lower an observer in a basket, by means of a cable, 3,000 feet long. With his navigation instruments and telephone connection with the ship, the observer in the basket may, if desirable, even carry on the navigation of the airship above in addition to having the observational advantages of his elevated platform in the open sky over the sea. Often there are various levels of haze over an ocean which impede vision from mast tops or from aircraft. The observer in the subcloud car is able to select the level which gives him the best visibility under the existing conditions. The future may hold other devices of equal effectiveness for incorporation in a scouting airship.

LUNDEEN DEPARTMENT OF THE AIR SERVICE BILL

On February 28, 1919, 17 years ago, I introduced a bill—H. R. 16195, Sixty-fifth Congress, third session—to create a Department of the Air Service.

On June 29, 1935, I reintroduced the bill as H. R. 8729, containing the same principles and with practically no changes in wording. Gen. William Mitchell, two-fisted fighting champion of the Air Service, examined both of these bills and, I am glad to say, approved both H. R. 16195, Sixty-fifth Congress, third session, and H. R. 8729, Seventy-fourth Congress, first session.

LIGHTER-THAN-AIR CRAFT POLICY

By an agreement of long standing between the Army and the Navy, the Navy has agreed to assume the responsibility for the development of the rigid airship in this country. The naval policy pertaining to lighter-than-air craft reads:

To build and operate rigid airships as necessary, to determine their usefulness for naval and other governmental purposes and their commercial value.

To build and operate such nonrigid airships as are necessary for training purposes and to determine their value for naval use.

UNIFIED AIR SERVICE WOULD STIMULATE RESEARCH IN AIRSHIPS

The results of this naval policy are still to be achieved. The very limited amount of experimentation so far in no way justifies the cessation of the airship development at this time. The recent report of the Durand Committee suggests what can be done with research in this field. The committee's recommendation for more experimentation in the field should be carried out. This development of airships is important from commercial, naval, and military standpoints. I urge Congress to act on the Durand Committee's report. We need further experimentation in lighter-than-air craft, and in the future I hope to see a unified department of the Air Service which will do justice to research and experimentation possibilities in all fields of air navigation.

Mr. PARKS. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. FADDIS].

Mr. FADDIS. Mr. Chairman, an adequate system of national defense is a question of major importance to this Nation; and when it ceases to be one, we will cease to be a nation. Our armed forces are just as essential to our national safety as are our fire, police, and health departments to our personal welfare. In fact, our armed forces are our only guaranties of national safety. If we do not maintain them at a proper state of efficiency, we are false to our fathers, false to ourselves, and false to our posterity.

Who are the most earnest advocates of preparedness? Those who know from first-hand experience all of the death, suffering, hardships, and horrors of war. These men need no college sophomore or professional sob sisters to tell them of the horrors of war. They bear pictures on their minds of the horrors of war which they will carry to their graves; pictures of a fair land laid waste by a ruthless invading army; homes, farms, and factories destroyed; a population under the iron heel of their conquerers; thousands of brave men slaughtered because of inefficient leadership. The men who have seen these sights in a foreign land are determined that they never shall come to their own land. They hope and pray that the day may never come when it will be necessary for their own sons to go forth to battle. But if this day ever does come, they wish to see them go forth properly equipped, capably led, trained in body and mind, fit in every manner for the hardest game on earth. These men are willing to look the facts of history in the face and admit that the history of the world is but a series of invasions and supplantings of peoples. They do not wish their own race to become one of the supplanted. [Applause.]

Unfortunately, we have among us many who would tear down our system of national defense. Many of these people are inspired by the purest of motives. They fanatically persuade themselves that it is very easy to end all war by the simple expedient of saying to the world at large: "Do not come this way to fight. If you do, you will be disappointed. We will refuse to fight." It would seem that they must predicate their attitude upon the belief that wars are waged merely for the purpose of combat. They choose to ignore the fact that war is but a means to an end.

Certainly universal peace would be a most desirable condition and welcome to the entire world. There is no denying that fact, and such a condition should be the goal of the entire world. Hasten the millennium; but who can guarantee it coming or its continuance? Can the college sophomore, in his infinite wisdom and with his comatose communistic brain,

solve the age-old problems of the world? After he has been graduated from college and begins to devote his time and efforts to the study of mankind he will then realize his lack of knowledge. Can those who base their hopes upon the power of treaty or mandate or the efficacy of prayer guarantee that these agencies will preserve their nation's integrity? We may believe in their sincerity, if not in their sound judgment, when they are willing to trust the safety of their lives, health, or property to the same agencies to which they profess to be willing to trust the safety of their nation. Their intentions may be of the very best and their motives of the very highest. Let them remember, however, that a nation rendered helpless by the purest of motives is even more helpless than if rendered so by the basest of treachery.

History, being a record of past events, contains some very valuable lessons. Time has stripped the occurrences of the past of their theoretical and sentimental aspects; and under the pitiless light of practicability their truisms stand out as shining beacons for the guidance of present and future generations. Let us examine the record and see what has been the fate of those who trusted to intangible agencies for protection.

Let us take southwestern Pennsylvania, for instance. This section was exposed to 40 years of the most merciless Indian warfare ever known. Many Quakers came to this region to found homes. They were firm believers in a policy of nonresistance and descended for protection upon prayer and treaty. Their scalps were dried in the wigwams of the Shawnees and Wyandots. Today none of their descendants inhabit that populous and prosperous region. Also many Scotch-Irish came to this region to settle. When the Indian warwhoop resounded they barred the door, took the flintlock rifle from above the mantelpiece, and poured cold lead into the ranks of the scalp hunters. Many of these Scotch-Irish were killed, but the most of them survived, and today their descendants possess the land.

It might also be mentioned in passing that while the Indians were willing fighters, they were unorganized, exceedingly careless in the care of ordnance, depended upon an unorganized commissary for rations, and placed undue faith in the matter of treaties. The best-known monument to the Indian is The End of the Trail.

There was a time in the history of the world when the inhabitants of northern Africa had a fanatical belief that a ship which flew the flag of a Christian nation was a gift from Allah. Their chief means of livelihood was capturing these ships and appropriating their cargoes. They also enslaved those among the passengers and crew who survived the capture to hew their wood, draw their water, and till their fields. Prayers, treaties, threats, and bribes were resorted to for protection to no avail. Then the United States Navy wrote a new chapter into the Koran which stated that ships which flew the Stars and Stripes were, by virtue of the marksmanship of Yankee sailors, under the special protection of Allah. Thus the Mediterranean Sea was made safe for American commerce, from which resulted thriving industry and great fortunes. Let us hope that none of those who have since benefited by this, what might be termed dollar diplomacy, are among those who would demand peace at any price.

Many of us can remember with what anxiety we watched the newspapers for news of the advance of the allied expeditonary force into China during the Boxer Rebellion. Many American citizens were in those cities, beseiged by the bloodthirsty hordes of Boxers. Some were there upon diplomatic missions, some upon commercial missions, and some, so I am told, were upon missions which denounced appeals to arms. I have been told that the rescuers were welcomed alike by all classes. Not even the most ardent nonresistant among them objected to being saved by armed forces.

Such lessons are not beyond the memory of the youngest of us. Switzerland was an oasis of peace and security during the World War. Her farms, her homes, and her industries were secure behind her splendid army, in which every able-bodied male citizen is a soldier. Manchuria writhes in agony beneath the ruthless advance of the Japanese Juggernaut. Impotent, unorganized, unarmed, helpless, and hopeless, she must submit supinely to the imperialistic exploitation of a nation seeking raw materials with which to supplant, if possible, the Caucasian race. What benefit has she derived, or what benefit did Korea derive, from treaties, mandates, prayers, protests, or policies of nonresistance? Is not the price of peace at any price too dear, when it amounts to the loss of national integrity? What normal man can live and unblushingly state that he prefers the loss of his nation's autonomy to fighting a war to maintain it?

Let us look again at the facts of history to learn the causes of war; not in any attempt to justify war, but merely to ascertain the truth regarding its causes. War, as I have stated, is but a means to an end. Some few have been fought with religious domination as an objective; some have been fought to secure or maintain the liberty of a people. The vast majority, however, have been fought for commercial reasons, commercial contests carried to the nth degree. From the time of savagery wars have been fought for the control of hunting grounds, pasturage, raw materials, markets, or for the control of the natural-trade lanes connected with commerce. Wherever trade lanes converge or commercial interests conflict there are the seeds of warfare. If we are to remain a commercial nation, we must be prepared to protect our commerce. It may all be very well to shout, "dollar diplomacy", "protection of vested interests", or "the rich man's war, but the poor man's fight", but the fact remains that commerce is the commerce of the Nation. The interruption of commerce may easily result in internal consequences, more serious than foreign warfare.

International commerce has been called the lifeblood of civilization. It is the factor which lifted mankind from the state of savagery. Family traded with family, tribe traded with tribe, state traded with state, and nation traded with nation, in the endeavor to procure those commodities which they needed most. We live by commerce and we cannot eliminate it from our modern life. The determination to progress cannot be wiped out of the human race. Without commerce we would retrograde. Nation has supplanted nation throughout the ages in obedience to the urge for progress, and they will continue to do so. Human nature is the most unchangeable factor since Genesis. The ready will supplant the unready, and the fit will inhabit the most desirable portions of the earth. I prefer for my posterity a desirable portion, even if I must resort to arms to retain it.

A very dangerous opinion regarding national defense is growing in this country. Many have the idea that our armed forces should never leave our shores or waters to fight. They believe that our attempts at defense should be entirely passive. No plan of national defense could be more dangerous. History records no instance where any major conflict was won by a passive defense.

Mr. BIERMANN. Will the gentleman yield?

Mr. FADDIS. If the gentleman can give me an instance, I will yield, but not for a speech.

Mr. BIERMANN. Where was the World War won?

Mr. FADDIS. On German territory.

Mr. BIERMANN. It was won in France.

Mr. FADDIS. It was won on German territory; the war was not over until the invasion of German territory was threatened.

Mr. BIERMANN. That is news to me.

Mr. FADDIS. It was won in France, but it was on German territory because Germany had taken it. It was fought on what was termed "German territory." Was the gentleman there?

Mr. BIERMANN. I was.

Mr. FADDIS. So was I.

Wars have always been won in the territory of the enemy, and can be won in no other manner. The best defense is always a vigorous offense. The hostile will to combat must be crushed. The advantage of the initiative is more marked now than ever before. Modern armament, the advent of flying craft, and rapid transportation have not revolutionized the principles of warfare. They are the same as they were in the days of Alexander the Great. What these agencies have accomplished, however, is to render any plan of passive

defense more ridiculous than ever before in history. Furthermore, if we must ever fight, let us have the destruction in the land of the enemy, not in our land.

We are no longer protected by the oceans to the east and west. They have been bridged by mechanical progress. We have a vast territory to protect, and it is absolutely impossible to patrol our borders, even to the extent of giving notice of approach of an enemy. To defend our territory, we must meet the invading forces as far as possible from our frontiers. We must, by the threat of retaliatory invasion, make them wish to remain at home. Even if we were to adopt such a policy as passive defense, the results of it would soon bring about a reversal of public opinion, which would demand the offensive. By this time our condition would be hopeless. We would be too weak to reach the vital centers of the enemy. Suppose, for instance, that we were able to protect ourselves from a sustained attempt at invasion or from serious damage by a system of passive defense. What would be the internal consequences? History again furnishes many examples of a people confined by blockades or sieges. The inevitable breakdown of industry, due to the impossibility of procuring essential commodities, would bring about internal collapse and force a disastrous peace.

We have among us another class of self-styled pacifists whose motives are not what they profess them to be. They are ones who have no sympathy with our form of government and wish to see it overthrown. They clamor for disarmament in order to weaken us from within. They might best be likened to rats gnawing holes in the walls of a granary. They are prostituting, in many places, our institutions of public instruction in order to spread their un-American doctrines. Although prompted and often financed by a system of government which admits of no freedom of speech or action, they oppose any measure to regulate their insidious activities with appeals for constitutional liberty. One of these days the patience of the descendants of those who founded and maintained this Nation will become exhausted. They will arise in the might of their wrath and behead these serpents in the manner of their fathers, which manner was severe but effective.

Those who advocate a weakness which invites imposition should consider well what may be the ultimate consequences of their fanatical disregard of the natural laws of the world and the lessons of history. They are jeopardizing the safety of their Nation. If they could guarantee the success of their objective, they would be justified. If they could cite a successful precedent, their ideas would be entitled to consideration. This they cannot do and do not attempt to do. The day may come when the blood of slaughtered thousands of men, sent raw into battle as they were picked raw from the streets, will be upon the heads of these pseudo students of mankind. The value of maintaining the integrity of a people cannot be measured in dollars, property, or lives. Upon such occasions the courage, self-sacrifice, and heroism of a proud people will know no bounds. If ever the day comes when by our impotency we are a conquered Nation, these ardent advocates of national helplessness can flee to some barren desert which the enemy does not desire and raise their voices in that joyful song, "I did not raise my boy to be a soldier."

This Nation was founded, maintained, and preserved by the force of arms. We sincerely hope that for us, and indeed for all the world, the war drum may sound no more. We are not a militaristic nation and are in no danger of becoming so. We have no imperialistic ambitions. We must, however, be prepared and determined to preserve, at whatever cost, that which our fathers established at so much sacrifice. To this end let us, in the words of General Putnam, "Trust in God and keep our powder dry." [Applause.]

Mr. PARKS. Mr. Chairman, I now yield such time as he desires to the gentleman from Ohio [Mr. YOUNG].

Mr. YOUNG. Mr. Chairman, the present Neutrality Act expires on February 29, 1936. This prohibits the exportation of munitions of war and provides that Americans who travel on the vessels of belligerent powers do so at their own risk. We now give consideration to permanent neutrality legislation. We propose that our Nation remain a good neighbor to all the nations of the World. By legislation we propose to establish, as the policy of our Government, the propositions that in event of a war between two or more foreign nations we will not permit loans of American money nor extension of American credit to any nation engaging in war, and that the export of arms and munitions of war are prohibited as soon as actual hostilities commence. Furthermore, American citizens must not joy ride on vessels of nations involved in war.

Let us fervently hope that there will never again be a World War. Let us legislate so that if that catastrophe comes the American people, profiting by the lessons of bitter experience, will stay out.

The Father of our Country in his Farewell Address warned Americans against entangling alliances with foreign nations. Let us remain unentangled and free. There is no more important duty before this Congress than to enact proper legislation to take the profit out of war and to make it less likely that this Nation will engage in war by the enactment of this necessary legislation providing for actual neutrality in fact as well as name.

Manufacturers and dealers who are so greedy for profits that they would sell war materials to a foreign nation actually engaged in war should not receive much consideration from us as representatives of all the people. This sort of trading is the very thing which might drag us into a European war. Small profits for today for manufacturers and dealers may mean terrific cost for the American people for tomorrow.

Mr. Chairman, profiteering in war by the sale of munitions and arms is the vilest business practice known to mankind.

The McSwain bill, H. R. 5529, now pending in the Senate, aims to prevent profiteering in time of war and to equalize the burdens of war. By enacting this bill into law we promote the cause of peace and at the same time provide for national defense in event of war.

The American Legion, of which I am a member, has for more than 15 years advocated that, in event of war, wealth and industry should be conscripted the same as men. The American Legion, out of the experience of the World War, has decreed as one of its great fundamental policies there should be a "universal draft." Young men—the flower of our American manhood—left homes and loved ones in response to a grave national duty. They offered their lives as sacrifices for their country. They were paid $30 per month. Mechanics and shipbuilders, 3,000 miles from the dangers of war, who furnished the munitions of war and the ships to convey the munitions received $200 and more per month. Industrialists, who came up like mushrooms, made thousands of dollars per month under contracts to furnish munitions and supplies. This must never occur again.

It is indefensible to compel one man to endure the hardships of war, to offer his life as a sacrifice, while another is earning profits from war.

It is proper and I am happy to support seizure by our Government of 100 percent of all excess profits. During the war period our Government should seize the entire income of every industry in excess of the average amount of annual income for the period of a year or so preceding that war. Let us legislate to make war unprofitable and we shall make peace profitable. Let us make all bear the burden of war. If our country is compelled to enter any conflict, both industry and man power should be mobilized. When we do this we make it more probable that our country will remain at peace with all the nations of the world.

In every war waged heretofore by our country profiteers and vermin of that ilk have thrived. Gen. George Washington complained of the profiteers of that period. He wrote, "No punishment is too great for the man who can build his greatness upon his country's ruin." I personally know families whose fortunes were created by war contractors. We all know the scandals of the Spanish War and the staggering cost of treasure and human life because

we tolerated human vultures who sold "embalmed beef" for our soldiers' use. We know too well of the many fortunes made almost overnight during the World War. This bill provides that the Executive may fix prices as of a date before the declaration of war. After this bill becomes a law there can be no inflation, no profiteering—the prices must remain at the level fixed or below that level. Speculation on the threat of war would be fruitless.

The McSwain bill, as amended, is important to every man, woman, and child in America. Ex-service men generally will hail its enactment as a step in the right direction—toward making it less probable that our country will engage in war.

Nations frequently war for purposes of national aggrandizement. Greed breeds war—the desire for more territory, plunder, loot. This bill was strengthened by amendments in the course of the debate in the House of Representatives. It is evident that the majority here in the Congress earnestly desire to take the profit out of war, and in event of war to conscript wealth, industry, and men. There are some here who oppose conscription. Let me say we might as well manfully face the facts. If and when war comes there will be conscription of our manpower, and there should be conscription. Let us look ahead and legislate now deliberately and intelligently. We should not wait until possible war hysteria assails our people. Let us plan ahead to conscript industry and the managers of industry, wealth, and the holders of capital. There will then be less likelihood of our ever again entering any war.

We should provide that no person drafted into the armed forces of our country in time of war may be compelled to serve upon foreign soil, except to prevent or repel actual invasion of the United States. We should also provide that soldiers drafted into the armed forces for the defense of our country must receive wages equal to the average daily wage of unskilled labor. During the World War there was no real objection among thoughtful people to the selective-service draft. Soldiers did not object to conscription. They did object, and the mothers of this land object with equal force, to civilians profiteering while soldiers serve in the trenches at a dollar a day.

My conclusion after careful study of this bill, as amended, is to support it and hope earnestly for its enactment. We thereby lay a solid foundation for peace. We make peace more profitable and make war unprofitable to all.

There are many white crosses in France and Belgium, imbedded in soil, forever American, because of the sacrifice of the lives of American boys who left their homes and loved ones and fought in "a war to end all wars." Let it not be said that the graves of our American dead are forgotten. Let it not be said that those supreme sacrifices were in vain. On the contrary, let us be guided by the lamp of experience. Let us take the profit out of war and keep out of war. [Applause.]

Mr. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, I do not have a river or harbor in my district back in Michigan and, so far as I know, there is no navigable water in my district which comes under the jurisdiction of the laws of the United States; but, as a member of the Rivers and Harbors Committee of this House, the bill now before the House has attracted and challenged my interest and attention. It has done so because the bill appropriates money to put into effect the projects which the Rivers and Harbors Committee considered and approved in the bill that was passed by the Congress last year. In the river and harbor bill which was passed in the first session of the Seventy-fourth Congress there were many projects listed, especially in the Great Lakes region. That bill was 5 years in the making. It was the first river and harbor bill before the Congress of the United States since 1930. So far as I know, every project in that bill, at least within the last 3 years, had the most careful consideration of that committee before it was passed on and included in the river and harbor bill. I find on examining that bill there were 48 projects in the Great Lakes region. I refer now to H. R. 6732, the river and harbor bill of last year. The 48 projects in the Great Lakes region were divided among the States in that region in the following proportion: Minnesota had 3, Wisconsin 11, Michigan 17, Indiana 3, Ohio 8, Pennsylvania 1, and New York 5. The present bill now before the House for consideration, the Army appropriation bill, has in it nearly $39,000,000 for maintenance of river and harbor work throughout the United States and our island possessions. It also has in it $100,000,000 for new river and harbor work. I was much surprised and disappointed to find that out of the 48 projects listed in the Great Lakes region but 6 are included to be constructed under the present appropriation bill.

Mr. BOLTON. Will the gentleman yield?

Mr. DONDERO. I yield.

Mr. BOLTON. As I understand it, the list submitted by the Chief of Engineers to the committee, which covers approximately $100,000,000 in projects, was largely a tentative list, which is elastic and may be changed if, in the judgment of the Chief of Engineers, there are other projects which are more important in the interest of commerce and navigation than those listed. I think we ought to have that in mind in considering that list. The practice prior to our public works and relief and recovery programs, followed by the Chief of Engineers this year, I find in looking back upon previous appropriation bills, has been the same as in 1934 and all years previous to that.

Mr. DONDERO. I conferred with the Army engineers last Saturday on that very point and was informed that for more than a score of years it has been the policy of this Government not to earmark any money in a bill of this nature, in order that it might be shifted, adjusted, or changed as the exigencies of the time suggest.

Mr. BOLTON. That is exactly the point I desire to bring out. This money is not earmarked in the bill for these specific projects.

Mr. DONDERO. But I want to call attention to the fact that if the projects which are in the tentative list are carried out, the entire Great Lakes region gets less than $1,200,000, or a little more than 1 percent of the $100,000,000. To my mind that is entirely out of balance. It is disproportionate when we consider the importance of the Great Lakes region. On the breast of the Great Lakes moves practically 25 percent of the entire tonnage of the United States. Last year the entire tonnage of this country was approximately 414,000,000 tons. Ninety-one million tons of that moved on the waters of the Great Lakes. It is a natural highway, which taps the granary of the Nation over which we bring food to the pantry and kitchen of a vast proportion of the people of our country. In my judgment, it is not for the general welfare or the best interests of the Nation that a region as important as the Great Lakes should be neglected or denied a reasonable proportion of the money necessary to improve its harbors and rivers, in order to keep them adequate for commerce, transportation of foodstuffs and raw materials by water, which is the cheapest transportation that we have in this Nation today.

Mr. PETTENGILL. Will the gentleman yield?

Mr. DONDERO. I yield.

Mr. PETTENGILL. I wish to congratulate the gentleman upon the splendid statement he is making in behalf of the Great Lakes projects. Whether the little drib that is left in the bill is earmarked or not, it is very plain to the gentleman and all of the other Members of the Congress representing districts on the Great Lakes, that they will not get the work done that was authorized in the act of last August. That is plain, is it not?

Mr. DONDERO. At least it indicates that the wind is blowing in that direction?

Mr. PETTENGILL. Well, there is not enough money to go around.

Mr. DONDERO. There is not. It is not very comforting, especially for those of us who come from the Great Lakes region of the country, to know that in the bill are two projects, which, if carried out, will take $45,000,000 from this

bill. It is not very comforting for us to know that where we have about $8,000,000 worth of work that could be done and is needed in that particular region of the country, $7,000,000 of it is denied; but one member of the administration can get $364,000,000 turned over to him by Executive order to indulge in a resettlement or a great real-estate scheme by which something new is to be promoted in this country and put the Government in the real-estate business. I refer to Tugwell, who says that America must be made over. I say it is not very comforting, and I wonder if it is justified to deny the Great Lakes region the little money that is needed and give so much for a project that is wholly new, and, I think, foreign to the American principles of government.

Mr. BOLTON. Will the gentleman yield further?

Mr. DONDERO. I yield.

Mr. BOLTON. I simply want to add to my remarks that I am heartily in favor of what the gentleman has said, but as a member of the committee recommending this bill it is not my impression or thought that this money for rivers and harbors is in any way earmarked for the projects enumerated in the hearings.

Mr. DONDERO. I think the gentleman is correct about that, but it does indicate that if the engineers carry out even in a partial degree the present program, that the Great Lakes region will not have received a reasonable or adequate amount of money to do the new work that should be done in that part of the country.

Mr. BOLTON. The gentleman is absolutely correct.

Mr. MAPES. Will the gentleman yield?

Mr. DONDERO. I yield.

Mr. MAPES. I desire to supplement or add my endorsement to what the gentleman from Indiana [Mr. PETTENGILL] has said in regard to the good work which my colleague, as a member of the Committee on Rivers and Harbors, is doing in looking after the interest of the Great Lakes. And I should also like to refer to what the gentleman from Ohio has said with reference to this question. Is it not fair to assume, after the Board of Engineers has submitted its recommendations to the Committee on Appropriations, outlining where this $100,000,000 is going to be spent and not having included the projects on the Great Lakes, that it is going to be very difficult, after the preliminary study by the Board of Engineers, which it must have made, and after this definite recommendation or suggestion as to where the money is to be spent, for those interested in any particular project around the Great Lakes, to get the Board of Engineers to change its position or to persuade the Board that its initial recommendations were wrong?

[Here the gavel fell.]

Mr. BOLTON. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. DONDERO. I think the gentleman from Michigan [Mr. MAPES] has stated a correct analysis of the situation and has arrived at a proper conclusion, that it will be difficult to change the set-up as it now is in this bill and in the report, from the present figures, after it has once been passed and the appropriation made.

Mr. MAPES. In other words, there is no need of anyone's fooling himself.

Mr. DONDERO. That is exactly so; but I have the hope that the engineers, before it is too late, will see the justice of this suggestion at least and that a reconsideration will be made by them and more money will be spent on new projects in the Great Lakes section. I do not speak entirely for my own State; I speak for the entire Great Lakes region.

I want to compliment the subcommittee on its good judgment in striking from the list $29,000,000 on five projects which were never authorized by law. I notice that on page 25 of the report the committee has this to say, and I think it ought to be brought to the attention of the House and of the country, because it is of sufficient importance:

> The committee is in thorough accord with what seems to be the future policy completely to finance such projects out of specific regular annual appropriation, but only after such projects have been authorized by law.

The committee had in mind the five unauthorized projects on which nearly $15,000,000 of the taxpayers' money has already been expended, and which will require something like $218,000,000 more to complete. The committee was justified in saying that they desired to have such projects receive the consideration not only of the Corps of Engineers but the legislative committees of Congress having jurisdiction of such matters, and of the legislative bodies themselves. I say the committee is to be complimented for bringing in a report containing a statement of this kind. Had Congress pursued this policy in the last 3 years, the $15,000,000 would not have been expended on projects which will take $218,000,000 more to complete. The worst two of the five, in my opinion, are the Florida Ship Canal, estimated to cost $143,000,000, and the Passamaquoddy project in the State of Maine, which will cost $38,000,000.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield further?

Mr. DONDERO. I yield to the gentleman from Indiana.

Mr. PETTENGILL. What light can the gentleman from Michigan, as a member of the Committee on Rivers and Harbors, throw upon the question of what hope there is of getting money at this session to complete the projects that were authorized by Congress upon the unanimous recommendation of the Board of Engineers in the act passed last August?

Mr. DONDERO. There is no hope of getting any of that money unless it comes from money turned over to the President by this Congress. In my opinion, no money should have been asked of Congress, particularly for the five unauthorized projects. Had the administration not gone ahead and allotted money on these projects without waiting for them to be authorized by law—had that not been done, and had further moneys been appropriated, there would be no need for such a statement in this report.

Mr. MAIN. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. MAIN. Did I understand the gentleman to say that money is now being expended for the Florida Ship Canal project?

Mr. DONDERO. Five million two hundred thousand dollars was allocated to the Florida Ship Canal out of the $4,880,000,000 given the President by Congress last year.

Mr. MAIN. Does the gentleman believe there is anything Congress can do to change the situation?

Mr. DONDERO. I doubt it. I think the $5,000,000 has already been expended, or most of it, and the work begun.

[Here the gavel fell.]

Mr. BOLTON. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan.

Mr. DONDERO. As to the necessity for the work in Michigan and in the Great Lakes section, I have been receiving letters. Here is a letter dated February 3, 1936, from the Great Lakes Harbor Association, stating:

> I am attaching hereto a list totaling close to $7,000,000 for projects that ought to be under way as soon as spring begins. These projects are of immediate need; they are not futurities; they ought not to be delayed except for the single and sole reason of governmental fund limitation. But, if funds are to be spent anywhere, these projects are of prime importance; not because they are in the Great Lakes Basin, but because they are essential to an already existing navigation tonnage.

I have here also a letter from E. R. Luedtke, mayor of the city of Frankfort, Mich., from which I read the following:

> Colonel Tyler, division engineer, United States engineers office at Cleveland, has requested $7,500,000 for the Great Lakes. Any amount less than that must deprive some of our harbors of improvements which are urgently needed. The city of Frankfort has a very vital interest in this appropriation. We have, for a number of years, sought relief from the gradual shoaling of our harbor. The seriousness of the situation will be apparent with the information that a considerable amount of dock property in Frankfort has already been lost for boat operations because of the lack of water. At one time these docks served as terminals for large boats. At the present time they can be reached only with difficulty by light-draft fishing tugs. After a few more years they will be lost for even that purpose.
>
> At the present time all shipping in and out of Frankfort is restricted to a very small area. In spite of the limitations, the value of the annual cargo which passes through Frankfort is the second largest of any port in Michigan. When a port of our importance is permitted to become less useful because of a lack of funds to maintain its usefulness, then it would appear that

extreme efforts should be made to prevent any further reduction of funds to be expended on the Great Lakes.

I have other letters of similar import.

Mr. FIESINGER. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Ohio.

Mr. FIESINGER. The gentleman is making a very fine statement, with which I am in entire accord. The burden of the complaint of people with whom I have been in correspondence recently is that the Great Lakes are getting such a small amount of money.

Mr. DONDERO. I think this protest is justified, and I hope the engineers will correct it before it is too late.

Mr. FIESINGER. It is absolutely justified, and I hope it will be corrected by the Board of Engineers.

Mr. DONDERO. Mr. Chairman, I yield back the remainder of my time.

Mr. PARKS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. THOMASON].

Mr. THOMASON. Mr. Chairman, I want to endorse everything that was said by the distinguished chairman of the Committee on Military Affairs [Mr. McSWAIN]. Not only do I endorse what he said about the splendid work of the subcommittee dealing with military appropriations, but I feel a very special interest in the matter of adequate provision for the Reserve officers as provided in the bill that passed at the last session of Congress. I sometimes wonder if the Members fully appreciate the hard work and patriotic service of the great chairman of the House Committee on Military Affairs. He is one of the finest and ablest men in this body, honored and respected by all the members of our committee.

For a long time he has worked hard in an effort to see to it that justice is done the Reserve officers. I am sure there is not a member of the Military Affairs Committee, likewise any Member of the House, who is not wholeheartedly and enthusiastically for West Point. On the other hand, we feel friendly to the R. O. T. C. organizations throughout the country, which are turning out so many fine young men. Particularly do we feel friendly to the fine military schools and colleges that dot the United States. I have none in my immediate section, although the A. and M. College of Texas, together with several others, are doing a great work. Out near the city of El Paso, but over the line in the State of New Mexico, at the beautiful little city of Roswell, is the New Mexico Military Institute, which turns out a great many fine young men who go there from all over the country. Many States of the Union are now represented at this school.

Mr. Chairman, I happen to know something about the type and character of young men who come from that school. I say without hesitation, that excepting only West Point, there is no greater military school in the Nation. I am also proud of the fine work being done at V. M. I., Culver, The Citadel, and all the other military schools. Time does not permit a mention of all of them. But these fine young officers coming from these schools are entitled to a chance. I do not assume to speak for the committee, but I believe I voice the unanimous sentiment of the members of the Committee on Military Affairs when I at least express the hope that this committee when it comes to the reading of this bill will provide for a reasonable and adequate sum so that these thousand Reserve officers may have a year of training, and thereafter the War Department give 50 of the best of them permanent commissions in the Army.

In view of the fact that by unanimous vote the House expressed itself on this question, and likewise the other body, we ought to put this law into effect at once, especially when it has the approval of the War Department. I hope the friends of these young officers will assist us if such an amendment is offered.

Mr. Chairman, I only have a few moments at my disposal, and there are one or two other things I want to mention. There has been some criticism on this floor today about what Major General Hagood, corps area commander of the Eighth Corps Area, had to say before the Subcommittee on Military Appropriations. It may be, Mr. Chairman, he was not as happy in his choice of language as he might have been. Few Army officers are politically minded. They are usually very frank. General Hagood is a great officer with a great record. Whether you agree with the language he employed or not, I believe it is the sentiment of the Members of this House that he spoke the absolute truth in regard to permanent construction under the relief program. Instead of all this money being spent for raking up leaves and a lot of other stuff of that kind we had better erect some permanent buildings, which are absolutely necessary, and everybody knows it. This is true not only in the case of the Army but in other lines of Government work. He well expressed it when he said he wanted to build permanent buildings for the Army so that his grandchildren would be glad to show them to our grandchildren in the days to come. [Applause.]

Mr. PARKS. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Arkansas.

Mr. PARKS. The gentleman, of course, knows that where the distinguished major general is now stationed they have the most beautiful, and I may say the most extravagant, housing in the United States, including a $150,000 jail.

Mr. THOMASON. That is all true, but Major General Hagood is not responsible for that. I am the friend and admirer of General Hagood, and I am not going to let him be misrepresented here.

Mr. Chairman, last fall a year ago when the Secretary of War, together with others from the War Department, visited the city of San Antonio, the people of San Antonio, including my good friend Mr. MAVERICK, were kind enough to invite me to join them. General Hagood took the Secretary of War and those on his staff, together with the Congressman from that district and myself, for a visit to Fort Sam Houston, and it was he who pointed out that jail to which the gentleman from Arkansas just referred and stated how ridiculous it was to put that much money in a jail when the Army had not asked for it, or, at least, he had not. He made it very plain he did not approve of its size, cost, or architecture.

I want to be perfectly frank. I have a big Army post in my district, Fort Bliss, of which I am very proud. I think it ought to be, and I think it will come to be, the great Cavalry post of the Nation, known and recognized as such the world over, because climate, environment, and location are all conducive to it. It is strategically located on the Mexican border and has the enthusiastic support of all the people in El Paso, as well as throughout the Southwest. While I am very proud of the new improvements which have been made at my post within the last 2 years, may I say there were some barracks built there which were too fine? They should not have been so expensive, and we could have had more of them. That is one of the things I am coming to in connection with the statement for which General Hagood was criticized. I do not care whether you get appropriations from Congress to do it or allotments from W. P. A., but I think we ought to get something out of that $4,800,000,000 fund. Some of that money ought to be earmarked for permanent Army housing. However, there is nothing in this bill for it, and the W. P. A. thus far has turned us down. This same corps area commander in the hearings, referring to the post in the district I have the honor to represent—and I point them out, of course, largely because of personal interest—stated that $3,428,965 could be wisely spent at Fort Bliss, near El Paso, Tex., and that $1,085,700 could be wisely spent at the William Beaumont General Hospital in El Paso, and likewise down at Fort D. A. Russell at Marfa, Tex., the sum of $322,716 could be wisely spent. The War Department recommends these sums. In connection with this last item I should like to bring you the glad news that although I appeared on this floor a good many times during the last 3 years, getting to be almost a nuisance when I fussed so about the way the War Department moved the troops from Fort D. A. Russell, I am very happy to report to you now that they are all back, and then some. The War Department assures me they are back to stay this time. All I ask you to do is to give us some money for decent housing and permanent improvements. These small posts are doing a fine work over the country. They

are deserving of our wholehearted support. I know of no small post anywhere so well suited for military training as Fort Russell. It is my judgment, however, that Cavalry should be sent back there, as I hope and believe it will be. It is located 200 miles from El Paso and 400 miles from San Antonio, and is in what is known as the Big Bend country of Texas. It has been the finest and most stabilizing influence for maintaining international good will with our fine neighbors to the south of anything that has happened in my country for many years.

Mr. BOLTON. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Ohio.

Mr. BOLTON. The gentleman has been discussing the housing program of the Army. Is it not fair to say in connection with the gentleman's remarks that the recommendations of the War Department with reference to Army housing were not carried forward by the P. W. A., but the buildings were constructed as Mr. Ickes and his assistants thought proper and without regard to the recommendations of the War Department?

Mr. THOMASON. That is all very true and that is the reason men like General Hagood should not be criticized because they built a million-dollar jail at Fort Sam Houston when he did not want that kind or one so expensive. The same is true with respect to some barracks at Fort Bliss. We would rather have had some smaller barracks, more homes for the officers, and some stables for the horses.

In connection with the situation at Fort D. A. Russell, I should like to quote from the hearings of this subcommittee:

Mr. PARKS. General, I should like to ask you about two posts and get your opinion about them. Fort D. A. Russell at Marfa was abandoned as a cavalry post?

General HAGOOD. Yes.

Mr. PARKS. Then it was reinstated as an infantry post, I believe?

General HAGOOD. Field artillery.

Mr. PARKS. Now, what is the condition at Marfa, and what, in your opinion, would be the expense to build it up and to put it back in the state it once was? I do not mean as a cavalry post, but to make it valuable to us. I understand the numbers there are very small now. What are our needs at Marfa, if anything?

General HAGOOD. Well, when we were directed to rehabilitate Marfa, I sent staff officers down there, who made an estimate of $250,000 to fix the place up. I sent a telegram to the War Department and told them if they would give me $50,000 I would make a good job of it, because I did not think we would get the $250,000. So we took the $50,000 and put it in fair shape. It is working, but they have had to rent a number of buildings in the town, even the quartermaster storehouse. And in my statement above there is an estimate for $322,000 to completely rebuild Marfa; but, as I stated elsewhere, these estimates are based on using what I call "stage money", with all kinds of cheap labor. And I think if they had in the neighborhood of a couple hundred thousand dollars and could use it in any judicious way they could put that place in wonderful shape.

Mr. PARKS. Do you think its importance justifies that expenditure and the maintenance?

General HAGOOD. Yes; because this regiment that was created out of the 50,000 men you added to the Army we have to put somewhere. We are putting these men in double-deck bunks in some of the old barracks at some posts. But even at that we cannot get room for them.

But I must hurry on. I just wanted to mention this to indicate that, in my judgment, General Hagood was right about this matter of permanent construction at Army posts. It has to be done sooner or later, so why not buy the material now and put men to work and have something to show for the money for the next 25 or 30 years? It would require a lot of material and put a lot of unemployed men to work.

There is another thing I want to mention briefly, and that is to say a word for the poor old horse. Some say the dog is man's best friend, but I think the honor should be shared with the horse. I remember that 4 or 5 years ago it almost amounted to treason to get up here and say anything about the horse, because there were a few of our friends here at that time who wanted to do away with the horse in the Army. They were willing to mechanize and motorize the whole United States Army; and I have the idea that if we had some of the high officials of the Italian Army here now they would tell you, as every great army general of every nation in the world tells you, that the horse is absolutely indispensable. They even talked about mechanizing and motorizing all the Army down there in my country. Why, you get in the Big Bend country of Texas—and no one knows it quite so well as my distinguished colleague who represents a district on the Texas border, Mr. KLEBERG—and you get a half a mile off the highway in that country and a motor cannot go 100 yards. That is a wild country. I refer to the topography, for the people are the best and finest in the world.

I am very happy to see in this bill a substantial appropriation for horses.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. WADSWORTH. Is the gentleman aware of the fact—and it is a fact, I can assure him—that there were more horses employed per 1,000 men in the Allied Armies than there were in the Union and Confederate Armies in our War between the States?

Mr. THOMASON. I thank the gentleman for his contribution, because I have heard men on this floor in the last 3 or 4 years get up and say that the horse is just about an extinct animal so far as war is concerned. The horse is probably the most essential thing in the Army next to men and munitions. The gentleman from New York knows what an Army should be, and he is also a lover of good horses.

Mr. KLEBERG. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. KLEBERG. Another interesting phase of the matter has to do with the training necessary to make soldier and the horse a service unit. Anybody can drive a traction unit, because you can learn to do that in a few minutes, but the handling and care of a horse is an entirely different proposition.

This should be apparent inasmuch as a high percentage of the men of military age know how to drive an automobile. The automobile and the tractor are actuated by the same motive power, the internal-combustion engine, and therefore have the same system generally of major controls.

The riding of a horse is essentially different, and particularly today, when so few know how to ride. There is every reason, backed by history in both defensive and offensive warfare, to substantiate the continued maintenance of a substantial branch of the Army cavalry and again with particular reference to those posts along the Mexican border.

Mr. THOMASON. The gentleman is quite correct.

Here is what General Pershing said about the horse:

There is not in the world today an officer of distinction, recognized as an authority on military matters in a broad way, who does not declare with emphasis that cavalry is as important today as it ever was.

Marshal Foch said this:

On the western front cavalry especially participated in the defensive battles where they were engaged at the most difficult moments; here the large cavalry units, thanks to their own mobility, were able to intervene in time and to bring the precious assistance of their fire to the weak points of the defense.

General Summerall had this to say:

There has been a great deal of misinformation broadcast relative to the cavalry. It is a fact that cavalry is of far more importance than it ever has been.

Mr. WADSWORTH. Has the gentleman anything from General Allenby?

Mr. THOMASON. My friend the gentleman from New York asks if I can quote from General Allenby. I can well imagine how he feels about the matter. He would probably like to get hold of some of our fine Texas horses, as well as some from our remount stations. You can understand why I am so proud of Fort Bliss. I want you to help me get adequate buildings and more horses so that will be the one great Cavalry post of which the entire Nation will be proud.

I ask unanimous consent to extend my remarks by giving you the figures I have obtained in the last few days from the War Department relative to the animal situation in the Army, and likewise I want to give you some figures relative to our remounts, because a great many of you people represent farming sections. This program means much to the farmers and ranchers. I wish I had the time to tell you

about the fine horses being raised around Midland and other towns in west Texas. The people are interested and will cooperate to the limit.

The War Department tables of distribution of horses and mules for the Regular Army in the past 7 years have been reduced from a total of 34,000 animals in the fiscal year 1929 to 24,973 in the fiscal year 1937, a net reduction of 9,027 animals. This reduction has been made possible by the motorization and mechanization of various units in the Army during this period.

The present War Department tables of distribution call for 24,973 animals, and provides only enough horses and mules to carry on the peacetime training of the mounted units of the Army that have not been motorized or mechanized. This strength, however, is actually short about 3,000 animals that would be necessary to supply these units if ordered into field service with all the required items of combat equipment.

The actual appropriations that have been made by Congress for the past 4 or 5 years have not even kept the mounted units of the Army up to this reduced training allowance of horses and mules. Today instead of having on hand a table of distribution strength of 24,973 animals, the Quartermaster General's reports show that only about 21,115 animals were on hand September 30, 1935. This, therefore, makes a shortage of 3,858 animals in the training allowance and a shortage of 6,858 animals which would be necessary for our horsed units to operate under field conditions.

The normal losses in animals in the Army is 10 percent a year. At this rate there would be a loss of 17½ percent in the 21,115 animals now on hand, between September 30, 1935, and June 30, 1937—that is, 3,695 animals by the end of the fiscal year 1937, for which the present Congress is now making appropriations.

There are about 1,400 horses to be purchased during the fiscal year 1936. Deducting this supply from the loss of 3,695, leaves a net loss of 2,295 between September 30, 1935, and June 30, 1937. When we add this loss to the present shortage of 3,858 animals, it amounts to a shortage of over 6,000 animals in the War Department Tables of Distribution. This appropriation bill for the Army in the fiscal year 1937 proposes to provide only 3,762 animals to cover this total shortage of over 6,000 in training needs of mounted units.

Many people throughout the country and Members of the Congress believe that motors should entirely replace animals in the Army; yet no nation in the world today has adopted complete motorization and mechanization for its army. During the Manchurian campaign Japan purchased large shipments of horses in this country. Italy has also recently purchased a number of horses and mules in the United States. Military authorities the world over are retaining horse units to operate over certain types of terrain where such units are still more effective and more mobile than motorized and mechanized units. The United States has much terrain of this character.

Many foreign countries, so I am told, due to a shortage of horses and mules, are forced to mechanize and motorize regardless of whether mounted units are more effective. The United States is most fortunate in having an abundant supply of horses and mules, having on hand, according to the Bureau of Animal Industry reports, 16,622,000 compared to a total of about 12,800,000 in all of Europe, including Russia.

Your attention is invited to the fact that this appropriation bill includes approximately $75,000 for Army horse breeding operations. With this meager amount, 648 well-bred stallions are placed throughout the United States for the use of farmers and breeders, and fully 12,000 colts are produced each year. The average value of these colts is conservatively estimated at $150 each, which gives a total production of $1,800,000 a year. This appropriation has gradually been reduced over the past 4 or 5 years from $150,000; it should be restored to the original figure. The farmer who breeds these colts is allowed to sell the best of them in the open market at any price he can get, which is usually greater than the Government will pay. The Army, in its purchases of horses, gives preference to the colts sired by these Government stallions and the purchase of the 3,762 animals called for in this bill not only keeps up the efficiency of the mounted units of the Army but also is a direct aid to many farmers throughout the country—and we all know how necessary this aid is at this time.

We should not let the Army fall behind this way in the efficiency of the few mounted units that are still important to retain. These units should be brought up to their training allowance of 24,973 animals in the next year or so and thereafter the yearly losses of about 2,500 animals should be promptly provided for. By this procedure we keep both an efficient Army and a steady market for our farmers who are producing horses.

The distribution by States of remount stallions is as follows:

Location of stallions by States, Jan. 1, 1936

Alabama	1
Arizona	15
Arkansas	3
California	32
Colorado	31
Connecticut	1
Florida	2
Georgia	2
Idaho	21
Illinois	1
Indiana	2
Iowa	2
Kansas	16
Kentucky	2
Louisiana	8
Maine	2
Maryland	7
Michigan	1
Minnesota	4
Mississippi	8
Missouri	6
Montana	42
Nebraska	29
Nevada	18
New Mexico	40
New York	4
North Carolina	4
North Dakota	6
Ohio	3
Oklahoma	44
Oregon	19
Pennsylvania	5
Puerto Rico	1
South Carolina	1
South Dakota	25
Tennessee	2
Territory of Hawaii	5
Texas	125
Utah	34
Vermont	1
Virginia	20
Washington	9
West Virginia	2
Wyoming	42
Total	648

The following remarks of the Chief of Cavalry at the Army War College in 1934 are pertinent:

It was demonstrated at extended maneuvers at the Cavalry School in 1934 with mechanized cavalry and horsed cavalry that:

Mechanized units are more sensitive to the incidents of terrain than are any other units. Any stream large enough to appear on a 1-inch map forms an obstacle which, if defended, varies from serious to prohibitive.

Demolitions assume an unprecedented importance, and their skillful use by the enemy in open warfare will reduce greatly the chances for a mechanized unit to carry out successfully a mission which requires movement over a great distance.

At night mechanized units by themselves are very vulnerable if an enterprising enemy is near.

The fuel supply of a mechanized unit during an extended operation will have to be most carefully planned, executed, and protected throughout.

Great speeds on road reconnaissance may result in break-downs and accidents, as well as affording an enemy the opportunity for ambushing the vehicles.

A mechanized unit is a very effective force for daylight, delaying action on suitable terrain.

It can seize and hold by day critical points, but cannot develop its great offensive power for an active defense at night; hence, when it secures an important objective, it should be supported promptly by other troops moving rapidly across country and perhaps under fire. Normally horsed cavalry will furnish this support.

The combat car is a shock weapon. The inherent limitations for machines for proper battle reconnaissance of strange terrain

were brought out very forcibly during the maneuvers. The essence of successful attack is the combination of effective fire and threatening movement. But this movement must develop into an actual assault over ground suitable for such a movement. To launch an attack of mechanized vehicles over unknown terrain will be extremely hazardous.

The scout cars of the horsed regiments and the armored cars of the mechanized regiment extend greatly the zone of action of general reconnaissance of cavalry by day, linking up the air reconnaissance with that of horsed patrols. When it comes to the specific reconnaissance of a locality where detailed information not obtainable from vehicles or their immediate vicinity is required, resort must be had to men on horse or on foot. For counter-reconnaissance the mechanized vehicles should be effective against vehicular reconnaissance, but should not be able to stop horsed patrols.

Successful antimechanization measures for any force should be based upon securing timely information; taking advantage promptly of terrain, especially stream lines; having and making efficient use of antitank weapons.

With the better horses furnished in recent years and the improved horsemanship in the cavalry, horsed cavalry is able to cover long distances either in daylight or darkness much more rapidly than heretofore. It was clearly demonstrated, however, that horsed cavalry could not have operated successfuly without the three recent developments now incorporated in its organization.

Without its scout cars to inform it generally of enemy movements it could have moved but blindly, and could not have extended its demolition activities to any useful distance. Without its antitank weapons it could not have dared to make contact with any mechanized unit. Without its motor transport for supply the extent of its movements would probably have been about one-half of what they actually were.

All these added to our present great fire power in rifles and automatic weapons give our horsed units much greater mobility and power of destruction than ever before.

The supply of some of the new means has been touched upon already; in addition the War Department procurement program provides for replacing the 75-mm howitzer and for the mechanization of a second cavalry regiment. The possibility that other elements may be organized and supporting troops developed and attached to the mechanized regiments is envisaged in present War Department policy.

The proper proportion of horsed and mechanized cavalry can only be determined through experiment after the means are furnished. When the present procurement program is completed it may be found desirable to reorganize the Cavalry Corps now provided in War Department mobilization plan, possibly along the lines of the one employed in the recent C. P. X.

In conclusion, this combination of horses and mechanized cavalry, as we see it developing, provides a very powerful, highly mobile element in the Army combat team.

Attention is also invited to the testimony of General MacArthur during the hearings on the War Department appropriation bill, fiscal year 1936, page 28, in which he stated:

Motorization and, to some extent, mechanization permit the rapid concentration of troops on the critical terrain; that is, the battlefield. But after you reach the battlefield the fastest element is the man on a horse. So what you have to do is to hit a balance, so that you will have enough automotive power to swing large commands under cover of darkness 100 or even 200 miles in a night and get them there, but after you do get them there, generally speaking, the fastest maneuvering element that you have is still the man on horseback * * *.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Mr. PARKS. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. KENNEY].

Mr. KENNEY. Mr. Chairman, I should like to cut down these appropriations for the Army, but these appropriations cannot be voted down, for they are war appropriations providing for a greater and stronger and necessary national defense.

Ever since my early youth I have been an advocate of a safe and sane national defense. Going back in retrospect to the days before the World War, I can remember a memorable occasion at Williams College, where in attendance were high dignitaries of the Government, among them William Howard Taft, Secretary of War, later to become President; Secretary of the Interior Garfield, a son of James Garfield, who was a President of the United States; Secretary of State Elihu Root, the intellectual giant of his day; and the then President of the United States, Theodore Roosevelt.

Patriotism was a necessary quality of good citizenship then as it is now and ever will be; what is more, patriotic duty was inculcated in the youth in the schools of the Nation and more fervently in the homes at our mothers' knees.

Addressing the assemblage, President Theodore Roosevelt's theme was Patriotism. From the platform, making no attempt at oratory, with his characteristic American fervor, he dwelt upon the duties of citizenship and all that they entail, including the duty of maintaining a strong national defense.

Pounding his right first in his left palm, he vigorously uttered words that have never stopped ringing in my ears:

We must have peace, but if we must have war to have peace, then we will have war that we may have peace.

Amplifying, he impressed upon his listeners, of whom I was one, the necessity of being prepared for war, because, first, we could not have peace if we were not strong enough to cope with war, and, second, we could not make war if we were too weak to keep our peace.

That was Theodore Roosevelt's doctrine then. It is Franklin Roosevelt's doctrine now. It is good American doctrine. But in those days, as now, in some quarters there was a tendency to put off the strengthening of our defense until the morrow; war was for the future; so should be the adequate national defense.

Almost a decade later I viewed with interest upon the screen in a theater in the city of New York a moving picture portraying a war of the future. Regiments of soldiers marched from the large cities into the villages and beyond to the fields. Combat scenes were enacted frightful in carnage, depicting all the horror of war. Above airplanes vied with each other, birdmen pummeling away with machine guns and now and again dropping a bomb. For me it reechoed the words of Theodore Roosevelt, but at the close of the performance one could hear, as the audience wended up the aisles to the exits, such comment as "It was thrilling, but so unreal"; "It lacked realism; there will be no war." And, yet, there was war. Less than 9 months later the World War broke out in Europe. We thought war was remote for us, even as we looked in the press each day to follow the changing course of the Hindenburg line, much as we now watch the weather map in the lobby for weather conditions during the severe winter blasts and storms that are sweeping the Nation.

One morning we read of the sinking of the *Lusitania*. That was an overt act of war against us, whatever else might have been brewing by way of secret treaties, international jealousies, financial entanglements.

So what! The United States was at war—at war—unprepared for war.

"Men, men, our kingdoms for your men!" That virtually was the cry of the Allies, the nations we were joining to wage war. "Hurry up, America!" That was the plea. America would hurry, but she had to prepare. Oh, had America been prepared, would the *Lusitania* have been sunk? Was it not safe for any Nation to believe that America, short of a miracle, could not effectively play a major part in the war for a year, 2 years, or longer?

The United States of America did hurry—hurry to get the men—the men so vitally necessary for success—the success that was brought to the war by the men of the United States of America.

In the emergency the selective-service law was passed and became operative. Under it local registration boards were set up together with district boards, State headquarters, and national headquarters.

One by one the flower of the youth of the Nation was registered and in time the names were at the Capitol in Washington.

What was done in Washington? The Government of the United States engaged in a gigantic lottery of human lives, "the greatest lottery that history ever knew."

Do not attribute these last words to me. They are the words of Major General Crowder, provost marshal general, former Chief of Staff of the United States Army.

In his book entitled "The Spirit of Selective Service", published by the Century Co. of New York, he writes of the need of men and the raising of them by lottery.

At page 150 of his book General Crowder writes that you may read:

On swept the German hordes, pausing only for renewed and greater efforts. Paris was under fire, the channel ports were threatened, and the whole Allied cause hung for a fateful moment in a trembling balance. Frantic calls came to America from the western front. Men must be had and had at once. America must furnish them, and in numbers far beyond the wildest dream of a year before.

Oh, yes; men had to be had, men, men, not money, money by lottery, but men, men, and by lottery.

Continuing, writes General Crowder:

Food was vital, munitions and supplies were indispensable, but all must give way to the imperative call for men. For it was men alone that would stem the tide and save the world from the German onslaught.

When men were scarce and hard to get and insufficient to carry on the war, the Allies turned to America. America met the crisis, miraculously, by resort to the lottery—the lottery of human lives—the "greatest lottery that history ever knew."

Harken not to me, but glance into General Crowder's book, where, speaking of the drawing of men for the American Expeditionary Forces, he writes, at pages 130, 131, as follows:

What an event in American history that episode which began at noon in the public hearing room of the Senate Office Building on Friday, July 20! From the moment the Secretary of War drew from the bowl the first fateful figure until the last of the 10,500 capsules had been extracted, the Nation paused in the busy bustle of war-time preparation to await with bated breath the close of the greatest lottery that history ever knew.

Continuing, the general emphasizes the efficacy of that lottery when he writes:

For as each number left the bowl it sent its call to more than forty-five hundred young men scattered throughout America, fixing upon each his place in the great army of volunteers that had responded 6 weeks before. Into every home the fateful message went. The banker took a moment from his all-alluring task; the merchant paused an instant in his busy mart; the farmer rested on the handles of his plow; the laborer left his daily work unfinished; and the idle youth saw in life a new and keener interest. All eyes turned to fix their gaze upon the crowded room where 10,000,000 destinies hung suspended. The Nation glimpsed a common interest, sensed a common understanding in a thing that lifted to a single level class and race and creed and color and social status and fused the spirit of a people in a single aspiration and the hope of a common success.

A single aspiration and hope of common success is attributed to our people through a lottery of human lives. Oh, if ever again our aspirations and hopes of success are based on a lottery, may that lottery be for aspirations and hopes of economic success through voluntary contributions of our people rather than a lottery of human lives for war consumption and military success.

Our lesson learned must be remembered. First and foremost, we must build a strong national defense to keep us out of war. A neutrality law setting forth the aims and purposes of our strength and defensive power will serve to proclaim our purposes to the world without possibility of misunderstanding, incongruity, or misconception. But any new neutrality law must do that very thing. It must proclaim not a shifting doctrine but a firm, adamant doctrine like the Monroe Doctrine. That is American doctrine. Any new neutrality law must be typically American doctrine.

Whatever doctrine is proclaimed through a law of neutrality, it must be fair to ourselves and fair to all nations. There is now pending in the Congress a proposed new neutrality law that ought not to pass, and in good conscience should not pass. Our best interests and the best interests of the world will be served more efficaciously if we but extend the present Neutrality Act passed at the last session of the Congress.

We must be careful not to pass a law that will plunge us into war. The new proposed law might do that unwittingly. Any law should fix a definite policy that would apprise all nations of our determined, settled stand. The Congress should not delegate but must reserve for itself the power to declare this country's policy, which should be set out in the law itself. If that cannot be done, better that we have no neutrality law.

We must be careful not to commit an act of war in attempting to avoid war. At the moment two countries are at war—Italy and Ethiopia. If we undertake to impose sanctions or embargoes after the commencing of hostilities by these peoples, we are, in my view, if we extend these sanctions and embargoes to food and the necessities of life, verging close to or actually committing an unfriendly act approaching an act of war.

There are two objectives only—immediate objectives—in waging war. The one is to starve the people; the other is to kill them.

If the League of Nations should impose sanctions on Italy—sanctions that would starve the Italian people—the imposition of the sanctions would undoubtedly be tantamount to a declaration of war. We do not wish to declare war upon Italy or pass any law or take any step that would lead to war with Italy. The United States must be fair to all nations. The nationals of all countries have contributed to her upbuilding, her greatness, and her strength. The Italian-Americans and Americans of Italian extraction in this country, millions in number, have deep-seated affection for Italy, but that affection does not lessen but rather accentuates the love and devotion they have for this liberty-loving land of ours. The Ethiopian people, too, in our midst have a keen feeling for the country of their birth or extraction, but the spirit of America is ingrained in all peoples who have come to live in and be adopted by the United States of America. We must be fair, just, and impartial to all.

Why do we hear of sanctions—sanctions now being considered by the League of Nations? If Italy is to be attacked, it will be by sanctions. Any neighbor nation will hesitate to attack her in any other way. Why? Because the major attack would be by airplane. Italy is especially vulnerable to air attacks. Many of her large cities are near her frontier and coastal points. The objective of any present-day military attack would be to destroy them. If such an attack should be made, it would not only cause untold havoc and destruction but it would set an example for all nations gone mad in the future to start an end to civilization.

Since war seems inevitable and may at any time threaten our security, we ought to make our defense worthy of us. In doing so, we must devote especial attention to our air bases, particularly at our vulnerable spots which are for the most part our coastal points. We must not neglect our Army and Navy, but we should lay special emphasis upon the importance of bases for airplanes for attack and defense at strategic places. For instance, down on the Pacific side of the Panama Canal we have at the present time fortifications which assure security from any naval penetration of the Canal. There is no fleet of any country in the world which can go through there. If destruction should come in time of war it would be by airplane.

In the near future we shall have provided air bases over the country. We want the best that honest judgment and experience can furnish. In making the selection I venture to suggest that we could not do better than select as a base for the northeast Atlantic coast the airport available at Teeterboro, in Bergen County, N. J., in my congressional district. It has obvious advantages. It is but a stone's throw from the George Washington Bridge which connects New York City to the mainland. In the garden of New York, it is close by the site of Camp Merritt, chosen by the Government as the principal gateway to the battlefields of France during the World War. West Point is also nearby. No other airport is more ideally located. Its unusual facilities have been recognized by the greatest aviators, who have repeatedly used the expansive meadowland for trying out new planes. Amelia Earhart took off from Teeterboro Airport to make her successful flight across the Atlantic. Bert Balchen and other noted flyers used it constantly. Charles Lindbergh, of my district, and of whom we are all so proud, has frequented the port and will, I am confident,

regard its selection as commending itself to the approval of the country.

Anthony Fokker built his great Fokker planes there. It is rich in history and advantages. The land should be preserved for the Northeastern coastal base here. But it is within the metropolitan district of New York and may not long be available. I urge its immediate selection.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. THOMASON. Mr. Chairman, I ask unanimous consent to include in my extension of remarks a statement by the Chief of Cavalry.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. POWERS. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. GEHRMANN].

Mr. GEHRMANN. Mr. Chairman, this is the Army appropriation bill. I want to apologize for taking this time to talk about something different, but before going into my subject I do want to concur in everything that has been said pertaining to the appropriation regarding rivers and harbors, especially as it affects the Great Lakes. I live in a district—in fact, I represent one of the greatest shipping ports on the Great Lakes. The twin cities of Duluth and Superior combined have more tonnage going in and out than the great port of New York. That may be news to some of the Members but, nevertheless, it is a fact. I know. I hear from the people back home, and they are very much disappointed in the amount that is contemplated to be spent in the Great Lakes region.

I know that in the very near future we are to consider the agricultural bill. I perhaps will not get an opportunity to say anything during general debate on that bill, so I want to take this opportunity to say a few words in behalf of the greatest industry within agriculture, namely, the dairy industry. This industry comprises at least 25 percent of the total agricultural income.

A permanent program, of course, will not be considered at this time. Whatever program we may consider in the near future will, of course, be a temporary program; but I hope that eventually we can see our way clear to build a permanent program for agriculture, and especially for the dairy industry.

As a temporary program I would recommend including in this bill a revolving fund to stabilize the markets, a fund such as we had once before. I hope such a fund will be included in the bill and that it will be continued for some time to come. The next thing, and most important, of course, is to stop the ever-increasing importations of dairy products; and we know that it is increasing. During the last 4 or 5 years it has increased, in the case of butter—to take one item—from 1,000,000 pounds to 23,000,000 pounds per year. It has reached such proportions that it has a direct effect on the price the farmers receive for butter. Another difficulty the dairymen face is competition from so-called butter substitutes. It is not fair that he should be forced to compete with them, and I am sure every fair-minded person will admit it is unfair. Then, if production of crops is to be controlled, the dairy farmer must be protected by prohibiting supposedly idle acres being used for the production of crops that will be turned into production of milk or the equivalent of milk. This, of course, has happened in every section, including Wisconsin, during the A. A. A. program. A farmer, for instance, growing tobacco was paid by the Government to take 5, 6, or 10 acres out of the production of tobacco. In effect the Government paid a rental on these acres; they were supposed to be idle acres; but instead of that the owners planted them to alfalfa or pastured cattle and produced more milk. That was done in every section of the United States.

Another big thing to be done is to prohibit gambling on the food exchanges, gambling in the necessities of life. This, of course, is one of the things that will enter prominently into a permanent program; and I hope we shall find some means before the session ends to deal with this situation. Now, I want to dwell on this a little longer, enlarge on it a little, because I have had some experience along this line.

Last but not least, and the most important of all, is to aid in every possible way the cooperatives to control, to handle, to market, to store, and to reap the benefits of storing surpluses during times of plenty, during certain flush seasons of the year, during May, June, and July, and hold it, have the Government provide the necessary funds so they may hold it to feed the markets in an orderly way and level out the price they ought to receive so that there will not be such a great difference of price, for instance, between the May-June-July season and the December-January-Februrary season, looking, of course, to the adequate treatment of both consumer and producer instead of letting the profits all go to gamblers on the boards of trade and exchanges.

My object in asking for the floor today is to say a few words in behalf of the dairy industry, which certainly has been overlooked and ignored entirely during these years of depression, while the Government attempted to help other branches of agriculture.

The dairy branch is the largest single agricultural industry and, to some extent, at least, is carried on in every State of the Union, and yet in all the legislation, past or pending, we have entirely ignored that most necessary of all agricultural products; namely, milk and its products, without which the human race could not exist.

Many things have been proposed by the different dairy groups, all of which are worthy of consideration, but it seems they can never agree on the proper method of procedure, and that gives Congress an excuse to leave the dairy industry out of their program entirely. I have been a dairy farmer since I left Chicago when 16 years old, back in 1896. I went through the hard times of the nineties, when we got as little as 10 cents per pound for butter, then made on the farm. I have seen the top price reach 60 cents or better during the war period, and yet the amount of butter consumed during all these extreme fluctuations of 10 cents low and 60 cents high, did not vary a great deal. People eat about so much butter during the year, and the amount consumed varies from month to month, using more butter during low-price seasons and less during high prices, but it always levels out over the 12-month period, and that is just where I wish to show the need of legislation, to curb or stop the gambling that causes these price fluctuations.

I have been on the inside of gambling practices, when, for several years, I represented the State of Wisconsin on a board which tried to set a fair price on cheese each week. It might be news to some of you to know that back in a little town called Plymouth, Sheboygan County, Wis., the price on all cheese produced in this country is set each Friday afternoon at 2 o'clock. This fair-price committee came into being because of the demand of the farmers that this gambling in cheese prices should stop. After mass meetings all over the State, the dealers, who love to gamble about as well as an old poker player loves it, finally agreed to a fair-price committee, and after months of negotiating it was agreed that it should consist of seven men, three to be picked by those buying the cheese—namely, the packers, processors, and cheese dealers—three to represent the producers or those that had it to sell, and the seventh was to be picked by the Governor, the college of agriculture, and the commissioners of agriculture. I was the victim, and, therefore, had to act in behalf of the State, and also had the deciding vote either for the dealer or the producer. It was a very responsible position and one that required much study and research into the causes of these weekly, monthly, and yearly price changes and who benefited by these seasonal fluctuations. We all know the farmer never benefits by these price changes. He is forced to let go of all control over his hard-earned product as soon as he delivers his milk at the milk plant, be it creamery, cheese factory, or condensery; he has not the facilities for holding it. We soon found out that a few large dealers, which are usually representatives of the packers, the Bordens, and the Kraft Cheese Co., appear in Plymouth every Friday, where bidding on cheese is supposed to take place. The

whole thing is a sham and a farce, and there is absolutely no competition but in reality a "gentlemen's agreement" before the auctioneer opens the exchange. If some small dealer should attempt to overbid what the big boys think the price should be, they might let him get away with it just to teach him a lesson which he will never forget, and usually one such lesson cures him from ever bucking up against organized speculators such as control the dairy industry. They will dump enough cheese in his lap to swamp him.

After vainly attempting to agree on a fair price for cheese, meeting in Plymouth every Friday, we were soon convinced that the few large dealers would not change their former tactics of absolute control, over what they were willing to pay, and the committee decided it was only a waste of time and money to keep this up any longer so we discontinued our meetings. We asked them to give this committee a chance to prove our worth by discontinuing the Cheese Exchange for a year, but they managed to get control of enough farmers, who, for appearance and effect were put on the board, but where they had absolutely no voice in fixing a price, to vote against closing the exchange temporarily, and allow this fair-price committee to function. The State department had the power, under our Wisconsin laws, to order the exchange to discontinue, but the dealers called our bluff and threatened to move to Chicago where the butter speculators operate along similar lines.

Everyone who knows the basis upon which the price of all milk is established will agree that that basis is the price of butter. It may be New York extras, or Chicago extras, New York standards, or Chicago standards, but whichever it is the fundamental basis is the price of butter, as these different grades or markets follow each other with practically uniform differentials.

The preferred outlet for all milk is milk for fluid or bottling purposes. This class of milk brings the highest price. Next comes milk separated for bottled cream and for ice cream. In this class the skim milk remaining is in most instances considered a byproduct, and is dried or condensed and sold as skim-milk powder or plain or sweetened condensed skim milk at the current market price.

The next outlet is whole milk for canned evaporated milk purposes. Then comes milk for the manufacture of cheese, and as a final outlet, we have milk that is separated either on the farm or at a plant, the butterfat from which is manufactured into butter.

As butter is the final outlet, the price of milk used for all other purposes is fundamentally based on the price that is paid for butterfat in milk for butter-churning purposes.

To prove the above statement, it is only necessary to insert here an extract from the Wisconsin Crop and Livestock Reporter of the prices per hundredweight paid producers in Wisconsin for milk used for these different purposes on the basis of a butterfat test of 3.5 percent.

Prices paid producers

Year	Milk prices by uses (hundredweight)				
	Average price, all milk	For cheese	For butter	By condenseries	Market milk
1910	$1.24	$1.26	$1.21	$1.39	$1.42
1911	1.14	1.11	1.08	1.39	1.42
1912	1.30	1.41	1.24	1.45	1.46
1913	1.33	1.31	1.29	1.52	1.57
1914	1.31	1.30	1.21	1.49	1.55
1915	1.30	1.30	1.20	1.37	1.43
1916	1.55	1.60	1.42	1.63	1.60
1917	2.14	2.22	1.85	2.37	2.31
1918	2.53	2.53	2.20	2.73	2.86
1919	2.83	2.77	2.50	3.16	3.46
1920	2.60	2.30	2.53	2.84	3.23
1921	1.69	1.53	1.72	1.82	1.99
1922	1.66	1.64	1.62	1.72	1.83
1923	2.09	2.02	1.97	2.29	2.38
1924	1.77	1.57	1.76	1.84	2.13
1925	1.90	1.89	1.87	2.04	2.08
1926	1.90	1.81	1.86	2.04	2.25
1927	2.11	2.05	2.02	2.24	2.34
1928	2.15	2.02	2.04	2.28	2.39
1929	2.05	1.83	1.93	2.12	2.43
1930	1.63	1.49	1.54	1.69	2.12
1931	1.15	1.07	1.12	1.25	1.58
1932	.89	.81	.83	.92	1.28
1933	.98	.91	.90	1.04	1.25

Prices paid producers—Continued

Year	Milk prices by uses (hundredweight)				
	Average price, all milk	For cheese	For butter	By condenseries	Market milk
1934	[1] $1.09	[1] $1.00	$1.04	$1.15	$1.39
January	.97	.89	.87	1.00	1.34
February	1.11	1.06	1.01	1.11	1.41
March	1.13	1.08	1.02	1.14	1.40
April	1.04	.95	.98	1.10	1.32
May	1.02	.92	1.00	1.10	1.30
June	1.06	.96	1.04	1.14	1.32
July	1.04	.92	1.04	1.14	1.33
August	1.09	.97	1.09	1.16	1.42
September	1.10	.98	1.08	1.18	1.45
October	1.14	1.03	1.09	1.21	1.49
November	1.22	1.13	1.15	1.29	1.52
December	1.26	1.17	1.20	1.36	1.52
1935	[1] 1.32	[1] 1.27	[1] 1.23	[1] 1.35	[1] 1.59
January	1.36	1.31	1.30	1.46	1.55
February	1.42	1.37	1.36	1.55	1.65
March	1.36	1.30	1.32	1.47	1.60
April	1.36	1.27	1.31	1.47	1.60
May	1.27	1.19	1.18	1.32	1.56
June	1.16	1.10	1.09	1.18	1.42
July	1.16	1.11	1.08	1.16	1.45
August	1.22	1.17	1.12	1.19	1.51
September	1.28	1.25	1.17	1.25	1.51
October	1.35	1.34	1.23	1.34	1.52
November	1.48	1.48	1.36	1.47	1.63
December	[1] 1.60	[1] 1.62	[1] 1.45	[1] 1.60	[1] 1.71

[1] Preliminary.

The above figures show that there are no exceptions to the statement that the price of milk, regardless of the outlet, whether it be for fluid-milk purposes or otherwise, cannot long remain out of line or out of proportion to the price of butter.

For instance, the price of milk for bottling purposes cannot long remain at $2 per hundred pounds when the price of New York extras is 20 cents.

Now, what has been the history and trend of the butter market over a period of 25 years? I have graphs to prove conclusively—which, however, I do not wish to include in the RECORD because of the space that would be required—that the dealers in control of prices start them down grade as soon as production increases. May, June, and July are the months that they fill their warehouses with cheap butter, which they unload on the consumer during the following low-production winter months. The amount of butter consumed over a 10-year period varies only slightly from approximately one and one-half billion pounds to a billion seven hundred million pounds per year. The trade output, which means consumption, is very uniform during the period of the last 10 years, and it only slowed up when prices went to around the 40-cent mark. Practically the same amount of butter was consumed in April 1935 as in April 1934, in spite of the fact that the April 1935 average wholesale price was 32.72 cents, whereas the April 1934 average wholesale price was 22.44 cents. This is an increase in price from April 1934 to April 1935 of 10.28 cents, or an increase of 45.8 percent in price. By what stretch of anyone's imagination can it be assumed that industrial or economic conditions in this country would warrant a 45-percent increase in the price of butter? It is true that consumer demand did noticeably slacken in February and March of 1935, but this was undoubtedly due to the fact that speculators got the price too high.

SPECULATOR INFLUENCE

A postal card recently received from a broker clearly shows what does take place:

The 1935 low on butter futures was 23⅞ cents, the 1935 high was 33 cents, a spread of 9⅛ cents, which equals $1,752 per car. These figures are for November and December butter.

DID YOU GET YOUR SHARE OF THESE PROFITS?

We specialize in butter and egg futures. Write us for information regarding the 1936 November storage standard butter deal now open for trading on the Chicago Mercantile Exchange.

On request, we will gladly send our weekly market letter without charge.

Think of it. A possible speculator profit of more than 9 cents per pound of butter. A system whereby $1,752 can be either gouged out of the public or taken from the one

who produces such an important item of food as butter by some person who performs no service whatever to the benefit of the consuming public or the producer.

In most cities of the United States slot machines are taboo. Shooting dice or gambling with cards for money is a crime. The United States Government does not permit gambling by lotteries. These forms of gambling affect only those who are foolish enough to engage in the pastime. These laws have been passed to protect these foolish individuals.

Why is it then that governmental sanction is given to gambling in these important articles of food? Every innocent man, woman, and child is affected by the gambling carried on in this legalized way.

It has been the policy of a cooperative association in my district for 5 years to store about 2 carloads of butter each year to take care of its customers during the period of low production—October, November, and December. Their records show that they have stored approximately 11 cars of butter during these past 5 years. They have made a profit on this butter after paying interest on the money invested and the storage costs on this item of more than $11,000. An average net profit of more than $1,000 per car. I do not consider this gambling. I consider this a good business practice under any system and especially under the present idiotic system that is in vogue. This profit has reverted to the membership.

The only way we can help the dairy farmer is to prohibit gambling in necessities of life and assist the farmers financially by providing available money so the gambling can be carried on by the farmers themselves, assist them to store and hold their own dairy products, so that the price may be more uniform to the consumer, and return more money to the producer.

Instead of having 16-cent butter during the flush season and then 35-cent butter later, would not the consumer have during 1934 used as much butter if the price had been leveled out so the farmer could have received the average price, which difference now goes into the pockets of those in a position to rig the markets.

The party that will do what I suggested, stop this gambling and assist cooperatives will most certainly receive the support of the dairy farmers.

Mr. GEHRMANN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein certain tables.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. POWERS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BACON].

Mr. BACON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein a memorandum from the Chief of Field Artillery.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Chairman, I want to discuss a matter in this War Department appropriation bill. It is the question of the modernization of the French 75, the light artillery gun of our Army. Having served for 2 years in the field artillery during the war, it is a matter that I am somewhat familiar with and very much interested in.

Last year the committee saw fit to grant an appropriation to modernize the French 75, which is the standard artillery gun of the United States. The appropriation provided for the modernization of 54 guns, or 14 batteries. It was thought last year that this program could be carried along in an orderly fashion this year and each succeeding year, so that eventually we would have a modern field artillery gun in the Army. To show you what I mean by modernization, I call attention to the fact that the present French 75 was designed in 1897 and has not been improved since that time. It served us very well in the last war and served our ally, France, very well in that war, but in the last few years it has been found possible to take this gun, and we have some 3,400 of them in stock, and by certain improvements increase its efficiency tremendously.

The present French 75 has a maximum range of only 7,000 yards. By these improvements the maximum range may be increased to 13,500 yards, nearly double. Furthermore, the traverse of the gun at present is only 6 degrees, with an elevation of 18 degrees. The modernization of this gun carriage permits of an 85-degree traverse and 45-degree elevation. This is accomplished by building a new gun carriage with a split trail. The importance of this improvement is shown by the fact that it will make the gun serviceable for use at the immediate front with the Infantry itself.

In addition to these improvements there has been the new development of zoned powder charges. By the use of different loads of powder you can, with the maximum elevation, control the range. There is no use of using different zones of powder and different degrees of powder in the present gun unless it is given this maximum degree of elevation, because you cannot elevate it sufficiently to use immediately behind the infantry. With this modernized gun with an elevation of 45 degrees and by the use of different powder charges, the gun may be used as a howitzer or for long ranges immediately behind our front lines. The guns which have been so far modernized have been a great success, and it probably means that the United States, with the 54 guns that we now have on hand, has the most modern light artillery in the world. Therefore, an orderly and economical program for modernization should be continued over a period of years.

Mr. Chairman, the committee saw fit to cut the appropriation this year which means discontinuance of this program. It has allowed the small amount of $40,000 to put rubber tires on some of the stored guns. The staff of the Army does not want the $40,000; so if you are going to cut out the provisions for modernization of the light artillery you might as well cut out the $40,000 and make a real saving. The reason they do not want this $40,000 is because it is wasted work. If you put rubber tires on these stored guns and they are ever modernized in the future, the work is wasted and the wheels and carriages of those guns will have to be scrapped. I think the committee should carefully consider whether or not we should proceed with this orderly program of modernizing our field artillery or not. If they do not want to continue the orderly program of modernizing our field artillery in the interest of economy, and a balanced budget, I am willing to go along and postpone this necessary work until our financial condition improves. In that case, if there is no disposition on the part of the committee to continue this program, I want to offer an amendment to further reduce the appropriation by some $40,000, so that work done now will not have to be undone later on when we again resume the modernization of these guns. I know that the staff of the Army are very much concerned with this proposed interruption of the program started last year. I am bringing this to the attention of the Members this afternoon because I am obliged to be away tomorrow, and this subject may be reached at that time. Therefore I am breaking all precedents by discussing an appropriation bill in general debate.

[Here the gavel fell.]

Mr. BACON. The memorandum of the Chief of Field Artillery, United States Army, referred to is as follows:

FEBRUARY 7, 1936.

Memorandum for General Simonds.

Subject: Statement of the situation on modernized and modified carriages for the 75-mm gun, M1897.

1. At present the M1897 (French) 75-mm gun is used only in continental United States. The M1917 (British) and to a limited extent the M1916 (American) are used in overseas possessions.

2. The modified carriage M1897–M1A4 (Martin-Parry): At the time it was determined to go into truck draft, an inexpensive modification was necessary to permit high-speed towing without damage to the guns. This modification has been applied to all active units requiring it; i. e., to all active motor-drawn batteries of the Regular Army and to all light batteries in the National Guard, a total of 259 batteries, or 1,036 guns. Carriages of active horse-drawn batteries of the Regular Army remain unmodified; those of 27 batteries in the National Guard are modified, even though horse-drawn.

This modification has been considered from its inception as purely a stopgap. It improves the high-speed towing characteristics, but from the tactical or combat standpoint the carriage remains model 1897. It is not modernized.

3. The modernization carriage, M2 (formerly T7): a. The gun tube and recoil mechanism of the French 75-mm gun, M1897, still are highly satisfactory, but the carriage is not modern. The 1897 carriage is for horse draft. Although pneumatic tires have been placed on our truck-drawn guns as an expedient to permit high-speed towing, this does not improve the firing qualities. The old carriages permit 6° traverse and 18° elevation. The modernized carriage permits 85° traverse and 45° elevation. Added to this is the development of zoned powder charges: Super, normal, and reduced, with maximum ranges of 13,500 yards, 10,000 yards, and 7,000 yards, respectively.

b. We thus have converted this weapon into a gun-howitzer, capable of either high velocity and long range or of low velocity with great ability to reach behind cover. With the improved sighting equipment and wide traverse, fire on fast-moving targets also has been greatly improved. With greater flexibility in elevations and in muzzle velocities, positions can be taken much closer to our Infantry front lines.

4. Procurement plans: a. Requirements for initial mobilizations in continental United States of 75-mm gun batteries.

		Now have M1A4
Divisional:		
Regular Army:		
Animal-drawn	54	----
Truck-drawn	54	22
National Guard: Truck-drawn	216	216
Nondivisional:		
Regular Army	168	----
National Guard	24	21
U. S. Military Academy and R. O. T. C.		5
	516	264
High speed not required:		
Divisional: Animal-drawn	54	
Horse artillery	42	
General Headquarters reserve: Animal-drawn	54	
	150	
Number require high speed	366	
Now equipped, batteries (1 056 guns)	264	
Balance to be equipped, batteries (408 guns)	102	

b. Modernized carriages:

First objective. Regular Army divisional units, 108 batteries (54 batteries are for animal-drawn units.)

Second objective. National Guard divisional units, 216 batteries.

Third objective. Nondivisional units for initial mobilization, 192 batteries.

Total for the three objectives, 516 batteries.

Progress: Fiscal year 1936, 14 batteries (to be issued in August 1936); fiscal year 1937, 14 batteries (estimated).

5. As rapidly as modernized carriages are provided under the project in 4b, they will replace those now in use in active batteries which have been modified. The modified carriages so replaced go into reserve.

When the 28 modernized batteries under manufacture and in contemplation for next year are completed, the balance to be equipped with high speed, in 4a above, would thereby be reduced to but 74 batteries as a maximum for immediate mobilization. The tentative set-up of 17 more modernized batteries for fiscal year 1938 would still further reduce this figure to 57 batteries, or 228 carriages. If mobilization should take place before these 57 batteries are modernized, they could quickly be modified at a cost of approximately $68,400.

6. If necessary, the guns in general headquarters reserve regiments can be carried in trucks, so that the lack of high-speed modification on them is not serious in comparison with our inability with the M1897 carriage to engage high-speed targets or to take positions close to the Infantry due to our flat trajectory and low angles of elevation permitted.

U. BIRNIE, Jr.,
Major General, United States Army,
Chief of Field Artillery.

Mr. PARKS. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. FLANNAGAN].

Mr. FLANNAGAN. Mr. Chairman, Dr. Douglas S. Freeman, the well-paid Richmond editor of a millionaire publisher, just the other day in a speech before the Westhampton College Alumnae Association, as quoted in the public press, charged that the percentage of illiteracy in the United States is directly proportionate to the support of President Roosevelt.

According to the press, the good doctor said:

> If you will take a map of the United States and on each State write its percentage of illiteracy, then superimpose upon that map another showing the percentage of support which each State gave to President Roosevelt, you will find that in all but two States—Utah and Florida—the figures are proportionate.

Expressing my own feelings and the feelings of the mountain people I represent, I want to answer that gratuitous and intended slander.

What the good doctor was trying to say, I take it, in plain English, was simply this: That the ignorant, the poor, and down trodden are the only ones following Mr. Roosevelt. I also take it that the good doctor thought that his illustration was the correct and polite way for a person of his erudition to slander a great man. The way, you know, befitting a doctor of philosophy when he deals in slander and calumny. For some strange and unknown reason the erudite in slandering never deal in direct speech but attempt to convey their thoughts by the use of veiled innuendoes and slimy insinuations, means that are never employed by their lesser educated though red-blooded brothers.

Well, what the good doctor thought and intended for slander, to my humble way of thinking, is the best evidence that could be produced of the greatness and true leadership of our President.

The ignorant, the poor, and the downtrodden should be, and always have been, the first to recognize true leadership. They need strong, courageous leadership to protect their rights and correct the wrongs to which they are subjected; and intuitively, it seems, have ever been able to quickly separate the genuine from the spurious in would-be leaders. They welcome the right kind of leadership because they need it. Leadership—the right kind of leadership—means all to them. On the other hand, many of the learned, the rich, and the powerful have always been more or less resentful of leadership that believes in extending the blessings of government to the humble. Self-satisfied, knowing that they have the advantage over their weaker brothers, they preach the doctrine of rugged individualism we hear so much today from the overlords of society, and daily proclaim as their creed "the simple plan, that they should take who have the power, and they should keep who can."

Mr. Roosevelt's case is not the first instance in recorded history that the ignorant, the poor, and the downtrodden, rather than the learned, the rich, and the powerful, were the first to recognize true leadership. Why, I remember when a mere boy my mother telling me of a great leader who was rejected by the learned and the rich and powerful of that age, but who was recognized by the poor fishermen, the despised tax collectors, the poor, and the widows and orphans of that day. And the judgment of the ages is that the learned and the rich and powerful of that age were wrong and that the ignorant, the poor, and the downtrodden were right in recognizing and accepting the carpenter's son of Nazareth as a great leader.

Oh, it may be because I am not a doctor of philosophy, it may be because I have not been educated above the point of looking to the heart as well as the head in matters of state, it may be because I am not among the rich and powerful who feel secure in their own right, but somehow I have faith in the combined judgment of just ordinary men and women, and their recognition of Mr. Roosevelt's leadership only confirms my own opinion that he stands shoulder to shoulder among the few great leaders with which this Republic has been blessed.

Oh, somehow I am not afraid of leadership that appeals to the unlettered, that holds out hope to the poor, and kindles the spark of confidence in the breasts of the downtrodden, because something deep down in my heart keeps saying that the crystallized voice of the toiling masses is but the echo of the voice of God.

Back in the formative period of our Republic, when fundamental principles were being established, Jefferson preached the doctrine that human rights were higher and more sacred than property rights. He dedicated his life to the fight for the rights of men. The rich and powerful of that day rejected his leadership and denounced him as a radical, as a demagogue, and as a disturber of the people, while just ordinary men and women—the kind the good doctor says are now behind Mr. Roosevelt—recognized in him a true and courageous leader. Which class was right? Why, the verdict of the years is that the judgment of the people was unerring.

Mr. PARKS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. FLANNAGAN. Back in the days that "tried the souls of men" Mr. Lincoln preached the doctrine that a house divided against itself could not stand; that we could not remain half free and half slaves. The learned, the rich and

powerful of that day looked upon the product of the log cabin as one who by education and birth was unfitted for leadership, while just ordinary men and women—the kind the good doctor says are behind Mr. Roosevelt—recognized in him a true and courageous leader. Which class was right? While every drop of blood that courses through my veins is southern blood, I am happy to state what the years have confirmed—that Mr. Lincoln was not only a great leader but one of the few great Americans.

And so, my good doctor, I am persuaded that the people are not wrong in their judgment of Mr. Roosevelt. Time, in my opinion, will confirm their judgment, and in the years ahead he will become enshrined in the hearts of all true Americans and will rightfully take his place in that small and select company known as America's immortals. [Applause.]

Mr. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Chairman and members of the Committee, when people talk of Abraham Lincoln in these days it seems that they have relegated the real Abraham Lincoln to the dusty shelves of the library, and picture Abraham Lincoln in the light of a kindly old giant who never hurt anybody. As a matter of fact, the real Abraham Lincoln was a vigorous fighter, and I believe the most outstanding fighter in the history of our country for the rights of the masses. He stands out as the greatest opponent of entrenched wealth in the history of our Nation.

It is significant that history is beginning to repeat itself, because the crisis which confronted Abraham Lincoln and the people of our country at that time was precipitated by the same tribunal which is now precipitating the crisis which confronts the American people at this time.

At that time the power of Congress to legislate for the welfare of the American people was challenged by the Supreme Court in the Dred Scott decision. Once again the power of the representatives of the American people to legislate for their welfare has been challenged in the contemporary decisions of the Supreme Court.

Once again, with an impoverished American farmer, with 12,000,000 unemployed, with 22,000,000 dependent on public charity, with entrenched wealth ruthlessly carrying on its exploitation, and with the laws enacted by Congress declared invalid, America faces a crisis as grave as it did in 1857. Once again America is at the crossroads. It must choose between a dictatorship of reaction or a more equitable economic and social system.

Inasmuch as this is a period of strife, it becomes necessary to look back to that period of crisis and strife and seek guidance from the teachings, actions, and policies of the great leader of that period, Abraham Lincoln.

I accordingly want to quote the real Abraham Lincoln, the fighting Lincoln, on some of the issues which confronted him at that time and which are confronting us today.

In dealing with the power of the Supreme Court to nullify acts of Congress, I quote Abraham Lincoln in his first inaugural message, in which he stated as follows:

> If the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that tribunal.

Then, again, in his reply to Douglas, he said, referring to the Dred Scott decision:

> Somebody has to reverse that decision, since it is made, and we mean to reverse it, and we mean to do it peaceably.

But the inexorable forces of history changed even Lincoln's tactics, and he was forced to take up the sword in order to reverse the decision of the Supreme Court.

Then, again, in attacking the Dred Scott decision, Lincoln held up the Declaration of Independence in contrast to the majority opinion in the Dred Scott decision, and he defined the Declaration of Independence as—

> a stumbling block to all those who, in aftertimes, might seek to turn a few people back into the hateful path of despotism.

It is also very significant that Abraham Lincoln rarely ever quoted Alexander Hamilton, but quoted Thomas Jefferson. The favorite quotation from Jefferson which Lincoln used was the following:

> You seem to consider the judges the ultimate arbiters of all constitutional questions—a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy.

Let us also remember that when Lincoln fought the Court he did it in a two-fisted manner. He did not mince words. He spoke straight from the shoulder. Throughout the Nation he sent this ringing challenge. He said:

> The Supreme Court has got the doctrine of popular sovereignty down as thin as homeopathic soup that was made by boiling the shadow of a pigeon that had starved to death.

[Laughter.]

Apply that statement to the decision in the N. R. A. and the decision in the A. A. A. cases and you find it just as forcefully correct as at the time he said it. Lincoln meant business. He did not shadow-box. He did not spar for time. He did not wait for any conventions, nor did he send up any trial balloons. When Lincoln was confronted with a court which attempted to frustrate his successful carrying out of the war, he simply turned around and he changed the Court. From 5 members he increased it to 10 members on March 3, 1863, by act of Congress of the United States. Lincoln did not wait for a constitutional amendment. He faced realities. He was a realist. The Court had issued a challenge. He met that challenge by asserting the right of the representatives of the people in Congress assembled to use the Constitution of the United States to curtail the powers of the Supreme Court. [Applause.]

At that time Abraham Lincoln was being attacked by "liberty leaguers" and other reactionaries of his day. He had had bitter experiences with these people. War profiteers, especially, who founded a fortune by purchasing condemned rifles from the Government for practically nothing and then selling these same worthless rifles back to the Government at exorbitant prices. How history does repeat itself. The descendants of these Civil War profiteers profited largely out of the last war, and when investigated set up a howl about protecting the memory of the 1917 war leaders. I have just given you a brief history of the house of Morgan. War profiteers, industrialists, and other so-called respectable citizens were attacking Abraham Lincoln, and they were calling him a radical. They did not call people Communists in those days. That word was not well known. Now it has become a fad. Whenever they want to draw a herring across the trail, whenever they want to dodge an issue or protect nefarious plundering of the American people, they call a person a Communist; but in those days they did not use the word "Communist", but they called him radical. Lincoln foresaw that a struggle was to take place between labor and capital in the United States; that the captains of entrenched wealth were going to try to own this Government and to use this Government in order to protect their private enterprises at the expense of the masses of this Nation and to further their exploitation of the American people. Lincoln, in his message to Congress on December 3, 1861, stated his position in words that will always live. He said:

> Labor is prior to and independent of capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital and deserves much the higher consideration.

When people today seek to break strikes and destroy labor organizations, let them remember that Lincoln said:

> Thank God that we have a system of labor where there can be a strike.

We hear a great deal today about curtailing free speech. People advance the theory that free speech should be curtailed because some people seek to overthrow the Government by violence. They are worried about overthrowing the Government by violence. Mr. Chairman, if there is any danger to our basic democratic principles of government, that danger does not come from any Communist; it does not come from any so-called radical; it does not come from the left; but it comes from the right, from the Tories of today, the Bourbons of today, from the reactionaries of 1936. They are the ones who are boring from within. They are boring

into the very vitals of our fundamental institutions, ever ready to strike—yes, with violence—for the establishment of a dictatorship of reaction in America.

Mr. ZIONCHECK. Will the gentleman yield right there?

Mr. MARCANTONIO. I yield.

Mr. ZIONCHECK. The very people the gentleman speaks of believe in violence and use violence all the time, and use the National Guard to carry out their violence, do they not?

Mr. MARCANTONIO. Oh, yes. They use two things. Whenever the American worker or American farmer organizes for a decent living in America these people either call out the National Guard, vigilantes, or their thugs to break strikes, or they go to the Supreme Court and cry, "Liberty" and "State rights."

Now let us see what Lincoln said. Let us bear in mind this attack which is being daily made throughout the United States on freedom of speech and academic freedom. Lincoln said:

> Any people anywhere being inclined and having the power have the right to rise up and shake off the existing government and form a new one that suits them better.

Mr. SCOTT. Will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. SCOTT. What would have happened to Lincoln had the Kramer bill been law at that time, and what would have happened to Thomas Jefferson had the Kramer bill been the law at the time he wrote the Declaration of Independence?

Mr. MARCANTONIO. They would have been indicted, convicted, and sent to jail.

Mr. ZIONCHECK. And it would have been true of Jesus Christ, too, would it not?

Mr. MARCANTONIO. I suppose so.

Incidentally, this speech from which I am reading was delivered by Abraham Lincoln when he was a Member of the House of Representatives, on January 12, 1848, on the question of the Mexican War. But, continuing, he said:

> This is a most valuable, a most sacred right—a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it.

[Here the gavel fell.]

Mr. BOLTON. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York.

Mr. MARCANTONIO. I continue reading this quotation:

> Any portion of such people that can may revolutionize and make their own of so much of the territory as they inhabit. More than this, a majority of any portion of such people may revolutionize, putting down a minority, intermingled with or near about them, who may oppose this movement. Such minority was precisely the case of the Tories of our own Revolution. It is a quality of revolutions not to go by old lines or old laws, but to break up both and make up new ones.

Of course, it may be said that at the time Lincoln made this speech he was just a Member of Congress and may have been irresponsible at that time. [Laughter.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I have only a minute. Therefore, let us see what he said when he was President. In his first inaugural address he said:

> This country—

And remember this when you enact riders to curtail freedom of speech or academic freedom.

> This country with its institutions belongs to the people who inhabit it. Whenever they shall grow weary of the existing Government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it.

In conclusion, there is one question I want to ask: If a school teacher in the District of Columbia teaching under the law enacted last year should read this inaugural address to her children tomorrow morning on the anniversary of Lincoln's birth, would she receive her salary at the end of the month? [Applause.]

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. STARNES].

Mr. STARNES. Mr. Chairman, the doctrine which has just been preached to this House by the distinguished gentleman from New York [Mr. MARCANTONIO] must sound as rank heresy to some of our distinguished colleagues in the Republican Party at the present time. It is a very interesting discussion and one which is thought-provoking and challenging at this hour.

I want to address my remarks at this time, however, to the bill under consideration. The subject of national defense imports security within our borders and protection from the foe without our borders. I want to compliment the chairman of this subcommittee and the members of it. I think they are due the praise of the Congress and the American people for the manner in which they have met their responsibility to the Republic of the United States in providing for the first time in the history of our Nation an adequate national defense. [Applause.] For the first time since the foundation of this Republic Congress has met the challenge laid down in the preamble of the Constitution and found within the corners of the instrument. For the first time they have met the full measure of responsibility to American ideals and American institutions, and the action of this committee, with the approval of the House, in writing this appropriation bill into law is the safest and the sanest method of writing neutrality legislation in the United States.

I love peace as passionately and devotedly as any so-called pacifist. I call myself a practical pacifist; but I thank God that in America today the hysteria which had us torn, and the vortex of human emotions which swirled throughout this Nation, during the past year are dying a natural death as sanity comes to the surface again. I am afraid we have confused the terms "neutrality legislation" and "neutrality policy."

Every loyal American citizen believes in a policy of neutrality, but there is a marked difference between neutrality legislation and neutrality policy. I do not believe in placing the Congress in a strait jacket, or the President in a strait jacket, or the American people in a strait jacket of neutrality legislation. This is a changing world, we have changing conditions, and we must be free to meet them as they arise. I want to call to the attention of this House that if some of the neutrality legislation which is proposed today had been in force and effect in the civilized nations of the earth in 1776, there would have been no American Republic, for no credit would have been extended to the Colonies, no arms, no ammunition, no support could have been rendered to the Colonies in those days so critical for America, and we would not have become a Republic which guarantees in addition to life, liberty, and the pursuit of happiness, also freedom of speech and freedom of the press.

Apropos to that I want to say that the remarks made in the House from time to time by Members on both sides of the aisle convinces me of the fact that we are not headed toward communism or socialism and that free speech and a free press are not endangered. [Applause.]

I want to compliment the committee again because of the wise provision in the bill making available ample funds for the protection of our western coast and Hawaii, which is now our outpost and our western frontier, and the Panama Canal. I want to compliment them also for making ample provision for expansion of the enlisted personnel in the Regular Army and in the National Guard, these being absolutely essential.

The question was asked here yesterday, What is an adequate national defense? That depends upon a number of factors. It depends upon the position of the country involved in world affairs. It depends upon the coast line, upon natural resources, upon population, and the wealth of the respective countries, which vary from time to time.

Let me say finally that the greatest guaranty of security in business, of liberty, of happiness, of freedom of speech and press which we have, is embodied, in my humble judgment, in four provisions: First, in our dealings with other nations we should maintain and practice a good-will policy at all times; second, we should give our full measure of support to established international law and precedents dealing with the question of trade with belligerent nations in time of war; third, if you want to remove the profits from war, if you want to remove the danger of unnecessary

embroilment with other nations, pass a universal draft act, one which will take the profit out of war and one which will conscript manpower, labor, and capital in case of a national emergency. Finally, we should at all times maintain an adequate national defense for this country.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. STARNES. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Would not the gentleman also be in favor of conscripting the munitions makers?

Mr. STARNES. I certainly would. We must recognize two facts with reference to outlawry or preventing war, and these are if we are going to maintain peace throughout the world by force, we must have an international police force. We are unalterably opposed to such a policy. The next is, you must have an international public opinion strong enough to enforce peace. While I am a confirmed optimist, I do not believe there will be a change in human nature in my lifetime or yours, or until the judgment day, which will bring about such a utopia. For this reason let us keep our feet on the ground. Let us support this bill and the committee in its arduous labors. [Applause.]

Mr. BOLTON. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, the old saying that continuous dropping of water will wear away a rock seems in these times not to have accomplished that purpose as yet in the House of Representatives. I realize anything I may say here this afternoon is only taking up the time of the House, possibly unnecessarily, because I have made these statements, or at least some of them, a number of times. Eventually I hope they take effect and produce economy in government.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. RICH. I would prefer not to yield until I finish my remarks. If I have time then I will yield.

Mr. ZIONCHECK. I am very busy. I wanted to know if the gentleman is going to ask where the money is coming from?

Mr. RICH. I expect to ask that question.

Mr. ZIONCHECK. That is all right.

Mr. RICH. Mr. Chairman, I call the attention of the membership to some facts that would necessarily be pertinent to an individual in carrying out his own affairs. If an individual spends twice as much money as he receives in salary, wages, or compensation, disaster will eventually face him. This same thing is true of anyone engaged in any kind of business, whether it be manufacturing, farming, or any other line of endeavor. If he spends twice as much as he receives, something will eventually happen to that individual.

We as Members of Congress have certain responsibilties. What are they? The responsibilities of Members of Congress are to look after the welfare of the American people, both from the standpoint of the present and the future. I think the average American citizen has a respect and regard for the other fellow. It seems to me that sometimes some people think that when a man tries to save and get ahead in connection with the affairs of the world he is doing an unjust thing.

However, the teaching I received when I was a boy was to work and save. I was taught that it was not how much you earned but how much you saved that would be beneficial in one's old age. Also, that is the way to acquire property, of whatever kind one would possess.

Mr. Chairman, I appreciate that all men are not privileged to go ahead and do things on such a scale that they might give employment to great numbers of other people. It is necessary, therefore, that we give certain rights and privileges to those who can, because by doing so it will eventually take people off the Government pay roll and put them on the pay roll of industry or agriculture. By this procedure we then keep down Government expenditures and Government deficits.

May I call attention to the financial statement of February 7? Our total receipts as of that date were $2,193,509,600.28. Our expenses were $4,417,883,128.05. The excess of expenditures over receipts was $2,224,373,527.77. This takes into account the year which began on June 30 last. In other words, we are going in the red at the rate of over $10,000,000 a day. Now, what is $10,000,000? Does any Member of the House know what $10,000,000 a day is? I cannot quite fathom it myself. To me it is a great sum. When we have expenditures of more than twice the amount of our income, Mr. Chairman, something is going to eventually happen.

When we look at the report of the Treasury showing we are over $30,500,000,000 in the red; when Secretary Morgenthau, of the Treasury, makes the statement, as he did just a few days ago, that at the end of 1937 we will be over $40,000,000,000 in the red; and when an economist from one of our universities states that he thinks we could continue this national deficit until it reaches the amount of forty or forty-five billion dollars, I think it is a serious, serious situation in which we now find ourselves.

Now, who is responsible for this? You, as Members of Congress, are responsible for these great expenditures; and when it was stated a few days ago by our colleague the gentleman from Virginia [Mr. WOODRUM] that Budget estimates are one thing and what the Congress appropriates is another, that statement hits the very heart of the matter and shows that your responsibility is great because of the fact that if you vote for these expenditures, then you are putting the Government into debt to this enormous extent—and I not only say this to you as individuals but through the party you represent: You must try to keep these expenditures from becoming greater. I say to you what Congress appropriates is one thing and where are you going to get the money is another.

Look at the Democratic platform, plank no. 2, which states:

> We favor maintenance of the national credit by a Federal budget annually balanced on the basis of accurate executive estimates within revenues raised by a system of taxation levied on the principle of ability to pay.

In view of this platform pledge, it becomes the responsibility and the duty of the Democratic Party, because it is in power, to curtail these great appropriations, and if you assume your responsibility then you cut down the expenses that you are incurring right now, and I ask you again, where are you going to get the money?

Think of the four major appropriations that have been brought into the House of Representatives in the last 3 or 4 weeks. The independent offices appropriation bill was in excess of what it was a year ago, the Interior Department appropriation bill was in excess of what it was a year ago, the Treasury and Post Office appropriation bill was in excess of what it was a year ago, and the War Department bill we now have before us is in excess of what it was a year ago. Our appropriations are all greater.

Where are we going? Members of Congress, this is a dangerous situation for us to face. It is something that every Member of Congress, whether he is on the Democratic side or on the Republican side, must face. It is so serious that a majority of the Members of the House do not know how serious it really is. I sometimes wonder if they care.

When I think of Members of the House of Representatives today who are only thinking of themselves because they want to get money to be spent back in their own districts, because they want to be sent here to Congress, although they know the condition of the country, I do not think that men of that kind ought to be sent here. I do not care whether they are Republicans or Democrats. I do not care who they are. They are not showing that they realize the responsibility they owe this country of ours. They are not capable of representing the people and preserving our Nation.

Just a few days ago Mr. Green made the statement before the American Federation of Labor that there are 11,400,000 workers out of employment, as many as there were 3 years ago, after spending $15,000,000,000 or more by the Federal Government. This statement ought to cause us to think. It ought to cause us to try to get a different remedy from the one we have at the present time, and I am going to suggest such a remedy before I get through, which I hope might mean something to the Representatives in Congress so that we may get something enacted into law whereby we will get these people on the pay rolls of industry and

let industry take this burden rather than the Federal Treasury.

When Harry Hopkins made the statement in the last 2 or 3 weeks that there are more people on relief now than there were a year ago, I think we should realize that we are indeed in a very, very serious position, and this brings us back again to your responsibility on the Democratic side of the House.

Now, I want to offer again the suggestion that you put a tax on improved machinery and that you govern mass production in industry; in this manner industry will give jobs to the unemployed. With their salaries they will support themselves and their families. Industry will pay the bill, and the Federal Treasury will be relieved of that burden. Let the Department of Labor handle the regulation. Then stop this great importation of foreign products at Asiatic wages and maintain the usual good American standard. America for Americans.

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MORITZ].

Mr. MORITZ. Mr. Chairman, the gentleman from Pennsylvania [Mr. RICH] is always asking, "Where are we going to get the money?" I believe he is sincere, but it is the first time he has attempted to give us some example of a remedy for the situation. His remedy would not be adequate at all.

He also dodges the question of the unemployed. He comes from a country town. I wonder what he would do if he came from a big city where there are thousands of people unemployed, and where you cannot get a job.

Mr. RICH. Will the gentleman yield?

Mr. MORITZ. I yield.

Mr. RICH. I think if you men in Pittsburgh would give industry an opportunity for mass production, that they will take care of it as they did years ago. They gave employment to all the people, and they will do it again.

Mr. MORITZ. What does the gentleman mean by mass production when there is no mass consumption? You cannot have mass production unless you have the orders or the demand for the manufacture of something. The steel mills are not going to turn out steel as useless gestures. The gentleman's heart is in the right place, but he cannot overcome the situation by asking questions.

Last week some Member of the Republican side said, "Time marches on", and proceeded to point out the alleged errors of the Democratic administration. Yes; time does march on. I tell you that time is marching on for the Democratic Party.

In March 1933 I came down here as a spectator to see the inauguration of a great President. I was thrilled. I was a Republican then. I never dreamed that within a year I should be privileged to stand here and address this Congress as a Democratic Congressman.

I recall the inaugural speech of President Roosevelt. His promise of action. I recall the closing of the banks, and I recall the repeal of that detestable Prohibition Act. Then, in 1935, I thought possibly the President forgot to continue as a liberal. But before the session was over he outliberaled the liberals. He brought about the Wagner labor bill, the Guffey coal bill, the utility bill, the old-age-pension bill. These bills I had the honor to vote for. Yes time does march on. We are progressing as time marches on. [Applause.]

Mr. PARKS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. FIESINGER].

Mr. FIESINGER. Mr. Chairman, I would not detain the House for these 2 minutes except that I am compelled to be away for the next 2 days. I want to say that I have in my district three important harbors in the cities of Sandusky, Huron, and Vermilion. The people in my district have been very much concerned about appropriations for the Great Lakes river and harbor work. That concern is not only in my district, but throughout the entire Great Lakes district. I hope the engineers will take into consideration the importance of the improvements upon the Great Lakes.

As was said here today, about 25 percent of the waterborne traffic of this country is upon the Great Lakes. I am glad to note that the committee has stricken out $29,000,000 of projects not approved by the Congress. I rose to say that I had hoped this $29,000,000 might be included in the $100,000,000, so that the engineers would have somewhat more to go on. [Applause.]

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. BIERMANN].

Mr. BIERMANN. Mr. Chairman, for the past several years I have been much interested in the talk about economy in this body. I have been much interested, but I have been very little impressed. I have heard Members of this body talk penny economy and vote pound foolish. I am in favor of economy. I am in favor of cutting down the expenses of this Government. Not only am I theoretically for it, but I am willing to vote for it. I am one of the very few Members in this body who has consistently voted for economy.

Before we can economize we have to find out where our money goes. Let us analyze some of the expenses that confront us for the next fiscal year, ending June 30, 1937. The bulk of it goes to pay for past wars and to prepare for more wars. Under the heading of paying for past wars this Congress has already voted $753,000,000 for the Veterans' Administration. I think a large part of that is justifiable. The Congress voted an additional outlay of $2,237,000,000 for the soldiers' bonus. That $2,237,000,000 will have to be raised either by taxation or the sale of bonds. The Budget estimates for 1937 that the interest charge on the public debt will be $805,000,000. It is not unfair to charge at least $600,000,000 of that to interest on war debt. I have done that. So the total cost for 1937 for paying for past wars will be $3,590,000,000.

Under the two titles of the bill which is before us, it seeks to appropriate $543,000,000 for the Army. That is the largest amount of money that this country or any other country in any year of peacetime ever has appropriated in all history. We thought Congress was appropriating a lot of money last year, but this bill calls for $118,000,000 more than was appropriated for the Army last year.

Mr. BOLTON. Will the gentleman yield?

Mr. BIERMANN. I yield.

Mr. BOLTON. I think the gentleman wants to be fair enough to indicate in his remarks that $138,000,000 of that is for rivers and harbors and flood control, which has nothing to do with national-defense activities.

Mr. BIERMANN. I have taken the report of the gentleman's committee. I have added the sums under title I and title II in this year's bill and subtracted therefrom the sums under title I and title II for the 1936 fiscal year as set out in your own report.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. BOLTON. There was nothing in last year's bill for rivers and harbors. That was all carried under the relief and recovery bills.

Mr. ZIONCHECK. The point is that the present Regular Army appropriation bill carries an appropriation of $23,803,000 more than last year's Regular Army appropriation bill, which was the largest ever made before. That is the Regular Army appropriation.

Mr. BIERMANN. I thank the gentleman.

Mr. BOLTON. That is correct.

Mr. BIERMANN. Now, there has been criticism of the appropriations for some of the other departments on the ground that they were too large. The appropriation carried in this bill and the Budget estimate for the Navy total $1,094,000,000. That is for both the Army and the Navy. All appropriations for the other eight departments of our Government put together total only $407,000,000.

In other words, for the Army this year in 9 months we are going to spend as much money as we spend on eight other departments combined. For paying for past wars our bill for 1937 will be, as I just stated, $3,590,000,000. Add to that sum the $543,000,000 carried in this bill and the $551,000,000 Budget estimate for the Navy, and we have a

grand total of $4,684,000,000 to be expended by this Republic for past and future wars in the next fiscal year.

Now, the statement has been made here that this is for defense. I should like to ask the chairman and the ranking minority member of the subcommittee that in their speeches tomorrow they bring into this House the testimony of any responsible military authority in this country, or in any other country, that any foreign power or combination of foreign powers could successfully invade this country. I leave this as a challenge to the majority and minority members of this committee. Bring it in and lay it before this House. We are preparing for something that is not going to happen. This is not my view only. I believe it is the universal belief of military men. Maj. Gen. William C. Rivers, a graduate of West Point, a veteran of three overseas wars, has made this statement:

We do not need a great force with our self-contained country and without powerful aggressive neighbors and with excellent systems of communication and the Navy as our first line of defense. I do not visualize any mass invasion of us by any country overseas or elsewhere.

The President of the United States in a message to this Congress January 4, 1935, said:

There is no ground for apprehension that our relations with any nation will be otherwise than peaceful.

I have other quotations here from eminent Republicans. I want to see an end to this talk of economy in this House unless this House gets ready to cut down on its appropriations to pay for past wars and its appropriations to prepare for more wars. Late as it is, nevertheless I have wanted to get these figures into the RECORD today in the hope that some Members may read them before tomorrow. It seems to me that $4,684,000,000 is a sum larger than the most blatant militarist or the bravest jingo can defend.

Someone has said that we need to appropriate a lot more money for our Army than foreign nations do, because things cost more here than abroad. That is not the only reason. One of the reasons we appropriate more money and are always and ever said to be unprepared is that we have scattered over this country 120 Army posts with little outfits—a company or two or a few detachments. General Rivers, who is now major general and who was brigadier general on the other side, I believe, said that he never saw a brigade—never saw two regiments together—until he got into action at Chateau Thierry.

There are some things to be done for the good of the Army and for the sacred cause of defense beside appropriating ever and anon more and more money. I said a year ago in one of the few speeches I have made in this House that if we drained the Treasury of every cent in it and taxed the people of the United States to the limit of their endurance and gave all the money to the Army and to the Navy, still they would cry for more. This bill is evidence of it—$118,000,000 more for the Army than we appropriated last year. I want to ask that on Thursday or Friday, when we vote on this bill, that its proponents will ask for a record vote, so we can find out who is for economy and who is for lavishly throwing away the people's money.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. I yield.

Mr. ZIONCHECK. Does not the gentleman think that the Army probably should be smaller, now that they have killed off most of the Indians and have them all under subjection?

Mr. BIERMANN. I should think so.

Mr. ZIONCHECK. Having disposed of the Indian question, why do they need these Army posts scattered over the country?

Mr. BIERMANN. I think it would be much better military sense, instead of having 120 military posts, to have fewer and larger units, so that a brigadier general could see two regiments together and so that a major general could occasionally see a division together.

Mr. ZIONCHECK. When the gentleman from Texas referred to internal enemies did he refer to people organizing labor unions on whom they wanted the Army and the National Guard to throw bombs from planes and things like that?

Mr. BIERMANN. I take it that perhaps he was referring to alleged Communist teachers in the District of Columbia.

Mr. ZIONCHECK. I know, but you could not fight Communist teachers from airplanes.

Mr. BLANTON. Mr. Chairman, will the gentleman yield, since my name has been mentioned?

Mr. ZIONCHECK. The gentleman's name was not mentioned.

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PARSONS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 11035, the War Department appropriation bill, 1937, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GRAY, of Indiana, for 1 week, on account of illness.

To Mr. DEMPSEY, indefinitely, for illness.

To Mr. ROMJUE (at the request of Mr. WILLIAMS), indefinitely, on account of illness.

To Mr. FIESINGER, for 3 days, on account of official Government business.

PERMISSION TO ADDRESS THE HOUSE

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes tomorrow morning after the reading of the Journal and disposition of business on the Speaker's desk.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. ZIONCHECK. Mr. Speaker, reserving the right to object, will the gentleman's speech be about a live man or a dead man?

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. LEE of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes tomorrow morning on the subject of "Keeping America out of war."

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. ZIONCHECK. Mr. Speaker, I object.

SENATOR OWEN PRESENTS PLAN

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter from ex-Senator Robert L. Owen on the money question.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, under leave to extend my remarks, I include the following letter from Hon. Robert L. Owen, former United States Senator from Oklahoma, joint author of the Owen-Glass Federal Reserve Act, and recognized as one of the world's leading authorities on money and banking. The letter, addressed to the gentleman from North Carolina [Mr. DOUGHTON], chairman of the Committee on Ways and Means, follows:

At the suggestion of Hon. SAMUEL B. HILL, Member of Congress, I offer you my approval of a plan of a convenient and advantageous method of providing the money needed to pay the soldiers' bonus.

Let Congress instruct the Secretary of the Treasury to deposit the bonds proposed to be issued for that purpose with the Federal Reserve banks, making such bonds payable to bearer, and instruct the Federal Reserve Board to require such banks to enter a credit to the United States of the present value of such bonds. Let the Secretary of the Treasury make payment by checks drawn upon the Federal Reserve banks to which such bonds shall have been apportioned under the direction of the Federal Reserve Board. The advantages of this method are as follows:

First: Economy and speed of administration. The holder of each check would be identified at his local bank and the checks would flow into the Federal Reserve banks for payment, thus adding to the reserves of member banks through whom such checks would be transmitted.

2. The Government of the United States would save the 3-percent interest and amortization charge on such bonds, as the interest would go to the surplus of the Reserve banks and such surplus is subject at all times to the order of the Government of the United States, to whom it equitably belongs under the original charter of the Federal Reserve banks.

3. These bonds, being then held by the Federal Reserve banks, would be particularly adapted for sale to the public in the event that the Federal Reserve Board needed to contract credit for the purpose of preventing any possible inflation in future.

In referring to future inflation, I refer to the possibility of unjustified expansion of credit for speculative purposes, on the stock exchange, or in real estate or in commodities and not to any present danger of inflation, for the reason that there is no danger of inflation whatever at present, using the word "inflation" to mean "unjustified expansion." For normal production, there is required a certain amount of money with which to pay wages, salaries, to buy materials, for manufacture, etc. The money employed by the people of the United States consists of money manufactured by the United States Government, known as currency or pocket money, consisting of paper notes and fractional coins. The volume of United States currency has only increased in a normal manner, considering the number of years which have passed by and the present improvement in retail business, as will appear from the following table of money in circulation from January 1930 to date:

Volume of United States currency in circulation 1930–35

[Millions of dollars]

January 1930	4,560
January 1931	4,323
January 1932	5,354
January 1933	5,358
January 1934	5,289
January 1935	5,380
December 1935	5,882

This increase in currency has been due, in large part, to the issuance of silver certificates, $1 bills, and has somewhat affected the rise of prices in the retail markets because such money is largely used by the people who are retail purchasers. But currency manufactured by the United States transacts only about 5 percent of our national monetary business. Over 95 percent of our national monetary business is transacted by money which is manufactured by our banks and their borrowers. When a bank takes a mortgage on a thousand dollars' worth of property and makes a loan of $500 on a promissory note, it manufactures $500 worth of money, which remains in circulation until the note is paid and the mortgage retired. Such a deposit is money and the check drawn against it is money, because money, as recorded by Webster and other standard dictionaries, is "anything having a conventional use employed as a medium of exchange and measure of value."

The deposits of the people comprise the debts of the banks, payable in dollars or money. These deposits consist of demand deposits, subject to check payable on demand; of time deposits payable in money by the banks at a fixed time or on a certain number of days' notice; and of savings accounts payable on a certain number of days' notice. In ordinary times a citizen needing his time deposit or savings account in cash can get the cash by a slight discount, so that all of these accounts are normally available as money. When the banks make these loans to the ordinary business man they credit the borrower with a cash deposit and debit him with bills payable. On their balance sheet they enter up on the one side "Loans" and on the other side "Deposits." The deposit is a bank debt and the loan a bank asset. When the banks buy United States bonds they credit the Government with a demand bank deposit and on their balance sheet appears the deposit as an indebtedness, and the bonds are listed under the head of "Investments" as an asset. The investment is an asset of the bank, and the deposit arising from the investment is a debt of the bank. It often happens that the banks will employ a part of their capital surplus and undivided profits to buy bonds with, so that the total investments and loans may exceed the total of deposits. The manner in which such loans and investments and deposits arising therefrom existed in the years 1930 to date; the manner in which the loans were contracted; and the investments expanded and the net deposits (or money of the country) were contracted, will appear from the following table. (See p. 21, Federal Reserve Bulletin, January 1936.)

Loans, investments, and deposits (exclusive of interbank deposits) of all banks in the United States, 1930–35

[In millions of dollars]

Date	Loans	Investments	Total	Deposits
June 30:				
1930	40,638	17,471	58,109	54,954
1931	35,384	19,637	55,021	51,782
1932	27,834	18,237	46,071	41,963
1933	22,203	17,872	40,076	37,998
1934	21,278	21,224	42,502	41,870
1935	20,272	24,145	44,416	45,766

The loans to businessmen were thus contracted $20,400,000,000 by June 1935, and the loans to Government by purchase of bonds increased investments by about seven billions net. Until these loans, or a like amount of capital, is restored to businessmen they will not be able to pay wages for salaries and employ people as before the depression.

It will be observed that the total deposits of $54,954,000,000 in 1930 fell in 1931 to $51,782,000,000, in 1932 to $41,963,000,000, and in 1933 to $37,998,000,000. In 1934 it rose to $41,780,000,000, and in 1935 to $45,766,000,000.

The shrinkage of these deposits, comprising the money of the country, was accompanied by a loss of national production in 1932 and 1933 of one-half of its value.

The shrinkage of the money supply caused a reduction in our imports and exports of two-thirds. It should be observed that this manufacture and decrease of our money is by privately owned banks, unconscious of the effects upon the public of such expansion and contraction. Don't blame the poor banks. Rather, blame our former lack of national intelligence.

The effect of the contraction above cited upon our ordinary revenues appears from the following record, to wit (see p. 323, annual report, Secretary of the Treasury, 1935):

[Millions of dollars]

Year:	
1930	4,833
1931	3,973
1932	2,709
1933	2,825
1934	3,864
1935	4,660

It must be observed that our revenues fell correspondingly and began to rise when the money supply was restored.

The effect of the contraction of our money supply through the contraction of these deposits is demonstrated by the effect on the value of the great industrial corporations of the country, of whose magnificent performance we have been so justly proud. Dealing in billions only, the value of our common and preferred stocks listed on the New York Stock Exchange will be shown in the following table:

Value of stocks listed on the New York Stock Exchange

[In billions of dollars]

	Common stocks	Preferred stocks
June 30:		
1930	66	8
1931	35	6
1932	13	3
1933	27	4
1934	28	5
1935	29	5
January 1936	40	6

It should be remembered that the purchasing power of money depends absolutely on the supply of money in relation to the demand for it, but, in the purchase of any particular form of property, the supply and demand of the thing bought is equally important. This principle explains why the value of the dollar in terms of commodities rose only to 166 whereas the purchasing power of the dollar in average common stocks rose to about 400 percent of normal and rose likewise in real estate, depending on circumstances.

The restoration of the value of real estate and the full restoration of the value of industrial stocks must await the restoration of the volume and supply of money, to which the soldiers' bonus will contribute substantially and the Frazier-Lemke bill, if it should meet approval, would probably complete the restoration of the money supply, because the banks would then be stimulated to lend money to businessmen for business enterprises and businessmen would be encouraged on a rising and stabilized market to again engage in business as before the depression.

Under the Banking Act of 1935, the Congress has placed in the hands of the Federal Reserve Board of Governors the power in part to regulate the supply of money by the purchase of bonds and the sale of bonds. When they buy bonds through the Federal Reserve banks they expand the deposits and expand the money supply. When they sell bonds to the public they contract the private deposits and transfer such deposits to the Government, where they can be withdrawn from circulation. The Government can also contract credit by taxation or by retirement through the revenues derived from existing taxation.

The Congress is exclusively authorized by the Constitution to coin money (or create money) and to regulate the value thereof, and it has set up the mechanism in the amendments to the Reserve Act, but has failed to pass as a part of such act a legislative mandate directing its agents, the Federal Reserve Board of Governors, as to the use of such power. It has not directed its agents to regulate the value of money. It has left that to its agents, the power to create another depression as the Reserve Board created the depression of 1921 and failed to prevent, or correct, the depression of 1929–35. It seems to me that Congress is in duty bound, in transferring this power to the Federal Reserve Board, to instruct the Board that it shall use its powers to control both expansion and contraction in the interest of the businessmen of America, so as to expand credit until a sufficient amount of working capital has been provided to reemploy, in private industry, the unemployed who are able and willing to work. The reemployment in private industry of all our people is necessary to reach a maximum production, maximum national

and private and corporate income, and maximum prosperity and peace. When full employment is obtained, the legislative mandate should require and direct the Federal Reserve Board to establish a dollar of uniform, permanent, debt-paying, purchasing power which can be then easily accomplished by regulating the supply of money and thereby regulating its value.

The action of Congress in removing gold from domestic circulation, in confining it to its proper uses as a commodity in the arts and sciences and for payment of international trade balances, by permit of the Treasury Department, has been a wise step, for gold is of use and is used by most of the nations of the world only in settling international trade balances which cannot be otherwise adjusted by exchange of exports and services. Since all of our money is legal tender, there should be no gold certificates in existence, for the issuance of such gold certificates carries an implication that the control of the gold by the United States has been shifted from the Government to the privately owned owners of the gold certificates, which is a fallacy, for the holders of the gold certificates can only get the gold now for the uses authorized by Congress. It should always be remembered that the value of American money does not depend on its gold content, but on the supply of the money in relation to the demand for money, that is, on the bank deposits in relation to the demand for bank deposits, or bank credit. It is true we have been selling American dollars for gold at $35 an ounce. It is also true that foreigners have been buying the more valuable American dollars and have shipped in 2 years to this country nearly 2½ billions of gold because our dollars were worth more than such gold in commodities and other forms of property.

On March 14, 1900, by the Gold Standard Act, the Congress placed $150,000,000 of gold coin in the Treasury to keep our paper money at parity with gold. In 33 years this fund was not depleted for such purposes, showing clearly that our paper money at no time was of less value than its then gold content, but was of more value than its then gold content. What we did by the Gold Standard Act was not to make our dollars of the value of gold, but to give gold an artificial, arbitrary, pegged value in terms of our money. There is no need whatever for using the gold and silver under control of the United States as a basis for issuing any money. It carries the false implication that the power of Congress is limited in the exercise of its sovereign right of coining money by the supply of gold which somebody else has got.

I submit for your consideration an exhibit, outlining the monetary policy of Abraham Lincoln, compiled by the Honorable G. G. McGeer in his book, The Conquest of Poverty, in which Mr. Lincoln asserts that the issuance of money is the sovereign monopoly of the Government and the most powerful means by which the prosperity of a nation can be promoted.

The great advantage of present expansion of credit is to restore working capital, demonstrated in 1930 to be necessary; to restore employment by the use of such increased capital; and to restore our national income and to make the balancing of the Budget practicable. Moreover, it would restore the value of property, do justice to debtors still in distress, and greatly increase private and corporate income. It would bring back the value of our national production to an excess of ninety billions, or approximately it would double it and then stabilize it.

It seems far better to me to exercise your sovereign power in this constructive manner than to impose further taxes on the people who have found it so difficult to meet taxes already assessed.

By using your power to furnish the American people with an adequate supply of money, as already demonstrated to be necessary, the national revenue could be greatly increased and the charges on the Budget diminished for interest and amortization, and thereby our national taxes diminished. The unemployed would then be returned to private industry.

Thoughtful and studious men should see this clearly.

With earnest and respectful assurances of my deep interest in your welfare and that of the American people, I have the honor to remain,

Your servant,

ROBERT L. OWEN.

ADDRESS OF VICE PRESIDENT GARNER

Mr. KOCIALKOWSKI. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech by Vice President John Garner at a joint session of the Philippine Legislature at Manila on November 12.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KOCIALKOWSKI. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech delivered by Vice President John N. Garner at the joint session of the Philippine Legislature, November 12, 1935, at Manila, P. I.:

Mr. President, through the accident of war some 35 years ago your beautiful islands came under the sovereignty of the United States.

Within 5 years of this acquisition my people made me a Member of the United States House of Representatives. During my first term in that body was formed the impression that our American sovereignty was of a temporary character. The discussions in those early days of whether they should be retained permanently or ultimately be given their independence caused keen interest in the expressions of opinion of our greater statesmen, and at a very early period there came from all the promise of ultimate independence.

This was followed by expressions of opinion of our great men in the Presidential chair and in our Congress that independence should be granted.

Today it is a pleasure to be with you because of your great happiness on this historic occasion, although, perhaps, the early years may prove a period of trial and tribulation, such as we had in our country.

The thought foremost in my mind is that Americans have fulfilled their promise—the word of the American Nation is good, no matter how great the sacrifice to make it good. It is a sacrifice to part with a wonderful country such as yours, populated by a kindly, industrious, and intelligent people.

I have a feeling of pride that for the first time in the world's history, at a great loss to itself, the American Nation has redeemed its promise.

In company with our distinguished Speaker BYRNS of the House of Representatives, one of the great coordinate branches of our Government, with 27 Congressmen and 17 United States Senators, and our wives, we have traveled approximately 10,000 miles to celebrate two things.

Putting them in the order in which my mind dwells upon them, there is the redemption of a national promise that all right-thinking Americans will approve and that all self-governing nations of the earth will applaud.

As years went on in my congressional career fate finally placed me as Speaker of the great House of Representatives, and it was during my term of office that the first bill containing an offer of independence was passed.

And then, strange as events will sometimes order, as Vice President of the United States the pleasure came to me of witnessing for the second time as a presiding officer the final accepted offer of independence.

On both occasions the offer of independence was accompanied by conditions and obligations which should first be accepted by your people.

Amongst these was the perpetual preservation of human and property rights, which rights it had taken our ancestry many hundreds of years to secure. These rights were fought for upon battlefields and in debates and finally found in our American Constitution in what lawyers and even our schoolboys today know as our Bill of Rights.

Your new constitution was presented to President Roosevelt, examined by himself and his advisers, and we find that it contains these essentials of self-government:

1. No person shall be deprived of life, liberty, or property without due process of law.
2. Security against unreasonable search and seizure.
3. Religious liberty and its free exercise.
4. Freedom of speech, of the press, and the right of assembly and petition.
5. No involuntary servitude of any kind.
6. The privilege of the use of the writ of habeas corpus.
7. Due process of law in criminal offenses, the accused to be confronted with witnesses, and many other safeguards and protections for liberty, property, and orderly government.

It has been generally agreed by thinking men the world over that if liberty is to be preserved and the rights of property respected, these provisions are essential.

For some 34 years our public administration in the islands, our soldiers who were here when the war was over, and our school teachers who came later, for more than a decade taught the blessings to be secured by liberty, education, and religious freedom, and now all are covered in your constitution.

My friend, former Senator Hawes, a student of your country, who has devoted years of his life toward promoting your aspirations for self-government, informs me that your people have paid all of its bills for education, bills for sanitation, the bills for public health, the bills for roads, and even the salaries of American administrators and their advisers, and that you enter upon your great experiment of freedom with probably the smallest per capita national debt of any nation.

He advises me that in the 35 years of American sovereignty, with the exception of $3,000,000 provided for recuperation after the war, the entire cost of all civil administration has been provided by the revenues secured from the taxation of your own people.

Few nations have a record similar to this. The most of the world is not happy—it is in a state of much confusion and distress.

It speaks well for the character of your people and the temporary sovereignty of my people that an unequaled record of financial stability like this should exist.

Our trade relations have grown to such proportions that you have until recently ranked as our eighth best customer and, through the laws passed by our Congress, we have not only been your best customer, but practically your sole customer.

Trade relations of a beneficial character rest exclusively upon two things: the ability to sell, giving the ability to buy.

Our great President, Franklin D. Roosevelt, in sending the last independence bill to Congress, accompanied it with a recommendation that where there were inequalities in our trade relations, that they should be adjusted by a Commission representing both peoples who could arrive at an equitable decision which would

prove advantageous to our 120,000,000 people and to your 14,000,000 people.

And this I hope, after thoughtful consideration and investigation, will be worked out to the mutual advantage of both nations.

May the new nation preserve the world's fine traditions of liberty and equality, a nation of Christian people, who by its careful and thoughtful consideration of all its people will prove an inspiration to the nations of the earth. Prosperity will not come to you without some trial and some sacrifice. Much will depend upon the character of the men who administer your affairs.

You have sent to our country brilliant and able men as commissioners to our House of Representatives. You have sent special commissions of studious, patriotic men whose eloquence and logic have impressed the American Congress.

Among these, as one of your commissioners many years ago, I met the Honorable Manuel Quezon. He possessed individuality, activity, intellect, and courtesy rarely combined in one man. We became personal friends. I found him fair and vigorous, always patriotic, and it is a pleasure for me to know that in your recent election he was chosen as the first president of your new commonwealth by decisive majorities.

It is a great responsibility. It will call for a high character of statesmanship. His term of office is limited to 6 years. He cannot succeed himself.

It would seem to me therefore to be the part of wisdom and patriotic thought for Filipinos to throw aside partisan and personal feeling and all unite in a coordinated support during these first trying years. Let all thoughtful men and women put aside ideas of change and surround him with loyal support from every quarter so that in the administration of his office he may pick the ablest advisers.

My thought goes back to the years in my country when Washington was its leader. At the birth of our Nation when there were not two parties all factions supported the one party and the one administration, our first Washington administration.

Why cannot this happen under my friend, your President-elect, Manuel Quezon?

There should be no quarreling and discord or lack of harmony. You have in your constitution set a limitation upon his term, and during that time, in the fateful years of your first President, it seems to me that he should be given united support.

After this first administration there may be divisions. There is always honest disagreement in a republic such as you are forming, but let the first administration be united.

Our Presidents have sent to you as Governors General men of ability, of sympathetic interest in promoting your welfare. The last of these is among the best, Governor Frank Murphy, who has won your confidence and esteem, has cooperated with your great leaders, Quezon and Osmena, and received the applause of your people.

A consistent continued American policy of preparation and control, followed by what to me is of great historic significance, a redeemed national promise, with the well wishes of the nations of the earth, I came to this unusual historical spectacle with confidence in your future.

I shall watch your destiny with optimism and friendly interest.

You have the very best wishes of the people of the United States, and I am sure that prosperity will come, and with prosperity happiness and national progress.

I thank you in behalf of each member of the congressional delegation for the invitation which brought us here and brought with us our wives, and I assure you that we are carrying back kindly feelings of confidence and interest.

Few people have had the privilege of witnessing the peaceful birth of a new nation that comes quietly into the world's sisterhood of states, with an orderly written government, with a well-chosen leader, with all promise for happiness.

We are impressed; we return home inspired with another great forward step in world progress.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 33. An act to encourage travel to and within the United States by citizens of foreign countries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 10464. An act making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiences in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes.

ADJOURNMENT

Mr. PARKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned until tomorrow, Wednesday, February 12, 1936, at 12 o'clock noon.

COMMITTEE HEARING

IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will hold hearings in room 445, old House Office Building, at 10:30 a. m., Wednesday, February 12, 1936, on H. R. 9992 (resumed), H. R. 9991, and House Joint Resolution 388.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

661. A letter from the Secretary of War, transmitting a draft of a bill to amend the National Defense Act of June 3, 1916, as amended; to the Committee on Military Affairs.

662. A letter from the Acting Secretary of Commerce, transmitting a report which is presented in pursuance of the provisions of section 203 of the Merchant Marine Act, 1928; to the Committee on Merchant Marine and Fisheries.

663. A letter from the Archivist of the United States, transmitting a report on the statement of papers submitted by the Agricultural Adjustment Administration for disposition as provided by law; to the Committee on Disposition of Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII.

Mr. COLDEN: Committee on the Disposition of Executive Papers. House Report 1981. A report on the disposition of papers in the Smithsonian Institution. Ordered to be printed.

Mr. EICHER: Committee on Interstate and Foreign Commerce. H. R. 10187. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.; with amendment (Rept. No. 1982). Referred to the House Calendar.

Mr. WOLFENDEN: Committee on Interstate and Foreign Commerce. H. R. 10262. A bill to extend the times for commencing and completing the construction of certain bridges across the Monongahela, Allegheny, and Youghiogheny Rivers in the county of Allegheny, Pa.; with amendment (Rept. No. 1983). Referred to the House Calendar.

Mr. MERRITT of Connecticut: Committee on Interstate and Foreign Commerce. H. R. 10316. A bill to legalize a bridge across Poquetanuck Cove at or near Ledyard, Conn.; without amendment (Rept. No. 1984). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 10465. A bill to legalize a bridge across Second Creek, Lauderdale County, Ala.; without amendment (Rept. No. 1985). Referred to the House Calendar.

Mr. CHAPMAN: Committee on Interstate and Foreign Commerce. H. R. 11045. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River between Rockport, Ind., and Owensboro, Ky.; without amendment (Rept. No. 1986). Referred to the House Calendar.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 10182. A bill to authorize the Secretary of War to acquire the timber rights on the Gigling Military Reservation (now designated as Camp Ord), in California; without amendment (Rept. No. 1988). Referred to the Committee of the Whole House on the state of the Union.

Mr. McREYNOLDS: Committee on Foreign Affairs. H. R. 10670. A bill to amend section 11 of Public Law No. 30, approved April 10, 1935, to establish a commission for the settlement of the special claims comprehended within the terms of the convention between the United States of America and the United Mexican States concluded April 24, 1934; without amendment (Rept. No. 1989). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 10185. A bill to amend the act approved June 18, 1934, authorizing the city of Port Arthur, Tex., or the Commission thereby created and its successors, to construct, maintain, and operate a bridge over Lake Sabine, at or near Port Arthur, Tex., and to extend the times for commencing and completing the said bridge; without amendment (Rept. No. 1990). Referred to the House Calendar.

Mr. GREGORY: Committee on the Judiciary. S. 3453. An act limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to certain counsel; without amendment (Rept. No. 1991). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10047) granting a pension to Esta May McArthur, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. IGLESIAS: A bill (H. R. 11062) to amend the act of August 14, 1935, entitled "Social Security Act" to include Puerto Rico; to the Committee on Ways and Means.

By Mrs. NORTON (by request): A bill (H. R. 11063) to amend the act approved February 27, 1931, known as the District of Columbia Traffic Act; to the Committee on the District of Columbia.

By Mr. PFEIFER: A bill (H. R. 11064) to prevent the pollution of the navigable waters of the United States, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. STARNES: A bill (H. R. 11065) to give veterans of war service in the War with Spain and in the World War, their widows, and wives of disabled veterans who themselves are not qualified, preference in all employment where Federal funds are disbursed; to the Committee on the Civil Service.

By Mr. BLAND: A bill (H. R. 11066) to provide for lighter-than-air craft for the use of the Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. BURDICK: A bill (H. R. 11067) providing that the Commissioner of Indian Affairs and local superintendents shall be approved by a vote of Indians themselves; providing for the removal of local superintendents; and providing for the manner of calling elections; to the Committee on Indian Affairs.

By Mr. KNUTSON: A bill (H. R. 11068) to provide for aiding 4–H clubs in exhibiting and demonstrating their various projects and activities at State agricultural fairs; to the Committee on Agriculture.

Also, a bill (H. R. 11069) providing for the establishment of a term of the District Court of the United States for the District of Minnesota at St. Cloud, Minn.; to the Committee on the Judiciary.

By Mr. SANDERS of Texas: A bill (H. R. 11070) to amend section 601 of the Revenue Act of 1932, as amended, to provide for an excise tax on eggs and egg products; to the Committee on Ways and Means.

By Mr. SMITH of Washington: A bill (H. R. 11071) to establish a fish-cultural station on the West Fork of the Humtulips River, in Grays Harbor County, Wash.; to the Committee on Merchant Marine and Fisheries.

By Mr. WALTER: A bill (H. R. 11072) authorizing the appointment of an additional district judge for the eastern district of Pennsylvania; to the Committee on the Judiciary.

By Mr. WILLIAMS: A bill (H. R. 11073) granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a free highway bridge across the Current River at Powder Mill Ford on route no. Missouri 106, Shannon County, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. WOODRUFF: A bill (H. R. 11074) to increase the maximum monthly payment made by States to individuals for old-age assistance which will be matched by the Federal Government; to the Committee on Ways and Means.

By Mr. YOUNG: A bill (H. R. 11075) to authorize the Secretary of War to lend War Department equipment for use at the Eighteenth National Convention of the American Legion at Cleveland, Ohio, during the month of September 1936; to the Committee on Military Affairs.

By Mr. PALMISANO: A bill (H. R. 11076) to amend the act entitled "An act to incorporate the National Education Association of the United States", approved June 30, 1906, as amended; to the Committee on Education.

By Mr. DEMPSEY: A bill (H. R. 11077) to provide for a survey to determine the quantity and character of crude petroleum in storage, and for other purposes; to the Committee on Mines and Mining.

By Mr. MAVERICK: A bill (H. R. 11078) to prohibit male members of the military forces from leading the public to believe that female citizens are members, either actual or honorary, of combatant or training military units; to regulate the use of the flag; and to provide for military discipline; to the Committee on Military Affairs.

Also, a bill (H. R. 11079) prescribing a course of reading in connection with military instruction in certain educational institutions; to the Committee on Military Affairs.

By Mr. McSWAIN: A bill (H. R. 11080) to amend the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes", approved July 2, 1926; to the Committee on Military Affairs.

By Mr. LESINSKI: A bill (H. R. 11081) to provide for the establishment of an air base for the United States Air Corps Reserve at the Wayne County Airport, Wayne County, Mich.; to the Committee on Military Affairs.

By Mr. UNDERWOOD: A bill (H. R. 11082) to provide for the acquisition and preservation of certain prehistoric monuments in Perry County, Ohio; to the Committee on the Public Lands.

By Mr. McSWAIN: Joint resolution (H. J. Res. 488) to close Military Road; to the Committee on Military Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of South Carolina, memorializing Congress to enact legislation to reduce tenancy through the acquisition of farms by deserving tenants and landless citizens; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Illinois, urging the enactment of constructive farm legislation; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of New York: A bill (H. R. 11083) for the relief of the Northeastern Piping & Construction Corporation, of North Tonawanda, N. Y.; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 11084) for the relief of Jerry Cooper; to the Committee on Military Affairs.

Also, a bill (H. R. 11085) granting an increase of pension to Nancy McClay; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 11086) for the relief of Mary Elizabeth O'Brien, a former employee of the United States Veterans' Bureau; to the Committee on Claims.

By Mr. CHRISTIANSON: A bill (H. R. 11087) granting a pension to Carrie G. Koelln Berger; to the Committee on Pensions.

By Mr. CONNERY: A bill (H. R. 11088) for the relief of Francesco Sapienza; to the Committee on Immigration and Naturalization.

By Mr. DARDEN: A bill (H. R. 11089) for the relief of Josephine Russell; to the Committee on Claims.

By Mr. FORD of California: A bill (H. R. 11090) granting a pension to Charles Seveck; to the Committee on Pensions.

By Mrs. KAHN: A bill (H. R. 11091) granting an increase of pension to Harriet L. Liggett; to the Committee on Pensions.

By Mr. KELLY: A bill (H. R. 11092) for the relief of John Knaack; to the Committee on Claims.

By Mr. MARSHALL: A bill (H. R. 11093) granting a pension to Jacob Schoenthal; to the Committee on Pensions.

By Mr. PALMISANO: A bill (H. R. 11094) conferring jurisdiction upon the United States District Court for the Northern District of California to hear, determine, and render judgment upon the claim of Fred Owens; to the Committee on Claims.

By Mr. SMITH of Connecticut: A bill (H. R. 11095) for the relief of Hedwig Grassman Stehn; to the Committee on Claims.

By Mr. WILSON of Louisiana: A bill (H. R. 11096) for the relief of Hoyt W. Rainwater; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10041. By Mr. CUMMINGS: Petition of 346 citizens of Loveland, Colo., urging Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10042. Also, petition of patrons of star route no. 65187, Morgan County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10043. Also, petition of patrons of star route no 65182, Washington County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase compensation thereon; to the Committee on the Post Office and Post Roads.

10044. Also, petition of patrons of star route no. 65226, Lincoln County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10045. By Mr. JONES: Petition of Tom Collins and 216 other citizens of Channing, Tex.; to the Committee on the Post Office and Post Roads.

10046. By Mr. KENNEDY of New York: Memorial of the Legislature of the State of New York, requesting the Federal Government to enact such laws which will give this State the right to enact legislation which will be a protection to the citizens of the State of New York in connection with the sale of firearms manufactured in another State; to the Committee on the Judiciary.

10047. By Mr. LUNDEEN: Petition of Hibbing Musician's Protective Association, Local No. 612, American Federation of Musicians, Hibbing, Minn., urging that the Works Progress Administration regulations be changed so that anyone in need and who is worthy of assistance during this time of economic disturbance can secure work on the various Works Progress Administration projects; to the Committee on Labor.

10048. Also, joint resolution of the Minnesota State Legislature, urging legislation to provide for the continuation of the Works Progress Administration program until January 1, 1937, on a liberalized basis which will permit the employment of those needy unemployed who are no longer able to support themselves and their dependents without first requiring them to accept public relief in addition to those who are certified from the public-relief rolls; to the Committee on Appropriations.

10049. Also, petition of the American Federation of Teachers, Local 59, Minneapolis, Minn., opposing the Kramer sedition bill; to the Committee on the Judiciary.

10050. Also, petition of the American Federation of Teachers, Local 59, Minneapolis, Minn., opposing the Tydings-McCormack incitement to disaffection bill; to the Committee on Military Affairs.

10051. Also, petition of Mayor Francisco A. Mundo, Loiza, P. R., urging the extension of the Social Security Act to Puerto Rico; to the Committee on Insular Affairs.

10052. Also, petition of Manuel F. Rodriguez, secretary, P. T. A. Juncal Second Unit, San Sebastian, P. R., urging the extension of the Social Security Act to Puerto Rico; to the Committee on Insular Affairs.

10053. Also, petition of the Minnesota State Legislature, urging that American agriculture be placed on the basis of equality with other industries by providing an adequate system of credit, as set forth in the Frazier-Lemke farm refinancing bill; to the Committee on Agriculture.

10054. By Mr. MOTT: Petition signed by 21 members of the Eugene Central Woman's Christian Temperance Union, Eugene, Oreg., urging the enactment of House bill 8739; to the Committee on the District of Columbia.

10055. Also, petition signed by 28 members of the Eugene Central Woman's Christian Temperance Union, Eugene, Oreg., urging the enactment of House bill 8739; to the Committee on the District of Columbia.

10056. Also, petition signed by 19 members of the Eugene Central Woman's Christian Temperance Union, Eugene, Oreg., urging the enactment of House bill 8739; to the Committee on the District of Columbia.

10057. By Mr. PATTERSON: Petition of W. P. Edwards and 1,115 other citizens of Coffeyville, Kans., favoring the enactment of the Townsend old-age revolving pension plan; to the Committee on Ways and Means.

10058. By Mr. SPENCE: Petition of 64 citizens served by star route no. 29185 from Worthville to Wheatley and Moxley, Ky., petitioning Congress to enact legislation that will indefinitely extend all existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10059. Also, petition of 104 citizens served by star route no. 29188 from Worthville to Carrollton, Ky., on which J. O. Burns is the carrier, petitioning Congress to enact legislation that will indefinitely extend all existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10060. By Mr. SMITH of West Virginia: Resolution of the Woman's Christian Temperance Union of St. Albans, W. Va., urging the passage of House bill 8739; to the Committee on the District of Columbia.

10061. By Mr. WILLIAMS: Petition of John W. Estes, Jr., and others, relating to permanent contracts and pay adjustments for star-route mail contractors; to the Committee on the Post Office and Post Roads.

10062. By the SPEAKER: Petition of the Wake County Junior Bar Association, North Carolina; to the Committee on the Library.

10063. By Mr. DRISCOLL: Petition of 87 patrons of star route no. 10246, from Shippenville to Oil City, Pa., requesting indefinite extension of all contracts for delivery and carriage, and increase the compensation thereon to an equal basis with other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10064. By Mr. KNIFFIN: Petition of Charles W. Donaldson and others, of Montpelier, Ohio, protesting against liquor advertising, and urging the adoption of the Capper bill (S. 541); to the Committee on Interstate and Foreign Commerce.

10065. Also, petition of Luella Cook, Woman's Christian Temperance Union, and others, of Hicksville, urging the adoption of the Guyer bill; to the Committee on the District of Columbia.

10066. By Mr. LAMBERTSON: Petition of Glenn Crosby and 128 other citizens of Topeka, and Anna Richard and 29 other citizens of Highland, all of the State of Kansas, favoring passage of House bill 8739; to the Committee on the Judiciary.

10067. By Mr. CONNERY: Resolution of the Massachusetts State Planning Board, urging the passage of Senate bill 2825 in such form as will best assure the creation and effective functioning of a national planning board; to the Committee on Interstate and Foreign Commerce.

10068. Also, resolution of the Order of Sons of Italy, Grand Lodge of Massachusetts, opposing any changes in the practice of American neutrality heretofore followed and now in effect; that if the Congress of the United States should in its wisdom make any changes in the policy of neutrality for the future, such changes be not made operative and effective during the continuance of the Italo-Ethiopian conflict; that the Congress of the United States should do nothing to restrict free commerce with Italy in anything except arms and munitions; and that the Congress of the United States should not do anything which would in form and in substance be unfriendly to Italy, a traditional friend of America; to the Committee on Foreign Affairs.

SENATE

WEDNESDAY, FEBRUARY 12, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

CALL OF THE ROLL

Mrs. CARAWAY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson	O'Mahoney
Ashurst	Coolidge	Keyes	Overton
Austin	Copeland	King	Pittman
Bachman	Costigan	La Follette	Pope
Bailey	Couzens	Logan	Radcliffe
Barkley	Davis	Lonergan	Reynolds
Benson	Dieterich	Long	Robinson
Black	Donahey	McAdoo	Russell
Bone	Duffy	McGill	Schwellenbach
Borah	Frazier	McKellar	Sheppard
Brown	George	McNary	Smith
Bulkley	Gerry	Maloney	Thomas, Utah
Bulow	Gibson	Minton	Trammell
Burke	Glass	Moore	Truman
Byrd	Gore	Murphy	Tydings
Byrnes	Guffey	Murray	Van Nuys
Caraway	Harrison	Neely	Wagner
Carey	Hatch	Norbeck	Walsh
Chavez	Hayden	Norris	Wheeler
Clark	Holt	Nye	

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness; that the Senator from Oklahoma [Mr. THOMAS] is absent on account of the death of his brother; that the Senator from Florida [Mr. FLETCHER] is absent in attendance on the funeral of a friend in Florida; and that the Senator from Mississippi [Mr. BILBO] and the Senator from Nevada [Mr. MCCARRAN] are necessarily detained from the Senate.

Mr. DIETERICH. I announce that my colleague the senior Senator from Illinois [Mr. LEWIS] is detained on account of important public business pertaining to his office.

Mr. MCNARY. I announce that the Senator from Kansas [Mr. CAPPER] is absent in attendance on the funeral of former Vice President Curtis.

Mr. AUSTIN. I announce that the Senator from Rhode Island [Mr. METCALF], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Oregon [Mr. STEIWER], the Senator from Michigan [Mr. VANDENBERG], the Senator from Maine [Mr. WHITE], the Senator from New Jersey [Mr. BARBOUR], the Senator from Maine [Mr. HALE], the senior Senator from Delaware [Mr. HASTINGS], the junior Senator from Delaware [Mr. TOWNSEND], and the Senator from Iowa [Mr. DICKINSON] are necessarily absent.

The VICE PRESIDENT. Seventy-nine Senators have answered to their names. A quorum is present.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, February 11, 1936, was dispensed with, and the Journal was approved.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a concurrent resolution of the Legislature of the State of New York, favoring the enactment of legislation to authorize the promulgation of rules by the Department of Justice or the Interstate Commerce Commission to compel every manufacturer of firearms to mark such firearm manufactured with a serial number which will be plainly visible, such serial number to be registered with the Department of Justice as to its consignee at the time of shipment by the manufacturer, etc., which was referred to the Committee on the Judiciary.

(See concurrent resolution printed in full when presented by Mr. COPELAND on the 10th instant, pp. 1697–1698, CONGRESSIONAL RECORD.)

The VICE PRESIDENT also laid before the Senate the memorial of the Woman's Republican Club of Glen Rock, N. J., remonstrating against the enactment of the so-called Frazier-Lemke farm refinancing bill, or any measure of an inflationary nature, which was ordered to lie on the table.

Mr. COPELAND presented petitions of sundry residents of Anasco, Bayamon, and Juana Diaz, P. R., praying for the extension of the benefits of the Social Security Act to Puerto Rico, which were referred to the Committee on Territories and Insular Affairs.

REPORTS OF COMMITTEES

Mr. GIBSON, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 605. A bill for the relief of Joseph Maier (Rept. No. 1548);

H. R. 2110. A bill for the relief of W. A. Harriman (Rept. No. 1549); and

H. R. 4210. A bill for the relief of Anthony Nowakowski (Rept. No. 1550).

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (H. R. 4086) for the relief of Ellis Duke, also known as Elias Duke, reported it with an amendment and submitted a report (No. 1551) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 3557. A bill for the relief of Helena C. VonGroning and Stephan VonGroning (Rept. No. 1552);

H. R. 4171. A bill for the relief of Look Hoon and Lau Hoon Leong (Rept. No. 1553);

H. R. 5181. A bill for the relief of the Progressive Commercial Co. of Philadelphia, Pa. (Rept. No. 1554); and

H. R. 5474. A bill for the relief of Lt. M. T. Grubham (Rept. No. 1555).

Mr. BROWN, from the Committee on Naval Affairs, to which was referred the bill (H. R. 6708) to authorize the presentation of a Distinguished Flying Cross to Lt. Col. Francis T. Evans, United States Marine Corps, reported it without amendment and submitted a report (No. 1556) thereon.

Mr. PITTMAN, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 198) to extend for 1 year the joint resolution approved August 31, 1935, relating to neutrality, reported it with amendments and submitted a report (No. 1557) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND (by request):

A bill (S. 4000) to amend sections 211 and 245 of the Criminal Code; to the Committee on the Judiciary.

A bill (S. 4001) for the relief of the Northeastern Piping & Construction Corporation, of North Tonawanda, N. Y.; to the Committee on Claims.

By Mr. OVERTON:

A bill (S. 4002) to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.; to the Committee on Commerce.

By Mr. CAREY (by request):

A bill (S. 4003) providing for the reorganization of the Farm Credit Administration; to the Committee on Banking and Currency.

By Mr. HATCH:

A bill (S. 4004) to create a commission to make investigation and report, with recommendations, to the Congress with respect to the financial and economic condition of United States reclamation projects, making appropriation for the expenses incidental thereto and further extending relief to water users on United States reclamation projects; to the Committee on Irrigation and Reclamation.

By Mr. NORBECK:

A bill (S. 4005) to extend the provisions of the act entitled "An act granting a leave of absence to settlers of homestead lands during the year 1935", approved May 22, 1935, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. JOHNSON:

A joint resolution (S. J. Res. 211) to authorize and direct the Secretary of the Navy to prepare plans and designs for two lighter-than-air craft, together with estimates of costs, and to report the same to the Naval Affairs Committee of the Senate; to the Committee on Naval Affairs.

By Mr. NORBECK:

A joint resolution (S. J. Res. 212) authorizing the construction of lighting facilities and radio aids for the air route flown under air-mail contract no. 26 from Omaha, Nebr., via Sioux City, Iowa, and Sioux Falls, S. Dak., to Bismarck, N. Dak., and Minneapolis, Minn., and for other purposes; to the Committee on Interstate Commerce.

AGRICULTURAL RELIEF—AMENDMENT

Mr. LA FOLLETTE submitted an amendment intended to be proposed by him to the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, which was ordered to lie on the table and to be printed.

AMENDMENT TO TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. WHEELER submitted an amendment proposing to appropriate $22,000 for the establishment, equipment, and maintenance of an assay office at Helena, Mont., intended to be proposed by him to House bill 10919, the Treasury and Post Office Departments appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ECONOMIC SECURITY—ADDRESS BY SENATOR MALONEY

Mr. LONERGAN. Mr. President, I ask unanimous consent to have inserted in the RECORD a radio address delivered by my colleague the junior Senator from Connecticut [Mr. MALONEY], on February 11, 1936.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Ladies and gentlemen of the radio audience, because my radio time is so limited, I am compelled to confine my statement to a general view of the problem of New England. What I shall say applies as well to all other places and, in my humble opinion, to all other people. It will be recognized as a Democratic speech, although I aim to be temperate. I desire only to contribute to the common good, and I am concerned with my party only to the extent that it may serve that purpose.

This is the year of a national election. President Franklin D. Roosevelt is quite certain to be the nominee of my party, and when the lines of political battle are finally drawn, the fighting here will be as fierce as in any other place. There are now indications that party lines will be partially erased, and that men who heretofore have fought side by side at election time will find themselves apart. I regret that, and to the limit of my very humble abilities I would try to correct the situation.

If I believed, as some men certainly do, that President Roosevelt was drifting away from our cherished Americanism and turning his back on the ideals for which New Englanders have fought for more than 300 years, I would be opposed to him. Because I believe otherwise, I am happy to be on his side, and I expect to rejoice in his reelection.

People of New England, like about all other people, are still seeking that which brought the Pilgrims to our shores more than three centuries ago. People on the *Mayflower* came in search of security. They wanted the comfort of their religious practices and opinions as they sought eternal and economic salvation. People of New England, rich and poor alike, are still reaching out for security.

In an ever changing world one obstacle after another has been overcome, although often at seemingly unnecessary cost. We now, finally, recognize the fact that we can live together and worship God in keeping with our individual conscience.

Unfortunately we still reach for economic security. At various times during the past 100 years we seemed to have had a firm grasp upon it, but, finally, with a complete crash, every gain toward that goal seemed to be torn away in 1929.

In the following few years a well-meaning President sought vainly to get his countrymen once more on solid foundation. One effort after another brought nothing more or better than lost ground and fading hope. Many men in the solitude of their own homes and the quietude of their business houses despaired of recovery, and secretly they were in actual surrender. Taxes did not worry them then. They prayed for a leadership that might keep the Nation together.

Few, if any, people were immune from that feeling of horror. Many of our New England industrial plants seemed little more than monuments to a period that seemed great. People in our farm country were distressed because stricken industry robbed them of a profitable market. Banks in many places were insolvent, although those of us who knew this endeavored to hide the fact as we fought to preserve hope. The leaders of our great insurance companies were far from happy, largely because farmers in the more severely distressed parts of our country were defying the written law. Although these farmers could not pay, they were refusing to surrender to the sheriff. Even had there been a willingness to see their places go under the auctioneer's hammer, the insurance companies would have been no better off, for putting the farmer through the wringer meant that everyone else, including the insurance-company stockholder and policyholder, went with him. Calling loans was like calling the stars.

Municipalities fought courageously to keep solvent, but every last citizen of our country endowed with normal intelligence wondered if and how we might get over it all. Most men confessed their inability to suggest a formula, and, as men scrambled to protect themselves, the problem intensified.

President Roosevelt officially came on the scene at what was perhaps the most critical moment in the Nation's history. He sought the cooperation of his countrymen, and received it. Almost everyone seemed willing to give him a signed blank check of authority.

He declared a bank holiday, and, with a speed and daring that staggered a bewildered Nation, he set in motion the legislative machinery that would stabilize finance. Relief to the farmer was necessary to save the insurance companies and banks and their millions of stockholders, policyholders, and depositors. He engineered banking and railroad legislation and stock-exchange and security laws, and with a combination of calm and speed worked toward equilibrium. The action took him into strange provinces and the activity required great expenditures, but the life of the greatest country in the world was at stake. There was applause. Men breathed freely again.

After the passing of the crisis, although recovery seemed certain, there was a definite need for a diet that differed from the careless and extravagant one which had done so much toward bringing on the illness.

The prescription included plans to help labor and the farmer to a steadier mode of living, because security for them meant security for the other people of the Nation.

Slowly a kind of happiness came over a great part of the country, including New England. Banks again prospered under the shield of governmental protection. Insurance companies showed a profit and their employees and policyholders visualized security in the distance. Down in Aroostook County houses were painted and barns repaired, and milk checks of greater value brought a bit of brightness to little homes on hillsides in Vermont. Legislation helped to oil textile looms in Massachusetts, New Hampshire, and Rhode Island, and in my own State, and confidence became a reality.

Then came another dawn.

Men who only a little while before had worried about the preservation of our national life, as we had molded it, became disturbed and then excited. Certain individuals who had wielded great power and enjoyed special privilege saw an indication of restriction and regulation and they forgot the dark days.

Only a little while before they had prayed for regulation.

Some of these men lived in my State and still live there. I remember their despondency better than they do, and I clearly recall their condemnation of Mr. Hoover because he "would do nothing" to halt the mad dash downward. I remember the radiance of their appearance as they returned to composure in 1933 and 1934, and a few of them were sufficiently grateful or repentant to vote the Democratic ticket in the latter year. They are good men, as men go, but they are overconfident of their position now because they have returned to a safe landing after a frightful storm.

Humble as I am, I know a few things that some of them cannot know, because they were in the storm on a comparatively substantial craft. During those more uncertain years I was mayor of the city in which I live, and daily I came face to face with the very bitter side of the situation. It was heart-rending to see seemingly countless people who had once known a little of the better side of life reduced to the pain of physical suffering and a mental torture that only a real rugged individualism could endure. I knew many of them were better people than I was, and certainly some more able, but they had been caught in a whirlpool and they went where the waters carried them.

When "normalcy" finally came for a certain group, that group once more prepared to assume command. The organs of propaganda were speeded up and some of the people were turned against

themselves. Some men completely forgot, and they instilled forgetfulness into some other men. Now they would have the governmental authority that restored order and regularity let business alone.

I am not angry with these men, but I am sorry for them. I want them back in the patriotic spirit of 1933. I want them to be fair to the patriotic young men who were in the front lines when the fighting was hardest during that year—the men now sometimes referred to as the "Brains Trust." These young men, even with a superior education and a tireless energy, cannot begin to do the job alone. In fact, alone, in some instances they would probably make a bad job of it. They need the guiding influence and the benefit of the great experience of those other men whose brains were temporarily unemployed during the most maddening years.

President Roosevelt bravely submerged the steady habits he acquired in a near-New England countryside home as he experimented to bring about the security sought by poor men and by rich men. Balancing consumption is a slower way to a balanced Budget, but it is a more certain and a more noble route.

God has blessed us with an abundance of the things we need, and He has endowed each of us with a free will. A New England tolerance is badly needed now. I cannot applaud all of the things that have been proposed, and more times than I like to think about I have found myself on a side opposite from that taken by the majority in Congress. But never have I found myself at odds with the aims of our national leadership. I think I know where President Roosevelt wants to go, and to me it looks like a safe port for the American people.

There must be a little deflation of the feeling of superiority which was a part of the old order and a great inflation of opportunity for good Americans who, through no fault of their own, are still in need.

The criticism President Roosevelt has received in New England is insignificant compared to the abuse that was here heaped upon Jefferson. Jefferson was a horrible radical in the eyes of many men.

Men and women of New England enjoy a rich background. Life here has been a struggle—a struggle against savages, and witchcraft, and sometimes fear. We have not always moved forward as rapidly as people in other places—and oftentimes we wanted to see the whites of men's eyes. But we have gone forward. There has been no retreat. We have kept the faith.

POLITICAL AND ECONOMIC CONDITIONS—ADDRESS BY HON. JAMES A. FARLEY

Mr. ROBINSON. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Hon. James A. Farley before a public gathering at Denver, Colo., November 25, 1935.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

It was very kind of the Colorado State central committee to invite me here today, and I thank Chairman Worth Allen and the other members of that militant body for the honor. I know the energy and efficiency of your State organization and appreciate the good job it did in making this a Democratic State.

You have demonstrated that you have realized that the best politics consists in giving good service to your people, for public service contributes more to political success than all the wiles and expedients of campaign strategy. When you join diligent party organization with efficient government you have an unbeatable combination.

Let me congratulate Colorado on having at the head of the State administration Ed Johnson. It is equally fortunate in its United States Senators, for none stands higher in Washington than EDWARD P. COSTIGAN and ALVA ADAMS; they and your Representatives are performing great service for the State and for the Nation. Right here I would like to correct a couple of misapprehensions. I do not know how it is here, but in many places I have found a belief that Senators and Congressmen have an easy time of it. Let me tell you that there are few tougher jobs than these, for men who take their responsibilities seriously as your Senators and Representatives do. The second error is that the delegations in the National Legislature are expected to be mere rubber stamps to carry out the will of the President. On the contrary, let me assure you that the Member of independent habit and judgment is the one most appreciated by the administration. It is the President's function to recommend legislation. To advise Congress what he deems requisite for the welfare of the Nation. Those who have faith in his judgment go along with him, but there is neither pressure brought on the Congressmen to follow the President's lead nor hostility or reprisal for those who differ from him. It is rare that any important measure goes through without amendment. So much for that.

We had an index of how things are going in Kentucky recently. When it came to election day "Happy" Chandler, the Democratic candidate, was elected by the biggest majority received for a Governor since the Civil War.

Incidentally, that Kentucky election is a cheerful and significant augury of what is going to happen next November. In fact, every recent election suggests the same thing. I suppose you read about the Republican interpretations of these election results. For example, they insisted that the circumstance that they had overcome our tiny, temporary majority in the State assembly was of vast significance. You perhaps did not know that New York State is so gerrymandered as to make Democratic control of the assembly a miracle. We have elected and reelected Governors and a majority of the New York Senate, but have not had the assembly but three times in nearly half a century.

Al Smith, as Governor, never had an assembly of his own political complexion, and neither did Franklin D. Roosevelt. The gerrymandering of the State does not affect general elections. And though we lost the assembly this year the popular Democratic majority was nearly 400,000.

Another election, which was heralded by our opponents as something of great promise to them, occurred in Philadelphia. That city has not had a Democratic mayor in 50 years. The last previous Republican mayor had a majority of 330,000. This year the Republicans won out by only 45,000. If Franklin D. Roosevelt runs as well in up-State Pennsylvania as did Senator GUFFEY, and only half as well as did our candidate for mayor in Philadelphia, Pennsylvania is bound to be in the Democratic column in 1936. Our Republican friends did not talk much about New Jersey, but the New York newspapers, except, of course, the regular Republican organs, pointed out that if the New Jersey figures carried on next year New Jersey was safe for Democracy.

I am only rehashing the eastern electoral figures to convey to you that everything points to our success in the coming Presidential election by a sweep as wide or wider than that which put Roosevelt in the White House in 1932.

This may be something of a surprise to you in view of all the propaganda talk about Roosevelt's slipping that you have seen in the Republican newspapers. Just bear in mind that the opposition has dollars to spend where we have dimes. The Republican National Committee which, according to the journals of the last few days, has organized a finance committee which bristles with the names of the chiefs of huge corporations and others synonymous with great wealth, may present reports of modest collections and modest expenditures. But working with the Republican organization are a dozen agencies whose campaign expenditures do not figure in Mr. Fletcher's reports; that multimillionare's club, misnamed the Liberty League, is only one example of the agencies that are pouring out money to break down Roosevelt, interspersing its hostile maneuvers with hypocritical claims of nonpartisanship.

There is nothing new in this situation. Our adversaries have invariably had the support of those men and those enterprises which have fought the aspirations of the common man and which have never been concerned with anything beyond the unfair privileges they were accorded by subservient Republican administrations.

That situation dragged us into the panic period out of which the leadership of President Roosevelt has been successfully extricating us.

Because the present administration is seeking not only to restore prosperity but also to prevent the recurrence of such disasters as the Hoover panic, the administration's enemies have been clamoring that it is against business. Nothing could be sillier than that statement. Everybody knows that the success of any administration must be coupled with business prosperity. It is not against business that the President has been tilting. The legislation he sought was aimed not at industry but at the abuses being practiced by unscrupulous individuals, or combinations, whose monopolistic activities were ruthlessly directed to the exploitation of the people and the destruction of their small competitors.

You do not need to take my word for that. If you look up the statistics you will find that even during the boom years that led up to the crash of 1929, there were 10 times as many business failures than there have been since the advent of the Roosevelt administration. During the depression period, of course, there were many more. I do not include among these the crash of banks. Before Roosevelt took the helm of the ship of state there had been something like 10,000 banks that busted. How many have there been since the President reformed the banking situation. You can count them on your fingers. And, what is perhaps of greater significance, no depositor lost anything through these few bank closings because of the depositor's insurance measure that had been enacted.

If Roosevelt had done nothing more than he accomplished when he closed all the banks on the day of his inauguration and permitted the reopening only of those that were sound or which were made sound, he would have stood out as among the Presidents who did most for the country. But the bank business was only the beginning.

Roosevelt an enemy of business! Since Hoover went out and Roosevelt came in there has been an increase in industrial production of 46 percent, and an accompanying increase in factory pay rolls of 79 percent with all that implies of increase in purchasing power which benefits the merchants; the sales in rural general stores have more than doubled; the profits of 413 leading industrial corporations this year are more than a billion dollars ahead of any year since 1930.

You know how things are at home in Colorado. How many of your mines were shut down in the years immediately preceding the Roosevelt administration? How many of them are active now? You can answer those questions for yourself. I am told that your mines are doing better than any of you dreamed would be possible 3 years ago. This, of course, means that a lot of your own miners are at work and that every man who has a job adds just that much to general prosperity.

How about your farmers?

You know that for a dozen years conditions for them were getting worse and worse. Their holdings were being swept away by hundreds, perhaps by thousands, by the foreclosures of mortgages. The interest rates they were paying were prohibitive. And they could no longer get loans on land as a security.

Then came the New Deal and Roosevelt.

In less than 3 years—what?

Prices of farm products have increased about 85 percent since March 1933. The total income of cash marketing over the whole country had increased from nearly two hundred and eighty millions to approximately four hundred and ninety millions at the close of the last fiscal year. Innumerable farms have been refinanced and saved from foreclosure by the methods of the New Deal, which its enemies are denouncing.

So marked and unanswerable is the improvement in agricultural conditions that even our adversaries dare not contradict the facts. The best they can do is to call the processes by which it was adopted a lot of names. They say it is socialistic, communistic, un-American; that it means the regimentation of the farmers; and that they will have a process, if and when they get in, that will accomplish the same results by some method that cannot be described in definite terms. Up to date not one of them—from ex-President Hoover, with his heavy generalities, to mournful Colonel Knox, of Chicago, who is among the minor contenders for the doubtful honor of the Republican nomination—has given the slightest inkling of what that process is to be. They haven't any plan. What they are thinking, even if they are not saying it, is that the A. A. A., under another name and administered by a Republican instead of by a Democratic President, would be the ideal solution.

When you have put the farmer in a position where he is able to buy and pay for what he buys; when you have given the businessmen of the country an advance that enables them to employ more men and thus to increase the volume of the purchasing public, you have gotten at least halfway to recovery. And that is what Roosevelt has done. And we will go the rest of the way before the end of his second term.

The big-business fellows and the Republican organization, through which they work, are unable to dispute the facts of recovery. So they declare it is in spite of the New Deal and not because of it that commerce and industry are recovering. They make no explanation of their cryptic statement.

If it was not the efforts of the administration and resulting legislation that brought about the promising results, what was it?

Was it the lamentations of the seer of Palo Alto, who told us during the 1932 campaign if he were not reelected grass would grow in the city streets and our whole country would dissolve into chaos? He evidently is enamored of that note, for in his last address he told the people in effect that unless an end was put to the New Deal, national and irreparable destruction and disaster were bound to come.

Would they say that the measure of prosperity which we have obtained is due to their efforts to defeat the bill aimed at the elimination of parasite holding companies, which have milked the operating utility companies and compelled extortionate rates on light, and power, and heat? It was told in evidence before a Senate investigating committee that they had spent $2,000,000 in lobbying to prevent the passage of the bill. Perhaps they think that that $2,000,000 slush fund was what has produced the better times.

Was it the resurrection of Herbert Hoover and the indication of his willingness to accept another White House term that heartened the people and lifted business from out of the red?

Was it in spite of the correction of the banking iniquities, the insurance of deposits, the social-securities legislation, and measures akin to these, that employers began to employ, people began to reinvest, and the wheels of our whole economic system began to revolve at something approaching normal speed?

Nobody contends that every element of the New Deal has been flawless or that the people entrusted with its administration have always done the wisest thing. What had to be done had to be done in a hurry and the marvel is not that there was an occasional slip-up but that the mistakes and errors were not a thousand times as numerous. The value of a project, particularly of the magnitude of the rehabilitation program, has got to be judged not by the isolated weak spot, not by the blunder of some minor official, but by the general result.

Where we were in March 1933, and where we are now, tells the real story.

Now let me discuss for a moment the only definite charge the enemies of the administration can bring against it; that is their accusation of extravagance. They will pile up staggering figures for your edification of the amount the Government is spending and the extent of the deficit and talk about the necessity of balancing the Budget. I do not think that any sane man or woman would contend that it would have been the proper policy to let those deprived of the means of livelihood through no fault of their own, starve. Relief had to be provided for these people, first, because no government could be so inhuman as to ignore its obligations to this mass of citizens; and, secondly, because fifteen or twenty million people would not starve peaceably. There were two ways, and only two ways, of meeting the situation. One was by direct relief—in other words, the dole; and the other was by giving employment at public expense to all of those capable of work. We had to try the dole system because the other takes time and starvation is not a thing that can be postponed. So now we are spending a great deal of money in providing employment. True enough, all of this employment is not in itself productive of permanent improvements; although the vast proportion of it does result in really useful work; new public buildings, new roads, and civic enterprises of every sort. I think practically the whole of the American people will agree that it is better to pay men for doing work of greater or less use than to accustom them to a chronic state of pauperism. Again I would ask our adversaries what they would do with the relief problem if they had a shot at it?

Moreover the figures that they adduce to show the enormity of governmental expenditures are untrue and do not present an accurate picture. They list as part of the public debt billions and billions of dollars loaned by the Government on the best of security. The same securities on which the banks always loan money, either real estate in the case of the farm and home loans or commercial paper of the first grade.

Take the R. F. C. for example. It is more stringent as to the qualifications of the securities it accepts for loans than the banks have been. What it has put out is being repaid in amounts considerably in excess of what it is lending. The latest report of its activities show a net profit on just such a balance sheet as any business house would draw of $110,000,000—a good deal more than enough to take care of any bad loans that may develop. And yet every dollar that the fountainhead of the emergency relief lends is included in our adversaries' estimate of what the Government is spending.

To give point to their charge of extravagance the prophets of gloom are telling the people that impossible tax rates loom ahead. You can take their word for it or you can take the word of President Roosevelt. In the plainest words he has declared that given a continuance of prosperity progress, and unless huge new burdens are added to those of the Government, the present rate of taxation will pay off the debt in the normal way.

There is another side to this extravagance business. While the emergency expenditures are vast, the routine costs of the Government have been steadily cut down. By this I mean that the regular activities of the various departments of the Government have been diminished by something approaching a billion dollars a year. I might mention my own Department, that of the Post Office, as an indication. We inherited over there an annual deficit running up to $150,000,000 a year. Today we are paying our bills out of our income. If it were not for certain subsidies, ordered by Congress, and which the Post Office Department is powerless to change, we would be able to turn back to the Treasury every year several million dollars. In order to keep the records straight, let me mention that the $150,000,000 deficit of the other administration was also exclusive of ship subsidies, aircraft subsidies, and the cost of the free-mail privilege which must be extended to every branch of the Government—legislative, judicial, and executive.

There is, of course, a great deal of criticism of the administration that comes when we approach a political campaign as inevitably as the succession of day and night. It is a custom that began when Washington was President and it has been going on ever since, with greater or less virulence. But I would call your attention to a peculiar circumstance. There has been no scandal in this administration. No accusation of monumental graft. No Tea Pot Domes and no little black satchels concealing hundred-thousand-dollar bribes. When you consider the huge figures of the amount this administration has had to spend, I think you will agree with me that to keep that expenditure clean, to keep off the big vultures, is in itself a tribute to the practical quality and general efficiency of your Government. When I think it over it seems to me that the worst suggestion of graft that has been made is that some fellow, who could afford to pay for them, has managed to chisel $4 worth of groceries a week out of the Government, which is about as important in the general scheme of things as the pecking by a blackbird at an apple is to the output of a great orchard.

The clamors of the minority party—without an issue, without a candidate, without any assets unless you count the use of as big a campaign fund as they want, are not going to amount to anything. Traditionally, the minority party is compelled to make a campaign. If it has not got a real candidate to put forward it will put forward a straw man. And if it has no issues of its own it must do what it can by calling names and viewing everything with alarm.

The clamors of the minority party—without an issue, without objectives—restoration of prosperity and the correction of such conditions that made the great economic catastrophe possible.

The faith of our people in Franklin D. Roosevelt is unbroken.

Their appreciation of what the Roosevelt administration has done for the country is unbounded.

Here and there, where some detail is complained of, there is bound to be some grumbling. But in the aggregate our citizens are more than satisfied. If the elimination of the last administration was hailed with relief, the unthinkable defeat of the present administration would be regarded as a national calamity. I call it unthinkable because I have been through 15 or 20 of our States in the past month or two. I have talked to the people and I feel quite safe in assuring you that in November of 1936 Franklin D. Roosevelt will be reelected as conclusively as he was elected in 1932.

And I say this regardless of whether ex-President Hoover is the candidate against him or some minnow in the sea of politics whom they will try to build up between nomination and election day into the importance of a big fish.

POWERS OF CONGRESS AND THE COURTS—ARTICLE BY L. B. FINN

Mr. LOGAN. Mr. President, I ask unanimous consent to have printed in the RECORD an article prepared by Hon. Laurence B. Finn, of Bowling Green, Ky., on the subject of the Power and Authority of Congress and the Federal Courts Under the Constitution.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POWER AND AUTHORITY OF CONGRESS AND FEDERAL COURTS UNDER THE CONSTITUTION

By Laurence B. Finn, Bowling Green, Ky.

No amendment to the Federal Constitution is necessary to give Congress full power and authority to prevent its laws from being annulled by the Supreme Court, except in those cases where the Supreme Court has original jurisdiction.

The almost superhuman wisdom displayed by those who wrote the first seven articles of the Constitution is revealed by a careful and intensive study of their clear and precise provisions. Everyone knows, generally speaking, that the Constitution provides for a division of the Federal Government into three branches—the executive, the legislative, and judicial. In a general way it is also understood that each branch is independent of the other, that neither branch shall encroach upon the other, but that all three shall be coordinative. In a very definite and specific way, however, it is of common knowledge that the Supreme Court and inferior Federal courts do not hesitate to declare the laws of the United States, which constitute the chief work of the Congress, null and void because (so the courts hold) they are in conflict with the Constitution.

THE JUDICIARY OF THE CONSTITUTION

There is a very definite and circumscribed field prescribed by the Constitution in which each of these three coordinated branches of government is supreme and in which neither shall encroach upon the other. Political chaos has been due to the fact that we have failed to keep before us the respective fields in which each of the coordinated branches of government is supreme, and concerning which the Constitution leaves no chance for doubt. But the field of exclusive authority must be preempted as the Constitution authorizes; otherwise unclaimed rights cannot be enjoyed.

ARTICLE III

Article III, section 1, of the Federal Constitution reads:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges both of the Supreme and inferior courts shall hold their offices during good behavior and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office."

In view of the provisions of section 1, article I, of the Federal Constitution, "that all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives"; and in view of the provisions of article III, above quoted, "that the judicial power of the United States shall be vested in one Supreme Court", it is quite manifest that Congress could pass no law abolishing the Supreme Court of the United States and the Supreme Court could render no decision abolishing Congress. They are both created by the same instrument. They derive their powers from the same source and in their respective fields they are each supreme where the Constitution so provides.

INFERIOR COURTS

But as to inferior courts, Congress can create, abolish, or prescribe their jurisdiction in every way, provided, of course, there is no endeavor upon the part of Congress to pass any law that will take from the Supreme Court of the United States either its original or appellate jurisdiction as prescribed and defined by the Constitution. As was said by Justice Sutherland in the case of *Kline* v. *Burke Construction Co.* (67 Law Ed. at p. 226), decided November 20, 1922:

"The right of a litigant to maintain an action in a Federal court on the ground that there is a controversy between citizens of different States is not one derived from the Constitution of the United States, unless in a very indirect sense. Certainly it is not a right granted by the Constitution. The applicable provisions, so far as necessary to be quoted here, are contained in article III, section 1, of that article provides: 'The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time establish.' By section 2 of the same article it is provided that the judicial power shall extend to certain designated cases and controversies, and, among them, 'to controversies * * * between citizens of different States. * * *' The effect of these provisions is not to vest jurisdiction in the inferior courts over the designated cases and controversies but to delimit those in respect of which Congress may confer jurisdiction upon such courts as it creates. Only the jurisdiction of the Supreme Court is derived directly from the Constitution. Every other court created by the General Government derives its jurisdiction wholly from the authority of Congress. That body may give, withhold, or restrict such jurisdiction at its discretion, provided it be not extended beyond the boundaries fixed by the Constitution. (Cases cited.) The Constitution simply gives to the inferior courts the capacity to take jurisdiction in the enumerated cases, but it requires an act of Congress to confer it (*Nashville* v. *Cooper*, 6 Wall. 247, 252, 18 L. Ed. 851, 852). And the jurisdiction, having been conferred, may, at the will of Congress, be taken away in whole or in part; and, if withdrawn without a saving clause, all pending cases, though cognizable when commenced, must fall (*Assessors* v. *Osborne* (*Gates* v. *Osborne*), 9 Wall. 567, 575, 19 L. Ed. 768, 751). A right which thus comes into existence only by virtue of an act of Congress, and which may be withdrawn by an act of Congress after its exercise has begun, cannot well be described as a constitutional right."

The jurisdiction of the Supreme Court is prescribed and defined in section 2 of article 3, the first paragraph of which reads:

"The judicial power shall extend to all cases (in law and equity, arising under this Constitution, the laws of the United States), and treaties made, or which shall be made, under their authority, to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign states, citizens, or subjects."

We have italicized a part of this paragraph and placed in parentheses another clause for easier analysis.

ORIGINAL AND APPELLATE JURISDICTION

From the provisions of this section it is an inescapable conclusion that all cases therein enumerated come under the jurisdictional power of the United States, which is vested in a Supreme Court. It is of vital consequence, however, to observe that the Constitution expressly declares that the Supreme Court has both original and appellate jurisdiction. And it must always be remembered that the Supreme Court derives its original jurisdiction directly from the Federal Constitution, while its appellate jurisdiction comes through Congress by authority of the Constitution.

We now quote the second paragraph from section 2, article 3:

"In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

As Mr. Justice Roberts stated in an opinion in the case of *United States of America* v. *William H. Sprague et al.* (75 L. Ed. 640, decided Feb. 24, 1931), "The constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary, as distinguished from technical, meaning; when the intention is clear there is no room for construction and no excuse for interpretation or addition."

As plain as language can express it, the original jurisdiction of the Supreme Court is confined to those cases, both in law and equity, "affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party; and any act of Congress attempting to modify or circumscribe the original jurisdiction of the Supreme Court of the United States in these cases would be an encroachment upon the exclusive rights and privileges of the Supreme Court of the United States.

But behold the provisions of the Federal Constitution concerning those cases of law and equity in which the Supreme Court of the United States has only appellate jurisdiction!

In defining the scope of the judicial power of the Supreme Court in paragraph 1 of section 2, all cases in law and equity over which the Court has a jurisdiction were listed, whether the jurisdiction was original or appellate. In a separate paragraph those cases over which the Court had original jurisdiction were enumerated, after which the Constitution provides "in all other cases before mentioned the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

WHERE CONGRESS IS SUPREME

Congress is supreme, therefore, in its power and authority over the Supreme Court of the United States and over inferior Federal courts by the terms of the Federal Constitution in the following instance:

(a) Congress can create or abolish inferior Federal courts and can prescribe their jurisdiction, except, of course, Congress cannot confer on any inferior court the original or the appellate jurisdiction conferred upon the Supreme Court by the Constitution. The Constitution authorizes Congress to deny or withhold from inferior Federal courts any jurisdiction over any law which it may pass. Congress is authorized to limit the jurisdiction of inferior Federal courts to any issues of law or fact arising out of any law of the United States.

(b) The appellate jurisdiction of the Supreme Court arises under the exclusive power and authority of Congress in all cases of law and equity that come within the provisions of that phrase which reads: "In all other cases before mentioned."

The two classes of cases which are of prime importance in this discussion which are among the other cases before-mentioned are cases in law and equity arising under this Constitution, and the laws of the United States. In such cases the Supreme Court shall have appellate jurisdiction with such exceptions and under such regulations as Congress shall make.

There are many cases before-mentioned in which the Supreme Court shall have appellate jurisdiction, but in those cases in which the Supreme Court of the United States shall have appellate jurisdiction (and not original jurisdiction), it is within the power of Congress both to make exceptions and regulations concerning any of the before-mentioned cases over which appellate is conferred.

In the case ex parte, *William H. McCardle* (Book 19 L. ed., 74 U. S., p. 264), decided by the Supreme Court of the United States April 12, 1869, the opinion written by Chief Justice Chase, some observations of the Chief Justice concerning the power of Congress

to regulate appeals to the Supreme Court of the United States are instructive.

A petition for a writ of habeas corpus was pending before the United States Supreme Court on appeal. During the pendency of this suit Congress passed an act over the President's veto repealing a previous act which authorized an appeal from the judgment of the circuit court to the Supreme Court of the United States and withdrew the exercise of jurisdiction by the Supreme Court on appeals in such cases.

Commenting upon the power of Congress to control the appellate jurisdiction of the Supreme Court of the United States, Justice Chase said: "It is quite true, as was argued by the counsel for the petitioner, that the appellate jurisdiction of this Court is not derived from acts of Congress. It is, strictly speaking, conferred by the Constitution. But it is conferred with such exceptions and under such regulations as Congress shall make."

Further commenting upon the problems we are considering the Court said: "It is unnecessary to consider whether, if Congress had made no exceptions and no regulations, this Court might not have exercised general appellate jurisdiction under rules prescribed by itself. For among the earliest acts of the first Congress, at its first session, was the act of September 24, 1789, to establish the judicial courts of the United States. That act provided for the organization of this Court and prescribed regulations for the exercise of its jurisdiction."

Chief Justice Chase stated that in the case of *Durousseau* v. *U. S.* (6 Cranch, 312) and in the case of *Wiscart* v. *Dauchy* (3 Dall. 321) the whole matter was carefully examined, and the Court held that, while the appellate powers of this Court are not given by the Judicial Act, but are given by the Constitution, they are, nevertheless, limited and regulated by that act, and by such other acts as have been passed on the subject.

The Court said further that the Judicial Act was an exercise of the power given by the Constitution to Congress of making exceptions to the appellate jurisdiction of the Supreme Court.

As the Court held that the act providing for an appeal had been repealed, it reached the following conclusion: "It is quite clear, therefore, that this Court cannot proceed to pronounce judgment in this case, for it has no longer jurisdiction of the appeal; and judicial duty is not less fitly performed by declining ungranted jurisdiction than in exercising firmly that which the Constitution and the laws confer."

Again the Court observed: "We are not at liberty to inquire into the motives of the Legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this Court is given by express words."

CONCLUSIONS

The Supreme Court of the United States has expressly held that the Constitution authorizes the Federal Congress to make exceptions excluding from appellate jurisdiction of the Supreme Court of the United States, as well as the jurisdiction of all inferior courts, any class of cases arising out of the laws of the United States and the Constitution. Wherefore, Congress may place in one class all Federal laws which relate exclusively to national and governmental policies dealing with the general welfare of the Nation, and exclude such cases from appellate jurisdictions and the jurisdiction of all inferior courts.

Such a governmental policy, if adopted, would prevent conflict in the coordinative branches of the Federal Government. It would leave the wisdom of national policies to the consideration and determination of the representatives of the people, who are selected primarily for this purpose. The courts would then be chiefly concerned with the adjudication of all other cases where Federal jurisdiction is conferred and would be relieved of the duty and obligation of determining the political, economic, and social policies of the Nation by judicial decree.

Is not such a consummation devoutly to be wished?

CONSTITUTIONALITY OF LEGISLATION—ADDRESS BY CHARLES PERGLER

Mr. LOGAN. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Dr. Charles Pergler, dean of the National University School of Economics and Government, of Washington, D. C., before the Luncheon Club of the Bar Association of Baltimore City on January 30, 1936, the subject being the Constitutionality of Legislation Here and Elsewhere. The address is taken from the Daily Record of Baltimore of January 31, 1936.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From the Baltimore Daily Record of Jan. 31, 1936]

CONSTITUTIONALITY OF LEGISLATION HERE AND ELSEWHERE

(Address by Dr. Charles Pergler, dean of the National University School of Economics and Government, of Washington, D. C., sometime Czechoslovak commissioner to the United States and Minister to Japan, and also sometime member Czechoslovak Chamber of Deputies)

In choosing for discussion such a topic as "Constitutionality of legislation here and elsewhere" I have selected a subject which it is impossible to deal with without implications being read into what is said as far removed as possible from the speaker's intentions. The problem is so timely, and so much again a matter of current controversy, that any disclaimer on my part probably is futile. Nevertheless, let me assure you that whatever I shall say is presented wholly from the point of view of one who is interested in the theory and practice of government, and for no other reasons whatever.

There are, and always have been, certain numbers of those who have looked with disfavor upon what has become known as the doctrine of judicial review. Very commonly it is charged that the United States Supreme Court has usurped this power because nowhere is it expressly conferred upon that tribunal by the Constitution of the United States. Frequently we find it claimed that it was simply assumed by Chief Justice John Marshall in order to give effect to his political and economic views, if not, indeed, for partisan reasons.

Ideas affecting and molding institutions do not, of course, arise in that fashion. They lie in the spirit of the times; they may be the concensus of many minds; they may arise from the necessity of justifying policies forced upon a country as a result of unavoidable evolutionary trends. In short, and without attempting to formulate here a philosophy of history, they spring from many sources not always evident or as a result of influences the force which is not always readily ascertainable; but seldom, if ever, can they be wholly attributable to the mind and work of any one man unless we desire to simplify history in a wholly untenable and, indeed, unscientific manner. So it is with the doctrine of judicial review.

The human mind, however, while having largely eliminated the idea of personal devil from the field of religious thought, still is inclined subconsciously to seek him in other fields; and so, if the courts happen to decide a question in a way we do not like, or if it happens to be controversial economically, politically, or socially, we at once launch upon a quest for the individual responsible—the personal devil. When we do not like the power of judicial review, John Marshall is the obvious victim.

It detracts in no way, however, from Marshall's real greatness if we say that he did not originate the doctrine, but that on the contrary it was one of slow growth and a logical development of English and American revolutionary thought.

The idea of natural law, inviolable by any human legislation, is as old as Greek philosophy. Without going so far afield, however, and attempting to trace the development of the concept through the Middle Ages, and down to the modern era, it is sufficient to point out that during the seventeenth century English parliamentary leaders justified their opposition to Stuart pretensions by insisting upon the existence of a fundamental law which neither King nor Parliament could rightfully violate. We find in the theories of the period, which were well known to American revolutionary spokesmen, and indeed heavily drawn upon by them, at least the germ of the idea that unconstitutional enactments cannot be enforced, and that governments are, or at any rate may be, legally limited.

John Locke, the chief spokesman and theorist of the Parliamentary Party, did not hesitate to say that even the legislature cannot rule by "extemporary arbitrary decrees, but is bound to dispense justice and decide the rights of the subject by promulgating standing laws, and known authorized judges." And Locke further declares that "absolute arbitrary power, or governing without settled laws, can neither of them consist with the ends of society and government. * * *"

All students of English history are familiar with Coke's doctrine of the supremacy of the common law, of which judges are interpreters and guardians, and which cannot be transcended by King or Parliament.

Examples of this kind could be cited ad infinitum, but these will do to indicate what I have called the growth of an idea, or, rather, a principle.

When, furthermore, it is recalled that the British Privy Council not only possessed but also exercised the right to void acts of colonial legislatures not in harmony with the laws of England, it is quite clear that the idea of legislation ultra vires, and, therefore, without effect, was by no means shocking to the statesmen who founded the Republic and guided it through its formative years.

Many of the arguments of the Revolutionary leaders were based upon the idea that British legislation, considered oppressive by the colonists, was in violation of a supreme law, therefore void, and could and should be resisted. Indeed, in his speech against the writs of assistance, James Otis used the very term now so familiar—"unconstitutional." Let me quote from this famous address as reported by John Adams:

"As to acts of Parliament: An act against the constitution is void; an act against natural equity is void; and if an act of Parliament should be made, in the very words of this petition, it would be void. The executive courts must pass such acts into disuse."

A court of the colony of Virginia, held for Northampton County on February 11, 1766, showing remarkable courage and following the same line of reasoning as Otis, condemned the Stamp Act and "unanimously declared it to be their opinion that the said act did not bind, affect, or concern the inhabitants of this colony, inasmuch as they conceive the same to be unconstitutional, and that the said several officers may proceed to the execution of their respective offices without incurring any penalties by means thereof. * * *"

During the period of the confederation, in several cases State courts declined enforcement of legislative enactments regarded by them as unconstitutional. Chancelor Wythe, of Virginia, declared in 1782 that "if the whole legislature * * * should

attempt to overlap the bounds prescribed by the people, I, administering the public justice of the country, will say to them here is the limit of your authority, and hither you shall go, but no further." In 1786, in the case of *Trevett* v. *Weeden*, the court of Rhode Island branded a statute as "unconstitutional and void" and therefore unenforceable by the judiciary.

In some of the early State constitutions we find recognition of the supremacy of a written constitution to ordinary legislation in the establishment of tribunals for the purpose of examining whether legislative enactments do conform to the fundamental law. Thus the Pennsylvania Constitution of 1776 contained a provision for a board of censors charged with the duty "to inquire whether the constitution has been preserved inviolate in every fact, and whether the legislative and executive branches of government have performed their duty as guardians of the people or assumed to themselves or exercised other or greater powers than they are entitled to under the constitution." New York, under the constitution of 1777, had a council of revision with similar duties.

The method referred to, however, was soon abandoned in favor of the undoubtedly more logical and feasible one of judicial review.

It is true that the issue was not formally settled in the Federal Constitutional Convention, but it is equally true that students of its deliberations agree that a majority of the men composing it believed in the principles of judicial review. John Marshall himself did not advance the idea for the first time in *Marbury* v. *Madison*, as seems to be generally and quite erroneously believed. On the contrary, in the Virginia ratifying convention Marshall expressly declared that if the Legislature passed an enactment "not warranted by any of the powers enumerated, it would be considered by the judges as an infringement of the constitution which they are to guard * * *. They would declare it void." Can anything be clearer?

James Wilson, undoubtedly the foremost legal mind of the Convention, said in Pennsylvania that "if a law should be made inconsistent with those powers vested by this instrument in Congress, the judges, in consequence of their independence, and the particular powers of government being defined, will declare such law to be null and void."

That the reasoning of Marbury against Madison is foreshadowed in The Federalist is sufficiently known, and there was construction and admission of the power by contemporaries when the Judiciary Act of 1789 recognized judicial review and the power of the Supreme Court to disregard congressional enactments when in conflict with the Constitution.

An interesting and instructive episode in American history occurred when in 1798 and 1799 the Kentucky and Virginia resolutions were submitted to the legislatures of the several States, and Rhode Island, for instance, responded by saying that the Constitution "vests in the Federal courts, exclusively, and in the Supreme Court of the United States, ultimately, the authority of deciding on the constitutionality of any act or law of the Congress of the United States." Pennsylvania took the same position by declaring that there has been "committed to the supreme judiciary of the Nation the high authority of ultimately and conclusively deciding upon the constitutionality of all legislative acts."

While the Court itself, prior to *Marbury* v. *Madison*, did not exercise the power to declare congressional acts unconstitutional, and while it was admitted the power is one of delicacy and tremendous responsibility, and was therefore approached with what amounted to trepidation, yet we find language in the opinions of the Supreme Court taking it for granted. Thus in *Van Horne's Lessee* v. *Dorrance*, decided in 1795, 8 years before *Marbury* v. *Madison*, Justice Patterson said that "if legislative act oppugns a constitutional principle, the former must give way and be rejected on the score of repugnance. * * * It is an important principle, which, in the discussion of questions of the present kind, ought never to be lost sight of, that the judiciary in this country is not a subordinate but coordinate branch of the Govment."

To summarize and to make a long story short, John Marshall in *Marbury* v. *Madison*, with unrivaled clarity and unanswerable logic, voiced a well-known and even-established principle. I do not mean to say that the power was not questioned and opposed even then by some, but I do contend that we are simply dealing with the adoption of a principle that was long in the making. For that matter, it is difficult to see how usurpation can be charged with regard to a power which has been exercised and on the whole acquiesced in for generations.

The power is implicit in any written constitution. Judges are sworn to enforce constitutions; a constitution is always the supreme law in any country having a constitutional government. If convinced of unconstitutionality, judges have no other choice. The power being implicit, and indeed needing no special statement, certain European constitutions, in countries believing in legislative supremacy and having or having had a parliamentary form of government, guard against its exercise by ordinary courts by express constitutional provisions.

The Polish Constitution, in force prior to the advent of Pilsudski, expressly provided that "the courts have not the right to inquire into the validity of duly promulgated statutes." The Austrian fundamental law prior to the Dolfuss regime declared that "the courts shall not have the power to examine into the validity of laws duly proclaimed."

Nevertheless, even in some of these new constitutions, we find a grudging admission of the desirability of judicial review at least in some cases, undoubtedly as a result of the American example. Thus the Austrian Constitution, while denying the power to ordinary courts, did also provide that "if a court, on the ground of its being illegal, questions whether an ordinance governs a case, it shall suspend the proceedings and submit an application to the supreme constitutional court for its annulment."

This gave the supreme constitutional court, which was provided for by the then Austrian Constitution, control over the ordinance power of the various governments, State and Federal, and this power was further definitely fixed by other clauses relating specially to the jurisdiction of the supreme constitutional court. The prohibition I have referred to did not apply to this court and it could also inquire into the constitutionality of State laws—Austria being a federal state—upon application of the Federal ministry, and into the constitutionality of Federal laws upon application of a state ministry, the intent evidently being, primarily, to protect the States against encroachments of Federal power and the latter against usurpation of authority by the States.

Czechoslovakia, too, has established a constitutional court with exclusive jurisdiction of constitutional questions. In the Czechoslovak case it is clear that an individual citizen cannot appeal to this tribunal. It is expressly provided that only the supreme court, the supreme administrative court, the electoral court, the Chamber of Deputies, the Senate, or the Diet of Carpatho-Russian may prove that the constitutional court pass upon the question whether a law conforms, or does not conform, to the constitution and is, therefore, valid or invalid, as the case may be.

The purpose of this careful restriction of the right to raise constitutional questions is, of course, to prevent frivolous and dilatory objections to constitutionality of legislation. Whether, however, these limitations do not make of the Constitutional Court a mere ornamental institution is a serious question especially when we bear in mind that even the bodies named can make an appropriate motion only within 3 years from the promulgation of the law assailed. Thus, through lack of diligence, or for reasons even less creditable, a clearly unconstitutional enactment may ultimately remain on the statute books and be enforced. As a matter of fact, as yet no such case has been submitted to the Czechoslovak Constitutional Court.

The weakness of this sort of ineffective lip-service to the principle of judicial review has not escaped notice of certain Czechoslovak commentators. Professor Weyr in his "System of Czechoslovak Constitutional Law" declares that the principle that courts must enforce all laws properly promulgated, "introduces into every State no matter how constitutional politically, an absolute element", and Professor Vavrinek in his foundations of constitutional law, gives voice to the following criticism:

"The protection given to the constitution according to this law is imperfect. It lies only in this, that some public tribunal, authorized to make the motion, or some legislative body submits the question to the constitutional court for decision. Citizens, no matter what their numbers, cannot do so, not having the initiative in a matter so important. If the matter is not submitted by proper factors, the unconstitutional statute continues in force. Also the short statute of limitations in a question so weighty is unjustified. If the unconstitutionality of a law is not discovered, or if for political reasons the period is permitted to elapse without the required motion, unconstitutional laws are untouchable and sovereign and are calmly effective further. Limitations are proper in matters of private rights, but have no place in the doctrine of constitutionality of laws."

As already said, these provisions are a grudging admission of the advisability of judicial review, but they are a very faint imitation of the American system and have little, if any, practical value. Our attitude toward the problem, of course, depends on the view we take of constitutions and whether we consider them as establishing little more than framework of government, or whether we believe that they also should guarantee individual rights; whether, as an American political scientist of undoubted eminence, John W. Burgess, has put it, they should also organize liberty.

Experience has shown, I believe, that the latter system, the American system, is preferable from the point of view of the individual citizen. Whether or not, for instance, a bill of rights has been violated by a legislative enactment is, or should be, a judicial question. Unless the citizen can appeal to the Constitution for protection—and that means appeal to the courts—constitutional guaranties are likely to remain a pious wish, especially in times of stress and crisis. Even where this view prevails, as in the United States, there are numerous political questions which the judiciary cannot touch. With what results may perhaps be profitably contemplated in connection with the American provision providing for reapportionment of congressional districts following each census in 1920.

One illustration may serve to show what happens when constitutional provisions for the protection of liberty may not be invoked by the citizen. The Czechoslovak Constitution guarantees freedom of the press, and yet in that "isle of democracy" there is no freedom of the press, and the censor has virtually unlimited and arbitrary discretion. Let me quote from the evening edition of Narodnilisty of January 11, 1936, a paper noted for its mildness of tone and great tradition of struggles for national liberty and against Hapsburg absolutism:

"The second complaint is the muzzling of the press and the second danger the censor's pencil. It is a sword of Damocles, constantly suspended over the heads of opposition journalists. Those for the government have no worries. The new wave of confiscations of recent date, overwhelming the opposition press, is new evidence of this. And even then we do not recall the terrible chapter in the

history of Czechoslovak press and its freedom, a chapter connected with the year 1935 * * *. The worst is that a journalist of the opposition never knows what threatens him. He may think that he can call a cat a cat only to have it suddenly appear that no such thing is permitted. In the whole democratic world it is understood and admitted that criticism of the government and expression of dissatisfaction is a sacred right of the opposition, only with us that is still not properly understood. Everywhere else they respect the moral weight of truth."

But why go on? Is this not sufficient to show that constitutional guaranties have little, if any, meaning when the citizen has no way of appealing for their enforcement?

I am not unmindful of the fact that judicial review has its disadvantages and even dangers. That, however, is just another way of saying that all human institutions are imperfect. It is dangerous and unwise to entrust to the courts what in effect are policy making and, therefore, nonjudicial functions, and it is a danger which may arise either from constitutional provisions too general in their nature, and as a result thrusting upon the courts a task which they hardly welcome; or it may arise from the failure of courts to make a proper distinction between the two. Probably in the past, for instance, there have been decisions which failed properly to distinguish between constitutional power and governmental functions as they are understood today, and as they are necessary and indeed inevitable in a complicated modern industrial society.

A close adherence to familiar principles of constitutional construction would help, and also would help to avoid misunderstandings of the attitude of the courts. In other cases where a self-denying ordinance by the courts is insufficient there is always the method of constitutional amendment, the orderly processes prescribed by the Constitution itself and which themselves may be amended and made more flexible. As an illustration, it may be pointed out that as matters stand today the courts must define what is interstate commerce. Without being dogmatic about it, or seeking to offer a remedy, but rather as a food for thought, suppose the interstate-commerce clause of the Federal Constitution read thus:

"Congress shall have power to define and regulate commerce with foreign nations and among the several States." That would perhaps desirably enlarge the powers of Congress by adding just two words (and define) without destroying the powers of the States, and judicial review would still be preserved because the power of definition has its limits and cannot be used arbitrarily. It would also relieve the courts of what is a legislative function, the determination of standards and rules. There are, of course, enthusiasts whose demands would not be met by such a modest amendment, but I am making a tentative suggestion and considering what is perhaps attainable.

A constitution must, of course, be interpreted as a living document and not treated as a strait jacket. John C. Calhoun in the first half of his public life expressed the principle when he said of the Federal Constitution that "the instrument was not intended as a thesis for the logician to exercise his ingenuity on" and that he was "no advocate for refined arguments on the Constitution."

In any event, however, in a state with a federal form of government judicial review is desirable, if not necessary, certainly where states have the historical background and tradition such as you find in the United States. It would not do for the States or the Federal executive or legislative branches to be the arbiters of their own power, an idea which did occur in the early days of the Republic with regard to the States.

It is also desirable under a presidential or as it is sometimes called, congressional form of government, with fixed terms of office, where a change of government in all its branches does not necessarily follow an expression of popular will as it does in democratic parliamentary states—for instance, in Great Britain. For that matter, I have indicated that even in unitary states judicial review would be desirable for the protection of civil liberties.

There is nothing as dangerous as attempts blindly to follow foreign examples, and that applies to any country. Institutions cannot be transplanted. Continental Europe has not made a success of the jury system; its feeble attempts to establish what they call constitutional courts are another case in point.

Institutions to be successful must correspond to the genius of the people concerned; must grow naturally out of domestic soil. Foreign examples may be useful, stimulating, but hardly ever more; and that, I repeat, applies to all countries.

The ultimate aim of any sound body politic must be justice, for, says Kant, "if justice fails there is no value in human life"; and, says Kant further, "the only permanent constitution is that in which the law is supreme and depends on no individual power. The ultimate purpose of all public law is a condition of affairs in which each individual absolutely receives that to which he is entitled."

POWER OF THE SUPREME COURT—ADDRESS BY JUSTICE WILLIAM H. BLACK

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD a radio address delivered on Sunday, January 19, 1936, by one of the distinguished justices of the Supreme Court of New York, Hon. William H. Black, the subject being Has the Supreme Court Too Much Power?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

HAS THE SUPREME COURT TOO MUCH POWER?

It has taken over 146 years for groups to form in the United States having for their object the repeal of a part of the Constitution by agitation. They avow that their object is to save the country, and this they propose to do by repealing by clamor section V of the Constitution, which provides how the Constitution may be lawfully amended.

To tell us that if we amend the Constitution we will destroy it, is very much like telling a man who has built a big house but who has hung one door upside down, that he will destroy his house if he takes the door down and hangs it right side up. Some of these would-be repealers of the amending section of the Constitution have become so vocal that they don't remember that the Constitution itself was an amendment of the old Articles of Confederation that preceded it; and that it was amended 10 times between the year of its adoption in 1787, and 1791, and that since that time it has been amended 11 times. American people can hardly be called impetuous amenders.

The gold clause was passed by the House by a vote of 283 to 57, by the Senate by 48 to 20. The Supreme Court sustained it by a vote of five to four, and the four dissenters strongly criticized the majority opinion.

The National Industrial Recovery Act passed by the House by 352 to 16 and by the Senate 58 to 34, was unanimously set aside by the Supreme Court.

The Agricultural Adjustment Act passed by the House by 315 to 98, and by the Senate by 64 to 20, was declared void by the Supreme Court by a vote of 6 to 3.

It is no lese majeste for an American citizen to say that those decisions have created widespread dissatisfaction. First, this dissatisfaction dates back to the fact, that although it has done so for many years, our Constitution does not expressly authorize the Supreme Court to set aside an act of Congress.

I believe that setting aside acts of Congress gives too much power to the Supreme Court, and that the exercise of this power unstabilizes business and keeps it in a state of dangerous uncertainty. Something should be done to prevent the recurrence of such situations.

Many claim that the people are whipsawed by these decisions, which are inconsistent as between a liberal and a close construction of the Constitution; that lawyers are bewildered, and that it is impossible to know what the policy of the Court is.

I refuse to believe that a Congress which has the power to declare a war against a foreign country, or which has the power to end a war between the United States Government and a State, or any group of States, or foreign countries, has not the power to attempt to secure industrial peace in a time of emergency. Without going into the merits of all these criticisms, there is a strong movement to adopt legal measures to cure the situation.

We frequently hear that a Supreme Court decision is the last word on the subject. Nothing is farther from the truth. It isn't always the last word by the Court itself. The last word is the word spoken by the people, who are authorized by the Constitution itself to set aside a decision of the Supreme Court, by amending the Constitution. This happened after the Supreme Court set aside the income-tax law of 1909, when an income-tax constitutional amendment had to be adopted by the people. But if the people should now pass an amendment permitting the N. I. R. A., or the A. A. A, and the Supreme Court should be asked to pass upon the validity of such an amendment, men are fearful that the Supreme Court under its decisions, can set aside the amendment. If the Court did consider the validity of such an amendment, and should set it aside as unconstitutional, the people would then be deprived of the last say which the Constitution gives them. They would then be without remedy, and the situation would be just where it was before the amendment was legally ratified. In order to prevent such running around in a circle, I suggest a constitutional amendment providing that the Supreme Court shall have no power, by construction or otherwise, to set aside a properly passed amendment to the Constitution, on the ground that the Court believes that such amendment is unconstitutional.

The reason certain lawyers believe that the Supreme Court might attempt to set aside a properly passed amendment of the Constitution as unconstitutional is that the Supreme Court was asked to, and did, in the national-prohibition cases, pass on the constitutionality or validity of the prohibition amendment. If the Court did not believe that it had the power to pass on the constitutionality of this amendment, it could have declined to do so, and could have confined itself entirely to deciding whether that amendment was lawfully proposed and ratified. But after hearing the most eminent lawyers and reading hundreds of pages of their briefs, the Court said that it was concerned with the validity (that is to say, the constitutionality) of the amendment. In six of the paragraphs in their opinion about the amendment they passed upon its validity, expressly holding, in paragraph 10, that it was a constitutional mandate.

But not only has the Court passed upon the validity of an amendment. As far back as 1868, they actually passed upon the constitutionality of section 10 of article I of the original Constitution itself. That article gave the States the right, with the consent of Congress, to lay certain duties on imports or exports. But in 1868, in the case of *Woodruff* v. *Farham* (75 U. S. 23), notwithstanding the plain words of this section, the Supreme Court held that when the section said "States" it did not refer to articles imported from one State to another, but only to importations into a State from foreign countries. This restriction has been followed in some 20 cases, the last important one being that

of *Darnell* v. *Memphis* (208 U. S. 113). In this line of cases, too, the Supreme Court could have declined to consider the constitutionality of a constitutional provision. It did not decline to do so, but instead by a construction of perfectly plain words decided that the section did not mean what it said.

In other words, by construction it repealed the section for all practical purposes, just as effectively as the people could have repealed it under section V of the Constitution, which provides how the Constitution may be legally amended. There is very good reason to fear, therefore, that as the Supreme Court did pass on the constitutionality of the prohibition amendment and declare that it was valid, and as they nullified by construction the original section 10 of article I of the Constitution itself, if the people sought to overrule the late decisions of the Court by exercising their constitutional right to amend the Constitution, at least some members of the Court might claim the right also to set aside such curative amendment adopted by the people. If to provide against emergencies, such an amendment was lawfully adopted by the people, and the Supreme Court set it aside, we would be left just where we are; and nothing would be accomplished. In order to prevent that, I propose that the Constitution be amended to declare that the Supreme Court shall have no power to declare any amendment unconstitutional, after it is legally proposed and lawfully adopted as provided in section V of the Constitution.

The next amendment I propose is that the Supreme Court shall have no power to set aside an act of Congress as unconstitutional. No other great country has any provision authorizing its highest court to set aside acts of its Congress, or Parliament, or the highest lawmaking power.

One of the reasons given for setting aside acts of Congress is that they may sometimes give too much power to the executive branch of the Government; but those who would set them aside forget that since the Supreme Court exercises the power to set aside acts of Congress, in a nearly evenly divided Court, this gives one member of the Court far more power than the executive department has. This member of the Court who casts the deciding vote thus becomes an unelected sovereign, stronger than any dictator in the world today. His decision is subject to no such veto as the decision of the President is.

For the beginning of the claim of power to set aside acts of Congress, the present members of the Court are not to blame. They may not have gone much further than their predecessors in setting at naught the acts of Congress, but they have done it much oftener.

Mr. Justice Holmes has said: "I do not think the United States would come to an end if we (the Supreme Court) lost our power to declare an act of Congress void."

It may well be that during the trying hours that the distinguished members of our Supreme Court have undoubtedly put into their recent decisions, some members at least, would have welcomed the amendments I propose, which would have relieved them of the responsibility of setting aside the will of a hundred and thirty millions of people.

At any rate, the Court is entitled to know what the people believe are its powers under the Constitution. If the people believe that the Courts should have the vast and awful power to set aside parts of the original Constitution, constitutional amendments, and acts of Congress, they will defeat these amendments I propose in the manner provided by the Constitution. If they believe the Court is exercising unwarranted power, or more power than the people want them to have, they can adopt the amendments I suggest, in the manner provided by the Constitution.

I can do no better than quote a sentence which Mr. Justice Holmes quoted: "Whoever hath an absolute authority to interpret any written or spoken laws, it is he who is truly the lawgiver and not the person who wrote or spoke them."

If the framers of the Constitution had intended to make the Supreme Court their lawgivers, they would have provided for it in the Constitution.

In conclusion, let me compare the sources of the River Nile with the purity of patriotism that crystallized into our Constitution, and let me compare the course of the Nile with the destiny of our Constitution. The Nile, that enriches the great land of Egypt, rises in far-away mountains, whose snows melt and form the waters that finally flow into the Mediterranean 4,000 miles away. If our Constitution is to be a static instrument it will be like unmelted snow at the sources of the Nile. But as the African sun has warmed this snow into life, amendments have transformed our Constitution into the living thing it is today. Like the Nile, that vivifies all the land it flows through, the Constitution is the flowing medium that stimulates and brightens all our history.

Let not our Constitution become an inert frozen mass incapable of motion, but rather, let us make it a mighty moving river bearing us ever onward to greater deeds and nobler progress.

THE PROBLEM OF THE CERTIFICATED MORTGAGE—ADDRESS BY LOUIS S. POSNER

Mr. COPELAND. Mr. President, I ask unanimous consent to have included in the RECORD an illuminating address delivered by Commissioner Louis S. Posner at the Lawyers Club in New York, October 20, 1935, on the problem of the certificated mortgage.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Following the economic catastrophe which since 1929 has swept the entire world, our Government was compelled to yield up for the time being its policy of noninterference with private concerns and place itself in actual "partnership" with business. So, too, when this depression shall have been weathered, this Government will, as it must, return to its normal concerns and surrender to private initiative and skill, subject only to governmental regulation consistent with changed times, the development of our commerce and our industries.

The State of New York has had its share of commercial activity and partnership with business thrust upon it by compelling circumstance. The Mortgage Commission of the State of New York is among such governmental efforts. The statute creating it is a considered attempt to rehabilitate a basic industry whose misadventures seriously affected a large portion of the community.

No picture of the American economic scene can fail to include the appalling story of the mortgage disaster. Of the approximately ten billions of real-estate bonds outstanding in the United States, eight billions are in default, affecting some 20,000,000 of our citizens, directly or indirectly. In New York the insurance department was compelled to take over 22 mortgage guaranty companies engaged in the business of guaranteeing and selling those mortgages and certificates. On December 31, 1933, these guaranteed mortgages and certificates totaled approximately $1,803,000,000, of which over $1,000,000,000 were in default.

The mortgage commission law provides for a commission of three, required to take over and administer all certificated issues of the guaranty companies in the hands of the superintendent of insurance or of banks for liquidation or rehabilitation. In January 1935, $801,504,698 of such certificates were outstanding, held by 212,875 investors, and secured by mortgages on more than 16,000 parcels of land.

The mere task of administering these vast interests, to say nothing of the numberless questions of policy and of circumstance that have arisen day by day, have taxed to the utmost the energies of Mr. Barker, chairman of the commission, Mr. Cummings, and myself. We have been in virtually continuous session ever since our appointment. Small blame if certificate holders at the outset looked with doubt and suspicion upon us, as upon all governmental agencies, for many of them had made their investments in reliance upon the value of governmental supervision and found that officers of some of these companies had sold them shares in mortgages on vacant land despite advertisements that loans were confined to "income producing" or "improved" property; that they, who were least able to protect themselves, were offered participation in mortgages left over only after financial institutions had made their pick and choice of the best; and that their certificates were often secured by mortgages in default for nonpayment of interest, taxes, or principal.

Indeed, in one company over 80 percent of its certificates sold in the years 1932 and 1933 were in some measure of default when sold. You can understand, then, why we of the mortgage commission have so willingly dedicated our nights and our days to the work, why we see the social no less than the economic meaning of our task, and why, accepting the trust, we seek to solve the problem of hundreds of millions of defaulted mortgages in terms of hundreds of thousands of unhappy human beings.

Investors have slowly come to realize that no magic wand can transform a bad mortgage into a good one, and that the ultimate value of their holdings must rest in large part upon the ultimate recovery in property values. We hope to win back their confidence by devoting ourselves wholeheartedly to the salvaging of their investments. Our letter files give touching evidence that we are not without progress in this respect.

The duties of the commission fall into two great divisions: One, which commands us to conserve these underlying mortgages and properties and administer them with economy and efficiency; the other, which commands us to look to the future of mortgage investments and recommend out of our experiences and studies a program which, with legislative aid, will at least tend to make forever impossible the recurrence of these conditions.

Our first step was to set up an information bureau where certificate holders' inquiries are promptly and courteously answered. We were determined once for all to put a stop to the gouging of these unfortunates by gangs which, learning privately of the value of certificates in a specific issue, induced the alarmed and needy holder, ignorant of these values, to part with his holdings at sacrifice prices. I venture to say that certificate holders know more now about their investments than ever before.

Interest on mortgages must be collected and distributed, properties must be capably managed, taxes paid, buildings repaired, and innumerable expenditures vouchered to prevent waste. These servicing tasks we consolidated in the hands of six companies by a contract terminable at will, for we were unprepared at the outset to undertake work of such importance, requiring a large, skilled, and experienced staff. We set up a separate bureau to supervise the servicing and realty management conducted by these agencies; we set up a general legal and clerical staff, and established our own foreclosure division. The foreclosure actions we inherited and those newly begun now number appreciably in excess of 2,000. A tax-reduction bureau was created; also an insurance bureau, a realty-sales department, and a complete auditing system which is in touch with the myriad channels of expenditures and disburse-

ments. At present we pay out monthly about $4,000,000 for taxes and interest and are issuing checks at the rate of more than a million a year.

The processes of mortgage reorganization have been most expensive and time-consuming and have drawn upon every skill and quality of alertness and experience possessed by our staff of trained workers. "Reorganization" means the process by which authority is obtained from certificate holders to deal with the mortgagor owner in his payment of tax arrears and the rearrangement of interest rates and the mortgage term, or in the appointment of trustees, or in securing the right to sell property obtained as the result of foreclosure. The terms must be based upon the various facts which relate to the property involved—its income, its state of repair, its location, value, size of mortgage, etc. In every instance our bureaus gather these facts in detail. We have had to deal with the honest owner and the honest lawyer; we have dealt also with the racketeering owner and the no less racketeering lawyer. The owner who seeks to pad his expenses soon discovers that our experts know what the proper average cost per room should be for heating, for repair, for general upkeep and maintenance, and the like.

We came into active control on June 1, 1935. Since then we have dealt with reorganization plans initiated by the Superintendent of Insurance or ourselves in the aggregate of $292,653,587.01, of which the Commission prepared and promulgated $121,940,639.62; we have completed $88,043,215.78, to say nothing of the reorganization of series C–2, very nearly completed, representing an issue of $24,419,857.83. Additional reorganization plans to the amount of $11,078,592.36 are now in course of preparation.

We have had many a legal battle, in connection with the takeover proceedings, and disputes as to the commission's rights in this regard. In all but one of these tests we have been successful, notably in the Oberhammer case, which, decided at special term on July 3 last, was actually argued in the Court of Appeals 8 days later. Properties had been sold for taxes and were in danger of tax-lien foreclosure that would have meant their utter loss to certificate holders. Buildings were in need of repair and the number of threatened tax sales increased alarmingly. Many hundreds of foreclosure actions required for the protection of the securities were held up or delayed because of lack of funds. In each instance the right to borrow money to effect these purposes was tested and upheld. We are planning to make extensive banking loans to meet these needs. There are $21,000,000 of tax arrears alone on our properties. Another test of vital importance to the commission involves the procedure for reorganization under the Commission law. Under the Schackno law, reorganization of an issue becomes binding on all certificate holders after affirmative consents in writing have been obtained from holders of two-thirds of the outstanding amount. The Commission law, however, provides for a rule of "consent by silence"—that is, after due notice by registered mail of the presentation of a proposed plan, and the date of court hearing, the plan becomes effective unless more than one-third of the outstanding amount act affirmatively and file written dissent. Those who do not file dissents are deemed to have consented.

May the failure to file a dissent be deemed the equivalent of an assent? And if a dissent be filed, may a plan of reorganization nevertheless bind such dissenter if a very large proportion of the remaining certificate holders assent in writing? Both questions have been answered in the affirmative by the Supreme Court of the United States (*Gilfillan* v. *Union Canal Co. of Pennsylvania*, 109 U. S. 401, and *Doty* v. *Love*, 295 U. S. 64). We expect these questions to be argued in the Court of Appeals in January, and I entertain little doubt of the outcome.

Other important phases of the mortgage commission law remain to be decided. If you are interested in this litigation, you will find a clear and admirably complete discussion of it by Wendell P. Barker, chairman of the commission, in the December number of the New York State Bar Bulletin. If you are interested in a comparison between the Schackno and the mortgage commission laws, you will find this treated by another member of the commission in the State Bar Bulletin of June 1935, as well as an exposition published in the New York Law Journal of May 13, 1935, on the "consent by silence" clause.

To avoid the uneconomical and impractical performance of the many functions incident to properly servicing mortgages by numerous outside agencies, we have recently organized the Mortgage Commission Servicing Corporation, to have offices at 346 Broadway. Its operations are expected to be well under way by January 1. When we have taken over the work of all these agencies the peak of our business will be reached, from which point it will gradually decrease as properties are reorganized and pass out of our control. We have felt that we must undertake this huge task as the unavoidable next step, so that these operations may be concentrated under one roof and one responsibility.

As a result, when the State budget is compiled for the next fiscal year the unique spectacle may be presented of an arm of State Government which, instead of asking a larger or even equal sum to that originally allotted, may request a substantially reduced appropriation.

The hundreds of real-estate agents in charge of property management at the time of take-over have been continued in their employment except where cause for removal may arise; insurance brokers have continued unchanged except three brokerage agencies created by the superintendent of insurance as his instrumentality for insurance placement. The only noteworthy change as to insurance is that brokers are now supervised by the insurance bureau created by the commission, and this bureau participates in one-third of all insurance brokerage fees, thus netting an appreciable amount toward the expenses of the commission and resulting in a corresponding saving to certificate holders. Large numbers of our trained staff are men and women originally engaged in this work in behalf of the various guaranty and servicing companies, and we are indebted to the superintendent of insurance for making possible their employment by the commission. At the head of these staffs we have placed key men of undoubted ability, who now are engaged in unifying the multiplicity of processes in which the commission is engaged.

Real estate is a primary foundation of wealth. It is the unity of land and of investment which recent calamities have endangered; and it is this very danger, whether we are conscious of it or not, which creates a problem of deep social as well as financial concern.

Investments represented by certificated issues present an aspect of that problem particularly in the State of New York, where such investments became more popular than elsewhere in the United States, vast amounts being invested by thrifty citizens. These people must learn that certain of the practices, so severely condemned, which grew up about certificate issues and guarantee companies, are not the necessary or legitimate offspring of this union of land and of mortgage investment, but are the bastard growth of an otherwise legitimate union. Not the least of our tasks is the study of these conditions and the duty to make recommendations which shall woo back the confidence that was betrayed and lost.

Not until 1913 did an insurance-law amendment permit title companies to invest in mortgages and resell them in whole or certificated issues with their guaranties attached. So popular did this form of investment become that four New York companies alone, from a comparatively negligible total, reached $2,309,000,000 in 1931; one company had grown from zero in 1913 to $921,000,000 in 1931, and another from zero to $729,000,000.

In my opinion, the day of the mortgage-guarantee company is forever gone. Their evil deeds overtook them and finally strangled them, and they have become anathema. There can be no room for doubt on this score if we study the report of the Moreland investigation headed by George W. Alger, and so ably conducted by Alfred A. Cook as its counsel. No amount of reorganization—nothing short of a heavenly edict of integrity and solvency—will serve to bring back the lost confidence so essential to any successful future functioning of such companies.

In the past it was largely a matter of luck whether the unwary investor, buying in simple faith, found himself possessed of a share in a good mortgage or a bad one. In neither case did he know that the odds were somewhat less than even because of the fact that the best had been chosen by discerning investors who, with larger amounts to invest, were better able to protect themselves and to judge whether an appraisal represented fair value or a padded figure obtained in order that there might be a larger offering of participations with a correspondingly lessened security.

A vital and immediate need exists for a vehicle which can with facility and safety receive the investments of the public, large and small, and use them for the construction of buildings and for mortgage loans and other related realty purposes. Such institutions, privately owned, if created with adequate finances and surrounded by statutory safeguards that truly save and guard, will find a ready welcome for the vast total of funds that eagerly await investment. Fair income return must be afforded, with safety to the investment, and sufficiently attractive to private capital to induce it to enter the field. At the same time it must not adversely affect or interfere with the banks or savings or moneyed institutions of the State. It should be so fashioned that moneyed institutions will themselves be ready to invest in the securities of these new establishments, and perhaps become part of them or at least greatly encourage their progress.

For instance, in other countries, where mortgage banks issue debentures against their respective mortgage holdings collectively, honest administration has made possible the avoidance of a single instance of default, notwithstanding that these countries, in common with all others, have undergone the stress of falling values and money stringencies. Is this country old enough and wise enough to draw upon the experiences of other nations? Shall we in this state, and in this crisis, take heed of the history of the mortgage banks in foreign countries and note the excellence of their work and the facility with which, over long periods of years, they have met the problems of real-estate financing which now harrass our entire country?

A study shows that in 22 countries there are some 37 mortgage banks; 21 of these are private institutions operated with private capital and uniformly successful. The oldest is the Mortgage Bank of Norway, organized in 1851; but the Credit Foncier of France, which was organized in 1852, is the most successful; and the National Mortgage Bank of Chile, organized in 1855, has likewise a long and successful history. In not one instance has there been a default upon their debentures, except in the case of Chile, where the default was limited to foreign-held securitits and occasioned by the difficulties involved in providing adequate foreign exchange. All weathered the storms of depression without untoward results, and have been a source of satisfaction alike to the investor, the home owner or mortgagor, and to industrial real-estate development. The mortgages of these banks are restricted in the main to 50 percent of the appraised value of the property, and debentures are issued to the full principal amount of the mortgages. The ratio of debentures to capital varies greatly; in Norway, as low as 6 to 1; Chile, 20 to 1; and in the case of the Credit Foncier a ratio of 50 to 1 is permitted.

The reasons for this high degree of safety and success in operation are few and simple: The debentures are issued against all the mortgages collectively; thus the bank's total resources are behind its debentures and losses are distributed over all. The loans are on long-term mortgages, with appropriate amortization. Debentures are widely held and listed on current exchanges, thus giving the liquidity of a ready market. The wide field covered by these banks enables them to gather statistical data of great value, which serves as an aid for the guidance of investors. The very size of these institutions makes governmental supervision simple and effective.

Why cannot we adapt such institutions to the realty business in this State? This I know: At the head of our State is a Governor whose social vision is equaled only by his extraordinary training in the field of finance. His guidance and judgment will be of inestimable value, and the establishment of a State mortgage bank will, in my opinion, prove an outstanding achievement in his administration. What his thoughts are I don't know. I can only hope that men like you will give him the benefit of your considered views.

As auxiliaries to the mortgage bank two decided improvements are necessary in legal procedure—one, the means for a readier transfer of real estate; the other, increased facility and reduced expense in mortgage foreclosure. There is no good reason for either the cumbersome and unworkable conditions of the one under the Torrens law, or for the extraordinary obstacles and delays encountered in the other under statutory and substantive law. Why should titles to real estate be shrouded in mystery, or an owner be unable to demonstrate his ownership clearly and upon short notice? Vast sums daily pass from hand to hand in the simple transfer of securities; transfers of real-estate titles, if not as readily made, should at least be accomplished much more easily than at present. The Torrens law for the registration of titles has been on our book of laws since 1908; it has been rarely resorted to. The title companies have industriously done much more than their share to make the law unpopular and to discourage its use. Their large profits and comparatively small losses have enabled them to use more than mere argument to discredit the Torrens law. This is an appropriate time to simplify registration of titles so that they may be transferred rapidly and at comparatively small expense. The Mortgage Commission is prepared to make definite recommendations in this regard.

The reports of title-guaranty companies may still consist of one page of title and nine pages of exceptions, so familiar and upsetting to the conveyancer. How much more sensible it would be to remove these exceptions and objections by means of a workable and simplified title-registration law. Compulsory title registration may not be practicable at this time, but blocking tactics may, if continued, be the very means by which the day for compulsory title registration will be hastened.

What excuse is there for the heavy expense and long delay that seems unavoidable in mortgage foreclosures? Here, too, simplification of procedure is imperative. In earlier days the lender was the Simon Legree in the mortgage field who threatened to foreclose on the old homestead. He was the nightmare of the owner of the home and the farm. A long series of decisions in equity threw safeguards around the mortgagor. But times have changed and the law must adjust itself accordingly. The legal research bureau of the commission has been engaged in drafting legislation to this end, for it is now the lender, not the borrower, who finds himself in need of the law's protection. What was once the shield of the owner has become his sword. The mortgagee is no longer the rapacious money lender—more often he is the needy certificate holder or bondholder whose savings of a lifetime are at stake, while the mortgagor, as often as not, is a corporation organized to speculate in real estate and trained in all the circuities of the law.

How much longer, too, shall the mortgagor be permitted to stand behind the barricade of a mortgage moratorium? The question is serious and difficult of answer. In the not distant future the mortgage dole must cease. Real estate must be relieved and its security to the investor restored as soon as conditions permit. The mere fact that this barricade exists as to earlier mortgages constitutes a powerful deterrent to new mortgage investments. What shall be the middle step? My own thought is that a moderate compulsory amortization be required at perhaps a smaller rate where a provision for amortization exists in the contract. Thus owners will bestir themselves either to refinance or will be encouraged to discover a means to avoid foreclosure.

I am grateful for your patience in listening to this long address. I wish these social and financial problems could be solved as readily as the Puritan fathers in Milford are said to have once solved their real-estate difficulties. They greatly desired a valuable site in the center of the town which the Indians occupied. One day the fathers met in the market place and solemnly passed the following resolutions: "Resolved that the earth and the fullness thereof belong unto the Lord, further resolved that these were bestowed by Him upon His chosen people, further resolved that we are His chosen people." Thus they acquired title by direct descent and established the first title company on the American Continent. Some equally original, if less orthodox, means must be found if we are to meet the challenge of present conditions.

ABRAHAM LINCOLN ON THE SUPREME COURT

Mr. GUFFEY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from today's Philadelphia Record entitled "Abraham Lincoln on the Supreme Court."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Record of Feb. 12, 1936]

ABRAHAM LINCOLN ON THE SUPREME COURT

In his first inaugural, March 4, 1861:

"* * * the candid citizen must confess that, if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made, and ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal."

In his attack on the Supreme Court's decision in the Dred Scott case at Edwardsville, Ill., September 13, 1858:

"What constitutes the bulwark of our own liberty and independence? * * * our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prized liberty as the heritage of all men, in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own doors. Familiarize yourselves with the chains of bondage and you prepare your own limbs to wear them * * * and let me tell you that all these things are prepared for you by the teachings of history, if the elections shall promise that the next Dred Scott decision and all future decisions will be quietly acquiesced in by the people."

Stephen A. Douglas was, of course, a Democrat. Lincoln further cited both Jefferson and Jackson against Douglas during the Douglas debates. At Springfield, Ill., July 17, 1858:

"I think that in respect to judicial authority, my humble history would not suffer in comparison with that of Judge Douglas. He would have the citizen conform his vote to that (the Dred Scott) decision; the Member of Congress, his; the President, his use of the veto power. He would make it a rule of political action for the people and all the departments of the Government. I would not * * * to consider the judges as the ultimate arbiters of all constitutional questions. (Jefferson commented in a letter in 1820: 'A very dangerous doctrine indeed, and one which places us under the despotism of an oligarchy.') * * * Thus we see the power claimed for the Supreme Court by Judge Douglas, Mr. Jefferson holds, would reduce us to the despotism of an oligarchy. * * *

"Let us go a little further. You remember we once had a national bank. Someone owed the bank a debt; he was sued and sought to avoid payment on the ground that the bank was unconstitutional. This case went to the Supreme Court and therein it was decided that the bank was constitutional. The whole Democratic Party revolted against that decision. General Jackson himself asserted that he, as President, would not be bound (by it) * * * (the Democrats) have contended for that declaration, in the very teeth of the Supreme Court, for more than a quarter of a century. In fact, they have reduced the decision to an absolute nullity."

In his great address at the Cooper Institute in New York on February 27, 1860, Abraham Lincoln referred to the Supreme Court as "presumptuous" and "impudently absurd" in its reading of the Constitution in the Dred Scott case.

And on another occasion he said of the same decision—

"The Supreme Court has got the doctrine of popular sovereignty down as thin as homeopathic soup that was made by boiling the shadow of a pigeon that had starved to death."

A. A. A. DECISION OF SUPREME COURT—ARTICLE BY C. S. COLLIER

Mr. HAYDEN. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an article by Charles S. Collier, professor of law, George Washington University, entitled "Judicial Bootstraps and the General-Welfare Clause."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the George Washington Law Review, January 1936]

JUDICIAL BOOTSTRAPS AND THE GENERAL-WELFARE CLAUSE—THE A. A. A. OPINION

(By Charles S. Collier, Professor of Law, the George Washington University)

The decision of the United States Supreme Court in *United States* v. *William M. Butler, et al., Receivers of Hoosac Mills Corporation*,[1] which sets forth a controlling ruling upon the validity of the Agricultural Adjustment Act of 1933, is too recent to permit of a really adequate discussion of the long-range significance and the permanent merits of the conclusions reached therein. It is possible, however, to examine the opinions rendered in the light of other authorities and establish legal doctrines, and the occasion is one of such great political and economic importance at the moment that it seems desirable to offer a contemporary and limited discussion of the legal character and probable effects of the decision.

The opinion of the majority of the Court avoids altogether the questions as to the delegation of legislative power, which consti-

[1] U. S. Law Week 373, 56 Sup. Ct. 312, 80 L. ed. (adv. op.) 287 (Jan. 6, 1936).

tuted the main basis of the discussion in the Panama Oil [2] case and the Schechter [3] case. Although these problems were inherently involved in the original form of the Agricultural Adjustment Act of 1933 [4] and the practice thereunder down to the amendments of August 24, 1935, they are put to one side, and no additional light is shed by the Court on the permissible limits of legislative delegation. The ground given for the decision is that the so-called processing taxes and floor taxes levied under the Agricultural Adjustment Act are in reality illegal exactions, because they are part of an unconstitutional plan whereby Federal control and regulation was to be extended to the field of agricultural production, a subject matter reserved to the States under the original plan of the Constitution, as is made clear by the declaratory provisions of the tenth amendment.

The objection is not to the tax, as a tax, but to the purpose and effect of the expenditure to meet which the tax in question is collected. The reasoning is that the expenditure under the rental and benefit payments provisions of the Agricultural Adjustment Act is not to be justified as expenditure for the general welfare in a correct legal sense, but is to be regarded as the equivalent of a Federal regulation which invades the subjects and fields of action reserved under the Constitution to the States.

THE DOCTRINE OF MASSACHUSETTS *v.* MELLON—ITS LIMITATION ON THE JUDICIAL POWER REDUCED

The first problem presented by the case is as to whether the question of the constitutionality of the processing tax is presented in the form of a true justiciable issue appropriate in all respects for judicial cognizance. Ordinarily Federal taxpayers cannot effectively object to the collection of taxes on the ground that the proceeds are to be spent for purposes whose constitutionality may be questioned.[5] The contribution of a particular taxpayer is so small, speculative, and fluctuating with relation to a particular Federal project whose constitutionality is challenged that the courts have uniformly held that the taxpayer does not have the requisite standing to bring a suit to restrain the collection of the tax. He does not have a sufficient definite interest in the subject matter to enable him to invoke the jurisdiction of the court, and, hence, the ultimate questions of the constitutionality of the scheme of expenditure are not reached.

Thus, in the leading case of *Massachusetts* v. *Mellon* the Supreme Court held that particular taxpayers and a complaining State which claimed the role of parens patriae with relation to Federal taxpayers resident in its territory, did not have the requisite locus standi to maintain a suit to restrain expenditures under the Federal Maternity Act of 1921.[6] This case does not, upon analysis, present the ruling that the Maternity Act is ultimately constitutional and valid, but the hostile suit is dismissed, not upon the merits but upon the ground of the jurisdiction of the Court.

The Hoosac Mills case arose during the course of a receivership, and the question as to the validity of the processing tax is presented by an application of the receivers to the United States District Court for instructions as to whether they should pay this tax in the course of their fiduciary duties in managing the insolvent corporations whose tax obligations were in question. Then, too, the processing tax was imposed by the same statute which provides for rental and benefit payments pursuant to contracts to carry out the policy of the act, and the proceeds of the processing taxes are in effect allocated to creating funds to meet these anticipated rental and benefit payments. These circumstances are held, without any very adequate or convincing discussion, to differentiate the present case from *Massachusetts* v. *Mellon*, and the ruling is that the receivers have the requisite standing, at least where the United States is joined as a party in the proceeding, to litigate the question of the validity of the expenditure in connection with which the so-called tax was imposed.

It may be remarked on this branch of the case that although the purely formal distinction between *Massachusetts* v. *Mellon* and the instant case can be taken, nevertheless it is not at all clear that the present case should not be controlled by the same "political" considerations as to the functions and role of the courts in constitutional controversies as were held decisive in *Massachusetts* v. *Mellon*. Both cases present broadly the problem as to whether an elaborate scheme of expenditure authorized by the Congress of the United States should be brought to a standstill because of the complaint of a particular taxpayer.

There are serious considerations as to the equitable fitness and propriety of judicial interference in this field, and there are grave objections even to the broad constitutional and political right of the courts to interrupt processes of government in this fashion. Historically, the power of the purse, the power to determine upon appropriations of public funds, and expenditures of public money, has been a parliamentary function. The existence of judicial jurisdiction to review the constitutionality of appropriations made by Congress has not hitherto been established in this country. It is true that a somewhat analogous jurisdiction has been recognized with regard to the judicial reviewability of the legality of appropriations of municipal corporations in most of the States,[7] but the differences between the legal character of municipal appropriations and the constitutional position of the governing bodies in municipal corporations, on the one hand, and the legal character of Federal appropriations and the constitutional position of Congress, on the other hand, are so important and obvious as to overshadow the points of similarity.

The ruling in the Hoosac Mills case is a thorough-going novelty in respect to the jurisdictional issue. The decision establishes a radical advance in the power of the judiciary with regard to the review of the legality of Federal appropriations.

Is this ruling fundamentally consistent with doctrines as to the limits of judicial jurisdiction heretofore generally accepted and, indeed, regarded as indisputable? There is under our system a sphere of "political questions" from which the courts have hitherto debarred themselves by doctrines of judicial self-limitation. For instance, the question as to whether or not a State has maintained a republican form of government, is a political question with respect to which the courts will follow the action of Congress.[8] The question, which of two contending State governments is the rightful governing authority in a State, is a political question which the courts will refuse to decide independently of executive or congressional guidance.[9] The question of the recognition of foreign countries,[10] of the determination of international boundaries [11] and many other matters in the sphere of international relations [12] have been regarded as "political questions" as to which the courts habitually reject the opportunity of independent action.

Similarly, it has been declared that the question of Federal expenditure is a political matter, as to the legality of which Congress is the controlling arbiter,[13] and cases like *Massachusetts* v. *Mellon* have been attributed, partly at least, to this basis and ground. At one of the pivotal points in the course of the opinion in *Massachusetts* v. *Mellon*, Mr. Justice Sutherland, speaking for a unanimous Court, said:

"In the last analysis the complaint of the plaintiff state is brought to the naked contention that Congress has usurped the reserve powers of the several States by the mere enactment of the statute, though nothing has been done and nothing is to be done without their consent; and it is plain that the question, as it is thus presented, is political and not judicial in character and, therefore, is not a matter which admits of the exercise of judicial power." [14]

It seems clear that the Hoosac Mills case marks an important departure in respect to this problem of the jurisdiction of the courts, and establishes that the problem of justiciable issues, as discussed in cases like Massachusetts against Mellon, has no longer any controlling relation to the doctrine of political questions, but is exclusively related to the inquiry as to whether or not the objecting taxpayer can show that the funds exacted from him are directly and specifically allocated to the particular questionable expenditure. Such a result greatly reduces the significance of the doctrine of Massachusetts against Mellon and similar cases, viewed in its broad aspect as a doctrine limiting the robust growth of judicial power in our complex system of government.

The decision in the Hoosac Mills case seems to reduce the distinction as to the judicial reviewability of Federal appropriations to a mere matter of form. If general taxes are levied by one statute and questionable expenditures authorized by another statute, and there is no direct or admitted relationship between the two statutes, no taxpayer has a sufficient standing to question the legality of expenditure. But if, as a matter of legislative technique, a particular tax is incorporated in a statute relating to a proposed questionable expenditure, or, possibly, if there were two statutes closely connected in time and in legislative intent, one presenting the tax and the other the expenditure, a recalcitrant taxpayer does have sufficient locus standi to raise the question as to the legality of the expenditure.

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[2] *Panama Refining Co.* v. *Ryan*, 293 U. S. 388, 55 Sup. Ct. 241, 79 L. ed. (adv. op.) 223 (1935).

[3] *Schechter* v. *United States*, 295 U. S. 495, 55 Sup. Ct. 837, 79 L. ed. (adv. op.) 888 (1935).

[4] See Hartman, Shilling & Wise, Constitutionality of A. A. A. Processing and Floor Stocks Taxes (1935), 4 Geo. Wash. L. Rev. 43.

[5] *Massachusetts* v. *Mellon*, 262 U. S. 447, 43 Sup. Ct. 597, 67 L. ed. 1078 (1923).

[6] 42 Stat. 224; act of Nov. 23, 1921, c. 135 (repealed).

[7] *Sharpless* v. *Mayor*, 21 Pa. St. 147, 59 Am. Dec. 759 (1853); *Jones* v. *City of Portland*, 245 U. S. 217, 38 Sup. Ct. 112, 62 L. ed. 252 (1917); *Lowell* v. *Boston*, 111 Mass. 454, 15 Am. Rep. 39 (1873); *Standard Oil Co.* v. *City of Lincoln*, 114 Neb. 243, 207 N. W. 172 (1926), also 275 U. S. 504, 48 Sup. Ct. 155, 72 L. ed. 395 (Mem. 1927); *City of Tombstone* v. *Macia*, 50 Ariz. 218, 245 Pac. 677, 46 A. L. R. 828 (1926); *Rankin* v. *Yoran*, 72 Or. 224, 143 Pac. 874 (1914); *Crampton* v. *Zabriskie*, 101 U. S. 601, 25 L. ed. 1070 (1880); *King* v. *Sullivan County*, 128 Tenn. 393, 160 S. W. 847 (1913).

[8] *Pacific States Telephone Co.* v. *State of Oregon* (223 U. S. 118, 32 Sup. Ct. 224, 56 L. ed. 377 (1912)).

[9] *Luther* v. *Borden* (7 How. 1, 12 L. ed. 581 (U. S. 1848)); *Georgia* v. *Stanton* (6 Wall. 50, 18 L. ed. 721 (U. S. 1868)).

[10] *Jones* v. *United States* (137 U. S. 202, 11 Sup. Ct. 80, 34 L. ed. 691 (1890)); *Williams* v. *Bruffy* (96 U. S. 176, 24 L. ed. 716 (1878)); *Underhill* v. *Hernandez* (168 U. S. 250, 18 Sup. Ct. 83, 42 L. ed. 456 (1897)).

[11] *Foster* v. *Neilson* (2 Pet. 253, 7 L. ed. 415 (U. S. 1829)); *Williams* v. *Suffolk Insurance Co.* (136 Pet. 415, 10 L. ed. 226 (U. S. 1839)).

[12] See, for example, *Cherokee Nation* v. *Georgia* (5 Pet. 1, 8 L. ed. 25 (U. S. 1831)); *The Prize cases* (2 Black 635, 17 L. ed. 459 (U. S. 1863)); *The Protector* (12 Wall. 700, 20 L. ed. 468 (U. S. 1872)); *Martin* v. *Mott* (12 Wheat. 19, 6 L. ed. 537 (U. S. 1827)).

[13] *Wilson* v. *Shaw* (204 U. S. 24, 27 Sup. Ct. 233, 51 L. ed. 351 (1907)); *Millard* v. *Roberts* (202 U. S. 429, 26 Sup. Ct. 674, 50 L. ed. 1090 (1906)).

[14] Supra, note 5 at p. 483.

The inference is obvious that Congress would do well to blur the relationship between particular taxes and particular expenditures if it wants to place these matters beyond the reach of judicial scrutiny.[15] It seems unfortunate, if we assume the validity of the doctrine of *Massachusetts* v. *Mellon* as applied to the actual facts of that particular case, that its extension to other fields should be limited by purely formal considerations which suggest the advisability of devious rather than straightforward practice on the part of Congress in drafting legislation.

It is really surprising to observe the nonchalance with which both Members of Congress and the members of the legal profession have received the action of the majority of the Court in opening up a new and vitally important avenue of judicial review, while professing so earnestly its duty to preserve the ancient landmarks. A thousand lawyers have applauded the ruling, not one of whom can quote one single prior decision from out of 146 years of Supreme Court history that adequately sustains or corroborates the ruling in the Hoosac Mills case as to the scope of judicial jurisdiction to review the constitutionality of Federal appropriations. Absence of precedent is apparently much more significant when Congress attempts novel legislation, than when the courts establish a novel ruling extending their own judicial jurisdiction.

THE APPROPRIATION POWER AND THE TAX POWER

If the unrestricted jurisdiction of the court is granted to pass upon the ultimate constitutional questions involved in the controversy presented by the Hoosac Mills receivers, we are quickly brought to the view that the outcome of the controversy must depend on the construction to be given to the clause relating to indirect taxes, which constitutes the first sentence of section 8 of article I of the Constitution.[16] This sentence reads:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."[17]

Although this clause relates in terms to taxes and not to appropriations of public funds, it seems clear, as the Supreme Court points out in the course of the majority opinion, that the two powers (taxation power and appropriation power) are strictly interdependent. Taxation without a view to expenditure in some way for the public benefit would be a vain thing, if not definitely an illegal extortion. Likewise, taxation for the collection of funds to be expended by appropriations wholly beyond the constitutional powers of the Federal Government cannot be regarded as taxing "to provide for the common defense and general welfare." Appropriations can only be made by law, that is, by the legislative action of Congress. Appropriation acts must, therefore, satisfy constitutional tests. The same tests that determine the legality of the appropriation apply to limit the legality of the tax whose proceeds are earmarked or legally allocated to meet the questioned appropriation. Thus, the ultimate substantive constitutionality of the proposed appropriation can be tested by analyzing the meaning and scope of the grant of power to lay and collect taxes, and vice versa, the scope of the tax power is limited by any admitted and controlling restrictions on the power to appropriate and expend the proceeds of taxation.

THE GENERAL-WELFARE CLAUSE

The meaning of the phrase "to provide for the common defense and general welfare" has long been a matter of grave dispute. Three leading views have been presented. The first is that the phrase "to provide for the common defense and general welfare" is to be treated as if it were an entirely separate clause conferring a separate substantive power to act in undefined ways for the common defense and general welfare. Such a power would include the legislative power to regulate many matters not elsewhere referred to in the Constitution specifically as powers granted to the Federal Government.

It seems clear enough that such a construction is not satisfactory. The words in question occur in a sentence relating to the collection of taxes. They are part of that sentence and must be taken as in some sort a qualification of the taxing power. They cannot be regarded as conferring a separate substantive power to act or to legislate on any subject whatsoever. Not only would this conclusion be wholly contrary to the normal grammatical construction of a sentence whose main purpose is to establish a power to lay taxes, but it would also render the careful enumeration of Federal powers found in the remaining clauses of section 8 of article I and elsewhere in the Constitution wholly superfluous. The problem calls for the application of the maximum that the enumeration of some grants of power implies exclusion of those not enumerated. It would be a waste of time to enumerate the Federal powers in detail if a general, undefined power to legislate and to act for the general welfare were granted in addition to the specific powers enumerated.

The second interpretation of the general-welfare clause is that advocated by James Madison. In a carefully considered letter written to Andrew Stevenson on November 17, 1830,[18] Madison took the view, first, that the general-welfare clause in question was simply a qualification upon the tax power, and granted no separate substantive power; and, secondly, that the tax power itself should be construed as ancillary to the other specific granted powers; that is, that Federal taxation may be laid only for the collection of moneys to be expended for the execution of the other specific powers of Congress, like "the power to raise and support armies", the power "to provide and maintain a navy", the power "to establish post offices and post roads", etc.

Under this conception, a statute like the Maternity Act of 1921[19] would be unconstitutional, for there is no express power given to Congress to regulate the welfare of mothers or infants, or to trench upon the State's jurisdiction over the whole field of domestic relations and the physical welfare of the citizens in ordinary circumstances. Probably, also grants for direct relief of distressed unemployed persons by the Federal Government would be unconstitutional under this view for the same reason.

From the point of view of rhetoric and logic, Madison's view is not satisfactory because it seems to render the general-welfare clause superfluous, and even seeks to extract from it a severely restrictive doctrine, although the words have a large and liberal sound, like a broad enabling clause.

The third view as to the meaning of the general-welfare clause has been known as the Hamiltonian view, because it was first authoritatively defended by Alexander Hamilton. This view is intermediate between the first two, and takes the position that while the general-welfare clause confers no separate substantive regulatory power upon Congress or the Federal Government, yet it does broaden and amplify the power to tax, so that that power can be regarded as extending to purposes of expenditure beyond the fields of the specific enumerated powers granted to the Federal Government.

Hamilton's view is that the taxation and spending powers of the Federal Government are much broader than the regulatory powers, although, of course, the expenditure of money pursuant to the express regulatory powers would be entirely proper. But the general-welfare clause constitutes, in his opinion, a separate substantive grant of power in relation to the purposes of taxation and expenditure.

In the Hoosac Mills case the Supreme Court, for the first time in its history, explicitly adopted the Hamiltonian view, although this view had previously had the support of Justice Story and many other authoritative text writers. It was definitely stated that the Hamilton-Story position is the correct one:

"Study of all these (contentions) leads us to conclude that the reading advocated by Mr. Justice Story is the correct one."[20]

And the Court adds:

"While, therefore, the power to tax is not unlimited, its confines are set in the clause which confers it, and not those of section 8, which bestow and define the legislative powers of the Congress. It results that the power of Congress to authorize expenditure of public moneys for public purposes is not limited by the direct grants of legislative power found in the Constitution."[21]

There can be no doubt that the ruling of the Supreme Court on this point is of the very gravest significance in a long-range view of the development of constitutional law. It is quite possible that although the Hamiltonian doctrine is declared in a decision which is itself a restrictive one, constituting a negative ruling as to the scope of the tax power, in the long run the choice of the Hamiltonian position will greatly broaden the justifiable scope of Federal taxation and expenditure beyond that which has been illustrated in the practice of Congress until very recent years. We are encouraged to believe that projects like the Maternity Act of 1921[22] may, after all, be ruled constitutional and valid upon ultimate analysis, because, although the expenditure was not related to any of the specific legislative powers of Congress, it was nevertheless, in an arguable sense, directed to the general welfare of the United States, and, hence, was justifiable under the true construction of the tax clause in section 8 of article I of the Constitution.

But Mr. Justice Roberts, in presenting the opinion of the majority of the Court in the Hoosac Mills case, does not define, or

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[15] This idea has been acted upon in the artificial separation of the pension and tax features in the revised railway retirement legislation of 1935. See R. R. Retirement Act of 1935, 45 U. S. C. A., secs. 215–228, and R. R. Tax Act, 45 U. S. C. A., secs. 241–253.

[16] There are, of course, a number of other important legal and constitutional questions that appear to be inherently involved in the controversy presented in the Hoosac Mills case. In a statement relegated to a footnote, Mr. Justice Roberts disclaims any intention of discussing most of these issues. His statement is as follows:

"Other questions were presented and argued by counsel, but we do not consider or decide them. Respondents insist that the act in numerous respects delegates legislative power to the Executive contrary to the principles announced in *Panama Refining Co.* v. *Ryan* (29 U. S. 288) and *Schechter Corp.* v. *United States* (295 U. S. 495); that this unlawful delegation is not cured by the amending act of August 24, 1935; that the exaction is in violation of the due-process clause of the Fifth Amendment, since the legislation takes their property for a private use; that the floor tax is a direct tax and, therefore, void for lack of apportionment amongst the States, as required by art. I, sec. 9; and that the processing tax is wanting in uniformity and so violates art. I, sec. 8, clause 1, of the Constitution."

[17] U. S. Constitution, art. I, sec. 8, clause 1.

[18] Reprinted in Farrand's Record of the Federal Convention, vol. 3, pp. 483 et seq. *See also* The Federalist, no. XLI, for Madison's Views.

[19] *Supra* note 6.

[20] *Supra* note 1 at 376.

[21] *Ibid.*

[22] *Supra*, note 6.

describe with any fullness, the scope of the separate substantive power to tax and expend for the general welfare which he has nominally accepted and established. The proposition which he sets forth by mere reference, rather than by logical definition or suggestive description, is indeed an exceedingly "inarticulate major premise." [23] It presents a vague and colorless standard which must derive its meaning and vitality from subsequent rulings, rather than from the present decision. One is reminded of the remark of Mr. Justice Brewer: [24]

"I think, and I say it with all respect, that no case involving a constitutional question should be turned off on the simple declaration that upon its peculiar facts it falls on one side or the other of an undisclosed line of demarcation."

It seems particularly unfortunate, in view of the fact that the Court went further than was necessary in pointing out what was unconstitutional about agricultural adjustments and about other phases of Federal regulation, that the Court should not have been at least equally willing to reveal some guiding principles as to what types of expenditure would be constitutional. The question would not be an abstract one, for plenty of examples of debatable expenditures could be culled from the field of the contemporary activities of the United States Government. It seems unfortunate that, although the clauses of the United States Constitution in question are affirmative grants, and contain no negative words, nevertheless the negative aspect and the doctrine as to what they do not include seems much clearer to the Court than their positive meaning and the doctrine as to what they do include.

POWERS OF EXPENDITURE AND POWERS OF REGULATION

The position of the majority of the Court is that, although the power to spend money for the general welfare is a broad power, and includes objectives that are not specifically enumerated or specifically referred to in the Constitution, nevertheless it does not extend to establishing by the method of expenditure what is in effect a regulatory scheme controlling affairs internal to the several States.

The consideration that seems to have weighed most heavily with the Court was that, since the expenditure for rental and benefit payments under the Agricultural Adjustment Act was designed to accomplish restriction of production, and other results that could more directly and less expensively be accomplished by coercive legislative regulation (by a legislative body constitutionally competent thereto), the present scheme, although a matter of expenditure of money in its primary aspect, is yet, in truth and in ultimate reality, an elaborate regulatory scheme which deals with matters admittedly beyond the normal regulatory power of the Federal Government, and which lie within the normal regulatory power of the States. The Nation can no more invade the province of the States through the method of regulation by expenditure than it can intrude upon State authority by the method of regulation by legislative prohibition enforced by criminal penalties or other sanctions.

The basic criticism of the position of the majority that the present writer wishes to advance is that the tenth amendment does not reserve to the States particular subjects or fields of governmental action, but only reserves to the States powers. The purpose of the tenth amendment is to reserve to the States certain powers to act, namely, those which have not been granted to the United States. The language of that amendment is:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

It is a fallacy to suppose that this amendment marks out particular subjects, like agricultural production, and designates them as exclusively within the State domain. It may well happen that the same subject can be reached both by powers exercised by the Federal Government and also by powers exercised by the State government. The subject, conceived of as a sort of entity, cannot be said to belong either to the Nation or to the States, exclusively.

It seems, therefore, a wholly unsatisfactory line of reasoning to deduce from the assumption that agricultural production is generally a matter for State regulation, the unprecedented conclusion that Federal spending and contractual powers can in no wise be applied to the same subject matter. It involves a logical fallacy akin to the fallacy of premature induction from a limited number of instances to infer from admitted legal principles that agriculture is wholly a matter for State control. The dual nature of our system affords many illustrations of the way in which subjects which are for the most part within the field of State regulation may be reached by a Federal power in the logical and natural extension of its inherent nature.

DIVERSE EXTENT OF VARIOUS FEDERAL POWERS

For example, the question of inheritance of real estate is certainly for the most part a local matter which is subject to the control of the States. Nevertheless, systems of inheritance of real estate throughout the country may be altered by treaties between the United States and foreign nations so as to render aliens able to take lands located in any of the several States by devise, or in cases of intestacy, although the State laws have always theretofore denied them such capacity, and such laws have never been changed by any action of the State legislature.[25] The treaty power possesses a scope and thrust which carry it into the matter of real estate inheritance when this is necessary or advisable in order to secure reciprocal advantages for United States citizens in foreign lands, or when for other reasons real estate titles may become a matter of international concern.

Again, the control of wildlife is in most situations a matter for regulation by the several States. A Federal statute based, apparently, upon some vague conception of the scope of the commerce power forbidding the killing of migratory birds under specific conditions, was held unconstitutional. *United States* v. *Shauver*;[26] *United States* v. *McCullough*.[27] But shortly thereafter a treaty between the United States and Great Britain regulating the same subject was held to validate a statute of Congress which established practically the same prohibitions and penalties.

According to the argument of Mr. Justice Roberts in the Hoosac Mills case, we should regard the subject of migratory birds as one within the control of the States, and as a field into which the Federal Government cannot enter by regulatory action. And it would then follow, according to Mr. Justice Roberts' reasoning, that the use of the treaty with a foreign nation was a disingenuous means of accomplishing a forbidden end, that the United States was attempting by indirection and by the "abuse" of the treaty power to reach a subject which was primarily within the power of the States, and control of which had been denied to Federal legislation by previous judicial decisions relating to the regulatory powers of the United States. It is familiar history that in the case of the treaty power, no such argument was accepted by the Court. *Missouri* v. *Holland*.[28] It was pointed out that the treaty power must be analyzed according to its own inherent character and nature, and that if this power extended to subjects or instances which could not be reached by other Federal regulatory powers, we should nevertheless have no hesitation in carrying the treaty power out to its logical conclusions.

Other illustrations could readily be taken from the war powers of the United States. For example, the matter of agricultural production and the use of foodstuffs for the manufacture of alcohol would ordinarily be regarded as a matter for State regulation (apart from the eighteenth amendment, at least). It would be natural to say that the matter of manufacture of alcohol was a subject reserved to the several States by the tenth amendment, but, nevertheless, it was held prior to the eighteenth amendment that Congress could validly prohibit altogether the use of provisions for the manufacture of alcohol, the statute being sustained under the war powers as a means of conserving vital food supplies and furthering the national military and economic efforts in the midst of war. *Baird* v. *United States*.[29]

In the case of *Gibbons* v. *Ogden*,[30] Chief Justice Marshall formulated a principle which has a direct bearing upon the point under discussion:

"All experience shows that the same measures, or measures scarcely distinguishable from each other, may flow from distinct powers; but this does not prove that the powers themselves are identical. Although the means used in their execution sometimes approach each other so nearly as to be confounded, there are other situations in which they are sufficiently distinct to establish their individuality." [31]

and he goes on to say:

"* * * the measures taken by the respective governments to execute their acknowledged powers would often be of the same description and might sometimes interfere. This, however, does not prove that the one is exercising, or has a right to exercise, the powers of the other." [32]

The proper method of reasoning about the validity of a statute of Congress is to pursue boldly and without prejudices the analysis of the inherent nature of the power of Congress under which the statute was passed. We run the risk of "begging the question" if we limit the discussion of the scope of a Federal power by assuming at the outset that there are certain matters that are beyond the reach of the power, an assumption formulated from illustrations which have occurred with reference to other distinct Federal powers which have been adjudged not to reach the subject matter in question. This risk seems to have culminated in the present case in a genuine logical disaster.

We may admit that agricultural production is a matter touched much more frequently by the powers of the States than by those of the Nation. We may admit, also, that the regulatory powers of Congress, acting under the commerce clause, are not sufficiently broad to reach the subject of agricultural production and crop control. But it is a fallacy to infer from this that agricultural production is necessarily a subject beyond Federal control in any

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[23] Cf. Mr. Justice Holmes, dissenting, in *Lochner* v. *New York* (198 U. S. 45, 25 Sup. Ct. 539, 49 L. ed. 937 (1905)), at p. 76:

"The decision will depend on a judgment or intuition more subtle than any articulate major premise."

[24] Brewer J., dissenting, in *Austin* v. *Tennessee* (179 U. S. 343, 383, 21 Sup. Ct. 132, 45 L. ed. 224 (1900)).

[25] *Ware* v. *Hylton*, 3 Dal. 242, 1 L. ed. 568 (U. S. 1796); *Fairfax's Devisees* v. *Hunter's Lessee*, 7 Cr. 603, 3 L. ed. 453 (U. S. 1813); *Hauenstein* v. *Lynham*, 100 U. S. 483, 25 L. ed. 628 (1880); *Geoffrey* v. *Riggs*, 133 U. S. 258, 10 Sup. Ct. 295, 33 L. ed. 642 (1890).

[26] *U. S.* v. *Shauver*, 214 Fed. 154 (E. D. Ark. 1914).

[27] *U. S.* v. *McCullough*, 221 Fed. 288 (D. Kan. 1915).

[28] *Missouri* v. *Holland* (252 U. S. 416, 40 Sup. Ct. 382, 64 L. ed. 641 (1920)).

[29] *Baird* v. *United States* (279 Fed. 509 (C. C. A. 6th, 1922)).

[30] 9 Wheat, 1, 6 L. ed. 23 (U. S. 1824).

[31] *Id.* at p. 205.

[32] *Id.* at p. 204.

form. It might well be reached under the treaty power, under the war power, and, equally, under the spending and contractual powers of the Federal Government.

THE NEGATIVE APPROACH TO FEDERAL POWER—FAILURE TO ANALYZE THE APPROPRIATION POWER

The question as to whether the spending and contractual powers of the United States extend to such a subject as agricultural production, should depend upon an analysis of the spending and contractual powers themselves, with all their natural and logical implications. Such an analysis Mr. Justice Roberts utterly refuses to enter upon. Thus he says:

"We are not now required to ascertain the scope of the phrase 'general welfare of the United States', or to determine whether an appropriation in aid of agriculture falls within it. Wholly apart from that question, another principle embedded in our Constitution prohibits the enforcement of the Agricultural Adjustment Act. The act invades the reserved rights of the States. It is a statutory plan to regulate and control agricultural production, a matter beyond the powers delegated to the Federal Government." [33]

Thus the discussion of the spending and contractual powers of the United States, considered as separate powers with a history and logic of their own, is wholly and most prematurely abandoned, and the situation is held to be controlled by a supposed self-existent limitation on all powers of Congress, a limitation which is, however, historically and psychologically derived from legislative practice and judicial decisions relating to the affirmative regulatory powers of Congress—that is, powers wholly distinct from spending and contractual powers. The central problem as to the true constitutional scope of the tax provisions of the Constitution, and as to the inherent limits on the spending and contractual powers, is never discussed on its own merits in the course of the majority opinion, astounding as this may seem. All vital discussion on these absolutely basic issues is aborted, and the Court allows itself to be wholly carried away by what is really only a dubious analogy—the conception that the limits on the spending power of the Federal Government are strictly comparable to the limits on its regulatory powers. The Court seems in reality to follow the Madisonian logic that the taxation and spending powers of the United States coincide with the express regulatory powers, although this logic has just been formally rejected in the earlier part of the opinion.

But never was a fresh general analysis of a great congressional power more needed. Never would such an analysis have been more timely or more helpful. What does it mean that "Congress has the power of the purse"? To what conclusions does this supposed political truth lead with respect to the ability of Congress to modify situations in relation to which it expends its funds? Is not a quasi-regulatory effect of public expenditure an inseparable feature of such expenditure, in many instances? What legal justification has the Court for limiting the scope of the spending and contractual powers of the Federal Government by the unreasoned assumption that these powers cannot accomplish results that could not be reached by the specific Federal regulatory powers?

In discussing this point we are at the very crux of the argument with relation to the validity of the Agricultural Adjustment Act. It is most regrettable that the majority opinion gives practically no consideration to these vital issues. It seems to be assumed, as a matter of course, that since agricultural production could not be reached by a direct regulatory statute of Congress, therefore all Federal action touching the subject is to be inhibited lest the United States accomplish indirectly what it could not do directly. The argument is not based upon an analysis of the spending power itself and its inherent limitations. The acknowledged limits attached to distinct regulatory powers of the Federal Government are apparently without discrimination "incorporated by reference" as applicable to the spending power.

But such a logical transition from conclusions really based upon data relating to one set of powers of the Federal Government, to conclusions then attached mechanically to the operation of another set of powers of the Federal Government, seems to be open to the most serious criticism. The scope of power no. 1 of the Federal Government cannot be satisfactorily determined by referring mechanically to the scope of power no. 2. The fact that power no. 2 does not reach a certain subject or economic interest or physical process does not prove that power no. 1 should not reach those same subjects, for power no. 1 is a distinct and inherently different type of governmental power. Similarly, the fact that the States have a control over certain subjects or economic interests which cannot be interfered with by power no. 2 of the Federal Government, does not demonstrate that the State control could not be displaced or modified by the exercise of power no. 1 of the Federal Government. It is a radical mistake to suppose that the States have complete and exclusive control over certain subjects because they have control of those subjects most of the time, or in most situations.

REGULATION: BY PURCHASE, BY POLICE POWER: POLITICAL CORRECTION DISPLACES JUDICIAL CORRECTION

It remains true, furthermore, that from a practical as well as from an analytical viewpoint, regulation by purchase in the form of monetary grants under contractual conditions is not really the same as regulation by police laws sanctioned by penalties. Regulation by purchase is not likely to be complete and rigidly effective, as has been shown by experience under the Agricultural Adjustment Administration itself. Such regulation is checked, in large part, by the consideration of expense. If the United States were allowed to forbid, with criminal penalties, the raising of excess crops, this direct regulation would require nothing but the passage of a statute and incidental expenses of enforcement, such as attach to any statute. But the so-called regulation by the method of purchase is, necessarily, enormously expensive, and constitutes a financial burden on the taxpayers which presents an automatic political correction. This minimizes, if it does not displace, any real need of judicial correction in this field.

Again, as Justice Stone points out, the mere prospect of beneficial payments is not genuinely coercive. But this element of coercion is fundamental in all genuinely regulatory laws. In many discussions about labor laws, the courts have stressed the point that contractual arrangements, even made under conditions of high pressure, where the bargaining power of one of the parties was greatly in the ascendent, do not lose their voluntary character or their validity on that account.

For instance, the Supreme Court has held that there is no coercion in an obnoxious sense when an employer, by superior economic bargaining power, induces the employee to sign an agreement that he will not join a labor union. *Coppage* v. *Kansas*.[34] So clearly is this sort of inducement not "coercion" that it is held to be an unconstitutional abridgement of the employer's "liberty" to forbid the exaction of such contracts. It would not, presumably, be an act of coercion for the United States, through the W. P. A., to pay unemployed workers more than the prevailing wage in the localities where they are situated, although this might force private employers to raise wages to their own employees in order to hold them in line.

The transition by which the Court likens the control of agricultural production under the Agricultural Adjustment Act to cases of outright police regulation is much too easily made. Distinctions between the two methods of procedure which might well be thought controlling are not even mentioned. The Court does not successfully distinguish the case of the Agricultural Adjustment Administration from other cases where the United States has granted money and annexed conditions to its acceptance which have the effect of inducing the beneficiary to comply with a Federal policy. This point is most convincingly established by the dissenting opinion of Mr. Justice Stone.

When money is granted to the unemployed on the condition that they perform certain work; when money is granted to universities on the condition that they comply with certain standards; when money is granted for State reforestation and fire-prevention activities and supervisory rules are imposed, we have in each case an effective pressure from the Federal Government which will in most instances induce compliance with Federal policies on the part of persons and interests which are not directly under Federal legislative regulation with regard to the objectives in question.

It seems that Mr. Justice Stone is correct in asserting, in his dissenting opinion, that these instances are analytically indistinguishable from the rental and benefit payments under the Agricultural Adjustment Act. The real differences are differences in scale and in schematic comprehensiveness. Most Federal grants of money are made in a more haphazard way than are those under the Agricultural Adjustment Administration, but it is hardly fair to argue that they are made without regulatory intent or without regulatory effect upon the concerns benefited by the donation. When the interests affected are outside the sphere of normal Federal regulation, we seem to have an invasion of the rights of the State analogous in principle to the invasion accomplished by the Agricultural Adjustment Administration.

It has often been held that States and municipalities may accomplish, by the method of contract, results that they are forbidden to accomplish by the method of direct legislative regulation. For example, a municipality may establish a contract rate for utilities which, in time, become inadequate to furnish a fair return on a fair valuation of the utility properties. Such a rate could not be imposed by legislative fiat, but it may be sustained on a contractual basis.[35]

The State may not establish a minimum wage rate for women employed in industry as a police regulation,[36] but it may require contractors who work for it to pay a minimum standard of wages, and may, of course, establish such a standard for those directly employed by it.[37] The State and their municipalities may validly require Government contractors to limit the hours of labor of their employees to 8 hours a day or less, although these limitations might not be held valid in cases where the State sought by police legislation to force such regulations upon private employers.[38]

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[33] Supra note 1 at 377.

[34] *Coppage* v. *Kansas* (236 U. S. 1, 35 Sup. Ct. 240, 59 L. ed. 441 (1915)); *Adair* v. *United States* (208 U. S. 161, 28 Sup. Ct. 277, 52 L. ed. 436 (1908)).

[35] *Detroit* v. *Detroit Citizens Ry.* (184 U. S. 368, 22 Sup. Ct. 410, 46 L. ed. 592 (1902)); *Matter of Quinby* (223 N. Y. 244 (1918)); *Columbus Railway & Power Co.* v. *City of Columbus* (249 U. S. 399, 39 Sup. Ct. 349, 63 L. ed. 669 (1919)); *Russell* v. *Sebastian* (233 U. S. 195, 34 Sup. Ct. 517, 58 L. ed. 912 (1914)).

[36] *Adkins* v. *Children's Hospital* (261 U. S. 525, 43 Sup. Ct. 394, 67 L. ed. 785 (1923)).

[37] *City of Phoenix* v. *O. P. Drinkwater* (Ariz. Sup. Ct., Dec. 5, 1935); *Atkin* v. *Kansas* (191 U. S. 207, 24 Sup. Ct. 124, 48 L. ed. 148 (1903)); *Ellis* v. *United States* (206 U. S. 246, 27 Sup. Ct. 600, 51 L. ed. 1047 (1907)).

[38] *Lochner* v. *New York* (198 U. S. 45, 25 Sup. Ct. 539, 49 L. ed 937 (1905)).

It should also be pointed out that it seems clear in principle that the Nation may reach objectives through compacts with particular States that would be denied to it as a matter of direct legislative power,[39] and the States might, with the consent of Congress, establish reciprocal controls that involve a similar subtraction from the primary constitutional authority accorded to the contracting States.[40]

In many instances private individuals or corporations may reach results by contracts among themselves that could not be established by direct legislative regulation. For example, a municipality may not establish by direct legislative compulsion a system of racial segregation,[41] but at the same time the Supreme Court has held that the validity of private contracts imposing restrictive servitudes on real estate so as to prevent the use of particular tracts for residence by Negroes is so free from constitutional objection that litigation with regard thereto does not even raise a Federal question.[42] The action of the promoters who impose such a restrictive servitude on extensive real-estate developments has the same result as direct legislative regulation, but no one has heretofore supposed that the two procedures are in legal character the same, or that they present any features of similarity that are legally significant.

In short, it seems that the Court, by its decision in the Hoosac Mills case, has cut down the normal reach of the power of the United States to spend its own money and to make its own contracts, and has done this in order to avoid a quasi-regulatory result, which is nowhere directly forbidden in the Constitution, and which differs in vital characteristics from the type of direct legislative regulation by the Federal Government that the framers of the Constitution had in mind in delineating its specific regulatory powers and the correlative reserve powers of the States.

LAW IN DICTA AND LAW IN ACTION

It is worth while to insist once more that in limiting the spending and contractual powers of the United States to approximate the pattern of its regulatory powers the Supreme Court seems to have acted in the particular controversy on the basis of the Madisonian theory that Federal expenditures must relate to the express powers rather than on the Hamiltonian theory, nominally accepted by the majority as well as the minority of the Justices, that expenditures do not have to be related to the express Federal power. For the conclusion of the Court is that the Agricultural Adjustment Act invades the reserve powers of the State, and the proof adduced is that power to regulate agriculture has not been expressly granted to the Federal Government, and hence must be taken to be reserved to the States. The expenditure seems to be condemned because it is applied in a field which Congress does not have power directly to regulate under its other grants of legislative authority.

The arguments actually applied in the Hoosac Mills case by the majority of the Court fit better to the controlling conceptions of the Madisonian theory rather than to those of the Hamiltonian theory, although the Court has admitted, in theory, that there may be some sort of expenditure in instances not enumerated and on principles not defined or described that do not relate to the express powers. This vague concession was certainly not acted upon in the Hoosac Mills ruling. What seems really to have been acted upon was the conception that we have an unjustifiable invasion of the powers of the State when we have the Federal Government spending comprehensively and purposefully, instead of spending in a haphazard and relatively careless way, on matters that do not fall within the scope of the express regulatory powers of Congress.

A POSSIBLE MIDDLE GROUND

One of the most interesting problems raised by the Hoosac Mills case is the question of the possible establishment of a middle ground whereby the Nation could be enabled to act through its spending and contractual powers on matters that are reserved to the States for legislative regulation, so long as the States have not in fact adopted any rule or policy hostile to the Federal contracts in question. The suggestion that such a middle ground might be found was rejected by Mr. Justice Roberts on the ground that if the United States had power at all to make a contract on a particular matter, that contract must be taken as an expression of its sovereign and paramount political power as the National Government, and hence could not be subjected to adverse regulation of any kind by the State.[43]

It seems possible, however, to view this matter in a different light. The argument that the Agricultural Adjustment Act invades the rights of the States always has a slightly disingenuous sound, because of the fact that the States are not objecting and have almost uniformly cooperated with the Federal Government in this matter. Furthermore, so far as the question of invasion is a question between two sovereigns, the Nation and the State, it would seem to be a political question, not suitable for judicial settlement and control.[44]

But the real objection to the Federal law in such cases comes from private interests that want to maintain the position of business freedom as against both the United States and the State. The States cannot act effectively in the matter of restriction of agricultural production because of factors of economic competition, over which they have no control. The Nation cannot act effectively because of a lack of constitutional regulatory power. There remains, however, the third possibility that the activity of both governments might be projected a certain distance into this "no man's land", so that by their cooperation effective regulation could be established. Why cannot the courts justify such cooperation in the case of Federal contracts with agricultural producers, assented to by the State or, at least, valid under the general laws of the State, and not objected to by the official organization of the State? The objection voiced by Mr. Justice Roberts to this view is that the Nation would thereby be made dependent, to some extent, on the will of the States, and the case is thought by him to fall under the authority of such cases as *McCulloch* v. *Maryland*.[45] Common sense tells us that half a loaf is better than no bread, and the Federal Government would obviously have more power if it could act effectively in certain fields, so long as the States acquiesced, than if it could not act at all. But Mr. Justice Roberts suggests that it is inconsistent with the dignity of the United States to attempt any control, however partial and indirect, by the method of expenditure and voluntary contract, so long as these contracts cannot be placed wholly above the power of the State in every respect.

But the question is not really one of dignity but one of practical cooperation. The State has, at least, some control over the situation, because the private parties who enter into these contracts are citizens of the State, and the contracts are made there. The Federal contracts have usually been made in the form approved by local State law, and also corporations organized under local State law have been fathered by the Federal Government in order to carry out its plans of expenditure.

It may be admitted at this point for purposes of argument that there would be a real invasion of State's rights if such proceedings as those contemplated by the Agricultural Adjustment Act were taken against the declared will and the established policy of the State.[46] But if the State is silent and acquiescent, it is possible to regard the field of contract and expenditure as one that is controlled by State law in the regulatory sense, but which may be entered by the Federal Government through the method of contract with private parties, the expenditure of money, and the presentation of economic inducements, so long as these do not point to results which the State law, dominant in this field, inhibits.

Analogies for this suggestion can readily be found in the field of interstate commerce. One of the most fundamental and well-established doctrines of constitutional interpretation is that which gives to the States the power to act on certain aspects of commerce so long as Congress is silent. Thus, the State may prescribe that ships entering its harbors must pay half pilotage fees to a society of retired pilots in case the services of an active pilot are not employed.[47] The State may prescribe local ferry rates on trips leading from its shores to the area of another State.[48] The State may prescribe the rate of speed that interstate trains must observe in particular localities,[49] the methods by which interstate trains shall be heated,[50] and the rules that specify the tests which may be applied to determine the quality of goods brought into the State.[51] Inspection laws,[52] health laws of every description,[53] incidental regulations affecting dominantly local interests[54] may be imposed by the State on transactions which, viewed in other aspects, are essentially transactions of interstate commerce so long as the matter has an important local aspect suitable for local and diverse regulation by the various States and so long as Congress is silent with regard to the regulation of the type of interstate commerce in question. Such State laws are displaced and rendered inoperative if and when Congress enters the field and estab-

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[39] *Arizona* v. *California* (283 U. S. 423, 51 Sup. Ct. 522, 75 L. ed. 1154 (1931)); *Stearns* v. *Minnesota* (179 U. S. 223, 21 Sup. Ct. 73, 45 L. ed. 162 (1900)); *Ward* v. *Race Horse* (163 U. S. 504, 16 Sup. Ct. 1076, 41 L. ed. 244 (1896)); *Boyd* v. *Nebraska* (143 U. S. 135, 12 Sup. Ct. 375, 36 L. ed. 103 (1892)).

[40] *Howard* v. *Ingersoll* (13 How. 381, 14 L. ed. 189 (U. S. 1851)); *Alabama* v. *Georgia* (23 How. 585, 16 L. ed. 556 (U. S. 1860)); *Central R. R. of N. J.* v. *Jersey City* (209 U. S. 473, 28 Sup. Ct. 592, 52 L. ed. 896 (1908)); *Massachusetts* v. *New York* (271 U. S. 65, 46 Sup. Ct. 357, 70 L. ed. 838 (1926)).

[41] *Buchanan* v. *Warley* (245 U. S. 60; 38 Sup. Ct. 16; 62 L. ed. 149 (1917)).

[42] *Corrigan* v. *Buckley* (271 U. S. 323; 46 Sup. Ct. 521; 70 L. ed. 969 (1926)).

[43] Supra, note 1 at 378. The majority opinion says on this point: "The United States can make the contract only if the Federal power to tax and to appropriate reaches the subject matter of the contract. If this does not reach the subject matter, its exertion cannot be displaced by State action."

[44] *Massachusetts* v. *Mellon*, supra, note 5.

[45] Wheat. 316, 4 L. ed. 579 (U. S. 1819).

[46] Compare *Hopkins Federal Savings & Loan Association* v. *Cleary*, decided Dec. 9, 1935, 3 U. S. Law Week 250, 56 Sup. Ct. 235, 80 L. ed. (adv. op.) 209.

[47] *Cooley* v. *Board of Port Wardens* (12 How. 299, 13 L. ed. 996 (U. S. 1851)).

[48] *Conway* v. *Taylor* (1 Black 603, 17 L. ed. 191 (U. S. 1862)); *N. Y. Central Ry. Co.* v. *Hudson County* (227 U. S. 248, 33 Sup. Ct. 269, 57 L. ed. 499 (1913)).

[49] *Southern Ry. Co.* v. *King* (217 U. S. 524, 30 Sup. Ct. 594, 54 L. ed. 868 (1910)); *Lake Shore & M. S. Ry. Co.* v. *Ohio ex. rel. Lawrence* (173 U. S. 285, 19 Sup. Ct. 465, 43 L. ed. 702 (1899)).

[50] *N. Y., N. H. & H. Ry.* v. *New York* (165 U. S. 628, 17 Sup. Ct. 418, 41 L. ed. 853 (1897)).

[51] *Reid* v. *Colorado* (187 U. S. 137, 23 Sup. Ct. 92, 47 L. ed. 108 (1902)).

[52] *Morgan's L. & T. R. & S. S. Co.* v. *Louisiana Board of Health* (118 U. S. 435, 6 Sup. Ct. 1114, 30 L. ed. 237 (1886)).

[53] *Compagnie Francaise, etc.*, v. *Louisiana State Board of Health* (186 U. S. 380, 22 Sup. Ct. 811, 46 L. ed. 1209 (1902)).

[54] *Pennsylvania Gas Co.* v. *Public Service Commission* (252 U. S. 23, 40 Sup. Ct. 279, 64 L. ed. 434 (1920)).

lishes an affirmative regulation,[55] based on its powers over interstate commerce, which necessarily touches upon the matters previously controlled by diverse State regulations.

Another analogy can be drawn from the power of the State courts to act on all sorts of litigation involving Federal rights, including the classes of cases specified in article III of the Constitution, as being allocated to the jurisdiction of the Federal courts. It is a familiar principle that the jurisdiction of the courts of the United States may be made exclusive, by express action of Congress, in any of the enumerated classes of cases listed in article III, but so long as Congress has not taken such action the State courts are competent to exercise any jurisdiction on such matters that they are competent to apply under the Constitution and laws of the State under whose authority they are formed.[56]

NATIONAL ACTION IN THE SILENCE OF THE STATES

Thus, in the "silence of Congress", the States may act on many and various matters upon which the authority of the Nation is paramount, and from which any existing State laws or any State administrative or judicial control could be displaced if Congress should enter the particular field and adopt a controlling rule. Why should there not be a reciprocal doctrine of the "silence of the States"? Why should we not say that, since the logical analysis of the nature of the spending and contractual powers of the United States as heretofore exercised throughout a long historical period seems to bring the United States, as a juristic factor, into concerns over which the State has at the same time dominant and paramount legislative control, the position of the United States in such fields is tenable, and perhaps only tenable, on the assumption of acquiescence by State authority?

It is true that this conclusion seems to place the United States, to a certain extent, in a sort of dependency upon the States. But such dependency is not out of harmony with the general principles of the Constitution, and is certainly not inhibited by any specific provisions. There are many provisions in the Constitution even with regard to the basic organization and structural characteristics of the Federal Government that could not be carried out except with State cooperation (*United States* v. *Newberry*[57]). Such are the provisions with regard to the method of holding elections; the formation of congressional districts; the method of choosing presidential electors; the specifications of requirements for the franchise; the regulation of primaries; the acceptance by the State courts of jurisdiction in cases primarily for Federal cognizance; the appointment of militia officers and the authority of training the militia; the rendition of fugitives from justice (long held to be judicially nonenforceable);[58] and the consideration by State legislatures or conventions assembled in the several States of proposed constitutional amendments.

Again, though the United States is held to enjoy an immunity with the exercise of its express powers from taxation or obstructive control by the States, yet the same principle is laid down with regard to the immunity of State instrumentalities.[59] The doctrine of *McCulloch* v. *Maryland*[60] is matched by the doctrine of *Collector* v. *Day*.[61] The two sets of immunities are at least approximately reciprocal. The exemption of State bonds and the income therefrom, from national taxation under any form, is fully as striking a phenomenon as the exemption of national bonds from State taxation. The States are sovereign in their sphere, and the argument of dignity and jurisdictional immunity from outside interference is as applicable to the States as to the Nation.[62]

If, therefore, it is thought consistent with constitutional principles to accord to the States large fields of tentative authority from which their control may be wholly displaced when Congress breaks its silence, why is it not equally consistent with the dignity and sovereignty of the Nation to hold that when the Nation goes beyond its express regulatory powers and touches, through its contractual or spending activities, some matters that are within the legislative authority of the State its action is subject to State acquiescence and may be displaced or at least may be checked for the future by adverse State regulatory action?

The considerations which have led to the established view that the States may act in the silence of Congress on many phases of matters whose final legislative control is committed to Congress have been practical considerations rather than arguments of theoretical nicety.[63] Similarly, today, in problems like that of agricultural control, the problem is a practical one, and the Supreme Court, with its peculiar and central responsibilities, should avoid the perverse ingenuity often shown by the judicial mind in arriving cheerfully at the conclusion that no legal power whatever on subjects of immense practical importance is vested in the one branch of the Government that can effectively exercise it under actual circumstances.[64] The divorce of legal authority from the practical power to control, resulting from actual economic and social conditions, is an unfortunate outcome of constitutional arrangements which, after all, were intended to facilitate governmental action rather than to paralyze it. For in the Hoosac Mills opinion the Court has not been considering, of course, the restrictions in favor of private rights, like the due-process clause or the just-compensation clause in the fifth amendment, but has exclusively been considering the general distribution of power between the States and the Nation. There is no ground for supposing that the framers of the Constitution intended to mark out a vast field in which neither the State nor the Nation could act effectively.[65]

AUTOMOBILE TAXES

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Saturday Evening Post of December 7, 1935, entitled "Oppressive Automobile Taxes."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

(From the Saturday Evening Post of Dec. 7, 1935)

OPPRESSIVE AUTOMOBILE TAXES

More than 5,000,000 persons, or about one-eighth of those gainfully employed, get their living, directly or indirectly, out of the automobile business; and last year average hourly wage rates were higher than those paid at the peak of prosperity, early in 1929. This year, wages have been rising even from these high levels. More than a million of our fellow citizens are engaged in selling or servicing our automobiles, and we buy from them between four and five billion dollars' worth a year, with bright prospects of exceeding the latter figure in 1936.

Last year we made nearly 3,000,000 motor vehicles, and these figures, large as they are, may seem moderate when those for 1935 become available. Even now we have 8.1 motorcars for each mile of highway, and our registrations of motor vehicles run around 25,000,000 out of a world total of 35,000,000.

These figures indicate the magnitude of the industry, but they do not reveal the expenditures for services that the automobile requires. Cars would be useless without roads on which to run them. The highway mileage of the world is in the neighborhood of nine million, and one-third of this is in the United States, where nearly a million and a half of us are engaged in State or Federal road employment.

Despite the fact that the net price of gasoline has been steadily declining for the past 15 years, our average annual bill for this fuel is about $74, for, as basic costs have gone down, taxes have risen until about one-third of the fuel bill is attributable to them.

The automobile today is severely and unjustly taxed, gouged, and chiseled. These burdensome taxes, originally imposed on the ground that they were fair and necessary because they were to pay for the wear and tear of motor cars on our highways, have been in part diverted from that use into dozens of other channels in no way connected with transportation of any sort. In 15 years these taxes have been multiplied sixfold. Last year they ran well over a billion dollars, and next year they will almost certainly exceed a billion and a quarter. At the present time we are paying considerably more than half a billion for State gasoline taxes, nearly one-third of a billion for State registration fees, and more than a quarter of a billion for Federal excise taxes.

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[55] *Oregon-Washington R. R. & Navigation Co.* v. *State of Washington* (270 U. S. 87, 46 Sup. Ct. 279, 70 L. ed. 482 (1926)); *Erie Ry. Co.* v. *People of the State of New York* (223 U. S. 671, 34 Sup. Ct. 756, 58 L. ed. 1149 (1914)); *New York Central Ry. Co.* v. *Winfield* (244 U. S. 147, 37 Sup. Ct. 546, 61 L. ed. 1045 (1917)).

[56] *Martin* v. *Hunter's Lessee* (1 Wheat. 334, 4 L. ed. 97 (U. S. 1816)); *The Moses Taylor* (4 Wall. 429, 18 L. ed. 397 (U. S. 1867)); *Claflin* v. *Houseman* (93 U. S. 130, 23 L. ed. 833 (1876)).

[57] *Newberry* v. *United States*, 256 U. S. 232, 41 Sup. Ct. 469, 65 L. ed. 913 (1921).

[58] *Kentucky* v. *Dennison*, 24 How. 66, 16 L. ed. 717 (1861).

[59] *Pollock* v. *Farmers Loan & Trust Co.*, 157 U. S. 429, 584, 586, 15 Sup. Ct. 673, 39 L. ed. 759 (1895); id. 158 U. S. 601, 618, 15 Sup. Ct. 912, 39 L. ed. 1108 (1895); *National Life Insurance Co.* v. *United States*, 277 U. S. 508, 521, 48 Sup. Ct. 591, 72 L. ed. 968 (1928).

[60] *Supra*, note 45.

[61] *The Collector* v. *Day* (11 Wall. 113, 20 L. ed. 122 (U. S. 1870)).

[62] In *Collector* v. *Day*, *supra*, note 61, Nelson, J., in delivering the opinion of the Court, said, at p. 124:

"The General Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties acting separately and independently of each other within their respective spheres. The former in its appropriate sphere is supreme; but the States within the limits of the powers not granted, or, in the language of the tenth amendment, 'reserved', are as independent of the General Government as that Government within its sphere is independent of the States. * * * Upon looking into the Constitution it will be found that but a few of the articles of that instrument could be carried into practical effect without the existence of the States."

[63] *Willson* v. *Blackbird Creek Marsh Co.*, 2 Pet. 245, 7 L. ed. 412 (U. S. 1829); *Cooley* v. *Board of Port Wardens*, supra note 47; *In re Rahrer*, 140 U. S. 545, 11 Sup. Ct. 865, 35 L. ed. 572 (1891).

[64] *Di Santo* v. *Pennsylvania*, 273 U. S. 34, 47 Sup. Ct. 267, 71 L. ed. 524 (1927).

[65] The actual intention of the framers of the Constitution and that of the framers of the tenth amendment is clearly indicated by comparing the language of the tenth amendment with the much broader and more emphatic language of the corresponding provision reserving residuary powers and rights to the several States found in the Articles of Confederation. Article II of this first constitutional instrument of the American people reads:

"Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled."

The inferences to be drawn from the entire displacement of these words in the original text of our present Constitution and the subsequent adoption of the much more narrow reservations of "powers" alone expressed in the tenth amendment are obvious.

Despite the fact that more than 20 States have reduced license fees within the past year or two, statisticians tell us that the motorist, as such, pays $1 out of every $8 collected by governmental agencies. The tax on the individual car runs to considerably more than $30 a year. The petroleum industry alone is paying well over a billion a year in taxes, a considerable proportion of which is passed on to users of the automobile.

There is no rational defense for this excessive taxation, and the only excuse is that it is easy to collect. Organizations which are fighting for a reduction of these taxes should have general support.

MEAT IMPORTS IN 1935

Mr. WHEELER. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the Chicago Tribune relating to meat imports in 1935.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune of Jan. 24, 1936]

MEAT IMPORTS IN 1935

GENEVA, ILL., January 14.—I was much interested in a story in Monday's Tribune relative to imports of meats and meat animals from other countries during 1935. In other papers I have seen references to these imports as if they were of considerable magnitude, and in most of these cases the tendency is to wallop the New Deal and the A. A. A.

Now, let's look at these import figures. The Tribune figures show that 9,442,720 pounds of beef and 9,257,341 pounds of pork were imported into the United States in 1935. Big as that amount may seem to be, in neither case would it supply the American table for a single day, for we consume more than 20,000,000 pounds of beef and also of pork every day in the average year.

Now, as for the meat animals: The figures show that 400,000 cattle and calves were brought in from other countries, and hogs, weighing a total of 2,426,755 pounds. Converting these animals into the dressed product and adding in the meat figures given above, we have a total of around 180,000,000 pounds of meat. In most years we consume over 50,000,000 pounds of meat every day, so that this supply would be the equivalent of less than a 4 days' supply.

I am not for or against the New Deal. My folks are and always have been Republicans, but I fail to see where there should be much of an outcry on account of imported meats and meat animals.

E. R. A.

ABRAHAM LINCOLN

Mr. BARKLEY. Mr. President, this is the one hundred and twenty-seventh anniversary of the birth of Abraham Lincoln. Throughout the Nation this event will be celebrated by addresses delivered before concourses of people who will foregather in their respective communities for the purpose of honoring his memory. Some of these celebrations will be free from partisan significance. Some of them will be made the occasion for fantastic interpretations of Lincoln's life and for vitriolic attacks upon some policy now in course of execution; and the name of this great American, now universally respected and admired, will be used to conjure up memories and reactions wholly foreign to his methods or his character.

I crave the indulgence of the Senate on this occasion, not for any partisan purpose. I shall not attempt to pin upon Lincoln the label of Democrat in the partisan use of that term, though in his conceptions of public policy and the rights of the people in matters of government he was a democrat of the first magnitude. Nor shall I seek to reduce his stature by a fraction as a man or a statesman because he was identified with the early history of the Republican Party.

Like Jefferson, the founder of the Democratic Party, who has been for nearly a century and a half acclaimed as one of the greatest of Americans, so do the name and fame of Abraham Lincoln rise above the petty clamor of partisan politics, and he assumes his station along with Washington and Jefferson as one of the Nation's immortal figures.

If I need excuse for trespassing upon the time and attention of the Senate now, it would be that, as a fellow Kentuckian and a fellow American with Lincoln, I have always felt toward him a deep admiration which neither time nor politics nor geography has dimmed or obliterated.

My ancestors fought on both sides of the great War between the States. My maternal grandfather was a lieutenant in that famous cavalry organization led by the intrepid John H. Morgan.

On my father's side many of my people fought in both the Union and Confederate armies; for while Kentucky never seceded from the Union, her people, and those of Tennessee and other border States, were divided in their sentiment; and in the State of Illinois, to which many of my kin had removed, and where their descendants now reside, they fought in the armies of the North. I feel, therefore, a peculiar kinship both in the flesh and in the spirit with those who fought on either side of that great conflict.

This man's life, his early struggles with uncommon adversity, his pathetic yearning for knowledge, his power to absorb and to hold information he gathered from meager sources, his rough but extremely human philosophy, his rare faculty for happy illustration, his unusual facility for expressions of clarity and beauty in the use of the English language, his generosity toward his enemies, his patience in the midst of trying and annoying confusion and bitterness, his great modesty in the midst of high acclaim and high honors, his nobility of heart in dealing with those who attacked him and impugned his motives, and, finally, the sacrifice of his life at the hands of an inflamed fanatic just at the moment of his greatest triumph and at the threshold of even a greater triumph in the healing of the wounds of a divided people—all combine to weave around his name a civic and romantic tradition beyond his own conception of what his place would be among the Nation's historic characters and far beyond our poor power of description or of definition.

Though Lincoln's immediate environment was superlatively unpromising, though his immediate ancestry and relationships were extremely humble, it is a mistake to assume that through his veins no worthy or superior blood flowed from the pulsations of his heart.

Abraham Lincoln's father descended from Samuel Lincoln, who came to America from the west of England a few years after the Pilgrims had settled on the south shore of Massachusetts Bay between Boston and Plymouth. Eight men bearing the name of Lincoln came over on the same ship and were all supposed to have been related. An army of their descendants is scattered over the Union today.

One of them, Samuel Lincoln, left a large family, which produced a number of prominent figures besides a President of the United States.

One of his grandsons in the third generation was recognized as a leader of the New England bar. He was Secretary of State and Attorney General in the Cabinet of President Jefferson, a member of the Legislature of Massachusetts, and one of the ablest and most influential men of his day.

The fourth son of Samuel Lincoln, Mordecai I, acquired wealth as a manufacturer. His eldest son, who inherited his name, moved to Berks County, Pa., and had a son named John, who took up a tract of land in Virginia about the year 1760, where, like all the rest of his name, he also raised a large family.

John Lincoln II, his second son, became prominent in public affairs and was a member of the convention which framed the first constitution of the State of Pennsylvania.

On July 10, 1760, Abraham I, the third of the five sons of the second John Lincoln, married Ann Boone, a cousin of Daniel Boone, the most famous of American pioneers, and his father gave him a farm in the valley of the Shenandoah River. By frequent marriages between the Boones and the Lincolns they were closely related as a family. By the will of Mordecai Lincoln II his "loving friend and neighbor George Boone" was made executor of his estate, and Squire Boone, the father of the celebrated Daniel Boone, was appointed to make an inventory of the property.

Hannaniah Lincoln was a partner of Daniel Boone in the purchase of a tract of land on the Missouri River in 1798, and it was there that Boone himself died some years later.

The name Abraham was a favorite name among the Lincoln family. It occurs frequently all through their genealogy. A young man named Abraham Lincoln distinguished himself for courage and some brutality in the Confederate Army during the Civil War. He killed a Dunkard preacher whom he suspected of furnishing information to the Union

Army. President Lincoln received a number of offensive letters from some of his kinsmen in the South during the early years of his administration, as under the circumstances might have been expected.

The farm of Abraham Lincoln I in the Shenandoah Valley was on the great national highway along which the course of empire took its westward way. Infected by continual contact with these emigrants, and encouraged by the greatest of American pioneers, Daniel Boone, who had himself moved from Pennsylvania down into Virginia and thence to Kentucky, he sold the property his father had given him, packed his wife and five children into a Conestoga wagon, and followed the great western migration, which led him to what is now Hughes Station, in Jefferson County, Ky., where he entered a large tract of land and paid for it a hundred and sixty pounds "in current money." The original warrant, dated March 4, 1780, is still in existence.

By a blunder of the clerk in the Land Office the name was misspelled "Linkhorn", and Abraham I was too busy or too careless to correct it, for it so appears in all the subsequent papers. Hannaniah Lincoln, the partner of Daniel Boone, furnished the surveyor's certificate.

Four years later, in the spring of 1784, occurred the first tragedy in the annals of the Lincoln family. Abraham I, with his three sons, was at work clearing ground upon his farm when they were attacked by a wandering squad of Indians. The first shot from the brush killed the father. Mordecai III, the eldest son, started to the house for his rifle. Josiah, the second son, ran to the neighbors for assistance, leaving Thomas, a child of 6 alone with his dead father.

After Mordecai had recovered his rifle he observed an Indian in war paint examining the body of his dead father and stooping to raise the young lad from the ground. Taking deliberate aim at a white object hanging from the Indian's neck, he brought him down and the lad escaped to the cabin. The Indians began to appear in numbers; but Mordecai, shooting through the loopholes, held them off until Josiah returned with reinforcements.

The widow left by this tragic backwoods conflict, Anna Boone Lincoln, was a poor manager, or suffered from some misfortune; we do not know. But she abandoned the farm in Jefferson County and moved south into the neighboring county of Washington, where she totally disappears from further knowledge.

Her eldest son, Mordecai, appears to have inherited his father's money, as required by the prevailing law of primogeniture. He was Sheriff of Washington County, a member of the Kentucky Legislature, and tradition gives him the reputation of an honorable and influential citizen. Late in life he removed to Hancock County, Ill., where he died and was buried.

Josiah, the second son, crossed the Ohio River and took up a homestead in what is now Harrison County, Ind.

These were the uncles of President Lincoln. Mary, the eldest daughter, married Richard Crume, and Nancy, the fourth child, married William Brumfield. These were the aunts of President Lincoln, and their descendants are still to be found in Washington, Hardin, Larue, and other counties of that neighborhood in Kentucky.

The story of Thomas Lincoln, the youngest son and brother of this somewhat prosperous family, and the father of the future President, is enshrouded in a sort of mystery which gives to it a tinge of romance which is enhanced by the fact that his son became the war President of the United States. He seems to have been set adrift to shift for himself, for at the age of 10 we find him a wandering laboring boy who was left uneducated and supported himself by farm work and other menial employments, learning the while the trade of carpenter and cabinetmaker. But he must have been made of something not altogether inferior, for when he was 25 years of age he had saved enough money to buy a farm in Hardin County, Ky.

Local tradition, which cannot always be trusted, represents him to have been an "easy-going man, slow to anger, but when aroused, a formidable adversary." He was above the medium height, had a powerful frame, and, like his immortal son, had a wide local reputation as a wrestler.

While learning his trade as a carpenter in the shop of Joseph Hanks, Thomas Lincoln married Nancy Hanks, his own cousin and the niece of his employer. The marriage ceremony was performed by the Reverend Jesse Head at the home of Richard Berry, with whom Nancy Hanks lived, near Beechland, in Washington County, Ky. These two became the parents of Abraham Lincoln on February 12, 1809.

Nancy Hanks was descended from William Hanks, who came to this country in 1699 and settled at Plymouth, Mass. Four of his five sons moved to Virginia, where they had a large tract of land. One of their descendants, Joseph Hanks, married Nancy Shipley; and in 1789, the year in which the Federal Government began its marvelous history in America, they moved to Kentucky with a large party of Joseph Hanks' relatives.

In 1793 he died, leaving eight children, who were scattered among their relatives; and Nancy, the youngest, when 9 years of age, found a home with her aunt, Lucy Shipley, the wife of Richard Berry.

She is represented to have been a sweet-tempered and handsome woman, of intellect, appearance, and character superior to her position, and could even read and write, which was a remarkable accomplishment among women of that day. She taught her husband to write his name. But she had no means whatever, being entirely dependent upon her uncle, and it is probable that she was willing to marry even a humble husband like Thomas Lincoln for the sake of securing independence and a home.

They settled first in a log cabin in Elizabethtown, which was then and is now the county seat of Hardin County, and there their first child, Sarah, was born.

Whether because of insufficient work as a carpenter or for some other reason, they moved 2 years later to Lincoln's farm, which was 14 miles away, near Hodgensville, now the county seat of Larue County, on the Big South Fork of Nolen Creek. It was a miserable place, of thin, unproductive soil, and only partly cleared. About its only attraction was an excellent spring of water, shaded by a little grove, which caused it to be called Rock Spring Farm. The cabin was of the rudest sort, with a single room, a single window, a large fireplace, and a huge outside chimney made of sticks and dirt.

This cabin is now preserved within the Lincoln Farm Memorial, and the Rock Spring is still there, from which the gushing waters still flow as in the days of Thomas and Nancy Lincoln, and from this little spring hundreds of thousands and millions of tourists who visit the Lincoln farm in Kentucky drink, in refreshment and in reverence, as coming from the spot which gave to the Nation and to the world this great American.

It was indeed a far cry from this humble log hut to the White House in Washington; from the lowly circumstances of oblivion to the lofty heights which Lincoln attained in life and the loftier heights which he attained in death.

The Nation, out of the affection of its heart, as a symbol of that unity which we all share, has erected here on the banks of the Potomac, in honor of Lincoln, one of the most beautiful memorials to be found in all the world. I am glad that it stands here in Washington, on the banks of the great Potomac, between the Monument of Washington and the Arlington of Robert E. Lee. But, Mr. President, somehow there comes over me a greater feeling of solemnity and of reverence when I stand by the side of that little cabin and drink from the waters of that Rock Spring on the banks of Nolen Creek in old Kentucky.

I have given you the background of Abraham Lincoln in something of more detail than would be ordinarily expected because I do not like to think of him as having come from nothing and from nowhere. His appearance upon the scene of our national life, his emergence from total oblivion so far as his immediate surroundings were concerned is more like the reappearance of some sunken river which has been lost to view for long distances and for many decades of time.

I sometimes speculate on what would have been the fate of the world if apparently accidental or fortuitous events had been different.

Jefferson Davis was also born in Kentucky, not far from the birthplace of Abraham Lincoln, and not far removed in time from the date of his birth. But Jefferson Davis' father, through some accidental circumstance, moved to Mississippi, while Abraham Lincoln's father, through an equally accidental circumstance, moved to Indiana and thence to Illinois.

Mr. President, if the accidental circumstances which prompted these removals had been reversed—if Abraham Lincoln's father had gone to Mississippi and Jefferson Davis' father had gone to Illinois—would either of them ever have become President of the United States or of the southern Confederacy, or would both have remained in the oblivion from which they came?

Who can answer that riddle? There is no answer. Our lives, our careers, the lives of nations and generations hang on such slender threads of circumstance and fortune that they would be inexplicable except in the faith of the philosopher and poet who said:

> There is a divinity that shapes our ends,
> Rough-hew them how we will.

It is a strange coincidence that in the same year in which Lincoln was born many other noted men were born here in America and in other parts of the world.

In this year, and on the same day, was born Charles Darwin, whose scientific researches revolutionized many ancient theories of life on the earth.

In this year was born in Germany the great musician Mendelssohn, whose creative genius made him one of the world's greatest men of harmony.

In the same year was born Lord Tennyson, England's greatest poet laureate, whose creations have inspired millions of students of the muse from that day to this.

In the same year was born Edgar Allen Poe, interpreter of gloom and the storms which gather around the souls of men in our lives on this sphere.

In the same year was born Cyrus McCormick, the inventor of the reaper, which has been developed into one of the greatest of man's harvesting utilities.

The same year gave to America and the world Oliver Wendell Holmes, wit, humorist, poet, and philosopher, and father of one of America's most eminent and beloved jurists.

The same year gave to England and to the world William E. Gladstone, the greatest British statesman since the days of William Pitt and Sir Robert Peel.

No man was ever born in such a company of potential greatness as composes the list with which Lincoln takes his place, and none of them was born in circumstances approaching his in dreary and hopeless privation.

At the age of 9 Lincoln's father removed with his family from Kentucky to Indiana, built a rude log hut in which to house them, moved again, built another hut, cleared up another small field upon which to produce a crop, and pursued the course which ultimately led him into Illinois, where his son became one of the most outstanding figures of national or world history.

While a resident of Indiana Lincoln's mother died and was buried. Lincoln has often been charged with having been an infidel. It is true that he never during his life associated himself with any denomination as a member. But even at the age of 10 years, upon the occasion of his mother's death, we find him writing a boyish letter back to a minister in Kentucky with whom he and his family had been acquainted, imploring him to come over to Indiana at some convenient time and preach his mother's funeral sermon. Months after her death and burial this good man of God journeyed to Indiana and performed this religious ceremony over Nancy Hanks at the request of this 10-year-old backwoods boy, Abraham Lincoln.

Later Lincoln served as the sexton of a small rural Baptist church in Illinois, though this does not identify him in itself with any particular leanings toward the Baptist denomination.

But it is difficult to read Lincoln's speeches and his letters and public papers without reaching the conclusion that in his soul he was deeply religious and that he relied upon the wisdom, guidance, and inspiration of a supreme being throughout his life.

It is impossible to study the growth of this man from his settlement in Indiana and his removal to Illinois and his efforts there to "make something of himself", as we are accustomed to say, without contracting an almost affectionate interest in his career.

This story has been so often told that it is a part of the acknowledged romance of American history. But one never grows tired contemplating the struggles of this long, awkward, ungainly, humor-loving, wrestling, story-telling youth, who studied what books he could gather in the rude settlements in which he lives. We see him wielding the ax and the maul as a youthful rail splitter upon the farms of his father and the neighbors. No one can understand the combination of weariness and wholesome exercise involved in this occupation who has never gone into the forest and helped to prepare it by hand for the cultivation which is its destiny.

We contemplate Lincoln as he lies on his stomach before the glare of the fireplace, reading the Bible, Pilgrims Progress, an old almanac, a worn copy of Shakespeare, a copy of the Statutes of Indiana, which he borrowed from a friend, and a set of Blackstone's Commentaries, which he found in the bottom of a barrel which he bought for 50 cents from a pioneer traveler who was passing through Lincoln's neighborhood.

We find him building a rude flatboat with which to navigate the small streams tributary to the Ohio River, and we find him on two occasions piloting such a boat to New Orleans, where he caught the glimpse of a social and industrial system which he was destined to uproot completely in the years which were to follow.

We see him embarking in the grocery business with an improvident and careless partner, which resulted in failure and the creation of a debt of $1,100, which it took Lincoln years to repay.

Though Lincoln became a Whig in politics, it is an interesting circumstance that he was appointed postmaster of New Salem, Ill., by Andrew Jackson, who was supposed to have inaugurated the doctrine that "To the victors belong the spoils."

In that day it was one of the prerogatives of a postmaster to read all the newspapers which came into the post office, and it is not at all unlikely that Lincoln's future attitude toward the preservation of the Union may have been somewhat kindled and inspired by the toast of Old Hickory in connection with the incipient revolt which he suspected John C. Calhoun of being instrumental in fomenting against the authority of the Federal Government.

Years later, when asked by a friend to give him a brief account of his life, because of the interesting stories which were beginning to circulate about Lincoln, he gave this reply:

> Education, defective.
> Profession, lawyer.
> Military service, captain of volunteers in the Black Hawk war.
> Offices held, postmaster at a very small office; four times a member of the Illinois Legislature; and elected to the lower House in the next Congress.

It was while Lincoln was still a deputy surveyor, to which he had been appointed by a man named John Calhoun, who was the official surveyor, that Lincoln decided to study law and make it his profession.

It seems that he never studied law with anybody. He attended no law school. In fact, he attended school altogether less than 1 year. He did not go even through the process of "reading law" in the office of some eminent lawyer, as an amenuensis or otherwise, as has been the case with so many eminent members of the bar who were unable to attend a school of law.

Whether he had such an opportunity and declined it, or whether the opportunity ever came to him, I am unable to say. But through this preliminary process of study he never went.

While he was holding this same small office in that pioneer country Lincoln became a candidate for the Illinois Legislature, to which he was elected.

After the election was over he borrowed books from John T. Stuart, who had been a candidate in the same election, and on his tramps back and forth from Springfield, which was 20 miles away, to obtain and return his law books, he would sometimes read as much as 40 pages on the way. The subject seemed never to desert him. He became absorbed with the processes and the philosophy of the law.

Immediately after his election to the legislature he went to Springfield and was admitted to the bar on September 9, 1836, at the age of 27.

When we recall that Lincoln was elected President at the age of 51, and was assassinated at the age of 56, leaving only 24 years between his admission to the bar and his election to the Presidency, his rapid rise to fame and power seems almost incredible.

For a long time Lincoln hesitated about abandoning his work as a surveyor, which paid him about $15 per month, for the uncertain income of a lawyer, for he was still burdened with the debt left him by his unfortunate adventure as a grocery man, and the demands of his stepmother and his stepbrother for financial assistance could not be evaded. But John T. Stuart, with whom he had been associated in politics and in the Black Hawk war, offered him a partnership, and on the 15th of April 1837 he rode into Springfield on a borrowed horse, with no earthly property save a pair of saddlebags containing a few old, worn-out clothes.

His rise at the bar of Springfield was rapid and substantial. He created a sensation the following summer by his merciless pursuit of a rascal who had swindled a widow in that community out of a tract of land.

The account book of this firm shows that their fees were small, not exceeding $1,600 for the year, and seldom more than $10 in any case. Many of their fees were traded out at the groceries of the town, and in cases where they represented farmers they took their fees in vegetables, poultry, butter, and other farm produce. But that was the custom of the time, and in that day a fee of $100 was as rare as one of $10,000 today.

In those days, as for years afterward, it was customary for the courts to travel in circuits, each circuit being presided over by a judge who went from one county to another twice a year to hear whatever cases had accumulated on the docket. Springfield was situated in the center of the eighth Illinois circuit, which was 150 miles square, comprising 15 counties in the central part of the State.

In the absence of railroads the judge traveled on horseback or in a carriage, followed or accompanied by a number of the more prominent lawyers of the circuit. The best-known lawyers had offices at Springfield and local partnerships at the different county seats who prepared the cases and attended to minor business coming to these firms.

These circuit-riding judges and lawyers were not peculiar to Illinois. They existed in Kentucky and in the other States, and still exist in a fashion, though the methods of travel and practice have undergone great changes. I can myself recall how I looked forward in my youth as a country lad to the convening of the circuit court in the county seat of my county in western Kentucky, and how I used to hang around the courthouse and the lobbies of the hotels and listen to the conversation of the visiting judges and lawyers who came there from adjoining counties to practice, somewhat after the fashion of the circuit-riding lawyers of the days of Abraham Lincoln.

Judge David Davis, afterward Justice of the Supreme Court and a member of the United States Senate from Illinois, presided over the eighth circuit in Illinois for many years and became one of Lincoln's greatest friends and admirers. It is said that he would not sit down at the table for dinner or supper during their travels over the circuit until Lincoln was present. One day during the trial of a case Mr. Lincoln was the center of an interested group in a far corner of the courtroom exchanging whispered stories. Judge Davis rapped on the bench for order; and, calling him by name, said, "Mr. Lincoln, this must stop. There is no use in trying to carry on two courts; one of them will have to adjourn, and I think yours will have to be the one." As soon as the group had scattered Judge Davis called one of them to the bench and asked him to repeat the stories Lincoln had been telling.

At the Springfield bar Lincoln was associated with many famous men who practiced there and whose names are associated with the history of that period in the State and Nation—Stephen A. Douglas, between whose career and that of Lincoln there was a peculiar parallel; Judge Davis; James Shields, who later became United States Senator, and who was defeated in 1854, when Lincoln threw his strength to Lyman Trumbull, a Democrat; Edward D. Baker; John M. Palmer, who became a candidate for President on the Gold Standard Ticket in 1896; Lyman Trumbull, already mentioned; Oliver H. Browning; Shelby M. Cullom, who later represented Illinois in this Chamber and who possessed a striking physical likeness to Lincoln himself; and others who represented the State in one branch or another of Congress, some becoming members of Cabinets, some becoming governors, and some leading armies in the Mexican War and the War between the States.

While Lincoln enjoyed a large practice, it was not especially remunerative, for his fees were never large. He seemed to obtain more zest in the practice of the profession, in the advocacy of justice for its own sake, than in the collection of fees.

The largest fee which he collected in any single case was from the Illinois Central Railroad, which he represented in connection with the taxation of its property under the charter granted to it by the State of Illinois.

When he had finished his service in this case he presented a statement for a fee of $2,000. The railroad company, of which George B. McClellan, who later was a candidate for President against Abraham Lincoln, had been vice president, replied to Lincoln when he presented this bill for $2,000 that for that sum it could have obtained a real lawyer. This reply so offended the dignity of Lincoln that he consulted some of his legal friends, all of whom advised him that a fee of $5,000 would have been a reasonable compensation in that case; so Lincoln later presented to the railroad a statement for a $5,000 fee, which the railroad company declined to pay, and he later sued the company and obtained judgment for the $5,000 and collected it as his fee in that celebrated case.

In this connection it is a matter of some interest that at a later date Lincoln was offered the general counselship of the New York Central Railroad by Erastus Corning, its president. It seems that Corning heard Lincoln's speech at New York, sought an interview with him at the Astor House, and offered him the appointment. This tempting offer Lincoln finally declined. But what if he had accepted it? He never would have been President, and the whole course of American history might have been different, and all the legendary romance that surrounds the name of Abraham Lincoln would have been lost forever.

Lincoln's four terms in the Illinois Legislature were not extraordinary from the standpoint of outstanding service. He pursued the normal course of an average member, familiarizing himself with the problems of the State, increasing his law practice and his acquaintance over the State, which was of inestimable value to him in later years.

He was elected to Congress for one term and at its termination voluntarily retired. This service was in the period of the War with Mexico. As a Member of Congress, Lincoln denounced that war as unjustified aggression by the United States against a friendly neighbor, and voted and spoke against the declaration of war that was enacted.

During the famous Lincoln-Douglas debates in 1858 Lincoln was accused of lack of patriotism in opposing measures enacted for supplies to the Army. But Lincoln proved to the satisfaction of the people, as well as to Senator Douglas, that while he had voted against war, he had voted for measures designed to carry it on and to supply the Army with food and the implements of war.

Lincoln's services in the House of Representatives very naturally enhanced his reputation, and when he retired he returned to a larger practice at the bar of the State.

Already the ominous clouds of civil conflict were forming. The Missouri Compromise had been enacted years before. The Kansas-Nebraska bill, which was thought to be a compromise of sufficient wisdom and foresight to settle the question of slavery, was a source of earnest if not of bitter discussion. Lincoln became a candidate for the Senate against Shields; and though he lacked sufficient votes in the Illinois Legislature to elect himself, he threw his strength to Lyman Trumbull, a Democrat, whose views on the question of slavery were more in accord with his own.

In 1858 he entered the race for United States Senator against Stephen A. Douglas, and there ensued what is perhaps the greatest series of joint debates ever conducted in this or any other country over a political office or a political issue.

Lincoln was not then an abolitionist. In fact, he never became one except as an incident of the war which later he was to conduct on behalf of the Union. Lincoln had no sympathy with slavery, and, no doubt, in his heart looked forward to its gradual elimination. Even during the war, while he was President, he sought to settle the question forever by offering to pay the owners of the slaves for their property in the hope that war might be avoided before it began and speedily terminated after it began.

But in the campaign with Douglas he opposed the extension of slavery into the Territories, and he insisted that Congress had the power to prevent the extension of slavery into the Territories over which it exercised jurisdiction. Douglas advocated what came to be known as "Squatter Sovereignty", or the right of each Territory as it became a State, or even before it became a State, to decide for itself whether slavery should be permitted.

It is in connection with this contention and this campaign that Lincoln became involved in disagreement with the Supreme Court of the United States, and indulged in criticisms of that Court which are of interest today because other eminent men disagree with some of its decisions, and had done so even before the days of Lincoln.

I shall not here enter upon a discussion of the wisdom or the propriety of criticism of the judgments or the opinions of the Supreme Court. Every man enjoys his own conception of the proprieties in that regard. But since the subject has been widely discussed in recent weeks, I suppose there will be no element of disloyalty or of treason involved in the reminder that Thomas Jefferson, whose livery has been recently stolen by those who seek to use it for the entrenchment of every theory of government which he opposed, was one of the most consistent critics of Chief Justice Marshall and the Court over which he presided for some of the decisions which were rendered in that period of our history.

Later Andrew Jackson, whose name is invoked now by some of those who would have been his most bitter antagonists if they had lived in his day, became so enraged at a decision of the Supreme Court that he remarked:

> Now, John Marshall has his decision: let him enforce it.

The decision which invoked the expression of Lincoln's attitude of disagreement and condemnation of the Supreme Court was the famous Dred Scott decision. Dred Scott was a slave, but had moved into and resided for a time in what was free territory, and contended that he was no longer a slave when he returned to Missouri.

The Supreme Court held that this circumstance did not relieve him of his character as a slave; that in a sense once a slave always a slave, insofar as geographical residence was concerned. It held the Missouri Compromise unconstitutional, and held that Congress had no power to prevent the existence of slavery even in the Territories over which it had jurisdiction.

The Missouri Compromise was not really involved in the litigation over the status of Dred Scott. The question before the Court was whether Dred Scott was still a slave, notwithstanding his residence in free territory. But the Court in that case, as in other cases in the past, went out of its way to decide a question not before it in an effort to settle a political controversy by judicial decision.

The Court in that case attempted to write its political and economic views into the fundamental law of the land, even though it was accomplished by a divided Court within the chambers of which the debate was as bitter as it was outside those chambers.

Lincoln attacked this decision. He attacked the statement of facts upon which it was based as being unfounded. He attacked them as assumptions of the Court. He attacked the obiter dicta of the Court on points that were not before it for decision, and he took the position that, while the Court's decision was binding in the case at bar and in all cases involving the same question which had brought the litigation to the Supreme Court, the Court had no right to attempt to settle political issues that were not involved in the litigation, and that he as a candidate and the people as the ultimate sovereigns of this Republic had a right to work for the reversal of the conclusions and the opinion of the majority in that case either by future court decision or by other constitutional means.

This historic decision became one of the great issues in the senatorial campaign between Lincoln and Douglas. Douglas accused Lincoln of disrespect for the Court and accused him of attempting to arouse the people against the sanctity of its decision in this case and by analogy in all cases with which he or they might not agree.

During a speech at Springfield in reply to a speech previously made by Douglas, Lincoln said:

> And now as to the Dred Scott decision. That decision declares two propositions: First, that a Negro cannot sue in the United States courts, and secondly, that Congress cannot prohibit slavery in the territories. It was made by a divided Court—dividing differently on the different points. Judge Douglas does not discuss the merits of the decision, and in that respect I shall follow his example, believing that I could no more improve on McLean and Curtis than he could on Taney. He denounces all who question the correctness of that decision as offering violent resistance to it. But who resists it? Who has, in spite of the decision, declared Dred Scott free and resisted the authority of his master over him? Judicial decisions have two uses: First, to absolutely determine the case decided, and, secondly, to indicate to the public how other similar cases will be decided when they arise. For the latter use they are called precedents and authorities. We believe as much as Judge Douglas—perhaps more—in obedience to and respect for the judicial department of government. We think its decisions on constitutional questions, when finally settled, should control not only the particular cases decided but the general policy of the country, subject to be disturbed only by amendments of the Constitution as provided in that instrument itself. More than this would be revolution. But we think the Dred Scott decision is erroneous. We know the Court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this. We offer no resistance to it. Judicial decisions are of greater or less authority as precedents according to circumstances. That this should be so accords both with common sense and the customary understanding of the legal profession. If this important decision had been made by the unanimous concurrence of the judges, and without any apparent partisan bias, and in accordance with legal public expectation, and with the steady practice of the departments throughout all our history, and had been in no part based on assumed historical facts which are not really true; or, if wanting in some of these, it had been before the court more than once, and had there been affirmed and reaffirmed through a course of years, it then might be, perhaps would be, factions—nay, even revolutionary—not to acquiesce in it as a precedent. But when, as is true, we find it lacking in all these claims to the public confidence, it is not resistance, it is not factious, it is not even disrespectful, to treat it as not yet having quite established a settled doctrine for the country.

At another time Lincoln gave expression to the following sentiments in his first inaugural address, March 4, 1861:

> I do not forget the position assumed by some that constitutional questions are to be decided by the Supreme Court; nor do I deny that such decisions must be binding in any case upon the parties to a suit, as to the object of that suit, while they are also entitled to very high respect and consideration in all parallel cases by all other departments of the Government. And while it is obviously possible that such decision may be erroneous in any given case, still the evil effect following it being limited to that particular case, with the chance that it may be overruled, and never become a precedent for other cases, can better be borne than could the evils of a different practice. At the same time the candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by the decisions of the Supreme Court the instant they are made in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having, to that extent, practically resigned their Government into the hands of that eminent tribunal.

I suppose that if Lincoln were President today, and should make such a statement, members of another distinguished body that exists in the Nation would demand his impeachment, as is now being done with respect to a high executive officer within the Government of the United States.

I cannot, Mr. President, pursue this matter further, except to say that at a still later date Theodore Roosevelt, in a celebrated campaign for the Presidency, advocated the recall of judicial decisions by popular vote, which is far beyond what has ever been advocated by any President of the United States before or since.

On April 4, 1864, in a letter of A. G. Hodges, Mr. Lincoln expressed himself as follows:

It was in the oath I took that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States. I could not take the office without taking the oath. Nor was it my view that I might take an oath to get power, and break the oath in using the power. I understand, too, that in ordinary civil administration this oath even forbade me practically to indulge my primary abstract judgment on the moral question of slavery. I had publicly declared this many times and in many ways. And I aver that to this day I have done no official act in mere deference to my abstract judgment and feeling on slavery. I did understand, however, that my oath to preserve the Constitution to the best of my ability imposed on me the duty of preserving, by every indispensable means, that Government—that Nation—of which the Constitution was the organic law. Was it possible to lose the Nation and yet preserve the Constitution? By general law, life and limb must be protected, yet often a limb must be amputated to save a life; but a life is never wisely given to save a limb. I felt that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the Nation. Right or wrong, I assume this ground and now avow it. I could not feel that, to the best of my ability, I had even tried to preserve the Constitution if, to save slavery or any minor matter, I should permit the wreck of Government, country, and Constitution all together.

In the contest with Douglas, Lincoln lost the Senatorship, but he gained the Presidency, which was the goal of Douglas' ambitions. It was in that campaign, when some supporter chided Lincoln with the complaint that he could not win the race on the policies he was advocating, that he replied: "I am not bound to win, but I am bound to be right." Such a motto might well be adopted by all who seek public office and public favor.

Lincoln was a great orator. He may not have been a great lawyer, but he was a good one. No higher peaks of eloquence have been attained than in the debates with Douglas, the Cooper Institute address, the Gettysburg speech, and in his second inaugural address, March 4, 1865.

When the bullet of John Wilkes Booth snuffed out his life, the South, which he understood and from whose borders he had come, lost a friend. The human eye cannot pierce the veil that separates us from the mysteries of fate in dealing with the destiny of men, but it is not too much to say or to believe that if Lincoln had lived the horrible days that followed the war, which were a disgrace to the name of popular government, would never have been witnessed. Whether Lincoln, in the pursuit of his policy of conciliation, of binding up the wounds of a divided people, of reuniting his kindred of both the North and the South, would have met the fate of Andrew Johnson at the hands of unscrupulous and selfish politicians no one can say. Eminent historians have written the suggestion into the history of the period.

It is not necessary now to debate that question. We pause today in the midst of our duties to pay homage to a great soul, a modest soul, a devout lover of his fellow man, who has become, even in his modesty and his adversity, a great inspiration to struggling youth here in America and throughout the world.

When asked by William D. Kelley for his consent to inscribe to him a forthcoming book, which, by the way, was never published, Lincoln wrote:

SPRINGFIELD, ILL., *October 13, 1860.*

MY DEAR SIR: Yours of the 6th asking permission to inscribe your new legal work to me is received. Gratefully accepting the proffered honor, I give the leave, begging only that the inscription may be in modest terms, not representing me as a man of great learning or a very extraordinary one in any respect.

Yours very truly,

A. LINCOLN.

May I, in conclusion, quote about Lincoln the words which he himself uttered in eulogizing George Washington. Changing the name to fit the occasion, let me say:

To add brightness to the sun or glory to the name of Lincoln is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked, deathless splendor leave it shining on.

AGRICULTURAL RELIEF

The Senate resumed consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). The question is on agreeing to the amendment of the Senator from South Carolina [Mr. BYRNES] to the amendment in the nature of a substitute reported by the Committee on Agriculture and Forestry.

Mr. NORRIS. Mr. President, I have listened with regret and some pain to the criticisms which have been offered against the Committee on Agriculture and Forestry for reporting the pending bill. Since I have been a Member of Congress, my service extending over many years, I have never known of an instance where there was a more honest and energetic attempt to meet a situation of gravity than has been shown by the Committee on Agriculture and Forestry in their consideration of the pending bill.

Mr. President, for several years the country has been conscious of an injustice which has been suffered by agriculture. It is now generally conceded that those who produce the food we eat and the clothes we wear have not been fairly treated in the past. They have not been able to receive a compensation under which they could live and prosper.

I think it is also conceded by everybody except the Supreme Court that agriculture is the one fundamental industry of civilization, and that it is the greatest national problem which confronts Congress and the American people today.

During the past few years many attempts have been made to pass legislation which would bring relief to stricken agriculture. Most of these attempts, for one reason or another, have failed. The one case where success has crowned the efforts of the Congress and the administration has received a death blow at the hands of the Supreme Court; and the task of the committee in framing this bill, whether the result be right or wrong, was chiefly to devise a measure which would escape the criticism and the condemnation of our great judicial tribunal.

The committee had a difficult task, perhaps an impossible one, but its members went to work with the idea of doing what I have stated. They invited before them some of the country's great legal talent in order, if possible, to frame a bill which would do some good to agriculture, and which at the same time would stand the test of the critical Supreme Court.

The result has been reported to the Senate. It is not perfect. It is not satisfactory, I think, to any one member of the committee; but it is their belief that if it is possible to get something out of the present agricultural chaos, this bill will accomplish it.

I have no doubt of the bill's constitutionality, but I say frankly I do doubt whether it can receive the approval of the Supreme Court. I am grasping at a straw, however. I realize that unless agriculture shall be revived, unless this most fundamental of all industries shall be placed upon a basis where free men and free women can earn a livelihood at it, in the end the result will be the destruction of the Republic; because, Mr. President, I hold that we cannot indefinitely continue even apparently to prosper as a Nation unless agriculture can be lifted from the depths of despair into which it has been plunged for various reasons, and because of various facts.

So, Mr. President, I dislike to have men insinuate, either directly or indirectly, that this attempt upon the part of the committee to bring in a bill satisfactory to the Senate and to the country should be ridiculed, should be condemned, should even be laughed at. The bill may fail, but I think under existing court conditions it is our only hope.

In nullifying the Agricultural Adjustment Act, the Supreme Court used language which is as far-reaching as any language that eminent tribunal has ever used. I do not believe, in my heart, that the members of the Supreme Court realize even now how far-reaching their language was; and it may be, if the decision is to stand, that this bill must go down with the rest, and that some other means will have to be resorted to before agriculture can be rescued.

In that decision the majority of the Court said:

> The act invades the reserved rights of the State. It is a statutory plan to regulate and control agricultural production, a matter beyond the powers delegated to the Federal Government. The tax, the appropriation of the funds raised, and the direction for their disbursement, are but parts of the plan. They are but means to an unconstitutional end.

The majority of the Court reassert that point further on in the decision. They make it emphatic. They say:

> The same proposition, otherwise stated, is that powers not granted are prohibited. None to regulate agricultural production is given, and therefore legislation by Congress for that purpose is forbidden.

Mr. President, if that decision shall stand, a large portion of the laws which Congress has enacted during the past hundred years are absolutely unconstitutional. The law giving relief from the effects of the boll weevil, the law providing relief for grasshopper sufferers, the law providing relief for those injured by earthquake, by wind, by storm, by hurricane, by drought, by dust storm, are likewise, every one of them, unconstitutional. Every provision in the laws creating and providing for the Bureau of Reclamation, upon which a large part of the West depends for its prosperity, is unconstitutional. In fact, there is not anything left of the Agricultural Department. It is all gone, all unconstitutional; and, by fair implication, a great many of the other activities of the Government, almost too numerous to mention, outside of the Agricultural Department, will have to fall.

Mr. President, I say that decision cannot stand if our country is to live and prosper.

The majority of the Court say the regulation of agricultural production is a local affair; yet every child in the public schools of the United States knows that agricultural production is a national question of the greatest importance, second to none.

They say the regulation of agricultural production is not mentioned in the Constitution; therefore a Federal law for that purpose is unconstitutional. Let me now call to the attention of the country and the Court the fact that if that doctrine is good constitutional law, then the very decision of the Supreme Court holding unconstitutional the regulation of agricultural production is itself unconstitutional.

The regulation of agricultural production, they say, is unconstitutional because not mentioned in the Constitution. Nowhere in that great document is there a syllable, a word, or a sentence giving to any court the right to declare an act of Congress unconstitutional. Hence, when the Court indulges in that pastime, it is itself violating the Constitution according to its own words.

I think the decision is an amendment to the Constitution; but that is not a new thing. The Court has amended the Constitution before. In fact, the Supreme Court now, in effect, for all practical purposes, is a continuous constitutional convention.

The people can change the Congress, but only God can change the Supreme Court.

A few days after this decision was rendered the Court rendered another one, in which they ordered returned to the processors about $200,000,000 of taxes which had been collected under the processing-tax provision of the Agricultural Adjustment Act. I cannot understand how any man who realizes what has happened in the operations of the processing tax can even admit for a moment, even if we concede the illegality of the tax, the justness of returning to these processing people the taxes which have been held up pending the injunction suits.

Everyone knows that these processors had already passed the tax on to the consumer. I think in most cases they had not only passed it on to the consumer but they had also taken it from the producer. They deducted the tax from the producers' price when they bought the product; they added the tax to the consumers' price when they sold the product; and now comes the Supreme Court and, in its magnanimity, gives it for the third time to the processors.

An eminent official, the Secretary of Agriculture, has publicly said that this is the greatest legalized steal in history. Perhaps it is too severe to call it a steal. It has the approval of the highest court in the world, and it is probably erroneous to say that it is stolen. But it is a gift—the greatest gift since God made salvation free.

It seems to me it is inexcusable; it seems to me that this coordinate branch of our Government, able, conscientious, has gone beyond any power that was ever contemplated in the Constitution.

Justice Stone, in his dissenting opinion, struck the nail squarely on the head when, in substance, he said that the wisdom of legislation should not concern the courts. That is the key to the whole situation. If the Court would not try to put into law its ideas of what laws we should have, or its philosophy of government, there would be no contest.

Mr. President, for practical purposes, the way things are working out, the legislative functions of this Government are given to three different bodies—the House of Representatives, the Senate, and the Supreme Court. The Members of the House of Representatives are elected for 2 years, according to population. They derive their power from the people; they are responsible to the people. The Members of the Senate are elected without regard to population, two Senators coming from each State, but they are elected by the people. They are likewise responsible to the people. The members of the Supreme Court are not elected by anybody. They are responsible to nobody. Yet they hold dominion over everybody.

The House of Representatives and the Senate have some jurisdictions peculiar to each one of these bodies. The House of Representatives has the exclusive right to initiate revenue legislation. The Senate has the exclusive right to pass on treaties and nominations made by the executive department. But the members of the Supreme Court have no limit to their jurisdiction. They are not responsible to the people, they serve during life, and, however great they may be, unlimited power for life, as Jefferson once said, is too great to give to any man.

Mr. President, this decision cannot stand. Congress, under the existing Constitution, has the power to remedy the situation if it has the courage to do it. A part of section 2, article III, of the Constitution, applying to the particular point I am making, reads as follows:

> In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

I concede that, whatever horn of the dilemma we take, we will in the end run up against some illogical proposition. In the end the power to decide what laws shall be passed for the benefit of the people or for the government of our country must be decided by men. Those who believe in legislative supremacy say that Congress should be supreme in that field. Those who believe in judicial supremacy say that the courts should have the final say. But in either case in the end the action taken is always action by men. It is an historical fact disputed by no one that any body of men, given power and life tenure, will continually reach out for more and additional power.

It is a conceded proposition of law, I think, that an act passed by Congress should not be declared unconstitutional unless it is unconstitutional beyond a reasonable doubt. The fact that such laws are held unconstitutional by our learned tribunal by a 5-to-4 decision of itself raises a reasonable doubt. Hence, such should not occur. If the laws of Congress were to be sustained as constitutional unless they are unconstitutional beyond a reasonable doubt, it would follow as night follows day that any decision of the Supreme Court holding a law unconstitutional would have to be agreed to by all the members of the Supreme Court. Such a provision is not unreasonable. Congress may provide for it

under the existing Constitution if it will. Such a provision would imply no disrespect to the Court.

But it must be said, on the other hand, that if Congress makes a fool of itself and passes a law which the people do not want, the people have a remedy by the defeat of that Congress and the election of one which will repeal the obnoxious act. However, if a question is to be submitted to a body of nine men, five of whom can control, for the action of that body, there is no remedy on the part of the people. There is no hope for other action, except by the impracticable method of amending the Constitution, which under any ordinary circumstance would take years; and in a case like the one decided a few days ago, wherein the Supreme Court held the Agricultural Adjustment Act unconstitutional, any benefit that might come to the farmers would be done away with if we should resort to that kind of procedure, because before action could be taken agriculture would be dead, the remedy would not be able to resurrect the dead, and its purpose, therefore, even when accomplished, would have been nullified before the accomplishment took place.

Mr. President, in this discussion much has been said by those who in one way or another object to any criticism of a court. We listened yesterday to citations from eminent men bearing out the theory that the Court could do no wrong, and that its members were, in fact, not human. I am going to take up a few minutes of the Senate's time in bringing to its attention the expressions and the sentiments of some of the most eminent men and the greatest jurists who ever lived, to the effect that that theory cannot stand if the Government shall live and continue to be free.

It would, I think, be eminently fitting on this day to start with sentiments expressed by the immortal Lincoln; and although many of the quotations I shall give, coming from that great emancipator, have already been given to the Senate, I still indulge the hope that what Lincoln said about the courts will sink deep into the minds of Senators and into the minds of the people, with the idea that nothing that I say or that we do here is intended as a criticism of anybody, but is for the purpose of protecting the people of the United States and saving the Constitution. I am here, Mr. President, asking for the preservation of that great document. To a great extent it has been torn into tatters during the last 100 years, sometimes by the Supreme Court itself.

ABRAHAM LINCOLN

In Mr. Lincoln's first inaugural address, after discussing the proposition that decisions of the Supreme Court must be binding upon parties to a suit, and such decisions were entitled to high respect in all parallel cases, he concluded the discussion of the subject by saying:

> At the same time the candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court the instant they are made in ordinary litigations between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

On June 26, 1857, in speaking of the Dred Scott decision, Mr. Lincoln said:

> But we think the Dred Scott decision is erroneous. We know the Court that made it has often overruled its own decisions, and we shall do what we can to have it to overrule this. We offer no resistance to it.

I stand on that doctrine, Mr. President. No resistance will be offered, I hope, by anyone while the decision stands, but we will overrule it or avoid it by constitutional methods.

Mr. Lincoln goes on:

> Judicial decisions are of greater or less authority as precedents according to circumstances. That this should be so accords both with common sense and the customary understanding of the legal profession. If this important decision had been made by the unanimous concurrence of the judges—

Just let me pause a moment there—

> If this important decision had been made by the unanimous concurrence of the judges—

Said Abraham Lincoln. Apply it to the Agricultural Adjustment Act decision. Apply it to all these 5-to-4 and 6-to-3 decisions. Said Mr. Lincoln:

> If this important decision had been made by the unanimous concurrence of the judges and without any apparent partisan bias and in accordance with legal public expectation, and with the steady practice of the departments throughout our history, and had been in no part based on assumed historical facts which are not really true—

Apply that language, Mr. President, to the recent decision of the Supreme Court in the A. A. A. case. The Supreme Court in that case said that agriculture is a local matter. Everybody knows that it is a national matter, a matter of national concern.

I continue with the quotation from Lincoln:

> And had been in no part based on assumed historical facts which are not really true; or if, wanting in some of these, it had been before the Court more than once and had there been affirmed and reaffirmed through a course of years, it then might be, perhaps would be, factious, nay, even revolutionary, not to acquiesce in it as a precedent.
>
> But when, as is true, we find it wanting in all these claims to the public confidence, it is not resistance, it is not factious, it is not even disrespectful, to treat it as not having yet quite established a settled doctrine for the country.

On June 16, 1858, Abraham Lincoln, in Springfield, Ill., in discussing the Dred Scott decision rendered by the Supreme Court of the United States, used the following language:

> Put this and that together and we have another little niche, which we may, ere long, see filled with another Supreme Court decision declaring that the Constitution of the United States does not permit a State to exclude slavery from its limits. And this may especially be expected if the doctrine of "care not whether slavery be voted down or be voted up" shall gain upon the public mind sufficiently to give promise that such a decision can be maintained when made.
>
> Such a decision is all that slavery now lacks of being alike lawful in all the States. Welcome or unwelcome, such decision is probably coming and will soon be upon us unless the power of the present political dynasty shall be met and overthrown. We shall lie down pleasantly, dreaming that the people of Missouri are on the verge of making their State free, and we shall awake to the reality instead that the Supreme Court has made Illinois a slave State. To meet and overthrow the power of that dynasty is the work now before all those who would prevent that consummation.

Dr. Haines, of California, in delivering a lecture, May 13, 1927, before the University of California at Los Angeles, quoted the following from Lincoln:

> The people are the rightful masters of both Congress and the courts—not to overthrow the Constitution but to overthrow the men who pervert it. Legislation and adjudication must follow and conform to the progress of society.

MR. JUSTICE HOLMES

So much for Lincoln. Let me quote from Mr. Justice Holmes, one of the greatest justices who ever sat on the Supreme Bench of the United States, one whom all judicial-minded people admired, and all the people of the United States loved. In *Tyson* v. *Banton* (273 U. S. 418), Mr. Justice Holmes, in a dissenting opinion, used the following language:

> We fear to grant power and are unwilling to recognize it when it exists. * * * I think the proper course is to recognize that a State legislature can do whatever it sees fit to do, unless it is restrained by some express prohibition in the Constitution of the United States or of the State, and that the courts should be careful not to extend such prohibitions beyond their obvious meaning by reading into them conceptions of public policy that the particular court may happen to entertain. * * * I am far from saying that I think this particular law is a wise or rational provision. That is not my affair.

Mr. Justice Holmes, addressing the Harvard Law Association of New York, on February 15, 1913, said:

> I do not think the United States would come to an end if we—

Meaning the Supreme Court—

> lost our power to declare an act of Congress void.

CHARLES B. WARREN

The historian, Warren, in his book, The Supreme Court in United States History, volume II, page 748, says:

> One other duty toward the Court and toward the public is owed by counsel, which should be unflinchingly performed, namely, to insist that the doctrine of stare decisis (i. e., is to adhere to decided cases), can never be properly applied to decisions upon constitutional questions. However the Court may interpret the provisions of the Constitution, it is still the Constitution which is the law and not the decision of the Court.

MR. JUSTICE WHITE

Mr. Justice White, afterward Chief Justice of the Supreme Court of the United States, in a dissenting opinion in the income-tax case, found in *Pollock* v. *Farmers Loan & Trust Co.* (157 U. S. 429), said:

* * * The Congress is declared not to have a power of taxation which may at some time, as it has in the past, prove necessary to the very existence of the Government.

* * * It should not now be reversed by what seems to me to be a judicial amendment of the Constitution. * * * If the permanancy of its conclusions—

That is, the conclusions of the Supreme Court—

is to depend upon the personal opinions of those who from time to time may make up its membership, it will inevitably become a theater of political strife.

No truer words were ever spoken, and they come from a man who for many years served as Chief Justice of the Supreme Court of the United States.

MR. JUSTICE HARLAN

In his dissenting opinion in the Standard Oil case, in 1911, Mr. Justice Harlan said:

The Court by its decision has usurped the constitutional functions of the legislative branch of government.

* * * I feel bound to say that what the Court has said may well cause some alarm for the integrity of our institutions. * * * We are asked to read into the act by way of judicial legislation an exception that is not placed there by the lawmaking branch of the Government. * * * This we cannot and ought not to do.

In his dissenting opinion, in One Hundred and Ninety-eighth United States Reports, page 45, the case of Lochner against New York, at page 68, Mr. Justice Harlan said:

If there be doubt as to the validity of the statute, that doubt must therefore be resolved in favor of its validity, and the courts must keep their hands off, leaving the legislature to meet the responsibility for unwise legislation.

If those sentiments, so well expressed by Mr. Justice Harlan, had always been adhered to by the courts of the United States, this controversy between judicial supremacy and legislative supremacy would never have occurred or existed.

CHIEF JUSTICE TAFT

Chief Justice Taft in Political Issues and Outlooks, at page 7, used this language:

The inequality that exists in our present administration of justice, and that sooner or later is certain to rise and trouble us, and to call for public condemnation and reform, is the unequal burden which the delays and expenses of litigation under our present system impose on the poor litigant.

MR. JUSTICE STONE

Mr. Justice Stone, now one of the Justices of the Supreme Court, in his dissenting opinion in the A. A. A. case on January 6, 1936, said:

For the removal of unwise laws from the statute books appeal lies not to the courts but to the ballot and to the processes of democratic government.

In the same case, in the same opinion, Mr. Justice Stone said:

The suggestion that it (i. e., the spending power) must now be curtailed by judicial fiat because it may be abused by unwise use hardly rises to the dignity of argument. So may judicial power be abused.

In *Tyson* v. *Banton* (273 U. S. 418), the Court, in a 5-to-4 decision, held the law to be contrary to the fourteenth amendment. Justice Stone, in a dissenting opinion, said the practice of brokers of theatrical tickets, that being the subject of the statute—

Is one involving serious injustice to great numbers of individuals who are powerless to protect themselves. * * * Its solution turns upon considerations of economics about which there may be reasonable differences of opinion. Choice between these views takes us from the judicial to the legislative field.

He therefore concluded the law involved in that case should be upheld as constitutional.

CHIEF JUSTICE CLARK OF NORTH CAROLINA

Chief Justice Clark, of the Supreme Court of North Carolina, in an address on the subject Government by Judges, delivered at Cooper Union, in New York City, January 27, 1914, said:

The vested interests for 90 years held back the election of United States Senators by the people. Their remaining sheet anchor now is the selection of judges appointed by the Executive to hold for life. No one will accuse these judges of corruption, notwithstanding a few alleged instances and a few impeachment trials. But the fact remains that the appointments to the Federal judgeships are very often made at the instance of influences which are exerted for great interests who feel the need of men in that position who believe in the sacredness of their vested rights. These appointees, as a rule, have been men of ability, but men who, because of their ability, have been retained in the service of great corporations. When these men who have spent their professional life in advocating the decision of causes from the standpoint of their employers are translated to the bench, they naturally continue to view such questions from the same standpoint. This is not corruption on their part, for the more honest their convictions the more tenaciously they will assert those ultra views in their opinions on the bench. The complaint is not of corruption, but of usurpation of control over the lawmaking power, which, under the Constitution, should be in the people. In England, when the people have put a measure through Parliament over the power of the aristocracy, there is an end, for there is neither executive nor judicial veto. Here the interests resort first to the Executive and then to the judges to defeat the popular will.

Chief Justice Clark in the same address quoted from Governor Baldwin, formerly Chief Justice of the Supreme Court of Connecticut, who said:

This right of a court to set itself up against the legislature * * * is something which no other country in the world would tolerate.

Chief Justice Clark in the same address also quoted Mr. Justice Harlan as follows:

When the American people come to the conclusion that the judiciary of this land is usurping to itself the functions of the legislative department of the Government and by judicial construction only is declaring what should be the public policy of the United States, we will find trouble. Ninety millions of people—all sorts of people—are not going to submit to the usurpation by the judiciary of the functions of other departments of the Government, and the power on its part to declare what is the public policy of the United States.

Chief Justice Clark in the same address quoted from Judge Seymour D. Thompson. Judge Thompson, it seems, had delivered an address before the Bar Association of Texas in 1896, in which he said (30 Am. Law Review 678):

There is real danger, that the people will see at one sweeping glance that all the powers of their governments, Federal and State, lie at the feet of us lawyers; * * * that is to say, at the feet of a judicial oligarchy; that those powers are being steadily exercised in behalf of the wealthy and powerful classes and to the prejudice of the scattered and segregated people; that the power thus seized includes the power of amending the Constitution; the power of superintending the action not merely of Congress, but also of the State legislatures.

Judge Thompson proceeded in the quoted address:

There is danger that the people will see these things all at once; see their enrobed judges doing their thinking on the side of the rich and powerful; see them look with solemn cynicism upon the sufferings of the masses nor heed the earthquake when it begins to rock beneath their feet; see them present a spectacle not unlike that of Nero fiddling while Rome burns. There is danger that the people will see all this at one sudden glance, and that the furies will then break loose, and that all hell will ride on their wings.

CHIEF JUSTICE WAITE

Chief Justice Waite, in delivering the opinion of the Court in the *Sinking Fund cases* (99 U. S. 700), said:

Every possible presumption is in favor of the validity of a statute, and this continues until the contrary is shown, beyond a rational doubt. One branch of the Government cannot encroach upon the domain of another without danger. The safety of our institutions depends in no small degree on a strict observance of this salutary rule.

In Elliot's Debates, volume 4, page 382, Madison is quoted as saying:

I beg to know upon what principle it can be contended that any one department draws from the Constitution greater powers than another in making out the limits of the powers of the several departments.

CHIEF JUSTICE BLACK OF PENNSYLVANIA

I have here an extract from a very able opinion delivered by Chief Justice Black, of the State Court of Pennsylvania,

from which I am about to quote. If anyone wishes to find that decision, it is *Sharpless* v. *Mayor of Philadelphia* (21 Pa. 147). Chief Justice Black said:

> But beyond this there lies a vast field of power, granted to the legislature by the general words of the Constitution, and not reserved, prohibited, or given away to others. Of this field the general assembly is entitled to the full and uncontrolled possession. Their use of it can be limited only by their own discretion. The great powers given to the legislature are liable to be abused. But this is inseparable from the nature of human institutions. The wisdom of man has never conceived of a government with power sufficient to answer its legitimate ends, and at the same time incapable of mischief. No political system can be made so perfect that its rulers will always hold it to the true course. In the very best a great deal must be trusted to the discretion of those who administer it. In ours, the people have given larger powers to the legislature, and rely for the faithful execution of them, on the wisdom and honesty of that department, and on the direct accountability of the members to their constituents. There is no shadow of reason for supposing that the mere abuse of power was meant to be corrected by the judiciary.
>
> There is nothing more easy than to imagine a thousand tyrannical things which the legislature may do, if its members forget all their duties; disregard utterly the obligations they owe to their constituents, and recklessly determine to trample upon right and justice. But to take away the power from the legislature because they may abuse it, and give to the judges the right of controlling it, would not be advancing a single step, since the judges can be imagined to be as corrupt and as wicked as legislators. * * * What is worse still, the judges are almost entirely irresponsible, and heretofore they have been altogether so while the members of the legislature, who would do the imaginary things referred to, "would be scourged into retirement by their indignant masters."

CHIEF JUSTICE MARSHALL

Mr. President, I now come to another eminent jurist who is very frequently quoted, and that is John Marshall.

John Marshall rendered the first decision which assumed the power of the Supreme Court to set aside acts of Congress as unconstitutional. I think it is undoubtedly true that before John Marshall was placed on the Supreme Bench he had an entirely different idea; and it is likewise true, I think, as I believe can be shown, that after he rendered that decision he changed his viewpoint and expressed an entirely different one.

In a case involving the Virginia Sequestration Act, *Ware* v. *Hylton* (3 Dall. 210), Marshall says:

> The legislative authority of any country can only be restrained by its own municipal constitution; this is a principle that springs from the very nature of society; and the judicial authority can have no right to question the validity of a law unless such a jurisdiction is expressly given by the constitution.

Ex-Senator Beveridge has very ably written the Life of John Marshall, and I am now going to quote from that biography, in which Beveridge quotes Marshall.

On January 23, 1804, Marshall wrote a letter to Chase, in which, among other things, he said:

> A reversal of those legal opinions deemed unsound by the legislature would certainly better comport with the mildness of our character than a removal of the judge who has rendered them unknowing of his fault.

Practically John Marshall there advocated the review of judicial decisions by the legislative body which passed the laws.

Beveridge, in his Life of John Marshall, after quoting from this letter, says:

> Marshall thus suggested the most radical method for correcting judicial decisions ever advanced, before or since, by any man of the first class. Appeals from the Supreme Court to Congress! Senators and Representatives to be the final judges of any judicial decision with which a majority of the House was dissatisfied! Had we not the evidence of Marshall's signature to a letter written in his well-known hand, it could not be credited that he ever entertained such sentiments. They were in direct contradiction to his reasoning in *Marbury* v. *Madison*, utterly destructive of the Federalist philosophy of judicial control of legislation.

In Elliot's Debates, volume 3, page 559, John Marshall is quoted as saying:

> The honorable gentleman says that no law of Congress can make any exception to the Federal appellate jurisdiction of facts as well as law. He has frequently spoken of technical terms and the meaning of them. What is the meaning of the term "exception"? Does it not mean an alteration and diminution? Congress is empowered to make exceptions to the appellate jurisdiction, as to law and to fact, of the Supreme Court. These exceptions certainly go as far as the Legislature may think proper for the interest and liberty of the people.

In effect passing on the provision of the Constitution which I read in the beginning of my address today. That is John Marshall. His word "exceptions" is taken from the Constitution, from the quotation which I read, and he says—let me read the last sentence again—

> These exceptions certainly go as far as the Legislature may think proper for the interests and liberty of the people.

This leaves no doubt, as I understand it, of his opinion that Congress has the power to do just what I have today suggested it could do under the existing Constitution.

MR. JUSTICE CHASE

Mr. Justice Chase, of the Supreme Court, in speaking of holding a law passed by Congress unconstitutional, in 1796 said:

> If the Court have such power, I am free to declare that I will never exercise it but in a very clear case.

This is from the opinion in the case of *Hylton* v. *United States* (1 U. S., 174).

MR. JUSTICE FIELD

As an indication of how judges are apt to violate the rule laid down by Mr. Justice Stone and consider the wisdom of legislation rather than its legal effect, I wish to quote from Mr. Justice Field of the Supreme Court. In 1894 Congress placed a tax of 2 percent upon annual incomes of more than $4,000. This law was held unconstitutional by a 5-to-4 decision. Mr. Justice Field wrote the opinion of the Court. He was one of the five. The opinion clearly showed that the Court was legislating, and by its 5-to-4 decision passing upon the wisdom of legislation. In his opinion Mr. Justice Field used the following language:

> The present assault upon capital is but the beginning. It will be but the stepping stone to others, larger and more sweeping, till our political contests will become a war of the poor against the rich; a war constantly growing in intensity and bitterness. * * * If the purely arbitrary limitation of $4,000 in the present law be sustained, none having less than that amount of income being assessed or taxed for the support of the Government, the limitation of future Congresses may be fixed at a much larger sum, at five or ten or twenty thousand dollars, parties possessing an income of that amount alone being bound to bear the burdens of government; or the limitation may be designated at such an amount as a board of "walking delegates" may deem necessary.

As is said in a former opinion I have read this afternoon, the opinion of Chief Justice Black, of Pennsylvania, we can imagine all sorts of things that might be done, but the Court has not any right to pass upon the wisdom of doing or not doing any of those things.

Suppose Congress should pass just such a law as Justice Field indicated it might pass, as it has done; the country would still live, as it does live, and the dire things which were prophesied by him as sure to happen, when he was speaking of the wisdom of that legislation, have not happened. But it matters not, as Mr. Justice Holmes once said; the judge has nothing to do with whether legislation is wise or unwise. That is a field within the power and scope of the legislature, and not of the courts.

MR. JUSTICE GRAY

Mr. Justice Gray has had something to say on the subject. In 1889 Texas passed a law providing that in all cases of claims not in excess of $50, if not adjusted within 30 days after presentation to the railroad, claimant could sue, and if he recovered the full amount of his claim, the court might also include a reasonable attorney's fee, not exceeding $10.

The constitutionality of this law was taken to the Supreme Court of the United States. The farmer who was the original claimant did not appear in the Supreme Court. He had long since lost out because he could not afford to follow the case on its weary way through all the courts to the Supreme Court. In 1897, by a 6-to-3 decision of the Supreme Court, the law was held unconstitutional. Mr. Justice Gray, in a dissenting opinion concurred in by Chief Justice Fuller and Mr. Justice White, said:

> It is to be regretted that so important a precedent, as this case may afford, for interference by the national judiciary with the legislation of the several States on little questions of costs, should be established upon argument ex parte in behalf of the railroad corporation, without any argument for the original plaintiff.

PRESIDENT THEODORE ROOSEVELT

In his message to Congress in 1908 President Theodore Roosevelt said:

The decisions of the courts on economic and social questions depend on their economic and social philosophy.

SIR JAMES BRYCE

It is well to find out what eminent foreigners sometimes think of us. I have here a quotation from Sir James Bryce, in his work The American Commonwealth. He said:

When it is proposed to legislate on a subject which has been heretofore little dealt with, the opponents of a measure have two lines of defense. They may, as Englishmen would in a like case, argue that the measure is inexpedient. But they may also, which Englishmen cannot, argue that it is unconstitutional, i. e., illegal, because transcending the powers of Congress. * * * And it is a question on which a stronger case can often be made, and made with less exertion, than on the issue whether the measure be substantially expedient. Hence it was usually put in the forefront of the battle and argued with great vigor and acumen by leaders who might be more ingenious as lawyers than farsighted as statesmen. * * * A further consequence of this habit is pointed out by one of the most thoughtful among American constitutional writers. Legal issues are apt to dwarf and obscure the more substantially important issues of principle and policy, distracting from these latter the attention of the Nation as well as the skill of congressional debaters.

This expression of Bryce reminds me of a conversation which took place not long ago between an American and an educated Englishman in which they were discussing the merits of the two governments.

The Englishman said:

In the civilized world there are two great examples of democracy: One is Great Britain; the other is the United States of America. They differ principally in one respect. In the United States you have judicial supremacy; in Great Britain we have legislative supremacy. In the United States, after Congress has passed a law and the President has approved it, if there is any dispute about it, it goes to the Supreme Court, a body of men not responsible to your people, not selected by your people, holding office for life, and from their judgment there is no appeal. You go from the legislature to the Supreme Court, and there you have to stop. Under legislative supremacy, as in Great Britain, there is no veto power, either of a president, a king, or a court; and once parliament passes a law, if the people are dissatisfied with it, they take it up in the next election and the people decide on it. You send your controversies to courts, where they must die. We send ours to the people, who ought to decide in every democracy.

THOMAS JEFFERSON

Thomas Jefferson has been frequently quoted here, I think, wrongly, because it seems to me there could be no doubt where Jefferson stood on this important question. In a letter to William Charles Jarvis, September 28, 1820, Jefferson said:

You seem * * * to consider the judges as the ultimate arbiters of all constitutional questions; a very dangerous doctrine, indeed, and one which would place us under the despotism of an oligarchy.

That is Jefferson! Senators who worship at Jefferson's shrine, those are his words:

One which would place us under the despotism of an oligarchy.

That was Thomas Jefferson!

In a letter to Thomas Ritchie, December 25, 1820, Jefferson used this language:

* * * But it is not from this branch of the Government (Congress) we have most to fear. Taxes and short elections will keep them right. The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric.

I did not use those harsh words. Do not criticize me for them if you are going to criticize. Put them on Jefferson's shoulders.

In a letter to Monsieur A. Coray, dated October 31, 1823, Jefferson wrote as follows:

At the establishment of our constitutions the judiciary bodies were supposed to be the most helpless and harmless members of the Government. Experience, however, soon showed in what way they were to become the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and unheeded by the public at large; that these decisions, nevertheless, become law by precedent, sapping by little and little the foundations of the Constitution, and working its change by construction, before anyone has perceived that that invisible worm has been busily employed in consuming its substance. In truth, man is not made to be trusted for life if secured against all liability to account.

I wish we would ponder that thought in our minds. A truer thing was never said by anybody. With Jefferson's knowledge of human nature he expressed an opinion with which I think we all must agree as we look back over our lives and study the history of men with whom we have been associated.

Let me read the last sentence again:

In truth, man is not made to be trusted for life if secured against all liability to account.

When the constitutionality of minimum-wage laws first came before the Supreme Court, the Oregon law was affirmed by an evenly divided Court (*Stettler* v. *O'Hara et al.*, 243 U. S. 629). Later, three new Justices having been appointed—Sutherland, Butler, Sanford—the laws were overthrown by a vote of 5 to 3 (*Adkins* v. *Children's Hospital*, 261 U. S. 525). This legislation would have been sustained but for the resignation of Mr. Justice Clarke and the disqualification of Mr. Justice Brandeis, illustrating again the uncertainty due to changes in the personnel of the Court, and demonstrating that even the decisions of the Supreme Court, especially on constitutional questions, as one eminent authority said, should never have any lasting standing. When the judges change, the law changes. When the judges change, the amendments to the Constitution, by construction, are changed.

In 1903 the Supreme Court sustained a law of Minnesota imposing an inheritance tax on bonds, Mr. Justice Holmes writing the decision of the Court, which was 8 to 1 in favor of the constitutionality of the law. In January 1930 this decision was overruled by the Court, 7 to 2. On the second decision the membership of the Court had completely changed with the exception of Mr. Justice Holmes.

I now desire to read to the Senate a quotation from one of the most eminent and able men who ever sat on the Supreme Bench, Mr. Justice Brewer. In an address delivered before the Marquette Club in Chicago, February 12, 1898, on the subject Government by Injunction, Mr. Justice Brewer, then a member of the Supreme Court, said:

It is a mistake to suppose that the Supreme Court is either honored or helped by being spoken of as beyond criticism. On the contrary, the life and character of its Justices should be objects of constant watchfulness by all, and its judgments subject to the freest criticism. The time is past in the history of the world when any living man or body of men can be set on a pedestal and decorated with a halo. True, many criticisms may be, like their authors, devoid of good taste, but better all sorts of criticism than no criticism at all. The moving waters are full of life and health; only in the still waters is stagnation and death.

As has been said on the floor of the Senate within the past few days, I realize that anyone who dares to criticize a court or a court's judgment is likely to find himself ridiculed, and perhaps run out of polite society. That may happen to me; but in view of all the authority which I have produced today, I should like to say that even if I shall be considered bad, or if these criticisms are unjustified, I am at least traveling in mighty good company.

Mr. BONE. Mr. President——

The PRESIDING OFFICER (Mr. ADAMS in the chair). Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. BONE. In the history of our country I find some rather caustic criticism from a very eminent source—none other than the Republican Party. In 1860 the Republican Party confronted the fact that its political theories were being blasted out of existence by the Dred Scott decision.

I did not mean to take the Senator from Nebraska from the floor.

Mr. NORRIS. No; the Senator is not doing so. I yield.

Mr. BONE. The Republican Party, in its platform declaration of 1860, had some very brusque things to say about the Supreme Court by a process of indirection, which that honorable party still employs even in the year 1936. We find it trying to raise hell with the Supreme Court in polite and indirect language. Section 7 of the declaration of the Republican Party of that year had this to say:

7. That the new dogma—that the Constitution, of its own force, carries slavery into any or all of the Territories of the United States—is a dangerous political heresy—

Referring to the decision of the Supreme Court—

dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent is revolutionary in its tendency and subversive of the peace and harmony of the country.

One could not find stronger language anywhere, Mr. President, than that; and here was the Republican Party denouncing in this vague and indirect way the Supreme Court of the United States—a body which, as the Senator from Nebraska has indicated, is for some obscure reason regarded as sacrosanct. I do not understand why a coordinate branch of the Government should be free from criticism, because there is not a man in the Chamber who fails to remember the brutal and even bitter fight made against the confirmation of the nomination for Supreme Court of Justice Louis D. Brandeis because of his liberal views. As the Senator from Nebraska was speaking I was wondering just what would happen to those gentlemen who find the Supreme Court sacrosanct if by some peculiar turn of the wheel of fate there should be nine men on the Supreme Bench with the economic viewpoint of Louis D. Brandeis. I wonder if the stand patters would then reverence the Court as they appear now to do.

Again, in clause 9 of the platform of the Republican Party, we find the Republican Party talking about the slave trade being, to use its language, "aided by perversions of judicial power." I suspect that you will not find more pungent and direct and forceful English anywhere in any party platform. Anyone who cares to read the history of the Supreme Court and of our own political parties will find plenty of precedents for criticism of the Court. That is why the very able and interesting address of the Senator from Nebraska, I think, will be an exceedingly valuable contribution to the thought about the Supreme Court in this day.

EXCEPTED EMPLOYMENT UNDER DISTRICT UNEMPLOYMENT COMPENSATION ACT

Mr. KING. Mr. President, I am about to ask unanimous consent for the present consideration of House bill 10929, a bill to amend the District of Columbia Unemployment Compensation Act, approved August 28, 1935. In the National Social Security Act, approved August 14, 1935, certain religious and educational organizations are exempted from payments to the unemployment fund. Through some inadvertence, I believe, when Congress passed the Unemployment Compensation Act for the District of Columbia that provision was omitted. On the 10th instant the House passed the bill H. R. 10929 in order that the District of Columbia might be brought into harmony with the Government in the matter of the exemption referred to. I have polled the Committee on the District of Columbia and am authorized to report the bill favorably. Accordingly I report without amendment the bill H. R. 10929, to amend the District of Columbia Unemployment Compensation Act in the particulars referred to, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. ROBINSON. Mr. President, may I ask the Senator if the bill for which he now asks consideration places the administration of the Social Security Act in the District of Columbia on the same basis as it is under the national act?

Mr. KING. It is not quite as broad, but the House passed the bill in this form, and the Senate committee accepted it.

The PRESIDING OFFICER. Is there objection to the present reconsideration of the bill?

Mr. McNARY. Mr. President, I am very well satisfied with the statement made by the Senator from Utah, but I should like to inquire if this bill places the District on a parity with the 48 States?

Mr. KING. As I am advised, not all of the States have passed measures supplementing the act of Congress. This bill places the District of Columbia in the same category in regard to exemptions as those States which have enacted unemployment compensation acts, and undoubtedly the other States will accept the terms of the Federal act and pass such measures as will effectively deal with the subject.

In brief, the purpose of the bill is to bring the District of Columbia Unemployment Compensation Act, approved August 28, 1935, into conformity with the National Security Act approved August 14, 1935. In the National Social Security Act there is an exemption from taxation in favor of religious and educational institutions not operating for profit. That provision is not found in the District of Columbia Social Security Act. This bill, if enacted, will place the District of Columbia in harmony with the Federal act in the matter of exemptions.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 1 (b) of the District of Columbia Unemployment Compensation Act is amended in the following respects:

(1) At the end of paragraph (5) strike out "and";

(2) At the end of paragraph (6) strike out the period and insert in lieu thereon "; and"; and

(3) After paragraph (6) insert the following new paragraph:

"(7) Service performed in the employ of the following: All religious institutions and schools maintained by them; colleges or universities, no part of the net earnings of which inures to the benefit of any private shareholder or individual."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes.

FEDERAL PROJECTS UNDER PUBLIC WORKS ADMINISTRATION

Mr. HAYDEN. I submit a resolution asking for information from the Public Works Administrator and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 234), as follows:

Resolved, That the Federal Emergency Administrator of Public Works is hereby requested to furnish the Senate the following information:

(1) A list of non-Federal projects pending in the Federal Emergency Administration of Public Works which have been approved by said Administration but for which allocations have not been made because of lack of funds available to such Administration for such projects, such list to indicate as to each project (a) its location, (b) its type, (c) its estimated cost, (d) the amount of loan requested, (e) the amount of grant requested.

(2) A list of non-Federal projects pending in the Federal Emergency Administration of Public Works which have not yet been finally disapproved by said Administration, such list to indicate as to each project (a) its location, (b) its type, (c) its estimated cost, (d) the amount of loan requested, (e) the amount of grant requested.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona for the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

AMENDMENT OF PLANT QUARANTINE ACT—RECOMMITTAL

Mr. SCHWELLENBACH. I ask unanimous consent to have recommitted to the Committee on Agriculture and Forestry the bill (S. 2983) to amend the Plant Quarantine Act of August 20, 1912. It is a bill which was reported last year, but a number of Senators have received objections to it, and I think that a hearing on the measure is necessary so that Members of the Senate may study the objections which they have received and make up their minds in regard to it.

Mr. SMITH. Mr. President, I did not hear the title of the bill which the Senator asked to have recommitted.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2983) to amend the Plant Quarantine Act of August 20, 1912.

Mr. SMITH. Very well.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and the bill is recommitted to the Committee on Agriculture and Forestry.

LOANS FOR CROP PRODUCTION—CONFERENCE REPORT

Mr. SMITH. Mr. President, I ask unanimous consent for the present consideration of the conference report on the bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes, which report was submitted by me on yesterday and is on the table.

The PRESIDING OFFICER. Is there objection to the present consideration of the report? The Chair hears none, and lays before the Senate the conference report referred to.

(See conference report printed in full, pp. 1764–1765, CONGRESSIONAL RECORD of the 11th instant.)

Mr. SMITH. I move the adoption of the report.

The report was agreed to.

AGRICULTURAL RELIEF

The Senate resumed consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

Mr. SMITH obtained the floor.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Wyoming?

Mr. SMITH. I yield.

Mr. O'MAHONEY. Mr. President, at this hour, at Indianapolis, Ind., the Secretary of Agriculture, Mr. Wallace, is delivering an address to the Indiana Farm Bureau upon the subject matter of the bill which is now under consideration by the Senate. His address is entitled "Agriculture—A Local Activity and a National Problem."

There are many very interesting phases of this discussion. Some of them have been covered today in the remarks which have been made in this Chamber, particularly the analysis the Secretary of Agriculture has made from the judicial history of the country of the attitude of Abraham Lincoln toward the Supreme Court and the legislative function. There is, however, another phase of the Secretary's address having to do with Federal responsibility for the increase of agricultural production during the war and his comparison of that responsibility for increased production and the responsibility of the Nation now to adjust production, which will, I think, claim the interest of the Senate.

I may say, Mr. President, that I know of no public servant in recent years who to a greater degree exemplifies the love of justice and the frankness of discussion which were characteristic of Lincoln. Because of the pertinence of the address which Mr. Wallace is making today to the measure now before the Senate, I ask unanimous consent that it may be printed, not in the Appendix of the daily RECORD but, if that is permissible, in the body of the RECORD as a part of the debate upon the pending bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

The address referred to is as follows:

AGRICULTURE: A LOCAL ACTIVITY AND A NATIONAL PROBLEM

(Address by Henry A. Wallace, Secretary of Agriculture, at a meeting sponsored by the Indiana Farm Bureau at Indianapolis, Ind., Feb. 12, 1936, broadcast over the Columbia Broadcasting System)

Recent decisions of the United States Supreme Court have compelled the American people to reexamine the responsibility of the Federal Government toward agriculture and the general welfare. The power of the Federal Government to "promote the general welfare" has been questioned, in fact if not in theory. A venerable doctrine—the doctrine of States' rights—has been injected into the farm problem.

Lincoln's birthday is an appropriate time on which to discuss matters like these. Lincoln had to define, for his generation, the general welfare and Federal responsibility for it. He knew something about such diverse things as agriculture and States' rights.

But first let us think of the man himself. It may be he was a genius; certainly he was a complex character, and a lonely one. We do not always understand lonely men, but they may have qualities which draw us to them. We all like to remember Lincoln for his most obvious virtues—his passionate sense of justice and his scorn of injustice, his kindliness, his capacity for pity, his earthly humor, and a wisdom which seemed to come from a source deep within him.

A man with these qualities is likely to have enemies. Lincoln had many of them. They denounced him as a dangerous radical. From their point of view, the description was accurate. He challenged economic, social, and political institutions which they did not wish to see challenged. He was dissatisfied with things as they were, and insisted on talking about things as they ought to be. By the time he was 27, he had spoken out in favor of women suffrage—at least two generations ahead of his time. When he was 33 he was on record on two other issues. Speaking on Washington's Birthday, 1842, he said: "And when the victory shall be complete, when there shall be neither a slave nor a drunkard on the earth, how proud the title of that land which may truly claim to be the birthplace and the cradle of both those revolutions that shall have ended in that victory!" And we must remember that in that day slave property was almost as sacred as corporate property is today.

Against a man with such views, and who insisted upon expressing them at the most inopportune times, such men as Douglas were logical opponents. Today we remember Douglas chiefly because he debated with Lincoln, but at that time he was popular in the best circles, possessed the most distinguished political and social connections, and therefore was known to hold only the soundest ideas—the ideas, that is, held by those who thought Lincoln uncouth and a dangerous radical.

Lincoln's ideas, however, are less important to us today than his attitude, his spirit. This occasion will be wasted unless we can use it to recapture, if possible, some of the spirit of Lincoln. Our problems are different, and our solutions certainly will not be the solutions forced on Lincoln; but we can profitably recall his attitude toward the problems and events of his day.

I suppose no American has ever studied the Constitution and the ideas of the founding fathers more earnestly and honestly than Lincoln. As a result, he felt he knew what the Constitution was for, and what it was not for. He wished to be guided by the intent and spirit of the Constitution as expressed in the preamble. He seemed to take the view taken by some of the greatest interpreters of the Constitution. Justice Story, for example, told the narrow constructionists of his day that all provisions of the Constitution are to be interpreted in harmony with the preamble.

From the bottom of his heart Lincoln believed slavery wrong, and said so. But until the tragedy of war overtook him he did not propose to molest slavery in the States where it was established. He hoped peaceful forces would in time provide the remedy there. But that slavery should be extended to the Territories and perhaps even into the free States was to him unthinkable. He was sure that the men who framed the Constitution neither expected nor desired to see slavery extended. Certainly many of them spoke with longing of the day when it might be abolished.

It was therefore a terrific shock to Lincoln to have the Supreme Court rule in the Dred Scott case that a slave owner could take his slaves into a Territory. In effect, that made slavery legal in a Territory, even though the people of the Territory might wish otherwise.

In 1856, a year before the decision was handed down by a divided Court, Lincoln thought the issue might be settled by a decision of the Supreme Court. But when the decision came, when he grasped the full import of it, he knew he could not and the Nation ought not accept it as final.

Lincoln was reluctant, however, to join in the savage attacks of the extreme Abolitionists, such as the New York Tribune under Horace Greeley, for he cherished an abiding respect for the traditions of the Court and the ideals it was established to serve. But it seemed to him a choice between the Constitution and the Court, and he chose the Constitution.

He knew that the Court did not have to pass upon the constitutionality of the Missouri Compromise Act at all—an act in existence, incidentally, for 27 years at the time of the Dred Scott decision. In fact, the Court had first agreed to avoid deciding the case on the broad constitutional grounds, but for a variety of reasons changed its mind and finally handed down a decision in which a majority held the Compromise Act unconstitutional.

The extreme abolitionists immediately launched a bitter attack on Chief Justice Taney and the majority. The New York Tribune, which had previously accused the justices of being artful dodgers for postponing a decision until after the election of Buchanan, now began a daily onslaught against the Court. The Tribune summed up its attitude when it said that the Dred Scott decision "is entitled to just so much moral weight as would be the judgment of a majority of those congregated in any Washington barroom."

Lincoln's language, by contrast, was temperate and statesmanlike. He took the view that the Dred Scott decision was a tragic abuse of judicial power. He knew that the majority on the Court had misread the trend and the temper of the times. He would have been amazed to learn what we now know, that the judges did not realize in the slightest degree the effect the decision was to have, nor did they doubt that a decision by them would actually settle the issue.

In 1858, in his debates with Douglas, Lincoln stated that he declined to abide by the decision as rendered. Let me give you Lincoln's exact words:

"* * * we think the Dred Scott decision is erroneous. We know the Court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this. We offer no resistance to it."

And in his inaugural address in 1861, while still expressing his belief that constitutional questions could be decided by the Supreme Court, he added:

"At the same time, the candid citizen must confess that if the policy of the Government, upon vital questions affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal."

These statements did not silence Lincoln's enemies. They continued to charge that he was violating his oath of office, that he was undermining faith in the Supreme Court, that he was a demagogue, a breeder of sectional hatred, and that he was out to wreck the Constitution. To these attacks Lincoln made effective reply in a letter to A. G. Hodges on April 4, 1864. He summed up his attitude in the following words:

"I took an oath that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States * * *. I understand, however, that my oath to preserve the Constitution * * * imposed upon me the duty of preserving, by every indispensable means, that Government, that Nation, of which the Constitution was the organic law. Was it possible to lose the Nation and yet preserve the Constitution? By general law, life and limb must be protected; yet often a limb must be amputated to save a life, but a life is never wisely given to save a limb.

"I felt that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the Nation. Right or wrong, I assumed this ground, and now avow it. I could not feel that, to the best of my ability, I had even tried to preserve the Constitution if, to save slavery or any minor matter, I should permit the wreck of the Government, country, and Constitution all together."

In the years since Lincoln, fortunately, no issue has become as acute as that which he faced. The issues before us today are difficult and full of grave meaning, but it is still possible, I hope, to discuss them calmly and reasonably. By the time Lincoln had reached the Presidency the die was cast, the tragedy well toward conclusion.

The cynic says the only thing we learn from history is that we learn nothing from history. I do not believe that. As a people we have learned some things from the tragedy of the Civil War, and one of them is that to prevent fatal conflict we must deal courageously with conflicting forces and interests long before the conflict becomes acute. We shall be able to do that, it seems to me, if all of us—whether in the executive, the legislative, or the judicial branches of government, whether a private citizen or a Government officer—can in some degree recapture the spirit with which Abraham Lincoln approached the Court and the Constitution.

On occasions when it is apparent that the Supreme Court has reached decisions plainly wrong—wrong because they are in opposition to fundamental, economic, and social trends of the times, or wrong because they are unjust, however legal—on such occasions it is the duty of citizens and officers of Government to point out the error of the Court. Unless we can do this, preferably in the calm, matured way in which Lincoln did it, then we have a judicial dictatorship. Whatever else the founding fathers may have intended, they did not intend a dictatorship by any one of the three branches of government, least of all by the branch most removed from contact with or restraint by the people.

As the three dissenting Justices in the Hoosac Mills case reminded the majority of the Court, "while unconstitutional exercise of power by the executive and legislative branches of the government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self-restraint. For the removal of unwise laws from the statute books appeal lies not to the courts but to the ballot and to the processes of democratic government." In other words, when judges are lacking in self-restraint we have the makings of a judicial dictatorship.

We once had a law making it an offense to criticize the President. That was in 1798. Public resentment at that law helped Thomas Jefferson organize the Democratic Party and sweep into power in 1801. Jefferson could think of nothing more abhorrent to our form of government than a law or a custom which in any way interfered with freedom of speech. He was shocked that freedom of speech, among other inalienable rights, had not been written into the Constitution by the Constitutional Convention, and he urged immediate passage of the first few amendments to guarantee such rights. In his Presidency he was as cruelly attacked as Lincoln was in his, but he stuck to his belief in freedom of speech. He also asserted his own right, both as President and as a private citizen, to say exactly what he thought. He was one of an impressive list of Presidents to disagree with decisions of the Supreme Court and to say that a wrong decision ought not to be allowed to stand.

It is therefore not only the constitutional right but the privilege and duty of the conscientious American citizen to speak his mind about any governmental act or policy which he believes to be wrong. Do you know of any reason why that privilege and duty should be applied to the executive and the legislative branches and not to the judiciary? Were Jefferson, Jackson, Lincoln, Grant, and Theodore Roosevelt un-American because they disagreed with judicial decisions?

Partisan considerations and financial considerations may cause some people to think so, but I cannot believe that the members of the Supreme Court think so. I know that William Howard Taft, when a circuit court judge, said that the opportunity freely and publicly to criticize judicial action is of vastly more importance to the body politic than the immunity of courts and judges from unjust aspersions and attack. I know that Mr. Justice Brewer, long an honored member of the Supreme Court, wrote in 1898 as follows:

"It is a mistake to suppose that the Supreme Court is either honored or helped by being spoken of as beyond criticism. On the contrary, the life and character of its justices should be the objects of constant watchfulness by all, and its judgments subject to the freest criticism. The time is past in the history of the world when any living man or body of men can be set on a pedestal and decorated with a halo. True, many criticisms may be, like their authors, devoid of good taste, but better all sorts of criticism than no criticism at all. The moving waters are full of life and health; only in the still waters is stagnation and death."

The wisest members of the Supreme Court during the past 150 years have repeatedly disclaimed infallibility. Men have emotions and prejudices, you know, however conscientiously they may try to stifle them. But beyond and above all this, how in the world can our system of government possibly function unless the people are free to examine and criticize the actions of all three branches? Our system of government has endured as long as it has in large part because the American people have been free to demand of all three branches of government accountability to the sovereign will of the people.

I have suggested that the decision in the Hoosac Mills case, in which the Agricultural Adjustment Act was declared in violation of States' rights by a majority of the Supreme Court, compels us to reexamine the responsibility of the Federal Government toward agriculture. Until this decision the prevailing notion of Federal responsibility was based upon a long series of declarations and legislative acts, the declarations beginning with George Washington, the legislative acts beginning mainly in the administration of Abraham Lincoln.

There is no need to rehearse all of those today. You must be familiar with the interest of the founding fathers in agriculture and of prevailing opinion, expressed by Washington in his Farewell Address. "It will not be doubted", he declared, "that with reference either to individual or national welfare agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse; and to what object can it be dedicated with greater propriety?"

It was in Lincoln's administration that the homestead bill became law, and the western plains were thrown open to our pioneer grandfathers. It was Abraham Lincoln who signed the act of Congress creating a Federal Department of Agriculture. Again it was Lincoln who signed the Morrill Act, granting large tracts of public lands to the States on condition that they would establish, with receipts from the sale of lands, colleges for the promotion of agriculture and the mechanic arts. Our whole system of agricultural research and education dates from Lincoln's time.

Apparently Lincoln and his contemporaries, like Washington and his, thought the Federal Government had wide and enduring responsibilities toward agriculture. By the legislation Lincoln signed, by the agricultural legislation enacted between his time and the period of the World War, a complex institution was created primarily with one purpose—to make the United States safe for an increasing population. The homestead acts served this purpose by enormously expanding the amount of land put under the plow; the other legislation served this purpose by helping farmers grow two blades of grass where only one grew before. Where this was not always the purpose it was at least the effect.

The full flowering of this legislation came in the World War period, in the days of the Food Administration, of the food-production and the food-control acts. The armies of our Allies needed food. "To make up the European deficiency," wrote Food Administrator Herbert Hoover in 1917, "this country must export 220,000,000 bushels of wheat as against our normal export of 88,000,000 bushels. In addition we must furnish them with 400,000,000 bushels of other cereals as against our normal pre-war export of less than 5,000,000 bushels."

The campaign to produce more wheat and still more wheat began with a whoop. The Extension Service put on hundreds of emergency agents. Posters, "pep" talks, prayers, and the lure of higher prices pulled the Wheat Belt out of shape. In the South farmers were urged to grow as much as possible of their food and feed at home, in order to have plenty for export. Consumers went through meatless days, wheatless days, and so on, that the export flow might keep up. The Secretary of Agriculture urged farmers to adopt measures to secure maximum returns from their farms, and the colleges and extension agents were busy suggesting what those measures should be and how to apply them. The Department of Agriculture, in cooperation with the Food Administration, went so far as to determine the food needs at home and abroad and suggested the needed acreage of wheat for each State.

In response to all this stimulation, not forgetting, of course, the stimulus of price, the farmers by the end of 1918 had added an area about the size of Illinois to the farm plant of the United States. Comparing 1918 with 1914, the total acreage of tilled crops was increased about 11 percent. Wheat acreage harvested reached its peak in 1919—the lofty summit of 75,000,000 acres, as compared with a pre-war average of less than 50,000,000 acres.

I suppose agriculture in those days was as much a purely local activity as a majority of the Supreme Court now say that

it is, but that did not prevent the Federal Government from bringing a direct influence to bear on the individual farming operations of some 6,000,000 farmers. The Government did not make contracts with the farmers; it used the more potent, if less controllable, device of high-pressure propaganda. Legally there was no compulsion; actually there was the most overwhelming compulsion of all—the compulsion of a Government-directed public opinion.

In the war period the Federal Government's long-time effort to stimulate agricultural production reached its climax. From 1862 through 1920 the Federal Government conceived its responsibility toward agriculture in terms of methods to increase production. Individual farm efficiency was, of course, emphasized, as was increased production per unit in order to lower costs; but the result—a result fervently desired during the war—was a bigger output of wheat and corn, cotton and tobacco, hogs, cattle, and everything else.

In all the years during which the Federal Government has used its power to increase production, not once has that power been questioned. In the use of those powers the courts have never interfered. Not once has anyone so much as suggested that the Federal Government was violating States' rights.

Since January 6 I have wondered about this a great deal. It must be that the Federal Government has the power to stimulate production but not to help farmers obtain balanced production in the general interest, and that the States reserve the power to control production but not to stimulate it. If this is so, there is more in the tenth amendment to the Constitution than meets the eye. At all events, it is a disturbing fact that the States have often succeeded in stimulating agricultural production but never in controlling it.

From 1862 through 1920 the effect of the Federal Government's interpretation of its duty toward agriculture was to increase production. So long as the market for that production kept increasing at the same rate everybody was happy.

But the market didn't keep on expanding at the same rate. It contracted in 1921, had a fake expansion until 1930, and then contracted with a force that still has us in its grip. Under these circumstances what should be the responsibility of the Federal Government toward agriculture? Should it persuade farmers to produce wheat and cotton for a foreign market which doesn't exist? Or should it fool them into producing for that nonexistant market by means of Farm Board-ish subsidies?

Before answering these questions let's look further into the record of the Federal Government's activities in relation to agriculture. To increase production, it must be acknowledged, was the effect if not always the purpose of most farm legislation between 1862 and 1920. Now it might be supposed that the end of the war would have changed the emphasis. Europe soon needed less of our raw materials. Overnight we had become a creditor nation, and a creditor nation can only maintain its export trade by a liberal tariff policy.

But between 1920 and 1933 we refused to behave like a creditor nation. We boosted tariffs higher and higher; we put an artificial and temporary prop of foreign loans under exports; we pursued an agricultural policy which had the effect of increasing agricultural production at the very time our tariff policy was restricting the market for our exports. Then came the deluge, of unpleasant memory.

It would not be fair to say that the Federal Government was the only influence stimulating production during the post-war period. The development of the tractor, the growth of industry, were, of course, large factors. But the Federal Government's policies contributed heavily. I used to say that a government which fails to face the consequences of its own stimulation of agriculture is criminally negligent. I still think so.

One more factor in this post-war period should be mentioned. The disparity between agricultural and industrial prices was an outstanding fact of the depression. There is a clear connection between inflexible industrial prices and the concentration of industrial power within a relatively few corporations. Presumably we have antitrust laws in this country, but they haven't stopped the trend from little business to big business and they haven't seriously interfered with the power of huge corporate combines to dictate the economic terms for the rest of us. Do you recall any instance between 1920 and 1932 in which the Federal Government effectively checked the power of the large corporation to maintain inflexible prices and to reduce its production whenever it found it necessary? Yet the very people who defend the right of industry to reduce production and maintain price deny agriculture the same right—even when that right was only being exercised with respect to the foreign market.

To remove the disparity between farm and industrial prices was an objective of the Agricultural Adjustment Act. When a majority of the Supreme Court held on January 6 that the act violated State rights, a variety of opinions about a substitute for the Adjustment Act blossomed forth.

There were some who asserted that agriculture had fully recovered and could get along without the use of any governmental powers. Coming from persons who had been extremely critical of the adjustment program, this was indeed a handsome tribute. This meant that in less than 3 years agriculture's desperate economic illness had been completely cured. Farmers know, if some other people don't, that this is too rosy a picture. Farmers know that present prices of farm products are not far from parity, thanks to the healthier supply-and-demand situation which has been brought about. But farmers also know that with foreign markets still largely closed, normal yields would again bring on a condition of unbalance similar to that which resulted in the low prices of 1931 and 1932. With some commodities this might come by 1937, but with others not until 1938 or 1939, depending on the weather.

Right here I should like to puncture a misstatement which has been given currency and emphasis by some speakers and newspapers. This is the statement that the President predicted last May—that if the Nation abandoned crop control, wheat would immediately drop to 36 cents a bushel and cotton to 5 cents a pound. If the President had actually said this, he would not have been a good prophet, because these prices have not yet fallen to any such extent. I was curious to know if the President were really as poor a prophet as he has been made out to be, and so I looked up the record of what he had actually said. I found that what he had actually said was that if all Federal relationship to a crop, whether it was the method of crop control or some other method, were abandoned, then 36-cent wheat and 5-cent cotton would follow. But he did not use the word "immediately" in this connection at all, nor did he base his remarks solely on the possible ending of crop control. So much for that story. It only goes to show that many words written or spoken in a campaign year are to be taken with a grain of salt.

And while you have your hand in the salt barrel, take out a handful for use on some of these stories which explain that the processors are really entitled to the $300,000,000 of impounded and other outstanding taxes recently ordered released to them by the Supreme Court. Mr. George Wharton Pepper, counsel for many of the processors and chief counsel against the Government in the Hoosac Mills case, again comes to bat for his clients, as a good lawyer should. After calling upon me to retract my statements, he gratefully acknowledges that the Supreme Court rescued a number of pork packers from financial embarrassment and in some cases from bankruptcy. Mr. Pepper might as well know now that I have nothing to retract.

But his gratitude that his clients have been saved from bankruptcy is more significant. I don't know which packers he has in mind, but I do know that 14 meat packers, including the largest ones, have had impounded hog processing taxes amounting to $40,000,000, or about 80 percent of all impounded hog-processing taxes. If this $40,000,000 goes back to these 14 packers, and if they are allowed to keep it, they will have a gift probably four times as great as their 1934 profits on hogs. That should prevent almost any conceivable degree of financial embarrassment.

Fortunately, many processors—probably a large majority—do not look on these impounded processing taxes as Mr. Pepper and a few of the packers do. Most of the processors know and admit—as representatives of the largest packers did in 1933—that the tax was either passed on to the consumer or back to the farmer. Consequently they now look on the impounded funds as "hot" money, and they would welcome any fair method of dealing with it. It seems to me that the sense of fair play and justice of the American people will eventually take care of this situation.

Returning, now, to the problem of finding a substitute for the Adjustment Act:

When the Nation reviewed the situation brought about by the Supreme Court decision, the consensus of opinion was that something must be done for agriculture. Also, the prevailing opinion was that there must be cash assistance to farmers.

Among those favoring direct, tangible assistance, some difference of opinion has arisen as to the form it should take and what kind of plan should accompany it. Some persons argue that the Federal Government should no longer be concerned with the farmers' production, that some form of subsidy such as the so-called domestic-allotment plan would be sufficient. Now, without going into a long discussion of the details of various proposals, I just want to bring out one fact. That is that the amount of money paid out to farmers in benefit payments under the A. A. A. can account for only part of the gain in farm income since 1932, and the smaller part at that. An improved supply-and-demand situation has accounted for most of the gain. Let us ask those who favor a subsidy alone, therefore, how much subsidy would have been needed in 1933, 1934, and 1935 to give farmers the gain in income they actually got by a combination of benefit payments and adjustment programs.

Those of us in this administration who have seen the farm cash income go up from $4,400,000,000 in 1932 to $6,900,000,000 in 1935 did not wish to leave agriculture worse than we had found it. Hence we could not favor any plan which left out of account factors of supply and demand for farm products. After we had studied the two opinions of the Supreme Court in the Hoosac case, and the limitations laid down by the majority opinion, we concluded that the best approach to the problem was through the method of Government encouragement of soil conservation by farmers. Bills embodying this approach are now being considered by both Houses of Congress.

While it remains to be seen just what form the plan will take when and if it is finally enacted, I can explain here the essentials of the plan as embodied in the bills already approved by the Senate and House agricultural committees. Briefly, the plan provides for grants by the Federal Government to the States, which, in turn, may reward farmers who follow practices of soil conservation on their farms. Since some time will necessarily elapse before a sufficient number of States can enact laws to take advantage of the Federal aid, provision is made temporarily for the grants to go from the Federal Government direct to individual farmers who have made application and who show that they have met the specified conditions.

I don't see how anyone can successfully contend that this plan would not be for the general welfare. Not only would it help protect and conserve the land that is still productive, but it would go a long way toward maintaining a healthy supply-and-demand situation in the export commodities. The plan would assist farmers in practicing the kind of good farming that they have long wanted to follow, but were not able because of the necessity, from month to month and year to year, of making both ends meet. Farmers, if assisted in producing the soil-building crops which are needed, will be under less pressure to produce surpluses of other crops which are not needed. If fair prices for farm products are thus achieved and maintained, the present level of farm income will be maintained and, I hope, improved.

When the Agricultural Adjustment Act was passed in 1933, it represented, perhaps, the best bill that could be devised at the time and under the circumstances. It was closely in accord with the platforms of both the great political parties of 1932. A sincere attempt was made by farm leaders and Members of Congress to formulate a measure that would be in accord with the Constitution. However, under the procedure that the lawyers and judges of the country have built up over the years, it was not possible to obtain an opinion from the Court in advance. The Nation could only work and wait. After nearly 3 years of work, the farmers cooperating under the act were surprised and dismayed to be told by the majority of the Court that the assistance they had been receiving from the Federal Government represented an invasion of the rights of the States and therefore was in violation of the Constitution. When the law was passed most of us thought it was constitutional. Some of us, including three Justices of the Supreme Court, think so still. But, not possessing powers of prevision or clairvoyance, we could not tell in advance what the majority of the Court would say.

This new plan is a sincere attempt to operate within the limitations laid down by the majority of the Court. I myself am convinced that it is constitutional in the sense of meeting those limitations as well as in the sense of coming within the actual meaning of the Constitution itself. I believe that some form of this plan will pass Congress with bipartisan support, will be signed by the President, and will meet with the approval of a majority of the people.

One question remains: Will it meet the approval of the Supreme Court? No one can really answer that question but the Court.

Precedents, so beloved of the legal mind, may give the final answer. And because there are so many precedents, and so many possibilities of choosing this precedent and ignoring that one, the final answer can never be forecast with any assurance. As students of Supreme Court decisions have pointed out, the Court now has in every case involving economic conflict two lines of precedents, one leading to one conclusion, the other to the contrary. A judge may therefore in all sincerity choose either line, depending upon his own economic views.

We believe the Supreme Court will approve the new legislation if it recognizes any one of the three following propositions:

1. The fact of the Nation-wide interdependence of all commerce, from the humblest farm to the largest corporation.

2. The extent to which the doctrine of States' rights is being used as the final refuge for antisocial corporations.

3. Federal responsibility for the post-war agricultural dilemma.

If it was the proper function of the Federal Government in wartime to encourage farmers to plow up land which should never have been plowed in order to produce wheat for our Allies; if the Federal Government was justified in encouraging the mining of our soil to supply a European demand which has now disappeared; then it seems to me no less the Federal Government's proper function to encourage the return of that land to grass and trees to make it worth the farmer's while to improve the soil's fertility by planting soil-building crops. For this generation owes a duty to generations yet unborn to hand on to them an agricultural heritage which will supply this country in the future, and on which they too can make a living—and, let us hope, a better living than this generation has made. If in exercising our duty to the generations yet unborn we can also minister to the welfare of the people of today, it would seem that all understanding men could arrive at but one opinion. Could anything be more squarely in line with the words of the Constitution's preamble, to "promote the general welfare"?

Farmers ask no more and no less than the moral, economic, and political equivalent of the advantages enjoyed by industry through the corporate form of organization and the protective tariff. Farmers are willing to have their demands checked against any fair, living interpretation of the general welfare. They have not and will not deliberately reduce production below the needs of domestic consumers. They are prepared to do their full share toward a national economic goal of this sort: Increased balanced production of the things we all really need and want, at prices low enough to keep the stuff moving into consumption, yet high enough to keep producers producing, and with income so distributed that none shall be denied participation in consumption except those who refuse to work, with scrupulous regard for our remaining natural resources, and by means in harmony with our traditional democratic processes.

Surely this sort of goal is in the general welfare and in the spirit of the living Constitution. Farmers believe in a living Constitution, not a thing of rigid mechanical design. Farmers believe, with Lincoln, that any interpretation of the Constitution which does not serve the people is out of harmony with the purposes of the Constitution and the founding fathers. Like Lincoln, we ask for national action wherever and whenever it is necessary to solve national problems. In the spirit of Lincoln, and against the background of the forces and events of our own day, let us here and now pledge ourselves to a new unity in the interests of the general welfare.

Mr. SMITH. Mr. President, I think it is proper that the amendments, which are more or less clarifying in character, which it is desired by the committee should be offered to the bill should be presented at this time. Therefore, on page 2, line 11, I move to strike out the words "one or more of."

The PRESIDING OFFICER. May the Chair call the Senator's attention to the fact that, as the Chair understands, the pending question is the amendment of the junior Senator from South Carolina [Mr. BYRNES] to the amendment of the committee. The Chair assumes it will be necessary to lay that amendment aside if other amendments are to be considered at this time.

Mr. SMITH. I spoke to my colleague a few moments ago, and I think it will be satisfactory to him to have these clarifying amendments first acted on.

Mr. BYRNES. Mr. President, I have no objection to the pending amendment being temporarily laid aside for the consideration of the amendments to be proposed by my colleague.

The PRESIDING OFFICER. Without objection, the pending amendment will be temporarily laid aside.

Mr. SMITH. I move to strike out in line 11, page 2, the words "one or more of"; and also I move the same amendment on line 15, page 2; line 16, page 3; and line 16 on page 4.

It is desired to strike out the words "one or more of" in order to include in the State agreements all the matters submitted as conditions by the Federal Government.

The PRESIDING OFFICER. The question is on the amendments offered by the Senator from South Carolina.

Mr. MCNARY. Mr. President, the orderly way is to allow the clerk to state the amendments. I am not just clear where the amendments come in.

The PRESIDING OFFICER. The amendments will be stated.

The LEGISLATIVE CLERK. On page 2, line 11, it is proposed to strike out the words "one or more of", and also to strike out the same words on page 2, line 15, page 3, line 16, and page 4, line 16.

Mr. MCNARY. I understand the four words "one or more of" are to be stricken out?

Mr. SMITH. Yes. Those are the only words stricken out, and it is proposed to strike them out so as to effectuate the purposes of the measure.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from South Carolina to the amendment reported by the committee.

The amendments to the amendment were agreed to.

Mr. SMITH. In the committee amendment, on page 5, at the end of line 4, I move to insert the following:

Provided, however, That apportionments or funds available for carrying out the purposes specified in this section for the year 1936 may be made at any time during 1936. Notwithstanding the making of apportionments for 1936 and 1937, the funds apportioned to any State for which no grant has been approved pursuant to subsections (d) and (e) of this section shall be available for expenditure pursuant to section 8 in any State for which no plan has been so approved.

That means that where a State plan has been approved at any time during 1936, funds may be allocated notwithstanding the fact that funds may be allocated to States during 1936 and 1937 in which no State plan has been approved.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. MCNARY. Mr. President, let us follow the practice we have always followed and have the clerk state the amendment in a formal way.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment it is proposed, on page 5, line 4, to strike out the period and insert a semicolon and the following:

Provided, however, That apportionments or funds available for carrying out the purposes specified in this section for the year

1936 may be made at any time during 1936. Notwithstanding the making of apportionments for 1936 and 1937 the funds apportioned to any State for which no grant has been approved pursuant to subsections (d) and (e) of this section shall be available for expenditure pursuant to section 8 in any State for which no plan has been so approved.

Mr. SMITH. As I stated, at any time during 1936 any State that qualifies may have its apportionment made, but it does not invalidate the right to make apportionments during the temporary period of 1936–37 to those States which have not entered into an agreement.

Mr. McNARY. The Senator from South Carolina says it is his desire to include any State that will have loans available, so it may take advantage of the long-term program.

Mr. SMITH. This provides that in case they do have a plan approved, they may have the apportionment. Some may do it. I do not know. I do not know that anybody knows, but in case they do at any time during this year the apportionment can be made.

Mr. McNARY. I confess I am not clear as to the Senator's meaning. The Senator is addressing himself to the Federal-and State-aid cooperative provisions of the bill. As I understand the Senator, he is attempting by this language to allocate certain funds under certain conditions for the crop year 1936.

Mr. SMITH. As I understand, if any State during the year 1936 complies with all the rules and regulations or conditions set forth, it can have its apportionment made in accordance therewith, but that does not preclude the possibility of any State which does not enter into the long-term arrangement having apportionments made under this temporary arrangement.

Mr. McNARY. Does the language proposed have anything to do with those States which do not provide statutes or modify their Constitution to enable them to receive Federal aid?

Mr. SMITH. Oh, no. It is provided that this shall not in any way interfere, where apportionments are made, with those States that do not approve a plan.

Mr. McNARY. Suppose some States should avail themselves of the long-term program of Federal aid and other States should not, does the Senator propose that those States which do not avail themselves of the long-term program may come in and get the benefits under the short or temporary program? Let me take the Senator's own State for illustration. His State comes in during 1936 or 1937 and cooperates with the Government under the terms of the plan, and no other State comes in under the temporary plan. How would that affect the administration of the measure?

Mr. SMITH. In all fairness I do not see how that will affect its operation at all. During the temporary plan until January 1938 all the States will be available for this plan, but after that none will be available except those which conform.

Mr. McNARY. That is true if we take the reasonable expectation of 2 years for States to come in, but the Senator is attempting to legislate for the crop year 1936 upon the assumption that some States might not avail themselves of the long-term plan.

Mr. SMITH. Not necessarily.

Mr. McNARY. Of course, not necessarily, and not probably, but that is the purpose. Under this plan the Secretary can give certain aid. Under the State-aid plan there is no measure of benefit specified. That is yet to be covered by legislation. In that event how can the Senator's amendment be effective at all?

Mr. SMITH. I will admit I cannot follow the Senator's line of argument. As I understand, if a State conforms to the conditions laid down by the Federal Government during 1936, then the apportionment will be made in accordance with the cooperative agreement between that State and the Federal Government at any time during 1936; but under the temporary plan any State may receive an appointment to the extent to which the organizations, the land-grant colleges, or whatever other instrumentalities are used constitutionally to administer the grant. They can be granted a certain amount, and only a certain amount, in accordance with the cooperation of those organizations with the States.

Mr. McNARY. The Senator does not understand me. He may be right. I do not understand him, and I may be wrong.

Mr. SMITH. I think the last is correct.

Mr. McNARY. For that reason I ask that the amendment may go over until I can examine it.

Mr. SMITH. Very well. The Senator is such a valuable member of the Committee on Agriculture and Forestry that all such requests on his part are promptly granted.

The PRESIDING OFFICER. The amendment to the amendment will be passed over.

Mr. SMITH. My next amendment is, on page 5, line 18, after the numerals "1938", to strike out the remainder of the paragraph. It is not necessary to include that language. In the rewriting of the text that is provided for elsewhere.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 5, line 18, after the numerals "1938", it is proposed to strike out the words "and administrative expenses in connection with such payments or grants."

The amendment to the amendment was agreed to.

Mr. SMITH. My next amendment is on page 7, to strike out lines 17 and 18. These lines should be stricken out for the reason that the provision is already covered by paragraph 3 of section 4 of the act which this bill proposes to amend, and it is not necessary to reenact it.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 7, it is proposed to strike out lines 17 and 18, as follows:

SEC. 11. The Secretary shall prescribe such rules and regulations as he deems necessary to carry out this act.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. SMITH. Mr. President, on page 8, after line 11, following the word "apply", I move to add a new subdivision, to be designated "(b)", which I ask to have read.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 8, between lines 11 and 12, it is provided to insert a new subsection as follows:

(b) All funds available for expenditures necessary in carrying out the purposes of this act shall be available for allotment to the bureaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal or State Governments as the Secretary of Agriculture may request to cooperate or assist in carrying out the purposes of this act.

Mr. McNARY. Mr. President, that whole section is a very important one—so important that the junior Senator from South Carolina [Mr. BYRNES] has offered an amendment to strike out the section, and has proposed certain language in modification thereof. I should like to have the whole section treated at the same time, and ask that this amendment go over for the day.

Mr. SMITH. Mr. President, in explanation of this amendment, I will state that the Agriculture Department thought it ought to be allowed by law to utilize the personnel and the facilities of other departments for the execution of this measure and to compensate the other Departments for the use of their personnel and facilities. That is all that is involved in the proposed addition. I was under the impression that that could be done without the specific authority of Congress, but, as the Agriculture Department seems to have some doubt about it, I thought it would be very well to incorporate this provision in the bill, since it has been asked by those who will have charge of the execution of the measure.

Mr. McNARY. I think I stated the matter very fairly. The junior Senator from South Carolina [Mr. BYRNES] has offered an amendment to eliminate all the language contained in section 14, page 8, and to substitute therefor new language. If we are going to treat this section in any way, I wish to treat it fully at the time it is considered. For that reason I do not wish to attach to this section some lan-

guage which eventually will probably be modified or eliminated. The request that we consider the whole section at one time is a fair one.

Mr. SMITH. Very well, Mr. President. Then I ask to have this amendment pending; and in case the amendment offered by my colleague shall not be adopted, I shall insist on this amendment. I am willing to have it go over until we can act upon the suggestion made by the Senator from Oregon.

The PRESIDING OFFICER. Then the Senator from South Carolina agrees that this amendment shall go over?

Mr. SMITH. Yes.

The PRESIDING OFFICER. It will be passed over.

Mr. SMITH. Now, Mr. President, I desire to transpose section 5 to page 8 and designate it as section 14 (a) of the act of April 27, 1935.

The members of the committee will recall that this amendment was proposed by one of them, and through an oversight it was suggested that it go in the position it now occupies; but really, to keep the context straight, this section ought to be transposed and made section 14 (a) of the original act.

I ask that the clerk may read the matter which it is intended to transpose.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 9, it is proposed to transpose to page 8 and insert, following line 16, the section now numbered 5, and to renumber it "Section 14 (a)", as follows:

This act shall apply to the United States, the Territories of Alaska and Hawaii, and the possession of Puerto Rico, and, as used in this act, the term "State" includes Alaska, Hawaii, and Puerto Rico.

The amendment to the amendment was agreed to.

Mr. SMITH. Mr. President, in the act we are amending, which is now the law, wherever the words "an adjustment" appear, I should like to substitute for them the word "any." That is in order to conform to the decision of the Court.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 9, line 19, before the period, it is proposed to insert the words "and by striking out the words 'an adjustment' wherever they appear and inserting in lieu thereof the word 'any.'"

The amendment to the amendment was agreed to.

Mr. SMITH. Mr. President, that concludes the amendments we have to offer. There are two that have gone over.

I should like to take this occasion to ask that whatever amendments are to be offered may be offered as soon as possible, because of the unanimous-consent agreement we have entered into. I hope we may do everything possible to expedite action on the bill. I do not wish to prejudice any Senator who is absent, but if there are matters which we may dispose of without any detriment to the interests of those who are absent I hope we may do so in order that we may adjust ourselves to the limitation provided for in the unanimous-consent agreement.

Mr. BYRNES. Mr. President, I inquire of the Senator from Oregon [Mr. MCNARY] whether he has any objection to the consideration today of the amendment I offered yesterday.

Mr. MCNARY. Yes, Mr. President. I implied that much in my statement a few moments ago to the Senator's colleague [Mr. SMITH]. The amendment which the junior Senator from South Carolina has offered is an important one, and the provision of the amendment in the nature of a substitute which the Senator is attempting to modify is a very important one.

Mr. BYRNES. I did not hear the Senator's former statement. I was simply inquiring if he objected.

Mr. MCNARY. I assume the amendment of the junior Senator from South Carolina to be one of the major, vital amendments; and I should like to have it go over until Friday.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. WHEELER. Mr. President, the other day I sent to the desk and had printed an amendment clarifying section 7 (a). I desire to state that the amendment does not change at all the meaning of section 7 (a). As the bill originally came down from the Department, largely at my suggestion, I think, the committee changed the language of section 7 (a). It was drawn up rather hurriedly in the committee; and I am now offering this amendment to clarify the language.

I ask that the amendment be stated, and then I shall make a little explanation of it.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 2, line 2, it is proposed to strike out the semicolon after the word "resources", substitute a comma, and add the word "and."

Also, on page 2, line 3, it is proposed to strike out the comma after the word "power", and the word "at" in line 3, everything in line 4, and in line 5 through the parenthesis following the number "5", and to substitute a period.

Mr. MCNARY. Mr. President, may I ask the Senator why he desires to strike out the semicolon in line 2 and insert the conjunction "and"?

Mr. WHEELER. The only reason was that it was thought it would read better in that form. Some of the grammarians in the Department thought that was better language.

Mr. MCNARY. I have no objection to that.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana to the committee amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

The CHIEF CLERK. On page 2, line 5, it is proposed to capitalize the word "in."

The amendment to the amendment was agreed to.

The CHIEF CLERK. On page 2, line 6, it is proposed to strike out the word "act" and substitute the word "section."

The amendment to the amendment was agreed to.

The CHIEF CLERK. On page 2, line 8, it is proposed to strike out the period after the word "demand" and to add the following: "at prices fair to both producers and consumers."

The amendment to the amendment was agreed to.

Mr. WHEELER. Mr. President, the amendment as amended now reads as follows:

SEC. 7. (a) It is hereby declared to be the policy of this act also to secure, and the purposes of this act shall also include, (1) preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; (3) diminution of exploitation and wasteful and unscientific use of national soil resources; and (4) reestablishment and maintenance of farmers' purchasing power. In carrying out the purposes of this section due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

The PRESIDING OFFICER. The bill is still before the Senate and open to further amendment.

Mr. HATCH. Mr. President, recently, in discussing certain phases of the pending bill, I laid some stress on the soil-conservation features of the measure. A newspaper published in my State, the Albuquerque Journal, contained an editorial in its issue of February 4, 1936, discussing soil conservation. The language of the editorial expresses very adequately my own views on the subject of soil conservation, although the editorial does not relate to the pending bill. I should like to have permission to have the editorial inserted in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Albuquerque (N. Mex.) Journal of Feb. 4, 1936]

IT'S OUR PROBLEM

It would seem there can be no quarrel with the President over his recommendations to Congress that necessary legislation be enacted permitting closer cooperation of the Federal Government and the several States in dealing with flood and soil problems originating in "little rivers", of which New Mexico has many.

There is a growing awareness on the part of all our people that these problems of soil erosion and floods cannot much longer meet with calm acceptance. They are "acts of God" in that they represent the working out of natural laws, but man has the knowledge of causes, vivid reminders of results when natural

laws are violated and should have the realization only he, himself, can be blamed if the proper action looking to the checking of such waste of natural resources is not taken.

Where once were fertile plains are great limitless stretches of barren, eroded waste lands, as in the Gobi and Sahara and in vast areas of China and Asia.

We know the causes; the stripping of the land of its timber with no planned economy of replacement, the steady eroding of topsoils carried down to the seas by uncontrolled streams.

In his message to the Congress Mr. Roosevelt, referring to the report of the National Resources Committee, said: "The report points out that we can have no effective national policy in those matters, nor in the closely related matter of proper land uses, until we trace this running water back to its ultimate sources and find means of controlling it and using it."

Great rivers from little brooklets flow, paraphrasing an old adage.

But this can be no invasion of proper State rights. Shall Congress give us the necessary legislation to permit the Federal Government to cooperate with the several States in working out means of soil erosion and the wastage of our resources?

As Mr. Roosevelt has pointed out, "Our disastrous floods, our major problems of erosion, originate in a small way in a multitude of farms, ranches, and pastures. We must have literally a plan which envisages the problem as it is presented in every farm, every pasture, every wood lot, every acre of the public domain.

"The Congress could not formulate, nor could the Executive carry out the details of such a plan, even though such a procedure were desirable and possible under our form of government.

"We can, however, lay down certain simple principles and devise means by which the Federal Government can cooperate in the common interest with the States and with such interstate agencies as may be established."

Mr. HATCH. Mr. President, I also have two other clippings, both of which are from a daily newspaper published in my home town, the Clovis Evening News Journal, relating to the soil-conservation features of the pending measure. I ask that they be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[Reprinted in the Clovis (N. Mex.) Evening News Journal from the Fort Worth Star Telegram]

ESSENTIAL FARM PLANK

The Nation is slowly learning the importance of soil conservation to sound farming. After a century or more of wasteful expenditure of land resources, we are taking steps to arrest the waste and finally to start moving in the other direction.

More than 100,000,000 acres of cultivated farm lands have been destroyed in the United States by man-induced erosion, H. H. Bennett, Chief of the United States Soil Erosion Service, declares. This is equivalent to 625,000 farms of 160 acres each—an area almost equal to that of Ohio, Illinois, Maryland, and North Carolina combined.

"This absolute wreckage", says Mr. Bennett, "is only part of the farm problem. Of the 350,000,000 acres now under cultivation, about 125,000,000 acres have lost all or most of the productive surface soil by sheet washing. A hundred million acres more are undergoing serious erosion."

More than half our present farm lands are thus approaching the total destruction which already has overtaken 100,000,000 acres. Taken together, the acreage already destroyed and the acreage on the way to destruction, it is more than we now use to produce all our crops.

Whatever form of farm program is worked out in Washington, it should and will provide for soil conservation. An industry which permits its capital property to deteriorate to destruction cannot operate on a sound basis.

[From the Clovis (N. Mex.) Evening News Journal]

DUST BOWL HIT AGAIN BY BIG GRIT CLOUDS

GUYMON, OKLA., February 7.—A gigantic dust cloud boiled into Guymon from the north late Friday, throwing the city into almost total darkness, as residents of the Panhandle made ready for a cold wave forecast for all of Oklahoma.

The grit storm was similar to the big cloud of last April 14, climax of last year's dusters.

At Boise City, far west in the Panhandle, visibility was reduced to one block as a southeast wind bore in a full burden of dust. The temperature was 55°.

The dust scourge, which dipped with lighter force as far as Wyanoka, was expected to penetrate deeper into the State with rising northerly winds. The Texas and Oklahoma Panhandle, New Mexico, and southeastern Colorado were described as dry and favorable to blowing.

Mr. SMITH. Mr. President, I have overlooked one amendment which is important. On page 8, line 6, at the end of the line, after the word "under", I move to insert the words "sections 7 to 13, inclusive, of." This is necessary in order to have the sections numbered consecutively. It merely provides for a renumbering of the sections so as to conform to what has already been done.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated.

The CHIEF CLERK. On page 8, line 6, after the word "under", it is proposed to insert the words "sections 7 to 13, inclusive, of", so as to make the paragraph read:

SEC. 13. Notwithstanding the foregoing provisions of this act, the Secretary is authorized and directed to provide for the execution by the Agricultural Adjustment Administration of such powers conferred upon him under sections 7 to 13, inclusive, of this act as he deems may be appropriately exercised by such Administration, and for such purposes the provisions of law applicable to the appointment and compensation of persons employed by the Agricultural Adjustment Administration shall apply.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. SMITH. Mr. President, I ask that the bill as amended be printed for the use of the Senate tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, a reprint will be ordered in accordance with the request of the Senator from South Carolina.

EXECUTIVE SESSION

Mr. ROBINSON. Mr. President, since there is no Senator who desires to speak now on the pending bill, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nomination of Dudley G. Dwyre, of Colorado, now a Foreign Service officer of class 4 and a consul, to be a consul general.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Bearge M. Hagopian to be postmaster at Madison, Maine, in place of M. G. Kennison.

Mr. TRAMMELL, from the Committee on Naval Affairs, reported favorably the nomination of Col. Harold C. Reisinger, assistant paymaster, to be the paymaster of the Marine Corps, with the rank of brigadier general, for a period of 4 years from the 1st day of March 1936.

He also, from the same committee, reported favorably the nominations of sundry officers in the Navy.

The PRESIDING OFFICER (Mr. ADAMS in the chair). The reports will be placed on the calendar.

If there be no further reports of committees, the calendar is in order.

NATIONAL BITUMINOUS COAL COMMISSION

The legislative clerk proceeded to read the nominations of the following to be members of the National Bituminous Coal Commission for terms of 4 years from September 21, 1935:

George E. Acret, of California.
Walter H. Maloney, of Missouri.
Charles F. Hosford, Jr., of Pennsylvania.
C. E. Smith, of West Virginia.
Percy Tetlow, of Ohio.

Mr. NEELY. Mr. President, I ask unanimous consent that the nominations just read be confirmed en bloc, and pending action on the request, I ask that a telegram and two letters which I send to the clerk's desk be read for the information of the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will read.

The Chief Clerk read as follows:

FAIRMONT, W. VA., *February 12, 1936.*

Hon. Senator M. M. NEELY,
Senate Office Building:

The officers and members of the United Mine Workers of America in northern West Virginia comprising District No. 31, subscribe to the votes of the delegates of the recent international convention of the United Mine Workers of America in requesting the confirmation of all members of the Bituminous Coal Commission established under the Guffey Coal Conservation Act be

approved by the United States Senate. We particularly subscribe to the confirmation of Commissioner C. E. Smith, of Fairmont, W. Va. We earnestly ask your every consideration in bringing about the confirmation of the above-stated coal commission.

FRANK MILEY, *President.*
C. F. DAVIS, *Secretary.*

UNITED MINE WORKERS OF AMERICA,
Charleston, W. Va., February 11, 1936.

Hon. M. M. NEELY,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In conformity with the action of the International Convention United Mine Workers of America, which unanimously adopted a motion requesting the Senate of the United States to confirm all members of the National Bituminous Coal Commission, the officers and members district 17, United Mine Workers of America, in southern West Virginia, request that you urge the confirmation of all members of the Commission and especially Mr. C. E. Smith, of Fairmont, W. Va.

Thanking you for your support, I am,
Sincerely yours,

VAN A. BITTNER,
President, District 17, and Chief Representative International Union in West Virginia.

UNITED MINE WORKERS OF AMERICA,
Washington, D. C., February 12, 1936.

Hon. M. M. NEELY,
United States Senator, Senate Office Building, Washington, D. C.

MY DEAR SENATOR NEELY: This letter is to advise you formally that the Thirty-fourth Constitutional Convention of the United Mine Workers of America, in session in Washington, D. C., February 7, endorsed the appointment by President Roosevelt of Hon. C. E. Smith, of Fairmont, W. Va., as a member of the National Bituminous Coal Commission. This action was taken in consideration of the necessity of the confirmation of the President's appointment by the United States Senate.

Pursuant to this action of the convention of delegates representing our entire membership, I am authorized to request your support for Mr. Smith's confirmation.

I trust that you can see your way clear to support the mine workers of West Virginia and of the United States in this matter.

I am, with my personal compliments,
Sincerely yours,

JOHN L. LEWIS.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent that the nominations of members of the National Bituminous Coal Commission just read be confirmed en bloc. Is there objection? The Chair hears none, and the nominations are confirmed en bloc.

CONSUMERS' COUNSEL

The legislative clerk read the nomination of Thomas M. Woodward, of Pennsylvania, to be Consumers' Counsel of the National Bituminous Coal Commission.

Mr. GUFFEY. I ask that the nomination be confirmed.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

BITUMINOUS COAL LABOR BOARD

The legislative clerk read the nomination of John J. O'Leary, of Pennsylvania, representative of the organized employees, to be a member of the Bituminous Coal Labor Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Lee C. Gunter, of Tennessee, representative of the producers, to be a member of the Bituminous Coal Labor Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS IN MASSACHUSETTS

The legislative clerk proceeded to read sundry nominations of postmasters in Massachusetts heretofore passed over.

Mr. McKELLAR. Mr. President, at the request of the two Senators from Massachusetts, I ask that the nominations of postmasters in Massachusetts be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

THE JUDICIARY

The legislative clerk read the nomination of Matthew T. Abruzzo, of New York, to be United State district judge, eastern district of New York.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES TARIFF COMMISSION

The legislative clerk read the nomination of Edward Dana Durand, of Minnesota, to be a member of the United States Tariff Commission.

Mr. ROBINSON. Mr. President, the junior Senator from Minnesota [Mr. BENSON], who does not appear to be in the Chamber at the moment, desires that this nomination go over for the day. So I make that request for him.

The PRESIDING OFFICER. Without objection, the nomination will go over for the day.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

The legislative clerk read the nomination of Col. Archibald Henry Sunderland to be Chief of Coast Artillery.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 42 minutes p. m.) the Senate took a recess until tomorrow, Thursday, February 13, 1936, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 12 (legislative day of Jan. 16), 1936

NATIONAL BITUMINOUS COAL COMMISSION

George E. Acret to be a member of the National Bituminous Coal Commission.

Walter H. Maloney to be a member of the National Bituminous Coal Commission.

Charles F. Hosford, Jr., to be a member of the National Bituminous Coal Commission.

C. E. Smith to be a member of the National Bituminous Coal Commission.

Percy Tetlow to be a member of the National Bituminous Coal Commission.

Thomas M. Woodward to be Consumers' Counsel of the National Bituminous Coal Commission.

BITUMINOUS COAL LABOR BOARD

John J. O'Leary to be a member of the Bituminous Coal Labor Board, representative of the organized employees.

Lee C. Gunter to be a member of the Bituminous Coal Labor Board, representative of the producers.

UNITED STATES DISTRICT JUDGE

Matthew T. Abruzzo to be United States district judge, eastern district of New York.

APPOINTMENT IN THE REGULAR ARMY

Col. Archibald Henry Sunderland to be Chief of Coast Artillery with the rank of major general.

POSTMASTERS

ALABAMA

Una B. Bowden, Ariton.
Robert B. Evans, Elkmont.

MASSACHUSETTS

John F. Larnard, Amesbury.
Anna L. Cavanaugh, Ashland.
Timothy F. Dailey, Athol.
Charles D. Streeter, Mount Hermon.
Louise T. Riley, Oak Bluffs.
Maurice Williams, South Easton.
John C. Donnelly, Walpole.
Robert M. Urann, Westwood.

MISSOURI

Adrian A. Fults, Crystal City.
Herbert J. Fallert, Ste. Genevieve.
John M. Earp, Versailles.

SOUTH CAROLINA

George B. Patrick, Bowman.
Joseph G. Holland, Edgefield.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 12, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We thank Thee, our Father, that Thou hast not forgotten to be merciful; O let Thy goodness prompt us to penitence and faith. Bring us into an expectant and responsive mood that shall enable us to see, feel, and grasp the needs of our people in every section of our land. O God, we pause in memory of an immortal son of our own soil. He guided the destinies of the Republic and lives in the throbbing hearts of a united people. Insensible to the words of praise, pillowed in the soft bosom of kindly earth, the stir of great events cannot break his calm repose; neither the call of duty nor the sob of grief can move his warm heart again. Almighty God, we pray that his great soul may live in the evolution of right and in the highest ideals of free government. Grant that it may be an inspiration for liberty and equality, giving our whole Nation a momentum for humanity while the years roll on. In the name of our Elder Brother. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE NORTH AMERICAN WILDLIFE CONFERENCE

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include therein a brief prepared by Mr. Silcox, Chief of the Forest Service, on the North American Wildlife Conference, held in Washington last week.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an excellent brief by Mr. Silcox, Chief of the Forest Service, United States Department of Agriculture, and chairman of the North American Wildlife Conference by appointment of the President, covering the North American Wildlife Conference held in Washington last week. America faces the task of broadening measures to conserve its wildlife, or of seeing many of its most beautiful and valuable creatures become extinct.

The brief is as follows:

Efforts to conserve wildlife are not new. Wildlife organizations have existed and multiplied for decades. There are now more than 36,000 of them in the United States. Their combined membership exceeds 7,000,000 people. We plant uncounted millions of fish each year; transplant deer and elk and pheasants; point with justifiable pride to statutes covering closed seasons for fish and game, bag and creel limits, game refuges, game wardens.

Why, then, did President Roosevelt issue his call for the North American Wildlife Conference? Why did Canada and Mexico each send an official delegation? Why did some 2,000 people converge, last week, upon Washington from every State in the Union? Why did they stay for 5 days or more? What did they accomplish and what remains yet to be accomplished?

Answers to these questions may be found, I suppose, in the official records of the conference. But unless I miss my guess, they'll be known through the length and breadth of the land long before those minutes are ever published; certainly before they are widely read.

For on Wednesday, February 5, 1936, in the Connecting Wing Auditorium, in Washington, D. C., the General Wildlife Federation was born; J. M. (Ding) Darling, widely known conservationist, cartoonist, and until recently Chief of the Biological Survey, was unanimously acclaimed its acting president; a tentative program for organizing on a truly democratic, Nation-wide basis was accepted, and by Saturday the 2,000 delegates to the North American Wildlife Conference had scattered to their respective States intent upon securing ratification from the home folks to a program, that if it is successful should fuse the hitherto unorganized, uncoordinated, inarticulate will of millions and make possible the restoration and conservation of the wildlife resources of a continent.

As I see it, this General Wildlife Federation will, if it is ratified back home, mark the beginning of the second epoch in the history of our efforts at wildlife conservation in the United States. The first stage has been one of clubs, leagues, and associations, thousands of them, with millions of members, it is true, but each with its own specific interests and objectives. They have done a lot of work. But in all of it, and over all the many years there has never been a common program nor a single nonpartisan organization through which Nation-wide effort might be made effective.

Now we are on the threshold of a new era, the second stage, where national accomplishment toward a common goal is possible. And let no one be under any misapprehension. If the plan for and objectives of the General Wildlife Federation which 2,000 delegates evolved here in Washington last week are ratified, that goal can be reached. With more than 7,000,000 people united, with an organization which makes them articulate, nothing can stop real progress in wildlife restoration and conservation.

Although, as "Ding" Darling said, upon his election to the acting presidency of the federation, "this means work!" Of course it does. In every State and every county in the country. But the objective is worth it!

It seems to me that there are now two main steps which should be taken next. One, ratification of some such plan and completion of some such structure as was skeletonized at the past week's North American Wildlife Conference; two, adoption of a single, broad national program of wildlife restoration and conservation.

One of the most significant reactions I got from the conference as a whole was its truly democratic flavor. In addition to a unanimous attitude of "let's get it done" toward the problems before it, the North American Wildlife Conference portrayed vividly the steps by which its proposed organization was created out of a purely private gathering. It was evident from the first that this conference was in no wise either a Federal or a State governmental affair. Nor was it a meeting of groups for any narrow, special, or selfish purposes. It represented, through those people who were here, the desires of the citizens "back home" to get something concrete done. It was a conference of intensely interested individuals who critically analyzed the problem in its broadest aspects; who, on February 5, when its members conceived the federation, subordinated individual and group and special interests for the one purpose of wildlife conservation and restoration on a national scale. And then unanimously agreed that, acting as individuals, those who attended would take back the combined judgment of the conference for ratification by the millions of people vitally concerned with wildlife matters.

The foundation of the structure of the General Wildlife Federation as proposed is the local group—local wildlife and sportsmen's organizations, civic clubs, Boy Scouts, women's clubs, farm organizations, junior chambers of commerce, and so on. Delegates from these local groups form a county unit. Each county unit elects delegates to a State unit; one representative from each State, Territory, and the District of Columbia, plus one representative from each of the Nation-wide wildlife organizations and societies having local branches, form the membership of the central federation. And it was proposed that the central federation's board of directors shall consist of 19 members, 13 of whom shall be elected by groups of States, or regions, and 6 elected at large, at the next annual conference of the federation.

So much for the proposed federation structure. Details in counties, States, and regions must be worked out so as best to fit local conditions. As "Ding" Darling has said, "It's going to take real work, and hard work, to accomplish this first step of building the permanent organization from the ground up." But members of the conference, who agreed unanimously that the organization as here briefly outlined offers a real opportunity to accomplish the common objective, are now on their way home. They feel confident of local support. And from the singleness of purpose and the enthusiasm they showed while here in Washington, I believe that this first step will be well and quickly completed.

The second step, adoption of a national program of wildlife restoration and conservation, is much broader than laws which affect open and closed seasons, bag limits, and the like. As I visualize it, it includes restoring old, improving present, and creating new wildlife environments; closer and more effective cooperation and coordination between private, State, and Federal agencies; a wider and more positive appreciation of the values of wildlife in the social and economic structure of community, State, and Nation; more and more fundamental research, including a critical analysis and revision of basic legislation of the light of the requirements of modern wildlife management.

Each of these things breaks down, of course, into many individual factors and involves many individual but closely interrelated problems. Environment, for example, includes all of the many conditions under which wildlife exists. It is adversely affected by such things as dust storms and erosion; forest devastation and drainage of swamps; floods, and pollution of streams by industrial or other wastes; destruction on farms of cover for upland birds; overgrazing of pastures; and many other things that might be mentioned.

So that environment includes management and use of the land—by man as well as wildlife—and of things that grow from and

have directly to do with the land. It involves, too, maintaining a proper balance between numbers and species of wildlife and the kinds and amounts of shelter and food which they require.

The Forest Service of the Department of Agriculture naturally runs up against many of these environmental problems on the national forests, for they now include 154 units in 37 separate States, plus the Territories of Alaska and Puerto Rico; in the West they now include 75 percent of the remaining western big-game ranges.

Food is essential to wildlife no matter where it is located. Broadly speaking, forage on strictly summer ranges in the national forests is ample to support, during summer months, many more game animals than now use it. In fact, the number of game animals on the national forests has increased 100 percent in a recent 12-year period, despite an increase of some 35,000,000 visitors between 1917 and 1935. But the situation with respect to national forest winter ranges is now different from that of summer ranges. While not, as a whole, used by domestic stock, these winter ranges are nevertheless so overgrazed by wild game that winter range is probably the biggest single factor which now limits production and conservation of national-forest wildlife.

It must be remembered that the original home of much of our western big game was on prairies and in valleys with little or no snowfall. Most of those prairies and valleys are now fenced, pastures, or plowed. Wild game has therefore been forced into the mountains. Here, within national forests, snow is so heavy that in hard winters, in Montana, for example, less than 5 percent of the area can be used as winter feeding grounds. As a consequence, about 70 percent of Montana's big game must leave the forests for a period of 2 or 3 months. It goes to nearby overgrazed land. And since no other areas are available to it, deaths by starvation and illegal hunting are inevitable.

With certain exceptions, some two-thirds of the winter game range in all States is outside the national forests. Generally along the lower foothills, the zone includes some 6,000,000 acres of private lands and 14,000,000 acres of public domain. This area is well suited to the production of wildlife. It is a key to adequate management of wildlife which uses adjacent summer ranges for 9 to 10 months each year. If wildlife on the national forests is to be increased, this winter environment must be built back again to normal.

Another problem in environment has to do with land ownership. Both scientists and sportsmen now see that in wildlife as in forest management, a deliberate and constructive manipulation of the environment can be assured only by the landowner; that the private landowner must be given an adequate incentive for maintaining a favorable environment on his land or be given control of wildlife on it; that since wildlife is directly concerned with all other land uses, wildlife management on Federal lands must be closely coordinated between State and Federal agencies, and between the many Federal agencies which have to do with land and wildlife management.

This is, after all, a sensible viewpoint. For improvement of wildlife environment often means erosion control, reseeding, and other methods of improving forage conditions, reforestation, control of rodents and predatory animals, introduction of wildlife species not now on the particular area, and protection of streams, ponds, and lakes from pollution. There are quite naturally few owners of land who look with equanimity upon any outside agency—even of the State or Federal Government—which might wish to undertake such projects purely on its own hook. For use of land for wildlife production is, after all, only one of many uses to which most land may be put. And wildlife use must, for economic if for no other reason, be quite thoroughly correlated and coordinated with other uses.

Knowledge of wildlife and its environments is basic to the purpose of the General Wildlife Federation. Many efforts at protection and restoration have failed in the past because of lack of it. Everyone realizes that present information about wildlife population and kill, by predators and by man, is far from complete. Fundamental research in regard to the interrelationships of wildlife, its life histories, breeding and feeding habits and diseases, is still needed. Research must therefore be continued and intensified. Here is perhaps one of several big fields in which State and Federal agencies can be of real help.

Another field that must be plowed and harrowed, which must be given intensive cultivation, is that of education. For despite the widespread interest in and love of wildlife there is really appalling lack of public appreciation of many of the fundamentals.

It is true that many of the relationships of forest land to the problem of planned land use are much better understood now than they formerly were. There is a growing appreciation of the fact that forest lands contribute nearly one-third the total land area of the continental United States; that forests, as products of the soil, are susceptible of renewal and management; that maintenance of forest and forage cover helps prevent erosion and is vital to supplies of water for domestic use in cities, for the generation of power, and for irrigation.

I am afraid, however, that the public is not yet conscious of the many close relationships which exist between forests and wildlife. Is there, I wonder, general realization that forested and wooded lands of this country now provide all or a large part of the habitat for a major part of our wildlife, excepting only the migratory waterfowl and certain upland game birds? Is it widely known or well understood that adequate management of forests and woodlands contributes definitely and directly to wildlife welfare, while forest exploitation depletes it?

If these things are not widely known and appreciated, it's just too bad for our wildlife. For although forest management is practiced on the national forests, forest exploitation is still the rule on privately owned forest lands in the United States. So with four-fifths of all forest land in private ownership, hillsides are still being laid bare each year; new ghost towns and rural slums appear; added erosion occurs; more wildlife environments are destroyed; more and more wildlife disappears from lands which it once occupied. It seems to me imperative that this relationship between forests and wildlife be more definitely understood by millions of wildlife advocates, for real forest management over areas broader by far than the national forests is vital to successful solution of the problem of national wildlife restoration as well as to that of forest conservation.

And owners of forest lands, as well as the general public, should know that silvicultural methods used in harvesting—rather than exploiting—timber, and in disposing of slash, can be harmonized with wildlife restoration and management; that modification of management plans both for timber and for wildlife are generally possible as well as desirable. In other words, there is no irreconcilable conflict between wildlife conservation and agricultural or industrial interests. This is fortunate, for no one could successfully advocate any broad wildlife project which would supplant a more beneficial use of water or land. There must be a realistic approach to the whole problem; sentiment has its place, and it is a big one, but the broad economic benefits which accrue to civilization through land use and industrial development must also be considered.

National-forest forage, for example, now helps support—largely during the summer months—about 1,400,000 cattle and 6,000,000 sheep. This domestic stock is owned by some 26,000 people. Their social and economic welfare depends in real measure upon this use of national-forest forage. So that land management must coordinate the supply of forage with the total number of domestic and wild animals dependent upon it. In the interests of good business, as well as for the fundamental purpose for which national forests were created, the supply of forage must be maintained for the use both of domestic stock and wild game; the uses of each resource must be coordinated with the uses of all resources in order to bring some sense of permanence and security to more than 1,000,000 people who in nearby communities are dependent upon all national-forest resources. It is evident, therefore, that a practical approach is essential in the matter of wildlife management.

Wildlife has served man throughout the ages. Since time immemorial it has provided him with food and clothing. It was a vital factor in the conquest and upbuilding of the West. It represents even yet a direct annual income running into almost a billion dollars. Lovers of camera, rod, and gun from city, village, and farm still get the thrill of their lives at the sight of song, upland, and shore birds, of fur bearers and game animals.

Wildlife is a national resource. People devote time and money in searching for and enjoying it. And although we may not be able to evaluate its aesthetic and recreational values in terms of cold cash, I am convinced that the people of the United States are determined now that wildlife shall be restored and conserved so that it may take its rightful place in the scheme of planned land-and-resource use which will help bring greater joy, security, and stability to the social and economic structure of the Nation.

Although it was largely inarticulate, President Roosevelt sensed this demand. He issued his call for the North American Wildlife Conference. This conference was, by its very nature, a meeting of the peoples of a continent. It was entirely autonomous. Its future was in its own hands. The people who attended it embraced the opportunity and met their responsibilities. Acting as individuals, they evolved plans and objectives for a general wildlife federation. They elected J. N. Darling, a national figure, intensely interested in wildlife restoration, and a man who is independent of Federal, State, or special interests and groups, as acting president.

Then they elected three temporary vice presidents—former Senator Frederick C. Walcott, of Connecticut, for the East; I. T. Quinn, of Alabama, for the South and Central regions; William L. Finley for the West. They endorsed a constitution which provides for a truly democratic organization, firmly based on local representation, and which to become effective must be endorsed and perfected by the people in and of local communities; a constitution which provides that the temporary officers shall be confirmed or replaced by permanent ones after the constitution has been ratified in the several States and their local communities. And not until ratification does the federation become officially established.

Ample provision seems to have been made in the constitution, so that the federation will be truly representative of the people back home; so that through it all citizens interested in wildlife may critically analyze what has been done and is being done by State, Federal, and private organizations in the wildlife field. And it seems very probable that out of it all may come other federations, one in Canada and one in Mexico. So that the conference which evolved the federation also laid the groundwork for added cooperation in wildlife matters with our good neighbors to the north and to the south of us.

I feel that the General Wildlife Federation, which sprung so spontaneously from the North American Wildlife Conference, offers the greatest opportunity which we have ever had for united action in the common desire to restore and conserve the vanishing wildlife resources of a Nation and a continent.

ABRAHAM LINCOLN

Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein an address delivered by the Secretary of the Interior.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address by Hon. Harold L. Ickes, Secretary of the Interior, before the Mid-Day Luncheon Club, Springfield, Ill., on February 11, 1936:

Lincoln dared to think. While this was the principal constituent of his public character, that alone would not have made him great. He might have shut himself up in a cloister to brood over the headlong plunge toward the abyss of the social order of his day. He might have sought retreat in the wilderness where, undisturbed by contacts with the lesser men of his time, he would be free to jot down on imperishable vellum the social and political philosophy that was his. However, he was not a man who could be satisfied merely to explore as an intellectual exercise every nook and cranny of a social and economic order that was no longer tolerable to the mass of the people. He greatly dared to act upon convictions that to him were as profound as a religion and, as the result, he bore his cross in enduring silence to that Gethsemane which inevitably awaits the man who, by the leaven of his spirit, endeavors to inspire the clay-bemired feet of mankind even an inch further toward that fair horizon toward which humanity has been striving since first we became conscious that we possessed souls. And so he suffered that martyrdom that at last has enshrined him in a special holy of holies in the heart of every American.

Lincoln died in order that he might live. Did he have a prescience of the tragic fate that would be his? Who can answer? But who can believe that his hand would have faltered or that he would have failed to do any of the deeds that in the end made him the victim of partisan hate even if he had known from the beginning what the end was to be? As I read his character, Lincoln did not supplicate that his life be spared from the hand of the cowardly assassin; he only prayed that he might be permitted to clear the conscience of America by setting an enslaved people free at whatever cost to himself.

How easy it would have been for Lincoln to have followed the easier way. No especial obligation rested upon him to undertake the task that others had shirked. From the beginning the statesmen of America had been evading the inevitable, the inexorable issue of slavery. Even those revered founding fathers of ours, the men who established America and wrote the Constitution, compromised on this issue and gave solemn sanction to the habit of temporizing rather than of facing forward with courage and conviction. A lesser man would have been content to leave it to others to attempt a problem whose solution was already overdue. Not so Lincoln! When he found himself face to face with an issue upon the resolving of which the future of his country depended, his statesmanship became sublime. The country plowboy, the Illinois storekeeper, the struggling lawyer, the developing politician, almost overnight became an American demigod, whose merited fame has been enhanced as the years pass, a fame that must continue to grow if it is justly to reflect the quality of mind and the purity of soul that were Lincoln's.

Yet I would not have you, any more than do I, regard Lincoln as a disembodied spirit, a detached, lambent flame that flashed across the American horizon, leaving a trail of pure glory in its wake. Lincoln would not have attained the greatness that was his, nor would our pulses quicken as they do when we think of him, if he had not been a very human person. To me, his greatness was enhanced by the fact that, above everything else, he was a man. He was a man's man, equipped with physical and mental qualities that would have achieved for him place and reputation and power in any situation. He would have ranked with the outstanding men of his generation even if he had not possessed that divine spark that was especially his.

Lincoln knew both how to give blows and, more important still, to receive them. Shield pressed to shield, after the manner of men who try to do something with whatever abilities God has given them, he fought sturdily in the lists of life for the guerdon that must be won honorably if it is to be held. Yet he was a fair fighter. Wariness he might display, but never treachery. No political foe of Lincoln's ever plunged face down with a treacherous knife in his back. He was willing to stand or fall by his convictions. He yielded to others the right to contrary beliefs. If he could not control by the force of his logic, by the appeal of his humanitarianism, he was willing to accept defeat like the man that he was.

But while Lincoln always looked his foe straight in the eye, no man in all our history has been more slandered and calumniated, more villainously dealt with. It was no accident that Lincoln fell before the bullet of a dastardly assassin. That was merely the logical sequence of a long series of events. For years before that mortal blow was struck he had been all too used to even more cowardly blows aimed at his character. Even before he was elected President, Lincoln was a lion at whose heels the jackals yelped. Unable to face him in the open, his enemies attacked him by innuendo, by insinuation, by muttered slander. The whispering campaign is far from being a modern invention of skulking political foes, as a study of the life of Abraham Lincoln will disclose.

A characteristic that went far to make Lincoln an outstanding figure in history was that the poisoned arrows flung by political cowardice never caused even a hair's breadth deviation from the course that he had set for himself. Sensitive as any man of fine feelings is to unjustified slanders from his fellows, Lincoln, with that pride that fortunately usually goes with a sensitive nature, gave no outward indication of inner hurt. And it may be permitted to surmise that Lincoln rose superior to the venom that was spewed upon him because he knew that the man who fights for a better social order is ever the favored target of the character assassin.

What was true in this regard in Lincoln's time was true before he came upon the American scene, and it has been true to this day. Just to the degree that the established order is based upon special and, therefore, unfair privilege, do the jackals of that order resort to the garbage heap for material with which to bespatter the leader who is fighting to improve conditions. He who has not the strength of character to press forward, in spite of unfair opposition, should never step forth from the ranks with his slung shot in hand to do battle against the Goliath of entrenched greed. The man who himself lives softly, unheeding that a majority of his fellow citizens do not have sufficient food and clothing and shelter, is not equipped for the living martyrdom that was Lincoln's during all the years of his great life.

America had reached an important crossroads when Lincoln came to power in 1861. In the Dred Scott case, the Supreme Court, by one of those divided opinions, exceptions to which in cases involving grave constitutional questions are rarities of the first order, had decided that human beings with black skins, being merely property, might be taken by their owners as chattels into free States. The issue was clear. Was the institution of slavery, already given the protection of the Government in those States where it was legally recognized, to be extended to and upheld in States that were opposed to it? Liberty Leaguers, by whatever name they were known in Lincoln's time, insisted that the Dred Scott decision, although it was obnoxious to the moral sense of the country, was nevertheless the law. Since the founding fathers, in plain language, had written slavery into the fundamental law of the land, there it should remain, protected, if need be, by all the force of the Federal Government.

Thus, a social and political crisis of the first order confronted Lincoln when he raised his hand to take the oath of office as President. Long before he reached Washington by a circuitous route and under the careful guard of his devoted friends a storm of villification had been loosed against him. I will not touch on the gross and cruel personal charges that were made with respect to him in all parts of the country, but it is especially interesting at this time to know that Lincoln was accused of misgovernment; of being a dictator; of attempting to destroy the liberty of the press; of aggrandizing to himself the functions of the legislative and the judicial branches of the Government. Listen to what the New York Independent, in its issue of August 9, 1862, said about Lincoln's State papers:

"These are cold, lifeless, dead. There has not been a line in any Government paper that might not have been issued by the Czar of Russia or Louis Napoleon of France. Faith in human rights is dead in Washington."

And the Salem (Ill.) Advocate of November 13, 1862, had this to say:

"We saw the Executive power grasp in one hand the sword and the purse of the Nation and in the other the legislative and judicial authority and hold them in a relentless grip to the complete annihilation of our constitutional rights. * * * We saw trade disordered, Government finances ruined, an enormous debt piled incalculably high, intolerable taxes. * * * We saw the superb Constitution under which our country has grown great and respected, torn in shreds."

At an earlier date, on July 24 of that same year, this paper had said:

"Old Abe has squelched the judiciary. He now seeks to absorb the legislative department. All of this looks to us mightily like approaching an Excutive dictatorship and an administrative despotism. Alas, unhappy country."

I cannot forbear at this point to observe that it appears to have been Abraham Lincoln who scuttled the American Constitution, set up a dictatorship, threw the Supreme Court into the Potomac River, and declared a moratorium on Congress. In fact, Gen. George B. McClellan ran against him for President in 1864 on a "Save the Constitution" platform.

Where do we today read similar charges, though even more vehemently expressed, with respect to the present occupant of the White House, who has been accused of doing all of the things that apparently Lincoln had already done some 75 years ago? There now are journals in the land which savagely attack a President in language that in the years to come will look as ridiculous as appear to us at this time to be the fulminations that were uttered against Lincoln. Would anyone within the sound of my voice have difficulty in calling the names of editors who, during a grave present social crisis, are cutting as absurd figures as did certain of their prototypes when they were baring their snarling fangs at the great emancipator? Journals of the sort that attacked Lincoln, accusing him in violent language of being a dictator, today do him honor while intemperately they denounce Roosevelt as a dictator in his turn.

Other editorial voices were also raised in denunciation of the man who, merely because he was bravely making a stand against the entrenched greed of his generation, was the object of bitter

hatred. We turn back the pages of the Le Mars (Iowa) Sentinel to read this:

"Up jumped Abraham Lincoln, the rail splitter, and kicked the Constitution into the Capitol cellar. Abraham Lincoln, you have been tried and found wanting. You have been given the opportunity of saving a Nation, but you have stabbed it to the heart. * * * You have converted it into a despotism."

I hope that Lincoln did not suffer too much under attacks of which the foregoing are only a few random examples. Perhaps he could solace himself with the reflection that Washington, the man who made possible the country that it was Lincoln's great privilege to preserve, was also an object of slander and villification. Here was another great leader who had fought for a new social order, for an opportunity for underprivileged human beings to carve out for themselves happier and more worth-while lives.

On December 23, 1796, the Aurora said of the founder of his country that if ever a nation was debauched by a man, the American Government had been debauched by Washington. And when our first President, refusing a third term, voluntarily retired from public life, the New York Gazette declared that it afforded the occasion for a national jubilee, saying:

"For now is the source of all misfortune brought down to the level of his fellow men; now will political iniquity cease to be legalized by a name."

And, while we are on the subject, it might be well to recall that when Washington signed a treaty with Great Britain which assured to the United States the blessings of peace, the Aurora, which I have already quoted, said: "The President has violated the Constitution. * * * He has thundered contempt upon the people with as much confidence as if he sat on the throne of Hindustan."

It seems that it is customary, when we have a President whose policies we do not like, to charge him with undermining the Constitution, with setting himself up as a dictator, with reaching out to grasp within his prehensile fingers the legislative and the judicial branches of the Government. Even Washington, the man who presided over the Convention that gave us our Constitution and who might have been presumed to know what it meant, was not immune to such unseemly and bitter attacks. In his turn Lincoln came in for many a savage dose of the same medicine.

Go back to the newspapers that villified and traduced Theodore Roosevelt, and you will find that he also was a dictator, a subverter of our fundamental law, a tyrant who bent Congress to his will and defied the courts. In our own day we are in an era when another flank attack of a similar nature and with as little justification is being directed against the President of the United States. You will not miss the point that it is only when a President has interested himself in the cause of the plain people, when he has a heart that pulses with sympathy for humanity, when he is determined to equalize economic opportunities so as to establish a better and happier social order, that the copperheads, their ancestors or their descendants, secrete an extra supply of venom with which to strike down the man who bravely tilts his lance against special privilege and entrenched greed.

Of course, those who defamed Lincoln and inflamed a weak mind to strike a coward's blow were self-acclaimed patriots. They trembled for the safety of our institutions. They would prevent the Constitution from being undermined. They would preserve the Congress and the courts from the aggression of the Executive. They would defeat the cunning intention of a dictator to destroy our liberties and set up on free American soil an absolute and irresponsible government.

Those who assault the characters of devoted and patriotic public servants, who impugn every high motive and slur every endeavor to achieve something for the common welfare, were no different in the days of Theodore Roosevelt or even in these times than they were when Abraham Lincoln loomed large upon the American horizon. Little men, whose motive power is malicious envy, sneer at the suggestion that another may possess aspirations for the common people that could find no nourishment in the barren soil of their own shriveled souls.

I have said that Lincoln was a fair and honorable foe. No tales have come down to us of any political trickery indulged in by him. He opposed men and he fought issues in the clear light of day. In his political dealings he was upright and honorable. He made no glib promises for expediency's sake, only to repudiate them when the seeming need had passed. He was too scrupulous to be false to his word or recreant to the trust that he had induced others to have in him. He would rather not have been President than to have climbed to that great height on broken promises and the shattered illusions of people who believed in him. But then Lincoln's supreme desire was to serve humanity. He was following an ideal. He was not interested in achieving public office merely for the sake of holding it.

It is unimaginable that Lincoln could have countenanced, much less instigated, certain indecent political practices that are all too common in our time just as they were in his. Picture Lincoln, if you can permit yourself that temporary sacrilege, indulging in gross libels against a political opponent. Can you conceive of this great son of Illinois sponsoring the anonymous printing and circulation of scurrilous and defamatory charges? Can you for a moment believe that Abraham Lincoln would attempt to undermine a political opponent by raising against him a prejudicial, religious, or race issue? And just to the degree that we venerate the memory of the greatest social crusader in American history should we despise those political untouchables who at night slink from their garbage heaps to besmirch the character of every champion of an improved social order.

If Lincoln had not genuinely loved humanity he would not have offered himself as a willing sacrifice for humanity. Although his chief interest was in the slavery question, he also felt keenly on labor problems. He knew from personal experience the travail of the working man. In Lincoln's time, just as today, the man who wanted to see labor enjoy decent wages under fair and humane conditions of employment, was a dangerous citizen, an irresponsible radical. Listen to this quotation from an editorial in the New York World in 1863 and tell me in all candor whether you would be surprised to see it in some newspaper opposing Theodore Roosevelt during his political ascendancy, or in one that today is bitterly assailing the Chief Executive:

"The administration * * * borrows its ideas and its policy, so far as it has any, from these crazy radicals * * *. By surrendering itself to their wild and reckless guidance it is ruining the country; and it is important that the people should see, even at the expense of a good deal of disgust and loathing, what has been substituted in the public councils for statesmanlike sagacity and far-seeing wisdom."

Lincoln was no fair-weather friend of labor. He did not support their just claims for decent treatment by their employers and for fair consideration at the hands of the Nation merely to secure for himself some selfish or political advantage. All his life he abhorred slavery, not only on account of the social and spiritual reactions of that debasing institution upon the slaves themselves, as well as upon those who owned them or acquiesced in the continuance of the system, he opposed slavely also because he believed that it was an inalienable, natural right of man to work at a task for which he was best adapted, and to which his inclination called him, for wages that would provide a decent living for himself and his family.

I have never been one of those bold enough to stand before an audience and glibly proclaim the position on present-day political and economic questions that a Washington, a Lincoln, or a Theodore Roosevelt would take. I would even hesitate to declare how those who gave to us our Constitution would approach the pressing problems of this age if they were here to counsel us out of their wisdom. But I am firmly convinced that every man who reveres the Lincoln tradition and who knows how Lincoln's heart beat for humanity should be sympathetic today toward the aspirations of the humblest of our citizens who wishes to enjoy the decencies of life, to approximate our vaunted standard of living, and to be able properly to educate his children not only for their own benefit but for the advantage of the State. Lincoln did put an end to the enslavement of the bodies of men in this country, but the fight to manumit men, women, and children from economic slavery is still far from being won.

Personally, I happen to believe that Lincoln's interest in economic freedom would be keenly alert at a time when men and women everywhere are struggling for that social and economic security, without which, in very truth, they are still slaves. Not only are they still slaves, they are bound in indestructible fetters to an insensate system, compared with which the cruel heartlessness of a Simon Legree were tender consideration indeed. And just as in Lincoln's time there were men who, proclaiming themselves to be humane and accounting themselves to be Christians, were willing to buy and sell human beings on the auction block under the protection of the Constitution, so now do we have smug, self-righteous individuals who insist that for people to go hungry and cold and without adequate shelter is a sacred constitutional right that must be maintained at all costs.

These precious rights of ours, whose sanctity is so eloquently insisted upon by those who do not need to invoke similar rights for themselves—the right of a man to bargain as an individual with a giant corporation with respect to wages and working conditions; the right of a man to protect himself from misbranded deleterious foods and poisonous drugs; the right of a child to work for long hours at a task beyond his strength for a mere pittance, while his mind is starved for knowledge and his soul is shriveled for lack of a normal outlook upon a normal life; the right of a scrubwoman to deposit her pitiful savings in a tottering bank or to invest them in a nicely engraved stock certificate that is not worth the paper on which it is printed; the right of men who must work to die of silicosis poisoning or from some other vocational disease, leaving their families to become public charges; rights to be cherished are these, as well as a host of others that the "malefactors of great wealth", to revive a favorite term of the late Theodore Roosevelt, and their cacophonous hirelings keep insisting must never be abrogated or modified.

Lincoln not only believed in the common people, he understood them. He never lost sight of his commonalty with the average man. He comprehended their language because it was his language. He was at one with them in his aspirations for the common good. Always straightforward and sincere with people of all classes and degrees, he would have scorned to stoop to the demagogic expedient of adopting idiosyncrasies of dress or affecting personal mannerisms in order to attract attention to himself or prove that he was of the people. Lincoln was not an exhibitionist. He was as dignified and restrained in deportment and appearance as he was direct and sincere in his expressions.

But perhaps the most interesting facet of Lincoln's character for us to consider at this time was his approach to the Federal Constitution. I believe I am well within the mark in saying that during the formative years of Lincoln's political life the Constitution could be frankly discussed by the man on the street without any fear on his part that he was committing an unforgivable

political sin. Perhaps it was because prior to the Civil War statesmen, and even the rank and file of the people, felt that they were closer to the framers of the Constitution than do we of this time.

In Lincoln's day some of those who had drafted the Constitution were still living, and he and his contemporaries knew that they were men. To those of that generation the founding fathers, while they were accorded all proper reverence and respect as human beings who had entered upon a new and daring social venture and had brought it through to success, were not for that reason regarded as demigods. It was not insisted that they possessed all the wisdom of all past and future ages. The Constitution was taken more or less for granted. It was a great document—the greatest charter of human liberty that had ever been written—but, after all, it was a human document written by human hands, and expressing the political ideals of men who, whatever their attainments, were nevertheless human beings, subject to those hates and passions and loves and prejudices and predilections that we associate with human beings.

Lincoln and his contemporaries knew that the Constitution was not the result of pure, objective thinking on the part of disembodied spirits dwelling in a vacuum. They appreciated that it was a compromise that represented the best judgment, on the basis of necessary give and take, of the men who drafted it. They did not have to be told that principles had been bent a little here and forborne to be pressed there, because, if it were humanly possible, those who sat in the Constitutional Convention wanted to offer an instrument that would receive the ratification of the necessary number of the States. The founding fathers knew that without reasonable yieldings to local prejudices and an understanding regard for parochial aspirations the Constitution would fail and the American Revolution would go into the limbo of history as a noble but abortive undertaking.

I wonder if anyone will deny that the principal reason why the Constitution was regarded as an irrepressible political issue prior to the Civil War was because of the slavery question. If our fundamental law had been the product of a pure intellectual process devoted to founding an idealistic political state, it would not have recognized that cruel institution which it became Lincoln's task to abolish. But, little as we may relish the thought, it must be admitted frankly that in this "greatest charter of human liberty since the beginning of time", the right of one man to buy and sell another as chattel property was not only recognized; it was firmly written down as a fundamental right. How our earlier statesmen were put to it to devise ingenious ways of holding together the straining States that formed the American Union, while at the same time maintaining the system of slavery! This was the all-absorbing, the most troublesome, the ever-present and pressing question from the day that Washington was sworn in as President until the emanicipation proclamation was signed by Abraham Lincoln.

I pose the question whether Lincoln would believe this to be the country for which he gave up his life if he should return today and find that, if he should discuss the Constitution with the frankness that was not only customary but expected of statesmen in his own time, some hysterical and ignorant person would write him down in a book as a traitor in the pay of a foreign communistic state. He might wonder by what process of reasoning it had come about that no one, unless he were a corporation lawyer wearing the livery of the Liberty League, might venture an opinion with respect to the Constitution except the Supreme Court itself, or regard that Court as anything short of a Mount Sinai dwelt upon by all-wise and all-seeing infallibles. How strange it would seem to him to be told of the body of opinion that exists to the effect that the Constitution is so perfect an instrument that neither we nor those who are to follow us should ever think even of amending it, although the document itself admits its fallibility by providing the machinery for its own amending! With what astonishment would he listen to the claim that the founding fathers, when they sat behind closed doors to compose an instrument that would compromise the conflicting ambitions and the clashing interests of various sections of the Thirteen Original States, took cognizance of the ocean liner, the railroad, electricity as power and light, the automobile, the radio, and the airplane, and not only of these, but of a social and economic system which had no precedent in all the history of the world prior to their time; that they not only foresaw all of these tremendous mechanical, economic, and social revolutions of the future, but provided for them!

Certainly Lincoln did not regard the Constitution as an infallible and immutable instrument. He went into the 1860 campaign with his mind firmly made up that, the Constitution to the contrary notwithstanding, something must be done about the institution of human slavery. I do not know whether Lincoln had thought his way through on this issue—whether the Constitution should be amended, rewritten, or simply ignored on the question of slavery. Probably he was feeling his way carefully, prepared to take advantage of whatever favorable turn events might offer. But undoubtedly his mind was fixed on his objective, and that objective quite clearly was the correction of an outrageous social and economic abuse, Constitution or no Constitution.

It does not need to be recounted what it was that brought this political exigency upon the United States. Statesmen had been postponing the inevitable evil day, as ordinary men well might, out of a wholesome regard for the explosive factors in the situation. By compromises, by evasion, by equivocations, by postponements they continued to put off as long as possible the time when men would be forced to aline themselves, whether they wished it or not, on one side or the other of the question of slavery and, either by peaceful means or with muskets in their hands, fight out the issue whether it was to be extended, continued, or done away with altogether.

It was a decision of the Supreme Court of the United States involving the civil rights of a slave in a State by the laws of which he was free that precipitated the crisis. When Chief Justice Taney in the Dred Scott case held that even in such circumstances a man was still a slave, the issue was inexorably joined. The place of human slavery in the American political system must be decided, whatever the cost in treasure and more precious blood and notwithstanding the shock to the Constitution.

Lincoln, respecter though he was of the Constitution, was never blind to the fact that the divisions of government created by that instrument were manned by those who necessarily possessed the prejudices and points of view that resulted from their training and their environment. Moreover, he was a trained lawyer who undoubtedly had his own views of the wisdom and justice of more than one court opinion. In his debates with Douglas, in his campaign for the Presidency, and later in the White House, he was confronted by the necessity of reconciling his belief in the Constitution with the seeming fallibility of the Supreme Court.

John Maxcy Zane, a leading member of the Chicago bar and a distinguished son of Springfield, in an address in 1932, entitled "Lincoln, the Constitutional Lawyer", gives the following as Lincoln's position on the Dred Scott case:

"The decision (was) the result of a (political) conspiracy between Douglas, Pierce, Taney, and Buchanan to legalize slavery in the territories."

It was "wrong in legal principle, deplorable in its political tendency, an atrocity in morals, and as such ought not to be considered the law. Lincoln insisted that a decided case, while it settled the rights of the parties thereto in accordance with what the judges in their often-mistaken judgment decided was the rule or rules of law applicable, did not and could not make the law. The judges might be wrong as to their rule or application.

"The * * * Dred Scott decision was the entering decision to deprive by constitutional construction a free State of the power to declare free a slave brought to reside within that free State."

But it need not be left to another to interpret what Lincoln felt about the Dred Scot decision, because in a speech delivered in Representatives' Hall in this city on June 26, 1857, he made clear his views when he said:

"But we think the Dred Scott decision is erroneous. We know the Court that made it has often overruled its own decision, and we shall do what we can to have it overrule this. We offer no resistance to it."

In declaring that the Supreme Court had in the past overruled its own decisions and that "we shall do what we can to have it overrule this", Lincoln was in full accord with the best American tradition. Perhaps his mind had gone back to the letter written by the great Chief Justice John Marshall to Mr. Justice Chase at the time when Chase was threatened with impeachment. It is interesting to note that this letter was written shortly after the decision in the case of *Marbury* v. *Madison*, in which John Marshall had asserted the right of the Court to declare unconstitutional an act of Congress. Said Marshall:

"A reversal of those legal opinions deemed unsound by the legislature would certainly better comport with the mildness of our character than would a removal of the judge who has rendered them unknowing of his fault."

Marshall's suggestion that Senators and Representatives might be the final judges of any judicial decision may be contrasted with the position of Theodore Roosevelt, who, many years later, as a candidate for President on the Progressive ticket in 1912, openly advocated the principle of the "recall of judicial decisions." What Theodore Roosevelt meant by this phrase was the right of the people to vote by way of referendum on a decision of the Supreme Court holding unconstitutional a legislative act.

It may be taken for granted that the Dred Scott case was uppermost in the mind of Lincoln when he made his first inaugural address on March 4, 1861. Note well his language on that occasion:

"A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it, does, of necessity, fly to anarchy or to despotism. Unanimity is impossible; the rule of a minority as a permanent arrangement, is wholly inadmissible. So that, rejecting the majority principle, anarchy or despotism in some form is all that is left.

"I do not forget the position assumed by some that constitutional questions are to be decided by the Supreme Court, nor do I deny that such decisions must be binding in any case upon the parties to a suit, as to the object of that suit, while they are also entitled to a very high respect and consideration in all parallel cases by all other departments of the Government; and while it is obviously possible that such decision may be erroneous in any given case, still the evil effect following it, being limited to that particular case, with the chance that it may be overruled and never become a precedent for other cases, can better be borne than could the evils of a different practice.

"At the same time the candid citizen must confess that, if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made, in ordinary litigation between parties in personal actions, the people will have ceased to be their own

rulers, having to that extent practically resigned their government into the hands of that eminent tribunal."

That this was not an opinion suddenly arrived at by Abraham Lincoln is attested by what he had said in a speech in this city 3 years earlier. On that occasion he quoted with approval from a letter written by Thomas Jefferson in 1820, in which, in clear and unequivocal language, the author of the Declaration of Independence said that: "To consider the judges (of the Supreme Court) as the ultimate arbiters of all constitutional questions (would be) a very dangerous doctrine indeed and one which would place us under the despotism of an oligarchy." Jefferson added: "Our judges are as honest as other men and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps."

In commenting on Jefferson's language, Lincoln said: "We see the power claimed for the Supreme Court by Judge Douglas would reduce us to the despotism of an oligarchy." It will be noted that on the question of slavery Stephen A. Douglas was one of the strict constructionists of the period, although in the United States Bank case he had supported Andrew Jackson in the latter's defiance of the high court. He was for a literal interpretation of the Constitution even if it meant the holding in bondage of other human beings as mere chattels. The letter of the law, as Shylock in his time so eloquently pleaded, must be complied with. Lincoln's outlook was different, and it seems to me that his respect for the Constitution was more profound and more understanding than that of the Douglases, the Shouses, the Al Smiths, the DuPonts, the Becks, the Davises, and other strict constructionists of past and present. He believed that the Constitution was intended to serve men and not man the Constitution; that it was a charter of liberty and not of oppression; that if, like other instrumentalities of man, it reflected the period in which it was written and the limitations of the minds that conceived it, it fortunately was capable of being amended to meet changing political, social and economic conditions; that it was a living document, not a thing forged of rustless steel, which, if shackled to the members of the Nation, would impede it in its march toward the goal of greater human welfare.

Whether or not Lincoln had thought the situation through to a final conclusion before he became President of the United States, his hand never faltered once he had set it to its task. Sternly admonished by the Supreme Court in the Dred Scott decision to regard as a slave one who had escaped to a free State, and by the laws thereof was a free man, he deliberately chose to disregard that solemn mandate. His answer to the passionate assertion that under the Federal Constitution the States were free to withdraw at their pleasure from the Union was to send Federal troops across the borders of such States. Although in theory the Constitution might be amended only in the manner provided therein, Lincoln amended it by the stroke of his virile pen when he signed the Emancipation Proclamation.

No President in our history has ever assumed such powers as did he. Yet today the man who drove through to success a long overdue social and economic reform, stands forth as one of the transcendent figures of history, while those puny men who fussily thumbed back and forth the pages of their law books for precedent and authority to stem the irresistible march of human society, are forgotten except for an occasional figure that has been retained as a stage prop in order to enhance by its very insignificance the giant who proved by his mighty deeds that mankind itself is the fundamental law, the ultimate tribunal.

Lincoln was great because he dared to think. He dared to formulate convictions upon the basis of his thinking. He dared to give the form of life to those convictions and he dared to die for them.

THE NEED OF NEUTRALITY

Mr. HILDEBRANDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a radio address delivered last evening over station WOL.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. HILDEBRANDT. Mr. Speaker, my radio address of February 11, 1936, over broadcasting station WOL, on The Need for Neutrality, seems especially appropriate at this time. It is appended herewith:

Friends of the radio audience, there is a new spirit manifest in these changed times with regard to war.

In a civilized society there should be a recognition of the worth of peace, of the barbarism of war. History should mean advancement. Nations, like individuals, should profit from experience and learn lessons from the past.

So often we hear the remark that there have always been wars and always will be. To say this is to affirm that there is no progress in the epic of the human race—that we have learned nothing, gained nothing, achieved nothing. To declare this is to indulge in the most bitter pessimism, the most discouraging acknowledgment of retrogression. I cannot bring myself to accept such a melancholy view of the world. I cannot believe that this is a true picture of the state of affairs or of the real man.

We who are Members of the Congress of the United States have a duty that is more serious than that of the average citizen, since the national lawmaking body has sole power to declare war. While the Roosevelt administration has taken a decisive stand of neutrality in the Italo-Ethiopian war that is most commendable, we must not allow ourselves to be carried away by false optimism. It is altogether too easy to assume that we are safely isolated and that there is no danger of being swept into the present strife.

As a matter of fact, few people in the early stages of the World War ever dreamed that the United States would become involved in it. It was not the popular will, of course, that caused our participation. All of us today know that it was only when American bankers' loans to the Allies were jeopardized by repeated German successes that the United States declared war against the Central Powers. All of us remember, also, the widespread, cunning and treacherous campaign of lies, half-lies, distortions of facts, and subtle insinuations that was utilized to inflame the public mind and whip us into a fury. This campaign, artfully conducted by able propagandists, distracted the attention of the majority of our people away from the mercenary interests that were the real causes of our entry into the slaughter, and made our participation appear to be a holy crusade "to save the world for democracy."

It is my sincere hope that satisfactory common ground may be found whereby the President, the State Department, Senators NYE and CLARK, Representative MAVERICK, the National Peace Conference, the National Council for Prevention of War, both Houses of Congress, and all groups seeking to avoid getting into future world butchery, may agree on neutrality legislation.

With utmost confidence in the great humanitarian who is our President today, I am keenly aware of the danger of permitting other Executives to exercise discretionary power with respect to embargoes. While I trust that we are so clearly committed to policies of peace and social justice that no Chief Magistrate in times to come would ever violate the spirit of a less stringent neutrality law, and, by discriminating between fighting governments, indirectly lead us into war. I am not willing to take chances. The risk is too great. The lessons of the past are too terrible.

In centuries past, the hero was the warrior, "red in tooth and claw." Nowadays the constructive statesman occupied with the arts of peace is honored. The doctrine of fight, kill, and torture no longer is looked upon with favor. The principle of peaceful endeavor, human kindness, and noble consideration for others is paramount now.

It is significant that there is hardly a defender left in the United States for our participation in the World War. The reversal of the public attitude on a matter of governmental policy has never been more unusual. In the days when Senators Norris, La Follette, Vardaman, Reed, Watson, Stone, and other Members of Congress resisted the war hysteria and boldly refused to be swept away by clamor and pressure, no condemnation was too unkind for these genuine patriots. It is common knowledge that at that time Senate La Follette was so fearfully ostracized that when he entered the elevators of the Capitol Building other passengers usually left. They shunned this brave and earnest man as people shun a plague. The vicious propaganda of munitions makers and bankers who were thriving from the war had done its deadly work.

Happily, in the year 1936 we respect this Senator and those who, in the face of the most unjust and cruel abuse, had the manhood and the independence to defy the real traitors to their country—the instigators, advocates, and apologists for America's entrance into the most imperialistic war in the world's annals.

And in the light of experience, sacrifice, and suffering we face the truth at last. Charles Sumner said, "There never was a good war nor a bad peace." That was undoubtedly an overstatement, for there have been wars that were unavoidable and necessary. But he was not far from the mark. It would be correct to state that there have been very few good wars and very few cases of a bad peace.

Professor Bogart, of the University of Illinois, estimates the direct cost of the World War as $186,000,000,000. He places the indirect costs in human life, destroyed property, and other results at $151,000,000,000, making a total of $337,000,000,000. The costs to the United States were about $23,000,000,000, to say nothing of $22,000,000,000 of war debts—principal and interest—which the Allied countries have not paid back and never will pay back.

These facts and figures are now almost ancient history. There is hardly a sane man or woman who does not admit without hesitation that war is horrible, wasteful, sordid, and utterly indefensible. The majority of Congress does not want war. Probably nine-tenths of the people do not want it. Yet there must be constant resistance to the sophistry, pressure, wire-pulling, and threats (direct and indirect) that will be exerted to drag this country into war. There must be continual alertness to prevent trade relations that will cause us to become involved sooner or later. The closest possible ban should be imposed on shipping supplies of any kind that may even remotely aid one belligerent or another.

In the consciousness of these truths we are now considering neutrality legislation. The desirability of such legislation is conceded by almost the entire citizenship. The only differences of opinion are over details. The main point at issue is regarding the mandatory phase. Here is the crux of the whole question. I know that our great President would keep us out of war in any emergency if possible; I cannot agree that the point of neutrality should be left to the discretion of any Executive. It is too dangerous a possibility.

President Wilson sincerely wanted to save the United States from getting into the World War. I have no doubt that he was

in absolute earnest. But hurled on by the world-wide tempest that flung millions into a whirlpool of butchery, he was powerless. He yielded, as most men would have done. Had neutrality been mandatory in 1917, there would have been no choice. He would have conformed to the pledge to "keep us out of war", for he would have been unable to do otherwise. The ghastly crime that was enacted as a result of our participation in that abominable conflict would have been prevented.

There is one safe course, and only one. Keep our Nation neutral always and invariably when other nations go to war. Protect our people from the likelihood of being embroiled in slaughter that is unjustifiable. Save the manhood and youth of America from being poured into an international cockpit; save the mothers, wives, and sweethearts of the country from being doomed to witness the shameful sacrificing of their sons, husbands, and husbands-to-be; save the Nation's resources from being squandered on the altar of Mars and Mammon; save the ideals of our beloved Republic from being prostituted in the most outrageous and inexcusable manner known to civilization; save the Nation itself from being dropped into the bottomless pit of a perdition that is the worst kind of an earthly hell.

When the world goes aflame, when a conflagration sets whole nations burning, when international insanity seizes the peoples of entire countries, it should be the high and honorable purpose of the United States to set an example that is just and righteous. It should remain for us to stand firmly against the sinister forces that would carry us into the furious fire. It should be our obligation to stop, at all hazards, the pestilence that threatens us.

There is one way to accomplish this end, and only one—compulsory neutrality. In a burning building the likelihood of getting scorched is very definite. If you enter, you are taking serious chances. The prudent procedure is to stay out. Let America practice this prudence and remain away, now and on every occasion, from the flames and smoke of alien bloodshed.

Let every foe of war and fascism in the United States take as his or her motto the immortal words of William Lloyd Garrison:

"I will be as harsh as truth and as uncompromising as justice. I am in earnest—I will not equivocate—I will not extenuate—I will not retreat a single inch—and I will be heard."

LEGISLATIVE RECORD OF HON. ARTHUR W. MITCHELL

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a short article and editorial published in the February 8 issue of the Journal and Guide of Norfolk, Va., concerning the record and service of the gentleman from Illinois [Mr. MITCHELL].

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. THOMPSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following short article and editorial published in the February 8 issue of the Journal and Guide of Norfolk, Va., concerning the record and service of Congressman MITCHELL of Illinois:

[From the Journal and Guide of Saturday, Feb. 8, 1936]

CONGRESSMAN MITCHELL'S LEGISLATIVE RECORD IMPRESSIVE—HAS ACHIEVED ON WIDE FRONT IN CONGRESS—MANY MEASURES PUT FORWARD TO AID NEGRO GROUP

WASHINGTON, D. C.—The introduction of a bill designed to eliminate one source of discrimination in civil-service examination and appointments, by Congressman ARTHUR W. MITCHELL, of Illinois, lone Negro Member of the House, recalls his varied and interesting career as a legislator and prompted this week a survey of his accomplishments and activities since elected as the successor to Oscar DePriest.

His bill, introduced on January 24, would remove the requirement that applicants for civil-service positions supply their photos. He feels that such a requirement hinders the appointment of colored men and women for many jobs for which they are qualified.

"That rule," states the Congressman, "was adopted in 1914 for the specific purpose of disbarring Negroes, and it is time that it be repealed. They explain now that it is used to identify the applicant, but I contend that fingerprints would be more effective, and yet could not be used as a basis for racial discrimination."

INVITES INSPECTION

As it is by the legislative accomplishment of a Congressman that his record should be judged, Mr. MITCHELL has often invited inspection and comparison of his legislative record with that of any other Congressman, white or colored, new Member or old Member. His record reveals that he has introduced two bills for Government relief of ex-soldiers, introduced one bill for relief of a widow of an ex-soldier, introduced an antilynching bill, and introduced a bill to provide a commission on Negro industrial and economic affairs. All of these directly affect Negroes.

He conducted hearings on the last-named bill before the Judiciary Committee—first time in history of Congress that a colored Congressman conducted public hearings on legislation introduced by him.

Helped pass the bonus bill in first session of the Seventy-fourth Congress; voted to override President's veto. Voted for bonus bill in second session of the Seventy-fourth Congress.

OTHER EFFORTS

Worked hard, both in committee and on floor of House, for passage of 40-hour week bill for postal employees.

Worked and voted for passage of 30-day vacation and 15-day sick-leave bill for all Federal employees.

Worked and spoke for passage of old-age-pension law and social-security bill, as well as voting and working for all social-security legislation advocated by the administration.

Used influence to increase Federal relief funds for his district and aided materially in securing P. W. A. projects for his district.

Has worked incessantly and is still working for a housing project for Chicago's South Side.

Has distributed free of charge many thousands of Government publications which are only available to Members of Congress.

Made a survey of conditions in the Virgin Islands, which will be used as a basis for enactment of legislation of far-reaching importance to these islands.

CONFERS WITH PRESIDENT

Has conferred with and advised President Roosevelt numbers of times on conditions affecting the country in general and the Negro in particular.

Has received letters of praise from the Speaker and majority leader of the House for valuable assistance rendered these gentlemen in putting over administration programs.

Since being elected to Congress, among the most important things done by the Congressman was the delivery of more than 20 addresses in various parts of the country, about half of which were delivered in the South in the following States: Alabama, Georgia, Tennessee, North Carolina, Virginia, and West Virginia.

On all occasions in the South, he addressed large mixed audiences where he championed the rights of the Negro to the full protection of the law, and openly and fearlessly advocated the passage of an antilynch bill, the effect of which was to provoke or cause much discussion among the white citizens, many of them agreeing that a Federal antilynch bill should be passed by Congress.

SECURED APPOINTMENTS

Almost single-handed and alone, and in face of bitter Republican opposition, he helped secure the appointment of Attorney Armond W. Scott as judge of the municipal court of the District of Columbia (a court of record) at a salary of $675 per month.

He is also responsible for the appointments of James A. McLendon, clerk of Judge Scott's court, salary $200 per month (second ward); James P. Durden, supervisor of census in Chicago, salary approximating $400 per month (second ward); Oscar F. Johnson, supervisor, Department of Agriculture, large salary (second ward); Charles Bournique, Doorkeeper's department, House of Representatives, Washington, D. C. (second ward); Clement Collins, Doorkeeper's department, House of Representatives, Washington, D. C. (second ward); McHenry Kemp, Department of the Interior, Washington, D. C. (Mr. Kemp was recently promoted and given a raise in salary) (second ward); Miss Florine I. LaCluyze, Archives Building, Washington, D. C. (first ward); Miss Edith Bleile, Department of Commerce, Washington, D. C. (first ward); 45 positions in post office (30 from second ward, 6 from fourth ward, and 9 from eleventh ward), in Chicago, and Miss Callie Mae Bowen, temporary appointment in office of the collector of internal revenue (second ward).

RACIAL ACTIVITIES

He secured the discharge of a white elevator operator in a Government building when the operator objected to carrying colored passengers in his elevator.

Helped cause War Department to reverse its stand and permit colored educational advisers and colored Army officers in the Medical Corps of C. C. C. camps. This was accomplished after the Secretary of War had stated that he preferred white advisers and white medical officers.

Helped break down color barriers in governmental departments where the previous rule had been strict separation of colored and white persons, especially in reference rooms where citizens go for governmental data.

Appointed three colored youths to West Point Military Academy.

Attended the Jackson Day Dinner, first colored person ever to attend.

Caused appointment of Negro National Youth Advisory Council to aid National Youth Administration.

Fought for the appointment of a Negro judge of the United States District Court of Virgin Islands, place never held by a Negro. A white man was appointed finally, but prospects are better for a Negro later.

Secured positions for colored jobholders in places never before held by them, for instance, he designated the supervisor of the census of business and manufacturers in Chicago.

[Editorial from the Journal and Guide of Feb. 8, 1936]

MR. MITCHELL'S RECORD

In a very substantial sense the merits of those who make the laws of our States and of the Nation are in direct measure to their accomplishments in that field. In an inescapable sense, legislators who are Negroes find their accomplishments measured also in relation to their contributions to the benefits their services bring to their particular group and to the improvement of relations between the major racial units in America.

On both bases Congressman ARTHUR W. MITCHELL, representing the First District of Illinois, does rank high, and as time passes will rank higher. Elsewhere in this issue is printed a full sum-

mary of his accomplishments and activities. The bills he has presented are both of general nature and of a racial nature. He has influence with his colleagues and with others high in Washington officialdom, including President Roosevelt.

The impression got abroad early in Mr. MITCHELL'S career in Congress that he would not interest himself in the problems of the Negro as a Member of the House. That was an erroneous impression. His very record denies it. In saying that he would be a Congressman who was a Negro, rather than a Negro Congressman, Mr. MITCHELL perhaps failed to make the distinction clear. Doubtless, too, he was inaccurately quoted at times and often misjudged when accurately quoted.

His most recent legislative effort came just a few weeks ago and strikes at the root of a governmental rule that has long been a point of attack for those interested in cutting away racial discrimination and the opportunity for practicing it. He has introduced a bill to do away with the civil-service rule requiring photographs for identification. His bill does not specifically say so, but the abolition of photographs would make fingerprints the next logical substitute.

The Congressman from Illinois' First District went to the House as the first Democrat there who was a Negro. He has stoutly advocated and stuck by the New Deal. He has, from the record, discharged his duties with diligence and intelligence. And he has not missed opportunities to take steps to aid his particular racial group. Mr. MITCHELL'S record is definitely not one to be ashamed of.

LOANS TO FARMERS FOR CROP PRODUCTION AND HARVESTING

Mr. JONES. Mr. Speaker, I call up the conference report on the bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

There being no objection, the Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective House as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That the Governor of the Farm Credit Administration, hereinafter in this Act referred to as the 'Governor', is hereby authorized to make loans to farmers in the United States and in Alaska, Hawaii, and Puerto Rico, during the year 1936, for fallowing, for the production of crops, for planting, cultivating, and harvesting of crops, for supplies incident to and necessary for such production, planting, cultivating, and harvesting, and for feed for livestock, or for any of such purposes. Such loans shall be made and collected through such persons and agencies, upon such terms and conditions, and subject to such regulations, as the Governor shall prescribe.

"SEC. 2. (a) There shall be required as security for any such loan a first lien, or an agreement to give a first lien, upon all crops of which the production, planting, cultivating, or harvesting, is to be financed, in whole or in part, with the proceeds of such loan; or, in case of any loan for the purchase or production of feed for livestock, a first lien upon the livestock to be fed. Fees for recording, filing, registration, and examination of records (including certificates) shall not exceed 75 cents per loan, and may be paid from the proceeds of the loan. Each loan shall bear interest at the rate of 5½ per centum per annum.

"(b) The amount which may be loaned to any borrower pursuant to this Act shall not exceed $500: *Provided, however,* That in any area certified by the President of the United States to the Governor as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations as to amount, under such regulations and with such maturities as he may prescribe therefor.

"(c) No loan shall be made under this Act to any applicant who shall not have first established to the satisfaction of the proper officer or employee of the Farm Credit Administration, under such regulations as the Governor may prescribe, that such applicant is unable to procure from other sources a loan in an amount reasonably adequate to meet his needs for the purposes for which loans may be made under this Act.

"SEC. 3. (a) The moneys advanced by the Governor in connection with each loan made under the provisions of this Act are declared to be impressed with a trust to accomplish the purposes provided for by this Act (namely, for fallowing, for the production of crops, for planting, cultivating, and harvesting of crops, for supplies incident to such production, planting, cultivating, and harvesting, and for feed for livestock, or for any such purposes); and may be used only for the purposes stated in the borrower's loan application, and until so used, shall continue subject to such trust and be free from garnishment, attachment, or the levy of an execution.

"(b) It shall be unlawful for any person to make any material false representation for the purpose of obtaining, or assisting another to obtain, a loan under the provisions of this Act; or willfully to dispose of, or assist in disposing of, except for the account of the Governor, any crops or other property upon which there exists a lien securing a loan made under the provisions of this Act.

"(c) It shall be unlawful for any person to charge a fee for the purpose of preparing or assisting in the preparation of any papers of an applicant for a loan under the provisions of this Act.

"(d) Any person violating any of the provisions of this Act shall, upon conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment for not more than six months, or both.

"SEC. 4. The Governor shall have power, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, to employ and fix the compensation and duties of such agents, officers, and employees as may be necessary to carry out the purposes of this Act; but the compensation of such officers and employees shall correspond, so far as the Governor deems practicable, to the rates established by the Classification Act of 1923, as amended. For the purpose of carrying out the provisions of this Act, and of collecting loans made under Acts of the same general character, including loans made by the Governor with funds appropriated under the provisions of the Emergency Appropriation Act, fiscal year 1935, the Governor is authorized to use the facilities and services of any agency, institution, or corporation, operating under the supervision of the Farm Credit Administration, and any officer or employee of any such agency, institution, or corporation, or of the Farm Credit Administration, and may pay for such services and the use of such facilities from the funds made available for the payment of necessary administrative expenses; and such agencies, institutions, and corporations are hereby expressly empowered to enter into agreements with the Governor for the accomplishment of such purposes.

"SEC. 5. (a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000,000, or so much thereof as may be necessary, to carry out the provisions of this Act. Any moneys so appropriated, and all collections of both principal and interest on loans made under this Act, may be used by the Governor for making loans under this Act and for all necessary administrative expenses in carrying out the provisions of this Act and in collecting outstanding balances on crop production, seed, and feed loans made under prior legislation of the same general character.

"(b) Expenditures for printing and binding necessary in carrying out the provisions of this Act may be made without regard to the provisions of section 3709 of the Revised Statutes."

And the House agree to the same.

MARVIN JONES,
H. P. FULMER,
WALL DOXEY,
CLIFFORD R. HOPE,
J. ROLAND KINZER,
Managers on the part of the House.

E. D. SMITH,
GEO. MCGILL,
PETER NORBECK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate bill authorized loans for "production of crops" and for "harvesting of crops." The House amendment elaborates this provision by authorizing loans for planting and cultivating as well and for "supplies incident to and necessary for such production, cultivating, and harvesting." The conference agreement adopts the House provision.

The Senate bill contained a provision authorizing, in the discretion of the Secretary of Agriculture, the making of loans to include the cost of crop insurance. The House amendment contains no corresponding provision. The conference agreement omits the Senate provision.

The Senate bill provided that the loans should be made and collected through such "agencies" as the Governor of the Farm Credit Administration prescribed. The House amendment adds "persons" and "instrumentalities." The conference agreements inserts "persons" but omits "instrumentalities" as surplusage.

The Senate bill provided that fees for recording, filing, and registering a loan should not exceed 75 cents for each loan and could be deducted from its proceeds. The corresponding provision of the House bill provided that fees for recording, filing, registration, and examination of records, including certificates, if aggregating not more than 75 cents, could be paid from the proceeds of the loan and that fees for the release or satisfaction of record of the lien given to secure any loan should be paid by the borrower. The conference agreement limits the amount of fees for recording, filing, registration, and examination of records, including certificates, to 75 cents for each loan, which amount may be paid from the proceeds of the loan. The conference agreement

omits the provision relating to release and satisfaction of the lien.

Under the Senate bill the maximum amount of a loan (except in emergency areas) could not exceed $1,000. The House amendment fixes this amount at $300. The conference agreement fixes the amount at $500.

Under both the Senate bill and the House amendment the moneys loaned are impressed with a trust until used. The House amendment expressly states that the moneys may be used only for the purposes stated in the borrower's loan application and until so used are to be free from garnishment, attachment, or levy of execution. The House amendment also contains a provision, not contained in the Senate bill, making it unlawful for any borrower willfully to use the fund for any purposes other than those stated in the application, unless with the written consent of the Governor or his representative. The conference agreement adopts the House provision except that it omits the provision imposing a criminal penalty for using the trust fund for any purpose other than that stated in the application.

The House amendment contains a provision, not found in the Senate bill, authorizing agents, officers, employees, and facilities of the Farm Credit Administration which may be used in connection with loans under the bill to be used by the Governor to perform services for any institution operating under the supervision of the Farm Credit Administration. The conference agreement omits this provision.

The Senate bill permitted the use, in carrying out the act and collecting loans under previous seed and production loan acts, of the facilities of the Farm Credit Administration and any institution operating under its supervision and any officer or employee of such Administration or institution. The House amendment expressly authorizes the use of "services" and of "agencies" and "corporations" operating under Farm Credit supervision. The conference agreement adopts the House provision with technical and clerical changes.

The Senate bill fixes the maximum amount which may be appropriated under the bill at not to exceed $60,000,000. The House amendment fixes this sum at $40,000,000. The conference agreement fixes the sum at $50,000,000.

The Senate bill expressly authorizes the sums authorized to be appropriated to be made up out of unobligated balances of previous crop production and seed loan acts and repayments of loans made under such acts and interest thereon. The House bill contains no comparable provision. The conference agreement omits the Senate provision.

The House amendment authorizes the use of funds which may be appropriated and collections of principal and interest on loans made under the act for collecting outstanding balances on crop production, seed, and feed loans under prior legislation of the general character of this bill. The Senate bill contained no corresponding provision. The conference agreement retains the House provision.

MARVIN JONES,
H. P. FULMER,
WALL DOXEY,
CLIFFORD R. HOPE,
J. ROLAND KINZER,
Managers on the part of the House.

Mr. SNELL. Is the gentleman going to explain the report?

Mr. JONES. Mr. Speaker, I may make this explanation: The conference report takes largely the House provisions with two exceptions. The House had a maximum limit of $300 for an individual loan and the Senate had a maximum of $1,000. The confernce report stipulates $500 as the maximum loan.

With respect to the other difference, the Senate bill provided for a total of $60,000,000 and the House provided a total of $40,000,000. The agreement stipulates $50,000,000.

Mr. SNELL. Was there information before the conference to cause you to think it would be necessary to go to $50,000,000 with the present demands?

Mr. JONES. We had the suggestion before us that there were some particular areas where there is a special need this year because of bad seasonal conditions last year, and it was thought that in these areas additional amounts would be needed. Then, too, the increase of the maximum amount of the individual loans may increase the total amount needed.

Mr. SNELL. How much was lent last year?

Mr. JONES. Fifty-seven million dollars.

Mr. SNELL. As I look over the report, it is a complete report, all members having agreed to it.

Mr. JONES. Yes.

Mr. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. BOLTON. I notice in the report the interest rate to be charged on these loans is 5½ percent.

Mr. JONES. That is the same as it has been heretofore.

The conference report was agreed to, and a motion to reconsider was laid on the table.

The SPEAKER. Under the special order of the House, the Chair recognizes the gentleman from Illinois [Mr. REED] for 20 minutes.

ABRAHAM LINCOLN—A MAN FOR THE AGES

Mr. REED of Illinois. Mr. Speaker, on this occasion as a Representative from the State of Illinois I wish to express my appreciation to the Speaker for his sanction, to the minority leader [Mr. SNELL] for his suggestion, and to the Members of this House for their acquiescence in the privilege accorded to me at this time to address my colleagues for a few brief moments concerning the life and character of a man.

The seat of government of the United States furnishes the average American citizen who is privileged here to visit with a succession of thrills. He is intensely interested when from the galleries he observes for the first time the Congress of the United States working out the problems of legislation; he views with approbation the Capitol and majestic governmental buildings; he admires that mansion, the home of the Chief Executive of the Nation, and eagerly hopes for a glimpse of its occupant; he is amazed at the magnitude of the Library of Congress and is awed by the dignity and solemnity of the Supreme Court. But when his pilgrimage takes him to the west end of the Mall, near the banks of the Potomac River, he is overwhelmed by the magnificent edifice that is brought to his vision. Mounting the steps, he ascends. At the summit, he pauses. But one object arrests his attention. It is a huge sculptured figure of a man seated in a chair. A tall, gaunt, homely man, dressed in coarse homespun clothes. A man with a kind face, and yet a face that is tinged with sadness. Day in and day out, year in and year out, in sunshine, in rain, in sleet, in snow this figure sits in his chair gazing ahead; gazing at that lofty monument erected in memory of the Father of his Country; gazing beyond that gigantic shaft to the very Capitol itself, where as a Member of this body, this figure in form of a mortal man, once honorably filled a seat. It is concerning this man that I am privileged to address you today.

February 12, 1809—127 years ago today, in a little log cabin at Hodgen's Mill, in Hardin County, Ky., a child, destined to receive the highest honor within the gift of his country, first saw the light of day. The Republic into which Abraham Lincoln was born was then scarcely 20 years of age. His father, Thomas Lincoln, a carpenter by trade, was a genial, good-natured fellow, popular with the townfolk, and known throughout the vicinity as a kind and obliging neighbor. His mother, Nancy Hanks Lincoln, a native of Virginia, in whose veins flowed the blood of the Lees, was a charming, dark-haired, gentle woman, willing to brave the dangers and hardships of a pioneer life and devoted to her husband and family. Young Lincoln's opportunities for education and advancement were far from encouraging. His parents were desperately poor. Schools were few and far between; and, too, he was needed at home to help his father provide the necessaries of life. His mother taught him to read and write, and with these accomplishments and a firm determination to raise himself by his bootstraps he eagerly sought and read every book available to him, often walking many miles to obtain them. In 1816 the Lincolns moved to a tract of land on Little Pigeon Creek in Indiana, and 2 years later, the year of the admission of Illinois into the Union, his good mother, worn, weary, and broken down with the poverty, privations, and sacrifices she had endured, whispered gently to her 9-year-old son, "Be a good man, Abe", and passed to another world. Lincoln dearly loved his mother, and her personality and the influence she must have exercised during his boyhood without doubt shaped his character in the troublesome years that were to follow. He always spoke tenderly of her, and on one occasion, after he had reached the zenith of his career, said, "All that I am and all I hope to be I owe to my angel mother."

It was while residing in Indiana that Lincoln had an opportunity for a few months to attend a log-cabin school.

When 19 years of age he helped take a flatboat for his employer, Denton Offut, down the Mississippi River to New Orleans, and as a reward for his courage, diligence, and fidelity was placed in charge of Offut's general store in New Salem, Ill. Here he again pursued his studies, borrowing books, papers, and manuscripts wherever and whenever he could obtain them. His knowledge concerning the rudiments of law and the affairs of State and Nation expounded by him from behind the grocery counter aroused on many occasions the wonder of the older residents of the village who were wont to congregate in the store and discuss the politics of the day.

In April of 1832, during the Black Hawk war, he was elected and served as captain of a company of Sangamon County rifles, and when the company was mustered out of service he reenlisted and served as a private until June 16 of that year when he was again mustered out. His ingenuity is best illustrated in a story he often told on himself in later years concerning an experience during that war. As captain he had been drilling his men and they were marching with 20 men fronting in line across a field when he wished to pass through a gate into the next field. "I could not for the life of me", said Lincoln, "remember the proper word of command for getting my company 'endwise', so that it could get through the gate, so, as we came near the gate, I shouted, "This company is dismissed for 2 minutes, when it will fall in again on the other side of the gate.' "

At the conclusion of his military services he returned to New Salem and was an unsuccessful candidate for the State house of representatives. He resumed business, this time for himself, and continued during spare moments his study of law. In 1834 he was again a candidate for the legislature; on this occasion success attended his efforts, and after serving 2 years was then reelected to that office, declining to seek renomination at the conclusion of his fourth term. In the meantime he had been admitted to the bar and removed to Springfield, Ill., where he commenced the practice of law.

Many are the anecdotes of Lincoln's prowess at the bar, of his ability to sway juries, and of his keenness in telling witty stories illustrative of the point he wished to impress upon the minds of his listeners. But I think the thing in Lincoln's career as a lawyer that has imprinted itself most deeply in the hearts of his countrymen was his aversion to represent a client, the justice of whose claim he questioned.

Once he was prosecuting a civil suit, in the course of which evidence was introduced showing that his client was attempting a fraud. Lincoln rose and went to his hotel in deep disgust. The judge sent for him; he refused to come. "Tell the judge", he said; "my hands are dirty; I came over to wash them."

In 1846 he was elected as a Whig to the Thirtieth Congress and served but one term. At that time Illinois had but seven Members of the House of Representatives. His service in Congress was not spectacular. On party issues he was "regular." He believed the Mexican War was unjustified and was frank in so stating his views to his colleagues. He believed also that the system of human slavery was morally wrong and did not hesitate to so express himself when occasion required.

Refusing to seek renomination, he returned to his law practice in Springfield. In 1855 he was the unsuccessful Whig candidate for United States Senator before the Legislature of Illinois, but 3 years later he was chosen by the newly formed Republican Party as their candidate for that office against the Little Giant, Stephen A. Douglas. The debates between these two in the campaign, in which Douglas emerged the victor, constitute a substantial volume in the history of the United States. Two years later in the famous Wigwam at Chicago he was chosen by the Republican Party as its candidate for President and was triumphantly elected in the fall of that year. He came to the White House at the most critical moment of our Nation's history; at a time when a firm hand was sorely needed at the helm of government. War was inevitable. The time for conciliation had passed. The only course was that of speedy prosecution. Having determined this fact, he spared no efforts in his resolution to preserve the Union.

It is unnecessary to reiterate the trials, tribulations, heartaches, and sorrows that took place in the next 4 years of a living hell, when brother fought against brother and father against son. But through it all the President maintained his equilibrium. He hated war; he abhored the taking of human life.

One day an old man came to him with a tale of sorrow. His boy had been convicted of unpardonable crimes and sentenced to death, but he was an only son; and Lincoln said, kindly: "I am sorry I can do nothing for you. Listen to this telegram I received from General Butler yesterday: 'President Lincoln, I pray you not to interfere with the courts martial of the Army. You will destroy all discipline among our soldiers.—B. F. Butler.' " Lincoln watched the old man's grief for a minute and then exclaimed, "By jingo, Butler or no Butler, here goes!" Writing a few words, he handed the paper to the old man, reading, "Job Smith is not to be shot until further orders from me.—Abraham Lincoln."

"Why," said the old man sadly, "I thought it was a pardon. You may order him to be shot next week."

"My friend", replied the President, "I see you are not very well acquainted with me. If your son never dies till orders come from me to shoot him, he will live to be a great deal older than Methuselah."

But peace finally came. The Union was triumphant. The legalized killing of human beings would be no more. It was then that this great man emerged from the role of a persistent and determined foeman of the Confederacy to that of the best friend that the South then had.

On the night of the surrender of Lee at Appomattox Mr. Lincoln was serenaded by many friends and enthusiastic northerners. He made the usual kindly conciliatory speech and cordially invited the erring States to come back into the family.

The band played all sorts of patriotic airs—Columbia, the Gem of the Ocean, The Star-Spangled Banner, and others. Mr. Lincoln, looking toward the bandmaster, suggested:

Play Dixie now. It's ours.

Then came the fateful night of April 14, 1865. The good President was shot down by an assassin in Ford's Theater in this city. The North was paralyzed; the South was stunned; the whole world was shocked. This good man, of humble origin who, step by step, had ascended the ladder of fame; who had tasted of the fruits of victory and who had drunk of the dregs of defeat; who through sheer perservance and strength of moral character had attained the highest pinnacle in his career, was to be no more. Who can now deny that, had he lived, history of the reconstruction period would have been materially changed? The conservative, conciliatory, steady hand was forever stilled; the radicals and extremists obtained unrelenting control. The years which immediately followed the war are dark years in our Nation's history. Was Lincoln a radical? Emphatically no. His steps were always well timed. Charles A. Dana declared:

He was never a step too late nor a step too soon.

He insisted that new views should be true views. On May 19, 1856, Mr. Lincoln is quoted as saying:

In a great emergency moderation is generally safer than radicalism.

And again on June 26, 1857—

If we could first know where we are, and whither we are tending, we could better judge what to do and how to do it.

During this brief session of the present Congress numerous resolutions have been introduced calling for amendments to the Constitution and considerable argument has been made for and against such proposals. On June 20, 1848, Congressman Abraham Lincoln, of Illinois, in addressing the House of Representatives, said:

I wish now to submit a few remarks on the general proposition of amending the Constitution. As a general rule, I think we would do much better to let it alone. No slight occasion should tempt us to touch it. Better not take the first step, which may lead to a habit of altering it. Better rather habituate ourselves to think of it as unalterable. It can scarcely be made better than it is. New provisions would introduce new difficulties, and thus

create and increase appetite for still further change. No, sir; let it stand as it is.

The life of Lincoln will always be an inspiration to the American schoolboy. It will remind him that, although few can be permitted to occupy high places, yet even the most humble can obtain these heights. Once, when reviewing a regiment, President Lincoln said:

I happen temporarily to occupy this big White House. I am a living witness that any one of your children may look to come here, as my father's child has. It is in order that each one of you may have, through this free Government which we have enjoyed, an open field and a fair chance — — — that the struggle should be maintained, that we may not lose our birthright.

In conclusion, Mr. Speaker, with all due reverence to Deity, let me call to your attention a striking similarity in the lives of two men. The one was born in far-away Bethlehem; the other in the hills of Kentucky. The one was the son of a carpenter; the other was also. The parents of both were humble and poor. The one in early life astounded the wise men of his community by his learning; the other as a young man astonished his neighbors by his keen insight into the affairs of state. The one traveled the length and breadth of his country preaching the doctrine of brotherly love; the other traversed the broad expanse of his State expounding the truth that all men are created equal. The one healed the sick, the lame, and the blind; the other helped the poor, the unfortunate, and the needy. The one said, "Suffer little children to come unto Me, for of such is the kingdom of heaven"; the other played with them on his back and never failed to speak kindly in their presence. The one gave his earthly life on the slopes of Calvary; the other was shot on Good Friday in his Nation's Capital and died the following day. The one was the Savior of mankind; the other the preserver of a great nation. The one was the Son of the everliving God; the other a man for the ages. [Applause.]

PROSECUTION OF OFFENSES IN RESPECT TO CERTAIN MATTER DECLARED UNMAILABLE

Mr. MEAD. Mr. Speaker, I ask unanimous consent for the rereference of the bill (H. R. 9495) providing for the place of prosecution for the offense of depositing or causing to be deposited in the mails certain matter declared by law to be unmailable, from the Judiciary Committee to the Committee on the Post Office and Post Roads.

I do this after discussing the matter with members of the Judiciary Committee, the chairman of which committee agrees to the rereference, provided it does not constitute a precedent.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SEARS. Mr. Speaker, I take pleasure in announcing that following my custom of 18 years, there will be held in the Republican and Democratic cloakrooms and in the press gallery the annual Florida orange festival.

I hope my friends will enjoy eating these oranges, and I assure you they are the best oranges that can be secured anywhere in the world.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker and Members of the House, I have listened carefully as you have listened to the beautiful tribute paid by our colleague from Illinois to the memory of Abraham Lincoln. I rise at this time because of the peculiar significance of Lincoln in my own congressional district of West Virginia.

Nancy Hanks, the mother of Lincoln, was born near Antioch, in Mineral County, the district which I have the honor and responsibility to represent.

This morning when I read the today column by Arthur Brisbane and found certain words, I felt that I might at this time appropriately say to the membership of this House that mothers have been the inspiration of American leaders throughout the history of this Republic.

Mothers have always been the unapplauded molders of men. They ask nothing for themselves, and I am thinking now of the modest marker covered with snow today, there on a hillside in West Virginia where the mother of Lincoln was born.

Arthur Brisbane wrote this morning:

Without Nancy Hanks there would have been no Abraham Lincoln. This, his birthday, is a good day to honor him and his mother.

At the foot of a mountain in West Virginia lies the town of Hendricks, and there lives Karl Myers, a poet laureate of my State, a young man crippled, not able to walk, who composed and sent me truly touching and moving lines of Abraham Lincoln, causing us not to think of the yesterdays, but for a moment to picture him as if he were a part of the restless times in which we live.

With the permission of the House—it will take only a moment—I shall read this poem which he sent me this morning, called "If Abraham Lincoln Could Talk to You."

IF ABRAHAM LINCOLN COULD TALK TO YOU

If Abraham Lincoln could talk to you
Over the radiophone tonight,
Could for a moment the veil step through,
Out of the silence and far skies bright,

Gentle and great as of old—what then,
Think you, the theme of his speech would be?
Preachings, perchance, to the sons of man,
Muddled and restless, beyond the sea?

Haply a word on affairs of state,
Out of his storehouse of wisdom rare?
Maybe a fling at the low birth rate?
Pleas for the virtues of days that were?

Making orations inspired and grave,
Think you the seconds he'd speed away,
Casting his pearls on the wireless wave
Unto all people and nations? Nay.

Somehow I fancy him standing here,
Knowing the heart of the world is sad,
Spinning a yarn of the yesteryear,
Telling a story to make us glad.

In this expressive poem Karl Myers has caught the everliving spirit of a great American, who was great not so much because of the brilliance of his mind but because of his gentleness, his depth of understanding, his capacity for service, his humility of heart, and his guidance of those who needed a helping hand. [Applause.]

COPYRIGHTS

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. ZIONCHECK. Mr. Speaker, at this time I ask unanimous consent to revise and extend my remarks, and to include therein a telegram and a few short excerpts.

The SPEAKER. Is there objection?

There was no objection.

Mr. ZIONCHECK. Mr. Speaker, yesterday I filed a discharge petition to discharge the Committee on Patents from further consideration of a bill to amend the patent laws. I do not claim to be an expert upon this measure. The Senate has passed the bill, and apparently the chairman of the Committee on Patents refuses to even have hearings upon it. It has been before him for 30 days.

The bill secures to American authors several new rights and privileges not heretofore granted them. Under it they may copyright unpublished manuscripts of all kinds, including scenarios; they may assign any one or more of the rights—divisible copyright—without assigning the entire copyright; they secure protection for the extended term automatically without the technical requirements of renewal entry, failure in which has resulted in loss of so many copyrights; nor do they run risk of loss of copyright through incomplete or informal copyright notice. They are protected as never heretofore against unauthorized use of their works in radio programs, and they secure automatic copyright in all union

countries through adhesion of the United States to the Convention of Rome.

Some of the new provisions it contained may be enumerated, such as, first, minimum damages left to decision of the courts; second, innocent infringer safeguarded in some instances, such as in newspaper advertisements; third, injunction disallowed which would stop publication or completion of undertaking under certain circumstances; fourth, printers protected when acting in good faith and under conditions of contracts; fifth, radio-receiving sets exempted from infringement of copyright except where admission fees are charged or cover charges made; sixth, radio programs and continuities, also choreographic works and pantomimes, as well as works of architecture, included among the classes of works protected.

With a view to facilitating the approval of the convention, the Department of State arranged for an interdepartmental group, representing the Departments of State and Commerce and the Library of Congress—Copyright Office—to prepare a draft bill which would reform the present copyright law of the United States so as to conform to the convention and so as to put a stop to certain outstanding abuses which have accrued under legislation passed a generation ago and only slightly amended since that time. At the request of the Senate Committee on Foreign Relations, the Department of State invited all of the persons and associations that testified at the Senate hearings on copyright in May 1934 to confer with the interdepartmental group concerning this bill. The assistant chief of the Treaty Division of the Department of State was chairman of the interdepartmental committee on copyright.

Many changes in our law are necessary to provide for copyright protection of foreign authors under the terms of the Rome Convention. The guiding rule adopted by this committee was to limit the proposed changes in our law so far as possible to the requirements of the treaty. Any attempt at a general revision of the law was disavowed and avoided. Absolutely necessary reforms would be included, but the general structure of American copyright legislation was to remain substantially unchanged.

Representatives of the National Association of Book Publishers; the Music Publishers' Protective Association; the map publishers; the American Council of Education; the National Publishers' Association; the Motion Picture Producers & Distributors of America, Inc.; the Motion Picture Theatre Owners; the Radio Program Foundation; the National Association of Broadcasters; the Authors' League of America, Inc.; the American Society of Composers, Authors, and Publishers; the Allied Printing Trades Council; the phonograph manufacturers; the American Hotel Association; the committee on copyright of the Association of the Bar of the City of New York; the American Newspaper Publishers' Association; lawyers; librarians—all of these and some others, either individually or through representatives, met with the committee to express their views on the bill and to discuss the points at issue, with a view to straightening out their difficulties and harmonizing, so far as possible, the divergent interests. The meetings were not called hearings and no report of them was published.

The matter referred to is as follows:

SEATTLE, WASH., *February 10, 1936.*

MARION ZIONCHECK,
House of Representatives, Washington, D. C.:

Senate bill 3047, commonly called Duffy copyright bill, now in Committee on Patents, under SIROVICH, from New York. Radio, hotels, and other users of music have been victimized for years by music racketeers, and Duffy bill affords equitable relief to all alike, including composers. SIROVICH is admittedly unfriendly to this bill, and it appears ridiculous that this man can hold up a bill that has the unqualified endorsement of radio, theaters, hotels, granges for the sake of a small group from tin-pan alley. We sincerely and respectfully ask all Washington Congressmen to hold a meeting today and blast that bill out of committee, by petition if necessary. In the event the petition is necessary, we will have every radio station and hotel in the country wire their Congressmen to sign it. This is a life-and-death fight for us, and if we can count on you to help us, you can rest assured that you will have our gratitude. We understand that a petition to bring a bill out can be sufficiently supplied with signatures. Wire us and we will have every Congressman contacted. The bill is equitable to all and should be passed without any amendment.

Sincerely yours,

Washington State Association of Broadcasters, Northern Life Tower, Seattle; consisting of KOL, Seattle; KIRO, Seattle; KRSC, Seattle; KVI, Tacoma; KXA, Seattle; KFIO, Spokane; KGA, Spokane; KHQ, Spokane; KMO, Tacoma; KVL, Seattle; KUJ, Walla Walla; KIT, Yakima; KPQ, Wenatchee; KGY, Olympia; KVOS, Bellingham; KXRO, Aberdeen; KRKO, Everett.

[Reprint from annual report of the Register of Copyrights for the fiscal year ending June 30, 1935]

AMENDMENT OF THE COPYRIGHT LAW

In the matter of legislation the year under review was marked by a major effort to amend the Copyright Act of March 4, 1909. The main purpose in view was to bring the statute into accord with the Convention of Rome so that the United States could enter the International Copyright Union without confusion to domestic copyright. The effort was undertaken upon the initiative of the Department of State in accordance with the suggestion made in the Senate Committee on Foreign Relations at the hearings in May of last year upon the Convention of Rome, which had been sent to the Senate by the President.

With a view to facilitating the approval of the convention, the Department of State arranged for an interdepartmental group, representing the Departments of State and Commerce and the Library of Congress (Copyright Office) to prepare a draft bill which would reform the present copyright law of the United States so as to conform to the convention and so as to put a stop to certain outstanding abuses which have accrued under legislation passed a generation ago and only slightly amended since that time. At the request of the Senate Committee on Foreign Relations the Department of State invited all of the persons and associations that testified at the Senate hearings on copyright in May 1934 to confer with the interdepartmental group concerning this bill. The Assistant Chief of the Treaty Division of the Department of State was chairman of the Interdepartmental Committee on Copyright.

Many changes in our law are necessary to provide for copyright protection of foreign authors under the terms of the Rome Convention. The guiding rule adopted by this committee was to limit the proposed changes in our law so far as possible to the requirements of the treaty. Any attempt at a general revision of the law was disavowed and avoided. Absolutely necessary reforms would be included, but the general structure of American copyright legislation was to remain substantially unchanged.

After studying the text of the convention of Rome and embodying the necessary changes in the text of the domestic law, the committee completed a tentative draft of a proposed bill as a basis for discussion in the conferences scheduled to be held with the various parties whose interests were involved.

Representatives of the National Association of Book Publishers, the Music Publishers' Protective Association, the map publishers, the American Council of Education, the National Publishers' Association, the Motion Picture Producers & Distributors of America, Inc., the Motion Picture Theater Owners, the Radio Program Foundation, the National Association of Broadcasters, the Author's League of America, Inc., the American Society of Composers, Authors, and Publishers, the Allied Printing Trades Council, the phonograph manufacturers, the American Hotel Association, the committee on copyright of the association of the bar of the city of New York, the American Newspaper Publishers' Association, lawyers, librarians—all these and some others, either individually or through representatives, met with the committee to express their views of the bill and to discuss the points at issue, with a view to straightening out their difficulties and harmonizing, so far as possible, the divergent interests. The meetings were not called hearings, and no report of them was published.

The conferences resulted in numerous amendments proposed for the committee's consideration, since each and all who took part wanted changes in the bill, some of them fundamental, some trifling, and many of them utterly irreconcilable one with another or with the requirements of the International Copyright Union. Briefs were submitted in many cases following the conferences. Some of the subjects around which the arguments persisted most insistently were automatic copyright; requirement of American printing, not only for all books in English but for all publications in sheet form, and especially for maps; reduction or elimination of the specified amount of minimum damages for infringement; the compulsory-license clauses under section 1 (e); transmission of music by "wired wireless"; radio reception of music in small places of amusement; the retroactive features of the Rome Convention, which would bring under copyright some works not now protected in the United States; the moral-rights clause ("droit moral"), especially as applied to the necessary and normal editing or adaptation by magazine publishers and motion-picture producers; oral copyright as required by the treaty; importation provisions involving territorial division of the market by American publishers of works by foreign authors; "performing rights" as applied to home use of motion-picture films; the right of injunction and the exemption of magazines, newspapers, motion pictures, and radio broadcasts from injunctions which would involve costs out of all proportion to the injuries caused; nature and extent of the protection of works of architecture; substitution of a single term of 56 years in place of the present original

and renewal terms of 28 years each; copyright in phonograph records; and other and minor matters not warranting mention here.

Many of the proposals were adopted by the interdepartmental committee and incorporated in the bill. Others were necessarily disregarded because they were in direct conflict with the provisions of the treaty and the requirements of the International Copyright Union, or because they were considered unfair to other legitimate interests. Sometimes, as in the case of the moral-rights provision, the committee added such modifying language to meet the needs of opposing interests as seemed consistent without violating the intentions of the treaty as understood. Where such interests clashed irreconcilably, the committee endeavored to throw all possible protection about the authors and composers consistent with the necessary recognition of reasonable claims of those organizations using copyright materials most extensively for the entertainment of a public that presumably has some rights to be considered.

The American Society of Composers, Authors, and Publishers strenuously opposed the bill. They complained of what they considered the repeated attempts to curtail the authors' rights, and were insistent upon retaining the $250 minimum damage clause and the injunction provisions in the present law.

The Author's League urged a score or more changes in the bill, some of them quite fundamental, and contended uncompromisingly for three essentials, viz, automatic copyright in the United States for American authors, unrestricted rights of injunction as provided in the present law, and retention of the $250 minimum damages. Objection was registered also to the editing provisions in the moral-rights clause.

Approximately half of the amendments proposed were adopted by the committee and incorporated in some form into the bill. Automatic copyright seemed, however, too fundamental a change to be approved at the present time. This, it was thought, should be left to some future general revision of the law. A number of recent copyright bills in Congress, which included the automatic principle, had failed of enactment. It appeared doubtful if Congress at this time would be willing to abrogate the long-established procedure for obtaining copyright—printed notice and registration—which has been referred to as "the American system." The reports of many copyright hearings contain abundant testimony to show that its continuance is stoutly demanded and American authors are accustomed to it. No new or added burden is put upon authors by this bill.

The bill secures to American authors several new rights and privileges not heretofore granted them. Under it they may copyright unpublished manuscripts of all kinds, including scenarios; they may assign any one or more of the rights (divisible copyright) without assigning the entire copyright; they secure protection for the extended term automatically without the technical requirements of renewal entry, failure in which has resulted in loss of so many copyrights; nor do they run risk of loss of copyright, through incomplete or informal copyright notice. They are protected as never heretofore against unauthorized use of their works in radio programs, and they secure automatic copyright in all union countries through adhesion of the United States to the convention of Rome.

Expressions of commendation or approval of the bill as a whole or in its main features were received from representatives of the motion-picture industry, the New York City Bar Association, the librarians, some presidents of American universities who favor particularly the International Copyright Union, the National Association of Broadcasters, the National Publishers' Association, and the American Federation of Arts. The Publishers' Weekly in a discriminating comment in its issue of April 27, 1935, page 1678, spoke of the measure as a good working instrument providing the usuable machinery for progress in the highly important agreement with other countries.

In March the committee completed a much revised draft of the bill embodying, so far as appeared feasible, the changes proposed in the conferences, and reported it back to the Foreign Relations Committee. On April 1, the bill was introduced in the Senate as "An act to amend and consolidate the acts respecting copyright", and was referred to the Committee on Patents (S. 2465). (1935 (Mar. 13 (calendar day, Apr. 1)). A bill to amend the act entitled "An act to amend and consolidate the acts respecting copyright", approved Mar. 4, 1909, as amended, and for other purposes. Introduced by Mr. Duffy. S. 2465, 74th Cong., 1st sess. Referred to the Committee on Patents.)

Some of the new provisions it contained may be enumerated, such as (1) minimum damages left to decision of the courts; (2) innocent infringer safeguarded in some instances, such as in newspaper advertisements; (3) injunction disallowed which would stop publication or completion of undertaking under certain circumstances; (4) printers protected when acting in good faith and under conditions of contract; (5) radio-receiving sets exempted from infringement of copyright except where admission fees are charged or cover charges made; (6) radio programs and continuities, also choreographic works and pantomimes, as well as works of architecture, included among the classes of works protected; (7) copyright in all classes of unpublished works; (8) divisible copyright; (9) formalities for securing renewal term of copyright eliminated; (10) works of literature protected against unauthorized broadcasting; and (11) entry of the United States into the International Copyright Union, with automatic copyright in the United States for foreign authors and automatic copyright for American authors in foreign countries members of the union.

The bill (S. 2465) was followed by Senate bill 3047, "A bill to amend and consolidate the acts respecting copyright" (1935 (May 13 (calendar day June 14)). A bill to amend the act entitled "An act to amend and consolidate the acts respecting copyright", approved Mar. 4, 1909, as amended, and for other purposes. Introduced by Mr. Duffy. S. 3047, 74th Cong., 1st sess. Referred to the Committee on Patents), introduced in the Senate by Mr. Duffy on June 14, 1935. This is the previous bill (S. 2465), with the committee amendments included. It was favorably reported by the committee in the Senate on June 17, 1935 (Calendar No. 941), accompanied by Report No. 896 by Mr. McAdoo. The bill and the report are printed in full in the Addenda on pages 41 and 53. On June 19, 1935, the bill was introduced in the House by Representative Sol Bloom, as House bill 8557. (1935 (June 19). A bill to amend the act entitled "An act to amend and consolidate the acts respecting copyright", approved Mar. 4, 1909, as amended, and for other purposes. Introduced by Mr. Bloom, H. R. 8557, 74th Cong., 1st sess. Referred to the Committee on Patents.)

This bill came up for consideration in the Senate on June 25, under unanimous-consent proceedings, and was passed over on objections of Senator Wagner and Senator Copeland. Senator Vandenberg gave notice of his intention to offer an amendment to lie on the table pending further consideration of the bill. His amendment is printed in the Addenda on page 61, as is also an amendment offered by Mr. Trammell, page 63.

The amendment proposed by Mr. Trammell would restore to the bill the requirement of American manufacture for all works distributed in the United States in book, pamphlet, map, or sheet form. This would seem to imperil the chief purpose of the bill, which is to prepare the way for adherence of the United States to the International Copyright Convention. In the ensuing debate in the Senate on August 5, however, Senator Duffy, in charge of the bill, stated that Senator Trammell believes that the amendment will in no way interfere with the provisions of the treaty.

Mr. Vandenberg's amendment, introduced on July 23, injected a new element and is not germane to the main purpose of the bill. It provides for copyright protection for designs applied to articles of manufacture by adding these to the classes of works entitled to copyright in section 5 and requires deposit of photographs or identifying representation of the manufactured product with application for registration of a claim of copyright. The term of copyright protection runs for 20 years. (See this amendment on p. 61.)

The length of time required for registration at the Patent Office and the Patent Office fees are chief among the considerations responsible for a movement that has gone on for many years to obtain legislation corrective of design piracy. But the change in the law from the patent to the copyright system for protection of designs is so far reaching, the field of manufactured products to which the law will be applied is so extensive, and the business interests affected so important that full and deliberate consideration is required. Moreover, the public must be educated in the ethics of design piracy before there can be acceptance of the copyright principle. The matter of reform in the laws relating to the protection of designs should be the subject of a separate bill.

The Duffy bill (S. 3047) was again brought up on the floor of the Senate on July 31, 1935, and its immediate consideration urged by Senator Duffy. Debate on it was continued on August 1, 5, 6, 7, and it was passed by the Senate on August 7, 1935, after the adoption of five amendments. The amendments agreed to were: one by Senator Vandenberg, providing for copyright in designs to be applied to articles of manufacture; one by Senator Trammell, requiring American printing of all works in book, pamphlet, map, or sheet form; one by Senator George, providing maximum damages of $200 for an unauthorized newspaper reproduction of a photograph; one by Senator Borah, providing for the use of preliminary injunctions; and one by Senator Wagner, removing the exemption granted to newspapers for infringement by advertisers.

The bill was then sent to the House and referred to the Committee on Patents on August 12, 1935. When Congress adjourned on August 26, 1935, the copyright bill (S. 3047) was thus pending in the House committee.

Meantime, on Friday, April 19, 1935, the International Convention of the Copyright Union, as revised and signed at Rome on June 2, 1928, was considered by the Senate (the Berne Convention of 1886 for the Protection of Literary and Artistic Works, as revised at Rome in 1928 (referred to here as the "Rome Convention"), was printed in full in the Report of the Register of Copyrights for 1934, p. 29), and the convention was ratified without a record vote. The question before the Senate was whether the Senate would advise and consent to adherence to the International Convention of the Copyright Union, as revised and signed at Rome.

On the next legislative day (Monday), at the request of Mr. Duffy and by unanimous consent, the vote was reconsidered, and the treaty was restored to the Executive Calendar pending consideration of and action upon the copyright bill. Mr. Duffy explained that he expected and intended that the enabling legislation should be taken up prior to the ratification of the treaty.

WAR DEPARTMENT APPROPRIATION BILL, 1937

Mr. PARKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R.

11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes. Pending that, with the consent of the gentleman from Ohio [Mr. BOLTON], I ask unanimous consent that general debate, confined to the bill, may proceed for an hour and a half this morning, the time to be controlled equally by the gentleman from Ohio and myself.

The SPEAKER. The gentleman from Arkansas moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the War Department appropriation bill, and pending that, asks unanimous consent that general debate, to be confined to the bill, may continue for an hour and a half, the time to be equally divided between himself and the gentleman from Ohio [Mr. BOLTON]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Arkansas.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the War Department appropriation bill, with Mr. PARSONS in the chair.

The Clerk read the title of the bill.

Mr. BOLTON. Mr. Chairman, I yield 30 minutes to myself, and ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOLTON. Mr. Chairman, during the last 2 days we have been discussing and commenting upon the War Department appropriation bill for the fiscal year 1937. We have heard many interesting comments upon the bill, and before we commence to read it I wish to add a few remarks as to my position on the measure. In the first place, may I make it clear that the bill represents a unanimous agreement on the part of the subcommittee. In some instances, of course, there are features in the bill which we individually wish might have been changed and do not agree to entirely, but the bill represents a compromise which I believe is satisfactory and will permit our War Department to function in the manner desired. At the outset I wish to compliment the very efficient and able chairman of our subcommittee upon the manner in which he has prepared the bill, and the untiring energy which he has given to it in our various hearings. Through his energy, through his time, with the assistance of the able clerk of our committee, Mr. John Pugh, we have a measure which we recommend to the House for its favorable consideration. While I am mentioning the chairman that has worked untiringly on the measure since the middle of December, I also wish to compliment the members of that committee on their activities in connection with War Department matters. In the hearings, gentlemen, you will find a report of a trip of inspection which the subcommittee made last fall. They traveled through and inspected many of our military establishments, including Panama, the southern border, the western seaboard and Hawaii, and I think the interest which has been manifested by these Members in the hearings is indicative of the value of their study. As a matter of fact, I was not able to make that trip and I regret it, but I think the value which has been obtained from that trip is something of immediate good to the public.

Insofar as the bill is concerned, as has been said, it covers a total of $545,000,000, a total which is divided into two main parts, one dealing with military activities, consisting of approximately $375,000,000, and the second part, nonmilitary activities, amounting to approximately $168,000,000.

In addition to that, there are approximately $2,000,000 of permanent appropriations, dealing largely with nonmilitary activities.

I make mention of that feature of the bill because of the fact that the general public is all too apt to consider any appropriation for the War Department as an appropriation for national defense. In this instance we have at least one-third of the bill which is essentially nonmilitary in character, and has nothing to do with the purposes of our military establishments. However, I do want to comment on these nonmilitary activities briefly. I intend to confine most of my remarks to the military part of the bill, but in the nonmilitary activities and the $168,000,000 appropriated for that purpose we find a rather unusual situation this year. In other words, a very large increase for river and harbor activities. During the past 2 or 3 years, under our recovery program, the appropriations for these purposes have been supplied entirely from emergency funds. This year $100,000,000 is recommended for new work under river and harbor activities by the Director of the Budget. It is that thought that I wish to convey to the Members of the House, namely, that that vast sum has nothing to do with our military activities.

In commenting on the bill, I think we should first consider the purposes of our appropriation for military activities. May I say in connection with this that yesterday the gentleman from Iowa [Mr. BIERMANN] suggested that either the chairman of the subcommittee or the ranking minority member advise the House of any recommendation or statement by any military expert as to how this country could be successfully invaded. I do not believe the gentleman from Iowa does believe that the country could be successfully invaded, and I want to say that I heartily concur with the gentleman in that statement. Yet I want to add further that I believe the best preparation and insurance against any invasion of this country is proper national defense. [Applause.] I, for one, do not want to see this Nation subjected to the suffering and terror which the gentleman himself knows so well resulted not more than 20 years ago in other lands. The gentleman's fine record during that period is well known, and I feel his experience prompts him to believe, like others, that anything we can do to keep from going through similar experiences and suffering is most desirous.

Mr. BIERMANN. Will the gentleman yield?

Mr. BOLTON. I prefer to finish my statement first and then I will yield.

In considering our military activities and the appropriations for the use of our War Department, we should constantly have before us a pretty clear picture of the primary objects for which these appropriations are intended. Contrary to the practice of foreign nations, America's policy of national defense, insofar as our land forces are concerned, is the maintenance of an organization, unready for war of aggression, but fully capable of defending itself in times of emergency, and susceptible of rapid expansion in case of invasion of our country. Our situation in this respect is much more fortunate than that of nations abroad, particularly in these days where the clouds of war are hanging low, but at the same time, because of that difference in policy, our basic concept of national defense should not be lulled into a feeling of security, due to our distance from those possible fields of conflict.

I know no better explanation of our adopted policy than that made to Congress in 1934 by Gen. Douglas MacArthur, then Chief of Staff. General MacArthur, in commenting on our military organization before the War Department Appropriations Committee, stated:

> The first requirements of defensive policy is that there be established garrisons strong enough for immediate protection of oversea possessions and outposts in primary frontiers. After the initial blows are parried it must be possible, by reason of distribution of available forces, to support critical defenses. Into this supporting action would be thrown all immediately available units, which must be assured of a steady flow of supplies necessary to maintain these units in action. Behind their protection the Nation must be ready to effect rapid mobilization of manpower and industry. Time is an essential factor not only in establishing and supporting the initial defense but in striving toward final victory. * * * The most economical and efficient peacetime policy of defense is one that provides: (1) The minimum necessary for an active establishment maintained in the highest state of efficiency (personnel and matériel), and immediately available for active service; (2) a war reserve sufficient for this purpose; and (3) com-

prehensive measures of preparation for mobilization of national effort. To neglect the active establishment of war reserve or the provisions for mobilizing the Nation would be a blunder that might prove fatal.

Now, what is our military plan? As has been so well stated by General MacArthur, our primary plan is the operation of a small Army, well equipped, capable of rapid expansion in times of difficulty. Our Regular Army, in other words, becomes our first line of defense in case of attack, sufficient in power and in numbers only to resist any offensive against our country until our full manpower can be mobilized.

As a supplement to our Regular Army we have our National Guard, today maintained on a peace basis but so organized that it is susceptible to expansion and can promptly fit into the Regular Army in times of mobilization. As a framework upon which to build our main forces in case of war we have the Officers' Reserve Corps, authorized under the National Defense Act, and creating a personnel of trained officers available for leading the manpower to be enrolled in order to bring our forces up to the required numbers.

Under the National Defense Act the minimum prescribed for the Regular Army is 18,000 officers and 280,000 enlisted men, the permanent force on which devolves the responsibility of carrying the burden of providing the establishment necessary for coordinating, administering, and planning of our entire national defense. The National Defense Act continues the tradition of the American people in that it authorizes bodies of troops local in character and organized primarily for the purposes of the various States as well as available for the defense of the Nation. The National Defense Act makes provision for these troops, our National Guard, of approximately 400,000 officers and enlisted men. Similarly, under our plan of general defense, we have an Organized Reserve, which has as its ultimate number 120,000 assignable officers. Of course, in peacetimes we have never reached that goal suggested in the National Defense Act. Today we have a standing Army of approximately 12,000 officers and approximately 140,000 enlisted men. Today we have a National Guard comprising approximately 190,000 officers and enlisted men. We have a Reserve Corps of approximately 92,000 officers, of whom two-thirds are of the arms or the field service and one-third in the service of supply.

Insofar as our war reserves are concerned, this comprehends there being on hand at all times a sufficient supply of essential ammunition and supplies to meet any emergency which might occur in case of mobilization and which could be utilized until our industries could be so organized and could so get into production that they could supply the demands of the mobilized and increased Army.

I make mention of the necessity of having a sufficient war reserve, because this factor is of prime importance in the successful operation of any armed forces.

Now, as to the bill itself, upon which I wish to comment very briefly:

That part of the bill recommending appropriations for military activities, as has been said, amounts to approximately $375,000,000, plus an additional authorization for contract obligation in the procurement of airplanes of $10,000,000, and covers the general activity of the War Department and various branches of the Army with which we are familiar. The bill calls for an increase of military activities for almost $24,000,000 over the appropriation of last year—1936. However, it is only fair to say, as has occurred in the past, that the estimates of the War Department for current and necessary activities, made up according to the best judgment of the experts in the War Department, have been materially reduced by the Bureau of the Budget. Estimates submitted for the coming fiscal year and transmitted to the Bureau of the Budget called for a total of $452,500,000, the largest item of which, in addition to the pay of the Army, was estimated by the Air Corps. Similarly, the greatest reduction made by the Bureau of the Budget, we find in the Air Corps, whose requests have been reduced by approximately $46,000,000. Following in order of reduction comes the pay of the Army, which was cut by approximately eight million. Then the Ordnance Department, which suffered a reduction of nearly seven and one-half million. The National Guard was reduced by the Bureau of the Budget by nearly three million, but has been reinstated by your committee to the extent of approximately one and a half million. The seacoast defenses were reduced by the Bureau by over a million dollars, but your committee has thought well to recommend instead an increase of approximately six million, making a net increase of something over seven million to carry forward a program which has been highly recommended by the War Department, and which is the beginning of a 5-year program believed most essential for the defense of our seaports, Hawaii, and Panama. While original estimates submitted by the War Department were large, yet it must be borne in mind during the past several years many activities have been considerably reduced because of the terrific expenses of the Government in other directions. On the other hand, it must be borne in mind that in order to properly maintain a great organization of this kind, any delay or curtailment of activities for 1 or 2 years is bound to prove very costly in the long run.

And in commenting on the reduction imposed by the Director of the Budget, I believe it is proper to question the manner in which these reductions have been made. Testimony by the various officers of the War Department is somewhat conflicting in this matter, but this is to be expected in view of the very great reluctance of any officer of that Department to criticize the activities of those representing the Commander in Chief of the Army. It is clear, however, that in many instances the Bureau of the Budget has arbitrarily reduced estimates for various individual activities. The propriety of reducing the total requests for various departments is quite clear, but it is believed that in making those reductions the amounts to be applied to the various subdivisions of a department, in order to conform to the reduced total, should be made by those officers of the department who are responsible for the department's activities and not by those representing outside agencies such as the Budget. As an example, Congress last year authorized an increase of our Regular Establishment up to 165,000 enlisted men and appropriated $20,000,000 for that purpose. Testimony indicated the Bureau of the Budget has arbitrarily withheld parts of that additional appropriation from time to time, with the result that the War Department today has been instructed by the Bureau of the Budget that an authorization beyond 147,000 enlisted men cannot be made. Such action is clearly contrary to the intention of Congress and, I believe, beyond the authority of the Director of the Budget.

On the other hand, we find the estimates as finally approved by the Appropriations Committee, calls for an increase over the appropriations for 1936 in our finance department to permit the pay of an Army, covering not less than 150,000 men; an increase in the Air Corps of $14,000,000, and a further increase in contract authorization of $2,000,000, intended entirely for procurement of airplanes and their parts, due to the serious falling behind of our craft requirements, an increase in seacoast of $7,235,000, an increase in the National Guard of nearly $4,000,000, allowing for 5,000 extra men beyond those to be enlisted in the spring, the bulk of which expense will cover procurement of arms, uniforms, and equipment for field service. The bill submitted shows, however, a decrease over 1936 of approximately eight and a half million in the Quartermaster Department, due entirely to the fact that no appropriations are recommended in this bill for military post construction. It will be noted that the subsistence allowance has been increased by nearly $3,000,000; but this is almost entirely offset by the equivalent reduction in clothing. The bill carries approximately the same appropriation for the Organized Reserves, permitting of the training of approximately 20,000 men and about the same amount to the civilian training camps, permitting the training of 27,500 students.

Without taking too much time, I want to make a few remarks with reference to two or three activities of the War Department, which I believe are of prime importance.

I have referred to the reduction made by the Bureau of the Budget of enlisted strength of the Regular Army, as authorized last year by Congress. I consider such reduction contrary to the expressed will of Congress, and regret that it has not been felt wise to reaffirm that strength, as in these times of uncertainty and possible danger within or without our shores, we should be as fully prepared as possible. In his message to Congress, the President stated the funds appropriated by Congress last year, namely $20,000,000, were sufficient to maintain an average enlisted strength of approximately 147,000 men; that the estimates of expenditures in this year's bill were sufficient to maintain that average strength during the fiscal year of 1937, with the purpose in view of providing in the next year's Budget, namely, that of 1938, funds necessary to recruit the Army to such strength by the close of that year as would produce an average enlisted strength of 165,000 men throughout the fiscal year 1939. Your committee has appropriated sums which it is believed sufficient to maintain an average enlisted strength of 150,000 men during the coming fiscal year, and as stated in the bill, the amounts appropriated for that purpose are for the maintenance of not less than that number of men. While I repeat that I feel the reduction in this year's personnel is regrettable, and that an Army of 165,000 enlisted men is of prime importance, which is confirmed by the Chief of Staff and the Secretary of War in their reports to Congress, yet with sufficient appropriations next year, as indicated in the Budget—which, however, should be for the immediate enlistment of the additional 15,000 men—the purpose of Congress, as expressed last year, will have been accomplished, although delayed in part. I think a comparison of our Regular Establishment, which we all know is the backbone of our national defense, with that of foreign nations will indicate the reasons for my feelings in this matter. When we consider that a large part of our Regular Army is stationed in garrisons or posts outside of the continental United States, and that a comparatively small force is left for duty in this country, we can realize the force of these arguments. I am inserting at this time a table indicating a comparison in this matter between other nations of the world, which I believe will demonstrate much better than words my belief in the correctness of an increase in our Regular Establishment.

Mr. Chairman, I ask, at this point, permission to insert these tables comparing the strength of our Army with those of foreign nations.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The tables are as follows:

Military appropriations (in dollars at mint par) of certain world powers for fiscal year ending 1935 except as shown

Nation	Fiscal year ends	Population	Total national budget	Land forces		Air forces		Naval forces		National defense		Remarks
				Total	Percent	Total	Percent	Total	Percent	Total	Percent	
Argentina	Dec. 31	12,200,000	[1] $274,503,022	$32,218,789	11.74	[2] ($2,158,600)	[2] (0.78)	$21,128,971	7.69	[1] $53,347,760	19.43	
Austria	do	6,687,000	452,580,000	30,242,000	6.66					30,242,000	6.66	Schilling=$0.2382.
Belgium	do	8,259,185	[3] 476,986,232	47,585,438	9.9	[4] 4,496,511	(.95)	(5)		47,585,438	9.9	$1=21.5 francs.
Brazil	do	47,794,874	[6] 323,002,138	53,006,406	16.41	[7] (3,052,622)	[7] (.94)	27,670,317	8.59	80,676,813	25.0	
British Empire:												
Australia	June 30	6,530,000	288,772,000	6,665,608	2.0	2,535,568	.9	7,545,984	2.2	16,748,160	5.1	£=$4.
Canada	Mar. 31, 1936	10,400,000	351,969,944	9,002,000	2.5	3,000,000	.8	2,250,000	.6	14,252,000	4.0	
Great Britain	do	46,400,000	3,669,850,000	248,535,000	6.7	145,930,500	3.8	314,576,900	8.5	709,042,400	19.0	£=$5.
India	do	354,000,000	[8] 328,153,000							188,700,000	57.0	Rupee=$0.37.
Irish Free State	do	2,990,000	180,285,000	9,466,850	5.2					9,466,850	5.2	£=$5.
New Zealand	Mar. 31	1,455,000	96,155,428	1,318,832	1.2	856,336	.9	1,917,764	1.9	4,092,932	4.0	£=$4.
South Africa	Mar. 31, 1936	8,100,000	180,488,485	5,247,275	2.9	1,234,000	.6	170,875	.08	6,654,150	3.0	£=$5.
Bulgaria	Mar. 31	6,006,000	68,616,000	[9] 12,855,000	1.9					12,855,000	18.1	
Chile	Dec. 31	4,339,532	[10] 52,704,894	6,884,262	13.06	[11] 1,321,488	[11] 2.51	6,608,642	12.54	14,814,392	28.11	
Cuba	June 30	3,980,313	55,394,704	10,096,301	18.26	171,807	.32	2,064,995	3.72	12,333,103	22.26	Mint par: 1 peso=$1.
Czechoslovakia	Dec. 31	14,726,000	447,929,000	66,671,000	14.89					66,671,000	14.89	Koruna=$0.0418.
France	do	41,940,000	3,956,219,360	558,964,206	14.13	194,354,087	4.91	194,322,185	4.91	947,640,478	23.95	1 franc=6.63 cents.
Germany	Mar. 31	66,136,130	2,604,500,000	365,600,000	14.03	84,769,000	3.20	95,768,000	3.6	546,173,000	20.83	1 mark=$0.4033. The 1936 budget has not been announced.
Greece	Mar. 30, 1934	6,483,000	228,808,417	23,397,474	10.22	[12] 3,902,393	1.71	12,340,014	5.39	39,639,881	17.32	
Hungary	June 30, 1936	8,684,000	348,243,000	27,619,000	7.96					27,619,000	7.96	
Italy	do	44,566,968	1,761,983,287	384,858,336	22.4	[11] 116,404,250	6.1	117,073,417	6.8	618,336,003	35.3	
Japan	Mar. 31, 1936	95,836,386	1,869,343,647	326,593,378	17.5	A 89,464,000 N 92,840,000	4.8 5.0	354,211,452	19.0	863,108,830	46.3	Mint par 1 yen, $0.844 cents gold.
Mexico	Dec. 31	17,467,399	137,897,500	28,968,307	21.0	640,307	.47	1,391,386	1.01	31,000,000	22.48	Conversion at 2 pesos to $1 contained as there has been no estimated mint par since 1932. Present exchange rate=3.60 pesos=$1.
Poland	Mar. 31, 1936	33,500,000	405,487,000	159,445,750	39.3	[13]		[13]		159,445,750	39.3	Zloty=19 cents.
Rumania	do	18,057,000	226,868,000	65,300,000	28.7	[14]		[14]		65,300,000	28.7	Lev=1 cent.
Russia	Dec. 31	170,000,000	57,333,479,370	5,655,000,000	9.8	[14]		[14]		5,655,000,000	9.8	Ruble=87 cents.
Spain	do	24,594,341	663,171,629	[15] 71,511,250	10.79	8,317,123	1.25	26,314,439	3.97	106,142,812	16.01	1 peseta=13.66 cents.
Switzerland	do	4,066,000	156,130,000	30,865,000	19.44					30,865,000	19.4	Franc=$0.3267.
Turkey	May 31	13,660,276	139,072,346	29,385,952	21.12			2,652,448	1.91	32,038,400	23.03	
Yugoslavia	Apr. 30	14,300,000	204,240,000	33,616,600	16.4	2,843,400	1.4	2,400,000	1.2	38,860,000	19.0	
United States	June 30	[16] 126,425,000	[16] 8,581,069,026	[17] 314,234,435 [18] 365,945,498	3.66 4.26			[17] 323,818,356 [18] 436,868,832	3.77 5.09	638,052,791 802,814,330	7.43 9.35	

[1] Current rate of exchange=60 percent of mint par rate.
[2] Included in Army budget.
[3] $11,776,930 extraordinary proposed budget.
[4] Included in Army budget.
[5] No separate budget.
[6] Budgetary; estimated as being 20 percent short of funds required.
[7] Included in Army and Navy appropriations.
[8] Excluding railway budget.
[9] (Leva 83 to $1) restricted by treaty.
[10] Chilean peso equals $0.052.
[11] Separate air force.
[12] A separate air force (budget figures for 1934).
[13] Included in military and naval affairs budget.
[14] In military and naval affairs budget.
[15] Includes $16,000,000 for operation in Morocco.
[16] Estimate.
[17] Excludes emergency (P. W. A. and N. I. R. A.); also nonmilitary items such as rivers and harbors.
[18] Including emergency.

Military forces of certain nations of the world

Nation	Population	Organized forces				Percent of population	Remarks
		Active	Trained reserve	Separate air force (if any)	Total		
Argentina	12,200,000	30,713	448,383	(1)	479,096	3.93	16,000 State police and gendarmerie.
Austria	6,687,000	32,700	[2] 211,000		243,700	3.6	
Belgium	8,092,004	[3] 89,224	495,050	(1)	584,274	7.22	
Bolivia	3,052,000	5,000	[4] 54,490	(1)	54,490	1.79	
Brazil	47,794,874	93,892	206,959	(1)	300,851	.63	
British Empire	429,875,000	390,291	632,053	46,593	1,068,937	.25	Exclusive of naval forces.
Australia	6,530,000	1,677	35,000	1,197	37,874	.50	
Canada	10,400,000	3,528	52,012	692	56,232	.50	
Great Britain	46,400,000	206,454	278,847	44,704	530,005	1.10	
India	354,000,000	170,623	113,048		283,671	.08	
Irish Free State	2,990,000	6,496	8,919		15,415	.51	
New Zealand	1,455,000	524	9,210	(232)	9,734	.60	
South Africa	8,100,000	989	135,017	(514)	136,006	1.60	
Bulgaria	6,006,000	33,000			33,000	.55	
Chile	4,419,677	[5] 29,435	[6] 177,435	1,634	208,504	4.72	
China	470,000,000	1,750,200	None	(685)	1,750,200	3.7	Air service is a part of army.
Colombia	8,893,030	[7] 12,000	40,000	([8])	52,000	.59	
Costa Rica	565,427	574	None	None	[9] 574	.11	
Cuba	3,980,313	14,810	6,546	([10])	15,356	.38	Navy excluded.
Czechoslovakia	14,726,000	176,500	1,711,000	([10])	1,887,500	11.5	
Denmark	3,551,000	8,100	65,700	1,100	74,900	2.10	
Dominican Republic	1,478,121	[11] 2,179	None	None	2,179	.15	
Ecuador	2,554,744	4,868	[11] 25,000	(1)	29,868	1.17	
Estonia	1,126,000	11,122	34,774	([10])	45,899	.04	
Finland	3,600,000	30,336	100,000	([10])	130,336	.036	
France	41,940,000	[12] 600,505	5,500,000	34,352	6,134,857	14.62	
Germany	66,136,000	426,800	[13] 1,850,000	([14])	2,276,800	3.44	
Greece	6,483,000	85,875	495,042	2,533	583,450	9.43	Latest available data.
Guatemala	2,200,000	4,475	9,200	(1)	13,675	.62	
Haiti	2,650,000	2,470	[14] 551	None	3,021	.11	
Honduras	962,685	1,507	None	None	1,507	.16	
Hungary	8,684,000	35,044	600,000		635,044	7.3	
Italy	44,566,968	1,111,593	5,214,368	201,326	6,527,287	14.65	
Japan	95,836,386	[15] 280,000	[16] 1,895,000	([10])	2,175,000	2.3	
Latvia	1,900,045	21,403	[17] 190,000	([18])	211,403	11.12	
Lithuania	2,476,154	20,235	20,000	([10])	40,235	.0162	
Mexico	17,467,399	56,298	28,018	([10])	84,316	.48	Navy excluded.
Netherlands	7,731,000	29,500	330,000		359,500	4.64	
Nicaragua	800,000	2,409	[19] 487	None	2,896	.36	
Norway	2,811,000	15,100	315,000		330,100	11.71	
Paraguay	900,000	5,000	[19] 43,509	(1)	48,509	5.39	
Peru	6,237,000	[21] 9,951	[21] 20,000	(1)	29,951	.48	
Poland	33,500,000	266,015	1,421,579	([10])	2,048,852	6.11	
Portugal	[22] 6,500,000	[24] 71,846	430,529	([10])	502,375	7.73	
Rumania	18,057,074	198,464	1,676,000	([10])	1,874,464	10.4	
Russia	170,000,000	1,185,000	14,590,000	[1] (50,000)	15,775,000	9.2	
Salvador	1,550,000	3,370	[24] 655	(1)	[25] 4,025	.26	
Spain	23,840,915	[26] 203,033	2,095,000	5,781	2,303,814	9.66	
Sweden	6,105,000	34,179	838,000	4,700	876,879	14.36	
Switzerland	4,066,000	[26] 494	[27] 600,000		600,494	14.75	
Turkey	13,660,276	133,000	532,800		665,800	4.87	
Uruguay	2,150,611	6,629	9,300	(1)	15,929	.74	
Venezuela	3,324,000	6,000	[28] 3,000	(1)	9,000	0.27	
Yugoslavia	14,300,000	141,836	1,554,793		1,696,629	11.86	
United States	[30] 126,425,000	137,960	300,104		438,064	.35	

[1] Included in Army.
[2] 40,000 Army reserves, 155,000 quasi-military formations.
[3] Includes 6,000 gendarmerie.
[4] Demobilized at end of Chaco War.
[5] Includes 15,000 Carbineros.
[6] Includes 50,000 "Republican Militia."
[7] Estimated and includes 4,200 national police.
[8] Under reorganization.
[9] National police force.
[10] In the Army.
[11] Estimated.
[12] Includes 40,000 Gendarmerie and Garde Republicaine.
[13] Includes active army reserves, Nazi formations and labor service Corps.
[14] Unknown.
[15] Rural police.
[16] Includes independent base in Manchuria.
[17] Only organized units.
[18] No recent data.
[19] Auxiliaries and police.
[20] Demobilization at end of Chaco War.
[21] Estimated.
[22] Includes 2,605 Guardia Civil.
[24] Exclusive of Colonies.
[25] Includes 30,000 recruits in schools.
[26] Includes 10,668 in Colonial Army.
[27] No organized reserve, 100,000 men available.
[28] Guardia Nacional (Rurales).
[30] Includes 28,000 Guardia Civil.
[26] Professional officers and noncommissioned officers.
[28] Militia.
[29] Indefinite and variable.
[30] Continental United States (estimate).

Mr. BOLTON. I commented previously on the National Defense Act with reference to war reserves. We all know the desirability and necessity of having certain clothing and ordnance supplies on hand and ready for use in case of emergency. All of us who had experience still remember the difficulties encountered in properly equipping our forces at the beginning of the World War, and the long delays which occurred before our industries were able to meet the demands of our Army. In fact, we know only too well the large amounts of matériel we were obliged to procure from other nations to meet our needs. This lesson has been well learned by the War Department and a system for the establishment of proper reserves and the necessary requirements has been in operation for some time and is of constant concern to the Department. This task falls most heavily on the Quartermaster and Ordnance Departments, both of which must have material and supplies, not only for the current issue for our troops and the National Guard as required but also a reserve for issue in case of mobilization. In many ways this is a tremendous expense to our Government, and because of that feature both the Bureau of the Budget and the Congress have been slow in granting funds for this purpose. On the other hand, steps and methods have been taken, insofar as possible, to facilitate the procurement through industry in case of emergency just as much as possible. With all that our situation is far from what is desirable; and, while we all realize the tremendous expense involved and the continuing loss from deterioration which occurs, this is a subject which we should keep constantly before us and one in which every means possible should be used to satisfactorily meet the situation. The encouragement of industry for close cooperation with our departments of national defense, the stimulation of ability to produce promptly through education and understanding of the requirements of the War Department with industry, and the constant knowledge of the extent to which industry can produce War Department requirements, as well as an understanding on the part of the War Department as to the possibilities both of raw materials and industrial strength, should

be of prime importance to the Department and to Congress. I personally had some experience in this field during the World War as a member of the General Staff and cannot speak too emphatically of the need for realization of this most important factor in our plans of preparation and national defense. Unfortunately, very little is carried in this bill for either ordinary quartermaster or ordnance reserves, although there is quite an amount for aircraft ordnance reserves.

And now, the last subject which has given the entire committee much concern is that dealing with the Air Corps and the very disquieting condition in that branch of the Army insofar as airplanes themselves are concerned. Much time and study has been given to this great subject for several years, not only have several boards of experts studied the entire situation and made reports as to what should be done and the condition of our Air Corps in general but the Military Affairs Committee, during the past 2 or 3 years, has given considerable study to this subject, largely in connection with our method of procurement of planes. There apparently is no doubt as to the type and efficiency of such planes as we are securing for the Army. There is certainly no doubt as to the ability of our officers and pilots, but the distressing part of the entire situation is the fact that with the appropriations of vast sums of money during the past 5 years, our number of serviceable planes, instead of increasing, has been on the decline. Vast amounts of testimony has been given on this subject. Much study has been given to it and it is apparent that the difficulty and cause for this situation has been largely due to the methods which have been followed in the procurement of our aircraft.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield at this point?

Mr. BOLTON. I would rather not yield until I complete my statement.

Mr. ZIONCHECK. But I wish to ask a question in connection with the air forces before the gentleman leaves this subject. While the gentleman is talking about planes, will he explain the project A planes, each one of which costs $569,000?

Mr. BOLTON. Let me finish; then I will comment on them.

As a result of these studies, in part, our methods of procurement have been changed, but still there is a long period between the time of consideration of purchase and the actual delivery of a plane. To complicate the situation still further, the airplane industry has made tremendous strides, which has been accompanied by great improvement in the art of flying, and constant advancements in the type of performance and planes has come about. The result has been that, because of the delay in procurement and in the determination of the types of planes most suited for our service, new planes and new designs have been produced before those formerly determined upon were made, causing changes, corrections, and revisions in order to bring planes on order up to date, which have resulted only in delay of final delivery. I believe a reading of the hearings will indicate far better than I can describe the various factors involved and the difficulties encountered. I do not pretend to be an expert in this field, but I do recognize fully the necessity of a competent air force in sufficient numbers to support our Army and meet emergencies. That fact is fully recognized by those in charge of the Air Corps. Various reasons, including a reduction in appropriations or lack of appropriations, have been advanced for this condition. It is felt improvement in the situation has resulted from the changes in methods of procurement. However, it is still believed that further advances can be made in this field. And it is suggested for the benefit of those on the Military Affairs Committee who are studying the situation that careful thought be given to the desirability of the following, namely: That in placing orders for planes a time limit for delivery be specified, with the proviso that the design rights of the contractor be protected; that the company owning the design chosen and from whom the planes are to be procured be allowed to subcontract on their orders; and, third, that in the audit of the cost of the manufacture of these planes due credit be allowed for a fair and reasonable profit both to contractor and subcontractor.

Today we are purchasing planes largely on the basis of competitive design and requirements within prescribed performance suggested by the Air Corps. Today our costs of planes, because of the advancement of the art and the improvements which have come, have increased tremendously, thereby reducing the number of planes available under current appropriations. Today the Air Corps is somewhat handicapped because of not being able to utilize appropriations made until the beginning of each fiscal year. It is believed wise that because of the condition of our air force today, insofar as planes are concerned, because of the duration of time which elapses in the determination of designs and performance, that such appropriations as are authorized for this purpose be made immediately available. Thus our current appropriation bill—which we trust will become law within the next few weeks—would permit the almost immediate placing of orders for such types of planes as are believed desirable and suited for our purpose instead of waiting for the beginning of the fiscal year next July.

May I add that I believe the country is desirous of an ample, proper air force for our Army; that with the tremendous appropriations made during the past few years, totaling in all $97,500,000 from 1930 to 1936, inclusive, we should have that force desired; and that instead of the number of planes now on hand we should have a number more nearly comparable with those recommended by boards of experts who are familiar with this subject?

As I have said before, the situation is a serious one. One in which tremendous expense is involved. One in which we should give full consideration to the great industry which is so necessary for the production of these planes and which today, in many instances, is fully able to take on the necessary work. We should give due thought to our national defense, of which our air force is a very vital factor, and in this have a realization that we are below what is desired or required. That this is partially due to methods of procurement, to lack of funds, to a new art, and realize that if we are to meet the situation satisfactorily and build up our force to what we believe proper, we must give further attention not only to our methods of procurement but be willing to appropriate sufficient funds for this purpose.

I spoke previously of the fact that a reduction in annual appropriation for 1 or 2 years below the normal requirements of the Department was bound to prove costly in the long run. The situation confronting the Air Corps is a very good example of what I had in mind, and I trust ways and means may be devised to correct this. I can only assure you that every member of your subcommittee has given the matter serious and careful thought, and while not pretending to be experts in this field, believe it is a matter that should be called to the attention of Congress; that serious steps should be taken to correct the situation which is so vital to the country.

I have taken a great deal more time than I intended in discussing this matter and apologize not only to the committee but to my chairman, who doubtless will discuss many of the matters I have touched upon more in detail. My only excuse is that the entire subject is one in which I am intensely interested and on which I believe the welfare of our country rests in part. I am one of those who are heartily opposed to war or armed conflict but who equally believe that our surest method of keeping out of national difficulty is a strong national defense, founded upon an Army and Navy sufficiently powerful to protect us at all times but in which the thought of aggression plays no part. [Applause.]

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. BOLTON. Gladly.

Mr. SNELL. The gentleman has made a very instructive and intelligent statement about this bill. If I understood the gentleman correctly, Congress decided on the size of the Army, placing it at 165,000 enlisted men but the Bureau of the Budget took it upon itself to change the number to 140,000. By what authority could they order this change?

Mr. BOLTON. As I understand it, the Director of the Budget allowed the War Department certain amounts month by month for a gradual increase to the strength authorized

by Congress; and by this method, instead of authorizing the full expenditure, the Bureau of the Budget has not allowed sufficient funds to meet the entire demand.

Mr. SNELL. It would seem it did not make any real difference what we appropriate or arrange for in Congress; the Bureau of the Budget can change it.

Mr. BOLTON. If the gentleman will refer to the hearings, he will find some illuminating and interesting testimony on this subject. Let me read the following interesting colloquy which occurred during the hearings on page 6:

Mr. BOLTON. You were authorized to increase the strength to 165,000?
General CRAIG. Yes, sir.
Mr. BOLTON. You have had difficulty in doing that?
General SIMONDS. Not in getting the men.
Mr. PARKS. The Budget Bureau has held up the money?
Mr. BOLTON. It was due to financial difficulties, entirely; was it?
General CRAIG. Yes; to financial difficulties.

* * * * * * *

Note particularly the following (p. 6):

Mr. PARKS. The Budget Bureau has not permitted them to have the entire amount appropriated. The Budget has held back approximately $9,000,000.
Mr. BOLTON. Under what authority, or by what right, did the Budget hold that up?
Mr. PARKS. They have the power under the law to do that, without any doubt.
Mr. BOLTON. The Congress appropriated a certain sum of money for an increase in enlisted personnel.
Mr. PARKS. But the Budget has the power to control its obligation. The War Department had hearings on that before the Bureau of the Budget.
Mr. BOLTON. In other words, the Director of the Budget is superior to the legislative action of Congress?
Mr. PARKS. That appears to be the fact.
Mr. MCMILLAN. Is that a provision of law?
Mr. PARKS. There is no law against it.

While it occurred purely by accident, the colloquy cited above gives a beautiful example of the results of the logic and reasoning of the present administration. Heretofore when the Congress has adopted legislation which has been approved and become the law, the question involved has been judged as settled so long as we acted within our powers and the meaning was clear and unmistakable. In the present instance no one questions that the intent of Congress was that the enlisted personnel of the Army should be raised to 165,000. That intent was incorporated in the law. But we failed to pass another law saying that the first law was intended to be a law and that no construction invalidating it should be made.

Paraphrasing the words of our genial chairman, unless we pass "a law against it", the Bureau of the Budget will interpret our laws not in their clear, unmistakable intent and purpose, but in such manner as suits the Bureau's purpose.

Mr. SNELL. It will not be done again this year?

Mr. BOLTON. This year the appropriation bill calls for not less than 150,000 men.

Mr. SNELL. May I ask one more question? Is there any provision in this bill or in the present law for educating foreign students at West Point?

Mr. BOLTON. That question was asked in the hearings. At the recommendation, I believe, of the State Department, we are taking four students in West Point. Two of them, I think, come from South America, one from Siam, and I believe one from China.

Mr. SNELL. Of course, I do not know as that situation could be changed at this time, but, expressing my own personal opinion, I am very much opposed to this policy.

Mr. BOLTON. As I recall the situation, it is at the suggestion of the State Department, upon a special joint resolution of Congress.

Mr. SNELL. But there is no real law on the subject. It is simply done as a courtesy to the other countries?

Mr. BOLTON. Yes.

Mr. SNELL. When the time comes to express myself on the floor of the House, I am going to do so along the lines just stated. I am opposed to this policy. I think we are too easy in giving away our own scientific information and our own preparations to other countries. I notice none of the foreign governments are doing so.

Mr. MICHENER. What is the reason for this?

Mr. BOLTON. It was done, as previously stated, at the request of the State Department.

Mr. MICHENER. What reason did the State Department give?

Mr. BOLTON. As a matter of diplomatic courtesy, I believe.

Mr. MICHENER. They did not give your committee any other reason?

Mr. BOLTON. It is a practice that has been continued for many years.

Mr. SNELL. Even if it has been in effect for a number of years, I think it is time the Congress should act, and I am willing to take my responsibility in reference to this matter.

Mr. HARTER. Will the gentleman yield?

Mr. BOLTON. I yield to the gentleman from Ohio.

Mr. HARTER. Did I understand the gentleman to say that in the present bill appropriations for the Air Corps will be immediately available as soon as the bill is passed?

Mr. BOLTON. No. That was purely a suggestion on my part.

Mr. HARTER. To cover future appropriations?

Mr. BOLTON. Yes. In other words, the appropriations are not available until the 1st of next July. If those sums are made available, particularly the contract authorizations, the Air Corps could save at least 3 months in their procurement program.

Mr. HARTER. And that program could be commenced immediately?

Mr. BOLTON. They could at least place their contracts; yes. Let me call attention to the fact—and I think the gentleman knows it—that the War Department tries to keep about a year ahead of the appropriations in their designs and in their competition for designs, but the actual orders for such planes as are determined upon cannot be given until the appropriation bill becomes effective.

Mr. HARTER. The result of the gentleman's recommendation, then, would be to insure delivery of planes at a faster rate and in advance of the system under which we appropriate and procure at the present time?

Mr. BOLTON. As I stated heretofore, I do not pretend to be an expert on the subject, but it seems to me that might be one way of hastening deliveries.

Mr. FADDIS. Will the gentleman yield?

Mr. BOLTON. I yield to the gentleman from Pennsylvania.

Mr. FADDIS. May I say to the gentleman from New York [Mr. SNELL] that the Committee on Military Affairs has taken a stand opposing the entrance of any foreign students into the Military Academy?

Mr. SNELL. I hope the gentleman will present legislation for consideration on the floor of this House and give the Members an opportunity to act.

Mr. FADDIS. I think so myself.

Mr. SNELL. I think we have been altogether too easy in giving away what we know.

Mr. McSWAIN. Will the gentleman yield?

Mr. BOLTON. I yield to the gentleman from South Carolina.

Mr. McSWAIN. Legislation is not required at the present time to close the Military Academy. It is closed until we by some special bill open it for certain individuals mentioned in a particular bill. For the last 4 or 5 years we have been notifying the State Department and the War Department that the future policy of the committee would be against any legislation of that sort. Very recently, without mentioning any particular country, we have finally closed the academy to foreign students.

Mr. SNELL. The gentleman thinks, then, it will be closed hereafter to foreign students?

Mr. McSWAIN. So long as the present policy of the committee prevails, it will be closed.

Mr. SNELL. May I ask one other question? The gentleman stated it was a courtesy act on the part of the State Department. Why should we allow them to do that if we are opposed to that policy? The responsibility is ours.

Mr. McSWAIN. That was formerly the attitude of the State Department, and for this reason: On account of prom-

ises, foreign governments were permitted to send certain young men over here who were admitted into the Military Academy. We finally notified the State Department they must not make any more promises. In the last case the State Department declined to make any promises whatsoever and sent the minister of the country involved down to see me as chairman of the Military Affairs Committee. I referred the matter to the committee. We considered it twice in executive session and finally advised the minister of that nation that there would be no exception to the policy of the committee in his particular case.

Mr. SNELL. It is the gentleman's opinion, then, that when the few foreign students now attending the Military Academy graduate or are taken care of, the academy will be closed in the future to foreign students?

Mr. McSWAIN. Yes; so far as courtesy and exchange of privileges as between nations is concerned, no American young men study at any foreign military school which is comparable to the United States Military Academy. That is a purely academic institution. However, American officers study at places like the Ecole Superieure in France, but they study there professionally and not in a purely academic institution.

Mr. BOLTON. According to my understanding, they are given privilege at Samur, the French Military Academy? In other words, our officers have this courtesy?

Mr. McSWAIN. But it is an officer who has graduated from the United States Military Academy. Those schools over there are professional institutions. The Military Academy is not a professional institution, strictly.

Mr. MICHENER. Do we pay the expenses of these boys who are permitted to attend our school just as we do our own boys?

Mr. BOLTON. No; I think not. They go on their own allowance.

Mr. MICHENER. They pay their own expenses.

Mr. BOLTON. Yes.

Mr. MICHENER. Then we only extend the privilege or courtesy of attending the school without any financial obligation?

Mr. BOLTON. That is the way I understand it.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. BOLTON. Yes.

Mr. CULKIN. The gentleman has made a splendid speech and I have enjoyed it tremendously. I am sure the country will read it with interest. What recommendation was made by the War Department to the Bureau of the Budget on housing, if any?

Mr. BOLTON. There was no recommendation made that I can find, but heretofore that has been taken care of out of emergency or P. W. A. funds directly and in accordance with the housing program of the War Department.

Mr. CULKIN. But the War Department knew that Mr. Harry Hopkins had turned thumbs down on that and this was the only avenue open for any housing.

Mr. BOLTON. Their previous activities were carried out under P. W. A. and not W. P. A., which is quite different.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. BOLTON. I yield to the gentleman from Iowa.

Mr. BIERMANN. This bill carries appropriations of $543,000,000 and I notice here that 30 years ago, in 1906, the total appropriations for running the entire Government were $54,000,000 less than the amount this bill carries. Before we vote for this bill we ought to have some good, sound reason why this amount of money should be appropriated. The answer given is that it is for defense and many brave words have been said here in favor of national defense. Yesterday I asked the minority member of the committee and the majority member of the committee to bring in here today the testimony of one responsible military man in this country, or in any other country, who would say that this country is open to successful invasion by any power or any combination of foreign powers. Would the gentleman now care to supply such evidence?

Mr. BOLTON. No; I cannot submit such evidence and neither can the gentleman. If anyone were wise enough to know how to do that, they would certainly not tell this body or tell you or me.

Mr. BIERMANN. They would not tell us?

Mr. BOLTON. No. I believe I have made the statement that I agreed with the gentleman that this country could not be successfully invaded because successful invasion means conquering this country, and I do not think that could be done; but the gentleman knows from history, as well as I do, that our country was invaded at the time of the Revolutionary War and at the time of the War of 1812, and I think the gentleman is familiar enough with history to know the panic that followed the outbreak of the Spanish-American War.

Mr. BIERMANN. The gentleman, I feel sure, does not think the panic of 1898 was well founded, and I hope he is not comparing modern warfare with the Revolutionary War when the British soldiers were already here, or the War of 1812, when they were on our northern border.

Mr. BOLTON. But they certainly came over here.

Mr. BIERMANN. I think before this House votes $543,000,000 to the War Department we ought to have some kind of evidence to show that there is some remote possibility of Japan coming from Yokohama, 5,220 miles to San Francisco, and invading our country.

Mr. BOLTON. Will the gentleman agree to cut out $100,000,000 of the $543,000,000 and do away with river and harbor improvements?

Mr. BIERMANN. Yes; I will vote for that. Let me ask one more question.

Mr. BOLTON. I yield; but I do not want to take up too much time.

Mr. BIERMANN. Are not the members of the committee going to submit themselves to a little examination about this bill?

Mr. BOLTON. Certainly.

Mr. BIERMANN. I want to ask the gentleman this question: The gentleman is the head of the Republican congressional committee and I wonder if he is now going to urge the Republican Members of the House to vote $543,000,000 for the War Department and then in the coming campaign is going to go out and tell the people of this country that the Republican Members of the Congress and the Republican Party stand for economy.

Mr. BOLTON. Yes, I will. I believe in this expenditure because it is for national defense and I feel in the interest of our country. But I know many ways whereby millions of dollars can be cut from the appropriations for the ordinary operations as well as extraordinary expenses of the Government.

Mr. BIERMANN. I showed on yesterday, and the figures are in the RECORD, that for the next fiscal year we have already voted for or will be called upon to vote for in payment of past wars and preparing for more wars $4,685,000,000.

Mr. BOLTON. Yes.

Mr. BIERMANN. And there is no use talking about economy in the saving of office floor space, as one Republican Member talked about the other day; or saving a few camps, like some Democratic Member talked about the other day, when we are spending $4,685,000,000 for war in 1 year.

Mr. DINGELL. Will the gentleman permit me to ask the gentleman from Ohio a question?

Mr. BOLTON. Yes.

Mr. DINGELL. I heard my distinguished friend from Iowa say he would vote to cut off $100,000,000 for rivers and harbors, and I am wondering if there is not a condition attached to that to the effect that we use the $100,000,000 taken from rivers and harbors and put it on corn and hogs. Is that a condition that is attached?

Mr. BIERMANN. The question is getting quite complicated, but if you want that as a condition, I will vote for it that way.

Mr. McSWAIN. If the gentleman from Ohio will permit, may I ask the distinguished gentleman from Iowa, on his responsibility as a Member of the House, if it were in his power to control the action of this House and control the action of the Senate and control the action of the President, how much would he appropriate for national defense?

Mr. BIERMANN. The gentleman is asking quite a complicated question, and I take it the gentleman is a lawyer, and from the question he has asked, I take it he is, perhaps, a criminal lawyer.

Mr. McSWAIN. No; never a criminal lawyer and never defended a criminal.

Mr. BIERMANN. I would at least cut it in two.

Mr. McSWAIN. I just wanted to know the gentleman's position.

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I yield myself 30 minutes. Mr. Chairman and members of the Committee, let me say at the outset that I appreciate the services that have been rendered to this Nation by the distinguished gentleman from Ohio [Mr. BOLTON], who is the senior Republican member of the subcommittee which framed this bill.

Since the 16th day of December, almost every day and every working hour of that day this subcommittee has labored together in an effort not only for economy but for the national defense. Two members of that committee are Republicans and five members are Democrats.

At no time in these long hearings has the question of politics ever been raised.

I say today that CHESTER BOLTON, if I may be so familiar as to speak of him in that way, not only is a statesman, not only is a man of great ability, but he is a patriot, who not only gave of his time but who left his valuable business in the defense of his country. He has heard the sting of hostile bullets and smelled the burning of the enemy's powder. He has stood by the Government and he has stood for the battles of the country above partisanship and above party. [Applause.]

Mr. Chairman, it devolves upon me, as chairman of the War Department Subcommittee of the Committee on Appropriations, to present the annual War Department supply measure, which embraces appropriations for the national defense and, in addition, appropriations for a number of activities which happen to be administered by the War Department, but which could be carried in any other measure just as well so far as they have aught to do with the activities of the Military Establishment. For that reason I shall not present a combined picture of the two groups as regards current appropriations, Budget estimates, and the amounts proposed in the bill before you. It would be misleading to do otherwise.

For the Military Establishment, including the expenses of the War Department at Washington, the bill we bring to you comes within the sum of the Budget recommendations by $43,989. The Budget estimates total $375,025,510, and this bill amounts in the aggregate to $374,981,521.

That you may not be deluded at the outset, let me say that I am not pointing to that reduction with any feeling of pride. On the contrary, notwithstanding the fact that the bill, as we have shaped it, exceeds the sum of appropriations that have been appropriated thus far for the current fiscal year by $23,803,501, I want to say to you in all sincerity that if it had not been for the absolute necessity, in my judgment, to curtail Federal expenses just as far as possible, I should have been disposed to have brought in here a bill not less than the Budget in its military phases, but one of such proportions as would permit of rounding out in all of its elements such a peace-time Military Establishment as it would seem wise for us to maintain at a rate of progress that would look to its consummation by some definite date not in the remote future.

I am not an alarmist, Mr. Chairman, but my position is just this: An army is maintained for but one purpose—the defense of the realm. If it be not maintained in proper numbers, fully implemented and trained, and buttressed by a reserve of personnel and material of proper proportions, it ceases to be an army, and if the reason be lack of funds, then the blame attaches to us for not discharging our specifically imposed constitutional duty.

I am one of those unalterably of the opinion that the best and almost certain way to avoid war is to be prepared for war. On the other hand, let me say to you that no man will go any further than I to do anything humanly possible to avoid an armed conflict which does not involve the honor of America or the sanctity of our homes.

Mr. Chairman, I believe that the day is coming, and I hope soon, when the military and naval budgets will be considered, in a sense, fixed expenses, not annually controlled by the whole amount that may be considered available for ordinary expenses and thus required to bear the proportionate share of any reduction in ordinary expenses that circumstances annually changing may dictate. In no other way do I see how we may fix a goal, arrive at it, and then maintain it. Until we have some such arrangement, it would seem almost hopeless to have consistent progression under the present mode of budgeting.

This year—and it is nothing new—the members of the subcommittee charged with the responsibility of framing this measure were confronted on the one hand with the need of keeping appropriations within Budget bounds, and, on the other hand, of disregarding that need or subordinating our unanimous conviction of the inadequacy of the Budget estimates to provide in proper measure for military defense preparation.

That may appear as an astounding statement to some of my auditors whose eyes have been fixed upon the larger amount this measure makes available compared with the present fiscal year, but if I could take you behind the scenes and show you wherein there is an utter lack or woeful lack of matériel preparation, you too would be more or less in a dilemma as to the proper course to pursue.

We have done just like we have done in the past and will do in the future, so long as provision for defense needs, military and naval, is dictated by predictions of estimated income and outgo touching the ordinary expenses of Government.

Pursuant to rather exhaustive hearings and an examination of very voluminous data we have effected certain modifications in the Budget recommendations, taking money here and putting it there, and continuing available a predicted balance of the current appropriation "Pay of the Army", and in this fashion have remained within the Budget, but have provided, we believe, for a decidedly better measure of preparedness.

I do not intend to take your time with a detailed explanation of this bill. You will find the report to be very comprehensive, and you will find at the end of the report a comparative statement of the amounts recommended in the bill with the amounts appropriated for this fiscal year and with the amounts recommended in the Budget to be appropriated for the fiscal year 1937 touching every item of appropriation. Besides, almost at the outset of the report itself will be found a statement of every money change made by the committee with a brief explanation thereof. I want to talk to you about some of the major propositions with which we were called upon to deal.

ENLISTED STRENGTH

You will recall that in the bill we presented a year ago we proposed an indefinite appropriation of such sum as might be necessary to increase the enlisted strength of the Army from 118,750 to 165,000 men, the increase to be made at the discretion of the President and in such increments as he should deem necessary. An unsuccessful effort was made in the House to substitute a direct appropriation of $5,095,748 for increasing the enlisted strength from 118,750 to 130,321 enlisted men, or one-fourth of the increase possible under the bill as presented by the committee. In the Senate, the bill was changed to provide for a direct appropriation of $20,000,000 for increasing the enlisted strength to 165,000 men and without specifically vesting in the President any discretion in the matter. The Senate amendment in all essential respects finally prevailed.

When we undertook the consideration of this bill on the 16th of December, we found that the War Department had not been permitted to expand the enlisted strength of the Army to 165,000 men; that the Bureau of the Budget had not permitted up to that time the obligation of more than roundly $11,300,000 of the $20,000,000 appropriation; that

the enlisted strength was then within a few hundred short of 140,000, and that no greater additional amount of the $20,000,000 would be freed for obligation than would be necessary to recruit to a strength looking to the maintenance of an average of not exceeding 147,000 men during the fiscal year commencing next July 1, and the Budget specifically provides that that average number shall not be exceeded.

Well, of course, even though in last year's bill the committee and the House, in the first instance, were ready to give the President discretion as to what increase should be permitted to take place, up to 165,000 men; the House, by agreeing to the action of the Senate, reversed its former position and provided for the increase, without any strings; and, I must confess, that all of my colleagues on the subcommittee, and I, were much surprised when we learned of the restrictions that had been clamped down by the Bureau of the Budget.

However, I am free to admit that after hearing the President's message transmitting the Budget, which, of course, was presented 3 weeks after we had commenced our hearings, I felt decidedly different about the matter. Here is what the President said:

In the War Department Appropriation Act for the fiscal year 1935 the Congress adopted a policy of increasing the average enlisted strength of the Army from 118,750 to 165,000 men, and toward accomplishing such purpose appropriated an additional $20,000,000 for expenditure during that year. These funds are sufficient to maintain an average enlisted strength during 1936 of approximately 147,000 men. The estimates of expenditure included in this Budget are sufficient in amount to maintain this average during the fiscal year 1937, with the purpose in view of providing in the 1938 Budget the funds necessary to recruit the Army to such strength by the close of that year as will produce an average enlisted strength of 165,000 throughout the fiscal year 1939, the maximum intended by the Congress. It is felt that this is as fast as the Government should proceed in this matter in the light of the present forecast of fiscal affairs.

I do not think any of us has any tenable ground to quarrel with such a program. It means that, commencing a year from coming July, the enlisted strength will be gradually increased so that commencing July 1, 1938, there will be maintained an average of 165,000 enlisted men.

The committee does object, however, to the language of the Budget establishing a specific restriction that there shall not be more than 147,000 enlisted men in the Army during the fiscal year 1937. That suggests that through administrative control there might be less. The committee strongly feels that a less number should not be maintained, and it also feels that it is unwise to delay completely garrisoning the Panama and Hawaiian Departments. To do that, on the basis of a strength of 165,000 men, would call for 3,873 men. So we have undertaken to provide for that additional number; and, further, that the average enlisted strength during the fiscal year 1937 shall not be less than 150,000 men. [Applause.]

We are proposing that the extra men shall be paid from a portion of the unused part of the sum appropriated for the current fiscal year for increasing the enlisted strength, which we are advised will be $2,845,925.

AVIATION

Mr. Chairman, there is no subject that has given us more concern than aviation. That is so, for two reasons: First, its high relative position as an arm of national defense; and, second, the large share it has in military outlays. For the last completed fiscal year—1935—expenditures for and on account of Army aviation, including pay of personnel and everything, totaled $67,641,265, which happens to be approximately the average annual cost for the 5 fiscal years ending with the fiscal year 1935. Of interest in this connection is the total bill for naval aviation for the fiscal year 1935. The figure supplied me is $76,639,297. For the two services combined the total charge for 1935 was the stupendous sum of $144,280,562. Of course, for the fiscal year 1937 the figure will be very much larger, because this bill makes available in the Air Corps appropriation alone, roundly, $34,000,000 more than was available in the fiscal year 1935. To my mind, particularly as regards Army aviation, the end is not in sight.

I do not undervalue this relatively new weapon of offense and defense. I have every respect in the world for it. I should not for a moment dispute any claim as to its potentialities any of our seasoned, responsible air officers might make for it. Therefore I stand ready here and now to go forward with any justifiable program which may be advanced, provided it is well rounded out in all of its elements, personnel and matériel, and looks to a flow of production to reach such quota as may be determined upon that has regard for an orderly program of replacement.

There are three major inseparable propositions we must consider in connection with any program of expansion. These are personnel, hangar accommodations, and planes. I should say they are all of about equal priority as regards time of providing for acquirement. I shall speak of planes first, because it is our airplane situation which is so largely responsible for the increase of this bill over the bill of a year ago.

We hear of a 4,000-airplane program, of the Drum and Baker boards' programs, and a procurement program at the rate of 800 airplanes a year. In the first place, let me say that the Air Corps Act of 1926 fixed the quota of planes at 1,648 for the Regular Army and the Organized Reserves and 152 for the National Guard, a total of 1,800 planes; "serviceable planes", I believe, was the language used in the authorization act. It seems to me, therefore, that until that quota has been modified we have no right or authority to begin building toward a larger one.

Now, just what is our airplane situation? I shall try to give you the picture, and I shall not go back of July 1, 1933. I choose that date because we still have some undelivered planes ordered out of 1933 funds. So, commencing on that date, approximately 2½ years ago, there were 278 planes on order and due for delivery from the contractors. A year later, on July 1, 1934, there were 63 airplanes due for delivery. Last June 30 there were 363 more, and on next June 30 there will be 480 more. That represents a total of 1,184 planes, and of those 1,184, mark you, 752 of them, including planes ordered out of 1933 funds, had not been delivered on the 4th day of this present month.

Now, what do we do in this bill? The Budget came to us providing money and contract authorization for the procurement of 457 airplanes, excluding 50 for the National Guard. We are providing by way of contract authorization for 58 more, or 515 total. Then, looking ahead to next year and assuming that we provide for another 515, which we have a right to expect will be delivered by June 30, 1938, there will have been delivered in the 5-year period ending June 30, 1938, a total of 2,214 airplanes, none more than 5 years old, and 1,782 of them ranging from less than 2½ years old to brand new planes.

Now, gentlemen, with these figures before you and bearing in mind that these are the most modern types of planes, of metal construction and having a much longer useful life than the planes that are now being washed out so rapidly because of age and obsoleteness, if we allow for 566 of them to go out of the picture through crashes—irreparably damaged, and that would seem to be an appalling number—we would still have by the end of the fiscal year 1938 our full at-present-authorized quota of 1,648 planes for the Regular Army and the Organized Reserves. I respectfully submit that until there has been a change in the authorized number of airplanes and some provision has been made for housing airplanes and for personnel to operate them, that the bill goes just about as far as it should.

Then let us turn to the question of hangars. Very many of the new types of planes we are getting are much larger craft than the old stuff that is fading out. The matter of housing them presents a real problem. There will be not only a lack of hangar space but it will be necessary to make the best use of what we have by assigning planes to stations irrespective of strategical considerations. I do not believe in that, nor do I believe that this sort of equipment should be kept in the open, no matter where; and it is my judgment that right now we should be generously appro-

priating for additional hangar construction at properly determined points.

Turning to personnel, I should say that so far as numbers go and taking into account Reserve-officer pilots on 1-year active-duty details, of whom there will be 300 in 1937, that we have as many as we need, considering the equipment available for operation. That will not be true a year or two hence, when the number of planes increases and when there will be in operation planes of types requiring possibly the services of three or four officers per plane.

I have got some very fixed ideas on the subject of Air Corps personnel. I think one of our greatest handicaps is flying pay. When a man once has drawn this extra compensation he never wants to let loose, and when he gets away and beyond the flying age—and I maintain there is a limit—he still thinks he must continue to fly and probably that he is just as good as a younger chap. I cannot bring myself to that point of view. We are maintaining an air force for use in the event of war; and in the event of war I want to see that we have a force of young, unmarried pilots, free of family cares and responsibilities, prepared to go out and dive, bomb, and engage offensively in aerial combat. That type of pilot, in my judgment, is the kind we should be thinking about, and, if he be permanently commissioned, he should be permanently grounded after reaching, I should say, 30 years of age.

Of course, these older men can fly planes, but flying a plane and fighting a plane are two entirely different propositions. The latter requires daring, reckless abandon, the dare-deviltry of youth. God knows it is no calling for a married man with a wife and little children back on the ground. My thought is that we should look to getting the older fellows off of a flying status at the same time we are considering providing for an increased inflow of new material.

As a matter of fact, Mr. Chairman, I think Congress started off on the right track at the last session when it created the grade of aviation cadet for the Navy, which looks to training young college graduates as flyers and then giving them 3-year active duty details, after which they will be let go, with a cash gratuity, either to enter commercial aviation, the aviation industry, or any other field of employment they might elect. I think if we should follow that up with legislation looking to such a source for all pilot material, Army and Navy, we really would be getting some place. Of course, I think as a part of the plan we should train and develop as pilots and as aeronautical technicians with view to their ultimate assignment to the command and direction of Air Corps activities, including procurement, such number of regular officers right out of the Military and Naval Academies as studies may disclose to be necessary. By just adding a few more pilots at the bottom is not the answer to the question at all, and I cherish the hope that the subject in its broad aspects may have the study of the appropriate legislative committees.

I dislike to dwell upon this subject too long, as there are other matters I feel that I should discuss, but I do feel that I should call attention to a procurement problem which has arisen. I hold no brief for either the negotiated or competitive system of purchase. I do think the former would be more economical than the latter, and I should be inclined to favor it if I could be certain that a negotiated order would not be placed merely to give a plant some business. So far as the competitive method is concerned I do not believe that of itself it results in the procurement of more advanced types of planes. Whether procurement be by competition or negotiation, producers would be just as eager to get business and would employ their design staffs just as diligently and determinedly to develop types that would win recognition and production orders under one method as under the other. But independently of the method of purchase it just so happens that practically all of our 1936 procurements of combat planes are going to one producer, including a subsidiary plant. Unquestionably I should say that producer should have the orders because his product proved superior after rigid, extended tests, but see what the continued effect of such a condition might be. In the event of emergency we shall need every aircraft factory in this country, and then some, to supply our demands. They are not going to keep their factories open, or maintain their design staffs, if they are not going to get any business in time of peace.

Personally, I do not believe in giving them orders for an inferior product simply to help them along, but I do think this: That when it happens, like it has happened this year, that one producer will get all of the business, that the time of delivery should be so narrowed as would virtually compel such producer to farm out some of the planes to other manufacturers. It seems to me that some such arrangement must be worked out. The matter of facilities existing in time of emergency is of very great moment. It is also of very great moment that the design staffs of as many producers as possible be kept intact, for therein lies advancement of the art. If we should provide right now for an additional number of planes to be ordered in this fiscal year, it would be of no assistance to the industry generally, because they would all be ordered of the present contractor under a supplemental contract.

Mr. LUCKEY. Will the gentleman yield?

Mr. PARKS. For a brief question.

Mr. LUCKEY. As to the obsolescent planes, how long will a plane last?

Mr. PARKS. That depends on the kind of a plane and the use it is put to. We are using planes now 5 and more years old. The life of an airplane is not unlike the life of an automobile. The new planes are made of metal and last very much longer than the old ones that had fabric over the wings. Nobody can tell how long they will last. They become obsolescent, however, very fast.

NATIONAL GUARD

I should like to turn now for a moment to the National Guard.

Representatives of the National Guard Association appeared before the committee and asked for appropriations totaling $4,948,429 in addition to those recommended in the Budget. In all fairness, however, I want to point out that the hearing was had prior to the presentation of the Budget and before the witnesses, or the members of the committee, for that matter, were apprised of the contents of the President's Budget message. Subsequently to the hearings, officers of the National Guard Association were conferred with, and they expressed the hope that the committee could find a way to provide at least $2,473,248 of the additional amount urged during the hearings.

The committee has provided an increase of $1,513,004, and we have taken care of all items of highest priority save two, namely, camp and armory drill pay, and they will be taken care of later if it develops that there has been an underestimate.

I feel that I can say to you unhesitatingly that the National Guard and the National Guard Association will endorse what we have done in the light of the generally recognized need to curtail Federal expenses.

The increases are itemized on page 15 of the report, and are explained in order on the next succeeding page. I see no need to take the time to enlarge upon what is said in the report except, possibly, to call specific attention to the fact that we are carrying out what was generally understood last year would be the policy to increase the strength of the National Guard from 190,000 to 200,000 officers and men in two annual increments of 5,000 each. This expansion, however, by reason of the size of the appropriation, will not become fully effective until the closing months of the ensuing fiscal year.

Mr. BIERMANN. Will the gentleman yield?

Mr. PARKS. I will yield to the gentleman for a question.

Mr. BIERMANN. Is there any provision in the bill for airplanes for the National Guard?

Mr. PARKS. Yes; 50.

THOMASON BILL

Now, turning to a subject in which I know many Members have a great deal of interest, I refer to the so-called Thomason bill, enacted in the closing days of the last session, which looks to the employment of 1,000 Reserve officers on active duty for 1 year.

Mr. ANDREWS of New York. Will the gentleman yield?

Mr. PARKS. I yield.

Mr. ANDREWS of New York. Did the President sign the Thomason bill?

Mr. PARKS. Yes; but his Budget did not provide for it.

Mr. ANDREWS of New York. Did it not include a provision to take care of the Thomason bill?

Mr. PARKS. The committee would have put it in if the Budget had recommended it. In the interest of national defense it would be a splendid thing to do, although I should not put it ahead of some other things for which the Budget makes no provision.

Mr. ANDREWS of New York. Do you include a provision for the seacoast defense of California?

Mr. PARKS. Yes.

Mr. ANDREWS of New York. You consider that more important than providing for the young men——

Mr. PARKS. I do not think there is any item in this bill more important than those for improving our seacoast defenses.

I know this is a matter very dear to the hearts of my friends on the Military Affairs Committee, and I am sure they do not appreciate any more than I what a great military asset it would be to have so many fine young men receive this additional training over a period of years, but my position is simply this: I am determined in every way to meet the President's wishes with respect to holding appropriations down. Therefore, the matter became one of relative importance with me. My judgment is that it has lower priority than the propositions we have provided for on our own motion in the bill which we have presented, and if we are to keep the military appropriations within the Budget, I do not know of a single thing or group of things that I should be willing to reduce or eliminate in order to raise the amount of $1,890,000, which we have been told would be the cost to make the Thomason bill effective.

I place the purposes of that measure in the category of highly desirable but not immediately essential military preparedness, and why? These men will all have had 4 years of military training in R. O. T. C. units. If the training they received amounts to anything at all, they are splendidly equipped right now to become second lieutenants. One year's active duty will not qualify them to become anything more than perhaps better second lieutenants. A second lieutenant out of West Point must remain in that grade 3 years.

I recall that during the World War we gave a lot of college graduates an intensive 3 months' course of training at the Naval Academy, and it was testified before the Appropriations Committee several years ago that they were practically the equal of boys who had taken the full 4-year course. That is the type of material that we have in these R. O. T. C. graduates of senior units. They are splendid junior-officer material as they are, and later, if and when the purse strings become somewhat less taut, I should say we ought to provide for complying with the letter and spirit of the Thomason law. I think, as I have pointed out in the report, one other sound reason for deferment is the fact that an object of the bill is to choose 50 of the 1,000 officers assigned to active duty each year for permanent commissions in the Regular Army. Attrition touching the Regular Establishment, I have been given to understand, will not create vacancies sufficient to absorb 50 Reserve officers annually as well as the output from West Point much, if any, before the fiscal year 1939. If that be true, why should we not put off compliance with this new law until July 1, 1938, which would then make it practicable to select the first 50 officers for permanent commissions simultaneously with the first graduates from West Point of the additional cadets who entered in 1935 under authority of the act approved last June?

The gentleman from South Carolina [Mr. McSWAIN] challenged the accuracy of that statement during the course of his remarks yesterday. I have very great respect for the gentleman's broad knowledge of military matters, but, if I understood him correctly, I am afraid that in his prophecy of future vacancies he used the abnormal number of officers who became separated from the active list during the late months of the fiscal year 1935 and the early months of the fiscal year 1936 because of the provision we carried in the 1935 appropriation act designed to create vacancies in order to relieve the stagnated promotion situation of West Point graduates in junior grades.

I should like to give you the separation figures as supplied to us:

1929	325
1930	316
1931	240
1932	247
1933	224
1934	253

For 1935 I know of no fairer or more accurate way than to use the average for the 6 preceding years, which would be 267. Certainly we should not count those forced out in that particular year.

For 1936 the number has been estimated to be 160. Those large enforced 1935 separations are reflected in that figure and no doubt will continue to be reflected for 2 or 3 years hence.

Therefore, gentlemen, using the 8-year period from 1929 to 1936, both inclusive, the average number of separations annually has been 254.

Your West Point graduates commissioned have run as follows:

1929	297
1930	236
1931	294
1932	259
1933	340
1934	248
1935	277
1936	280

This latter figure is on the basis of the number of first classmen on January 1, 1936. Now, gentlemen, I respectfully submit that in the face of those figures there is no possible way to appoint Reserve officers in the Regular Army until there be a greater rate of attrition. The truth of the matter is the West Point graduates alone are going to create a problem.

Mr. McSWAIN. Will the gentleman yield?

Mr. PARKS. Yes.

Mr. McSWAIN. If that is true, and I admit it is true, then unless the maximum number of officers is raised from 12,000, as it now is by limitation of the appropriation bill, there will not be occasion to increase the cadet strength at the Military Academy, and unless it is raised there will not be places for those who graduate in 1939, will there?

Mr. PARKS. If I recall correctly, the additional West Point cadet was provided for to care for a greater number of separations which are expected to occur 3 or 4 years hence.

I urge you to defer compliance with this Thomason measure for a while. You will do these young men a great injustice if you should take the step before you can see ahead beyond question that there will be vacancies in the commissioned officer strength of the Regular Army adequate to receive them.

SEACOAST DEFENSES

Mr. Chairman, there is one other subject I wish to discuss briefly, and then I shall take up the nonmilitary section of the bill.

I want to say a word about seacoast defenses. No element of national defense is self-sufficient. All are complementary to each other. As General Embick, of the General Staff, so well expressed it to the committee, "Coast fortifications are an element of a coordinated national defense team consisting of the land, sea, and air forces, and their major value is in their contribution to the proper functioning of the combined team", and their purposes are "to protect our im-

portant coastal cities and naval bases against capture or damage by enemy warships, to prevent their use as bases of operations by an invading force, and thus to free our mobile land and sea forces for the performance of their true functions."

Since the World War we have disproportionately provided for this essential and very important element of the team, and the result is—and I might as well be frank about it—a very disturbing situation exists, which will take a lot of money and a lot of time to remedy. I cannot publicly acquaint you with the details. There is no phase of our national defense the status of which is, or the plans as to which, are kept more secret. It is for that reason you will find but precious little in the printed hearings on the subject. The committee has been acquainted with all of the details, however, and you are entitled to know that we found conditions to be alarming. The deficiencies are not in the nature of things that can be quickly provided, and if there be one place we need the material right on the ground and ready for use in the event of emergency, I submit it is at the water's edge. That is one front line that must be maintained at all hazards.

The costs to complete the approved harbor-defense projects in Panama and Hawaii, and on the Pacific coast are:

Panama	$9,316,342
Hawaii	6,765,321
Pacific coast	15,610,153

These sums embrace large and small fixed-gun batteries, railway artillery, fire control, antiaircraft weapons, fixed and mobile, searchlights, and so on. In addition, in Hawaii but one-half of the ammunition-storage project has been completed.

Toward the accomplishment of such projects the committee has recommended $725,000 for Panama, $3,000,000 for Hawaii, and $3,000,000 for the Pacific coast. We have not attempted to fix priorities. Complete discretion is vested in the Department as to the application of the money, but it is the thought and purpose of the committee to see that these sums are annually supplemented with a view to rounding out the defenses in question and bringing them to a purely maintenance basis at the earliest possible moment. Their importance in our scheme of national defense admits of no other course.

Mr. Chairman, I am convinced that this bill which we have presented provides a better measure of national defense than we would have if we should follow the Budget recommendations. It may be that we have pinched too tightly in some directions to finance the projects of our own introduction, but, if we have, they may be cured at a later date. I trust that what we have done will have your approval and support.

NONMILITARY

I should like now to address myself for a few moments to the so-called nonmilitary section of this bill. I shall preface what I have to say by the presentation of a summary of the money side. Of course, as most of you know, the lion's share is earmarked for rivers and harbors and flood-control projects:

For this present fiscal year the nonmilitary appropriations total	$71,840,872.43
The estimates for 1937 we were called upon to consider total	197,673,795.00
And the bill we present to you carries	168,359,985.00
Which exceeds the current appropriations by	96,519,112.57

But calls for $29,313,810 less than recommended in the Budget.

Practically all of the Budget increase is in the item for rivers and harbors, and results from the fact that we are asked for the first time since the fiscal year 1933 to appropriate directly for prosecuting new work in connection with river and harbor and flood-control projects. We were confronted with an estimate of $129,000,000 for such projects; and there is nothing in connection with this entire bill that has troubled me more than that one item, because, despite its magnitude, it excludes so many projects authorized by Congress which I know so many of my colleagues felt reasonably certain would be initiated or carried forward during the fiscal year commencing next July 1.

I know how greatly disappointed they are and I wish I had it in my power to help them, but we are just in this situation, Mr. Chairman: As near as I can figure it out, there are 199 authorized projects for which no funds have been provided in the Budget and it would cost to complete those projects $115,000,000. I do not think that there is a man on this floor who has any regard at all for the Budget system who would advocate adding that amount or any considerable part of it to this bill, and I am confident there is not one among you who would advocate or approve of this committee selecting out a single one of those projects for preferential treatment.

I can only say that if it be the fixed determination of the President henceforward to finance river and harbor and flood-control projects out of appropriations directly made therefor, then those projects must await their turn for inclusion in such annual amounts as we may later be asked to appropriate in the usual and orderly way.

I assume, and we have every right to believe, that that is to be the future policy, because, with the exception of seven projects, every project to which it is proposed to allocate the $129,000,000 included in the Budget heretofore has been financed either wholly or in part out of emergency relief appropriations. Five of the excepted seven have been wholly financed out of direct appropriations, and two of them, involving a total of $182,400, remain initially to be provided for.

Now, gentlemen, the committee has taken this position, which I hope will have your collective approval. I know it is contrary to the views or wishes of a number of my colleagues, and I am sorry. But if we are going again to do the appropriating for river and harbor and flood-control projects, we must be governed by the policy and practice which formerly obtained, and that was to consider estimates of appropriations only for projects which had been authorized by the Congress.

Upon inquiry we found that of the $129,000,000 included in the Budget it was planned to expend $29,000,000 on five projects which had never been authorized by Congress; three of them have not been so much as recommended by the Chief of Engineers and all of them will cost to complete $218,774,000, and only $14,700,000 had been made available on account of them at the time of our hearings.

I am not saying a word about the merits of any of those projects. Every single one of them may be of the very highest worth and value; but I submit that before we commit ourselves to an additional expenditure of $204,174,000 we owe it to ourselves and to our constituents to have those projects investigated and considered like other projects. We are not directly responsible for the $14,700,000 that already has been allocated to such projects, but we become responsible as soon as we undertake to appropriate public funds for carrying them forward.

To those of you who are directly interested in those projects let me say that we have not closed the door to you. The Chief of Engineers and my good friend from Texas, Mr. MANSFIELD, chairman of the Rivers and Harbors Committee, and my good friend from Louisiana, Mr. WILSON, chairman of the Flood Control Committee, and their very worthy colleagues on those committees, are all doing business at the same old stands and are prepared to consider these projects in the usual way, and, if they have merit, I am confident that you will find that after some delay, perhaps, not necessarily a protracted delay, they will have authorization in the regular way, in which case you know as well as I that the requisite appropriations will be forthcoming.

Mr. Chairman, what position would we be in if we had come in here providing $29,000,000 for those five unauthorized projects which are in the Budget to the exclusion of the 199 projects which have been authorized to which I referred to a moment ago, or at least to the exclusion of such portion of them as would exceed $29,000,000. You

would throw us out of here and you should throw us out of here.

Now, where are those authorized projects on account of which the Budget makes no provision? You probably want to know, and you should know. They are listed in the hearings, but, for your convenience, I have had them summarized by States, and I shall read you the list:

State	Number of projects	Appropriation required
Alabama	2	$4,051,000
California	10	7,081,700
Connecticut	5	2,237,000
Delaware	4	312,000
Florida	12	5,329,200
Georgia	1	1,412,000
Illinois	2	485,500
Indiana	1	80,000
Louisiana	7	1,789,850
Maine	2	113,300
Maryland	5	263,300
Massachusetts	8	1,734,000
Michigan	22	8,389,700
Minnesota	2	82,000
New Jersey	9	805,900
New York	20	8,397,600
North Carolina	8	1,440,725
Ohio	6	4,065,200
Oregon	5	1,389,000
Pennsylvania	4	41,833,000
South Carolina	3	194,840
Tennessee	2	420,000
Texas	11	12,578,500
Virginia	15	2,080,050
Washington	9	660,000
Wisconsin	9	3,316,500
District of Columbia	2	1,586,000
Alaska	10	1,613,000
Puerto Rico	2	722,000
Total		115,062,865

I want to say to you men who are interested in those projects that if it is to be the future policy gradually to get back to the predepression annual rate of appropriation for new river and harbor and flood-control work your guess is as good as mine as to when you will get your money to go ahead with your projects. Certainly, I should say, if we are to proceed with these five unauthorized projects, which will cost an additional $204,074,000 to complete, you will have to wait some time.

That is all I care to say, my friends, at this time. We have tried to do the right and fair and square thing not only by our colleagues but by the constituencies of all of us and not of any particular group or section.

Mr. Chairman, let me say in conclusion every member of the subcommittee has stood by and listened to every word of the hearings. They have neglected their business in their offices. We have disagreed often, but never materially. No man ever arbitrarily said that he would not do this or that. Leaving myself out of the picture, I say that when this bill is finally passed—and it is regarded in the nature of and for the benefit of our country so far as national defense is concerned—everyone may say, at least to these other members who have labored so hard and conscientiously, that they have done their dead level best for their country. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired. All time has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes, namely:

Mr. ZIONCHECK. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Washington makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and one Members present, a quorum.

Mr. GREEN. Mr. Chairman, I move to strike out the last word. I have not heretofore spoken on this bill, and there is a portion of it which is of great importance to the country and to myself. Therefore, I ask my colleagues to indulge me as briefly as I possibly can cover the ground. I ask unanimous consent that I be permitted to proceed for 20 minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to proceed for 20 minutes. Is there objection?

Mr. ANDREWS of New York. Mr. Chairman, I object.

Mr. PARKS. Mr. Chairman, may I say to the gentleman from New York that this is a matter of great importance to the gentleman from Florida? It was utterly impossible for him to get time in general debate, and I said to him in good faith that I would have no objection to his extending his time 15 minutes when he had opportunity to speak under the 5-minute rule. The same is true of the gentleman from Florida [Mr. SEARS].

Mr. BOLTON. Mr. Chairman, if I may be permitted to do so, let me ask the gentleman from Arkansas whether the subject to which the gentleman from Florida desires to address himself comes under title I or title II?

Mr. PARKS. I know it pertains to title II.

Mr. BOLTON. Would it not be proper to discuss it when that title is reached?

Mr. GREEN. Mr. Chairman, I suggest it is in order to discuss it at any time.

Mr. PARKS. Mr. Chairman, I thought it would be much better perhaps to let those who desire a little more time occupy it today, so that when we begin to get to the end of the bill we can then shut down on the time.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to proceed for 20 minutes. Is there objection?

There was no objection.

Mr. GREEN. Mr. Chairman, I should not at this time make the statement I am about to make if it were not that on page 1840 of the RECORD of yesterday a statement was made by the gentleman from Michigan [Mr. DONDERO] which possibly will leave a wrong impression relative to the cross-state canal in Florida and to some other projects which have been before the Committee for consideration. I shall confine my remarks mostly to the Florida Canal, and I hope that I may have the indulgence of my colleagues.

The impression left in the statement yesterday would cause the Members to believe that this project has not indeed been authorized by the Congress and has not had the proper care and consideration of the regularly constituted departments of the Government. I am glad to advise my colleagues that it has had authorization by the Congress and that it has had the proper scrutiny and careful study and consideration and report by the various departments of the Government usually considering such matters. In addition thereto it has been further studied and favorably approved by the special boards created by the President as the result of congressional authority.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I shall in a few minutes. In 1927 it was my lot to introduce a bill for a preliminary survey and examination of a waterway across the northern part of Florida. The Committee on Rivers and Harbors passed that resolution and included it as an item in their bill, and it thereby became a law. In 1930 I again introduced a bill for a physical survey of this project. That was favorably acted upon by the Committee on Rivers and Harbors and by the Congress, and the Board of Army Engineers as a result have most carefully surveyed a number of routes proposed for survey for this canal across the northern part of Florida. Their reports are now public documents, and I shall include them in my remarks in just a moment. In addition to this, when you passed the Emergency Appropriation Act of 1935 you gave the President of the United States full authority and implied direction that he should undertake such projects as had been theretofore authorized by the Congress, and as in his discretion may in the future be deemed worthy of execution. By virtue of authority given the President in this act, the Emergency Appropriation Act

of 1935, he acted on a large number of projects in an effort to relieve the unemployment situation in the country, and this project is one where he elected not only to relieve unemployment in the country, but to bring to the American people a substantial, permanent, national improvement, affecting directly every State in the Union.

But before he proceeded on this course, let us see if he did it blindly. On October 19, 1933, the Public Works Administration engineers—and I am not able to question their engineering ability—had this to say about the Florida Canal after exhaustive examination. I quote from page 16, paragraph 8, of the report of the examining engineers of the Public Works Administration, under date of October 19, 1933:

It is concluded that the project—

Meaning the Florida Canal—

covered herein constitutes a public necessity and is of real social value. The project will afford much employment to many classes of skilled and unskilled labor, that the design is in accord with sound engineering practice, and that the project is economically sound.

I wonder if any of my colleagues can question that decision?

A little further, after the special board of survey of the Army engineers had completed and reported on a 6-year survey and study of this project, there was a remarkable agreement between their report and that of the Public Works Administration as to the direct savings to shipping—that is, about $8,000,000 per year—and the benefits of the project from the point of view of national defense and increased safety to navigation; but there was a divergence in plans and specifications and consequent divergence in estimated cost of the project. To resolve these, the President of the United States appointed a board of review. On this board were two of the Army engineers. On this board were two of the Public Works engineers. On this board there was an engineer from civilian life, Mr. W. J. Douglas, one of the most outstanding engineers in the American engineering world today.

Mr. ZIONCHECK. Mr. Chairman, I make the point of order that there is no quorum present. I want only the Members counted this time.

The CHAIRMAN (Mr. BLAND). The Chair will count. [After counting.] One hundred and two Members are present; a quorum.

Mr. ZIONCHECK. Did the Chair count Mr. BUSBY?

The CHAIRMAN. The Chair has counted; a quorum is present. The gentleman from Florida will proceed.

Mr. GREEN. This board of review was instructed to examine the reports of the special board of survey of the Army engineers and the report of the engineers of the Public Works Administration, together with all other appropriate data, including geological and engineering studies which had been made by other agencies of the Government or which the board of review itself might see fit to make. Both the special board of survey of Army engineers and the engineers of the Public Works Administration had based their cost figures upon a lock canal, although the detail of their plans varied somewhat. They chose a lock type of canal as a precautionary measure because they felt that there had not been, up to that time, sufficient investigation made to determine beyond all doubt that there would be no damage to the underground water supply of Florida by a sea-level canal. The board of review made an exhaustive investigation and concluded that a sea-level canal would not cause any damage to the underground water supply of Florida, and this type of canal being much cheaper to build, and much less expensive to maintain and operate, they decided on a sea-level waterway.

Under date of June 28, 1934, this board made its report to the President. The report was unanimous and signed by all members of the board, namely, Lt. Col. Warren Hannum, of the Corps of Engineers; Maj. Brehon Somervell, of the Corps of Engineers; Mr. Clarence McDonough, chief engineer of the Administration of Public Works; Mr. Frederick Fowler, engineer of the Public Works Administration; and Mr. W. J. Douglas, an eminent engineer from civil life selected by the other four. I quote from this report:

The board of review appointed, pursuant to your instruction, by the Secretary of War and the Public Works Administration submits the following report upon cost of construction, proposed Atlantic ship canal across Florida. This board concurs with the War Department special board in its preference for canal route no. 13–B, which passes through Jacksonville, Palatka, and Dunnellon, and recommends for your consideration a 32-foot sea-level canal at a cost of $142,700,000. This board further recommends the deepening of this canal to 35 feet when the traffic may justify it. This board was not instructed to estimate benefits accruing from the construction and operation of this canal. However, if it be assumed that the economic studies made by the special board of Army engineers for a lock canal is sound, and considering the lower maintenance and operation cost of a sea-level canal, the cost of a canal which would be justified at 4-percent interest would be a 30-foot depth canal at $160,000,000.

Absolutely approved up to $160,000,000. Mr. Chairman, what better report do you want? What better authority do you want than the board of review created by the President, representing both the Army engineers and the Public Works engineers. In addition to this, the plans, specifications, and cost estimates have been approved by the Chief of Engineers of the Army. The Congress is morally bound to take the findings of these agencies, which it itself has set up for this purpose. They are the supreme court for questions of this kind.

Under date of December 28, 1935——

Mr. ZIONCHECK. Mr. Chairman, I raise the point of no quorum. I wish another count. I am sure there is no quorum here this time. I make the point of no quorum.

Mr. PARKS. Mr. Chairman, I submit that the gentleman's tactics are perfectly dilatory and that the point of no quorum should not be raised.

Mr. ZIONCHECK. The time has expired.

The CHAIRMAN. The Chair will count to determine if there is a quorum present. [After counting.] One hundred Members are present, a quorum. The gentleman from Florida will proceed.

Mr. GREEN. Mr. Chairman, I should say further to the gentleman from Michigan to those who have not agreed with me in this project that recently 70 Members of the other branch of our legislative department, including one of the Senators from Michigan, Senator COUZENS, and also the Governors of 36 States of our Union, complimented President Roosevelt upon his beginning of this project.

You will recall that there was considerable opposition to the Panama Canal. People said the engineers who had recommended it were visionary, that the project was impossible of accomplishment and never would be realized. Today it is paying dividends to the American people. They said that ships would even use the Panama Canal. There has been some argument showing that ships would not use the Florida Canal. Why is that argument lodged against it? Because the mail contractors who carry the mail on the boats are paid by the mile for the transportation; because the companies which charter ships do not want to see the necessity for ships lessened; because each of these objecting ship operators has some individual interest which it fears would suffer by the improved route.

The Florida Canal will reduce by 2½ days the time between New Orleans and New York by water.

A careful survey of this project estimates that it will save approximately $8,000,000 annually to the shipping interests of our Nation. This does not mean to the consumers and the general public. It will save $30,000,000 if you take into consideration the saving to general commerce. The $8,000,000 figure represents a saving in the actual operation of the ships. This figures out to be a net return of more than 6 percent on the investment annually. The usual test of the value of a river or harbor improvement is whether it will return 4 percent on the investment. This project will return not 4 percent, but between 6 and 7 percent on the investment. Hardly any project offered by the Board of Engineers, by the Rivers and Harbors Committee of the House, or by any Department of the Government pays a return of more than 4 percent. Sound? No other project since the Panama Canal has ever been quite so sound. I

would like to go into a great many things in detail, but time will not permit.

One thing many of my colleagues have asked me about is whether this canal would have an adverse effect upon the water supply of my State. I call attention to this statement of the Chief of Army Engineers, General Pilsbury, on December 28, 1935, which is now a public document of the Congress:

The findings of the Board at this time definitely indicate that no serious adverse effect on the underground water supply need to be anticipated from the construction of a sea-level canal.

I will put other statements into my remarks when I revise and extend them. I shall ask the Clerk to read, in my time, a statement made by the Chief of Army Engineers on January 8, 1936, addressed to the senior Senator from my State, on this subject. I think it is nothing but right, nothing but proper, that my colleagues should have this information. It is nothing but right, Mr. Chairman, that we know all the facts in the case. I invite your attention, in the morning, to my revised remarks in the RECORD, so you can get further information on it. I insist that the project has been duly authorized by the President by virtue of authority delegated to him by the Congress; that it has been duly approved by the engineering and the economic agencies of the Government established by Congress for that purpose; that it will bring to the American people more than a 6-percent return on the investment; that it is sound, that it is logical, and that it will carry benefits to practically every State of the Union. I urge my colleagues, when the proper time comes, to be found on the fighting line for this appropriation which will carry benefits to every State of the Nation.

I ask the Clerk to read the letter which I send to the desk.

[Here the gavel fell.]

Mr. GREEN. Mr. Chairman, I ask unanimous consent to proceed for 4 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 28, 1936.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In your letter of January 23, 1926, you referred to Senate Resolution No. 210, with respect to the Atlantic-Gulf waterway and asked to be furnished with certain specific information.

I take pleasure in furnishing this information herewith:

1. You state that paragraph 1 of the resolution proposes an inquiry into "the nature and extent of expenditures to be made from emergency relief funds, and subsequent expenditures for construction and maintenance to be made from regular funds", and ask whether or not, in my opinion, there has been sufficient competent survey, examination, and study of this project to determine its construction and maintenance cost with the same degree of accuracy as in the case of other river and harbor improvements in general heretofore approved and constructed. The investigations undertaken by this Department with respect to the Atlantic-Gulf waterway have been as exhaustive and detailed as those normally undertaken in connection with the preliminary examinations and surveys of river and harbor projects. This Department has realized from the inception of this examination that the magnitude of the project required a comprehensive study and its investigations undertaken over a period of 6 years were conducted in scope and detail sufficient to establish construction costs with reasonable accuracy. The estimated cost of maintenance, which must be based in large part on the experience gained from the maintenance of the many river and harbor projects throughout the country, would also appear to be dependable.

2. You refer to paragraph 2 of the resolution which proposes an inquiry into "the sufficiency of plans and information to determine whether the canal should be a sea level or a lock canal, and whether it should be 30 or 35 feet in depth", and asked if I believe that there has been gathered a sufficiency of such plans and information to determine whether the canal should be sea level or a lock canal, and whether it should be 30 or 35 feet in depth. The data before the Department indicate rather clearly that the effects of the sea-level canal on the underground water supply of the State will not be of a widespread and serious nature. Consequently there is no necessity for the construction of a lock canal at an increase in construction cost and in operating time over a sea-level canal. The information gathered by the Department shows that a depth of 30 feet will suffice for practically all vessels now engaged in the Gulf trade, or likely to be engaged in that trade for some time in the future.

3. You refer to paragraph 3 of the resolution, which proposes an inquiry into "the sufficiency of authentic information to determine whether the canal will contaminate the ground water supply of the adjacent areas", and asked if, in my opinion, a sufficiency of information with respect to underground water supply has been gathered to make a determination of the effect of the canal on such supply. This Department, in its investigations of the canal, has utilized the services of expert geologists and water engineers. A special board of review, formed pursuant to instructions from the President, also had the services of a competent water engineer. The preliminary data gathered by the Department indicated that there was some possibility of adverse effects on the underground water supply. The more detailed information which is now available clearly indicates that the adverse effects are largely local and not of a serious nature. When the project was placed under way as a part of the relief program, I had the district engineer at Ocala, Fla., assemble a board of selected experts to consider the data gathered by the two boards, the State geological department and the Geological Survey, and to undertake additional and exhaustive field investigations. These experts have recently submitted their interim report which definitely concludes that the effects of the sea-level canal on the underground water supply will not be serious, but local in nature, and capable of control with reasonable expenditures for remedial works. The authentic information available permits the conclusion that the sea-level canal will not contaminate the underground water supply of adjacent areas.

4. You refer to paragraph 4 of the resolution which proposes an inquiry into: "The nature and extent of the available traffic to warrant the ultimate expenditure of between $140,000,000 and $200,000,000", and asked if a sufficient investigation and examination has been made and data compiled to enable a decision as to the amount of cost of the project which available traffic will justify. The special Board of Engineers had available data compiled by the Department of Commerce. In addition, they made a detailed study to determine the economic benefits to transportation which would result from the construction of the canal. While this information and data have not been reviewed in detail by the Board of Engineers for Rivers and Harbors, it is most complete and adequate for a full determination of the estimated value of the benefits to navigation which will result from its construction.

5. You refer to my appearance before the subcommittee of the Committee on Commerce on January 17, in which certain questions were asked with respect to the replies received from shipping concerns to a questionnaire sent out by the Special Board of this Department in connection with their investigation, and asked if these letters were used to establish the economic justification of the project, and further as to the usual factors which are studied in determining economic justification. This Department has not stated that the replies to these questionnaires represented the economic justification for the canal project, nor are such letters generally used for the establishment of economic justification. The special Board of Army Engineers made an extensive economic survey, and was aided in the preparation of its report by an independent survey undertaken by the Department of Commerce at the request of the Chief of Engineers.

The determinations of the special board with respect to the economic benefits of the project were based in large part on this survey. The letters to which you refer are some of the replies to questionnaires addressed by the special board to shipping concerns, so that it might be informed as to their opinions with respect to the effect of the project on the individual interests of the companies concerned. In determining the economic justification of a proposed river and harbor improvement, the investigating officers ascertain the definite savings in time and distance which will be made available to navigation without increased hazards as a result of the improvement in question. These savings in time and distance converted into monetary savings and such other incidental benefits as clearly accrue to water-borne commerce and the general public interest, such as a reduction in the hazards of navigation, form the basis for the determination of the economic justification of a project. The views of navigation and commercial interests as to the effect which the proposed improvement may have on their operations are an aid to the board in weighing the public value of the savings and benefits as determined by the board.

I trust that the information contained herein answers the specific questions propounded in your letter. I shall be pleased to furnish any further information desired on request.

Very truly yours,

E. M. MARKHAM,
Major General, Chief of Engineers.

Mr. GREEN. The State of Florida in the canal area have voted bonds to the extent of $1,500,000 to purchase the right-of-way for this canal. The bonds have been sold, the people are taxed, and part of the money has been delivered to the canal authority of my State. The Federal Government has expended about $5,400,000 on the project. Do you think it would be good business for the American Congress to walk out on this project? Do you think it would be good business for the American Congress to abandon a project which will

be a permanent investment and saving and improvement for the American people? Do you think it would be keeping faith with the people of my State who bonded themselves upon the beginning by the President of work on the canal for $1,500,000 with work now in progress on the canal?

Mr. Chairman and my colleagues, I cannot too forcefully stress the importance of this project, not only to my State but also to the entire Nation. Today there are employed on this project some five to six thousand men at the site of operation. These men in the main are taken from relief and W. P. A. rolls, paid W. P. A. wages, and are performing full and efficient services in a contented and energetic manner. In fact, this project has absorbed practically all of the unemployment of my State, and has helped to absorb that from other States. I know of no project in the history of our country where greater demonstration has been shown, in efficient management, supervision, and general direction, nor where greater value received has been obtained for money expended. Excavation is going on at several places on the 29-mile main cut across the Florida Peninsula.

Matter used in the excavation is coming from the iron and steel mills of Pennsylvania and other iron-producing States. Copper, cement, and coal are likewise coming from the States producing these commodities. Labor in these States is benefiting through this operation. Clothing worn by the workmen on this project is manufactured in New England, New Jersey, Pennsylvania, Ohio, Illinois, and other great textile and clothing material manufacturing States. Persons from practically every State in the Union are employed on the project directly. Those in practically every State in the Union are employed indirectly on the project. I venture the observation that no project now under construction in the country has the general unemployment relief bearing in every State in the Union as does this one. Likewise every State in the Union is keenly interested in the prosecution and completion of the project, not only for its immediate employment benefits but also for the ultimate transportation and commercial stimulation benefit for all future generations of American people.

I receive daily communications from all parts of the Union expressing interest in and approval of the project as the banner project of the Roosevelt administration and of this generation. Oil producers of the Midwest, grain producers of the Midwest, and all farmers and industrialists of the entire Mississippi Valley are in strong approval of the project and see in it a great future benefit to them and their connections. Likewise the shipping centers of the entire Atlantic coast, from Jacksonville to Maine, approve this project as one which when completed will stimulate trade and every industry in our Eastern States, and particularly eastern cities.

This vast shortening of transportation, time, and economy in transportation will stimulate the market for every commodity produced and/or manufactured in the entire Mississippi Valley and the Atlantic coast. This will also obtain for those industries and supplies produced on the Pacific Coast States. This is by no means and in no sense a local project. It is a national project which has awakened a keen national interest. This is obviously the most important American benefit since the Panama Canal. My colleagues well know the great benefits which the Panama Canal has brought to America and all commercial nations. No one in my presence would say now to fill up the Panama Canal, but I would remind you that when it was under consideration for construction practically the same argument was lodged against it as has been lodged against the Florida canal, but the wisdom of the engineers and of the then President, Theodore Roosevelt, prevailed, to the future admiration and satisfaction of our American people. This project was favored by Democrats and Republicans alike and also opposed by both parties, but wisdom surmounted fallacy, selfish interests, and frivolous opposition, and the Panama Canal today stands as a monument to those farsighted individuals who prosecuted it in spite of obstacles.

The Florida Canal will handle one and one-half times the tonnage which is now being handled by the Panama Canal; however, it will not cost but about one-third the cost of constructing the Panama Canal. As Theodore Roosevelt surmounted obstacles and followed his vision in the great Panama Canal, likewise will our great President, Franklin D. Roosevelt, pursue his wisdom and intelligent gleam into the future, and keep the Florida Canal.

The Florida Canal is not a partisan project but is supported by members of every political party in the Union because it is indeed a nonpolitical project, and is decidedly in the public welfare and in the public interest. I commend President Roosevelt for exercising his authority, duly given him by law passed by the Congress, in beginning construction of the project which will stand out as a lasting benefit and improvement for the American people. He embarked upon it in a courageous effort to relieve the distressed American people, and to, at the same time, give us an improvement which economically more than justifies the cost of construction. This project will go down in history as the outstanding public improvement achievement of his administration and I urge the Congress to hold up his hand, give him your support, and vote the necessary funds to carry on construction. [Applause.]

[Here the gavel fell.]

Mr. MAY. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I do not rise for the purpose of making a speech, but to propound an inquiry to the chairman of the subcommittee which has reported this bill.

Under the express provision of previous acts of Congress the Army strength was authorized to be raised, as I understand it, from 118,750 to 165,000. I understood the gentleman from Arkansas to say, in the remarkably fine address he delivered, that this had been checkmated in a way by some activity of the Budget Director. In view of the fact the Constitution of the United States puts upon the Congress not only the authority but the duty to provide and maintain an Army, does the gentleman from Arkansas think that his committee has the authority to take the recommendation of the Director of the Budget in preference to an act of Congress? And has his committee made any investigation as to the amount of money that has been provided by the Director of the Budget for river and harbor projects that are not even authorized by the Congress; and, if so, what are those projects and how were they provided for?

Mr. PARKS. We have a list of the projects here. They were not specifically authorized by Congress, except that Congress authorized the President to expend money for certain purposes and the President authorized money to be expended on these projects. Having been authorized in that way, they came to us from the Director of the Budget. That is why we have them. I can give the gentleman the names of the five projects if he wants them.

Mr. MAY. That is what I would like to have; that is what I asked for.

Mr. PARKS. For the Passamaquoddy tidal power project, $5,000,000; for the Atlantic-Gulf ship canal, about which the gentleman from Florida spoke, $9,000,000; for the Florida ship canal, $12,000,000.

Then there is the Sardis Reservoir, in Mississippi, on which no work has been done, $2,500,000. There is the Conchas Dam, N. Mex., $3,500,000, and the Bluestone Reservoir, in West Virginia, $2,000,000. These total $29,000,000 for projects that neither the Rivers and Harbors Committee nor the Congress has passed on.

Mr. MAY. May I ask the gentleman if he knows whether or not the allocations by the President to those particular projects were made out of funds authorized under the appropriation of $4,800,000,000, or out of some other fund?

Mr. PARKS. Out of the $4,800,000,000.

Mr. MAY. One other question. We all know, as a matter of fact, that the Congress has confided with a few exceptions in the Board of Engineers of the War Department, supervision of the rivers and harbors of the country. I have particular reference to one of the exceptions, the T. V. A. for instance, jurisdiction of which has been expressly taken from the Board of Engineers and placed under

the Tennessee Valley Authority. Is there any way by which these activities could be coordinated in some way by the Congress so that we will not have one Bureau acting at one place and another at another place, and the Congress trying to act in a general way?

Mr. PARKS. If the gentleman will permit me to give a private opinion in the matter, I think we are headed back toward coordination now, and that henceforward all appropriations will be made by the Congress directly, for river and harbor and flood-control projects.

[Here the gavel fell.]

Mr. PETTENGILL. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I am not here to offer criticism at this time of the Florida ship canal, or other projects of that character, but I am bound to make a fight for the projects which have been specifically authorized by the Congress. I refer to the harbor projects on the Great Lakes, 48 of which have been specifically authorized by the Congress. It is a little hard for myself and other Representatives from districts bordering the Great Lakes to stand aside and see this work delayed in favor of other projects that have not been specifically authorized by the Congress.

When we get to page 68, line 10, of the bill, which refers to appropriations for rivers and harbors, I intend to offer an amendment. While I call this to the particular attention of Representatives from the Great Lakes territory, I hope it will have the support of all Members of Congress, because on the Great Lakes one-quarter of the water tonnage of the United States is carried, whereas we are only getting about 1 percent of the money which is set aside for new harbor improvements, this despite the fact, as I stated, that the Great Lakes carries 25 percent of the water tonnage. Under the precedents of the House it is not possible, without violating those precedents, to ask for the earmarking of any money for a particular project. I am not going to ask the House to do that. When we get to line 10, page 68, I shall offer the following amendment:

Of which not less than $7,500,000 shall be expended for the prosecution of harbor projects heretofore authorized by Congress on the Great Lakes.

Mr. MANSFIELD. Will the gentleman yield?

Mr. PETTENGILL. I yield to the gentleman from Texas.

Mr. MANSFIELD. Would it not be advisable to use the word "may" instead of "shall"?

Mr. PETTENGILL. I accept the gentleman's amendment. I defer to his judgment and long experience on the Rivers and Harbors Committee.

Mr. Chairman, the reason I have selected the item of $7,500,000 is because General Tyler, division engineer for the Great Lakes district, says that is the amount which is needed now for Great Lakes harbor projects. This amount should not be pared down below this amount. I hope when we get to that part of the bill the amendment which I propose to offer will receive general support.

Mr. CULKIN. Will the gentleman yield?

Mr. PETTENGILL. I yield to the gentleman from New York.

Mr. CULKIN. The gentleman has stated the case very clearly. What I desired to ask the gentleman has been asked by the gentleman from Texas [Mr. MANSFIELD]; therefore my question has been answered.

Mr. HARTER. Will the gentleman yield?

Mr. PETTENGILL. I yield to the gentleman from Ohio.

Mr. HARTER. Will the gentleman insert in the RECORD a break-down of the $7,500,000, so that we may know on which ports of the Great Lakes this money is to be expended?

Mr. PETTENGILL. I am not asking that the $7,500,000 be allocated to any particular harbor or harbors, but that there shall be allocated to all the harbors on the Great Lakes this amount, which may be expended by the Army engineers at their discretion.

Mr. CARTER. Will the gentleman yield?

Mr. PETTENGILL. I yield to the gentleman from California.

Mr. CARTER. Did the gentleman state that the reason for offering his amendment was because the Great Lakes has not received fair treatment in the past, or just what is the reason?

Mr. PETTENGILL. The reason is, I do not think they are receiving the just consideration which they should receive.

Mr. CARTER. May I say, as a member of the Rivers and Harbors Committee, that, in my opinion, the Great Lakes has been very generously treated in the past.

Mr. PETTENGILL. The authorizations have been very generous, but not the money.

Mr. ANDREWS of New York. Will the gentleman yield?

Mr. PETTENGILL. I yield to the gentleman from New York.

Mr. ANDREWS of New York. In connection with the gentleman's statement with reference to Great Lakes traffic, may I say that more bulk traffic goes through the canal at Saulte Ste. Marie than goes through the Panama Canal.

Mr. PETTENGILL. I thank the gentleman for his observation.

Mr. MOTT. Will the gentleman yield?

Mr. PETTENGILL. I yield to the gentleman from Oregon.

Mr. MOTT. I agree largely with what the gentleman says, but may I suggest that there are a great many important projects throughout the country. I have one in my own State, the improvement of the south jetty of the Umpqua River, which was authorized years ago, yet we have not been able to pry anything loose from the Public Works Administration to make the improvement. May I ask the gentleman if he thinks it would be any more proper to insert his item for the Great Lakes district in this bill than it would be to insert an item for any other project in the United States already authorized?

Mr. PETTENGILL. I do not think so. We are all entitled to equal treatment. If the gentleman cares to offer an amendment of that sort, he should do so for the purpose of protecting his section of the country.

[Here the gavel fell.]

Mr. PETTENGILL. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DINGELL. Will the gentleman yield?

Mr. PETTENGILL. I yield to the gentleman from Michigan.

Mr. DINGELL. May I ask the gentleman from Indiana whether references made by the gentleman on the other side to the Great Lakes being generously treated do not apply only to the fact that the Great Lakes have been treated generously on paper?

Mr. PETTENGILL. I think that is substantially correct.

Mr. DINGELL. But, actually, they have been grossly mistreated.

Mr. CULKIN. May I state to the gentleman that there was a query with reference to the break-down of the river and harbor improvements on the Great Lakes. This break-down will be found at page 29, part 2, of the subcommittee hearings on the War Department appropriation bill.

Mr. PETTENGILL. I thank the gentleman.

[Here the gavel fell.]

Mr. SEARS. Mr. Chairman, I move to strike out the last two words, and ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SEARS. Mr. Chairman, for the first time since I have been in Congress I am talking to my friends and colleagues practically under general debate. I have refrained from doing this because I have always confined my arguments to a proposal when the proposal was under consideration; but yesterday, without criticizing my colleague from Michigan, he saw fit to bring up the Florida cross-State canal, and I feel compelled to take up a few moments of

your time. I have refrained from discussing this proposal on the floor because I felt I could obtain better results by following my custom of trying to convince by personal contact those I found opposed to a proposition that is a meritorious one.

My good friend the gentleman who has just preceded me referred to the Great Lakes. There is no Member in this House who has a better record than I have for sustaining and advocating national river and harbor improvements. One of the proudest moments of my life was when I was permitted to speak for the improvement of Hell Gate at New York. I have worked for all such improvements, and I again state that I regret I am forced to come to you today because of some misunderstanding and some misinformation which has been given out.

I hope I shall not speak too rapidly, but 10 minutes is a short time to cover a subject that perhaps should take an hour. Therefore, Mr. Chairman, as it has been covered, I ask unanimous consent to put in the RECORD a memorandum of what the canal will be when completed.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The matter referred to follows:

THE FLORIDA CANAL

The following is from the record of this project in the several departments of the Government. References to the official dockets in each case will substantiate all statements.

Surveys of the project were authorized and initiated under the Chief of Engineers pursuant to the River and Harbor Act of January 21, 1927, during President Hoover's administration. Additional surveys were authorized and made under the River and Harbor Act of July 3, 1930.

Maj. Gen. Lytle Brown, then Chief of Engineers, stated that no other project has ever received more comprehensive and exhaustive examination and survey. More than 6 years were consumed in this work by the Army Engineers. In addition to their own physical and economic surveys the Army Engineers had placed at their disposal an exhaustive economic survey made by the Department of Commerce at the request of the Chief of Engineers. These surveys by the Army Engineers were made by a special board of survey composed of Army Engineer officers detailed to the work by the Chief of Engineers. The board completed its work in December 1933.

Sometime before the Army Engineer special board of survey had entirely completed its work, the P. W. A., using the location and physical data determined by the Army Engineers, but using their own plans, unit costs of construction, and their own economic survey, made an extensive examination of the project to determine at what cost it would be self-liquidating under the regulations and of the P. W. A. for loans to non-Federal projects, if tolls were charged to ships using the canal.

After the special board of survey of the Army Engineers, and the examining engineers of the P. W. A. had completed their investigation (both of which investigations, by the way, found the project to have such benefits to the Nation as to amply justify it as a regular river and harbor project at the cost finally determined and approved by the Chief of Engineers), the President constituted and appointed a Board of Review consisting of two Army Engineer officers designated by the Secretary of War; two engineers from the Administration of Public Works, designated by the Administrator; and one engineer from civil life, designated by the other four. This Board of Review was instructed by the President to study the whole project and review all the data collected and developed by the Army Engineers and the P. W. A., together with such data and information and study as the Board of Review itself might find useful to collect and make. After an exhaustive study of the project from every angle, physical and economic, the Board of Review unanimously reported to the President and recommended to him the construction of the canal as a sea-level waterway at a cost which they determined at $146,000,000, and stated that even at a cost of $160,000,000 the canal was economically justified on the basis of direct benefits to shipping alone.

Mr. SEARS. The following memorandum was prepared by that outstanding engineer, Harry H. Buckman, of Jacksonville, Fla.:

THE FLORIDA CANAL

[Statistical information taken from the following sources: Special Board of Survey of Army Engineers, Board of Review, Administration of Public Works]

Length of cut: 29 miles.

Width of cut, bottom: 250 feet.

Depth throughout: 30 feet plus 2 feet overdepth in earth and 30 feet plus 3 feet overdepth in marl.

Balance of route is through canalized rivers of great width, permitting steamers to proceed at average ocean speed.

Average distance saved between New Orleans and New York, as determined by the Bureau of Navigation for the Army Engineers: 326 nautical miles.

Average time saved on round trip, New Orleans to New York, as determined by the Bureau of Navigation for the Army Engineers: 2 days.

Average savings to ships in operating expense per year, as determined by the Army Engineers in collaboration with United States Shipping Board and ship operators: $8,333,000.[1]

Present traffic awaiting opening of canal: 10,300 transits per year, which has a normal rate of increase of 1½ percent per annum.

Mr. SEARS. Mr. Chairman, on November 7, 1935, there was presented to the President of the United States, by Senator FLETCHER, a memorial congratulating him for beginning work on the cross-State canal, from which I shall quote in part and ask that the entire memorial be incorporated in the RECORD:

I am sure you will be gratified to read the names of those who tender this memento to you. Here is no array of party or sectional interest. Every State in the Union is represented. All are joined on the common ground of patriotism to applaud this splendid undertaking in the service of our country.

This is signed by 68 Senators and 37 Governors of the United States, and in this connection may I call your attention to the fact that the National Gulf-Atlantic Ship Canal Association has endorsed the canal, as well as its president, Gen. Charles P. Summerall, and its directors; also the Mississippi Valley Association, the Louisiana and Texas Intra-Coastal Waterway Association, and the National Rivers and Harbors Congress of the United States. The canal has the approval, of date December 18, 1935, by a special board of geologists and engineers who are on the ground and carefully following the work, as follows: Clarence E. Boesch, Sidney Paige, Frank C. Carey, E. B. Burwell, Malcolm Pirnie, Lt. Col. Brehon Somervell, Corps of Engineers, district engineer, also the approval of Gen. Edward Markham, Chief of Engineers, and the board of engineers of the W. P. A. and the P. W. A.

Mr. Chairman, I ask unanimous consent to incorporate this memorial in full in the RECORD as a part of my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The matter referred to follows:

WASHINGTON, D. C.,
November 7, 1935.

Hon. FRANKLIN D. ROOSEVELT,
The President,
The White House.

MY DEAR MR. PRESIDENT: Today I have the privilege and pleasure of presenting to you on behalf of those whose names appear below a token of appreciation commemorating your action in authorizing and beginning the construction of the Florida Canal. This token is a shell from the coast of Florida, encased in gold and containing a portion of the first earth excavated in the construction of the canal as a result of a blast set off by you at 1 o'clock on the afternoon of September 19, 1935.

I am sure you will be gratified to read the names of those who tender this memento to you. Here is no array of party or sectional interest. Every State in the Union is represented. All are joined on the common ground of patriotism to applaud this splendid undertaking in the service of our country.

This great waterway will be a new primary trade route favorably affecting the commerce of the entire Nation. In magnitude it is comparable only with the Panama Canal, which it surpasses in the amount of material to be excavated and in the commerce

[1] This is better than a 6-percent direct return, on the cost, and is 50 percent greater than the 4-percent return usually considered to justify river and harbor projects.

It should be noted that the above figure of $8,333,000 per year is not the total benefits of the canal, but merely the direct savings to ship operators. In addition to these savings there are savings running into many millions of dollars per year in savings to commerce in general. In addition to these monetary benefits there are the following outstanding national benefits:

1. To the national defense in providing a protected route for vessels, munition, and supplies from the Mississippi Valley to the Atlantic seaboard in time of war.

2. Relief of life and property from the hazards of hurricanes in the longer and more dangerous route through the Straits of Florida.

3. The canal will afford the link connecting the waterways of the Mississippi Valley and the Gulf region with those of the Atlantic seaboard, and will stimulate the movement of products and raw materials of agriculture and industry between these two sections, both by barge and by ocean-going vessel.

it will serve. With a construction cost not much more than one-third of that of the Panama Canal, the Florida Canal will transit annually nearly 50 percent more tonnage. With respect to the commerce it will bear, it will be the greatest artificial seaway in the world. Surveys conducted by the Federal Government show that approximately 1,500 ships, making 11,000 voyages per year, are now waiting to pass along this new route, and that the direct benefits to these ships in time and money saved will constitute an unusually large return on the cost. This is in addition to the general and very real benefits to agriculture, industry, and commerce, which are estimated to be more than $30,000,000 per year.

The canal will make it no longer necessary for life and property to be subjected to the hazards which beset navigation in the longer and dangerous passage through the Straits of Florida. In time of war it will provide the vital necessity of a route for our commerce protected from enemy attack which would gravely menace shipping in the straits. It will afford a connecting link between the intracoastal waterway systems of the Atlantic seaboard and the Gulf of Mexico, and it will do more than any other one thing to promote and develop the economical interchange of agricultural and industrial products between the seaboard and interior sections of the United States.

Desired by Phillip II of Spain when all known North America was under his dominion, advocated by President Jackson in the early days of our country, sought for many years by the agricultural and commercial interests of the Nation, approved by all appropriate agencies of the Federal Government, it has remained for you, Mr. President, with vision and courage, to launch this great undertaking and by so doing to express the determination of our people to solve their material problems, and evidence their faith in the future of our country.

With all good wishes,

Sincerely and respectfully,

DUNCAN U. FLETCHER.

Those whose names are inscribed on the token are the following:

Members of the Senate: Henry F. Ashurst, Nathan L. Bachman, Josiah W. Bailey, John H. Bankhead, Alben W. Barkley, Theodore G. Bilbo, Hugo L. Black, Homer T. Bone, Fred H. Brown, Robert J. Bulkley, Edward R. Burke, James F. Byrnes, Arthur Capper, Hattie W. Caraway, Dennis Chavez, Tom Connally, Marcus A. Coolidge, Royal S. Copeland, Edward P. Costigan, James Couzens, James J. Davis, William H. Dieterich, Vic Donahey, F. Ryan Duffy, Duncan U. Fletcher, Walter F. George, Ernest W. Gibson, Carter Glass, Thomas P. Gore, Joseph F. Guffey, Pat Harrison, Carl A. Hatch, Carl Hayden, Rush D. Holt, Hiram W. Johnson, Henry W. Keyes, M. M. Logan, Augustine Lonergan, Francis T. Maloney, George McGill, Kenneth McKellar, Charles L. McNary, Jesse H. Metcalf, Sherman Minton, A. Harry Moore, Matthew M. Neely, John H. Overton, James P. Pope, George L. Radcliffe, Robert R. Reynolds, Joseph T. Robinson, Richard B. Russell, Jr., Lewis B. Schwellenbach, Morris Sheppard, Henrik Shipstead, Ellison D. Smith, Frederick Steiwer, Elmer Thomas, Elbert D. Thomas, John G. Townsend, Jr., Park Trammell, Harry S. Truman, Frederick Van Nuys, Robert F. Wagner, David I. Walsh, Burton K. Wheeler—68 Senators.

Governors of States: James V. Allred, Governor of Texas; Tom Berry, Governor of South Dakota; Henry H. Blood, Governor of Utah; Louis J. Brann, Governor of Maine; R. L. Cochran, Governor of Nebraska; M. S. Conner, Governor of Mississippi; Frank E. Cooney, Governor of Montana; Wilbur L. Cross, Governor of Connecticut; James M. Curley, Governor of Massachusetts; George H. Earle, Governor of Pennsylvania; John C. Ehringhaus, Governor of North Carolina; J. M. Futrell, Governor of Arkansas; Bibb Graves, Governor of Alabama; Theodore F. Green, Governor of Rhode Island; Clyde L. Herring, Governor of Iowa; Henry Horner, Governor of Illinois; Edward C. Johnson, Governor of Colorado; Olin D. Johnston, Governor of South Carolina; Richard Kirman, Governor of Nevada; H. G. Kump, Governor of West Virginia; Ruby Laffoon, Governor of Kentucky; Philip F. La Follette, Governor of Wisconsin; Herbert H. Lehman, Governor of New York; E. W. Marland, Governor of Oklahoma; Clarence D. Martin, Governor of Washington; Hill McAlister, Governor of Tennessee; Paul V. McNutt, Governor of Indiana; Leslie A. Miller, Governor of Wyoming; B. B. Moeur, Governor of Arizona; Floyd B. Olson, Governor of Minnesota; Guy B. Park, Governor of Missouri; George C. Peery, Governor of Virginia; C. Ben Ross, Governor of Idaho; Dave Sholtz, Governor of Florida; Clyde Tingley, Governor of New Mexico; Walter Welford, Acting Governor of North Dakota—37 Governors.

THE NATIONAL ASSOCIATIONS

The National Gulf-Atlantic Ship Canal Association, Charles P. Summerall, president; Walter F. Coachman, Jr., Sumter L. Lowry, Jr., Henry H. Buckman, George H. Baldwin.

The Mississippi Valley Association, Robert Isham Randolph, president.

The National Rivers and Harbors Congress, Frank R. Reid, president.

Louisiana and Texas Intracoastal Waterway Association, Roy Miller, president.

Mr. SEARS. The construction of this canal is not a new subject. During the days of Andrew Jackson the canal was first proposed, but in those days, like now, powerful interests opposed the construction of the canal, and with Jackson, as with John Q. Adams some years later, these interests prevented the construction of the canal. So that opposition now does not frighten me. We are used to it. Rather, it makes me fight all the harder and leads me to believe we will be successful in the fight, for "right always prevails."

I have here a letter from Hon. Emory R. Johnson—in fact, two letters—approving the canal, which I shall ask to have incorporated in the RECORD. Mr. Johnson was a special commissioner on tolls and traffic of the Panama Canal, conducted an economic survey of the Panama Canal, was consultant on the Suez Canal, consultant to the special board of review of the Florida canal, the world's greatest authority on economics of ship canals, and is now dean of the school of finance of the University of Pennsylvania, and yet we are told that this canal has not been discussed and has not been considered.

I ask unanimous consent to incorporate these letters in the RECORD as a part of my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The letters referred to follow:

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, Pa., September 15, 1933.

GEN. CHARLES P. SUMMERALL,
Chairman, the Ship Canal Authority of the State of Florida, Tallahassee, Fla.

MY DEAR GENERAL SUMMERALL: In reply to your inquiry as to the probable total tolls which might be collected from shipping using the proposed trans-Florida ship canal, one may say that generally speaking experience has shown that a ship will use the route offering the greatest advantages, all things considered. Such advantages will include:

(1) Savings due to lowered operating and fixed charges resulting from reduction in time required for the voyage.

(2) The time thus saved, which may enable vessels to make additional voyages each year, and thus add to the earnings derived from the capital invested in terminals and floating equipment.

(3) Miscellaneous advantages, including greater safety of navigation; the greater inducement which may be offered to shippers and passengers because of the obvious advantages to them of the shorter time in transit.

For the use of a shorter and safer route, vessel owners will, if required, unquestionably pay what can thereby be saved in operating expenses and fixed charges. The history of all canals is proof of this.

The advantages listed in (2) and (3)—the possibility of larger annual earnings from capital invested in facilities, the greater safety of the proposed canal route as compared with the present one via the Straits of Florida, and the capitalization (by means of rates and fares charged) of the value of reduction in time of shipment and travel—are less definite in amount than savings in operating expenses and fixed charges, but are none the less real, and furnish additional evidence that vessel owners will willingly pay tolls equal to the savings in operating and capital costs.

The comprehensive investigation of actual voyages of vessels and of the operating expenses and fixed charges of such vessels made by Lt. Col. Gilbert Youngberg indicated that the use of the proposed canal across Florida would have resulted in an annual saving in such expenses and charges of approximately $12,000,000. The conclusion reached by Colonel Youngberg has been approved by your consulting engineer, Mr. Henry H. Buckman, who has also made a thorough study of the prospective traffic of the proposed canal. The traffic investigation made by Colonel Youngberg indicated that tolls yielding a revenue equal to the actual saving in operating expenses and fixed charges, or yielding a substantially less amount, would make the canal self-supporting, i. e., would cover operating expenses, maintenance, interest, and amortization.

The advantages (other than reduction in operating and capital costs) listed above—advantages that would be secured by shipowners without payment of tolls—will not only strengthen the position of the proposed canal as a traffic route but will add to the benefits it will render to the public, as well as to the carriers that make direct use of the waterway.

Very truly yours,

EMORY R. JOHNSON.

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, February 8, 1936.

Senator DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER: In your letter of the 5th instant you refer to the attitude of shipping concerns toward a canal across northern Florida. There are probably several explanations: In general, captains prefer to keep in the open sea when they can by so doing avoid river channels and canals where an accident or a strong wind may ground a vessel. During the hurricane season, however, vessels to and from the Gulf would quite certainly be taken through a Florida canal in preference to being sent via the Strait. It has been apparent that those who could use a trans-Florida canal to advantage have shown an aloofness toward a

toll canal that would not be shown toward a toll-free waterway. That does not, however, suggest that a canal with reasonable toll charges would not be used to the extent that such use would reduce operating expenses and increase earnings on investment in vessel and shipping facilities.

As you know, of the present prospective traffic through a trans-Florida canal fully 60 percent of the vessel tonnage and 80 percent of the cargo tonnage would be that of oil tankers. The operators of the tankers—so I understand—would not object to a toll of 6 or 7 cents per vessel ton, net register, which would be about 1 cent per barrel of oil. Probably a somewhat higher toll could be charged without diverting the oil traffic. The toll that can profitably be paid by the regular tanker lines is relatively low, because nearly half the transits made by each vessel would be in ballast. This would not be true of general cargo vessel movements, and such vessels might pay a slightly higher toll.

I do not recall that there was any opposition by the shipping interests to the construction of the Panama Canal. When the United States Government took up the project, the question as to the desirabiliy of the waterway had long been decided. The only questions were where it should be located, what kind of a canal it should be, and who should construct and operate it.

As to the method to be followed in deciding what use will be made of a proposed canal, the only way to do is to do what was done in estimating the probable traffic of the Panama Canal and what was done by those who measured the tonnage of shipping that would use a trans-Florida canal, i. e., to make up a record of actual vessel movements for a year over routes for which the proposed waterway would provide a shorter route, to calculate the saving that the vessels so recorded could have made by using the proposed canal, and then to credit to the tonnage of probable canal traffic the tonnage that would result from shifting to the canal route such vessel movements as could be made more safely and more economically via the canal. It may be safely assumed that companies owning vessels will have them operated by the most advantageous and economical route.

Sincerely yours,

EMORY R. JOHNSON.

Mr. SEARS. In 1927, under a resolution passed by Congress, a survey for a canal across Florida was begun. In 1930 another survey was authorized, and this was completed in 1933, but the cost was considered too great, $246,000,000, under the lock system. So the President called in the Public Works, and another board of prominent engineers in connection with our board of Army engineers was appointed. Another survey for a sea-level canal was made, and it was determined that this canal could be economically constructed and completed for $146,000,000. All reports were submitted to the President. With this information before him, and with all the charges that the canal would not be used by ships, that it would destroy the waters of Florida, and that it was not economically sound disproven, the President of the United States, under authority granted by Congress, started the work on the construction of the canal by allocating $5,200,000 and today there are about 6,000 citizens of Florida entitled to be on the relief roll working on this canal who have been taken off of the relief rolls. If we secure, in some way—and I feel sure we will secure it in some way—the $12,000,000 recommended in the Budget by the President to go on with the work, from 15,000 to 25,000 of our relief-roll citizens in Florida will be taken off of relief rolls and the expense of taking care of them will cease, and their work will be on the canal and something worth while.

So from this point of view alone, Mr. Chairman, I have felt this is a meritorious project and one that should be carried on to a successful conclusion.

Speaking before my people last year, just before the bond election, for it was put up to us we would have to provide a right-of-way at a cost of $1,500,000, I urged them to vote for this proposal, and they did vote for it, about 30 to 1, and these bonds have been sold. There is a mortgage on my home and the homes of my people, believing that Congress and the administration would go along with this work and the canal would be completed.

"Oh," you say, "But you acted too rapidly." We did not. We acted when we were told we should act and when it was put up to us that the canal would not be continued unless we furnished the right-of-way. I had faith in the administration and my colleagues and still have faith in them and am satisfied the administration will be backed up and the canal completed.

Practically from the beginning we were confronted with the proposition as to whether our water supply would be destroyed in Florida. May I say that if I feared for one moment that it would be I would be the last man to advocate the construction of a canal. I do not want to injure my State, but I am satisfied from assurances I have from outstanding geologists that the water supply will not be affected.

Last week, before the Senate committee, General Markham stated that the fears of the people that the waters of Florida might be destroyed were without foundation. In other words, he said that the waters of Florida would not be affected.

Mr. Chairman, it is alleged that ships will not use the canal. This is without foundation. Ships will use the canal because of the economy and because it will permit them to escape any possible hurricanes.

This same argument was used as to the Panama Canal, and the same fight they had to go through we are now going through.

In volume 35 of the Fifty-seventh Congress you will find the same argument with reference to the Panama Canal.

Then the late lamented President McKinley was in the White House urging the completion of the Panama Canal. Senator Hanna led the fight. He had to fight the same arguments, the same claims, that ships would not use it and that it could not be economically sound.

It is rather interesting for me to note on page 481 of this RECORD that Mr. Davis, a Member of the House from Florida, had incorporated in the RECORD a drawing showing the Panama and the Nicaraguan routes.

Mr. Davis said:

So much has been said on the subject of the trans-Isthmian Canal and for so many years and by so many writers and speakers that nothing remains to be said. Tedious repetition is all that is left for one who attempts to discuss the question now.

Mr. Richardson, of Alabama, said—

that in the bill now under consideration responsibility is placed upon the President and the War Department, and this is a guaranty that our interests will be watched.

Mr. Chairman, 33 years thereafter I find the responsibility on the President and Congress as we discuss the Florida cross-State canal.

(The time of Mr. SEARS having expired, he was given 5 minutes additional.)

Mr. SEARS. Now, like then, we have the President of the United States and the Board of Engineers advocating this proposal, with the responsibility on them, and the same fight is being made against the Florida cross-State canal.

I ask unanimous consent to insert in the RECORD quotations with reference to this matter.

The CHAIRMAN. Without objection, it is so ordered.

Mr. SEARS. Now on page 4287, volume 35, Fifty-seventh Congress, of the RECORD we find this about the dam at Bohio, the large dam on the Panama Canal. And it is said:

If the dam at Bohio on the Panama route should fail for any cause the only hope of a canal across that isthmus would perish, never to be restored. All engineers admit this fact.

But General Goethals, that eminent engineer, with foresight, looking into the future, said that the dam would not be a failure, and that the Panama Canal thereafter would not fail.

The Canal was built and we have it today as a monument to General Goethals.

On page 4291, of the same volume, I find the following:

The health of the Panama Canal route cannot be safely classed with the matters of doubt. It is a fixed condition that is in constant warfare with human life. It depends upon natural conditions that are beyond remedy, and as a fatal impediment to a successful gateway for the world it is beyond doubt.

The constant presence of yellow fever and Chagres fever is not alone due to the filthy condition of the cities of Panama and Colon or to the unclean habits of the people, nor is it due to mosquitoes. These are aggravations of fatal fevers that make them epidemic; but the seat, the habitat, the permanent home of yellow fever and dengue, or Chagres fever, is in the city of Panama and the adjacent coasts.

From that center they spread through a fostering atmosphere and are transmitted by the constant and close association of a large number of people at work in a narrow space of country along the railroad and the canal diggings or traveling through it. Spreading from the principal breeding ground at Panama these fevers permeate the atmosphere of the canal belt and spread through the hot depression leading to Colon, poisoning the people

along the entire route, and from these seaports they move out on the ships and attack all other ports. The yellow fever at Panama is hostis humani generis, and all the world cannot conquer it.

The reasons are obvious. They are, certainly, three in number: First, the tide of 20 feet that rushes into the bay twice in 24 hours, bearing the refuse of the sea and decaying animal matter, and leaving it to rot on the hot beach when it recedes. Second, the exposure of thousands of acres of mud flats to the sun when the tide goes out, to give off their pernicious exhalations. Third, the absence of winds to scatter or take the poisonous exhalations away from the beach and the Bay of Panama.

When these natural causes are removed Panama can be made comparatively as immune from yellow fever as Habana and Santiago de Cuba appear to be. But they are immovable.

As I recall, those were the remarks of Senator Morgan, of Alabama. Time has shown how badly Senator Morgan was mistaken. Today the main fight against the Florida cross-State canal is that it will damage the waters of Florida. I am satisfied time, as in the case of Senator Morgan on the Panama Canal, will prove conclusively that those who are now opposing the Florida cross-State canal are just as wrong in their predictions.

Senator Clark, of Montana, on the Panama Canal and Nicaraguan Canal, said:

If one-half of the objections that have been urged against both propositions had any foundation in fact, our duty would seem to be plain in the rejection of them both.

I am, however, inclined to the belief that lack of study of available information, coupled with more or less prejudice and partiality and possibly some hostility to every canal scheme, have given rise to considerable exaggeration as to difficulties; and while interoceanic canal construction to successful completion on this continent is somewhat experimental, yet I believe that the consensus of conservative opinion warrants the conclusion that all physical obstacles and engineering difficulties in the one case, and perhaps in both cases, may be ultimately overcome and that a great waterway of the nations connecting the two mighty oceans may within the next decade of years become a fait accompli.

In the light of the example and successful results which the Suez Canal affords us, viewed from both a strategic and financial standpoint, it is not a matter of great surprise that throughout this Nation there has been awakened a keen desire, amounting to an almost universal demand among people of all classes and avocations, that such a canal should be constructed with all possible dispatch.

The people of this country want a canal, and they are determined to have it. You may delay it, but you cannot defeat it.

Mr. Chairman, at that time there sat in the President's chair one Theodore Roosevelt as President of the United States, a Republican. In that fight we find Republicans supporting the Canal and some Democrats opposing the Canal. History repeats itself, nature never does. In 1902 this fight was going on, and the charge was made that the obstacles could not be overcome. Those obstacles were overcome. Today they are fighting our canal and saying that it will damage the waters of Florida. The only difference in the Panama Canal and the fight we have today on the cross-State canal is we have today Franklin Delano Roosevelt as President of the United States approving it, backed by the engineers. We have Members of Congress opposing it. God grant that they do not oppose it for political purposes. It was predicted in these volumes, from which I have quoted, that the Panama Canal never would be completed. The Panama Canal was completed, and I make the prediction today and the prophesy—using the words used in 1902—that some may delay, some may stop, and some may retard the completion of the Florida State canal, because no great proposal looking into the future welfare of the entire Nation has ever been proposed that there were not those who wanted to retard it and to delay it, but they cannot stop it; the most they can do is delay it. Franklin D. Roosevelt will see that the canal is completed.

Mr. Chairman, we are indeed fortunate today in having General Markham, General Pillsbury, and our other engineers of the Rivers and Harbors Board and Army in charge of the construction of the Florida cross-State canal.

I have found General Markham and the other engineers able and conscientious, and I know he and they, like Goethals and his aides, will stand by their convictions. I feel if partisanship plays no part during the consideration of the Florida cross-State canal, if all selfishness is laid aside, my colleagues will admit they have the same confidence in these distinguished engineers as I have. I also feel their recommendations will receive the approval of Congress and the people of the United States, and when the canal is completed Franklin D. Roosevelt, General Markham, and the other engineers will go down in history, like Theodore Roosevelt, General Goethals, and his aides, as men of courage and vision, men who can see and visualize for the benefit of the country at large. In the memories of our men and women in connection with the completion of the Panama Canal for Theodore Roosevelt and General Goethals and those connected with the work there is indelibly stamped success. What will be stamped with the contemplated Florida cross-State canal, Franklin Roosevelt, General Markham, and those urging its completion? Will it be failure? No, a thousand times no; for our President and these eminent engineers are not men who will stand for failure, especially when the cause is for the benefit of the country at large. I thank you. [Applause.]

I ask unanimous consent to extend my remarks in the RECORD by placing therein a memorandum in respect to the Florida cross-State canal.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CASTELLOW. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Florida may be extended for 2 minutes.

The CHAIRMAN. Is there objection?

Mr. ZIONCHECK. I object.

Mr. Chairman, I move to strike out the last word. I have made several points of no quorum. I did not have time to explain why I was making them at the time. I do not feel it is incumbent upon me to explain now, except to relieve the minds of some Members as to the possibility of my making future points of no quorum. This whole bill moved on much more hurriedly, particularly in general debate, than anyone had anticipated, much more hurriedly than the Chairman himself anticipated. I was in the process of preparing several amendments and I did not have opportunity to secure time in general debate. I did not know how fast certain pages would be read, and, therefore, being satisfied that a quorum would be counted even if there were but 15 Members on the floor; that is, that those Members would have to be counted, and that that would take time anyway, hence I made the points of no quorum.

I am very thankful to the gentlemen from Florida in their efforts to get this "snug harbor" for the Navy, the Florida canal, because they have consumed a great deal of time. The amendments have been prepared, and as far as I am personally concerned I shall make no more points of no quorum today. [Applause.]

Mr. Chairman, further than that, my only effort in these amendments, I may say at this time, is a sincere effort to reduce the present appropriation or the contemplated appropriation to the level of the appropriation of the year previous. Last year the appropriation for the Army was the largest appropriation ever made in peacetimes for the Army of the United States, or any army in the world. This year the regular appropriation exceeds the regular appropriation of last year by $23,803,000. The chairman of our committee, with due deference to his ability, has not satisfactorily explained the necessity of it, unless that necessity be for the squelching of what they call contemplated internal strife; unless the necessity be to prepare an increased organization to prepare for facism in the United States of America, or communism, if you please, or as they claim communism is conducted in Russia. You know in Russia they have a big army, so they say. In Russia if they have internal dissensions they liquidate them—ofttimes with the Army.

In Italy if they have internal dissension they put them in concentration camps and kill them, and they use the Army to do it. Look at Germany! What are we doing? Are we preparing for fascism, or are we preparing for alleged communism? Is not democracy good enough? I am not a starry-eyed pacifist. I recognize that we need an army and a navy if this system is to endure, or if it is desirable that it should endure. I, for one, am unable to change it, but I am against this continual preparation for force and violence on people

who just want to peaceably organize or protest against intolerable conditions where they have to work, and look for a job, where they are able to work and cannot find employment, and you refuse to feed them. If I were in the position of those people I would kick a restaurant window in and I would take it. They would throw me in jail, but they would have to feed me in jail or starve me to death, one of the two, but that would be preferable to begging in this land of plenty.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. ZIONCHECK. I ask unanimous consent to revise and extend my remarks, and to include therein any pertinent quotations or data pertaining thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. WOODRUM. Well, Mr. Chairman, reserving the right to object, that is a very unusual request.

Mr. ZIONCHECK. Then I withdraw the latter part of the request and just ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and insert the report of the engineers and one or two excerpts from other documents.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MANSFIELD. Mr. Chairman, I move to strike out the last four words. I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MANSFIELD. Mr. Chairman, when the amendment is offered by the distinguished gentleman from Indiana [Mr. PETTENGILL] it is my intention to offer an amendment to that amendment, which will authorize the expenditure of about three and one-half million dollars at ports on the Texas coast where nearly $8,000,000 were authorized in the last river and harbor bill. It is not my purpose to increase the total appropriation by one single, solitary cent. I believe that $100,000,000, properly expended, is ample and sufficient, and as much as the Congress ought to authorize or appropriate at this time, as a total; but I am opposed to having all of it earmarked to a few large projects, where practically no commerce is being handled, while at other places where millions of tons of commerce are handled, we have nothing in the bill to pay for the improvements that were authorized in the last River and Harbor Act.

If you will turn to page 26 of the hearings before the Committee on Appropriations, part 2, you will see a list of ports on the coast of Texas, showing that approximately 70,000,000 tons of freight were handled last year. That is more than three-fourths of the total commerce handled upon the Gulf of Mexico; commerce worth more than a billion dollars in value, including cotton, cottonseed products, oil, gasoline, all other products of the farms, of the ranch, of the soil, and of the mines; commerce in which millions of farmers in Oklahoma, New Mexico, and Texas are vitally interested. Yet we find no port on the Texas coast at this time with a depth of more than 32 feet, while every port in Hawaii has 35. Every major port on the Atlantic coast and on the Pacific coast has from 35 to 40 feet, New York being the only port now that handles more commerce than was handled in one of the ports of Texas last year. You will see near the bottom of page 26, Sabine-Neches, 30,665,376 tons last year; Galveston Harbor, 22,180,729 tons; Houston Ship Channel, 18,516,223 tons; Texas City, 3,218,769 tons; Galveston Channel, 2,859,867 tons; Corpus Christi, 4,163,455 tons; Port Aransas, 4,817,171 tons. Those are some of the major ports there.

The purpose of my amendment is that a portion of this $100,000,000 may be expended there, where it will serve a purpose for millions of tons of freight with a billion dollars valuation and in which millions of people in this country are vitally interested.

Mr. MAPES. Will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. MAPES. I do not want to anticipate anything the gentleman has in mind saying, but I am very much interested to get his opinion in regard to the tentative list of the Board of Engineers. I agree fully that the appropriation of $100,000,000 ought not to be increased, and am greatly interested in the statement of the gentleman that that amount, if properly allocated, would take care of the requirements of the United States.

I agree with the gentleman perfectly in that respect, and I want to call his attention particularly to the tentative set-up of the Board of Engineers as appears on page 34 of the hearings, a copy of which he has in his hands. There are two items in this set-up which seem to me might well be reduced without any detriment to anyone and at the same time leave enough to meet the requirements adequately of the Great Lakes and the Texas ports. These two items are the Mississippi River between the Missouri River and Minneapolis, upon which it is proposed to spend $25,000,000 of the $100,000,000, and the Missouri River at Fort Peck, Mont., where it is proposed to expend another $20,000,000. These two items comprise almost half of the entire $100,000,000, and on these waters there is comparatively little tonnage. I would ask the gentleman what his opinion is in regard to that tentative allocation.

Mr. MANSFIELD. That statement was prepared by the Bureau of the Budget, as I understand.

Mr. MAPES. I did not make my question clear. What is the gentleman's opinion as to whether these two items might properly be reduced so as to take care of conditions in the gentleman's State and on the Great Lakes?

Mr. MANSFIELD. I may say to the gentleman that my proposition is to leave it to the Chief of Engineers, to let him have the privilege, as we have done heretofore, of expending this $100,000,000 where it will best subserve the immediate needs of commerce.

Mr. MAPES. I agree with the gentleman perfectly, but my point was that by reducing these amounts the Board of Engineers would still have enough to take care of the needs of the country. The river and harbor improvements of the country would not be crippled. There would be plenty of leeway left to the board of engineers in allocating the funds.

Mr. MANSFIELD. Absolutely; they would not cripple any other project by adopting this amendment. They would still have funds to expend upon these others sufficient for the needs of all. This does not earmark any of the funds, but simply releases them from the earmarks that seem to have been placed upon them under the break-down of the bill.

Mr. MAPES. I was anxious to have the opinion of the distinguished chairman of the Committee on Rivers and Harbors on this point.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from New York.

Mr. CULKIN. Does the gentleman remember there was some testimony, formal or informal or otherwise, before our committee that on the Fort Peck project, to which is assigned $20,000,000, there was never any navigation except two rowboats?

Mr. PETTENGILL. Twenty million dollars for two rowboats?

Mr. CULKIN. Two rowboats.

Mr. MANSFIELD. There has been, of course, very little commerce on those waters, but we must admit that they have not been in condition to handle commerce. Their commerce, of course, might increase very materially when improvements are completed.

I do not like to speak of any particular project. I want to leave it to the discretion, the sound discretion, of the Secretary of War and the Chief of Engineers to allocate this money, as they have been doing heretofore, where it will best serve the needs of commerce for the coming year.

[Here the gavel fell.]

Mr. MANSFIELD. Mr. Chairman, I have an important announcement in which I believe almost everybody will be interested. I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MANSFIELD. Mr. Chairman, this is out of the regular order.

Mr. Chairman, many Members are receiving inquiries concerning pollution bills. I introduced a bill last summer and the country seems to be pretty well stirred up over it. May I say, however, that it is not the intention to undertake to pass any legislation along this line at this session of Congress unless it should come from the other end of the Capitol. The Secretary of War, the Secretary of Agriculture, and the Secretary of the Treasury have written me requesting that the matter be not pushed at this time, to wait until the advisory committee of the National Resources Committee, which has been appointed to investigate the matter, can complete its report. They have made a tentative report, but it is not yet complete, and it is not advisable to undertake to put through any legislation of this kind at this time until their studies are completed.

I talked yesterday with Mr. Delano, the chairman of this advisory committee, and he tells me that he does not plan to have any bill prepared and presented at this session of Congress.

I desire to make this announcement that the country may be relieved of their uneasiness along this line. [Applause.]

[Here the gavel fell.]

Mr. ROGERS of New Hampshire. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I desire to say just a few words in regard to the Army Air Corps. I have just returned this week from a tour in an Army plane as a witness to the maneuvers which are now being held in New England and New York by the Army Air Corps. It has been a wonderful spectacle—pursuit, bombardment, and attack planes—and the manner in which they have carried on would open your eyes to the efficiency of the Air Corps, of which the United States Army and we as American citizens may well be proud. They have had bad weather conditions, just the thing to give them the opportunity to see how their machines will operate under such conditions and to teach them what to do to overcome these conditions and to render better service in future emergencies.

When I speak of the Army Air Corps, of what do I speak? I had the honor to listen yesterday to the splendid speech on the floor of the House of the able and distinguished chairman of the Committee on Military Affairs, in which he stressed the Army's need for planes; and today I saw these headlines in the Washington Post:

McSWAIN seeks corps of 4,000 planes by 1938.

Turning to page 5 I saw further headlines:

England plans 5,600 planes by March 1937.

Then follows a statement that Germany's strength now is from 7,000 to 10,000 planes.

What do we have, Mr. Chairman, for adequate air defense in this country? Let me call your attention to the testimony of Maj. Gen. Oscar Westover, Chief of the Air Corps, before the Appropriations Committee, December 30, 1935, in which he said—I read from page 295 of the hearings:

It is estimated that not more than 736 airplanes now on order will be delivered during the fiscal years 1936 and 1937. During this time there will be estimated losses of 981 airplanes.

The net result of these factors, therefore, will leave the Air Corps on June 30, 1937, with an estimated number of 779 project airplanes, with about 529 planes classed as obsolete on account of having passed the 5-year age limit. Such of the 529 as are suitable for retention will have to be continued in use in order to permit necessary flying by Air Corps personnel.

General Westover also testified:

The number and type of airplanes now available in our foreign departments makes the air defense of these possessions almost impotent, and the same lack of airplanes is greatly handicapping the ground force in the training for their part of the defense.

Mr. Chairman, I call attention now to the testimony of Hon. Harry H. Woodring, Assistant Secretary of War, which was given on January 16, 1936, before the Committee on Appropriations, page 597. I request the Members to bear this particularly in mind. He states that approximately 1,060 airplanes were in the hands of the Air Corps on December 2, 1935, of which only about 200 are of the most modern type.

He was asked this question by my colleague, the gentleman from Ohio [Mr. BOLTON]:

Allowing for washouts, deliveries, etc., what will be the number of airplanes in the Air Corps as of July 1 of this year?

That is 1936.

Here is the answer:

The figures furnished my office indicate that the Army Air Corps will have approximately 777 airplanes in its possession on July 1, 1936.

We get 507 under this bill. Allowing for the washouts, and considering the recommendations of the Howell Commission and Baker Board, that we should have over 2,320 planes, how does that leave us? Mr. Woodring was asked how many planes he was able to buy with the amount appropriated for the fiscal year 1936, and his answer is as follows:

The above sum will permit the procurement of approximately 401 airplanes, of which 361 will be for the Regular Army and 40 for the Organized Reserves. A continuation of an appropriation of the above size will never permit the Army Air Corps to reach its desired strength.

[Here the gavel fell.]

Mr. ROGERS of New Hampshire. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

Mr. PARKS. Mr. Chairman, reserving the right to object, and I am not going to object to the gentleman's request, may I say that we have read none of the bill. It will be a great saving to us if the Members will address their remarks to the part of the bill they are interested in when we reach that part. Practically everything that has been stated up to this time has been with reference to items we have not yet reached. I have no objection to the gentleman's request.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. ROGERS of New Hampshire. Mr. Chairman, continuing this quotation:

A continuation of the appropriation of the above size will never permit the Army Air Corps to reach this desired strength as it will only take care of approximately yearly losses.

When asked how he would recommend that the Air Corps be brought up to its strength of 2,320 planes, as advocated by the Baker Board and the Howell Commission, he used this language, and I say to you in all sincerity that we ought to bear this in mind, with the hope that some day not too far in the future we may reach it:

Total appropriations of approximately $108,000,000 for the Army Air Corps for the fiscal year 1937 will permit procurement of 800 airplanes out of these funds. Whereas prices may change in the years of 1938 and 1939, due to changes in types of airplanes, manufacturing processes, and so forth, it is roughly estimated that an appropriation of $110,000,000 per year for each of these 2 years, in addition to the $108,000,000 for the fiscal year 1937, will permit of building the Army Air Corps to its desired strength.

Mr. Chairman, I am not one who advocates more airplanes than we need for an adequate national defense, but I do say that the best service we can render our constituents, our districts, our States, and the Nation is to spend wisely and well millions of dollars in providing for rational Air Corps development for defense, so that we may be able to carry on without the loss of a single life on account of inadequate preparation. [Applause.]

Mr. McCORMACK. Will the gentleman yield?

Mr. ROGERS of New Hampshire. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. There is probably no better authority in the Congress on this branch of the national defense than is the gentleman from New Hampshire [Mr. ROGERS]. I would like to ask the gentleman's opinion—I have my own

opinion, but I would like to receive the benefit of his opinion, as I consider him to be an authority—as to the importance in the event of future wars that the air force of a nation will play in any such conflict?

Mr. ROGERS of New Hampshire. I may say to my distinguished colleague from Massachusetts—and I think he will find this borne out by those who have witnessed any of the Air Corps maneuvers which are now being conducted—that the first line of defense will be the Air Corps. I say this with all due respect for other branches of the Army and Navy, and there is a navy yard in my own district in New Hampshire, of which the Nation may well be proud. [Applause.]

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, we have to read this bill sometime; therefore I ask unanimous consent that debate on this section and all amendments thereto conclude in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. LUCKEY. Mr. Chairman, I rise in opposition to the amendment to strike out the last five words.

Mr. Chairman, I shall use only a few moments of the valuable time of this House, but I desire to give to the Members figures which will startle them. I have taken considerable time in studying these figures, and at this time, when we are considering one of the largest Army appropriation bills that has ever come before the House in peacetimes, I think it well worth while to consider these figures. They have been carefully compiled from official sources and have been converted into American dollars by taking the monetary exchange value into consideration. They are, therefore, authentic and comparable.

In these remarks I do not wish to say one word against national defense. That defense is needed. The Army, Air Corps, Navy, and Organized Reserves should be kept at an adequate strength for national defense. Those forces should be thoroughly modernized to be made effective. All these things can and should be accomplished, but not by placing a millstone of taxation around the neck of every American citizen. We must face the facts; we spend more and get less in national defense than any civilized country in the world.

Until the time comes when we wake up to the fact that the business management of our defense forces should be placed on the same efficient basis on which you or I would run a business we cannot have adequate defense. Let me illustrate what I mean. We emerged from the World War as one of the ranking military powers. Yesterday my respected colleague, Mr. DOCKWEILER, authoritatively informed me that we stand eighteenth on the list of world armies. Why should this be? Is it because we have failed to make adequate appropriations? Oh, no; it is not that. In the 16 years from 1919 to 1934, inclusive, we spent $22,273,600,000 for armaments. In those same years France spent $6,926,500,000, Great Britain spent $20,174,500,000, Italy spent $6,884,100,000, Japan spent $4,817,700,000, Germany spent $1,952,400,000.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. LUCKEY. Yes.

Mr. FITZPATRICK. Would the gentleman compare the cost of the standard of living in those countries with our own country?

Mr. LUCKEY. I am coming to that in just a moment.

In the 6-year period from 1929–34, inclusive, the armament expenditures for those six powers were:

United States	$3,973,100,000
Great Britain	2,646,600,000
France	3,048,400,000
Italy	1,827,100,000
Japan	1,258,600,000
Germany	1,112,900,000

In plain words, from 1919 to 1934, inclusive, we spent $2,099,100,000 more than Great Britain, $15,347,100,000 more than France, $15,369,500,000 more than Italy, $17,455,900,000 more than Japan, and $20,321,200,000 more than Germany. In the 6-year period from 1929–34, inclusive, we spent $1,326,500,000 more than Great Britain, $924,700,000 more than France, $2,146,000,000 more than Italy, $2,714,500,000 more than Japan, and $2,860,200,000 more than Germany.

[Here the gavel fell.]

Mr. PIERCE. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. LUCKEY. Mr. Chairman, it is undoubtedly true that we pay our officers and men more than do foreign powers. The additional cost of such payments is a negligible factor in comparative appropriations. Only a very small percentage of our appropriation goes directly to officers and men in salaries. Higher living standards in this country than in many, if not all, foreign countries causes us to pay more for war supplies of all kinds. Now this seems to be the crux of the matter in the minds of many.

Let us suppose for a moment that the reason for our huge expenditures and small results is the cost of equipment and supplies, due to higher wages paid to American labor. That would, indeed, be pressing down a crown of thorns upon the head of American labor. I go to a movie and see foreign troops being conveyed in Ford cars, foreign troops wearing American-made shoes. One could go on indefinitely citing the examples of American contributions in labor to foreign-army equipment. Placing the responsibility of excessive costs upon wage scales is pure, unadulterated bunk. To all who can read the reports and hearings of the munitions investigation the answer is evident. A steel firm makes 142 percent profit on an order of armor plate; munitions companies, airplane companies, and all purveyors of defense equipment make huge profits. Profits on what? Profits on patriotism.

The time has come for us to clean our own house. We cannot waste our money paying exorbitant profits to the "merchants of death." Those purveyors of death keep up their wolf song of inadequate national defense, not from patriotic motives, but to fill their capacious pockets at the expense of every American citizen. We live and learn. We are still alive; and, if our past experiences cannot teach us, then we will never learn.

When we can eliminate excessive armament profits, graft, maladministration, and waste, we will have adequate national defense, but not until then. We can increase and increase appropriations until our national income will not cover those expenditures, and even then, under the present conditions, we would fail to have adequate national defense. [Applause.]

The Clerk read, as follows:

Office of Chief of Bureau of Insular Affairs, $66,400.

Mr. HOOK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I spoke the other day with regard to rivers and harbors, and especially with reference to the Great Lakes region. I believe this matter is being very admirably cared for by some of the other of my colleagues at this time, and I would like now to say a few words of respect for that great American whose birthday we are celebrating, Abraham Lincoln. In these days I would like to recall some of the things that this great American said that are applicable to the present day, and especially, may I say, applicable to some of the Supreme Court decisions that have been handed down lately.

May I call the attention of the House to the Cincinnati speech of Abraham Lincoln, delivered in 1859. In referring to the Dred Scott decision, he said:

> The people of these United States are the rightful masters of both Congresses and courts, not to overthrow the Constitution, but to overthrow the men who pervert that Constitution.

Let me comment here that Justice Stone in his memorable and able dissenting opinion in the A. A. A. decision used the word "tortured" in practically the same sense as Lincoln used the word "pervert." Webster's dictionary gives the def-

inition of these two words to be identical and to mean "to distort."

Let me call attention also to a memorable speech made on the floor of this House by this great American when the House was in Committee of the Whole on June 20, 1848, when he said:

> No commercial object of Government patronage can be so exclusively general as not to be of some peculiar local advantage; but on the other hand, nothing is so local as not to be of some general advantage. * * *

Further on in this speech he made this statement, which I believe is very important and applicable to conditions of the present day:

> I have already said that no one who is satisfied of the expediency of making (Federal) improvements need be much uneasy in his conscience about its constitutionality. * * *

Let me say further that he went on in this speech and said:

> Let the Nation take hold of the larger works, and the States the smaller ones; and thus, working in a meeting direction, discreetly, but steadily and firmly, what is made unequal in one place may be equalized in another, extravagance avoided, and the whole country put on that career of prosperity, which shall correspond with its extent of territory, its natural resources, and the intelligence and enterprise of its people.

I ask you if this is not applicable to the present day and the present administration?

In a speech he delivered at Springfield, Ill., on June 26, 1857, he said:

> We believe as much as Judge Douglas (perhaps more) in obedience to and respect for the judicial department of government. We think its decisions on constitutional questions, when fully settled, should control—not only the particular cases decided but the general policy of the country—subject to be disturbed only by amendments of the Constitution, as provided in that instrument itself. More than this would be revolution. But we think the Dred Scott decision is erroneous. We know the court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this. We offer no resistance to it.
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> Judicial decisions are of greater or less authority as precedents, according to circumstances. That this should be so accords both with common sense and the customary understanding of the legal profession.
>
> If this important decision had been made by the unanimous concurrence of the judges, and without any apparent partisan bias, and in accordance with legal public expectation, and with the steady practice of the departments, throughout our history, and had been in no part based on assumed historical facts which are not really true; or, if wanting in some of these, it had been before the court more than once, and had there been affirmed and reaffirmed through a course of years, it then might be, perhaps would be, factious, nay, even revolutionary, not to acquiesce in it as a precedent.
>
> But when, as is true, we find it wanting in all these claims to the public confidence, it is not resistance, it is not factious, it is not even disrespectful to treat it as not having yet quite established a settled doctrine for the country.

May I say that this great American and humanitarian possessed a philosophy that looked to the interest of the common man and common humanity.

In the President's chair today sits a man whose humanitarian philosophy is as broad as that of Lincoln, and whose heart goes out in the cause of common humanity, as did that of the great American, Abraham Lincoln, who preceded him. That man is Franklin D. Roosevelt.

The reason I quote from Lincoln today is to show that the philosophies of these two men, even though the one preceded the other by more than a half century, are fundamentally the same.

The words of Lincoln with regard to the Supreme Court are applicable today. I need not dwell further on this point except to say that the partisan political attitude is the same today as when Lincoln spoke. When I refer to the Supreme Court I refer to the majority opinion of the A. A. A. decision.

The Clerk read as follows:

> Office of Chief of Engineers, $123,260: *Provided*, That the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed only in the Office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, surveys, and preparation for and the consideration of river and harbor estimates and bills, to be paid from such appropriations: *Provided further*, That the expenditures on this account for the fiscal year 1937 shall not exceed $303,960; the Secretary of War shall each year, in the Budget, report to Congress the number of persons so employed, their duties, and the amount paid to each.

Mr. CARTER. Mr. Chairman, I move to strike out the last word. I do this because the gentleman from Indiana proposes, on page 68 of this bill, to offer an amendment earmarking a certain amount of this money for work in certain sections of the country.

I want to recall to the House that a number of years ago river and harbor bills were made in this manner—under log-rolling conditions—and the legislation which followed was designated pork-barrel legislation, and brought river and harbor legislation into disrepute. That was entirely changed and abandoned, and since then the allocation of funds has been left to the Chief of Engineers' Office.

I was further surprised to find that the chairman of my committee, the Committee on Rivers and Harbors, for whom I have the highest regard and admiration, also served notice that he would propose to earmark three or four million dollars of this money for work on the Gulf of Mexico.

I was not surprised when a few minutes later another gentleman arose and suggested that definite projects ought to be listed here. Gentlemen, that is the beginning of the undoing of the splendid work that has been carried on for years by the Chief of Engineers. I want to say to you that by this method you will start on a very dangerous course.

Mr. MANSFIELD. Will the gentleman yield?

Mr. CARTER. I yield to my chairman.

Mr. MANSFIELD. With reference to the amendment to be offered by the gentleman from Indiana, as I understand, he uses the word "may" instead of "shall."

Mr. CARTER. I understand he made that change at the suggestion of the gentleman from Texas, changing the word "shall" to the word "may", but why put in that amendment when they already have that discretion?

Mr. MANSFIELD. Not according to the break-down placed in the bill by the Bureau of the Budget.

Mr. CARTER. As I understand, the break-down was submitted by the Chief of Engineers' office.

Mr. MANSFIELD. No.

Mr. CARTER. That break-down is more or less of a tentative suggestion made by the Chief of Engineers, and while they propose to follow it in some instances, they have the authority, if they desire, to vary some.

My chief concern is that the selection of these projects be not taken away from the Chief of Engineers' office, that it be left there where it has been so well carried on for these many years. I think they have performed a splendid service for this country, and I hope the membership of the committee will consider well before adopting any amendment that will impair the authority now in the hands of the Chief of Engineers.

The pro forma amendment was withdrawn.

Mr. McSWAIN. Mr. Chairman, I move to strike out the last two words. While we are considering a matter relating to the general broad interests of the country, to wit, national defense, I hope we will not get too badly split up about these local problems and how much bacon can be brought home to the district. I congratulate myself that there is no Army activity whatsoever in my district, and I do not know but what I might say modestly that the country might be congratulated that there is no Army activity in my district. There is no river, even hardly a creek that a catfish can live in. I did have an old recruiting sergeant in my district, but I was so feared by the War Department that they removed him.

In the other 2 or 3 minutes that I have, I shall advert to a proposition that has no relation to any provision in the bill, but I do say out of deference to the chairman of the subcommittee that we should discuss these matters as they arise in the bill. I think that is highly proper. However, inasmuch as there is no section relating to the matter of the policy of the Procurement Division, I ask the indulgence of the Committee at this time to discuss it briefly. Our distinguished chairman said he is somewhat in doubt as to whether the best policy is procurement of aircraft by negotiation or procurement after advertisement or competitive bidding. Let us go back a little bit. Prior to 1926 there was a great agitation all over the country with reference to our very backward condition in defense, and after many

boards and inquiries, some by this body and some by the Senate and some by the War Department, there was erected what was known as the Morrow Board.

That board came out with 22 definite recommendations. We sought to put those recommendations into effect. With 21 of them I was personally in complete accord, but with the twenty-second, not in numerical order, but actually, the recommendation was that the law requiring advertisements and competitive bidding for the procurement of supply should be abrogated, and that the War Department and the Navy Department be turned absolutely free to buy aircraft and all aircraft accessories anywhere, at any time, behind any number of closed doors, and at any price that any inexperienced Army or Navy officer might see fit to contract to pay. I opposed it.

It will be remembered that in 1925 I happened to be in the minority. The committee of 21 stood 11 for the Morrow recommendations and 10 against them. I was one of the 10. The committee realized it could not hope to succeed on a proposition of such doubtful merit, so contrary to all of the ideas that have prevailed in this country with reference to how public business ought to be conducted, and they came to us and asked if there was not some sort of a compromise that we could get together on.

In order to try to compose the differences in the committee, those almost equally divided, a subcommittee was appointed, and, as the naval procurement policy was also involved, the Naval Affairs Committee was invited to appoint a subcommittee to collaborate with the Military Affairs Subcommittee in trying to work out a procurement law to promote the progress of military aircraft.

When the subcommittees met I submitted to them the draft of a bill which I had prepared but had not yet had printed, containing in substance and in general outline the principles subsequently enacted into law as section 10 of the Air Corps Act, July 2, 1926. After many hearings and conferences with experts from the War Department and the Navy Department, the bill was finally drafted in the exact form in which it was subsequently enacted into law. I introduced the bill in the House, and I believe that Congressman VINSON, then ranking Democrat on the Naval Affairs Committee, introduced an identical bill, but I am not sure. At any rate, the House had already passed the bill proposing to set up the Air Corps and it had gone to the Senate.

The Senate having amended the bill, it was necessary that it go to conference. While in conference section 10 was inserted and contained the exact language of the bill introduced by me. The amendment was agreed to in the Senate without difficulty, but when the report of the conferees came before the House, the point of order was made that the amendment constituting section 10 was new matter not properly before the conferees and should be stricken out. However, a special rule was obtained and passed by the House making this new matter in order and the bill was thereupon passed with this amendment.

The only criticism or complaint that I have had as to the practical operations of the law thus enacted came from Hon. Edward P. Warner, when he was Assistant Secretary of the Navy. He and I discussed the matter on several occasions and at that time I did not look favorably upon his suggestions. In the last 2 or 3 years we have had some correspondence about the matter and have discussed it personally, and I am now more favorably inclined toward a modification of the procurement law in certain respects, such as to insure design rights to the designer, to encourage designers by giving them production orders, and to strike out or amend certain language making possible the evasion of the law, in the name of "experimental orders."

I introduced a bill last year, and perhaps also in the Seventy-third Congress, but the same did not receive any favorable consideration from the War Department or the Navy Department. It was not until after the Committee on Military Affairs was authorized by House resolution in the Seventy-third Congress to investigate fully all War Department transactions that I discovered for the first time that the War Department was not observing the provisions of section 10 of the Air Corps Act. Then for the first time we learned that the War Department had been for many years resorting to the mere subterfuge of claiming to buy experimental orders of aircraft, but, as a matter of fact, all orders turned out to be experimental orders. It will be noted that experimental orders do not require previous advertisement and open competitive bidding. Though the Judge Advocate General of the Army and the Attorney General of the United States had expressly ruled that orders for aircraft for volume should be purchased only after advertisement and by competitive bidding and not by resorting to the device of so-called experimental orders, yet the War Department continued its illegal practice.

I am very happy to state, however, that when the true situation was called to the attention of Assistant Secretary of War Woodring, who had recently come into office and was charged by law with the procurement of Army supplies, including aircraft, that he immediately and positively declared his intention to follow the law strictly, and I am persuaded to believe that he has done so. Furthermore, I was very glad to receive a letter from the Secretary of War, dated August 15, 1935, which is quoted in full on pages 8, 9, and 10 of the Annual Report of the Secretary of War for 1935, in which letter the wisdom, propriety, language, benefit, and expediency of the policy of section 10 of the Air Corps Act was completely vindicated and justified.

Mr. Chairman, I am persuaded that all Government business should be done out in the open and that every citizen should have full and free opportunity to sell to his Government anything that his Government needs, and to buy from his Government anything that his Government has to sell. That is why I introduced a bill and am pushing the same, that when the War Department has any surplus property of any sort, either real-estate or personal property, that it shall advertise the same and sell it at public auction to the highest bidder. That is why I have insisted, in opposition to the recommendations of the Morrow Board, that there shall be no private negotiations for the purchase of aircraft.

Private negotiations will undoubtedly prove to be secret negotiations; and secret negotiations will undoubtedly lead to favoritism; and favoritism will lead to fraud and bribery and corruption and waste of money and, through unsafe aircraft, will lead to the waste of human life. That is why I have insisted upon open public-design competitions, upon public advertisement for the purchase of aircraft, and upon public competition in bidding to sell aircraft. It is true that the law does not require that the lowest cash bid be accepted, but it does require that quality of aircraft, performance, such as speed, lifting power, maneuverability, safety, and so forth, shall all be taken into consideration along with the price and the highest and best interests of the Government, all things considered shall determine which bidder shall get the business. The main point is that this proceeding of receiving bids and of passing upon bids cannot be done in secret but must be done in the open, and, therefore, the possibility of favoritism, fraud, bribery, and corruption is eliminated.

Mr. Chairman, just to illustrate the advantages of competition, I remember that a former distinguished Member of this House, a member of the subcommittee on War Department appropriations, contended energetically and vigorously, before the House and in private conversation, that the only proper way to buy aircraft was by negotiation. One day he told me with great energy and earnestness that there is only one firm in the United States that can manufacture the kind of bomber that we would be justified in buying. I asked him what firm that is, and he said, "It is the Glenn L. Martin Aircraft Corporation." I said, "Well, that may be so now, but it would be a sad day for America, and I cannot admit it to be true, that only one firm can ever manufacture a good bomber. Suppose that firm should become bankrupt or become careless and not keep abreast of the art of aviation, where would national defense be?" In the last year the War Department held a design competition for bombers, and the Glenn L. Martin Aircraft Corporation entered the competition, but the Boeing Co., of

Seattle, Wash., and the Douglas Aircraft Corporation, of Los Angeles, Calif., also entered the competition, and I saw all three of the competing bombers at Wright Field.

Truly the Boeing bomber was a flying fortress and the Douglas bomber a most magnificent and powerful instrumentality of war. In my judgment, both of these bombers are superior to the Martin bomber. I believe I am correct in saying that the War Department did decide that both the Boeing bomber and the Douglas bomber were superior to the Martin bomber. This being so, suppose that we had never changed our policy of procuring aircraft and had stuck to the subterfuge of buying aircraft by so-called experimental orders.

Attached find letter from Secretary of War to me, dated August 15, 1935, relating to procurement of aircraft:

AUGUST 15, 1935.

Hon. J. J. MCSWAIN,
Chairman, Committee on Military Affairs,
House of Representatives.

DEAR MR. MCSWAIN: At the time of the adoption of the present War Department policy for the procurement of aircraft the Assistant Secretary of War took the position that the policy would have to be in operation at least 2 years before sufficiently definite results could be obtained to render final judgment upon its efficacy. Although this policy has been in effect only 1 year I feel that sufficient progress has been made to warrant a report to your committee at this time, and I am therefore setting forth below the results obtained to date and my opinion of what may reasonably be expected in the future.

Briefly, the policy calls for the placing of contracts for quantity procurement of airplanes as a result of competitive bids submitted by the industry. Advertisements submitted to the trade are on a performance specification basis and require each competing manufacturer to submit with his bid a sample airplane complete and ready to fly. A period of from 8 to 12 months is allowed between the issuance of the advertisements and the opening of the bids to give the manufacturers adequate time in which to design, construct, and submit the sample airplanes for test. Award is made on the basis of a predetermined method of evaluation, of which the bidders are made cognizant in the advertisement. This evaluation places a premium upon improvement in performance, and award thereunder is made to the highest evaluated airplane, thereby assuring the Government's obtaining the finest available aircraft. The advertisement further contains certain minimum-performance requirements which are based upon the maximum performance of the finest known airplane at the time of issuance of the particular advertisement and provides that no consideration will be given to any airplane that does not at least come up to these requirements.

This policy gives full rein to the inventive genius and engineering ability of the manufacturer and permits the incorporation in the sample to be submitted of all worthwhile developments practically up to the actual date of opening. For example, a certain manufacturer arrived at Dayton, Ohio, with the airplane which he proposes to submit on a particular proposal about a month prior to the date of opening of bids. After arrival at Dayton he apparently decided that the plane could be additionally improved and consequently has had a crew working upon it consistently since its arrival. If advertising had been based upon detailed specifications and drawings with no incentive for turning out the finest possible type of airplane, it is fair to assume that proposals would have been received offering airplanes meeting only these detailed specifications and drawings and not including therein the engineering developments which have taken place since their issuance many months before.

The making of awards under this system on the basis of a tested article rather than on a "paper promise to perform" has an additional marked advantage. It enables the War Department to make contracts for quantity procurement with the knowledge that the manufacturer has actually demonstrated his ability to construct the finest available type of airplane, thereby eliminating the service test of an article which would be necessary if samples were not required. This factor alone reduces by at least a year the elapsed time between the inception of a design and delivery of airplanes in quantity to troops in the field and eliminates to a great extent past criticism to the effect that airplanes are becoming obsolescent by the time they reach the hands of tactical organizations.

The War Department is gratified at the response of the industry to the new procurement policy. On standard equipment competition has been keen and has resulted in a great deal of engineering work on the part of manufacturers. It is fair to say that progress in the art has been materially advanced, moving ahead according to the belief of some people intimately connected with the industry as much as 3 to 5 years. Furthermore, manufacturers are offering airplanes whose performance exceeds expectations. For instance, a basic training airplane now in service has a top speed of about 125 miles per hour while the basic trainers contracted for under the present system have a top speed of over 200 miles per hour. It appears reasonable to assume that no such advance would have been made at one stroke without the incentive of competition and the assurance that award would be made to the manufacturer offering the most advanced airplane.

When the present policy was originally adopted it was felt in some quarters that it would result in reducing the available sources of supply for the different types of airplanes. It was the opinion of the War Department that a competitive policy of procurement would give the opposite results, and I am gratified to be able to state that such is apparently the case. For example, six manufacturers offered basic-training airplanes in the last competition, while four manufacturers entered observation airplanes. I am informed that three manufacturers will offer bombardment airplanes in that competition, bids on which are to be opened the 22d of this month. Reliable press reports indicate that each of these three companies has built and has ready for test a bombardment airplane which will far exceed the performance of any bombardment plane now known, with speeds ranging over 200 miles per hour, cruising range exceeding 3,000 miles, and with greater useful loads than have heretofore been thought possible. Press reports further indicate that the Glenn L. Martin Co., which is now manufacturing a quantity of bombers for the Army, is offering a newly designed airplane in the competition under discussion. It is fair to assume that had procurement continued along the lines previously followed this company probably would have offered for this year's consideration the present type of Martin bomber with certain refinements and improvements rather than an airplane of completely new design and development.

In addition to quantity procurement competitions the War Department is holding design competitions on many types of aircraft. These competitions were opened May 6, 1935, and resulted in 17 manufacturers entering the competition for pursuit airplanes and an average of three manufacturers in each of the other competitions. The necessity of giving preference to the work involving contracts for quantity procurement because of present shortage of airplanes in the Army and the amount of detail work necessary to evaluate the design competition have precluded any final determinations to date. It is expected to announce the winners of the design competitions at an early date, and it is hoped that the designs submitted will be sufficiently advanced to warrant the manufacture of experimental airplanes in accordance therewith.

I regret that the present procurement policy has not been in effect sufficiently long to enable me to furnish your committee more concrete information, but I feel certain that the progress and development outlined above are sufficient to enable you to conclude with me that the success of this policy is most promising and that nothing should be placed in the way of continuing the present method for a sufficient period to determine definitely its net worth.

Sincerely yours,

GEO. H. DERN,
Secretary of War.

Mr. DINGELL. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. PARKS. Mr. Chairman, if the gentleman will permit, I realize that he is going to speak out of order. I shall not object to that at this time, but I hope that tomorrow gentlemen will be with the Committee and stick to the bill.

Mr. DINGELL. Mr. Chairman, I rise at this time to come to the defense of Maj. Gen. Johnson Hagood. I do not know the gentleman. He needs no defense at my hands, but I believe that he has been subjected to some unfortunate criticism because he expressed the truth in an honest opinion. I believe the general is essentially correct in what he says. I hold to the idea that if the Army had been given at least $150,000,000, as he said, out of the W. P. A. funds, the moneys would have been spent wisely, for lasting improvements, and would have been spent with less loss of time and with more economy. The general also had a reason why he said the Army should be given a chunk of this money, and in this connection, particularly, I agree with him. As a Member of the House, in order to educate myself as to the needs of the Army, I have inspected Army posts and found that the Army personnel, in many instances, is housed in shacks and quarters that are absolutely unfit for an American citizen to live in.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. In a moment. That assertion is particularly applicable to some of our civilian Army employees. It is not confined alone to the United States. Here the problem is perhaps not as acute, because while the personnel may not be accommodated in the Army camps or permanent posts, it is possible for them to acquire living quarters elsewhere; but the condition is particularly acute in Panama. I have seen shacks in the native quarters, insanitary and ramshackle, occupied by the Army civilian personnel, that are absolutely a disgrace to the United States Army and the Government which permits such a condition to exist. Since our civilian personnel of the Army is unable to get quarters that are livable outside of certain posts, it is high

time that the Committee took cognizance of this fact and took steps to correct the situation. Decent sanitary quarters could be provided at a nominal cost which would be paid out of rentals.

As I said, I agree very much with both expressions of General Hagood; and I think, rather than being criticized, he should be complimented because he has the courage to come out and express himself. There is no reason why an Army officer who appears before a committee should tell only the nice things individual members of the committee like to hear. I think the general is a courageous man, made of the right kind of stuff, to come out and declare himself openly on this subject. I think it will be helpful both to the committee and to the Army, and I am in sympathy with what he said.

The great majority of the House will approve the general's statements. [Applause.]

The pro-forma amendments were withdrawn.

The Clerk read as follows:

In all, salaries, War Department, $4,700,932: *Provided*, That the number of warrant officers and enlisted men on duty in the offices of the Chiefs of Ordnance, Engineers, Coast Artillery, Field Artillery, Cavalry, Infantry, and Chaplains on March 5, 1934, shall not be increased, and in lieu of warrant officers and enlisted men whose services in such offices shall be terminated for any cause prior to July 1, 1937, their places may be filled by civilians, for the pay of whom, in accordance with the Classification Act of 1923, as amended, the appropriation "Pay of the Army" shall be available.

Mr. CULKIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the distinguished gentleman from California [Mr. CARTER] has just spoken with reference to the Pettengill and Mansfield amendments. I am just as loyal to precedent in connection with the engineers as is the gentleman from California, but somewhere along the line in connection with the break-down of this appropriation, the hand of the potter shook. It was in the Bureau of the Budget or somewhere else. I do not know where. However, on page 34 of the hearings certain projects are recited which have a definite, preferential status, including the reservoir on the Missouri River at Fort Peck. May I say in regard to that, that I served on the Committee on Rivers and Harbors for 8 years. I have rarely missed a meeting, and I never heard the Fort Peck proposition mentioned until the P. W. A. came into existence. I say, from the standpoint of navigation or otherwise, it is definitely a monstrosity. Under this essentially preferential set-up, somebody gave that project $20,000,000. I think—and I say it for the comfort and solace of my good friend from California—that the Congress should take the reins again on these matters. Then there will be no more Fort Pecks or any other monstrosities of that character.

Mr. PETTENGILL. Will the gentleman yield?

Mr. CULKIN. I yield.

Mr. PETTENGILL. Is it not true that the so-called Pettengill-Mansfield amendment is not to break down the precedents of the House but to give back the precedents to the House and give the Chief of Engineers discretion, without having his hands tied?

Mr. CULKIN. I agree with the gentleman, and may I say I am rather earnest in defending the rights of the House. That has been my position from the beginning. Under the auspices of our chairman, Judge MANSFIELD, during my service on that committee, there never was reported from that committee a single project that did not have economic justification, both from the Army engineers and from the standpoint of the country.

Mr. CARTER. Will the gentleman yield?

Mr. CULKIN. I yield.

Mr. CARTER. The gentleman referred to the break-down on page 34 of the hearings. Is that not the break-down of the Chief of Engineers? That is my understanding of what that break-down is. It is my position that I want to preserve the integrity of that break-down.

Mr. CULKIN. If the gentleman brings me to that, I will say that if that break-down of essential projects is the Chief of Engineers', then he or whoever it is who made the report is not infallible, and those amendments should pass. May I add that I do not believe the Chief of Engineers made that list.

The CHAIRMAN. The time of the gentleman from New York [Mr. CULKIN] has expired.

Without objection, the pro-forma amendments are withdrawn.

There was no objection.

The Clerk read as follows:

In expending appropriations or portions of appropriations contained in this act for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of The Assistant Secretary of War the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year, and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Mr. RICHARDS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in listening to the discussion pro and con on this the largest peacetime Army appropriation bill ever to come before Congress, I have learned to my regret, and I might say dismay, that there runs a subtle thread of expressed thought here leading to the theory that this appropriation is necessary on account of the scuttling of plans for a permanent American neutrality policy at this session of Congress. This line of reasoning appears at times to attempt to lead to the conclusion that the proponents of a neutrality act with teeth in it, of which I am one, are necessarily for peace at any price and are against adequate appropriation for national defense. This line of reasoning is far from the truth and I am afraid will give the wrong impression to other nations of the world as well as our own people.

On the other hand, I was surprised to hear the assertion of the gentleman from California [Mr. DOCKWEILER], in his able argument yesterday in support of this appropriation, that "we are not prepared to defend the neutrality" law proposed.

As a matter of fact, the proposed neutrality legislation has no relation whatever to the need of the United States for an adequate Army and a sufficient appropriation to support it. This need would neither be lessened nor increased whether we adopt new neutrality proposals or continue our efforts for peace only protected by the rules of international law, which rules, after all, have amounted to nothing if they happened to come in conflict with the selfish needs or interests of belligerents. In either case we will need to be prepared to enforce our position—whatever it may be.

I would also say to the gentleman from California that the object of the neutrality act, known as the McReynolds bill, is to prevent war by regulation of certain possible acts of our own nationals in the event of a foreign war. The legislation does not primarily seek to circumscribe the rights of our nationals but primarily seeks to keep our country neutral. The act has no relation to and would not surrender any rights to foreign nations that we now enjoy under international law. I reiterate that, whatever our policy may be, we will need an adequate Army and Navy and air force to demand respect for it.

I deeply regret that the administration is blowing hot and cold when it comes to neutrality legislation. We started off at a run and slowed to a walk. Is it because foreign propaganda has scared us away from our objective, as it has done many times before? Is it because of prop-

aganda coming from certain racial groups in this country who seem to be more interested in the welfare of the home from which they came than in the home to which they have come and where they are endowed with benefits that cannot be found in any other nation on earth?

Certainly we who will vote for this measure can congratulate ourselves, or, if you please, sympathize with each other, because we do not have to fight here certain forces that proponents of neutrality legislation are now fighting. I refer to the ruthless power of groups, along with their propaganda agencies, who always make millions out of preparations for war as well as war itself.

Where do the fathers and mothers and sons and daughters of this country come in? In voting for this measure I console myself with the thought that I vote in their interest, in the interest of peace, even though it throws us in the ungodly company of the munitions manufacturers who live and gloat on the miseries of the world.

I am sorry that I have not the time to go into the merits of the administration's neutrality bill. I hope to do that at a later date, even though I must dig up a corpse to do so. We hear no more about it from the State Department or the Senate. Even most of the newspapers formerly supporting the proposed neutrality act are now damning the idea with feeble praise. Have we turned tail and run in the face of propaganda? I am not referring to those who all along have honestly believed and contended that this neutrality legislation is not in the interest of peace. There may be solid ground for that contention. I myself do not agree with every item of the bill.

I would call to your attention that the only definite step taken yet by Congress in behalf of this neutrality bill was taken by the Foreign Affairs Committee of the House, which committee, by an overwhelming vote, reported the bill favorably. I have the honor of being a member of that committee, and I know how hard and long we worked on this bill under the able leadership of our distinguished chairman, Mr. MCREYNOLDS.

While I, of course, cannot speak for other members of the committee, I will venture the prediction that not a member of the committee that voted the neutrality bill out will fail to vote for this appropriation. Though they believe in the principle of neutrality, they at the same time believe in a policy of adequate national defense.

Over a hundred years ago a great South Carolinian, in setting forth the position of our country, spoke the immortal words, "Millions for defense, but not one cent for tribute." These words are subscribed to by all true Americans today.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For the purchase of the necessary books of reference, periodicals, and technical supplies and equipment, $20,660.

Mr. COLE of Maryland. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, representing as I do, a district which enjoys the presence of such indispensable Army posts as Aberdeen Proving Grounds, Edgewood Arsenal, Fort Hoyle, Camp Holabird, Fort Howard, and numerous National Guard activities, such as the fine artillery headquarters at Pikesville, I am naturally very much interested in the War Department appropriation bill.

It has been my experience with the gentlemen serving on the subcommittee handling this important part of our governmental expenditures that their ears are always tuned to appeals possessing merit and reason. It is seldom necessary to come to the floor and disagree with the judgment they finally express after hearing the various witnesses who speak with authority as representing the War Department. Testimony taken by this efficient subcommittee is augmented by the personal visits of many to the Army posts. It was a source of regret to the commanding officers, and to me, that the committee, or some of them, could not find it possible last fall to attend the Ordnance Display Day at Aberdeen Proving Grounds. The exhibit on that day, witnessed by Assistant Secretary of War Woodring and a large audience was indescribable from a standpoint of what was presented in the way of development since the World War. To see, as I did, the phenomenal advance made by this Government in the motorization of much of the slow-moving equipment and in the increased efficiency of our large and small arms, would give anyone a sense of security and abundance of reason to say that while we are a peace-loving Nation and abhor war, we are at the same time ready for whatever might come. I hope at some future time the Members of the House, and certainly the members of the subcommittee on War Department appropriations, will find it possible to visit these reservations on one of the exhibition days.

There is one condition, however, which I want to emphasize at this time and while it is familiar to the committee because of certain testimony found in the hearings, I think in fairness to the Members of the House, they should have the benefit of my personal knowledge of such conditions. I refer to the deplorable housing in some of our Army posts.

Maj. Gen. Johnson Hagood, commanding general, Eighth Corps Area and Third Field Army, speaking before the committee—page 602 of the hearings—expressed in the following language that which I venture is agreed to by every Member of this House who is familiar with conditions in many of our Army posts:

LIVING CONDITIONS AT SOME OF THE ARMY POSTS

I shall not suggest to you how much money should be appropriated to accomplish these purposes. That is a matter for the Quartermaster Department and the Budget. All I can tell you is that a large portion of the Army is living under conditions which are very discreditable to the United States. We hear a great deal about removing slums out of cities, trying to encourage people to build their own homes, and to improve the living conditions generally among the people.

I want to say to you gentlemen that since I came home from the World War I have seen families of soldiers and civilian employees of the Army living under conditions worse than anything I saw among the Belgian refugees. I have seen families of soldiers and of civilian employees living in abandoned wartime buildings without running water or toilets.

The foregoing statement does not, of course, apply to all Army posts because many of them, as a result of P. W. A. funds in 1934, were improved to a very considerable extent. Of concern to all of us, however, is the knowledge we have that such criticisms cannot be disputed when applied to many posts which have received little, if any, attention so far as housing conditions are concerned almost since the World War.

I was glad to find in the hearings (p. 13) a statement by Gen. Malin Craig, Chief of Staff, the following:

CONSTRUCTION AND REPAIRS

The housing program of the War Department has been virtually at a standstill for the past 3 years insofar as appropriated funds are concerned. Considerable was accomplished by P. W. A. funds in 1934. A great deal more remains. Under the provisions of the amendment which made funds of the Emergency Relief Appropriation Act of 1935 specifically available for construction at military posts, the War Department submitted a program of $132,000,000 to the Emergency Works Administration. To date it has received for new construction $5,008,621; repairs, $6,558,306; National Guard and concurrent camps, $906,559; acquisition of land at Carlisle Barracks and administrative expenses, $283,319; roads in Hawaii, $1,000,000; a total of $13,756,805. In addition, $510,000 was received from the Administrator of Public Works to increase the water supply at Camp Knox, Ky. The Treasury Department, as you know, is building additional facilities there.

Because some of these funds may still be available, and in order again to utilize its annual appropriation to the greatest extent in providing modern fighting equipment for the Army, which is the first concern, the Department has refrained from including funds for construction in its estimates for the fiscal year 1937. In one important case—that of Hickman Field in Hawaii, where it is urgent to continue the work started in the fiscal year 1936—it submitted a special application for Works Progress funds approximating $6,000,000; this has but recently been denied. In order to utilize appropriated funds in the future should they become available, the War Department is including this project in the authorizing legislation which it proposes to submit to the Military Committee of the House at this session. The total construction program of the War Department amounts to $154,000,000.

As a result of the expenditure of P. W. A. funds, the housing conditions at Edgewood Arsenal and Aberdeen, located in the district I represent, have been very wonderfully improved. At Fort Hoyle and Camp Holabird, both located close by, just the opposite condition exists. Some of the hous-

ing conditions at these posts are little short of disgraceful I could, if time permitted, present photographs and statements of various kinds showing the existence of leaking roofs where, during heavy rains, many of the occupants of this or that building must assemble in some remote section to keep dry or vacate the buildings entirely. In general, conditions to which I refer are well known to the War Department. I have no complaint of the interest manifested by the commanding officers of these posts or the War Department's attitude, because all have received sympathetic attention, and funds for the improvement thereof have been requested, not once but many times of the P. W. A. and W. P. A. administrations.

General Bash has, in my opinion, very properly listed, on pages 245 to 252 of this hearing, a construction program for submission to Congress for an authorization. The committee, in the bill we are now considering, has not found it possible to include such authorization, and with money available under the Public Works and the Works Progress Administrations, I am frank to admit there should not be any occasion for a separate construction program in this measure.

I do believe, however, if the authorities handling these emergency appropriations do not allocate more funds for these improvements, which those to whom we must look for impartial advice on the subject find to be so necessary in order to properly house our soldiers, that then direct legislation on the subject should be considered. I have in mind, for instance, the erection of barracks, noncommissioned officers' quarters, sewage-disposal plant, and other necessary improvements listed in the aforesaid construction program for Holabord Quartermaster Depot amounting to $784,400. I am sure other items listed in that program must be equally important, and certainly if they are, as I know the conditions at Camp Holabird, something should be done to expedite this program. While it is not in the proposed authorization listed by General Bash, I know of certain improvements contemplated at Fort Hoyle which are so necessary at this time and which I believe are now before the P. W. A. and W. P. A. authorities for consideration. Since 1933 improvements at all the Army posts in my district have not only been urged by me but have been approved as necessary by the War Department. Some have been made, such as are now enjoyed at Aberdeen Proving Grounds and Edgewood Arsenal. A program like this proposed authorization calls for the elimination of disgraceful conditions and provides ordinary comforts for the men serving in the Regular Army and civilian employees of the War Department.

Showing the importance of Camp Holabird and the need which has long existed for improvements at that important post, I incorporate herein letter of Secretary of War Dern, under date of February 20, 1935:

Hon. WILLIAM P. COLE, Jr.,
House of Representatives, Washington, D. C.

DEAR MR. COLE: Reference is made to your recent inquiry relative to the continuance of the Holabird Quartermaster Depot, Baltimore, Md.

In view of the increased motorization of the Army, this depot is considered as an essential organization not only in peace but in the event of an emergency. All procurements of motor vehicles required to transport the Army and its supplies are made by this depot. The work is supervised by small corps of competent motor-vehicle engineers, who coordinate specifications with commercial producers, to the end that suitable vehicles may be supplied for the Army use. Repair parts, machine tools, and supplies for the repair of motor vehicles in foreign possessions are purchased and distributed through this depot.

There is also maintained a repair installation, which repairs units and overhauls vehicles for the First, Second, and Third Corps Areas. The quality of the repair work done at this depot is of a very high order.

There is also maintained at Holabird a school for motor-vehicle maintenance and operation, which provides tactical organizations with men familiar with this class of work. These men will be extremely valuable in the expansion of motor-transportation activities.

This depot, in time of emergency, will be of great value as a receiving and storage depot for motor vehicles and supplies required for the armed forces of the United States.

A request to the Administrator, Public Works Administration, for the allotment of funds to meet the Army's principal needs existing in weapons, equipment, permanent structures, and facilities carries an item of $1,443,885 for improvements needed at the Holabird Quartermaster Depot.

I desire to express my appreciation to you of the interest that you have evidenced in this phase of War Department activity.

Sincerely yours,

(Signed) GEO. H. DERN,
Secretary of War.

Mr. Chairman, my knowledge of conditions at Camp Holabird, and to some extent at Fort Hoyle, can be summarized in one of the many statements which have come to me from those who have been subjected to these living conditions over a number of years. This statement is from one who knows and with whom I agree.

The occupation of these shell-like buildings cannot be long continued without danger of collapse in severe storms or a conflagration in which lives and valuable property are involved. Indeed, during the storm of last August that did so much damage in this vicinity every barracks building on the reservation was visited and it was found that almost every room was flooded with water. Possible collapse from the force of wind was evident. In the severe storm that threatened Baltimore in September the commanding officer deemed it necessary to move the enlisted personnel into warehouses and open other permanent buildings to the families of officers and noncommissioned officers as places of refuge. A number of noncommissioned officers' families slept in the main office of the depot.

Following receipt of word from the W. P. A. that improvements at Fort Hoyle and Camp Holabird were not likely at this time, I wrote the following letter to Major General Bash:

FEBRUARY 5, 1936.

DEAR GENERAL BASH: Recently I wrote the Works Progress Administration in the interest of certain work at Fort Hoyle and Camp Holabird, which I understood was contemplated under the Works Progress Administration program. Today I am in receipt of a letter from the Assistant Administrator to the effect that in September of 1935 all applications sponsored by other Federal agencies were returned by the Works Progress Administration to the sponsors, and that any action on proposals, such as I wrote about, would necessarily come under the jurisdiction of the War Department. It is my understanding that applications for such work at these reservations have been approved by the State administrator of W. P. A., which is prerequisite to the work actually being done.

If you will let me know the present status of the matter so far as the War Department is advised, I will appreciate it very much.

Very sincerely yours,

WILLIAM P. COLE, Jr.

To which General Bash replied as follows, under date of February 10, 1936:

WAR DEPARTMENT,
OFFICE OF THE QARTERMASTER GENERAL,
Washington, February 10, 1936.

Hon. WILLIAM P. COLE, Jr.,
House of Representatives, Washington, D. C.

MY DEAR MR. COLE: In reply to your letter of February 5, 1936, relative to W. P. A. applications submitted to the National Emergency Council for projects at Fort Hoyle and Holabird Quartermaster Depot, Md, you are advised that although a total of $1,262,771 was requested for Fort Hoyle, no funds were received from the Works Progress Administration.

Applications totaling $2,036,174 were submitted for Holabird Quartermaster Depot, and $42,789 was allocated for work at this station. This work has been under way since July 3, 1935. No further action has been taken on disapproved applications, nor have any funds been made available by the State administrator of the W. P. A. for work at either Hoyle or Holabird.

In view of the fact that no projects could be resubmitted to the Works Progress Administration for consideration after September 12, 1935, no further action could be taken by the Department to obtain funds for disapproved projects. However, there have been included in the 6-year program of advanced planning of Federal construction the following items for the two stations in question:

Fort Hoyle:	
New construction	$316,300
Repair and alterations of buildings and utilities	557,178
Total	873,478
Holabird Quartermaster Depot:	
New construction	1,377,200
Repair and rehabilitation of buildings, utility systems, etc	548,072
Total	1,925,272

Your interest in the Army post at Fort Hoyle and Holabird Quartermaster Depot, Md., is appreciated.

Very truly yours,

L. H. BASH,
Major General,
The Quartermaster General.
By P. W. GUINEY,
Brigadier General, Quartermaster Corps,
Acting the Quartermaster General.

Mr. Chairman, I hope the War Department will, during the present fiscal year, receive money from the emergency funds which can be made available for such purposes as I have mentioned, and if there is any technical reason why such funds cannot be allocated for the improvements the War Department has in mind, then certainly we should not let this session of Congress adjourn without clearing up that mistake in the existing law.

Mr. Chairman, I ask unanimous consent to incorporate at this point brief extracts from the hearings before this subcommittee and to also include some correspondence which I have had with the Secretary of War on this subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland [Mr. COLE]?

There was no objection.

The Clerk read down to and including line 21 on page 6.

Mr. PARKS. Mr. Chairman, this takes us down to the military activities, a good place to start tomorrow, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PARSONS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 11035, the War Department appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 10929. An act to amend the District of Columbia Unemployment Compensation Act with respect to excepted employment.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3612) entitled "An act to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes."

Mr. DORSEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ABRAHAM LINCOLN, THE NEW DEALER OF HIS DAY

Mr. DORSEY. Mr. Speaker, this is Lincoln's birthday, and the world joins America in honoring the memory of one of the truly great members of the human race. Only a minority within our own country thinks of Lincoln as a Republican and Thomas Jefferson as a Democrat. To the outside world each is viewed as a great statesman, to be weighed on the scales of accomplishment for humanity at large. During my span of years in Philadelphia we have seen three outstanding clergymen win eager listeners of all faiths. Russell Conwell, the Baptist; Rabbi Krauskopf, the Jew; and Archbishop Ryan, the Catholic, talked to much larger audiences than their own religious sects. Each interpreted a common humanity; each spoke of the common God that is over us all. Men and women, then as now, were hungry for that kind of message, and they flocked to the three clergymen. These men of God had the common touch as had Lincoln, and that common touch dissolves party and sectarian lines. There can be no partisanship when we stand in admiration of Old Abe. Lincoln was the progressive, the new dealer of his day. Imagine him, if you can, just snapping at the heels of accomplishment and retarding progress. If he were alive now he would discern that economic peonage is as terrible a thing as the selling of men on the block. He would see that we have effected, through some of our industrial ramifications, a new slavery just as deadly as the kind he obliterated. Because he abhorred the thought of precious human beings becoming mere chattel, he would have been one of our leaders. As a present-day Democrat, I salute the man who saw eye to eye with us—Abraham Lincoln, the new dealer of the late 1850's and the early 1860's.

Out of the mass of Lincolniana I like to reread every February 12th the Gettysburg Address and the letter the great war President wrote to Mrs. Bixby. Aside from being a gem of diction, the letter reveals the heart of the Great Emancipator. You will recall that it was written to a mother who had lost five sons in battle. It reads:

To Mrs. BIXBY,
Boston, Mass.

DEAR MADAM: I have been shown in the files of the War Department a statement of the adjutant general of Massachusetts that you are the mother of five sons who have died gloriously on the field of battle. I feel how weak and fruitless must be any word of mine which would attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement and leave you only the cherished memory of the loved and lost and the solemn pride that must be yours to have laid so costly a sacrifice on the altar of freedom.

Yours very sincerely and respectfully,

A. LINCOLN.

That letter came from a one-time Member of this House and there is not one of us but would gladly exchange our political career for the authorship of it. The Bixby letter is given to Oxford students as a gem of pure and forceful English. And it came from the pen of one of the underprivileged of his day—Abraham Lincoln, the inspiration of every son of poverty.

I wonder if you see as do I the rail splitter in every line of Kipling's poem "If." Here is a writing that will live forever. It has been time and time again voted the greatest poem in the English language by college class after college class. Let us read it all over again with Lincoln in mind.

If you can keep your head when all about you
Are losing theirs and blaming it on you;
If you can trust yourself when all men doubt you,
But make allowance for their doubting too:
If you can wait and not be tired by waiting,
Or being lied about, don't deal in lies,
Or being hated don't give way to hating,
And yet don't look too good, nor talk too wise;

If you can dream—and not make dreams your master;
If you can think—and not make thoughts your aim,
If you can meet with triumph and disaster
And treat those two impostors just the same:
If you can bear to hear the truth you've spoken
Twisted by knaves to make a trap for fools,
Or watch the things you gave your life to broken,
And stoop and build 'em up with worn-out tools;

If you can make one heap of all your winnings
And risk it on one turn of pitch-and-toss,
And lose, and start again at your beginnings
And never breathe a word about your loss:
If you can force your heart and nerve and sinew
To serve your turn long after they are gone,
And so hold on when there is nothing in you
Except the will which says to them: "Hold on"!

If you can talk with crowds and keep your virtue,
Or walk with kings—nor lose the common touch,
If neither foes nor loving friends can hurt you,
If all men count with you, but none too much:
If you can fill the unforgiving minute
With 60 seconds' worth of distance run,
Yours is the earth and everything that's in it,
And—which is more—you'll be a man, my son!

"If you can keep your head when all about you are losing theirs and blaming it on you" recalls some of Lincoln's early experiences with his Cabinet. "If you can wait and not grow tired of waiting" brings to mind the Lincoln who left his term in this House and resumed law practice. We think of the Lincoln-Douglas debates and how he tied the "Little Giant" to certain declarations that ultimately doomed him and elevated Old Abe. Lincoln could wait, but he could not part with principle. "Or being hated, don't give way to hating" takes us to the Lincoln who rose above the bitterness of Civil War days and referred to our South as the "erring brothers." There would have been no carpetbaggers if the assassin's bullet had missed its mark. Much of the acrimony of Reconstruction days would have been avoided under the firm hand of Lincoln.

If you can force your heart and nerve and sinew
To serve you long after they are gone,
And so hold on when there is nothing in you
Except the Will, which says to them, "Hold on."

In the darkest days of the Civil War, Lincoln was magnificent in his will to hold on when victories would not come. He said of this period, "Many times I went to my knees because there was no place else to go." Let us think of that last paragraph of "If" again and see how it becomes almost a personal description of the Great Emancipator:

If you can talk with crowds and keep your virtue,
Or walk with Kings, nor lose the common touch;
If neither foes nor loving friends can hurt you;
If all men count with you, but none too much:
If you can fill the unforgiving minute
With sixty seconds' worth of distance run,
Yours is the earth and everything that's in it,
And—which is more—you'll be a man, my son!

We of today can hardly believe that Abraham Lincoln had opponents within the Northern States during the Civil War. But he had to contend not only with the Copperheads but with powerful members of the press like Horace Greeley, as well. Then, as now, there were those who had no program but who snapped eternally at the heels of one who had fixity of purpose and a plan. Lincoln suffered, even as you and I, from election-year jitters, and we find him being apprehensive about his reelection. In 4 years of office he had built himself up to such a stature that he was certain to defeat any opposition. He had admonished the electorate "not to swap horses crossing a stream", but there was no need to advise the people. They were not minded to change skippers at such a trying time. The American public has horse sense when it comes to keeping a good man on the job until he completes it. The great man now in the White House will have a nich dusted off for him by historians. Some of us can be proud that we measured his worth while he yet lived and that we cooperated with him.

Lincoln's name is a synonym for liberty, and I will not be surprised if the so-called Liberty League uses his portrait in some of its expensive propaganda this summer and fall. If we read the Lincoln life, we will have real difficulty picturing him at a banquet entirely or partially surrounded by Du Ponts, but the illusion is too precious for the Jouett Shouses to pass up. There was a time when the displaying of the picture of the Rail Splitter worked magic on the colored people in my district, but more Negro boys and girls are attending high schools than heretofore, and they will not fall for the old line that a vote for the Republican Party is a vote for Lincoln. They cannot recognize the Lincoln high principles in the present-day Republican regime, and no wonder. There is a division in my district where there are only 12 Negro votes. All are Democratic. No need to tell you that all of the 12 are well educated.

Many a man on this side of the aisle would have been a Republican when Abraham Lincoln was one. The party was young and virile then; it had a mission and was headed places. That was before it acquired hardening of the arteries and became an instrument of special privilege. To call it the party of Lincoln now would be to treat lightly a great name. For Lincoln was the New Dealer of the late 1850's and the early 1860's. As such we salute his memory.

THE TOWNSEND PLAN

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a speech delivered by my colleague, the gentleman from Oklahoma [Mr. FERGUSON], over a National Broadcasting Co. hook-up last evening.

Mr. BANKHEAD. With the understanding that it will be printed in the Appendix of the daily RECORD.

Mr. NICHOLS. Certainly.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. NICHOLS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following radio speech of the Honorable PHIL FERGUSON, Member of Congress from Oklahoma, N. B. C. network, Tuesday, February 11, 1936, 10:45 to 11 p. m.:

Ladies and gentlemen of the radio audience, as a Member of Congress I am taking this opportunity to discuss a subject which I believe to be of great interest to the people of the United States. My topic is the Townsend plan. I am especially anxious to relieve the minds of many people who think some Congressmen are favoring a $200-a-month pension for all over 60 and to tax the people of the United States enough to pay such a pension. This was the original plan suggested by Dr. Townsend.

I intend to prove just three things:

First. That not a Member of Congress would vote for a fixed pension of $200 a month.

Second. That Dr. Townsend and his associates have already abandoned the $200-a-month pension.

Third. That the Townsend plan is a racket, inasmuch as the organizers of Townsend clubs are misleading the people, collecting dues, and stating that a $200-a-month pension has a chance to pass Congress.

When I say that no Member of Congress would vote for a $200-a-month pension, I know exactly what I am talking about. On January 28 of this year I spoke to my colleagues in the House on the Townsend plan. I asked any Member of Congress if he favored paying a $200-a-month pension to make it known by going on record to that effect. To date no Member of the House of Representatives has recorded himself as being in favor of such a pension plan.

Even Congressman JOHN MCGROARTY, father of the Townsend legislation in the House, does not favor a fixed $200 a month pension. The recent elected Congressman from Michigan, whose election was held a victory by the Townsend organizers, sat silently in the House when I asked anyone in favor of a $200 a month pension to say so. In an interview published last Sunday, Representative MAIN, who according to the Townsendites is advocating the payment of the $200 a month pension, denied he would vote for this plan.

But on the other hand, to this very day, organizers of Townsend clubs throughout the United States are taking dimes, quarters, and dollars from the people of the United States, telling them that Congress in all probability would pass a $200 a month pension plan because Dr. Townsend, and the Townsend headquarters here in Washington are demanding a $200 a month pension for all over 60.

Fourteen days have elapsed since I challenged the Members of Congress to state openly and go on record that they were for the $200 a month pension. Surely, after 14 days, if any Member was seriously for the plan he would have made known his stand by this time. This proves my first point beyond a doubt; not a Member of Congress would vote for a fixed pension of $200 a month.

Now, you people that are paying 25 cents per year to be a member of the Townsend club, and those of you that are paying 10 cents per month to meet the club's quota, and especially you privileged members of the Townsend club that pay $1 per month in order to belong to Dr. Townsend's legion, ask yourself, why are you paying this money?

There is no Townsend plan; it has been abandoned. All the energies of Dr. Townsend and the Old Age Revolving Pension, Ltd., are now backing the McGroarty bill. Dr. Townsend himself has given up the idea of a $200-a-month pension for all those over 60.

I realize that when the Townsend organizers hold their pep meetings they tell the unsuspecting members that they are about to receive a $200-a-month pension. After reading some of the Townsend literature, which definitely sells the membership on the idea that a $200-a-month pension is within their grasp, I can readily see why the members have been misled so long.

Here in the Halls of Congress there is no talk of a $200-a-month pension for everyone over 60, or of taxing the people of the United States enough to pay for this plan. Why does Dr. Townsend continue to mislead the public?

May I suggest that you members of the Townsend Clubs ask yourself the following questions:

Why am I contributing 10 cents a month to the O. A. R. P.?

Why did I pay 25 cents to join?

Why is it necessary to pay a dollar a month to belong to the legion?

How can they afford to pay such high commissions to club organizers?

Why is it necessary to have 100 members, or $25, to pay to Townsend headquarters before they will recognize a club?

Why am I one of the thousands, possibly millions, who are paying multiplied thousands of dollars into a corporation that is headed by directors Dr. Townsend and Mr. Clements?

Why is it they are still collecting all this money when there is not even a sponsored bill before Congress asking for a $200-a-month pension?

After asking yourself these questions I want you Townsend Club members to bear in mind that neither Dr. Townsend nor Mr. Clements are advocating the Townsend plan as originally presented by Dr. Townsend. But at the same time Townsend organizers scattered throughout the 48 States are still collecting dimes, quarters, and dollars by telling the people that they are assured of a $200-a-month pension.

In all sincerity, I say to you members of Townsend Clubs who are paying dues in the hope that you will receive a $200-a-month pension when you reach the age of 60, stop wasting your hard-earned money.

Of course, Dr. Townsend is anxious and deeply interested in every club member paying his and her 10 cents a month. Naturally the district organizers in every congressional district are using their best salesmanship in selling bigger and better memberships in Townsend organizations. Of course, the offices headed by executive State directors are anxious for their State to have large memberships. It's no small wonder when you stop and

realize that each and every Townsend organizer receives his share; and I might add, a nice share of the money taken in by the O. A. R. P., Ltd., that he is interested in promoting the Townsend plan at any cost. Let me read from one of Dr. Townsend's pamphlets entitled "This Way to Victory":

"We should clearly understand that we cannot enact our plan into law until we succeed in raising enough money through the club quota to finance the organization of our movement in every congressional district. There are 435 congressional districts. I feel sure that when our people fully realize the urgent necessity for every club meeting its quota there will follow an immediate and full-hearted response."

Certainly Dr. Townsend is anxious that each of the 435 congressional districts be manned by at least one high-powered organizer. For if the O. A. R. P., headed by the directors, Townsend and Clements, could get only a million members, and they surely have that many already, this would bring the corporation the mere sum of $100,000 a month from club quotas alone. In addition to the dues to the O. A. R. P., they would receive $250,000 annually from membership dues. Then, of course, the supersalesmen of the Townsend organization sell that extra privilege of becoming a member of the legion for an additional $1 a month, which should bring them many more thousands of dollars per year. Just stop and think if Townsend could get 10,000,000 members, it would mean that the O. A. R. P., Ltd., could receive a cool million dollars a month from club quotas alone, or 12,000,000 a year; in addition to 12,000,000 a year, the O. A. R. P. would collect two and one-fourth million for membership dues, in addition to the hundreds of members that would pay in a dollar a month extra for the privilege of being called a "legioneer." It is no small wonder that Dr. Townsend closes his booklet, This Way to Victory, as follows:

"Our cause rests solely with the individual. As individuals we can now choose between defeat and victory, poverty and prosperity, economic misery and economic security. Our future happiness hinges on four words, and those four words are "meeting the club quota."

Dr. Townsend realizes that his future happiness depends on the four all-important words, "meeting the club quota." When you stop to realize that a tremendous sum of money is being taken in every month by the collection of these small dues, you can realize then why the Townsend Club organizers are so anxious to meet the club quota.

You are probably asking yourself, Why hasn't the Townsend Club tactics been exposed before this time, and why is Dr. Townsend still misleading the people? The answers are simple. In the first place, the Members of Congress did not consider and never have considered the Townsend plan as economically sound. Therefore, the plan has never been taken seriously until a few weeks ago, when I investigated the tactics used by this organization and presented it to the Members of the House. Secondly, Dr. Townsend is faced with this dilemma: If he makes it plain to the members of his Townsend clubs that a $200-a-month figure is just a fantasy, he will not only lose his present membership but will have a hard time selling new ones. "Meeting the club quota" will become more of a problem if he doesn't support the McGroarty bill now before Congress.

Although the McGroarty bill certainly does not advocate a fixed $200-a-month pension, it is the closest bit of legislation that Dr. Townsend can still hang on to, that has some support in Congress. Just think, this man, Townsend, is still telling the people of the United States that he has supposedly won over Members of Congress to vote for a fixed $200-a-month pension plan, by the sheer power of his organization, and he is still collecting dimes on that basis, when in reality he does not have a single vote in the House of Representatives.

As a Member of Congress, I feel it my right to demand that Dr. Townsend and his corporation director, Clements, make a public statement to the effect that they do not have a $200-a-month pension bill being considered by the House; that not a Member of Congress has promised to vote for a $200-a-month pension; and that he and his directors are not advocating such a pension. I demand that Dr. Townsend admit that the figure of $200 a month is just a wild guess as to what might be raised under the McGroarty bill. Last, but not least, I feel that Dr. Townsend should tell his organizers that they should stop misleading and misrepresenting the Townsend platform in order to get more dimes, quarters, and dollars.

I spoke of the McGroarty bill, H. R. 7154, the bill that people who are following Dr. Townsend's plan think is the $200-a-month pension bill. This is not a $200-a-month pension bill. Let's analyze this measure. H. R. 7154 asks that a transaction sales tax be levied on the people of the United States, and the income from such taxation be pro rated among those people over 60 years who are eligible to receive a pension. It asks for a 2-percent sales tax on every business transaction. Do you realize that this is by far the most complicated tax plan ever proposed to any Congress?

Take the farmer, for instance. Six million farmers would be forced to submit monthly returns showing every transaction they made during the month. Every basket of eggs they sold, every quart of cream marketed, every coop of chickens brought to the produce house, each load of wheat sold to the grain dealer—on each transaction the farmer would have to pay a 2-percent sales tax. Take the cotton farmer—every bale of cotton sold to the gin would be taxed 2 percent on the dollar. The tax does not end there, because when the raw cotton leaves the gin until it is converted into a finished product such as a dress, each and every time the product changes hands an additional 2-percent tax will be levied against the selling price of that dress. You know and I know that a tax plan of this nature is impossible.

As a man representing a farm district, I would never vote such a burden on the people I represent. Think of the wage earner, paying this enormous tax on every stitch of clothing he buys, paying this enormous tax for every morsel of food he places on his table. Do you think such a plan is fair?

I wonder if you Townsend Club members realize that you are paying dues in order that a selected few can sit here in Washington and lobby for the heaviest, most burdensome, most outrageous pyramided sales tax ever proposed to any Congress. Never before in the history of the United States have a group of people knowingly besieged the Congress to tax themselves out of existence. You can see that the McGroarty bill is not an economic panacea, is not a new short cut to prosperity, is not the answer to the prayer of helping our aged, but is an unbearable transaction tax that if forced upon the people of the United States would in all probability pay a pension amounting to only approximately $35 a month.

Let me bring out this point; the Democratic platform in 1932 announced that the party was for an old-age pension. The Seventy-fourth Congress last year passed a measure called the Social Security Act, which made provisions for the payment of pensions for aged people. "When my own State of Oklahoma will submit a plan to the Social Security Board of the Federal Government, the United States Government stands ready to match funds with the State of Oklahoma up to $15 per person. Any State in the Union is eligible to qualify for benefits under the Social Security Act when that State enacts laws that provide for participation with the Federal Government in matching funds for pensions."

You have an old-age pension on the statute books. A pension that is workable, a pension that will not tax America out of existence, a pension that was enacted by this Congress without the aid of high-powered organizers. A pension that is entitled to your support and your consideration. Let's not overlook it.

In closing, I ask you again to remember I started to prove just three things. I know that you will agree with me now that no Member of Congress will vote for the $200-a-month Townsend plan. I showed you that Dr. Townsend and his associates, Mr. Smith and Mr. Clements, have abandoned their original $200-a-month scheme; and, third, but not least, that the Townsend organization most certainly is collecting an enormous amount of money by falsely telling the people they are working out a $200-a-month pension plan that will pass Congress.

We spend millions of dollars yearly to combat rackets. The American people do not like racketeers. You, as an American citizen, should do your part in stopping the bleeding of dimes from the people of our Nation that have become the target of the Townsend Club organizers. The organization of Townsend Clubs is nothing but a racket, and I ask you to help wipe out this dime-getting scheme.

I thank you.

AMENDMENT AND CONSOLIDATION OF COPYRIGHT LAWS

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent at this time to withdraw discharge petition no. 5, which I filed this morning to discharge the Committee on Patents from consideration of the bill (H. R. 8557) to amend the copyright laws. I am the only signer with the exception of the gentleman from Oregon [Mr. PIERCE], and I have his permission to withdraw it with the idea of substituting the Senate bill in lieu thereof.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent at this time to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ZIONCHECK. Mr. Speaker, the reason I am withdrawing this petition is because it is my understanding that the bill of the Senate (S. 3047) to amend the act entitled "An act to amend and consolidate the acts respecting copyright", approved March 4, 1909, as amended, and for other purposes, passed that body unanimously, but with the understanding that an injunction provision be taken out. The senior Senator from Idaho stated that if this provision were not deleted he would filibuster for the rest of his days as long as he was in the Senate. The House bill is a better bill, yet from the standpoint of practical consideration we must accept the Senate bill, though we hate to do it.

I have placed on the Clerk's desk a petition to discharge the committee from consideration of the Senate bill. I hope every Member will sign this petition. I am sure they will.

The only reason it is necessary to file this petition is that the chairman of the Committee on Patents refuses even to

hold hearings upon a bill that the Senate has passed unanimously. I think this is arbitrary and capricious.

The purpose of the Senate bill is to amend and consolidate the copyright laws to allow more equitable rights to authors and writers, and at the same time to keep people who use their works from being punished arbitrarily and harassed with useless litigation.

[Here the gavel fell.]

The Senate report on this bill is as follows:

[Senate Report No. 896, 74th Cong., 1st sess.]

AMENDING THE COPYRIGHT LAW

Mr. McADOO, from the Committee on Patents, submitted the following report [to accompany S. 3047].

The Committee on Patents, to whom was referred the bill (S. 3047) to amend the act entitled "An act to amend and consolidate the acts respecting copyright", approved March 4, 1909, as amended, and for other purposes, having considered the same, report favorably thereon and recommend that the bill do pass without amendment.

GENERAL PURPOSES

More than a quarter of a century has elapsed since there was any comprehensive alteration in the law of the United States granting and regulating copyright. During this period a veritable revolution has occurred in the means whereby literary and artistic works are communicated to the public. So profitable has it become to be a successful author that, perhaps for the first time in history, authorship has been added to the list of professions which the fortunate may pursue as possible avenues to great material riches. Authors and composers have united into powerful associations and corporations for the purpose of protecting their interests and increasing their worldly wealth.

The newspaper and magazine with circulation measured in the hundreds of thousands or even millions, the Nation-wide or world-wide broadcaster, and the motion picture, exhibited throughout the cities and villages of the country and of the world, have developed into vast industries, absolutely dependent, of course, upon high-grade authorship for their raw material and furnishing to authors a magnificent and unprecedentedly remunerative market for their products.

Partly because of the demand for American motion pictures, growing out of their technical perfection, but also because of the inherent literary and musical worth of American fiction, songs, and drama, the United States has become a great exporter of copyrighted works, which contribute measurably to the wealth of the Nation. The problem of adequate protection of copyrighted works in other countries has, accordingly, assumed proportions never hitherto reached.

The foregoing facts furnish the background, necessity, and justification for the action now recommended. The present bill is intended to take the most urgent steps toward bringing the statute law of the country into line with what has occurred during the last 25 years. It is intended, also, and primarily, to accompany, reenforce, and bring the statute into harmony with the general copyright treaty which was favorably reported to the Senate from the Committee on Foreign Relations (Ex. Rept. No. 4, 74th Cong., 1st sess.) on April 18, 1935, and approved by the Senate without dissent on April 19, 1935, but which was subsequently put back on the calendar to await the present report.

For a number of reasons the Committee on Patents deems a series of amendments to the present law preferable to a recodification or effort at complete revision. In the first place, where many great interests are at stake it is desirable to proceed cautiously, testing certain steps through experience before taking other steps. In the second place, entry into the treaty, which introduces into American law the general policy of copyright without formality, may advantageously be utilized to ascertain, through observation, some of the directions in which copyright law may make most progress in the future. There should be an immediate end of delay in starting reform; but it does not follow that all desirable reforms should be accomplished immediately. A year or two hence other amendments, or a complete new copyright code, may be desirable and feasible. Certainly the advantages of the treaty and of the other obviously necessary amendments herewith recommended ought not to be delayed any longer.

PRINCIPAL AMENDMENTS

Such amendments as are necessary to bring the statute law fully into conformity with the treaty must necessarily be enacted contemporaneously with the entry of the United States into the treaty. Of these the most important is, as already pointed out, the provision for copyright without formality. The authors of the United States will obtain this right under the treaty in all of the countries parties to the treaty; that is to say, when the United States becomes a party, the simple fact of having created a literary or artistic work will entitle an American author to full copyright protection in the nearly 50 countries which are already parties. Exemption from the necessity of registry, affixing notice, or following any other regulation as a condition precedent to the legal enjoyment of copyright is of the utmost importance in protecting fully the rights of American authors, composers, and artists in other countries. The right of copyright without formality is genuinely needed for the attainment of their full prosperity. Reciprocally, it is necessary and desirable that authors of countries parties to the treaty be entitled to copyright without formality in the United States.

The question is at once raised whether, in granting such copyright to treaty authors, it should also be granted to authors of the United States. There are a number of countries which draw a distinction in this respect between their own authors and authors claiming under the treaty. Native authors, being able readily to comply with the necessary formalities, have no pressing need of copyright without formality, or, as it is often called, "automatic" copyright. Since native authors constitute the source of the vast bulk of copyrightable works which are of interest to consumers in the United States, the question of consumers' rights and interests necessarily plays a very considerable part in determining the just course with reference to this subject. In the United States the authors naturally would like to have automatic copyright, but the consumers are very insistent that the registration, the consequent record, and notice of copyright affixed to the copyrighted article are to them valuable safeguards against both the innocent use of works in which copyright exists, and in taking advantage of the nonexistence of copyright to make use of uncopyrighted works or works in which the copyright has expired.

This situation has led to the compromise upon which the present bill is based. Other bills introduced in recent years have accorded automatic copyright in full, or have refrained from according it at all. They have invariably failed of enactment. The present program affords automatic copyright to American authors where they need it most, namely, in other countries, and it withholds automatic copyright from American authors in respect of the United States, where the consuming industry and the consuming public seem, at least for the present, to have a better case in favor of registration and notice than the authors have for exemption from these formalities. Strong inducements are held out to all authors to register and otherwise comply with the formalities set forth in the law. Unless they do so, their rights of recovery in case of infringement are severely limited.

Among the other important provisions of the bill growing out of its relations to the treaty is the elimination of the requirement for the domestic manufacture in the United States of books and similar publications, if in the English language, in order to be eligible to copyright in the United States. This provision in the present law has been a constant source of irritation and of danger to the interests of American exporters of literary and artistic works. Its elimination will, according to perfectly reliable evidence, create no adverse effect upon American industry, but the protection to American exporters accorded by the treaty promises to stimulate the manufacture of books and so to increase employment in this country.

Particular attention was given in the drafting of the bill to the question of the rights which the authors of literary and artistic copyright in other countries, parties to the treaty, will gain as a result of the adherence of the United States to the treaty. Carefully worded provisions will prevent any retroactive effect and will enable American users of works hitherto uncopyrighted in the United States, but possessing copyright under the treaty, to continue indefinitely all usage which has actually been commenced prior to when the treaty goes into effect. In other words, the treaty looks to the future, and will not operate to upset rights which have been reduced to utilization in this country.

In view of the fact that the producers of copyrightable works will benefit very greatly through the adherence of the United States to the treaty, it is only fair that the consumers should receive added protection with respect to matters of particular concern to them. The bill accordingly includes a considerable number of provisions definitely for the purpose of preventing any undue advantage to be taken by the owners of copyright in respect of the consumers of copyrighted works. Among other provisions of this kind, those particularly noteworthy are in the section of the bill which deals with remedies for infringement. But protection of the consumer as a counterbalance to the advantages which the producer will obtain under the treaty is responsible for only a small portion of the proposed provisions with respect to recovery against infringers.

In regard to the infringement portions of the bill, the outstanding problem is that of statutory damages. Under the present law, for most types of literary and artistic works, an author or composer, whose rights have been infringed, is allowed a minimum of $250 without proving any actual damage from the infringement.

The existence of such a provision, as well as some others of the remedial provisions, has a significance much larger than the mere matter of collecting damages. Producers and consumers of literary and artistic works make use of these provisions as bargaining points in their original contracts of purchase and sale. It is believed that such use goes far beyond what should be expected from the normal reliance of property owners upon the law to defend them against unauthorized uses of their property. Indeed, it is believed that both producers and consumers find their chief use for these provisions of law as aids to the ulterior purpose of endeavoring to extract better bargains in their dealings with one another. It is believed, further, that this constitutes the true reason why the producing and consuming interests exhibit such profound concern regarding them.

The committee is firmly of the opinion that to eliminate the statutory minimum of $250 for infringement without proof of damage is to eliminate the chief factor in the use of the law for bargaining, sometimes for coercive purposes, between producers and

consumers of copyrighted works. Moreover, since 1909, when the present law was enacted, the methods of using copyrighted works have developed with amazing rapidity. The range of the use of such works has correspondingly increased. A piece of copyrighted music may thus be publicly performed on a phonograph in a bootblack stand or on a broadcasting network covering the continent. For the law to attempt to fix a specified sum as minimum damages, in view of the breadth of this usage, would seem wholly unreasonable.

Accordingly, entirely apart from the ulterior use of the minimum statutory damages under the present law, it is deemed necessary to make the change which the bill contains. This change does not lessen the value of the section so far as its purpose is concerned. That purpose is to accord a remedy for infringement, not a weapon under which the owners of copyright may stimulate the sale of their works.

In place of the stated minimum the bill provides that the courts shall award sufficient statutory damages to prevent infringement and such as may be just, proper, and adequate in view of the circumstances of the particular case. The maximum is fixed at $20,000, four times the amount specified in the present law. This seems appropriate in view of the vast increases in recent years in the value of copyrightable works.

Producers of copyrighted works have been persistent in their assertion that this takes from them an essential remedy. The Committee on Patents believes that the reverse is true. So many palpable injustices have arisen from the present law that courts have acquired a dislike for handling such cases and have come to feel that the law is wrong. It is believed that, with the enactment of this provision of the bill, the courts will realize that the statute lays a foundation under which they can do justice and that they may be relied upon to utilize their full powers and abilities to such end.

There would seem to be little doubt but that, given the opportunity, the courts will accept with enthusiasm the task of preventing infringement and that the cases which actually come before them will prove clearly that the authors and composers of the country are far better off than they were before. It may be noted in this connection that the provision of the bill is based upon confidence in the ability of the courts to pronounce justly between plaintiff and defendant. A stated minimum sum, fixed by statute, indicates distrust of the courts. Plaintiffs who start suits distrusting the courts are likely to have an equal distrust in the merits of their causes. It has been said that, in order to feel that he can bring suit for infringement, a poor author must be assured of a certain minimum of damages. If the use of the copyright work is worth anything at all to the user, the court must, under the terms of the bill, award something. Since it must award enough to stop such infringements, it must award at least enough to cover what infringement is worth to a user.

The other remedial provision about which there has been important controversy is that of injunctive relief. Producers of copyrighted works claim that, unless full rights of injunction are accorded them, users of copyrighted works will pay no attention to their rights and will simply remunerate them in damages after having callously used their works in whatever manner was desired. Users of copyright works, on the other hand, claim that unless given a large exemption from the full implications of the law of injunction, they may be put to vast and unwarranted losses in cases that would be of small use to copyright owners and might, indeed, enable copyright owners to indulge in practices differing little from blackmail.

For instance, a publication about to go to press might, under present law, be enjoined because of the appearance of a single small item which infringed some copyright. Or a radio broadcaster might be about to begin a program and have that program seriously interfered with through the deletion of some part in which, quite unknown to the broadcaster, claim of copyright existed. In such cases it is obviously better that the copyright holder should run the risk of some loss, which could in all cases be reimbursed in damages, than that the copyright user should be thus placed in jeopardy in the course of his business. Accordingly, the present bill reduces the injunctive remedy, but quadruples the maximum of statutory damages, and continues the present unlimited amount of damages recoverable when actually proved.

PROVISIONS FOR THE SPECIAL ADVANTAGE OF AUTHORS

Having safeguarded the interests of consumers in the manner described, the bill proceeds to give particular attention to strengthening the position of authors. American authors have for decades been seeking certain reforms in the law which will be accorded if the present bill is enacted.

The chief of these advantages for authors consists in what is known as the "right of divisibility." While it is possible under present law to license the use of a copyrighted work for certain purposes, without parting with the copyright itself, the procedure is awkward and unsatisfactory. Under the present bill, it is expressly provided that the copyright itself may be divided and that the sale of the right of user for one purpose does not include the right of user for any other purpose.

At present, if a novelist sells his copyright to a publisher, he normally has parted with everything. Under the bill, he will naturally sell to the book publisher, book rights; to the magazine publisher, serial rights; to the motion-picture producer, motion-picture rights; to theater owner, dramatic rights; and to other consumers such further rights as his unlimited copyright may include. Moreover, he may specify the time of the enjoyment of any rights he may grant, and also the territory within which they may be enjoyed, selling to others the same rights for other periods of time or other territories. These provisions afford to authors very large positive benefits, which they will use every day, and are far more important than a diminution of remedial measures, if such exist in the bill, which in any event are properly used only under abnormal circumstances.

Among the lesser provisions included for the particular purpose of strengthening the position of authors are the right of registration of unpublished manuscripts, now permitted in only a very limited number of cases, the single term of 56 years instead of a 28-year term renewable for a similar period; additional specifications of the kinds of works which are copyrightable, numerous instances of the rephrasing of language in order to make clearer the rights of authors, and the definite stipulation that copyright originally exists in authors and in them alone. It should not be forgotten, moreover, that the chief benefit under the treaty will accrue to the creators of literary, musical, and artistic works.

CERTAIN PROVISIONS REQUIRING SPECIAL EXPLANATION

The bill, as reported, contains a number of provisions the meaning of which appears to have been misunderstood in certain quarters.

One of these is the provision contained in that part of section 1 of the bill which amends subsection (d) of section 1 of the act of 1909, to the effect "that the right to produce a motion picture shall include the right to exhibit it."

This language is intended solely to prevent an author who has granted motion-picture producing rights from claiming that he is entitled to prevent the produced picture from being exhibited. It would be absurd to leave the way open for such contention by a scenario writer or by a writer of a story upon which the scenario is based. The divisibility privileges provided for in section 24 of the bill, amending section 42 of the act of 1909, might suggest to an author that his license to produce might not include authorization to exhibit, but the union of the two authorizations provided for in the language quoted does not affect the performing right of the author of copyrighted material, characteristically music, which may be incidentally used in the production of a motion picture. A music composer assigns no "right to produce a motion picture." He merely assigns a right to use his music incidentally in connection with the production of a motion picture.

A second misunderstanding appears to have developed in connection with section 2 of the bill, amending the last sentence of section 3 of the act of 1909, relating to the rights of authors of composite works. The fear has been expressed that such works include musical or dramatico-musical compositions in which several authors and composers have collaborated to produce a single work. The term "composite works" does not include such compositions. It is properly limited in its application to collections of separate and independent contributions by different authors, such as magazines and encyclopedias.

A third provision, one of especial interest to men in public life, is inserted in subsection (c) of section 62 of the act, as amended by section 28 of the bill, as follows: "Copyright in the photograph of a single individual shall not be had except with the written consent of the person photographed." It should be explained that this provision grows out of the fact that, under present law, a photographer may copyright the portrait which he has made of an individual with the result that the individual photographed cannot publish or permit his friends to publish his own photograph. There would seem to be no doubt that a correction should be made in the law and that copyright in individual photographic portraits should be subject to the consent of the subject of the portrait.

CONCLUSION

In reporting favorably the present bill to amend the copyright law, the Committee on Patents is confident that it has framed a measure which will establish equity among the various interests concerned. There is every reason to believe that no interest will suffer injury from any provision of the bill. There is every reason to believe that everyone interested in copyright will obtain positive benefit from the bill. This does not mean that every request of every person concerned has been followed in the drafting of the bill. It does mean that practically everyone concerned with copyright will be better off under the law as amended by the bill than under the law as it now stands. The committee believes that the great industrial undertakings, the authors' organizations, and the individual creators of literary and artistic works will alike find in the amended law a firmer basis than they have ever before enjoyed for the encouragement of sound methods of conducting their business and pursuing their professions and for the maintenance of wise and progressive economic policies.

The subject of copyright reform has been before Congress for many years, and every topic of any consequence connected with it has been thoroughly discussed before the Committee on Patents of the Senate and the corresponding committee of the House of Representatives, and also before the Committee on Foreign Relations of the Senate. At the request of the latter committee, recent conferences were held by an interdepartmental group composed of representatives from the Departments of State and Commerce and from the Copyright Office. The Committee on Patents, moreover, held conferences with those interests which pronounced themselves opposed to the bill as originally introduced. A number of changes in the original bill are incorporated in the bill which is now reported to the Senate with recommendation that it be enacted.

EXTENSION OF REMARKS

Mr. WHITE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a treatise on the money question by Frank E. Johaness. I have an estimate from the Printer.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, who made the speech?

Mr. WHITE. It is a treatise on the money question and was written by Mr. Frank E. Johaness, a man very prominent in the State of Idaho.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

Mr. MARTIN of Massachusetts. For the time being I object, Mr. Speaker.

NEUTRALITY

Mr. HIGGINS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein a letter received by me from the League of American Neutrality, this to be included in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HIGGINS. Mr. Speaker, the following letter was received by me from the League for American Neutrality, whose membership comprises many of the leading citizens in our State. The letter sets forth in a concise manner the views held by me and other Members on the important matter of neutrality now before us for consideration.

LEAGUE FOR AMERICAN NEUTRALITY,
Boston, Mass., January 21, 1936.

Hon. JOHN P. HIGGINS,
Washington, D. C.

MY DEAR CONGRESSMAN HIGGINS: The League for American Neutrality, a national organization, was recently organized for the purpose of creating public sentiment against the perilous course which the national administration has been following in its construction of neutrality, particularly by its advocacy of Senate bill 3474 (H. J. Res. 422).

We are convinced that such a course, far from rendering our position secure as a neutral, if further pursued, would not only endanger our position as such but would also bring us into open hostility, if not in direct conflict, with other nations of the world. Our main purpose is to preserve our commanding position as a neutral in the interest of America and of world peace.

It is important, to begin with, that we have a precise concept of the meaning of the word "neutrality." Bouvier's Law Dictionary, a standard work, is our authority for the statement that neutrality, as it has been construed in international law, means entire abstinence from any participation, express or implied, with either of the belligerents, remaining the common friend of both; favoring neither to the detriment of the other. It consists chiefly of nonaction. Thus measures officially adopted by a nation, though applied to both belligerents, which detrimentally affect one and not the other, is not the conduct of a neutral. Such policy is action, and not nonaction. It is not consistent with friendliness. It in fact favors one by doing harm to the other belligerent. Any course which violates these principles is necessarily a violation of neutrality.

We should like to summarize in a general way the objections so ably raised by Prof. Edwin Borchard, of Yale University, before the House Committee on Foreign Affairs recently in opposition to the bills on neutrality now pending before the Congress.

It is not true that trade caused our entrance into the World War. It was rather a combination of foreign propaganda and German diplomatic stupidity.

The neutrality resolution of August 1935 was intended solely to prevent foreign entanglements. But the President and the Secretary of State have laid down a second objective: To reduce the risks of our being drawn into a war abroad by taking measures to shorten it. The proposed bill provides economic sanctions in this country, to supplement sanctions against a so-called aggressor imposed by other nations, before a blockade is declared. Thus section 4 of the bill enables the President to embargo such materials as will shorten the war, in his opinion, by bringing defeat to one side. This is the antithesis of neutrality and is a most fundamental objection to the bill. The Executive is exposed to pressure and propaganda of those groups who on every occasion seem to have special facilities for picking an aggressor, likely to be some revolter against an impossible status quo. It is hardly possible to suppose that the embargo will or can be used in any other way than further to bring pressure on the weak to submit to the strong.

If the President performs the functions imposed by the section, he will be employing the power of the United States in a fashion most unneutral. So used in the Italo-Ethiopian conflict it will invite retaliation from the belligerent actually if not avowedly discriminated against. We thus invite war abroad and conflict at home in pursuit of a visionary objective. The United States will thus become an instrument of national policy of the stronger powers of Europe. The Congress would be very unwise to make the United States, under the guise of neutrality (?), an aid to one side in a foreign war, with the risks of entanglement and participation being augmented rather than diminished.

The suggested provision that the act be made applicable to future belligerents will be no safeguard nor will it cure the objection that by so doing the nations constituting the League of Nations will be given advance notice to purchase all their requirements prior to their entering the conflict—not an unlikely possibility—whereas Italy and Ethiopia were not given the same opportunity.

Any embargo of raw materials or other articles, which might include practically every article we export, will only penalize the weak, stifle American commerce permanently, encourage the nations embargoed against to look elsewhere or use substitutes for their requirements, incite disorder and distress at home, and promote that unhealthy psychology that makes for war. Embargoes are calculated to stimulate, not prevent, war, and on practical considerations are more likely to get us into war than to keep us out. This is a most objectionable provision; it is unprecedented in history. Moreover, it plays havoc with the commercial treaties of the United States, some of which provide that a year's notice be given before they may be rescinded.

The administration has already given evidence of how unneutrally it would exercise this power, when it recently proposed to embargo cotton, oil, scrap iron, metals, etc. The words "would contribute to a prolongation or expansion of the war" especially emphasize those moral and emotional impulses which it is now so fashionable to exploit as a method of promoting unneutrality. The above commodities were selected for prohibition to export in order to handicap Italy and force her to sue the sooner for peace. Is that neutrality? To call the present pending bills "neutrality bills" under the circumstances is sheer hypocrisy. This is a most dangerous way of being neutral, and any such policy is bound to bring us right into the midst of a war.

An act extending the period of the embargo on arms, ammunitions, and implements of war should be as far as we should go. This act might also restrict loans to belligerents and provide that American citizens traveling on belligerent ships do so at their own risk. No discretion should be given the Executive as to the granting of passports, however. That is the prerogative of the would-be traveler. Beyond this the rules of international law, competently administered and insisted upon, would adequately take care of the United States and provide all the safeguards necessary to insure American neutrality.

There are other practical considerations which might be cited against many of the other provisions of the pending bills, some of a very serious nature, others less consequential. But we believe the objections above enumerated are sufficiently important in themselves to convince every Senator and every Representative in Congress to oppose vigorously and vote against the neutrality (?) bills.

Respectfully yours,

JOSEPH A. TOMASELLO, *President.*
MICHAEL A. FREDO, *Secretary.*

EXTENSION OF REMARKS

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by including after the remarks I previously made a short Senate report upon this particular bill, which is self-explanatory and will enlighten every Member that reads it and convince them it is a very fine measure.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

A TRIBUTE TO HEROISM

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a tribute to the Coast Guard as well as the C. C. C. boys.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LESINSKI. Mr. Speaker, a man facing danger fights it; threatened by a blow, wards off the blow. Forced to fight, even a physical coward turns brave and often invincible.

Quite a natural reaction dictated by the instinct of self-preservation which we call the supreme law of nature.

But when one man sees another exposed to what appears an inescapable tragic death and risks his life to save that of his fellow man, then his motives are different. His heroism stands above any other example of human courage. It is like a divine torch lighting the dark and arduous path of our civilization.

Because of the unusual severity of winter, news reaches us about inspiring examples of human courage; news that warms the heart and soul of every sober-thinking man, bewildered and lost amidst universal mental chaos and misery.

There a number of human beings are marooned on an island, besieged by an impassable, treacherous expanse of ice floes. Planes and dirigibles battle gales to drop them food and medical aid. Nurses risk their lives to reach the ailing. Elsewhere an intrepid flier crashes and suffers fatal injuries on his errand of mercy. In a gale and blizzard raging over Lake Michigan a brave Coast Guard man sacrifices his life attempting to rescue two humble fishermen. Thus passes Earl Cunningham to join the great legion of unsung heroes.

From the austere shores of Cape Cod came truly arresting news. It is about seven youths from one of our C. C. C. camps and their miraculous rescue from what seemed certain tragic death.

They wandered offshore photographing the unusual icebergs. The ice broke off and carried them away into the sea. Surrounded by miles of thick ice floes, whipped by merciless gusts of icy wind throughout a dreary long winter night, the youths were ready to give up the struggle and to consign their young bodies to the mercy of sea waves.

Their plight was well visualized by our alert Coast Guard patrols. The patrol boat *Harriet Lane* battled valiantly through the whole night, chopping and blasting its way in the faint hope of discovering the youths. So did a mercy plane piloted by a father and a son. This plane, like an eye from Heaven, scanned the jagged crests of the vast expanse of ice floes. Finally, at dawn of Monday, the pilots discovered five tiny black specks huddled together on ice. And two specks on another iceberg.

Hope revived in the frozen hearts of our youths. The plane circled and showed the way to the Coast Guard patrol boat.

Landing was impossible. It was up to the patrol boat. Unable to proceed in the ice jam, four intrepid members of the crew lowered a dory and dragged it for a mile across the ice floes. It took time, and courage, and grit, and freezing of warm blood into icicles. But the youths were reached and safely brought aboard.

Was that the end of the valiant struggle? No. For 15 more hours the gallant crew of the *Harriet Lane* battled the ponderous elements. Again TNT blasts had to clear a way for the patrol boat. Damaged, with its cabin shattered by blasts, conquering appalling obstacles, the boat reached the port.

Safety at last. Some with their feet and ears frozen; others dazed by the harrowing experience. But all alive and safe. Their tortured mothers and fathers were saved from further anguish and from the tragic shadow of mourning the premature death of their young sons buried in a damp grave.

Incidentally, the discipline and practical learning acquired at the Civilian Conservation Corps camp helped the boys to keep alive on that woebegone cake of ice, to make fire, to conquer fear, and to fight off the gruesome spectre of suicidal despair.

If there is courage worthy of recognition, heroism worthy of reverence, Capt. C. M. Fedderson, of the *Harriet Lane*, and his intrepid crew of 20 gave us a sublime example of it. It is generally accepted that a man who risks his life to destroy other human lives for a good cause is a hero. And I say that a man who risks his life to save the lives of others is by far the greater hero.

Somebody may say that it was in line of duty. May we all be imbued with the same conception of duty as were the captain and the crew of the *Harriet Lane*. I, for one, bow my head in reverence before the courage and everyday heroism of those rugged sailors and give them recognition and tribute which they justly deserve.

In conclusion, I would not be true to my Nation and to myself did I fail to point the moral brought to all of us very forcibly by such examples of courage and heroism.

When all our liberty and economy leagues, chambers of commerce, and other civil organizations, all our millionaires—in a word, all of us—will see the suffering and anguish of millions as the crew of the *Harriet Lane* did see the suffering and anguish of those seven youths and their parents; when all of us will try to do for the millions of sufferers what that gallant crew did for the seven youths, then our civilization will find itself on a properly charted course. Then and only then will we be able to say that the sacrifices and deaths of these brave men are not in vain; that our civilization shall not perish from the face of the earth, but that it will revive, expand, and lead us all toward a brighter and happier future.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. CROWTHER (at the request of Mr. CULKIN) for 2 days, on account of illness.

ADJOURNMENT

Mr. PARKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 37 minutes p. m.) the House adjourned until tomorrow, Thursday, February 13, 1936, at 12 o'clock noon.

COMMITTEE HEARING

MERCHANT MARINE AND FISHERIES

Merchant Marine and Fisheries Committee hearing on Senate bill 2625, on hospitalization of seamen, in committee room at 10 o'clock a. m., Thursday, February 13, 1936.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

664. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the legislative establishment, pertaining to the Library of Congress, for the fiscal year 1937, amounting to $10,640 (H. Doc. No. 406); to the Committee on Appropriations and ordered to be printed.

665. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the legislative establishment, House of Representatives, for the fiscal years 1936 and 1937, amounting to $6,720 (H. Doc. No. 407); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WARREN: Committee on Merchant Marine and Fisheries. H. R. 1398. A bill to provide for the establishment of a Coast Guard station at or near Crescent City, Calif.; with amendment (Rept. No. 1992). Referred to the Committee of the Whole House on the state of the Union.

Mr. WARREN: Committee on Merchant Marine and Fisheries. H. R. 8370. A bill to provide for the establishment of a Coast Guard station at Port Washington, Wis.; with amendment (Rept. No. 1993). Referred to the Committee of the Whole House on the state of the Union.

Mr. WARREN: Committee on Merchant Marine and Fisheries. H. R. 8901. A bill to provide for the establishment of a Coast Guard station at or near Apostle Islands, Wis.; with amendment (Rept. No. 1994). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PERKINS: A bill (H. R. 11097) to protect voters against undue influence through fear or intimidation of officers or agents of the Federal Government in any Presidential or congressional election; to the Committee on the Judiciary.

By Mr. TURPIN: A bill (H. R. 11098) to provide for terms of the United States District Court for the Middle District of Pennsylvania to be held at Wilkes-Barre, Pa.; to the Committee on the Judiciary.

By Mr. ASHBROOK: A bill (H. R. 11099) to amend an act entitled "An act to revise and equalize the rate of pension

to certain soldiers, sailors, and marines of the Civil War; to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases", approved June 9, 1930; to the Committee on Invalid Pensions.

By Mr. AYERS: A bill (H. R. 11100) to amend section 9 of an act entitled "An act to provide for the allotment of lands for the Crow Tribe, for the distribution of tribal funds, and for other purposes", approved June 4, 1920; to the Committee on Indian Affairs.

Also, a bill (H. R. 11101) to permit the sale, possession, and use of 3.2-percent beer on all Indian reservations in the State of Montana; to the Committee on Indian Affairs.

By Mr. DEROUEN: A bill (H. R. 11102) to provide a site and erect a public building at Ville Platte, La.; to the Committee on Public Buildings and Grounds.

By Mr. MALONEY: A bill (H. R. 11103) to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. STEAGALL: A bill (H. R. 11104) to enable the Commodity Credit Corporation to better serve the farmers in orderly marketing and to provide credit and facilities for carrying surpluses from season to season; to the Committee on Agriculture.

By Mr. WALTER: A bill (H. R. 11105) to provide for the establishment of a National Planning Board and the organization and functions thereof; to the Committee on the Public Lands.

By Mr. MONAGHAN: A bill (H. R. 11106) providing for the suspension of annual assessment work on mining claims held by location in the United States and Alaska; to the Committee on Mines and Mining.

By Mr. POLK: A bill (H. R. 11107) to authorize appropriations for the establishment of a Federal bee-culture laboratory; to the Committee on Agriculture.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 11108) to advance a program of national safety and accident prevention; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Virginia: Joint resolution (H. J. Res. 489) relative to closing Military Road; to the Committee on Military Affairs.

By Mr. KLOEB: Joint resolution (H. J. Res. 490) to extend for 1 year the provisions of the neutrality resolution of August 31, 1935; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROWTHER: A bill (H. R. 11109) granting an increase of pension to Nancy Hyson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11110) granting an increase of pension to Julia Woods; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11111) granting a pension to Rosella Milliman; to the Committee on Invalid Pensions.

By Mr. DOCKWEILER: A bill (H. R. 11112) for the relief of Arthur C. Driscoll; to the Committee on Naval Affairs.

By Mr. DUNCAN: A bill (H. R. 11113) for the relief of Graham G. Lacy; to the Committee on Claims.

Also, a bill (H. R. 11114) granting an increase of pension to Lida A. Beverly; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 11115) for the relief of Bertha May Paddock; to the Committee on Claims.

By Mr. KELLY: A bill (H. R. 11116) for the relief of Frank Coffey; to the Committee on Military Affairs.

Also, a bill (H. R. 11117) for the relief of Bertie Colvin; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 11118) for the relief of Casimir Molargie; to the Committee on Naval Affairs.

By Mr. LUCKEY: A bill (H. R. 11119) for the relief of Fred F. Koslowski; to the Committee on Military Affairs.

By Mr. McLEOD: A bill (H. R. 11120) for the relief of William F. Kennedy; to the Committee on Naval Affairs.

By Mr. MEAD: A bill (H. R. 11121) for the relief of Joseph Restivo; to the Committee on Claims.

By Mr. O'BRIEN: A bill (H. R. 11122) for the relief of James Sherrier; to the Committee on Military Affairs.

By Mr. O'CONNOR: A bill (H. R. 11123) for the relief of Edward A. Foote, Jr., and others; to the Committee on Claims.

By Mr. SCHAEFER: A bill (H. R. 11124) granting a pension to Zella Martell Brasel; to the Committee on Pensions.

By Mr. SHORT: A bill (H. R. 11125) granting a pension to Effie Wilson; to the Committee on Invalid Pensions.

By Mr. SMITH of Connecticut: A bill (H. R. 11126) for the relief of the Silas Bronson Library, of Waterbury, Conn.; to the Committee on Claims.

By Mr. TARVER: A bill (H. R. 11127) for the relief of Fay Pledger; to the Committee on Claims.

By Mr. UTTERBACK: A bill (H. R. 11128) granting a pension to Glennie Edwinson; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 11129) granting an increase of pension to Brittie Ann Gault; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11130) granting a pension to Lewis Stamper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11131) granting a pension to Louise Workman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11132) granting a pension to Minnie Allen Lacy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11133) granting a pension to Thomas McGuire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11134) granting a pension to Carrie Stidham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11135) granting a pension to Ned Johnston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11136) granting a pension to Dora McCallister; to the Committee on Invalid Pensions.

By Mr. WALTER: A bill (H. R. 11137) for the relief of certain creditors of Digbee Construction Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10069. By Mr. BLACKNEY: Petition of 897 residents of Flint, Mich., requesting that immediate action be taken by the Post Office Department to provide adequate air-mail service for the city of Flint; to the Committee on the Post Office and Post Roads.

10070. By Mr. CULKIN: Petition of the New York State Senate and Assembly, urging Congress to pass laws compelling manufacturers of firearms to mark each firearm with serial number, said number to be registered with the Department of Justice; to the Committee on Interstate and Foreign Commerce.

10071. By Mr. CULLEN: Petition of the Senate and Assembly of the State of New York, urging the Federal Government to enact laws through Congress to compel manufacturers of firearms to mark such firearms manufactured with a serial number which will be plainly visible; such serial number to be registered with the Department of Justice as to its consignee at the time of its shipment by the said manufacturer, the consignee to record with the Department of Justice immediately at the time of sale the serial number and to whom such firearm was sold; to the Committee on the Judiciary.

10072. By Mr. CUMMINGS: Petition of 311 citizens of Sterling, Colo., urging Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10073. Also, petition of patrons of star route no. 65107, Weld County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10074. Also, petition of patrons of star route no. 65248, Logan County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route

contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10075. Also, petition of patrons of star route no. 65170, Yuma County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase compensation thereon; to the Committee on the Post Office and Post Roads.

10076. Also, petition of 64 citizens of Morgan County, Colo., urging Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10077. By Mr. FULMER: Memorial of the House of Representatives of the South Carolina Legislature, memorializing Congress to enact suitable legislation to reduce tenancy through the acquisition of farms by deserving tenants and landless citizens; to the Committee on Agriculture.

10078. By Mr. HILDEBRANDT: Resolution of the Gettysburg Service Club, Gettysburg, S. Dak., favoring the Pettengill bill (H. R. 3263); to the Committee on Interstate and Foreign Commerce.

10079. Also, resolution of the Central Labor Union, Huron, S. Dak., favoring the Pettengill bill (H. R. 3263); to the Commitee on Interstate and Foreign Commerce.

10080. By Mr. PATTERSON: Petition of Ben F. Rodda and 61 other citizens of Arma, Kans., favoring the enactment of the proposed legislation of the Star Route Carriers Association; to the Committee on the Post Office and Post Roads.

10081. Also, petition of Joe Paola and 60 other citizens of Crawford County, Kans., favoring the enactment of the proposed legislation of the Star Route Carriers Association; to the Committee on the Post Office and Post Roads.

10082. Also, petition of W. H. Markburger and 11 other citizens of Fredonia, Kans., favoring the enactment of the proposed legislation of the Star Route Carriers Association; to the Committee on the Post Office and Post Roads.

10083. By Mr. THOMASON: Petition of the El Paso-Hudspeth County Farm Bureau, requesting the administration to take steps to furnish reduction program for crop year 1936–37 in line with Agricultural Adjustment Administration program; that the organization favors an amendment to the Constitution permitting Federal Government to control crop producion; that the 12-cent loan on cotton be extended, and that equities in loan cotton remain intact for the benefit of producers; that Representatives and Senators be requested to protest the Smith bill which calls for sale of from 20,000 to 25,000 bales of cotton weekly; to the Committee on Agriculture.

10084. By Mr. WALTER: Petition of the State planning board of Pennsylvania; to the Committee on Agriculture.

10085. By Mr. WOOD: Two petitions from voters in the Sixth Congressional District, asking for legislation placing star-route carriers in the same category as other rural carriers and postal employees; to the Committee on the Post Office and Post Roads.

10086. By the SPEAKER: Petition of the Seattle Bar Association; to the Committee on the Library.

10087. Also, petition of the Cincinnati Bar Association; to the Committee on the Library.

SENATE

THURSDAY, FEBRUARY 13, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Benson	Bulkley	Capper
Ashurst	Black	Bulow	Caraway
Bachman	Bone	Burke	Carey
Bailey	Borah	Byrd	Chavez
Barbour	Brown	Byrnes	Clark
Connally	Guffey	McKellar	Reynolds
Coolidge	Hale	McNary	Robinson
Copeland	Harrison	Maloney	Russell
Costigan	Hastings	Minton	Schwellenbach
Couzens	Hatch	Moore	Sheppard
Davis	Hayden	Murphy	Smith
Dickinson	Holt	Murray	Steiwer
Dieterich	Johnson	Neely	Thomas, Utah
Donahey	Keyes	Norbeck	Trammell
Duffy	King	Norris	Truman
Frazier	La Follette	Nye	Tydings
George	Logan	O'Mahoney	Vandenberg
Gerry	Lonergan	Overton	Van Nuys
Gibson	Long	Pittman	Wagner
Glass	McAdoo	Pope	Walsh
Gore	McGill	Radcliffe	Wheeler

Mr. MURRAY. I announce that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness, that the Senator from Oklahoma [Mr. THOMAS] is absent on account of the death of his brother, the Senator from Florida [Mr. FLETCHER] is absent in attendance on the funeral of a friend in Florida, and that the Senator from Mississippi [Mr. BILBO] and the Senator from Nevada [Mr. MCCARRAN] are necessarily detained from the Senate.

I further announce that the Senator from Kentucky [Mr. BARKLEY] and the Senator from Illinois [Mr. LEWIS] are detained on important public business.

Mr. MCNARY. I announce that the Senator from Rhode Island [Mr. METCALF], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Maine [Mr. WHITE], the Senator from Delaware [Mr. TOWNSEND], and the Senator from Vermont [Mr. AUSTIN] are necessarily absent from the Senate.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

REPORT ON THE AMERICAN MERCHANT MARINE

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of Commerce, transmitting, pursuant to law, a report of the Secretary of Commerce, as successor to the powers and duties of the former United States Shipping Board, pertaining to the American merchant marine and the replacement of vessels in the South American trade, which, with the accompanying report, was referred to the Committee on Commerce.

DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate letters from the Archivist, reporting, pursuant to law, that there are on the files of the Treasury Department, the War Department, the Agricultural Adjustment Administration, and the Civil Service Commission, an accumulation of documents and papers which are not needed in the conduct of business and have no permanent value or historical interest, and asking for action looking to their disposition, which, with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. NORBECK members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Commerce:

Whereas the heavily industrialized, thickly populated, and richly agricultural valleys of some 16 counties of central and southern New York State were on the 7th, 8th, and 9th of July 1935, devastated by disastrous floods with estimable loss approximated at not less than $50,000,000 and a large loss of life together with an inestimable and cumulative loss in the erosion of rich top soils and the covering of other soils with debris and gravel fans; and

Whereas these losses further were increased by excessive damage to State parks and reservations, highways, and bridges and to town and county highways, bridges, culverts, and other structures through the interruptions of communications, damage to the rights-of-way of common carriers and the transmission lines of public utilities, the loss of crops, farm stock, and the destruction of farm roads, fences, and water systems and the huge inestimable loss of time by individuals and industries due to such interruptions of communication and transportation; and

Whereas State, county, and municipal governments of the State of New York in consequence of such destructive floods have been

obliged to incur for repairs and rehabilitation enormous expenditures which should not ever again be necessary in the areas affected; and

Whereas the catastrophe was such that the services of the American Red Cross were invoked by the President of the United States as a measure of aid in a major disaster and the Chief of Engineers of the United States Army was directed by the President of the United States as an emergency measure to make an immediate survey of the streams and headwaters in the devastated areas with the objective of permanent flood control, the results of which survey will shortly be submitted to the Chief of Engineers of the United States Army and the Army Board of Engineers for consideration and recommendation to the Congress of the United States; and

Whereas a special congressional committee on river improvement and flood control relative to flood conditions in New York State reported to the Congress of the United States on July 29, 1935, after a personal preliminary inspection in the 16 counties affected by the floods of July 7, 8, and 9, that "a program which has for its purpose the protection of these people, their valuable lands, and investments already made in that land, certainly should be undertaken at once"; and

Whereas an emergency condition exists in the valleys of these flooded streams, whose waters drain approximately 10,000 square miles of the State of New York, because of the destruction by the July floods of those natural brakes and deterrents which retard precipitate stream flow; and

Whereas this fact of cumulative emergency and the damage have already been established as a result of moderate rainfall in October and November of 1935, which caused a further loss to those areas of some half a million dollars; and

Whereas there is before the Senate and Assembly of the State of New York reliable technical evidence to support the conclusion that with the stream beds and channels of the flooded area in their present condition any flood, freshet, or high water in this area will now create 10 times the amount of damage that would have resulted in the same area before the havoc wrought by the floods of July 7, 8, and 9; and

Whereas there is before the Senate and the Assembly of the State of New York other reliable technical evidence to support the conclusion that the floods of July 7, 8, and 9, in the counties of central and southern New York represented only 50 percent of the potential maximum flood in those areas under normal stream conditions; and

Whereas public health is menaced by conditions existing in the wake of any and all floods and such menace is cumulative in nature, because of physical conditions created by such floods including the pollution of water supplies and the destruction of sewage systems to the consequent detriment of areas affected; and

Whereas the safety, well being, and the health of the people of the counties so affected, and the capital investment represented, and the lines of communication and transportation, traversing these counties, are of such importance and the emergency condition is so well established by actual technical evidence; and

Whereas because of the conditions hereinbefore related and the element of emergency which is so evident it is incumbent and suggested by the special congressional committee that "a program which has for its purpose the protection of these people, their valuable lands, and investments already made in that land certainly should be undertaken at once": Now, therefore, be it

Resolved (if the assembly concur), That the Legislature of the State of New York by concurrent resolution hereby memorialize the Secretary of War and, through him, the Chief of Engineers of the United States Army, respectfully urging that the report and recommendations for permanent flood control works in these flooded counties of New York State be properly considered as an emergency measure to the end that with the greatest expedition consistent with the efficiency these recommendations be placed before the second session of the Seventy-fourth Congress at the earliest possible moment; be it further

Resolved (if the assembly concur), That the Legislature of the State of New York memorialize the Congress of the United States in its respective houses, requesting:

1. That because of the emergency which exists and the cumulative damage accruing to this large and economically important area of the State of New York the Congress of the United States at this present session enact, upon the recommendations of the Chief of Engineers of the United States Army and the Secretary of War, such authorizing and appropriate legislation as may be necessary for an immediate beginning of such physical construction as may be recommended; and

2. That because the case for Federal flood control on the streams tributaries in the flooded counties of New York is so typical and so factually and statistically substantiated by the orderly processes of survey and fact finding as to establish an important and lasting precedent in a national program of conservation designed to protect life and property in various parts of the United States the urgent need of these 16 counties of New York State for remedial measures be considered as a separate entity of pressing importance to the end that further damage and loss of life and property be avoided with the utmost expedition; and be it further

Resolved (if the assembly concur), That copies of this resolution be transmitted to the President of the United States, the Secretary of the Senate, the Clerk of the House of Representatives, the Secreary of War, the Chief of Engineers of the United States Army, and to each Member of the Congress duly elected from the State of New York.

The VICE PRESIDENT also laid before the Senate a resolution of the International Righteous Government Convention, assembled at New York City, favoring the enactment of legislation providing youth of all ages with complete and proper facilities for trade- and technical-school courses, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution of the International Righteous Government Convention, assembled at New York City, favoring the stopping of all shipments of essential commodities, especially oil, iron, and vital secondary war materials, to present belligerent countries, which was referred to the Committee on Foreign Relations.

He also laid before the Senate resolutions of the Cincinnati (Ohio) and the Seattle (Wash.) Bar Associations, favoring the enactment of House Joint Resolution 237, for the establishment of a trust fund to be known as the Oliver Wendell Holmes Memorial Fund, which were referred to the Committee on the Library.

He also laid before the Senate resolutions of the International Righteous Government Convention, assembled at New York City, favoring the preservation of peace and the prevention of traffic in war materials or the lending of money to belligerent nations, which were ordered to lie on the table.

He also laid before the Senate the petition of the Parents and Teachers Association of Esperanza County, Arecibo, P. R., praying for the extension of the benefits of the Social Security Act to Puerto Rico, which was referred to the Committee on Territories and Insular Affairs.

Mr. WALSH presented letters from the Boards of Selectmen of Princeton and Walpole, Mass., endorsing a resolution adopted by the Massachusetts State Association of Selectmen, favoring certain changes looking to the simplification and decentralization of the administration of Federal relief, especially to the end that local authorities may be empowered to recommend worthy persons for employment, which were referred to the Committee on Appropriations.

He also presented a resolution of the Massachusetts State Planning Board, favoring the enactment of Senate bill 2825, creating a national planning board, which was referred to the Committee on Commerce.

He also presented a resolution adopted at a meeting of the Massachusetts Association of Polish American Citizens' Club, Inc., at Worcester, Mass., favoring the enactment of legislation for the establishment of a Nation-wide system of social insurance, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by a meeting of the Community Church of Boston, Mass., favoring the enactment of a mandatory neutrality law, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the executive committee of the League for American Neutrality, Boston, Mass., favoring the maintenance of the present American neutrality policy, which was referred to the Committee on Foreign Relations.

He also presented resolutions of the Sisterhood of Temple Israel, Boston, Mass., favoring the preservation of peace, which were referred to the Committee on Foreign Relations.

He also presented resolutions of the conference of the New England Branch of the Women's League of the United Synagogue of America, favoring the preservation of peace and the reduction of armaments through international agreement, and opposing the rearming of the nations, which were referred to the Committee on Foreign Relations.

He also presented a resolution of the board of directors of the International Institute of Lowell, Mass. (Service Bureau for Foreign Speaking People), favoring the enactment of the so-called Kerr bill, pertaining to the deportation of aliens, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the board of directors of the Dorchester (Mass.) Board of Trade, favoring the enactment of the so-called Tydings-Vincent bill, proposing the expenditure of about three and one-half million dollars for the construction of an experimental tank at the Washington Navy Yard to test models for the Navy and the

merchant marine, which was referred to the Committee on Naval Affairs.

PROPOSED PLANNING AGENCY

Mr. GIBSON presented a resolution of the Vermont State Planning Board, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Whereas it is self-evident that progress and orderly procedure in affairs are best promoted through following rational and well-thought out plans; and

Whereas the problems that do now and will in the future confront the State, region, and Nation will be best solved by dispassionate study and examination of the facts and evidence by men competent in their several fields; and

Whereas planning done by the separate States should be in harmonious relation in matters that may extend beyond the boundaries of any State: Therefore be it

Resolved by the Vermont State Planning Board, That a planning agency national in scope should be established by the Congress, both for national planning and for assisting the various regions and the individual States in this work; be it further

Resolved, That copies of this resolution be sent to all Vermont Members of the Congress, to the National Resources Committee, and to the New England Regional Planning Commission.

NATIONAL PARKS AND THE NIAGARA FALLS—PETITION

Mr. WAGNER presented a resolution of the Educational Conservation Society, which was referred to the Committee on Public Lands and Surveys and ordered to be printed in the RECORD, as follows:

Whereas the preservation of scenic beauty and the health-giving influences of unspoiled nature is a public concern; and

Whereas their educational, inspirational, spiritual, scientific, and recreational values are of paramount importance to mankind: Therefore be it

Resolved, That the Educational Conservation Society petition Congress to immediately enact into law the following measures in order to save some of the important scenic places now in danger of destructive exploitation before it is too late to do so: The Nye bill (S. 615) providing for the restoration of the Yosemite sugar pines to Yosemite National Park; the Johnson bill (S. 2289) providing for the establishment of Kings Canyon National Park in California; the Wallgren bill (H. R. 7086) providing for the enlargement of the Mount Olympus National Monument and its establishment as a national park to preserve the Roosevelt elk from extinction; the Carey-O'Mahoney bill (S. 2972) providing for the enlargement of Grand Teton National Park to furnish winter range for the elk; and the Beiter bill (H. R. 4230) providing for the control and regulation of the waters of the Niagara River and for the preservation of Niagara Falls.

OLIVER WENDELL HOLMES MEMORIAL FUND

Mr. WAGNER presented a resolution of the board of directors of the New York County Lawyers' Association, which was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

Whereas the late Oliver Wendell Holmes, Associate Justice of the Supreme Court of the United States, provided in his will that the United States Government should be the residuary legatee of his estate, and also left by his will his own private library to the Library of Congress, a large portion thereof consisting of books on jurisprudence; and

Whereas by House Joint Resolution 237 it is proposed that the residuary fund from this estate be credited to the Library of Congress Trust Fund Board, as a special fund known as the Oliver Wendell Holmes memorial fund, the income thereof to be used for the purpose of building up and maintaining a collection of legal literature in the law division of the Library of Congress, known as the Oliver Wendell Holmes collection of jurisprudence: Now, therefore,

The New York County Lawyers' Association wishes to record its approval of the aforesaid joint resolution and the objects and purposes thereof.

DEPORTATION OF ALIENS

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD resolutions adopted by Warren G. Harding Council, No. 372, of the Junior Order United American Mechanics, Altoona, Pa., relative to the deportation of undesirable aliens, and ask that it be referred to the Committee on Immigration. This is but one of many letters which I have recently received protesting against the weakening of our immigration laws.

There being no objection, the resolutions were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

Whereas there is now introduced in the United States Senate a bill which is known as 2969; and

Whereas the passage of this bill would nullify existing laws that govern the deportation of undesirable aliens and replacing with a law that would delegate discretionary powers to a commission in dealing with deportation cases; and

Whereas, with many millions of American people still out of employment who should rightfully have the jobs that are being held by undesirable aliens, the time has not yet arrived when we American people should harbor that class of foreign element: Therefore be it

Resolved, That the members of Warren G. Harding Council, No. 372, Junior Order United American Mechanics, go on record as strictly opposing the passage of this measure—S. 2969—in the Senate, and urge all honorable Senators to vote against its passage; be it further

Resolved, That a copy of these resolutions be sent to Hon. JAMES J. DAVIS and one to Hon. JOSEPH F. GUFFEY, Senators from Pennsylvania, and that a copy be spread upon the minutes of Warren G. Harding Council, No. 372, Junior Order United American Mechanics.

APPROPRIATION FOR PITTSBURGH (PA.) EXPERIMENT STATION

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter of Mr. John W. Finch, Director of the Bureau of Mines, relative to a reduction by the House Committee on Appropriations of $47,000 in the amount recommended by the Bureau of the Budget. I wish to protest this reduction and ask that this communication be referred to the Senate Committee on Appropriations, and that when this question comes before it the original amount asked of the Bureau of the Budget be restored. On January 13 I addressed the Senate on the work of the Bureau of Mines showing the necessity of this appropriation. I believe it to be thoroughly justified.

I ask consent also to have printed in the RECORD a letter from Mr. George H. Deike, president of the Mine Safety Appliances Co., which shows that the deductions made by the subcommittee of the House Committee on Appropriations are to be used for a new experiment station for the Bureau of Mines at Boulder Dam, Nev. This does not accord with the original request of the Bureau of Mines, the Bureau of the Budget, or with the needs of the coal-mining industry. Again I protest this action and ask for a restoration of the original asking of the Bureau of the Budget.

There being no objection, the matter was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, February 12, 1936.

Hon. JAMES J. DAVIS,
United States Senate, Washington, D. C.

DEAR SENATOR DAVIS: Replying to your letter of February 11, regarding a reduction by the House Committee on Appropriations of approximately $47,000 from the amount recommended by the Bureau of the Budget for work relating to coal at the Pittsburgh Experiment Station for the fiscal year 1937 and its effect on the coal industry of Pennsylvania:

A reduction of $26,150 in the appropriation "Operating rescue cars and stations and investigation of accidents" was stated in the committee report to be for the purpose of restoring the 1935 appropriation for experimental mine work, coal-dust explosions, and the means of prevention of such explosions. It was stated that the committee believes that the funds expended in giving annual demonstrations of mine explosions and result thereof is too expensive to justify this yearly appropriation.

The demonstrations of mine explosions, given on request to groups of mine operators, miners, and mine inspectors, while extremely valuable as a means of impressing on men engaged in or responsible for coal-mine operations the hazard and destructiveness of coal-dust explosions, constitute only a minor part of the work of the Experimental Mine Section. The expenditure in any one year for explosion demonstrations has never exceeded $2,000. A misunderstanding on the part of the committee of the functions of the experimental mine is, therefore, apparent.

The research work at the experimental mine, which is its most important function and for which 95 percent of its funds are expended, includes: (1) Tests to determine the different conditions under which coal-dust mixtures of different kinds and from different parts of the country may be ignited; (2) development of methods of preventing ignition and limiting explosions or fires; (3) testing of apparatus and methods for fighting fires underground; (4) studies of methods of ventilating mine workings and vehicular tunnels; (5) design and testing of explosion-proof mine stoppings; (6) testing the compressibility and bearing strength of different rocks and minerals as a basis for estimating strength of pillars and the design of mining methods to meet particular conditions; (7) scientific study of the behavior of roof in coal mines and of various types of roof support.

The mine also serves as a place to test safety lamps, fire-damp detectors, gas masks, mine-rescue apparatus, and chemical fire ex-

tinguishers, and its facilities are used to train Bureau of Mines employees of the Safety Division and to test explosives under operating conditions. These investigations provide important basic data for the Bureau's work in safety that is directed toward improving working conditions and lessening hazards in coal mines and, as such, are of vital importance to the coal operators of your State. The House committee cut would reduce these activities 40 percent and would eliminate an increase granted for the current fiscal year in recognition of the importance of the work.

The committee cut of $20,000 in the appropriation "Testing fuel", if sustained, will compel the Bureau to shut down the new coal hydrogenation experimental plant at Pittsburgh, which is just now being built at a total cost of about $30,000 from funds appropriated to the Bureau this year for initiating a study of coal hydrogenation. These funds were granted with the understanding that it would be a continuing investigation, since little can be accomplished in such a study in a single year. In fact, it has taken nearly a year to design, construct, and secure necessary equipment and the highly specialized scientific personnel to operate it. The $20,000 cut would bring the work to an end when it is just getting started, and the investment in special equipment would be a total loss.

It is well recognized that within an indefinite but relatively small number of years a scarcity will be felt in the supply of liquid fuel from petroleum that will require resort to supplemental sources. Hydrogenation of coal seems to offer the most promising source of liquid fuel to supplement a diminishing supply from present sources. This investigation, therefore, is of general public interest as well as of special interest to coal operators as a means of providing, at some future time, a new use and broader market for coal.

Cordially yours,

JOHN W. FINCH, *Director.*

MINE SAFETY APPLIANCES CO.,
Pittsburgh, Pa., February 7, 1936.

Hon. JAMES J. DAVIS,
United States Senate, Washington, D. C.

DEAR SENATOR DAVIS: There is attached herewith memorandum showing the effect of the deductions made by the subcommittee of the House on appropriations in connection with the work of the Bureau of Mines on coal and coal mining.

These deductions were made by the subcommittee on these two items in order to use this money for a new experiment station for the Bureau of Mines at Boulder Dam, Nev.

The reason why these deductions should not be made are given in the memorandum, but more especially in making these deductions the money is being taken away from Pittsburgh, Pa., in order to be used in some other State, the idea being that the total appropriation of the Bureau of Mines shall remain unchanged.

This is not fair to the work of the Bureau which is being done in Pennsylvania, and I sincerely hope that you will be able to have these amounts restored, to correspond with the recommendations made by the department of the Budget.

Thanking you for your kindly attention in this very important matter, I am

Very cordially yours,

GEO. H. DEIKE, *President.*

MEMORANDUM ON EFFECT OF DEDUCTIONS OF HOUSE APPROPRIATIONS COMMITTEE ON BUREAU OF MINES WORK ON COAL AND COAL MINING

The House Committee on Appropriations for the Interior Department made the following deductions on the amounts recommended for the 1937 appropriations of the Bureau of Mines by the Bureau of the Budget and from the amounts now being received by the Bureau:

1. A deduction of $26,150 from the appropriation for investigation of coal-dust explosions, strengths of pillars, means for preventing dust explosions, and similar investigations conducted at the experimental mine at Bruceton, Pa. Under the reduced amount the work will be severely curtailed. The committee gives the following reason: "The committee believes that the funds expended in giving annual demonstrations of mine explosions and the result thereof is too expensive to justify this yearly appropriation."

The committee misunderstands the purpose of the experimental mine. Apparently they think it is for demonstration purposes. This is not correct. It is a research unit and is used for demonstration purposes only incidentally. Perhaps $3,000 in all was expended for demonstrations last year. However, these demonstrations are important in carrying great weight with coal miners.

2. The committee deducted $20,000 from appropriations for testing fuel. If this deduction is sustained, it will be necessary for the Bureau to shut down the new coal hydrogenation experimental plant, which was built at a total cost of $30,000. In fact, it will be shut down before it actually begins operations, because it has taken about a year to design, construct, and secure the necessary equipment and the highly specialized scientific personnel to operate it.

Congress made an appropriation last year of $25,000 for the hydrogenation of coal, and naturally it was expected that this would be a continuing appropriation because the problem is a difficult one and will require a number of years for solution, and it is obvious that the first year's appropriation would be consumed in designing and building the necessary experimental equipment.

Surely the committee has failed to understand the fact that last year's restorations for fuel investigations carried with them the presumption that this work would be supported continuously. No results can be accomplished in fuel conservation, research, or the development of new uses for coal in the short space of 1 year. The Bureau is not asking for more money, but does want a continuation of the present amounts so that the work may be efficiently administered.

Following is a list of the members of the Subcommittee on the Department of the Interior of the Senate Appropriations Committee to whom this matter should be explained as soon as possible:

CARL HAYDEN, Arizona; KENNETH MCKELLAR, Tennessee; ELMER THOMAS, Oklahoma; A. B. ADAMS, Colorado; J. H. BANKHEAD, Alabama; J. C. O'MAHONEY, Wyoming; GERALD P. NYE, North Dakota; PETER NORBECK, South Dakota; FREDERICK STEIWER, Oregon; R. D. CAREY, Wyoming.

REPORTS OF COMMITTEES

Mr. BURKE, from the Committee on Claims, to which was referred the bill (S. 3125) for the relief of J. A. Hammond, reported it with an amendment and submitted a report (No. 1558) thereon.

He also, from the same committee, to which was referred the bill (S. 536) for the relief of Ada Mary Tornau, reported it with amendments and submitted a report (No. 1559) thereon.

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (S. 3545) for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899, reported it with an amendment and submitted a report (No. 1560) thereon.

He also, from the same committee, to which was referred the bill (S. 2747) to authorize Canal Dredging Co. to bring suit in the Court of Claims against the United States for additional compensation under contract terminated as for the Government's best interests, reported it with amendments and submitted a report (No. 1562) thereon.

Mr. VAN NUYS, from the Committee on the Judiciary, to which was referred the bill (S. 3781) limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain cases, reported it without amendment.

INVESTIGATION OF LYNCHINGS

Mr. VAN NUYS, from the Committee on the Judiciary, to which was referred the resolution (S. Res. 211) authorizing an investigation in connection with certain lynchings in the United States, reported it with amendments, submitted a report (No. 1561) thereon, and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON:

A bill (S. 4006) for the relief of certain persons whose cotton was destroyed by fire at Kingsland, Ark.; to the Committee on Claims.

By Mr. DAVIS:

A bill (S. 4007) for the relief of Herbert R. Roberts; to the Committee on Claims.

A bill (S. 4008) granting a pension to Katie Yoos; to the Committee on Pensions.

By Mr. HASTINGS:

A bill (S. 4009) granting an increase of pension to Emma Gibson; to the Committee on Pensions.

By Mr. STEIWER:

A bill (S. 4010) for the relief of W. C. Milligan; to the Committee on Naval Affairs.

(Mr. REYNOLDS introduced Senate bill 4011, which was referred to the Committee on Immigration, and appears under a separate heading.)

By Mr. HARRISON:

A bill (S. 4012) for the relief of Willie L. Newsome; to the Committee on Claims.

By Mr. WALSH:

A bill (S. 4013) to expedite the dispatch of vessels from certain ports of call; to the Committee on Commerce.

By Mr. BENSON:

A bill (S. 4014) for the relief of Edward J. Pearlove; to the Committee on Claims.

By Mr. BURKE:

A bill (S. 4015) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

INVESTIGATION OF CAMPAIGN EXPENDITURES IN 1936—AMENDMENT

Mr. HASTINGS submitted an amendment intended to be proposed by him to the resolution (S. Res. 225) for an investigation of campaign expenditures of Presidential, Vice-Presidential, and senatorial candidates in 1936, which was ordered to lie on the table and to be printed.

AMENDMENT TO RIVER AND HARBOR BILL

Mr. CAPPER submitted an amendment intended to be proposed by him to the bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

AGRICULTURAL RELIEF—AMENDMENT

Mr. COSTIGAN submitted an amendment intended to be proposed by him to the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, which was ordered to lie on the table and to be printed.

AMENDMENT OF FEDERAL TRADE COMMISSION ACT—AMENDMENT

Mr. DAVIS submitted an amendment intended to be proposed by him to the bill (S. 3744) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

REGULATION OF TRANSPORTATION BY WATER CARRIERS—AMENDMENTS

Mr. DAVIS submitted on amendment, and Mr. LONERGAN submitted two amendments, intended to be proposed by them, respectively, to the bill (S. 1632) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by water carriers operating in interstate and foreign commerce, and for other purposes, which were severally referred to the Committee on Interstate Commerce and ordered to be printed.

THE CAPITOL BUILDINGS

Mr. HAYDEN submitted the following concurrent resolution (S. Con. Res. 29), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed with illustrations and bound, as may be directed by the Joint Committee on Printing, 4,000 copies of the manuscript entitled "The Capitol Buildings of the United States", prepared by H. P. Caemmerer, of which 1,000 copies shall be for the use of the Senate and 2,700 copies for the use of the House of Representatives, and the remaining copies shall be available for distribution as the Joint Committee on Printing may direct.

ELECTRICAL PROJECTS UNDER THE P. W. A.

Mr. NORRIS. Mr. President, I send to the desk a resolution calling on the Secretary of the Interior for certain information, and ask that it be read. Then I will ask unanimous consent for its present consideration.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 235), as follows:

Resolved, That the Administrator of Public Works be, and he is hereby, directed to report to the Senate at his earliest convenience a list of all projects involving the generation, transmission, or distribution of electric power, and all projects for the production and distribution of gas, for which allotments have been made by the Public Works Administration, and to include in such report which projects are under construction, and those which have been delayed because of injunction or other litigation.

Mr. NORRIS. I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, I inquire if the resolution is addressed to the Commissioner on Rural Electrification or the Secretary of the Interior?

The VICE PRESIDENT. It is addressed to the Secretary of the Interior.

Mr. NORRIS. It is addressed to the Secretary of the Interior.

Mr. McNARY. Would the Secretary of the Interior be able to furnish this information?

Mr. NORRIS. The information called for does not pertain to rural electrification; it pertains to the various projects which have been approved.

Mr. McNARY. Very well.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. ROBINSON. The resolution does not contemplate any expenditure, as I understand?

Mr. NORRIS. Oh, no.

Mr. KING. Mr. President, I should like to ask the Senator from Nebraska a question.

Mr. NORRIS. I yield.

Mr. KING. I was wondering if it would embrace any project, if such there be, that is under the control of Mr. Hopkins and his organization?

Mr. NORRIS. There might be some in that category, but it embraces primarily all projects that the P. W. A. have passed upon.

Mr. KING. If Mr. Hopkins' organization is engaged in these activities, I should be glad to have them included.

Mr. NORRIS. I think, in the case of many of these projects, they are referred also to Mr. Hopkins, but the resolution has relation to the generation and distribution of electricity and gas in various projects all over the United States that have been approved by the P. W. A. and requests a statement as to their condition.

Mr. KING. I have no objection, but I should like to say that if, upon investigation, it shall be disclosed that the organization of Mr. Hopkins has approved projects and is engaged in their development, I may offer a resolution to ask for that information.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 10929) to amend the District of Columbia Unemployment Compensation Act with respect to excepted employment, and it was signed by the Vice President.

ABRAHAM LINCOLN—ADDRESS BY SENATOR VANDENBERG

Mr. McNARY. Mr. President, yesterday the distinguished junior Senator from Michigan [Mr. VANDENBERG] delivered a very thoughtful and interesting address before the National Republican Club of New York on the occasion of the anniversary of Lincoln's birth. I ask unanimous consent that the address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

This natal celebration is devotedly addressed to the memory of Abraham Lincoln, savior of a nation, emancipator of a race. Humble product of our common soil, he came finally to personify the supreme majesty of service and the martyrdom of sacrifice. The cabined confines of his impoverished birth expanded to the boundless benediction of a life and labor as immortal as the genius of a human soul can be. He lives forever in the heart of history, and so long as informed democracy survives he will be canonized by humankind. His litany is ours tonight. It is particularly for us to say, as he said at Chicago on July 10, 1858:

"Let us turn this Government back into the channel in which the framers of the Constitution originally placed it."

I believe the crisis of 1936 is fundamental in this respect. The Chief Executive has frankly expressed his contemptuous wish that no constitutional scruple, however, persuasive, should interrupt his infatuated program. He greeted constitutional rejection of one of his alphabetical atrocities with the arrogant suggestion that everything prior to his dispensation belonged to outgrown "horse and buggy" days. He maintains high ministers of state, who frankly pine for a revolutionary order. His subservient Congress surren-

ders its vital prerogatives with complete abandon each time the White House nods. With particularly revealing significance upon one occasion he asked for $3,000,000,000, and candidly said, as might the French Louis of old, "I suggest that you appropriate it to me." In the language of the tragically forgotten Thomas Jefferson, eternalized on the first Fourth of July, "He has erected a multitude of new offices and sent swarms of officers to harass our people."

This is not the republic. It is government by Executive decree. In Europe it would be called an uglier name.

Never was the case against administration by boondoggling experts, hot with the rhapsody of their own ill-starred dreams, more conclusively assessed than by one of your own distinguished New Yorkers in 1930:

"The doctrine of regulation by master minds has been too glaringly apparent at Washington. Were it possible to find master minds so unselfish, so willing to decide unhesitatingly against their own personal interests or private prejudices, men almost godlike in their ability to hold the scales of justice with an even hand, such a government might be to the interests of the country. But there are none such on our political horizon, and we cannot expect a complete reversal of all the teachings of history."

Such was the verdict penned in advance by one who knows. The author, believe it or not, was Franklin D. Roosevelt.

Do not tell me that the people have lost interest in the forms of their government at a moment when ruthless dictatorships engulf democracy all round the globe. Do not tell me they no longer love the American system which has brought us greater mass advantage than that enjoyed by any other folk on earth. That is not the American character.

It is still true, as Ben Franklin said: "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety."

When I speak of the American system, let none mistake. It is a system of divided and balanced powers. I believe in a legislature to legislate. I believe in an executive to execute. To keep each from usurping the other's authority and to keep both from tyranizing a free people, I believe in an untrammeled Supreme Court of the United States. Let those with disappointed appetites assail it. Let the impatient and the intemperate pour their spleen upon its venerated bench. It still will stand in the loyalties of our people so long as they cherish the constitutional warrant of their liberties and seek the retention of their own sovereignty in their own hands.

Lincoln appealed to what he called "the sober second thought" and "the awakened public conscience." So must we. "We are in a trying time", he said; "it ranges above mere party, and this movement to call a halt needs all the help and good counsels it can get." Thus with our time, too. His words in 1856 come crashing down the years:

"Is there—can there be—any doubt that we must all lay aside our prejudices and march shoulder to shoulder in the great army of freedom?"

Lincoln was a Republican. But his appeal transcended party lines; his life served all; and his memory belongs to all Americans, regardless of race, color, politics, or creed. Similarly must his party of today rise above itself and address all citizens who love their institutions. As Washington once said, "It must raise a standard to which the wise and the honest may repair."

What could be of greater cheer than the forthright courage with which many distinguished Jeffersonian Democrats unhesitatingly declare this challenge? This is no more their regime than it is ours. Their 1932 platform is as dead as N. R. A.—not only dead, but mangled beyond all possibility of recognition—high promises which, when contrasted with subsequent performance, are the modern paraphrase of Dr. Jekyl and Mr. Hyde-Park.

Ex-Gov. Alfred E. Smith, of New York, who has earned rather persuasive credentials as a Democrat, says the situation is a "washout"—his word—for the disciples of Jefferson and Jackson and Cleveland. Thereupon he manfully declines to wear "the mantle of hypocrisy."

I give you also the sturdy words of former Chief Justice Pattangall, for years the leading Democrat of Maine: "There is only one practical course for Democrats—real Democrats—to pursue. * * * They know that their party has been betrayed, its ideals ridiculed, its policies reversed * * *. The Republican Party is the only agency by means of which it is possible to defeat the New Deal."

Talk about this year's possibility of a "third party." We already have a "third party." Nobody voted for it. Nobody asked for it. Nobody knew it was on the way. But it is here—in power. Against it, and not against traditional Democracy, we aim our crusade. For myself, I welcome Jeffersonian cooperation not only in the battle line but subsequently in the council chamber after next November's victory is won.

We say, in the literal language of the first sentence of the first Republican platform of 1856: "We propose to restore the action of the Federal Government to the principles of Washington and Jefferson."

In recalling Lincoln, we must emulate him as the greatest liberal of his time. His viewpoints were uncompromisingly loyal to the great American fundamentals; but they were not blind to progressive developments within these boundaries. That would be my definition of today's essential liberalism. A liberal is a fundamentalist who declines to be static.

New conditions require new treatment; but as the moral law never outruns the Ten Commandments, so our governmental necessities do not outrun the limitations of the Constitution and the noble philosophy of the traditional American system. Our problem, in a word, is to consolidate the gains and liquidate the errors of the last 3 years. There have been some gains. There have been tragic errors.

I sustained the President in his original emergency program—precisely as I hope always to sustain any President in emergency—and I shall always credit him with high courage and impulse in many of these earlier situations. But I could not follow him—then or now—when he creates more emergencies than he cures. No such mortality is required of liberalism.

Liberalism may be defined more specifically. It recognizes human rights as superior to property rights, but it assigns solid sanctuary to both within the written law. This was the Lincoln conception when he said:

"Labor is prior to and independent of capital. Labor is the superior of capital and deserves much the higher consideration. But capital has its rights, which are as worthy of protection as any other rights."

Lincoln never hesitated to strike out for the mass security and advantage. He was the relentless foe of privilege and exploitation. He recognized that Government must accept a broadening social responsibility for the mass welfare of all our people. He stood for the broadest possible distribution of American opportunity to the whole of our mass citizenship. Every impulse of his career was lifted from the Delcaration of Independence, but then faithfully molded within the Constitution and the law. These, too, must be our impulses in 1936. Thus implemented and inspired, we cannot fail to restore our Republic. We shall again be citizens instead of subjects. States will be States again instead of provinces in pawn.

Yes; provinces in pawn! Having piled their pay-rollers into every nook and cranny of the Capital—with an overflow which commandeers entire hotels and often seeps into luxurious private mansions which rugged individuals once dared to build—these cramped but eager bureaucratics, restless with imperial complex for expansion, now sigh for more abundant fleshpots. We hear of aspirations to cut our luckless country into a dozen regional subcenters of administration with a dozen little capitals—all still responsive, of course, to the wizardry which still shall utter final wisdom from the hub. Each shall have its T. V. A. and each its ETC. For each a Quoddy and a ship canal. Each shall summon its own retainers to its own $50 dinners—to be eaten in the awed and hungry presence of its own unemployed. Each shall have a silver and a greenback printing press; and each shall have a full-rigged Santa Claus. Here shall be congenial feudal setting for those "satellite cities" which are benevolently promised for our regimented occupation. Here new battalions of commissars and caliphs shall summon the faithful to bread and circuses, promising new public jobs, and asking little more than recurrent election in return. Here shall be convenient outposts of new despotism busily engaged in reducing life and livelihood to the chosen pattern which shall succeed democracy. Let those who like the vision nurse it to their bosom. Let those who do not like it, either in present form or in prospectus, smash it at next November's polls.

It is a favorite habit with these reigning gentlemen to ask us to specify our complaints and recommend our substitutes. Sometimes it seems to me that they voice this challenge with the truculent assurance of a cook who feels certain that when an omelette has once been made it is impossible to restore the eggs. They shall be specifically answered in the next Republican national platform, which must speak not only with courageous candor but also with a dependable dedication that shall shame the repudiations of the last 3 years.

The first responsibility is to provide employment and reasonable subsistence pending its achievement. This cannot be done by primary reliance on public works financed from an empty Public Treasury. This ceases to admit of denial in the presence of relief and work-relief rolls as challenging today as when the cruel crisis began. It cannot be done by prodigal expenditures which are half dole and half wage—with all the infirmities of the former and none of the advantages of the latter. That formula is now collapsing, and with the collapse is coming the predicted tragedy of throwing direct relief back upon local resources which, in many places, are exhausted. It cannot be done by socialistic sorties, which fling the Government into competitive business against its own citizens.

When it finally shall have been done, it will have been by reliance on private industry and private trade released to recuperated economic health in the standard American fashion. It will have been done precisely as the great automobile industry already has done it—not under bureaucratic whip and spur, not under the false philosophy of high price and low production, but by the free impulse of courageous private citizens in business, who provide more value for less money and who thus benefit capital, labor, and consumer alike.

Whenever private business involves a public interest there must be restraint and control by law. Never again, for example, can market exploiters enjoy an open-hunting season with its widespread casualties. Again, the well-nigh complete emasculation of the antitrust laws since 1933 has been a tragic lapse which demands courageous correction. But the great body of American business is honest, capable, and legitimate. All it needs is credit and a chance.

A mere permissive "breathing spell" is not enough. The phrase itself confesses that the process heretofore has been one of artificial respiration. It candidly prophesies that we are soon to be returned to the oxygen tent where life is licensed and survival is a matter of benevolent rations. A "breathing spell" is not enough. We want permission permanently to use our own lungs and breathe our own free air. Indeed, it should not be a matter of

"permission" in America. It should be a matter of inalienable right.

I do not quarrel with recourse to expedients in an emergency. But I do quarrel with reform which retards recovery—and particularly with objectionable reform which uses depression as an excuse to handle us like experimental guinea pigs.

Some tonics are good. But we are now ready for restoratives rather than narcotics. Business is better because the inevitable cycle has long since reached the upswing. The forces of recovery are straining at the leash. They beg for a chance—and the best welfare of 10,000,000 unemployed join the prayer. Business was supposed to die when N. R. A. expired. Indeed, the President summoned us to its deathbed with sepulchral platitudes which invited hopeless gloom. But a unanimous Supreme Court vindicated the Constitution; and, in the presence of proof that this still is a land of law, business declined its proferred funeral and commenced to boom. It gained confidence when Rhode Island went Republican. It gained again when Congress adjourned. It gained again when the President and his two chief spenders betook themselves for a month into far distant southern oceans. Business lost some of its timidity. It needs to lose much more. It will—if it has a chance.

National planning is a necessity, but the planning needed is not the Washington planning of sophomore overlords who never met a pay roll or bore the heat of industrial responsibility. The planning needed is by private business, the rank and file of our business life. I dare to wish that they may plan for labor to share with capital in the division of profits after each has been paid its primary due. I dare even to dream ultimately of the yearly wage. Government will be forced one day to act if adequate voluntary action does not develop a new industrial security and justice. But first, I emphatically repeat, private planning must have its wholesome chance. It cannot have this chance until Government clears the track and sets its own house in order.

Some of these necessities are obvious. They are intermittently recognized even by the administration itself, which now frequently makes pious gestures of deathbed penitence as we draw nearer November's reckoning.

How can business make long-range plans so long as an unbalanced Federal Budget jeopardizes the public credit and threatens pyramiding taxes? We still spend $2 for every $1 we take in. We still rely upon trick arithmetic to partially close the gap. We still prime pumps and then solemnly pump the priming. We still add Federal employees to the swollen rolls at the rate of 10,000 every 90 days—with civil service and the merit system pummelled to a ghastly pulp. We still encourage restless groups of distraught citizens to contemplate Uncle Sam as old Saint Nicholas and his reindeers as common carriers for Treasury checks. At last count a total of slightly more than 10,000,000 were participating in the distribution. Some of the distribution must continue because no American shall go without food, clothing, and shelter so long as any American resources remain. But all real necessities can be met in a rational way, if Federal relief funds, prorated to the States, are returned to the responsibility of the States to disburse; and still, with a program of courageously equitable taxation, plus a program of common-sense economy, the Federal Budget can be balanced. It must be balanced without much more delay. It is more than economic hazard; it is also moral cowardice for us longer to continue to charge our bills to our grandchildren.

I remind you of New York that you pay an average of 28 percent of the Federal bills. Your share of this administration's ultimate deficit will be about $4,000,000,000. That is what you of New York must one day dig up to pay for this debauch.

Let none fail to identify the burden bearers when costs of government multiply, when public funds are squandered, when taxes are piled upon the land. There is no immunity for any citizen. It may be a direct assessment. It may be indirect through insufferably high living costs. But, as the President himself has said, all taxes are paid in the sweat of man's brow. We have perspired already. But the real sweating days yet lie ahead—unless common sense swiftly substitutes for this contemporary spree. The country is hungry for this common sense.

Again, how can business make long-range plans so long as it does not know from one hour to the next what will be the value of the money in which its commitments will come due? We have flung the dollar to a lottery at the mercy of Executive whim. On the one hand, we repudiate our gold obligations and soil the national honor for the first time in 150 years; on the other hand, we pile up gold and sterilize it in Midas hoards. Meanwhile we pay bonanza prices for all the silver the speculators of earth care to dump into our duped and exploited vaults. It is a fiscal shambles. As swiftly as practicable we must again stabilize our money and restore the yardstick of dependability. We want precisely what the Democrats promised in 1932—an aspiration which has now become their epitaph. We want "a sound currency to be preserved at all hazards."

Again, how can protected business—and half of our industrial life and labor is dependent upon tariff protection—make long-range plans so long as the tariff system is wholly at the unchecked mercy of secret Executive negotiations which may wipe out this reliance overnight? American tariffs should measure as accurately as possible the difference in cost of production at home and abroad. They should not measure the cloistered and wishful guesses of bureaucrats with free-trade inclinations. Least of all should they be fixed in violation of the clear constitutional mandate that none but Congress shall determine this vital public policy.

You can desert tariff protection if you please; but when you do, you deliver this Nation to an alien invasion which is deadlier at the customhouse than at the immigration port.

Remove these and kindred uncertainties from America's economic equation. Give American industry and labor a fair chance.

Then agriculture must have its full place in this scheme of things. It is entitled to cost of production and a fair profit. Its maladjustment must be permanently corrected or our economic system becomes a house of cards. The heart of the Farm Belt is just as much in New York City as in Iowa or Kansas. On the one hand, prosperous industry must provide consumers for farm products. On the other hand, prosperous agriculture must provide consumers for industry. If we cling to Lincoln idioms tonight, this house divided against itself cannot stand.

The American consumer rightfully resents increased living costs incidental to artificial scarcity which mocks man and defies God. But the American consumer cannot afford not to pay the reasonable price of rational aid to the constructive farm achievements upon which our mutual prosperity depends.

The problem, in simple terms, is to assure the farmer the benefit of the two-price system. This is the secret of most industrial success—a profitable domestic price undepressed by world prices—exports at the competitive world price. But surplus agriculture, harassed by kindred necessity, is forced to suffer the one-price system—the world price—because its tariffs are not wholly protective and because a business with 40,000,000 partners lacks effective marketing cohesion. It demands and deserves parity with industry in these respects.

The first necessity is absolute control of the domestic market. The President was right when he said 3 years ago at Baltimore: "It is absurd to talk of lowering duties on farm products, and I do not intend to do it." But he did. It was just one more of those "horse and buggy" promises which were jocularly committed to oblivion when the new Olympus opened its box of tricks. Meanwhile, at the same moment, when native farmers are ordered to curb production, we simultaneously admit greater farm imports from foreign farmers than ever before. From 1607 to 1935 we fed ourselves. In 1935 we had to turn to the outside world for help. It would be funny if it were not so tragic.

The second necessity is to give the farmer the mechanism—not to destroy crops and thus ultimately to destroy himself—but to provide orderly external and internal marketing of his surplus crops, the former at world prices, the latter at domestic prices. Soil conservation is an obvious correlary. The next Republican National Convention must be prepared to offer specific recommendations upon this score which will be more than the "scrap of paper" upon which the President wrote his tariff promise in 1932.

This answer must escape the present contradiction which creates new reclamation areas while it retires existing farms; which retires domestic farms while admitting vast products from foreign farms; and which produces less food in the face of more hunger. The final answer will quit trying to fool the farmer—as when his professional friends at Washington recently increased the size of the corn bushel in the hope he won't realize that the Government loan per bushel has been reduced.

When healthy industry again produces urban purchasing power; when the total of our population is fed as it ought to be fed; and when farm marketing automatically enjoys the two-price system, there will be a permanent answer to the farm problem.

These are some of the considerations which citizens must confront. I join the President in praying for the greatest dissemination of facts. Unfortunately, this light of facts burns ominously low in much of the strategy which we confront. There is Mr. Farley, for example, who recently announced that this will be a "dirty campaign" and who then hastened to the hustings to vindicate his reputation as a prophet. The vindictive political technique to be embraced by defenders of the "new ordeal" also was made clear by its own chief spokesman, who recently turned the high rostrum of the House of Representatives into a Presidential soap box for the first time in our history. Any who do not accept the complete wisdom of these new programs are bad men and women with false hearts and mean souls. If you falter in approval of some fantastic novelty, you are just too dumb to appreciate the finer things of life. If you question the waste of public money, you want to starve your fellow citizens, according to the self-serving nonsense of the hour. If you protest that your business must sink beneath these new burdens, you are a "cry baby." If you criticize farm dictatorship—there is no mincing of words—you are a "liar." If you prefer the Constitution to the alphabet, you are a public enemy. If you dislike the spectacle of private business crushed by Government competition, you are an odious money changer. These are the intemperate, intolerant implications of a class-baiting strategy which would inflame those whom it could not otherwise persuade. There may be those who deserve this capital punishment. But as a political philosophy in a land of free speech and free thought it is intolerable. It is not the attitude of him who spoke "with malice toward none, but with charity for all." It is not the language of "good neighbors." It invites national disunion. It is the favorite formula of subversion. It lacks candor, sportsmanship, and fair play. It will neither fool the American people nor divert their wrath.

Future generations will look back upon 1936 as one of the great epochs in constitutional democracy. We are at crisis—not alone a crisis in politics and economics but equally a crisis in character. It is a crisis in character not alone for our institutions. It is a crisis in character for the traditionally free and self-reliant citizen. It is a crisis in spiritual as well as material values.

We dare not fail our responsibilities. Let us cling tenaciously to the indispensable fundamentals of the Republic. Let us reject the counsels of clamor and black magic. But let us move forward in courageous pursuit of constantly progressive social and economic justice and equality, and an ever-broadening distribution of American opportunity within the boundaries of constitutional democracy.

This was the Lincoln spirit. I believe it is the Lincoln challenge. From it we, too, shall not retreat.

FREEDOM OF THE PRESS—OPINION OF SUPREME COURT

Mr. BORAH. Mr. President, the Supreme Court a few days ago rendered an opinion on a subject in which I believe the public generally is interested. I ask permission to have printed in the RECORD the opinion of the Court dealing with the subject of freedom of the press.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[Supreme Court of the United States. No. 303. October term, 1935. *Alice Lee Grosjean, Supervisor of Public Accounts for the State of Louisiana, appellant,* v. *American Press Co., Inc., et al.* Appeal from the District Court of the United States for the Eastern District of Louisiana (Feb. 10, 1936)]

Mr. Justice Sutherland delivered the opinion of the Court.

The suit was brought by appellees, nine publishers of newspapers in the State of Louisiana, to enjoin the enforcement against them of the provisions of paragraph 1 of the act of the Legislature of Louisiana, known as act no. 23, passed and approved July 12, 1934, as follows:

"That every person, firm, association, or corporation, domestic or foreign, engaged in the business of selling, or making any charge for, advertising or for advertisements, whether printed or published, or to be printed or published, in any newspaper, magazine, periodical, or publication whatever, having a circulation of more than 20,000 copies a week, or displayed and exhibited, or to be displayed and exhibited by means of moving pictures in the State of Louisiana, shall, in addition to all other taxes and licenses levied and assessed in this State, pay a license tax for the privilege of engaging in such business in this State of 2 percent of the gross receipts of such business."

The 9 publishers who brought the suit publish 13 newspapers, and these 13 publications are the only ones within the State of Louisiana having each a circulation of more than 20,000 copies a week, although the lower court finds there are 4 other daily newspapers each having circulation of "slightly less than 20,000 copies a week", which are in competition with those published by appellees, both as to circulation and as to advertising. In addition, there are 120 weekly newspapers published in the State, also in competition, to a greater or less degree, with the newspapers of appellees. The revenue derived from appellees' newspapers comes almost entirely from regular subscribers or purchasers thereof and from payments received for the insertion of advertisements therein (*Grosjean* v. *American Press Co., Inc., et al.*).

The act requires everyone subject to the tax to file a sworn report every 3 months showing the amount and the gross receipts from the business described in section 1. The resulting tax must be paid when the report is filed. Failure to file the report or pay the tax as thus provided constitutes a misdemeanor and subjects the offender to a fine not exceeding $500 or imprisonment not exceeding 6 months, or both, for each violation. Any corporation violating the act subjects itself to the payment of $500 to be recovered by suit. All of the appellees are corporations. The lower court entered a decree for appellees and granted a permanent injunction (10 Fed. Supp. 161).

First. Appellant assails the Federal jurisdiction of the court below on the ground that the matter in controversy does not exceed the sum or value of $3,000,000, as required by paragraph 1 of section 24 of the Judicial Code. The case arises under the Federal Constitution; and the bill alleges and the record shows that the requisite amount is involved in respect of each of six of the nine appellees. This is enough to sustain the jurisdiction of the district court. The motion was to dismiss the bill—that is to say, the bill in its entirety—and in that form it was properly denied. No mention to dismiss was made or considered by the lower court as to the three appellees in respect of whom the jurisdictional amount was insufficient, and that question, therefore, is not before us (*The Rio Grande,* 19 Wall. 178, 189; *Gibson* v. *Shufeldt,* 122 U. S. 27, 32).

Second. The objection also is made that the bill does not make a case for equitable relief. But the objection is clearly without merit. As pointed out in *Ohio Oil Co.* v. *Conway* (279 U. S. 813, 815), the laws of Louisiana afford no remedy whereby restitution of taxes and property exacted may be enforced, even where payment has been made under both protest and compulsion. It is true that the present act contains a provision (par. 5) to the effect that where it is established to the satisfaction of the supervisor of public accounts of the State that any payment has been made under the act which was "not due and collectible" the supervisor is authorized to refund the amount out of any funds on hand collected by virtue of the act and not remitted to the State treasurer according to law. It seems clear that this refers only to a payment not due and collectible within the terms of the act and does not authorize a refund on the ground that the act is invalid. Moreover, the act allows the supervisor to make remittances immediately to the State treasurer of taxes paid under the act and requires him to do so not later than the thirtieth day after the last day of the preceding quarter, in which event the right to a refund if not sooner exercised would be lost. Whether an aggrieved taxpayer may obtain relief under paragraph 5 is at best a matter of speculation. In no view can it properly be said that there exists a plain, adequate, and complete remedy at law (*Davis* v. *Wakelee,* 156 U. S. 680, 688; *Union Pacific R. R. Co.* v. *Weld County,* 247 U. S. 282, 285).

Third. The validity of the act is assailed as violating the Federal Constitution in two particulars: (1) That it abridges the freedom of the press in contravention of the due-process clause contained in section 1 of the fourteenth amendment; (2) that it denies appellees the equal protection of the laws in contravention of the same amendment.

The first point presents a question of the utmost gravity and importance; for, if well made, it goes to the heart of the natural right of the members of an organized society, united for their common good, to impart and acquire information about their common interests. The first amendment to the Federal Constitution provides that "Congress shall make no law * * * abridging the freedom of speech or of the press * * *." While this provision is not a restraint upon the powers of the States, the States are precluded from abridging the freedom of speech or of the press by force of the due-process clause of the fourteenth amendment.

In the case of *Hurtado* v. *California* (110 U. S. 516) this Court held that the term "due process of law" does not require presentment or indictment by a grand jury as a prerequisite to prosecution by a State for a criminal offense. And the important point of that conclusion here is that it was deduced from the fact that the fifth amendment, which contains the due-process-of-law clause in its national aspect, also required an indictment as a prerequisite to a prosecution for crime under Federal law; and it was thought that since no part of the amendment could be regarded as superfluous, the term "due process of law" did not, ex vi termini, include presentment or indictment by a grand jury in any case; and that the due-process-of-law clause of the fourteenth amendment should be interpreted as having been used in the same sense, and as having no greater extent. But in *Powell* v. *Alabama* (287 U. S. 45, 65, 68) we held that in the light of subsequent decisions the sweeping language of the Hurtado case could not be accepted without qualification. We concluded that certain fundamental rights, safeguarded by the first eight amendments against Federal action, were also safeguarded against State action by the due-process-of-law clause of the fourteenth amendment, and among them the fundamental right of the accused to the aid of counsel in a criminal prosecution.

That freedom of speech and of the press are rights of the same fundamental character, safeguarded by the due-process-of-law clause of the fourteenth amendment against abridgement by State legislation, has likewise been settled by a series of decisions of this Court beginning with *Gitlow* v. *New York* (268 U. S. 652, 666) and ending with *Near* v. *Minnesota* (283 U. S. 697, 707). The word "liberty" contained in that amendment embraces not only the right of a person to be free from physical restraint but the right to be free in the enjoyment of all his faculties as well (*Allgeyer* v. *Louisiana,* 165 U. S. 578, 589).

Appellant contends that the fourteenth amendment does not apply to corporations; but this is only partly true. A corporation, we have held, is not a "citizen" within the meaning of the privileges and immunities clause (*Paul* v. *Virginia,* 8 Wall 168), but a corporation is a "person" within the meaning of the equal-protection and due-process-of-law clauses, which are the clauses involved here (*Covington & Turnpike Co.* v. *Sandford,* 164 U. S. 578, 592; *Smyth* v. *Ames,* 169 U. S. 466, 522).

The tax imposed is designated a "license tax for the privilege of engaging in such business"; that is to say, the business of selling or making any charge for advertising. As applied for appellees, it is a tax of 2 percent on the gross receipts derived from advertisements carried in their newspapers when, and only when, the newspapers of each enjoy a circulation of more than 20,000 copies a week. It thus operates as a restraint in a double sense. First, its effect is to curtail the amount of revenue realized from advertising, and, second, its direct tendency is to restrict circulation. This is plain enough when we consider that, if it were increased to a high degree, as it could be if valid (*Magnano Co.* v. *Hamilton,* 292 U. S. 40, 45 and cases cited), it well might result in destroying both advertising and circulation.

A determination of the question whether the tax is valid in respect of the point now under review requires an examination of the history and circumstances which antedated and attended the adoption of the abridgment clause of the first amendment, since that clause expresses one of those "fundamental principles of liberty and justice which lie at the base of all our civil and political institutions" (*Herbert* v. *Louisiana,* 272 U. S. 312, 316) and as such is embodied in the concept "due process of law" (*Twining* v. *New Jersey,* 211 U. S. 78, 99), and, therefore, protected against hostile State invasion by the due-process clause of the fourteenth amendment (cf. *Powell* v. *Alabama, supra,* pp. 67–68). The history is a long one, but for present purposes it may be greatly abbreviated.

For more than a century prior to the adoption of the amendment—and, indeed, for many years thereafter—history discloses a persistent effort on the part of the British Government to prevent or abridge the free expression of any opinion which seemed to criticize or exhibit in an unfavorable light, however truly, the agencies and operations of the Government. The struggle between the proponents of measures to that end and those who asserted the right of free expression was continuous and unceasing. As early as 1644 John Milton, in an "Appeal for the Liberty of Unlicensed Printing", assailed an act of Parliament which had just

been passed providing for censorship of this press previous to publication. He vigorously defended the right of every man to make public his honest views "without previous censure", and declared the impossibility of finding any man base enough to accept the office of censor and at the same time good enough to perform its duties. (Collett, History of the Taxes on Knowledge, vol. 1, pp. 4–6.) The act expired by its own terms in 1695. It was never renewed; and the liberty of the press thus became, as pointed out by Wickwar (The Struggle for the Freedom of the Press, p. 15), merely "a right or liberty to publish without a license what formerly could be published only with one." But mere exemption from previous censorship was soon recognized as too narrow a view of the liberty of the press.

In 1712, in response to a message from Queen Anne (Hansard's Parliamentary History of England, vol. 6, p. 1063), Parliament imposed a tax upon all newspapers and upon advertisements (Collett, vol. 1, pp. 8–10). That the main purpose of these taxes was to suppress the publication of comments and criticisms objectionable to the Crown does not admit of doubt (Stewart, Lennox and the taxes on knowledge, 15 Scottish Historical Review, 322–327). There followed more than a century of resistance to and evasion of the taxes and of agitation for their repeal. In the article last referred to (p. 326), which was written in 1918, it was pointed out that these taxes constituted one of the factors that aroused the American colonists to protest against taxation for the purposes of the home Government, and that the Revolution really began when, in 1765, that Government sent stamps for newspaper duties to the American Colonies.

These duties were quite commonly characterized as "taxes on knowledge", a phrase used for the purpose of describing the effect of the exactions and at the same time condemning them. That the taxes had, and were intended to have, the effect of curtailing the circulation of the newspapers, and particularly the cheaper ones whose readers were generally found among the masses of the people, went almost without question, even on the part of those who defended the act. May (Constitutional History of England, 7th ed., vol. 2, p. 245), after discussing the control by "previous censure", says: * * * "a new restraint was devised in the form of a stamp duty on newspapers and advertisements—avowedly for the purpose of repressing libels. This policy, being found effectual in limiting the circulation of cheap papers, was improved upon in the two following reigns and continued in high esteem until our own time." Collett (vol. I, p. 14), says, "any man who carried on printing or publishing for a livelihood was actually at the mercy of the commissioners of stamps, when they chose to exert their powers."

Citations of similar import might be multiplied many times; but the foregoing is enough to demonstrate beyond peradventure that in the adoption of the English newspaper stamp tax and the tax on advertisements revenue was of subordinate concern, and that the dominant and controlling aim was to prevent or curtail the opportunity for the acquisition of knowledge by the people in respect of their governmental affairs. It is idle to suppose that so many of the best men of England would, for a century of time, have waged, as they did, stubborn and often precarious warfare against these taxes if a mere matter of taxation had been involved. The aim of the struggle was not to relieve taxpayers from a burden but to establish and preserve the right of the English people to full information in respect of the doings or misdoings of their Government. Upon the correctness of this conclusion the very characterization of the exactions as "taxes on knowledge" sheds a flood of corroborative light. In the ultimate, an informed and enlightened public opinion was the thing at stake; for, as Erskine, in his great speech in defense of Paine, has said, "The liberty of opinion keeps governments themselves in due subjection to their duties." (Erskine's Speeches, High's ed., vol. 1, p. 525. See May's Constitutional History of England, 7th ed., vol. 2, pp. 238–245.)

In 1785, only 4 years before Congress had proposed the first amendment, the Massachusetts Legislature, following the English example, imposed a stamp tax on all newspapers and magazines. The following year an advertisement tax was imposed. Both taxes met with such violent opposition that the former was repealed in 1786 and the latter in 1788. (Duniway, Freedom of the Press in Massachusetts, pp. 136 and 137.)

The framers of the first amendment were familiar with the English struggle, which then had continued for nearly 80 years and was destined to go on for another 65 years, at the end of which time it culminated in a lasting abandonment of the obnoxious taxes. The framers were likewise familiar with the then recent Massachusetts episode; and while that occurrence did much to bring about the adoption of the amendment (see Pennsylvania and the Federal Constitution, 1888, p. 181), the predominant influence must have come from the English experience. It is impossible to concede that by the words "freedom of the press" the framers of the amendment intended to adopt merely the narrow view then reflected by the law of England that such freedom consisted only in immunity from previous censorship, for this abuse had then permanently disappeared from English practice.

It is equally impossible to believe that it was not intended to bring within the reach of these words such modes of restraint as were embodied in the two forms of taxation already described. Such belief must be rejected in the face of the then well-known purpose of the exactions and the general adverse sentiment of the colonies in respect of them. Undoubtedly the range of a constitutional provision phrased in terms of the common law sometimes may be fixed by recourse to the applicable rules of that law. But the doctrine which justifies such recourse, like other canons of construction, must yield to more compelling reasons whenever they exist (*Continental Bank* v. *Rock Island Ry.*, 294 U. S. 648, 668–669). And, obviously, it is subject to the qualification that the common-law rule invoked shall be one not rejected by our ancestors as unsuited to their civil or political conditions (*Murray's Lessee* v. *Hoboken Land & Improvement Co.*, 18 How. 272, 276–277; *Waring et al.* v. *Clarke*, 5 How. 441, 454–457; *Powell* v. *Alabama*, supra, pp. 60–65).

In the light of all that has now been said, it is evident that the restricted rules of the English law in respect of the freedom of the press in force when the Constitution was adopted were never accepted by the American colonists, and that by the first amendment it was meant to preclude the National Government, and by the fourteenth amendment to preclude the States from adopting any form of previous restraint upon printed publications or their circulation, including that which had therefore been effected by these two well known and odious methods.

This Court had occasion in *Near* v. *Minnesota*, supra, at pages 813 et seq. to discuss at some length the subject in its general aspect. The conclusion there stated is that the object of the constitutional provisions was to prevent previous restraints on publication; and the Court was careful not to limit the protection of the right to any particular way of abridging it. Liberty of the press within the meaning of the constitutional provision, it was broadly said (p. 716), meant "principally although not exclusively, immunity from previous restraints or (from) censorship."

Judge Cooley has laid down the test to be applied—"the evils to be prevented were not the censorship of the press merely, but any action of the Government by means of which it might prevent such free and general discussion of public matters as seems absolutely essential to prepare the people for an intelligent exercise of their rights as citizens." (Cooley's Constitutional Limitations, 8th Ed., p. 886).

It is not intended by anything we have said to suggest that the owners of newspapers are immune from any of the ordinary forms of taxation for support of the Government. But this is not an ordinary form of tax, but one single in kind, with a long history of hostile misuse against the freedom of the press.

The predominant purpose of the grant of immunity here invoked was to preserve an untrammeled press as a vital source of public information. The newspapers, magazines, and other journals of the country, it is safe to say, have shed and continue to shed more light on the public and business affairs of the Nation than any other instrumentality of publicity; and since informed public opinion is the most potent of all restraints upon misgovernment, the suppression or abridgement of the publicity afforded by a free press cannot be regarded otherwise than with grave concern. The tax here involved is bad not because it takes money from the pockets of the appellees. If that were all, a wholly different question would be presented. It is bad because, in the light of its history and of its present setting, it is seen to be a deliberate and calculated device in the guise of a tax to limit the circulation of information to which the public is entitled in virtue of the constitutional guaranties. A free press stands as one of the great interpreters between the Government and the people. To allow it to be fettered is to fetter ourselves.

In view of the persistent search for new subjects of taxation, it is not without significance that, with the single exception of the Louisiana statutes, so far as we can discover, no State during the 150 years of our national existence has undertaken to impose a tax like that now in question.

The form in which the tax is imposed is in itself suspicious. It is not measured or limited by the volume of advertisements. It is measured alone by the extent of the circulation of the publication in which the advertisements are carried, with the plain purpose of penalizing the publishers and curtailing the circulation of a selected group of newspapers.

2. Having reached the conclusion that the act imposing the tax in question is unconstitutional under the due process of law clause because it abridges the freedom of the press, we deem it unnecessary to consider the further ground assigned that it also constitutes a denial of the equal protection of the laws.

Decree affirmed.

DISTRICT AIRPORT SITE—LETTER FROM AERO CLUB

Mr. McADOO. Mr. President, I ask permission to have printed in the RECORD a letter from the Aero Club of Washington concerning a site for a permanent airport for the District of Columbia.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 6, 1936.

Hon. WILLIAM H. KING,
Chairman, Senate District Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR: The Aero Club of Washington desires to reiterate its endorsement of the Gravelly Point site for a permanent airport for the District of Columbia and ask that you and your committee give full consideration to the Gibson airport bill, S. 797.

Our endorsement of this site is based on (1) the large available area, (2) the complete facilities for seaplanes, (3) the low cost, (4) the length of runways and the unobstructed approach insuring safety of operation, (5) the possibilities for unlimited expansion.

The Gravelly Point site has the approval of the citizens of the District and the officials thereof, as well as all civic, trade, and aeronautic organizations. Predicated upon this we are of the

opinion that another commission to be appointed by the President is unnecessary in view of the fact that the selection of an airport site for the District of Columbia is a function of the Congress.

We hope you and your committee will concur with us and help secure enactment of above-mentioned bill which will assure an airport for Washingtonians that will be commensurate with the dignity and importance of the Nation's Capital.

Very truly yours,

AERO CLUB OF WASHINGTON,
CHESTER H. WARRINGTON,
President.

AGRICULTURAL RELIEF

The Senate resumed consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

Mr. McNARY. Mr. President, yesterday the able Senator in charge of the bill, the Senator from South Carolina [Mr. SMITH], offered an amendment, to which I made objection. We discussed the matter at some length, but did not come to an agreement as to the proper interpretation which should be placed upon the amendment. I have given it some further thought since then, and so far as I am concerned, speaking for myself, I am willing that the amendment may go into the bill.

The VICE PRESIDENT. The clerk will report the amendment referred to by the Senator from Oregon.

The CHIEF CLERK. It is proposed, in the committee amendment, on page 5, line 4, after "period", insert a colon and the following:

Provided, however, That apportionments of funds available for carrying out the purposes specified in this section for the year 1936 may be made at any time during 1936. Notwithstanding the making of apportionments for 1936 and 1937, the funds apportioned to any State for which no plan has been approved pursuant to subsections (d) and (e) of this section shall be available for expenditure pursuant to section 8 in any State for which no plan has been so approved.

Mr. McNARY. Mr. President, stripping the amendment of its redundant language, I understand it to mean that if any State shall comply with the long-term or permanent program during the crop year 1936 or the fiscal year 1936–37 or the calendar year 1936, it will be entitled to cooperative aid from the Federal Government. As I said a few days ago, I am inclined to favor the permanent plan without disturbing the money that may be paid to the other States under the temporary plan which I oppose. I think in fairness to those States that may be able to cooperate that they should be given this aid, though in my opinion none can qualify. I have no personal objection to the amendment being adopted.

The VICE PRESIDENT. The question is on the adoption of the amendment offered by the Senator from South Carolina [Mr. SMITH] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. CONNALLY. Mr. President, I wish to invite the attention of Senators to an amendment on the desk, which I have had printed, the amendment to appear at the end of the pending bill and containing provisions in addition to those contained in the bill as reported by the Committee on Agriculture and Forestry. My amendment will not be voted on until tomorrow. Knowing the crowded intellectual calendar of the Senate, I am afraid that whatever I say today will not be recalled tomorrow, so I shall undertake to address the Senate tomorrow briefly on the amendment because it will be voted on at that time.

Mr. President, the amendment involves what is known as the export debenture. The theory of the amendment is that on exportable surpluses of farm commodities, under the direction of the Secretary of the Treasury, there shall be issued to exporters, farmers, or anyone else who exports products, a Treasury debenture fixed in accordance with rates provided in the bill on basic agricultural commodities.

There is contained in the amendment a general clause giving the Secretary of Agriculture discretion to fix rates on other commodities not specifically mentioned in the bill. The theory of the amendment is, since we cannot obtain for exportable surpluses anything above the world free market, and since farmers are required to pay, of course, on all manufactured goods, high tariff premiums and bounties to the industrial concerns, that through the export debenture they will be compensated somewhat by receiving the bounty on that portion of their crop which is exported.

I invite the attention of the Senate and the country to the fact that this particular form of farm relief passed the Senate twice in 1929, I believe it was, when the Hoover farm-relief bill was pending here. It was defeated in the House under pressure from the administration and never became a law. In the agricultural act of last year amendatory of the former act, a modified form of the export debenture plan of relief was incorporated which gave to the Secretary of Agriculture the right to use 30 percent of all tariff revenues as a fund for paying benefits and aids to farmers in the United States.

Mr. President, it may be said, and no doubt will be said, that this is an export bounty, and therefore that foreign countries might object to it on the ground of dumping. To those who make that sort of argument I wish to reply that the A. A. A. itself in effect gave a bounty on exports, because the domestic processor was taxed through the processing taxes. If the goods were exported, he received a rebate of those taxes. The products were free from taxation if exported, which in effect gave an export premium on the portion of our commodities which was in fact exported.

The theory of this measure, further, is that by adding the export bounty to the foreign price, automatically the domestic price will rise almost to the level of the foreign price plus the bounty; because if an exporter can export his products and receive the world free price plus the bounty the domestic purchaser must meet that price or the producer will export the commodity to secure the higher price.

I hope Senators will secure copies of the amendment and read it between now and tomorrow. It provides, on page 4, that on corn or maize there shall be paid an export debenture of 7½ cents per bushel; on rice, one-half of 1 cent per pound; on wheat, 21 cents per bushel; on cotton, 4 cents per pound; and on tobacco, 2 cents per pound.

These rates have been devised in order to give these particular commodities the theoretical benefit of a tariff; but they cannot obtain an actual benefit from the tariff because we produce more of these commodities than we consume. Therefore their price is fixed in the world market; and a tariff is of no benefit when we produce more goods of a given kind than we consume, unless those particular industries are so well organized, through combination or otherwise, as to maintain an artificial price in spite of the law of supply and demand.

So, Mr. President, I ask Senators to review this amendment. It is not in any respect antagonistic to the pending bill. It is merely supplementary thereto. I desire to call to the attention of Senators the fact that this particular plan has been advocated and supported for a great many years by the National Grange. It also has the support of a number of other farm organizations throughout the country.

To those who may have any doubt as to the efficacy of the pending measure reported by the committee, let me say that there can be no doubt on earth as to the effect of the export debenture if adopted. It will inevitably result in an increase of the farmer's price. Production may be regulated and overproduction prevented under the soil-conservation provisions of the measure; and with that sort of control there can be no substantial danger of overproduction, because of the stimulation of the price which the export debenture will assure.

Mr. President, the basis of all farm-relief measures is that the farmer does not receive the benefit of the tariff, but that, on the other hand, he carries the burden of the tariff on that which he buys, and because of that long-established industrial policy of high protection the economic balance between agriculture and industry has been upset. It is out of balance. It is unfair to the farmers.

This particular plan is simply a reversal of the tariff. It is turning it around and giving the farmer a tariff on his exports, whereas the manufacturer gets a tariff on imports which compete with his products. The necessity for that reversal lies in the fact that a tariff is ineffective when it is undertaken to be applied to a commodity of which we produce

more than we consume. How can a tariff of 21 cents a bushel on wheat benefit wheat when we have to export our wheat to foreign countries?

Mr. VANDENBERG. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Michigan?

Mr. CONNALLY. I yield.

Mr. VANDENBERG. Referring to section 3, on page 4 of the Senator's amendment, will the Senator be good enough to indicate to me the basis upon which the particular assigned debenture rates have been reached?

Mr. CONNALLY. In the first place, I shall say to the Senator that 21 cents a bushel is half the tariff rate on wheat. The cotton rate is the same rate that is provided in the amendment offered by the Senator from Oregon [Mr. McNARY]. The Senator from Oregon is not from a cotton country. He estimates that 4 cents a pound would be fair with regard to cotton; but I shall say to the Senator from Michigan that other provisions of the bill provide that these rates may be lowered by the Secretary according to the particular standard set up in the bill. In other words, if as a result of the application of these rates there should be an unusual production of these commodities, the Secretary of Agriculture is empowered to reduce the rates in order somewhat to restrict the overproduction, and to lay a mild penalty on the producer for overproducing.

Necessarily, I shall say to the Senator from Michigan, the fixation of amounts is somewhat of an arbitrary character. The amount must be fixed at some point. If it had been fixed at 1 cent a pound for cotton, there would be the same reason for making the inquiry that there is at the 4-cent rate.

I am not interested in tobacco except as a consumer of it; but I wish to see tobacco receive a fair rate of debenture, and it is estimated that in the case of tobacco 2 cents a pound would be a fair rate.

In the case of rice, the debenture is fixed at one-half of 1 cent per pound. I shall say that the rice people want 1 cent instead of half a cent. My State has considerable rice interests, but I am willing to obtain a half-cent rate for them. Half a cent is better than no cent.

Mr. McNARY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Oregon?

Mr. CONNALLY. I yield.

Mr. McNARY. The Senator from Michigan [Mr. VANDENBERG] has propounded a very pertinent inquiry.

Mr. CONNALLY. As he usually does.

Mr. McNARY. He asks how these figures were reached. The Senator will recall that the debenture plan was offered as an amendment to the Marketing Act which was passed in 1929. The Marketing Act which created the Farm Board was sponsored by former President Hoover. At that time the Committee on Agriculture and Forestry, with great care and after very extensive investigation, arrived at these figures in order to give a parity price as between that which is domestically consumed and that which is sold on foreign markets.

Take cotton at 4 cents and wheat at 21 cents. Wheat bears a rate which is one-half the tariff, but on cotton there is no tariff. Consequently, in order to bring about an equality between the price on the foreign market and the domestic market, 4 cents is added in the case of cotton to bring about a parity price between those two great markets. That was the basis upon which the Committee on Agriculture and Forestry arbitrarily framed this section and specified the amounts that should be paid in the way of bonuses.

As to all debenturable products, one-half the tariff is effective. The rate on wheat is 21 cents a bushel, when everyone knows that the tariff is 42 cents. Cotton not having any tariff, it was necessary to reach a price that would bring about a parity between the foreign and the domestic markets.

That was the work of the committee back in 1929, when the Marketing Act was passed, as suggested by former President Hoover. The Marketing Act passed the Senate. It went to the House. I happened to be chairman of the conferees on the part of the Senate at that time, and my friend from Nebraska [Mr. NORRIS] was one of the members of the conference committee. So was the Senator from South Carolina [Mr. SMITH]. We battled over the bill for a great many days. No question was raised as to the propriety or the correctness of these figures; but the House, on a vote, refused to accede to the amendment. Hence the debenture provision went out of the Marketing Act when we constituted the Farm Board.

I make that observation only because the question was asked by the Senator from Michigan, and being familiar with the facts I thought possibly he would like to have that explanation.

Mr. CONNALLY. Mr. President, I am under deep obligation to the Senator from Oregon. We recall that in 1929 the Senate Committee on Agriculture and Forestry did what the Senator from Oregon has just related. It investigated to ascertain what would be fair rates on these various commodities, and as a result of that investigation fixed rates substantially as incorporated in the amendment which I now offer.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. CONNALLY. I yield.

Mr. NORRIS. I should like the attention of the Senator from Oregon. As I understood what the Senator from Oregon said, he stated that this debenture was approved by President Hoover.

Mr. McNARY. Oh, no, no, no!

Mr. NORRIS. Of course, President Hoover was very bitterly opposed to it.

Mr. McNARY. President Hoover wrote me, as chairman of the committee, a letter denouncing it; but I say, irrespective of that, the Senate put the provision in the bill, and it went out after a vote in the House.

Mr. NORRIS. Mr. President, if the Senator from Texas will yield further, I think the amendment was not reported by the committee, was it? It was put in the bill on the floor of the Senate.

Mr. McNARY. The committee reported the Marketing Act "as is." The amendment was placed in the bill on the floor of the Senate, but went out in the House and in conference.

Mr. NORRIS. Yes; I understand that. I myself offered the amendment.

Mr. McNARY. I think the Senator from Nebraska did offer the amendment.

Mr. CONNALLY. Mr. President, I desire to impress particularly upon Senators who were not here in 1929 just what the Senator from Nebraska and the Senator from Oregon have pointed out, namely, that when the so-called Hoover Farm Board bill was before the Senate, the Senator from Nebraska [Mr. NORRIS] offered the debenture amendment substantially in this form. It was adopted by the Senate, but when the bill went to the House, the then President of the United States, Mr. Hoover, condemned the debenture amendment, and a subservient and willing House rejected it. Subsequently the Senate again adopted the amendment, and subsequently it had a similar fate. The House refused to agree to it.

Mr. LOGAN. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. LOGAN. I believe every Senator here realizes that it is necessary to do something for agriculture. There is a good deal of talk about what cannot be done, but those who talk about what cannot be done fail to say what can be done.

I was not a Member of the Senate in 1929, when this matter was discussed, but my recollection is that I was very favorably impressed with the idea, and I am at this time; but I should like to ask the Senator one thing, as I do not know about it myself. If we should adopt the amendment, and this subsidy, or whatever you choose to call it, should be granted to the farmer, if the country to which the prod-

uct were exported should simply increase its tariff in an amount equal to the benefit granted here, then what would be the result; how would we get around that?

Mr. CONNALLY. I shall say to the Senator, that, of course, presents a situation which we face always when we lay tariffs. Whenever we impose a tariff on any article from a foreign country we lay ourselves open to the hazard of having a discriminatory tariff laid on our products.

Take cotton, for instance. Does the Senator suppose England is going to put a tariff on cotton when she does not raise any and needs cotton? Is she going to make it harder to get a product which she is anxious to get and which, under this bill, will come into her markets on favorable terms? Wheat, of course, is more vulnerable, because more countries of the earth produce wheat. I shall say to the Senator from Kentucky, however, that that is simply a hazard we always have to take with reference to any kind of commercial or industrial legislation affecting world commodities. It is a hazard we always have to face.

Mr. LOGAN. Mr. President, will the Senator yield further?

Mr. CONNALLY. I yield.

Mr. LOGAN. I can see that, so far as England and cotton are concerned, there is much force in what the Senator has said; but I am thinking of tobacco and tobacco farmers in my State. We have lost our market in Italy and France and Spain very largely because of the tariff. I am advised that those countries and some others are attempting to raise their own tobacco, and if we should pay 2 cents a pound to the tobacco growers on that which they export to the countries which are trying to produce their own tobacco, and those countries should increase their tariff 2 cents, the farmers in Kentucky would again be left without any benefit, and I wanted to find some plan by which we could be certain the farmer would receive what he thought he was going to receive.

Mr. CONNALLY. I am in sympathy with the views of the Senator from Kentucky; but let us assume that what he predicts may happen, that we give the farmer 2 cents on his export of tobacco, and a foreign country imposes a tariff of 2 cents on it. He is at least no worse off than he is now. So by killing the pending amendment no advantage would be given to the farmer who is producing tobacco.

Mr. LOGAN. If the Senator will further yield, I should like to ask him one more question, and then I will agree with his last statement. Does the amendment which he has offered in any way affect or modify the bill as finally proposed by the Committee on Agriculture and Forestry?

Mr. CONNALLY. In no respect. The Senator was not in the Chamber when I first rose. I pointed out that it in nowise affects the main body of the bill. It is simply a supplement attached to the end of the proposed legislation, is superimposed, as it were, on the existing bill.

Mr. LOGAN. Then it is the opinion of the Senator that it may do good, and could not possibly do any harm?

Mr. CONNALLY. Exactly. The Senator has put his finger on the vital point.

Let us see about tobacco. Let me suggest to the Senator that it is not entirely the tariffs in foreign countries that have brought about the adverse situation with regard to our tobacco. Many of the foreign countries have a national monopoly in tobacco, a government monopoly, and it is the operation of that monopoly rather than tariffs that are affecting the price paid by the consumers of tobacco in France and other countries. France raises no tobacco on the Continent. France may produce some in Algeria or Morocco, but France is a great consumer of tobacco, and if we can give the American tobacco farmer 2 cents a pound on the tobacco which he ships to France, will not more pounds of tobacco go to France than if we do not give him anything for shipping it to France? He would have an inducement. He could send it to France and sell it at a cent and a half below the present market in France and still get a half cent profit, because while he would lose a cent and a half, he would get back 2 cents.

Mr. LOGAN. I should not think he would get a half a cent profit, but he might get a half a cent more than he otherwise would receive. The tobacco farmer did not get his profit until the Agricultural Adjustment Act went into effect, which helped him to get a profit, but after the Supreme Court said that he was not entitled to that profit the tobacco farmers in Kentucky alone have lost literally millions of dollars by reason of the shrinkage in the price of tobacco since that time.

Mr. CONNALLY. The Senator is correct. I did not mean that he would get a profit over what it cost him to produce it, but I meant that he would get a half a cent over what he would get in France today.

I sometimes marvel at the Court. I wonder whether the members of the Court ever thought of the tobacco farmer when they were considering this opinion, probably some of them chewing that great product from the State of Kentucky; most certainly many of them smoking it. I wonder whether they contemplated what the farmer in Kentucky is contributing toward the comfort and happiness of the human race. In days past some tobacco was produced in Texas, but recognizing the primacy of North Carolina, Virginia, Kentucky, and other States, through a spirit of chivalry, we withdrew from the field and gave them our entire consumptive patronage.

Mr. SMITH. The Senator means through necessity, not chivalry.

Mr. CONNALLY. No; not through necessity. Of course, tobacco is condemned in many quarters, but when I contemplate the fact that every nation on the face of the earth turns to the solace of tobacco in hours of relaxation, and sometimes in times of trouble and perplexity, I want to see the tobacco farmer in Kentucky get a decent price for his tobacco.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. VANDENBERG. When a commodity becomes debenturable, if there is such a word, should not all competitive imports be entirely prohibited during the debenture period?

Mr. CONNALLY. The measure before us is not a tariff bill. We cannot originate a tariff bill in the Senate. Of course, what the Senator says ought to be considered, and it is no doubt true that already there are tariffs on some of these other articles; but we cannot go into a tariff bill now.

Mr. VANDENBERG. The Senator would agree that the theory of the debenture requires the prohibition of competitive imports?

Mr. CONNALLY. To a limited degree. Let me say to the Senator that this particular bill prohibits the importing back into the United States of any commodities which have been exported upon which a debenture has been paid, and the same theory would carry out the feature just expressed by the Senator from Michigan.

Mr. President, I do not wish to consume more of the Senate's time, but I commend to Senators the consideration of the pending amendment. If Senators want to insure the farmer getting a higher price, this amendment will do it. If they simply want to give him a little star dust for campaign purposes, let them not vote for this amendment, because this amendment will do the work. Up until this administration came into power the farmers were fooled. For 12 long years the farmer was hoodwinked; he was given gold bricks, he was given green goods, he was given all kinds of promises; but not until the Roosevelt administration and the enactment of the A. A. A. was anything substantial done to give the farmer an enhancement of his price.

As suggested by the Senator from Kentucky, the Supreme Court has overturned that act; and what are we going to do about it? Are we simply going to temporize with the farmer and pass some ineffective sort of hazy bill to make him feel good until after November? Or do we want to pass a bill which everybody admits will raise the farmer's price? This bill will raise the prices of farm commodities in the United States to somewhere near the level of the prices of industrial products; and I appeal to Senators to independently exercise their judgment on this amendment.

The Committee on Agriculture and Forestry did not report the amendment, it is true. I have high regard for the Committee on Agriculture and Forestry; but it is not sacrosanct. It has reported many bills which would not stand a microscopic examination either of the courts or of any other body. So I appeal to Senators not simply to blindly vote against this amendment because it was not recommended by the Committee on Agriculture and Forestry. If Senators want a precedent, I point them to a precedent made by the Senate itself, which, after full and complete debate and discussion, in 1929, with practically solid Democratic support, and with the support of such Senators as the Senator from Nebraska [Mr. NORRIS], the Senator from Oregon [Mr. MCNARY], the Senator from Idaho [Mr. BORAH], and, I think, the Senator from Wisconsin [Mr. LA FOLLETTE], adopted the plan I am urging as a part of a permanent farm relief measure.

I invoke that precedent as against the nonaction, the negative action of the Committee on Agriculture and Forestry in not affirmatively reporting this amendment.

In conclusion, let me remark again, as I did to the Senator from Kentucky [Mr. LOGAN], that this amendment is not hostile to the main bill. It does not change an "i" nor a "t" in the original measure. It simply ties into the original bill as a supplement and as an aid and as a support the debenture. People understand its language. They know what it means. Anyone who can read the original bill and explain what it means must be an expert both in law and in legerdemain, as suggested by my good and resourceful friend the Senator from California [Mr. MCADOO].

Mr. HATCH. Mr. President, a very able and well written article appears in the New York Herald Tribune of this morning which deals with the farm problem. It is an article written by Mr. Walter Lippmann, and I especially commend it to the attention of all Senators interested in this very important subject, and with special reference to the pending bill. I ask that the article be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. CHAVEZ in the chair). Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune of Feb. 13, 1936]

TODAY AND TOMORROW

By Walter Lippmann

THE NATIONAL PATRIMONY

Now that the emergency farm measures have come to an end, there will be many who wonder whether, except as a sop to the farm vote, it is necessary to do anything further. It is only by facing that question squarely that one can hope to make head or tail out of the complicated discussion now taking place.

If we examine the physical basis of the national life of the seven great powers of the world, a very striking contrast appears at once. For each square mile of land fit for the cultivation of crops there are in the United States about 100 persons. In France there are nearly 300. In Italy there are nearly 500. In Great Britain and in Germany there are nearly 600. In Japan there are over 2,400. Only Russia, with 66 persons a square mile of arable land, is less crowded, and Russia is relatively a backward country. In the possession of raw materials the position is roughly the same. Now a nation which has a large population in relation to its physical resources can maintain a high standard of life only if it can obtain from other countries a supply of food and raw materials. It must obtain them by buying them. It can buy them only if it can earn money selling its exports.

If it is to live, it must assure itself markets in which it can sell exports in order to obtain the funds to pay for its necessary imports. For nations with an inadequate physical basis, foreign trade is not just a method of obtaining additional profits. It is an absolute necessity. This is the situation in which Britain, Germany, Italy, and Japan find themselves. It is not a comfortable situation.

The United States has an infinitely stronger basis for its existence than they. It has in relation to its land resources a small population, and it is this fundamental fact, together with the two oceans, which gives America its unique security, its unchallenged independence, and its unrivaled opportunity to maintain free institutions.

But though the American patrimony is a great one, it can be wasted and destroyed. There are many lands on the face of the earth that were once fertile and are now desert or are so poor that only a small population can live on them. There are many lands, too, where the farming population has been drawn into factories and where the art of farming has been lost. The United States has not yet arrived at this dangerous situation. But it has plainly reached the turning point in the national history where the process of decay has begun. The decay consists in the impoverishment of the soil through destructive farm practices and the impoverishment of the farm population by an excessive industrialization. The end of the process comes when the land is no longer fertile enough to support the people and the farmers have left their farms because they cannot make a good living.

By keeping these elemental considerations in mind it is possible to understand a point which must puzzle many persons at the present time. How is it that the farm leaders who yesterday were worrying about surplus crops are now worrying about the capacity of the land to produce crops? It would be easy to be cynical and say that they wish to pay a subsidy to farmers, and if they cannot pay them for not producing wheat and cotton and corn, they wish to pay them for producing hay and legumes. But that cynicism would miss the point which is fundamental in this whole business, a point which has been in the minds of all the serious students of the question, though it became practical politics only when the Supreme Court did them the great service of ending the emergency program.

The point is that the kind of farming which produces the big surpluses is such bad farming that in the long run it will destroy the soil and bring about deficits. Dr. H. H. Bennett, the Director of the Soil Conservation Service, an expert of indisputable authority, has reported that 100,000,000 acres of formerly cultivated land have already been totally destroyed; that another 125,000,000 acres have lost all or the greater part of the topsoil; and that on another 100,000,000 acres the process of erosion is already under way.

This is the destruction of the basic capital resources of the Nation. The main cause of it is that the land is being exhausted by planting crops that exhaust the land. These are the crops of which there has been a surplus. In other words, we have produced too much wheat, cotton, and corn, not because the land is too fertile but because we have been robbing it. These surpluses have meant in agriculture what a failure to renew and repair the machinery would mean in a factory. Now the reason why the farmers have been exploiting the land instead of husbanding it is in part due to inadequate knowledge, but it is chiefly due to the fact that they could not afford to farm properly. They have been like a factory manager who cannot afford to plow back into the business enough to keep it efficient. The wasted lands of America are like machines worked without lubricants and repairs until they break down entirely and have to be scrapped. Thus, for the long run and in its fundamental aspects, the farm problem is the reverse of what it was supposed to be during the emergency. It is not a problem of overproduction due to unmanageable fertility but of overproduction which destroys fertility. And the overproduction which causes low prices is itself aggravated by low prices. In their desire to increase their income the farmers have produced more of the very crops that destroy the price of those crops and the fertility of the land as well.

That the general welfare of the American people is bound up with the preservation of their national patrimony is, it seems to me, indisputable. That the reinvestment of $500,000,000 a year in the preservation of the land is a prudent form of national saving seems to me to be no less clear. All that remains to be determined is how the undertaking can be arranged so as to conform to the Federal character of the Government and how it can be most wisely and efficiently administered. The underlying principle cannot, I believe, be challenged.

What can be said is that a program to conserve the soil is only one-half of a program to meet the farm problem. The other half lies in the field of what may be called forced overindustrialization. The real evil of the excessive tariff is not so much that it destroys the markets for farm products—they may be tending to diminish anyway—but that by maintaining artificially high prices for industrial goods it diverts to the protected industries a larger proportion of the capital and labor of the country than would go to them under a more freely competitive regime. This diversion is aggravated by the growth of monopolies, many of which depend upon the tariff. The result is to raise the price not merely of the goods the farmer buys at the village store and thus to reduce his real income, though it does that, but also to raise his costs of production, the cost of the money he borrows, his freight rates, his taxes.

We shall continue to have a farm problem if we continue to maintain the tariff at its present exorbitant level and if we continue to foster the growth of monopoly. Unfortunately there are no signs that either party is prepared to consider this aspect of the problem.

REDUCTION OF IMMIGRATION AND EXCLUSION OF ALIENS

Mr. REYNOLDS. Mr. President, I send to the desk a bill which I wish to introduce for appropriate reference. I ask that the clerk read the title of the bill before I make a few remarks which I have prepared in connection therewith.

The PRESIDENT pro tempore. Without objection, the bill will be received and appropriately referred, and the clerk will read, as requested.

The bill (S. 4011) to further reduce immigration, to authorize the exclusion of any alien whose entry into the United States is inimical to the public interest, to prohibit the separation of families through the entry of aliens leav-

ing dependents abroad, and to provide for the prompt deportation of habitual criminals and all other undesirable aliens, and to provide for the registration of all aliens now in the United States or who shall hereafter be admitted was read twice by its title and referred to the Committee on Immigration.

Mr. REYNOLDS. Mr. President, very briefly, the bill which I have just introduced, the title of which has been read by the clerk, interests itself primarily in two things of great importance to the American people. The first is the restriction of immigration. The second is a compulsory act providing that every alien within the borders of the United States within 6 months shall be forced to register at one of the several thousand post offices in the United States.

I am taking occasion to introduce a bill further to restrict immigration, as I have stated, and to register all aliens now within the United States. It is, indeed, a matter of common knowledge that in spite of all the things we have done artificially to stimulate employment, there are still many millions of persons unemployed in this country today. It is estimated on the very best of authority that in this country one person out of every five or six is in one way or another dependent in whole or in part for his support upon the Government of the United States. This estimate, of course, takes into consideration those who are on the relief rolls at the present time.

In spite of the fact that this condition has been with us for several years, we are tolerating in our midst millions upon millions of aliens. There is a wide divergence of opinion as to how many million aliens are today actually living among us. For instance, the Commissioner of Immigration says in his latest report that in 1935 there were approximately 4,922,000 aliens in the United States, whereas other authorities maintain there are nearer seven and one-half millions. It is to me an amazing fact that neither the Commissioner of Immigration nor anybody else really knows exactly how many aliens are here.

One fact, however, is definitely established, and that is that the aliens with us are to an overwhelming degree adults. The census of 1930 shows 95 percent of them to be 20 years of age or over. Therefore, every one of them may be regarded as a potential holder of an American job, and every job held by an alien means one job less for an American; and most certainly that statement is of vital interest to every workingman in the United States today.

In my opinion, we of this body cannot go back to the American people and ask for approval of our action here unless we can answer their question—a question which is directed upon every hand at this hour—"What have you done to preserve American jobs for Americans?"

What have we done, I ask, Senators, to preserve American jobs for Americans? The fact of the matter is that, in the face of bad unemployment conditions, in the face of the greatest unemployment period of the political history of this country, in the fiscal year ending June 30, 1935, we actually admitted more aliens as immigrants than we did in the fiscal year ending June 30, 1934, and in that year we admitted many more than were admitted in the fiscal year which ended June 30, 1933.

In other words, each year since 1933 we have admitted more and more immigrants, in bold disregard of our millions of Americans who were seeking employment on every hand and in every section of the country.

I am glad indeed to find here at this hour my colleague for whom I have great respect, the chairman of the Committee on Immigration, the Senator from Massachusetts [Mr. COOLIDGE], listening to the statement I now make to this body.

In 1935, 189,000 aliens of all classes for permanent and nonpermanent residence were admitted to the United States.

In 1934, 163,000 aliens were admitted, while in 1933, 150,000 were admitted.

Thus it may be seen that 39,000 more aliens of all classes were admitted in 1935 than were admitted in 1933, at which time we began to endeavor to take care of the millions upon millions of full-blooded Americans who were seeking positions, work, jobs of any kind, in order that they might have the opportunity of providing for their respective families.

I know, as well as other Senators do, for that matter, that the argument is made that more persons are going out of this country than are coming into this country; but that is, in fact, no argument for letting in any immigrants. Under the present immigration law, 153,000 immigrants may be admitted annually. There is now on foot an agitation to open wider our gates to refugees from various lands where the people are said to be suffering and are suffering from dictatorship.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. NORRIS. I could not hear part of the Senator's statement on account of some interruption. It may be that the Senator has already stated figures which would answer the question I am about to propound. Has the Senator the latest figures of the number of aliens admitted to this country?

Mr. REYNOLDS. Yes; I have.

Mr. NORRIS. For what year are the figures?

Mr. REYNOLDS. For the years 1933, 1934, and 1935.

Mr. NORRIS. How does 1935 compare to 1934?

Mr. REYNOLDS. If I may answer the Senator's question in this way, in 1935 we admitted 39,000 more aliens of all classes and classifications than we did in 1933, and the number admitted in 1934 was some ten or twelve thousand less than in 1935.

Mr. NORRIS. In every year there may be, as I remember now, not to exceed 150,000 immigrants admitted.

Mr. REYNOLDS. One hundred and fifty-three thousand. I thank the Senator from Nebraska for his interest.

Mr. SMITH. Mr. President, will the Senator yield to me?

Mr. REYNOLDS. I shall be very happy to yield to the Senator from South Carolina.

Mr. SMITH. There may be admitted under the present law as to quotas, as I understand, 150,000 immigrants.

Mr. REYNOLDS. Yes, sir. As a matter of fact, with respect to all the countries of the world with which we have an arrangement to admit aliens, the minimum quota for each country is 100 immigrants per year who may be admitted.

Mr. SMITH. But the aggregate is something like 150,000.

Mr. REYNOLDS. One hundred and fifty-three thousand.

Mr. SMITH. According to the Senator's statement, the full quota has been reached?

Mr. REYNOLDS. That is quite true; and in my bill, I may add for the Senator's information, I am asking that every quota be reduced 90 percent; in other words, where, at the present time it is possible for 1,000 immigrants to enter the United States, that that number be reduced 90 percent.

Mr. NORRIS. Mr. President, will the Senator yield again?

Mr. REYNOLDS. I yield with pleasure.

Mr. NORRIS. I ask the question entirely for information.

Mr. REYNOLDS. I will be very happy to have the Senator make inquiries of me.

Mr. NORRIS. I do not know just what the law provides, or whether it meets this proposition; but in connection with the number of aliens that can be admitted is there any limitation as to their having visible means of support?

Mr. REYNOLDS. Our laws at the present time, I may say to the Senator, are extremely lax, and a large number over and above the 153,000 quota of which I made mention are coming into the country. They are permitted to enter as students, as temporary residents, and so forth.

Mr. NORRIS. Would it be safe to say as to the figures the Senator has given that these aliens coming in are unemployed and are seeking employment?

Mr. REYNOLDS. Yes, sir.

Mr. NORRIS. So that, as a matter of fact, a little less than the 150,000 that came in are added to the unemployment army here?

Mr. REYNOLDS. Exactly so. I again thank the Senator for his assistance.

Mr. SMITH. Mr. President, I have not had an opportunity to refresh my memory in reference to the immigration laws, but I do not think—and if I am not correct, I hope the Sen-

ator will correct me—that in connection with the number allowed to enter there is provided any restriction so far as the immigrants being able to support themselves is concerned. Am I correct in that respect?

Mr. REYNOLDS. The Senator is correct, according to my information.

Mr. SMITH. I think the question asked by the Senator from Nebraska is whether they are allowed to come in under the law without any regard to whether or not they are self-supporting. I wanted to make that clear, because I know that an effort has been made so to modify the law that a qualification would be applied even to the quotas that are allowed, so that those permitted to come in would not be an immediate burden upon this country.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. REYNOLDS. I am very glad to yield to the Senator from Michigan.

Mr. COUZENS. I think the Senator from South Carolina is in error with respect to all the immigrants who are coming in being without visible means of support. Several years ago an Executive order was issued requiring the American consuls abroad, before issuing any permits to enter this country, to ascertain whether the applicants were self-supporting and would be self-supporting. I know of many cases where immigrants have not been able to come into this country because they were not able to show visible means of support.

Mr. REYNOLDS. That is quite true; and I will state for the information of those who have been kind enough to direct these inquiries to me that there were some qualifications; but I am sorry to say that those qualifications, as I have been informed, have not always been adhered to or complied with. I think that defect in the law should be remedied.

Mr. COUZENS. May I ask the Senator if he has a list of the countries from which the immigrants came during the year 1935?

Mr. REYNOLDS. I have, sir; and I will be very glad to furnish it to the Senator. I think that before the conclusion of my remarks I shall use the report I have from the Department. It is on my desk if I did not neglect to bring it here. However, if I left it in my office I will be very glad indeed to furnish it to the Senator from Michigan.

I wish to say here that I am delighted to find that the Senator from Michigan particularly is taking an interest in this matter. I say that for the reason that, as we all know, the Province of Ontario, a part and portion of our great northern neighbor, Canada, borders on the great State of Michigan, and I happen to know, by personal experience, that it involves no difficulty whatsoever for residents of Canada to gain admission into this country. They come from Ontario by way of Windsor through a tunnel, I believe, into the city of Detroit, the home city of the Senator from Michigan, and likewise cross a bridge there. I came through there last summer.

Mr. President, I then made a tour of the United States in an automobile, and I could not pass up the great State of Michigan. I came down through Ontario. The inspectors there, I suppose, are as careful as they can be, in view of the great number of people who are passing yearly from Canada into the United States by way of Detroit and other points. Incidentally, in that connection, I wish to state also that last summer, on the tour I have just made mention of, I went to El Paso and crossed the international bridge to Juarez. Millions cross there annually, as in Detroit millions cross annually from Canada. I make that statement, although it is embodied in the statement I have prepared, and, with the indulgence of the Senate, when I am permitted to continue I shall make mention of it again.

The Commissioner of Immigration in his report to the Secretary of Labor—and the Secretary of Labor, as I recall, embodied it in her report—made an appalling statement. He stated therein that annually 40,000,000 people—I could not believe it until I had the figures checked—annually cross the land borders of the United States. Therefore, I stated very frankly that I was very happy to have the Senator from Michigan interest himself in this program, which is a problem of grave concern not only particularly and fundamentally and initially to the people of the great State of Michigan but to every State in the entire Union.

Mr. COUZENS. Mr. President, will the Senator yield for a question?

Mr. REYNOLDS. I am glad to yield to the Senator from Michigan.

Mr. COUZENS. I was going to ask if, in the course of his studies, the Senator has ascertained the number of Michiganders or other citizens of the United States who cross to cities in foreign lands and work there, as Canadians and Mexicans cross the border and work in America. In other words, the great industrial plants of Michigan have established branches in Canada across the river from Detroit where many Detroiters go to work. Many of them go there to manage the industries which are owned in Michigan.

It seems to me that this question requires consideration of the extent to which there is an interchange of work as between one country and another. I wondered if the Senator had given that matter consideration.

Mr. REYNOLDS. I have not been able to gather any statistics that would provide me with definite information as to the number of people who go from the State of Michigan or from the city of Detroit into the Province of Ontario in the Dominion of Canada; but I have made inquiry about that, and I am endeavoring to get some definite figures. I was unable to get them from the sources of which I made inquiry. The question the Senator from Michigan suggests is very interesting. It is interesting for the very reason the Senator has in mind, that there should be an interchange, and we should give the other countries credit for the number of our people that are annually securing employment within their borders.

Mr. COUZENS. Mr. President, may I say also that unless there is a comparison made we cannot get at the real value of legislation; and, further than that, as, of course, the Senator knows, there is no quota from any country on the Western Hemisphere; and so the freedom with which Canadians and Mexicans and others come to this country is due to the fact that there is no quota applied to them.

Mr. REYNOLDS. The Senator is precisely correct, and I shall mention that a little on in the statement I shall make.

Mr. DAVIS. Mr. President——

Mr. REYNOLDS. I yield to the Senator from Pennsylvania.

Mr. DAVIS. I wish to give the information to the Senator from Michigan that the matter to which he referred in the question he put to the Senator from North Carolina is covered by the rules and regulations of the Department of Labor, and I think the information can be obtained from the Secretary of Labor.

Mr. REYNOLDS. The Senator from Pennsylvania has stated the case correctly, but at the same time I have been unable, so far, to secure the exact figures as to the number of Americans who are employed in Canada and vice versa, a matter to which reference was made by the Senator from Michigan.

Mr. SMITH. Mr. President——

Mr. REYNOLDS. I yield to the Senator from South Carolina.

Mr. SMITH. The only point I wanted to make was that the Senator from Michigan stated that by Executive order our consuls and other representatives abroad were required not to give passports or visas to those desiring to come to this country until it was ascertained that they were self-supporting. The inquiry I made of the Senator from North Carolina was, was that requirement embodied in the law or was it dependent upon an Executive order? My impression is that there is no such mandatory legislation.

Mr. REYNOLDS. I know of none.

Mr. SMITH. That was the point I wanted to make.

Mr. REYNOLDS. Of course I am concerned about immigrants coming from Canada and, likewise, coming from

Mexico and a number of the countries of Central America. With every other Senator here I am greatly interested in knowing the number of immigrants coming here yearly. If we are to have a great number of immigrants come to this country, insofar as I personally am concerned, I wish to say that I would much prefer to see them come from Canada and from Mexico than from any other portion of the world. I say that for the reason that to the north of us we have, I believe, the most friendly nation upon the face of the earth, Canada; and to the south of us we have 15,000,000 people residing in the confines of the Republic of Mexico. I should like the American people to avail themselves of the opportunity of making friends with the Mexican people.

I am taking advantage of this opportunity to proceed rather on a side line from that which I had in mind in the beginning, for the reason that several days ago we listened to remarks in the debate in this Chamber in regard to America becoming involved in war with other countries of the world. That is a very interesting subject to every American, and I say that we should maintain and should continue and should encourage friendliness with the people to the north of us in Canada, because if ever this country should be invaded such invasion might come from Canada if we had the enmity of the people residing to the north of us. It is my belief that if this country is ever invaded by land that invasion unquestionably will come through the south of us, through Mexico.

I am one who is very happy indeed to know that we are still interested and greatly interested, and I shall hope we may be more interested in the construction of what is to be known as the Pan-American Highway which will lead from the north of this country clean across the broad expanse of our Nation, find its way into our sister Republic of Mexico by way of Laredo, Tex., through Monterey and Mexico City and further south through the countries of Central America, Guatemala, Salvador, Costa Rica, and on down to Buenos Aires. Completion of the highway will be accomplished within half a century from now.

Why am I happy to know that? It is because the day that we should continue to exert our energies and spend our money attempting to get commerce in the Orient is almost a day of the past. The record will reveal and the statistics for that matter will reveal that we never have made an awful lot in dealing with countries of the Orient in fighting for trade.

It has been suggested on the floor of the Senate that the next war will be a war between the United States and a great power in the Orient. If there ever is a war many say that war will be over commerce. The statement is well founded because of the fact that of the 3,000 wars which have taken place in the world since history was first recorded, about 99 percent have been the result of controversies over commerce.

I say, therefore, that we should not continue to look ever to the Orient for the benefit of the manufacturers or capitalists of this country, because we have competition, serious competition. We should look not to continental Europe, because almost all the nations of continental Europe are bankrupt, as everybody knows; at least we know they are bankrupt to the extent that they cannot pay even the interest upon the enormous sums of money we advanced to them during the World War, for which then they were gracious and grateful. They cannot even pay the interest upon these enormous sums; at least they say they cannot pay even the interest, despite the fact that those war debts, $22,000,000,000 in cash at one time, have been scaled down to $11,000,000,000, some countries participating to the extent of a scale-down of 25 percent, and Italy, now at war in central Africa, scaled down to the extent of 65 percent.

I say the countries of continental Europe, insofar as we know, are bankrupt, and we need not continue our gaze across the wind-swept seas of the Atlantic. Where should we look? We should look to the south of us. We should look, gentlemen of the Senate, to Mexico, with its 15,000,000 people, people to whom we send great carloads of American currency and credit annually, because we are the greatest purchasers of their greatest asset—silver. The Mexican Government has but recently completed a highway which is traversable to the capital of Mexico, and we, as Americans, should encourage the American tourist to travel southward, and not across the blue briny waters of the Atlantic to the countries of continental Europe.

Why? Because we have learned by bitter national experience that which many of us knew by personal experience, that if we want to make an enemy out of a friend, we have but to lend him money. We have learned that if we ever want to make an enemy out of a nation, we have but to lend that nation money. In proof of that statement I have but to cite a majority of the countries of continental Europe, at least those who were the allies of Great Britain and the United States during the World War, when we not only loaned them $22,000,000,000 of money but gave them the life-blood of our sons, gave them the help of millions and millions of troops at home and abroad, gave them the benefit of everything material we had that was necessary in the Great War.

I heard one of my colleagues on the floor of the Senate the other day, and I later read his statement in the CONGRESSIONAL RECORD, boldly state, if my memory serves me correctly, that we did not have a friend upon the face of the earth. I agree with him. I do not believe we have a friend upon the face of the earth—and why? Because we made enemies of those across the Atlantic by saving their skins and preserving their hides, by saving what they said was to be the world's democracy and Christianity. Everyone knows that if it had not been for the fact that the United States troops went over there and we poured in great supplies of money and clothing, food, and equipment, everything necessary to carry on the Great War, the Allies as then constituted would have lost that war.

But today they are claiming and have the audacity, the gall, the brass, to claim that we did not save them; that they had the war won before we got over there. I remember one hero who was over there. His name is Gen. McManus McCloskey, brigadier general stationed at Fort Bragg, in my own State. When General McCloskey arrived there in command of the marines the order came to retreat. He said, "Retreat, hell! We have just arrived!" That was the type of men we sent over there. We saved them from other ruin and slaughter, and yet they now say we did not do anything, that we got there too late. They say, further, they cannot pay us what they owe us because they have not the money. Let us see how truthful is that statement.

During the elections in Great Britain last year there were certain controversies between the Government Party and the Labor Party. All were interested. An argument arose then as to whether or not the budget had been balanced. Those in charge said it had been balanced. The controversy waged, and one man had the courage to remind the gentleman who made the statement relative to the balancing of the budget of Great Britain that he had not taken into consideration the interest due and the interest past due and the money which that Government was owing to the United States.

In the face of the fact that they have failed to make restitution and that all they have done, according to my recollection, was to make a token payment in silver upon the interest, in the face of that situation Great Britain finds herself in a position to encourage the appropriation now under consideration of $1,000,000,000—one thousand million dollars for the purpose of doing what? For the purpose of building up her Army and Navy and her machine of slaughter and warfare.

Mr. President, in spite of the fact that Great Britain, our sister nation across the sea, whom we defended in an hour of need, cannot pay to us even the interest due upon the money we loaned to her, we find that in Singapore, almost 12,000 miles away, the British have been able to make expenditures of millions upon millions of dollars in building fortifications as their last line of defense in the Orient, because they think that perhaps at sometime Japan will create the empire of the east and will swoop down upon Victoria and the city of Hong Kong. The British find money when

they want it, but when it comes to the payment of an honest debt they cannot find the money.

There is France, which is indebted to us. There is Italy, which is indebted to us. Italy says she cannot pay the interest due upon her debt to us, that she has not the money; and yet, as I stated upon the floor of the Senate the other day in directing an inquiry to my friend and colleague the Senator from Illinois [Mr. LEWIS], the Italians have been able to find money to pay the tolls upon every troop ship that has gone through the Mediterranean and passed from Port Said to Suez through the Suez Canal and southward to Italian Somaliland, where they are unloading their troops and sending them into the black man's country of Ethiopia. They find the money for that purpose. They can find the money with which to carry on war, but they cannot find the money with which to pay an honest debt.

Then, Mr. President, I believe that I noticed in the columns of one of the local newspapers the other day that France, or at least French bankers, had made a loan to Italy. They can all lend one another money; they can all raise money for the purpose of carrying on war or to aid in the promotion of war for their own interest, as Great Britain is doing today. The war that is now going on is not in reality a war between Italy and Ethiopia. That is merely a smoke screen. It is a war of maneuvers between Great Britain and Italy, because Great Britain will never feel safe with her artery, her lifeline, within a few miles of an island owned by the Italians in the middle of the Mediterranean, some 50 miles from the fortifications of Malta. Great Britain will never feel safe with her artery in such close proximity to the right-hand shores of northern Africa as you proceed southward through the Red Sea, with Eritrea, to the north of French Somaliland, owned by the Italians, because such territory is capable of fortifications as strong as are the fortifications at Aden, in Arabia.

I say without hesitation that the conflict now going on is a war of maneuvers between Great Britain and Italy, and not, as the propagandists have claimed before the world, a war between Italy and Ethiopia.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. REYNOLDS. Yes; I yield.

Mr. VANDENBERG. The Senator has been discussing the capacity of these European debtors to pay and their unwillingness to exercise that capacity.

Mr. REYNOLDS. Yes, sir.

Mr. VANDENBERG. I think the Senator has overlooked one very pertinent exhibit. I think it will be shown upon inquiry that the amount of defaulted war debts due us is more than equaled by the investments which foreign investors in these defaulting countries have made in American securities on our listed exchange during the period of default.

Mr. REYNOLDS. I thank the Senator. That may be true, Mr. President. Of course, the investors of continental Europe, the persons who have funds for investing, have unquestionably and naturally, for that matter, sent those funds to the United States and made enormous investments here.

Mr. VANDENBERG. Mr. President, will the Senator yield further?

Mr. REYNOLDS. I yield.

Mr. VANDENBERG. Furthermore, in making those investments they have given themselves the benefit of our depreciated dollar, which has a direct and specific cash advantage to the foreigner, and as a result their investments are worth nearly double the same investments if made by our own citizens.

I call the Senator's attention to the further fact that it is constantly asserted that even if there were a willingness to pay there is no means of creating the exchange. If there is a means of creating an exchange to settle a billion dollars' worth of purchases of our securities on our exchange, certainly the equivalent value in exchange would be available to pay the war debts if willingness existed.

Mr. REYNOLDS. I ask the Senator if it is not a fact that the nationals of other countries in the world have likewise made investments in this country?

Mr. VANDENBERG. Oh, yes.

Mr. REYNOLDS. And, of course, we have made very great investments. I am glad the Senator mentioned the matter of investments, but I also wish to mention it.

Mr. President, I merely refer in general terms to these things as a result of an inquiry directed by my friends here in the Senate with regard to our turning our eyes away from the Orient and away from continental Europe. I say that we should turn our attention to the South; and I believe the contention that we should turn our eyes and our attention southward is backed up by the fact that we know that the great powers of the world are concentrating their efforts upon trade with Mexico, with Guatemala, with British Honduras, with Spanish Honduras, with Salvador, with Costa Rica, with Nicaragua, with Panama, with Venezuela, with Colombia, with Paraguay, with the great countries of Brazil and the Argentine, and all the countries south of us. The great nations of the world, such as Great Britain and Japan, are directing their attention southward, where our attention should be directed at this time.

Let us see about that. We have been doing business in the Orient for many, many years. Shortly after this country was organized, so to speak, we began to reach out into foreign fields in an earnest endeavor to benefit the people of these newly planted shores. After we had made some advancement we decided that we wished to go into the Orient. We had heard about the great amount of money that was made by the Dutch, by the English, by the Spanish, by the Portuguese, and many others, in the oriental trade. So, after we became somewhat of a nation, we desired to trade with Japan, and we desired to trade with China and other countries of the Orient; and we endeavored for a number of years to create and bring about that trade.

Incidentally, prior to the time we had an ambition to go into the Orient and trade there, Great Britain and other countries of continental Europe had the same ambition, and endeavored to increase their trade with all the countries of the Orient; but they desired particularly to trade with Japan, which then was a hermit nation.

In 1853 Japan was a hermit nation. That was before she had made her conquest of Korea, which has been mentioned upon the floor of the Senate. In 1853, after other countries had failed to open up the doors of commerce of Japan, we sent an admiral there with a fleet; and he went there, according to all we can gather, for the purpose of opening up the doors of Japan to the commerce of the world.

Fortunately, we did not have literally to kick down those doors, but we are told that we figuratively did. It was understood that if the Japanese did not open up, we would kick the doors open. That was in 1853. So the Japanese opened the doors. They moved their capital to Tokyo, from the central portion of the larger island, one among many constituting the Empire of Japan, and we made her open her doors not only to us but to the world. So the Japanese began to trade with the world, although until 1853 Japan had been a hermit nation. After they had put a few ships upon the sea, and began to have intercourse with the countries of other portions of the world, I believe we said to them, "Now, you ought to have some warships to protect that commerce. We will build them for you"; and we did build them and made them pay us.

Great Britain also said, "You ought to have some warships to protect those ships of yours, and we are going to build them"; and they did build them, and collected payment for them.

Japan has developed from that time to a point where today we must be fair and admit that she is the most powerful nation in all the Orient. If we want to be frank and candid—as we always should be if we are ever to benefit ourselves in speech or action—we must admit that Japan apparently has an ambition to become the lord and master of all the Orient. When we speak of all the Orient we speak of almost 1,000,000,000 people. There are 2,000,000,000 inhabitants of the world at the present time, according to all the statistics we

can gather; but, of course, that is an extremely difficult task, because the population of countries like Afghanistan or India or Ethiopia is estimated at anywhere from 6,000,000 to 15,000,000 people, and there is no way of telling accurately; but, anyway, let us estimate the total number at 2,000,000,000.

Japan, I believe, has an ambition along the line I have stated. Everybody is entitled to an ambition, so far as that is concerned. We are doing some trading over in the Orient now, as the Senator from South Carolina [Mr. SMITH] knows; and we desire to continue to do business with the countries of the Orient. We wish to continue upon friendly terms with Japan, because Japan is our best customer today. I speak feelingly about that, particularly because I see sitting within the sound of my voice two of the South's great leaders in the persons of the Senator from Georgia [Mr. RUSSELL] and the Senator from South Carolina [Mr. SMITH]; and why do I particularly refer to those Senators? Not for the purpose of flattering them but because I know they are interested in the people of their respective States. The billion-dollar crop of the United States today, as it has been for many years gone by, is the cotton crop. If today we were prevented from producing any cotton in North Carolina, South Carolina, or Georgia, all three of our States would be wrecked commonwealths—three unfortunate musketeers.

Mr. President, why do I say that? I say it because Japan is our best customer; I say it because Japan is the best customer of the people of North Carolina, of the people of South Carolina, and of the people of Georgia, as well as the people of the other cotton-growing States of the South, because cotton is our billion-dollar crop in the United States.

Japan, insofar as cotton is concerned—and that is our big concern—is a friend to North Carolina, and leading on southward to the northern strip of Florida and then proceeding westward across Louisiana, Arkansas, Mississippi, and into Texas, and finally finding our way into New Mexico, Arizona, and southern California, where long- and short-staple cotton is produced, because in the fiscal year ending June 30, 1935, Japan bought more cotton from us than did Germany, France, and Italy combined.

During the same period Japan paid us approximately $115,000,000, and what would we poor cotton producers of this country have done if it had not been for that 115 million of sound dollars which flowed into this country and were distributed to the poor cotton farmers and the tenant farmers and the plantation owners of the South, in whom we are materially interested?

Mr. President, we have made a lot of money in the South and in the State of my friend the Senator from Massachusetts [Mr. COOLIDGE], the chairman of the Committee on Immigration. We have made a lot of money on textiles; we have made a lot of money out of cotton in this country; we have made a lot of money in converting the raw cotton into textiles and putting it on board our merchant marine and sending it to the four corners of the earth, but principally to the Orient where more cotton goods are consumed by 500,000,000 of the people residing in China than pounds of the finished product are used by the people of all the other portions of the world generally together.

We have done well; we have thrived upon our trade with the Orient, principally on account of our cotton. But this is a changing world. Like characters, like individuals, like every political subdivision of the United States, the world is constantly changing; every nation of the world is constantly changing. In economic conditions, in trade relations, this is a changing world.

We want to continue to sell all the cotton we can sell. Unfortunately other countries of the world are pricking up their ears and growing cotton. In Brazil they are growing it, everybody knows. In Egypt, controlled by Great Britain, cotton is being grown, as everybody knows. In Russia they are growing it, as everybody knows. In India and China, as everybody knows, they are growing it. But does everybody know that there are over 50 countries upon the face of the earth which today are growing cotton in competition with our producers of the South? That makes us more interested in the class and classification of people in our southland who are producing cotton.

Mr. President, that reminds me that I should say now that we want to continue on friendly relations with Japan. What has Japan done to us—what has she done to us? We went there and kicked open her gates. She thrived. When her population advanced to 70,000,000 people—97,000,000 if we take into consideration all of her nationals in Korea and other countries—it was necessary for Japan to industrialize, because the amount of soil capable of being tilled—producing soil, arable soil—in her islands was no more, I venture, than that soil which is subject to cultivation in one State of this Union—the State of California. So for self-preservation she had to industrialize, and in industrializing she built great textile plants, and when she completed those great textile plants she had to buy cotton from the United States, and in buying cotton from the United States she confined the purchases to the South, where we produce it. Why should we be angry with Japan?

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. REYNOLDS. I am glad to yield.

Mr. RUSSELL. The Senator has very correctly stated that cotton is a crop of tremendous importance to the South. I would not have him leave the impression that it is of importance only to the South. That is an error into which too many people fall. Cotton is of great importance to every section of the United States. It has been our great staple export crop for a hundred years, and has maintained the balance of trade in favor of the United States. The exportation of a bale of cotton from the South to Japan, to Germany, to England, brings money here, and that is expended and is beneficial to every section, even where the people have never seen a cotton stalk or a bale of cotton. I hope the Senator will not leave this subject with the idea existing that cotton is of importance only to the South, because that has been one of the handicaps to cotton, the fact that people of other sections have looked upon it as a sectional crop, whereas as a matter of fact and truth it has been one of the prime factors in making the United States the richest nation of the earth.

Mr. REYNOLDS. The Senator is correct, and I take this opportunity to thank him for his most valuable contribution. Cotton! King Cotton! It has aided the United States in its trade with virtually every part of this world, and it has brought to this country millions upon millions of dollars every year from Japan, where the people had to have it for the purpose of converting it into the finished product in many and varied and sundry forms for exportation to other portions of the world.

Mr. President, some of us have been a little bit peeved at Japan because they have gone into China and taken away some of our trade. Some have been a little peeved because they have gone into Siam, and Indochina, and Syria, and India, and all of the countries of the East Indies, and into Borneo and all the rest of the Orient. Why should we be peeved? Why should we grow angry? To become angry weakens an individual. To become angry weakens a nation. When the time comes when competition is keen, when the interests of the American people are involved, that is the time for us to hold our tempers; that is the time for us to put into operation, not our muscular selves, but to make utilization of our mental capacity. Let us outthink them.

We are not going to have any war with Japan. Why should we pick a fuss with the best customer we have in the world? Why should we of the South, I ask the noble Senator from my sister State of South Carolina [Mr. SMITH], and the young courageous Senator of another sister State, Georgia [Mr. RUSSELL]—why should we pick a fight with that country which is our best customer and whose doors we kicked open and of whom we made anything but a hermit nation?

If you are running a grocery store, Mr. "Ed"—Senators will pardon me; I have great reverence for my colleague, having known him for years. I am always courting favor with him because he has a lot of friends in North Carolina who admire him also—if you are running a grocery store,

a cash-and-carry store, and there is living in your neighborhood a couple, a man and wife, and the good wife does the shopping every morning, as millions of housewives do in the United States, she goes to your store every morning with an empty basket on her arm, she sees the prices of the goods upon the shelves and she makes selection of the different articles of household use or of food which she desires, you pick them out, or she does, and she fills the basket.

It might be one of the Piggly-Wiggly stores, through which the customer goes and picks out the goods. When she fills the basket, she comes to your desk or cash register and she pays you cash, and she is coming there every day. Are you going to insult that lady? You are not. When she comes into your store in the morning, to you it will be like a ray of sunshine entering your door. You are going to say, "Good morning Mrs. So-and-So! How well you look!" However ugly she really is, you will not fail to remark to her that she is looking beautiful. Even if she is the ugliest woman in the world, you will say "How well you look today!" You will tell her how well she is looking, because you want to continue to curry favor with her. She is your best customer.

Why, now, should we pick any fight with the people on the other side of the world? They buy goods from us. They have bought just about all of our scrap iron. I do not know what they are going to do with it. Perhaps they are going to build battleships with it. We were the first to encourage them to build battleships.

Many persons in this country are unduly exercised about a possible war with Japan. I think the time has come, Senators, when we should see things in the light in which they ought to be seen. Instead of trying to make enemies of the people of this world, I think we should make friends of them. None of them love us. They all hate us. It is natural that they should do so, because we are great; we are powerful; we are the greatest nation on the face of the globe. A nation is really nothing more than a great number of individuals.

If one man is puny and weak and emaciated, it is the perfectly human thing, it is the perfectly natural thing for him to be envious of a big, fine-looking fellow like Jack Dempsey. So one little nation is naturally envious of a great big nation for the reason that nations are nothing in the world other than individuals. Here we have a county, but if there is not a soul living in that county there is nothing to it. The same thing would apply to a State if there were no people living in the State. The same thing applies to a nation; unless there are people living in that nation, it is no nation. A nation is simply made up of individuals. It is a great collection of individuals, after all.

Over in Japan they have been buying from us more cotton than has any other nation in the world; and, as I stated a moment ago, in 1935 Japan bought more cotton from us than Germany, Italy, and France combined, and paid us $115,000,000. So it has been that for years upon years which have gone by they have been preserving, in a sense, and maintaining, in a large degree, the cotton farmers of the South. But we note regretfully that since 1932 there has been a slump. At that time I believe we exported about 60 percent of the world's consumption of cotton. In 1935 the amount had decreased to 40 percent.

Senators, do we want to see that decrease continue? We of the South do not, and Senators from every one of the 48 States of this Union do not want to see that decrease continue, because that exportation, which is of benefit to our Southern States, is of benefit to the whole of the United States of America. However, that export has gradually fallen off; and if we take it upon ourselves to make our best purchasers mad by crying war between Japan and the United States, do Senators think Japan will remain our best customer? No; and I am going to prove that that answer "no" is correct by Senators' own reactions.

You are a purchaser of goods every day. You buy your clothes at a store here in Washington. You go into that store and buy a suit; and if the clothier says, "Oh, you have not enough money to pay for a suit. You are not the type of man we can fit a suit of clothes on. We do not want your business", are you going back to him when you want another suit? Certainly you are not. You are going to the man who conducts his store business in a courteous manner and who lets you know that he appreciates your business.

That brings to mind another thing which I desire to pause for a moment to mention. I believe that if I were in the mercantile business I should be an immense success, and I will tell Senators why. When I go into a store in Washington anywhere and spend 10 cents or $10 I hand the clerk the money; and it has been my habit for years, when I have done so, to say to the clerk, "Thank you so much." It has just dawned upon me that the one to whom I am giving my money, and with whom I am trading, should thank me; but I have been thanking him all the time. I shall have to quit doing that.

When I take the elevator in the morning and get out of it I always say to the boy operating the elevator, "Thank you." I am going to quit saying "Thank you" to the one whom I am favoring.

Japan and the other countries with which we are dealing are going to take the same position. Why should they continue to trade with us when the stuff we have to sell to them can be obtained by them from 50 other countries of the world?

Let us see something about this cotton-textile business. Russia increased its output manyfold last year, as Senators all know. Within 10 to 25 years from now the machinery of the world will be adapted to use all kinds of cotton. Machinery will be brought to the point of perfection where other countries can use any sort of cotton to make their textiles. Down in Brazil, as the Senator from South Carolina [Mr. SMITH] knows—I have talked with him about it, and know that he does know all about it—although they are not producing much cotton now, they have more land which is adaptable to the cultivation of cotton, when cleared, than we have in the whole United States of America. So let us not become too cocky. Let us try to remain on friendly terms with everybody.

I wish to say, particularly to my colleagues from the South, the Senator from Alabama [Mr. BLACK], the Senator from Georgia [Mr. RUSSELL], the Senator from South Carolina [Mr. SMITH], and the Senator from Tennessee [Mr. MCKELLAR], as well as to other Senators who are interested in this subject, that the textile problem is giving me considerable worry. I know it is likewise giving worry to the Senator from Massachusetts [Mr. COOLIDGE], because he is interested in the great textile manufactures of his own State.

Mr. COOLIDGE. And those in the Senator's State also.

Mr. REYNOLDS. And those in my State also. What is worrying me is this:

Japan has become one of our great competitors in the textile business; but our other great competitor is Great Britain. This is a changing world. For years past Great Britain, Japan, and the United States have been making a great deal of money by manufacturing the raw product of cotton into sundry finished products and selling them to half the world's population—1,000,000,000 people, who are cotton wearers more so than are our people of the South. But the countries to which we have been selling, the countries with which we have been dealing and have been making money by selling them cotton goods, have at last, unfortunately for us, gotten wise to themselves.

They have gotten wise to themselves in that they are now saying, "Why should we of Siam, why should we of Indochina, why should we of India, why should we of Afghanistan, why should we of Syria, why should we of China, buy this product from America, Japan, or Great Britain? Why should we not manufacture it ourselves and save the profit which is going to these great nations?" That is the point I wish to touch on in speaking of the countries of the East.

According to the best estimates, China has a population of 500,000,000 persons. The United States, Great Britain, and Japan have heretofore had an advantage over China; but today innumerable textile plants are being established in China by the capital of the world. If I am incorrect about this, I wish my learned friend the Senator from

Michigan [Mr. VANDENBERG] would correct me. American capital invested in China today is around $500,000,000, whereas American capital invested in Japan today is around $450,000,000. China is building its own textile plants. There are almost as many textile plants, as I observed only last December when I was there, in Bombay, India, as there are in Lancaster, England. There are 25 or more huge textile plants there. In China, with its 500,000,000 people; in India, with its 350,000,000 people; they have gotten wise to themselves, and they are establishing their own textile plants and growing their own cotton. It is a problem that we in the future shall have to confront, and in dealing with the problem pertaining to cotton I say we should not drive our friends from our doors.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. WALSH. Is it not true that the change which the Senator is describing as taking place throughout the countries of the world is applicable not only to textiles but to every other commodity?

Mr. REYNOLDS. Absolutely. I am glad the Senator from Massachusetts injected that statement at this time.

Mr. WALSH. And does not that mean that for the first time, or at least at the present time, we are confronted with the problem of demanding and insisting that the home market be retained and preserved for our manufacturers, when we are losing on all sides the foreign market?

Mr. REYNOLDS. The Senator is exactly correct. We are not only facing competition in textiles and shall have more competition in the future from all the countries in the world with which we have been dealing and from which we have extracted great sums but we are facing competition in every line of endeavor so far as manufacture is concerned.

Mr. WALSH. That is happening even in the case of boots and shoes, which were first manufactured in this country.

Mr. REYNOLDS. Yes; and they are now manufactured in large numbers in Czechoslovakia.

Mr. WALSH. The making of shoes has been a typical American development. We make the best shoes in the world. And now, as the Senator suggests, our shoe manufacturers are in competition with those of Czechoslovakia and other countries; our manufacturers are losing rapidly the foreign shoe market and are threatened with an invasion of foreign shoes.

Mr. REYNOLDS. The Senator is entirely correct.

Mr. WALSH. Another untoward situation that confronts the American producer is that machinery which we have perfected in this country, the best machinery in the world, is now available in every part of the world, and the people of other nations can use our machinery and produce as great a volume as we can at very much cheaper wages.

Mr. REYNOLDS. Because they pay to their laborers engaged in the manufacture of shoes and in other industries about one-tenth of what is paid the American laborer.

Mr. WALSH. Exactly.

Mr. REYNOLDS. As the Senator has so well and wisely said, not only is shoe machinery manufactured, devised, and patented in this country available to all the other countries of the world but likewise textile machinery is available to Japan and every other country of the world.

Referring to textiles, Siam, that has been buying textiles from America, Japan, and Great Britain, is putting in her own textile plants in order to supply her own people. When I was in India I had the pleasure or the enviable opportunity of meeting an engineer from continental Europe. He had been in Indochina discussing the erection of textile plants. He was on his way to Afghanistan, which is northwest of Delhi and which has a population of about 10,000,000 people. He told me that they were going to spend between fifteen and twenty million dollars, as I recall, in building textile plants in order to supply the 10,000,000 people of that country.

Syria a number of years ago set aside an appropriation for the purpose of erecting textile plants there, but they have not thus far been able to make much headway on account of Japan using Syria as a dumping ground.

So I say, Mr. President, these are changing times; this is a changing world; and I do not believe that we should continue to focus our energies—at least all our efforts—toward the Orient in order to maintain the trade of this country, but that we should look in other directions to maintain the standards of living of the American workingman, in whom every one of us is interested.

As for a war between the United States and Japan, which has been suggested daily in the press and in other quarters, that is the furthest thing from my thought. If anyone will sit down and reason it out, I believe he will come to the same opinion about it which I hold today. Why? We know that Japan cannot be compared with the United States in any respect at present or potentially. A country's power depends upon the resources which God has given it. Japan has already developed more than half her potential waterpower. Japan has no steel, no iron, no coal to speak of. She has 97,000,000 people, and she is busy with an army of 800,000—doing what? Policing and taking charge of Manchukuo. We all know, if we are to believe the press, that the time is not far off when probably she will have difficulty, as she has had small skirmishes heretofore, with outer Mongolia, in which she is interested.

There is the danger zone for her, because likewise Soviet Russia, with her 178,000,000 people and her Army of over a million is interested there. Japan will always have all that she can do to maintain order and peace in Manchukuo, where millions of Chinese from the south are going yearly. She will also have all she can do to combat the communistic hordes and forces from the section north of her.

As a matter of fact, Mr. President, to be perfectly frank, I think the people of the United States are somewhat fortunate in that between us and Soviet Russia there lie the islands of Japan with their 97,000,000 people. Why? Because in Japan today, in an underground way, there is an undercurrent of communistic forces working day and night in the endeavor to overthrow the Japanese Government, and also near the Russian border the Japanese are in conflict with the great hordes from Russian soil. So let us dismiss the thought of such a war from our minds. Let us try to make friends of the Orient rather than enemies.

Let us look southward for our trade of the future, and let us create friends of those countries lying to the south of us. Let us do that, and we will do that if we are interested in the workingman of this country.

The Senator from Massachusetts has brought to the attention of this honorable body the fact that American machinery is going to all the nations of the world—machinery designed to manufacture shoes, textiles, and almost everything else that we can make in this country in competition with what we are doing here. Mr. President, do you realize that the men, women, and children in foreign lands are working for about 10 percent of what the American laborer is getting today? I mention that because therein lies the trouble.

The great trouble that we are to meet, the great trouble that we shall be forced to face in this country sooner or later—and the time is almost here now—is how are we, under heaven, to be able to continue to maintain the high standards of living that we have maintained for the laboring men of this country? That is the momentous question that is facing every man in this body, that is facing every living breathing soul between the Atlantic and the Pacific from the heavily timbered forests of the State of Michigan to the pine-clad slopes of Florida the question is how in the world, under conditions of today, will we be able to maintain the high standards of living that labor in this country has always maintained? When I reflect upon the fact that up to this hour everything in the world has been done for the laboring man of this land, and up to this hour we have been able to maintain his standard of living and life, I realize the interest that has been evidenced in the laboring man of this country by the members of this deliberative body.

Mr. President, I should like to be permitted to continue briefly on the subject of immigration and the registration of aliens.

There is now on foot an agitation to open wider our gates to refugees from various lands where the people are suffering from dictatorships. We, as trustees for the American people, cannot countenance breaking down the existing immigration barriers. We are experiencing high-pressure propaganda to fill some particular quota from some country or another, when humanity demands that we should send back the aliens now here who are being supported by public funds. They should be returned to their homelands. Furthermore, we have no effective legislative barrier against the admission of aliens from various countries of North and South America, as has been mentioned by one of my colleagues.

At this time permit me to return to the figures regarding illegal entries. The last report of the Commissioner of Immigration says that—

> It is, of course, impossible to determine accurately the number of aliens who have entered the country illegally, but the best available estimates are that the number of such aliens now subject to deportation, if detected, is less than a hundred thousand.

Gentlemen of the Senate, notwithstanding the estimate of the Commissioner of Immigration, only a few days ago an official in one of our large cities in advocacy of a local registration measure estimated the illegal entrants in his locality alone to be about 300,000. The contrasting figures prove that there is no definite available information on this subject.

The time has come for us to act. If there are 1,000,000 or 7,000,000 aliens here, we ought to know it. We ought to make it our business to find out. We ought to know what their occupations are; we ought to know how long they have been here, how long they propose to remain; we ought to know whether they are here legally or illegally; we ought to know whether they are desirable or undesirable. If they are undesirable and a burden on the American taxpayer, we want to deport them, and we should deport them.

The bill which I have introduced today proposes to expel definitely and positively all habitual criminals in the United States which the so-called Kerr bill certainly would not accomplish. The Kerr bill makes two holes in our immigration barriers for every one it plugs. This bill, and when I refer to "this bill", I refer to the bill I have just introduced, will be instrumental in providing, in a measure, all the facts which as legislators we need to determine our future immigration policy, and to determine our future course as regards aliens upon our soil which should be reserved for Americans, and, if enacted into law and enforced, will correct most of the evils from which we now suffer.

Mr. President, do you realize that in the annual report of the Commissioner of Immigration for the year ending June 30, 1934, it states that "40,000,000 of people crossed our land borders in the course of a year"? That was answered a moment ago when the inquiry was directed to me by the able Senator from Michigan [Mr. VANDENBERG].

If the statement just quoted is true, just wonder at the possible leakage which can never be correctly checked without the registration of all aliens in the United States.

In conclusion, may I respectfully direct the attention of every Member of this body to a study of my bill, which would reduce immigration quotas to one-tenth of the present quotas, and would make compulsory the immediate registration of every alien in this country, thus closing the gates of our fair land to undesirable immigrants and providing us with an opportunity to forthwith expel from our midst undesirables who are already here, those who occupy positions which should be filled by Americans, and those who are being supported by our Government at the expense of our already overburdened taxpayers.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield to the Senator from Massachusetts.

Mr. WALSH. Has the Senator made an estimate of the number of aliens who would be expelled in the event his bill should become a law?

Mr. REYNOLDS. The information provided me has been that if all the aliens in the country were rounded up who were subject to expulsion, the number would be in the neighborhood of a little less than 100,000. That is an estimate given me by one official of our Government. However, let me state to the Senator that others who have assumed to know and who have advised me they have given considerable study to the matter, estimate the number at anywhere from 1,000,000 to 3,000,000.

I am glad the Senator interrupted me with his question. As a matter of fact, we have not the slightest idea how many aliens there are in the country at the present time who are not entitled to be here, who have never even filed an application for American citizenship.

Mr. WALSH. I have had the impression that in recent years the law with regard to registration, admission, and expulsion of those who had committed crimes, was being pretty well enforced. Has the Senator made any observation upon that point?

Mr. REYNOLDS. It is absolutely impossible to know without a registration law, and we have no registration law. Without a registration law it is absolutely impossible to tell how many aliens are here who are not entitled to be here. The Senator, I know, has traveled extensively. All of us who have had any experience in traveling throughout our country know that from the freighters, the mail ships, and all kinds of American and foreign vessels men are constantly slipping into the country without any right whatever to be here.

Mr. WALSH. There are large numbers who come over the borders from Mexico and Canada, whose quotas are restricted under our immigration laws.

Mr. REYNOLDS. That is true. I have just read a report from the Immigration Commissioner of the Department of Labor stating that 40,000,000 are crossing and recrossing our borders annually.

Mr. WALSH. That is, crossing the Canadian border and the Mexican border. A great many of them are merely visitors.

Mr. REYNOLDS. That is true. They come from Canada and from Mexico, but there are so many places of entrance which are not guarded that immigrants can come in and stay in, and there is no way to find out whether they have any right to be here or not.

Mr. WALSH. My attention was called to the fact that the Legislature of Arizona has taken some steps to get rid of the burden caused that State by refugees and others coming from Mexico and becoming public charges because of there being no limitation on immigration. I hope the Senator in his remarks, which I unfortunately have not heard in full, made a comparison of the present law with the bill he has introduced so we may know what are the limitations in the present law which the Senator wants removed and to what extent he desires to strengthen them.

Mr. REYNOLDS. In connection with the inquiry just directed to me by the able Senator from Massachusetts with regard to the number of people in this country who are really not entitled to be here, I should like to be availed this opportunity to read to the Senate a clipping from the New York American. One of the aldermen of the city of New York made a statement to the effect that there were 300,000 aliens in the city of New York alone who were not entitled to be there. He made that statement in support of a measure he was sponsoring to require compulsory registration of all aliens. The item appeared in the New York American of January 22 and was entitled "Alien Registration Provided in Aldermanic Bill." The item stated:

> Police registration of aliens in New York City is sought in a measure introduced in the board of aldermen yesterday by Alderman Keegan, Bronx Democrat. Keegan declared his purpose to rout out 300,000 aliens believed to be here illegally and to bring 900,000 others under supervision.

Mr. President, I am constantly observing in the columns of the press items with reference to the entrance of people from all parts of the world to this country. I happened to pick up the following item, which appeared in the Washington Times of January 29, 1936:

> MME. STAVISKY HAS NEW YORK JOB
>
> NEW YORK, January 29,—Attractive Mme. Arlette Simon Stavisky, widow of the Franco-Russian swindler who fleeced his fellow Frenchmen out of some 30,000,000 francs, has arrived here to take a $50-per-week job in a Broadway night club. She said:

"I don't speak very well English."

But when she was asked how much her night-club stipend would be, she replied quickly enough:

"It is too leetle to say—just feety dollaires."

I am wondering how she got into this country.

Mr. WALSH. I suppose she was admitted because of the exemption permitting those who are accomplished in the arts to enter the country.

Mr. REYNOLDS. Does the Senator recall whether she was on trial with her husband? I believe, though, her husband was killed. Was she on trial in southern France?

Mr. WALSH. I have no knowledge.

Mr. REYNOLDS. Someone told me she was.

Mr. WALSH. Evidently she came in under an exemption to artists. Just what her "art" is I suppose the night-club people know better than we do. [Laughter.]

Mr. REYNOLDS. Mr. President, I thank Senators for their kind indulgence. As a result of inquiries directed to me by several of my colleagues who have been so kind as to contribute to my remarks, I ask that some statistics which I have gathered from the Department of Labor may be included in the RECORD as a part of my remarks.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

Quota immigration visa statistics for the fiscal year ended June 30, 1935

Country	Annual quota	Visas issued against annual quota						
		Preference visas				Non-preference	Total quota visas	Percentage of annual quota issued
		Relatives of American citizens	Farmers	Relatives of aliens	Total preference			
Afghanistan	100							
Albania	100	19		59	78	7	85	85
Andorra	100							
Arabian Peninsula	100							
Australia	100	2		3	5	62	67	67
Austria	1,413	28		69	97	559	656	46
Belgium	1,304	25	1	4	30	140	170	13
Bhutan	100							
Bulgaria	100	3			3	42	45	45
Cameroons (Br.)	100							
Cameroun (Fr.)	100					2	2	2
China	100			5	5	37	42	42
Czechoslovakia	2,874	161		158	319	309	628	22
Danzig, Free City of	100	1			1	11	12	12
Denmark	1,181	11	1	17	29	124	153	13
Egypt	100	1		4	5	17	22	22
Estonia	116	6		3	9	22	31	27
Ethiopia	100							
Finland	569	11	1	28	40	66	106	19
France	3,086	55	1	73	129	310	439	14
Germany	25,957	293		604	897	3,756	4,653	18
Great Britain and Northern Ireland	65,721	136		347	483	1,570	2,053	3
Greece	307	81		37	118	186	304	99
Hungary	869	119	1	54	174	230	404	46
Iceland	100					2	2	2
India	100	2			2	20	22	22
Iran	100	1			1	13	14	14
Iraq	100			5	5	5	10	10
Irish Free State	17,853	27		74	101	221	322	2
Italy	5,802	957		682	1,639	568	2,207	38
Japan	100					8	8	8
Latvia	236	14		4	18	36	54	23
Liberia	100					2	2	2
Liechtenstein	100							
Lithuania	386	55		20	75	142	217	56
Luxemburg	100	1			1	12	13	13
Monaco	100					2	2	2
Morocco	100					3	3	3
Muscat	100							
Nauru	100							
Nepal	100							
Netherlands	3,153	23	29	23	75	186	261	8
New Guinea	100							
New Zealand	100	1		1	2	31	33	33
Norway	2,377	22	2	27	51	152	203	9
Palestine	100	1		8	9	39	48	48
Philippine Islands	50			31	31	19	50	100
Poland	6,524	482		232	714	1,042	1,756	27
Portugal	440	31		161	192	115	307	70
Ruanda and Urundi	100							
Rumania	377	100		34	134	176	310	82
Samoa, Western	100							
San Marino	100			8	8	4	12	12
Saudi Arabia	100							
Siam	100							
South Africa, Union of	100	4		3	7	34	41	41
South West Africa	100							
Soviet Union	2,712	85	2	32	119	262	381	14
Spain	252	18		72	90	162	252	100
Sweden	3,314	28	4	25	57	102	159	5
Switzerland	1,707	14		10	24	171	195	11
Syria	123	31		6	37	27	64	52
Tanganyika	100							
Togoland:								
British	100							
French	100							
Turkey	226	113		16	129	97	226	100
Yap	100							
Yugoslavia	845	71		48	119	126	245	29
Total	153,774	3,033	42	2,987	6,062	11,229	17,291	11

Quota immigration visa statistics for the fiscal year ended June 30, 1935—Continued

Nonquota immigration visa statistics for the fiscal year ended June 30, 1935

NONQUOTA VISAS ISSUED

Country	Relatives of American citizens	Returning aliens	Natives of Western Hemisphere	Ministers and professors	Students	United States born alien women	Total
Czechoslovakia	362	17		20	14	1	414
France	90	123	3	19	35	2	272
Germany	418	194		39	54	7	712
Great Britain and Northern Ireland	480	517	55	45	134	27	1,258
Greece	438	66		4	5		513
Hungary	76	8		22	11	1	118
Irish Free State	93	113		3	68		277
Italy	4,541	226	3	24	24	6	4,824
Japan	9	121		63	55	2	250
Norway	121	50		8	15		194
Poland	697	35	3	34	25		794
Rumania	122	4		11	7		144
Soviet Union	121	23		11	11		166
Spain	107	117	12	27	12	2	277
Sweden	47	94		10	15	2	168
Turkey	139	30		12	33		214
Yugoslavia	227	27		1	2	1	258
Other quota countries	758	203	6	53	428	6	1,454
Total	8,846	1,968	82	406	948	57	12,307
Argentina		6	43	2	5	1	57
Bolivia			3				3
Brazil	2	8	37		6		53
Canada	305	79	5,053	53	186	16	5,692
Canal Zone			5				5
Chile		6	35		1		42
Colombia		9	112	1	4		126
Costa Rica			60				60
Cuba	8	14	301		48		371
Dominican Republic			79		1		80
Ecuador		2	26				28
El Salvador	4	5	52				61
Guatemala		8	31		9		48
Haiti		1	8				9
Honduras	2	16	55		3		76
Mexico	97	36	1,088	27	92	2	1,342
Newfoundland	10	2	79	1	5		97
Nicaragua		7	50		2		59
Panama		3	111		1		115
Paraguay			1			1	2
Peru	1	1	35		3		40
Uruguay		1	9		1		11
Venezuela		30	126		15		171
Total for Western Hemisphere	429	234	7,399	84	382	20	8,548
Total for all countries	9,275	2,202	7,481	490	1,330	77	20,855

Mr. COOLIDGE. Mr. President, on the last call of the calendar I had hoped the Senate would pass the immigration bill which had been reported to the Senate during the last session. I refer to the bill (S. 2969) to provide for the deportation of certain aliens, and for other purposes.

The Senator from Georgia [Mr. RUSSELL] informed me there was new legislation in the bill and that he wanted to look it over before it was passed. Necessarily there had to be some new legislation, because, as I stated at that time, it was a clarifying bill.

The point of the bill was the provision allowing those who were desirable from the standpoint of residence and potential citizenship to remain in this country and to give the Department of Labor ample power to send out of the country undesirable aliens—and the term "undesirable aliens" is a very broad one.

There did not seem to be any objection to the bill when it was reported to the Senate; and I thought that during the period of some 9 months between the last session of the present Congress and this session, if the constituency of any Representatives or Senators had objections to this measure they would naturally, during this long period, have time to take up the matter with them. Since I asked to have the bill passed the other day, however, I find that there is some objection to it.

Last Tuesday, the 11th of February, I delivered a 15-minute address over the Yankee radio network, which takes in all the New England States; and I may say that in every mail I am receiving editorials from numerous newspapers all over New England commending me for the position I took in that address. They all appreciate the fact that undesirable aliens are not wanted here.

Mr. WALSH. Mr. President, will my colleague yield?

Mr. COOLIDGE. Certainly.

Mr. WALSH. I had intended to request that the very able and informative radio address of my colleague be inserted in the RECORD; and I should be glad if the Senator would give the Senate the benefit at least of the substance of it. I desire to take this occasion to compliment him for his splendid discussion of the question of naturalization and immigration.

Mr. COOLIDGE. I thank my colleague.

I stated in the address to which I have referred that my committee, Congress itself, and I were all in favor of restricted immigration. I do not know how far we should go in this matter, or whether we should go as far as proposed by the Senator from North Carolina [Mr. REYNOLDS] who preceded me; but I have a few statistics which I should like to give to the Senate. I do not know how long the Senator from North Carolina had been speaking at the time I entered the Chamber, but when I did so he was presenting some statistics in regard to immigration.

Many misstatements have been made in public discussions with regard to immigration and naturalization, and many statements and statistics have been presented which are not true, according to information which I get from the Department of Labor. I do not think it makes much difference whether or not more aliens are going out of the country than are coming in. We are glad to have them go out if they wish to return to their old homes, and still restrictions should apply to those who are coming in here.

So, Mr. President, I will repeat portions of my address over the Yankee network last Tuesday. I do so because the address contains some statistics on this subject, and I am not sure how they jibe with the statements made by the Senator from North Carolina [Mr. REYNOLDS].

From 1901 to 1914 nearly 1,000,000 immigrants entered this country each year. The average was a little more than 923,000.

Under the act of 1924 immigration was reduced during the 6 years from 1925 to 1930 to an annual average of about 294,000. This was 31 percent of the pre-war average.

Early in the economic crisis consuls abroad were instructed to enforce strictly the clause in the act of 1924 prohibiting the issuance of visas to aliens likely to become public charges. By this ruling immigration for the 5-year period 1931 to 1935 was reduced to less than 5 percent of the pre-war average, or 44,041.

For a country so large as the United States, with a population of more than 120,000,000, this figure is small.

There is another point which should be emphasized in this connection. Each year aliens abandon domicile in the United States and return to their old homes. During the past 4 years the number of such alien emigrants leaving the United States has exceeded the number of immigrants admitted.

With comparatively few exceptions, the aliens in the United States today were admitted prior to 1931.

For the last 5 years immigration has been reduced to less than 45,000 per year and is more than counterbalanced by the outflow of aliens. The number of aliens in the United States today is less than 5,000,000. The total is being rapidly reduced by naturalization and by mortality.

Another matter concerning which there is gross exaggeration is illegal entry. It is frequently alleged that millions of aliens have entered the United States illegally, and are subject to deportation. A few aliens admitted as visitors overstay the time allowed them, a few evade the immigration border patrol and slip into the United States from Canada or Mexico, and a few more are smuggled. But there are not nearly so many of these cases as is commonly believed, and most of those who enter illegally are eventually apprehended and deported.

The former Secretary of Labor, William N. Doak, and the present Commissioner of Immigration and Naturalization, Col. D. W. MacCormack, after going into this question carefully and weighing all the known facts, each reached the conclusion that the total illegally here and subject to deportation does not exceed 100,000, instead of three and a half to ten million, as frequently alleged.

Let me state, as chairman of the Senate Committee on Immigration, that this Congress does not propose to relax in the slightest degree the existing restrictions on immigration. The country has determined on a policy of highly restricted immigration, and the policy meets with the approval of the vast majority of its citizens. Until employment can be found for the millions who are now jobless and on relief, it would be folly to admit new workers to compete with them.

A word now about naturalization:

There are many immigrants who have been in this country for years who have made no attempt to qualify as citizens of the United States. During the great flood of immigration, alien workers formed colonies of their own nationality in the great manufacturing and industrial centers.

It is doubtless true that when these aliens were actively employed there was little incentive to prepare themselves for citizenship, even though educational facilities for such preparation existed and do exist through our public-school system and other philanthropic and patriotic agencies throughout the United States.

I think the attitude of the Government has changed considerably in recent years with reference to aliens becoming citizens, in that we are more interested in good moral character, the applicant's attitude toward his home, his family, his neighbors, and the community in which he lives. My own idea is that we do not condone or care to have in this country undesirable aliens.

There has been a marked increase in naturalization in recent years. During the past 5 years final certificates of naturalization have averaged over 125,000 a year, or three times the number of immigrants admitted.

For the benefit of my committee and Senators I made an inquiry regarding the number of naturalization applications before one court, and was informed that at the present time there were from 1,200 to 1,500 per week. This is an increase of two and one-half times the number of applications before the same court prior to January 1, 1934. Much of this huge increase is due, first, to liberalization of State and Federal old-age pension laws; second, to those who have hopes of the adoption of the Townsend plan. Recently, when a judge asked an applicant, "Why do you want to become a citizen?", the applicant frankly stated that it was because of public assistance to old age.

It is estimated that from 75 percent to 80 percent of those now applying for citizenship are doing so to derive benefits from old-age pensions.

In 1935 applications for first papers numbered 136,524, as compared with only 83,046 in 1933.

From information gathered it is apparent that industry is giving preference to American citizens rather than to aliens. The attitude of the employer necessarily throws this group of unemployed on the welfare list.

It is evident that immigrants are renouncing their allegiance to the lands of their birth and taking the step which will bind them with the ties of loyalty and patriotism to the land in which they have made their home.

With the educational opportunities offered them, there are few immigrants of good character here today who cannot, if they will, qualify themselves for American citizenship.

In view of these facts, which I have endeavored to make clear, what new legislation is required?

During the past 5 years 9,035 alien criminals and narcotic violators have been deported. Violators of the State narcotic acts are not deportable. It is proposed to make these violators deportable.

During the same period an additional 20,000 alien criminals have been convicted of crimes which would render them deportable. Under the present law they cannot be deported, and may remain here to create prejudice against law-abiding immigrants.

The proposed immigration laws provide that the alien shall be deported if convicted of a crime involving moral turpitude.

At the present time we can deport the alien who is smuggled into the country, but we cannot deport the alien smuggler. We may incur some expense as a result of his activities, because we can put him in jail and board him, but we ought not to be put to that extra expense. Costs of government are rising all the time, and we ought to eliminate all unnecessary expenses. It is proposed, therefore, that the alien smuggler shall be deportable with the alien he smuggles in.

It is proposed that racketeers and gangsters convicted of carrying concealed and dangerous weapons shall be deportable.

For lack of this authority, more than 5,000 illegal entries have escaped arrest and deportation in the last 2 years.

The existing law permits any judge or magistrate to stay the deportation of alien criminals in cases coming before him.

Such recommendations should be reviewed and approved before becoming effective.

There is, however, another side to the picture.

The deportation laws were intended to rid the country of the undesirable alien. We are only now beginning to understand that they serve to guard and protect the criminal alien while dealing with the greatest harshness and severity with the alien of good character.

Under the present law aliens of good character are deported, leaving their American-born wives and children destitute in this country to become charges on the State.

Wives are taken from their husbands, children from their parents, and sent to different countries. It is not unusual for the father to be deported to one country, his wife to another, and his children to a third. If children have been born to them in this country, they are kept here and placed in orphanages or other institutions supported with public funds.

Such cruel family separations are unworthy of a great country such as ours, and constitute a blot on our civilization.

In the bills Congressman KERR and I have introduced we recommend measures of discretion to avert some of these cruel family separations.

These cases are not numerous. Only 2,862 have been found in 3 years—an average of three families every 24 hours. Such figures mean little to a population of over 120,000,000.

What is the net effect of our proposals? We would permit aliens of good character to remain with their families.

On the other hand, we would be able to arrest and deport each year at least 2,500 additional aliens who enter or remain in the country illegally.

We would also be able to double or treble our deportations of alien criminals and narcotic-law violators.

The Senate bill 2969 and House bill 8163 is reasonable and would greatly increase the deportations of undesirable aliens. Such legislation, if adopted, would bring our laws dealing with the alien of good character into accord with American traditions of justice and humanity.

Mr. WALSH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TRUMAN in the chair). Does the Senator from Massachusetts yield to his colleague?

Mr. COOLIDGE. I yield.

Mr. WALSH. Is the bill to which the Senator just referred the one which was called on the calendar on February 4, and to the consideration of which the junior Senator from Georgia [Mr. RUSSELL] objected?

Mr. COOLIDGE. Yes.

Mr. WALSH. Has the bill passed the House?

Mr. COOLIDGE. No.

Mr. WALSH. But it is on its way to passage?

Mr. COOLIDGE. Yes.

Mr. WALSH. It has been on the calendar favorably reported since the last session of this Congress, has it not?

Mr. COOLIDGE. It was reported during the first session of the present Congress.

Mr. WALSH. I hope the bill will be speedily enacted into law.

Mr. COOLIDGE. Mr. President, I might say that I hope to have at no distant date in the future an open meeting on the bill where everyone who is opposed or in favor of it may have an opportunity to be heard. We will also consider at the same hearing the bill of the Senator from North Carolina [Mr. REYNOLDS]. We will get as broad an expression as possible from all the organizations and individuals who appear for or against the bills.

Since I found that there was some objection by the Senator from Georgia [Mr. RUSSELL] and the Senator from Pennsylvania [Mr. DAVIS], my effort has been to get them to suggest such amendments as they would like to have added to the bill in order to make it satisfactory to them, and not kill the important feature of the measure. I hope to be able to bring before the Senate at no distant date some bill which will be entirely satisfactory to the different departments of the Government, to Senators, and to the citizens of the country.

CONSTITUTIONALITY OF FEDERAL FARM LEGISLATION

Mr. COSTIGAN. Mr. President, the senior Senator from Nebraska [Mr. NORRIS], whose consistent advocacy of human happiness, and equal constitutional rights, and whose other Lincoln-like sympathies, are recognized and admired in Congress and the country, spoke at length yesterday of the jurisdiction and power of the United States Supreme Court. Senator NORRIS on February 6 also made the following statement to the Senate about the pending substitute bill for agricultural recovery:

> I think this bill is constitutional, but I doubt very much whether it avoids the Supreme Court opinion. I think there is a difference. This bill is constitutional, in my opinion, but I doubt whether it meets the requirements laid down by the Court. In other words, I want to draw a distinction between the Constitution and the judgment of the Supreme Court.

These quoted words of Senator NORRIS recall some famous similar comments of Abraham Lincoln on the 7-to-2 decision of the majority of the Supreme Court of the United States in 1857 in the Dred Scott case, in which the Supreme Court held unconstitutional the previously asserted power of Congress to declare slavery unlawful in Territories of the United States. The Supreme Court announced its decision in the spring of 1857, and the permanently binding effect of that ruling was immediately challenged with historical citations and impressive reasoning.

The majority opinion in the Dred Scott case was rendered by Chief Justice Taney who, speaking for himself and his associates, declared, in effect, that the Declaration of Independence and the Constitution of the United States, when written, did not, in fact, gage African slavery in this country other than from a property viewpoint; in other words, that slaves were not to be counted among human beings,

entitled equally to life and liberty, or to be counted among the "people of the United States", the promotion of whose "general welfare" is one of the specified objectives of the Federal Constitution.

Abraham Lincoln, in an address at Springfield, Ill., a few months after the announcement of the Dred Scott decision, argued that the decision of a majority of the Court was, under all the circumstances attending it, inconclusive. He indicated that, with due deference to the Court, it was the justifiable purpose of those who disagreed, to bring about a reversal of the majority decision. This expression of Abraham Lincoln's views, cited in part by the senior Senator from Nebraska, should perhaps be more fully incorporated in the CONGRESSIONAL RECORD. His analysis and conclusions draw force from historical events preceding and following 1857.

Lincoln's remarks at Springfield on June 26, 1857, are reported, in part, at pages 228–235, volume 1, of the Nicolay and Hay edition of 1920 of Lincoln's Complete Works. I ask that the portions I am indicating of those pages may be placed in the RECORD as part of my remarks.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

It was made by a divided court—dividing differently on the different points. Judge Douglas does not discuss the merits of the decision, and in that respect I shall follow his example, believing I could no more improve on McLean and Curtis than he could on Taney.

He denounces all who question the correctness of that decision as offering violent resistance to it. But who resists it? Who has, in spite of the decision, declared Dred Scott free, and resisted the authority of his master over him?

Judicial decisions have two uses—first, to absolutely determine the case decided; and secondly, to indicate to the public how other similar cases will be decided when they arise. For the latter use they are called precedents and authorities.

We believe as much as Judge Douglas (perhaps more) in obedience to, and respect for, the judicial department of government. But we think the Dred Scott decision is erroneous. We know the court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this. We offer no resistance to it.

Judicial decisions are of greater or less authority as precedents according to circumstances. That this should be so accords both with common sense and the customary understanding of the legal profession.

If this important decision had been made by the unanimous concurrence of the judges and without any apparent partisan bias and in accordance with legal public expectation and with the steady practice of the departments throughout our history, and had been in no part based on assumed historical facts which are not really true, or if, wanting in some of these, it had been before the Court more than once and had there been affirmed and reaffirmed through a course of years, it then might be—perhaps would be—factious, nay, even revolutionary, not to acquiesce in it as a precedent.

But when, as is true, we find it wanting in all these claims to the public confidence, it is not resistance, it is not factious, it is not even disrespectful, to treat it as not having yet quite established a settled doctrine for the country.

I have said, in substance, that the Dred Scott decision was in part based on assumed historical facts which were not really true, and I ought not to leave the subject without giving some reasons for saying this.

Chief Justice Taney says:

"It is difficult at this day to realize the state of public opinion, in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted."

And again, after quoting from the Declaration, he says:

"The general words above quoted would seem to include the whole human family, and if they were used in a similar instrument at this day, would be so understood."

In these the Chief Justice does not directly assert, but plainly assumes, as a fact, that the public estimate of the black man is more favorable now than it was in the days of the Revolution. This assumption is a mistake. In some trifling particulars the condition of that race has been ameliorated; but as a whole, in this country, the change between then and now is decidedly the other way; and their ultimate destiny has never appeared so hopeless as in the last 3 or 4 years.

In those days, by common consent, the spread of the black man's bondage to the new countries was prohibited, but now Congress decides that it will not continue the prohibition, and the Supreme Court decides that it could not if it would.

Mr. COSTIGAN. Mr. President, Abraham Lincoln, later in the same address, described the goal of the Declaration of Independence, as Thomas Jefferson penned and intended it, in one never-to-be-forgotten sentence which has not been and is not likely to be improved. Lincoln said:

I had thought the Declaration contemplated the progressive improvement in the condition of all men everywhere.

Further to illuminate where we are tending, I also ask leave to incorporate in the RECORD as part of my remarks portions of an able article published in the New Republic of January 29, 1936, under the title "The Constitution and the Future." It is by Dean Lloyd K. Garrison, of the University of Wisconsin Law School, who was chairman in 1934 of the first National Labor Relations Board. Dean Garrison, in his discussion, proposes an amendment to the Federal Constitution. Without including that proposed amendment or the author's discussion of his remedial suggestions, it will be helpful if Dean Garrison's summary of legislative restrictions imposed by various decisions of the United States Supreme Court on Congress and the States to enact certain laws, however constructive in the public interest, to improve some National or State peacetime economic conditions may also be printed as part of my remarks. I therefore ask that the first seven paragraphs of Dean Garrison's discussion, referred to, may be incorporated in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE CONSTITUTION AND THE FUTURE

The Supreme Court's decision invalidating the A. A. A. has added another significant item to the list of functions that neither the Federal Government nor the States can effectively exercise. These dual limitations have become so many and so serious that the old question of Federal power versus States' rights has lost much of its meaning. What we face now, at numerous and critical points, is the question, not how governmental functions shall be shared but whether, in substance, we shall govern at all.

In agriculture, for example, 48 separate legislatures cannot, as a practical matter (and perhaps cannot constitutionally), deal with a complex problem which cuts across State boundaries and is bound up with the tariff and foreign policies of the Federal Government. But the Federal Government cannot regulate production, and the Court has held that it cannot do so indirectly by purchasing the farmers' compliance under a voluntary scheme of regulation. Short of leveling tariffs and restoring a world market for our surpluses, for which we can scarcely hope for a long time to come, any substitute for the A. A. A., if one can constitutionally be devised, is bound to be a limping and makeshift expedient which the Government would never have proposed had it had a free choice of policy.

In the industrial field Congress cannot (except in respect to interstate carriers) regulate wages, hours, prices, or (in all likelihood) labor relations; but, for practical purposes, neither can the States, save in isolated categories; for their industries compete with one another, and apart from these obstacles, which are controlling, there is much doubt under the due-process decisions as to how far the States can act. The possibility of negotiating interstate compacts in these clashing and controversial fields on any significant scale seems too remote for argument.

When we turn to social-security measures we learn from the courts that Congress cannot require even interstate carriers to adopt pension plans, because this is not a regulation of interstate commerce; and that the States cannot do so either, because they would then be interfering with interstate commerce. The recent attempt of Congress to attain its objects indirectly by taxing the carriers and providing its own pensions may come under the ban of the A. A. A. decision. In the case of other industries, social-security regulation by the States runs up against the stubborn competitive factor, while in the light of the A. A. A. decision that part of the Federal Social Security Act which seeks by indirect methods to bring about unemployment-insurance laws may well not survive. Similarly in the case of child labor the Federal Government cannot abolish it directly, or, as the Court has held, indirectly by taxing it out of existence or by barring the shipment across State lines of goods made by child labor. But, paradoxically, the States cannot, under the decisions, bar the shipment of such goods into their territories, even to protect local industries not using child labor, so that the problem is relegated for solution to a long and uncertain future.

With respect to the conservation and control of natural resources, such as coal, oil, and timber, it is clear that competitive considerations and local pressures will hinder and probably prevent any effective State action. But Congress cannot regulate the use of these resources, and under the A. A. A. decision it can hardly do so indirectly. So with soil erosion, Congress cannot regulate land use, and since it may not pay farmers to plow up land for the prevention of surpluses, it presumably may not pay them to plant grass for the prevention of erosion.

The power we need to make us masters in our own house is Federal power. The maladies we suffer from are national in character, and they were utterly unknown and unforseeable a hundred and fifty years ago, when the limited prerogatives of Congress were laid down. We are confronted now by an increasing proportion of liquid and unstable wealth, subject to all the

hazards of fraudulent manipulation, of bank runs, failures and stock-market upsurges and collapses, which injure the entire country; a dominant and tariff-protected industry side by side with an unprotected agriculture whose depressed purchasing power affects a third of the people directly and all the rest indirectly; rigid prices and curtailed production controlled by great semimonopolies beyond the reach of the antitrust laws, side by side with the flexible prices and cut-throat competition of farmers and small-unit producers; an industrial plant which at its peak has never even approached capacity, side by side with millions of unemployed and tens of millions of underprivileged, whose consumptive wants have never remotely been satisfied; billions of savings chronically far in excess of productive reinvestment opportunities and circling in speculative exchanges, side by side with crime-breeding slums and a vast range of needed public works and services; rapidly disappearing and shockingly wasted natural resources; and accelerating soil erosion, with the chairman of the Mississippi Valley Committee warning us that we have "but 20 years' grace to save the land."

These and other maladies are continental in their scope, their complexity, and their effects. They are not likely, if history means anything, to cure themselves, for they were with us, growing and lightly disregarded in the gay twenties and before then. They cannot conceivably be dealt with by 48 uncoordinated legislatures. They require long-range national policies and, therefore, an amendment to the Constitution, since the power is not there. What these policies should be, I do not pretend to know. They will have to be developed by the legislative process in the light of changing and unpredictable circumstances. The case for amending the Constitution does not depend upon producing in advance, which no one is competent to do, a blue print of projected legislation. It depends simply on the fact that our national problems appear to have outrun our constitutional capacity to deal with them. Nor should the unfavorable outlook for obtaining an amendment in the near future foreclose discussion either of its desirability or its form, the more so since the vital question of form is a difficult one which ought to be thoroughly considered and debated, and the sooner the better.

Mr. COSTIGAN. Mr. President, it is significant that Lincoln in 1857 urged, as one reason why the Dred Scott decision should not be taken as final, that it represented merely a first expression of the views of the majority of the Supreme Court. Today we confront critical legislative problems affecting the welfare of millions of farmers because of a novel interpretation of the general-welfare clause of the Federal Constitution by a majority of the members of the Supreme Court. Americans who believe that the Constitution, as originally ratified, conferred adequate legislative power to authorize, if deemed by Congress and our President in the national interest, such statutory safeguards as those of the Agricultural Adjustment Act are, therefore, particularly indebted to Mr. Justice Stone and to the two other distinguished justices who concurred with him for the brilliantly forceful and persuasive assignment of reasons in the minority opinion for affirming the constitutionality of such farm legislation.

For convenient reference in this connection, I now ask to have incorporated in the RECORD the already historic dissenting opinion delivered by Mr. Justice Stone, with the concurrence of Mr. Justice Brandeis and Mr. Justice Cardozo, on the constitutionality of the Agricultural Adjustment Act.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[Supreme Court of the United States. No. 401. October term, 1935. *United States of America, petitioner,* v. *William H. Butler et al., Receivers of Hoosac Mills Corporation.* On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit. Jan. 6, 1936]

Mr. Justice Stone:

I think the judgment should be reversed.

The present stress of widely held and strongly expressed differences of opinion of the wisdom of the Agricultural Adjustment Act makes it important, in the interest of clear thinking and sound result, to emphasize at the outset certain propositions which should have controlling influence in determining the validity of the act. They are:

1. The power of courts to declare a statute unconstitutional is subject to two guiding principles of decision which ought never to be absent from judicial consciousness. One is that courts are concerned only with the power to enact statutes, not with their wisdom. The other is that while unconstitutional exercise of power by the executive and legislative branches of the Government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self-restraint. For the removal of unwise laws from the statute books appeal lies not to the courts but to the ballot and to the processes of democratic government.

2. The constitutional power of Congress to levy an excise tax upon the processing of agricultural products is not questioned. The present levy is held invalid, not for any want of power in Congress to lay such a tax to defray public expenditures, including those for the general welfare, but because the use to which its proceeds are put is disapproved.

3. As the present depressed state of agriculture is Nation-wide in its extent and effects, there is no basis for saying that the expenditure of public money in aid of farmers is not within the specifically granted power of Congress to levy taxes to "provide for the * * * general welfare." The opinion of the Court does not declare otherwise.

4. No question of a variable tax fixed from time to time by fiat of the Secretary of Agriculture, or of unauthorized delegation of legislative power, is now presented. The schedule of rates imposed by the Secretary in accordance with the original command of Congress has since been specifically adopted and confirmed by act of Congress, which has declared that it shall be the lawful tax (act of Aug. 24, 1935, — Stat. —. That is the tax which the Government now seeks to collect. Any defects there may have been in the manner of laying the tax by the Secretary have now been removed by the exercise of the power of Congress to pass a curative statute validating an intended, though defective, tax (*United States* v. *Heintzen & Co.*, 206 U. S. 370; *Graham & Foster* v. *Goodcell*, 282 U. S. 409; cf. *Milliken* v. *United States*, 283 U. S. 15). The Agricultural Adjustment Act as thus amended declares that none of its provisions shall fail because others are pronounced invalid.

It is with these preliminary and hardly controverted matters in mind that we should direct our attention to the pivot on which the decision of the Court is made to turn. It is that a levy unquestionably within the taxing power of Congress may be treated as invalid because it is a step in a plan to regulate agricultural production and is thus a forbidden infringement of State power. The levy is not any the less an exercise of taxing power because it is intended to defray an expenditure for the general welfare rather than for some other support of government. Nor is the levy and collection of the tax pointed to as effecting the regulation. While all Federal taxes inevitably have some influence on the internal economy of the States, it is not contended that the levy of a processing tax upon manufacturers using agricultural products as raw material has any perceptible regulatory effect upon either their production or manufacture. The tax is unlike the penalties which were held invalid in the *Child Labor Tax Case* (259 U. S. 20), in *Hill* v. *Wallace* (259 U. S. 44), in *Linder* v. *United States* (268 U. S. 5, 17), and in *United States* v. *Constantine*, decided December 11, 1935, because they were themselves the instruments of regulation by virtue of their coercive effect on matters left to the control of the States. Here regulation, if any there be, is accomplished not by the tax but by the method by which its proceeds are expended, and would equally be accomplished by any like use of public funds, regardless of their source.

The method may be simply stated. Out of the available fund payments are made to such farmers as are willing to curtail their productive acreage, who in fact do so and who in advance have filed their written undertaking to do so with the Secretary of Agriculture. In saying that this method of spending public moneys is an invasion of the reserved powers of the States, the Court does not assert that the expenditure of public funds to promote the general welfare is not a substantive power specifically delegated to the National Government, as Hamilton and Story pronounced it to be. It does not deny that the expenditure of funds for the benefit of farmers and in aid of a program of curtailment of production of agricultural products, and thus of a supposedly better ordered national economy, is within the specifically granted power. But it is declared that State power is, nevertheless, infringed by the expenditure of the proceeds of the tax to compensate farmers for the curtailment of their cotton acreage. Although the farmer is placed under no legal compulsion to reduce acreage, it is said that the mere offer of compensation for so doing is a species of economic coercion which operates with the same legal force and effect as though the curtailment were made mandatory by act of Congress. In any event, it is insisted that even though not coercive the expenditure of public funds to induce the recipients to curtail production is itself an infringement of State power, since the Federal Government cannot invade the domain of the States by the "purchase" of performance of acts which it has no power to compel.

Of the assertion that the payments to farmers are coercive, it is enough to say that no such contention is pressed by the taxpayer, and no such consequences were to be anticipated or appear to have resulted from the administration of the act. The suggestion of coercion finds no support in the record or in any data showing the actual operation of the act. Threat of loss, not hope of gain, is the essence of economic coercion. Members of a long-depressed industry have undoubtedly been tempted to curtail acreage by the hope of resulting better prices and by the proffered opportunity to obtain needed ready money. But there is nothing to indicate that those who accepted benefits were impelled by fear of lower prices if they did not accept, or that at any stage in the operation of the plan a farmer could say whether, apart from the certainty of cash payments at specified times, the advantage would lie with curtailment of production plus compensation, rather than with the same or increased acreage plus the expected rise in prices which actually occurred. Although the Agricultural Adjustment Act was put into operation in June 1933, the official reports of the Department of Agriculture show that 6,343,000 acres of productive cotton land, 14 percent of the total, did not participate in the plan in 1934, and 2,790,000 acres, 6 percent of the total, did not participate in 1935. Of the total number of farms growing cotton, estimated

at 1,500,000, 33 percent in 1934 and 13 percent in 1935 did not participate.

It is significant that in the congressional hearings on the bill that became the Bankhead Act (48 Stat. 598), as amended by act of June 20, 1934 (48 Stat. 1184), which imposes a tax of 50 percent on all cotton produced in excess of limits prescribed by the Secretary of Agriculture, there was abundant testimony that the restriction of cotton production attempted by the Agricultural Adjustment Act could not be secured without the coercive provisions of the Bankhead Act. See hearing before Committee on Agriculture, United States Senate, on S. 1974, Seventy-third Congress, second session; hearing before Committee on Agriculture, United States House of Representatives, on H. R. 8402, Seventy-third Congress, second session. The Senate and House committees so reported (S. Rept. No. 283, 73d Cong., 2d sess., p. 3; H. Rept. No. 867, 73d Cong., 2d sess., p. 3). The report of the Department of Agriculture on the administration of the Agricultural Adjustment Act (Feb. 15, 1934, to Dec. 31, 1934), page 50, points out that the Bankhead Act was passed in response to a strong sentiment in favor of mandatory production control "that would prevent noncooperating farmers from increasing their own plantings in order to capitalize upon the price advances that had resulted from the reductions made by contract signers." (Whether coercion was the sole or the dominant purpose of the Bankhead Act or whether the act was designed also for revenue or other legitimate ends, there is no occasion to consider now.) The presumption of constitutionality of a statute is not to be overturned by an assertion of its coercive effect which rests on nothing more substantial than groundless speculation.

It is upon the contention that State power is infringed by purchased regulation of agricultural production that chief reliance is placed. It is insisted that, while the Constitution gives to Congress, in specific and unambiguous terms, the power to tax and spend, the power is subject to limitations which do not find their origin in any express provision of the Constitution and to which other expressly delegated powers are not subject.

The Constitution requires that public funds shall be spent for a defined purpose, the promotion of the general welfare. Their expenditure usually involves payment on terms which will insure use by the selected recipients within the limits of the constitutional purpose. Expenditures would fail of their purpose and thus lose their constitutional sanction if the terms of payment were not such that by their influence on the action of the recipients the permitted end would be attained. The power of Congress to spend is inseparable from persuasion to action over which Congress has no legislative control. Congress may not command that the science of agriculture be taught in State universities. But if it would aid the teaching of that science by grants to State institutions, it is appropriate, if not necessary, that the grant be on the condition, incorporated in the Morrill Act (12 Stat. 503, 26 Stat. 417), that it be used for the intended purpose. Similarly it would seem to be compliance with the Constitution, not violation of it, for the Government to take and the university to give a contract that the grant would be so used. It makes no difference that there is a promise to do an act which the condition is calculated to induce. Condition and promise are alike valid since both are in furtherance of the national purpose for which the money is appropriated.

These effects upon individual action, which are but incidents of the authorized expenditure of Government money, are pronounced to be themselves a limitation upon the granted power, and so the time-honored principle of constitutional interpretation that the granted power includes all those which are incident to it is reversed. "Let the end be legitimate," said the great Chief Justice, "let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional" (*McCulloch* v. *Maryland*, 4 Wheat. 316, 421). This cardinal guide to constitutional exposition must now be rephrased so far as the spending power of the Federal Government is concerned. Let the expenditure be to promote the general welfare, still, if it is needful in order to insure its use for the intended purpose to influence any action which Congress cannot command because within the sphere of State government, the expenditure is unconstitutional. And taxes otherwise lawfully levied are likewise unconstitutional if they are appropriated to the expenditure whose incident is condemned.

Congress through the Interstate Commerce Commission has set aside intrastate railroad rates. It has made and destroyed intrastate industries by raising or lowering tariffs. These results are said to be permissible because they are incidents of the commerce power and the power to levy duties on imports. (See *Minnesota Rate Cases*, 230 U. S. 352; *Shreveport Rate Cases*, 234 U. S. 342; *Board of Trustees of the University of Illinois* v. *United States*, 289 U. S. 48.) The only conclusion to be drawn is that results become lawful when they are incidents of those powers but unlawful when incident to the similarly granted power to tax and spend.

Such a limitation is contradictory and destructive of the power to appropriate for the public welfare, and is incapable of practical application. The spending power of Congress is in addition to the legislative power and not subordinate to it. This independent grant of the power of the purse, and its very nature, involving in its exercise the duty to insure expenditure within the granted power, presuppose freedom of selection among divers ends and aims, and the capacity to impose such conditions as will render the choice effective. It is a contradiction in terms to say that there is power to spend for the national welfare, while rejecting any power to impose conditions reasonably adapted to the attainment of the end which alone would justify the expenditure.

The limitation now sanctioned must lead to absurd consequences. The Government may give seeds to farmers, but may not condition the gift upon their being planted in places where they are most needed or even planted at all. The Government may give money to the unemployed, but may not ask that those who get it shall give labor in return, or even use it to support their families. It may give money to sufferers from earthquake, fire, tornado, pestilence, or flood, but may not impose conditions—health precautions designed to prevent the spread of disease, or induce the movement of population to safer or more sanitary areas. All that, because it is purchased regulation infringing State powers, must be left for the States, who are unable or unwilling to supply the necessary relief. The Government may spend its money for vocational rehabilitation (48 Stat. 389), but it may not, with the consent of all concerned, supervise the process which it undertakes to aid. It may spend its money for the suppression of the boll weevil, but may not compensate the farmers for suspending the growth of cotton in the infected areas. It may aid State reforestation and forest fire-prevention agencies (43 Stat. 653), but may not be permitted to supervise their conduct.

It may support rural schools (39 Stat. 929, 45 Stat. 1151, 48 Stat. 792), but may not condition its grant by the requirement that certain standards be maintained. It may appropriate moneys to be expended by the Reconstruction Finance Corporation "to aid in financing agriculture, commerce, and industry", and to facilitate "the exportation of agricultural and other products." Do all its activities collapse because, in order to effect the permissible purpose, in myriad ways the money is paid out upon terms and conditions which influence action of the recipients within the States, which Congress cannot command? The answer would seem plain. If the expenditure is for a national public purpose, that purpose will not be thwarted because payment is on condition which will advance that purpose. The action which Congress induces by payments of money to promote the general welfare, but which it does not command or coerce, is but an incident to a specifically granted power, but a permissible means to a legitimate end. If appropriation in aid of a program of curtailment of agricultural production is constitutional, and it is not denied that it is, payment to farmers on condition that they reduce their crop acreage is constitutional. It is not any the less so because the farmer at his own option promises to fulfill the condition.

That the governmental power of the purse is a great one is not now for the first time announced. Every student of the history of government and economics is aware of its magnitude and of its existence in every civilized government. Both were well understood by the framers of the Constitution when they sanctioned the grant of the spending power to the Federal Government, and both were recognized by Hamilton and Story, whose views of the spending power as standing on a parity with the other powers specifically granted, have hitherto been generally accepted.

The suggestion that it must now be curtailed by judicial fiat because it may be abused by unwise use hardly rises to the dignity of argument. So may judicial power be abused. "The power to tax is the power to destroy", but we do not, for that reason, doubt its existence or hold that its efficacy is to be restricted by its incidental or collateral effects upon the States. (See *Veazie Bank* v. *Fenno*, 8 Wall 533; *McCray* v. *United States*, 195 U. S. 27; compare *Magnano Co.* v. *Hamilton*, 292 U. S. 40.) The power to tax and spend is not without constitutional restraints. One restriction is that the purpose must be truly national. Another is that it may not be used to coerce action left to State control. Another is the conscience and patriotism of Congress and the Executive. "It must be remembered that legislators are the ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts."—Justice Holmes, in *Missouri, Kansas & Texas R. R. Co.* v. *May* (194 U. S. 267, 270).

A tortured construction of the Constitution is not to be justified by recourse to extreme examples of reckless congressional spending which might occur if courts could not prevent expenditures which, even if they could be thought to effect any national purpose, would be possible only by action of a legislature lost to all sense of public responsibility. Such suppositions are addressed to the mind accustomed to believe that it is the business of courts to sit in judgment on the wisdom of legislative action. Courts are not the only agency of government that must be assumed to have capacity to govern. Congress and the courts both unhappily may falter or be mistaken in the performance of their constitutional duty. But interpretation of our great charter of government which proceeds on any assumption that the responsibility for the preservation of our institutions is the exclusive concern of any one of the three branches of government, or that it alone can save them from destruction is far more likely, in the long run, "to obliterate the constituent members" of "an indestructible union of indestructible States" than the frank recognition that language, even of a constitution, may mean what it says: That the power to tax and spend includes the power to relieve a Nation-wide economic maladjustment by conditional gifts of money.

Mr. Justice Brandeis and Mr. Justice Cardozo join in this opinion.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CHAVEZ in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on Finance.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Walter S. Cressman to be postmaster at Gwynedd Valley, Pa., in place of W. S. Cressman.

The PRESIDING OFFICER. The report will be placed on the calendar.

If there be no further reports of committees, the clerk will state the first business in order on the calendar.

UNITED STATES TARIFF COMMISSION

The legislative clerk read the nomination of Edward Dana Durand, of Minnesota, to be a member of the United States Tariff Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Dudley G. Dwyre, of Colorado, to be consul general.

Mr. ADAMS. Mr. President, I should like to have that nomination go over, because I find that neither of the Senators from Colorado knows the gentleman who has been nominated, and he seems to come from Colorado. We should like to make some inquiry concerning him.

The PRESIDING OFFICER. The nomination will be passed over.

POSTMASTER

The legislative clerk read the nomination of Bearge M. Hagopian to be postmaster at Madison, Maine.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. ROBINSON. I ask unanimous consent that the nominations in the Navy be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Navy nominations will be confirmed en bloc.

IN THE MARINE CORPS

The legislative clerk read the nomination of Col. Harold C. Reisinger to be paymaster in the Marine Corps.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That completes the calendar.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 2 o'clock and 50 minutes p. m.) the Senate took a recess until tomorrow, Friday, February 14, 1936, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 13 (legislative day of Jan. 16), 1936

ASSISTANT SECRETARY OF THE TREASURY

Wayne C. Taylor, of Illinois, to be Assistant Secretary of the Treasury, in place of Lawrence Wood Robert, Jr., resigned.

COLLECTOR OF INTERNAL REVENUE

William Driscoll, of Pittsburgh, Pa., to be collector of internal revenue for the twenty-third district of Pennsylvania, to fill an existing vacancy.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 13 (legislative day of Jan. 16), 1936

UNITED STATES TARIFF COMMISSION

Edward Dana Durand to be a member of the United States Tariff Commission.

PROMOTIONS IN THE NAVY

TO BE CAPTAINS

Frank J. Wille
Elwin F. Cutts

TO BE COMMANDERS

Henry P. Burnett
Herbert V. Wiley

TO BE LIEUTENANT COMMANDERS

Chester L. Walton
Charles C. Hartman
Charles M. Huntington
Carroll T. Bonney
Richard H. Cruzen
Austin K. Doyle
William E. Miller
Charles D. Murphey
Leslie C. Stevens

TO BE LIEUTENANTS

John J. Laffan
John G. Blanche, Jr.
Harry L. Ferguson, Jr.
John J. Hourihan
Charles M. Ryan
Edward A. McFall
Frederick P. Williams
Phillip H. FitzGerald
John G. Hughes, Jr.
John G. Johns
Gelzer L. Sims
Graham C. Gill
Thomas J. Hickey
Clyde M. Jensen

TO BE MEDICAL DIRECTOR

Gordon D. Hale

TO BE CHIEF GUNNER

Harlow Hines

TO BE CHIEF MACHINISTS

Guy B. Ray
Homer K. Davidson
Glenn Gardner
James W. Dyckman
William A. Smith
James J. Marron
Horace M. Chance

TO BE PAY DIRECTOR

David Potter

MARINE CORPS

Col. Harold C. Reisinger to be the Paymaster of the Marine Corps.

POSTMASTER

MAINE

Bearge M. Hagopian, Madison.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 13, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit, that we may perfectly love Thee and worthily magnify Thy holy name. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

PAYMENT OF INTEREST ON LOANS TO VETERANS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to speak for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, in the RECORD, at page 627, I inserted a statement on why the veterans are not paid interest on loans since 1931.

In this statement in regard to the $60 that was paid to each veteran on discharge I said that the high-salaried officers during the war received the $60 and were not required to pay it back. I failed to state, which I should have, that the enlisted man who served only 1 day was given $60. Every person who was honorably discharged from the Army was paid the $60 whether his service was 1 day or more. The high-ranking officers were not required to pay their $60 back and the men who served 1 day were not required to pay their $60 back, and therefore it was not right to deduct the $60 from the adjusted-service certificates. This correction has been made in the recent law that was passed.

PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent that on Monday next, following the reading of the Journal and disposition of matters on the Speaker's desk, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

EFFECTIVE INSURANCE—OUR NATIONAL DEFENSE

Mr. SNYDER of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SNYDER of Pennsylvania. Mr. Speaker, our worthy and distinguished chairman of the Subcommittee on War Appropriations [Mr. PARKS], and our able and congenial ranking chairman [Mr. BOLTON], and other members of the subcommittee have gone into the details of this bill in such a way that it would be largely repetition for me to enlarge on any of the several items embodied in the bill. I, therefore, invite your attention to what we might call the conservation side or the economy side of the appropriations embodied in this bill, and a somewhat detailed statement of the Army's air equipment.

Mr. Speaker, the appropriation bill now under consideration is to provide funds for a national defense. In other words, the appropriation is for an adequate police force to protect the United States against any foreign foe that might try to disturb our peace along our coasts, on our mainland, or on our possessions.

Your committee has spent much time in going into the details of our national defense during the last 5 months. In order that your committee might have first-hand knowledge of just what the Nation's defense equipment is at present, five members of the committee traveled thousands of miles purposely to inspect the Nation's defense equipment in Panama, Honolulu, the western coast, the Mexican border, and portions of the interior of the mainland. After seeing what we have on hand and checking up with the Bureau of the Budget and the General Staff, as well as the corps area commanders and the heads of the various departments, we are convinced that the estimates for the various items set forth in this bill are justifiable.

In one respect I am sure that I voice the sentiment of every member of the committee. That is, every member of this Committee on War Appropriations is bitterly opposed to this Nation appropriating money to prepare for war. We are opposed to war. Your committee considers this appropriation, and rightly so, as an appropriation to preserve peace.

This is a very small appropriation for national defense as compared with the appropriations in other major countries of the world. Your committee further thinks that an adequate national defense is the cheapest insurance that a nation can carry. You will observe that the military item in this bill is less than the nonmilitary item is. It is the military item that most people are interested in. Naturally, we have a small group of people in the United States who are opposed to spending any money for national defense. They are usually classified as pacifists.

It was my pleasure sometime ago to talk to a very splendid group of men who classified themselves as pacifists. I asked this group if they had an adequate fire department and an adequate police force in their city. Of course they said they had. I then asked them if they would vote to do away with their police force and their fire department of their city. Of course, they said they would not. They said that they would not feel safe to go to bed at night if they would do away with their police force and their fire equipment.

I then asked them if they were in favor of the State militia, the State police force, and the State motor patrol. All but one said that they were in favor of it. This one said he was in favor of the State police force and the State motor patrol, but he was not in favor of the State militia. I then pointed out to him one occasion where the State militia was called out to prevent bloodshed in the community in which he lived, and after he thought of that for a minute he said, "Well, I suppose it is all right to have a State militia."

I then said to this group: "If you are in favor of having this protection for your own city, if you are in favor of having a similar protection for your own State, why, of course, you are in favor of having a well-equipped police force and a well-equipped fire department to protect your Nation, the United States of America." I explained that all that the war appropriations covered was enough money to equip the United States with sufficient coast equipment, airplane equipment, and so forth, so that in case of emergency we could say to any foreign foe, "Keep away from our shores." At the conclusion of our chat they were all in favor of national defense such as we have in mind in asking for this appropriation.

In other words, Mr. Speaker, it is the desire of this committee and, I think, all of the Members of Congress, to go along with the Nation's splendid traditions of the past. That is, we are not going to prepare for war. We have no grudge against any nation. As a nation, we are not greedy. We want no other possessions. We just want to be left alone.

I know all of the arguments that are put up by the various groups against building forts and guns and airplanes and battleships and the like. I have heard them for a quarter of a century. They would all be good arguments if we were dealing with material things instead of human beings. But, as long as we have powerful nations that do not regard treaties, as long as we have governments that are greedy for power and possessions, just so long we as a nation must have adequate national defense.

History shows us that nations that prepare to go to war always lose in the end. There is not a single instance in history where a nation was motivated by the idea of conquest and plunder where in the end they did not lose. In other words, it is with nations as it is with individuals. If nations try to climb up at the expense of their weaker brothers they always fall, and the higher they climb the harder they fall. Take Spain as a recent example.

Mr. Speaker, in my opinion, we should have a more adequate air force.

Mr. Speaker, the report of the Committee on Appropriations carries for the Army Air Corps a substantial increase over the current year appropriations, and therefore represents a recognition on the part of that committee not alone of the existing economic conditions which reflect a higher cost for new types of aircraft but also reflects a continuing appreciation on the part of that committee of the need for increase and growth of the Air Corps. As a member of that committee, I, of course, concur in its report and recommendations to this House under the existing conditions. The committee has considered itself bound to respect the budgetary limitations of the President.

However, I am personally of the opinion that the Congress should take under serious advisement the question of whether or not we should again at this time establish a new aircraft-procurement program for the Army. The recommendations of the so-called Baker Board and of the President's Aviation Commission, together with those of the military authorities, including Gen. Douglas MacArthur, former Chief of Staff, and the present Chief of Staff, Gen. Malin Craig, indicate that the

objectives set forth for the Army Air Corps in the act of Congress passed July 2, 1926, the so-called Army Air Corps 5-year program, have not yet been attained, nor are they likely to be attained until new programs are established and additional funds appropriated.

The development of aviation is so great that the designs of aircraft of the year 1926 are today hopelessly obsolete in comparison with the modern designs of combat, service, and training aircraft. The period of 10 years since the enactment of that legislation in 1926 represents almost one-third of the entire life of heavier-than-air aviation. When considered in this light, I am sure that my colleagues will realize that piecemeal provision for increasing the Air Corps not alone to the original objective of 1,800 serviceable airplanes but up to the ultimate of 2,320 airplanes recommended by the War Department will never keep step with the progress of aviation, and that we must be farseeing enough and provide legislation of such broad and flexible scope that the military authorities can really accomplish something.

Report of the Appropriations Committee indicates a belief that the objective of 1,800 serviceable airplanes for the Regular Army and the National Guard has already been attained. Perhaps this is true when we deal with a matter of figures only. However, the testimony of technical men who are the advisers of the War Department and Congress clearly indicate that such a conclusion is erroneous and misleading and that the effectiveness of our military combat aviation, the so-called General Headquarters Air Force, cannot be attained through the use of a conglomeration of aircraft of widely varying degrees of obsolescence.

The effectiveness of our fighting air forces can be attained, in my opinion, only when provision is made for homogenous equipment, or at any rate for equipment of comparable and effective power, range, and speed. The General Headquarters Air Force is for the Army its first line of defense. You and I well know that it may also be considered the Nation's first line of defense. It must be ready for effective employment in combat immediately upon the outbreak of war. Its training in peacetime is such as to insure its concentration on any of our continental frontiers within 24 hours of the issuance of the order for the creation of the emergency requiring such concentration. To accomplish this concentration with reduced strength, with inferior and obsolete equipment, with insufficient armament, with lack of supplies for maintenance and operations, will constitute a military weakness rather than a factor of strength for defense. No defensive weapon which lacks offensive power can be effective against the offensive weapons of an enemy threatening our frontiers.

My colleagues, I submit to you my personal belief that the time has come when we must provide specifically for broad legislation and adequate appropriations not alone to bring the Air Corps up to its scheduled strength in personnel and airplanes but also up to the strength and efficiency desired by the War Department for this arm of the service, and in addition to provide for a program for sustained replacement and maintenance of aircraft. It is my firm conviction that under existing circumstances the sum of money recommended for appropriation for the Army Air Corps in the report of the Committee on Appropriations is the absolute minimum which should be provided for that purpose and in the interests of national defense. The amount appropriated should really be almost doubled for this year in order to remedy past deficiencies and to keep pace with the remarkable developments in military aviation throughout the world.

This view is supported by the Secretary of War, who in his last annual report states that we should procure 800 airplanes each year for a period of 5 years, whereas our appropriation provides only for a maximum of 565 new airplanes. The reason for this number—565—is that your committee is hewing close to the Budget line.

If I had my way, I would build one battleship less next year and thus be able to build with this money 300 more airplanes of the different types that dovetail into an effective air force. I would make or build air bases at Fairbanks, Alaska; San Francisco, Calif.; Los Angeles, Calif.; San Diego, Calif.; Panama Canal Zone; Hawaii; Fort Bliss, Tex.; and San Antonio, Tex., and thus be able to ward off our enemies on the West and South in case of emergency.

The best estimates available show that other nations have available airplanes in numbers approximately as follows:

Great Britain	2,978
Russia	2,700
Italy	3,018
Germany	1,450
Japan	1,980
France	3,067
United States	1,420

Mr. Speaker, furthermore, in the next span of years the United States will build three or four 40- to 60-foot highways across the Nation, from east to west, and some six or eight from north to south, and we will have big air-line service companies operating along or over the same routes, and at the cross roads of these lines running north and south and east and west we will have large airports. In peacetime these lanes and roads and fields will be used for commercial purposes, and in case of an emergency they could and would be used for our national defense. This will be economy as well as efficiency.

WHAT REAL AMERICANISM MEANS TO ME

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed in the RECORD a radio speech delivered by myself.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MAAS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following radio address, delivered over N. B. C. on February 12, 1936, at Washington, D. C., and sponsored by the United States Junior Chamber of Commerce:

The United States Junior Chamber of Commerce, to open their first national Americanism week, have invited me to speak on What Real Americanism Means to Me.

I know of no subject which is so timely nor upon which I would rather speak.

It is well that all Americans hold an inventory at least once a year and check up on just what America does mean to them individually.

The Junior Chamber of Commerce is to be congratulated upon its initiative and energy in undertaking this most worthy project. It is bound to become a great national annual institution. The happy selection of the week from Lincoln's birthday to Washington's birthday is most appropriate. These two great outstanding Americans typify the best that there is in America, and the two taken together are America.

The fine democratic combination, on the one hand, of a man reared in luxury, with an excellent education, an aristocrat, who nevertheless loved his fellow men, high and low, and who became their hero, and, on the other hand, a man of humble origin, desperately poor, with practically no schooling, who yet rose to leadership to champion the cause of freedom, liberty, and real justice, is certainly an inspiration to every American. Their lives and works continue to live as a symbol of America and an inspiration to every one of us. Even with such opposite backgrounds, they both became Presidents of the United States.

There is no snobbery here, no class discrimination, no mob ruthlessness. Just the simple principle that all, high and low, rich and poor alike are worthy of fair treatment and equal opportunity for service to the Republic. The young business and professional men who make up the 300 local junior chambers of commerce throughout the United States are conscious of both the great privileges and the solemn obligations of American citizenship.

I know the splendid attitude of these younger Americans. I have the privilege of being an honorary life member of this association at St. Paul, where as an active member I helped organize the local chamber several years ago.

The members, numbering over 75,000 throughout the country, appreciate what Americanism means, and they are devoted enough to its ideals to wish to preserve our American institutions. Since communism and fascism are equally repugnant to Americans, these young men are determined to preserve America and American ideals by American methods. There is none of the blatant supernationalism of the European variety in the patriotism of this campaign. Here we have no movements to force by violence and intimidation an allegiance to the flag. Their plan is not to compel lip service by the use of organized fear or inordinate display of the power of the state. No, we are to be treated to no European brand of youth movement by these American young men. They plan in a strictly American manner to teach reverence of America and things American by a huge educational campaign.

They have enlisted the aid of the newspapers and news-gathering associations throughout the country; the motion-picture industry; the radio; the clergy; fraternal organizations, such as the Elks; patriotic and veterans groups; the schools; service clubs; and pub-

lic officials. Their method is to mobilize prominent citizens in a speaking campaign and to sponsor essay contests on the benefits of Americanism. This shows the wisdom of the younger generation, as well as its unquestioned patriotism.

All we Americans need do is to pause and review our benefits and then compare our lot to that of those throughout the rest of the world. The attitude of the young business and professional men in initiating this campaign, which is strictly nonpolitical and nonsectarian, is expressed in the Junior Chamber's call for national observance of Americanism week. A paragraph from this call is noteworthy. I quote it:

"Our program is not partisan and not negative. It will be a positive, educational exposition of the merits of Americanism.

"It will express the profound conviction throughout that America and our American institutions have proven down through the years that, while not perfect, they represent the best system of government which has yet been conceived by the mind of man, and, as such, are entitled to the loyal support of our citizens to the end that they may be maintained in principle forever."

Here is the voice of young America speaking. It seeks to express in a positive manner its gratitude for the opportunities and benefits America has made possible for the youth of this country. These young people conceive truly that no better way of demonstrating their appreciation can be shown than by fostering a love of America and perpetuating American institutions for those countless generations yet to come. This is the spirit of America—a loyalty bred of appreciation and genuine love of America. Theirs is no idle loyalty founded on meaningless platitudes.

I think I can express the general views of these young Americans who are sponsoring this practical patriotism by expressing what real Americanism means to me.

When I say I love the United States, it is not an empty, banal phrase. Let me explain why I love the United States. It is because its ideals and objectives and the character of American people are an inspiration to everyone.

I love America because its people are peace loving, willing to go to almost any length to maintain peace. We are not a militaristic, warlike nation.

Every war we have fought has been for the benefit of oppressed peoples, either our own or others. We may have been duped at times, but the motive behind the American people themselves each time was a genuine, sincere desire to help the helpless. Crafty leaders may have taken advantage of our generous, sympathetic, even though credulous, natures to effect their own benefit, but the heart of America beat soundly each time for humanitarian causes. The best proof of this is the fact that we have refused to profit by our part in foreign wars.

Were we avaricious and imperial, we could now control over half the world. I love America because we as a nation have adhered, often with great sacrifice, to our ideals.

One of the greatest evidences of our sincerity and generosity is the fact that there are so many free and independent republics to the south of us, and a self-governing dominion to the north of us. Neither Canada nor Mexico has a single fort on their United States boundaries to protect them from us. Is not this the best proof that we are good neighbors and a peaceful people?

The United States captured Mexico City, but not for conquest, or we should today be ruling Mexico. We freed the Philippines, but not so that we could extend our dominion. We generously spent millions of dollars, without profit to ourselves, to educate the Filipinos for self-government and then gave them their sovereignty. No other people on the face of the earth have ever done such a thing. The ideals of 1776 have not been forgotten by the American people. I love America because this is so.

We intend to maintain American neutrality, not so that we may profit by wars of others, for we are sacrificing our chance for war profits, but because we sincerely desire peace.

To me real American neutrality will be such as will not entangle us in foreign wars. If we remain independent, we can exert far greater influence for the general welfare throughout the world than as a partisan.

To make our influence effective we must be prepared to maintain our independence. The United States must be realistic about this.

To insure our peace we must be strong enough to defend that peace. Real Americanism means a friendly attitude toward the rest of the world, aloofness from their quarrels, minding our own business through a genuine neutrality, and a sufficient national defense on land and sea to enforce that neutrality. I love America because we maintain only such Military and Naval Establishments as are designed to defend us and which are not even capable of wars of conquest. America wants to be let alone, and intends to see that its right to be let alone shall be respected.

I love America because of the equality of all of its citizens in the eyes of the law. In addition every citizen has the right and the opportunity to both make and administer the laws of the country. The courts that protect our rights are presided over by men and women who have been selected from among the rank and file of the people.

I love America because it is founded upon the fundamental principles that recognize the rights of the people to do their own governing. Our public officials in the United States are not rulers but public servants, and responsible to the people for their conduct in office.

I love America because it has a government of law and not individuals. As an illustration, our Army and Navy take oaths of allegiance not to individual commanders, not even to the President but only to the Constitution of the United States. These are not armies belonging to rulers but are armies of and for the Republic itself.

I love America because we have a Constitution born of great men in a trying time of external stress, a Constitution that has stood the test of time, the strain of adversity, the pressure of conflict. The American Constitution, while rock-bound in its protection of the people's rights, is nevertheless a living, breathing charter of human liberty. Such protection as is given to property is only for the safeguarding of the individual's right to use his property in order to insure his happiness and his very right to live. Human rights and consideration are supreme in our Constitution. The weak are protected against the strong, the minorities against ruthless majorities. I am grateful that our Constitution can be changed to meet any fundamental or permanent changes in our social or economic life, but that it cannot be nullified by temporary majorities to defeat the purposes of our founders nor to aid the politics nor whims of the passing domination of any individual or group. The Constitution of the United States is for all the people all of the time. It is the one safeguard against the gaining control of our country by groups imbued with European philosophies. It is insurance against anarchy, communism, or dictatorship.

It will be, as it has been in the past, assailed from time to time by those who find it stands in the way of their personal or political ambitions, but each tide will subside and find the Constitution even more firmly imbedded in the hearts of Americans.

I love the American Constitution because it is not a set of rules, but is a code of basic principles of human relationship. If these principles were correct once they are now and always will be. There is no element of time involved in real principles. They either are, always have been, and always will be correct, or they are and always have been false principles. Time and history have demonstrated the correctness of the foundation principles that make up our Constitution. Their essence is a constant effort to provide a better place for people to live and a better relationship for those people.

I love America because of the opportunity it affords for popular education. It equips its citizens to more fully enjoy a better living now and to plan for an even happier one for each succeeding generation.

We enjoy the fullest measure of individual freedom from State restraint. We may freely choose our schools, our church, our vocation in life, our place to live. We have no universal, compulsory military service in time of peace. There are enough patriotic citizens to voluntarily fill the ranks of our uniformed defense forces.

I love America because we are a people of homes. Americans are the greatest home-owning people on earth.

I love America because Americans are a generous, tolerant, good-natured, and kindly people. Their charity is unequaled; their sense of fair play is of world renown.

I love America because, while we love peace and are determined to avoid wars, we can and will defend ourselves against invaders.

I love America because, regardless of conditions, none go hungry, none go cold. In spite of black depressions, in spite of temporary maladjustments, we do not, as a people, become discouraged.

I love America, last but not least, because we have pioneer blood in our veins, because we inherit a tradition of courage, determination, and self-reliance. The American ideal is satisfaction in life through service to others, and the American objective is to make a better place in which to live and to leave a heritage of a larger and fuller opportunity for those who are to follow. That is what real Americanism means to me.

JUDICIAL REVIEW OF ACTS OF CONGRESS

Mr. EICHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a two-page letter from a leading lawyer of my district on judicial review of acts of Congress.

Mr. RICH. Mr. Speaker, reserving the right to object, it has been customary to confine such extensions in the RECORD to the doings of Congress and matters coming from ex-Members or from certain State or Government officials, and I question whether we ought to permit all letters to go into the RECORD that are requested. I do not want to object, but I think it is a wrong practice and I do not believe the Members of the House should make such requests unless they are absolutely necessary.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. EICHER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letter from a leading lawyer of my district:

MORRISON & MORRISON,
Washington, Iowa, February 5, 1936.

Hon. E. C. EICHER, M. C.,
Washington, D. C.

DEAR MR. EICHER: I am again, through your kindness, receiving the CONGRESSIONAL RECORD. That I appreciate it and find in it food for reflection, this letter will disclose.

I was quite interested in the President's message to Congress and particularly in his suggestion that Congress has within its

own hands the power to see to it the acts which it passes are not nullified.

I dug back into the RECORD of August 20, 1935, and the speech of Representative LEWIS of Maryland, beginning on page 13908, which is the best discussion of the history of and brief of cases where Supreme Court has held acts of Congress unconstitutional that I have seen, and also suggests a method of control of this Congress itself. I also note speeches[1] by Senator BANKHEAD and the remarks of Senator FLETCHER at page 205. I have also noted Representative RAMSAY'S speech at page 850, CROSS' speech, 1095, and HILL'S speech, page 1171. Also RAMSAY'S bill H. R. 8054, described at 854.

It has occurred to me that his bill could be profitably amended in two particulars:

1. By provision for a statute of limitations for attack on constitutionality of an act by very sharply limiting time for such attacks.

2. By provision requiring the Supreme Court to give attacks on the constitutionality of a statute certified to it priority in hearing over all other litigation.

Such amendments would head off the present intolerable condition regarding processing taxes.

You have both heard and read, no doubt with some irritation, the often repeated charge that the Seventy-third and Seventy-fourth Congresses were mere "rubber stamps."

It has occurred to me every time I heard or read this jeer that there is much less justification for it on the grounds claimed than there is for jeering every Congress since the day of *Marbury* v. *Madison*. That Congress, vested (by a Constitution which stated as one of its six grounds to "promote the general welfare"), by article I and section 1, with "all legislative powers", and later by article III, section 1, with power to "ordain and establish inferior courts", should permit a judge of a district court or two of three judges of a circuit court of appeals, both of which courts the Congress had created, blandly to decide a legislative act of that Congress to be unconstitutional, is about the finest example imaginable of not only being a "rubber stamp" but furnishing the stamp itself. That the members of the Constitutional Convention ever dreamed that the Congress it created would have such conception of its own dignity as to permit such a practice from time to time through more than a century is absolutely unthinkable. That Congress, after Congress has done so, has, in my opinion, done more to weaken the respect of the people for Congress than any other one thing of which I have any knoweldge.

One is respected by others very much as he respects himself. You have many times observed how little respect his neighbors and acquaintances have for the man who does not require respect from his wife, his children, or his servants.

I for one would be glad to see the Congress assume a dignity compatible with that clearly intended by the framers of the Constitution from the very nature of the powers granted.

Another slant on the view of the makers of the Constitution with reference to the powers of the courts: Is it reasonable to think that the practical men who made the Constitution and who so carefully provided that neither Congress nor a court could take from a citizen the right to be tried by a jury, whose verdict must be unanimous, on the veriest misdemeanor, merely mal prohibitum without taint of moral turpitude, and punishable at most by a small fine, intended to grant by the same instrument power to any court either directly or indirectly to nullify an act of the Congress in which it had vested "all legislative powers", by a mere preponderance in votes of the judges of that court, in the decision of a suit between two private litigants and regardless of the number of citizens or the value of their property affected by the nullification?

Such conception of the sound, practical, common sense of the framers of the Constitution as an aggregation of mere "gnat strainers" and "camel swallowers" is not justified by any side lights on their lives or any of their writings handed down to us by history.

You had some stormy weather driving East but I hope you did not suffer any ill consequences from exposure. We have had the coldest winter in years and more in prospect.

With best wishes, I beg to remain

Sincerely yours,

EDMUND D. MORRISON.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech made by the president of the Press Club at the inauguration of officers last week, and also certain headlines and short stories which were gotten out at the Press Club at that time.

Mr. RICH. Mr. Speaker, we are going from bad to worse. [Laughter.] I do not think we should grant all these requests for everything to go into the RECORD. I do not believe it is right and I do not think the Members ought to ask it. I do not think the Members should make such requests for the Press Club or any other club.

Mr. MAVERICK. Mr. Speaker, I would like to explain that this man is from Texas. He is the president of the Press Club and a distinguished citizen. We ought to let the newspapermen get something in the RECORD once in a while. They hardly ever get anything on us—it is always from us.

Mr. RICH. Will the gentleman tell us where Texas is?

Mr. MAVERICK. I will withdraw the request if the gentleman wants me to.

Mr. RICH. I do not think the gentleman ought to make the request.

Mr. CARTER. Reserving the right to object, Mr. Speaker, would the gentleman mind again stating what it is he desires to put in the RECORD?

Mr. MAVERICK. It is a speech by Mr. Stimpson. They also got out a special edition of the Washington Prosit. It looks like the Washington Post. There are some interesting headlines in it and I do not think it would burden the RECORD.

Mr. RICH. Is it a newspaper?

Mr. MAVERICK. Yes.

Mr. RICH. Then I object, Mr. Speaker.

WAR DEPARTMENT APPROPRIATION BILL, 1937

Mr. PARKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11035, with Mr. PARSONS in the chair.

The Clerk read the title of the bill.

Continuing the reading of the bill, the Clerk read as follows:

For contingent expenses of the Military Intelligence Division, General Staff Corps, and of the military attachés at the United States embassies and legations abroad, including the purchase of law books, professional books of reference, and subscriptions to newspapers and periodicals; for the hire of interpreters, special agents, and guides, and for such other purposes as the Secretary of War may deem proper, including $5,000 for the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign states at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, $87,000, to be expended under the direction of the Secretary of War: *Provided*, That section 3648, Revised Statutes (U. S. C., title 31, sec. 529), shall not apply to payments made from appropriations contained in this act in compliance with the laws of foreign countries or their ministerial regulations under which the military attachés are required to operate.

Mr. BLANTON. Mr. Chairman, I offer the following amendment. On page 7, line 11, I move to strike out the words "General Staff Corps." This is pro forma to give me the floor to discuss a matter of importance.

Mr. Chairman, before our committee that framed this bill met I wrote a letter to the Secretary of War and called attention to the usual restrictions of the General Staff, which are generally placed around the Army officers appearing before hearings, which prevents them from giving their real judgment to Members of Congress in the hearings.

I called attention to the fact that our committee had asked some high-ranking major generals of the United States Army to appear before us so that the committee and Congress could have the benefit of their own personal views on matters of national defense.

I mentioned to the Secretary of War that Gen. Hugh A. Drum, in charge of Hawaii, would be here under the direction of the War Department; that Gen. Paul B. Malone, of the Presidio, Calif., commanding the Ninth Corps Area, would be here under the direction of the War Department; that Gen. Lytle Brown, in command at Panama, and that Gen. Johnson Hagood, commander of the Eighth Corps Area, would also be here under the direction of the War Department; also other prominent officers—some of the greatest major generals in the United States, senior officers, who ought to be allowed to state what they really think about matters, and I asked him whether they would be under the usual restrictions or whether they would be allowed to

[1] 74th Cong., 2d sess.

frankly answer questions propounded by members of the committee and give their own honest convictions.

The Secretary of War referred my letter to the Chief of Staff, Gen. Malin Craig, who wrote the reply, stating to me that he was instructing all of these high-ranking major generals appearing before our committee to frankly and freely give their own personal opinions and convictions in answering all questions propounded to them by members of the committee about all Army and other matters in their corps areas and national defense, and that they would be relieved from any restrictions and be allowed to give their own personal opinions.

When these great major generals appeared before our committee and were questioned by us they gave their honest views.

Now, there is some criticism appearing in the newspapers concerning opinions expressed by General Hagood, who gave the committee his honest views in answer to our questions. I want to say that there is no one in Congress or in the War Department or anywhere else who can reflect on the standing and integrity of Johnson Hagood. He is my personal friend, and I will defend him against any and all assaults. There is no finer character in the United States.

The time has come when Democrats should present in a constructive way to our President and his administration their views about the inexcusable waste and extravagance of certain officials, and I want to say that General Hagood did not express a single view that is not my own view as a representative of the people of this country in this Congress. [Applause.] I want to say that I entertain 100 percent the same views that Gen. Johnson Hagood expressed before our committee. And I happen to know that Gen. Johnson Hagood entertains for our great President the highest regard and respect and is an enthusiastic advocate of his administration.

There is a whole lot going on for which our great President is being held responsible that is caused by officials who are not loyal to him that the President should know about.

To run this big Government, the President has to depend upon a large number of administrative officials, most of whom are honest, efficient, worthy, and deserving, and are above criticism; but as you will find in every large class, there are some who are black sheep and have been guilty of waste and extravagance and bad judgment and disloyalty, and it is the duty of us Democrats to tell the President about it and bring these matters to his attention so that he may correct same.

Mr. FADDIS. Mr. Chairman, will the gentleman yield? He has been told many times by Members of Congress who know these conditions as well as General Hagood.

Mr. BLANTON. Oh, our great President has many burdens upon his shoulders that the ordinary citizen never thinks about. He is weighted down with them. He deserves our sympathetic help and cooperation. How he accomplishes as much as he does is a wonder to me. I am backing him with all there is in me, and I know that he wants me to criticize anything that is going on wrong. I invite honest criticisms of any act that I do, and as a Democrat I invite honest criticism from Democrats of acts of our Democratic administration, to which I belong. It behooves us Democrats to clean our own house. An administration that does not appreciate honest criticism is not going to do its very best or last long. While I will not allow you Republicans to criticize our Democratic administration, I have the right to do it.

Here is a letter that I received from one of the big businessmen of my State, a man whom I know well, who once lived in my home town, now in charge of a big office at Dallas, Tex., dated February 5, 1936, which mentions a loan of $400,000 he made to a cattleman in my district, and he details specific instances of foolish waste and extravagance that has been carried on by certain Federal officials in Texas, who would not have been guilty of it if they had been faithful to their President and his administration.

I am bringing it to the attention of the President, for he should know about it. And in every case where it has been brought to my attention that Federal officials have been guilty of wastefully and extravagantly spending public money out of our Treasury I have promptly brought same to the attention of the President, for I know that he will always take prompt steps to stop it.

When I learned that much money was being spent in Washington, employing men to go around Washington and shake rocks in tin cans to scare starlings out of one tree into another, and to let up balloons to scare starlings from the eaves of one building to the eaves of another, I promptly denounced it to the President, and I was gratified to know that he stopped it.

It is the duty of every loyal Democrat to promptly bring to the attention of the President every instance of foolish waste and extravagance. If we do not do it, we Democrats will not deserve to be retained in office.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent for 5 minutes more, and that is all I want.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I am with my President in all of his proper plans and policies to bring about better conditions in this country. I am with him in every proper undertaking that he makes for the people. He is not responsible for this waste of money by these hirelings. We have too many of them scattered over the country. Many are wasting the people's money. I feel it is my duty to bring it to the attention of the President. It must be stopped. We Democrats do not want this money wasted.

It is somebody taking advantage of the Government and of the administration who is wasting this money, for which waste every one of us is held responsible, and for which we are all criticized, and I am getting tired of it. I am going to do my duty to stop it.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. McSWAIN. Mr. Chairman, I move to strike out the last three words, or at least one word more than the gentleman from Texas struck out.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. McSWAIN. Mr. Chairman, I merely want to state that General Hagood comes from South Carolina, from a most distinguished family.

His father was a distinguished Confederate soldier. His father's brother was a brigadier general in the Confederate Army. His uncle was later Governor, a distinguished and able Governor, of the State of South Carolina. A brother of General Hagood was for a part of my college course my classmate in college. I have an ardent personal affection for him, as for the entire family. I have complete confidence in him as a patriotic American.

He is a distinguished soldier and officer. He has constructive, original ideas. He appeared before our committee 3 or 4 years ago and contributed a most valuable statement and some most magnificent arguments in favor of certain changes and reforms in the Military Establishment, especially with reference to the training of raw recruits. He is a man of progressive ideas, a man of originality, a man of honesty and courage. He was chief of staff of the Service of Supplies in France under General Harbord. [Applause.]

Mr. Chairman, I ask unanimous consent that a telegram I have just received from General Hagood be printed in the RECORD with my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The telegram referred to is as follows:

FORT SAM HOUSTON, TEX.,
February 13, 1936.

Hon. JOHN J. McSWAIN,
House of Representatives, Washington, D. C.:

Returned to San Antonio tonight, and have just seen newspaper accounts of my hearing before House Appropriations Committee. I am deeply shocked at being accused of criticizing the President. No criticism could have been intended, as I am personally a stanch advocate of the administration and know full well that the Presi-

dent has done more toward proper housing of the Army than has ever been done before. My testimony was taken in executive session, and all of it was not printed. The whole thing taken together was very plainly a discussion of my own estimates submitted by the War Department to the Works Progress Administration itself. I greatly appreciate your action in standing up for me and request that you talk to Congressman BLANTON, at whose suggestion I was called.

JOHNSON HAGOOD.

Mr. MARCANTONIO. Mr. Chairman, I move to strike out the words "purchase of law books, books of reference, and so forth."

Mr. Chairman, it is my purpose at this time to point out to the membership some of the statements contained in some of the military manuals issued by the War Department.

From 1928 to 1932 in Army Training Manual No. 2000–25 there appears the following official War Department definition of democracy:

Democracy: A government of the masses. Authority derived through mass meeting or any other form of direct expression. Results in mobocracy. Attitude toward property is communistic—negating property rights. Attitude toward law is that the will of the majority shall regulate, whether it be based upon deliberation or governed by passion, prejudice, and impulse, without restraint or regard for consequences. Results in demagogism, license, agitation, discontent, anarchy.

This is the definition of democracy which the War Department taught to thousands of American soldiers. If there was ever anything more subversive than this definition of democracy ever issued in any publication, I would like to know it. There is very little difference between this definition and that given to democracy by the Nazis. However, I want to state, in all fairness, that this publication was withdrawn after it had been used for 4 years, 1928–32.

I now come to a contemporary manual, and it deals with domestic disturbances. It is entitled "Basic Field Manual, Volume VII; Military Law, Part Three; Domestic Disturbances." This is what it advocates——

Mr. PARKS. Is that a War Department document?

Mr. MARCANTONIO. It is; yes, sir. It is printed by the United States Government Printing Office; and on the second page it says:

War Department, Washington, August 1, 1935. Part 3, Domestic Disturbances, Basic Field Manual, Volume VII, Military Law, is published for the information and guidance of all concerned [A. G. 062–11 (1–29–35)]. By order of the Secretary of War. Douglas MacArthur, General, Chief of Staff. Official. E. T. Conley, Brigadier General, Acting The Adjutant General.

Mr. PARKS. It is not a document for public distribution, is it? It is a secret document that deals with the secrets of the United States.

Mr. MARCANTONIO. It is not secret. It is the Basic Field Manual. I do not consider that a secret. It is distributed among officers and soldiers for their guidance. Let me say right here that United States Army manuals are used by the National Guard, so that while the United States Army is infrequently used in strikes the National Guard is too frequently used; and this manual, like all other United States military manuals being used by the National Guard, acts as "information and guidance of all concerned" meaning the National Guard. Let us also bear in mind that the National Guard has been Federalized by payment for drills attended and other huge national appropriations from the United States Treasury.

Let us see what this manual teaches as to tactics; on page 18 of this manual I read:

When rifle fire is resorted to the aim should be low so as to prevent shots going over the heads of the mob and injuring innocent persons that could not get away.

Then paragraph (e), on the same page, says:

Blank cartridges should never be used against a mob, nor should a volley be fired over the heads of the mob even if there is little danger of hurting persons in rear.

On the same page I read from paragraph f:

Bayonets are effective when used against rioters who are able to retreat, but they should not be used against men who are prevented by those behind from retreating even if they wished to do so.

On page 26 I read from paragraph (6):

The attitude of the public press must be learned and conferences arranged with newspapermen. They will be a source of much information.

On page 28 I read from paragraph 65:

Airplanes: Airplanes flying low may be of value in discovering fires and in watching for assemblages of rioters. The moral effect of the airplane will be very valuable. Airplanes equipped with machine guns may be used against rioters on roofs of buildings or in large open spaces. They may be used for bombing in certain cases. Airplanes will be especially valuable to the commander who must enter a city against opposition.

Chapter 3 gives lessons in the use of chemical warfare against civilians, and then in this chapter we find diagrams and pictures of chemical hand grenades, rifle grenades, of the irritant candle, and information as to the use of these objects against civilians.

On pages 13 and 14 I read the following:

EQUIPMENT FOR DUTY IN DOMESTIC DISTURBANCES

24. Equipment in general: The equipment required by Federal troops for duty in connection with the suppression of domestic disturbances will not differ materially from that required for ordinary occasions of field service. The character of the service expected, the season of the year, and other conditions will indicate the modifications that should be made.

25. Aviation: Airplanes may be used for the purposes of reconnaissance, dropping proclamations, orders, or messages over positions or portions of a city occupied by rioters, and for photographing the area to be operated over in order to enable the troops to familiarize themselves with the principal landmarks and barricades of the route to be passed over. During the attack airplanes may be used for the purpose of keeping rioters off roofs by means of machine-gun fire and, in conjunction with other arms, by dropping tear-gas and high-explosive bombs.

26. Ammunition: A part of the small-arms ammunition taken along should be of the reduced-charge or reduced-range variety, such as riot cartridges. The kind of service expected will dictate the quantity and character of ammunition that will be required.

27. Armored cars: Armored motor cars will be especially valuable in riot duty.

28. Artillery: The manner of using coast artillery in riot duty would depend upon the equipment, any special training, and availability of a particular organization. Light artillery might advantageously form a part of any command employed in the suppression of a riot.

29. Cavalry: Because of its mobility and the undoubted moral effect of an armed man on horseback, cavalry will always be a valuable and effective adjunct to any command employed in riot duty.

30. Hand grenades: Hand grenades, especially those filled with chemicals, will be quite an essential part of the equipment. Experience in the use of tear gas in hand grenades by the National Guard and civil police has demonstrated its practicability and efficacy in handling mobs without loss of life (see ch. 3).

31. Infantry: Infantry should and will invariably constitute the major part of any command employed in suppressing a domestic disturbance.

32. Machine guns: Machine guns will be required in about the proportion now issued to an infantry regiment.

33. Tanks: There will be many cases where tanks can be used to good advantage. Certainly the moral as well as the physical effect of a tank bearing down upon a mob will do much toward breaking up the mob. Tanks have been used effectively in street fighting. A pole or spar has been lashed to the tank and this used as a battering ram to break in doors or make breaches in barricades.

34. Thirty-seven-millimeter guns: Occasions may arise when the 37-mm gun will be of value, but ordinarily it will be found that the 3-inch mortars will answer the purpose.

35. Three-inch mortars: Trench mortars are especially adapted for use in city fighting where high-angle fire is necessary to reach targets in areas but slightly in advance of the troops but separated therefrom by rows of buildings of varying heights.

36. Transportation: Motor trucks, passenger cars, motorcycles, motorcycles with side cars, and horses, depending on the situation, will be required for the transportation of patrols and messengers, and for the hasty transportation of troops. If the organization does not normally have motor transports as a part of its normal equipment, the necessary motor transport should be provided, civil or military.

37. Miscellaneous supplies and equipment: Shotguns, using charges of buckshot, should be issued to a section of the command. For operations in a city an extra supply of axes, picks, sledge hammers, crowbars, and rope will be of value.

On page 12 of the manual we find that—

Federal troops have been used in the suppression of domestic disturbances on more than a hundred occasions.

It will be stated, of course, that the information in this manual is issued solely for the purpose of dealing with those who seek to overthrow the Government by violence, or only

against Communists. Let us analyze this defense. No one will contend that there is a considerable number who advocate the overthrow of Government by violence. As for the Communists, there were only 125,000 votes cast for their ticket in 1932.

Therefore, it is apparent that this manual was not issued to deal with revolutionists. There certainly is a more subtle purpose for this manual.

[Here the gavel fell.]

Mr. MARCANTONIO. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARCANTONIO. That purpose and what the author has in mind in using the word "mob" becomes very clear when I read the following statement on page 25. I read the sentence:

Information relative to the lawless elements may be secured from the police department—

This is all right; but listen to this—

supplemented by private detective agencies, railroad detectives.

The infamous antilabor history of these agencies is well known. They have no interest in preserving the Government. There is no money in that business. They are hired to fight organized labor, to furnish and protect "scabs" and to injure labor pickets. I recommend to the Members the reading of I Break Strikes, by Bergdorf. This business is lucrative. This manual sends officers to these agencies for information, agencies whose business it is to smash labor. These words give the whole story away. This manual, Mr. Chairman, is a manual which instructs officers and soldiers, National Guard and all concerned, how to break strikes. This manual is directed against labor, against labor strikes, against mass picketing, and against the right of striking workers to assemble. By "mob" and "lawless elements" the author means American workers assembled on the economic battle front. Strike-breaking agencies are to furnish the information to officers and troops for the purpose of using tanks, for the purpose of shooting low, and for the purpose of using bayonets against whom? No; not against revolutionists, my colleagues, but against organized labor exercising its God-given right to assemble, organize, and picket.

I submit that it is high time the Congress took action to prevent the use of troops in industrial disturbances for the purpose of breaking up strikes. Labor has the right to organize; labor has the right to strike; and, above all, labor has the right to take the picket line. It is high time that we see to it that when American workers who are forced to go on the picket line should not be shot down by officers and soldiers who are paid with money which comes by the sweat of the brow of the American workers.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, the gentleman from New York [Mr. MARCANTONIO] is a very able Member of the House and is very ingenious in argument. I know the purpose of his argument. The gentleman has the right to entertain his views; anyone has a right to entertain and express his views within the law. Anyone has a right to advocate a dictatorship of the proletariat in the United States, if he does it within the law; but such people have no right to advocate it by force and violence. That is not freedom of speech; that is license. Anyone who undertakes to say that to advocate the overthrow of government by violence and force is freedom of speech makes a statement which is inconsistent with history, inconsistent with the truth, and inconsistent with the proper interpretation of the freedom-of-speech clause of the Constitution of the United States.

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield right there?

Mr. McCORMACK. No; I will not yield to the gentleman.

Mr. ZIONCHECK. The gentleman knows——

Mr. McCORMACK. I can handle myself without the assistance of the gentleman from Washington.

The gentleman from New York talks about strikes; he talks about the Army manual. The gentleman knows that the Regular Army and Navy are never used in strikes.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. The honorable gentleman knows that the Army and the Navy have been used only on two occasions in the past number of years—I know it is very rare—and then only to assure transportation of the mail. The Army and Navy are not used in strikes. The National Guard is used where riotous conditions exist; the National Guard, where the welfare of the people of the community is involved, under conditions when the Government is justified in using reasonable force to insure internal peace and order.

Nobody respects the right to strike more than I, nobody would fight more for the right to strike than I, and nobody has done more to advance this principle in an orderly way than I; but the gentleman makes a forced interpretation. The gentleman in all sincerity—he is honest on these questions; I have talked with him, and I know the gentleman is honest; I know he honestly entertains certain opinions—but he knows the proper interpretation of those orders is not as he intimated in his speech.

Mr. Chairman, I yield to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Does the gentleman think it proper that in Army Manual 2000–25 there should be given the definition of democracy which is contained therein and that definition spread among American soldiers?

Mr. McCORMACK. I did not hear the gentleman read it.

Mr. MARCANTONIO. I will read it:

Democracy: A government of the masses. Authority derived through mass meeting or any other form of direct expression. Results in mobocracy. Attitude toward property is communistic—negating property rights. Attitude toward law is that the will of the majority shall regulate, whether it be based upon deliberation or governed by passion, prejudice, and impulse, without restraint or regard for consequences. Results in demagogism, license, agitation, discontent, anarchy.

Does the gentleman concur in that definition of democracy?

Mr. McCORMACK. That has not been given as a definition of democracy. That is a statement of the methods by and through which the communists are undertaking to bring about their objective; that is, through agitation, through exploitation, through any means, whether legal or illegal; through an effort to bring about a general strike to ultimately obtain the desired and avowed objective. Everyone knows that a general strike is revolution. It is more than a disagreement between employer and employee. A general strike is a challenge to the sovereignty of the country; a general strike is a challenge to the sovereignty of the United States and the sovereign power of our country. [Applause.]

[Here the gavel fell.]

Mr. McCORMACK. I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from New York.

Mr. MARCANTONIO. The proof of the pudding that the definition of democracy was official lies in the fact that Secretary Dern withdrew this definition and in withdrawing it stated as follows in a letter to Mr. Oswald Garrison Villard: "Why pick on a sinner after he has reformed?" Is the gentleman from Massachusetts now defending the definition?

Mr. McCORMACK. Mr. Chairman, it does not concern me what Secretary Dern does. If Secretary Dern made a recommendation, as he did, in support of such legislation and withdraws it, he is the one who has to answer to the

American people. Secretary Dern has a responsibility of his own; but because Secretary Dern changes his position is no reason why I should change my position, and, so far as I am concerned, I do not change my position one iota.

Mr. Chairman, in this country we have the constitutional power to bring about changes. A Socialist, operating within the law, may advocate changes through the ballot box. I will oppose them in their efforts, as I have a right to oppose them, but I will defend and protect their constitutional rights. A man has a right to agitate the establishment of a kingdom, absolute or limited, in this country, if he does so through the ballot box. Our means of change is not bullets but ballots. [Applause.] Men have the right to advocate anything they want to within the law, employ orderly means, present candidates pledged to certain changes, and then try to have the people vote for those candidates. They may, in a constitutional way, bring about an amendment to our Constitution in this body and then have it ratified by the legislative bodies of the several States of the Union, as provided by the Constitution. This is in accordance with the Constitution. But, Mr. Chairman, I recognize the right of nobody to advocate the overthrow of this Government by violence and force. There is no necessity for this. There are legal means in this country available to those who advocate changes. They are not suppressed. They have the right of expression and the right of action. However, they do not want to do that. They advocate force and violence. The argument of the gentleman from New York [Mr. MARCANTONIO] is ingenious. He is trying to create fear in the minds of the people with the message that there is something to what he read from that manual which is destructive of our country. Our Army is small and it is subject to civil jurisdiction. The civil part of our Government dominates in our country. We are not under a dictatorship. We may hear that cry for political reasons, but that is all in the game. We know our country is not a dictatorship. It is a constitutional Government. The gentleman's argument is ingenious and is made for the purpose of conveying a thought to certain groups. It is not the correct interpretation, and he is too honest with himself to know otherwise. However, he tried to subtly convey a different thought.

Mr. Chairman, we in this country recognize the right of all groups to advocate changes within the law and not outside of the law. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the motion of the gentleman from New York.

The motion was rejected.

The pro-forma amendments were withdrawn.

Mr. PARKS. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 2 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. ZIONCHECK. Mr. Chairman, I move to strike out the last five words.

Mr. Chairman, I want to make an observation with reference to the speech of the gentleman from Massachusetts. The gentleman spoke of free speech and an orderly way of changing things under our democratic form of government. In the gentleman's own State, however, in order to peacefully assemble—speaking about unorthodox things, if you please—the people were and are forced to wear what are known as "free speech helmets"; that is, a hat stuffed with paper. They had, and have, to do this in order to keep their skulls from being split open by the officers of law and order, by the direction of those fine law-abiding citizens who clasp their hands and speak of law and order, against force and violence, and always for the Constitution, despite the fact that these are God-fearing, church-going people and have been taught—or, rather, exposed in their younger years—that the Bill of Rights is a part and parcel of our great Constitution.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. ZIONCHECK. I yield to the gentleman from New York.

Mr. MARCANTONIO. I wonder if the gentleman, in his time, or the gentleman from Massachusetts, will explain what relevancy his discourse on his interpretation of the right of free speech has to a war manual teaching soldiers to shoot down strikers?

Mr. ZIONCHECK. It is like talking about humming birds and crab apples. When the gentleman from New York read a provision from the manual, he read a definition, and the gentleman from Massachusetts ignored it. He had to. He could not answer it. There was no answer.

Mr. McLEAN. Mr. Chairman, I make the point of order that the gentleman is not addressing himself to the pro-forma amendment.

[Here the gavel fell.]

The CHAIRMAN. The pro-forma amendment is withdrawn.

The Clerk read as follows:

WELFARE OF ENLISTED MEN

For the equipment and conduct of school, reading, lunch, and amusement rooms, service clubs, chapels, gymnasiums, and libraries, including periodicals and other publications and subscriptions for newspapers, salaries of civilians employed in the hostess and library services, transportation of books and equipment for these services, rental of films, purchase of slides for and making repairs to moving-picture outfits, and for similar and other recreational purposes at training and mobilization camps now established or which may be hereafter established, $34,940.

Mr. CULKIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CULKIN: After the period in line 24, page 9, insert a new paragraph, as follows:

"For the construction or betterments of barracks for enlisted men and quarters for noncommissioned officers, staff or otherwise, the sum of $50,000,000, to be allocated by the Quartermaster General in the manner heretofore authorized by Congress."

Mr. PARKS. Mr. Chairman, I make the point of order against the amendment that it is not authorized by law and therefore is not in order, and, in addition, it is legislation on an appropriation bill.

Mr. CULKIN. Mr. Chairman, I would like to be heard briefly on the point of order.

The CHAIRMAN. Will the gentleman from New York, in the course of his remarks on the point of order, show that authorization has been made for such an appropriation?

Mr. CULKIN. Yes; I can show that, Mr. Chairman.

This amendment, which follows the paragraph relating to welfare of enlisted men, provides $50,000,000 for housing in accordance with authorization heretofore made by Congress. The books are full, I will say to the Chair, of such authorizations. I recall in a former session of the Congress an authorization which reached through some pages.

The CHAIRMAN. The Chair will ask the gentleman to cite specific instances, giving the page and number of the law, that provides authorization for this proposed appropriation.

Mr. CULKIN. I am unable to do that, Mr. Chairman; but, of course, it is a matter of common knowledge, and Congress, of course, will take cognizance of its own acts.

The CHAIRMAN. The gentleman is a very good lawyer, and the burden of proof is upon the gentleman to show that authorization has been made and is the law.

Mr. CULKIN. Do I understand the burden is on me of citing the specific page and chapter?

The CHAIRMAN. It certainly is, to justify the gentleman's amendment.

Mr. CULKIN. And Congress will not take cognizance of the acts of Congress. I respect the ruling of the Chair——

The CHAIRMAN. The gentleman is being heard on a point of order and is seeking to prove that his amendment is in order, and naturally the burden of proof is upon the gentleman to give the Chair and the Committee proof that such appropriation has been authorized.

Mr. CULKIN. Will the Chair take my recollection of it?

The CHAIRMAN. The gentleman's recollection might be very indefinite.

Mr. CULKIN. I shall be as specific as possible. In a former Congress an authorization was passed by the House and by the Senate—it might have been earlier than the last

session of Congress, and I do not wish to bind myself to that—authorizing housing running into many millions of dollars. I recall specifically Mitchel Field as one phase of the authorization, and there were many others.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. Yes.

Mr. WOODRUM. I am sure the gentleman is conscientious, and I can say to the gentleman emphatically that there is no existing authorization for the appropriation provided in his amendment.

Mr. CULKIN. Providing barracks for enlisted men?

Mr. WOODRUM. For the building of additional barracks. There are no barracks authorized for which money is not carried in this bill.

Mr. CULKIN. I may say to the gentleman that I did not see the President sign this bill, but I know it passed the House and went to the Senate; and I know it passed the Senate.

Mr. WOODRUM. The gentleman is in error.

Mr. CULKIN. Is the gentleman sure about that?

Mr. WOODRUM. Yes; that is my recollection, and the very efficient clerk of our committee is positive about the matter.

Mr. CULKIN. May I query the gentleman in this way? Does the gentleman say there are no authorizations for housing heretofore passed by the Congress and approved by past Presidents?

Mr. WOODRUM. That is my understanding of it.

Mr. CULKIN. None whatever.

Mr. WOODRUM. That is my understanding.

Mr. CULKIN. The record is naked of any such authorization?

Mr. WOODRUM. Yes.

Mr. CULKIN. The gentleman has had more experience in connection with this matter than I have had, but my recollection differs from his.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield.

Mr. WADSWORTH. Is it not a fact that the President, under authority of the Congress, has already allotted sums which have been spent in the building of barracks for the Army?

Mr. CULKIN. The gentleman's statement is correct.

Mr. WADSWORTH. Is not that an existing authorization?

Mr. WOODRUM. If the President has done that, the funds have never been passed by an appropriation bill. There have been allotments made from emergency funds for a great many things for which you could not pass an appropriation here without a specific authorization.

Mr. WADSWORTH. It is the opinion of the gentleman that that authorization would not include an appropriation of this character?

Mr. WOODRUM. Yes.

Mr. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield.

Mr. BOLTON. While I am in sympathy with the amendment of the gentleman from New York, I realize that funds are not available for this purpose. However, I desire to call the gentleman's attention to page 235 of the hearings, which recites the general Army housing program which was adopted by the Congress and on which the President has reported. So there is legislation for the Army housing program.

Mr. WOODRUM. But there has been no authorization for this appropriation.

Mr. BOLTON. Under this appropriation; no.

Mr. WOODRUM. I would like to say to the gentleman from New York [Mr. CULKIN], I understand there is much merit in the position he takes as to the need of this appropriation. I do not quarrel with the gentleman on that point; but, as a matter of fact, there is no legal authorization for this appropriation and I do not see how the Chair can escape sustaining the point of order.

Mr. CULKIN. Mr. Chairman, I find that page 235, part 1, of the hearings before the subcommittee, contains ample evidence—I do not want to prolong the discussion indefinitely and do not wish to differ with the recollection of the distinguished gentlemen from Virginia, but there seems to be ample authority on that page for this amendment.

Mr. HILL of Alabama. Will the gentleman yield?

Mr. CULKIN. I yield.

Mr. HILL of Alabama. I might say as a member of the Committee on Military Affairs that those matters on page 235 are certain specific detailed appropriations and are not a sufficient authorization for the amendment offered by the gentleman from New York. They are for different projects—so much money for barracks and so much for noncommissioned officers—and different specific items. They would not authorize the amendment offered by the gentleman. In fact, there is no authorization for an appropriation.

Mr. CULKIN. I continue to disagree with the gentleman on that.

Mr. BANKHEAD. Will the gentleman allow me, if the gentleman will turn to page 245 of the hearings he will find this statement by General Bash in answer to a question by the gentleman from South Carolina [Mr. MCMILLAN]:

> The War Department proposes to submit authorizing legislation to this Congress for the construction projects in the following amounts.

So it would appear that the War Department recognizes that before additional housing can be had it will require additional legislation to authorize it.

The CHAIRMAN. The Chair is ready to rule. The amendment proposed by the gentleman from New York is for the construction or betterment of barracks for enlisted men and quarters for noncommissioned officers, staff or otherwise, the sum of $50,000,000, to be allocated by the Quartermaster General in the manner heretofore authorized by Congress.

The Chair has been unable to find any law authorizing this appropriation, and the Chair thinks no authorization has been made to include the sum of $50,000,000, and no legislation has been had authorizing the disbursement of the money by the Quartermaster General, and therefore sustains the point of order.

Mr. CULKIN. Mr. Chairman, I defer to the Chair's ruling, but may I later present it if I find such legislation? I now offer another amendment.

The Clerk read as follows:

> Amendment by Mr. CULKIN: Page 9, after line 24, insert the following: "For the construction or betterment of barracks for enlisted men and quarters for noncommissioned officers, staff or otherwise, the sum of $50,000,000."

Mr. PARKS. Mr. Chairman, I make the same point of order stated a moment ago.

The CHAIRMAN. The Chair is ready to rule. This amendment of the gentleman from New York proposes to appropriate $50,000,000 for the construction or betterment of barracks for enlisted men, and so forth, as the other amendment provided. In the law regarding the construction or improvements of barracks, the Chair finds the following language in title 10, section 1339, of the United States Code:

> Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress, and approved by a special appropriation for the same, except when constructed by the troops; and no such structures, the cost of which shall exceed $20,000, shall be erected unless by special authority of Congress.

That special authority the Chair thinks has not been granted and, therefore, sustains the point of order, because it is legislation on an appropriation bill.

The Clerk read as follows:

FINANCE DEPARTMENT

PAY OF THE ARMY

For pay of not to exceed an average of 12,000 commissioned officers, $33,944,252; pay of officers, National Guard, $100; pay of warrant officers, $1,474,844; aviation increase to commissioned and warrant officers of the Army, including not to exceed 5 medical officers, $2,186,501, none of which shall be available for increased pay for making aerial flights by nonflying officers at a rate in excess of $1,440 per annum, which shall be the legal maximum rate as to such nonflying officers; additional pay to officers for length of serv-

ice, $9,706,748; pay of not less than an average of 150,000 enlisted men of the line and staff, not including the Philippine Scouts, $60,883,292, and in addition $2,344,211 of the appropriation "Pay of the Army, 1936", which sum shall remain available until June 30, 1937, for defraying the cost of increasing the enlisted strength of the Regular Army from an average of 147,000 to an average of 150,873 enlisted men, and shall be available also for the objects embraced by and in addition to other appropriations contained in this act; pay of enlisted men of National Guard, $100; aviation increase to enlisted men of the Army, $508,782; pay of enlisted men of the Philippine Scouts, $1,050,447; additional pay for length of service to enlisted men, $4,759,614; pay of the officers on the retired list, $12,369,850; increased pay to not to exceed 7 retired officers on active duty, $9,145; pay of retired enlisted men, $13,589,060; pay not to exceed 60 civil-service messengers at not to exceed $1,200 each at headquarters of the several Territorial departments, corps areas, Army and corps headquarters, Territorial districts, tactical divisions and brigades, service schools, camps, and ports of embarkation and debarkation, $72,000; pay and allowances of contract surgeons, $53,076; pay of nurses, $899,260; pay of hospital matrons, $600; rental allowances, including allowances for quarters for enlisted men on duty where public quarters are not available, $6,309,574; subsistence allowances, $5,912,561; interest on soldiers' deposits, $30,000; payment of exchange by officers serving in foreign countries, and, when specially authorized by the Secretary of War, by officers disbursing funds pertaining to the War Department, when serving in Alaska, and all foreign money received shall be charged to and paid out by disbursing officers of the Army at the legal valuation fixed by the Secretary of the Treasury, $100; in all, $153,759,906, less $285,000 to be supplied by the Secretary of War for this purpose from funds received during the fiscal year 1937 from the purchase by enlisted men of the Army of their discharges, $153,474,906; and the money herein appropriated for "Pay of the Army" shall be accounted for as one fund: *Provided*, That during the fiscal year ending June 30, 1937, no officer of the Army shall be entitled to receive an addition to his pay in consequence of the provisions of the act approved May 11, 1908 (U. S. C., title 10, sec. 803).

Mr. CONNERY. Mr. Chairman, I move to strike out the last word. It had been my intention in this bill to offer an amendment, but I find after consultation with the Parliamentarian that it would be difficult, if not impossible, to draw an amendment as a limitation on this appropriation bill along the lines I desire. I quote from a joint resolution which I introduced and which was referred to the Committee on Military Affairs in the last session of this Congress. The resolution is as follows:

That no arms, clothing, equipment, equipage, stores, or material heretofore or hereafter supplied by the United States to the National Guard, or heretofore or hereafter purchased for the use of the National Guard out of any funds appropriated at any time by the United States, shall be used by any unit of the National Guard of any State, Territory, or the District of Columbia while on duty for any purpose in connection with any labor strike, dispute, or controversy (whether or not martial law has been declared in force in respect thereof), unless express approval for such use is given at the time by the Secretary of War in each case for each such unit.

This resolution went before the Military Affairs Committee. Hearings were held upon it. I understand the committee took no action unless it laid the resolution on the table. I respectfully ask my friend the chairman of the Military Affairs Committee [Mr. McSWAIN] what action the committee took.

Mr. McSWAIN. I can merely say that the matter was considered; but I do not remember now that anybody was in favor of it.

Mr. CONNERY. I did not want to make a misstatement. That is why I asked for this information from the chairman at this time. I know that no action was taken insofar as reporting it to the House is concerned.

Mr. Chairman, I think that this is an important piece of legislation in connection with the National Guard. The purpose of it is to stop the Governors of States who are friendly with the big mill owners and corporations in a State from calling out the National Guard on the least provocation and using the National Guard for the purpose of breaking strikes in those States. We have had many instances of that, and, while no one, of course, is going to say that the National Guard should not be called out to keep law and order, and labor organizations are just as much in favor of that as anyone else, when we have the spectacle of Governors calling out the National Guard, when you have a picture, as was testified in those hearings, of National Guardsmen chasing a striker up onto the porch of his own home and then stabbing him to death, when you have the picture of the National Guard being used, as it was in one instance, to herd 100 girls into a storehouse and keep them there all night at the behest of the owners of a mill, I do not believe any Member of Congress, or any self-respecting person in the country, would approve the National Guard being used for such purposes. All I ask in the resolution, all I was going to ask as an amendment, if it could be held as a limitation, is that the Governor of any State, in case of a labor trouble, be compelled to go to the Secretary of War and ask for the National Guard, in a situation such as I have described, believing, in those circumstances, that immediately the Secretary of War would confer with the President of the United States, that the President would then look over the situation, and that in an emergency they could send in the guard. But the situations to which I refer are not emergencies, they are instances where the big mill owners and manufacturers are merely using the National Guard of the country to break strikes. I do not think that is right; I think it ought to be changed; and I hope that the Committee on Military Affairs will reconsider the resolution.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CONNERY. Mr. Chairman, I ask unanimous consent to proceed for 2 minutes.

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 3 minutes.

Mr. PARKS. Mr. Chairman, I shall not object to the gentleman having 3 more minutes, but I shall have to object to any more.

The CHAIRMAN. Is there objection to the gentleman from Massachusetts proceeding for 3 minutes?

There was no objection.

Mr. MERRITT of New York. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes. I yield to my friend from New York.

Mr. MERRITT of New York. The gentleman is willing to have the Governor of each State go to the Secretary of War or to the President in order to get the National Guard?

Mr. CONNERY. Yes. The labor unions are as much in favor of calling out the guard to protect law and order as anyone, but anyone who has made a study of labor conditions and strikes knows that the National Guard is always used against labor, and never for its protection.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. CONNERY. I yield to my friend from Washington.

Mr. ZIONCHECK. In Tacoma, Wash., we had a lumber strike and our Governor, who happens to be a flour-mill owner, called out the National Guard. I have documentary proof here that Secretary of Labor Perkins and the President of the United States objected and asked him to withdraw those troops so that violence would not come about, but he still kept them there, and we were paying the National Guard with Federal money.

Mr. CONNERY. The gentleman is absolutely correct. That is just what I want to prevent.

Mr. MAAS. Will the gentleman yield?

Mr. CONNERY. I yield to my Minnesota friend.

Mr. MAAS. The gentleman makes the statement that the National Guard is only called out against labor.

Mr. CONNERY. That is right.

Mr. MAAS. Is the gentleman familiar with the fact that the Governor of Minnesota has been using the National Guard of that State to enforce strikes?

Mr. CONNERY. And when they went into court on it, the court said, "This is nonsense. You cannot use the National Guard to protect labor." The only time they ever use the National Guard is against the workers.

Mr. MAAS. But they were not protecting the workers. They were preventing labor from working.

Mr. CONNERY. Oh, they closed the factory. The court said to them, "You cannot close a factory with the National Guard." Of course, we all know, and it needs no proof, that whenever they are to be used for labor they are all wrong.

Mr. McSWAIN. Will the gentleman yield?

Mr. CONNERY. I yield.

Mr. McSWAIN. Does not the gentleman remember that when he was before the committee I called his attention to the fact that the Governor of South Carolina, a fine gentleman, who was reared in a cotton mill, self-educated, still carries a union card, largely elected by the labor vote, was called upon to send out the National Guard at the instance of the strikers to protect them, and, finally, seeing the matter was settled, he withdrew the National Guard, and in less than 24 hours the employees got into a fight amongst themselves and had a regular battle and fired 500 shots and killed one woman?

Mr. CONNERY. I would say that nothing of that sort could happen if they had to go to the Secretary of War or to the President of the United States first. The governors of States will be stopped from calling out the National Guard every time there is a labor dispute if this law were enacted.

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

Mr. SAUTHOFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAUTHOFF: Page 12, line 1, strike out "$153,474,906" and insert in lieu thereof "$121,475,093."

Mr. SAUTHOFF. Mr. Chairman, the purpose of my introducing this amendment is to reduce that figure "Pay of the Army" by $32,000,000. The reason I seek to reduce is that I see no logical purpose being served by increasing the pay, because there is no more danger of war now, no more danger of internal disorder now, than there was 3 years ago.

In 1935 the pay was the figure which I have in my amendment, namely, $121,475,093. The pay of the Army in 1936 was $146,962,485. In 1937 there is recommended $153,474,906. That means an increase of $32,000,000 in 3 years. What I would like to see done with this money is to use it for unemployment purposes and to put men on jobs. I have no objection to paying good salaries when we have the money. I have always been in favor of paying good salaries. I would be in favor now of paying good salaries, but when there are 10,000,000 people without jobs, it seems to me highly improper that we should raise these wages and pay $32,000,000 extra, and leave 10,000,000 people without jobs. Let us take some of this money that we are placing in these increases for the Army and for the Navy and for other military purposes, and devote that money to relieving unemployment and taking care of those who are walking the streets without jobs.

Mr. WOODRUM. Does the gentleman care to yield?

Mr. SAUTHOFF. Surely.

Mr. WOODRUM. Does the gentleman realize the fact that if his amendment should be adopted, the effect of it would be to immediately discharge from the Army approximately 50,000 enlisted men, and instead of helping unemployment, he would aggravate it to that extent?

Mr. SAUTHOFF. No; not necessarily. Could not the wages be cut?

Mr. WOODRUM. How does the gentleman explain it? The wages are fixed by law. If you turn 50,000 men out of the Army tomorrow, what are we going to do with them?

Mr. SAUTHOFF. Why can we not fix the wages by law?

Mr. WOODRUM. The gentleman wants to relieve unemployment. Now, turning 50,000 men out of the Army tomorrow means adding to unemployment. What are you going to do with them?

Mr. SAUTHOFF. I want to answer that statement, because it is not a correct statement. We could always lower the wages. We have the power to make the laws. We are letting 10,000,000 go without any wages. I think that we should find some money to help them.

Mr. MAAS. Will the gentleman yield?

Mr. SAUTHOFF. I yield.

Mr. MAAS. Does the gentleman know what the wages of a private in the Army are?

Mr. SAUTHOFF. Oh, I know they are very low.

Mr. MAAS. Twenty-one dollars a month. Does the gentleman want to cut that?

Mr. SAUTHOFF. Surely, if it will give somebody who is out of a job a chance to get something to eat. I am in favor of cutting salaries, officers particularly, if thereby we can get more for the unemployed.

Mr. MAAS. How much would the gentleman pay the enlisted men in the Army, then?

Mr. SAUTHOFF. I am not setting any standard, but what I want is about $100,000,000 of war appropriations to help take care of unemployment. That is what I am after.

Mr. BOILEAU. Will the gentleman yield?

Mr. SAUTHOFF. I yield.

Mr. BOILEAU. The gentleman from Virginia made the statement that we would have to cut down the enlisted personnel in order to save $32,000,000.

I do not believe it would require such a large cut, but it would seem to me that the cut should not come entirely from the enlisted men. It might not do any harm to reduce the officer personnel as well. Much more money could be saved by reducing some of the officers.

Mr. SAUTHOFF. The gentleman from Wisconsin is absolutely right. When you see the thousands of Army and Navy officers hanging around Washington doing nothing, you come to the conclusion that they could easily be cut. Let me remind the Members with what unseemly haste the bill was hustled through Congress last summer to increase the number of officers from 4,000 to 5,000, and the date when the measure was to become effective was moved forward 1 month so that pay increases might be had 30 days earlier. All other measures had to make way to effect this purpose. No such haste is shown in raising funds for unemployment. No such tenderness of sentiment is shown regarding the pay of those on Government jobs. Although we are experiencing one of the coldest and severest winters in our history, the poor, homeless, ill-fed, ill-clad unemployed can wait. They have no lobby, no gold braid, no social prestige. To hell with them—they do not count!

Who pays this war-tax bill which takes 60 cents out of every dollar raised by Federal taxation? Our citizens, of course! Can they stand these increases that mount up year by year? Let us see. The mortgage indebtedness of the State of Iowa is $452,902,815; of Wisconsin, $355,029,993; of Minnesota, $235,114,123. This makes a total of $1,042,047,031 for only three States, agricultural States, largely devoted to dairying; debt-ridden; drought-ridden; tax-ridden. Harassed by dairy imports from foreign lands and butter substitutes from the South, these farmers must now pay out more hard-earned money so that our Army may have high-class polo and our Navy build more battleships and cruisers so that United States Steel and Bethlehem and Du Pont and others may have profits running from 50 to 60 percent. I am afraid that we are placing our emphasis on the wrong things. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin.

The amendment was rejected.

Mr. ZIONCHECK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZIONCHECK: Page 12, line 1, strike out "$153,474,960" and insert in lieu thereof "$146,962,485."

Mr. ZIONCHECK. Mr. Chairman, this amendment follows along the line of the amendment offered by the gentleman from Wisconsin, only it is not so drastic. His amendment reduces the appropriation for Army pay from $153,000,000 to $120,000,000, which was the appropriation in 1935. The amendment I am submitting now for your approval—and I hope it will receive approval, despite the fact some people do not listen and others listening do not understand.

This amendment reduces the Army pay to that of 1936, which was the largest Army pay in the United States of America during any year of peace. The chairman of our committee admits that the Congress appropriated $20,000,000 for one particular activity of the Army last year—he can tell you what it was; I forget—then the Bureau of the Budget allowed but $11,000,000 for this purpose, and they got along with it somehow or other. All that the chairman says here is not surrounded by a halo. The Bureau of the Budget cuts a $20,000,000 item to $11,000,000, even after Congress author-

ized the larger amount as absolutely necessary, and somehow or other the Army still exists. Is not this funny? Can any Member of Congress believe that? My God! Can you believe it? The chairman cannot deny it. He dare not deny it!

The point brought out by the gentleman from Wisconsin [Mr. SAUTHOFF] was that this money be used for something else. Go down to Fort Humphreys, to Belvoir, to Fort Myer, and see where they are building $14,000 shanties for lieutenants, furnishing them. They do not make enough money after they buy their food to keep their houses warm, so now they have to furnish them fuel.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. ZIONCHECK. I yield.

Mr. MARCANTONIO. Does the gentleman know that 3,500,000 school children were unable to go to school in the United States because the counties did not have funds to keep the schools open?

Mr. ZIONCHECK. That is immaterial. Take care of the Army. Do not bring in irrelevant matter.

After all that, as soon as an officer reaches retirement age he is retired at almost full pay. The officers have a better status than do civil-service employees, because if you try to discharge an Army officer or a soldier, he has a place where he can appeal. You do not furnish that to anyone else. Why do you give them these special privileges? Is it because they kill people or are trained to kill people?

As I stated yesterday, I am no starey-eyed pacifist. I recognize that as long as the profit system lasts—and it may last as long as I live, and longer—we have got to have an army and navy, because without an army and navy you cannot have private property.

Mr. MAAS. Mr. Chairman, will the gentleman yield?

Mr. ZIONCHECK. Just a minute; the gentleman from Minnesota will not add anything to this.

Mr. MAAS. Oh, yes; I will.

Mr. ZIONCHECK. No, you will not. Mr. Chairman, I do not yield. Because without the Army and Navy, without police forces, those who have could not withstand those who have not, for those who have not would take it away from them. And maybe that is not all.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

Mr. PARKS. I object, Mr. Chairman.

Mr. FADDIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, yesterday the gentleman from Nebraska [Mr. LUCKEY], in his statements before the Committee, spoke critically regarding the expenditure of the money which we appropriate for national defense. I am sure the gentleman from Nebraska wishes to be fair; but by his implications he has created a false impression, which should not remain in the minds of this Committee or go out to the taxpayers of the Nation unrefuted. The Army is the people's Army, and they should be correctly informed of the facts.

Mr. LUCKEY, on page 1933 of the CONGRESSIONAL RECORD of February 12, draws comparisons between the size and cost of maintaining the Army of the United States and the armies of various foreign countries, as follows:

	1919–34	1929–34
United States	$22, 273, 600, 000	$3, 973, 100, 000
Great Britain	20, 174, 500, 000	2, 646, 600, 000
France	6, 926, 500, 000	3, 048, 400, 000
Italy	6, 884, 100, 000	1, 827, 100, 000
Japan	4, 817, 700, 000	1, 258, 600, 000
Germany	1, 952, 400, 000	1, 112, 900, 000

These figures show the cost per man to be much greater in the United States Army than in the army of any other nation except that of Great Britain.

Now what I wish the gentleman from Nebraska and the committee to understand is this: There are two kinds of armies in the world. First, we have the small highly trained volunteer professional army possessing a high degree of mobility, its personnel well fed, well clothed, well cared for, good hospital facilities, adequate facilities for amusement. Second, we have the large conscripted army, having a lower degree of mobility, poorly fed, practically unpaid, and cared for proportionately. The Armies of the United States and Great Britain are of the first kind. The Armies of France, Italy, Japan, and Germany are of the second kind.

There is no comparison between the type of men in the two types of armies. The Armies of the United States and Great Britain are composed of a fine type of men. The type of men which compose our small Army is the nucleus upon which will be built, in case of emergency, our great citizen army of more than 4,000,000 men. This requires a high type of men, and they must be reimbursed, cared for, and equipped accordingly. Conscription in time of peace has always been contrary to our national ideals; therefore, we maintain, although at greater cost per man, the first type of army. I believe in this connection the following facts would be interesting to the members of the committee and to the taxpayers of the Nation:

Mr. LUCKEY's figures do not truly represent comparisons between the cost of our own national defense and that of the other five great powers. From the data which I have at hand covering the years 1929 to 1934, Great Britain, for example, spent 25 percent more from her defense budget than Mr. LUCKEY shows; Germany at least 20 percent more, and Japan at least 75 percent more. Nor do these figures tell the entire story.

In France, for example, the remount service and the establishments that go to make up the raising and handling of horses is hidden away under allotments to the Agricultural Department and do not show in the budget figures for the Defense Departments.

Manifestly, to compare the French War Department budget with the American War Department budget for this item would show an incorrect figure.

In 1907 the Japanese appropriated the sum of 800,000,000 yen as a continuing expense to be spread over the period ending 1946. The appropriated part spent in any fiscal year would not appear in the regular annual budget. Other countries, notably France, in connection with the permanent fortifications on the western front, have done likewise.

Attention is invited to the fact that in many countries first figures published under a budget heading are changed by such devices as ex-post-facto decrees and supplementary estimates that are issued years later. Accordingly, a variation may be expected from year to year in reports under the above appropriation headings.

A fair comparison of how money is spent by any two countries for national defense cannot be made without a statement of the difference of the standard of living of any two countries. To illustrate: The relative cost of living in the United States is three times as great as in Japan. Italy furnishes her soldiers with a square piece of cloth for a sock. We furnish our soldiers with a splendid knitted sock. The pay of the personnel in most foreign armies is such that the soldier can barely exist. We pay our personnel at least a living wage. It is reported that a very large portion of the cost of Japan's troops now on the mainland of Asia is paid from the resources of the occupied territories. The income of the South Manchuria Railway and the coal mines in Manchukuo are said to help pay for Japan's conquest of Asia.

Thus, we see that the figures presented by Mr. LUCKEY in no wise present the real picture of comparative costs of national defense in the various countries. His contention that the national defense of other countries is economically secured and that ours is not is not based on fact. I have served in our armed forces and have been closely connected with them since the World War. We get a return for our expenditures on national defense which compares favorably with that of a large well-regulated business as well as with the national defense of any other country.

Mr. McSWAIN. Will the gentleman yield?

Mr. FADDIS. I yield to the gentleman from South Carolina.

Mr. McSWAIN. Is it not a fact with reference to this matter of the Army defending private property that the largest army in the world and the largest air force in the world is maintained by Russia, where there is no private property?

Mr. FADDIS. That is true.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. ZIONCHECK].

The question was taken; and on a division (demanded by Mr. ZIONCHECK) there were—ayes 9, noes 73.

So the amendment was rejected.

Mr. ZIONCHECK. Mr. Chairman, I object to the vote on the ground there is not a quorum present.

Mr. RANKIN. The gentleman cannot get a roll call that way.

Mr. ZIONCHECK. I know we cannot, but we can get a breathing spell.

The CHAIRMAN. One hundred and three Members are present, a quorum. The Clerk will read.

The Clerk read as follows:

No appropriation for the pay of the Army shall be available for the pay of any officer or enlisted man on the active list of the Army who is engaged in any manner with any publication which is or may be issued by or for any branch or organization of the Army or military association in which officers or enlisted men have membership and which carries paid advertising of firms doing business with the War Department: *Provided, however*, That nothing herein contained shall be construed to prohibit officers from writing or disseminating articles in accordance with regulations issued by the Secretary of War.

Mr. MOTT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, before we proceed further and before the matter has slipped the minds of the Members, I want to comment briefly on the observation made yesterday by the gentleman from New York [Mr. CULKIN] to the effect that Congress has lost its jurisdiction in the field of river and harbor improvement. I also want to express my sympathy for the gesture made yesterday by the gentleman from Indiana [Mr. PETTENGILL] in trying to recapture some of this jurisdiction. I do not believe that his proposed method of recapture would be an effective one, but I do think this lost jurisdiction ought to be recaptured.

The gentleman from Indiana stated that when the proper place is reached in the river and harbor portion of this bill he would offer an amendment authorizing the War Department to expend the sum of about $7,000,000 out of the river and harbor appropriation carried in the bill, for the purpose of prosecuting authorized projects in the Great Lakes district. I do not think this particular proposed amendment can prevail or that it ought to prevail, because if it is fair to earmark in this general appropriation bill the sum of $7,000,000 for authorized projects in the Great Lakes district, then certainly it would be equally fair to include particular specifications for expenditures in other districts throughout the country. And so, when the gentleman gave notice that he would offer the amendment, I checked up on the number and amount of authorized river and harbor projects in my own State, in order that I might be prepared in that event to offer a substitute amendment.

Mr. Chairman, I found there are a half dozen regularly authorized projects in Oregon, some having been authorized for as long a period as 3 or 4 years, and amounting in all to $1,396,000. These are not projects created by Executive orders but are projects actually authorized by the Congress and approved by the Board of Army Engineers. If it is fair to include the Great Lakes projects specifically in this bill certainly it would be fair to include these authorized projects in Oregon, and if the gentleman offers his amendment I shall offer my substitute.

I do not think we can reach the situation in that manner, and I do not think the gentleman should attempt it in that way, but I do believe that the Congress and the Rivers and Harbors Committee have lost practically all of their effective jurisdiction in this field of legislation, and I believe we should begin now to recapture it.

I wonder if Members have ever stopped to think how little actual authority the Congress has left in the matter of river and harbor legislation? Briefly, the procedure in river and harbor improvement is this: The Rivers and Harbors Committee may by resolution authorize the War Department to make a survey of a proposed river and harbor improvement. Then the district engineer, upon this committee authorization, makes a survey. After he makes his survey the division engineer makes another survey and a report. It goes then to the Board of Army Engineers upon the report of the division engineer, and if the Board of Army Engineers should disapprove the recommendation of the division engineer, the Congress never hears any more of the proposition. The whole matter automatically stops right there. If the Board of Army Engineers should approve the division engineer's report, then it comes back to the Congress for authorization. Not for appropriation, mind you, but simply for authorization. The authorization in most cases by the Congress is merely a formality. Congress authorizes it solely because the Board of Army Engineers has approved it.

After that what takes place? We go then to the Appropriations Committee for the purpose of trying to get the money to carry out this authorization of the Congress. And what do we find? At the present time there are $300,000,000 worth of river and harbor projects authorized by the Congress and approved by the Board of Army Engineers. Every one of them are legitimate, meritorious, and necessary projects.

[Here the gavel fell.]

Mr. MOTT. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MOTT. There are $300,000,000 of authorized river and harbor projects. I do not include any projects which were started by an order or a proclamation of the President. These are all authorized by congressional action. These are all projects which the Congress itself has said should be prosecuted to completion.

We go before the Appropriations Committee and what do we find? We find that the Army engineers have informed the committee and the Budget as to the amount of money they need to carry out this work. They need $300,000,000. They say it will require approximately $200,000,000 of that to prosecute that portion of the authorized projects which really ought to be done this year. And what does the Budget Director do about that? The Budget Director gives them only $100,000,000, or one-third of the money needed to prosecute the projects already authorized by Congress. Then what does the committee do? Why it follows the Budget. So the Congress is helpless. It finds itself deprived entirely of any real authority to compel the doing of that which it has authorized and directed to be done.

I repeat that both the Rivers and Harbors Committee and the Congress of the United States have surrendered practically all of their effective jurisdiction in the field of river and harbor improvement, and have turned the whole thing over to the Board of Army Engineers and the Director of the Budget.

Mr. Chairman, I hope when this period of hysteria is over and when the Congress shall again have made up its mind really to legislate, that the matter of river and harbor improvement will be the first field in which the Congress will undertake to recapture at least a part of its surrendered jurisdiction. [Applause.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

For the payment of claims of officers, enlisted men, and nurses of the Army for private property lost, destroyed, captured, abandoned, or damaged in the military service of the United States, under the provisions of an act approved March 4, 1921 (U. S. C., title 31, secs. 218–222), $15,000.

Mr. BURDICK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is the only opportunity the western country will have, I believe, to express its attitude in respect of this bill.

I may say in the beginning we have the highest confidence in both the chairman of the committee and the chairman of the subcommittee. We know no finer gentlemen in this Congress, and we have great confidence in them.

There are just a few things we want to have answered, if we may, and I hope someone during the debate will answer these questions. We can see no reason why the appropriations for Army purposes should be increasing all the time. We do not see any element that calls for increased expenditures, and I want to read the expenditures for strictly Army maneuvers in this country from 1913 to 1936, as follows:

1913	$108,382,063
1917	401,418,217
1921	439,485,095
1922	329,050,896
1924	250,714,592
1933	309,762,555
1934	279,122,789
1935	341,348,204
1936	374,981,521

The amount keeps increasing all the time, and we cannot see any reason why this should be true.

There is one further matter I wish to call to the attention of the House in connection with the activities that are not purely military, such as are provided for in title II of the bill.

It is my profound opinion that the nonmilitary activities of the War Department should be increased. There is no reason in the world why we should spend money for river and harbor improvement and flood control and still leave the great fortress of defense of this country open to attack. In drought and flood areas we should use a part of this appropriation to supply feed and seed and keep the factories of food in running order.

If we had war tomorrow, the first thing you gentlemen would all ask is, how are we going to feed the Army and the people at home? Food is the foundation of the defense of any country, and there has never been a war written on in the pages of human history where the preponderance of food was not on the side of the winners of the war. I say to you today, we are practically defenseless so far as that situation is concerned. Every Member of this Congress knows we have some 62,000,000 people in this country in some acute condition of distress. Last year we had 23,000,000 people on relief who had nothing. We had 20,000,000 people living on part relief and short-time work, and we had another 19,000,000 people living on mortgages on property representing their accumulations of a lifetime.

I say to you that defense of this country is necessary, and I am just as much for it as any Member of the House. My people have lived in this country since 1634, and we have been in every war, and we will be in the next war if it is necessary for the defense of this country; but I am pointing out to you that the great power of defense is not in battleships, not in the number of officers or the number of men, but the real defense of this country is the psychological condition of the minds of the people and their stores of food. [Applause.]

The Clerk read as follows:

QUARTERMASTER CORPS

Subsistence of the Army: Purchase of subsistence supplies: For issue as rations to troops, including retired enlisted men when ordered to active duty, civil employees when entitled thereto, hospital matrons, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners but for whose subsistence appropriation is not otherwise made), Indians employed by the Army as guides and scouts, and general prisoners at posts; ice for issue to organizations of enlisted men and offices at such places as the Secretary of War may determine, and for preservation of stores; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army Transport Service; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers, including members of the Officers' Reserve Corps while on active duty, and enlisted men of the Army. For payments: Of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, and to enlisted men when stationed at places where rations in kind cannot be economically issued, including retired enlisted men when ordered to active duty. For payment of the regulation allowance of commutation in lieu of rations for enlisted men, applicants for enlistment while held under observation, civilian employees who are entitled to subsistence at public expense, and general prisoners while sick in hospitals, to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed $900 per annum; and for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; in all, $25,693,741, and, in addition, $501,714 of the appropriation "Pay of the Army, 1936", which shall remain available until June 30, 1937: *Provided*, That none of the money appropriated in this act shall be used for the purchase of oleomargarine or butter substitutes for other than cooking purposes, except to supply an expressed preference therefor or for use where climatic or other conditions render the use of butter impracticable.

Mr. CARPENTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and Members of the Committee, Fort Riley, Kans., is in my congressional district, and naturally people interested in this military post look to me to represent them in connection with the Army affairs that affect Fort Riley.

Fort Riley is the principal Cavalry school of the Army. I am very pleased to note the action of the Committee in giving more consideration to the place that the horse takes in the present Army set-up and in any war that we may have.

I want to direct the attention of the Committee to the speech of Major General Parker, that appears in the CONGRESSIONAL RECORD of February 7, placed there by Senator LOGAN. He says:

It is frequently stated in public discussions in the press that the horse is no longer an important factor in war. In fact, his complete disappearance from the battlefield of the future is predicted by some people. Such critics generally refer to the World War for confirmation of their opinion.

Actually the World War brought out the fact that the horse has never been so useful in war as he is now. This is true not only of the cavalry horse but of the artillery horse, the horses and mules used in Signal Corps reel carts and pack reels, and the horses and mules used by the supply services for wagon and pack transportation, as well as the pack animals used for pack, artillery, and machine guns. In all of these uses the horse and mule are more dependable than any machine for bringing supplies up close to the front lines.

He also quotes General Summerall:

That there has been a great deal of misinformation broadcast relative to the Cavalry. It is a fact that cavalry is of far more importance than it ever has been.

I want to call further attention to a statement by General Bash, in answer to a question by the gentleman from Pennsylvania [Mr. SNYDER], which can be found on page 221 of the hearings, in which General Bash says:

But we do find unfortunately for economy that there are many places and many circumstances in which the four-legged animal will get you there when the motor will bog.

The valuation of Fort Riley is approximately $12,000,000, principally represented in buildings.

Now, I rose not to make a speech but to get some information. I would like to know if the appropriation for the repair and maintenance at Fort Riley has been reduced in this bill—Fort Riley and other posts.

Mr. PARKS. The allocation of the appropriation for repairs at military posts is about $250,000 less than is available this year.

Mr. CARPENTER. A few years ago when we were not appropriating as much as we are in this bill for the War Department, better than $3,000,000 was provided in the appropriation for repairs and maintenance of military posts. Fort Riley alone was given more than $300,000. I cannot understand, when we have before us the largest appropriation bill we have ever had, why we should not have a larger appropriation for repair and maintenance of our military posts in this country.

Mr. PARKS. We have been appropriating money for repairs and maintenance year after year, and we figured that the repairs would be enduring, and there has been a good deal of money allotted from relief agencies. I have been at most of the posts and I can understand how people feel about their housing, but it is a question of money. But let me say

this to their everlasting credit: When you talk to men at these posts where the housing situation is so bad, they say that if they cannot get the money they will take their guns and equipment and will put up with the present housing.

The morale is magnificent. Every man who has seen actual conditions wants to give our Army people houses fit to live in. It is just a question of money and priority, and every one of these men who came before us, and I brought them from as far away as Hawaii, said, "We will put up with our housing, but give us something for national defense above houses."

Mr. CARPENTER. Mr. Chairman, I thank the gentleman from Arkansas for this information.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CARPENTER. Mr. Chairman, I ask unanimous consent to proceed for 2 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CARPENTER. Mr. Chairman, we have a certain civilian force at Fort Riley, and that is true in other posts in the country, who are trained to do this repair work. The situation at Fort Riley has been that there was not means to keep the ordinary repair force at work. During the last year or two a part of the force has worked for 1 month, and then has been laid off the following month, and the other half of the force has been employed. In other words, they have been employed half the time. I believe it would be a movement toward economy to have a trained force there at all times. I appreciate the fact that we are getting some relief funds for this repair work. I think the chairman promised us that on the floor last year, and that relief money has come. Yet we still have the question of civilian employees under civil service, and they feel that they are unfairly treated.

In conclusion, I thank the committee for their consideration of the horse, and I am pleased that they appreciate the fact that the horse is so important in connection with the Army and with warfare.

Almost everyone likes horses. There is something about a horse that always excites your interest and admiration, and of all the Army's peacetime activities the most popular one is the horse show. Wherever the Army may go, or in what undertaking it may be engaged the horse will make it more friends than most anything else. It would be well for the General Staff to bear in mind that if they desire to keep the warm contact that is most desirable with the civilians, they can do it as well through the horse as any other attempt. Especially in rural communities, where the people are not particularly favorable to large appropriations for the Army or the Navy, or interested in other undertakings of our military forces, they will turn out whenever the Cavalry comes in their neighborhood to take part in the county fairs or other local enterprises.

The Clerk read as follows:

Army transportation: For transportation of Army supplies; of authorized baggage, including packing and crating; of horse equipment; and of funds for the Army; for transportation on Army vessels, notwithstanding the provisions of other law, of privately owned automobiles of Regular Army personnel upon change of station; for the purchase or construction, not to exceed $786,000, alteration, operation, and repair of boats and other vessels; for wharfage, tolls, and ferriage; for drayage and cartage; for the purchase, manufacture (including both material and labor), maintenance, hire, and repair of pack saddles and harness; for the purchase, hire, operation, maintenance, and repair of wagons, carts, drays, other vehicles, and horse-drawn and motor-propelled passenger-carrying vehicles required for the transportation of troops and supplies and for official military and garrison purposes; for hire of draft and pack animals; for travel allowances to officers of National Guard on discharge from Federal service as prescribed in the act of March 2, 1901 (U. S. C., title 10, sec. 751), and to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory act of September 22, 1922 (U. S. C., title 10, sec. 752), and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability; in all, $12,139,083, of which amount not exceeding $250,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1937: *Provided*, That not to exceed $1,000,000 of this appropriation shall be available for the purchase or exchange of motor-propelled passenger-carrying vehicles and motor-propelled trucks, including trucks of the reconnaissance or station wagon type, of which amount not to exceed $146,000 may be expended for the purchase of light and medium passenger-carrying automobiles at a unit cost of not to exceed $750 for light automobiles and $1,200 for medium automobiles, including the value of any vehicle exchanged, and not to exceed $90,000 may be expended for the purchase or exchange of motor-propelled ambulances and motorcycles: *Provided further*, That no appropriation contained in this act shall be available for any expense of any character, other than as may be incident to salvaging or scrapping, on account of any motor-propelled vehicle procured prior to January 1, 1920, except tanks, tractors, ambulances, fire trucks, searchlight trucks, 390 modernized class B trucks, and vehicles in use by Reserve Officers' Training Corps units on February 19, 1935: *Provided further*, That during the fiscal year 1937 the cost of transportation from point of origin to the first point of storage or consumption of supplies, equipment, and material in connection with the manufacturing and purchasing activities of the Quartermaster Corps may be charged to the appropriations from which such supplies, equipment, and material are procured.

Mr. SCOTT. Mr. Chairman, I move to strike out the last word. I make no pretense to knowing anything about military tactics or strategy. I would much prefer to place my confidence in the committee, but I do not believe that I can be expected on 1 year's service here to say that the committee is exactly right, and, therefore, that their judgment is mine. Perhaps after I have been here longer I can do that. I shall have to see the committee in action for a longer time before I can always rely on their good judgment.

It seems to me that this bill has a pretty good-sized appropriation. It looks like a lot of money. Maybe it is necessary and then, again, perhaps it is not. I do not want it ever to be said that opposition of mine to national defense or opposition to a bill of this kind left the United States in a position where it was not able to defend itself against encroachment, against some offensive by a foreign country. Neither do I want it ever said that I favored a bill or voted for a bill to build up a military organization that became so large or so strong that, due to somebody's whim or due to some incident that might occur abroad, it carried American soldiers again outside the borders of our country. If we are building for national defense, as I understand it, it is to keep some foreign country from coming over here. When does a military, or, for that matter, a naval establishment, cease to be a defensive weapon and become an offensive weapon? I have heard that question argued by a lot of different people.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Oh, I have just a moment. I am not attempting to batter down anything, but I want to express my opinion. I know that if a country begins to attack us, it is probably necessary for us to meet that offense before it arrives, but how far out should we go in order to meet the offense? When do we know when an offense is going to be started, or can we figure, perhaps, when one is going to be started? It may be that this is all being built up for a purpose. It may be that something is going on in the world that I do not know anything about. It may be that other gentlemen do know what is going on that some of us have not yet seen. I think that if such conditions are developing, that perhaps some of the departments of the Government know about, we should be informed of them so that we can go along better, knowing why these things are being done.

There is a vague possibility that somebody, maybe the Army or an Army officer or a Navy group, perhaps somebody in a patriotic society, outside of the Army, is doing the stirring up that is leading us to prepare on a much larger scale than we have ever prepared before. In connection with that may I call attention to an editorial that appears in the Washington Daily News? I do not know whether it is going to be all right with those who are here, but noting certain absences I suppose it will be all right for me to quote from the Daily News. I do not know whether it is always mistaken or not. The editorial is entitled "Who's in the Wood Pile?" and reads as follows:

WHO'S IN THE WOOD PILE?

Senator TYDINGS read in the newspapers that Secretary of War Dern was "not especially interested" in the Tydings-McCormack military disaffection bill.

That being true, the Senator wrote in a letter to the Secretary, "Neither am I, who originally introduced the measure."

This affords an interesting sidelight on how our laws are made. Somebody representing the Navy Department handed the bill to the Senator and told him the War and Navy Departments wanted it passed. So the Senator introduced it. And in due course, when no one especially was paying attention, the bill was passed by the Senate and sent to the House where, fortunately, it still rests. Now the Senator finds that the head of one of the military establishments is not interested in the measure, and apparently never has been. So the Senator withdraws his support from the bill. So far as that branch of Congress where he sits is concerned, the Senator closes the barn door after the horse has been stolen.

We suggest that the Senator, who has been made the goat, pursue this interesting matter further and find out just who is back of this measure which would make it a penal offense to criticize the Army or Navy.

Is it the proposal of some group of swivel-chair military and naval attachés who have been so unmindful of military rules as to mix into the politics of lawmaking? Of, perhaps, some officers who think they need something more than autocratic military authority over subordinates to maintain discipline in the ranks? Or is it just the product of some executive secretary of a super-patriotic society who has to manufacture red scares to keep his job?

Let's find out who it is that is so eager to court-martial civilian speech.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. McCORMACK. Does the gentleman himself believe that the bill does that?

Mr. SCOTT. Oh, no; but I believe that there are some dangerous implications in the bill, and that it would be better left unenacted than it would be to enact it.

Mr. McCORMACK. I respect the gentleman's views, and I appreciate his personal intellectual honesty and frankness in admitting that he does not personally think that the phraseology of the bill accomplishes what some people believe they see.

Mr. SCOTT. Some of those who attack the bill are often led to exaggeration, just as some of those who rush to your support.

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

HORSES, DRAFT AND PACK ANIMALS

For the purchase of draft and pack animals and horses within limits as to age, sex, and size to be prescribed by the Secretary of War for remounts for officers entitled to public mounts, for the United States Military Academy, and for such organizations and members of the military service as may be required to be mounted, and for all expenses incident to such purchases (including $72,155 for encouragement of the breeding of riding horses suitable for the Army, in cooperation with the Bureau of Animal Industry, Department of Agriculture, including the purchase of animals for breeding purposes and their maintenance), $681,337.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the sign and figure "$681,337."

I do so only for the purpose of seeking a little enlightenment from the committee.

It is my understanding that a few years ago we had approximately 40,000 horses in Uncle Sam's Army, and that the total number is now somewhere in the neighborhood of 20,000. Along with that I have read very carefully the annual statement of the Chief of Staff, in which he places a great deal of emphasis upon motorization and mechanization of various units of the Army. I read the testimony of General Bash in the hearings, which is much along the same line. Then I was quite intrigued by the incident of Gen. Paul B. Malone's tactical problem at Puget Sound, where he indicated what could be done through the agency of motorization. I appreciate from all this that there has been a definite tendency in the direction of mechanization of various units, like the Light Artillery and the Cavalry, and I am wondering what the policy of the Appropriations Committee and of the Army is going to be. One can readily recognize that the Appropriations Committee, in its attitude on the matter of horses, can very well determine whether we are going to carry this principle of mechanization to such an extent that ultimately we are going to have very few horses, very few Cavalry units, and a very few horse-drawn Light Artillery units in the Army. It is quite in line with the discussion that is heard at the present time, which places great emphasis upon the fact that horses will ultimately disappear from the Army. At one time I was rather intrigued with that idea, having served in the Light Artillery in France during the World War. It has been my pleasure and opportunity to be an officer in a Light Artillery battery. I know what it was to use horses that were so badly burned with chlorine and mustard gas that we could not use them. I have seen lead, swing, and wheel teams taken out into the mud in France and whipped until they broke tendons and fell down in the mud and had to be shot because they could not draw the caissons, the limbers, and the guns into position.

I came to the rather casual conclusion at that time that the horse was on the way to extinction in the Army. But I have some doubts about it now on further examination. In an address made by General Parker in 1930 to the Horse and Mule Association of America he said that the cavalry is, after all, here to stay, and gave some rather glowing examples from the experiences of the French Army during the World War. He also cited the expedition of General Allenby. He mentioned also the cavalry experiences in Macedonia, and then quoted from some of our military leaders. I would like to read into the Record at this time what General Pershing said about the cavalry now and in the future.

Gen. John J. Pershing said:

There is not in the world today an officer of distinction, recognized as an authority on military matters in a broad way, who does not declare with emphasis that cavalry is as important today as it ever was.

Marshal Foch said:

On the Western Front, cavalry especially participated in the defensive battles where they were engaged at the most difficult moments; here the large cavalry units, thanks to their own mobility, were able to intervene in time, and to bring the precious assistance of their fire to the weak points of the defense.

General Summerall said:

There has been a great deal of misinformation broadcast relative to the cavalry. It is a fact that cavalry is of far more importance than it ever has been.

Now, the particular question is, Has the committee, in conjunction with the War Department, determined upon some kind of a settled policy that will ultimately mean the extinction of horse-drawn vehicles and light artillery, and the reduction of the Cavalry to the so-called irreducible minimum? May I have an answer to that?

Mr. PARKS. I may state to the gentleman that we believe the number of Cavalry horses really has become standardized. About the only thing we are doing is to provide for replacing those that are getting too old or that may die. I think it is the policy of the War Department that we cannot entirely get along without cavalry. We must maintain about what we have now, both in the National Guard and in the Regular Army, which is about 25,000. We are appropriating this year, I think, about $600,000. That simply will provide replacements.

Of course, the gentleman knows that if he ever talks to a Cavalry officer and tells him he wants to do away with horses entirely, he wants to be out of arm's length, because he just will not stand for it. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last word. I would like to ask why we are spending so much for nonmilitary activities? There is an increase here of $97,000,000.

Mr. PARKS. Mr. Chairman, may I say to the gentleman from Minnesota that when we reach title II of the bill, dealing with nonmilitary activities, we shall probably have a good deal of discussion. The matter referred to by the gentleman from Minnesota properly comes under the second title of the bill, and a lot of the money will be spent pretty close to Minnesota.

Mr. KNUTSON. I do not care where it goes to; I am interested in seeing it cut down to the lowest possible point.

Mr. PARKS. We have taken out $29,000,000, and I hope the gentleman will support us.

Mr. KNUTSON. I may say to the gentleman from Arkansas that I do not care where the money is going to be expended; my interest is in seeing the expenditures kept down.

Mr. PARKS. Then I am sure we may count upon the gentleman's support.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. FITZPATRICK. All of these projects were authorized by Congress.

Mr. PARKS. All of the projects included in the bill have been authorized.

Mr. KNUTSON. That does not endow them with sanctity.

Mr. FITZPATRICK. The gentleman voted for them.

Mr. KNUTSON. How does the gentleman know? It is my recollection that I did not.

The Clerk read as follows:

SIGNAL CORPS

SIGNAL SERVICE OF THE ARMY

Telegraph and telephone systems: Purchase, equipment, operation, and repair of military telegraph, telephone, radio, cable, and signaling systems; signal equipment and stores, heliographs, signal lanterns, flags, and other necessary instruments; wind vanes, barometers, anemometers, thermometers, and other meteorological instruments; photographic and cinematographic work performed for the Army by the Signal Corps; motorcycles, motor-driven, and other vehicles for technical and official purposes in connection with the construction, operation, and maintenance of communication or signaling systems, and supplies for their operation and maintenance; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps for use of the Signal Corps and in the office of the Chief Signal Officer; telephone apparatus, including rental and payment for commercial, exchange, message, trunk-line, long-distance, and leased-line telephone service at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, excepting the local telephone service for the various bureaus of the War Department in the District of Columbia, and toll messages pertaining to the office of the Secretary of War; electric time service; the rental of commercial telegraph lines and equipment, and their operation at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, including payment for official individual telegraph messages transmitted over commercial lines; electrical installations and maintenance thereof at military posts, cantonments, camps, and stations of the Army, fire control, and direction apparatus, and material for Field Artillery; salaries of civilian employees, including those necessary as instructors at vocational schools; supplies, general repairs, reserve supplies, and other expenses connected with the collecting and transmitting of information for the Army by telegraph or otherwise; experimental investigation, research, purchase, and development, or improvements in apparatus, and maintenance of signal and accessories thereto, including patent rights and other rights thereto, including machines, instruments, and other equipment for laboratory and repair purposes; lease, alteration, and repair of such buildings required for storing or guarding Signal Corps supplies, equipment, and personnel when not otherwise provided for, including the land therefor, the introduction of water, electric light and power, sewerage, grading, roads and walks, and other equipment required, $5,262,556.

Mr. McSWAIN. Mr. Chairman, I move to strike out the sign and figures at the end of the paragraph.

Mr. Chairman, the next section deals with the Air Corps, and I desire to be heard very briefly in the presentation of some general considerations in regard to this arm of national defense. I suppose the question of air power has been studied as much by the military authorities of this country, whether the operation has been military or civilian, as any other question. The views of the 14 or 15 different boards studying the question were finally concentrated in the conclusions of the Morrow Board, which filed its report in 1926, although it did its work largely in 1925. It was a very able board indeed. This Board finally fixed the ratio between Army and Navy air forces at 10 to 18, 10 for the Navy and 18 for the Army. Subsequently Congress authorized an increase of naval aircraft from 1,000 to 2,190, or practically 2,200, whereas the Army authorization still remains at 1,800. If the ratio were observed, then the Army would have now, today, an authorization of practically 4,000, because as 10 is to 18 so 22 is to 40, by the old rule of 3; and I want to announce that I have today dropped in the basket a bill that will authorize—if it becomes law, and I trust it will at this session—a total of 4,000 planes for the Army, carrying out the ratio fixed by the Morrow Board. This bill, by the way, is word for word the bill drawn by the War Department for consideration of the Seventy-third Congress, except I have increased the number of planes to 4,000; otherwise it is identically the bill prepared by the War Department.

I want to impress this fact, if I may: That undoubtedly all who think seriously upon the question realize that the first line of defense is the air. We have become accustomed to talk about the Navy as the first line of defense. Before there was an airplane the Navy was indeed the first line of defense, but now it is the air; and it does not make any difference whether the aircraft is operating from a base on shore or the deck of a carrier, the first conflict, the first collision between hostile forces, will be in the air, and probably this first collision will be decisive for the reason that whoever gets control of the air, of the heights above us, will certainly control everything underneath, whether it be on water or on land.

The British Navy made a gesture that she was going to stop the Italian transports going through the canal to Ethiopia; but when the Italian Government announced that there were 125 pilots who had dedicated their lives to the defense of Italy, who said, "We will not be doing a little polite flying around trying to hit the ship below, but we will deliver our 2,000 or more pounds of explosives ourselves with the plane in which we ride"—when it was realized that they would give their lives to stop the concentration of British ships at the Suez Canal, the Mediterranean fleet scattered to the remote regions of that sea. This is the truth; and why should not 125 or 1,000 or 2,000 pilots give their lives in this way to save their country, rather than lose—as were lost in some engagements—10,000 infantrymen in a day, giving their lives for their country's cause?

[Here the gavel fell.]

By unanimous consent, the pro-forma amendment was withdrawn.

The Clerk read as follows:

AIR CORPS

AIR CORPS, ARMY

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments, and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and take-off runways; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas, and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the procurement of helium gas; for travel of officers of the Air Corps by air in connection with the administration of this appropriation, including the transportation of new aircraft from factory to first destination; salaries and wages of civilian employees as may be necessary; transportation of materials in connection with consolidation of Air Corps activities; experimental investigations and purchase and development of new types of airplanes, autogiros, and balloons, accessories thereto, and aviation engines, including plans, drawings, and specifications thereof, and the purchase of letters patent, applications for letters patent, and licenses under letters patent and applications for letters patent; for the purchase, manufacture, and construction of airplanes and balloons, including instruments and appliances of every sort and description necessary for the operation, construction (airplanes and balloons), or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for the marking of military airways where the purchase of land is not involved; for the purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings, and other facilities for the handling or storage of such equipment; for the services of not more than four consulting engineers at experimental stations of the Air Corps as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed $50 a day for not exceeding 50 days each and necessary traveling expenses; purchase of special apparatus and appliances, repairs, and replacements of same used in connection with special scientific medical research in the Air Corps; for maintenance and oper-

ation of such Air Corps printing plants outside of the District of Columbia as may be authorized in accordance with law; for publications, station libraries, special furniture, supplies and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft; for settlement of claims (not exceeding $250 each) for damage to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Corps and the Secretary of War, $59,397,714: *Provided*, That $10,000 shall be transferred to and made available to the Bureau of Mines on July 1, 1936, for supplying helium; and not less than $41,055,925 (including $7,686,753 for the payment of obligations incurred under the contract authorization for these purposes carried in the War Department Appropriation Act for the fiscal year 1936), shall be expended for the production or purchase of new airplanes and their equipment and accessories, of which $29,322,602 shall be available exclusively for combat airplanes, their equipment and accessories: *Provided further*, That in addition to the amounts herein provided for the procurement of new airplanes and for the procurement of equipment, spare parts, and accessories for airplanes, the Chief of the Air Corps, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1937, for the procurement of new airplanes and for the procurement of equipment, spare parts, and accessories for airplanes (including radio and armament) to an amount not in excess of $10,669,786, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further*, That no part of this or any other appropriation contained in this act shall be available for any expense incident to the use of Crissy Field, Calif., as an air station, or for any structural improvements or the installation of any new equipment not of a removable character at Chanute Field, Ill.: *Provided further*, That no available appropriation shall be used upon lighter-than-air craft, other than balloons, not in condition for safe operation on June 30, 1936, or that may become in such condition prior to July 1, 1937: *Provided further*, That the sum of $30,000 of the appropriation for Air Corps, Army, fiscal year 1933, and the sum of $450,000 of the appropriation for Air Corps, Army, fiscal year 1934, shall remain available until June 30, 1937, for the payment of obligations incurred under contracts executed prior to July 1, 1934.

Mr. MEAD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is not my purpose to present an amendment at this time, but I rise to call the attention of the Committee, and particularly the chairman of the subcommittee, the gentleman from Arkansas, and the chairman of the legislative committee, the gentleman from South Carolina, to a matter which I think is of vital importance to our national defense.

We are appropriating in the neighborhood of $100,000,000 this year for aviation, both military and civil. If we increased this appropriation by $500,000, we could give military training to a thousand additional pilots. This would give us as good and capable a corps of pilots as is to be found in any country on earth. In this bill we are appropriating $59,397,000 for the Air Corps and its various activities; $45,540,000 of this is for new planes. The Army now has 1,271 ships, 983 pilots, plus 244 of the Reserve Corps on active duty. Last year the Army flew nearly 46,000,000 miles.

For the Air Mail Transport Service we are appropriating $12,000,000 in 1937. We receive back a revenue of approximately $7,000,000 from this Service. We have 500 ships in domestic and foreign Air Mail Service and approximately 1,000 pilots. Our domestic ships last year flew more than 55,000,000 miles. That includes all the scheduled services in the country, both air mail and otherwise. Over 30,000,000 miles was scheduled air-mail mileage. This entailed a cost to the Government of only $8,800,000. In 1935 the Army Air Corps cost the Government $28,000,000. To this may be added the cost of the Naval Air Corps.

If we could arrange it so that pilots who fly the mail could leave their work for a month and be attached to the active Air Reserves with pay, those pilots would augment the military personnel we now have. They would increase the number 75 or 100 percent and would give us the very best personnel possible for aviation. Many of these men saw World War service. Many of them are graduates from Kelly Field. Many of them have aided in the development of equipment and instruments which have increased the efficiency and safety of flying both in and outside of the Army. Much of the development in aviation has taken place in civil aviation. The evidence left with our committee proves conclusively that these men would be very helpful in time of war. Not only that, but the large modern passenger ships of today would be useful as bombing planes. The information furnished our committee by expert pilots is that the modern transport plane is suitable for bombing work and would require but little conversion. It is built along the same lines as the bomber. The passenger compartment could be utilized for carrying bombs and fuel for long-distance flying. Bomb racks could be built beneath the plane. The pilots on transport lines are accustomed to flying long distances, and particularly at night. It seems to me that we ought to establish a school for our air-mail pilots. We ought to train those men in the art of military flying, and we could do it with a minimum appropriation, adding another thousand pilots to the Army Air Corps and improving our national defense.

[Here the gavel fell.]

Mr. MEAD. Mr. Chairman, I ask unanimous consent to proceed for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DOBBINS. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Illinois.

Mr. DOBBINS. Has the gentleman from New York made inquiry as to the adaptability of our transport planes for bombing purposes in time of war?

Mr. MEAD. Mr. Behncke, who is president of the Air Line Pilots' Association, and an air-line pilot as well as a war-time pilot, made this statement:

I have had Army service and am particularly familiar with the bombers. The type of ship used in transport work today would be the most natural to develop for military use, because the whole air line set-up fits into the bombing end of the picture—night flying, flying through all kinds of weather, flying on schedule, familiarity with radio; the pilots could reach their objective, regardless of obstacles.

Mr. Chairman, we are training our pilots to fly in all kinds of weather and in all zones. We have them in the arctic region. We have them in the tropics. We have them flying over the oceans and over our mountainous terrain. It seems to me we are depriving ourselves of a very valuable asset, and one that might prove as helpful as anything we are doing today in the matter of appropriating for the Air Corps, by not giving them some military training. We should establish a school and a reserve corps so that these men who fly in our domestic transport service could become part of the Army personnel.

[Here the gavel fell.]

Mr. DOBBINS. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. DOBBINS: On page 35, line 17, after the word "station", strike out "or the installation of any new equipment not of a removable character at Chanute Field, Ill."

Mr. DOBBINS. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes upon this amendment.

Mr. PARKS. This is a matter in which the gentleman is particularly interested?

Mr. DOBBINS. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DOBBINS. Mr. Chairman, the matter upon which I propose to address you and to which the amendment I have offered relates is not a matter involved in any of the controversies that have taken place upon the floor of the House so far in the consideration of this bill. It is not a question which either increases or diminishes the amount of appropriations to be made for military activities in the ensuing year. It does, however, concern the national defense. It concerns the welfare of our Army—and when I say "our Army" I do not mean merely the officers of the Army. It concerns the welfare of the enlisted men of the Army, and, last but not least, it concerns the State of Illinois and the district I represent.

The words which would be stricken out of the bill, as proposed by the amendment, are those words which restrict

the expenditure of some $10,000,000, or, rather, forbids the expenditure of any of that money at Chanute Field, Ill. Chanute Field, as a military flying post, was established during the World War and has been continued for the last 10 or 15 years as the site of the Air Corps Technical School. The amendment I have offered, if adopted, will strike out a clause that may well be held to prejudge the case of whether or not this school should be removed from its present location, a matter that has been under consideration and the subject of peculiarly varying opinion in the Army for several years.

The objections that may be made to the words which I would strike out by the amendment may be classified under three different headings. In the first place, the amendment is not necessary; in the second place, it is not wise; and in the third place, it seeks to prejudge a case that is now under consideration in the Committee on Military Affairs of this House with respect to a bill that has been offered, the purpose of which is to remove this school from its present location. I say it is not necessary, and I say that with the utmost sincerity. I can prove it in a very few words. This Congress appropriated for the improvement of that school some 3 or 4 years ago over $1,000,000 for permanent improvements there. Although this was the will of the Congress thus expressed, the high hats of the Army did not carry out the will of the Congress and did not make the improvements they were directed to make by the appropriation.

They are opposed to this location. They are opposed to it—and I say this upon my own responsibility as a Member of this body—because they feel it does not offer enough in the way of social or recreational advantages. Perhaps there is not enough "wine, women, and song" at Chanute Field to suit some of the officers of the Army, and, therefore, they want to remove it to some place more attractive in the way of recreational and social features.

A few years ago they wanted to move this school to Dayton, Ohio. That was what they wanted to do when they would not spend the appropriation I mentioned. Now they come in with a report of an investigation made by three officers, and they say they do not want Dayton at all; it is regarded as wholly unsuitable. An even larger city is favored as a location for the school.

It is just as unnecessary to put this limitation in this bill so far as the War Department is concerned, in the light of our past experience, as it would be to pass a law prohibiting the American Liberty League from making a contribution to aid in the reelection of Franklin D. Roosevelt.

It would not do to prejudge this case. It would be just like granting a preliminary injunction without having any hearing upon it, and the hearings before the Appropriations Committee upon the subject were extremely brief. All they amounted to was a statement that a special board, appointed by the Air Corps, had recommended that this school be transferred and, therefore, the statement was reluctantly wrung from General Westover that because this special board had recommended it, therefore, the Army was back of it. Inquiry was made of him as to why it should not be transferred to some other established field, and the Wright Field at Dayton was mentioned. The reply was made that the same objection existed to Wright Field as existed to Chanute Field—that there is not an opportunity there for a large bombing area.

I may say, for the benefit of the gentleman from Ohio [Mr. BOLTON], a very respected member of your committee, upon this question, that they wanted to move this field when they did not think of any bombing field, and they wanted to move it to Dayton only last year. At Chanute Field, when they were making their so-called investigation, an inquiry was made of the chairman of the special board as to how much additional territory at that field the Army would need for a bombing field, and he said "one-half a square mile." That was his reply, and that was all of the investigation that was made at Rantoul as to the availability of a site. He was told that it could be easily procured adjoining the field, at a very moderate cost.

The expert at Chanute Field on the question of armament and bombing made a careful and thorough written statement, included in the report which was filed by the Yount board, which investigated this matter, and that statement is direct and positive in its assertion that an adequate field and a desirable field would be one about 5 by 9 miles in area, or a total of 45 square miles.

This statement and assertion the Yount report does not even mention; but they went to another location that attracted them, where out in the nearby wastes 100 square miles could be obtained, and so this board comes in upon the strength of that and says that nothing short of 100 miles would be suitable for a bombing area. It is the same old story of framing your specifications to include only what you desire to purchase.

This field ought not to be moved. All this is a ground school. Why, Colonel Yount, the man who brought in the report, was asked by members of our Military Affairs Committee how much time was devoted only to ground instruction at the school, and he said he did not know. He was then asked if it was as much as 75 percent, and he said he did not know. He was asked if it was as much as 90 percent, and he said he did not know. Yet, in the data he brought back to the Secretary of War, which he claimed he had carefully reviewed, and which is now before this Congress, is the clear and explicit information that less than 1 percent of the instruction at this Air Corps Technical School is conducted in the air.

The board advances the baseless argument that the climate is not right at Rantoul, Ill., for flying, and they say only 25 percent of the flying instructions could be carried out because of climatic conditions. This we would naturally understand as meaning that 75 percent of the time out there in Illinois you cannot fly because of bad weather. Well, that is simply not true; that is all there is to that. If anyone feels he should not take my word for it, then take the word and the experience of the air transport companies. Four of the great air-mail lines of this country pass on four sides of Chanute Field, and a report of the fine record they made in maintaining their established flight schedules in 1935 was made available to every Member of this Congress, in statistical table no. 44, appended to the 1935 Annual Report of the Postmaster General. These four lines, the United Air Lines, Transcontinental & Western Air, the Chicago & Southern, and the North American Aviation, running from New York to San Francisco, from New York to Los Angeles via Indianapolis and St. Louis, from Chicago to New Orleans, and from Chicago to Miami, pass on the four sides of this field within an average distance of less than 75 miles, and in 1935 they completed 94.27 percent of their flying schedules.

Now, are you going to act upon unreliable information and statistics of the character the Yount Board puts out as facts and substitute for our deliberative authority here as Members of Congress in a legislative question of this kind, the so-called expert opinion of any such board as that?

How did they arrive at their absurd conclusion that only 25 percent of the flying instruction could be carried out at Chanute Field on account of climatic conditions? Simply by distorting the evidence upon the question. When you go back to the typewritten reports constituting the evidence that they brought in upon this question you will find a statement by an instructor at the school which says, after outlining what is desirable in the way of flying instructions, that as a matter of fact only 25 percent of such instruction could be carried out because of three specifically enumerated factors, namely, climatic conditions, want of personnel, and want of ships. If they had the most ideal weather in the world, because of these last two controlling factors they could not have carried out more than 25 percent of their flying missions. Yet in an effort to besmirch this location and to move some of their fellow officers, who are the only ones discontented, to some more attractive location, they come in here and willfully misquote and distort the evidence.

Mr. Chairman, I could go through the evidence they brought here and point out page after page of the same kind of testimony—15 or more instances of unsupported or

grossly distorted prejudicial statements upon the question. We should not act upon important matters of this kind on that character of advice.

Why, the enlisted men and the students at the school are contented. They like it; but here come the officers before a board and say, "We are not concerned about ourselves; we can go out and find what we want, but we are interested in the morale of the enlisted men, and for their sake we want to move this field to another location where recreational opportunities are more plentiful than they are in this little town", which by the way, is within 15 miles of the site of the University of Illinois, within 15 miles by a broad, hard-surfaced road, with good railroad and bus connections, an enlightened community of 40,000 people, and with a student and instructional personnel increasing that number to 50,000; and the town of Rantoul immediately adjoining the field where this school is located is a town of 1,500 or 2,000 inhabitants. But when you read the evidence transcribed and brought here from Chanute Field by the three members of this board who are so deeply concerned about how the enlisted man shall enjoy himself, you will find hundreds of pages of testimony by the officers at this post and not one single line by any enlisted man or any student there.

Now, the same report they bring before you shows that the fatal accidents in military aviation have decreased some 25 percent from what they were the year before.

My colleagues, I am going to ask you to vote for this amendment and that you do not prejudice this case in its pending consideration by the Military Affairs Committee of the House.

That special board, in its report, tells how awfully hot it is at Chanute Field, saying the thermometer goes above 90° 60 days in a year. It happens that nearly all my life I have lived within 15 miles of Rantoul and I never knew any such weather. I looked into it and learned that the average yearly number of such days is much less than half of that—only 23 days a year, in fact—and the highest number in any year was 44.

Oh, they say it was an unintentional mistake. They have 15 such "unintentional" mistakes. They said they did not known that the Signal Corps collected and preserved this climatic record at Chanute Field, so they went to some distant Weather Bureau station for it. Besides they said the readings of the thermometer at Chanute Field were made by privates, and implied that these readings of the temperature were not trustworthy because they were made by mere privates in the Army. Let me say, in passing, that no one can get into that technical school unless he is a high-school graduate, and that there is a waiting list of bright, hopeful applicants numbering over a thousand.

Do they not know that the readings of the Weather Bureau are made by men, some of whom get only from $5 to $10 a month? My opinion is that privates in the Army can be trusted to make thermometer readings just as well as the observers of the Weather Bureau.

This field is located in the right place now.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

Mr. DOBBINS. Yes.

Mr. POWERS. Has the gentleman any record of the number of flying days per year at Chanute Field or the vicinity of the field?

Mr. DOBBINS. I have a record of the number of days when the weather has been unfit for flying, the number of days when it has been cloudy, and the number of days when it has been partly cloudy, as compared with the proposed location.

Mr. POWERS. Where is the proposed location?

Mr. DOBBINS. I have not mentioned it, and I do not care to be drawn into any issue as between one location and another. I would rather have it determined upon the question of whether the existing site is a suitable one.

Mr. POWERS. I wish the gentleman would put into the RECORD the number of flying days per year available at Chanute Field over the past 10-year period.

Mr. DOBBINS. I am willing to take the figures on these matters which are susceptible of reduction to absolute and exact calculation, but I do not intend to take figures which embrace any conclusion on the part of these officers as to what is suitable or as to what is not suitable, because I have shown you what sort of conclusions they reach in the matter and how they distort the figures.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DOBBINS. Mr. Chairman, I ask unanimous consent to proceed for 5 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOBBINS. Mr. Chairman, there is just one other thing that I want to say with reference to this matter. I am not going into all of the controversies upon where the field ought to be or where it may be, but I will say that there was submitted to the Secretary of War by the Yount Board, and by the Secretary transmitted to the Military Affairs Committee, a prospectus of a favored location for this field near a city of some three or four hundred thousand inhabitants. The prospectus was gotten out by the chamber of commerce of that city and showed alluring pictures of the attractions of that area. I well remember one picture shown, which attracted my attention when I first saw it 25 or 30 years ago. It was a picture of two beautiful young ladies sitting on a log by a lakeside. I went out to this location some 25 or 30 years ago, attracted by the same sort of alluring pictures. I think I then saw the log where the ladies had been photographed many years before, but they were gone.

Perhaps the officers of our Army may show a disposition to fall for that sort of thing, but the men at that fine school are more concerned with what they go there to learn. More than three-quarters of the students—nearly four-fifths of them at that location—come from States in the longitude of Chanute Field or east of there; and yet it is proposed to move the school a thousand miles to the West. These young men pay their own way to the school, and in minimizing the importance of locating the school near the center of the area of enlistment the Yount report comes back with this: "Well, they pay their own way to the school, so it does not make much difference. These students pay for their own transportation wherever they go." There are five or six hundred students at that school, and in times when it operates to full capacity there are a thousand. It means something to these young men who are interested in mechanics, who go there for the purpose of studying and perfecting their mechanical skill, how far they have to pay their own way to go to school. The quartermaster supply point for this field is in Chicago, within 110 miles of the present location of the field, and supplies would continue to have to be shipped from there a thousand miles farther west if it were moved to a location that far away. Colonel Yount was unable to inform your committee what the annual increase in this item of expense would be in the event of the school's removal. Evidently he had given this important question no thought at all.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DOBBINS. Yes.

Mr. MAY. According to the testimony before our committee, it was shown that at least 90 percent of the activities of these students were in mechanical matters on the ground, and only 10 percent in flying.

Mr. DOBBINS. That was the testimony. He would not say it was as little as 10 percent, or even less than 25 percent. As a matter of fact, the testimony before his board, submitted to the Secretary of War, and which was laid before your committee, shows that in a 24-week course there are exactly 10 hours of flying instruction, which means less than 1 percent. Grudgingly the colonel admitted that it might be as little as 10 percent, when, as a matter of fact, it was only 1 percent. He came within one-tenth of the truth on that matter; but as to the amount of land required for a machine-gun range and bombing area, he missed his own subsequent dictum 99½ percent. He told the committee at Chanute Field that half a square mile was all that was needed for that. I do not see how any officer connected with the air force of any army could imagine half a square mile would be enough for a machine-gun range and bombing area. That is the sort

of superficial investigation that supports the request that Congress move this field 1,000 miles away, to a place where we can raise a lot of he-men to be mollycoddles instead of the army of fighting men that we want to uphold our national defense.

In conclusion I say with all of the conviction that comes from a long and earnest study of this question, that this school should be located where we have the average conditions under which our future wars are likely to be fought, and as nearly as that can be forecast under the limitations of human foresight, it is in that location now. [Applause.]

Mr. PARKS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKS. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKS. Mr. Chairman, I do not want to take 10 minutes' time. The gentleman from Illinois is laboring under a misapprehension. I appreciate his feeling about this matter and that is why I was glad that he might have the extra time. The language in this appropriation bill does not abolish this field, it really does not affect his field in any way whatever. He may just as well make up his mind to the fact that the struggle for years and years to get rid of Chanute Field is sooner or later going to come to a head.

All in the world this bill provides for is that none of this money shall be spent for permanent improvements. If that language were not in there, they could go out and spend large sums upon improvements of a permanent character. The housing at that field, I have been advised, is about ready to fall down. I dare say there is not a building on it but what should be removed and rebuilt, if you are going to stay there. A bill has passed the Senate which provides for establishing another field in place of this field out in Colorado. I was not enthusiastic about that.

I thought I had in mind a place that was much better suited for a technical training field than was Chanute Field or any other place in the United States. A board was appointed. Of course, the board went out and visited Chanute Field. Then they went out and visited other fields, including the place I had in mind, and when I discussed with them my ideal location they said to me, "Why, they cannot see to fly out there", and this, that, and the other, and they finally convinced me I was wrong. Then I said, "Why do you want to leave Chanute Field? Why not rebuild?" The board said they had gone into that matter time and time again, and they thought it would be a very unwise thing to continue this field at Chanute.

Of course, as far as this bill is concerned, it does not make any great difference whether the language stays in or goes out, but without this language they would be free to expend money on projects of a permanent character.

Mr. DOBBINS. Will the gentleman yield?

Mr. PARKS. I yield.

Mr. DOBBINS. Why does the gentleman fear the Army would put permanent improvements there when they are not directed to do it by the Congress, when they failed to do it after we provided for those improvements?

Mr. PARKS. I do not know whether they would or not. With this legislation pending I am confident they would not. Our limitation is merely a precautionary measure. They are not precluded under the bill we have presented from maintaining the existing buildings at Chanute Field until they could make ready for the activity out at Denver.

I am not going to discuss the question of the advisability of going to Denver. I am not going to tell you they have offered a tract 10 miles square for a bombing field there without cost to the Government. That is a matter at this stage without the province of this committee. However, there is today pending before the Committee on Military Affairs, a legislative committee of this House, this bill which was passed by the Senate, that provides for removing the Air Corps activities at Chanute Field out to a new site at Denver. The gentleman from Illinois [Mr. DOBBINS] is unnecessarily exorcised about the language in this bill. It does not do anything in the world to you except forbid you putting permanent improvements there until the bill which passed the Senate has either been killed or passed.

Mr. McSWAIN. It is going to be decided one way or the other a week from today. It has already been set.

Mr. PARKS. I am glad to hear that.

Mr. DOBBINS. Is the chairman of the subcommittee on War Department appropriations afraid that the War Department will change its mind and spend in the next week an appropriation that does not become available until July 1 next?

Mr. PARKS. Not at all; but this bill will either be passed or killed. The speech which the gentleman from Illinois made will be the kind of a speech to make when that bill comes here from the Committee on Military Affairs. All we are doing is to provide that whatever may happen, you cannot take a dollar of this money and put it into permanent improvements. Who should object to that? If you succeed in defeating that bill, then the War Department can come back within the next year for funds if they have to rebuild this field.

Mr. DOBBINS. Suppose we do succeed in defeating that bill, and I think we shall, here is a permanent appropriation bill making appropriation for the next year, forbidding the War Department to spend any of this money for the very location that this House may approve next week.

Mr. PARKS. Let me say to the gentleman I hope he does not misunderstand me. I hope he does not think I am against Chanute Field. I do not know anything about it, whether it should be maintained there or not, except as revealed by the testimony that comes to us from this Board. If this bill is not passed, they will have to do something about the matter. You will either have to move those men away from there or give them a safe place in which to work and to live.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. PARKS. I yield.

Mr. JOHNSON of Oklahoma. I should like to inquire of the chairman that if the pending amendment proposing to eliminate the language to which the gentleman from Illinois objects is defeated, and then the Military Affairs Committee comes in a week from today and decides that Chanute Field is the proper place for a field, just what position would this House be in, having voted that no permanent buildings may be constructed at the point where the committee may say there shall be a permanent field?

Mr. PARKS. Some provision will have to be made to take care of the matter in that event.

Mr. BOLTON. Will the gentleman yield?

Mr. PARKS. I yield.

Mr. BOLTON. Does the gentleman from Oklahoma know how much is involved in this item?

Mr. JOHNSON of Oklahoma. Yes; I think so.

Mr. BOLTON. How much is involved?

Mr. JOHNSON of Oklahoma. I understand about $10,000,000 might be involved.

Mr. BOLTON. There are only $95,000 included for all improvements at Chanute Field.

Mr. JOHNSON of Oklahoma. I think the gentleman is mistaken, but regardless of the amount involved that is begging the question. No such language, in my judgment, should be placed in a bill that will have the effect of prejudging the issue that a committee of this House is going to decide, so the chairman announces, 1 week from today.

Mr. DOBBINS. Will the gentleman yield?

Mr. PARKS. I yield.

Mr. DOBBINS. Let me correct the gentleman from Ohio [Mr. BOLTON]. The last preceding figure used in this appropriation is over $10,000,000, line 12, page 35.

Mr. BOLTON. Exactly, but if the gentleman will read General Westover's testimony on page 362 of the hearings he will find that the only item, specifically stated, for Chanute Field is $96,000.

Mr. DOBBINS. But the limitation sought to be placed is over the entire $10,000,000.

Mr. BOLTON. But not for Chanute Field.

Mr. WOODRUM. Will the gentleman yield?

Mr. PARKS. I yield.

Mr. WOODRUM. They could even spend a portion of that $95,000 under the bill as reported, because it applies only to permanent improvements?

Mr. PARKS. Yes. They could spend it all.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield further?

Mr. PARKS. Certainly.

Mr. WOODRUM. Is it not true that the question of policy as to whether or not this field shall be continued is not in any way involved in this bill?

Mr. PARKS. Not a bit in the world.

Mr. WOODRUM. But the fact is that a board of engineers of the War Department after mature consideration has reported to the Congress that the field should be abandoned and reestablished at Denver.

Mr. PARKS. Yes.

Mr. WOODRUM. Not only reported that, but a bill has been introduced in and passed by another body to this effect.

Mr. PARKS. That is right.

Mr. WOODRUM. The Appropriations Committee, it seems to me, using good judgment certainly in this instance, has merely provided that under these circumstances the matter having gone thus far and there having been such an emphatic statement of policy in reference to this field, that during this period no permanent improvements shall be made.

Mr. PARKS. That is all it says.

Mr. WOODRUM. Now, the gentleman from Illinois, our distinguished, beloved, able friend from Illinois—and all of us sympathize with him in his splendid efforts for his district—asked the question, "What is going to happen if the Military Affairs Committee should bring in a bill continuing this field?" Not meaning to comment on our dear friend's optimism, if this should happen Congress is not going to adjourn overnight. There are other appropriation bills to be passed and there will be at least two more deficiency bills in which any permanent improvements that ought to be made can be taken care of. But certainly, with legislation having passed one body of the Congress, as it has, the Appropriations Committee does not feel that permanent improvements ought to be made there now.

Mr. PARKS. That is the only question. I want to assure the gentleman from Illinois that if the Congress should refuse to pass that bill he will not find me on that committee opposing the reestablishment of Chanute Field. It ought to be rebuilt or it ought to be moved.

Mr. DOBBINS. It ought to be rebuilt; that is what ought to be done.

Mr. PARKS. The gentleman is right about it if it is to be retained.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. PARKS. I yield.

Mr. MAY. Suppose the bill passed without this amendment; does the gentleman think that the War Department would spend any money on the field, especially if the House should report out a bill to eliminate the field?

Mr. PARKS. My distinguished friend here is so able and seductive I do not know what he would be able to have them do if that bill did not pass; but I want to assure him now, speaking for the committee, that we are not against Chanute Field if they decide to continue it. We know how important the activity carried on there is.

Mr. DOBBINS. Mr. Chairman, will the gentleman yield?

Mr. PARKS. Certainly.

Mr. DOBBINS. The gentleman from Virginia knows, I think, that I agree with a part of his statement—that part in which he said Congress is not going to adjourn overnight and that we can pass whatever law may be necessary on this subject. The appropriation provided in this bill will not become available until July 1, 1936. Congress certainly will be in session a good part of the time between now and then. As the gentleman from Virginia has very well suggested, there is ample time in which to pass stop-gap legislation; but regardless of the opinion of the gentleman from Arkansas, unquestionably, if this Congress passes this bill with this restriction in it, it is going to be used by the Army as an expression of this Congress against the present location of the field, which has not even been considered by the House.

Mr. PARKS. I do not feel that the gentleman is right in that conclusion.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The amendment was agreed to.

Mr. ROGERS of New Hampshire. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of New Hampshire: Amend title I by striking out on line 18, page 34, "$59,397,714" and inserting in lieu thereof "$72,397,714"; and on line 21, page 34, strike out "$41,055,925" and insert in lieu thereof "$52,055,925"; and on line 2, page 35, strike out "$29,332,602" and insert in lieu thereof "$40,322,602."

Mr. ROGERS of New Hampshire. Mr. Chairman, the purpose in offering this amendment is to enable the Members, as true friends of national defense in this country, to make the Army Air Corps a potent factor in the military branch of our service. As it is today the Army Air Corps is in a deplorable condition.

My first knowledge of military aviation came as a result of my interest because my brother was in the military aviation service during the World War. As a Member of the Sixty-eighth Congress I was a member of the Lambert committee, and I found military aviation in this country to be in an awful condition. During the last three sessions of Congress I have had the honor to be chairman of the subcommittee on aviation of the Committee on Military Affairs. I still say, and I challenge any man in this House from any district or any State in the Union to deny it, that instead of going ahead as provided by the Air Corps Act of 1926 we have gone backward. This is shown in the testimony given before the Appropriations Committee last month by Assistant Secretary of War Woodring. He said:

The figures furnished my office indicate that the Army Air Corps will have approximately 777 airplanes in its possession July 1, 1936.

We get 565 under the bill now under consideration.

Mr. Woodring continues—

A continuation of an appropriation of the above size will never permit the Army Air Corps to reach this desired strength, as it will only take care of approximate yearly losses.

We now have six or seven hundred planes fit for military use. This includes combat, pursuit, and bombardment planes. England has five to six thousand, Germany a program calling for 7,000 to 10,000, and our own Howell Commission and Baker Board recommended 2,320. How can we still go along with six or seven hundred airplanes to defend this Nation?

Mr. Chairman, this may seem like a substantial item, but I ask the Members of the House to take a step in the right direction. The honorable chairman of our full committee, Mr. MCSWAIN, has said he hoped to get 3,000 planes in the Army Air Service. We cannot get 3,000 at this time, but the figure which I have in my amendment will provide, according to the best estimates from the Military Establishment, 135 additional planes; so that we will be able to say we have finally started on the right road to make a most potent change in our national defense. We may then go back home to our constituents and tell them that we are at least doing all in our power not only to maintain an adequate Army and Navy but to get to the height fixed by the Baker Board and Howell Commission. This will give us a few more planes from year to year instead of having only enough to fill the item of loss every year.

Mr. WOODRUM. Will the gentleman yield?

Mr. ROGERS of New Hampshire. I yield to the gentleman from Virginia.

Mr. WOODRUM. I am very sympathetic with the gentleman's interest in improving the aviation facilities of our Army and Navy, but I would like to call his attention to a statement put in the RECORD yesterday by the chairman of the subcommittee, and if the figures are correct, it seems to me they are significant. He put in the RECORD the fact that since July 1, 1933, 1,184 planes have been authorized; yet 752 of those planes are still undelivered. Some of the planes for which we appropriated money in 1933 are still undelivered. Now, you cannot go downtown and buy an airplane in a store like you would a package of cigarettes. May I say to the gentleman that if we make reasonable and conservative progress in providing these planes, as the President of the United States has asked us to do, we are moving along in the right direction.

Mr. ROGERS of New Hampshire. May I say to the gentleman that I have gone through this report from beginning to end? I prefer to take the testimony of the Chief of the Air Corps, Major General Westover, and the testimony of The Assistant Secretary of War, Mr. Woodring. They say that we only have 777 planes. Those are the exact words of Mr. Woodring. They get 565 planes under this bill, and if we continue under this plan we will be taking care of only our yearly losses. Let us go ahead in the right direction.

[Here the gavel fell.]

Mr. WILCOX. Mr. Chairman, I ask unanimous consent that the gentleman be given 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WILCOX. Will the gentleman yield?

Mr. ROGERS of New Hampshire. I yield to the gentleman from Florida.

Mr. WILCOX. In line with the question asked by the gentleman from Virginia [Mr. WOODRUM] and the information given by him as to the speed with which planes may be delivered, may I ask the gentleman from New Hampshire if that is not an additional reason why this appropriation should be increased, so that the program may be speeded up? In this connection may I call the gentleman's attention to the testimony of General Westover which appears on page 295 of the hearings, in which he sets out the fact that in the past 5 years 1,371 airplanes have been delivered to the Army, while during that same time we have lost 1,621 by obsolescence or through wash-outs, leaving us with a net loss of 250 planes over those purchased by the Army in the last 5 years.

Mr. ROGERS of New Hampshire. May I add for the gentleman's information that General Westover also stated in this hearing, which cannot be denied, that the net result of these factors will leave the Air Corps on June 30, 1937, with an estimated number of 779 project planes, and 529 planes which will be classed as absolutely obsolete on account of having passed the 5-year age limit.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. ROGERS of New Hampshire. I yield to the gentleman from Washington.

Mr. ZIONCHECK. Will the gentleman tell me about the two project planes that are contemplated in this bill, each one to cost the Government of the United States $569,000?

Mr. ROGERS of New Hampshire. I did not get the gentleman's question.

Mr. ZIONCHECK. What are those planes to be used for? What kind of planes are they? They are to cost the Government $569,000 each.

Mr. ROGERS of New Hampshire. The planes which I am asking for in my amendment, and which I understand we will get thereby, are pursuit, bombardment, and attack planes, which are the planes we need to defend this country.

Mr. ZIONCHECK. Then with respect to the bombardment planes, do they not cost on the average about $107,000 apiece?

Mr. ROGERS of New Hampshire. They change a great deal and the price varies from year to year.

Mr. ZIONCHECK. But they cost approximately $100,000.

Mr. ROGERS of New Hampshire. I cannot give the gentleman the exact figures on that.

Mr. ZIONCHECK. And whom do they plan to bomb with them?

Mr. ROGERS of New Hampshire. We plan to bomb anybody who attacks us, who ought to be bombed.

Mr. ZIONCHECK. That is fine, if they attack us.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of New Hampshire. I yield.

Mr. McSWAIN. With respect to the expensive plane to which the gentleman from Washington refers, there is only one such plane made by the Boeing Co., of Seattle, Wash., and with respect to the others, there are 18 on order, costing something like $100,000.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of New Hampshire. I yield.

Mr. MAY. As I recall the evidence before our committee, according to the program of construction which we have had since the National Defense Act of 1920, we are losing by obsolescence faster all the time than we are gaining, and we are now 8 years behind with our construction program.

Mr. ROGERS of New Hampshire. That is the fact, and let me call attention to the table, given to the Committee on Appropriations by Mr. Woodring, as to the number of airplanes on order or obtained from 1930 to 1935, inclusive:

1930	555
1931	364
1932	285
1933	118
1934	222
1935	401

Compare this with the figures estimated by the Howell commission and Baker board.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of New Hampshire. I yield.

Mr. REILLY. What is the reason for the delay in delivering planes already on order?

Mr. ROGERS of New Hampshire. For one thing we have only recently reached the point where we are ordering them in sufficient number for them to be produced in quantity production under competitive bidding as fast as they should be produced. This situation is fully explained in two letters from the Secretary of War to the chairman of my committee which read as follows:

WAR DEPARTMENT,
Washington, January 13, 1936.

Hon. JOHN J. McSWAIN,
Chairman, Committee on Military Affairs,
House of Representatives.

DEAR MR. McSWAIN: Aware of the keen and continued interest of yourself and your committee in the matter of procurement of aircraft for the Army Air Corps, I wish to take this opportunity of further elaborating upon my letter of August 15, 1935, to you and of presenting such additional significant facts as have occurred since that time. You will recall that the War Department has consistently maintained that the present policy of procurement by competitive bidding, which policy I interpret as the underlying purpose and principle of the act of July 2, 1926, would have to be in operation at least 2 years before a final conclusion could be reached as to its efficacy. With approximately 18 months behind us and with the accomplishment of certain results, which are set forth below, I feel all the more certain that the procurement policy as now operated will more than justify the enthusiasm which has been had for it by its sponsors.

Since the present policy was put into effect the War Department has contracted for and now has on order a total of 685 airplanes. The first contract of this group was let on June 28, 1934, and to date 10 airplanes have been delivered thereunder. In addition, the first airplane under each of several of the other contracts has been delivered and accepted. Inasmuch as this delivery may at first glance seem small, I wish to emphasize here that the major problems creating delay in the delivery of aircraft arise in connection with the test and acceptance of the first airplane under the contract, and that thereafter the delivery of the remaining planes is accomplished at a very much accelerated rate. This is significantly borne out by the fact that deliveries of aircraft under the aforementioned contracts will total more than 500 during the year 1936, commencing at the rate of approximately 20 for the month of January and increasing progressively each month thereafter.

I am going into the matter of the time factor in some detail because one of the chief criticisms against the War Department has been the length of time between the inception of an airplane design and the delivery of airplanes of this design in quantity to the tactical units in the field. Since the present procedure has been put into effect, constant efforts have been made to reduce this elapsed period. One step taken is to issue circular proposals to the

trade sufficiently far in advance of the availability of funds to permit the awarding of contracts almost immediately after appropriated funds become available to the Department. For example, circular proposals have already been issued to the trade covering 1937 requirements. Another step taken is the submitting of the airplane of the successful bidder to an "accelerated service test" for a period of 90 days, which procedure will reduce to a minimum the necessity of change orders with the delays incident thereto. I am pleased to be able to inform you that under the new policy of competitive bidding and the subsequent improvements which have been made therein, quantity deliveries of aircraft are now being made for tactical use within something less than 2 years of the date of advertising. For example, the circular proposal for attack airplanes was issued on May 28, 1934, and delivery of 6 airplanes has already been made, with delivery of approximately 40 more due by May 1936. Such a rate of delivery compares most favorably with that of foreign powers on which such information is available.

Another objection which the opponents of the present procurement policy offered against its adoption was the fear that procurement by competition would lessen the sources of supply, whereas the War Department contended that the opposite results would be obtained. I commented upon this matter, and the favorable results which had been obtained, in my letter of August 15, 1935. I wish to inform you that the results of the bidding during this past fall substantiate the contention that sources of supply will increase rather than decrease as a result of the opportunity offered to all bona-fide manufacturers to compete for the War Department business. Furthermore, I feel that the stimulation of a creative interest in engineering and development places industry in a better position to meet the needs of the Army Air Corps in case an emergency should arise.

I wish to further reassure you with regard to the performance of the aircraft which are now being procured. Improvements in performances are extremely gratifying and in some instances far beyond even those hoped for. As an example, I think I can assure you that the very near future will see the single-seat pursuit airplane with a top speed of over 300 miles per hour, with proportionate improvements in the other types of airplanes with which the Army Air Corps is equipped.

Another matter in which you and your committee are particularly interested is that of design competition. I alluded to this in my letter of August 15, 1935, but at that time I had no definite information to furnish you. I now wish to advise that in two instances the design submitted was sufficiently advanced to warrant an award and a contract with the winners, and as a result the Wedell-Williams Air Service Corporation, Patterson, La., is manufacturing a single-place pursuit airplane, and the North American Aviation, Inc., Baltimore, Md., is manufacturing a three-place observation plane for the Army Air Corps. The War Department expects to continue the holding of periodic design competitions and has hopes that they will not only result in advances in design and engineering but will serve to produce additional sources of supply for military airplanes in the future.

Sincerely yours,

GEO. H. DERN, *Secretary of War.*

WAR DEPARTMENT,
Washington, August 15, 1935.

Hon. J. J. McSWAIN,
Chairman, Committee on Military Affairs,
House of Representatives.

DEAR MR. McSWAIN: At the time of the adoption of the present War Department policy for the procurement of aircraft, the Assistant Secretary of War took the position that the policy would have to be in operation at least 2 years before sufficiently definite results could be obtained to render final judgment upon its efficacy. Although this policy has been in effect only 1 year, I feel that sufficient progress has been made to warrant a report to your committee at this time, and I am, therefore, setting forth below the results obtained to date, and my opinion of what may reasonably be expected in the future.

Briefly, the policy calls for the placing of contracts for quantity procurement of airplanes as a result of competitive bids submitted by the industry. Advertisements submitted to the trade are on a performance-specification basis and require each competing manufacturer to submit with his bid a sample airplane complete and ready to fly. A period of from 8 to 12 months is allowed between the issuance of the advertisements and the opening of the bids to give the manufacturers adequate time in which to design, construct, and submit the sample airplanes for test. Award is made on the basis of a predetermined method of evaluation, of which the bidders are made cognizant in the advertisement. This evaluation places a premium upon improvement in performance and award thereunder is made to the highest evaluated airplane, thereby assuring the Government obtaining the finest available aircraft. The advertisement further contains certain minimum-performance requirements which are based upon the maximum performance of the finest known airplane at the time of issuance of the particular advertisement, and provides that no consideration will be given to any airplane that does not at least come up to these requirements.

This policy gives full rein to the inventive genius and engineering ability of the manufacturer and permits the incorporation in the samples to be submitted of all worth-while developments practically up to the actual date of opening. For example, a certain manufacturer arrived at Dayton, Ohio, with the airplane which he proposes to submit on a particular proposal about a month prior to the date of opening of bids. After arrival at Dayton he apparently decided that the plane could be additionally improved, and consequently has had a crew working upon it consistently since its arrival. If advertising had been based upon detailed specifications and drawings, with no incentive for turning out the finest possible type of airplane, it is fair to assume that proposals would have been received offering airplanes meeting only these detailed specifications and drawings, and not including therein the engineering developments which have taken place since their issuance many months before.

The making of awards under this system on the basis of a tested article, rather than on a "paper promise to perform", has an additional marked advantage. It enables the War Department to make contracts for quantity procurement with the knowledge that the manufacturer has actually demonstrated his ability to construct the finest available type of airplane, thereby eliminating the service test of an article, which would be necessary if samples were not required. This factor alone reduces by at least a year the elapsed time between the inception of a design and delivery of airplanes in quantity to troops in the field, and eliminates to a great extent past criticism to the effect that airplanes are becoming obsolescent by the time they reach the hands of tactical organizations.

The War Department is gratified at the response of the industry to the new procurement policy. On standard equipment, competition has been keen and has resulted in a great deal of engineering work on the part of manufacturers. It is fair to say that progress in the art has been materially advanced, moving ahead according to the belief of some people intimately connected with the industry as much as 3 to 5 years. Furthermore, manufacturers are offering airplanes whose performance exceeds expectations. For instance, a basic training airplane now in service has a top speed of about 125 miles per hour, while the basic trainers contracted for under the present system have a top speed of over 200 miles per hour. It appears reasonable to assume that no such advance would have been made at one stroke without the incentive of competition and the assurance that award would be made to the manufacturer offering the most advanced airplane.

When the present policy was originally adopted it was felt in some quarters that it would result in reducing the available sources of supply for the different types of airplanes. It was the opinion of the War Department that a competitive policy of procurement would give the opposite results and I am gratified to be able to state that such is apparently the case. For example, six manufacturers offered basic training airplanes in the last competition while four manufacturers entered observation airplanes. I am informed that three manufacturers will offer bombardment airplanes in that competition, bids on which are to be opened the 22d of this month. Reliable press reports indicate that each of these three companies has built and has ready for test a bombardment airplane which will far exceed the performance of any bombardment plane now known, with speeds ranging over 200 miles per hour, cruising range exceeding 3,000 miles and with greater useful loads than have heretofore been thought possible. Press reports further indicate that the Glenn L. Martin Co., which is now manufacturing a quantity of bombers for the Army, is offering a newly designed airplane in the competition under discussion. It is fair to assume that had procurement continued along the lines previously followed this company probably would have offered for this year's consideration the present type of Martin bomber with certain refinements and improvements rather than an airplane of completely new design and development.

In addition to quantity procurement competitions, the War Department is holding design competitions on many types of aircraft. These competitions were opened May 6, 1935, and resulted in 17 manufacturers entering the competition for pursuit airplanes and an average of 3 manufacturers in each of the other competitions. The necessity of giving preference to the work involving contracts for quantity procurement because of present shortage of airplanes in the Army and the amount of detail work necessary to evaluate the design competition have precluded any final determinations to date. It is expected to announce the winners of the design competitions at an early date, and it is hoped that the designs submitted will be sufficiently advanced to warrant the manufacture of experimental airplanes in accordance therewith.

I regret that the present procurement policy has not been in effect sufficiently long to enable me to furnish your committee more concrete information, but I feel certain that the progress and development outlined above are sufficient to enable you to conclude with me that the success of this policy is most promising and that nothing should be placed in the way of continuing the present method for a sufficient period to determine definitely its net worth.

Sincerely yours,

GEO. H. DERN, *Secretary of War.*

Mr. PARKS. Mr. Chairman, I imagine there is no one in this House who disagrees with the gentleman in his statement that we ought to increase, if possible, the number of our airplanes, but to add $13,000,000 to this bill, in my opinion, would be utter folly.

We not only have not had deliveries of large numbers of the planes that have been appropriated for, but we absolutely cannot get delivery of them in a year's time. We have one factory alone making combat airplanes in the United States under current year appropriations, including a subsidiary outfit, and there is one other airplane concern

that is making a few of these large bombers—13, I believe—which cost such an enormous amount of money. If they will deliver to us today the number of planes we have on order and for which we have appropriated the money, in conjunction with the number of airplanes provided for in this bill, you will have your planes on a current basis, and by that I mean current with authorization.

Mr. ROGERS of New Hampshire. Would the gentleman yield at that point?

Mr. PARKS. Certainly I will yield to the gentleman.

Mr. ROGERS of New Hampshire. I think the memory of the Members of the House ought to be refreshed on the fact that we are now resorting to competitive bidding instead of purchasing by contract, which is causing a great deal of delay.

Mr. PARKS. Yes; and your competitive bidding has meant many months of delay in getting airplanes.

Now, as to Secretary Woodring, for whom I have the highest regard, as well as the Chief of the Army Air Corps, who testified they could not tell us why they have not got these planes for which we have appropriated, except to say that under the procurement procedure which now prevails, it takes time to get to the point of actually contracting for an airplane.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. PARKS. I yield.

Mr. RANDOLPH. Is not our best safeguard in the purchase of airplanes the fact that if we make an appropriation here, then they can call for a contract; in other words, we cannot make a contract until the appropriation has been made?

Mr. PARKS. Certainly; that is absolutely so.

I wish to call your attention to one other thing. The Appropriations Committee itself has suggested a saving, which the Chief of Staff and the Air Corps have said is satisfactory, whereby we save nearly $3,000,000, which will buy 58 planes. This is done by reducing the spare engines from 100 to 50 percent. Some people think they ought to be reduced 75 percent.

Gentlemen, we ought not to run over the budget by this amount of money and throw it any more out of balance than it now is.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. PARKS. Yes.

Mr. MAY. Does not the gentleman agree with me, following his own statement, that we are many months behind, that such a delay in the procurement of planes is an argument in favor of the amendment of the gentleman from New Hampshire?

Mr. PARKS. When you have the money and have not been able to buy them, why will giving you more money enable you to buy them?

Mr. KENNEY. Mr. Chairman, will the gentleman yield?

Mr. PARKS. I yield.

Mr. KENNEY. Can the gentleman tell us how many up-to-date, first-class planes we have at the Isthmus of Panama at the present time?

Mr. PARKS. So few I am ashamed to tell the gentleman.

Mr. KENNEY. About a couple of them?

Mr. PARKS. Oh, no; they have more than that. I saw them down there, but practically all the planes we have are planes that are 4 or more years old, but they have had the authority and the money to buy more and our difficulty is that it takes so much time to buy them.

Mr. KENNEY. Is it not true that they have only had one or two in the last 2 years?

Mr. PARKS. I do not know how many they have obtained recently. I maintain that this bill carries enough money to do everything that the Budget says we ought to do at this time and more. We are providing here for 58 planes more than the Budget asked for.

Let me call your attention to one other thing. You have not any authority to buy 4,000 planes and if you had today $100,000,000 more you could not buy 4,000 planes, if you bought planes of proven superior types.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. PARKS. I yield.

Mr. BOILEAU. Does not the gentleman believe if we accepted this amendment and at the same time reduced the naval appropriations by about one-half we would have more nearly adequate national defense?

Mr. PARKS. The gentleman is asking me now something that I do not know about——

Mr. BOILEAU. The gentleman is an authority on this military proposition.

Mr. PARKS. But what the Navy is doing or is going to do is without my province.

Mr. BOILEAU. Does not the gentleman believe we would have better national defense if we spent a great deal more money for airplanes and cut the appropriations for the Navy by one-half?

Mr. PARKS. Now, you are, perhaps, asking for a biased opinion, because between the Army and the Navy I am inclined to lean toward the Army. I would be a biased judge and I might be wrong in giving an opinion.

Mr. Chairman, I have studied this matter and I say to you, I am just as much in earnest about procuring an adequate number of planes as any man in this House, but do not let us go blindly into it. We have got to maintain the credit, as well as the defense of this country, and do not let us run wild on this proposition.

Mr. ZIONCHECK. One hundred and eighty Navy men can take care of 500 Army men any day.

Mr. MAY. Will the gentleman yield?

Mr. PARKS. Yes.

Mr. MAY. Secretary Woodring testified before our committee that for lack of funds they were forced to pay a large price, whereas if they had had the money to make the contracts for a large number, they could have obtained them for a little more than one-half.

Mr. PARKS. Here is what you do. You go to one place and instead of buying 650 planes you buy very many more. Up to a certain number the unit cost is bound to be less. It is like buying anything in quantity; in most cases you would get a reduction.

I say it would be folly for us to authorize $13,000,000 or $25,000,000 or $50,000,000 for planes that you cannot get, and it is useless and foolish to build up the amount of this bill under such circumstances.

Mr. DOCKWEILER. Mr. Chairman, I rise in opposition to the amendment. In my address the other day I pointed out what I thought was a pertinent fact. I think we are misled by reading the testimony that appears at our hearings. Unfortunately, there was not developed in that testimony the number of planes contracted in the past years from 1933 to date. But the hearings projected the number of planes we proposed to build if this bill is passed.

I have before me a letter from the War Department dated February 4 of this year, which says:

> In response to your request for information regarding the airplanes to be delivered under various outstanding contracts as of December 31, 1935—

Why did we request that information? Unfortunately, the hearings do not include the information—

> there is to be delivered, already appropriated for, a total of 752 planes through the War Department, aside from 515 or 565 planes appropriated for in the bill—because 50 planes are to be delivered to the State militia.

The contractors' names follow: Boeing, 23 pursuit planes under 1933 contract, 13 bombers under 1936 contract; Consolidated Aircraft, to be delivered, 50 pursuit planes under 1935 contract; Martin Co. to deliver 94 bombers, 17 of which were provided for under the 1934 appropriation bill, 15 of which under the 1935 appropriation bill and 62 of which were provided for under P. W. A. funds.

Mr. ANDREWS of New York. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. Yes.

Mr. ANDREWS of New York. What are the delivery dates specified in the contracts?

Mr. DOCKWEILER. I do not know that, but they are going to be delivered. Douglas, 80 bombers under 1936 contract, 47 observation planes under 1935 contract, 20 cargo planes under 1936 contract; Northrup, 210 attack planes, 78 of which were under 1935 contracts, 30 of which under P. W. A., and 102 under 1936 contract; Stearman, 26 primary training planes under 1937 contract; and North American Aviation, 82 basic training planes under 1936 contracts; and Seversky, 30 primary training planes under 1935 contract, making a total of 675, and also in addition to that there are 77 pursuit planes under the 1936 contract, making a total of 752. Added to that, this year's bill provides for 615 and 50 for the National Guard, and for next year we provide for 515, and there will be a total of brand-new planes of 1,782, and the law allows us only 1,800 planes, not counting some of the old ones, and several of them will not be washed out.

Mr. WILCOX. Mr. Chairman, I rise in support of the amendment. I call the attention of the House to the figures which the gentleman from California [Mr. DOCKWEILER] has just been referring to as applied to the testimony of the various War Department officials who appeared before his committee. In the testimony of General Westover we find the statement that including 282 planes which it is anticipated will be delivered during the current fiscal year the Army will have on hand on June 30, 1936, 777 planes, to which must be added an additional 480; and it is not very hard to calculate the number of planes which will be on hand when all of the contracts have been fully complied with.

According to his testimony these additional planes are to be delivered during the year 1937 and the year 1938. I also call the attention of the House to the testimony of General MacArthur, as reported on page 292 of the hearings before the committee, in which he made the statement that in order to keep the Army air force up to a proper standard it would be necessary to add 800 planes per annum. That would be necessary to take care of the obsolescence, the wrecks, and the crack-ups, and still you would not have the Army air force at proper strength. Eight hundred per year must be added if we are to ever increase the present strength of the air force. Less than that number will only take care of obsolescence and crack-ups. Whatever may be the figures, whatever you may add up and subtract, whatever the bookkeeping entries and balance sheets may show, you cannot escape certain facts. The fact is, according to the Baker Board's report, and the agreement of all those in a position to know, that the G. H. Q. air force, which is the fighting portion of the air force, must have a minimum of 980 serviceable airplanes able to take the air at any time. The fact also cannot be disputed that there has never yet been assigned to the G. H. Q. air force more than 383 planes. The minimum requirement is 980, and the maximum amount ever supplied has been 383, and when the recent maneuvers took place in Florida, General Andrews was able to take the air with only 162 serviceable planes. Nine hundred and eighty is the minimum requirement and 162 is the maximum with which he can take into the air at any time. That is the maximum number in which he can afford to risk the lives of his officers and men. It is no reflection upon the officers and men of the Air Corps, or the G. H. Q. air force, to say that we really have no air force worthy of the name. Such as we have is of the finest quality. No more gallant or efficient officers or men exist in any air force in the world, but they are pitifully few in numbers when compared to the strength of a possible enemy.

Mr. REILLY. Mr. Chairman, can the gentleman give the House any information as to what is the life of a plane?

Mr. WILCOX. Five years. Twenty percent must be set aside for obsolescence every year.

Mr. ROGERS of New Hampshire. I call the gentleman's attention and the attention of the House to the report of the Appropriations Committee on page 11. Speaking about the number of planes it says that every one of these would be planes of metal construction, none less than 5 years old.

Mr. WILCOX. I call attention to one other statement which has appeared both in the report and in the statement by the gentleman from California [Mr. DOCKWEILER] in which he says that by 1938 we will have the minimum requirement of the 1926 Air Corps Act, provided next year we have an additional appropriation for an additional 515 planes. In other words, if the next Congress shall do its duty, and if in the meantime through obsolescence, crack-ups, and washouts we shall not have wiped out more than the anticipated amount, then by the end of the fiscal year 1938 we will have caught up with the minimum requirements of the 1926 act, which should have been put into effect not later than June 30, 1931.

We are already 5 years behind the program as set up in the Air Corps Act of 1926; and even according to the gentleman's own figures, we will be 2 years yet in reaching the minimum requirements of that act. In other words, if we provide for 515 more planes in next year's appropriations, then by July 1, 1938, we will be where we should have been in 1931. We are now in sixth place among the nations in the matter of air forces, and at our present rate of development and at the speed with which other nations are building up their air forces we will soon be in seventh place.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. WILCOX. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. WILCOX. Yes.

Mr. RANDOLPH. Is it not a fact that in the deliveries for the years 1936 and 1937 we will still have losses totaling more than 250 more than the deliveries of that period?

Mr. WILCOX. The opinion of well-informed people in Army circles is that at the end of the period we will have less serviceable planes than we have now.

Mr. Chairman, I am just as much in sympathy with this matter of economy and balancing the Budget as any man in Congress, but I submit to you, in all fairness, that this is not the place to practice economy. This is a matter of national existence. [Applause.] Upon this thing depends the existence of the country. I submit to you, in all fairness, that we should not begin practicing economy at this point.

I want to call attention to one other item in this bill. There is in this bill an item of $32,000,000 for coast defenses; the old-fashioned gun—to shoot at a battleship if it gets within 20 miles of the coast. The coast-defense gun, in the presence of aircraft, is as useless as a slingshot. No battleship is ever going to get within range of a coast-defense gun until after the coast defenses have been destroyed by aircraft. If you want to get the money to meet the requirements of the amendment offered by the gentleman from New Hampshire, you can get it by reducing the amount of the appropriation for these worthless, obsolete coast-defense guns, which saw the end of their usefulness when the airplane came into being.

I know, Mr. Chairman, that this is a big appropriation bill, and I realize that the pacifists are going to raise a hue and cry about it, but, in conclusion, I want to call attention to two things:

First. The reason it is necessary to pass such a large appropriation bill at this time is because for 12 years our national defense was neglected. We are trying to catch up with the procession. We are doing now what should have been done 5 or 10 years ago.

Second. Let me say that our national safety and security and the protection of our country and the preservation of our institutions demands that we build an adequate air force, and that we do it now.

The CHAIRMAN. The time of the gentleman from Florida [Mr. WILCOX] has again expired.

Mr. BOLTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I find myself in a very difficult position, as I am greatly in sympathy with the amendment and the remarks offered by the gentleman in favor of the amendment. On the other hand, as I endeavored to point out yesterday,

I do not think we should advocate the expenditure of large sums of money for an increase in our air force beyond the figure recommended by the committee until we have corrected or improved our methods of procurement. As I tried to explain, and as will be found in the hearings, the time of procuring a plane today is from 2 to 3 years in duration. And, further, we find that our entire procurement program is in the hands of about four airplane companies, which are producing as rapidly as they can, their designs having been agreed to.

It may sound strange to say, but one factor which has contributed somewhat to the delay in following out our previous programs has been the ability of our industry to improve aircraft so that by the time we have gone through the red tape and been able to actually place a contract someone in the industry has brought out something better. I understand that the Air Corps sends out requests to bid to sometimes as many as 100 concerns who are manufacturing aircraft and its equipment. As a rule, the actual bidders are anywhere from 3 to 10 companies that bid on a specific type of aircraft. One of these companies eventually gets the business and goes to work on a production contract; the others go to work on new developments and have to bid on other types of planes. With the placing of this business with the companies in business changing from year to year, we have a situation whereby there are usually each year five or six well-equipped, experienced companies with very little business to enable them to keep their overhead down, maintain their staff of highly trained engineers and research experts, and keep their experienced labor as a group. This is very important to the Government, which would like to keep in business a nucleus of an efficient aircraft manufacturing industry with a surplus-producing capacity over the usual year's requirements to fall back on in a national emergency. The delay through one reason or another of placing orders for the procurement of aircraft and for the building up of authorized air forces during the past few years has had a very serious effect upon this manufacturing nucleus, which, like insurance or a dress suit, we are going to need immediately when we need it.

A legislative committee has been studying this matter for the past 2 or 3 years, and, as I understand it, no definite conclusion has been reached as to the proper method of procurement. Certain changes have been made in the War Department, and I think they are along the right lines; but I do believe that with our vast airplane industry a period of 2 or 3 years to procure planes is altogether too long.

Mr. MAY. Will the gentleman yield?

Mr. BOLTON. I will be glad to yield to the gentleman, who is a member of the legislative committee and probably understands this situation much better than I do.

Mr. MAY. I want to say to the gentleman, fearless of contradiction in the matter, that the evidence before both the Military Affairs Committee and the Appropriations Committee, coming from officers and representatives of the War Department, is overwhelmingly in favor of a proceeding that would carry into effect this amendment, while the only opposition to it is the recommendation of the Director of the Budget.

Mr. BOLTON. I beg the gentleman's pardon. As I said before, we are probably all in sympathy with increasing our air force, to bring up to the proper size; but I do not think we want to expend money unless it is done in the proper manner. I do not believe the manner in which we have purchased our airplanes in the past 5 years has been a proper expenditure, when we have appropriated over $97,000,000 for airplanes and have not been able to increase our air forces; but, on the other hand, have seen our number of serviceable airplanes decline. I maintain something is wrong in that method of procurement, and until that method is changed, I am not in favor of these tremendous expenditures beyond what has been recommended.

Mr. McSWAIN. Will the gentleman yield?

Mr. BOLTON. I yield.

Mr. McSWAIN. The gentleman from Ohio, having expressed surprise that I had any information regarding the influence of Italian bombers upon the maneuvers of the British fleet, I beg to advise him that in the New York Times of February 9, 1936, in a comment by a distinguished military critic, among other things, he says:

> It is common knowledge that when the possibility of hostilities arose last autumn the bulk of the British fleet was withdrawn from its historic base at Malta to the extremities of the Mediterranean, a striking testimonial to the strategic influence of air power on sea power.

Mr. BOLTON. I quite believe in that. I believe in a sufficient and proper air force, but, as I said today, the legislative committee having had this matter under consideration for 2 or 3 years should report to us the proper method of procurement before we authorize the expenditure of additional vast sums of money.

Mr. McFARLANE. Will the gentleman yield?

Mr. BOLTON. I yield.

Mr. McFARLANE. Will the gentleman outline his ideas of procurement and just what his committee has in mind as to the ideas of procurement?

[Here the gavel fell.]

Mr. BOLTON. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes, in order to answer the gentleman from Texas.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOLTON. I do not pretend to be an expert on the method of procurement, but I did suggest in my discussion yesterday two or three methods which I thought might speed up the method of procurement. On the other hand, that is being studied by the Military Affairs Committee, and I hope today's discussion will hasten a report or recommendation from them.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, I move to strike out the last word.

I was not in the Chamber and did not hear the entire speech of the gentleman from Florida [Mr. WILCOX], but I got the general gist of it. In other words, antiaircraft guns are useless; machine guns are useless; airplanes are all-effective. Well, it is a peculiar thing, Mr. Chairman, when you talk to the different divisions of the Army and Navy that have to do with these different activities. When you talk to those in charge of antiaircraft guns they will tell you that the airplane does not have a chance within 10,000 feet.

They have 5-inch guns with a projectile 36 inches long, and it is so timed that it will explode at 8,000, 9,000, 10,000, or 11,000 feet; and when it explodes it throws steel for 80 yards in every direction. A killing range of 80 yards! That is one thing. It is very easy to go to moving-picture shows and see a battle, a vicious battle, put on as only a movie director can put one on—planes winging over on their backs, you know, pilots with goggles on, sparks flying around, machine guns sputtering, and all that sort of thing; and then he turns the nose of his plane down and makes a power dive at 400 miles an hour and drops his bomb on the battleship. But we must remember that in reality these battleships have machine guns which shoot shells 4 or 5 inches long, and, speaking subject to correction, at the rate of 300 or 400 a minute; and when they hit they do not tickle.

You hear of airplanes and their effectiveness, and you hear of radio and electricity. Right now a method is being worked on whereby electricity is sent over a radio beam of such force that it will short circuit the spark plugs and electrical system of the airplane; and when this happens, somehow or other, the airplane gets tired and drops to the ground or water—you know. All these things are going on.

Mr. Chairman, most of the talk here today, including the talk of the great statesman from Nevada, who happens to be in the other Chamber, and a great statesman from Illinois who happens to be in the other Chamber, and all this war scare is nothing more nor nothing less than an effort to stimulate business for the munitions makers; and why? They do not want to kill people; they are good people; they like their families; but they like their profits. The only way they can make profits is to stimulate this business; and the only way they can stimulate their business is to have the gentleman from California say there is a "Jap" around every corner, the

gentleman from Texas, "By God, a Mexican behind every cactus bush!" You know how it is. [Laughter.] "We have got to protect this country." And then if that does not work, they have got to yell "Communist" and "internal enemies." Well, as I said yesterday, Mr. Chairman, if we have to keep increasing Army appropriations for internal enemies, we are building for fascism or nazi-ism, not democracy.

[Here the gavel fell.]

Mr. McFARLANE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am heartily in favor of adequate national defense. I believe that we will never accomplish this end as to our air forces unless and until we follow the lead of every other great power in the world and enact legislation requiring a unified air force. As it is we now have about nine separate branches of the Government purchasing aircraft equipment and the two principal arms of national defense, the Army and Navy, each being primarily interested in their particular branch of the service, with the result that they have kept back our program in national defense in the air.

I have previously shown you by information inserted in the CONGRESSIONAL RECORD (p. 3864, 73d Cong., 2d sess.) how woefully weak our position in the air is compared to that of the other nations of the world. I have previously pointed out that practically all worth-while accomplishments and records in war-plane air performance are now held by foreign nations; that we have in this country today only two principal motor aircraft manufacturing concerns, Pratt & Whitney Co. and the Wright Aeronautical Co.; and that these two concerns sell both branches of the service, and have since 1926 sold them practically all of their aircraft engines. These motors are largely the same motors these concerns sell to our commercial lines at home and abroad.

I have previously placed in the RECORD charts showing interlocking hook-up of the different aircraft concerns in the Nation, which I think shows conclusively the existence of an "air trust"; also charts comparing the latest known performance of every war plane and war-plane engine in the world (see pp. 10044–10054, CONGRESSIONAL RECORD, 73d Cong., 2d sess.).

The recent hearings before the Committee on Patents at New York investigating cross licensing and patent pooling, and other information available, clearly shows to what extent these agreements under the Manufacturers Aircraft Association have permitted the Air Trust to completely control and dominate this industry. Something must be done to eliminate the evils existing under these cross-licensing and patent-pooling conditions, not only this industry but of many of the great industries existing of the Nation, such as radio, telephone, oil, shoe manufacturing, and other industries. These monopolies, secured and existing largely through Government-given patent rights and cross-licensing and patent-pooling agreements, should be broken up.

Investigations made of the operations of the aircraft industry convinces me that this industry has a stranglehold on the procurement divisions under the operation of existing law. The Aircraft Act of 1926 should be carefully amended and mandatory provisions written in the law requiring open competition in the procurement of all aircraft supplies and accessories. The law as it now reads is vague, indefinite, and uncertain, and allows the procurement branches of the Army and Navy large discretionary powers in the purchase of aircraft supplies.

In addition to that the Aircraft Act of 1926 made an exception and took out from under the General Accounting Office the authority which they have over all departments of Government except these two departments of saying whether or not such contracts entered into have been actually and specifically carried out according to the law. The Secretary of War and the Secretary of the Navy determine whether or not the provisions of this law have been complied with. The results under the Aircraft Act of 1926 show that according to the Comptroller's records, which I have inserted in the CONGRESSIONAL RECORD, pages 10038 to 10043, Seventy-third Congress, second session, that 92 percent of such equipment in the Army and 91.3 percent of the Navy's aircraft equipment has been purchased without competitive bids.

Subsection K of section 10 of this act reads as follows:

> The Secretary of War or the Secretary of the Navy may, at his discretion, purchase abroad or in the United States with or without competition by contract, or otherwise, such designs, aircraft, aircraft parts, or aeronautical accessories as may be necessary in his judgment for experimental purposes in the development of aircraft or aircraft parts or aeronautical accessories of the best kind for the Army or the Navy, as the case may be, and if as a result of such procurement new and suitable designs considered to be the best kind for the Army or the Navy are developed, he may enter into contract, subject to the requirements of paragraph (J) of this section, for the procurement in quantity of such aircraft, aircraft parts, or aeronautical accessories without regard to the provisions of paragraphs (a) to (e), inclusive, hereof.

While the Judge Advocate Generals of both the Army and Navy since the creation of this act have held that the act requires open competition, according to the Comptroller's records these Departments have not followed the rulings of the Judge Advocate General's Department. Since the above-quoted section and other sections of this act are not clear, we should amend same, writing mandatory provisions into the law requiring competition in the purchase of all aircraft equipment. Then we can correct the monopolistic system that has grown up under our patent law and the advantages taken of same by big business generally. We should have honest competition all the way up and down the line, which should save the taxpayers of this country in their purchases for the Government, as well as for themselves, hundreds of millions of dollars annually.

I trust that the House Military Affairs Committee will bring forward a bill amending this act, bringing about the results suggested.

Mr. ROGERS of New Hampshire. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. ROGERS of New Hampshire. I hope the gentleman does not accuse me of being a member of any group or committee that has not been in favor of competitive bidding.

Mr. McFARLANE. No; I think the gentleman from New Hampshire has done as much as any Member of the House to try to get honest competition in the procurement of aircraft, but we have not been able to amend the law.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. McSWAIN. And give the gentleman from New Hampshire and some of the other members of the committee credit for making the Army Air Corps obey the act of 1926 and accomplish competition; and we are doing that now as the letter from the Secretary of War appearing on page 5 of the report dated August 15 last shows.

Mr. McFARLANE. I am glad to give the gentleman from South Carolina [Mr. McSWAIN], the chairman of the Military Affairs Committee, and the gentleman from New Hampshire [Mr. ROGERS] and his subcommittee full credit for their splendid work in bringing to light the methods of procurement in the Army which has had some effect in curbing their aircraft-procurement methods for the time being. I am familiar with the fight the gentleman from South Carolina [Mr. McSWAIN] and the now Speaker of the House [Mr. BYRNS] made at the time the Aircraft Act of 1926 was enacted to write into law provisions that would require competition. They thought they were enacting a law that would bring about this result, but time has shown that these departments have disregarded this law in the past.

Mr. McSWAIN. Exactly.

Mr. McFARLANE. The law is not clear.

Mr. McSWAIN. But they are tracking the law as it was intended they should.

Mr. McFARLANE. I understand that they are now, but they have not been in the past. You will remember that the procurement divisions of both the Army and the Navy have ignored the requirements of the law as to competition in the past and have only agreed to follow same since our investigation committees have exposed them. Who knows but what these procurement divisions will again disregard the law and buy their aircraft equipment without open com-

petition. The money being appropriated under this and other bills and allocated under W. P. A. funds amounts to millions of dollars. The mistake Congress made was in letting the War and Navy Departments construe their own contracts. We will never have satisfactory open competition on aircraft procurement until this law is rewritten and mandatory provisions written in defining step by step the kind and character of open competition required. The other leading foreign powers have adequately met this procurement situation, and we should be able to do likewise. They have yearly stepped up their requirements of performance until they have far excelled us in the performance of their war planes. They have competition. When they do not have competition they cross license their engines and manufacture their planes, and so forth, themselves.

As I have frequently stated, I think the law should be clearly written, so that there will be no question or doubt left as to the system of procurement, and all along the line we ought to have honest competition. The law is not clear on that now, and before we authorize any future expenditures of money we ought to clarify the Aircraft Act of 1926 so that we can get honest competition and bring our aircraft up to a point where it is comparable to other nations.

Mr. WOODRUM. Will the gentleman yield?

Mr. McFARLANE. I yield to the gentleman from Virginia.

Mr. WOODRUM. May I direct the gentleman's attention to the fact that in addition to the 565 new planes which the committee has provided, the Navy is given $26,000,000 for 333 new planes, which will give the United States a total of approximately 1,000 new planes for the next fiscal year. This is vastly more than the available facilities will be able to manufacture and deliver to us.

Mr. McFARLANE. The gentleman is correct. However, as I see it, we should immediately set to work and amend existing law, making it mandatory to have open competition for all aircraft procurement under the supervision of the Comptroller's department. We should amend our patent laws so as to protect the inventors and the public against the cross-licensing and patent-pooling agreements existing, under which the different trusts are further enriching themselves at the expense of the public. This Congress will be derelict in its duty if it does not do this at this session. [Applause.]

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BOILEAU moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. BOILEAU. Mr. Chairman, in 1932 a high authority in the Navy Department made the statement that for national-defense purposes, for the purpose of protecting our frontiers, our harbors, and coast line, the Navy was practically useless. He further stated the only real defense that could be afforded against invasion was through land fortifications, mines, submarines, and the Air Corps. I am heartily in accord with his views in this respect. I assume that most of the Members of this body are also generally in accord with these views, because during the last few days when there has been talk about national defense, time after time Members have taken the floor and said that the real defense for this country and for our territories is through the air, through land fortifications, and so forth.

Mr. Chairman, the distinguished gentleman from Texas [Mr. BLANTON] the other day stated that so long as we have a sufficient number of 16-inch guns along our frontiers that could shoot 27 miles out into the ocean there would be no danger of foreign battleships attempting to invade our country. The gentleman from New Hampshire [Mr. ROGERS], who has made a study of the air situation and is an authority on that proposition, for whose opinion I have the highest regard, stated within the last day or two in debate on this floor that the air is now our first line of defense. How many times have we heard people say that the Navy is the first line of our defense? This statement may have been justified a few years ago. Today, however, the air is our first line of defense and the Navy is practically obsolete.

Then, too, we have heard the gentleman from Arkansas, chairman of the subcommittee on War Department appropriations, state that he would prefer not to give an opinion as to the advisability of largely reducing the size of our Navy in favor of a larger air force. He did not give us the benefit of his opinion. We have heard the distinguished gentleman from South Carolina [Mr. McSWAIN], for whom every Member of the House has the highest regard, and who, as chairman of the Committee on Military Affairs, understands this entire problem of national defense, refer to the Italian bombing planes scaring away the fleet of another nation. He did not say it in so many words, but his argument convinced me, if I was not previously convinced, that the Air Corps and not the Navy is the force that is going to keep any navies away that might otherwise contemplate an invasion of this country. I have not heard anyone express a contrary opinion during the debate of the last few days. Yet distinguished and influential Members of this body, gentlemen who serve on the Military Affairs Committee, gentlemen who serve on this Appropriations Committee, have expressed the view, not directly but by inference, that airships make the Navy absolutely obsolete. I want to ask those gentlemen to be on the floor of the House when the Navy appropriation bill comes up for consideration. I ask them, I implore them, on behalf of economy and on behalf of national defense, to assist us in our effort to reduce the size of this obsolete Navy. Instead of rebuilding obsolete ships, let us take them out of commission. I want to say to you gentlemen who believe in an adequate air force that if you will help us to prevent useless expenditures for the construction and maintenance of a Navy that is out of date for defensive warfare, I, for one, will vote for five airplanes to replace every battleship you are willing to destroy, and will do so with the firm conviction that we will thereby be improving our national defense. [Applause.]

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I want to commend my friend the gentleman from South Carolina [Mr. McSWAIN] for the unselfish and splendid work he has been doing for national defense. I happen to know that he spent most of his vacation, giving up his needed rest, his pleasures, and conveniences at home, and facing the dangers of the air in going about in planes over the United States checking up the needs and necessities of the Army. He has done a wonderful work.

But, he and our good friend over there want a well-balanced, well-coordinated national defense which does not depend altogether on the air or upon any other particular branch of the service. It does not depend altogether on the sea, and it does not depend altogether on the land. It depends upon all forces wisely balanced and coordinated.

Mr. Chairman, to be well balanced and well coordinated there has to be a proper air force for both offense and defense; there has to be a proper antiaircraft offense and defense; there has to be a proper coast defense. There has to be a proper infantry and a proper cavalry and a proper artillery. There has to be proper ordnance and munitions, both supply and storage. There has to be proper tank corps, and gas corps, both offense and defense. There has to be proper motorization and mechanization. There must be a well-balanced navy, both for offense and defense. All of the needed and necessary component parts of an adequate national defense must be well balanced and coordinated to be most effective.

There are numerous questions that enter into a properly balanced and a properly coordinated national defense. Who is better prepared to pass on these questions than high Army officers and high Naval officers who after a lifetime of study and experience give their best judgment to your committees? Who is better prepared to pass on these matters than the legislative Committees on Military and Naval Affairs and the subcommittees of appropriations that handle the Army bill and the Navy bill? Are they not better prepared to act on these questions after hearing the evidence and receiving the best judgment of our military and naval authorities than someone who has not had the

advantage of the testimony of these gentlemen who make a life study of such questions?

Mr. ROGERS of New Hampshire. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Certainly; and I wish to commend also my friend the gentleman from New Hampshire for the splendid work he has done. It has been valuable, effective, unselfish work.

Mr. ROGERS of New Hampshire. I thank the gentleman, but I simply did not want any misapprehension about this matter. The gentleman does not mean the Committee on Military Affairs has approved this recommendation as made by the Appropriations Committee.

Mr. BLANTON. I mean merely that all of us are doing the very utmost we can for adequate national defense within the financial limitations with which we are restricted, considering the question as a whole—a well-balanced, coordinated national defense. Why, I may say that if this subcommittee, of which I am a member, which has brought in this bill now, for money to carry on the military establishment, could have done so, and if our Government now could have afforded the money, and if we were not circumscribed by Budget limitations, by the financial policy of the President, which we must take into consideration when we are voting money out of the Treasury, we would probably have placed additional items in this bill aggregating $100,000,000 additional, which we think is absolutely necessary for adequate national defense. There are a whole lot of things that must be taken into consideration. Why, we need badly a proper air base, well manned, well equipped, well conditioned, up in the country near Fairbanks, Alaska. We need another such base in the Seattle country. About $30,000,000 is needed for construction and housing. We need many things.

I will say to my friend from Wisconsin, Mr. BOILEAU, I did not say, as he intimated, that we could depend altogether on 16-inch guns. I meant merely that they were a needed component part of the well-balanced, coordinated national defense which our committee believed was absolutely necessary for our safety.

[Here the gavel fell.]

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to extend my remarks.

Mr. BOILEAU. Mr. Chairman, reserving the right to object, I have no desire to object to the gentleman's request to extend his remarks, but the gentleman started to refer to the gentleman from Wisconsin, and if he is going to make any such statement, I would like to have it made on the floor, and I therefore ask unanimous consent that he be given 2 additional minutes.

Mr. GRAY of Pennsylvania. Mr. Chairman, I object.

Mr. BLANTON. Mr. Chairman, I had already obtained permission to extend my remarks, but I have said all I care to say, hence will not avail myself of it.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin.

The motion was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Hampshire, as modified.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of New Hampshire: Amend title I by striking out, on line 18, page 34, "$59,397,714" and inserting "$72,397,714"; and on line 21, page 34, strike out "$41,055,925" and insert "$54,055,925"; and strike out, on line 2, page 35, "$29,322,602" and insert "$42,322,602."

Mr. PARKS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. GRAY of Pennsylvania. Mr. Chairman, I object.

Mr. PARKS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. KENNEY. Mr. Chairman, I rise in support of the Rogers amendment.

Mr. Chairman, I am going to vote for the Rogers amendment, and I hope it will prevail.

It must be obvious to Members of the Congress that aviation is not getting its proper consideration anywhere in this Government. It plays second fiddle to everything. It is second fiddle in the Army and in the Navy. It is second fiddle in the Department of Commerce and in our Post Office Department. Before aviation is properly recognized we shall have to set up a separate department of the Government devoted to the interests of aviation.

The gentleman from California has told you that we have many contracts outstanding for airplanes that are not being filled. Is the heart of the Army in aviation? The Army makes aviation subservient, as do all the other departments of the Government. We have got to wake up, because aviation is now our vital defense. You cannot call it the first line or the second line or the third line of defense; it is our real national defense.

This country is not invulnerable, and no country is today. Why? Because of the airplane. The plane has leveled mountains and dried up the seas. It can carry an attack upon us by remote nations practically overnight. We must have planes and plenty of them for our defense. The plane which can make daily contact between the Atlantic and Pacific and reach any part of the world within a week will do much to break down enmities and misunderstandings between nations and promote better relationships. But we should have them first of all for our own defense.

We must see conditions as they are. We realize the importance of a strong air force and the development of aviation, but we have been lax in aviation and in the method of dealing with it. When aviators and men interested in aviation come to Washington it is never to appear before an aviation body as such, but always to be confronted by a committee or body where aviation, all-important aviation, is an incidental or secondary consideration. We do not appreciate the state in which aviation finds itself.

Let us make the appropriations as provided in the Rogers amendment. This Congress will make no mistake if it votes for the amendment of the gentleman from New Hampshire [Mr. ROGERS], who has done so much in the interest of aviation. [Applause.]

Mr. RANDOLPH. Will the gentleman yield?

Mr. KENNEY. Yes.

Mr. RANDOLPH. Is it not a fact that a battleship costs more than two and a half times the amount called for in this amendment?

Mr. KENNEY. Yes; the gentleman is correct.

Mr. RANDOLPH. And is it not a further fact that this Congress can do no better service to the national-defense program and the protection of our homes than to now, and not when it is too late, provide for the necessary air force with which to safeguard our Republic from those who might attack us?

Mr. KENNEY. Absolutely; and I thank the gentleman for his contribution.

Mr. WOODRUM. Mr. Chairman, I do not believe there is any very serious difference of opinion in the Committee on the importance and desirability of building up our air force, both in the Army and the Navy.

I appreciate the enthusiasm and earnestness in which these gentlemen are advocating piling up money in this bill for new planes. If it were possible to get these planes, there might be some argument for it, but gentlemen must realize that this amendment is only a gesture.

Mr. ROGERS of New Hampshire. In the right direction.

Mr. WOODRUM. Yes; in the right direction, but still it is nothing but a gesture.

I have here a statement in my hand of 675 planes authorized and appropriated for undelivered today—23 pursuit planes contracted for in 1933 not yet delivered, and the actual list of them down the line. We provide in this bill for 565 new planes for the Army. That is 58 planes more than the Budget or the President, as Commander in Chief of the Army, asked for. If we appropriate in the next fiscal

year for 565 more, an orderly and conservative program, it will give us 1,882 planes, and under the law we are authorized to have only 1,648 planes.

Mr. ROGERS of New Hampshire. Mr. Chairman, will the gentleman yield for a question, in order to be fair?

Mr. WOODRUM. I yield when the gentleman says "in order to be fair."

Mr. ROGERS of New Hampshire. The gentleman should make a fair estimate of loss through attrition and otherwise.

Mr. WOODRUM. I am talking about new planes. We are giving you 565 new planes for the Army. If we give you 565 new ones next year, it is more than any airplane factory in America can make and deliver, and no one will deny that statement. In addition to that, we are giving you in the Navy bill $26,000,000 for 333 new planes for the Navy, or approximately 1,000 new planes. Where is the man who can say that that is not an orderly and conservative program? Where is the man who can say that the Commander in Chief in the White House today is a leader who will starve the national defense of this country? However much you may disagree with some of his fiscal or political policies, certainly no one can say that the President of the United States, who has asked for this appropriation and which we are giving him, is not in favor of an adequate national defense. So I say, Mr. Chairman, there is no reason for us to become emotional today.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. BANKHEAD. Is it not a fact that at this time there are between forty and fifty million dollars authorized for airplanes still unexpended?

Mr. WOODRUM. Absolutely. There is a wide diversity of opinion here. I am not a member of this subcommittee, but this committee has given careful thought and the Budget has given careful thought to this matter. The committee, realizing the sentiment of the country for a stronger and better air force, has gone beyond the Budget estimates. I plead with the House, every Member of whom, as I say, must go back to his district when the time comes and answer for unnecessary appropriations, not to appropriate money where it cannot be used. It will be merely a gesture, and that is all. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired. The question is on the amendment offered by the gentleman from New Hampshire, which, without objection, the Clerk will again report.

There was no objection; and the Clerk again reported the amendment of Mr. ROGERS of New Hampshire.

The question was taken; and on a division (demanded by Mr. ROGERS of New Hampshire) there were—ayes 26, noes 63.

So the amendment was rejected.

The Clerk read as follows:

REPAIRS OF ARSENALS

For repairs and improvements of ordnance establishments, and to meet such unforeseen expenditures as accidents or other contingencies may require, $936,184.

Mr. BUCK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUCK: Page 41, line 4, strike out "$936,184" and insert in lieu thereof "$986,184."

Mr. BUCK. Mr. Chairman, the purpose of this amendment is to provide the sum of $50,000 for the repair and improvement of the existing wharf at Benicia Arsenal, Calif. The wharf is in a bad state of repair and is in a dangerous condition. It has been an asset to the Government throughout its lifetime. Benicia Arsenal lies at the north end of San Francisco Bay, on the Strait of Carquinez. It is the only arsenal on the Pacific coast. Ordnance of all kinds is constantly moving into it and out from it. A great part of all goods that come into the arsenal is brought, at a saving to the Government, by water and landed at this wharf.

The original item, I believe, was requested by the Bureau of Ordnance. The subcommittee on War Department appropriations in its wisdom has seen fit to reduce the item allowed for repairs of arsenals by over $132,000,000, which, I am informed, will make it impossible to reconstruct or repair this wharf and may result in its abandonment. The present freight saving that is now earned for the benefit of the Government then could not be maintained.

I consider that this is a matter of economy and not a matter of extravagance or expense. After listening to some of the requests during the course of the debate on this bill running into millions and millions of dollars, I feel that perhaps I am only asking for a piece of small change this afternoon. But it is an important and necessary piece of small change. I am doing it in good faith, because I know the necessities of Benicia Arsenal, its importance to any scheme of coast defense, and the necessity of keeping this particular transportation facility open.

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I have a great deal of sympathy for my distinguished friend from California [Mr. BUCK]. I am sure if his were the only item, the committee would not have hesitated to bring it in here. We have two books full of items awaiting appropriations. They are all meritorious items; but we cannot make fish of one and fowl of the other. For that reason, and that reason alone, I must express the hope that this amendment will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BUCK].

The amendment was rejected.

The Clerk read as follows:

Civilians: For pay of employees, $301,350.

Mr. COCHRAN. Mr. Chairman, I move to strike out the figures "$301,350."

Mr. Chairman, on numerous occasions I have talked to the House with reference to the activities of the Military and Naval Academies insofar as football is concerned. I have had an exchange of letters with the superintendents of both academies time and time again. I have endeavored to show that no section of the country supports the Military Academy and that no section of the country supports the Naval Academy, but the people of the entire United States pay taxes to maintain the academies and train the boys. Of course, we are all proud of these two great institutions. However, when it comes to playing the annual football game between the two academies, it seems that the superintendents cannot get beyond a few miles of the Atlantic coast.

I notice in the hearings where General Connor says that they paid $25,000 for the stadium in Philadelphia last year to play the Army-Navy game. In addition to that, they let them have 9,000 of the best tickets at the current price. I do not know what they sold those tickets for, and I am not saying that they sold them above the current prices, but I do know that if anybody around Washington had any tickets to the Army-Navy football game last fall they could have received $25 a pair for them, as there was a big demand for tickets at any price.

Mr. Chairman, I believe there are other cities in the Union—Pittsburgh; Cleveland; Cincinnati; my own city, St. Louis; Detroit; Chicago; and other places—that have ample facilities to take care of the Army-Navy football game. I will guarantee now if they will come to St. Louis and play the Army-Navy football game it will not cost them a cent for a place in which to play the game.

There is no doubt in my mind but that the ball park can be secured for this purpose and that the owners would be glad to donate the park for that purpose. If they wanted rent, then I think public-spirited St. Louisians would see that the rent was taken care of, no matter what it might be. They can make just as much money, if not more money, because we will be willing to give them all the receipts. The people of the Middle West feel they are entitled to see the two teams play, and with our good roads and present transportation facilities there is no doubt but we would have a crowd of well over a hundred thousand people willing to pay to see the game.

Mr. KLEBERG. Will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. KLEBERG. I wonder if in this coming centennial celebration in the great State of Texas at Dallas, it would not be a wise proposition for both academies to visit that great State and play the Army-Navy football game there?

Mr. COCHRAN. I will say to the gentleman his section has just as much right to have the Army-Navy football game as has New York, New Haven, Philadelphia, Baltimore, or any other place. Of course, it would be wise, because it would be the best advertisement the Army and Navy could get. We from the Middle West, Southwest, and Rocky Mountain States support appropriations for an adequate national defense, and our people are entitled not only to see this football game but also the cadets and midshipmen on parade. Do not overlook the fact that the cadets and midshipmen are equally divided among the congressional districts throughout the country. Our section likewise furnishes many of the outstanding players. Why should we not be able to see them in action?

I have spoken on this question time and time again. General Connor has it in his head that they are not going to play this game anywhere except, as I say, along the Atlantic coast. I think it is time that those of us who come from other sections of the country, who support these bills, and whose constituents pay taxes the same as the people in the East, should make a fight to require the Army and Navy to play some place other than where they have been playing these games. I have been fighting for years to get them to come west. I am applauded when I make these speeches, but what are you doing to help break this policy of only playing in the East?

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. BLANTON. The entire cadet force of West Point and the entire midshipmen force of Annapolis always want to see these games, and for them to attend at any great distance from the academies is onerous on them, and it costs a lot of money to travel and pay hotel bills. I imagine this is the sole and only reason the game is played at Philadelphia or New York.

Mr. COCHRAN. The gentleman says that is the sole and only reason. I will tell the gentleman what the sole and only reason is. According to General Connor, to play the games anywhere else would keep the boys away from their studies too long. He did not say a word about expense.

The Army and Navy annual football game pays all the expenses of the athletic activities at the Military Academy. The boys, of course, want to see the game and will be taken wherever it is played and at the expense of the academies, or I should say, the money will be taken from the receipts so it is not the expense that is involved. It is just a custom that has grown up and we should insist that they change their policy. Is General Connor and the Superintendent of the Naval Academy bigger than Congress? Why not serve notice that they must play elsewhere? I am going before the subcommittee when it considers the naval appropriation bill. I want them to talk to the new Superintendent of the Naval Academy on this subject. Why they are arranging their schedules several years in advance, and I was informed by a high-ranking officer of the Army that one of their reasons is to be able to say it is too late now we are booked up for so many years. That might be true as to the games they play with certain universities but as to the Army-Navy game we can change that anytime and possibly we can work out a limitation that we can put on one of these bills that will require them to change their established policy.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. It will only mean trouble for me to have the Army and Navy football game in St. Louis. I had one experience 10 years ago when they played the game in Chicago. I do not know how much money I lost buying tickets for St. Louisans. My friends thought I secured the tickets for nothing. Nevertheless I will welcome the trouble. I insist that the Army and Navy officers have no right to say that the Army-Navy football game should be played only along the Atlantic seaboard, and I appeal to Members from the West, the Middle West, and the Southwest to wake up to this fact and bear down on the officials. [Applause.]

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, on yesterday I asked my friend, the chairman of the subcommittee, if it were not true that the increase of Cadets at the Military Academy was made in contemplation of the increase of the officer personnel from 12,000 to 14,000 officers. I ask him now if it has not been the demand of the War Department for the last 8 or 10 years that the officer personnel be increased to 14,000?

I also asked my friend if it were true that if there were no increase in the number of officers contemplated there was no need for increasing the Cadet Corps, because, by his own statement, and I know it is correct, the average number of graduates for the last 8 years has been 278 a year, whereas the average separations from the service for the last 6 years have been 267. So there have not been sufficient separations for the last 6 or 8 years to enable all the graduates under the old authorized Cadet Corps strength to receive commissions; and we all know that for the last 7 or 8 years nobody could get a commission in the Army except a graduate of the Military Academy. But as I showed yesterday, due to the large number of separations from the service, over 800 during the 18 months prior to the 1st of January, and due to this alone, 52 graduates of the Air Corps training center at San Antonio, Tex., were able to get commissions, and one or two others got commissions. When the National Guard did not get any, when enlisted men in the Regular Army did not get any, one or two civilians got commissions in the Regular Army. I am just throwing this out as a query; maybe sometime we shall find out why they got them.

I submit, Mr. Chairman, that the purpose of increasing the Cadet strength was to raise the officer strength from 12,000 to 14,000. This is substantiated by reference to page 4 of the Report of the Secretary of War for 1935, where he states that to increase the enlisted strength to 165,000 would necessitate an officer strength of 14,000. We have increased the enlisted strength to date, it is admitted, by 29,000. If an increase of 47,000 enlisted men under the War Department study demanded 2,000 additional officers, then an increase of 29,000 enlisted men would demand 1,234 officers. That is the ratio, the old rule of three ratio; and the Secretary of War himself in his report expressly says that the increase of the Cadet Corps strength up to 1,960 would not supply the demands of the Army if it were raised to 165,000 enlisted men. What does he say? He says: "Hence, to provide any increase in commissioned strength it would be necessary to draw young men from civilian life." What source do they propose to draw from? General Craig, following General Pershing and following General MacArthur, made this statement——

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Chairman, General Craig, page 34 of the hearings, when asked about this Thomason bill, speaking of the value of civilian officers and those graduated from the R. O. T. C., said:

> They would be most valuable for two reasons: First, it would help our crying need for officers—

That is what they have been crying for for 8 or 10 years. That is why my friend wanted to increase the cadet strength last year—

> In the second place, if you take the 100 best qualified officers in the Regular service, in my opinion, you will find about an equal proportion of them come from civilian sources.

In other words, General Craig says, in effect, that of the best officers in the Army half of them are not from the Military Academy. He says—and I agree with him—that we must have the Military Academy. I am suggesting that the 50–50 ratio that General Pershing and General MacArthur demanded, and that General Craig stands for, is the right ratio.

Mr. Chairman, the statement is made: "That is all right; we agree with you, but do not start now." These boys from the R. O. T. C. colleges all over the country are in your State and my State. You know the boys. They have been asking you for commissions in the Regular Army ever since the bill passed last summer. If we do not start now and give them a chance now, they will never have a chance, because in 1939 there will be 636 boys, provided some do not fall by the wayside, and assuming there is a 10-percent leakage, there will be nearly 600 boys, graduate in the class of 1939 from the Military Academy. If there are only 254 vacancies by attrition, and if we are not going to increase the authorized strength, then some of these West Point boys will not get a chance for a commission. The next year after that, 1940, there will be 665 graduate, unless some of them fall by the wayside; and if 10 percent fail, there will be about 600 graduates hungry for commissions.

Mr. WADSWORTH. Will the gentleman yield?

Mr. McSWAIN. I yield to the gentleman from New York.

Mr. WADSWORTH. Do I understand that we can expect, after the increment from West Point has been in effect 2 or 3 years, we are to have over 600 graduates a year?

Mr. McSWAIN. That is true for the first 2 years, because they came in on a hump. For those 2 years we will have an average of 600.

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I think we have gone as far as we should with the reading of the bill this afternoon. Therefore, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PARSONS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 11035, the War Department appropriation bill, had come to no resolution thereon.

RULES OF THE HOUSE

Mr. SHANNON. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SHANNON. Mr. Speaker, as one opposed to gag rules, I have just signed the petition to bring the Frazier-Lemke bill before the House for consideration.

The old Cannon rule permitted the absolute smothering of a bill by committee. This rule was changed when the House voted for a rule permitting a bill to be brought out if 145 Members requested it. This rule was later amended so as to require 218 signers to bring out a bill.

Here we have a measure which meets with the approval of a great majority of the membership of the Committee on Agriculture, which had the bill for consideration; that Committee unanimously requested the Rules Committee to provide a rule to bring the bill out of the clogged-up morgue of House bills from which it is absolutely impossible for a bill to be brought before the House for action; the Rules Committee did not report the rule. Those sponsoring the bill have had, for months and months, within one or two or three of the required number of signers to bring the bill forth, and have frequently had a sufficient number of signers to bring it out when some influence was brought to bear upon signers to withdraw their names.

Under those circumstances, it is incumbent upon those opposed to gag rules to sign this petition. In signing it a Member is not bound to vote for the measure. At this moment I feel that I shall not vote for it, but I am opposed to the stifling of the bill by any group. The bill should be brought out and fully discussed and acted upon.

The House of Representatives has always been considered to be the popular branch of Congress. It is supposed to be close to the people, its Members being returned to office every 2 years. Legislation is always limited to a 2-year session of a Congress. Therefore, any legislative act must be completed within 2 years.

Here is a bill that comes from the people with the solid congressional delegations of well over 20 States having signed the petition to let the measure come out on the floor. Thirty-one State legislatures have memorialized Congress to consider this legislation. The great agricultural States of the country, primarily interested, are either solidly behind it or have a majority of their Representatives favoring it. The Senate committee holds hearings and votes the bill out unanimously. The House Committee on Agriculture has hearings and votes the bill out 18 to 5. The House committee petitions the Rules Committee to "bring out a rule" which will entitle the measure to open debate. The Rules Committee refuses this request. The 14 members of the Rules Committee have not a majority favoring this legislation. Therefore, 8 of them can, under ordinary circumstances, defeat the will of farm organizations, the petitions of State legislatures, the solid representations of over 20 States in the House, and liberal elements in all States who want a discussion of this measure.

I understand it is an ancient custom for the chairman of a committee not to petition to bring out a bill and discharge another committee. There are 42 committee chairmen in the House. However, 17 chairmen have broken this tradition and have signed the petition for this bill.

So my great popular measure may be smothered, not by the requirement that a committee deliberate on it and vote it out—which is right—but by the additional requirement that a single committee of 14, the Rules Committee, charged with the day-to-day legislative program, may defeat the open discussion of legislation until 218 free from tradition and free from custom vote it out.

President Roosevelt, when he was Governor of New York, made a beautiful and powerful statement outlining the way in which bills are stifled. He did not mention this method, because it was not within his vision, as a Governor, that 8 Members out of 435 could kill a bill.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—INDIAN SCHOOLS (H. DOC. NO. 409)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without approval, H. R. 8515, "An act to provide funds for cooperation with Sanish School District No. 1, Mountrail County, N. Dak., for extension of public-school buildings to be available for Indian children."

The bill authorizes the use of $10,000 "from any moneys now available and applicable, or that may become applicable hereafter available, for construction under provisions of the National Industrial Recovery Act." No provision is made for repayment of the amount expended for the improvements. It appears that the taxable real estate in the school district involved is valued at $302,888, and the valuation of nontaxable Indian land is $16,000. The enrollment in the school in question during the last year was approximately 200, including only 9 Indian children. Tuition was paid for the Indian pupils at the rate of 30 cents a day. It will be noted that less than 5 percent of the enrollment is composed of Indian children, and the value of nontaxable land in the district is only 5½ percent of the total value. This in itself is sufficient to warrant disapproval of the bill. There is another objection, however, which I desire to bring to the attention of Congress.

During the first session of the Seventy-fourth Congress a number of similar bills were passed and presented to me for signature. I was somewhat reluctant to approve those bills because they provided direct grants from Federal money and made no provision for reimbursement to the United States. Furthermore, improvements would be located on land, title to which was not in the United States, and in

many instances on land outside of the boundaries of Indian reservations. Upon completion of the buildings the Indian Service would continue to pay tuition from Federal funds for each and every child attending these schools. It seemed to me that the Federal Government should not be required to advance funds for capital investments and continue thereafter to pay the same liberal tuition rates for the Indian children accommodated in these schools. Thereafter, when estimates were submitted to Congress pursuant to the authorizations contained in the numerous bills passed, provision was made for reimbursement of the capital investment over a period of 30 years, without interest, either through reduction in annual tuition payments or the acceptance of Indian children in those schools without payment of tuition. Congress, in its review of the matter, went even farther and directed that interest at 3 percent should be collected on all unpaid balances.

I am informed that the school districts involved have been somewhat reluctant to accept the requirements laid down in the Second Deficiency Act, fiscal year 1935, and until public-school districts indicate a willingness to repay amounts advanced for enlargement of local public-school facilities, legislation such as that contained in H. R. 8515 should not be enacted.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 13, 1936.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. ROGERS of Oklahoma. Mr. Speaker, I move that the bill and the message be referred to the Committee on Indian Affairs and ordered printed.

The motion was agreed to.

SUPPLEMENTAL REPORT ON MEXICAN-AMERICAN CLAIMS COMMISSION

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to submit a supplemental report on the bill (H. R. 10670) to amend section 11 of Public Law No. 30, approved April 10, 1935, to establish a commission for the settlement of the special claims comprehended within the terms of the convention between the United States of America and the United Mexican States, concluded April 24, 1934.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, what is this bill?

Mr. McREYNOLDS. The bill has to do with Mexican claims division. I reported on this matter a few days ago, but did not have the report complete. I desire to file a supplemental report.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. STARNES. Mr. Speaker, I have introduced today a bill with reference to immigration, and ask unanimous consent to proceed for 3 minutes and to include the bill as a part of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. STARNES. Mr. Speaker, a proper solution of our immigration problem deserves the serious consideration of the Congress and every American citizen. According to the 1930 census there were 14,204,149 foreign born in the United States, of whom 6,284,613 were aliens who had failed to make the slightest gesture toward becoming citizens. The foreign-stock population at that time was 40,286,278, a third of our total population. This was the largest number in the history of the Nation.

During the past 10 years of quota-law restriction, during which the world has undergone the most serious economic depression in its history, 3,687,547 aliens have entered the United States, of whom 2,010,896 were new immigrants.

At least one out of every eight persons on relief in this country is an alien. Our relief agencies make no distinction between American citizens and aliens in administering relief. The Social Security Act makes no distinction in the application of its terms between American citizens and aliens. Hundreds of thousands of aliens are holding jobs in America, drawing hundreds of millions of dollars in wages, which are rightfully the heritage of American citizens. Alien criminals who are roving at large and preying upon American citizens should be deported. We are unable to check upon the number of aliens at large or the number coming into this country for lack of an alien-registration act.

In order to protect our wage standards, our living conditions, and our American institutions, and to reduce the relief burden, alleviate social conditions, remove our alien criminal population, and provide for an alien-registration act, I am introducing today a bill to be called the Immigration and Alien Registration Act of 1936.

This bill will (1) reduce immigration, (2) authorize the exclusion of any alien whose entry into the United States is inimical to the public interest, (3) prohibit the separation of families through the entry of aliens leaving dependents abroad, (4) provide for the prompt deportation of habitual criminals and all other undesirable aliens, and (5) to provide for the registration of all aliens now in the United States or who shall herafter be admitted.

We must enact and enforce immigration laws which will place the welfare of America and Americans first. No other country pets and mollycoddles its alien population as we do. Other countries take the proper and sensible view that in a country with established government and institutions for the promotion of the welfare of its citizens that these citizens are entitled to first consideration in every respect. America is no longer a wilderness to explore and conquer, nor a utopia for foreign exploitation. Let us therefore guard, protect, and preserve our own.

The bill to which I have referred is as follows:

H. R. 11172, Seventy-fourth Congress, second session

February 13, 1936

Mr. Starnes introduced the following bill (H. R. 11172):

A bill to further reduce immigration, to authorize the exclusion of any alien whose entry into the United States is inimical to the public interest, to prohibit the separation of families through the entry of aliens leaving dependents abroad, and to provide for the prompt deportation of habitual criminals and all other undesirable aliens, and to provide for the registration of all aliens now in the United States or who shall hereafter be admitted

Be it enacted, etc.

TITLE I

SECTION 1. That an alien who entered the United States either from a foreign territory or an insular possession, either before or after the passage of this title, shall be promptly deported in the manner provided in sections 19 and 20 of the Immigration Act of February 5, 1917, as amended, regardless of when he entered, if he:

(1) At any time after entry is convicted of an offense which may be punishable by imprisonment for a term of 1 year or more, or of a crime involving moral turpitude, or convicted of two misdemeanors even though a sentence of imprisonment may not have been imposed for either offense; the said deportation to be made by the Secretary of Labor forthwith at the time he is released from confinement, or placed upon probation, or is pardoned; except that in the case of a misdemeanant, the Secretary of Labor may suspend deportation for a period not to exceed 12 months pending action by Congress on a recommendation that permission be granted the alien to continue his residence in the United States on good behavior; but nothing in this section shall be interpreted to exempt any alien from deportation who has entered the United States in violation of the immigration laws; or

(2) Has been convicted of possessing or carrying any concealed or dangerous weapon; or

(3) Knowingly possesses or carries any weapon which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot without manual reloading by a single function of the trigger; or

(4) Has been convicted of violation of a State narcotic law; or

(5) Knowingly encouraged, induced, assisted, abetted, or aided anyone to enter, or try to enter, the United States in violation of law; or

(6) Has been engaged in espionage for a foreign government.

SEC. 2. (a) That any alien or group of aliens, whose presence in the United States is proclaimed by the President to be inimical to the public interest, shall, upon warrant of the Secretary of Labor, be taken into custody and deported forthwith.

(b) Whenever the President shall proclaim an emergency to exist in the United States the Secretary of Labor shall take into custody all aliens subsisting upon public or private relief and deport them forthwith to the country of their origin: *Provided, however,* That if any alien desires to leave voluntarily for the country of his origin, or for another country, the Secretary of Labor is authorized to facilitate such voluntary departure.

SEC. 3 (a) That from and after July 1, 1936, the quota in the case of any nationality for which a quota has been determined and proclaimed under the Immigration Act of 1924, as amended, shall be 10 percent of such quota, but the minimum quota of any nationality shall be 100. From and after July 1, 1936, no immigration visas shall be issued under subdivision (c) of section 4 of the Immigration Act of 1924, but all the provisions of the immigration laws shall be applicable to immigrants born in any of the geographical areas specified in such subdivision as if each of such areas had at that time a quota equal to 10 percent (but not less than 100) of the number of nonquota immigration visas issued, during the fiscal year ending June 30, 1930, to immigrants born in such areas: *Provided, however,* That reciprocal arrangements may be entered into by the Department of State and the Department of Labor with the Dominion of Canada, Newfoundland, and Mexico whereby as many immigrants born in foreign contiguous territories as are admissible under the immigration laws of the United States, to continental United States are admitted to the United States annually as persons born in the United States are annually admitted into their respective countries.

(b) Section 6 of the Immigration Act of 1924, as amended, is further amended to read as follows:

"SEC. 6 (a). Immigration visas as to quota immigrants shall be issued in each fiscal year, as follows:

"(1) Seventy-five percent of each nationality for such year shall be made available in each year for the issuance of immigration visas to the following classes of immigrants: (A) Quota immigrants who are the fathers or the mothers or the husbands by marriage occurring after January 1, 1933, of citizens of the United States who are 21 years of age or over; and (B) quota immigrants who are unmarried children under 21 years of age, or the wives, or husbands, or the mother, or the father, of alien residents of the United States who were lawfully admitted to the United States for permanent residence.

"(2) Any portion of the quota of each nationality for such year not required for the issuance of immigration visas to the classes specified in paragraph 1, shall be made available in such year for the issuance of immigration visas to other quota immigrants of such nationality.

"(b) The preference provided in paragraphs 1 and 2 of subdivision (a) shall, in the case of quota immigrants of any nationality, be given in the calendar month in which the right of preference is established, if the number of immigration visas which may be issued in any such month to quota immigrants of such nationality has not already been issued; otherwise in the next calendar month."

SEC. 4. That from and after July 1, 1936, no immigration visa shall be issued to any married applicant for entry into the United States unless, at the time of application, he or she applies for visas for all dependents admissible as nonquota immigrants or entitled to preferences within the quotas under immigration acts in force at the time of the passage of this title: *Provided, however,* That nothing in this section shall exclude a child born in transit after issuance of a visa to a parent.

SEC. 5 (a). That from and after July 1, 1936, no immigration visa shall be issued to any applicant who shall fail to pass an intelligence test equivalent to, or higher than, a normal rating of an average sampling of native-born American white stock or whose reputation or personal characteristics in the judgment of the consul would render the applicant not readily assimilable among the preponderant element of the population of the United States.

(b) That if any member of a family fails to meet the requirements of subsection (a) of this section that fact shall exclude the whole family from admission to the United States.

SEC. 6. That the President may in his discretion direct the Secretary of State to deny a visa to any alien whose presence in the United States as a visitor or for permanent residence he deems inimical to the public interest, and it shall be the duty of the Secretary of State to bring to the attention of the President applications for entry by any person or persons not otherwise excluded whose activities or reputation fall within the purview of this section.

SEC. 7. That the ninth proviso of section 3 of the Immigration Act of February 5, 1917, be amended to read as follows:

"That the Commissioner of Immigration, with the approval of the Secretary of Labor, shall issue rules and prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission solely for the purpose of receiving medical treatment not obtainable at an immigration station pending deportation."

SEC. 8. That section 1, subsection (a), of the act approved October 16, 1918 (40 Stat. 1012), as amended by the act approved June 5, 1920 (41 Stat. 1008), be amended to read as follows:

"(a) Aliens who are anarchists or Communists or aliens who are affiliated with any organization associated directly or indirectly with the Third International.

SEC. 9. That if any alien has been arrested and deported in pursuance of law he shall be excluded from admission to the United States whether such deportation took place before or after the enactment of this title; and if he enters or attempts to enter the United States after the enactment of this title he shall be guilty of a felony and upon conviction thereof shall, unless a different penalty is otherwise provided by law, be punished by imprisonment for not more than 2 years or by a fine of not more than $1,000 or by both such fine and imprisonment: *Provided,* That this title shall not apply to any alien who has prior to its enactment obtained the lawful permission of the Secretary of Labor to reenter the United States and has reentered or who arrives in the United States with such permission within 60 days after this title becomes effective. For the purposes of this section any alien ordered deported (whether before or after the enactment of this title), who has left the United States, shall be considered to have been deported in pursuance of law, irrespective of the source from which the expenses of his transportation were defrayed or of the place to which deported. Section 7 of the act entitled "An act to further amend the naturalization laws, and for other purposes", approved May 25, 1932, is hereby repealed.

SEC. 10. The Secretary of Labor may specifically designate persons holding supervisory positions in the Immigration and Naturalization Service to issue warrants for the arrest of aliens believed to be subject to deportation under this or any other statute: *Provided,* That no person shall act under a warrant issued by himself.

SEC. 11. Any employee of the Immigration and Naturalization Service shall have power to detain for investigation any alien who he has reason to believe is subject to deportation under this or any other act. Any alien so detained shall be immediately brought before an immigrant inspector designated for that purpose by the Secretary of Labor and shall not be held in custody for more than 24 hours thereafter unless prior to the expiration of that time a warrant for his arrest is issued.

SEC. 12. The Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, shall prescribe rules and regulations for the enforcement of the provisions of this title.

SEC. 13. The foregoing provisions of this title are in addition to and not in substitution for the provisions of the immigration laws, and shall be enforced as part of such laws. An alien, although admissible under the provisions of this title, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this title, and an alien, although admissible under the provisions of the immigration laws other than this title, shall not be admitted to the United States if he is excluded by any provision of this title.

SEC. 14. Any person who violates or knowingly aids or assists another to violate or attempt to violate, or who connives at any violation, or conspires with any person to violate, any provision of the immigration laws for which a specific penalty is not provided, shall be deemed guilty of a felony, and on conviction thereof be punished by a fine of not more than $10,000, or by imprisonment for not more than 5 years, or both.

SEC. 15. Terms defined in the Immigration Act of 1924 shall, when used in this act, have the meaning assigned to such terms in that act.

TITLE II

SEC. 201. There is hereby established an interdepartmental committee to be known as the Alien Registration Board, and hereinafter referred to as the Board, which shall be composed of one representative designated by the Secretary of State, one representative designated by the Attorney General, one representative designated by the Postmaster General, and one representative designated by the Secretary of Labor. The representative designated by the Secretary of State shall be ex-officio chairman of the Board.

SEC. 202. That the heads of the departments hereinbefore mentioned may temporarily assign other members of their departmental staffs to render expert advice or assistance to the Board: *Provided, however,* That no person designated as a member of the Board or as an expert attached thereto shall receive additional compensation to that which he already receives.

SEC. 203. That it shall be the duty of the Board to prescribe rules, regulations, forms, and procedure for the taking of a Nation-wide official registration and fingerprint record of all aliens now in the United States, except that diplomatic representatives of foreign nations and consular officers and members of their official staff duly accredited or recognized as such by the Government of the United States, and officials of foreign governments traveling under diplomatic passports shall be exempted from the provisions of this title.

SEC. 204. That no immigration visa shall be issued to any alien seeking to enter the United States unless said alien has been fingerprinted, in triplicate: one copy of the fingerprint record to be utilized by the consul in ascertaining whether or not the person making application for entry is the person whose name is set forth in the application and whether or not the applicant has a criminal record or other statutory disqualifications which would exclude him from entering the United States; the second copy of the fingerprint record to be attached to the alien's immigration visa to provide for verification of the immigrant's identity upon arrival at a port of entry of the United States; and the third copy of the fingerprint record, together with such other information as may be required by the Board, to be sent directly to the Division

of Identification of the Department of Justice for filing in the alien section of its noncriminal records.

SEC. 205. That on July 1, 1936, or at the earliest possible date thereafter, the President shall proclaim the rules and regulations under which every alien shall apply for registration at a United States post office and be finger printed, and supply such other information as may be called for by the Board respecting the alien's status, occupation, duration of stay, and intention to remain or depart from the United States. Upon registration, which shall be in duplicate, one copy shall be mailed to the Commissioner of Immigration and Naturalization, of the Department of Labor, Washington, D. C., and the second copy shall be mailed to the Director of the Division of Identification of the Department of Justice, Washington, D. C., for filing in the alien section of its noncriminal records. The Commissioner of Immigration shall issue a registration card to each alien registrant bearing a distinctive number and copy of the finger prints of the alien, the said registration card to be mailed to the address given by the alien upon registration.

SEC. 206. That the postmaster in any United States post office, or any employee in such post office designed by him, at which a registration shall be filed, shall collect a fee of $1 for each first registration, and subsequently 50 cents for each renewal thereof. The funds so collected shall be turned into the general fund of the Treasury in such manner as may be prescribed by the Board.

SEC. 207. That it shall be the duty of every alien in the United States, who has been registered as hereinbefore provided, to notify the Commissioner of Immigration and Naturalization of the United States of every change of address, with a statement as to whether the change of address is permanent or temporary. If the change of address is permanent, it shall be the duty of the alien to turn in his registration card at the nearest post office and make application in accordance with regulations prescribed by the Board for the issuance of a new card; and every alien in the United States shall renew his registration annually at such dates as may be designated on his registration card.

SEC. 208. That it shall be the duty of the Postmaster General, with the assistance of the Attorney General, to provide for instructions whereby postal employees may be instructed in the manner of taking fingerprints upon sensitive paper approved by the Division of Identification of the Department of Justice.

SEC. 209. That the Attorney General shall instruct the Director of the Division of Identification of the Department of Justice to create a section in the Bureau of Identification to be known as the section of alien registration.

SEC. 210. That the board immediately upon its creation shall prepare estimates of appropriations necessary for putting into effect the provisions of this title and shall submit the same to the heads of the Departments referred to in section 201 of this title, for transmittal to the Director of the Budget with a recommendation for immediate action upon such supplementary appropriations as may be required.

SEC. 211. That any alien who shall fail to comply with the provisions of this title shall be punished by a fine of not more than $1,000, or imprisonment of not more than 1 year, or both, and upon the payment of the fine or the completion of sentence, the alien shall be taken into custody on a warrant issued by the Secretary of Labor, and deported forthwith from the United States.

SEC. 212. This act may be cited as the Immigration and Alien Registration Act of 1936.

EXTENSION OF REMARKS

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to extend the remarks I made in the Committee today and include certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE ON THE JUDICIARY

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have permission to sit during the sessions of the House for the remainder of the week.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE TOWNSEND PLAN

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend in the Appendix of the RECORD a very brief statement on the Townsend plan, made by Mr. Stuart A. Rice, Chairman of the United States Central Statistical Board.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement by Mr. Stuart A. Rice, Chairman of the United States Central Statistical Board, on the Townsend plan:

IS THE TOWNSEND PLAN PRACTICAL?

(By Stuart A. Rice, acting chairman of the United States Central Statistical Board, in presiding at a joint meeting of the American Statistical Association and the American Association for Labor Legislation, at Commodore Hotel, New York City, Dec. 28, 1935)

Dr. Townsend's demand for a revision of the science of arithmetic by law gives special timeliness to this discussion. Behind him is a long line of illustrious precedents. There have always been men who demanded that human will be elevated above fact, above reality, or above natural law. Sometimes the effort has succeeded. We are told that the seas parted for the children of Israel at the command of Moses. More often the attempt has failed. King Canute, possibly through lack of votes or the right statistical control, did not persuade the tides to obey his command. More recently there have been proposals to abolish history, but history has not yet disappeared. I anticipate the same with respect to the multiplication table which the Townsend plan, with the most commendable of motives would supplant.

Nevertheless it may be necessary to give some thought to this laudable proposal in connection with the topic we are discussing today. Whether old-age pensions are "worth their cost" requires some initial definition. What old-age pensions do we mean? The Townsend old-age bonanzas, or the carefully devised schedules of benefits and annuities permitted under the Social Security Act? And what kind of costs are we talking about? Fiscal only? Or in addition, the human costs of a scheme so cruelly mischievous, so crassly unworkable, so filled with possibilities of wreckage as the good Dr. Townsend and his assisting high-pressure promoters are seeking to foist on this country?

The possibilities of the Townsend plan will be more apparent if we try to estimate its effect had it been in operation since 1929. Let us assume for this purpose that it had not disrupted the economic order, as many think it would do. With equal fairness, let us assume that it had not produced the magical results witnessed by its devotees in their peyotelike visions. In other words, let us assume that the national income had remained the same. On this basis, what redistributions of national income would the Townsend plan have effected? How much would have gone for pensions? What would have been the incomes of nonpensioners, after the pensioners had taken their allotted portions?

According to the Fifteenth Census, the United States in 1930 contained a total of 10,385,026 persons 60 years of age and over. The numbers for 1929 and for 1931–34, inclusive, must be estimated.

I. Estimated number of persons 60 years of age and over

1929	10,120,000
1930	10,385,026
1931	10,650,000
1932	10,915,000
1933	11,180,000
1934	11,445,000

Each of these persons is to receive $200 per month, or $2,400 per annum. The amounts required for the years 1929–34 would be as follows:

II. Total pensions, at $2,400 per person

1929	$24,288,000,000
1930	24,924,000,000
1931	25,560,000,000
1932	26,196,000,000
1933	26,832,000,000
1934	27,468,000,000

Each and every year it would be necessary to raise sums of this magnitude by some form of taxation. Presumably these taxes would come from national income, since borrowings or accumulated capital could not long suffice. The following estimates of national income paid out were originally prepared by the Bureau of Foreign and Domestic Commerce in cooperation with the National Bureau of Economic Research, and as later revised are taken from the November 1935 issue of the Survey of Current Business:

III. Estimated national income paid out

1929	$78,632,000,000
1930	72,932,000,000
1931	61,704,000,000
1932	48,362,000,000
1933	44,940,000,000
1934	50,189,000,000

The amount of the national income left over for the remainder of the nonpensioned population under 60 years of age will be the remainder of the items in III less the corresponding items in II:

IV. Estimated national income remaining for the nonpensioned population

1929	$54,344,000,000
1930	48,008,000,000
1931	36,144,000,000
1932	22,166,000,000
1933	18,108,000,000
1934	22,721,000,000

The actual or estimated numbers of the nonpensioned persons under 60 years of age among whom this remainder of the national

income is in each year to be distributed have been obtained in the same way as for the older population shown in I:

V. Estimated number of persons under 60 years of age

1929	110,990,000
1930	112,390,020
1931	113,200,000
1932	113,719,000
1933	114,295,000
1934	114,797,000

From IV and V, therefore, we may derive the per-capita annual income for the population under 60 as compared with the $2,400 per annum for those of ages 60 and above:

VI. Per-capita incomes

	Pensioners	Nonpensioners
1929	$2,400	$490
1930	2,400	427
1931	2,400	319
1932	2,400	195
1933	2,400	158
1934	2,400	197

In other words, to employ the phraseology of Dr. W. S. Woytinsky, the Townsend plan would create a new privileged class, receiving Government pensions in amounts 5 to 15 times higher than the average income of the remainder of the population. And these pensions are in addition to any income that they may receive from other sources. To the extent that such supplemental income is received by this privileged class, in addition to its pensions, the amounts of the national income available for nonpensioners, as shown in VI above, would be correspondingly reduced.

Attention has been called by other critics to the pyramiding effect on prices of the proposed 2 to 3 percent tax on transactions, upon which Dr. Townsend depends for funds to pay the pensions. The possible yield from such a tax has not been so extensively considered. Careful estimates by Dr. Woytinsky indicate that the total volume of transactions subject to the proposed tax would probably not be far from the following figures:

VII. Transactions subject to tax

1929	$200,000,000,000
1930	170,000,000,000
1931	135,000,000,000
1932	100,000,000,000
1933	95,000,000,000
1934	105,000,000,000

It is difficult to estimate realistically the rate of tax upon these transactions that would have been necessary to provide the $200 pension for aged persons. Each successive tax would actually have raised the price involved in the next transaction, with the effect of compounding tax upon tax upon tax. The higher prices forced by successive taxes would increase the total money volume of transactions and, hence, lower the tax rate upon them.

If we stick to our assumptions, however, the physical volume of transactions and prices would have remained the same, and the rates of tax upon transactions would have been not 2 or 3 percent but in the neighborhood of the following:

VIII. Transactions tax necessary to pay pensions

	Per cent
1929	12
1930	15
1931	19
1932	26
1933	28
1934	26

To reasonable men and women the preceding figures will be plain. I shall not attempt to weaken their damning implications for the Townsend plan by further exposition or moralizing.

Mankind will always confront difficult and delicate problems associated with advancing age. The elderly must adjust themselves to an unwelcome but unavoidable dependency, physical and often financial. Within the intimate family group these adjustments deserve the tender patience and the ungrudging self-sacrifice of those who retain their vigor and their earning capacity. Within the broader structure of organized society the problems of age deserve the devoted solicitude and the generous provision of aid by the State itself.

But to take advantage of the emotions evoked by these desperately human problems to perpetrate a fraud upon old and young alike—what shall I say of it? I leave you to supply the appropriate expletives.

KALAMAZOO FEDERATION OF LABOR

Mr. MAIN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a telegram of this date received from the Kalamazoo Federation of Labor.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The telegram referred to follows:

KALAMAZOO, MICH., *February 13, 1936.*

Representative VERNER MAIN,
House of Representatives:

Kalamazoo Federation of Labor strongly urges adoption of amendment to Army appropriation bill prohibiting use of Federal arms and equipment by militia in industrial disputes without formal authorization from Washington, and asks this wire be read into RECORD.

KALAMAZOO FEDERATION OF LABOR,
A. P. NEVINS,
Chairman, Education Commission.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HARLAN, for 5 days, on account of congressional business in his district.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10929. An act to amend the District of Columbia Unemployment Compensation Act with respect to excepted employment.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3612. An act to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 10929. An act to amend the District of Columbia Unemployment Compensation Act with respect to excepted employment.

ADJOURNMENT

Mr. PARKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p. m.) the House adjourned until tomorrow, Friday, February 14, 1936, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

666. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the legislative establishment, House of Representatives, for the fiscal year 1937, amounting to $3,250 (H. Doc. No. 408); to the Committee on Appropriations and ordered to be printed.

667. A letter from the Administrator of the Federal Housing Administration, transmitting the second annual report on the operations of the Administration under titles I, II, and III of the National Housing Act for the calendar year 1935 (H. Doc. No. 358); to the Committee on Banking and Currency and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. GOLDSBOROUGH: Committee on Banking and Currency. H. R. 11047. A bill relating to taxation of shares of preferred stock, capital notes, and debentures of banks while owned by Reconstruction Finance Corporation and reaffirming their immunity; without amendment (Rept. No. 1995). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 3013. A bill to provide for the construction and operation of a vessel for use in research work with respect to Pacific Ocean fisheries; with amendment (Rept. No. 1996). Referred to the Committee of the Whole House on the state of the Union.

Mr. EICHER: Committee on Interstate and Foreign Commerce. H. R. 11073. A bill granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a free highway bridge across the Current River at or near Powder Mill Ford on Route No. Missouri 106, Shannon County, Mo.; without amendment (Rept. No. 1997). Referred to the House Calendar.

Mr. HILL of Alabama: Committee on Military Affairs. House Joint Resolution 488. Joint resolution to close Military Road; with amendment (Rept. No. 1998). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES: A bill (H. R. 11138) to extinguish tax liabilities and tax liens arising out of the Tobacco, Cotton, and Potato Acts; to the Committee on Agriculture.

By Mr. McSWAIN (by request): A bill (H. R. 11139) to prohibit bands of the United States Army, Navy, Marine Corps, and Coast Guard from furnishing music on occasions beyond the scope of their service duty; to the Committee on Military Affairs.

Also, a bill (H. R. 11140) to provide more effectively for the national defense by further increasing the effectiveness and efficiency of the Air Corps of the Army of the United States; to the Committee on Military Affairs.

By Mr. RANKIN (by request): A bill (H. R. 11141) prohibiting the use of the Veterans' Administration facilities for furnishing medical and hospital care to persons not eligible; to the Committee on World War Veterans' Legislation.

Also (by request), a bill (H. R. 11142) authorizing and directing the Administrator of Veterans' Affairs to furnish to men discharged from the Army, Navy, Marine Corps, or Coast Guard who are suffering from service-connected disabilities, and who reside in foreign countries and are citizens of the United States, medical and hospital treatment; to the Committee on World War Veterans' Legislation.

Also (by request), a bill (H. R. 11143) fixing the effective date of an award of compensation, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. LAMNECK: A bill (H. R. 11144) to require certain employees of the Postal Service to work on Saturday and to allow compensatory leave for such work; to the Committee on the Post Office and Post Roads.

By Mr. McCORMACK: A bill (H. R. 11145) to expedite the dispatch of vessels from certain ports of call; to the Committee on Merchant Marine and Fisheries.

By Mr. BOYLAN: A bill (H. R. 11146) to provide Federal aid to States, municipalities, and political subdivisions of States for carrying out projects for housing for families of low incomes, and for other purposes; to the Committee on Appropriations.

By Mr. HILL of Alabama: A bill (H. R. 11147) for the relief of the State of Alabama; to the Committee on Military Affairs.

By Mr. HOPE: A bill (H. R. 11148) to provide annuities for certain widows of employees and retired employees of the United States and the District of Columbia; to the Committee on the Civil Service.

By Mr. McSWAIN (by request): A bill (H. R. 11149) to amend the National Defense Act of June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. BARRY: A bill (H. R. 11150) to reduce the rate of interest on obligations of homeowners to the Home Owners' Loan Corporation; to the Committee on Banking and Currency.

By Mr. PIERCE: A bill (H. R. 11151) to amend section 401 of the act entitled "An act to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, and certain other acts relating to game and other wildlife, administered by the Department of Agriculture, and for other purposes", approved June 15, 1935; to the Committee on Agriculture.

By Mr. McMILLAN: A bill (H. R. 11152) to extend the retirement privilege to the Director, Assistant Directors, inspectors, and special agents of the Federal Bureau of Investigation; to the Committee on the Civil Service.

By Mr. KLOEB: Joint resolution (H. J. Res. 491) extending and amending the joint resolution (Public Res. No. 67, 74th Cong.) approved August 31, 1935; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON of Wisconsin: A bill (H. R. 11153) to correct the naval record of William Arthur Johannsenn (deceased); to the Committee on Naval Affairs.

By Mr. CREAL: A bill (H. R. 11154) granting an increase of pension to Mildred C. Sexton; to the Committee on Invalid Pensions.

By Mr. CROSBY: A bill (H. R. 11155) to authorize the Commissioners of the District of Columbia to reappoint George Kimmel in the police department of said District; to the Committee on the District of Columbia.

By Mr. DIETRICH: A bill (H. R. 11156) granting a pension to Clark M. James; to the Committee on Pensions.

By Mr. DIMOND: A bill (H. R. 11157) granting a pension to Frances H. Cochran; to the Committee on Pensions.

By Mr. EDMISTON: A bill (H. R. 11158) granting an increase of pension to Anzina L. Harper; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 11159) granting an increase of pension to Barbara Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11160) granting an increase of pension to Johanna E. Mouser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11161) granting an increase of pension to Susan C. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11162) granting an increase of pension to Lucinda Lauck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11163) granting an increase of pension to Cora L. Cole; to the Committee on Invalid Pensions.

By Mr. MILLARD: A bill (H. R. 11164) for the relief of Arthur Van Gestel, alias Arthur Goodsell; to the Committee on Military Affairs.

By Mr. THURSTON: A bill (H. R. 11165) for the relief of Gladys L. Dunn; to the Committee on Claims.

By Mr. WILCOX: A bill (H. R. 11166) granting a pension to Mary Hardy Milburn; to the Committee on Invalid Pensions.

By Mr. TAYLOR of South Carolina: Resolution (H. Res. 417) for the relief of Monnie Mae Brown and Dessie Mae Brown; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10088. By Mr. CRAWFORD: Petition of 60 residents of Shiawassee County, Mich., relative to printing of currency; to the Committee on Banking and Currency.

10089. Also, petition of 20 patrons of star route 37297, requesting legislation extending star-route contracts and for increased compensation thereon; to the Committee on the Post Office and Post Roads.

10090. By Mr. CUMMINGS: Petition of patrons of star route no. 65223, Kit Carson County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10091. Also, petition of patrons of star route no. 65196, Arapahoe County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10092. Also, petition of patrons of star route no. 65128, Larimer County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-

route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10093. Also, petition of patrons of star route no. 65122, Boulder County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10094. Also, petition of patrons of star route no. 65201, Jefferson County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10095. Also, petition of patrons of star route no. 65192, Arapahoe County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10096. By Mr. CULLEN: Petition of the Senate and Assembly of the State of New York, urging Congress to enact legislation for permanent flood-control works in some 16 counties of central and southern New York State which were on the 7th, 8th, and 9th of July 1935 devastated by disastrous floods resulting in loss of life and tremendous property damage; to the Committee on Interstate and Foreign Commerce.

10097. By Mr. ENGLEBRIGHT: Petition of Siskiyou County, Calif., endorsing the Townsend old-age revolving pension plan; to the Committee on Ways and Means.

10098. By Mr. JOHNSON of Texas: Petition of J. W. Norman Beauty Shop, Dawson; G. W. Hopson Beauty Shop, Mexia; and A. B. Hutson, route 2, Corsicana, all of the State of Texas, protesting against House bill 10124; to the Committee on Interstate and Foreign Commerce.

10099. Also, petition of Ralph W. Stell, of Corsicana, Tex., favoring House bill 8442; to the Committee on the Judiciary.

10100. By Mr. KENNEY: Petition of M. Louise Gross and other citizens of the State of New York, endorsing the national lottery bill, introduced by Representative KENNEY, of New Jersey; to the Committee on Ways and Means.

10101. Also, resolution presented by the Italian Civic Club of Cliffside and Fairview, Inc., of New Jersey, petitioning for an extension of the present neutrality legislation; to the Committee on Foreign Affairs.

10102. By Mr. KNIFFIN: Petition of Albert K. Altafee and others of Montpelier, Ohio, urging the immediate enactment of the Capper bill designed to prohibit the advertising of intoxicating beverages; to the Committee on Interstate and Foreign Commerce.

10103. Also, petition of Parent-Teacher's Association of Hicksville, Ohio, strongly endorsing the Guyer bill and favoring its immediate enactment; to the Committee on the District of Columbia.

10104. By Mr. LAMBERTSON: Petition of Merton Thistlethwaite and 33 other citizens of Tonganoxie, and Anna Russell and 62 other citizens of Oneida, State of Kansas, favoring passage of House bill 8739; to the Committee on the Judiciary.

10105. By Mr. LAMBETH: Petition signed by 81 patrons of star route no. 18176, from Gilreath to Wilkesboro, N. C., urging enactment of legislation at this session of Congress that will indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10106. By Mr. MOTT: Petition signed by 44 members of the Eugene Central Woman's Christian Temperance Union, Eugene, Oreg., urging the enactment of House bill 8739; to the Committee on the District of Columbia.

10107. By Mr. PLUMLEY: Resolution of the American Legion, Department of Vermont, in convention assembled, that it go on record as favoring the passage of House bill 5921; to the Committee on Immigration and Naturalization.

10108. Also, resolution of the Barre Branch of the Granite Cutters' International Association, Barre, Vt., opposing the bill now pending before Congress, introduced by Representative KRAMER, to make it a crime to advocate the overthrow of the Government by force and violence; to the Committee on the Judiciary.

10109. By the SPEAKER: Petition of various citizens of Camuy, P. R.; to the Committee on Insular Affairs.

SENATE

FRIDAY, FEBRUARY 14, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar days Wednesday, February 12, and Thursday, February 13, 1936, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Coolidge	Holt	Pittman
Ashurst	Copeland	Johnson	Pope
Bachman	Costigan	Keyes	Radcliffe
Bailey	Couzens	King	Reynolds
Barbour	Davis	La Follette	Robinson
Benson	Dickinson	Logan	Russell
Black	Dieterich	Lonergan	Schwellenbach
Bone	Donahey	Long	Sheppard
Borah	Duffy	McAdoo	Smith
Brown	Fletcher	McGill	Steiwer
Bulkley	Frazier	McKellar	Thomas, Okla.
Bulow	George	McNary	Thomas, Utah
Burke	Gerry	Maloney	Townsend
Byrd	Gibson	Moore	Trammell
Byrnes	Glass	Murphy	Truman
Capper	Gore	Murray	Tydings
Caraway	Guffey	Neely	Vandenberg
Carey	Hale	Norbeck	Wagner
Chavez	Harrison	Norris	Walsh
Clark	Hatch	O'Mahoney	Wheeler
Connally	Hayden	Overton	

Mr. MURRAY. I announce that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness; and that the Senator from Mississippi [Mr. BILBO] and the Senator from Nevada [Mr. MCCARRAN] are necessarily detained from the Senate.

I further announce that the Senator from Kentucky [Mr. BARKLEY], the Senator from Illinois [Mr. LEWIS], the senior Senator from Indiana [Mr. VAN NUYS], and the junior Senator from Indiana [Mr. MINTON] are detained on important public business.

I ask that this announcement may stand for the day.

Mr. MCNARY. I announce that the Senator from Vermont [Mr. AUSTIN], the Senator from Rhode Island [Mr. METCALF], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Delaware [Mr. HASTINGS], and the Senator from Maine [Mr. WHITE] are necessarily absent.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

SUSAN B. ANTHONY

Mr. WAGNER. Mr. President, I ask a few moments of the Senate's time to pay a birthday tribute to a great woman of America who lived the major portion of her life in the State of New York.

Abraham Lincoln and Susan B. Anthony were the two representative champions of freedom during the nineteenth century. One of them was born on February 12, 1809, to a poverty-stricken family in Kentucky. The other was born on February 15, 1820, to more comfortable circumstances in South Adams, Mass. One freed the colored man from physical slavery. The other liberated the white woman from a bondage that was both physical and spiritual.

Every schoolboy knows the life of Lincoln—knows by heart his early adversity, his homely wit, his majestic vision, his wisdom, his humanitarianism, his self-control, and his divine statesmanship. But why has Susan Anthony been a comparatively unheralded figure? Certainly the grace and maj-

esty of her stature deserve more than a casual tribute. It must be that her battle to secure fair treatment for women is not yet completely won. It must be that the unjust discrimination of the everyday world has crept into the tomes of history. But the record will be revised. Already the constantly intensifying appreciation of this unique woman indicates that the cause to which she devoted her life is gaining strength every day and that she is still recognized as its peerless leader.

Neither Lincoln nor Miss Anthony lived to see their work completed. While the war ended before the President's death, the kind of peace that he sought was long delayed. Likewise, Miss Anthony left the scene 14 years before the adoption of the nineteenth amendment. But though the full effect of their influence was postponed, it was none the less real. Our more perfect Union is due to the kindness and sagacity of Abraham Lincoln. The suffrage of women is due to the indomitable will of Susan B. Anthony.

During her entire career Miss Anthony swam against the tide of public sentiment, and was buffeted by every pride and prejudice. She was mocked at by men and scorned by the very women she desired to help. As she tramped through the bitter snow in her house-to-house campaigns, mothers whose very children were subject to paternal authority alone met her with the rebuke that they had "all they wanted." When almost 60 years of age Miss Anthony responded to an unexpected tribute with these sad words:

I am not accustomed to demonstrations of gratitude or of praise. I don't know how to behave tonight. Had you thrown stones at me, had you called me hard names, had you said I should not speak, had you declared that I had done women more harm than good and deserved to be burned at the stake, had you done anything or said anything against the cause I have tried to serve for the last 30 years, I should have known how to answer, but now I do not. I have been as a hewer of wood and a drawer of water to this movement. Whatever I have done was done because I wanted to see better conditions, better surroundings, better circumstances for women.

The problems of the nineteenth-century woman were created by the gradual disappearance of the frontier. In the days of the covered wagon the discrimination of the common law had had a merely theoretical significance. The pioneer wives who rode, farmed, and fought beside their husbands cared not a straw for their legal status. All were equal in fact during the hardships of a stirring advent in empire building.

But the growth of the industrial system brought these legal inequalities into the center of everyday life. The operation and expansion of the factory system, whether in the form of tangible wealth or jobs, became the characteristic of our economic society. When women became wage earners, a new and vital significance attached to the fact that married women had no right to the money they earned; that they could not dispose of property without their husbands' consent; that they could not enter business independently or entertain contractual obligations; that they had no voice in the decision of the question whether their children should work or play.

Of course, these disabilities, economic in their origin, received the apologies of professional chivalry. Women were deemed too refined to enter restaurants alone, to talk in public, or to sue for damage to their persons or reputation. They were to be protected from the free contacts of a college education. They were not to be contaminated by jury service or office holding. The genuine equalitarianism of the pioneer was giving way to the sickly chivalry of the superior toward the lowly.

Susan B. Anthony protested with every fiber of her pioneer stock against this corruption of our original traditions, and because she was a pioneer she knew no course but action. She did not write one of the satiric romances which cloistered lady novelists had produced to prove their intellectual virtues. She did not become a drawing-room wit. After the first 15 years of mature life she abandoned even the comparative obscurity of the classroom. She became an active and militant public worker in the interest of womankind.

To this task Miss Anthony brought superb qualifications—a physical stamina enabling her at 74 to speak in 60 counties during a single suffrage campaign; a stern personal integrity that caused her to labor 6 years paying off the debts of her liberal newspaper; a courage equally oblivious to physical danger and public disapprobation; a progressive ardor that age could not cool; a sense of responsibility that knew no ultimate authority but her conscience and her God.

While Susan B. Anthony had the pioneer soul, her mind was responsive to every development of the industrial era. In 1853, at the teachers' convention in Rochester, N. Y., she insisted upon being heard where no woman had been heard before. When she came to be heard it was to insist that women should receive equal pay for equal work. In addition to this, Miss Anthony constantly advocated the 8-hour day, and she started the development of women's trade-unions. No one realized better that women were entering the economic world, and that if they were not free there they could be free nowhere.

These deeds should not be obscured by Miss Anthony's better-known activities directed toward obtaining the vote for women. True it is that the quest for the suffrage brought her before every session of Congress from 1869 to 1906. But Miss Anthony gravitated instinctively toward the ballot just because she regarded that as the one sure means of protecting women's rights. With that avenue of expression barred she felt that all was lost; with that avenue opened she felt that all would be gained. Such was her faith in a democratic form of Government.

At the same time it is clear that Miss Anthony valued liberty not only as a means but also as an end. She regarded the opportunity to register sentiment upon public affairs as a good in itself, as an imperative necessity to preserve the dignity and maintain the development of the human race.

A large portion of the ideals for which Susan B. Anthony strove have become actualities. Women have gained the franchise. They have won golden spurs of distinction as authors, explorers, aviators, dramatists, lawyers, judges, professors, and college presidents. They are serving in the highest branches of our public service.

But Miss Anthony's program will not be entirely completed so long as women continue to wear the badge of inequitable treatment in industry. Too frequently, even today, are they forced to struggle for recognition which should be accorded as a matter of right. Women in many places remain subject to wage discriminations; and if they insist on equal wages for equal work, they are the last to receive jobs when prosperity quickens and the first to lose them when depression sets in. Complete economic justice must be added to the political and social emancipation which women now enjoy. Without it, the form is present, but the substance is lacking.

All but the most short-sighted perceive that this reform is essential to the welfare of every group. Men do not benefit when their wives or mothers are forced to work at depressed standards tending to drag everyone down to their own low level. Men do not benefit when democracy is applied on a 50-percent basis.

Susan B. Anthony realized all these things. She was not the champion of women alone. She spoke for all those who associate human development with human freedom. Her memory will be revered by all who believe that men and women have a common destiny on earth which can be fulfilled only on a basis of equality.

REPORT OF THE FEDERAL HOUSING ADMINISTRATION

The VICE PRESIDENT laid before the Senate a letter from the Administrator of the Federal Housing Administration, submitting, pursuant to law, the second annual report on the operations of the Administration under title I, II, and III of the Housing Act for the calendar year 1935, which, with the accompanying report, was referred to the Committee on Banking and Currency.

PETITIONS

The VICE PRESIDENT laid before the Senate resolutions of the Kansas City Bar Association and the Dauphin County (Pa.) Bar Association, favoring the enactment of House Joint Resolution 237, for the establishment of a trust fund to

be known as the Oliver Wendell Holmes Memorial Fund, which were referred to the Committee on the Library.

Mr. COPELAND presented a concurrent resolution of the Legislature of the State of New York, favoring the prompt enactment of legislation providing for permanent flood-control works in the 16 flooded counties of central and southern New York State (pursuant to a report and recommendations of the Chief of Engineers of the Army), which was referred to the Committee on Commerce.

(See resolution printed in full when laid before the Senate by the Vice President on the 13th instant, pp. 1948–1949, CONGRESSIONAL RECORD.)

REPORTS OF COMMITTEES

Mr. KING, from the Committee on Territories and Insular Affairs, to which was referred the bill (H. R. 9130) to authorize the incorporated city of Skagway, Alaska, to undertake certain municipal public works, and for such purpose to issue bonds in any sum not exceeding $12,000, and for other purposes, reported it with an amendment and submitted a report (No. 1563) thereon.

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which was referred the bill (S. 3113) to provide a government for American Samoa, reported it without amendment and submitted a report (No. 1564) thereon.

Mr. GORE, from the Committee on Interoceanic Canals, to which was recommitted the bill (S. 2288) to provide for the measurement of vessels using the Panama Canal, and for other purposes, reported it with an amendment and submitted a report (No. 1565) thereon.

Mr. BLACK, from the Committee on Military Affairs, to which was referred the bill (H. R. 5747) for the relief of Gordon McGee, reported it without amendment and submitted a report (No. 1566) thereon.

Mr. SCHWELLENBACH, from the Committee on Military Affairs, to which was referred the bill (H. R. 8966) for the relief of World War soldiers who were discharged from the Army because of minority or misrepresentation of age, reported it without amendment and submitted a report (No. 1567) thereon.

Mr. REYNOLDS, from the Committee on Military Affairs, to which was referred the bill (H. R. 4777) to provide for the advancement on the retired list of the Army of Vincent P. Rousseau, reported it without amendment and submitted a report (No. 1568) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 3860. A bill to amend section 2 of the act entitled "An act to amend the National Defense Act", approved May 28, 1928 (Rept. No. 1570);

S. 3872. A bill for the relief of the present leader of the Army Band (Rept. No. 1571);

H. R. 3565. A bill to authorize the Secretary of War to effect exchange of certain rights-of-way in Hawaii (Rept. No. 1572);

H. R. 4292. A bill to authorize the Secretary of War to grant rights-of-way to the Arlington & Fairfax Railway Co. across the Fort Myer Reservation, Va. (Rept. No. 1573); and

H. R. 8024. A bill to authorize the Secretary of War to dispose of material no longer needed by the Army (Rept. No. 1574).

DISPOSITION OF COTTON

Mr. SMITH. From the Committee on Agriculture and Forestry, I ask consent to report back, with amendments, the joint resolution (S. J. Res. 205) providing for the disposition of certain cotton held by the United States. In this connection I desire to state that at a later date I shall submit a written report to accompany the bill.

The VICE PRESIDENT. Without objection, the resolution will be placed on the calendar.

VACATIONS AND SICK LEAVE OF FEDERAL EMPLOYEES

Mr. McKELLAR. From the Committee on Civil Service, I ask unanimous consent to file supplemental reports, together with additional amendments, on House bills numbered 8458 and 8459, and also ask to have the bills reprinted showing the additional amendments.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. McKELLAR, from the Committee on Civil Service, reported additional amendments to the following bills and submitted supplemental reports thereon:

H. R. 8458. An act to provide for vacations to Government employees, and for other purposes (pt. 2 of Rept. No. 1251); and

H. R. 8459. An act to standardize sick leave and extend it to all civilian employees (pt. 2 of Rept. No. 1252).

COMPILATION OF LAWS ADMINISTERED BY VETERANS' ADMINISTRATION

Mr. HAYDEN. From the Committee on Printing, I report back favorably, with amendments, Senate Concurrent Resolution 27 (submitted by Mr. NORRIS on the 16th ultimo), and I submit a report (No. 1569) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate proceeded to consider the resolution.

The amendments were, on page 1, line 12, after the word "and", to strike out "eight" and insert "that ten"; and on page 2, line 2, after the word "than", to strike out "seven" and insert "nine."

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Administrator of Veterans' Affairs is requested to prepare and transmit to the Congress, in form suitable to be printed, a compilation of all Federal laws administered by the Veterans' Administration, which compilation shall contain (1) appropriate explanatory notes and annotations to each section of such compilation and (2) suitable headings, reference tables, and indices, for the purpose of making available, in convenient form, a clear and complete statement of the rights and privileges provided by such laws; and that this compilation shall be printed as a public document, and that 10,000 additional copies shall be printed for distribution and use by the Veterans' Administration, of which not less than 9,000 copies may be furnished, upon written application to the Administrator of Veterans' Affairs, one copy to each post of the Grand Army of the Republic, to each camp of Veterans of the Indian Wars, to each camp of the United Spanish War Veterans, to each post of the Veterans of Foreign Wars of the United States, to each post of the American Legion, to each chapter of the Disabled American Veterans of the World War, and to each chapter of the American Red Cross.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mrs. CARAWAY:

A bill (S. 4016) for the relief of Jack Chestnutt; to the Committee on Claims.

By Mr. TYDINGS:

A bill (S. 4017) for the relief of Marie Tower Stieff; to the Committee on Claims.

A bill (S. 4018) for the relief of Chaim (Hyman) Kaplan; to the Committee on Immigration.

By Mr. BAILEY:

A bill (S. 4019) for the relief of Catharine I. Klein; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 4020) to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station and to authorize the construction and installation of a naval air station thereon; to the Committee on Naval Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 4021) granting a pension to Hanora C. Fritz; to the Committee on Pensions.

By Mr. BARBOUR:

A bill (S. 4022) for the relief of the George A. Fuller Co.; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 4023) to provide for the continuation of trading in unlisted securities upon national securities exchanges; to the Committee on Banking and Currency.

By Mr. COPELAND (by request):

A bill (S. 4024) to amend section 2 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended (U. S. C., title 15, sec. 13), and for other purposes; to the Committee on the Judiciary.

By Mr. NORRIS:

A bill (S. 4025) to authorize a preliminary examination of the Republican River, with a view to the control of its floods; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 4026) to amend the National Defense Act of June 3, 1916, as amended; to the Committee on Military Affairs.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. BYRNES submitted an amendment proposing to appropriate $1,746,000,000 to carry out the provisions of the Adjusted Compensation Payment Act, 1936, Public, No. 425, Seventy-fourth Congress, except section 5 thereof, etc., intended to be proposed by him to House bill 9863, the independent offices appropriation bill, which was ordered to lie on the table and to be printed.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. KING submitted an amendment proposing to change the appropriation for geologic surveys in the various portions of the United States and chemical and physical researches relative thereto from $488,000 to $500,000, intended to be proposed by him to House bill 10630, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PARK AND RECREATIONAL FACILITIES—AMENDMENTS

Mr. FLETCHER submitted amendments intended to be proposed by him to the bill (H. R. 10104) to aid in providing the people of the United States with adequate facilities for park, parkway, and recreational-area purposes, and to provide for the transfer of certain lands chiefly valuable for such purposes to States and political subdivisions thereof, which were ordered to lie on the table and to be printed.

AGRICULTURAL RELIEF—AMENDMENT

Mr. HAYDEN submitted an amendment intended to be proposed by him to the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, which was ordered to lie on the table and to be printed.

MESSENGER FOR THE PRESS GALLERY

Mr. ROBINSON submitted the following resolution (S. Res. 236), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms and Doorkeeper of the Senate is hereby authorized to employ, until otherwise ordered by the Senate, an additional messenger for service to press correspondents, to be paid from the contingent fund of the Senate at the rate of $1,440 per annum.

THE HUMAN SIDE OF PRESIDENT LINCOLN

Mr. BARBOUR. Mr. President, I ask unanimous consent to have inserted in the RECORD a speech given by one of my Republican colleagues in the House, Representative D. LANE POWERS, of the Fourth District of New Jersey. Representative POWERS delivered this speech, entitled "The Human Side of President Lincoln", from radio station WTNJ, at Trenton, N. J., on Lincoln's Birthday. In my opinion, this is one of the finest speeches about our martyred President which I have ever heard or read. It is a real pleasure to me to have it inserted in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Friends of the radio audience, there comes a time in the lives of all of us when we have an especial opportunity to present to our friends a word picture of a really great man. Tonight I am to be given the honor of telling you, just briefly, about the human side of one of the greatest executives, one of the most remarkable statesmen, and at the same time one of the plainest commoners—Abraham Lincoln.

Many persons have spoken of the sagacity, the wisdom, the supreme intelligence of Abraham Lincoln. The superlatives they have used in describing his mental processes have been entirely justifiable. There is another side of President Lincoln, however, which is seldom mentioned but which is one of the facets of his most unusual character that appeals mostly to me.

It is the human side of our Civil War President.

You all know that Abraham Lincoln came from a poor and undistinguished family. But do you know just how poor and how undistinguished his family really was? Do you know that during his early life he was forced to struggle for the bare necessities? Let me give you, in his own words, the picture of this man who was destined from his mother's arms—for cradle he had none—to become one of the world's greatest statesmen.

In 1859 writing to someone who had asked him for some biographic particulars, Abraham Lincoln said: "I was born February 12, 1809, in Hardin County, Ky. My parents were both born in Virginia, of undistinguished families—second families perhaps I should say. My mother, who died in my tenth year, was of a family of the name of Hanks * * * my paternal grandfather, Abraham Lincoln, emigrated from Rockingham County, Va., to Kentucky about 1781 or 1782, where, a year a two later, he was killed by the Indians, not in battle, but by stealth, when he was laboring to open a farm in the forest.

"My father (Thomas Lincoln) at the death of his father was but six years of age. By the early death of his father, and the very narrow circumstances of his mother, he was, even in childhood, a wandering, laboring boy, and grew up literally without education. He never did more in the way of writing than bungling to write his own name. He removed from Kentucky to what is now Spencer County, Ind., in my eighth year. * * * It was a wild region, with many bears and other animals still in the woods. There were some schools, so-called, but no qualifications were ever required of a teacher beyond 'readin', writin', and cipherin' to the rule of three.' If a straggler supposed to understand Latin happened to sojourn in the neighborhood he was looked upon as a wizard. Of course, when I came of age I did not know much. Still, somehow, I could read, write and cipher to the rule of three. But that was all. The little advance I now have upon this store of education I have picked up from time to time under the pressure of necessity.

"I was raised to farm work * * * till I was 22. At 21 I came to Illinois, Macon County. Then I got to New Salem, * * * where I remained a year as sort of clerk in a store. Then came the Black Hawk war; and I was elected captain of a volunteer company, a success that gave me more pleasure than any I have had since. I went into the campaign—was elated—ran for the legislature the same year (1832), and was beaten—the only time I ever have been beaten by the people. The next and three succeeding biennial elections I was elected to the legislature. I was not a candidate afterward. During the legislative period I had studied law and removed to Springfield to practice it. In 1846 I was elected to the lower House of Congress. Was not a candidate for reelection. From 1849 to 1854, inclusive, practiced law more assiduously than ever before. Always a Whig in politics, and generally on the Whig electoral tickets, making active canvasses. I was losing interest in politics when the repeal of the Missouri Compromise aroused me again.

"If any personal description of me is thought desirable, it may be said that I am in height 6 feet 4 inches, nearly; lean in flesh, weighing an average 180 pounds; dark complexion, with coarse black hair and gray eyes. No other marks or brands recollected."

There is the whole story, told by himself, and brought down to the point where he became a figure of national importance.

Let's look at this man from another light. Let's look at him through the eyes of Col. A. K. McClure, of Pennsylvania, who in 1861 journeyed to Springfield, Ill., to meet and confer with the man he had done so much to elect, but whom he had not personally known. "I went directly from the depot to Lincoln's house," says Colonel McClure, "and rang the bell, which was answered by Lincoln himself opening the door. I doubt whether I wholly concealed my disappointment at meeting him. Tall, gaunt, ungainly, ill-clad, with a homeliness of manner that was unique in itself, I confess that my heart sank within me as I remembered that this was the man chosen by a great Nation to become its ruler in the gravest period of its history. I remember his dress as if it were but yesterday—snuff-colored and slouchy pantaloons; open black vest, held by a few brass buttons; straight or evening dress-coat, with tightly fitting sleeves to exaggerate his long, bony arms, all supplemented by an awkwardness that was uncommon among men of intelligence. Such was the picture I met in the person of Abraham Lincoln. We sat down in his plainly furnished parlor and were uninterrupted during the nearly 4 hours I remained with him, and, little by little, as his earnestness, sincerity, and candor were developed in conversation, I forgot all the grotesque qualities which so confounded me when I first greeted him. Before half an hour had passed I learned not only to respect but, indeed, to reverence the man."

That was Abraham Lincoln. A plain, sincere, human individual; a man whom his enemies were forced to respect; a man whom his friends revered.

While he was occupying his important place in our national history, President Lincoln, despite the cares which beset him, never lost the human touch that distinguished his earlier life. In fact, if anything, his knowledge of the Nation's problems served but to present to him in sharper contrast the problems of the individuals with whom he came in contact.

I always like one story which is told about Abraham Lincoln when he was a candidate for the first time for President. The early elections in October had indicated a great national swing to

the Republican Party. As the candidate of that party for President, Abraham Lincoln was assured of election on the strength of the October returns. He knew he was facing an arduous task. He knew the country was in great danger of secession by the Southern States. He could foresee the trials and tribulations with which the next 4 years might confront him. But in the midst of these great cares of state he could still take the time to personally answer a letter sent him by a little girl. You may not know, but during the early candidacy he was entirely clean shaven. A small girl by the name of Grace Bedell wrote him during the month before he was elected to suggest that he would be much better looking if he wore a beard. Here is what Candidate Lincoln took time enough from his national cares to write to Grace Bedell: "As to the whiskers, having never worn any, do you not think people would think it a piece of silly affectation if I were to begin it now?" Grace did not think so, and, acting on the suggestion of this small child whom he probably never knew and never saw, Abraham Lincoln grew the beard that was thereafter to hide his strong, firm, lean chin.

This was a human act. Can you imagine that many of our present-day men or women, no matter how important or unimportant they may be in the opinion of the world, taking the suggestion of a small child when that suggestion would change their entire appearance? Yet President Lincoln did because he was human enough and sensible enough and intelligent enough to recognize the truth of her argument.

After Abraham Lincoln became President of the United States he was faced by many problems. His enemies feared him. His supporters mistrusted him. His Cabinet many times plotted against him. In fact, at the beginning of his term of office there were few people who did not consider themselves much better equipped to control the destinies of this Nation than their chief was. His Secretary of State, a very intelligent and learned gentleman, had the temerity at one time to send the President some suggestions as to what he would do if he were the Chief Executive. President Lincoln's reply was gracious and friendly, but remarkably firm. He was the President, he was controlling the destiny of our country, he felt himself thoroughly equipped for the task, and he would follow his own course of action. When the Civil War started several European countries were waiting for an opportunity to take an active part on the side of the Confederacy. Many indignities were heaped upon this country by these foreign nations; in fact, at one time a Cabinet member suggested to President Lincoln a course of action which would insult five great European countries. To this suggestion, and with his characteristic shrewdness, President Lincoln replied, "One war at a time, one war at a time." His refusal to accept always the suggestions of his Cabinet led to many unpleasant incidents. Yet each time there came a clash of will the President always considered that the other man was just as sincere in his opinion as he was.

When a diplomatic letter was drafted by the Secretary of State to be sent to England on a very important and controversial subject, President Lincoln drafted a letter of his own on the same matter. Then at a meeting of the Cabinet he had both letters read. Even the Secretary of State himself had to admit that Abraham Lincoln's letter, although more brief and much more plain, still was the better of the two. "But, Mr. President," the Secretary stated, "I believe your thoughts could be couched in more diplomatic language." The President replied, "Mr. Secretary, do you think the English Cabinet could understand what I want to say in this letter?" The Secretary admitted they would. The President said, "Do you think the English Parliament would understand it?" The answer was again affirmative. "Do you think," the President asked, "the average English citizen, the English workingman, would understand what I mean?" The answer was again "Yes, Mr. President." "Then," said President Lincoln, "we'll let her ride as she is." At another time a tale bearer brought to President Lincoln the report that the Secretary of War had not only refused to carry out an order of his but had called him a fool in the bargain. President Lincoln asked, "Did Stanton say that I was a fool?" "Yes," replied his friend, "he said you were a blank, blank fool." Lincoln looked first good-humoredly at his friend and then furtively, out of the window in the direction of the War Department, and carelessly observed: "If Stanton said that I was a blank fool, it must be true, for he is nearly always right and generally says what he means. I will just step over and see Stanton."

You may be readily assured by the time that interview was over, Secretary of War Stanton had greatly revised his opinion of the President, and had consented to carry out the order.

Although many newspapers at the time commented unkindly upon his actions just prior to the Civil War, President Lincoln did everything in his power to avert that civil strife. The Vice President of the Southern Confederacy was a personal friend of his. Under date of February 2, 1848, and from the hall of the House of Representatives at Washington, while he was serving as a Member of Congress, I find this short note to his law partner at Springfield: "Dear William: I take up my pen to tell you that Mr. Stephens, of Georgia, a little, slim, pale-faced, consumptive man, with a voice like Logan's (that was Stephen T., not John A.) has just concluded the very best speech of an hour's length, I ever heard. My old, withered, dry eyes (he was then not quite 37 years of age) are full of tears yet." From that time forward he never ceased to love Stephens, of Georgia.

After that famous Hampton Roads conference, when the Confederate Commissioners, Stephens, Campbell, and Hunter, had traversed the field of official routine with Mr. Lincoln, the President, and Mr. Seward, the Secretary of State, Lincoln, the friend, still the old Whig colleague, though one was now President of the United States and the other Vice President of the Southern Confederacy, took the "slim, pale-faced, consumptive man" aside, and pointing to a sheet of paper he held in his hand, said: "Stephens, let me write 'Union' at the top of that page, and you may write below it whatever else you please."

This was a human viewpoint. The President foresaw that a nation divided against itself cannot stand, but he feared to enter upon civil war from which both the victor and vanquished would suffer irreparable loss. Throughout that entire trying period the President was guided, not by dreams of conquest, but by his understanding of the terrific costs of that war in human lives, and human sacrifice.

Amid the excitement attendant upon his reelection to the Presidency Abraham Lincoln found time to write the following letter to Mrs. Bixbey, of Boston, a poor widow, who had lost five sons killed in battle.

"MY DEAR MADAM: I have been shown in the files of the War Department a statement of the adjutant general of Massachusetts that you are the mother of five sons who have died gloriously on the field of battle. I feel how weak and fruitless must be any words of mine which should attempt to beguile you from a loss so overwhelming. But I cannot refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

"Yours very sincerely and respectfully,

"A. LINCOLN."

A characteristic story is told by John B. Ally, of Boston, who, going to the White House 3 days in succession, found each day in the outer halls a gray-haired old man, silently weeping. The third day, touched by this not uncommon spectacle, he went up to the old man and ascertained that he had a son under sentence of death and was trying to reach the President.

"Come along", said Ally, "I'll take you to the President."

Mr. Lincoln listened to the old man's pitiful story, and sadly replied that he had just received a telegram from the general in command, imploring him not to interfere. The old man cast one last heart-broken look at the President, and started shuffling toward the door. Before he reached it, Mr. Lincoln called him back. "Come back, old man", he said. "Come back; the generals may telegraph and telegraph, but I am going to pardon that young man."

Thereupon he sent a dispatch directing sentence to be suspended until execution should be ordered by himself. Then the old man burst out crying again, exclaiming, "Mr. President, that is not a pardon; you only hold up the sentence of my boy until you can order him to be shot!"

Lincoln turned quickly and, half smiles, half tears, said: "Go along, old man, go along in peace; if your son lives until I order him to be shot, he'll grow to be as old as Methuselah!"

Any student of Abraham Lincoln's life can see that the human element was the primary factor in all his actions. Let us look at him from the human point of view in the story of his life. I see a little heart-broken boy, weeping by the outstretched form of a dead mother, then bravely, nobly trudging a hundred miles to obtain her Christian burial. I see this motherless lad growing to manhood amid the scenes that seem to lead to nothing but abasement; no teachers; no books; no chart except his own untutored mind; no compass except his own undisciplined will; no light, save the light from heaven; yet, like the caravel of Columbus, struggling on and on through the trough of the sea, always toward the destined land. I see the full-grown man, stalwart and brave, an athlete in activity of movement and strength of limb, yet vexed by weird dreams and visions of life, of love, of religion, sometimes verging on despair. I see the mind, grown as robust as the body, throw off these phantoms of the imagination and give itself wholly to the workaday uses of the world; the rearing of children; the earning of bread; the multiplied duties of life. I see the party leader, self-confident in conscious rectitude; original, because it was not his nature to follow; potent, because he was fearless, pursuing his convictions with earnest zeal, and urging them upon his fellows with the resources of an oratory which was hardly more impressive than it was many-sided. I see him, the preferred among his fellows, ascend the eminence reserved for him, and him alone, of all the statesmen of the time, amid the derision of opponents and the distrust of supporters, yet unawed and unmoved, because thoroughly equipped to meet the emergency. The same being, from first to last; the poor child weeping over a dead mother; the great chief sobbing amid the cruel horrors of war; flinching not from duty nor changing his lifelong ways of dealing with the stern realities which pressed upon him and hurried him onward. And, last scene of all, that ends this strange, eventful history, I see him lying dead there in the Capitol of the Nation, to which he had rendered "the last full measure of his devotion."

To all of us in this present-day life come many and important lessons from the life of Abraham Lincoln. We should all remember at all times, as Lincoln did, to strive fearlessly and courageously for the benefit of humanity. Let us tonight realize anew the necessity for tolerance, for friendship, for courage, for service to our fellow men in our everyday existence. Let us by our example, by our adherence to the precepts laid down by President Lincoln, strive more fiercely and with greater determination for the further progress of the American people and for

the achievement of a greater and more glorious destiny for the American Nation.

With all of the conveniences Abraham Lincoln lacked, with all of the facilities which Abraham Lincoln never had, with all of the great possibilities of which Abraham Lincoln dreamed, let us tonight fervently and solemnly and religiously consecrate our lives anew to the "proposition that all men are created equal, that this Nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth."

THE STOPGAP PLAN—EDITORIAL FROM THE NEW YORK TIMES

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the New York Times of February 8, 1936, headed "The Stopgap Plan."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times of Feb. 8, 1936]

THE "STOPGAP" PLAN

Snow falling on Capitol Hill yesterday forced the Senate to interrupt its debate on the new farm bill just as one Member was confessing that while he intended to vote for it he had grave doubts of its constitutionality. Most of these doubts attach to the so-called "stopgap" feature of the bill, designed to cover the period between now and January 1, 1938, when a State-aid farm plan would be put in operation. During this interval the Federal Government would pay bounties to farmers as a reward for their efforts to prevent soil erosion. But Senator MCNARY thinks, and a number of his colleagues agree with him, that the prevention of soil erosion would be merely incidental to the continued control of crop production. This makes the new plan, in his opinion, essentially "the same old thing (as A. A. A.) with a little different dress, but one which is not quite as becoming as the old one." He has tried to look at the measure with a kindly eye, but he "cannot believe that we have here a measure which will stand the test of the Supreme Court."

The declared purpose of the "stopgap" plan is to take care of a present emergency; the theory being that unless legislation of some kind is enacted at top speed the structure of farm prices will collapse. But experience since A. A. A. was declared to be unconstitutional casts increasing doubt upon this theory. Farm prices, as measured by the trustworthy index of the Bureau of Labor Statistics, stood at 79.3 on January 4, having advanced to this point after a gradual rise during the latter part of December. On January 6 came the A. A. A. decision. On January 11 the Bureau of Labor Statistics noted that farm prices had declined—doubtless primarily in consequence of the Court's decision—but only from 79.3 to 78.3. One week later the index was down fractionally to 78.1. It remained at that point during the week ended January 25. But in the week ended February 1 (the latest for which a figure is available) it advanced to 79.5—thereby more than recovering the small loss recorded at the time of the Court's decision.

This experience suggests that the present structure of farm prices rests on improved demand and on the reduction of surplus stocks of most farm products, and that the situation cannot be called critical at least until new surpluses begin to accumulate. A new farm program must doubtless be devised. But there is no crying need to rush hurriedly into "stopgap" legislation.

ENDORSEMENT BY MISSISSIPPI VALLEY ASSOCIATION OF MERCHANT-MARINE BILL

Mr. COPELAND. Mr. President, I ask leave to have printed in the RECORD a statement by Lachlan Macleay, executive vice president of the Mississippi Valley Association, endorsing in principle the merchant marine bill, S. 3500.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Mississippi Valley Association has approved in principle the merchant marine bill introduced in the United States Senate by Senator ROYAL S. COPELAND, of New York, and will urge its enactment at the present session of Congress, Lachlan Macleay, executive vice president, announced today.

"The immediate replacement of obsolete and inefficient merchant vessels with new tonnage which will enable American-made products to compete in the markets of the world is an absolute necessity", Macleay's announcement declared. "The Valley Association", he said, "went on record at its last annual convention as favoring 'an adequate merchant marine flying the United States flag under private enterprise and enjoying adequate Government aid under contracts which will enable the operators to expand and develop their enterprises.'" The association believes the Copeland bill is substantially in harmony with this resolution.

"Lack of a definite replacement program both before and during the depression, has confronted the country with the necessity of rebuilding approximately three-fourths of our seagoing equipment, if it is to continue to meet foreign competition", Macleay's statement continued. "Up to the present time this competition has been successfully met by American lines. In fact, they have greatly strengthened their position on a number of trade routes in the last few years.

"However, ocean traffic experts point out only 11 percent of our seagoing merchant fleet, excluding tankers, is now less than 10 years old, and by 1942 approximately 90 percent will be 20 years old. The significance of this situation may be judged by comparison of our merchant marine with Great Britain's mercantile building program. On July 1, 1935, England had under construction 529,146 gross tons of new ships of 2,000 tons or over, while the United States was building 9,511 tons, and was outranked by every great maritime nation of the world. Japan, which now has approximately the same serviceable fleet engaged in international trade as the United States, was building approximately 12 tons to our 1.

"The Copeland bill, in enunciating a national merchant-marine policy, declares: 'It is necessary for the national defense and the development of its foreign and domestic commerce that the United States shall have a merchant marine sufficient to carry its domestic water-borne commerce and at least one-half of the water-borne export and import foreign commerce of the United States * * * capable of serving as a naval and military auxiliary in time of war or national emergency.'

"The bill provides for a maritime authority composed of three members to be appointed by the President. The authority would have general administrative powers and the powers at present vested in the United States Shipping Board, the Merchant Fleet Corporation, the Department of Commerce, and the Post Office Department.

"The authority is given power to cooperate with vessel owners and shipbuilders in developing plans for the economical construction of ships, and to provide for the construction of new ships as it becomes necessary to replace obsolete vessels, establish new or better service, or meet foreign competition. The bill recognizes the Government's obligations under mail contracts lawfully entered into prior to the enactment of new subsidy legislation. It requires, however, the settlement or cancelation of all ocean-mail contracts granted under the Merchant Marine Act, 1928, within 1 year after the appointment of the authority, upon such terms and conditions as the authority may deem fair and equitable.

"The bill provides for construction differential subsidies to cover the ascertained difference in the cost of constructing American vessels and of principal foreign vessels competing in the same trade. After the authority shall have approved the application for a construction differential subsidy to aid in the construction or reconditioning of a vessel, the qualifications of the applicant and the necessity for such vessel under the terms of the act, and, after approval of plans by the Navy Department, the authority may contract with the shipbuilder for the construction of a vessel and for the payment of its cost.

"Concurrently with entering into such contract the authority is authorized to enter into a contract with the proposed operator for its purchase by him upon completion at a price corresponding with the total cost of the vessel less the construction differential subsidy.

"In the contract between the authority and the operator, the operator shall be required to pay 25 percent of his purchase price of the vessel as the construction progresses. The balance of the purchase price shall be paid annually over a period of 20 years.

"The construction differential payment shall not exceed 33⅓ percent of the total cost of the vessel, or 40 percent in exceptional cases. Loans for a period not to exceed 15 years are made available for reconditioning vessels. In all cases the Government's advances are made secure by a lien on the operators' equity in the ships.

"Operating differential subsidies will be paid American operators to off-set government aid or subsidies paid to foreign competitors by their governments. These subsidies will be subject to readjustment at the instance of the authority or the owner.

"The bill provides that shipbuilders shall be limited to profits of 10 percent on any vessel given construction aid by the Government. Shipowners before the payment of dividends or the distribution of profits must set aside from earnings a reserve fund to provide for the payment of any mortgage debt and the replacement of vessels and a reasonable operating reserve fund; the amount of these reserve funds shall be prescribed by the authority which also must approve their use. The bill provides for the payment of an additional operating subsidy if in the case of any particular foreign-trade route the authority finds what might be termed a 'normal subsidy' inadequate properly to accomplish the purpose of the law. There are adequate safeguards provided to prevent abuse under this provision of the bill. There is also provision for limiting the profits of an operator receiving this additional subsidy to 6 percent per annum and for recapture by the Government of 75 percent of any cumulative profits in excess of the reserve funds and the allowable 6 percent per annum profit.

"Salaries to be paid officers of shipbuilding firms to be used in computing costs are limited. Under certain conditions the authority may supervise the number and compensation of officers and employees of the operator. Subsidies for both construction and operation may be granted for a period of 20 years, thus insuring a term of service, which for the first time will provide an assured continuity sufficient to warrant the operator in investing his capital in new tonnage.

"All vessels must be constructed under plans approved by the Secretary of the Navy with particular reference to economical conversion into auxiliary naval vessels. All construction material and operating supplies must be purchased within the United States, with certain emergency exceptions.

"Any citizen who possesses the ability, experience, financial resources, and other qualifications to enable him to maintain services approved as essential to the development of our foreign trade, may apply to the authority for aid in either building or operating ships, or both."

WAYNE—AND THE NORTHWEST EMPIRE—ADDRESS BY THAD. H. BROWN

Mr. BULKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD an address by Thad H. Brown, a member of the Federal Communications Commission, delivered at Greenville, Ohio, on February 11, in support of the erection of a suitable memorial to commemorate the signing of the Treaty of Greenville in 1795.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Tonight we commemorate one of the most outstanding historical events to be found in all the glowing pages of American history. This date is the one hundred and forty-first anniversary of the signing of the armistice with the Confederated Indian Tribes of the Northwest Territory by Gen. Anthony Wayne, which later resulted in the formal signing of the treaty at Greenville on August 3, 1795.

It was on February 11, 1795, that the great chiefs and mighty warriors, who were in quest of peace, entered into the preliminary compact which is one of the most glorious in our national history. That compact was signed at Fort Greenville, once the site of a Shawnee Indian village, where Tecumseh lived, which was located on the very ground from which I speak to you tonight.

That momentous occasion was a sacred one in the annals of American history. It was accomplished only after heroic sacrifices, only after deadly battles as bloody as any which were waged by the colonial armies in wresting independence from England.

George Washington, the father of our country, counted this victory over the Indians one of the greatest triumphs of his career. He it was who, from the days when he first roamed this wilderness as a youthful surveyor, urged the importance of annexing the land beyond the mountains to the original 13 Colonies. He it was who sent General Harmer to subdue hostile Indian tribes in this vast wilderness, only to have him meet with utter defeat. He it was who then sent General St. Clair into the same savage country with well-trained American troops, to drive these barbarians from the land ceded by England to the Colonies under the treaty of Paris in 1783 and who saw St. Clair suffer appalling losses and meet again with failure. Indeed, it was Washington himself who then selected General "Mad Anthony" Wayne, hero of Stony Point, seasoned Revolutionary War general, close friend and military adviser, and sent him out into the same hostile territory to end Indian ravages once and for all.

General Wayne administered a crushing defeat to the confederated tribes in a pitched battle at Fallen Timbers on August 20, 1794. But even after this defeat peace was not to come at once. The American Army destroyed Indian villages, their crops, and supplies, so that late in January, when the Indians rode down over the frozen ground and appeared with the white flag of truce before Fort Greenville, they had gone through months of meager existence, without food for themselves or forage for their horses. They were gaunt, half starved, thoroughly humbled—defeated—and resigned to treating for peace at last with the great white captain. The Wyandots came first with the flag of truce. Then followed the Miamis, the Delawares, the Shawnees, the Chippewas, Ottawas, Sacs, and Pottawatomies. The Americans were gravely watchful as the long, slow procession of chieftains filed into the fort.

General Wayne adjusted his hat with a gay cockade when he learned of their arrival at the fort and ordered the Indians to be brought before him. Young William Henry Harrison, later President of the United States, was there with them. Wayne talked to them here in the shifting light of their tribal fires. He spoke with a pitying sternness. If the Indians were ready for peace, so was he; but if they had any further thought of war, he swore to take up arms again and wipe their tribes from the face of the earth. These Indians sat long before their fires discussing the plans for peace.

Then, on the 11th day of February 1795, the preliminary treaty was signed here on this very ground under Wayne's watchful eye—and the great gathering of the tribes, when the formal treaty would be ratified, was set for midsummer of that year.

Meanwhile they exchanged prisoners and traded precious possessions for food and clothing. When it was seen how peaceful the Indians had become, Wayne's men began to accept them as friends. They hunted and chummed with them, and they attempted to teach one another their own languages.

The Indian delegations began to gather at Greenville as early as June. All through July they came, and finally a full delegation was present from every hostile tribe, the whole numbering 1,130.

The Greenville Treaty was formally signed on August 3, 1795. There was great rejoicing "while splendid feasts conveyed friendship when words could not. The wilderness fairly sang." The Indians danced, flinging their arms and bodies before the shifting light of fires, chanting hymns of praise and joy.

The Indians surrendered to the Americans all the land north of the Ohio to the Great Lakes and east of the Mississippi, including the important territory around Fort Wayne, Fort Defiance, Detroit, and other French towns, and the 150,000 acres near the Falls of the Ohio, which is now Louisville, Ky. The great Northwest Territory was at last open to peaceful settlement; the British withdrew from Detroit and other strongholds, thus making completely effective the Treaty of Paris of 1783; our flag became truly that of the victorious United States, the continental empire and the birth of the Republic was actually achieved. Had Wayne failed, the Ohio River, instead of the Pacific Ocean, might now be the western boundary of the United States.

The Treaty of Greenville opened the floodgates for the onrush of the mighty tide of Americans who crossed the eastern mountains, subdued the endless forests, and pushed the frontier to the Mississippi. The early settler swung his echoing ax in the sea-like solitude of this vast empire. The American pioneer of that day, dauntless, plodding, modest, daring, venturing, conquering as he went the unknown way, was the key figure of the day. Those were pioneer souls, indeed, who blazed their paths where highways never ran. Truly were the lines written:

"Their fame shrinks not to names and dates
On votive stone, the prey of time;
Behold where monumental States
Immortalize their lives sublime."

A hardy population settled in the fertile valleys and gained a foothold which has never been relinquished, so that today millions of industrious people enjoy the blessings of civilized life where but a few short years ago untutored barbarians roamed. Some of the most productive and influential States of the Union have been carved from this virgin territory, including Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota. With their great cities—Chicago, Detroit, Cincinnati, Indianapolis, Columbus, Cleveland, Milwaukee, St. Paul, Minneapolis—these great States "nestle, as bright gems, in the lap of the Republic." Dozens of other prosperous, thriving, happy communities and thousands on thousands of acres of rolling, fertile farms are spread throughout this great Northwest Territory.

Through the history of this vast Middle West its first explorers and missionaries—Joliet, Marquette, De LaSalle—all have contributed to the upbuilding of this great Nation. Today, proudly we boast of our universities that have grown to greatness here—Notre Dame, Detroit, Xavier, Loyola, Northwestern, Western Reserve, Purdue, to mention only a few—our great State universities and other institutions of higher learning and secondary schools and academies.

High history was written here at Greenville. It is indeed an historic site, one which is inseparably linked with three of the greatest generals of the Revolutionary War—George Washington, Nathaniel Greene, and Anthony Wayne. It is one which should be distinguished by the American Nation.

The marking of historical sites is a custom handed down from ancient times. The world has many great memorials—the Pyramids of Egypt, the Taj Mahal of India, the Parthenon and other pagan temples of Greece and Rome, the Chinese and Buddhist temples, the Alhambra of Spain, the Gothic cathedrals of France, and England's memorial to Nelson at Trafalgar and its Westminster Abbey. In our own Nation we have the Washington Monument, the Tomb of the Unknown Soldier, and the memorial to that great American, Abraham Lincoln, whose birthday we commemorate tomorrow. Close at hand here we have the George Rogers Clark Memorial at Vincennes, Ind., and, strangely enough, a monument at Fort Recovery to commemorate St. Clair's defeat by the Indians in 1791. Yet Greenville, the scene of triumph for Washington's statesmanship and the proud culmination of the first President's career, which has meant so very much to the United States, has been utterly neglected. We have commemorated defeat—now let us celebrate victory. Here is as hallowed a spot as Plymouth Rock or Concord or Valley Forge. Yet the site of the signing of the Treaty of Greenville remains unmarked.

As has been splendidly expressed, "Let us raise suitable memorials to all these servants of the State at the places of their most noted labors that the fire of patriotism be not allowed to go out of the hearts of the coming generation." Speaking at the Greenville centennial celebration on August 3, 1895, the late President McKinley said: "This day thrills with historic interest. It is filled with stirring memories and recalls the struggles of the past for peace and the majesties of constitutional government. This great historical shrine should be properly and fittingly marked for the future generations." The late President Theodore Roosevelt, in his speech at Greenville in 1912, said: "A national memorial should mark and commemorate this historical site for posterity." Dr. George W. Rightmire, president of Ohio State University, has fittingly said: "This memorial will keep forever green in the memory of the people Wayne's achievement with his army in putting an end to the Indian hostility in the Northwest Territory and in formulating the treaty which forever opened and secured this territory for white settlement free from Indian warfare and French and British intrigue."

Two bills have been introduced in Congress to secure an appropriation for the erection of a suitable memorial here at Greenville: one in the House of Representatives by Congressman FRANK L. KLOEB, of the Fourth Ohio district, on August 19, 1935, and another in the Senate by Senator ROBERT J. BULKLEY on January 17, 1936. Under the auspices of the Greenville Treaty Memorial Association, much has been accomplished. Extensive plans have been made to house the precious relics and Indian and Revolutionary War collections now insufficiently cared for. Greenville, site of the signing of this famous treaty, famous, by the way, as the home of Annie Oakley and Commander Zachary Lansdowne of Shenandoah fame, is the logical place for this great memorial. Ohio, too, which is rich in historic lore, with its statesmen, its warriors, and its pioneers who have been many and forceful, and her sister States of the Northwest Territory are appropriately entitled to this additional honor.

The effort to secure this legislation should have the active and vigorous support of every American who appreciates, as Washington did, the real Anthony Wayne and who loves our land for what she is and what she is to be. We honor here, too, "Mad Anthony" Wayne, beloved patriot and the beau ideal of American youth, who has all too few memorials in an empire which he helped to create.

February 11, 1795, was an historic date indeed, and this February 11, 1936, will be historic and memorable, too, if it marks the fruition of our plans for a suitable Greenville treaty memorial. I ask tonight for the hearty support of all true Americans in all walks of life, so that the dreams we have cherished may be finally achieved. This memorial plan is more than worthy—it is historically imperative. Let us—yes, help us—build here at Greenville a national shrine at which all America may worship.

NEUTRALITY AND WAR PROBLEMS

Mr. BONE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the magazine Today, of the issue of January 4, 1936, dealing with neutrality, and an article from the pen of Prof. Charles A. Beard, eminent historian, dealing with war problems, which appeared in the Washington Daily News of February 6, 1936. I should like to have them printed together.

There being no objection, the editorial and the article were ordered to be printed in the RECORD, as follows:

[From Today of Jan. 4, 1936]

THE FARMERS ARE NEUTRAL

The Capper publications are polling their readers on questions of war and peace. The Capper publications are read by some millions of farmers and their families in the Middle West—Kansas, Missouri, Nebraska, Iowa, Oklahoma, Illinois. What these men and women feel is doubtless echoed in the hearts of many millions of farmers elsewhere. Here are the questions asked of them, and the results of the poll to date:

	Yes	No
1. Should the United States keep out of all foreign wars?	72,784	768
2. Do you favor giving the people a vote on the question before going to war?	70,212	2,080
3. Do you favor taking the profit out of war by drafting industry and wealth as well as men in case of war?	71,789	1,940
4. Do you favor world disarmament?	65,536	6,352
5. Do you favor the manufacture of munitions at Government plants instead of at private plants?	65,483	7,127
6. Do you favor the United States or any of its citizens or institutions lending money to foreign nations to be used for war purposes?	1,673	71,572
7 Do you favor the people of the United States selling supplies to warring nations?	2,682	70,188
8. Do you favor compulsory military training in colleges?	10,059	62,501

I agree with the comment of Capper's Weekly that these results show a unanimity of opinion far beyond what any of us would have expected. The figures also reflect a depth of feeling, a passionate desire to keep out of war, any and all wars, which those who are guiding the foreign affairs of the Nation would do well to notice and obey.

The vote on questions 6 and 7 is particularly impressive. Farmers might expect to benefit handsomely from foreign war trade. These farmers vote 30 to 1 to put their principles and their desire for peace ahead of their pocketbooks.

These people want neutrality; they know the price of it, and they are willing to pay that price.

RAYMOND MOLEY.

[From the Washington Daily News of Thursday, Feb. 6, 1936]

DR. BEARD WARNS UNITED STATES AGAINST SEEKING TO PROFIT BY ANY WAR

By Charles A. Beard

When the World War broke out in 1914, American industry and agriculture were suffering from a recession. There were surpluses of commodities seeking outlets and potentials of production lying idle, awaiting the stimulus of demand.

After the first confusions of the war outburst passed, the Allies began to buy munitions, implements of war, other manufactures, and agricultural produce in the United States. These goods had to be paid for and the processes of exchange facilitated.

Bankers accustomed to doing international business entered the operations. They accepted shipments of gold tendered in payment for American goods. They aided in the transfer and sale of foreign-owned American and Canadian securities for the purpose of raising cash to discharge the obligations created by the allied governments in the purchase of goods. They arranged to provide temporary credits of one kind or another pending final payment in some form.

STRAINED THEIR CREDIT

In providing these services the bankers facilitated the purchase of American goods by the Allies and made possible additional purchases in increasing amounts. In this way thousands of industrialists and farmers found profitable outlets for goods which otherwise would not have been sold. An enormous stimulus was given to business and agriculture, followed by the expansion of productive activities.

By the summer of 1915 the Allied Governments had put a heavy strain on their buying powers. They either could not or would not meet that strain by sending over more gold or more American, Canadian, and other foreign securities for liquidation in payment of mounting bills.

At that juncture American bankers presented to the officers of the United States Government, especially the Secretaries of the Treasury and State, a proposition in the nature of an ultimatum. Unless the Government relaxes its ban on loans and permits American citizens to pay for allied supplies by advancing money and taking bonds, a grave crisis will arise in the American economic system. Allied buying will slow down and a depression in business and agriculture will set in.

Like all governments threatened by a domestic crisis, the Government of the United States sought an escape by yielding.

So one loan after another was floated in the United States for the Allies. American citizens put up the money to pay American industrialists and farmers for the goods bought by the Allies.

By the opening of 1917 the Allies had strained even this form of credit. Unlimited borrowing was out of the question. The war fortunes of the Allies were at a low ebb. In March 1917 the Czarist regime collapsed in Russia, making the future still blacker.

In short, the Allies were nearing the end of their financial resources for buying in America. They were in danger of defeat besides.

So the Government of the United States confronted another crisis—one more serious than that presented in 1915. The American economic plant, greatly expanded since 1915, was threatened by a sharp curtailment of orders and profits. That alone promised a ruinous crash, such as no government ever regarded with equanimity. In addition, the Allies, who had already borrowed up to the hilt, were in peril of defeat, adding the prospect of default on their bonds to the curtailment of American production and profits. In view of these stubborn facts the Government of the United States faced the possibility of a general economic smash early in 1917.

We were confronting the alternatives of a domestic crash and a foreign war when we entered the war.

According to the estimates of J. P. Morgan & Co., American producers sold to the Allies prior to April 1, 1917, goods to the amount of $7,000,000,000.

According to the estimates of President Coolidge, participation in the World War, including past and future payments, cost the United States at least $100,000,000,000, to say nothing of deaths and wounds.

Did the sales, credits, and loans to the Allies "pay" the people of the United States, in the long run? Would it not have been better, from an economic standpoint, for the Government of the United States to have accepted in 1915 and again in 1917 the difficulties of an economic crash and sought a solution at home?

The outbreak of another war in Europe will bring about conditions similar to those prevailing in 1914–17, if bankers, industrialists, and farmers insist upon "making a profit", and the Government of the United States pursues the same policy.

The issue is: Shall the Government of the United States maintain or change its historic policy of neutrality?

AMERICAN FOREIGN POLICY

Mr. POPE. Mr. President, I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD some excerpts from the speeches of eminent American statesmen and from platforms of major political parties on American foreign policy.

These excerpts are entitled "Sound Republican Doctrine", and "Sound Democratic Doctrine." It would be of value to the Members of Congress and the delegates to the coming national party conventions and to the American people to read again these declarations of policy.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SOUND DEMOCRAT DOCTRINE

[From the speech of Gov. James M. Cox, at Dayton, Ohio, Aug. 7, 1920, when candidate for the Presidency]

Organized government has a definite duty all over the world. The house of civilization is to be put in order. The supreme issue of the century is before us and the nation that halts and delays is playing with fire. The finest impulses of humanity, rising above national lines, merely seek to make another horrible war impossible.

[From the speech of John W. Davis, at Clarksburg, W. Va., Aug. 11, 1924, when candidate for the Presidency]

We favor the World Court in sincerity. * * * We wish to see America as a nation play her part in that reconstruction of the economic life of Europe, which has proven itself so indispensable to our well-being and prosperity.

[From the Democrat national platform of 1928]

This great Nation cannot afford to play a minor role in world politics. It must have a sound and positive foreign policy, not a

negative one. We declare for a constructive foreign policy based on these principles:

(a) Outlawry of war and an abhorrence of militarism, conquest, and imperialism.

* * * * * * *

(e) Rescue of our country from its present impaired world standing, and restoration to its former position as a leader in the movement for international arbitration, conciliation, conference, and limitation of armaments by international agreement.

[From the speech of Gov. Alfred E. Smith, at Albany, N. Y., Aug. 22, 1928, when candidate for the Presidency]

I believe the American people desire to assume their full share of the responsibility for the administration of a world of which they are a part, without political alliance with any foreign nation. * * * I pledge myself to a resumption of a real endeavor to make the outlawry of war effective by removing its causes, and to substitute the methods of conciliation, arbitration, and judicial determination.

[From the Democrat national platform of 1932]

We advocate a firm foreign policy, including peace with all the world, and the settlement of international dispute by arbitration; * * * adherence to the World Court with appending reservations; the Pact of Paris abolishing war as an instrument of national policy, to be made effective by provisions for consultation and conference in case of threatened violations of treaties.

[From the speech of Gov. Franklin D. Roosevelt, at Topeka, Kans., Sept. 14, 1932]

The Democratic tariff policy consists, in large measure, of negotiating agreements with individual countries, permitting them to sell goods to us, in return for which they will let us sell to them goods and crops which we produce. The effective application of that principle will restore the flow of international trade; and the first result of that flow will be to assist substantially the American farmer in disposing of his surplus.

[From the speech of Gov. Franklin D. Roosevelt at Sioux City, Iowa, Sept. 29, 1932]

If expansion of our trade and commerce was, as McKinley declared in 1901, 30 years ago, a prime necessity in the then state of our economic life, how much more is it indispensable to our material and, I may add, to our spiritual welfare in these distressing times?

[From the speech of President Franklin D. Roosevelt at Washington, D. C., Dec. 28, 1933, before the Woodrow Wilson Foundation]

I believe that I express the views of my countrymen when I state that the old policies, alliances, combinations, and balances of power have proved themselves inadequate for the preservation of world peace. The League of Nations, encouraging as it does the extension of nonaggression pacts, of reduction-of-armament agreements, is a prop in the world peace structure.

SOUND REPUBLICAN DOCTRINE

[From the last public speech of President McKinley, made at Buffalo, N. Y., Sept. 5, 1901]

The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times, measures of retaliation are not.

[From the Republican national platform of 1920]

The Republican Party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based upon international justice, and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts, and which shall secure instant and general international conference whenever peace shall be threatened by political action, so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war.

We believe that all this can be done without the compromise of national independence, without depriving the people of the United States in advance of the right to determine for themselves what is just and fair when the occasion arises, and without involving them as participants and not as peacemakers in a multitude of quarrels, the merits of which they are unable to judge.

[From the speech of Senator Warren G. Harding at Marion, Ohio, Aug. 28, 1920, when candidate for the Presidency]

The other type is a society of free nations, or an association of free nations, or a league of free nations, animated by considerations of right and justice, instead of might and self-interest, and not merely proclaimed an agency in pursuit of peace, but so organized and so participated in as to make the actual attainment of peace a reasonable possibility. Such an association I favor with all my heart, and I would make no fine distinction as to whom credit is due. One need not care what it is called. Let it be an association, a society, or a league, or what not, our concern is solely with the substance, not the form thereof.

[From the Republican national platform of 1924]

The Republican Party reaffirms its stand for agreement among the nations to prevent war and preserve peace. As an immediate step in this direction we endorse the Permanent Court of International Justice and favor the adherence of the United States to this tribunal as recommended by President Coolidge * * *. While we are unwilling to enter into political commitments which would involve us in the conflict of European policies, it should be the purpose and high privilege of the United States to continue to cooperate with other nations in humanitarian efforts in accordance with our cherished traditions * * *. The American people do cherish their independence, but their sense of duty to all mankind will ever prompt them to give their support, service, and leadership to every cause which makes for peace and amity among the nations of the world.

[From the Republican national platform of 1928]

We endorse the proposal of the Secretary of State for a multilateral treaty proposed to the principal powers of the world and open to the signatures of all nations, to renounce war as an instrument of national policy and declaring in favor of pacific settlement of international disputes, the first step in outlawing war. The idea has stirred the conscience of mankind and gained widespread approval, both of governments and of the people, and the conclusion of the treaty will be acclaimed as the greatest single step in history toward the conservation of peace.

[From the Republican national platform of 1932]

We favor the participation by the United States in an international conference to consider matters relating to monetary questions, including the position of silver, exchange problems, and commodity prices, and possible cooperative action concerning them. * * * The facilitation of world intercourse, the freeing of commerce from unnecessary impediments, the settlement of international difficulties by conciliation and the methods of law, and the elimination of war as a resort of national policy have been and will be our party program. * * * The acceptance by America of membership in the World Court has been approved by three successive Republican Presidents and we commend this attitude of supporting in this form the settlement of international disputes by the rule of law.

AGRICULTURAL RELIEF

The Senate resumed consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

Mr. BYRNES. Mr. President, upon the desk of the clerk is an amendment offered by me to the committee amendment. My amendment to the committee amendment was temporarily laid aside. I now formally submit it and ask that it be stated.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 8, in lieu of section 14, it is proposed to insert the following:

SEC. 14. The facts constituting the basis for any payment or grant or the amount thereof authorized to be made under section 7 or 8 hereof, when officially determined in conformity with regulations promulgated by the Secretary of Agriculture, shall be reviewable only by the Secretary of Agriculture.

Mr. BYRNES. Mr. President, the language of the substitute reported by the committee was identical with the language of the A. A. A. Act, with the exception of the words at the beginning of the section reading as follows:

Notwithstanding any other provision of law.

It was my thought that the words "notwithstanding any other provision of law" would have the effect of preventing the Comptroller General from auditing the accounts of the Secretary of Agriculture under the provisions of the bill. I investigated, taking the matter up with the Comptroller General and also with the Secretary of Agriculture. I found that a question had been raised even under the A. A. A. Act as to whether or not the Comptroller General had the right to audit the accounts.

In order to remove any doubt, I drew the amendment which is now before the Senate, and which was drafted after conference with the Comptroller General.

In justice to the Secretary of Agriculture, I may say that he informs me that the Department had no thought of avoiding the auditing of accounts by the Comptroller General as to any question of law, and he has no objection to the amendment, which, as I say, was drafted at my request by the Comptroller General.

I ask for the adoption of the amendment.

Mr. COUZENS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Michigan?

Mr. BYRNES. I do.

Mr. COUZENS. Let us assume that there is an argument between the Secretary of Agriculture and a citizen with respect to whether or not a determination is in conformity with regulations promulgated, who settles the dispute?

Mr. BYRNES. If it is a question of law, under the general law it will be settled, as always, by the Comptroller General. If it is a question of fact, the Comptroller General has never had authority, he says, as to the facts, as to the basis of the transaction provided for in the act. He would have no such power under the general law, and seeks no extraordinary power here; but under the language which he has drafted would pass upon the question as to whether any payment were within or without the law. If it were without the law he would disapprove the voucher, and then the disbursing officer of the Department of Agriculture would be responsible for it, and would have to pay it.

Mr. COUZENS. I do not see that there is any law on the subject. I cannot find it referred to here.

Mr. BYRNES. I am advised that there are many cases in which the question is whether or not a payment was in accordance with the law. The Comptroller General had a number of such cases to pass upon under the A. A. A.; and he anticipates that, as in all departments, such questions would arise, and thinks this language should be adopted in order that there may be no repeal of the law giving him power to audit the accounts.

Mr. McNARY. Mr. President, when this amendment was presented a few days ago I objected to its consideration at that time because I was not familiar with the attitude of the Comptroller General, nor was I sure of my own construction of the amendment.

I wish to ask the Senator from South Carolina a question regarding the amendment. As originally drafted it referred to section 14 of the bill now before us. There has been a transposition of the sections. Where does the amendment appear now?

Mr. BYRNES. Under the substitute as amended it is now section 13 of the bill, and I ask to modify my amendment so that it will be a substitute for section 13. The Senator will find it at the bottom of page 8.

Mr. McNARY. I thank the Senator.

Mr. President, the amendment limits the unquestioned and unregulated jurisdiction of the Secretary of Agriculture to pass upon the facts in a given case. I think the Comptroller General is not in position to pass upon those facts. He still retains the power to pass on contracts, provisions of law, and errors in computation. If my interpretation of that is correct, and if my knowledge of the attitude of the Comptroller General is correct that he favors this proposed legislation, I have no objection to it; but I do object to the language as originally contained in the bill.

Mr. BYRNES. I, too, objected to it; and I think the language as proposed is much better.

Mr. BORAH. Mr. President, just what does the Senator from South Carolina intend to accomplish by this amendment? Is it his purpose to take the matter from under the control of the Comptroller General?

Mr. BYRNES. No; the purpose is to restore it to the control of the Comptroller General, because the original language was "notwithstanding any other provision of law." Some draftsman put in the words "notwithstanding any other provision of law", and then copied the language of the Agricultural Adjustment Act—that the Secretary should have the right to pass upon the facts as to the basis; but my belief was that the words "notwithstanding any other provision of law" would have the effect of nullifying the general provision of law which gave to the Comptroller General the power to audit the accounts. The Comptroller General had the same opinion; and the object of the amendment is to restore to the Comptroller General, beyond question, the right to do what the general law has given him the right to do in every case—to audit the accounts.

Mr. COUZENS. Mr. President, I ask the Senator from South Carolina whether his amendment is to be an entire substitute for section 13 as printed in the bill?

Mr. BYRNES. Yes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from South Carolina to the amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. LOGAN. Mr. President, I should like to call up an amendment which I proposed some days ago, which has been printed and is now lying on the desk. I ask to have the amendment stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Kentucky to the amendment, in the nature of a substitute, will be stated.

The CHIEF CLERK. On page 2, line 2, of the committee substitute, after the word "resources", it is proposed to insert the following:

(4) The protection of rivers and harbors against the results of soil erosion in aid of maintaining the navigability of waters and water courses and in aid of flood control.

Mr. LOGAN. Mr. President, since some amendments have already been adopted, I ask that this amendment, if it shall be adopted, be inserted in the proper place in the bill.

Mr. NORRIS. Mr. President, before the Senator begins his explanation of the amendment, I desire to say that I am unable to locate the place where it is proposed to insert the amendment.

Mr. SMITH. Mr. President, the print of the bill which was made after the adoption of certain amendments is now on the desks of Senators.

Mr. NORRIS. I have that print.

Mr. SMITH. The amendment proposed by the Senator from Kentucky will occur in section 7.

Mr. LOGAN. At line 15, on page 2, of the last print.

Mr. SMITH. Of the amended print.

Mr. LOGAN. That is correct.

Mr. McNARY. Mr. President, will the Senator from Kentucky yield?

Mr. LOGAN. I yield.

Mr. McNARY. Is it the desire of the Senator to eliminate subdivision (4) in the new print, or to leave subdivision (4) and to denominate this subdivision (5)?

Mr. LOGAN. I do not desire to eliminate any provision, but simply to insert an additional provision.

Mr. McNARY. That is what I thought. I suggest to the Senator, then, that he denominate his amendment subdivision (5) on page 2. Then it will follow the other recitals.

Mr. LOGAN. I thank the Senator.

The purposes of this bill are set out in section 7, and it mentions certain things that shall be accomplished under the provisions of the bill. We have some difficulty in squaring our actions with the views of the Supreme Court. I believe everyone who has given thought to the farm question is fully convinced that crop surpluses must be prevented if the farmer is to receive a fair price for that which he produces; and unless he does receive a fair price for the products of his farm he will eventually go out of business. I think everyone who is familiar with the history of nations must realize that no nation can continue to exist unless its soil is properly conserved and the farming population is properly protected.

We know that Congress does have control over rivers and harbors. We know that large sums are appropriated every year for the purpose of maintaining the navigability of rivers and waters, and also for the purposes of flood control. The amendment which I propose is to authorize, under the provisions of this bill, the protection of rivers and harbors against the results of soil erosion, in aid of maintaining the navigability of waters and watercourses, and in aid of flood control.

That is within the Constitution as construed by the Supreme Court. Congress does have authority to keep the rivers and harbors of the country free from all obstructions. Soil erosion does fill up rivers and harbors. It is necessary to protect against that. In the protection against erosion, if the Secretary of Agriculture is allowed to acquire lands

on watercourses anywhere in the United States, he can acquire all the lands that are necessary to reduce acreage that farmers will cultivate.

As I recall, it has been held by the Supreme Court that Congress has power over nonnavigable streams where the waters fall into navigable streams. If that is true, we have the power to legislate to prevent soil erosion that will interfere with the navigability of streams, or in aid of flood control, even to the spring where the stream starts. That will include the entire country.

If the Secretary of Agriculture desires to prevent soil erosion, he is authorized to acquire the necessary lands and put them in grass, or reforest them, or take such other steps as are necessary to preserve the soil.

Senators who are familiar with conditions in China know that the soil of a great part of that great Kingdom has been almost destroyed by erosion. The same thing is true as it relates to Asia Minor as a whole. Some of the countries of Europe have been almost wholly destroyed by reason of soil erosion. It is true in North Africa. So, if the United States is going to preserve its soil, it should begin now to prevent soil erosion.

Last year, on May 11, I believe, there was a dust storm that affected some of the western wheat-growing States. It has been said by experts that the storm in 1 day blew away 300,000,000 tons of rich soil. It has also been said by those who have investigated the subject that the Mississippi River carries into the Gulf of Mexico annually 400,000,000 tons of rich, valuable soil. It has been estimated by scientists and those who have made an investigation that the soil which is lost by erosion every year in the United States amounts to the enormous total of 3,000,000,000 tons. It has also been estimated that there has been a complete loss, so far as agricultural purposes are concerned, of more than 100,000,000 acres of land as a result of soil erosion.

Mr. COSTIGAN. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. COSTIGAN. Does the able Senator from Kentucky consider the problems to which he is now adverting as falling within the jurisdiction of the several States or as national in scope under the Federal Constitution?

Mr. LOGAN. Undoubtedly they are national in scope, but I am offering the amendment so that when this question may come before the Supreme Court it cannot say that the Department of Agriculture does not have the power under the act to take farm acreage out of cultivation.,

As I was saying, not only a hundred million acres have been destroyed, but 125,000,000 acres in addition have been very greatly damaged, and 100,000,000 acres more are now threatened with destruction by reason of soil erosion.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired.

Mr. LOGAN. I will take my time on the bill.

By reason of the damage which has already been done, an acreage in the United States which could not be contained in all the States east of the Mississippi River has been damaged, in some instances entirely destroyed.

It has been estimated by those who have investigated the question that the damage that is done by soil erosion amounts to more than $400,000,000 annually; that the damage already done amounts to more than $10,000,000,000; and that within a period of 50 years, if the wastage is not prevented through some legislation on the part of Congress, the damage will reach the terrific proportion of twenty-five to thirty billion dollars.

Now, when we have an opportunity to do something for the farmer, and also for the country as a whole, I believe this power ought to be carried in the pending bill.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. WHEELER. Does the Senator intend to add the amendment as a new subdivision?

Mr. LOGAN. Yes; it is a new subdivision entirely. It takes nothing from any other part of the bill.

Mr. WHEELER. Then the Senator's amendment as it is now drafted would have to be changed.

Mr. LOGAN. It would have to be inserted at a different place, perhaps.

Mr. WHEELER. And would have to be numbered as either (4) or (5).

Mr. LOGAN. My purpose was to have it follow (3) in the original amendment, and then change the numbers in the remainder of that particular section. Since there have been some amendments, it will be necessary, of course, to change some of the numbers.

I believe I have said all that I desire to say touching this particular amendment. To my mind, it is of very great importance. Certainly it can do no harm to the bill. It will bring the bill, beyond all question, within constitutional limitations. It will protect against that wastage which has been going on throughout the years and which is increasing yearly.

Mr. DICKINSON. Mr. President, soil erosion is not a new problem. Ever since the Lord started water running down hill it has been carrying dirt with it. But in 1930 we put into the agricultural appropriation bill, in cooperation with the present chairman of the Committee on Appropriations of the House [Mr. BUCHANAN], $165,000 to carry out experimental operations in the prevention of soil erosion. Under that appropriation the first 14 stations were started, all of which were to be experimental and educational, in the hope that the farmers and the State agricultural colleges would have the benefit of the information collected. In 1931 the amount was increased, if I recollect correctly, to $195,000, and in 1932 to $330,000.

I am in sympathy with the Federal Government doing everything it can to assist in the prevention of soil erosion and in promoting soil conservation. I believe that our policy ought to be fixed and permanent, that our activity should be in cooperation with the States, and that it ought to be carried on in such a way that it could not be challenged so far as its constitutionality is concerned.

I think there are certain phases of the bill which are clearly within those bounds, particularly section 7, and the permanent policy established in the bill is correct and, in my judgment, will be found to be very helpful.

The objection I see to the bill is that it attempts to go much further than the object I have mentioned, by including what is called the emergency period, which is an effort to cover the hiatus between the time the bill may be passed by Congress and the time the permanent legislation is presumed to go into effect. In my view that is the dangerous phase of the bill, and I wish to discuss that for just a little while.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. DICKINSON. Certainly.

Mr. BORAH. Did I understand the Senator to say that he regarded section 7 as free from any constitutional objection?

Mr. DICKINSON. Oh, no; I have said that the main purposes of the bill, I think, are free from constitutional objection. My opinion is that unless we hook up this proposal to a cooperative method and have it function through State authority, we are going to confront the same constitutional question that was involved in the A. A. A. I presume that is what the Senator from Idaho has in mind. In other words, I believe there is a way by which we can formulate a permanent farm-aid policy along the lines suggested in the bill, but I do not believe the bill as drawn would accomplish that result.

In order that my views may be set forth, since I will not have the time to give them all this morning, I ask to have inserted in the RECORD as a part of my remarks a release which appeared on February 2 in the Des Moines Register on a permanent farm program.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR L. J. DICKINSON, FEBRUARY 1, 1936

A permanent program for agriculture can be found. In formulating such a program we must work within the provisions of the

Constitution. This document is sufficiently elastic to permit the production of an effective remedy.

The country has been subjected to too many experiments and too much uncertainty. The effect produced by the passage of unworkable and unconstitutional laws has duly alarmed the American people. When the death sentence is written for these hastily prepared and ill-advised regulations no substitute is forthcoming, except more laws of the same kind. Daily it is becoming glaringly apparent that the present administration is floundering. Its future course is uncertain, and the incompetency and inexperience of those in control are amazing.

The difficulty we are now experiencing in considering substitutes for the A. A. A. is due to the inherent desire of those in control of agricultural policies to manage everything from Washington. This administration will not consider a cooperative program between the Federal Government and the States because this means State control—State supervision of personnel and expenditures. Instead of creating a bureaucratic control in Washington, under such a cooperative system each State would work out its own problems.

We have been told by the Supreme Court that the Federal Government cannot contract or assume dictatorial powers over the individual. A program of Federal and State cooperation can be worked out that will prove of permanent benefit. This program should embrace erosion control, soil conservation, and restoration of fertility.

Under the Constitution the Federal Government could appropriate funds to be allotted to the States in such cooperative work. This would simply be following out the rules already laid down in the creation of land-grant colleges, the policy of extension service, and Federal aid to highways. A program along this line has for some time had the approval of such agricultural experts as ex-Governor Lowden, of Illinois.

There are many examples of the effectiveness of Federal cooperation with the States. A program embodying such a policy would not be experimental.

There has never been a recommendation that the Federal Government should control the construction of highways. This control is left within the authority of the State highway commissions, as it should be. It is my belief that the people of Iowa have every confidence in the work being performed by the State Highway Commission of Iowa, and that under no circumstances would they favor the removal of that control over the construction of our highways to a Federal bureau in Washington, D. C.

As a further guide in successful Federal cooperation, we have the record of the experimental stations in the field of soil erosion. In 1918 the Agricultural Appropriations Committee of the House, of which I was chairman, established 14 erosion-control stations in the United States. One of these was placed in Iowa. In the following year the number of stations was increased to 21. The beneficial results of these stations are outstanding proof of the success of Federal and State cooperative enterprises. These stations were established for educational purposes.

A fixed-tariff policy for the protection of agriculture must be agreed upon. The international trade agreements entered into under the existing law passed by the present administration have been detrimental to the best interests of the farmer. No higher authority on the question can be cited than that of George N. Peek, formerly Adminisrator of the A. A. A.

We cannot produce wheat and milk in open competition with Canada, or livestock in competition with Mexico, or butter in competition with Denmark, and maintain our farm standards. Only by maintaining a proper protective tariff can the American farmer compete with these countries.

Those interested in legislation for agriculture remember well the McNary-Haugen bill. In this bill we attempted to segregate the produce sold in the domestic market from that sold in export markets. Many of us, as friends of the farmer, were disappointed when that legislation was vetoed. Since that time foreign markets have been subjected to embargoes, allotments, and other restrictions. This action on the part of foreign countries seriously lessens the benefits under surplus-control legislation.

Congress should make the necessary appropriation to pay the balance due signers of contracts under the Agricultural Adjustment Act, I favor an appropriation sufficiently large to settle such contracts in full.

Also, the corn loans should be continued. These loans are the outgrowth of the privileges under the Commodity Credit Corporation, and for a number of years have proven a great benefit to the farming population. Under no circumstances do I think such loans should be curtailed until financial conditions are restored to a normal status.

Farm mortgages should be extended at a low rate of interest. A hodgepodge method of refinancing these loans has heretofore been in vogue. A permanent policy should be worked out, giving the farmer the benefit of the lowest interest rate possible.

We must insist on a stable dollar; place our tariff walls high enough on farm products so we are not in direct competition with cheap lands and low-priced labor; permanently protect our soil and conserve our national resources. In this way the future of Iowa will be made secure.

Mr. DICKINSON. Mr. President, it is my judgment that, regardless of the fact that section 7 has been modified several times, the question as to grants to the States, without a yardstick, and the question as to the delegation of the authority, without a yardstick, is the important one; that we have to provide a cooperative program with the States; that the mandatory phase relating to the Federal Government should be taken out of the bill, and the authority placed in the States to do what they want to have done. For that reason I offered an amendment in which I provided that any appropriation could not be in excess of the amount appropriated by the States for similar purposes. I find myself either in sympathy with that type of amendment or the type of amendment suggested by Mr. George N. Peek in the bill printed in the RECORD at the request of the Senator from Oregon under date of February 11.

Subsection (h) of section 7 provides as follows:

> The amount allocated in each State for that year shall not exceed the amount of tax payable for such year with respect to the lands planted in soil-improving or erosion-prevention crops during such year, together with the cost of seed for such planting.

Whether that is sufficient or not I am not now trying to determine, but it is a yardstick by which the amount that may be charged against the Federal taxpayer is fixed. Otherwise, there would be in the bill a delegation of authority that would be very far-reaching, and which, in my judgment, would bring us into the same state of chaos in which we are now with reference to what the Secretary would have the right to do.

I do not believe that Congress can delegate the power to the Secretary of Agriculture to spend promiscuously any sum of money he wishes to spend, and fix the amount for a purpose which happens to be outlined in the bill.

The language here is, "aid to agricultural producers in amounts determined by the Secretary to be fair and reasonable." What the Senator from Utah might think was fair and reasonable in Utah I might think was a very small amount and very unfair and unreasonable in the State of Iowa. In other words, here is a matter which is left entirely to the judgment of the Secretary. No yardstick at all is provided. In my judgment, that is going to be one of the fallacies of the bill. We should either insert a yardstick by which these benefits could be determined, or we should not pass the bill and appropriate $440,000,000.

For these reasons I have offered the amendment, which provides for cooperation with the States, that the States shall appropriate and use the same amount of money appropriated by the Federal Government, and determine the conditions under which that money shall be expended. By that means we shall carry out what I believe is the best plan under our form of government; namely, the extension of Federal aid in cooperation with the States, with a limitation upon the Federal Government's control of the action of the States, in line with the recent decision of the Supreme Court in the A. A. A. case.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. DICKINSON. I yield.

Mr. KING. The question may not be quite germane to the point which the Senator is now discussing. I shall be glad, however, to have the Senator's views as to whether this is a soil-erosion measure which it may be contended comes within the power of the Federal Government, or whether it is a measure for the purpose of authorizing the Secretary of Agriculture at his discretion to make payments to all persons engaged in agriculture in any part of the United States, with or without the consent of the States, the payments to be such as he may determine to be proper.

Mr. DICKINSON. In reply to the query of the distinguished Senator from Utah, let me suggest that a few nights ago, on February 10, I made this observation:

> The present bill in its implications is even more drastic than its predecessor. The delegation of power to the Secretary of Agriculture is more sweeping. Under its terms the Secretary is empowered to employ funds for virtually any purposes he sees fit. The opportunity for political abuse, of course, is simply unlimited. He may spend the money in whatever States he likes—such as those listed as politically "doubtful"—or he can discriminate between individuals, between States or whole sections of the country. Beyond question the measure is just as unconstitutional as the Triple A. But between now and November it will have served its purpose.

What I had in mind there, and against which I made the charge, was section 8. Section 8 is the section wherein the power is delegated to the Secretary of Agriculture to do practically anything he desires to do along these general lines, and to use the money indiscriminately. I do not believe we have the authority to delegate any such power to the Secretary of Agriculture.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired.

Mr. DICKINSON. I will take 15 minutes on the bill.

In addition to that, under existing conditions, I do not believe that we ought to delegate any such power and supplement it with an authorization of $440,000,000 to be used indiscriminately, as quickly as those in authority desire to use it. It may be used between now and November 6, if such is the desire.

In other words, such action does not afford a permanent cure for the ills of agriculture. The effort is made to suggest that we still have with us the same emergency which we had 3 years ago or 4 years ago, and that we are still in a position where this amount of money should be used for emergency purposes, whether or not its use can be justified by actual results and benefits to the farmer.

In connection with this statement, I desire to insert in the RECORD a paragraph from an article by Mark Sullivan, published in the New York Herald Tribune under date of February 9, 1936, under the heading "Farm bill found to be a mess of aims canceling each other."

The PRESIDENT pro tempore. Without objection, it is so ordered.

The paragraph referred to is as follows:

This purpose of Government aid to farming should be strictly distinguished from an allied purpose and plan. The distinction is between giving a straight subsidy without conditions and, on the other hand, prescribing conditions which the farmer must live up to. Henry A. Wallace, Secretary of Agriculture, has followed the policy that payment of money to farmers by the Government should be accompanied by stipulations limiting the quantity of each crop they can raise. The purpose Mr. Wallace has in mind is by control from Washington to limit and direct the quantity of each crop raised in the United States, just as the owner of a factory would limit and direct the quantity of each product the factory makes. About this policy there is serious difference of opinion. I think it is accurate to say that opposition to control of what each farmer shall plant has grown to a point where the majority thought of the country opposes it.

Mr. DICKINSON. In connection therewith, I ask to have printed in the RECORD an editorial from the Washington Post of Sunday, February 9, 1936, entitled "To Keep Checks Flowing."

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial is as follows:

TO KEEP CHECKS FLOWING

In 2 days of debate the Senate has exposed the fallacies, inconsistencies, and unsoundness of the new farm bill with remarkable completeness. Casual spectators must be amazed by the continued drive for enactment of the measure after it has been so thoroughly discredited, even by its sponsors. It is apparent, however, that the majority will not tolerate any sustained check upon the flow of checks farmward during an election year. So the bill hangs together by nothing more substantial than political necessity.

One of the most damaging admissions is that the bill contains no limit whatever upon the spending powers of the Secretary of Agriculture. Under its terms, as a number of Senators pointed out, he could establish a $100,000,000 program or a $4,000,000,000 program. He would simply be given power to carry out the vague purposes of the act "by making payments or grants or other aid to agricultural producers in amounts determined by the Secretary to be fair and reasonable." No such authority has ever been granted to an executive official in this country, and it may be hoped that none ever will.

There are indications that this flagrant defect will be corrected before the Senate votes on the measure. But other weak spots, no less dangerous, cannot so easily be patched. For example, the bill sets up no "yardstick" by which benefits to individual farmers may be measured. Payments could be made on the basis of changes in farming practices, the planting of soil-building crops, or acreage of crop land. In determining the amount due each farmer the Secretary would have to consider the relative productivity of the land. In other words, some farmers might receive $5 per acre and others $100, depending entirely upon the discretion of A. A. A. functionaries.

Hurried efforts were made to relieve the A. A. A. of this terrific responsibility. But no standard of payment sufficiently flexible and simple to be incorporated in the bill could be worked out. Consequently the Agricultural Committee resorted to the naive device of authorizing the Secretary to prescribe any rules and regulations that he may deem necessary.

Little attempt was made to defend the bill on the question of constitutionality. Senator MCNARY, one of the most persistent advocates of farm legislation in Washington, pleaded for "honest" consideration of the underlying purposes of the bill rather than its camouflage of obscure language. "Let us not fool ourselves", he said, "because we cannot fool the Court and we cannot fool the farmer. We have tried to fool them too often heretofore, as well as the public generally." But the majority seems willing to take another chance.

Perhaps the most glaring fallacy was revealed by Senator SMITH, sponsor of the measure. As he understands the bill, its benefits would go only to those farmers who are not conserving their soil. Asked what would be the plight of the farmer already growing leguminous crops, he replied:

"If he is as shrewd as most Yankees I know, the minute this bill becomes a law he will quit planting alfalfa and see if he cannot get some benefit."

In other words, the sponsor of the bill foresees that it would actually discourage voluntary soil conservation and scientific farming. Farmers would be subsidized if they refused to cultivate their land intelligently. That is the reduction to absurdity.

Mr. DICKINSON. The Supreme Court in the A. A. A. decision I think laid down some very far-reaching and fundamental law. I care not what Senators' feelings may be as to whether decisions of the Supreme Court on constitutional questions ought to be unanimous, or ought to be by vote of 6 to 3 or 7 to 2; we are a government by majority. In my judgment, we are going to continue to be a government by majority. A verdict of 5 to 4 in the Supreme Court is a verdict by majority; and whether or not we think it is contrary to what it should be is not the question. The question is, Are we going to do away with the old system of government by majorities in the United States? If a bill is vetoed at the other end of the Avenue, and it comes back to the Senate, is the Senate going to maintain that the veto cannot be sustained by one vote, whether a two-thirds majority is required or a three-fourths majority is required? One vote may be the margin by which it is either sustained or overthrown. If we say that there ought to be 6 to 3 decisions in the Supreme Court rather than 5 to 4 decisions, we favor destroying the very fundamental upon which a representative form of government is based, and that is government by majority.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. DICKINSON. I do not wish to have my time taken. I have only 15 minutes.

I ask to have inserted in the RECORD at this point the last two paragraphs on page 12 of House Document No. 386, which is the opinion of the Supreme Court in the A. A. A. case.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

But it is said that there is a wide difference in another respect, between compulsory regulation of the local affairs of a State's citizens and the mere making of a contract relating to their conduct; that, if any State objects, it may declare the contract void and thus prevent those under the State's jurisdiction from complying with its terms. The argument is plainly fallacious. The United States can make the contract only if the Federal power to tax and to appropriate reaches the subject matter of the contract. If this does reach the subject matter, its exertion cannot be displaced by State action. To say otherwise is to deny the supremacy of the laws of the United States; to make them subordinate to those of a State. This would reverse the cardinal principle embodied in the Constitution and substitute one which declares that Congress may only effectively legislate as to matters within Federal competence when the States do not dissent.

Congress has no power to enforce its commands on the farmer to the ends sought by the Agricultural Adjustment Act. It must follow that it may not indirectly accomplish those ends by taxing and spending to purchase compliance. The Constitution and the entire plan of our Government negative any such use of the power to tax and to spend as the act undertakes to authorize. It does not help to declare that local conditions throughout the Nation have created a situation of national concern, for this is but to say that whenever there is a widespread similarity of local conditions, Congress may ignore constitutional limitations upon its own powers and usurp those reserved to the States. If, in lieu of compulsory regulation of subjects within the States' reserved jurisdiction, which is prohibited, the Congress could invoke the taxing and

spending power as a means to accomplish the same end, clause 1 of section 8 of article I would become the instrument for total subversion of the governmental powers reserved to the individual States.

Mr. DICKINSON. On the next page I find the following language in the opinion of the Supreme Court:

A possible result of sustaining the claimed Federal power would be that every business group which thought itself underprivileged might demand that a tax be laid on its vendors or vendees, the proceeds to be appropriated to the redress of its deficiency of income.

Let me suggest to Senators that whether we are paying this money out of a processing tax or whether we are paying it out of the General Treasury, it is still a tax levied upon the taxpayers of the United States. Therefore the question is whether or not we can levy here a tax aggregating $440,000,000 and delegate to the Secretary of Agriculture the right to select the beneficiaries under certain general rules, and pay any amount he desires to pay to any individual to whom he chooses to pay it, for any sham purpose he wishes to set up, just so it comes within the general definition of the conservation of the soil or the control of erosion.

I say to the Senate that that is a delegation of power which no Senator ought to grant to any one individual, and which, in my judgment, will upset every program we are trying to establish here; and for that reason I believe section 8 ought to be stricken from the bill. Let us work out a permanent program, and abandon the view that we ought to appropriate a great deal of money for a great many emergency benefits to help a situation which we probably should make worse by any such program as has here been suggested.

I might quote from a statement made by Mr. Peek. I have known Mr. Peek for a long while. I believe he is one of the best authorities in the United States on agricultural-relief legislation. In a release he gave out following the introduction of the suggested amendment, he stated:

The suspicion arises that one purpose is to influence the coming election by keeping a horde of Federal political rangers and propagandists in the States. Another consideration may be that it is felt to be better politically in a Presidential election year to have the checks for farmers to come direct from Washington rather than from the States.

If these suspicions are valid, I think farmers should know about them. Furthermore, Members of Congress realize they are elected by the voters in their States and not by Washington officeholders.

Let me suggest to Senators that one of the vicious phases of section 8 is the fact that all the checks and all the benefits are to be paid direct from Washington to the farmers, rather than through a State agency, as ought to be the case in order to establish a permanent system of farm aid in these various phases of soil conservation and erosion control. The theory laid down in the A. A. A. decision was that the Government is not authorized to deal directly with a problem of this kind, and therefore it must find a way whereby it can deal within the provisions of the Constitution through its various agents or units set up in the States. In that way this objection may be avoided.

I am thoroughly convinced that we should give serious consideration to section 8 of this bill, and I wish to suggest what is in the mind of Secretary Wallace, who will administer this measure. He spoke on February 12 at Indianapolis. His speech was placed in the CONGRESSIONAL RECORD by the Senator from Wyoming [Mr. O'MAHONEY].

I quote from the speech of Secretary Wallace at Indianapolis:

When the Nation reviewed the situation brought about by the Supreme Court decision the consensus of opinion was that something must be done for agriculture. Also, the prevailing opinion was that there must be cash assistance to farmers.

Is it the purpose of this bill simply to make general distribution of cash allowances?

I know two farmers in my State living side by side. One of them will farm land for 50 years and it will be just as fertile, the soil will be conserved, it will be just as productive as it was 50 years ago. The other farmer, his neighbor, will have as good a piece of land, but in 30 years' time that land will be wasted and the soil will be practically useless. Soil conservation is not something that is beyond the reach of the farmer himself; but I believe that the problem is so serious that we must find some way by which we can make contribution both through instruction and possibly by tax abatements, and so forth, in the effort to help cure that situation, because too many farmers are not conserving their soil.

Let me quote further from the speech of Secretary Wallace:

Since some time will necessarily elapse before a sufficient number of States can enact laws to take advantage of the Federal aid, the provision is made temporarily for the grants to go from the Federal Government direct to individual farmers who have made application and who show that they have met the specified conditions.

Is there any State condition there? Is there any action through State units? Does anybody have any right to say anything about what shall be specified except the Secretary of Agriculture? Not at all. It is a delegation of power to the Secretary of Agriculture to say what a farmer shall receive as a benefit, and what he shall receive it for, and then the check goes direct from Washington, so the farmers will not forget it between now and November next.

I quote a further statement from the speech of Secretary Wallace, as follows:

After nearly 3 years of work the farmers cooperating under the act were surprised and dismayed to be told by the majority of the Court that the assistance they had been receiving from the Federal Government represented an invasion of the rights of the States and therefore was in violation of the Constitution.

Was that on account of the lack of the proper constitutional discussion on the floor of the Senate before the A. A. A. law was passed? Was it due to the fact that the bill was not properly drafted? Was it due to the fact that no one stood here and challenged the constitutionality of the measure? The constitutionality of the A. A. A. proposal was questioned on the floor of the Senate. True we did not have many votes, but it was asserted here at numerous times that the bill was an unlawful delegation of power. Therefore it seems to me that we ought not now again to make an effort to pass legislation of similar type just because the Supreme Court has held that the A. A. A. Act was unconstitutional and therefore the benefits flowing from it could not be availed of.

What was the cost of that experiment? I find in the Treasury statement now on my desk that for agricultural purposes under the A. A. A. there was allocated $1,819,000,000. Of that amount there was left on hand $408,000,000, making an actual expenditure of $1,411,000,000. We find that the processing taxes amounted only to $942,000,000. Therefore the Government did not collect the money anywhere nearly as fast as it spent it. That leaves $460,000,000 of excess expenditures over the amount received. We are, therefore, out that amount of money at the present time as a result of this grand and glorious experiment.

I find also that there was an appropriation of $296,185,000 to pay the balance due on farm contracts under the A. A. A.

The PRESIDENT pro tempore. The time of the Senator from Iowa on the bill has expired.

Mr. NORRIS. Mr. President, I believe this amendment, if adopted, will greatly improve the bill and it will greatly improve the prospects of its receiving approval at the hands of the Supreme Court. The President sent a message here a few days ago on the question of erosion as it applies to what are called navigable rivers, showing, as the Senator from Kentucky [Mr. LOGAN] said, that if we are going to control erosion we must go to the source of the tributaries of all the rivers which it is proposed to try to control.

What I wish to refer to, however—and I am sorry the Senator from Iowa has left the Chamber—is the reference made by him to the 5-to-4 decisions of the Supreme Court, saying that, after all, it is a country of majorities and the majority must rule. If you want to call the Supreme Court a legislature—and that might not be a misnomer and would probably be the proper term if we should continue on much further along present lines—if you want to call the Supreme Court a legislature, then, that statement of the Senator from Iowa is sound. If you are going to call it a court it is not sound.

We start with the proposition that every act of Congress is presumed to be constitutional, and that presumption can only be overcome when the contrary is shown beyond a reasonable doubt. There is no exception to that rule so far as I know. It has been asserted and reasserted by our Supreme Court, by State supreme courts, and is the law without any question on earth. Beyond a reasonable doubt! I should like to ask the Senator from Iowa, or anyone else, when he submits a proposition to nine great lawyers and five of them decide one way and four of them decide another way, does not that leave a doubt in the mind of the ordinary individual?

The very fact of there being a 5-to-4 decision raises a reasonable doubt. A division of judges will raise a reasonable doubt. Suppose the Senator from Iowa were being tried for murder in a Federal court. He would have to be found guilty beyond a reasonable doubt. That is the law. Does he want to be convicted by seven of the jurymen, five being of the opposite opinion? Would a majority decision in such a case suit the Senator from Iowa? Yet this is a country of majorities. Why not apply it in this case? A jury is not a legislature. A jury is going to convict a man only if they find him guilty beyond a reasonable doubt. If five men think one way and seven the other way, of course, there is a reasonable doubt of the defendant's guilt, and he is acquitted and turned loose. The majority does not control.

There is a question, to start with, whether the Supreme Court has any authority, even by unanimous decision, to hold an act of Congress unconstitutional; but I am not raising that point; I am not arguing for that. I am, however, arguing for the safe and sane constitutional view that acts of Congress shall not be set aside by five judges against four. Such a decision raises a doubt as to constitutionality, at least; and the act, of course, ought to be sustained. We can not proceed and live under any other theory, it seems to me.

The idea of the Senate and the House and the President all approving a law, all responsible to the people—and this is supposed to be a democracy where all officials are responsible to the people—and having their judgment, the judgment of over 500 men, set aside by five men who are not responsible to the people, who are not elected by the people, who hold their offices for life.

Thomas Jefferson said—I quoted him day before yesterday—in substance, that the man does not live who can be entrusted with unlimited power when he is responsible to nobody. Human nature is such that that will not bring good government.

I care nothing about the partisan aspects of it; that does not affect me; I am not influenced by the side remark of the Senator from Iowa that this money, coming directly from Washington, is going to be used until the election, and then turned over to the States; but I want to call attention to the fact that soil erosion is a national problem and not a State problem. If we are going to turn it over to the States, as the Supreme Court says we must, then we have no right to appropriate Federal money and turn it over to those agencies. That is just as bad as though we did it ourselves. The truth is that we cannot control erosion—and every man knows it—by State action so far as interstate rivers are concerned.

Take, for instance, the Mississippi River, with all its tributaries, spreading over more than half this Nation. Can one State do any good, and will one State even try, however anxious it may be, to do its part? We know that it requires the cooperation of all the States affected by the Mississippi River and its tributaries in order to bring results that will control erosion.

If we have to leave it to the States, the time will come when we will be another China. It cannot be done in that way. Every sensible man knows it cannot be done in that way. It is a national problem. The whole Nation is involved, and unless the problem is handled as a national one it will ultimately fail. I do not believe anyone will dispute that statement.

Mr. ROBINSON. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. Certainly.

Mr. ROBINSON. Is it not true that since the close of the World War agencies of the Congress and of the executive departments have continuously dealt with the problem of agriculture, recognizing it as a national problem?

Mr. NORRIS. That is absolutely true.

Mr. ROBINSON. We have enacted a great many laws, most of which have proved futile. The only one that ever has been very helpful was the Agricultural Adjustment Act.

Mr. NORRIS. Yes; and that was "knocked out" by the Supreme Court.

Mr. ROBINSON. Yes. Our committees have been constantly in session trying to find some way to sustain agriculture as of national concern. Until the Supreme Court implied in its argument a few days ago that control or regulation of agriculture is of mere local concern, no authoritative body in this land has made a contention contrary to regarding it as of national concern.

Mr. NORRIS. So far as I know, no one ever made such a proclamation except the Supreme Court. In fact, every man, woman, and child knows that it is a national problem, except some members of the Supreme Court who have not as yet found it out.

Mr. ROBINSON. Mr. President, will the Senator yield further?

Mr. NORRIS. Certainly.

Mr. ROBINSON. The assumption by the Court, not based on any evidence in the record, that agriculture involves mere local problems does not constitute a conclusion of law which suggests itself as sound to very many lawyers.

Mr. NORRIS. If the Senator will permit me to interrupt him at that point, I quoted from Abraham Lincoln, where he referred to the Dred Scott decision and said it was erroneous, that it did not comply with certain conditions which were laid down, and the first one of all was that it came from a divided Court. It did not have the approval of all the members of the Supreme Court. I deduct from that statement that a doubt was created at once as to the constitutionality of the act they overthrew.

Mr. ROBINSON. Mr. President, will the Senator permit a further statement?

Mr. NORRIS. Certainly.

Mr. ROBINSON. In nearly all court decisions with which I am familiar legislative findings of fact embraced in statutes are regarded by the courts as binding, and particularly when evidence involving the conclusion of fact is not to be found in the record.

The PRESIDENT pro tempore. The time of the Senator from Nebraska on the amendment has expired.

Mr. NORRIS. Very well.

Mr. ROBINSON. I will take the floor in my own right for just a moment on the amendment.

It is very exceptional for a court, in a case where there is no evidence involving an issue of fact and in a case involving a statute, where the statute states a conclusion of fact reached by the legislative authority, for the court to go outside of its own record and reach a conclusion of fact at variance with that of the legislative authority. This is a feature of the decision of the Supreme Court which, in my judgment, impeaches the value of the decision as law.

There was not a word of evidence in the record to indicate that agriculture or the control of agriculture is a mere local problem, to be determined by townships, counties, States, or other political subdivisions.

Mr. NORRIS. Mr. President, will the Senator yield at that point?

Mr. ROBINSON. Certainly.

Mr. NORRIS. There was not only a lack of any evidence that it is a local problem but no one had even questioned up to that time that it was a national problem.

Mr. ROBINSON. The whole procedure of our Government during the last 20 years has been on the theory that agriculture is of such definite and general concern, such national concern, that the Congress and its committees have spent

half their time trying to solve the problem. The purpose generally has been to give agriculture a status which would enable those who engaged in it to survive, because if it should fail as an industry, the life of the Nation would end.

Yet, without a word in the record upon which to base such a finding, in contradiction of the whole theory of national legislation and action during the period since agriculture came into a position of distress great enough to attract the attention of the world, the Supreme Court arbitrarily, I respectfully suggest, said the control of agriculture, or the maintenance of agriculture, is a mere local matter, in which the United States Government has no concern and over which it has no control.

I submit that such assumptions of fact, unwarranted by the record and unwarranted by general opinion, raise in the mind of any man who studies the subject a doubt as to the merits of the conclusion reached by the Court.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a joint resolution (H. J. Res. 488) to close Military Road, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes, and it was signed by the President pro tempore.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 488) to close Military Road was read twice by its title and referred to the Committee on Military Affairs.

AGRICULTURAL RELIEF

The Senate resumed consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

Mr. CAPPER. Mr. President, I intend to vote for the pending soil conservation and soil erosion control bill.

I believe the bill is in the best interest of agriculture. It is in the interest of the producer. It is in the interest of the consumer. It is in the national interest.

I will not vote for any measure that I feel is unconstitutional. I am satisfied in my own mind that this bill is constitutional. I hope the courts will take that view of the matter.

The vote I am going to cast for this farm legislation is not a partisan vote. The farm problem is not a partisan political problem. It is an economic problem. It is a national problem. And it should be approached with a full and honest realization that it is economic and national—not political, not local.

This always has been the position I have taken on farm legislation. It is the position taken by farm organizations and farm leaders generally. More and more it is becoming the position taken by the wiser political leaders.

Mr. President, there is a tendency in some quarters to make the farm problem a political football. I deplore this tendency. It is wrong, it is a mistake from the political as well as from the viewpoint of the general welfare.

During the past 15 years we have come to learn that the ultimate prosperity of the Nation is to a great degree dependent upon the prosperity of agriculture. Also that the farm problem will not be solved by a single line of approach.

When I supported the McNary-Haugen bill I did not expect it to be the complete solution of the farm problem. Neither is the export-debenture plan. Neither are protective tariffs on farm commodities. I never believed the Farm Board would solve the whole problem. I voted for all these things. They offered something better than what we had at the time. All of them were helpful in a way, or would have been helpful. None of them were partisan proposals.

The Agricultural Adjustment Act recently invalidated by the Supreme Court was not a partisan measure. True, it was enacted by a Democratic Congress—with the general support of Republican Senators and Congressmen. But, on the other hand, the A. A. A. program, as a matter of fact, followed very closely the farm plank of the national 1932 platform of the Republican Party.

While I always regarded the A. A. A. as an emergency measure, plus a first step toward a permanent national farm program, rather than as the permanent program, anyone at all acquainted with the subject must admit that it was a help to agriculture and, I think, toward national recovery.

From the beginning of this New Deal program I have supported what I believed sound, workable, and that part of it that would benefit the country. I have criticized and opposed what was unsound, unworkable, or that was intended to obtain partisan advantages at the expense of the general welfare.

Mistakes were made in A. A. A. policies. Mistakes were made in its administration. In many instances it was difficult to figure out the proper division of benefits between owners and tenants. The A. A. A. had to take on a job too big to be accomplished smoothly in the short time it had to get going.

I have not hesitated to criticize when I believed mistakes were made. I never could stand for the killing of the little pigs and other unpractical proposals. But also I give due credit for the good work the A. A. A. did.

What we should do is to take advantage of the experience of the A. A. A., continue its good work, and not make the same mistakes again.

Kansas benefited from the A. A. A. I have plenty of evidence to support that statement. Some of it I shall place in the RECORD.

I desire to be perfectly frank. The decision of the Supreme Court that agricultural production is a purely local activity was a great disappointment to me. It was a great disappointment to the agricultural West. The later decision of the Supreme Court that the impounded processing taxes should be returned to the processors was a great shock to our sense of justice and fair play.

But the Court has spoken. The A. A. A. is out. The farm problem, however, was not settled by the Supreme Court decision. Congress and the people must find an adequate solution.

Mr. President, I regard the pending measure as a partial solution of an important phase of the whole farm problem.

The pending measure lays the groundwork for a national land-utilization program. It provides a means that farmers can use to preserve the fertility of the soil, for the benefit of the entire Nation. It provides a means for conserving the soil. It provides a method for preventing soil erosion. The method of adjusting production so as to give producers the benefit of the law of supply and demand through State A. A. A.'s is rather cumbersome, but it is at least worth trying.

Whatever other steps we take—and we shall have to take other steps—we must make provision to conserve our most valuable resource, the soil of the United States.

Millions of acres of fertile soil have been washed into the rivers and the sea. Dust storms are ruining large sections of a half dozen States in the Great Plains region. This wastage must be halted. The United States cannot afford to follow the example of past civilizations that turned fertile areas, some of them nation-wide, into uninhabitable deserts.

So I am giving my support and vote to this measure. It will help. In the long run it should be a great help.

In addition to the soil conservation and soil erosion control program, and such adjustment of production to consumption as may be incidental to this program, there are at least four other major steps which I think are necessary to a prosperous agriculture. I will state them briefly at this time:

First. American farmers are entitled to, and must be guaranteed, the American market. For most commodities

not on a recurring surplus basis this can be effected through the protective-tariff system.

Second. Tariff equivalent payments—subsidies, if we wish to call them that—should be made to producers of at least four basic commodities which are produced on a surplus basis—wheat, cotton, hogs, tobacco. I have a bill, companion to the one introduced in the House by Representative CLIFFORD HOPE, of Kansas, to take care of this situation.

Third. Provision through Government aid must be made for disposing of these surpluses in foreign markets and stabilizing the domestic market. One way of accomplishing this is through cooperative marketing associations, with Federal funds on which to operate. Another is through well-organized programs of utilizing the foreign exchange created by our purchases of agricultural commodities not economically produced in this country, such as coffee, rubber, and sugar. This exchange could be used to help dispose of our own surpluses in foreign markets.

Fourth. More adequate financing of agriculture, at lower interest rates, as provided for in the Frazier-Lemke bill, is a necessity both for agriculture and for the general welfare.

These four avenues of approach to the solution of the farm problem and the soil-conservation plan are, to my mind, interdependent and all necessary. It is with all these considerations in mind that I am supporting the pending bill.

Mr. President, I now desire to call the attention of the Senate and the country to some Kansas thought and action on this question. I have been overwhelmed with telegrams, letters, and petitions from representative farm organizations throughout my State asking me to support this proposed legislation.

First, I wish to read a telegram from Dr. O. O. Wolf, president of the Kansas State Farm Bureau, former president of the Kansas Department of Agriculture, and former president of the Kansas State Livestock Association. He is a staunch Republican, who has served several terms in the Kansas Legislature. I have known Dr. Wolf for many years. He has been a close and intelligent student of farm problems. He has a State-wide acquaintance not only with the people of Kansas but also with the problems of Kansas.

Senator Wolf attended the farm conference here early in January. He took that program back home with him and checked it up to farmers and farm groups in Kansas. The other day I received this telegram from Dr. Wolf:

> Have met with a number of district conferences, each composed of farmers from several counties in Kansas, and find general approval of soil-conservation program now before Congress. Believe you would be voting in line with the wishes of Kansas agriculture if you give this type of legislation your support.

Three different groups in Russell County, which I believe are representative of the sentiment in practically all communities in the western two-thirds of the State, have appealed to me to support this pending bill.

Under date of January 31 I received the following telegram from Carl O'Leary, secretary of the Russell County Bankers' Association:

> The Russell County Bankers' Association, meeting January 30, unanimously urge and recommend that permanent agricultural legislation be enacted covering soil conservation and insuring parity price for agricultural products—the text of a resolution adopted at our annual meeting.

Also from Russell County I received the following from C. A. Tiedman, president of the Russell County Farmers' Union:

> We do hereby unanimously endorse such legislation as will provide a permanent agricultural program, which will insure equality and parity prices for agricultural products; that we heartily indorse the principle of crop-production control; that we believe the processing taxes are a fair and reasonable manner of paying the farmers' tariff. We further unanimously endorse the soil-conservation program.

I also received similar resolutions by the Russell County Farm Bureau, signed by A. C. Gebhardt, president; also similar resolutions adopted at a joint meeting of farm and business organizations, which also asked that the impounded taxes be returned to the Treasury and not to the processors.

Mr. President, I ask unanimous consent at this time to have inserted as part of my remarks resolutions adopted at a joint meeting of the Nemaha County Farm Bureau and county allotment committees, representing 2,000 contract holders, covering the largest corn acreage and hog numbers of any county in Kansas.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

> *Be it resolved,* That, as the law of the land now stands, there is no present means of equalizing the disparity in price between the commodities the farmer must buy and those he produces for sale; that it is our view that this disparity in price is due to the protection which industry enjoys under the tariff, while the farmer must sell on an unprotected market.
>
> That we commend the efforts of those who made the A. A. A. possible and workable, and especially do we commend the efforts of the Secretary of Agriculture, Henry A. Wallace.
>
> That we shall oppose with our influence and with our ballots, anyone, regardless of their political affiliations, seeking to represent us in the National Government, who does not recognize the plight of agriculture in the light of the above, and who does not militantly seek to correct this plight; be it further
>
> *Resolved,* (a) That a unity of action by all groups to secure expansion of outlets for farm products in both the domestic and foreign markets in such manner as would be beneficial to the domestic market and profitable to the producers of these products in net average returns.
>
> (b) The development by Congress of the most effective legal means for Government to assist farmers in adjusting the volume of production to the demands of markets. We believe this can best be achieved through a comprehensive and well-coordinated program providing for the withdrawal from commercial production at equitable rates, such lands as may be necessary to enable the stabilization of farm commodity prices at parity levels.
>
> (c) Continuance and expansion of a policy of commodity loans to handle surpluses in such manner as would be most effective in stabilizing farm commodity prices in the interest of both producers and consumers.
>
> (d) Whether such program is based upon the conservation of soil fertility or otherwise, to be permanently successful, and to best protect the interests of the family-sized farm, which should be a constant objective of Government, legislation must be coordinated covering all phases of these recommendations.
>
> That we regard the return of the impounded processing taxes to the processors as unwise; be it further
>
> *Resolved,* That we go on record endorsing the Frazier-Lemke farm bill and urge your support, as its passage will help place the farmer in near the same position as industry; be it further
>
> *Resolved,* That we heartily endorse the principles of the National Agricultural Conference report and pledge our support to same; be it further
>
> *Resolved,* That copies of these resolutions be sent to our Senators and Representatives in the Congress, to the President, and to the Secretary of Agriculture.

Mr. CAPPER. Mr. President, I do not wish to use up an undue amount of space in the RECORD, so I shall not ask permission to have printed other similar resolutions from county farm bureaus in Kansas; but I desire to state that similar resolutions have been sent me from farm bureaus of the following counties, among others: Atchison, Lincoln, Cheyenne, Jewell, Rooks, Seward, Thomas, and Sumner.

At this point I wish to read the resolution of the Sumner County Farm Bureau. This resolution says in part:

> We believe that dropping the Agricultural Adjustment Administration at this time is a step backward for agriculture as well as the entire Nation. We urge the immediate development of a new agricultural program that will place and keep agriculture on an equality with other industries.

Also, I have received resolutions of similar nature from the farm bureaus of Thomas County, Gray County, Geary County, Sheridan County, Harper County, Stafford County, Edwards County, Finney County, Doniphan County, Grant County, Rawlins County, Franklin County, Pratt County, Wichita County, and Jefferson County. I may say that almost without exception the county farm bureaus of Kansas has endorsed the general program outlined by the farm group which met here the week the A. A. A. opinion was handed down by the Supreme Court.

I also have received a petition signed by more than 700 farmers in the communities of two northwestern Kansas counties, Thomas and Logan, which I desire to read to the Senate at this time. The petition reads as follows:

> The decision of the Supreme Court affecting agriculture, in declaring the A. A. A. unconstitutional, jeopardizes not only the welfare of agriculture but that of the entire Nation. As loyal American citizens we respectfully submit the following petition:
>
> We, the undersigned, demand that legislation be adopted immediately to reenact the A. A. A. program, because the farm groups are divided upon a satisfactory substitute. If it be necessary in order to make such legislation effective, we hereby peti-

tion Congress to increase the number on the Supreme Court to 13 by adding 4 members.

We do firmly endorse the principles underlying the A. A. A. program, and we believe that crop insurance in constitutional form and parity price levels should be maintained through a system of adjustment of production.

And we believe that the adjustment program has been largely responsible for the decided advance in prices of agricultural commodities, the saving of farm homes, maintaining our public-school system, and the operation of our county and State governmental departments.

Mr. President, I also ask unanimous consent to have printed in the RECORD at this point as part of my remarks the resolution adopted by Fairdale Local 927 of the Kansas Farmers Union, these being typical of many farmers' union resolutions and letters received by me dealing with this subject.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Due to the decision of the Supreme Court affecting agriculture, in declaring the A. A. A. unconstitutional, it places the farmer in a position of jeopardy, jeopardizing not only the welfare of agriculture but of the entire Nation. The undersigned members and friends of the Farmers Cooperative Association of Brewster, Kans., do on this date, January 27, 1936, recognize the fact that agriculture is the basic industry of the Nation, and that indirectly a sound program for agriculture is as important to other classes as it is important to farmers; we accordingly, as loyal American citizens, respectfully submit the following petition:

First. That having in good faith carried out the terms of the contract with the United States Government to retire a certain percent of our annual crop acreage, we demand that the Government fulfill its part of the contract by paying the rental for these acres in the form of benefit payments now remaining unpaid.

Second. That despite adverse publicity by those not engaged in the business of farming, we firmly believe a control program emphatically necessary to a constructive planning for agriculture, and that we respectfully demand that if the Constitution does not provide or permit such planning and operation, that immediate action be taken to amend the Constitution to meet the changing conditions of agriculture.

Third. That we firmly endorse the principles underlying the present program; that we believe crop insurance in constitutional form, and parity price levels be maintained through a system of benefit payments.

Fourth. That we respectfully protest the decision of the Supreme Court and demand that processing taxes at present impounded be paid into the general funds of the United States Treasury and not be refunded to the processors, as the real source or origin of these taxes is impossible to establish.

Fifth. That we believe that the adjustment program has largely been responsible for the decided advance in agricultural commodities, and that the saving of farm homes, maintaining of our public-school system, our county and State governmental departments have been made possible by the improved conditions resulting from the A. A. A.

Mr. CAPPER. Mr. President, hundreds of mass meetings of farmers have been held in Kansas communities since the Supreme Court decision was handed down. I ask unanimous consent to place in the RECORD at this point the resolutions adopted at such a meeting, held in Sedgwick County, Kans.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the Agricultural Adjustment Act has been declared unconstitutional by the Supreme Court of the United States, and since the present situation and future prospects of the American farmer demands a national farm program, which will tend to place agriculture on an equality with business and industry; and

Whereas the Supreme Court of the United States has declared the collection of processing taxes unconstitutional and has ordered the return of the impounded taxes to the processors, such return of processing tax which has been impounded by action of the various lower courts of the United States would be unfair to the processors who have not filed injunction proceedings and likewise unfair to the public who have paid same; and

Whereas soil conservation is paramount for the general welfare of the Nation; and

Whereas any future farm program depends largely upon the completion of the existing farm contracts, inasmuch as the farmers have fully complied with that contract and the Government has its moral obligations to the contract signers: Therefore be it

Resolved, (1) That we heartily endorse the seven-point program as outlined by the Representative Farmers, to become effective in the 1936 crop year;

(2) That the Federal Government include in the program adopted by the farm organizations a definite long-time policy which will have as its goal a definite soil-building and soil-conservation program, which will guarantee a supply adequate to take care of domestic consumption and a reasonable carry-over for export demand;

(3) That we believe that a definite injustice is being meted out to the public in general if it is permitted to distribute this impounded tax exclusively to the processors who filed injunctions, and every effort should be made to force all processing taxes levied and unpaid up to January 6, 1936, including those impounded under orders of Federal courts to be paid into the Treasury of the United States where it rightfully belongs: Therefore be it

Resolved, (4) That the Government take immediate steps to appropriate funds to pay farmers the obligations due them; be it

Resolved, (5) That we, a representative group of farmers from the Farm Bureau, Grange, and Representative Farmers of Sedgwick County, Kans., being duly appointed by the farmers of Sedgwick County, Kans., in a meeting assembled, hereby adopt the above resolutions and, furthermore, that a copy of these resolutions be spread upon the minutes and copies be mailed to the President of the United States, Hon. George McGill, Hon. John M. Houston, Hon. Arthur Capper, Henry A. Wallace, Chester A. Davis, Clifford Hope, Edward O'Neal, and L. J. Taber.

Very respectfully yours,

C. C. WINTER, *Andale, Kans.*,
JACOB H. TJADEN, *Clearwater, Kans.*,
E. A. LONG, *Clearwater, Kans.*,
HARRY S. LOYD, *Valley Center, Kans.*,
JOE MCQUILLAN, *Clearwater, Kans.*,
EMMETT BLOOD, *Route 6, Wichita, Kans.*,
Resolutions Committee.

Mr. CAPPER. Mr. President, I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a few other communications and resolutions on the same subject, tending to show the sentiment of the people of Kansas in regard to farm legislation, which I send to the desk.

There being no objection, the communications and resolutions were ordered to be printed in the RECORD, as follows:

Hon. ARTHUR CAPPER,
Senate Office Building, Washington, D. C.

DEAR MR. CAPPER: Resolution adopted by the nine southwest counties of Kansas—Ford, Gray, Meade, Haskell, Seward, Stanton, Grant, Morton, and Stevens—in conference at Dodge City, Kans., January 16, 1936.

We wish to express our appreciation of your efforts in the past in the support of the Triple A program.

We further solicit your continued effort for a permanent program for agriculture which will replace the Triple A. This new program should stress production-control measures based on farm-management practices which will conserve soil fertility and guarantee a parity price.

ART CUMMINGS, *Chairman.*

HAMILTON COUNTY INDUSTRIAL CLUB,
Syracuse, Kans., January 15, 1936.

Hon. ARTHUR CAPPER,
United States Senator, Washington, D. C.

DEAR SIR: The Hamilton County Industrial Club, an organization composed of businessmen, farmers, and stockmen of the entire county, at its regular meeting Tuesday evening, January 14, 1936, discussed the agricultural situation in this community, with particular reference and attention to proposed substitute legislation to replace the Agricultural Adjustment Act, recently declared unconstitutional by the Supreme Court.

Resolutions were adopted and the meeting voted unanimously in favor of Federal farm legislation providing farm aid on a scale comparable to the allotment plan which operated as an insurance against crop failures and ruinous prices for products of the farm. The undersigned committee was appointed to analyze and summarize the sentiment and action of that meeting and report to our Senators and Congressman.

As members of that committee, and by virtue of the instructions and authority delegated to us, we submit the following statements and recommendations:

We are opposed to the refunding of processing taxes under any pretext, and believe the impounded funds should revert to the Federal Treasury and be used for the benefit of agriculture in order to avoid the necessity for new revenue-raising legislation. We feel that as it would be impossible to refund these taxes to the ultimate consumer who paid them, any sum refunded to the processors amounts to a steal from the public pocket.

We recommend immediate enactment of farm legislation which will place the agricultural industry in a position to make a creditable fight for a fair share of the wealth it produces. As the creator of wealth which enables other industries to operate, employ labor, and prosper, we believe the farmers are entitled to support from the Federal Government to an extent that will enable them to maintain the standard of living that is enjoyed by the average employers and employees of tariff-protected industries.

We recommend your continued cooperation with the Secretary of Agriculture, the Farm Congress, and other leaders of agricultural organizations, without regard to political issues, in an effort to develop a farm-aid plan that will provide reasonable credit for agriculture, some protection against losses incurred through crop failures, and for some method calculated to stabilize the price of farm products. We are confident that our legislative branch of government can formulate such a plan within the bounds of constitutional limitations.

We commend our Senators and Congressmen for their good judgment and wise discrimination as shown by their untiring efforts and efficient assistance rendered in support of farm legislation intended to solve the many complex problems of agriculture during the past several years.

Yours truly,

THE HAMILTON COUNTY INDUSTRIAL CLUB,
R. M. GIBBENS.
E. M. SCOTT.
ALBERT M. JAMES.
BRUCE MACK,
C. W. NOELL.
S. BISHOP.

MARSHALL COUNTY CORN-HOG PRODUCTION CONTROL ASSOCIATION,
Marysville, Kans., January 10, 1936.

Senator ARTHUR CAPPER,
Senate Post Office, Washington, D. C.

DEAR SENATOR CAPPER: We, the undersigned members of the Marshall County Corn-Hog and Wheat Allotment Committees, are taking this means of expressing our hope and desire that you will use every honorable means within your control to give to the farmers of America some legislation as speedily as possible to take place of the Agricultural Adjustment Act which the Supreme Court have held unconstitutional.

So far as we know, in Marshall County there is no ill will or hatred because of the defeat of the A. A. A. We one and all prized greatly the A. A. A., irrespective of race, creed, or political affiliations, and now know as never before its true value to us farmers. The only expression we hear is that of sorrow and grief as though a dear one had departed this life. Even those who were not 100 percent for the program before now express sorrow that it is gone.

And we wish to impress upon you, Senator CAPPER, that the farmers of Marshall County are not a bunch of Bolshevists but good, loyal American citizens, and we each and every one are looking to Washington for something that will take the place of the A. A. A., which was nothing short of a godsend to men.

We are not trying in any way to dictate to you what this legislation shall or shall not be, only that it be something that will accomplish what the A. A. A. was doing, and asking you to use your own judgment in choosing and supporting what you think will accomplish that need.

The money which we have received, and which we had hoped we would continue to receive, in the form of bonus checks was not the only or by any means the greatest blessing we have received from participation in this program. But the really great good that has been accomplished was the spirit of cooperation that has been shown by the contract signers.

For more years than any of us have lived we and our fathers and grandfathers have uncomplainingly paid import tariff in goods that in many cases were not produced farther from our farms than Kansas City, Mo., that American industry might prosper, and in the processing tax we had that which gave us a fair share of the prosperity that is the inherited and inalienable right of every American citizen.

We have borne much patiently, but the time has come and we feel that in fairness that those to whom the A. A. A. was obnoxious that now they have taken it to the highest Court in the land and that Court has declared it unconstitutional. Now they no longer try to kid the American farmer by directing him "around the corner" to prosperity but come out in the open and give us that which will fill our need and also stand the acid test of the Supreme Court.

We are sending a copy of this letter to Senator MCGILL and to Congressmen LAMBERTSON and HOPE and are asking each of you to stand together in supporting that which the farm leaders who will be in session in Washington January 10 and 11 may recommend.

MARSHALL COUNTY WHEAT ALLOTMENT COMMITTEE,
MARSHALL COUNTY CORN-HOG ALLOTMENT COMMITTEE,
W. O'CONNELL, *Secretary.*

DENISON, KANS., *January 27, 1936.*

Senator ARTHUR CAPPER,
United States Senate, Washington, D. C.

DEAR SENATOR CAPPER: I presented the enclosed resolution to a group of 27 dairymen at a meeting in Denison on Thursday, January 23, and they unanimously passed it and instructed me to forward it on to you.

Yours very truly,

L. G. WILL.

(Resolution)

We deeply regret the nullification of the A. A. A., because through it we feel that the increase in prices for farm products, coupled with the benefit payments, have aided much toward the recovery of agriculture.

We therefore submit a resolution favoring legislation which would maintain parity prices for agriculture and maintain soil fertility.

We believe that payments on A. A. A. contracts which are yet unpaid should be paid; we further believe that processing taxes which have been impounded should not be returned to the processors, since it is quite generally believed that the processors have either charged the tax to consumers or passed it back to the producer.

CONCORDIA, KANS., *February 1, 1936.*

Hon. ARTHUR CAPPER,
Senate Office Building, Washington, D. C.:

We urge prompt congressional action in passage of new farm bill making effective control and benefits for 1936 and saving to agriculture the progress made since 1920. Delay may mean disaster.

L. F. DAVIDSON,
President, Cloud County Bureau.
JENS CARR,
President, Cloud County Farmers Union.

SENECA, KANS., *February 5, 1936.*

Hon. ARTHUR CAPPER,
United States Senator, Washington, D. C.:

At a joint meeting of the Nemaha Farm Bureau executive board and the wheat and corn-hog allotment committee, offer the following resolutions:

Resolved, That the Nemaha County allotment committees and farm bureau board of directors pledge our support to our Secretary of Agriculture and Senator CAPPER for their faithful and untiring efforts to better the welfare and happiness of the American farmer; be it further

Resolved, That our Congressmen and Senators lend their willing and speedy hand to help build an immediate program to forestall certain disaster for the farmer if we fail to replace the A. A. A. That a letter is to follow to the Secretary, Senators, and Representatives setting forth in detail the principles for which we stand.

R. L. RAWLINS, *Acting Secretary.*

COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS,
Seneca, Kans., February 6, 1936.

Hon. ARTHUR CAPPER,
United States Senator, Washington, D. C.

DEAR SIR: I have been requested to mail you a copy of the resolutions passed at a meeting on February 5.

These resolutions are those referred to in a telegram on February 5.

We hope you will give them your consideration and at the same time know that the farmers of Nemaha County, Kans., are entrusting you and your coworkers with the problem of developing a workable plan to benefit agriculture and are standing ready to support measures that we are confident will be worked out.

Very truly yours,

R. L. RAWLINS, *County Agent.*

LUDELL, KANS., *January 21, 1936.*

Hon. ARTHUR CAPPER,
Washington, D. C.:

We, the undersigned, endorse the principles underlying the A. A. A. program. We believe crop insurance in constitutional form and in price levels should be maintained through a system of adjustment of production. We also favor legislation to improve our present cooperative marketing structure.

LUDELL EQUITY CO-OP. EXCHANGE.

MCDONALD, KANS., *January 22, 1936.*

Senator CAPPER:

The McDonald Equity Exchange in board assembled resolutions we demand that Congress take such action whereby economic equality and social justice shall be secured not alone for agriculture but for the Nation as well. That soil conservation be embodied into the new farm program. That farmers should be encouraged to produce crops now imported. We commend the action of Secretary of Agriculture for what he has done in behalf of agriculture and support him in a new program he develops.

We commend Senator CAPPER for his war-peace, all voting "yes" on the first five questions, "no" on remaining three.

McDonald Equity Exchange Board of Directors, Paul Wilkens, Secretary; Geo. A. David; Theo. J. Kacirek; A. A. Rummell; Ben Hubbard; L. W. Freeland; Fred W. Brumm; J. S. Burk, President.

MCDONALD, KANS., *January 24, 1936.*

Hon. ARTHUR CAPPER,
Senator, Washington, D. C.:

We, the undersigned, endorse the underlying principles of the A. A. A. program. We believe crop insurance in constitutional form and parity price levels should be maintained through a system of adjustment of production. We also insist the Surplus Commodity Corporation be retained and expanded. We demand legislation be adopted immediately providing a satisfactory substitute for the former A. A. A. program. The old program has been satisfactory as a whole in Rawlins County. We believe the program has been largely responsible for Kansas having a balanced budget. We further demand that farm leaders and representatives support such a legislative program.

LIONS CLUB,
C. R. GAINES, *Secretary.*

BEARDSLEY, KANS., *January 22, 1936.*

Senator ARTHUR CAPPER,
Washington, D. C.:

We endorse the principles underlying the A. A. A. program. We believe crop insurance in constitutional form and parity price levels should be maintained through a system of adjustment of production. We also insist that the surplus commodities corporation to deal with agricultural surpluses be retained and expanded, through storage and commodity loan when necessary. Through seeking outlets for farm products. Through developing more industrial uses for products of the farm. We demand legislation be adopted immediately providing a satisfactory substitute for the former A. A. A. program. The old program has been satisfactory as a whole in Rawlings County. We believe that the adjustment program has been largely responsible for the decided advance in prices in agricultural commodities, the saving of farm homes, maintaining our public-school system, the operation of our county and State governmental departments, and largely responsible for the State of Kansas having a balanced budget. We further demand that farm leaders and representatives support the legislature program as outlined above.

The Beardsley Equity Mer. Exchange, J. F. Sabtka, President; H. E. Harper, Secretary-Treasurer; Frank J. Sabtka, Director; S. J. Kletchka, Vice President; A. J. Holub, Director; Frank Holub, Director; Roy McKain, Director.

LARNED, KANS., *January 20, 1936.*

Hon. ARTHUR CAPPER,
United States Senator:

Whereas the decision of the Supreme Court has annulled the benefit and parity price farmers were receiving for their crops under the A. A. A. and we are again left to the mercies of overproductions and a price for products that has no parity, we therefore urge immediate national legislation that will be acceptable to the Supreme Court that will give the producer a parity price and that will guard against overproduction.

PAWNEE COUNTY CO-OP. ASSOCIATION.

ATWOOD, KANS., *January 21, 1936.*

Senator ARTHUR CAPPER:

We respectfully request Congress to pass suitable farm program immediately.

ATWOOD CHAMBER OF COMMERCE.

FREDONIA, KANS., *January 15, 1936.*

ARTHUR CAPPER,
Washington, D. C.:

We urge Congress to have impounded processing tax paid to Treasury of United States and to appropriate money to pay out to contract signers to end of 1935. May we have your consideration?

OLEY G. APT,
President, Wilson County Farm Bureau.
C. E. HALL,
President, Corn-Hog Control Association.
C. E. SIERMAN,
President, Wheat Control Association.

FARMERS EDUCATIONAL AND COOPERATIVE UNION OF AMERICA,
Salina, Kans., February 11, 1936.

Hon. ARTHUR CAPPER,
United States Senator, Washington, D. C.

DEAR SENATOR CAPPER: I did not immediately reply to your letter asking for my opinion of the Bankhead farm bill because I wanted to take this matter up with our board of directors and get their reaction on the bill.

We discussed the bill thoroughly at our regular meeting in Kansas City on February 6. As a result of this discussion the board instructed me to express to you our confidence and our appreciation of your efforts on behalf of the farmers of the United States and assure you that the Kansas Farmers Union will back any constructive move made to build up a permanent farm policy in the United States.

The Kansas farmers are very resentful of the position taken by the Supreme Court in its majority opinion on the A. A. A. case, which implies that agriculture is not vested with sufficient public interest to be legislated for under the general-welfare clause of our Constitution. We realize that under the decision of the Supreme Court it may be rather hard to frame real constructive farm legislation on national lines. Still, that is the only kind of legislation that can be made of real service to the American farmers. In spite of the decision of the Supreme Court, we feel it is the duty of Congress to frame legislation that will tend to permanently place agriculture on an equal basis with other great industries of this country. They should naturally try to build it so as to conform to the Constitution of the United States, but I believe Congress and the Supreme Court should ever keep in mind that the welfare of the United States is always paramount to the Constitution, and that if the Constitution interferes with the welfare of this country, the Constitution can and should be changed or the Court's interpretation of the Constitution should be changed, since it is only a means to the end, as stated in the preamble of the Constitution.

In discussing the Bankhead soil-utilization bill, which is to take the place of the A. A. A., the board has, in general, approved of the provisions, except in one place where it seems to give the Secretary of Agriculture the choice of making it operate either through the Extension Department or through the associations of the producers. One of the greatest criticisms directed against the A. A. A. was its bureaucratic tendency on account of a large percent of its control being centered in the Extension Department.

We have due regard for the usefulness of the Extension Department in bringing to the farmers the discoveries and results of experiments of our great Department of Agriculture and the land-grant colleges, but we do not believe it should be changed from an educational to control department.

Our board strongly urges that whatever legislation is framed to take the place of the A. A. A., that the control of the machinery be placed in the hands of officers selected by the growers themselves through their county and State associations. Under the Triple A, practically entire control was in the hands of the Extension Department and this was much resented by the people of the State, especially those who were not members of the Farm Bureau, which, on account of its direct connection with the Extension Department through the county agent, was largely the beneficiary of the power and influence given to the Extension Department by the act.

We also ask that there be as little red tape connected with the operation of this bill as is possible, while still retaining the necessary control features.

We feel that since the condition of the farmer has been very much aggravated by the heavy burden of debt placed upon our farmers and, in fact, upon all classes of our citizens except the few of the moneyed class who are members of the American Liberty League and other like organizations, any program of relief to be truly and permanently successful must contain some provisions for controlled inflation, or, in other words, control dollar values so as to keep the buying and debt paying power of the dollar somewhere in line with the 1926 level, or the average level between 1920–29. The Frazier-Lemke farm-refinancing bill, together with the bringing of the recommendations of the Bankhead committee in regard to currency reform into law would go a long ways toward solving our debt problems and would be the right expansion measure to the soil-utilization bill. I certainly hope they can both be enacted into law during this session of Congress.

With best personal regards, I am

Yours very truly,

JOHN VESECKY,
President, Kansas Farmers Union.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. LOGAN] to the amendment in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. WAGNER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from New York to the amendment of the committee will be stated.

The CHIEF CLERK. On page 2, line 17 of the reprint of the committee substitute, it is proposed to strike out all after the word "power" down to and including the word "consumers" in line 21, and in lieu thereof to insert:

The powers under this act for soil conservation shall be used to encourage voluntary action calculated to result in the reestablishment, at as rapid a rate as the Secretary determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of income per person not on farms that prevailed during the 5-year period 1909–14, inclusive, as determined from the statistics available in the United States Department of Agriculture, and the maintenance of such ratio. Such powers shall not be used to discourage the production of supplies of agricultural commodities sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities.

Mr. McNARY. Mr. President, I am not advised as to the point in the bill where the Senator desires to have his amendment inserted.

Mr. WAGNER. On page 2, line 17, after the word "power", to strike out from that place to line 29, and to insert the amendment which I have offered.

The PRESIDING OFFICER. The Chair may state to the Senator that this reference is to the reprint.

Mr. WAGNER. The last substitute.

Mr. McNARY. I think I have the reprint before me.

The PRESIDING OFFICER. It is on page 2, line 17.

Mr. McNARY. I desire to know whether the Senator wishes to strike out from lines 17 to 21.

Mr. WAGNER. Yes; that language is to be stricken out, and the amendment is to be substituted for the words stricken out.

Mr. McNARY. The amendment does not seem bad as it is read, but I really do not know what the Senator intends to be accomplished by the language contained in the amendment. Will he not make a short explanation of the purpose of the amendment?

Mr. WAGNER. Mr. President, the first portion of the amendment was suggested by the Secretary of Agriculture as an addition to the amendment which I originally proposed. It declares it to be one of the policies of this legislation to restore the incomes of farmer and the nonfarming population, respectively, to the relationship which existed between 1909 and 1914, a period regarded as normal by experts.

Mr. BORAH. Mr. President, I am anxious to know how this desirable object is to be attained. The amendment provides:

> The powers under this act for soil conservation shall be used to encourage voluntary action calculated to result in the establishment, at as rapid a rate as the Secretary determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of income per person not on farms.

As I understand it, the object of the amendment is to establish a fair ratio between the income of the farmer and the income of those who have to buy farm products.

Mr. WAGNER. Yes.

Mr. BORAH. The question is, How can that possibly be done?

Mr. WAGNER. I might say to the Senator that this part of my amendment was suggested by the proponents of this legislation, particularly by the Secretary of Agriculture. I take it that the end would be accomplished by increasing the purchasing power of the farmer, through the medium of better prices for his products. That, indeed, I understand to be the purpose of whole farm program. Soil conservation will be utilized primarily for that purpose.

Mr. BORAH. Undoubtedly, Mr. President, what the Senator desires is what everyone would desire, that is, a fair ratio between those who produce and those who have to buy.

Mr. WAGNER. Yes.

Mr. BORAH. There must be in the mind of the Secretary of Agriculture some plan or some method by which that is to be accomplished. If a method can be found by which the purchasing power of the farmer can be restored and at the same time the purchasing power of the man who buys from the farmer can be restored, we will have solved the problem of the depression.

Mr. WAGNER. I appreciate that this language merely expresses an aspiration. I am not an expert upon these subjects, and I do not know completely how the Secretary of Agriculture proposes to bring the ideal about. But I am certainly in sympathy with the objectives aimed at.

Mr. BORAH. I will not interfere with the Senator further.

Mr. WAGNER. The other portion of the amendment is designed to give some assurance—it is true not so effective an assurance as I should like to see—that this program of control of production will not, by means of soil conservation, be carried to a point where it would create a condition of scarcity. Pushing up the prices of farm products by a scarcity program would be, as even the proponents of this legislation recognize, a ruinous thing for our country. I rather look toward the day when we shall produce more and more, because it seems to me that that should be our ultimate goal in our desire to raise the standards of living of all of our people.

As the bill reads now, while there are some general declarations, I do see in it a power at least delegated to the Secretary to reduce production below the amounts required for normal consumption. This amendment proposes a standard to prevent that. It provides that production shall fall below the normal domestic human consumption in the years 1920 to 1929.

Mr. BORAH. Mr. President, in 1929, 70 percent of the people of the United States were living upon the bare necessities of life. Fifty percent of them were living on less than the necessities of life. How is that to be changed? If we can only be advised as to the method, perhaps we would all be for the amendment.

Mr. WAGNER. I do not say that even during that period we had anything like the consumption which would exist in this country if there were a fairer distribution of wealth. But at the very least we should not allow production to go below the normal human consumption during that period. The truth is that it has dropped even lower since 1929. I want some assurance given to the consuming public that consumption will be kept up to at least the very modest levels of 1920 to 1929.

The Brookings Institution has estimated, as the Senator has said, that even during 1929 the consumption of commodities was 40 percent below that which was needed for a decent living.

Mr. SMITH. Mr. President, may I ask the Senator whether he means to say that the things which were needed were not here?

Mr. WAGNER. I did not say that. They were not consumed because the purchasing power did not exist for their absorption. We had an artificial surplus which undoubtedly depressed the prices of farm commodities.

Mr. SMITH. I wanted to bring out this point; we had then, as we have now, an abundance.

Mr. WAGNER. Yes.

Mr. SMITH. But the reason for the distress that is abroad is that the consuming public has no means of getting the things which are here to consume.

Mr. WAGNER. That is true.

Mr. SMITH. I take it we are not discussing that feature in connection with the consideration of the pending legislation. I do not wish to take the Senator's time, and perhaps I would better state what I wish to state in my own time.

Mr. WAGNER. Very well.

Mr. SMITH. The Senator is evidently working for a purpose which is not contemplated in the bill.

Mr. WAGNER. As I understand it—and I mean to be perfectly candid and realistic—this bill in effect is intended to control production. It means reduction at least to the point where the farmer will get the prices which the proponents of the legislation feel that he ought to get for different commodities.

I am sure that the great consuming public wants to see the farmer get fair prices for his commodities, because all except those who are uninformed recognize the economic interdependence of all groups.

If the farmer does not get a fair price for his commodity, he does not have any purchasing power with which to buy the goods which the manufacturer produces. On the other hand, if the farmer charges too much, the large wage-earning population of the country will not have money sufficient to purchase farm products.

Mr. President, I am one of those who does not believe that our country can remain one-half broke and one-half prosperous. I am in sympathy with all the efforts made to bring about parity. May I say that reasonable success has already been attained in that direction under the A. A. A. The decision of the Supreme Court respecting the A. A. A. has made some people quite jubilant, but it has not made me jubliant. For under the A. A. A. farm parity reached within 10 percent of normal. The farmers' income increased by $3,000,000,000 since 1933.

I can recall the farmers' plight a few years ago when a large number of you gentlemen on the other side of the aisle were grappling with this baffling problem. You accomplished nothing. The farmers continued to go down, down, and down. When President Roosevelt took office they were on the point of economic and social disintegration. By means of the A. A. A. legislation the farmer has been rehabilitated, and no one rejoices more than I do.

Mr. FRAZIER rose.

Mr. WAGNER. Mr. President, I see that the Senator from North Dakota has risen. I do not mean that the farmer has been completely rehabilitated. But his situation is entirely different from what it was in the spring of 1933.

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER (Mr. McGILL in the chair). Does the Senator from New York yield to the Senator from North Dakota?

Mr. WAGNER. I yield.

Mr. FRAZIER. I am glad the Senator from New York modified his statement with regard to the farmer being rehabilitated, because the farmers have not gotten up to the cost of production yet. The Senator by his amendment proposes to strike out:

> In carrying out the purposes of this section due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

Can you get anything fairer than that? Can you get any language which sounds better than that?

The PRESIDING OFFICER. The time of the Senator from New York on the amendment has expired.

Mr. WAGNER. I shall speak on the bill.

Mr. FRAZIER. Of course that may be what the purpose of the bill is, to contain language which sounds nice in order to get votes from the farmers.

Mr. WAGNER. Is the Senator speaking of the bill or of my amendment?

Mr. FRAZIER. I am referring to the paragraph which the Senator cuts out by his amendment. That is the best paragraph in the bill.

Mr. WAGNER. I think my language is an improvement upon it, because it is more specific.

Mr. FRAZIER. Oh, no; it is not. This language is specific in that it says "prices fair both to producers and consumers." The only fair price to the producer is the cost of production. The only fair price to the consumer is that which can be obtained by changing our marketing conditions and cutting out unnecessary handling expense.

Mr. WAGNER. As a temporary expedient I voted for the legislation which attempted to control production.

Mr. FRAZIER. So did I.

Mr. WAGNER. I recognized that there was a tremendous surplus created by the lack of purchasing power among our people and by the loss of the foreign market. The farmer had been suffering for many years because of the agrarian depression. I was willing to accept an expedient to remedy that distressing condition.

But in the long run it will be a ruinous policy to pursue a program of scarcity. This legislation has already in some quarters been labeled as a program of scarcity.

I want to make sure that that fear is unfounded by providing for some limitation upon the authority to control production—some floor level below which the administration must not go. I suggest a very reasonable floor level. I propose simply that restriction of production shall not go below the consumption during the period between 1920 and 1929. The Secretary of Agriculture is at liberty to exercise discretion within these broad limits.

My amendment also provides for further flexibility in administration. It allows for export trends. It allows for abnormal consumption that may have been stimulated by a sudden collapse of farm prices and the shrinkage of the foreign market. It reads—

> Taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period.

In fact, every safeguard is provided. I desire to appeal particularly to the Representatives of the agricultural States. It is certain in their best interests to give some assurance to the large consuming public that there is some limitation to the so-called scarcity program.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. WALSH. Has the amendment which the Senator proposes been submitted to the Secretary of Agriculture?

Mr. WAGNER. It has.

Mr. WALSH. Would the Senator be willing to state what the Secretary's objection to this amendment is, if any?

Mr. WAGNER. The Secretary favors the amendment now, because I accepted as a part of my amendment the first provision, with which I am sure the Senator and I are both in sympathy; namely—

> Calculated to result in the reestablishment, at as rapid a rate as the Secretary determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of income per person not on farms.

Mr. WALSH. I am sure that if the Secretary of Agriculture has accepted the amendment, the genial chairman of the Committee on Agriculture and Forestry will also accept it.

Mr. WAGNER. I shall sit down in a moment if I get that assurance from the chairman. I think he ought to accept it.

Mr. SMITH. Mr. President, I like to hear these complimentary adjectives used. I like to be genial, as the Senator from Massachusetts has suggested; but I am not going to stand in the way of the Senate accepting this amendment.

I am perfectly aware that the Senator from New York is very zealously trying to protect his vast number of consumers against any disaster which may befall them by virtue of the rise of the price of farm commodities brought about by reduced production. That is all there is to it. It is a question of an irresistible force meeting an immovable object.

I do not know whether the Senate is willing to accept the proposition with respect to the years designated by the Senator to provide the basis below which the production of the country may not go. So far as I am concerned, I have nothing to say about that; but I think, as was pointed out by the Senator from North Dakota [Mr. FRAZIER], there will be found in the amended form the language carrying out the purpose of this section. The language is:

> Due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

I wish to state that in the committee the consumers were not without friends. All of us recognized that the ultimate object of all production is consumption. The two are forever linked together, and unless we can have an adequate consumption we cannot have an increased production. The committee, of course, considered that question. Some of us had quite a great deal of difficulty in showing that the markets of the world must be cared for in order to take care of those who produce for the markets of the world. I do not like this idea of setting a fixed control.

Mr. BORAH. Mr. President, may I ask how this is going to be carried out? How is it possible for the Secretary to come anywhere near complying with the provisions of the amendment without controlling production?

Mr. SMITH. I do not think it can be done. Of course, every Senator who is at all familiar with the situation in our country recognizes that, far beyond the appreciation of any of us, there is a depletion of our soil and deplorable effects due to erosion. It is not a mere dream; it is a fact. Millions and millions of acres which a few years ago were productive are now practically worthless; the soil has gone and there is nothing left but the bare subsoil. It is in the interest of the general public that we should arrest that process if possible.

The Senator from Kentucky [Mr. LOGAN] this morning offered an amendment, which was adopted, which I think is far more far-reaching than most of us realize, having to do with the preservation of our watersheds. In my lifetime, in the Piedmont section of my State, the watersheds have been cleared to the banks of the streams, so that the precipitation, the result of the rains and snows, goes immediately into the streams, and, in addition, carries the soil with it, whereas when the banks of the streams were forested, there was a slow percolation and no erosion. Now millions of tons of debris are carried down to the Coastal Plain, clogging the streams, causing the overflow basins to become inadequate, and destroying crops from the mountains to the seaboard. If we should not appropriate money for anything else but for the purpose of reforesting our watersheds and preserving

the even flow of our rivers, the subject would be worthy of the attention of this body. In so doing we would necessarily take out of cultivation millions of acres that are now temporarily the most productive of any, but they happen to be situated just where this dangerous and devastating erosion takes place.

Someone has said we have just started along this line. Yes; we are just beginning to realize the effect of this constant leveling of our hills and carrying them to the ocean; but remedying that situation necessarily is going to aid the object which was contemplated by the A. A. A. legislation, namely, the diminution or reduction of the area planted. Not only is soil erosion a menace to this country, but soil depletion is also a menace. I take it that we have both those objects in view, with the ultimate purpose of maintaining an adequte supply of agricultural commodities for our own people and such exports as we may command to the advantage of our people.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Florida?

Mr. SMITH. I yield.

Mr. FLETCHER. The question has been raised by the Senator from Idaho with reference to controlling production. There are many people who do not believe in placing in the Department of Agriculture or in any one agency absolute control. I ask the Senator if it is not possible to influence production by promoting voluntary action on the part of the farmers themselves whereby there can be had the effect on production that would be desirable without absolutely controlling it.

Mr. SMITH. The only reason I consented to this bill was because I believed that two very helpful objects might be attained by it. One was that during this time of an adequate circulating medium of purchasing power to reduce our production to fit the volume of currency rather than to fit the volume of currency to the demands and needs of the people. Senators may talk with all the sophistry they please, but that is the objective. We are going to reduce the actual wealth of this country to the terms of the inadequate circulating medium, rather than exercise our function to see that the circulating medium shall not only be adequate but so controlled as to meet the imperative demands of the law of supply and demand. I think that it is well within the power of Congress so to couple soil erosion and soil conservation as to meet this other crying need until we are wise enough to do the other thing.

Mr. CAREY. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Wyoming?

Mr. SMITH. I yield.

Mr. CAREY. I understand this bill is a soil-erosion bill in the interest of saving lands that are being eroded?

Mr. SMITH. That is one of the objects.

Mr. CAREY. Does that mean that only the farmer whose land is being eroded will get any benefits under this bill?

Mr. SMITH. It will also affect the farmers whose land is being depleted.

Mr. CAREY. Suppose a farmer's land is not being depleted, suppose it is not being washed into the rivers and is not being destroyed, will he be paid by the Secretary the same as will the man whose soil is being eroded?

Mr. SMITH. I do not think he ought to be. I am perfectly frank. There is no use to ask me a question to make me give an answer that is absolutely absurd; I am not going to do that.

Mr. CAREY. I do not think it is absurd. Take the cotton farmer, for example.

Mr. SMITH. The idea is that they should all be treated exactly alike. If a man has a very rich farm that is neither being eroded nor depleted, then he should have a slice cut off and get as much as the other who is now a menace to the country.

Mr. CAREY. Assuming that the farmer whose farm is not being eroded is having the same difficulty as other farmers in getting a fair price for his products, what then?

Mr. SMITH. He is having the same difficulty so far as price is concerned because of the unwise use of certain soil that might be preserved at a loss temporarily to the farmer. That is the difference.

Mr. CAREY. I do not quite understand the difference as stated by the Senator; I do not quite see it.

Mr. SMITH. It may be unprofitable marginal land the farming of which cannot keep soul and body together; today thousands of farmers are producing on soil and under conditions that they are not getting a penny out of and the land is going down every year. There are some farmers who have maintained the fertility of their soil and preserved it. Now, they are being destroyed so far as prices are concerned along with the others because of the plight of the aggregate.

Mr. CAREY. Then it is proposed to pay those who have destroyed their farms; it is proposed to pay the poor farmer?

Mr. SMITH. "Destroyed their farms?" They did not destroy them; they were unable to preserve them. I know men, as the Senator does, who are absolutely too poor to economize. That is what is the matter with the farmers now; they are absolutely too poor to economize. They have to pay the highest rates of interest; they have to take indifferent goods and live as best they may because they are bad risks.

Mr. CAREY. The bill, then, is for the bad risks?

Mr. SMITH. Yes; it is for the "bad risks" that we, in our senseless way of economy, have made "bad risks."

Mr. President, so far as I am concerned——

Mr. WALSH. Mr. President, may I ask the Senator from South Carolina a question?

Mr. SMITH. I yield.

Mr. WALSH. The Senator refers to the soil being depleted. Is it not true that all soil that is farmed is subject to depletion?

The PRESIDING OFFICER. The time of the Senator from South Carolina on the amendment has expired.

Mr. SMITH. The Senator from Massachusetts is asking me a question in his time. I reserve some time on the bill.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. WALSH. I will ask the Senator from South Carolina it is true, is it not, that all soil that is cultivated is depleted?

Mr. SMITH. Just to the extent that production is made out of the soil that production is taken from it. That is axiomatic.

Mr. WALSH. The result is that the Secretary of Agriculture will have control of all cultivated soil under this bill?

Mr. SMITH. Yes.

Mr. BORAH. Mr. President, may I ask the Senator from Massachusetts a question?

Mr. WALSH. Certainly.

Mr. BORAH. I have no objection in the world to the objective which the author of the amendment has in mind, but what I should like to know from the Senator from Massachusetts is how the desired result is going to be accomplished?

Mr. WALSH. The amendment is not mine, I will say. I am interested in its objective. However, I agree that there is no clear yardstick by which the result desired can be obtained. That, however, is true of the whole bill. The Secretary of Agriculture has no yardstick by which to gage or control any of the powers delegated to him. It is left to his entire discretion. All the powers under the bill are of the widest and most indefinite character. One of my chief objections to this bill is its indefinite grant of bureaucratic power and control of agriculture.

Mr. BORAH. In other words, we propose to delegate to the Secretary of Agriculture power to adjust income in the United States.

Mr. WALSH. I would not say that the power was so extensive as that.

Mr. BORAH. Yes; that is exactly what it is. The amendment provides:

The powers under this act for soil conservation shall be used to encourage voluntary action calculated to result in the reestablishment, at as rapid a rate as the Secretary determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of income per person not on farms.

That includes the whole United States.

Mr. WALSH. The purpose, as I understand it, as defined by the Senator from New York, is to protect the consumers from excessive prices by defining, as the amendment seeks to do, the factors to be taken into consideration by the Secretary of Agriculture in administering the act.

Mr. WAGNER. Mr. President, as I said before, that is left to the Secretary of Agriculture. But what is the objective of all this type of legislation if not to bring about a normal relationship between the farming and the nonfarming population? It is generally conceded that the period between 1909 and 1914 was normal.

Mr. BORAH. It was exceedingly abnormal.

Mr. WAGNER. I have only the testimony of experts on that proposition. Would the Senator prefer the amendment with that provision stricken out?

Mr. BORAH. I am trying to ascertain how it is we are going to adjust incomes in the United States. It is a thing in which I have been interested for many years. I know that even in 1929 about 70 percent of the people of the United States had no income. They were living on the bare necessities of life.

Mr. WAGNER. I believe it superfluous to assure the Senator of my interest in that subject. A good deal of the legislation that I have been advocating, some of which I have succeeded in having passed, has been designed to bring about a fairer share of the income of the country for the large masses of our population. About 60 percent of our families have been earning less than $1,000 per year.

Mr. BORAH. How is the Senator going to remedy that condition?

Mr. WAGNER. I have suggested several remedies for it.

Mr. BORAH. Until it is remedied, how will the farm question be settled? Until the people in the cities, millions of them with small incomes, can buy what they need to eat, how will the Senator permanently adjust the farm problem of the United States?

Mr. WAGNER. There will be no permanent or satisfying solution until we bring about a condition where the great wage-earning population of the United States will get a fair share of the wealth which they produce. Such has ever been my objective—and of many others here—but it has always been resisted with great force, and at times with success, by the selfish portion of the privileged classes of our country. In spite of that resistance we made some progress, but we are still far away from our goal.

Mr. FRAZIER. Mr. President, did I correctly understand the Senator from New York to say that his amendment was introduced at the request of the Secretary of Agriculture?

Mr. WAGNER. Oh, no. I submitted an amendment several days ago which dealt only with the subject of providing a lower level beyond which curtailment of production could not go. That amendment was opposed by the Secretary of Agriculture, together with some other proponents of the pending legislation. It was suggested by the Secretary that if I would accept certain modifications which have been placed in the amendment, together with certain other modifications to be made at the end of my amendment, he would have no objection. The idea originated with me, but the amendment as it is now before the Senate was modified by the Secretary of Agriculture and now has his approval.

Mr. MURPHY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. FRAZIER. I yield.

Mr. MURPHY. I should like to say, in connection with the amendment submitted by the Senator from New York [Mr. WAGNER], that the amendment which he originally sent to the desk was an amendment upon which our minds could not meet. There followed several hours of discussion of his amendment, as a result of which the proposal was brought to the attention of the Agricultural Department and then submitted to the Senator from New York. The Senator from New York agreed to accept the modifications suggested by the Department of Agriculture.

The objection to his amendment in its original form was that, in my opinion, it made of this bill a consumers' bill, rather than a producers' bill. The thought of the Senator from New York, as I understood, was that we should not put it in the mouth of anyone to say that this bill was in the interest of the consumer. It seemed to me then that the language which is sought now to be stricken out—

In carrying out the purposes of this section due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers—

accomplished the end sought by the Senator from New York, but in his opinion it did not. The suggestion was made of compromising, and the amendment as redrafted and submitted by him now has the approval of the Department.

Mr. FRAZIER. I presume the Senator from New York could not understand how the provision in subparagraph (4) of section 7 could be carried out. It provides "prices fair to both producers and consumers." There is nothing in the bill, of course, to carry out that provision. As the Senator from Idaho [Mr. BORAH] said a moment ago, there is nothing in the bill providing for carrying out the provisions of the amendment of the Senator from New York.

The ratio period based on 1909–14 was a provision in the Agricultural Adjustment Act. It was never fair. The farmers of the United States were not prosperous during those years. According to the records, as I recall them, during that 5-year period farm loans were increased by approximately $400,000,000 or $500,000,000. That increase of farm loans represented the difference between the prices the farmer got for his products during those 5 years and the cost of production. His credit was good and he borrowed $400,000,000 or $500,000,000 to keep going. The 1909–14 period was not a cost-production period for the farmer.

The parity prices established under the A. A. A. provision did not reach the cost of production. Of course, everyone who knows anything about agriculture must admit that the farmer cannot succeed unless he does get cost of production. The language which the Senator from New York wants to strike out, providing for prices fair to both consumers and producers, is really the best part of the bill if its exponents mean what they say, because prices fair to the producer can mean nothing less than average cost of production, and prices fair to the consumer, of course, would mean the distribution of farm products to the consumer as cheaply and as reasonably as could be done.

I think there is room for great improvement in our methods of distribution. The spread is too wide between the price the farmer gets for his products and the price the consumer pays for them. There should be some adjustment made. The provision in the bill which the Senator from New York wants to strike out intimates that something of that kind might be done. The amendment offered by the Senator from New York is simply in substance a part of the old A. A. A. program, the so-called ratio program. That was not satisfactory to the farmers, because their ratio price was under cost of production, and the farmers cannot succeed under cost of production any more than the business men of Wall Street can succeed if they do not get cost of production, overhead expenses, and a little profit. They would not stay in business long unless they could get a profit. The farmers need this just the same as anyone else. They have to get cost of production if they make a success of their business. The paragraph which the Senator from New York would strike out at least intimates that it is the desire to try to get the farmer a price based on cost of production fair to the producer and consumer.

So it seems to me, in the first place, that the bill is not adequate to take care of the situation. No one considers it a permanent means of solving the farm problem. It is simply another one of the stopgap measures which have

been resorted to so many times during the present administration, and which I think perhaps may be of some slight benefit to the farmers. The part dealing with soil erosion is all right. We should have something on soil erosion; but, of course, merely preventing soil erosion is not going to solve the farm problem by any means.

As to the question of the Senator from Wyoming, I think the chairman of the Committee on Agriculture and Forestry, the Senator from South Carolina [Mr. SMITH], did not quite understand what the Senator from Wyoming was getting at. Of course, all lands which are being farmed are being eroded. We cannot get away from that fact. We cannot continue to crop a piece of ground year after year without erosion taking place; and, of course, there should be some method of rehabilitating that land, if possible. That is what this bill, in the soil-erosion part, intends to do, and I think it is a good thing; but, as I have stated, it will not by any means solve the farm problem.

Mr. SMITH. Mr. President, if the Senator from North Dakota will allow me, I thoroughly understood what the Senator from Wyoming was driving it. He used as an illustration the case of an individual who was putting back in the soil as much as his crop took out, and inquired whether such an individual was not entitled to the same consideration as one who did not have the means to do that but had to live and was ruining his soil as a result of having to live.

I understood exactly what the Senator meant.

Mr. FRAZIER. I agree with the Senator; but there is nothing in the bill which provides that anyone who is keeping up the fertility of the soil shall not have the benefits of this measure just the same as anyone else. In actual practice under the Agricultural Adjustment Act the man who had kept up his soil and who had reduced his acreage was provided for. All the Agricultural Adjustment Administration did was to insist that such a man reduce his acreage a little bit more and thus get a benefit payment.

The PRESIDING OFFICER. The time of the Senator from North Dakota on the amendment has expired.

The question is on the amendment proposed by the Senator from New York [Mr. WAGNER] to the amendment in the nature of a substitute. [Putting the question.] The Chair is in doubt.

Mr. FRAZIER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Coolidge	Hayden	Overton
Ashurst	Copeland	Holt	Pittman
Bachman	Costigan	Johnson	Pope
Bailey	Couzens	Keyes	Radcliffe
Barbour	Davis	King	Reynolds
Benson	Dickinson	La Follette	Robinson
Black	Dieterich	Logan	Russell
Bone	Donahey	Lonergan	Schwellenbach
Borah	Duffy	Long	Sheppard
Brown	Fletcher	McAdoo	Smith
Bulkley	Frazier	McGill	Steiwer
Bulow	George	McKellar	Thomas, Okla.
Burke	Gerry	McNary	Townsend
Byrnes	Gibson	Maloney	Trammell
Capper	Glass	Moore	Truman
Caraway	Gore	Murphy	Tydings
Carey	Guffey	Murray	Vandenberg
Chavez	Hale	Neely	Wagner
Clark	Harrison	Norris	Walsh
Connally	Hatch	O'Mahoney	Wheeler

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present.

Mr. COUZENS. Mr. President, I ask to have the pending amendment stated.

The PRESIDING OFFICER. The amendment offered by the Senator from New York [Mr. WAGNER] to the amendment in the nature of a substitute will be stated.

The CHIEF CLERK. In the amendment offered by Mr. WHEELER, and agreed to, which was to strike out certain words on pages 1 and 2, and in lieu thereof to insert certain words, it is proposed to strike out after the word "power" in line 17, page 2, of the reprint down to and including the word "consumers" in line 21, and in lieu thereof to insert the following:

> The powers under this act for soil conservation shall be used to encourage voluntary action calculated to result in the reestablishment, at as rapid a rate as the Secretary determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of income per person not on farms that prevailed during the 5-year period 1909–1914, inclusive, as determined from the statistics available in the United States Department of Agriculture, and the maintenance of such ratio. Such powers shall not be used to discourage the production of supplies of agricultural commodities sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities.

Mr. FRAZIER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from North Dakota will state it.

Mr. FRAZIER. The Chief Clerk made a statement about this paragraph having been amended by the amendment of the Senator from Montana [Mr. WHEELER]. I should like to have read the portion proposed to be stricken from the amendment of the Senator from Montana.

The PRESIDING OFFICER. The clerk will read the matter proposed to be stricken out.

The CHIEF CLERK. In the amendment of Mr. WHEELER it is proposed to strike out the following words:

> In carrying out the purposes of this section due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York [Mr. WAGNER] to the amendment in the nature of a substitute.

Mr. WAGNER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the Senator from Minnesota [Mr. SHIPSTEAD]. Not knowing how he would vote if present, I withhold my vote. If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. TYDINGS. I have a general pair with the senior Senator from Rhode Island [Mr. METCALF]. I do not know how he would vote if he were present. If permitted to vote, I should vote "yea."

Mr. MCNARY. I wish to announce the following general pairs:

The Senator from Maine [Mr. WHITE] with the Senator from Alabama [Mr. BANKHEAD];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Kentucky [Mr. BARKLEY]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from Indiana [Mr. VAN NUYS].

Mr. FRAZIER. I desire to announce that my colleague [Mr. NYE] is absent. If he were present, he would vote "nay" on this amendment.

Mr. DICKINSON. On this vote I have a pair with the junior Senator from Mississippi [Mr. BILBO], who is absent. Not knowing how he would vote, I withhold my vote.

Mr. GIBSON. I wish to announce that my colleague the senior Senator from Vermont [Mr. AUSTIN] is necessarily absent for the day. He has a general pair with the junior Senator from Utah [Mr. THOMAS].

Mr. MURRAY. I wish to announce that the Senator from Alabama [Mr. BANKHEAD] is detained by illness.

I also wish to announce that the Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. BILBO], the Senator from Virginia [Mr. BYRD], the Senator from Illinois [Mr. LEWIS], the Senator from Indiana [Mr. MINTON], the Senator from Utah [Mr. THOMAS], and the Senator from Indiana [Mr. VAN NUYS] are detained on important public business.

I wish to announce also that the Senator from Nevada [Mr. MCCARRAN] is unavoidably detained.

The result was announced—yeas 25, nays 51, as follows:

YEAS—25

Adams	Donahey	La Follette	Pittman
Barbour	Gerry	Logan	Pope
Black	Gore	Lonergan	Wagner
Bulkley	Guffey	Maloney	Walsh
Chavez	Hatch	Moore	
Coolidge	Johnson	Murphy	
Copeland	King	O'Mahoney	

NAYS—51

Ashurst	Clark	Hayden	Robinson
Bachman	Connally	Holt	Russell
Bailey	Costigan	Long	Schwellenbach
Benson	Couzens	McAdoo	Sheppard
Bone	Davis	McGill	Smith
Borah	Dieterich	McKellar	Steiwer
Brown	Duffy	McNary	Thomas, Okla.
Bulow	Fletcher	Murray	Townsend
Burke	Frazier	Neely	Trammell
Byrnes	George	Norris	Truman
Capper	Gibson	Overton	Vandenberg
Caraway	Hale	Radcliffe	Wheeler
Carey	Harrison	Reynolds	

NOT VOTING—20

Austin	Dickinson	McCarran	Shipstead
Bankhead	Glass	Metcalf	Thomas, Utah
Barkley	Hastings	Minton	Tydings
Bilbo	Keyes	Norbeck	Van Nuys
Byrd	Lewis	Nye	White

So Mr. WAGNER's amendment to the amendment of the committee was rejected.

Mr. CONNALLY. Mr. President, I desire to call up now the amendment I have previously offered and which is on the desk.

The PRESIDENT pro tempore. The clerk will state the amendment to the committee amendment.

The CHIEF CLERK. In the committee amendment, on page 9, after line 25, it is proposed to insert the following:

TITLE II—EXPORT DEBENTURES

ISSUANCE OF EXPORT DEBENTURES

SECTION 1. (a) It shall be the duty of the Secretary of the Treasury to issue to any farmer, cooperative association, or other person, on application therefor, export debentures with respect to such quantity of any debenturable commodity or any manufactured product thereof as such person may from time to time export from the United States to any foreign country. The export debenture shall be in an amount to be computed under the direction of the Secretary of the Treasury, in accordance with such regulations as he may prescribe, at the debenture rate for the commodity or product that is in effect at the time of exportation. Any such computation shall be final.

(b) As used in this act, the term "debenturable commodity" means—

(1) Corn, rice, wheat, cotton, and tobacco.

(2) Any agricultural commodity not specified in paragraph (1), if the Secretary of Agriculture finds the issuance of export debentures with respect to such commodity advisable in order to carry out the policy declared in section 1 of the Agricultural Marketing Act of June 15, 1929, and gives notice of such finding to the Secretary of the Treasury.

(c) The issuance of export debentures with respect to debenturable commodities specified in paragraph (1) of subsection (a) shall commence on August 1, 1936, and continue until otherwise provided by law, and their issuance with respect to other debenturable commodities shall commence and terminate at the time prescribed by the Secretary of Agriculture.

(d) In order to procure the issuance of an export debenture with respect to any commodity or manufactured product, the farmer, cooperative association, or other person shall, in accordance with such regulations as the Secretary of the Treasury may prescribe, make application for such debenture and submit satisfactory proofs (1) that the commodity to be exported was produced in the United States and has not previously been exported therefrom, or (2) that the commodity used in making the manufactured product to be exported was produced in the United States and that neither such commodity nor such manufactured product has previously been exported therefrom.

(e) The Secretary of the Treasury shall prepare and issue all export debentures. Export debentures issued under authority of this act shall be obligations of the United States within the definition in section 147 of the act entitled "An act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909, as amended (U. S. C., 1934 edition, title 18, sec. 261).

REDEMPTION OF EXPORT DEBENTURES

SEC. 2. An export debenture, when presented by the bearer thereof within 1 year from the date of issuance, shall be receivable at its face value by any collector of customs, or deputy collector of customs, or other person authorized by law or by regulation of the Secretary of the Treasury to perform the duties of collector of customs, in payment of duties collectible against articles imported by the bearer. Title to any export debenture shall be transferable by delivery. In order to prevent any undue speculation in the handling of such export debentures, the Secretary of the Treasury is authorized and directed, under such rules and regulations as he may prescribe, to provide for the redemption of such export debentures from any money in the Treasury derived from the payment of duties collectible against articles imported, at a rate of not less than 98 percent of the face value of such export debentures.

DEBENTURE RATES

SEC. 3. (a) Debenture rates in effect at any time with respect to any debenturable commodity shall be one-half the rate of duty in effect at such time with respect to imports of such commodity, except that the debenture rate on the following commodities shall be the amount set forth opposite each such commodity, respectively:

(1) Corn or maize, 7½ cents per bushel of 56 pounds;

(2) Rice, one-half of 1 cent per pound;

(3) Wheat, 21 cents per bushel of 60 pounds;

(4) Cotton, 4 cents per pound; and

(5) Tobacco, 2 cents per pound.

(b) The debenture rate in effect at any time with respect to any manufactured product of any debenturable commodity shall be an amount sufficient, as nearly as may be, to equal the debenture that would be issuable upon the exportation of the quantity of the debenturable commodity used or consumed in the manufacture of the exported manufactured product, as prescribed and promulgated from time to time by the Secretary of Agriculture.

IMPORTED COTTON IN TRANSIT

SEC. 4. Regulations requiring that metal tags or other appropriate markings be placed on all bales of cotton produced in foreign countries and allowed transit through the United States for exportation may be prescribed by the Secretary of the Treasury. Every person who violates any such regulation of the Secretary of the Treasury shall be liable to a civil penalty of $100 for each such offense. Such penalty may be recovered in a civil suit brought by the Secretary of the Treasury in the name of the United States.

PENALTIES

SEC. 5. Any person who shall make any false statement for the purpose of fraudulently procuring, or shall attempt in any manner fraudulently to procure, the issuance or acceptance of any export debenture, whether for the benefit of such person or of any other person, shall be fined not more than $2,000 or imprisoned not more than 1 year, or both.

REDUCTION OF DEBENTURE RATES

SEC. 6. In order to prevent undue stimulation in the production of any debenturable agricultural commodity, whenever the Secretary of Agriculture finds that the production of any debenturable agricultural commodity during any crop year has exceeded the average annual production of such debenturable agricultural commodity for the preceding 5 years, the Secretary shall proclaim such fact, and the debenture rate for such commodity shall be reduced by the percentage hereinafter fixed. Such reductions shall become effective on the date fixed in such proclamation, not less than 60 days from the date of the issuance thereof, and shall remain in effect for 1 year. The term "crop year", as used in this section, means a 12 months' period beginning at a time designated by the Secretary. Reductions in debenture rates under this act shall be made in accordance with the following percentages:

(1) For an increase in production of less than 20 percent there shall be no reduction;

(2) For an increase in production of 20 percent or more but less than 30 percent there shall be a reduction of 20 percent;

(3) For an increase in production of 30 percent or more but less than 50 percent there shall be a reduction of 50 percent; and

(4) For an increase in production of 50 percent or more, there shall be a reduction of 99 percent.

ADMINISTRATION

SEC. 7. (a) The Secretary of Agriculture and the Secretary of the Treasury may each (1) appoint and fix the salaries of a secretary and such experts, and, in accordance with the Classification Act of 1923 and subject to the provisions of the civil-service laws, such other officers and employees; and (2) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding), as may be necessary for the execution of the functions vested in him by this act.

(b) The Secretary of Agriculture and the Secretary of the Treasury are each authorized to make and promulgate such regulations as are necessary to execute the functions vested in him by this act.

DEFINITIONS

SEC. 8. As used in this act—

(1) The term "cotton" means cotton of any tenderable grade under the United States Cotton Futures Act, and which has a staple of less than 1⅛ inches in length.

(2) The term "wheat" means wheat not below grade no. 3 as prescribed by the Secretary of Agriculture under the United States Grain Standards Act.

(3) The term "manufactured product" shall mean any article in the manufacture of which any debenturable commodity is used or consumed.

(4) The term "person" means individual, partnership, corporation, or association.

(5) The term "United States", when used in the geographical sense, means continental United States and the Territory of Hawaii.

SEPARABILITY OF PROVISIONS

SEC. 9. If any provision of this act is declared unconstitutional, or the application thereof to any person, circumstance, or commodity is held invalid, the validity of the remainder of this act and the application thereof to other persons, circumstances, or commodities shall not be affected thereby.

Mr. CONNALLY. Mr. President, I desire again to call the attention of the Senate to the amendment which I have offered, which proposes to incorporate in the bill the plan known as the export debenture plan.

It was suggested in the Senate yesterday that if this amendment should be adopted, foreign countries might not look with sympathy upon it. I desire to say to the Senate that this same kind of plan is already in operation in Germany on grain which is exported. Sweden has an export-debenture system on a number of its exports. The Dominion of Australia has an export debenture on wheat. It is no new or strange device. Senators who are going to be affrighted to vote for what they deem wise and expedient simply because some foreign country may do something in the future are indeed easy of access to terror.

This plan will give the farmer something he can understand. He will not have to have a Supreme Court to explain to him that 21 cents a bushel on wheat means 21 cents a bushel. He will not have to have a chemist to analyze the matter and tell him that 7½ cents on corn means 7½ cents on corn.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. NORBECK. The amendment is not only easy for the farmer to understand, but is it not also true that it is so simple that the Court will understand it?

Mr. CONNALLY. I thank the Senator from South Dakota. The Senator said the Court would understand it also. I wish to make it so simple that the Court, or the porter at the door, or the merchant in the street, or the farmer in the field, or even the statesmen in the Senate, will understand it. I fear some of them do not understand it.

Mr. President, I am told by some members of the Committee on Agriculture, "Oh, we cannot vote for that measure." I asked why? The answer was "Why, because the committee did not consider it at all." It was the business of the Committee on Agriculture and Forestry to consider it, because it was before the Committee on Agriculture and Forestry. What is the Senate for? Can it only consider matters that are approved by the Agricultural Committee? It was the business of the Agricultural Committee to consider the amendment, because it was before the Agricultural Committee. Why not let the Agricultural Committee legislate? Can the Agricultural Committee consider nothing except what is sent to it from one department of the Government? Is it to give up and abdicate all its processes and powers, and simply wait until some bureaucrat puts his initials on a plan and sends it over to the Agricultural Committee? Can it not consider other matters? Is the Senate to give up all its power and can we not here pass upon and deliberate upon a measure even though it has not been considered by the Agricultural Committee?

Mr. President, I have high regard for the Agricultural Committee. I have high regard and respect for all the Senate committees. However, it does not lie within the province of a committee to come before the Senate and say, "You cannot consider a measure, because we did not consider it." This amendment needs consideration somewhere; and if the Committee on Agriculture and Forestry refuses to consider it, it is the duty of the Senate to consider it. The committee is but the instrumentality of the Senate. It is but one of its agencies. When the Committee on Agriculture and Forestry gets to be bigger than the Senate, then——

Mr. SMITH. Go on and finish the sentence.

Mr. CONNALLY. I am going to resign.

Mr. SMITH. Oh, I ask the Senator not to do that! That will ruin things.

Mr. CONNALLY. I know how ridiculous the idea of resignation is to some Senators. I know that some of them look upon the terrors of death with no fear whatever, but they look upon their separation from this body as something which will cause as great a holocaust as any that could visit a waiting world. However, Mr. President, the Senate has acted upon this matter before. The Senator from South Carolina sits as the Chairman of the Committee on Agriculture and Forestry. If I mistake not, he voted for this amendment in 1929.

On October 19, 1929, the Senator from Nebraska [Mr. NORRIS] offered the debenture proposal as an amendment to the Hoover Farm Board legislation, and the Senate adopted it. The Agricultural Committee on that occasion had not considered the proposal; or, if the committee had considered it, the committee had rejected it. But the Senate was not then bound simply to follow the recommendation of the Agricultural Committee. I have here the list of Senators who supported the measure. This RECORD has just been brought to me and I have had no opportunity to investigate it thoroughly.

The Senator from Arizona [Mr. ASHURST] voted for it. Let us see where the Senator from South Carolina [Mr. SMITH] is on this list. The Senator from South Carolina was not present. I apologize to him. The Senator from South Carolina was not present and did not vote. He was absolutely neutral on the question. There were other Senators who did vote. There were other Senators who did have views. The Senator from Arizona, Mr. Ashurst; the Senator from Kentucky, Mr. Barkley; the Senator from Alabama, Mr. Black; the Senator from Idaho, Mr. Borah; the Senator from New Mexico, Mr. Bratton; the then Senator from Tennessee, Mr. Brock; the then Senator from Iowa, Mr. Brookhart; the then Senator from Louisiana, Mr. Broussard; the then Senator from Arkansas, Mr. Caraway; the Senator from Texas, Mr. Connally; and so on. If any Senator would like to be advised as to how he voted at that time, I am ready to advise him.

Let us see how the Senator from Michigan [Mr. VANDENBERG] voted. He was then against the amendment; but he has grown in wisdom in the years which have intervened. The Senator from Michigan today is a more valuable Senator than when he came here fresh from the pavements of Michigan—yes, fresh from the pavements of Michigan—untried and inexperienced as a Senator. Today he knows something about agriculture. He knows its needs. He had been a city resident until he came here; but he has heard the great voice that comes up from the farm, and today the Senator from Michigan is a believer in the debenture plan and is going to vote for it.

Mr. WHEELER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Montana?

Mr. CONNALLY. I yield.

Mr. WHEELER. Let me ask the Senator a question. The Senator from Michigan is a believer in what?

Mr. CONNALLY. He is a believer in the debenture, just as the Senator from Montana was in 1929. Let us look at this RECORD again. Among those voting for the debenture in 1929 was the Senator from Montana [Mr. WHEELER].

I wonder if Democratic Senators who voted for the debenture in 1929, when Mr. Hoover was in the White House, are not going to vote for it now, when a Democratic President is in the White House? If it was good for Mr. Hoover to help pull him out of the bog it ought to be good for us to keep us on the highway, the smooth pavement leading toward prosperity.

The PRESIDENT pro tempore. The time of the Senator from Texas on the amendment has expired.

Mr. CONNALLY. How much time have I on the bill?

The PRESIDENT pro tempore. Fifteen minutes.

Mr. CONNALLY. And how much on the amendment?

The PRESIDENT pro tempore. Ten minutes.

Mr. ROBINSON. Did not the Senator speak on the amendment?

Mr. CONNALLY. No, Mr. President. I shall say for the benefit of the Senator from Arkansas that I spoke yesterday before the rule went into effect.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. OVERTON. I was not present in the Senate in 1929. I was not then a Member of the Senate; but I understand from what the Senator has said, and from what he has read in part from the RECORD, that it is his belief that every Senator ought to have an opportunity of establishing a record of voting at least once in favor of the debenture plan. Is not that correct?

Mr. CONNALLY. I think so. I hope the Senator from Louisiana will embrace that opportunity.

Mr. President, I am not going to read the complete roll call. The Senators who were here in 1929 know how we voted. If this was good doctrine in 1929, it ought to be good doctrine now. The Committee on Agriculture and Forestry did not vote to consider it in 1929 under the edict of Mr. Hoover. His orders were to throw it in the ashcan, and the committee threw it in the ashcan. The Agricultural Committee says, "The Senate cannot consider the amendment because we, the committee, did not consider it." Who kept them from considering it? Nobody except the Members themselves, or some man over in the Bureau who told them not to consider it.

Mr. KING. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. KING. Does the Senator believe that this amendment, if it shall be adopted, will be reconcilable with the other provisions of the bill?

Mr. CONNALLY. I shall say to the Senator from Utah that I do believe they will be reconcilable. I shall tell the Senator why. There are those who say that the export debenture will stimulate the price. It will. That is what we are trying to do when we are talking about helping the farmer. If we are not going to give the farmer more money for his crop, for God's sake let us leave him alone. If what we propose to do is simply to go out and tell him what time to get up, what he is going to have for breakfast, what he will do after breakfast and at noontime and at night, and how and when to milk the cows—if that is all we are going to do with the farmer, for God's sake let us take our hands off him and let him alone. We are trying to give him some more money for his crops, are we not? If we are not, we had better let him alone. This measure, if adopted, will give him more money for his crops.

Answering the inquiry of the Senator from Utah as to whether my amendment is hostile to the other portions of the bill, my answer is "no." Let us assume that raising the price would stimulate production—and it would. On the other hand, the other provisions of this bill, if they work, or if they are of any value, or if they escape the Supreme Court, are designed to do what? To prevent overproduction; to hold down the farmer's acreage; to conserve the soil; to have an ordered economic plan of agriculture so that the farmer will not overproduce. But when he does not overproduce, when he keeps within the program, ought he not to get something for his crops? Ought he not to get more than he is now getting? This plan will give him more money; and the other sections of the plan, if they are of any value at all, will keep him from overproducing.

This plan is elastic. The Secretary of Agriculture may reduce debentures in amount when it is necessary. It is not a hard and fast system. It is not a Procrustean bed, to get into which the farmer's legs must either be stretched out or cut off. It is elastic.

I do not want to worry Senators, but I am in earnest about this thing. I want a plan that will last beyond November. I want a plan that will give the farmer some real advantage; I want a plan that he can understand; and I am not deterred by threats as to what foreign countries may do. All of them are going to do all they can to us every chance they get.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. CLARK. Is it not a fact that this amendment actually does and is scientifically drafted for the purpose of doing what every other farm-relief bill has pretended to do or held itself out to do, namely, to equalize, so far as may be, the disadvantage which the farmer is suffering and has suffered over a long period of years by reason of the operation of the protective tariff?

Mr. CONNALLY. I thank the Senator from Missouri. Of course, the basis of all these plans for farm relief is that the farmer is on a lower economic level than are the manufacturers and the protected industries by reason of the operation of the tariff.

Mr. CLARK. And this amendment hits at the very heart of that problem?

Mr. CONNALLY. This amendment embodies the rates which were recommended by the Committee on Agriculture and Forestry in 1929, after an exhaustive examination. These rates were found to be those which would give the farmer a parity price in relation to other commodities. There is no haphazard selection of these rates; they were found to be the correct rates by the Committee on Agriculture of the Senate.

Let me ask the Senator from Missouri, further, what was the A. A. A. except a bounty system? What was the Triple A law except a bounty on domestic production? We levied taxes on the processor and thereby made every product cost the American manufacturer more than it cost the foreigner. We rebated to the manufacturer the processing tax when he exported his commodities. Therefore, he could sell his commodities abroad cheaper than he could sell them at home, could he not? That was the rule and that was the theory. Under this very similar plan the American producer will be able to export his products and sell them abroad more cheaply with the bounty, of course, than he sells them at home; but when the bounty to the price he gets in the foreign market is added, the domestic price must rise to the same level.

Mr. O'MAHONEY. Mr. President, may I invite the attention of the Senator to the fact that on page 2, paragraph 1, there are specified certain agricultural commodities to which this plan would apply in any event? They are corn, rice, wheat, cotton, and tobacco.

Paragraph 2 gives the Secretary of Agriculture authority to apply the debenture plan to any other agricultural commodities.

Mr. CONNALLY. That is correct.

Mr. O'MAHONEY. Will the Senator be good enough to explain how that paragraph will operate? I note that there is a reference to the Agricultural Marketing Act of June 15, 1929, which apparently controls the discretion of the Secretary. Will the Senator be good enough to explain how under that act other commodities would be affected?

Mr. CONNALLY. The Senator is referring to an act of Congress passed in 1929?

Mr. O'MAHONEY. I am referring to the language in the pending amendment, on page 2, beginning in line 9.

Mr. CONNALLY. The provision to which the Senator refers reads:

> Any agricultural commodity not specified in paragraph (1), if the Secretary of Agriculture finds the issuance of export debentures with respect to such commodities advisable in order to carry out the policy declared in section 1 of the Agricultural Marketing Act of June 15, 1929.

I think that refers to the declaration of a parity price in the act of June 15, 1929. I have not examined that act recently, but my recollection is that it refers to the declaration of policy in the act as to the parity price with regard to agricultural commodities. It sets up a standard of measurement.

Mr. O'MAHONEY. Would the plan then apply to livestock products?

Mr. CONNALLY. I do not believe it would; I have not consulted that act, and do not know, but livestock products—and the Senator from Wyoming is no more interested in livestock products than is the Senator from Texas—are quite well cared for by a protective tariff at the present time. It is one commodity that gets the benefit of the protective tariff. Cattle and livestock are not in need of aid to the extent of farm products which obtain no benefit from the tariff and are in need of aid.

Mr. President, in conclusion, I invite the attention of Republican Senators to the fact that Alexander Hamilton, in his famous Report on Manufactures, advocated, on the one hand, a protective tariff and on the other hand bounties in the case of industries that need aid and assistance. It is no new doctrine that is embodied in my amendment. There is nothing alien about it. Other countries have adopted it and it has worked. I have here an authority. Dr. Grunzel of Germany is authority for the statement that it has operated to raise the price approximately the amount of the debenture or the certificate.

I appeal to Senators to vote for a plan as to the constitutionality of which there can be no question. There can be no doubt that this proposal is constitutional. It in no wise interfers with the remainder of the bill. It is simply an addendum; it is simply a supplement; it is simply an aid and support to maintain and assist the authorities in carrying out the remainder of the pending bill. If the bill itself should fail because of being unconstitutional, the debenture plan would remain the law, because there is a clause in the bill which provides that if any portion of it should be held to be unconstitutional the other portions may still continue operative and in force.

I appeal to Senators on the basis of the precedent that the Senate established in 1929, after exhaustive debate, after thorough discussion. Twice then the Senate, with solid Democratic support, with the exception of two or three Senators, and large support on the Republican side, adopted the debenture plan, and it would have become the law except for the fact that at the other end of the Capitol a subservient body took the dictation of the then President of the United States, killed the plan, and adopted one that proved a nightmare to agriculture and a continuing threat to the Treasury of the United States.

Mr. VANDENBERG. Mr. President, to the amendment offered by the Senator from Texas I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 7, after line 2, it is proposed to insert the following new section:

LIMITATION ON IMPORTATION

SEC. 7. During any period in which the debenture plan is in effect with respect to any agricultural commodity, no such commodity shall be imported into the United States.

Mr. VANDENBERG. Mr. President, I wish to make merely a brief statement in respect to the amendment to the amendment. It seems to me it is called for by the sheer logic of the situation. The Senator from Texas is proposing to compensate American farmers in respect to exports when there is an exportable surplus. If we are to proceed upon the method of thus dealing with an exportable surplus, surely there should be no competitive imports of the same commodity at the same time, because, if there be imports at the same time, they are simply poured into the reservoir which contains the surplus we are seeking to compensate.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. VANDENBERG. Yes.

Mr. NORRIS. I desire to ask a question for information. The amendment is new to me, but this idea struck me at once: Will not the effect of the Senator's amendment, if agreed to, be to abolish the tariff on all commodities on which there is a tariff? If that be true, would it not be objectionable to the other House on the ground that we have proposed an amendment to a bill that is within their jurisdiction? In other words, it is striking at the tariff that now may be producing a revenue.

Mr. VANDENBERG. Mr. President, I submitted to the Senate legislative counsel the precise question which the Senator asks and requested that it be inquired into this morning. The report was that in the form submitted it is nothing more than a regulation of commerce, which clearly falls within the constitutional jurisdiction of the Senate to add to the bill.

Mr. NORRIS. If it has the effect that it seems to me at first blush it does have, I want then to submit another question. I ask the Senator if the effect of this amendment, if agreed to, would not be to abolish the tariff on all agricultural products——

Mr. SMITH. Will not the Senator speak a little louder? We cannot hear him.

Mr. NORRIS. I asked the Senator from Michigan if the effect of his amendment, if agreed to, would not be to abolish the tariff on all the products to which it applied?

Mr. VANDENBERG. I think that so long as the debenture is issued it would have the effect of nullifying the tariff on the four commodities on which tariff duties are levied and on any other commodities that might be brought within the scope of the amendment of the Senator from Texas, so long as they remained subject to it.

Mr. NORRIS. Yes. Then this question is suggested to my mind: If that be true—and I am inclined to think the Senator is correct, that it would have that effect—then would it not destroy the fundamental theory of the amendment itself by abolishing the tariff where the amount of the debenture is based on the tariff? For instance, on wheat?

Mr. VANDENBERG. The tariff remains.

Mr. NORRIS. Not if it is abolished.

Mr. VANDENBERG. It is not abolished; it is suspended.

Mr. NORRIS. Oh!

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Maryland?

Mr. VANDENBERG. I only have 10 minutes, but I will yield to the Senator.

Mr. TYDINGS. Has the Senator considered whether or not, in preventing commodities from entering the United States, upon which the debenture would apply, we might bring about some retaliation on a three- or four-way trade transaction resulting in a minimum of foreign sales rather than a maximum?

Mr. VANDENBERG. I think it would provoke no further retaliation than would be inherent in the debenture plan itself. If we are to proceed upon the debenture plan, we should proceed logically.

Let me add that I have never been able to understand how we may create by artificial means any advantage for the American farmer in respect to his exportable surplus crops except as we give him a complete control of his own domestic market. It is perfectly obvious at the present time that he is progressively losing his domestic market. Let us see what is happening to corn, one of the products which, under the amendment, is to become debenturable. These are the amazing figures in respect to imports of corn.

In the calendar year 1934 the imports of corn were 2,959,000 bushels. In 1935, in 1 year, the corn imports had multiplied 21 times! The corn imports in 1928 were 43,242,000 bushels. Compared with the total amount of corn raised in the United States this is, of course, an insignificant quantity, but the important thing is the direction rather than the size of the increase in importations to which I have been calling attention, because if the increase is proceeding at a rate which multiplies the imports 21 times in 12 months, where will it ultimately lead, and what is the use of attempting by debenturable aid to serve the farmer in respect to his corn except as we stop this particular exposure?

The figures in respect to the other crops, while not so challenging, are nonetheless of a nature to put us upon notice that agricultural imports are rolling into the country in greater degree than ever before. If we are to attempt to deal with these crops in a fashion which will ultimately render tangible, substantial, realistic aid, I fail to understand how we can do it except by stopping competitive imports from abroad in respect to the particular crop which we identify for Federal aid. That is the sole purpose of the amendment. I submit it is completely in line with the philosophy and theory of the debenture itself, and if the debenture plan is to be employed it should be used in connection with an

embargo of this character so that it may reach the results it undertakes to address.

Mr. BONE. Mr. OVERTON, and other Senators addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Michigan yield and if so to whom?

Mr. VANDENBERG. How much time have I remaining?

The PRESIDENT pro tempore. The Senator has 1 minute left.

Mr. VANDENBERG. I will yield, then, to the Senator from Washington, who has been on his feet for some minutes.

Mr. BONE. In view of the fact the Senator's amendment would constitute, in the way, an embargo, I am wondering what effect it might have on the reciprocal trade agreements now in existence.

Mr. VANDENBERG. Does the Senator know of any of the commodities involved in the debenturable program that are included in the reciprocal trade agreements?

Mr. BONE. I do not, but I am wondering if there are commodities of that character involved in any of the trade agreements now in existence or in contemplation.

Mr. VANDENBERG. If any are involved in any of the trade agreements in contemplation, I should hope this might discourage their inclusion in any such agreements.

Mr. McADOO. Mr. President, I shall support the amendment offered by the Senator from Texas [Mr. CONNALLY] and I shall also support the amendment submitted by the Senator from Michigan [Mr. VANDENBERG]. I think if we are to do something real for the farmer in the present circumstances it is very important to embody in the bill the specific provisions contained in the Connally amendment.

If I had my way about it I would put a tariff on every competitive article of agriculture which is entering the country today, and I would put on every processed article of agriculture that comes into this country today a tariff sufficiently high to preserve the home markets to the producers of agricultural products in this country. I think it is time to do something specific about the agricultural question, and to do it directly. I shall support the bill, too, on the soil-erosion plan. While I have some doubts about its validity or its constitutionality I prefer to resolve those doubts in favor of the farmer.

I do not sympathize with some of the criticisms of the Supreme Court because of the majority decision, however well meaning and sincere they may be. But I do not wish to digress to the Supreme Court decision until I complete what I intended to say about the pending bill and amendments.

The Democratic platform adopted at Chicago in 1932 contained this plank:

> We favor the enactment of every constitutional measure that will aid the farmers to receive for their basic farm commodities prices in excess of cost.

That is the kernel of the whole farm-relief plan, and that is the thing to which the Democratic Party in 1932 at Chicago pledged itself unreservedly. The Connally amendment specifically deals with these staple commodities. The reason the platform at Chicago in 1932 limited its application to staple commodities was because staple commodities are at the very base of agricultural prosperity. If we enable the farmer to receive a profit upon the production of staple commodities, we thereby lay the foundation, not only for general agricultural prosperity, but we lay the foundation for general prosperity in the United States.

I had the honor of being a member of the resolutions committee at Chicago in 1932, and I had the privilege of writing the plank which went into the platform and which I have just read. It was adopted by the committee and adopted by the convention without a dissenting vote, as I recall. I think, therefore, we should exert every conceivable legislative power to carry out the platform as expressed in that particular paragraph.

Mr. President, I should like to say a word about the Supreme Court decision in the A. A. A. case. I do not view this matter from a purely legalistic standpoint. I look at it from the standpoint of the necessity for the preservation, unimpaired, of constitutional government in this country. I do not believe our constitutional form of government can survive upon any other basis than that there shall be a supreme judicial body to interpret the Constitution from time to time and determine when Congress has invaded the Constitution and when it has not. There must be an arbiter under a constitutional form of government to determine what is the legislative limit and what is not. Under our system of 48 different States, with a Federal authority superimposed upon all of them within certain definite limitations, it is essential that the rights reserved to the States shall be preserved to the States. Under the Constitution, it is the duty of the Supreme Court to see that those rights are preserved.

There is complaint about majority decisions. Of course, majority decisions are unfortunate, but majority action in this body is unfortunate frequently, as majority action in the House of Representatives is frequently unfortunate. We cannot escape that if we are to preserve a democratic form of government because a rule or a maxim must be found by which the will of the people shall be determined. We make that determination through a majority of the people. Whether the majority in a national election or in a popular election in a State for a Governor or a Member of this body or a Member of the House of Representatives is determined by one vote makes no difference. That is the majority, and that is the basis of our form of government.

So Mr. President, I feel that the Supreme Court in acting through a majority is not subject to legitimate criticism. My distinguished friend the Senator from Nebraska [Mr. NORRIS], for whose views, as well as for whose engaging personality, I have unlimited respect, advanced the idea in a speech a few days ago—an admirable speech—that decisions of the Supreme Court should be effective, so far as the constitutionality of questions is concerned, only by a unanimous vote of the Court.

That would be the most unfortunate thing that could happen to this country. Let us assume that some of the guaranties of the first 10 amendments to the Constitution should be abridged—the amendments which guarantee to every citizen of this country individual liberty, the right of free speech, the right of free religious worship, the right of a free press, the right of peaceable assembly. Let us assume that the Congress passed an act abridging in some form those rights, and that it was a close question as to whether or not the act of Congress was a violation of those amendments. Suppose the question should go to the Supreme Court, and eight of the Justices should decide that the act of Congress attempting to abridge those individual rights which mean liberty of the citizen was unconstitutional, and one of the Justices should say, "No; it is not unconstitutional." There would be given to one judge under the proposed change the power to determine whether or not the rights of the citizen in such circumstances should be infringed.

So, Mr. President, I think it would not do to reverse the present status of the Supreme Court of the United States by making it possible for one Justice to determine the judicial decisions of that body.

Mr. NORRIS. Mr. President, will the Senator yield there?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Nebraska?

Mr. McADOO. I yield.

Mr. NORRIS. While the Senator is supposing, let us suppose another case. Suppose the Supreme Court is divided four and four, and one justice goes over to one side and makes the number five. While the Senator complains about one judge holding that a law is constitutional or unconstitutional in the case of an 8-to-1 decision, has he not reached the same point when he has one judge, with power to go to either side he chooses, control the constitutionality or unconstitutionality of an act of Congress?

Why does the Senator always suppose that Congress is going to do something that is bad, and always suppose that

the Supreme Court—composed also of men, the only difference being that they are not responsible to anybody—will never do anything that is bad? Why does not the Senator suppose both ways? Why suppose that Congress shall be wrong and the Supreme Court right, when Congress is susceptible to change by the people and the Supreme Court is not?

Mr. McADOO. I think the Senator wholly misunderstands my position. I do not suppose that the Congress always does what is right, or that the Supreme Court always does what is right, or that either always does what is wrong. The Senator's position refutes itself, because if the Court stood 4 to 4, and one justice went over to either side of the question, that would mean that the question would be decided by a majority of the Court in that case; but if one justice, in disagreement with the remaining eight, could overrule the decision of eight of the justices, that would be wholly wrong; it would be a most unwise thing to do.

Mr. NORRIS. Mr. President, will the Senator yield further?

Mr. McADOO. I desire to show the Senator every possible courtesy, but of course my time is limited.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired. He has 15 minutes on the bill.

Mr. McADOO. With 15 minutes on the bill, I shall be glad to yield to the Senator.

Mr. NORRIS. I was about to ask the Senator if he does not concede that the courts ought to hold an act of Congress constitutional unless they feel that it is unconstitutional beyond a reasonable doubt.

Mr. McADOO. I agree with that.

Mr. NORRIS. Then with nine eminent gentlemen on the Court, lawyers, able men all of them, where there is a division, even 8 to 1, does not the Senator have a doubt in his own mind as to whether or not the act under consideration by the Court is constitutional?

Mr. McADOO. If eight judges said the act was unconstitutional and one said it was not, and the decision of the one judge were permitted to prevail, I should say that was altogether wrong, and I should not favor it.

Mr. NORRIS. No; it is not a question of the decision of one prevailing. Let me put the question in another form. If the decision is a 5-to-4 decision, does it leave any doubt in the Senator's mind, he having faith in all the justices, as to which side is right?

Mr. McADOO. Mr. President, of course where there is a division in the Supreme Court, it indicates a division of opinion perhaps in the country and among the members of the bar; but the same thing prevails in the Senate. We have differences of opinion, of course, about the constitutionality of the questions which come before us.

Mr. NORRIS. Oh, yes; but, if the Senator will permit me, I think that is entirely different. Everybody concedes that in the legislature, where we are making laws, the majority ordinarily should rule; but in a criminal case in court, for instance, where it takes 12 men to find a defendant guilty, 1 man out of 12 jurors may hold out and prevent a verdict of guilty. That is because there is a doubt—a reasonable doubt.

Mr. McADOO. I do not think it is always because there is a reasonable doubt. In my experience as a lawyer—and I have to admit that I have been at the bar 50 years—I know that frequently the verdicts of juries do not indicate, where one man holds out, that there was a reasonable doubt.

Mr. NORRIS. The verdicts of which the Senator is speaking, in his experience, come about because the Senator by his great ability has convinced part of the jury against their own judgment.

Mr. McADOO. I thank the Senator for the compliment.

Mr. BONE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Washington?

Mr. McADOO. I yield for a moment. All this comes out of my time, however.

Mr. BONE. I merely wish to ask the Senator a question. In view of his able and ardent defense of the principle of majority rule, I take it he would be very happy to join with us in removing the two-thirds rule in the matter of nomination of a candidate for the Presidency in the Democratic convention?

Mr. McADOO. I favor it, and I wish it had been in effect in 1924. [Laughter.] Perhaps history might have been a bit different if it had been.

But, Mr. President, speaking about one man's vote, there is nothing so terrible about that in a democracy like ours. Take the case of this body: When we divide equally here, 48 to 48, who decides the question? The Vice President. It is a one-man vote that decides it. In the House of Representatives the Speaker decides it when there is a tie vote; and I might multiply instances. That is the rule of democracy; and whenever we destroy the rule of democracy, and attempt by some fortuitous circumstances or arbitrary legislation to make it different, we put in peril the very foundations of democracy.

Mr. WHEELER and Mr. O'MAHONEY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from California yield, and, if so, to whom?

Mr. McADOO. I yield for a question, first to the Senator from Montana.

Mr. WHEELER. Mr. President, is it the rule of democracy to have nine men who are not responsible to the people knock out completely, by a 5-to-4 decision, an act which has been passed by the Congress of the United States by an overwhelming majority?

Mr. McADOO. Who appoints these men on the Supreme Court, and all the judges of the circuit and district courts of the United States? The President of the United States, elected by the people, appoints these judges; and when a nomination comes here, every Senator votes either for the confirmation of that nomination or for its rejection. The membership of the Court is carefully and properly selected. We have a right to rely upon the fact that they are men of character and men of devotion to their duty; that they are patriots, as much so as any man on the floor of this Chamber; and if they act within their rights—that is, to decide questions by a majority—no just criticism can come from that.

I do not always agree with the decisions of the majority of this great Court, but I do not question or impute to them motives that are unsound or improper. They may be wrong; nevertheless, so long as the decision is a decision of a majority of the Court, it is binding upon the people of the United States. If we desire to change that, let us change it in the lawful method prescribed by the Constitution—by constitutional amendment.

Mr. O'MAHONEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Wyoming?

Mr. McADOO. I yield for a question.

Mr. O'MAHONEY. I desire to call the attention of the Senator to the fact that since 1869 there has been upon the statute books of the United States a law which fixes the quorum of the Supreme Court at one more than a majority. The normal majority of the Supreme Court is five, and yet five Justices cannot hand down a decision in any case if only five sat at the hearing. It seems to me the question is immediately raised by that statute that if Congress has the power to say that a mere majority of the Supreme Court is not a quorum, it certainly has the right to demand the concurrence of six, seven, eight, or nine Justices where a question of constitutionality is involved.

The statute to which I refer, which was enacted April 10, 1869, reads as follows:

SEC. 321 (Judicial Code, sec. 215). Number of Justices: The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight Associate Justices, any six of whom shall constitute a quorum. (R. S., § 673; Mar. 3, 1911, ch. 231, § 215, 36 Stat. 1152.)

Mr. McADOO. I am familiar with that statute. It prescribes what is a quorum of the Court.

Mr. President, the question as to whether or not Congress has the power by legislation to prescribe the number of

Justices who shall have the power to declare an act unconstitutional is one which I do not care to discuss at the moment, because it is not altogether germane to my argument.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. McADOO. I yield for a question.

Mr. NORRIS. The Senator said a while ago that he thought we ought to approach such a change by constitutional means. I have not advocated, and I have not heard of anybody else who has advocated, that we should approach this change by any other than constitutional means. Neither have I advocated, and I have heard no other Senator advocate, that we should not abide by the decisions of the Supreme Court. We claim, under the section of the Constitution which has been referred to, that we have a right to legislate on that particular point and it is under the Constitution which we desire to preserve that we are trying to bring about a change.

Mr. McADOO. I hope the Senator does not infer from anything I have said that I take a view contrary to the one he has expressed as to his position. My whole point about the Supreme Court is simply this:

Throughout our history, as has been ably recited here by the distinguished Senator from Nebraska [Mr. NORRIS] and also the distinguished Senator from Kentucky [Mr. BARKLEY] in his noble speech a few days ago on Abraham Lincoln, we have had controversies about the decisions of the Supreme Court; but this Nation has survived all those controversies, and the Supreme Court has been preserved in its pristine power and authority. I do not think the Nation has ever yet suffered from the decisions of the Supreme Court of the United States. We have gone on and evolved under these decisions. The Court has, from time to time, made elastic interpretations of the Constitution, and wisely so, with the progress and development and growth of our democracy and of our economic and social order.

I had not intended, however, to go into that question. I merely wished to say, in referring to the very able speech of the distinguished Senator from Nebraska on the subject, that I did not believe it would be wise, wherever the authority lies—either by constitutional amendment or by act of the legislature—to provide that a unanimous decision of the Supreme Court of the United States should be necessary, and that all nine justices must concur, to declare an act of the Congress unconstitutional.

Mr. NORRIS. Mr. President, may I ask the Senator a question at that point?

Mr. McADOO. Certainly.

Mr. NORRIS. The Senator stated that, in his judgment, we have never suffered from any of these decisions. Does the Senator realize that under the decision made in the processing-tax controversy, where the Supreme Court ordered $200,000,000 returned, and the A. A. A. decision, where they destroyed an expenditure of two or three hundred million dollars, the taxpayers must have suffered? And does he realize also that as a result of the Dred Scott decision, for instance, which I think was conceded to be one of the causes of the Civil War, thousands of men and millions of property were lost, on account of that divided opinion rendered by the Supreme Court?

Mr. McADOO. I take note, of course, of the views expressed by my colleague from Nebraska; but if we are to go back and debate the Dred Scott decision and its effect on the country, I may say that there is a wide difference of opinion as to whether or not it was the cause of the Civil War. I do not think it was. But it is not material to this issue now; it is a dead issue.

As to the A. A. A., and as to the decision about the return of the processing taxes, I confess that I have not had time to read the latter decision. I assume that those decisions were sound decisions under the laws as they existed. At least they represented the decision of the majority of the Court, and we are all bound by them, whether or not we like them, or agree with them in full or not. Every Member of the Senate must concede that so long as those decisions are upon the record, we must be governed by them until there is a change.

After the Dred Scott decision Mr. Lincoln said he thought the decision was erroneous; that he thought the error would be subsequently corrected; and we may assume the same thing with respect to the decision to which I have just referred. While the doctrine of stare decisis, of course, confronts us all the time with regard to these decisions, there might be a change in the personnel of the Court which would result in a different verdict.

I wish, however, to return to the agricultural bill itself for the moment, and to the Smith substitute. On the question of soil erosion and conservation I do not think there is any doubt whatever as to the right of Congress to legislate, and while it has been urged by some that it is merely a cloak or mask by which we are trying to make constitutional something which is not inherently constitutional, my own judgment is that the proposed act is constitutional, that it can be sustained, and that it will be sustained by the Supreme Court if it gets to that Court. In any case, I prefer to resolve the doubt in favor of the farmer, and in favor of the economic necessities of the situation.

Mr. ROBINSON. Mr. President, I ask the attention of the Senate for just a few moments while discussing the amendment of the Senator from Texas [Mr. CONNALLY]. I usually find myself in accord with the views expressed by the very able Senator from Texas. He is one of the most brilliant Members of the Senate and honors this body with his services. He has the faculty of making clear that which is obscure, and light that which is dark.

I contradict confidently the first statement in the argument of the Senator from Texas because I believe it to be erroneous, namely, that there is no inconsistency between an export-debenture plan and the so-called soil-erosion plan for promoting agriculture incorporated in the pending bill.

When the Farm Marketing Act was pending a different question was involved. That act related primarily to marketing; it had no relation, either direct or indirect, to the control of production, although it recognized the importance of that problem.

The first effect of providing a bounty for agricultural commodities exported would be to stimulate their production and the amendment recognizes that, because it allows a range of 20 percent above the 5-year average of production embraced within a certain period. So that I say the able Senator who presents the amendment recognizes the fact that it is calculated, if adopted and carried into effect, to stimulate and increase the production of agricultural commodities, concerning some of which there already exist surpluses.

This would offset the taking out of tillable crops, lands for use in forage crops, or for use in producing other crops which have relation to soil improvement and conservation, so that we would be paying out of one hand a bounty to increase production, and out of the other hand expending large sums to reduce production.

When the Marketing Act was pending before the Congress that question did not arise. I thought then and I think now that the Farm Marketing Act without some additional provisions would prove a failure, and it is believed that experience has shown that position was correct.

Why was it that the Farm Marketing Act failed? We contributed out of the Treasury of the United States approximately $500,000,000 of public funds for the purpose of promoting agriculture through the processes authorized under the Farm Marketing Act, and that $500,000,000 was largely wasted. Why was it wasted? For the simple reason that it did what the export-debenture plan would do; it stimulated production, did not control or regulate it, but promoted a constant increase of surpluses which already existed, so that when the $500,000,000 had been exhausted we found ourselves with large surpluses, surpluses larger than at the beginning, and out of pocket $500,000,000, and from that day until this no one has proposed to use the plan incorporated in the Farm Marketing Act as a method of promoting or sustaining agriculture.

Not only is that true, but as a second reason why I find myself unable to support the amendment of the able Senator from Texas, I do not believe that it would be availing under

present trade conditions either to open new markets or to raise the world prices of agricultural products. There are some disadvantages from incorporating this export-debenture plan, which would promote production, with another plan, which admittedly is designed indirectly to impose some regulations on production, and that is the fact that if as the result of a bounty we sell to foreign manufacturers raw materials produced in the United States we may destroy many factories in the United States.

If an English cotton mill, by virtue of a bounty taken out of the Treasury of the United States, can buy raw cotton 4 cents a pound cheaper than a New England or a South Carolina cotton mill can buy it, what is the inevitable result? The American manufacturer cannot compete with the foreign manufacturer, and the benefit of the bounty enures in the long run to the foreigner.

Furthermore, the bounty will not raise the world price of cotton. There is as chairman of this committee one who is well known because of his experience and his knowledge touching the production and marketing of cotton. I have not always agreed with him on all the proposals he has advanced, but his information is almost unlimited. The Senator from South Carolina knows that the payment of a 4-cent bounty or any other bounty on cotton exported from the United States will tend to have the effect of depressing the domestic price. If I am wrong about that, I wish he would correct me.

Mr. SMITH. That is correct.

Mr. ROBINSON. So there will be little advantage excepting at the very beginning, when we believe there would be an increase in prices due to a bounty paid on any commodity.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired.

Mr. ROBINSON. I will take just a little more time on the bill.

Earlier in my statement reference was made to the conditions pertaining to world trade. They are very different from what they were in 1929. Most Senators understand better than I can tell them that a very strange system has grown up in most of the countries where we formerly found our principal markets for raw materials. They have, in the first place, what they call quotas, which means that only a certain amount of a given commodity may be purchased for import; and then those quotas are allotted to different countries, usually to those countries which take the commodities of the country importing in exchange for the imported goods.

Take, for instance, Germany: Germany has almost quit buying raw products from America, largely for the simple reason that she is on the quota system, and she buys from those who buy from her. She sends her manufactured goods on all the seas of the world, for sale in every port whence she can bring back goods which she needs and thus have an approximate balance in the trade. So, if we should raise the bounty to 10 cents a pound, we would not sell any more cotton in Germany than we sell under the present quota system, until the quota system is abandoned; and that is true of most of the countries where quota systems have been adopted.

Then they also have the countervailing duties. Whenever there is a tariff on cotton or on any other commodity to be exported from the United States and imported into a foreign country, and we pay a bounty on the export, the country imposing the tariff raises its import duty just exactly to the amount of the bounty. During the past few years practically every commercial nation on earth has adopted that system of dealing. They have adopted the practice expressly providing for countervailing duties which will rise in proportion to bounties imposed by other nations seeking their markets. Every commercial nation with which I am familiar has a law against dumping. Our own Nation has such a law. We, ourselves, have a system by which, if producers in other countries, either of raw or of manufactured products, seek to unload them here at unfair prices, we impose either countervailing duties or other restrictions which prevent them from accomplishing their purpose.

So an export bounty adopted under the conditions of world trade as they now exist would merely result in the imposition of additional tariffs or countervailing duties by the importing country, and we would derive little or no benefit after a short period had elapsed and the opportunity to do that had been afforded.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. WHEELER. I desire to call the attention of the Senator to the fact that Germany has been referred to as an illustration of a country having an export bounty on wheat. Of course, it must be remembered that Germany is an importer of wheat. Germany does not produce enough wheat to supply its own demands. So what the Germans have done is simply to sell part of their wheat which is produced in one portion of the country and buy wheat in another section of the country; but Germany does not produce enough wheat for home consumption.

Mr. CONNALLY. They do pay the bounty on certain portions of their exports of wheat.

Mr. WHEELER. Yes, sir; in order to keep it——

Mr. CONNALLY. I did not ask the Senator why they did it. They do it.

Mr. WHEELER. If the Senator asks me a question, I will answer him. I say the people of Germany do not produce enough wheat for their own consumption; and, of course, that cannot be cited as showing that the plan works favorably in Germany.

Mr. ROBINSON. Mr. President, I have already said that if we subsidize our exporters, foreign countries will raise their tariffs and offset our subsidy in order to give what they regard as necessary protection for their own producers. We cannot complain of that system. We are the authors of it. Listen: We cannot expect to shield ourselves behind a wall of tariff protection and then enjoy free markets in all the rest of the world. If anyone who hears me is still living in the primitive period when our statesmen believed they could have the benefits of free trade in the exportation of their own products and the benefit of tariff protection against the importations of their competitors, he is living in an age which has long since passed. And say what you please about reciprocal trade agreements; under present world trade conditions they constitute the only practical method of increasing foreign commerce.

Oh, yes; under the Farm Marketing Act, do you know what we did? We sold billions of dollars' worth of American products abroad and loaned the purchasers the money with which to pay for them. When settling time came, we had parted with the goods and could not make collections. In some instances we had better have given them away.

No; we cannot go back to the Farm Marketing Act if we wish to proceed under the soil-erosion plan. In my judgment, we must make a choice between them. Under present conditions I do not believe the bounty and export plan would long prove effective in sustaining agricultural prices. If it did raise them in the beginning, it would result in increasing production in large surpluses and would not expand markets permanently.

So, as I view the matter, there is an inconsistency, hopelessly irreconcilable, between the export-debenture plan and the soil-erosion plan; and it is emphasized by the fact that it is not proposed in this amendment to make the plan optional. It is proposed to operate both plans at once. Both plans are mandatory. The Secretary of Agriculture must eliminate certain lands from staple-crop production in order to prevent soil erosion, and he must pay a bounty to any farmer who exports, so that we should be piling up surpluses while trying to overcome their effect by taking some lands out of cultivation. The two systems are inconsistent.

Mr. SMITH. Mr. President, I may not hope to add anything to the very clear and masterful presentation which the Senator from Arkansas has made of this question. A reading of part 1 and part 2 emphasizes the fact that one if carried out will neutralize the other; there is no use to attempt to elaborate that point; but I wish to call attention to the fact that all of us are familiar with what occurred upon the passage of the Smoot-Hawley Tariff Act. More than 50 nations immediately retaliated by erecting tariff

walls as high as we had erected, making it impossible for any of our importations, to speak of, to come within their borders. We not only did that, but we passed the anti-dumping clause, which is still in effect, and we went further and passed the Johnson Act, which prevented foreign nations that were indebted to us having certain financial relations with the United States.

Under those almost insuperable difficulties the present administration has been attempting to work out arrangements by which we could increase our exports by dealing directly with the foreign nations that retaliated; in other words, endeavoring, by making certain concessions to them, to have them grant like concessions to us. As the Senator from Arkansas has pointed out, we have now in effect—and their number is constantly increasing—agreements by which concessions are accorded us by various foreign countries. They are set forth in a memorandum I have on my desk, and it is shown that our export trade is increasing in almost every direction, certainly in the very direction that we are attempting here to follow in the case of certain crops, for the benefit of the producer and the consumer. We are making headway. We have negotiated as to certain allotments, quotas, and trade agreements, which each and every day are tending to lessen the evil that grew out of the horrible enactment of Congress commonly known as the Smoot-Hawley law. Certainly foreign nations, when we refused to let them trade with us by erecting such a high tariff barrier, had a perfect right to protect themselves against such a monstrous proposition by erecting walls of a similar character.

We have not made any attempt directly by congressional action to lower our tariff rates, but we have given the President certain discretionary powers. He is using them for our benefit every day. Our State Department and our Department of Commerce are entering into agreements which are beginning to reestablish the old trade relationships.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. SMITH. Yes.

Mr. CONNALLY. Will the Senator mention one and set out the details of an agreement that helps our trade and commerce?

Mr. SMITH. I will be very glad to refer to some from this memorandum. I should like to read from it as it has been handed to me by the Department.

Agricultural concessions obtained by the United States—

This is from the State Department.

Mr. CONNALLY. I understood the Senator thought the Agricultural Department knew more about agriculture. Does he now mean to say that the State Department knows more about it?

Mr. SMITH. The State Department certainly is charged with the conduct of foreign relations, and may thus mark out the road along which agriculture will find its benefits.

Mr. CONNALLY. Is the Senator relying on the State Department to take care of agriculture? If so, what is he doing with the bill now before us? What is the use of fooling with it? Let the State Department handle it.

Mr. SMITH. The Senator is too intelligent to beg the question. The State Department negotiates trade agreements, and the Agricultural Department in a memorandum points out that that Department has taken advantage of the agreements negotiated by the State Department for the benefit of agriculture.

Mr. President, every Senator knows that we are trying to control and conserve our depleted soil, depleted both by erosion and by exhaustion, and at the same time are trying to bring about as nearly as possible a balanced production in order to obtain a proper price. Now, right in the face of that situation, shall we adopt an amendment the effect of which by the payment of a bounty from the Treasury will be to encourage production?

Now, I wish to call attention to one of the articles mentioned. I think I know something about the production and sale of cotton. In normal years we make 62 percent of all the cotton made in the world. So the world price of cotton is the American price. If we go above what the domestic and foreign consumption have determined to be the real, comparable, justifiable price by adding 4 cents to the price of export cotton, probably every producer will want to produce as much cotton as possible in order to get advantage of the 4-cent bonus on export cotton. It might happen if we restricted the bounty to export cotton domestic cotton might be 4 cents a pound cheaper than export cotton, unless it is intended to take that 4 cents and distribute it on the basis of entire crop production.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. CONNALLY. Does the Senator mean to say if 4 cents were added to the export price, and thereby the world price was raised 4 cents, that the domestic price would decline 4 cents? Does the Senator mean if the exporter of cotton should be able to get 4 cents a pound more from a foreign buyer than he would otherwise obtain that he would turn around and sell it to a domestic buyer for 4 cents less than the normal price for which he could export it? The domestic buyer would have to meet the export price or he would not get the cotton.

Mr. SMITH. Very good; I will take that as a fact. Therefore we should be raising the price of cotton to the domestic consumer 4 cents and not raising the price to the foreign buyer.

Mr. CONNALLY. That is exactly right. The Senator is right for once.

Mr. SMITH. Very well. Therefore we should be selling to the foreigner, who competes with the American mills and with all the trade of the world, and confine ourselves, so far as the domestic mills are concerned, to the home trade.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. SMITH. Yes.

Mr. CLARK. Is not that precisely what has already been done by the high protective-tariff system?

Mr. SMITH. Exactly.

Mr. CLARK. And the purpose of this amendment is simply to equalize the condition of the farmer in view of the economic disadvantage he has suffered because of the high protective tariff?

Mr. SMITH. I never yet knew two wrongs to make a right, and if we have the courage and the common sense of men we ought not to allow a false principle that has worked itself out in disaster to become a part of our economic system, but we have not the courage to tackle a high protective tariff.

Mr. CLARK. Mr. President, will the Senator yield there?

Mr. SMITH. Yes.

Mr. CLARK. The Senator knows very well that I am always willing to tackle the high protective tariff. The Senator knows further that the adoption of this amendment would probably do more to break down the high protective tariff in this country by equalizing the interests of the farmers than anything that possibly could be done.

Mr. SMITH. I do not believe anything of the kind, because we know it is impossible, and it has always been impossible, by any kind of legislation, to make available to the disorganized millions of farmers who cannot organize, for all time automatically the benefits which accrue from the tariff.

We put a tariff of 42 cents a bushel on wheat. Promptly wheat went down 42 cents a bushel. Why? Because it was impossible for the farmer to avail himself of the tariff.

If it is proposed that the Government in every department of our organized society shall pay back to every purchaser of high-protected goods an amount equal to the tariff, I will vote for it. If it is proposed as to the consumer, the salaried man, to provide that the minute the price of goods is raised by virtue of the tariff, automatically his salary will be raised, automatically the price of the raw material will be raised, I will vote for it. But so long as it is proposed merely to throw a sop such as this to the nations of the earth by saying, "We are going to use you as a dumping ground because we want to give some people back something we erroneously took away by a high tariff" I shall not vote for it.

Mr. BYRNES. Mr. President, will my colleague yield?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to his colleague?

Mr. SMITH. Certainly.

Mr. BYRNES. What would be the effect upon the farmer if we should adopt both of these plans? Would the Senator withdraw acres from cultivation in order to comply with the soil-conservation features of the bill and thereby receive the benefits, or would he plant all his acres in cotton in order to get the benefit of the 4 cents per pound?

Mr. SMITH. My colleague has put his finger right on the exact contradiction in the two proposals. One of them is to encourage me to grow all I can so as to get the 4 cents plus whatever the other price is, and the other is to cut down production to the point where automatically the price would rise and be beneficial.

Mr. BYRNES. How would the farmer know which would be beneficial, to increase or to decrease?

Mr. SMITH. I think he would be in the fix of the man who tried to decide the question of predestination:

I can and I can't;
I will and I won't;
I'm damned if I do,
And I'm damned if I don't.

[Laughter.]

That is about the situation. Let us not be foolish. If we are going to take the bill as introduced with the concurrence and approval of the State Department, with the concurrence and approval of the Agriculture Department, and work it out along the lines we have been pursuing under the A. A. A. and now under the soil-erosion plan and soil-depletion prevention, let us do it and not contradict ourselves in another part of the bill, which would encourage the farmers to do what we are trying in another part of the bill to encourage them not to do.

Mr. CLARK. Mr. President, it seems to me the very distinguished Senator from South Carolina [Mr. SMITH], for whom I have great respect, has admitted the whole charge against the bill which was made by the minority leader, the Senator from Oregon [Mr. MCNARY]. The Senator from Oregon charged that the bill has nothing on earth to do with soil erosion, that it is simply a measure intended to restrict the production of agricultural products in this country. The other day I heard the eloquent Senator from South Carolina stoutly deny that charge, and yet this afternoon he has absolutely admitted it by his claim of inconsistency between the Connally amendment and the text of the bill itself.

If it be true that the essential purpose of the measure before the Senate is to conserve the natural resources of the country, to prevent soil erosion, to restore or maintain fertility, that is the purpose of the amendment introduced by the Senator from Texas [Mr. CONNALLY].

Mr. MURPHY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. CLARK. I yield.

Mr. MURPHY. Another purpose of the bill is to restore the farmer's purchasing power, in connection with soil conservation and soil erosion.

Mr. CLARK. That is put in merely to make the bill constitutional. I thoroughly understand that.

Mr. MURPHY. I understand that, too. Nevertheless, all those purposes are related to restoration of the farmer's purchasing power.

Mr. CLARK. That is the express purpose of the amendment proposed by the Senator from Texas [Mr. CONNALLY].

It is always a matter of very great regret to me to be forced to disagree with a position taken by the distinguished leader of the majority in this body, but when the Senator from Arkansas [Mr. ROBINSON] rises on the floor of the Senate and makes a plea in behalf of economic isolation which has never been outdone in my experience in this body even by former Senator Reed of Pennsylvania or by the Senator from Iowa [Mr. DICKINSON] or by the Senator from Delaware [Mr. HASTINGS], I am unable to go along with him.

Everyone who has dispassionately studied the farm situation knows that the present deplorable condition of agriculture in this country is fundamentally and primarily due to the long-continued operation of the protective-tariff system. What has happened to the farmers over a long period of years is that through generations he has been compelled to buy everything he had to buy in a protected market, paying a tariff tax, and to sell everything he had to sell in a free market governed by the prices of the world markets. That is the same proposition as a man bucking a faro bank or any other gambling game in which there is a very definite percentage against him. That would bankrupt anybody, even the man who has the biggest fortune in the whole world, if he kept at it long enough, and that is precisely what has happened to the farmer.

Every farm-relief plan that has been introduced into the Congress or suggested outside of the Congress in my experience, ostensibly is designed to equalize the economic disadvantage which the farmer suffers in a comparison of agriculture and industry by reason of the high protective tariff, and yet I undertake to say that the only measure which has ever been proposed that proceeds scientifically to strike at the very heart of the problem—and I say heart of the problem by definition—is the proposal of the Senator from Texas [Mr. CONNALLY] which has been submitted heretofore.

With all respect to the Senator from Arkansas, and with all affection for him, I appeal from the JOE ROBINSON of 1936 to the JOE ROBINSON of 1929. With all respect for my Democratic colleagues, I appeal from the vote they may cast here today to the vote they cast in 1929 when Herbert Hoover was in the White House.

The situation has not changed essentially. While naturally certain minor elements of the situation have changed, the condition with regard to the depressed prices of agriculture by reason of the protective-tariff system is as bad as it was in 1929.

The Senator from Arkansas talks about a quota system which has been established in some of the foreign countries. I agree that that has had a deplorable effect on American agriculture and on American manufacturers. The people of the United States must finally waken to the fact that the other nations of the world are no longer willing for us to go on indefinitely selling everything and buying nothing. We must finally wake up to the fact that not only the retaliatory tariffs which have been imposed in other countries, but the vicious and infamous quota system which has been superimposed on those retaliatory tariffs, inevitably must result in our own failure in the application of prohibitive tariffs in this country.

So far as I am concerned, I very much wish the situation could now be cured by a simple measure which I should be glad to join the Senator from South Carolina or any other Senator in passing. I recognize, as must every other Senator, that we have created a Frankenstein monster which we are powerless to overcome by ourselves; and I agree with the Senator from South Carolina that the system of reciprocal tariff agreements now being sought to be put into effect by the State Department is the only way in which we can proceed. I insist, however, that irrespective of any foreign situation, irrespective of any dealings we may have with foreign countries on tariff matters, the amendment offered by the Senator from Texas is the only simple, effective, and certain way which has yet been proposed in this country, and, as a domestic matter, of doing simple justice to the farmers of the United States.

Mr. COPELAND. Mr. President, may I ask the Senator a question?

Mr. CLARK. I shall be glad to yield to the Senator from New York in just a moment. I now desire to call attention to another matter.

It has not been contended upon this floor, nor do I think it will be contended, that the bill proposed by the Agricultural Committee is free from very serious constitutional doubts in view of the recent decision of the Supreme Court.

I have not heard a Senator on this floor assert an unqualified opinion in favor of the constitutionality of this measure. In all the debates which have taken place in this body on the subject of export debentures there has never yet been a single expression of doubt, so far as I am advised, on the part of any Senator or of any Member of the body at the other end of the Capitol as to the constitutionality of the proposal of the Senator from Texas. Therefore I insist, in justice to the farmers of the country, that if we mean to give them real relief instead of lip service the Connally amendment should be included in the bill, if for no other reason than that if the measure shall be declared unconstitutional, as it is very likely to be, the farmers will have something to tie to in the way of relief.

I am very glad now to yield to the Senator from New York.

Mr. COPELAND. Mr. President, does the Senator think the situation now confronting us, to meet which the debenture plan is proposed, is on all fours with the situation which faced us in 1930 when a similar plan was suggested?

Mr. CLARK. I will say to the Senator from New York that I am unable to observe any fundamental changes in the situation in the meantime which would make the export debenture a beneficial and meritorious proposal in 1929 and a bad proposal in 1936. Let me say further to the Senator from New York that, so far as I am concerned, I should prefer to vote for the Connally amendment, as a substitute for the pending bill, because I think it would be much more efficacious, much more certain to benefit the farmers of the country, much more logical, much more in accordance with Democratic doctrine, and because I think the Connally amendment strikes at the very vitals of the problem which for generations has confronted the farmer in this country. Since the Senator from Texas has not offered his proposal in that form, however, and has offered it as an alternative and supplemental plan, I am perfectly prepared to vote for it in its present form.

Mr. BORAH. Mr. President, I am very much in favor of the amendment which has been offered by the Senator from Texas [Mr. CONNALLY].

Practically this same proposition was presented to the Senate in 1929. After very extended debate it was adopted by the Senate. It went to the House of Representatives, and would have been accepted there, I have no doubt, had it not been for the objections of the then President of the United States.

I have never had any doubt as to the efficacy of the proposal in assisting the farmer in getting a more equitable price for his products compared with what he must pay for those which he buys.

It has been said that the adoption of this proposal might interfere with the reciprocity agreements which are being made with foreign countries. I should much rather have voted directly to repeal the authority to make those agreements, but not having that opportunity, I am perfectly willing to pursue a course which may modify their effect. I am clear that the plan proposed by the Senator from Texas would be much more beneficial to the farmer than the agreements which are being made supposedly in his behalf.

I do not overlook the fact that 84 percent of the concessions in the Canadian reciprocity agreement are upon farm products; and that cannot possibly be for the benefit of the American farmer. In my opinion, this proposal will militate against that policy to some extent—not sufficient to satisfy me, but to some extent. Therefore I do not hesitate to support it, notwithstanding the fact that these agreements are being made.

Another proposition: The Senator from Missouri [Mr. CLARK] has well said that whatever may be the merits of the American protective-tariff system, it has operated to the disadvantage of the American farmer. It has operated to his disadvantage for the simple reason that the more powerful influence came from the manufacturing interests when the tariff bills were being enacted into law. The fact is that when the special session of the Congress was called in 1929 for the purpose of dealing primarily with the agricultural question, it was supposed that the changes in the tariff would be confined very largely to agricultural products, and accordingly to the campaign which had been made in 1928 they should have been confined to agricultural products; but they were not. The farmer again was placed in a position of inequality by reason of the high rates placed upon manufactured products compared with the rates which were placed upon agricultural products.

The farmer has always been at a disadvantage under that system; and Alexander Hamilton, realizing that fact, and probably that it would always be so, declared that the only way to establish equality for the farmer under the protective system was by means of the very plan which is now before us. In view of the fact that within recent weeks we have adopted the policy of Alexander Hamilton with reference to the taxing power under the Constitution, I think it would be wise to follow his advice with reference to the protection of the American farmer.

Mr. NORBECK. Mr. President, I desire to make a few remarks on the pending amendment to the soil conservation bill.

I intend to support the amendment offered by the Senator from Michigan [Mr. VANDENBERG] proposing an embargo during the period of the debenture. I am going to vote for both of them, but with regret. I do not believe an embargo is justified except in a time of grave emergency, and I think the so-called danger from agricultural imports has been greatly overplayed. The same thing happens in every Presidential election year. Agricultural imports look bigger in the newspapers than they really are.

I have heard numerous speeches on this, the Republican side of the Chamber, calling attention to percentage of increase of exports. Has anyone ever said what actual percentage they bear to the total of our production? It is very small. I agree with the Senator from Michigan when he says that corn is the outstanding one. The imports of corn for the past fiscal year, according to the last figures available, amount to 1½ percent of our production. That is what all this hue and cry is about—1½ percent—and that is the big import, the outstanding one, the dangerous one, the one that is said to threaten the American farmer. I should like to shut out that 1½ percent, though I think it is due largely to crop and marketing conditions, and is in its nature rather temporary; but we have within our own continental boundaries markets that are hard to reach. The freight rate is too high from the Corn Belt to the west coast, which fact makes it easy for Argentina to reach that market as against our own farmers. The producers in the Argentine can send their products there at less cost than we can.

A little more might be said for the embargo amendment—that while only 1½ percent of our corn production is coming in from foreign countries, only 12 percent of our corn is in commerce. The rest stays on the farm, and therefore these imports have an influence on corn prices. I agree to that, but it is not large. The amusing thing is when we see those who are so deeply concerned about this condition that they want to get away from it. We are getting three times as much for our corn, wheat, and hogs as we were under the Farm Marketing Act. These people were not so much concerned about the farmers in those days.

TREATY WITH CANADA

But we of the Northwest have been much distressed since the ratification of the Canadian treaty. We knew that the tariff would never touch the inequality that existed, so we knew we were going to get the worst of it. But we were told that our wheat tariff of 42 cents, which the Tariff Commission has found to equal the difference between the cost of production here and in Canada, had been cut to 21 cents, from 42 cents a bushel to 21 cents a bushel. The tariff is never touched by law or treaty by either party without the farmer getting the worst of it. The farmers comprise only 25 percent of the population and lose out in the strife for tariff privileges.

The distinguished Senator from Iowa [Mr. DICKINSON] has lately mailed to the various Senators a carefully prepared set of figures stating what the treaty has done to agriculture, showing the differences in rates. I have care-

fully gone over this but cannot find any place where the wheat tariff has been reduced by the treaty, though our newspapers have carried the stories about the 50-percent reduction, and many of our farmers are fearful and they explain the lower price of wheat by calling attention to the treaty, but there seems to have been no such reduction except on wheat unfit for human consumption. The Senator from Iowa assures me his figures are complete and accurate.

The Canadian treaty is not good for the Northwest; it is bad. But it is not so much against us as was the Taft treaty, and it is not nearly so bad as the tariff act under President Wilson. But I am going to vote for the Vandenberg amendment, although I do not believe it is well drawn. It would absolutely prevent any importations of the commodities mentioned, even seed wheat of special varieties, sometimes much needed in our section.

Mr. President, we will be taking quite a chance in putting an embargo on anything. A high protective tariff ought to fill the bill and avoid trade retaliations from other countries that can also put an embargo against us and sometimes do. But the treatment of agriculture has been so unjust and so unfair that we are compelled to take any advantage we can get, even temporary, because there is so little we can get.

Mr. President, I shall vote for the Vandenberg amendment, and I shall vote with a good deal of pleasure for the Connally export debenture amendment. When Hamilton suggested a protective tariff for the industries, he said it must be accompanied by a debenture to balance the disadvantage placed upon the farmers. We took the first advice of Alexander Hamilton more than a century ago; let us take the other half today.

It has been said that tariff benefits proposed today for agriculture would tend to interfere with our foreign trade because our prices would be high. But tell me: How can we justify a protection of 100 percent for industry and then say that half that much would be unsound if given to agriculture? If the Senators who voted for debenture in 1929 under a Republican administration will vote likewise today under a Democratic administration, then the amendment will prevail. But will they?

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Michigan [Mr. VANDENBERG] to the amendment offered by the Senator from Texas [Mr. CONNALLY].

Mr. VANDENBERG. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. DICKINSON (when his name was called). On this vote I have a pair with the Senator from Mississippi [Mr. BILBO]. Not knowing how he would vote, I do not cast my vote. If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. GIBSON. My colleague the senior Senator from Vermont [Mr. AUSTIN] is unavoidably absent for the day. On this question he has a pair with the junior Senator from Utah [Mr. THOMAS].

Mr. FRAZIER. My colleague the junior Senator from North Dakota [Mr. NYE] is absent. If he were present, he would vote "yea."

Mr. McNARY. Mr. President, I desire to announce the following general pairs:

The Senator from Rhode Island [Mr. METCALF] with the Senator from Indiana [Mr. VAN NUYS];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS];

The Senator from Maine [Mr. WHITE] with the Senator from Alabama [Mr. BANKHEAD]; and

The Senator from Delaware [Mr. HASTINGS] with the Senator from Kentucky [Mr. BARKLEY].

I also wish to announce that I am advised that the Senator from Maine [Mr. WHITE] and the Senator from Delaware [Mr. HASTINGS] would, if present and voting, vote "yea"; and the Senator from Alabama [Mr. BANKHEAD] and the Senator from Kentucky [Mr. BARKLEY] would vote "nay."

Mr. MURRAY. I announce that the Senator from Alabama [Mr. BANKHEAD] is detained on account of illness.

I also announce that the Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. BILBO], the Senator from Illinois [Mr. LEWIS], the junior Senator from Indiana [Mr. MINTON], the senior Senator from Indiana [Mr. VAN NUYS], the Senator from Utah [Mr. THOMAS], the Senator from Virginia [Mr. GLASS], the Senator from Oklahoma [Mr. GORE], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are detained on important public business.

I further announce that the Senator from Nevada [Mr. McCARRAN] and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

The result was announced—yeas 25, nays 51, as follows:

YEAS—25

Barbour	Capper	Hale	Russell
Benson	Carey	Johnson	Steiwer
Bone	Copeland	Keyes	Townsend
Borah	Davis	La Follette	Vandenberg
Bulow	Donahey	McAdoo	
Burke	Frazier	McNary	
Byrd	Gibson	Norbeck	

NAYS—51

Adams	Costigan	Logan	Pittman
Ashurst	Couzens	Lonergan	Pope
Bachman	Dieterich	Long	Radcliffe
Bailey	Duffy	McGill	Reynolds
Black	Fletcher	McKellar	Robinson
Brown	George	Maloney	Schwellenbach
Bulkley	Gerry	Moore	Sheppard
Byrnes	Guffey	Murphy	Smith
Caraway	Harrison	Murray	Thomas, Okla.
Chavez	Hatch	Neely	Trammell
Clark	Hayden	Norris	Truman
Connally	Holt	O'Mahoney	Walsh
Coolidge	King	Overton	

NOT VOTING—20

Austin	Glass	Metcalf	Tydings
Bankhead	Gore	Minton	Van Nuys
Barkley	Hastings	Nye	Wagner
Bilbo	Lewis	Shipstead	Wheeler
Dickinson	McCarran	Thomas, Utah	White

So Mr. VANDENBERG's amendment to the amendment of Mr. CONNALLY was rejected.

Mr. McGILL. Mr. President, I offer an amendment to the amendment proposed by the Senator from Texas [Mr. CONNALLY] on page 2, line 13, after the word "in", to add the words "paragraphs (a), 1, 2, and 3 of."

Mr. CONNALLY. Mr. President, I have no objection to that amendment. I am willing to accept it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. McGILL] to the amendment of the Senator from Texas [Mr. CONNALLY].

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is on the amendment offered by the Senator from Texas [Mr. CONNALLY] to the amendment of the committee.

Mr. FRAZIER. Mr. President, I desire to ask the Senator from Texas, who offered the amendment to the committee amendment, if he will not agree to an amendment on page 4 of the pending amendment in the amount of the debenture rates.

The tariff on corn is 25 cents a bushel. It seems to me that if we are going to give any benefits to the farmer, the debenture should be the amount of the tariff. On wheat the tariff is 42 cents a bushel. I should like to offer an amendment with respect to the debenture rates on corn and wheat to raise those amounts to the amount of the existing tariff. I do not know about the other three items. I shall be glad to vote for an increase in them if anyone suggests such an increase.

Mr. CONNALLY. Mr. President, I will say to the Senator from North Dakota that the Senator from Oregon [Mr. McNARY] yesterday explained very clearly and very convincingly how these rates were arrived at. They were arrived at after an exhaustive analysis and study by the Committee on Agriculture and Forestry in 1929. If the Senator now wishes to kill the bill with an amendment, the effective way to do it is to load it up with rates which will not appeal to many Members. I prefer to leave the rates just as they

are. They are not my rates. They are the rates suggested by the Committee on Agriculture and Forestry after an exhaustive examination.

Mr. FRAZIER. Mr. President, I remember very well the discussion on the bill in 1929. The committee decided on the rate simply because the committee thought that was as much as it could get; not that it was all to which the farmer was entitled. As my colleague the Senator from South Dakota [Mr. NORBECK] said a few moments ago, the tariff rate is based upon the difference in the cost of production here and abroad; and if by this measure we are to get any benefit for the farmer, the debenture should be the amount of the tariff.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. BLACK. What is corn selling for today?

Mr. FRAZIER. I do not know.

Mr. BLACK. Does the Senator know what corn is selling for in his own State—not necessarily today, but in the past week or two?

Mr. FRAZIER. I do not know; I think about 50 cents a bushel. I do not come from a corn-producing State, and I do not know. The tariff on corn is 25 cents.

Mr. DICKINSON. In Iowa it is selling for 46 cents.

Mr. FRAZIER. Corn is selling in Iowa for 46 cents, I am informed by the Senator from Iowa.

Mr. BLACK. May I ask what it was selling for in March 1933?

Mr. FRAZIER. I think it was much lower at that time.

Mr. McNARY. May I answer that question?

Mr. BLACK. Yes; I desire to have that information.

Mr. McNARY. I inquired of the Bureau of Agricultural Statistics today concerning prices which obtained on several commodities before as well as after the rendition of the Supreme Court decision in the Butler case, and I find that today yellow corn, No. 3, is selling for 61 cents in Chicago.

Mr. BLACK. May I ask the Senator what it was selling for on March 4, 1933?

Mr. McNARY. I am not a statistician. I do not know.

Mr. BLACK. I have read in the newspapers that corn was being burned for fuel in the West because it would only bring about 12 cents a bushel. I wonder whether that was true. May I ask the Senator what wheat is bringing today?

Mr. FRAZIER. To the farmer in my State it is bringing between 90 cents and a dollar a bushel.

Mr. BLACK. I am sure the Senator from North Dakota, who always keeps up with farming matters, knows. What was wheat selling for on March 4, 1933?

Mr. FRAZIER. It was selling for around 30 cents a bushel in my State.

Mr. BLACK. Thirty cents a bushel?

Mr. FRAZIER. Yes.

Mr. BLACK. And now it is between 90 cents and a dollar a bushel. I thank the Senator.

The PRESIDENT pro tempore. The clerk will state the amendment proposed by the Senator from North Dakota [Mr. FRAZIER].

The LEGISLATIVE CLERK. On page 4, in line 17 of the pending amendment of Mr. CONNALLY to the committee amendment, it is proposed to strike out "7½" and insert "25"; and on the same page, line 20, it is proposed to strike out "21" and insert "42."

Mr. FRAZIER. That would make it read:

(1) Corn or maize, 25 cents per bushel of 56 pounds;

* * * * * * *

(3) Wheat, 42 cents per bushel of 60 pounds.

Mr. BLACK. Would the Senator accept an amendment providing that the rate on cotton should be 10 cents a pound?

Mr. FRAZIER. There is no tariff on cotton, as I understand. I do not know how much is necessary on cotton. I should be willing to vote for anything that is fair to the cotton farmers. I have gone the limit, and have voted for every cotton bill since I have been here.

Mr. BLACK. I am sure of that. I think the Senator's record in voting for the farmer is excellent. I desire it distinctly understood that I was not making any suggestion that his record was not excellent; but it does seem to me that if an amendment providing for a raise in the rate on corn and wheat is to be adopted, justice would require that we also provide 10 cents for cotton. I really think so.

Mr. FRAZIER. Of course, a rate of 10 cents for cotton would be relatively more than 42 cents on wheat at the present time; but I am perfectly willing, as I said at the beginning, to support any amendment that is considered fair on the other three products.

Mr. BLACK. Mr. President, may I ask whether this amendment is subject to amendment?

The PRESIDENT pro tempore. No; it is not. That would be an amendment in the third degree.

The question is on the amendment of the Senator from North Dakota [Mr. FRAZIER] to the amendment of the Senator from Texas [Mr. CONNALLY].

The amendment to the amendment was rejected.

Mr. NORRIS. Mr. President, I should not detain the Senate at this late hour to say anything on this amendment if it were not for the fact that in the past I have taken an active part in favor of legislation such as that proposed in the amendment of the Senator from Texas [Mr. CONNALLY]. But, Mr. President, when we have a certain bill before us, and are mapping out a certain course to take, it seems to me perfectly illogical to put right into that bill another bill, however worthy it may be framed on a different principle, and expect them both to work at the same time. I do not believe they will work in that manner.

The Senator from Missouri [Mr. CLARK] has just said, and it has been said privately by a good many Senators, that it is desirable to have the amendment of the Senator from Texas adopted for the reason that the Supreme Court may hold that the remainder of the bill is unconstitutional.

There may be force to that contention. If we wish to put this amendment in the bill so that it may become operative in case the Supreme Court holds the rest of the bill unconstitutional, then the amendment ought to come here in such form that the Secretary of Agriculture will have the option to put it in force if he desires to do so. If there were that kind of option to it, I should vote for the amendment, although I must admit that there are some things true now that were not true at the other time in the Senate's history when we had the debenture amendment before us. We then had an entirely different condition. There were several reasons for it. I am not going into them in detail, because in my opinion the main reason for opposing the amendment at this time is that an effort is being made to put into this bill another complete bill, have them both become law, and have them both in operation at the same time. If that shall be done I can see nothing but failure for both of them.

It may be that the amendment of the Senator from Texas is better than the one that has come from the committee. I am not going to express an opinion about it. It is not material unless we desire to strike out the entire bill and adopt in its place the amendment of the Senator from Texas. If that were the question, I should have nothing to say.

It seems to me it would be perfectly illogical for us to try to put both of these provisions on the statute books at the same time. We are simply making it impossible for either one of them to work, in my judgment. That is the reason why I am not going to vote for the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Texas [Mr. CONNALLY], as amended, to the amendment of the committee.

Mr. CONNALLY. Let us have the yeas and nays.

The yeas and nays were ordered and the Chief Clerk proceeded to call the roll.

Mr. COPELAND (when his name was called). On this matter I have a pair with the senior Senator from Maryland [Mr. TYDINGS]. If he were present, he would vote "nay." If permitted to vote, I should vote "yea." Being paired I withhold my vote.

Mr. DICKINSON (when his name was called). On this vote I have a pair with the junior Senator from Mississippi [Mr. BILBO], who is necessarily absent. Not knowing how

he would vote I withhold my vote. If permitted to vote, I should vote "yea."

Mr. NORBECK (when his name was called). On this question I have a pair with the senior Senator from Montana [Mr. WHEELER]. If permitted to vote, I should vote "yea." If the Senator from Montana were present, he would vote "nay."

Mr. FRAZIER (when Mr. NYE's name was called). My colleague the junior Senator from North Dakota [Mr. NYE] is paired on this amendment with the senior Senator from Illinois [Mr. LEWIS]. If my colleague were present, he would vote "yea"; and I understand the Senator from Illinois [Mr. LEWIS], if present, would vote "nay."

The roll call was concluded.

Mr. HALE. I announce that my colleague the junior Senator from Maine [Mr. WHITE] has a general pair with the junior Senator from Alabama [Mr. BANKHEAD]. I do not know how the Senator from Alabama [Mr. BANKHEAD] would vote on this matter, but my colleague [Mr. WHITE] if present would vote "yea."

Mr. GIBSON. I announce that my colleague, the senior Senator from Vermont [Mr. AUSTIN] is necessarily absent. On this vote he is paired with the Senator from Utah [Mr. THOMAS].

Mr. McNARY. I announce the following general pairs:

The Senator from Rhode Island [Mr. METCALF] with the Senator from Indiana [Mr. VAN NUYS];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS]; and

The Senator from Delaware [Mr. HASTINGS] with the Senator from Kentucky [Mr. BARKLEY].

I am advised that the Senator from Delaware [Mr. HASTINGS] would vote "yea" if present.

Mr. MURRAY. I announce that the junior Senator from Alabama [Mr. BANKHEAD] is detained by illness.

The Senator from Nevada [Mr. McCARRAN] and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

The following-named Senators are detained on important public business: The Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. BILBO], the junior Senator from Illinois [Mr. DIETERICH], the Senator from Virginia [Mr. GLASS], the senior Senator from Illinois [Mr. LEWIS], the junior Senator from Indiana [Mr. MINTON], the Senator from Utah [Mr. THOMAS], the Senator from Maryland [Mr. TYDINGS], the senior Senator from Indiana [Mr. VAN NUYS], and the Senator from New York [Mr. WAGNER].

The result was announced—yeas 32, nays 42, as follows:

YEAS—32

Bailey	Carey	Johnson	Pittman
Barbour	Clark	Keyes	Reynolds
Benson	Connally	La Follette	Russell
Borah	Davis	McAdoo	Sheppard
Bulow	Duffy	McGill	Steiwer
Burke	Frazier	McNary	Townsend
Byrd	Gibson	Murray	Truman
Capper	Hale	Neely	Vandenberg

NAYS—42

Adams	Costigan	Holt	Overton
Ashurst	Couzens	King	Pope
Bachman	Donahey	Logan	Radcliffe
Black	Fletcher	Lonergan	Robinson
Bone	George	Long	Schwellenbach
Brown	Gerry	McKellar	Smith
Bulkley	Gore	Maloney	Thomas, Okla.
Byrnes	Guffey	Moore	Trammell
Caraway	Harrison	Murphy	Walsh
Chavez	Hatch	Norris	
Coolidge	Hayden	O'Mahoney	

NOT VOTING—22

Austin	Dieterich	Minton	Van Nuys
Bankhead	Glass	Norbeck	Wagner
Barkley	Hastings	Nye	Wheeler
Bilbo	Lewis	Shipstead	White
Copeland	McCarran	Thomas, Utah	
Dickinson	Metcalf	Tydings	

So Mr. CONNALLY's amendment, as amended, to the committee amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment in the nature of a substitute as amended.

Mr. ROBINSON. Mr. President, unless we may have a vote at once and there is to be no further discussion, I should like to move an executive session and then take a recess. It is apparent that we cannot conclude consideration of the bill today.

Mr. McNARY. When the Senator refers to the "committee amendment as amended", he refers to the amendment in the nature of a substitute offered by the Senator from South Carolina [Mr. SMITH]?

Mr. ROBINSON. Yes. It is really the bill.

Mr. McNARY. If we should vote on that, it would foreclose further amendment.

Mr. ROBINSON. That is true. I am satisfied we cannot conclude consideration of the bill today without remaining in session until a very late hour, and with the approval of the chairman of the committee in charge of the bill I shall now move an executive session.

Mr. SMITH. Very well.

Mr. CLARK. Mr. President, I offer an amendment to the committee amendment, which I send to the desk and ask to have printed and lie on the table.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Robert H. Jackson, of New York, to be an Assistant Attorney General, vice Frank J. Wideman, resigned, which was referred to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on Commerce, reported favorably the nomination of Alexander Vincent Dye, of New York, to be Director, Bureau of Foreign and Domestic Commerce, vice Claudius T. Murchison, resigned.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The PRESIDENT pro tempore. The reports will be placed on the calendar.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Mr. COPELAND. Mr. President, a few moments ago I reported favorably from the Committee on Commerce the nomination of Alexander Vincent Dye, of New York, to be Director of the Bureau of Foreign and Domestic Commerce.

This nomination was delayed in the committee by reason of the fact that we were engaged in a certain investigation. I learn that Mr. Dye, who has been on duty here for 2 months, is needed on Monday to present certain matters to the Appropriations Committee. Therefore, I request that his nomination be confirmed today.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of the nomination of Alexander Vincent Dye, of New York, to be Director, Bureau of Foreign and Domestic Commerce, vice Claudius T. Murchison, resigned. Is there objection to the present consideration of the nomination?

Mr. ROBINSON. Mr. President, I desire to supplement what the Senator from New York has said. This nomination has been delayed for some time. There is no one in the Department who is authorized to act for the Bureau; and it is important that the nomination be disposed of, as the Senator from New York has stated.

Mr. McNARY. I have no objection, Mr. President.

The PRESIDENT pro tempore. Is there objection? The Chair hears none; and, without objection, the nomination is confirmed.

Mr. COPELAND. I ask that the President be notified of the confirmation of this nomination.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York that the President be notified of the confirmation of the nomination of Mr. Dye? The Chair hearing none, it is so ordered.

If there be no further reports of committees, the clerk will state the first business in order on the calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Dudley G. Dwyre, of Colorado, to be consul general of the United States of America.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTER

The legislative clerk read the nomination of Walter S. Cressman to be postmaster at Gwynedd Valley, Pa.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

That completes the calendar.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. Mr. President, in order that the Senate may conclude its labors on this bill and make a final disposition of it tomorrow, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

Mr. McNARY. Mr. President, that conforms to the wishes of the Republican Members of the Senate.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arkansas.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate took a recess until tomorrow, Saturday, February 15, 1936, at 11 o'clock a. m.

NOMINATION

Executive nomination received by the Senate February 14 (legislative day of Jan. 16), 1936

ASSISTANT ATTORNEY GENERAL

Robert H. Jackson, of New York, to be an Assistant Attorney General, vice Frank J. Wideman, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 14 (legislative day of Jan. 16), 1936

DIRECTOR, BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Alexander Vincent Dye to be Director, Bureau of Foreign and Domestic Commerce.

DIPLOMATIC AND FOREIGN SERVICE

Dudley G. Dwyre to be consul general of the United States of America.

POSTMASTER

PENNSYLVANIA

Walter S. Cressman, Gwynedd Valley.

HOUSE OF REPRESENTATIVES

FRIDAY, FEBRUARY 14, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Merciful Father, author of all good, Thou who dost pour out Thy bounty on the small and large, the bad and the good, bring us into companionship with Thee; let us know that sweetness of spiritual power that is born of exceeding loveliness. Gracious Lord, teach us how to walk with patience, with faithfulness, rebuking evil with discernment. Give us courage to speak the truth with that spirit which suppresses vexation and trouble. "The Lord God is a sun and shield; He will give grace and glory; no good thing will He withhold from them that walk uprightly." "The Lord redeemeth the souls of His servants, and none of them that trust Him shall be desolate." In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF RESIDENT COMMISSIONER FROM THE PHILIPPINES

The SPEAKER laid before the House the following communications:

THE WHITE HOUSE,
Washington, February 13, 1936.

The SPEAKER, HOUSE OF REPRESENTATIVES.

MY DEAR MR. SPEAKER: I transmit herewith a communication from the President of the Philippines, dated January 9, 1936, advising of the appointment by him of the Honorable QUINTIN PAREDES as Resident Commissioner to the United States.

Very truly yours,

FRANKLIN D. ROOSEVELT.

MALACANAN PALACE,
Manila, January 9, 1936.

His Excellency the Honorable FRANKLIN D. ROOSEVELT,
President of the United States, Washington, D. C.

MR. PRESIDENT: I have the honor to inform Your Excellency that, pursuant to the provisions of the act of Congress approved March 24, 1934, and of the constitution of the Philippines, I have duly appointed the Honorable QUINTIN PAREDES Resident Commissioner to the United States. Having full confidence in his ability, zeal, and fidelity, and knowing his sincere desire to promote to the fullest extent the friendly relations now existing between the United States and the Philippines, I sincerely hope that he will render himself acceptable to Your Excellency and to the Government of the United States.

With expressions of my respect and esteem, I beg to remain,

Very respectfully,

MANUEL QUEZON.

By the President:

[SEAL]

ELPIDO QUIRINO,
Secretary of the Interior.

Mr. PAREDES appeared at the bar of the House and took the oath of office.

FRANK J. WIDEMAN

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, Mr. Frank J. Wideman, of Florida, has resigned as Assistant Attorney General. He has filled the position with much ability and has shown an intimate knowledge of intricate legal questions. Having watched Mr. Wideman's work during the time that he has been Assistant Attorney General, I rise to say that the country is losing the services of a very distinguished and able lawyer. For one I regret his resignation and wish him great future success. [Applause.]

OREGON

The SPEAKER. Under a special order the Chair recognizes the gentleman from Oregon [Mr. EKWALL] for 15 minutes.

Mr. EKWALL. Mr. Speaker, with pardonable pride, I present on this, the seventy-seventh anniversary of the admission of the great State of Oregon into the Union, a brief résumé of its history.

The State of Oregon is my adopted State. I have lived there for 30 years. It has been kind to me. It and its people have conferred upon me the honor of two judgeships in its courts and have elected me to sit in this Congress as a Representative of the Third Congressional District. I would be less than human if I did not love my adopted State as I do the memory of my mother. It is a State which contains a portion of the last frontier of the United States, because beyond its coast line lies the Pacific Ocean, stretching to the Orient. If I were a poet or great litterateur, I could not do justice to my State in attempting to describe its beauty and grandeur.

Last fall, accompanied by our colleague, MELVIN J. MAAS, of Minnesota, a member of our fine Naval Affairs Committee, I flew over a portion of the State. There, several thousand feet above the ground, we saw a sight never to be forgotten. Stretching in a vast panorama was a group of snowcapped mountains—the incomparable Rainier, St. Helens, Adams, Hood, Jefferson, and the Three Sisters. We followed a course along the magnificent Columbia River, flying low over that great Federal project, the Bonneville Dam, which, when completed, will harness the limitless water power of the Columbia and compel it to work henceforth for the benefit and well-being of mankind. We then circled entirely around

Mount Hood, perpetually snowcapped, which for a million years has stood guard over that vast stretch of country. We passed over the beautiful Hood River Valley, where nature has so combined the elements that the finest apples in all the world are grown; apples which have been for years the pride of Oregon and the despair of those who have tried to equal them.

OREGON INCOMPARABLY BEAUTIFUL

This air trip having been made in the month of October, beneath our plane was disclosed a scene which beggars description. Against the evergreen of our native fir trees, and matted in between, were thousands of clusters of autumn leaves of yellow and gold. It was as if nature, in her most-favored mood, taking her palette in hand, and dipping her brush in the colors of the rainbow, had created this exquisite picture and defied comparison in all the universe.

The Honorable Charles H. Carey, who succeeded our colleague, JAMES W. MOTT, representing the First Oregon District, as corporation commissioner of Oregon, and who is president of the Oregon Historical Society, has furnished the following information as to the early history of Oregon:

It was the keen desire of the Chinese for furs, and especially for the fur of the sea otter, that attracted the world's attention to Oregon in the eighteenth century. At the time of the American Revolution, Capt. James Cook, the British explorer, was sent by his Government on his third great exploring expedition. He approached the west coast of North America, opposite Oregon, at 43° north latitude, to explore and to search for the fabled northwest passage, supposed to lead through that continent from the Atlantic Ocean. He did not find the passage, but the native tribes along the coast as far as Alaska had beautiful furs that they were eager to trade for whatever the white men could offer, and so for pieces of iron, copper, cloth, or for nails, knives, and handkerchiefs they parted with valuable furs of various kinds, including those of the sea otter.

There was keen rivalry between the Spanish, English, and American fur-trading companies. Little was actually known about many of the rivers and harbors located in the Northwest. On May 11, 1792, Capt. Robert Gray, an American, who was the master of the vessel *Columbia*, discovered and sailed into a large river which he named the Columbia, and which has borne the name ever since that time. He reported his find to Captain Vancouver, an Englishman, who sent one of his smaller ships into the Columbia, and its commander, Lt. William Broughton, took possession of the land about 100 miles from the mouth of the river in the name of Great Britain. From near the mouth of the Willamette River, which flows through my home city of Portland, on October 29, 1792, Lieutenant Broughton first saw Mount Hood, which he named for Lord Hood, a brilliant British naval officer.

LEWIS AND CLARK EXPEDITION

On October 17, 1803, President Thomas Jefferson concluded a treaty with France whereby the vast area known as the Louisiana Purchase was bought for $15,000,000. On May 14, 1804, President Jefferson sent out the Lewis and Clark Expedition, headed by his secretary, Meriwether Lewis, and William Clark, to explore the land beyond the Rocky Mountains, the western boundary of the Louisiana Purchase, with a view to ascertaining whether it should be acquired by the United States. As a result of this expedition much valuable information was secured. Construction of a fort at Astoria, Oreg., was begun in March 1811, and the Hudson's Bay Co. constructed Fort Vancouver, now in the State of Washington, in 1825. Dr. John McLoughlin was placed in charge of the company's business west of the Rocky Mountains, and managed it for a period of 20 years, practically as a ruler over that vast territory. His old home at Oregon City, Oreg., is now being preserved. There he lies buried alongside the remains of his faithful Indian wife. At a later date application will be made for funds with which to rehabilitate this historic house as a patriotic shrine.

During this period of time, and until 1846, the vast country known as the Oregon country was jointly occupied by the British and Americans.

Owing to the fact that the United States did not provide a local government or system of laws in Oregon while under joint occupancy, the settlers as early as 1841 began to consider organizing a voluntary provisional government to function until Congress would create the Territory. It was not until May 2, 1843, however, that definite action was taken by the settlers at a public meeting at Champooick—Champoeg. There had been a heavy immigration in 1842, greatly increasing the number of Americans. At the public meeting a vote was taken and a majority favored organizing, whereupon various officers were chosen; a legislative committee was selected to draft a code of laws to be presented at a public meeting to be held July 5, 1843.

On the day named, the report of the legislative committee was accepted, with few changes, and in accordance therewith an executive committee of three was elected instead of a Governor. The statute laws of Iowa, excepting as to fees for jurors and witnesses, were adopted. The organic law followed closely the provisions of the ordinance of 1787 for the Northwest Territory.

The Territory of Oregon was created by act of Congress of August 14, 1848. Joseph Lane was appointed Governor and took office at Oregon City on March 3, 1849. Oregon City was the capital until 1850, when the capital was removed to Salem. In 1855–56 the legislature met at Corvallis, but it promptly passed a bill relocating the capital at Salem, and in 1864 Salem was confirmed as the capital by popular vote. The Federal donation land law, giving 620 acres to man and wife and 320 acres to an unmarried person, was adopted by the Congress on September 28, 1850. There was a strong local feeling that a State should be created, but statehood was voted on several times with negative results. In 1857 a constitutional convention of 60 delegates assembled at Salem and prepared a constitution which was submitted to popular vote at a special election on November 9, 1857. The constitution was adopted by a majority of 3,980 votes. Slavery was voted down by a majority of 5,082 votes. During the 10-year period of the Territory there were Indian wars in various parts of the Territory. In 1854 the Territory of Washington was created, taking the greater part of old Oregon.

The act of Congress admitting Oregon as a State was on February 14, 1859. It was not until March 3 that the first State Governor, John Whiteaker, was sworn into office and took over the duties. Joseph Lane and Delazon Smith were the first Senators and Lafayette Grover was the first Representative. They were Democrats. Lincoln carried the State in the 1860 Presidential election by a plurality of 260. The part that the State played in the Civil War was not conspicuous, but it was much harassed during that period by Indian uprisings. Portage railroads at the Cascades and The Dalles on the Columbia were constructed with iron rails in 1861–62 and main-line railroads from 1868. The Modoc war was in 1872–73 and the Nez Perce war in 1873. Piute-Bannock war was in 1878. Gold discovery at Griffin Gulch in eastern Oregon was in 1861, and on Jackson Creek in southern Oregon in 1851–52.

"ORIGIN OF NAME OREGON"

Until recently the origin and meaning of the name Oregon was shrouded in mystery. Although there were numerous suggestions more or less plausible, none of these, from French, Spanish, or Indian words of somewhat similar sound, was supported by any credible evidence that such derivation was authentic. Research has revealed the fact that the written word Oregon, or Ouragon, was first used by Maj. Robert Rogers in 1765 in a petition addressed to King George III of Great Britain. He asked permission to lead an expedition to the Pacific Ocean by following the stream "called by the Indians 'Ouragon'." The word next appeared in printed form in Jonathan Carver's Travels in 1778, as the name of the same river, although it was as yet undiscovered by white men. Carver also called it the River of the West, and he described it as flowing through the mountains of Bright Stones—Rocky Mountains—to the Pacific. Carver was one of the men selected by Rogers for his proposed expedition, and, in preparation, Carver spent some months with native tribes west of Lake Superior, where he claimed to have heard the name applied to this river. As the book was popular and went through several

editions, it is to this source that general use of the name is traced.

One of our former Governors, the Honorable WALTER MARCUS PIERCE, now sits in this Congress as a Representative of the Second Oregon District.

The Member whom I had the honor of succeeding in this Congress, the Honorable Charles H. Martin, is now our Governor. A man of sterling qualities and great ability, known and loved by many Members of this Congress, he is making a fine record for the State of Oregon as its chief executive. He has contributed the following and concluding lines:

Oregon bids all of America to visit and to enjoy our natural playground. No section of the country can boast of a greater variety of healthful recreations. Game and fish are to be found in abundant plentitude. Mountain, plain, valley, and miles of coast line offer diversity to the most discriminating and exacting of recreation seekers. Winter sports, hiking, mountain climbing, golfing, and surf bathing are offered.

Our transportation facilities are sufficient for our present needs. On land, in air, or on water the opportunities to travel in Oregon are of the finest anywhere. Our highways, primary and secondary, penetrate into every section of the State. Oregon is proud of its highways. These roads have brought about a greater cohesion of our people. No longer have we isolated sections. The ribbons of concrete literally bind our State into a unified whole.

Our valleys produce an interminable variety of products. Fruit of all kinds—incomparable Hood River apples, choice cherries from the Willamette Valley and The Dalles, luscious pears from the Rogue River Valley, prunes from the Umpqua, finest hops grown anywhere in the world are found in the Willamette. And if that were not enough, the Willamette Valley now has a fast-growing flax industry.

To the west, in addition to the great forests, are the countless dairy farms and the finest dairy herds in the western portion of our country. The milk, cream, and cheese products from this section are nationally known.

East of the Cascade Mountains are the hundreds of thousands of acres of wheatlands that stretch as far as the eye can observe like a shimmery golden sea. On the boundless ranges roam cattle and countless sheep. The open-heartedness of the east Oregonians is as great as the wide open spaces they inhabit and is demonstrated in such annual shows as the Pendleton Round-Up.

In the eastern section of the State also are to be found vast mineral resources of great variety—gold, quicksilver, copper, and platinum—which have brought wealth to the State.

The history of our State is luminous with names and deeds. Our people, steeped in pioneer traditions of achievement, are overwhelmingly of the finest American stock. The pioneers who settled here stand high in the forces of civilization. The suffering and privations endured, the courage manifested, and the fortitude exemplified in every stage of the trek across the continent and in combat with the aborigines and the forces of nature forever will stand high on history's page.

We turn to our pioneer forbears in a sense of deepest reverence and greatest affection. They builded well. They dominated every element that undertook to thwart their way. They put life and strength into the fundamentals which were intended to be the foundation of one of America's greatest commonwealths.

We are the beneficiaries of their hardihood. They led in water transportation, reaching the distant markets of the Pacific shore lines. They navigated the waters of the interior, with strong companies, possessing the most modern equipment of the age for such service. They spread out over the soil and initiated agricultural production on the Pacific coast in a substantial way.

Further, they entered into our forest primeval. They proceeded into the labyrinthian recesses where rose the stately, towering, and forbidding trees, and in these deep, dark, and almost impenetrable areas they laid the foundations for cities, industries, and farms. They financed the business of the Northwest. Their traders penetrated every section of this region. In the great social and economic struggles of the Nation marking that period, they alined themselves with those powers which were carving the structure for the greatest democracy civilization has produced.

Why this accolade paean of praise for our pioneers? Because the story of these valiant pioneers is the story of Oregon! [Applause.]

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes to speak on the subject of the State of Oregon.

The SPEAKER. Is there objection?

There was no objection.

Mr. COLDEN. Mr. Speaker, will the gentleman yield?

Mr. PIERCE. I yield for a question.

Mr. COLDEN. Just to ask whether the historians who are checking up on the rich history of Oregon have looked into the CONGRESSIONAL RECORD of about 1821, at which time a resolution was pending before the Congress authorizing President Monroe to plant the American flag on the shores of Oregon at his discretion. Mr. Cadwalader Colden, a Member of Congress from New York City, was one of the champions of that resolution, and the opposition to it at the time was very energetic, the statement being made that Oregon was a worthless country, not worth while for Uncle Sam to take the hazards of planting the American flag on its shores.

Mr. PIERCE. Oregonians appreciate their great river, beautiful mountains, their fertile fields, and magnificent forests, and invite you to come to the coast and share their pleasure in them. Oregon's greatest contribution to the Union is, however, in the field of government, what is known as the Oregon system—the initiative, the referendum, the recall, direct election of Senators by the people, Presidential preference primaries, and the Voters' Pamphlet. From the mountains of Switzerland came the initiative and referendum, engrafted more than a third of a century ago upon the political system of Oregon and now fundamental to our system of government. The recall was native to New Zealand.

Under the initiative, the electorate becomes a coordinate legislative body, and on bills passed by the people the Governor does not have the right of veto. Under the referendum, any legislative act not carrying an emergency clause may be referred to the people. Under the recall any elected official may be required to stand the test of a vote. Oregon may even amend its constitution through the initiative, and by direct vote of the people.

Oregon blazed the way and initiated the movement for direct election of United States Senators by the people, instead of having them elected, as provided by the original Federal Constitution, by the State legislatures.

Thirty-one years ago Oregon's Legislature enacted a law providing that candidates for the legislature might take a pledge to vote for the people's choice for United States Senator. This pledge was known as statement no. 1. Statement no. 2 provided that they would simply consider the vote of the people, but would not feel bound by it. Under this law Hon. Jonathan Bourne, Jr., was elected by the legislature United States Senator in 1907 because he was the choice of the people in the election of 1906. In 1908 the Honorable George E. Chamberlain was the people's choice for United States Senator, and confirmed by 51 pledges out of the 90 members of the legislature in 1909. Senator Bourne was a Republican and Senator Chamberlain a Democrat. This paved the way for the amendment to the Constitution of the United States which gave other States the privilege of having their Senators elected by the people instead of by legislatures.

Oregon initiated the Presidential preference primaries under which the electorate in each party may indicate their choice to their delegates who nominate Presidential candidates at the national conventions every 4 years. At one time 24 of our States had some kind of Presidential primary. Under the operation of this law Theodore Roosevelt became a candidate for the Republican nomination for the Presidency in 1912. It was the Presidential preference primary that had made it possible for the present President of the United States, Franklin D. Roosevelt, to be nominated in June 1932. The stop-Roosevelt group, with its money and power, would have been effective had it not been for the large number of delegates that had come to the convention instructed by the electorate within their States to vote for Mr. Roosevelt. Today William E. Borah, pride of the Republican voters of the Pacific Northwest, is a strong contender for the Republican nomination next June at Cleveland, owing to the fact that his name can be entered in the Republican primaries in 17 States now having some sort of a preferential primary.

Last, but not least, of these three great reforms initiated in Oregon was the Voters' Pamphlet, published and distributed to every voter, by the State, preliminary to primary and general elections. The purpose is to allow candidates, and proponents or opponents of measures, to tell their stories to the voters, at a cost of from $10 to $100 a page. Statutory provision is made for affirmative and negative arguments on all measures coming before voters through initiative or referendum. For the general election, following the primaries, a

page in the pamphlet can be secured for $50, and on it the party may set forth the reasons why the candidates of its choice should be elected.

Two weeks ago today a special election was held in the State of Oregon to pass on four measures, three referred by the legislature and one held up for referendum through petition. The one which attracted most attention was to change the date of the primary election from May to September, doing away with presidential primaries and making national committeemen and delegates subject to election by a State committee instead of by the people. Newspapers in the State, with few exceptions, openly advocated the change, but the Voters' Pamphlet, going into the hands of every voter of the State created a sentiment which defeated the united effort of the press and by a vote of 60,000 to 150,000 the people defeated the proposed change, showing conclusively the power of the Voters' Pamphlet. This Voters' Pamphlet for measures and candidates should be extended to cover every State, and the Nation as a whole.

Oregon claims special distinction on account of these great political changes. It is often called the "political experiment station." This remarkable movement toward popular or people's government came about as a result of the usual political corruption of the old system culminating in a unique session of the State legislature which failed to organize. In the election of 1896 a vast sum of money had been spent to secure pledges from legislative candidates for the reelection of a certain United States Senator who had promised to support the silver program. After the election of the members of the legislature it was ascertained by friends of free silver in Oregon that the senatorial candidate, when he returned to Congress, would change his position on the money question, and would vote to support the gold standard.

The Senator was then informed that if that was his attitude, he had betrayed the people and could not be reelected to the Senate. He informed those who opposed him that he had the pledges from the members of the legislature, they had been paid for, and the legislators could not go back on their pledges to vote for him when his name came before the legislature. So the fight began. The only possible way to defeat him was to prevent the House from organizing. The 60 members of the House remained in the State capital for the 40-day session fixed by our constitution, but they failed to organize. The Senator and his friends could not force them to organize or fine those who did not appear to take the oath, and take part in the organization; so at the end of the 40 days they all went home without a session.

The outstanding figure in that historic fight was Hon. Jonathan Bourne, Jr., who was afterward United States Senator from Oregon, now a resident of Washington, D. C. Born in New England, endowed with Yankee shrewdness, great ability, and political genius, he saw that the Republic was doomed unless the Government could move closer to the people. He had faith in what he calls the "composite citizen." Out of the hold-up legislative session, and as a result of it, under his leadership, came the Oregon system of popular government which has made the people of Oregon politically conscious. Senator Bourne's speech of May 5, 1910, Popular Versus Delegated Government, was perhaps the most widely circulated speech ever delivered in Congress, 9,000,000 copies having been distributed through every State in the Union and to every country on the globe. He can truthfully be called the father of the Oregon system.

So today, on Oregon's birthday, I am glad to tell you that we in Oregon prize our liberties and think we have found a way to protect them. I hope that you will all take this message home to your States and that you will someday join Oregon in the Presidential primary and the Voters' Pamphlet, and that you will sometimes recall that Oregon's example gave to the Nation the direct election of United States Senators.

[Here the gavel fell.]

CLOSING MILITARY ROAD

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution (H. J. Res. 488) to close Military Road, with amendments proposed by the committee.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. SMITH of Virginia. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from South Carolina to explain what this bill means, the point of issue between us being whether it means to close Military Road to the traveling public, or whether it does not. If it does not close the road to those who travel over the highway, I have no objection. If it does, I shall object.

Mr. SNELL. I think the gentleman should make a short explanation. I understand this has the unanimous approval of the Committee on Military Affairs.

Mr. McSWAIN. Yes; it has the unanimous approval, as I remember.

This is the construction of the language as I have formulated it. It is my construction of the language of the resolution as amended by the committee that the Secretary of War may prescribe the conditions under which Military Road may be used by vehicular traffic and pedestrians; also by aircraft in crossing same. From the attitude implied in the letter of the Secretary of War, dated February 12, 1936, I feel he will not deny either class of users of such road to use the same, but will prescribe fair and reasonable rules and see them enforced, to protect all persons traveling along said road, and also those crossing said road in aircraft.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. SMITH of Virginia. Further reserving the right to object, Mr. Speaker, I am trying to agree with the gentleman from South Carolina. I ask unanimous consent under my reservation of objection to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. PARKS. Reserving the right to object, Mr. Speaker, I am advised that this will only take a few minutes at the outside; and, believing that, I have no objection, because it is an important matter and should be disposed of.

The SPEAKER. Without objection, the gentleman from Virginia is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, this resolution has to do with the troublesome controversy that has been going on relative to closing Military Road. This is a public highway which was constructed by the United States. The United States owns in fee simple the ground upon which the highway has been constructed. It has been used as a public highway by the traveling public for 24 years. I have been before the Military Affairs Committee a number of times in an effort to get this straightened out. The gentleman from South Carolina [Mr. McSWAIN] and I are trying to straighten it out. We went before the Military Affairs Committee of the Senate this morning, and it is my understanding—and the gentleman from South Carolina will correct me if I am wrong—that if this resolution passes the House it will then go to the Senate; and the gentleman from South Carolina [Mr. McSWAIN] and I will appear before the Senate committee and endeavor to clarify whatever may need clarification with respect to what the language of this resolution means. If it means to close the public highway to those people who have been traveling over it for 24 years, of course, I shall be forced to object. If, however, it means what the gentleman from South Carolina [Mr. McSWAIN] thinks it means—with guards, lights, and traffic signs maintained so that the traveling public on the highway as well as the traveling public by air may continue to use it as at present—it is entirely agreeable to me, and it is a very fine solution of the situation.

It is my understanding that we will go to the Senate committee and, if necessary, clarify that language so we will know what it means and so it will not close the highway to the traveling public. In the meantime, we are going to have someone from the War Department appear before the Senate committee. I am most anxious to know whether the War Department places the same construction upon the

language of this bill that the gentleman from South Carolina [Mr. McSWAIN] does. If they do, that settles the whole controversy, and the travelers on the highway will be permitted to continue to use it under such safeguards for the crossing of airplanes as the Secretary of War may prescribe. Am I correct in that? I understand the gentleman from South Carolina will cooperate with me before the Senate committee to straighten out whatever is necessary?

Mr. McSWAIN. I will assure the gentleman that I will cooperate with him to the fullest. Were it not for the fact that I am the agent of the committee, I should be glad to make the language conform to our agreement at this time. But, assuming I am one of the conferees, if the Senate should amend this resolution I can assure the gentleman of the most sympathetic consideration of his attitude and views on this matter.

Mr. SMITH of Virginia. It is not the purpose of the gentleman to close the highway to the traveling public?

Mr. McSWAIN. No more to the vehicular traffic than to the aircraft themselves, but to allow both to use it under safe conditions.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. McSWAIN]?

There was no objection.

The Clerk read as follows:

Resolved, etc., That, pending the time when a public airport is established and maintained for the District of Columbia, while many thousands of passengers are being handled annually by various air lines at the landing field generally known as Washington-Hoover Airport belonging to National Airport Corporation, incorporated under the laws of the State of Delaware, and in order to make the operation of aircraft at said airport less hazardous, the strip of land comprising that portion of the road leading from the south end of the Highway Bridge across the Potomac River toward the southeast side of the Arlington National Cemetery, and commonly known as Military Road, which intersects the Washington-Hoover Airport, shall be closed to all traffic and the public excluded therefrom, until the performance of the conditions and execution of the power hereinafter stipulated, and the Secretary of War is authorized and directed to maintain such barricades, gates, warning signs and stop lights, guards, watchmen, and other devices as he deems necessary to protect the public, at the expense of said National Airport Corporation, and if it refuse or fail to pay such expense, the Secretary of War is authorized to prohibit and prevent said Airport Corporation, its agents, lessees, or guests from using any part of said road for any purpose; and be it further

Resolved, That upon satisfactory evidence that said National Airport Corporation, owner of said Washington-Hoover Airport, has paid unto the proper officer or fiscal agent of Arlington County, in the State of Virginia, the sum of $50,000 to be used in acquiring, constructing, repairing, and/or maintaining a substitute road or roads, the Secretary of War be, and he is hereby, authorized and directed to convey by quitclaim deed the title to said portion of Military Road beginning at the south bridgehead of Highway Bridge and ending at the line of the connecting railroad track between Alexandria railroad yards and Rosslyn, Va., to said National Airport Corporation; and be it further

Resolved, That if said National Airport Corporation fail or refuse to pay said $50,000, in order to obtain title to said portion of said road, then in such event the Secretary of War is hereby authorized and directed to advertise said land for sale in some newspaper or newspapers having general circulation in the vicinity of Arlington County Va., and Washington, D. C., for 30 days and on a date designated in said advertisement to sell said portion of said road on the road itself at public auction to the highest bidder for cash, and if any bidder fail to comply or give security for compliance within 1 hour after his bid is accepted, then the Secretary of War shall immediately resell said portion of said road at public auction to the highest bidder and at the risk of the former purchaser, but in no event nor at any time shall the Secretary of War accept any bid for less than $50,000, and upon receipt of payment of the highest bid shall convey by quitclaim deed the title to said portion of said road to the bidder entitled to same.

With the following committee amendments:

Page 1, line 3, strike out everything after the word "pending" down to and including the word "hazardous" on page 1, line 10, and insert the following: "further legislation by Congress."

Page 2, line 4, strike out all after the word "public" down to and including the word "stipulated" on line 6, and add the following: "except as the Secretary of War may prescribe."

Page 2, line 10, strike out the word "said" and insert in lieu thereof the word "the."

Page 2, line 14, strike out the semicolon and insert a period and strike out all following language.

The amendments were agreed to.

The House joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INVESTIGATION OF REAL-ESTATE BONDHOLDERS REORGANIZATIONS

Mr. COCHRAN. Mr. Speaker, I present a privileged report from the Committee on Accounts and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 403

Resolved, That the further expenses of conducting the investigation authorized by House Resolution 412 of the Seventy-third Congress and supplemented by House Resolution 39, House Resolution 79, and House Resolution 354 of the Seventy-fourth Congress incurred by the Select Committee to Investigate Real Estate Bondholders Reorganizations, acting as a whole or by subcommittee, shall not exceed an additional $50,000.

The Committee on Accounts, having given consideration to the above resolution, recommend that the same do pass with the following amendment:

In line 7, strike out the figures "$50,000" and insert in lieu thereof the figures "$25,000."

Mr. COCHRAN. Mr. Speaker, the resolution which I present by direction of the Committee on Accounts provides for continuing the investigation of the special select committee that has been investigating the activities of real estate bondholders' committees throughout the country.

The members of the committee have assured us that they can complete their investigation and make a final report with this $25,000. Testimony before our committee convinced us that in the end, as a result of information furnished to the Bureau of Internal Revenue, many times this amount will be collected in back taxes by assessments and penalties.

It is hard for one to understand why many of the offenders who actually defrauded investors are not in the penitentiaries. Millions of citizens have lost their life savings, while trust funds created to take care of widows and orphans have been wiped out through the operations of these racketeers. The chairman of the special committee [Mr. SABATH] tells us that something in the neighborhood of $10,000,000,000 in investments are a total loss, but he likewise shows that, due to the activity of his committee, the racket has been practically stopped. He exhibits many letters from Federal and State judges thanking the committee for the information it has furnished that has resulted in the courts' saving for investors hundreds of millions of dollars that might otherwise have been lost.

Information has also been furnished to many district attorneys, and investigations are now being made to determine if it is possible to indict some of the offenders. I was very much surprised yesterday to be advised by a post-office inspector of high rank that up to this time his office has not been called upon to investigate possible violations of the postal laws.

The distress and suffering that has resulted from wiping out the savings of hundreds of thousands of citizens can hardly be pictured in words. It can be said to the credit of this special committee that it stopped the activities of many bondholders' committees, and facts were presented showing that in many instances bonds which investors considered worthless through the conniving of these racketeers have increased in value and in one instance are now selling at 70 cents. It must be admitted, however, that billions have been lost, and there is no chance now for recovery, but I say that those who have been guilty of misleading the people who held the bonds should be punished if it is possible to do so.

Two bills have been introduced as a result of the activity of this committee, one pending before the Committee on Banking and Currency and another before the Judiciary Committee which the special committee hopes, if enacted, will prevent a recurrence of what has happened since 1929. The leaders of the House join with the special committee in urging the continuance of the investigation.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. SNELL. When the original resolution providing for this investigation was before the House I supported it because I thought there was a proper work to be done along this line; but this select committee has been investigating now going on 2 years, and it seems to me the time has come when its work should be brought to a conclusion. Is not this the third or fourth time the committee has come before the House asking additional funds?

Mr. COCHRAN. This is the third time.

Mr. SNELL. I think we ought to have a very definite statement that something is going to be done and a report filed that will show the conditions they claim exist—and I have no doubt that they do exist. I do not, however, think this should be a continuing proposition forever. There is a limit to all good things.

Mr. COCHRAN. I may say to the gentleman that the select committee assured the Committee on Accounts it would not be back; that it would make its final report. Further, as a result of the activities of this committee, two bills now are pending in committees of the House, one before the Committee on Banking and Currency and one before the Committee on the Judiciary, seeking to prevent a recurrence of what has happened.

Mr. SNELL. That is one of the points I wanted to bring out. I understood they had reached a point where they had presented legislation to the House. What additional information is necessary in order to prosecute this legislation?

Mr. COCHRAN. They have not completed their investigation, and these are hearings which they must hold in order properly to present their case to the two committees of Congress. This resolution now pending will permit them to do this and to close their investigation and make their final report, which the select committee says it will do. So far as I am concerned, I do not propose to vote for any additional funds for this committee unless something out of the ordinary develops.

Mr. SNELL. When does the gentleman expect them to make a final report?

Mr. COCHRAN. I shall have to let the gentleman from New York ask one of the members of the committee to whom I intend to yield time.

Mr. SNELL. It seems to me that sometime we must bring an end to all these investigations that are going on.

Mr. COCHRAN. I agree with the gentleman.

Mr. SNELL. They cannot be allowed to become a continual performance.

Mr. COCHRAN. Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey [Mr. McLEAN], a member of the Committee on Accounts.

Mr. McLEAN. Mr. Speaker, it is not an easy thing to differ with gentlemen who are earnest in their proposals, especially when they are gentlemen for whom one has the highest esteem. The reason we differ now is, no doubt, due to their zeal and interest in the matters they have in hand and my own desire to properly perform my duties as a member of the Committee on Accounts. It is in this attitude that I speak, and I hope what I have to say will be likewise accepted.

This resolution will further increase the expenditures which this committee has been authorized to make. It carries with it an inference that the committee may continue its activities indefinitely. The practice of anticipating additional appropriations is unwise and ought not to be encouraged. It lends itself to the temptation to overrun appropriations without authority.

The purpose of the Committee on Accounts is to audit and control the expenditures of special committees made out of the contingent fund. If a special committee makes disbursements beyond the amount authorized, anticipating a further appropriation, then the Committee on Accounts loses its control.

I am sensible of all the good this committee has accomplished. I know the evils that have been unearthed. The committee has advanced the thought that its continuance would deter further wrongdoing, result in realization of large amounts of income taxes, as well as savings to the investing public, and the recovery of money which would otherwise be lost through the manipulation of real-estate securities. Also I anticipate that there will be legislation of a permanent character which will be presented as a result of the activities of the committee. This should result in permanent reforms which will replace this rather indefinite and temporary manner of preventing evil practices that have been disclosed. In such a situation the purposes of the committee will have been accomplished, and further investigations by a congressional committee will be unnecessary. My suggestion would be that this resolution be amended so as to carry a sufficient amount to enable the committee to continue its activities until the end of the session in the hope that in the meantime the necessary permanent legislation will be enacted.

My particular purpose is to warn the House that there are seven special select committees which are now spending money out of the contingent fund. Similar resolutions may, therefore, be anticipated. This is the first of the series of the year 1936. It appears a little early in the session. Such resolutions usually come along toward the end of the session when sales resistance is low.

The Committee on Accounts has been endeavoring to limit the amount of disbursements from the contingent fund, and to avoid the temptation of an investigating committee beginning on a small scale and gradually enlarging its jurisdiction and its authorized expenditures. Once the House is committed to an investigation, there is the danger of going beyond the anticipated limits. Once the hand of spending gets into the contingent fund, it is difficult to get it out.

At a time when economy in governmental expenditures is constantly in our thoughts, the House of Representatives ought to set the example.

I would point out to the Members of the House that the rules for disbursements from the contingent fund are very often lost sight of, and that we should have due regard for the authorized limit of disbursements that are to be made from these appropriations for special investigations. The contingent fund of the House of Representatives was never intended to be used as a means whereby offices could be created on an annual basis to continue indefinitely and contingent expenses covered without limitation. When the temporary exigency for which the committee was designated has been met, other arrangements should be made in an orderly way through the medium of the legislative appropriation bill.

Mr. RICH. Will the gentleman yield?

Mr. McLEAN. I yield to the gentleman from Pennsylvania.

Mr. RICH. I should like to ask the gentleman if he knows when they are going to conclude this investigation?

Mr. McLEAN. Mr. Speaker, I assume what has been said by the gentleman in charge of the bill is true, that this appropriation will finish the committee's work.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas [Mr. FULLER].

Mr. FULLER. Mr. Speaker, I realize there is food for thought in the suggestion that this committee should conclude its work immediately. I wish it were possible to do that. In fact, I returned here with a firm determination that I would not serve on this committee longer and that its work should be concluded. The task is not completed and I have never been known as a quitter. May I say that during the recess of Congress we spent 3 months out of the 4 months on this work.

Mr. Speaker, this is the biggest investigation and is of more consequence to the people of this country than anything that has been before the Congress in years. There are 400,000 people interested in this investigation. These people consist of widows, orphans, and old people who have had all of their money invested in what was known as real-estate gold-bond securities drawing 6- and 7-percent interest. When the climax came, shrewd businessmen, racketeers, men who did not have anything invested in these propositions, constituted themselves as self-appointed protective committees. They got big lawyers of high standing throughout the country to draw agreements so worded that when the bondholders signed and turned over their bonds they lost all claim. The practice was for the committee to put these bonds up as security on a loan and in almost all instances spend the loan for fees, attorneys, and so forth. In New York City alone there are two different protective committees, each of which hold and control over 100 pieces of property. All these so-called protective committees have been robbing the bondholders. When we started the investigation the bonds were selling at 3, 4, and 5 cents on the dollar. In the beginning the courts would not recognize a representative of this congressional committee, but

we came back and got authority from this House so that now the district and Federal courts are recognizing our representatives.

While we were in New York City last October, by reason of our efforts, as the gentleman from New York [Mr. CULKIN] well knows—and he has been very much interested in this matter—there was saved over $2,000,000 in attorneys' fees alone on just one transaction. We want to conclude this work. None of the members of the committee want to go on with this hard work; but if we should stop now, do you know what they would do? These protective committees would mop up and clean out the interests of the bondholders.

Mr. BOLAND. Will the gentleman yield?

Mr. FULLER. I yield to the gentleman from Pennsylvania.

Mr. BOLAND. Will the gentleman explain whether this committee has done any work in Pennsylvania?

Mr. FULLER. We have just started to do a little work in Pennsylvania. May I say that we are going to Pennsylvania, and especially to the city of Philadelphia, which is one of the most crooked places we have found in the United States, so far as this particular matter is concerned. [Laughter and applause.] In one instance a local committee supposed to be acting for the protection of the bondholders sold out to another similar committee from New York for $70,000, divided the swag, and, of course, this was charged up against the bondholders—for experience and misplaced confidence.

May I say to the gentleman from New York [Mr. SNELL], whose heart I know is in this matter, that the Legislature of New York has passed a similar resolution to the one adopted by this House. It created a committee to investigate this same matter. In the New York Times of last Monday will be found a report which that committee is making to the Legislature of the State of New York, with certain recommendations as to what should be done to curb these things in the future; but there is nothing to show what they want to do with past conditions. I may say that this New York committee is working with us hand and glove, and they are in earnest about the matter. These self-constituted, so-called protective committees have developed a racket, the like of which has never been witnessed in this country. They should not only be driven from their positions, but their methods and transactions should be well known. Most of them should be driven from respectable society and business. Most of their attorneys and the trustees who fail to perform their duty are as bad, if not worse. The racketeers had nothing on this crowd.

Mr. Speaker, your committee wants to close this matter, and expects to, within as short a time as possible. Under no circumstances will I serve longer than the next session. This Congress should not hesitate to support and pass the remedial legislation recommended by this committee. I wish the situation were such that we could close now. This is no junket. It is not a pleasure for the Members to serve on this committee. We do not have authority and money to employ outstanding, able, and influential lawyers. Most of our legal talent have volunteered and received no compensation, but are doing excellent work and are deserving of great credit. At the same time, we have been up against the legal brains of the country when we sought to investigate this situation. We have only spent $85,000. We have caused three times that amount to be collected by the Internal Revenue Department, this money having been turned into the Federal Treasury.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. FULLER. Mr. Speaker, may I say in addition that the Internal Revenue Department has representatives in our office checking the evidence we have obtained. That Department is going out into every avenue of the country to collect this money. The Treasury Department assigned us about 30 men for a short period. We mean to stop this racket and obtain results.

If we stop now, which I know the Members are not going to have us do, it would be ruinous to these bondholders. They would be wiped out. There are no politics in this matter. The committee consists of four Democratic members and two Republican members. There has never been any feeling in the matter. We are all in hearty accord, and it does not make any difference where we go or who is involved; we try to get at the true facts regardless of who it exposes. Our fifteen billions of defaulted bonds belonging to the aged and poor are involved. [Applause.]

[Here the gavel fell.]

Mr. COCHRAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, it is to be presumed that when this House, by its action, commissions a committee to investigate some problem that committee, after sifting the evidence, will make a report and very possibly recommend legislation; but sometimes committees of the House can serve a useful function quite aside from the proposing of legislation to cure some particular existing evil. This is particularly true in the case of this select committee.

I quite agree with my friend from New Jersey that so far as legislation is concerned this committee has fulfilled its purpose. It has sifted tons of evidence that has been secured from every metropolitan center in the country. We have enough evidence accumulated to fill one of the rooms in the New House Office Building; and for the purposes of the bill which has been recommended and which is now pending before the Judiciary Committee, any further investigations will only have the cumulative effect of producing more evidence; but this committee serves still another function, and that is a purely psychological one which arises from the fact it has authority to exercise the power of subpena and cite people for contempt and to threaten them with some condign punishment in case they do not produce records or in case the committee can establish by proper evidence that they have been guilty of some misfeasance or malfeasance.

This probably is the best reason this committee ought to continue for a while. We have done very little in the city of Philadelphia. We have done very little in the city of Cleveland. We have had one hearing in the city of St. Louis, and I could cite other cities where this committee ought to sit, where they ought to subpena witnesses, and where they ought to investigate the fiscal structure of a great many properties on which bonds have been sold to the public. By so doing they have thrown a species of apprehension and fear into people who have been duping the poor, innocent bondholders, which has had the psychological effect of appreciating the market price of a great many of these securities and expediting reorganization of many properties. I believe that in this respect the committee can very well continue its efforts during the balance of the Seventy-fourth Congress in the hope of carrying on investigations in other localities and bringing some of these evildoers to justice.

When I think of a committee that was invested with authority in another legislative body and which spent $130,000 merely to investigate the background of the war in 1917 and 1918, for the purpose of creating a foundation upon which the new neutrality legislation shall be built, and compare the $130,000 they have expended with the $85,000 this committee has spent, giving 3 of its 4 months of the summer recess to the work which carried them into all sections of the country, the value of the work of our committee becomes quite apparent. When the Commissioner of Internal Revenue advised the chairman of the select committee that the amount of money that will be turned into the Treasury Department as a result of our investigations will exceed twofold or threefold all the appropriations that were made for this committee, it means this appropriation is not an expenditure, but rather an investment on the part of the House that brings interest in large measure and did a vast amount of good for the people who are still holding what were once upon a time worthless pieces of finely engraved paper but which are now assuming some kind of

tangible value and on which in a great many instances interest has been paid.

I fully endorse the sentiment expressed by my colleague the gentleman from Arkansas [Mr. FULLER] that this has been no junket. When people get you from the luncheon table and the dinner table day after day to listen to their pathetic story, when you go from one place to another to sit up half the night to digest a great deal of this material assembled by investigators in order that you may carry on an intelligent hearing and discussion the following day, it certainly is not a junket. Speaking for myself, I would gladly go off the committee. We are, however, under a deep obligation to thousands of innocent bondholders to carry on until the work has been completed, and when that is done we will have a respite from our arduous duties on this select committee. [Applause.]

Mr. COCHRAN. Mr. Speaker, I have only one more speaker. I yield 5 minutes to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. Mr. Speaker, I desire to restate the position taken by the gentleman from Arkansas [Mr. FULLER] and the gentleman from Illinois [Mr. DIRKSEN], and that is that service on this type of committee is difficult, onerous, and unpleasant.

In this case our work has resulted in a saving to these unfortunate bondholders to date, so far as can be estimated, of perhaps $500,000,000. This, on its face, would seem to justify a disbursement of $85,000 on the part of this House.

The psychology of this situation is that if this committee is now permitted to go down, much as the members of the committee would like to be relieved of this onerous and unpleasant duty, then the ground that has been gained on behalf of this unfortunate type of investors who have $10,000,000,000 in this kind of security would be largely lost. The discipline that has been injected into these racketeering bond committees would cease and the whole situation would result in a debacle, where the bondholders would have no chance to recoup themselves.

Much as I would appreciate being relieved from the work of this committee, I feel that in duty to the unfortunates who made these investments, the finest type of American citizens, who put their money into this type of security, I would feel I was in fact abandoning them.

The committee has worked faithfully. Our chairman has worked faithfully. His spear has known no brother, nor have those of the members of the committee; and while I appreciate, and more or less endorse, the remarks of the distinguished gentleman from New Jersey [Mr. MCLEAN] upon the necessity of finishing up this type of investigation, I think this appropriation is proper, and that this type of investigation for the purpose of curing this situation must, for the time being, be more or less what we call in law, continuing.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. CULKIN. Yes.

Mr. BANKHEAD. I am glad to hear the commendation of the gentleman of the work of the committee. Is it the opinion of the gentleman that, as a result of this investigation, laws may be framed to protect a situation of this sort hereafter?

Mr. CULKIN. A bill has already been formulated creating the position of conservator. It has been introduced and has gone before the Committee on the Judiciary. It will correct this situation in the future, but it will not aid the present condition of these unhappy investors who are being exploited.

Mr. BANKHEAD. And is the gentleman of the opinion that that legislation will run the gauntlet of the Supreme Court?

Mr. CULKIN. Oh, the gentleman surely does not ask me to speak for the Supreme Court; but, in drawing the legislation, due regard will be had for that Court's recent holdings.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. CULKIN. Yes.

Mr. MAY. I think it is the purpose of the investigation to formulate a plan and get information on which to base proper legislation, is it not?

Mr. CULKIN. That is only one phase of it. It involved an investigation into a great number of issues, where, as I said a moment ago, conventionalized grand larceny was the order of the day in practically every one of the issues examined. The continuance of the committee will hold the existing committees up to a high standard of fidelity.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. COCHRAN. Mr. Speaker, I move the previous question on the resolution and amendment.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution, as amended.

The resolution was agreed to.

A motion to reconsider the vote by which the resolution was agreed to was laid on the table.

LEAVE TO ADDRESS THE HOUSE

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent that on Monday next, immediately following the reading of the Journal and the disposition of business on the Speaker's table, I may address the House for 15 minutes on the subject of free speech and a free press.

Mr. KNUTSON. Mr. Speaker, I reserve the right to object. I shall not object providing this side is granted a similar time, following the gentleman from Maine.

The SPEAKER. The Chair will put the requests separately. The gentleman from Maine asks unanimous consent that on Monday next, immediately following the reading of the Journal and the disposition of business on the Speaker's table and the special order heretofore granted, he be given 15 minutes in which to address the House. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I make a similar request for 10 minutes, following the gentleman from Maine.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that on Monday next, immediately after the reading of the Journal and the disposition of business on the Speaker's table and the two special orders heretofore granted, he may address the House for 10 minutes. Is there objection?

Mr. BANKHEAD. Mr. Speaker, I reserve the right to object. Next Monday is a special calendar day. I realize that a number of gentlemen would like to address the House on particular subjects. I hope no further requests will be made to address the House on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SABATH. Mr. Speaker, I fully appreciate that the gentleman from Missouri [Mr. COCHRAN] desired to save me as much exertion as possible in view of my present physical condition. However, as several questions were propounded to the gentleman, I should like to clear up a few points at this time.

I feel certain that the Members of the House must be aware of the tremendous work its select committee has done in securing evidence relative to the questionable and too often thieving practices of these "protective" committees, banks, trust companies, houses of issue, and large law firms. But I am positive, gentlemen, that the groups I have referred to have kept an even closer and a more anxious watch over our activities.

The penetrations of our committee have resulted in huge savings to the bondholders and have restricted these "protective" committees, banks, and houses of issue to a point that they are alarmed lest once and for all a stop be made of their milking the $20,000,000,000 worth of real estate and the billions of dollars' worth of industrial, municipal, and foreign bonds.

We have shown that it is the ultimate aim of these groups to obtain control, management, and ownership of the finest properties in the country.

It is only to be expected that our investigations would result in some retaliatory measures being attempted by these groups, and I have not been surprised to find that their lobbyists are active. During the past few months, especially, every pressure has been brought to halt us. Most poisonous of all have been the widespread reports that these groups through pressure at Washington would block a further appropriation and prevent further investigations.

Fortunately, I do not believe that the House has been unaware of what these people have sought to do, nor is it ignorant of the extremes to which they have gone in their efforts to stop the committee. Nevertheless, I want to briefly reiterate some of my previous statements, to show the necessity that this committee be enabled to continue its investigations.

In 1929, when defaults started to occur on many bond issues, the houses of issue, guaranty trust companies and title companies, formed their own "protective" committees, composed of the firm employees, their friends, or dummies. For "window dressing" the names of prominent local citizens would be placed on the committee. They would then locate the bonds—which in many cases had originally been sold through misrepresentation—and solicit their deposit, on the grounds that the committee would be in a better position to protect the rights of the bondholders than the individuals themselves could do. Under the so-called deposit agreements, which depositing bondholders never saw, they virtually forfeited all claims and rights to the bonds.

The racketeers, to use the right name for these men, were hungry for money. They borrowed on the deposited bonds to pay huge fees, charges, and costs to themselves and to their lawyers. Often bonds were even sold to pay these loans, resulting in the bondholders ultimately receiving only a few cents on the dollar for their bonds.

Close to twenty billions of bonds have been deposited with the "protective" committees; and under the terms of a provision in the deposit agreements, the bondholders, knowingly and, in most instances, unknowingly, judging from the thousands of complaints received, agreed that from 3 to 5 percent of the face value of their bonds could be used by these "protective" committees for salaries, fees, and other expenses. Allowing the low figure of 3 percent, the fees of these committees alone, saying nothing of the outside fees for attorneys, appraisers, and other set-ups, would amount to $600,000,000.

Once bonds were deposited, bondholders found that in order to obtain their return they would generally be forced to pay 5 percent of the face value, which was often more than the market value of the bonds.

The moment bonds were deposited the committees took charge of the property, appointing managing committees, advisory committees, a depositary, an appraising committee, then filed suit to foreclose and had their own nominee appointed as receiver. Their own managing committee would then make new or change existing leases to suit their own purpose or profit, and revenues of the property would be diverted, to the detriment of bondholders.

The next step came when the bondholders were notified that the property was being sold for taxes; that revenues and the value of the property had depreciated, and doubt existed as to the value of their bonds. Then, through their agents and brokers these men would buy up the bonds for as low as 3 cents on the dollar. There would follow the order for sale of the property, and sometimes sale would be made even without court order, or when under section 77B, with the approval of the court, for as low as 5 cents on the dollar. Nondepositing bondholders would be frozen out completely, and the depositing bondholders would get but a cent or less on the dollar, after fees and charges had been paid.

In many instances in reorganizations under 77B they would have themselves appointed by the court, or under depositary agreement, as voting trustees, obtaining and retaining control of these valuable properties for 10 and even 15 years, by which time there will be nothing left for the bondholders.

I wish it were possible for the Members to read my preliminary report, or at least my recent speech. Its revelations of practices we found to exist will prove amazing, and I know that the Accounts Committee, if it fully realized the extent of this racket and the sum of money involved, would not only have voted for the $50,000 we requested, but would suggest that the committee increase the scope of its activities and double the amount asked for.

For every dollar the committee has expended it already has brought to the Treasury of the United States at least from $3 to $5, and will eventually result in the recovery of from two to four times these figures through evidence we have turned over to the Bureau of Internal Revenue. This, however, was only incidental to our basic investigation of "protective" committees, and so forth.

The influential and powerful men who constitute these "protective" committees from coast to coast have done everything possible in an effort to harass, hinder, thwart—yes, and even to besmirch the committee. I wish to assure the House that the committee has been extremely fair. As chairman I have at all times refused to allow politics to enter into this investigation.

Most of the protective committees are centered in New York, Chicago, Detroit, and Los Angeles, and control properties all over the country. What they are doing to real estate they are also doing to municipal and industrial issues. I wish I had time to read the hundreds of letters from the bondholders who, through this investigation, have been saved at least part of their investments.

We have succeeded in obtaining the elimination of some of these crooked committees and placed the properties in the hands of the bondholders themselves. We have stopped the outrageous fees of lawyers, receivers, and trustees, and have increased the value of bonds as high as 1,200 percent.

I am satisfied that the work of this committee has to a great extent stopped the wholesale plundering of 5,000,000 investors by the most conniving bunch ever banded together—who without putting up any ante whatsoever, grab for stakes which means millions in present fees and the proceeds for years to come of thousands of pieces of the most outstanding properties in the United States, and for their ultimate ownership.

Our work is not done, however, and will not be until we have succeeded in passing the bill, H. R. 10634, which we introduced and which is now before the Judiciary Committee. I desire to have the bill inserted in the RECORD at this point, together with a résumé thereof.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The matter referred to is as follows:

A bill to prevent excessive charges and loss of assets in connection with certain reorganizations, compositions, and extensions; to amend the Bankruptcy Act of July 1, 1898; to aid the district courts in the administration thereof; to authorize the Reconstruction Finance Corporation to make loans to finance certain reorganizations, compositions, and extensions; and for other purposes

Be it enacted, etc., That chapter VIII, as amended, of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, is amended by adding at the end of such chapter the following new section:

"SEC. 77C. CONSERVATOR IN BANKRUPTCY.—(a) (1) There shall be a conservator in bankruptcy (hereinafter referred to as the 'Conservator'). The President shall—

"(i) Designate by Executive order, as the Conservator, the Securities and Exchange Commission, the Comptroller of the Currency, or any other appropriate agency of the Government, whichever the President may find and proclaim in such order to be the most appropriate, economical, and efficient agency for the purpose of carrying out the provisions of this section, or

"(ii) Establish, by Executive order, a new agency as Conservator, if he finds and proclaims in such order that the establishment of a new agency will be a more economical and efficient means of carrying out the provisions of this section than the use of an existing agency. The Conservator is authorized to act as a trustee, custodian, or receiver, as hereinafter in this section provided, and to perform such other functions as may be vested in it by this section or by any other law.

"(2) The Conservator is authorized to prescribe and publish such rules and regulations, make such investigation and examinations, and require such information and reports, as are necessary, in its opinion, to carry out and enforce the provisions of this section. The rules and regulations prescribed by the Conservator shall be published in the Federal Register, and they may be altered, amended, or revoked by the Conservator.

"(3) For the purpose of any investigation or examination which, in the opinion of the Conservator, is necessary and proper for the enforcement of this section, the Conservator or any officer or employee designated by it is empowered to administer oaths and affirmations, take evidence, and require by subpena or otherwise the attendance of witnesses and the production of any books, papers, or documents which the Conservator deems relevant or material to the inquiry. Such attendance of witnesses and the production of such books, papers, or documents may be required from any place in the United States or any Territory at any designated place of hearing. In case of contumacy by, or refusal to obey a subpena issued to, any person, any district court of the United States (including the Supreme Court of the District of Columbia) within the jurisdiction of which such person guilty of contumacy or refusal to obey is found or resides, upon application by the Conservator may issue to such person an order requiring such person to appear before the Conservator, or officer or employee designated by it, there to produce books, papers, or documents, if so ordered, or there to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof. No person shall be excused from attending and testifying or from producing books, papers, or documents in obedience to the subpena of the Conservator, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(4) The Conservator is authorized, without regard to the provisions of the civil-service laws or the Classification Act of 1923, as amended, to employ and fix the compensation of such attorneys, officers, deputy conservators, special experts, examiners, clerks, and other employees, as are necessary for the enforcement of this section. Any power, function, or duty authorized by this section or by any other law to be exercised or performed by the Conservator may be exercised by any deputy conservator under the direction of the Conservator. Any attorney or attorneys of the Conservator may be designated to act as counsel for the Conservator in its capacity as trustee, custodian, or receiver.

"(b) In any proceeding under section 74 or 77B of this chapter, as amended, involving a debtor corporation or an individual debtor, the court shall appoint the Conservator as sole trustee, custodian, or receiver, without bond, whether or not a trustee, custodian, or receiver shall theretofore have been appointed, and in any such proceeding the court shall not appoint any person other than the Conservator as trustee, custodian, or receiver.

"(c) No composition or extension proposal or reorganization plan for the debtor in any proceeding referred to in subdivision (b) of this section shall be confirmed by the court unless—

"(1) A copy of the petition or the answer filed with the court in such proceeding shall forthwith be filed with the Conservator. In no case shall a petition or answer be approved by the court as properly filed without first giving the Conservator an opportunity to be heard and to submit its recommendations with respect thereto in writing to the court.

"(2) The plan of reorganization or proposal for a composition or extension in such proceeding has either been proposed by the Conservator, or has, prior to being filed in the proceeding, or submitted to the court or the judge for any purpose, been submitted to the Conservator and either approved or disapproved by the Conservator, and if disapproved, the objections and recommendations required by subdivision (d) of this section have been filed in the proceeding and the court has given the Conservator an opportunity to be heard in respect thereto.

"(3) All fees, expenses, and remuneration, to whomsoever paid or to be paid (except amounts fixed pursuant to section 48, as amended, of this act) in connection with such proceeding or plan of reorganization or proposal for an extension or composition have been approved by the Conservator as fair and reasonable. The provisions of this paragraph shall not be construed to prohibit the allowance of any fees, expenses, or remuneration in a lesser amount than those approved by the Conservator.

"(d) The Conservator shall not approve any plan of reorganization or proposal for a composition or extension unless the Conservator finds that such plan or proposal is fair and equitable, after a thorough study of such plan or proposal and a complete examination and investigation with respect thereto. In case of an approval by the Conservator it shall file a certificate of approval in the proceeding. In case of a disapproval by the Conservator it shall state its objections to the plan or proposal and make such recommendations with respect thereto, shall file the objections and recommendations in the proceeding, and shall take such further action not inconsistent with the provisions of this section as may be necessary, in order that a fair and equitable plan or proposal may be developed. In deciding whether any such plan or proposal is fair and equitable, the Conservator shall take into consideration the initial investment of any creditors or stockholders to be affected by the plan or proposal, if in its opinion such investment and the provision made therefor in the plan or proposal materially affect the fairness of such plan or proposal.

"(e) In any proceeding under section 77B of this chapter, as amended, for the reorganization of a debtor corporation the Conservator shall be deemed to be a party in interest within the provisions of subdivision (f) of such section 77B. A composition or extension proposal or a reorganization plan in any proceeding referred to in subdivision (b) of this section may be proposed to the court in the first instance by the Conservator.

"(f) No person shall solicit or knowlingly permit the use of his or its name to solicit any proxy, consent, acceptance, authorization, power of attorney, deposit, or dissent in respect of any composition or extension proposal or reorganization plan in any proceeding referred to in subdivision (b) of this section unless—

"(1) Each such solicitation is accompanied or preceded by a copy of a report on the proposal or plan which shall be made by the Conservator after an opportunity for a hearing on the proposal or plan and such other proposals or plans as may have been submitted to or sponsored by it, or by an abstract of such report made by the Conservator or approved by the Conservator as accurately setting forth the substance of such report; and

"(2) Each such solicitation is made not in contravention of such rules and regulations as the Conservator may deem necessary to insure that persons solicited will not be misled as to any matter in respect of such proceeding.

"(g) (1) No court of bankruptcy shall have jurisdiction (i) to entertain, or to take any action in respect of, any petition to institute any proceeding referred to in subdivision (b) of this section, or praying for leave to intervene in any such proceeding, filed by or on behalf of any protective committee in its capacity as such, or (ii) to allow, or to entertain or take any action in respect of any petition praying for an allowance of any fees, expenses, or other remuneration in respect of any plan of reorganization or proposal for a composition or extension in any such proceeding, filed by or on behalf of any protective committee, member thereof, or attorney therefor, in its or his capacity as such, unless there is attached to such petition, or filed in such proceeding, a certificate of the Conservator certifying that—

"(i) There have been filed with the Conservator the protective committee agreement under which such committee is acting, or proposing or purporting to act, and a statement regarding the membership of such committee and the affiliations of the members thereof;

"(ii) The provisions or limitations of such agreement, and the membership of such committee have been approved by the Conservator; and

"(iii) The changes, if any, in such agreement or in the membership of such committee, made prior to the time the court acts in respect of the matter in question, have been submitted to the Conservator, and have been approved by the Conservator.

"(2) The Conservator shall approve the provisions or limitations of such an agreement (including any changes therein) unless the Conservator finds that such provisions or limitations (i) deny, or place undue restrictions upon, the right of depositors to withdraw their securities from such committee; (ii) give to such committee power to hypothecate securities of depositors for any purpose other than that of paying actual, necessary, reasonable, legitimate expenses of the committee (as such expenses may be defined by rules and regulations of the Conservator); (iii) entitle such committee, in view of the par value of securities deposited, or which may be deposited, with such committee, to an unreasonable amount for the purpose of paying fees, expenses, or other remuneration to the members of such committee, attorneys for the committee, or any person performing services for such committee; or (iv) otherwise prejudice the formulation and acceptance of a fair and equitable plan or proposal. The Conservator shall approve the membership of such committee (including any change therein) unless the Conservator finds (i) that any member of such committee is or has been directly or indirectly connected with the issuer of the securities deposited with such committee, the underwriter of such securities, the debtor or the person who would be the debtor in the proceeding, or any guarantor of such securities, or (ii) that the membership of such committee otherwise gives rise to a conflict of interests between the members of such committee and its depositors.

"(3) As used in this subdivision—

"(i) The term 'protective committee' means any person or group of persons acting, or proposing or purporting to act, for or in behalf of owners or holders of securities for the purpose of protecting, preserving, and forwarding, or either, the common interests of owners or holders of such securities in connection with, or in anticipation of, any proceeding referred to in subdivision (b) of this section; but such term shall not include any person or group of persons upon whom authority so to act was or is conferred by the instrument under which the securities were originally issued or by any amendment to such instrument.

"(ii) The term 'protective committee agreement' means any agreement by which the owner or owners, or holder or holders of securities confer upon a protective committee authority to act for or in their behalf.

"(iii) The term 'depositor' means any person conferring upon a protective committee power to act for or in his behalf.

"(h) In any proceeding referred to in subdivision (b) of this section the judge may on his own motion or at the request of the Conservator refer any matters for consideration and report, either generally or upon specified issues, to one of several special masters

who shall have been previously designated to act as special masters in any such proceeding by order of any circuit court of appeals, and may allow such master a reasonable compensation at a rate not in excess of $7,500 per annum in the aggregate for his services, and actual and reasonable expenses. The circuit court of appeals of each circuit shall designate three or more members of the bar who have been recommended by the Attorney General as such special masters whom they deem qualified for such services, and shall from time to time revise such designations by changing the persons designated or their number, as the public interest may require. There shall always be three of such special masters qualified for appointment in each circuit who shall hear any matter referred to them under this section by a judge of any district court. The Conservator, the debtor, any creditor or stockholder, or the duly authorized committee, attorney, or agent of either or the trustee or trustees of any mortgage, deed of trust, or indenture pursuant to which securities of the debtor are outstanding and any interested party, upon petition therefor and cause shown, may, subject to the provisions of subdivision (g) of this section, be permitted to intervene. The judge may, after hearing, make reasonable rules defining the matters upon which notice shall be given to other than interveners and the manner of giving such notice.

"(i) No petition to institute any proceeding referred to in subdivision (b) of this section may be filed by any person if a receiver or trustee of all or any part of the property of the person who would be the debtor in such proceeding has been appointed (other than in a proceeding under the provisions of sec. 74 or 74B of this chapter) by any court, State, Federal, or Territorial, unless there is attached to such petition a certificate of the Conservator that further proceedings in such State or Federal court will be of no substantial benefit to creditors and stockholders.

"(j) The Conservator may petition the court within 180 days after the date of designation of the Conservator by the President, to reopen any proceeding involving a debtor corporation or an individual debtor in which a plan of reorganization or proposal for a composition or extension has, since July 1, 1934, and prior to such date of designation, been finally confirmed if, in the opinion of the Conservator, material facts which would have affected such confirmation were not brought to the attention of the court.

"(k) Any person who willfully violates any of the provisions of this section, or any rule or regulation made or promulgated by the Conservator under authority of subdivision (f) of this section, shall, upon conviction be fined not more than $5,000 or imprisoned not more than 5 years, or both.

"(l) As used in this section—

"(1) The term 'debtor corporation' means a debtor as used in section 77B of this chapter, whose liabilities include obligations in a total amount of $50,000, or over, which are evidenced by at least 10 credit instruments severally owned by not less than 10 persons.

"(2) The term 'individual debtor' means a debtor (except a corporation) as used in section 74 of this chapter, whose liabilities include obligations in a total amount of $50,000, or over, which are evidenced by at least 10 credit instruments severally owned by not less than 10 persons.

"(3) The term 'plan' and 'plan of reorganization' means a plan of reorganization as used in section 77B of this chapter.

"(4) The term 'proposal' and 'proposal for a composition or extension' means a proposal for a composition or extension as used in section 74 of this chapter.

"(m) The Conservator shall be entitled to, and the court may allow the Conservator, a reasonable fee for services performed by it under this section in connection with a plan of reorganization or proposal for a composition or extension in order to defray its expenses in connection with such services. Such fees shall be in lieu of all other fees to which the Conservator would otherwise be entitled by law, shall be deposited in the Treasury of the United States and credited to miscellaneous receipts.

"(n) There is hereby authorized to be appropriated for expenditure by the Conservator—

"(1) For the fiscal year ending June 30, 1937, $2,000,000, or so much thereof as may be necessary, which may be made available immediately;

"(2) For the fiscal year ending June 30, 1938, $2,000,000, or so much thereof as may be necessary; and

"(3) For each fiscal year thereafter, such sums as may be necessary, except that the aggregate of appropriations for any such fiscal year and all prior appropriations for such purpose available for any period after June 30, 1938, shall not exceed the total amount of fees deposited in the Treasury pursuant to subdivision (m)."

LOANS BY THE RECONSTRUCTION FINANCE CORPORATION

SEC. 2. (a) The Reconstruction Finance Corporation or any agency thereof is authorized and empowered:

(1) To make loans to the debtor or other corporation or corporations provided for in a plan of reorganization under section 77B of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, for the purpose of financing and carrying out such reorganization, if such plan has been approved by the Conservator in Bankruptcy in accordance with the provisions of section 77C of such act;

(2) To make loans to any individual debtor for the purpose of financing a composition or extension of his debts under section 74 of such act of July 1, 1898, as amended, if the composition or extension proposal has been approved by the Conservator in Bankruptcy in accordance with the provisions of section 77C of such act.

(b) Loans made under this section shall be made for such periods and at such rates of interest and under such other terms and conditions as the Reconstruction Finance Corporation may prescribe. The aggregate amount of the notes, debentures, bonds, or other obligations which the Reconstruction Finance Corporation is authorized to have outstanding at any one time, is hereby increased by such amounts as may be necessary to carry out the provisions of this section. Without regard to any provision of the bankruptcy laws or of the Judicial Code empowering any court of the United States to enjoin the sale of any collateral held by a creditor of a bankrupt or of a debtor under such bankruptcy laws, the Reconstruction Finance Corporation, under such conditions as it shall prescribe, may take over or provide for the administration and liquidation of any collateral accepted by it as security for any loans made under this section.

(c) Any assistance, or any renewal or extension thereof, given to or for any financial institution by the Reconstruction Finance Corporation, or any agency thereof, shall be conditioned upon the agreement of such financial institution that it will not, during the period of such assistance, or renewal of extension thereof, use, directly or indirectly, any of its funds, or the funds so obtained, for the purpose of financing or carrying out any plan of reorganization or proposal for a composition or extension to which the provisions of section 77C of such act of July 1, 1898, as amended, relate, unless the plan or proposal (as the case may be) and any fees and expenses to be paid in connection with such plan or proposal shall have been approved by the Conservator in Bankruptcy in accordance with the provisions of such section.

MISCELLANEOUS AMENDMENTS TO THE BANKRUPTCY ACT

SEC. 3. (a) Subdivision (i) of section 74 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, is hereby amended by striking out the proviso in said subdivision and inserting in lieu thereof the following: *"Provided, however,* That, except as hereinafter provided, no extension or composition shall reduce the amount of or impair the lien of a secured creditor, but shall affect only the time and method of liquidation."

(b) Such subdivision (i) is further amended by adding at the end thereof a new sentence as follows: "A composition or extension of the debts of an individual debtor may reduce the amount of or impair the lien of secured creditors if the proposal for such composition or extension shall have been approved by the Conservator, as provided in section 77C of this chapter, as amended, and by at least two-thirds in number of the creditors to be affected by such composition or extension, which number must represent at least two-thirds in amount of each class of claims held by the creditors so affected."

SEC. 4. Subdivision (m) of section 74 of such act of July 1, 1898, as amended, is amended by inserting after the first sentence thereof the following: "In the case of such a proceeding brought to foreclose a lien on property, a 'final decree' means a decree finally confirming the sale of such property."

SEC. 5. Subdivision (a) of section 77B of such act of July 1, 1898, as amended, is amended by adding at the end thereof the following: "As used in this section the term 'equity receivership' includes a proceeding to foreclose a lien on property. A final decree in the case of such a proceeding means an order or decree finally confirming a sale of such property."

SEC. 6. Subdivision (a) of section 40 of such act of July 1, 1898, is hereby amended to read as follows:

"SEC. 40. Compensation of referees: (a) Referees shall receive as full compensation for their services payable after they are rendered, a fee of $15 deposited with the clerk at the time the petition is filed in each case, except when a fee is not required from a voluntary bankrupt, and 25 cents for every proof of claim filed for allowance, to be paid from the estate, if any, as a part of the cost of administration, and from estates which have been administered before them 1-percent commissions on all moneys disbursed to creditors by the trustee, or one-half of 1 percent on the amount to be paid to creditors upon the confirmation of a composition, or, in case of an extension proposal, one-half of 1 percent commissions on the amount of debts whose maturity is to be extended and of the debts, if any, to be paid in full under the terms of an extension confirmed by the court: *Provided, however,* That in the case of an extension, the judge may provide the terms and conditions for the payment of commissions to the referee.

"Referees in an ancillary proceeding shall receive as full compensation for their services, payable after they are rendered, a fee of $15 deposited with the clerk of the ancillary court at the time the ancillary proceedings is instituted, 1-percent commission on all money disbursed in the ancillary proceeding by the receiver, the ancillary receiver, and the trustee, and on the fair value of all property transmitted in kind by the ancillary court to the court of primary jurisdiction: *Provided further,* That the judge may by standing rule or otherwise fix the maximum amount of compensation in any 12-month period to be retained by any referee out of the commissions aforementioned and out of any fees which may be allowed to him as special master in any proceedings under this act, and the excess, if any, of such maximum amount so fixed shall be paid monthly by every such referee to the clerk of the United States district court.

"In those districts where the maximum amount of any referee's compensation has been fixed as aforesaid, any such referee shall be deemed to have earned one-twelfth of such compensation for each month in which he served, and if at the time of the resignation, removal, or death of any such referee, the amount received by the referee is in excess of the amount so earned, then the excess thereof shall be paid to the clerk of such district.

"The clerk of the United States district court shall annually pay into the Treasury of the United States any sums so paid to them by referees."

SEPARABILITY CLAUSE

SEC. 7. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

SHORT TITLE

SEC. 8. This act may be cited as the Conservator in Bankruptcy Act.

SUMMARY OF PROVISIONS (H. R. 10634), A BILL TO PROTECT BONDHOLDERS IN REORGANIZATION, COMPOSITIONS, AND EXTENSIONS, AND PREVENT EXCESSIVE CHARGES AND LOSS OF ASSETS, INTRODUCED BY HON. A. J. SABATH

The bill provides that a Federal agency be established to act as a conservator in all 74 and 77B proceedings in bankruptcy.

In all such proceedings, the Conservator shall act as sole receiver, custodian, or trustee, with compensation limited to actual expenses. Attorneys of Conservator may act as its counsel when acting as trustee, receiver, or custodian. (This procedure will materially minimize the costs of reorganization, as well as enable the Conservator to have full knowledge of and control over the entire proceedings and estate.)

The Conservator may, by its rules, regulate protective committees and its personnel, may prescribe the provisions and limitations of deposit agreements, and the solicitation of proxies, assents, deposits, consents, etc.

The Conservator may itself propose a plan of reorganization or proposal for a composition or extension, and shall approve all plans or proposals by others before it is submitted to court, as well as all fees, expenses, and compensation in all such proceedings.

The court, or upon suggestion of Conservator, may refer any issues, either specially or generally, to a special master. The salaries of masters are limited to no more than $7,500 per annum (present fee system abolished).

Provision for a fine of not more than $5,000 and imprisonment for no more than 5 years is made for the willful violation of any provisions of this act or of any rule or regulation promulgated by the Conservator.

This bill includes any reorganization, composition, or extension, which involves liabilities in the amount of $50,000 or over, evidenced by at least 10 credit instruments owned by at least 10 persons.

Referees are placed upon a salary basis to be fixed by the respective district judges instead of on the old fee system. All fees in excess of salary revert to the Treasury of the United States.

In addition to present powers, the Reconstruction Finance Corporation is authorized to make loans to finance such reorganizations, compositions, or extensions if approved by the Conservator.

Loans by the Reconstruction Finance Corporation to mortgage companies and other financial institutions are conditioned upon the agreement that none of the funds so loaned will be used in such reorganization, composition, or extension unless approved by the Conservator.

Mr. SABATH. The other members of the committee and myself are extremely anxious to conclude our investigations and hearings this year. We feel, however, that we must hold hearings in Philadelphia, Nashville, and Cleveland and complete the hearings in California, New York, Boston, and Chicago.

The gentleman from New York raised the question as to whether any of the provisions of our bill, H. R. 10634, would lead to questions of constitutionality. May I say at this time that we have revised this bill—there were two bills previously introduced which were not passed—and I am certain that no question of constitutionality will arise. It is true that we have to some extent restricted the power of judges, which Congress has the right to do. This was necessary because of abuses which crept in under 77B, and all fair-minded judges recognize that such abuses should be halted.

Of course, there are some who still feel that they should have the power to appoint as trustee members of these racketeering committees, those recommended by banks or their friends, and still others for special reasons. We intend to penetrate this angle along with our other investigations.

I want these banking and investment groups to know that they cannot dominate the Congress of the United States. If for any reason this committee cannot finish its Nation-wide investigations because of lack of appropriations or otherwise, or if our bill is delayed in passing, I shall insist that a larger committee, with still greater power and sufficient funds, be appointed for the protection of these bondholders and to reestablish confidence in real estate. I know that Congress will be with me in this. However, I am confident of the passage of the bill rendering appointment of such a committee unnecessary.

In conclusion, I again want to thank the select committee members for their work and the many accountants, attorneys, investigators, and others who have given their services without compensation.

Particularly at this time I want to give voice to my appreciation of the Treasury Department's splendid cooperation. The committee is indeed grateful for the aid they rendered. Were it not for this Department we would have been obliged to suspend our investigations and even the hearings, and I cannot too heartily thank them for their timely and invaluable assistance. [Applause.]

INDEPENDENT MERCHANTS VERSUS MONOPOLY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert therein certain amendments suggested to a bill I expect to discuss in the extension.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated and to insert certain amendments. Is there objection?

There was no objection.

Mr. PATMAN. Mr. Speaker, Senator JOSEPH T. ROBINSON, of Arkansas, introduced in the Senate S. 3154, and I introduced in the House H. R. 8442—

A bill making it unlawful for any person engaged in commerce to discriminate in price or terms of sale between purchasers of commodities of like grade and quality, to prohibit the payment of brokerage or commission under certain conditions, to suppress pseudo-advertising allowances, to provide a presumptive measure of damages in certain cases, and to protect the independent merchant, the public whom he serves, and the manufacturer from whom he buys, from exploitation by unfair competitors.

STATUS IN HOUSE

These bills were introduced in June 1935. Hearings were held by the House Committee on the Judiciary, of which the Honorable HATTON W. SUMNERS is chairman, commencing June 10, 1935, and continued for several days. The House Committee on the Judiciary, before the adjournment of the last session of Congress, referred the bill to a subcommittee. Congressman HUBERT UTTERBACK, of Iowa, is chairman of that subcommittee. Congressman UTTERBACK has worked for months on this legislation, and will probably, I am told, be in a position to report to the whole committee within a few days. The whole committee, as well as the subcommittee, has been very patient and considerate with all who were sponsoring and opposing this legislation. Everyone having views on the subject who requested time has been given time to express his views. The record is full of valuable testimony.

STATUS IN SENATE

The Senate Committee on the Judiciary, of which Senator HENRY F. ASHURST, of Arizona, is chairman, referred Senator ROBINSON's bill to a subcommittee, of which Senator MARVEL MILLS LOGAN, of Kentucky, is chairman. This subcommittee reported the bill favorably and unanimously to the whole committee with amendments suggested by authors of the legislation. The whole Committee on the Judiciary, on February 3, 1936, unanimously reported the bill agreed upon by the subcommittee to the Senate, and it is now on the Senate Calendar. The Senate committee did not have open hearings on the bill, but considered information obtained from the three following sources:

First. Investigation conducted by the Federal Trade Commission on chain stores.

Second. Hearings before the Committee on the Judiciary of the House.

Third. Hearings conducted by the special committee, of which I am chairman, investigating the American Retail Federation and large-scale buying and selling at wholesale and retail.

COPY OF BILL

This bill is expected to pass the Senate in a short time. The bill, as pending on the Senate Calendar, is as follows:

[S. 3154—Rept. No. 1502—Calendar No. 1567]

Be it enacted, etc., That section 2 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended (U. S. C., title 15, sec. 13), is amended to read as follows:

"SEC. 2. (a) That it shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price or terms of sale between different purchasers of commodities of like grade and quality, where either or any of the purchases involved in such discrimination are in commerce, where such commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, and where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or receives the benefit of such discrimination, or with customers of either of them: *Provided*, That nothing herein contained shall prevent differentials in prices as between purchasers depending solely upon whether they purchase for resale to wholesalers, to retailers, or to consumers, or for use in further manufacture; nor differentials which make only due allowance for differences in the cost, other than brokerage, of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered: *Provided, however*, That the Federal Trade Commission may, after due investigation and hearing to all interested parties, fix and establish quantity limits, and revise the same as it finds necessary, as to particular commodities or classes of commodities, where it finds that available purchasers in greater quantities are so few as to render differentials on account thereof unjustly discriminatory or promotive of monopoly in any line of commerce; and the foregoing shall then not be construed to permit differentials based on differences in quantities greater than those so fixed and established: *And provided further*, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade.

"(b) That it shall be unlawful for any person engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

"(c) That it shall be unlawful for any person engaged in commerce to pay or contract for the payment of anything of value to or for the benefit of a customer of such person in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such person, unless—

"(1) Such payment or consideration is offered on proportionally equal terms to all other customers competing in the distribution of such products or commodities; or unless

"(2) The business, identity, or interests of such customer are in no way publicly associated, by name, reference, allusion, proximity, or otherwise, with or in the furnishing of such services or facilities, and the consideration paid therefor does not exceed the fair value of such services or facilities in the localities where furnished.

"(d) For purposes of suit under section 4 of this act the measure of damages for any violation of this section shall, where the fact of damage is shown, and in the absence of proof of greater damage be presumed to be the pecuniary amount or equivalent of the prohibited discrimination, payment, or grant involved in such violation; limited, however—

"(1) Under subsections (a) and (b) above, by the volume of plaintiff's business in the goods concerned, and for the period of time concerned, in such violation;

"(2) Under subsection (c) above, to the amount or share, or its pecuniary equivalent, to which plaintiff would have been entitled if the payment concerned in such violation had been made or offered in accordance with paragraph (1) of said subsection (c).

MAIN PROVISIONS OF BILL

It will be noticed that the main provisions of this bill are as follows:

First. It prevents manufacturers from discriminating in price or terms of sale between purchasers of commodities of like grade and quality. This will not prevent manufacturers from competing, but each manufacturer must deal with his customers in the same fair and square way. Neither will it prevent retailers competing, but if the retailers purchase from the same manufacturer, they will be on an equal footing. In other words, it is not a price-fixing bill but a bill that will afford fair competition.

Second. The present treble damage provision of the antitrust laws is not sufficiently effective for the small man who has his business crushed by unfair and illegal methods. Our bill amends the provision in a way that a measure of damage is provided for and may be enforced by the smallest concern against the greatest.

Third. Under section 2 (a) of this bill—the last part of that section—a quantity limit may be fixed by the Federal Trade Commission for the guidance of manufacturers in dealing with their customers in interstate commerce. If a manufacturer sells one unit so fixed by the Federal Trade Commission, it receives the same price per unit as if it sold several hundred such units. The same principle is enforced on freight rates—Mr. John Q. Citizen pays the price for transporting a carload of freight as the Standard Oil Co. or any other concern that has several thousand times as many carloads of freight transported. The Supreme Court of the United States in the case of the *Interstate Commerce Commission* v. *Baltimore & Ohio Railroad* (145 U. S. 263) stated:

> The real question is whether this operates as an undue or unreasonable preference or advantage to this particular description of traffic, or an unjust discrimination against others. If, for example, a railway makes to the public generally a certain rate of freight, and to a particular individual residing in the same town a reduced rate for the same class of goods, this may operate as an undue preference, since it enables the favored party to sell his goods at a lower price than his competitors, and may even enable him to obtain a complete monopoly of that business. Even if the same reduced rates be allowed to everyone doing the same amount of business, such discrimination may, if carried too far, operate unjustly upon the smaller dealers engaged in the same business and enable the larger ones to drive them out of the market.

Although the language of the Court was not directly in point on the issues involved, it was an expression of the Supreme Court, and it is certainly on all fours with our proposal.

It is admitted that a trainload shipment can be made at much less cost per car than a single-car shipment. If, however, lower rates were permitted in such a case, large dealers would be able to destroy small dealers. Our quantity provision will apply to all modes of transportation including trucks, barges, and railroads. That is, a quantity would be fixed at an amount equal to a carlot in most cases but smaller quantities in others. One who purchases such a "fixed quantity" from a manufacturer will be permitted to receive it for the same price and terms as one who purchases many hundred such fixed quantities; the same theory that one who causes one carload of freight to be transported pays the same price per car as one who ships thousands of cars at the same time.

Fourth. Pseudo-advertising allowances are abolished.

Fifth. The payment of brokerage or commission under certain conditions is prohibited.

OBJECT OF LEGISLATION

The object of the legislation is to protect the independent merchant, the public whom he serves, and the manufacturer from whom he buys from exploitation by unfair competitors, and to prevent monopoly which is destructive to the interest of farmers, wage earners, and consumers. The aid and assistance of all Members of the House is desired in our efforts to enact this legislation.

The following Members of the House have expressed interest in this legislation, and many of them are assisting in securing the passage of this bill and have pledged their 100-percent cooperation: Alfred F. Beiter, New York; William M. Berlin, Pennsylvania; Fred Biermann, Iowa; C. G. Binderup, Nebraska; R. T. Buckler, Minnesota; Clarence Cannon, Missouri; William M. Citron, Connecticut; John J. Cochran, Missouri; William M. Colmer, Mississippi; Fred L. Crawford, Michigan; Eugene B. Crowe, Indiana; René L. DeRouen, Louisiana; John D. Dingell, Michigan; Matthew A.

Dunn, Pennsylvania; Joe H. Eagle, Texas; Albert J. Engel, Michigan; Marcellus H. Evans, New York; Joachim O. Fernandez, Louisiana; William L. Fiesinger, Ohio; Brooks Fletcher, Ohio; Finly H. Gray, Indiana; Paul R. Greever, Wyoming; Harry L. Haines, Pennsylvania; Arthur D. Healey, Massachusetts; Fred H. Hildebrandt, South Dakota; Knute Hill, Washington; Clare E. Hoffman, Michigan; John M. Houston, Kansas; Kent E. Keller, Illinois; Charles Kramer, California; Arthur P. Lamneck, Ohio; Josh Lee, Oklahoma; John Lesinski, Michigan; Carl E. Mapes, Michigan; John A. Martin, Colorado; Sam C. Massingale, Oklahoma; Dan R. McGehee, Mississippi; James A. Meeks, Illinois; Numa F. Montet, Louisiana; Theodore L. Moritz, Pennsylvania; Edward W. Patterson, Kansas; James L. Quinn, Pennsylvania; Adolph J. Sabath, Illinois; Harry Sauthoff, Wisconsin; William T. Schulte, Indiana; Howard W. Smith, Virginia; Joe Starnes, Alabama; Karl Stefan, Nebraska; Henry E. Stubbs, California; Clarence W. Turner, Tennessee; Fred M. Vinson, Kentucky; Francis E. Walter, Pennsylvania; Theodore B. Werner, South Dakota; B. Frank Whelchel, Georgia; Compton I. White, Idaho; and Orville Zimmerman, Missouri.

LEAVE TO ADDRESS THE HOUSE

Mr. WITHROW. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the reading of the Journal and disposition of business on the Speaker's table, my colleague the gentleman from North Dakota [Mr. LEMKE] may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

PAYMENT OF THE ADJUSTED-SERVICE CERTIFICATES

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SCHULTE. Mr. Speaker and Members of the House of Representatives, the bonus fight is over. The measure providing for payment of the adjusted-compensation certificates has been passed. Today veterans are scurrying to and fro in every city and hamlet in this great country of ours filling out their bonus applications.

I am glad that it was my pleasure to cast my vote for the payment of this debt to the veterans of this country who so willingly answered the call to duty in 1917–18.

I have nothing but the deepest gratitude for the boys of 1917–18—the flower of our youth—who marched away to war when our country called. We did not ask these young men if they wanted to go into the trenches and give their lives for their country. We did not, nor could we in time of national peril, consult their wishes in the matter. War was at hand. So we took them and sent them out to perform the supreme duty of patriotism. The life of the Nation was at stake and it was they who had to save it. Therefore, with bands playing and flags waving and the arms of their loved ones beckoning godspeed on their perilous journey across a mine-embedded ocean, the flower of this country's youth went to fight the battles of this country in the blood-soaked trenches of France.

Millions of our young men were mustered together on the bloody battlefields of France, and after months of victorious campaigns, during which time thousands made the supreme sacrifice, the war ended on November 11, 1918.

The victorious heroes then returned home. With justified pride and deep emotion they again trod the soil of their native land amid the plaudits of the multitude. Then they were mustered out. Their swords were sheathed, their guns stacked, their uniforms laid aside, and the undramatic and crowded fields of civil life stretched before them. These young heroes had come from the farms, the villages, the towns, and the cities of every part of the land. They had given up their jobs and occupations to face the shot and shell of the enemy. They had changed their environments for something new, something different, something uplifting. Their horizons had been widened. They had fought for great ideals and noble objects. They had been reforged in a crucible fire and remade in the grim school of discipline and danger. They were bigger men; they were broader men than the unsophisticated youths who entered the Army as raw recruits from the farms, the plains, the mountains, and the cities of this great Nation of ours. They had to start life anew, with enlarged vision, with new and finer conceptions of duty, with higher aims and ambitions.

Thousands of them could not look with patience on the narrow and provincial life from which they had been drawn. They wanted larger opportunity to make themselves useful citizens of our great Republic. They wanted a chance at a larger and more fruitful life. But what was there to begin with except experience and bright hope? They had emerged from the warm atmosphere of a national welcome to find themselves faced with the grim indifference of civil life. Where were the jobs they had been led to believe were awaiting them for their priceless contribution to the cause of liberty and democracy? They were gone. Life stretched before these heroes, but what was there to start with?

It was this very need of assistance, resulting from the inadequate pay granted the soldiers as they marched off to face the deadly artillery fire of the enemy, that prompted the suggestion that a grateful nation recognize their inestimable services by increasing the compensation paid them during the war. This was generally called "adjusted compensation" or "soldiers' bonus." This was designed as a genuine help to the 4,000,000 men and women who saved the Nation in its hour of grave peril. As a matter of justice, payment of the bonus at this time means everything to them.

While these men were fighting and sacrificing for their country, every class in America, protected by their valor and sacrifice, was living in safety and earning more money and making larger profits than ever before in our history.

Now that the veterans have won their fight I can look with pride to the fact that one of the planks of my pre-election campaign has been nailed down securely in the platform I pledged to the veterans of my district—that of paying the veterans the bonus I felt was owed to them now. I believe that the same arguments advanced for payment of this debt years ago have not changed now. The years have not altered the justice of the claim for the boys who wore the khaki or navy blue in 1917–18.

Congress adjusted the pay of the railroads. Huge war profits were made by the munition manufacturers, and Congress also adjusted the pay of the war contractors in excess of $2,000,000. Take into consideration the vast sums—millions; yes; billions—that we have given to other nations. We have allowed them to filch millions from us in the sale of worthless bonds and securities. We have fed and clothed and rehabilitated the Belgians and the French, fed the Armenians and the Chinese—but we have failed miserably in feeding our own. Why, then, should our veterans be denied?

I can see many advantages to be gained by payment of this vast sum. Immediately after the 1st of July, when the vets start cashing in their bonds, they will meet their creditors face to face with a smile and wipe off forever old debts that were created months or years ago. Payment of these debts will stimulate all lines of business, and not only those who received the bonus will profit but also those in the various channels of trade.

With more millions of dollars in circulation as the result of this payment of this debt, all our people are bound to feel the acceleration which spending of this money will mean.

Payment of the bonus will put approximately $5,000,000 in circulation in my district, which will give tremendous impetus to business and result in employment to many now unemployed, as approximately 5,000 veterans will share in the $2,200,000,000 to be expended for adjusted-service certificates.

Payment of this debt will put money in circulation in every nook and corner of the First District of Indiana and in every precinct and township. It will permit men to pay debts. It will permit them to buy. Merchants and manufacturers of my district have the goods to sell. But they lacked buyers because the man on the street lacked money.

However, I hope that all of our veterans spend their money wisely—if it is necessary that they spend it. But more than that, I hope that when they receive their bonds that they hold them, if possible, until date of maturity. The men who receive these bonds are mature in years. They have families to support, and because of that fact I urge the veterans to spend their money wisely if it is necessary, but to hold the bonds if they can for a future nest egg. After all, these bonds will be as good as the Government. They will pay more interest and will be better than other bonds of the Government, because, while other bonds may sell for less than face value, these bonds can be cashed at any time for full value.

I am glad that I voted for every bonus measure that has come before the House while I have been a Member of Congress, because I pledged to the veterans of the First District of Indiana in my precampaign talks that I believed in their cause and I felt that their debt was a just debt.

There are some things which cannot be measured in dollars. Justice is one of them. Liberty is another. Democracy is still another. Liberty and democracy are founded on justice, and the Nation must stand for justice and do justice, no matter what the cost may be in blood or treasure.

If this Congress had refused to do justice to the great army of men and women who saved the Nation in its hour of extremity, we would have continued to leave in the hearts of the 4,000,000 defenders of the Nation and in the hearts of their families and friends the feeling that this great Nation of ours was not only unjust but ungrateful.

In the wave of materialism which has swept over the country since the war was fought our higher ideals seem to have been obscured. What Armistice Day ought to celebrate instead of merely signify has not yet been secured. The triumph over war, injustice, and oppression has not yet come. It may never come in full perfection, but it is our duty to fight unfalteringly for this noble end.

In conclusion I take pride in the honest advice of the late Theodore Roosevelt, who in paying a lasting tribute to the members of our fighting forces said:

> A man who is good enough to shed his blood for his country is good enough to be given a square deal afterward. More than that no man is entitled to, and less than that no man shall have.

As I said in the beginning, the bonus fight is over and tonight lights are burning brighter in the homes of millions of veterans in the greatest country on earth.

WAR DEPARTMENT APPROPRIATION BILL, 1937

Mr. PARKS. Mr. Speaker, I ask unanimous consent to proceed for half a minute to make a statement.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PARKS. Mr. Speaker, many Members have asked when we expect to conclude the War Department appropriation bill. There are only two more subjects that are controversial, one with reference to the Reserve officers and the other with reference to the items in the river and harbor improvements. All of them have been very thoroughly discussed. It is almost imperative that this bill be finished sometime today or tonight, and I hope the Members will bear that in mind.

Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11035, with Mr. PARSONS in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

For procurement of forage, bedding, etc., for animals used by the National Guard, $512,366.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word. I have made this pro-forma motion for the purpose of getting some information with reference to one feature of the service of the National Guard. There was quite a bit of discussion last year concerning the necessity for armories over the entire country for this organization. I understand some of the present armories have been burglarized and quite a considerable quantity of equipment stolen. It was understood last year that it was quite probable funds would be allotted from appropriations for Public Works for the construction of armories for the National Guard, and many connected with the National Guard were so advised. However, in spite of very diligent effort and argument on the part of those in charge of this branch of the service, that money was not allocated. I should like to get some information from the committee as to what the present situation is and as to what steps are contemplated with reference to the correction of it. If there is any member of the committee who can give that information, I should like to have it.

Mr. PARKS. As I understand, what the gentleman is trying to learn is what money there is for armories, or watchmen, or just what information is it the gentleman desires?

Mr. LANHAM. For armories. The matter was discussed last year and there was a kind of general understanding that funds for this purpose would probably be allotted from appropriations for Public Works. Such allocation was not made, in spite of very earnest entreaties on the part of the National Guard. It is a matter of concern which I have heard many Members of Congress discuss. It seems that it is a subject that deserves very serious consideration.

Mr. McSWAIN. Will the gentleman yield?

Mr. LANHAM. I yield.

Mr. McSWAIN. I wonder if the gentleman is acquainted with the fact that the Works Progress Administration has been cooperating with municipalities in building numerous armories throughout the country? I know something like 20 or 30 are in progress in South Carolina now.

Mr. LANHAM. Are those armories for the National Guard?

Mr. McSWAIN. Oh, yes; and for any other community or social purpose.

Mr. LANHAM. The latest information I have is to the effect that the armories are not being provided for the National Guard, and that the Government is losing quite a bit of its equipment, and that the efficiency of this service is being impaired. Of course, this is a most important service because it is a branch of our system of defense whose members work in time of peace and fight in time of war and it is a very necessary and important adjunct of our military organization.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LANHAM. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes in order to yield to the gentleman from Pennsylvania.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LANHAM. I yield to the gentleman from Pennsylvania [Mr. SNYDER].

Mr. SNYDER. The gentleman just spoke about the Government losing quite a bit of its equipment. I wish he would make that a little clearer.

Mr. LANHAM. I wish I could make it a little clearer, but I have been informed by several who are familiar with this subject that a number of these armories have been burglarized and guns and other equipment belonging to the Government stolen, thereby impairing the efficiency of the National Guard and, in a sense, breaking down the morale and entailing considerable financial loss.

Mr. BOLTON. Will the gentleman yield?

Mr. LANHAM. I yield.

Mr. BOLTON. The gentleman from Pennsylvania may have in mind the same thought I wanted to express, namely,

that in this bill there is carried an appropriation for additional caretakers for the very purpose of which the gentleman is speaking.

Mr. LANHAM. I am glad to know there will be additional caretakers to provide against the theft of the property.

Mr. BOLTON. That is one of their duties.

Mr. LANHAM. May I inquire also if the armories now in existence are adequate for their particular purpose, and whether or not the present situation can either be corrected or greatly relieved merely by additional caretakers?

Mr. BOLTON. My understanding of the matter is that the armories, in many States, are very inadequate. Of course, the gentleman understands that the provision for armories is the primary duty of the States and not of the Federal Government. I quite agree with the gentleman that in many States the armory situation is inadequate, but as I said, of course, that is the primary duty of the State itself to provide proper armories for the National Guard. I might add, however, that my understanding is that out of either P. W. A. or W. P. A., or some emergency fund, moneys are being set aside for the various States to build new armories.

Mr. LANHAM. I thank the gentleman, and I hope they will be adequate for the purpose.

Mr. THOMASON. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I yield to my friend from Texas.

Mr. THOMASON. Is it not a fact, too, that the need for armories to take care of this property is so urgent that the officers of the National Guard met here last year, in fact, the commanding officers from many of the States, including General Hulen, of Texas, and others had a meeting with the Senate and House committees on this question and that it was the unanimous opinion of this joint committee that the W. P. A. or some other of these new agencies should work out a plan for the States and municipalities by which they might get adequate housing in the way of armories? I well remember the great interest you manifested in this worthy proposal.

Mr. LANHAM. It was my understanding—and my inquiry was prompted by the failure of their efforts to bring the results they had anticipated.

[Here the gavel fell.]

By unanimous consent the pro-forma amendment was withdrawn.

The Clerk read as follows:

To procure by purchase or manufacture and issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories or the commanding general, National Guard of the District of Columbia, such military equipment and stores of all kinds and reserve supply thereof as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, including motor trucks, field ambulances, and station wagons and to repair such of the aforementioned articles of equipage and military stores as are or may become damaged when, under regulations prescribed by the Secretary of War, such repair may be determined to be an economical measure and as necessary for their proper preservation and use, $10,034,915, of which $500,000 shall be available exclusively for defraying the cost of increasing the strength of the National Guard from approximately 195,000 to not exceeding an average of 200,000 officers and men, and all of the sums appropriated in this act on account of the National Guard shall be accounted for as one fund and of the total of such sums $1,500,000 shall be available immediately: *Provided*, That specifications for motor vehicles, which shall be so drawn as to admit of competition, shall to the extent otherwise practicable conform with the requirements of the National Guard: *Provided further*, That the value of issues made to any State, Territory, or the District of Columbia to replace property surveyed in accordance with section 87, National Defense Act of June 3, 1916, as amended, shall not be charged to the apportionments required by section 67 of that act, but no such replacement issue shall be made in excess of receipts theretofore collected and covered into the Treasury as miscellaneous receipts pursuant to said section 87, as amended, and section 4 (a) and (b) (22) of the Permanent Appropriation Repeal Act of June 26, 1934: *Provided further*, That the Secretary of War is hereby authorized to issue surplus or reserve stores and material on hand and purchased for the United States Army such articles of clothing and equipment and field artillery, engineer, and signal material and ammunition as may be needed by the National Guard organized under the provision of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916 (U. S. C., title 32, sec. 21), as amended. This issue shall be made without charge against National Guard appropriations except for actual expenses incident to such issue.

Mr. ZIONCHECK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZIONCHECK: Page 49, line 9, after the word "use", strike out "$10,034,915 of which $500,000 shall be available exclusively for defraying the cost of increasing the strength of the National Guard from approximately 195,000 to not exceeding an average of 200,000 officers and men, and all of the sums appropriated in this act on account of the National Guard shall be accounted for as one fund and of the total of such sums $1,500,000 shall be available immediately", and insert in lieu thereof "$6,887,638."

Mr. ZIONCHECK. Mr. Chairman, this is the first time in the Army appropriation bill that we have dealt with what is known as the National Guard. The appropriation for the National Guard last year was the largest ever made. This year's appropriation exceeds that of last year, however, by more than $3,000,000.

We heard the chairman of the Military Affairs Committee, the gentleman from South Carolina [Mr. MCSWAIN], state that the National Guard has been used in national emergencies not more than once or twice in recent years and that was for seeing that the mails were carried, and that if any atrocities were committed by the National Guard they were committed at the instance and behest of the Governors of the various States.

At this time, Mr. Chairman, I ask unanimous consent to submit for the RECORD the official document submitted to me by the responsible officers of the Army as to what the National Guard has been doing in the years 1934 and 1935 together with the summarization which I have prepared which if time permits I shall read, together with their letters of transmittal.

Mr. TABER. Mr. Chairman, reserving the right to object, how bulky a document is that?

Mr. ZIONCHECK. It is a rather tersely stated document. The gentleman knows how War Department documents are prepared with numbered paragraphs.

Mr. TABER. I was wondering if the gentleman had in his hand the document he proposed to insert.

Mr. ZIONCHECK. No; there is a lot of paper in there that has no relevancy whatever.

Mr. TABER. It looked as though it was 60 or 70 pages. How many pages of the RECORD will it take?

Mr. ZIONCHECK. It should not take over a page and a half in the CONGRESSIONAL RECORD.

I was just wondering why the gentleman from New York is here today when he was not here yesterday. He is very careful about the Treasury, and we are just raping it with this bill.

Mr. TABER. Is the gentleman going to talk on the bill or not?

Mr. ZIONCHECK. I am talking on the bill.

The only reason I make reference to the gentleman from New York's failure to be present during the consideration of this most important bill—a bill appropriating more money than all the other appropriation bills we have heretofore considered—is that the gentleman has gained for himself the enviable reputation of being the watchdog of the Treasury. This appropriation bill appropriates more than $24,000,000 more than the Army appropriation bill of 1936, which was the largest of peacetime appropriation bills for this country I know, and for any other country that I know of. Still the gentleman from New York so far has not let a peep out of him concerning this outrageous spending of the public money and not particularly for the public's benefit. Here I am trying only to keep this appropriation bill down to the 1936 level—trying in a small degree to approach a balanced Budget which we all know is impossible at this time. To say that I am sorely disappointed that I am not getting any support, moral or otherwise, or even a little encouragement from

the gentleman from New York [Mr. TABER] as well as any other Member from the Republican side who advocate a balanced Budget and economy is disillusioning, to say the least, to one as young as myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF THE NATIONAL GUARD BUREAU,
Washington, February 11, 1936.

Hon. MARION A. ZIONCHECK,
House of Representatives, Washington, D. C.

MY DEAR MR. ZIONCHECK: In reply to your request by telephone this morning for information regarding active service performed by the National Guard, the following is compiled from our latest reports:

During the fiscal year ending June 30, 1934, 35 States found occasion to use their National Guard. In 13 instances troops were used in disasters. Fire, flood, hurricane, drought, earthquake, and explosions all afforded the National Guard opportunities to serve their State and to give aid to distressed fellow citizens. In 43 other instances the guard gave assistance to State authorities by aiding law-enforcement officers in guarding persons from bodily harm or property from threatened mischief, in suppressing or preventing civil commotions or prison riots.

During the fiscal year ending June 30, 1935, 32 States and 1 Territory had occasion to use the National Guard in connection with State emergencies. In 17 instances State troops were used in public disasters, serving their fellow citizens in flooded areas and in fighting forest fires and in feeding the unemployed. In 60 other cases the guard was employed in assisting civil authorities, aiding law-enforcement officers in the preservation of law and order, safeguarding persons and property, and assisting in the pursuit and capture of bank bandits and escaped convicts.

This Bureau receives an annual report every spring from all States, and as yet this has not reached us for the present year.

I hope that this will give you the information you desire for the present, and more detailed data will be furnished your office tomorrow.

Very truly yours,

ALBERT H. BLANDING,
Major General,
Chief, National Guard Bureau.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF THE NATIONAL GUARD BUREAU,
Washington, February 12, 1936.

Hon. MARION A. ZIONCHECK,
House of Representatives, Washington, D. C.

MY DEAR MR. ZIONCHECK: In reply to your telephone request this date, further information regarding the active service performed by the several States during the past 2 years is enclosed.

The report for the present fiscal year will be made by the several States in July of this year.

Sincerely yours,

JOHN F. WILLIAMS,
Colonel, National Guard Bureau,
Assistant to Chief, National Guard Bureau.

(Enclosure.)

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1934 (July 1, 1933, to June 30, 1934)

[No emergency service during fiscal year 1934: California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Iowa, Michigan, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Puerto Rico, Rhode Island, South Dakota, Utah, Vermont, and Wisconsin]

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
ALABAMA						
One Hundred and Twenty-seventh Engineer Squadron.	Aug. 28 to Sept. 4, 1933	Decatur	13	0	115	Protecting prisoners.
First Battalion, One Hundred and Sixty-seventh Infantry.	Sept. 14–17, 1933	Tuscaloosa	8	0	119	Do.
Company B, One Hundred and Sixty-seventh Infantry.	Sept. 16–17, 1933	Greensboro	2	0	22	Do.
Company M, One Hundred and Sixty-seventh Infantry.	Feb. 25–28, 1934	Mineral district of Alabama.	2	0	24	Protection of life and property in mineral district during miners' strike.
Do	Mar. 1–15, 1934	do	2	0	43	Do.
Do	Apr. 18 to May 2, 1934	do	3	0	25	Do.
Company F, One Hundred and Sixty-seventh Infantry.	Mar. 9–17, 1934	do	2	0	8	Do.
Do	Apr. 18–26, 1934	do	3	0	45	Do.
Company I, One Hundred and Sixty-seventh Infantry.	Mar. 1–18, 1934	do	3	0	61	Do.
Headquarters Troop, Fifty-fifth Cavalry Brigade.	Mar. 9–17, 1934	do	3	0	57	Do.
Do	Apr. 22 to May 2, 1934	do	2	0	42	Do.
Headquarters and Headquarters Company, Third Battalion, One Hundred and Sixty-seventh Infantry.	Feb. 25–28, 1934	do	5	0	19	Do.
Do	Mar. 1–17, 1934	do	2	0	20	Do.
Company L, One Hundred and Sixty-seventh Infantry.	Feb. 24–28, 1934	do	3	0	49	Do.
Do	Mar. 1–18, 1934	do	3	0	58	Do.
Do	Apr. 18–27, 1934	do	3	0	33	Do.
Company K, One Hundred and Sixty-seventh Infantry.	Feb. 25–28, 1934	do	3	0	42	Do.
Do	Mar. 1–17, 1934	do	3	0	39	Do.
Do	Apr. 18–25, 1934	do	0	0	19	Do.
One Hundred and Sixth Observation Squadron.	Mar. 9–29, 1934	do	4	0	0	Do.
Do	Apr. 22, 1934	do	3	0	0	Do.
Company E, One Hundred and Sixty-seventh Infantry.	Apr. 22–27, 1934	do	1	0	42	Do.
Company H, One Hundred and Sixty-seventh Infantry.	Apr. 18–27, 1934	do	2	0	50	Do.
Company G, One Hundred and Sixty-seventh Infantry.	Apr. 19–26, 1934	do	3	0	59	Do.
State detachment	Feb. 25 to Mar. 20, 1934	do	0	0	10	Do.
Headquarters and Headquarters Company, One Hundred and Sixty-seventh Infantry.	Mar. 9–17, 1934	do	3	0	2	Do.
Do	Mar. 28, 1934	do	3	0	1	Do.
Headquarters Detachment, Alabama National Guard, composite group.	Apr. 1–16, 1934	do	6	0	1	Do.
Do	Apr. 17 to May 2, 1934	do	4	0	7	Do.
One Hundred and Seventeenth Field Artillery and State detachment, composite group.	Apr. 18 to May 3, 1934	do	1	0	27	Do.
Composite Regiment, Alabama National Guard.	May 8 to June 30, 1934 [1]	do	23	0	395	Do.
ARIZONA						
Detachment One Hundred and Fifty-eighth Infantry.	Mar. 9	Parker	1	----------	5	Patrolling Parker Dam site to prevent construction of any diversion dam on Arizona soil.
ARKANSAS						
Company E, One Hundred and Fifty-third Infantry.	Dec. 26–27	Marshall	2	----------	15	In aid civil authorities.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1934 (July 1, 1933, to June 30, 1934)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
FLORIDA						
Detachment One Hundred and Sixteenth Field Artillery.	July 4–6, 1934	Tooke Lake	4	0	45	Aiding civil authorities, prison riot.
Detachment Two Hundred and Sixty-fifth Coast Artillery.	Aug. 14, 1934	Key West	6	0	100	Aiding civil authorities protecting the family of President Muchado of Cuba.
Detachment State staff	Sept. 5–10, 1934	Stuart and Fort Pierce.	1	0	0	Aiding civil authorities in vicinity hurricane Sept. 4, 1934.
Detachment Company B, One Hundred and Twenty-fourth Infantry.	Sept. 6–22, 1934	do	1	0	1	
Detachment State staff	Dec. 4–6, 1934	Daytona Beach	1	0	1	Aiding civil authorities election trouble.
Detachment Battery C., Two Hundred and Sixty-fifth Coast Artillery.	do	do	3	0	40	
GEORGIA						
Detachment One Hundred and Twenty-second Infantry.	Nov. 1–2, 1933	Homer	3	0	66	Protecting prisoner.
ILLINOIS						
Detachment One Hundred and Thirtieth Infantry.	July 1–26	Christian County	7		69	(2).
Detachment One Hundred and Twenty-second Field Artillery.	July 26 to Aug. 15	do	9		65	(2).
Detachment One Hundred and Thirtieth Infantry.	Aug. 15 to Nov. 7	do	7		70	(2).
Detachment One Hundred and Twenty-third Field Artillery.	Nov. 7–28	do	8		65	(2).
Detachment One Hundred and Thirtieth Infantry.	Oct. 19–23	Sangamon County	9		160	(2).
Do	Oct. 5 to Nov. 2	Saline County	21		336	(2).
Detachment One Hundred and Sixth Cavalry.	Nov. 2–19	do	17		166	(2).
Detachment One Hundred and Twenty-ninth Infantry.	Nov. 19–26	do	10		65	(2).
Second Battalion One Hundred and Thirtieth Infantry.	May 30 to June 1	Tazewell County	15		266	(2).
INDIANA						
One Hundred and Thirteenth Engineers	Sept. 27–28, 1933	Gary and vicinity	10		133	Apprehending escaped prisoners.
One Hundred and Thirty-ninth Field Artillery, One Hundred and Fifty-first Infantry.	Oct. 9 to Nov. 15, 1933	Sullivan County	5		71	Civil disturbance in mining district.
One Hundred and Fifty-first Infantry	Oct. 12–18, 1933	do	3		40	Do.
Do	Oct. 13–23, 1933	do	1		1	Do.
KANSAS						
Troop B, One Hundred and Fourteenth Cavalry.	Aug. 2	Coffeyville	2		40	Bank robbery, bridge blocking.
Detached officers, Kansas National Guard	Aug. 9–12	Topeka	4			Guard at State Treasury.
Do	Aug. 10–12	do	3			Do.
Do	Aug. 12 to Oct. 3	do	6			Do.
HBCT, First Battalion, One Hundred and Sixty-first Field Artillery.	Aug. 16	Burlington	2		23	Bandit hunt, bridge blocking.
Battery B, One Hundred and Sixty-first Field Artillery.	Sept. 3	Ottawa	1		2	Harris bank robbery.
Service Battery, One Hundred and Sixty-first Field Artillery (less band).	Sept. 21	Great Bend	1		19	Hays bank robbery, road control.
Capt. W. A. Beasley	Oct. 2–7	Topeka	1			Guard duty at State House.
Company C, One Hundred and Thirty-seventh Infantry.	Oct. 19	Council Grove	1		3	Bank robbery—bridge, road control.
Detachment One Hundred and Thirtieth Field Artillery	Dec. 11	Hutchinson	2		14	Riot and mob violence, convoy of prisoner.
Detached State Staff	Jan. 19–20	Topeka	2			State prison break.
Headquarters, One Hundred and Thirty-seventh Infantry.	do	Kansas City	3			Do.
State detachment	do	do			1	Do.
Headquarters Troop, One Hundred and Fourteenth Cavalry.	do	Topeka			12	Do.
Machine Gun Troop, One Hundred and Fourteenth Cavalry.	do	Kansas City	4		58	State prison break, road control.
Troop A, One Hundred and Fourteenth Cavalry.	do	Iola	2		35	Do.
Troop F, One Hundred and Fourteenth Cavalry.	Jan. 19–21	Pleasanton	3		34	Do.
Troop K, One Hundred and Fourteenth Cavalry.	Jan. 19–22	Paola	1		1	Captured 3 escaped convicts.
Company A, One Hundred and Thirty-seventh Infantry.	Jan. 19–20	Atchison	3		40	State prison break, road control.
Company G, One Hundred and Thirty-seventy Infantry.	do	Kansas City	3		51	Do.
Company H, One Hundred and Thirty-seventh Infantry.	do	Lawrence	4		21	Do.
Company M, One Hundred and Thirty-seventh Infantry.	do	do	2		22	Do.
Headquarters Company, Second Battalion, One Hundred and Thirty-seventh Infantry.	do	Kansas City	3		23	Do.
Battery B, One Hundred and Sixty-first Field Artillery.	do	Ottawa	2		20	Do.
Battery D, One Hundred and Sixty-first Field Artillery.	do	Olathe	1		10	Do.
Battery E, One Hundred and Sixty-first Field Artillery.	do	Fort Scott	1		25	Do.
Thirty-fifth Signal Company	do	Kansas City	3		7	Do.
Troop A, One Hundred and Fourteenth Cavalry.	Jan. 31	Iola	3		16	Bank robbery, road control.
Troop B, One Hundred and Fourteenth Cavalry.	do	Coffeyville	3		31	Do.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1934 (July 1, 1933, to June 30, 1934)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
KANSAS—continued						
Battery E, One Hundred and Sixty-first Field Artillery.	Jan. 31	Fort Scott	3		16	Bank robbery, road control.
Troop F, One Hundred and Fourteenth Cavalry.	do	Pleasanton	3		28	Do.
Headquarters Company, Sixty-ninth Infantry Brigade.	do	Topeka	1		1	Bank robbery, operating radio station.
Company E, One Hundred and Thirty-seventh Infantry.	Mar. 12	Holton	1		10	Bank bandit, road control.
Battery B, One Hundred and Sixty-first Field Artillery.	do	Ottawa	2		15	Do.
Troop B, One Hundred and Fourteenth Cavalry.	Apr. 6–7	Coffeyville	2		18	Outlaw hunt (Clyde Barrow patrol).
Battery F, One Hundred and Sixty-first Field Artillery.	Apr. 8	Arkansas City	2		41	Do.
Company I, One Hundred and Thirty-seventh Infantry.	May 10	Wichita	3		48	Unemployed relief riots.
Company K, One Hundred and Thirty-seventh Infantry.	May 10–13	do	3		58	Do.
Troop E, One Hundred and Fourteenth Cavalry.	May 10–11	do	3		56	Do.
Battery C, One Hundred and Thirtieth Field Artillery.	May 10	do	6		63	Do.
Company E, One Hundred and Thirty-seventh Infantry.	May 31 to June 1	Soldier	1		20	Fire-guard duty, relief work, and traffic control.
KENTUCKY						
One Hundred and Forty-ninth Infantry	Jan. 22, 1934	Scottsville	2		10	Protecting prison and maintaining order.
One Hundred and Thirty-eighth Field Artillery.	Feb. 11, 1934	Liberty	2		9	Do.
Provost detachment	May 2, 1934	Franklin County	9		8	Protecting life and Governor and family.
One Hundred and Twenty-third Cavalry	July 16–17, 1934	do	2		19	Protecting life and Governor and family and Frankfort representatives.
Do	May 21, 1934	do	2		29	Protecting life and Governor and family and Frankfort reformatory.
LOUISIANA						
Headquarters One Hundred and Fifty-sixth Infantry.	Apr. 17–23, 1934	Shreveport	2	0	0	Suppression of riot in connection with attempt of mob to seize prisoner in Cadde Parish Jail—some troops remaining on duty until trial and conviction of prisoner for assault and murder.
Headquarters Second Battalion, One Hundred Fifty-sixth Infantry.	do	do	1	0	0	Do.
Company E, One Hundred and Fifty-sixth Infantry.	do	do	2	0	59	Do.
Company F, One Hundred and Fifty-sixth Infantry.	do	do	3	0	36	Do.
Company G, One Hundred and Fifty-sixth Infantry.	do	do	3	0	45	Do.
Company H, One Hundred and Fifty-sixth Infantry.	do	do	3	0	33	Do.
Detachment One Hundred and Fifty-sixth Infantry.	Feb. 9–18, 1934	New Orleans	1	0	22	Service as guards and in traffic control during events dedication the Shushan Airport at New Orleans, La.
Detachment One Hundred and Forty-first Field Artillery.	do	do	1	0	44	Do.
Detachment One Hundred and Eighth Calvary.	do	do	1	0	20	Do.
MAINE						
Two Hundred and Fortieth Coast Artillery	May 31 to June 4	Georgetown	8		127	Fighting fire.
MARYLAND						
Fifth Infantry	Nov. 27–28	Salisbury	22		205	Arrest in lynching.
MASSACHUSETTS						
One Hundred and Eighty-first Infantry	July 4–5	Natick	4		61	Search for wrecked auto.
MINNESOTA						
Detachments: One Hundred and Eighteenth Motor Replacement Section; State staff; Headquarters, Ninety-second Brigade; Two Hundred and Fifth and Two Hundred and Sixth Infantries; and One Hundred and Thirty-fifth Infantry.	Nov. 11–13	Austin	14		225	Hormel Packing Co. strike.
State Staff; Detachments: Headquarters, Thirty-fourth Division; Headquarters, Sixty-eighth Infantry Brigade; One Hundred and Fifty-first Field Artillery; Two Hundred and Fifth Infantry; Two Hundred and Sixth Infantry; One Hundred and Thirty-fifth Infantry; Detachment, One Hundred and Twenty-fifth Field Artillery; Detachment, One Hundred and Ninth Observation Squadron; and One Hundred and Eighteenth Motor Replacement Section.	May 23–26	Minneapolis	195	1	2,792	Truckmen's strike.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1934 (July 1, 1933, to June 30, 1934)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
MINNESOTA—continued						
Headquarters, Fifty-ninth Field Artillery Brigade, One Hundred and Twenty-fifth Field Artillery, One Hundred and Fifty-First Field Artillery, Two Hundred and Sixth Infantry, Two Hundred and Fifth Infantry, One Hundred and Thirty-fifth Infantry, and One Hundred and Eighteenth Motor Replacement Section.	June 2–14	(4)	32		643	Enforcement of livestock quarantine regulations of State and livestock embargo in drought areas of State.
MISSISSIPPI						
SS and SD	Feb. 11–13, 1934	Hernando	2	0	2	Guarding 3 negroes, prisoners, during the trial on Feb. 12, 1934.
Service Company, One Hundred and Fifty-fifth Infantry.	do	do	2	0	18	Do.
Headquarters, First Battalion, One Hundred and Fifty-fifth Infantry.	do	do	1	0	0	Do.
Headquarters Company, First Battalion One Hundred and Fifty-fifth Infantry.	do	do	2	0	10	Do.
Company B, One Hundred and Fifty-fifth Infantry.	do	do	3	0	25	Do.
Company C, One Hundred and Fifty-fifth Infantry.	do	do	2	0	24	Do.
Company D, One Hundred and Fifty-fifth Infantry.	do	do	3	0	17	Do.
Headquarters, Second Battalion, One Hundred and Fifty-fifth Infantry.	do	do	1	0	0	Do.
Headquarters Company Second Battalion, One Hundred and Fifty-fifth Infantry.	do	do	2	0	10	Do.
Company E, One Hundred and Fifty-fifth Infantry.	do	do	2	0	25	Do.
Company F, One Hundred and Fifty-fifth Infantry.	do	do	2	0	31	Do.
Company G, One Hundred and Fifty-fifth Infantry.	do	do	2	0	18	Do.
Company H, One Hundred and Fifty-fifth Infantry.	do	do	2	0	18	Do.
Company I, One Hundred and Fifty-fifth Infantry.	do	do	2	0	18	Do.
Medical detachment, One Hundred and Fifty-fifth Infantry.	do	do	2	0	8	Do.
Company C, One Hundred and Sixth Engineers.	do	do	2	0	24	Do.
Headquarters, Thirty-first Division trains	do	do	1	0	0	Do.
One Hundred and Twenty-second Motor Transport Company.	do	do	2	0	19	Do.
SS and SD	Mar. 15–16, 1934	do	1	0	2	Purpose of assisting the civil authorities in transferring and executing 3 negroes—prisoners—maintaining public peace and order.
Headquarters, Thirty-first Division trains	do	do	1	0	0	Do.
One Hundred and Twenty-second Motor Transport Company.	do	do	1	0	3	Do.
Headquarters detachment, Sixty-first Brigade	do	do	1	0	0	Do.
Headquarters battery and combat train, First Battalion, One Hundred and Fourteenth Field Artillery.	do	do	1	0	0	Do.
Headquarters, First Battalion, One Hundred and Fifty-fifth Infantry.	do	do	1	0	0	Do.
Headquarters, Second Battalion, One Hundred and Fifty-fifth Infantry.	do	do	1	0	0	Do.
Company B, One Hundred and Fifty-fifth Infantry.	do	do	3	0	25	Do.
Company C, One Hundred and Fifty-fifth Infantry.	do	do	3	0	25	Do.
Company E, One Hundred and Fifty-fifth Infantry.	do	do	2	0	25	Do.
Company F, One Hundred and Fifty-fifth Infantry.	do	do	3	0	28	Do.
Medical detachment, One Hundred and Sixth Engineers.	do	do	1	0	2	Do.
MISSOURI						
Thirty-fifth Tank Company and Battery C, One Hundred and Twenty-eighth Field Artillery.	Nov. 28–29	St. Joseph	8		115	Guarding prisoner.
Battery E, detachment headquarters detail and combat train, and detachment Medical Department detail, Two Hundred and Third Coast Artillery (Army Artillery), Batteries G and H, Two Hundred and Third Coast Artillery (Army Artillery), and 2 planes, Thirty-fifth Division, Aviation.	Apr. 30 to May 4 Apr. 30 to May 2 Apr. 30 to May 1	Minden Mines do do	17		195	Maintaining law and order—threatened mob invasion of coal-mine strikers.
Battery B, One Hundred and Twenty-eighth Field Artillery and 1 plane, Thirty-fifth Division, Aviation.	May 18–21 May 18	Moberly do	5		36	Threatened mob invasion of coal-mine strikers.
NEW MEXICO						
Headquarters Troop, Troops A, B, Detachment Troop E, Medical Detachment One Hundred and Eleventh Cavalry.	Aug. 29 to Dec. 15	Main body at Gallup, detachments at Gamerco, Allison, Mentmore, Coal Basin, Navajo, Gibson.	22		243	Patrolling and guarding mine properties, preventing disorders in coal camps at and near Gallup.
Do	Jan. 15	Raton	2			Aiding civil authorities during election.
Do	Apr. 3	Belen	4			Do.
Do	do	Las Vegas	4			Do.
Do	July 30	Tecolote	2			Do.
Do	May 25	Raton	1			Do.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1934 (July 1, 1933, to June 30, 1934)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
NORTH DAKOTA						
Company A, One Hundred and Sixty-fourth Infantry.	Dec. 1	Bismarck	1		4	To prevent the foreclosure of real estate, chattel mortgages, and evictions.
Do	Mar. 27	do	1		1	
Do	Apr. 14	Slope County	1			
Do	June 25	Sioux County	1		1	
Company K, One Hundred and Sixty-fourth Infantry.	Oct. 28	Beach	1			Do.
Do	Apr. 13	Belfield	1		1	
Do	Apr. 17	Slope County	1		1	
Do	Apr. 23	Sioux and Hettinger Counties.	1		1	
OHIO						
Headquarters, Seventy-third Brigade	May 23 to June 4	Toledo	3			Guarding property American Auto Lite Co.
Headquarters Company, Seventy-third Brigade.	May 24 to June 2	do	1		3	Do.
Headquarters, One Hundred and Forty-fifth Infantry.	May 23 to June 4	do	2			Do.
Headquarters, First Battalion, One Hundred and Forty-fifth Infantry.	May 23-27	do	1			Do.
Headquarters, Third Battalion, One Hundred and Forty-fifth Infantry.	May 24 to June 2	do	1			Do.
Howitzer Company, One Hundred and Forty-fifth Infantry.	May 26 to June 2	do	1		17	Do.
Company E, One Hundred and Forty-fifth Infantry.	May 24-31	do	2		52	Do.
Company G One Hundred and Forty-fifth Infantry.	do	do	2		54	Do.
Headquarters, First Battalion One Hundred and Forty-eighth Infantry.	May 23-31	do	1			Do.
Headquarters, Third Battalion, One Hundred and Forty-eighth Infantry.	May 23 to June 2	do	1			Do.
Headquarters Company, One Hundred and Forty-eighth Infantry.	do	do	2		39	Do.
Service Company, One Hundred and Forty-eighth Infantry.	do	do	4		22	Do.
Company A, One Hundred and Forty-eighth Infantry.	do	do	2		54	Do.
Company B, One Hundred and Forty-eighth Infantry.	do	do	3		59	Do.
Company C, One Hundred and Forty-eighth Infantry.	do	do	3		44	Do.
Company D, One Hundred and Forty-eighth Infantry.	do	do	2		52	Do.
Company E, One Hundred and Forty-eighth Infantry.	do	do	3		51	Do.
Company F, One Hundred and Forty-eighth Infantry.	do	do	3		47	Do.
Company G, One Hundred and Forty-eighth Infantry.	May 23-31	do	2		42	Do.
Company H, One Hundred and Forty-eighth Infantry.	May 23 to June 2	do	3		54	Do.
Headquarters Company, Third Battalion, One Hundred and Forty-eighth Infantry.	May 23-31	do	1		19	Do.
Company I, One Hundred and Forty-eighth Infantry.	May 24-31	do	3		60	Do.
Company K, One Hundred and Forty-eighth Infantry.	May 23-31	do	2		50	Do.
Company L, One Hundred and Forty-eighth Infantry.	May 23 to June 2	do	3		39	Do.
Company M, One Hundred and Forty-eighth Infantry.	May 24-31	do	3		57	Do.
Medical Department Detachment, One Hundred and Forty-eighth Infantry.	May 23 to June 2	do	1		11	Do.
Machine Gun Troop, One Hundred and Seventh Cavalry.	May 23-28	do	4		52	Do.
OKLAHOMA						
Headquarters Company First Battalion, One Hundred and Seventy-ninth Infantry; Company C, One Hundred and Seventy-ninth Infantry; One Hundred and Thirty-ninth Motor Repair Section.	July 11-12	Oklahoma City	5		63	Prevent unloading of beer cars prior to canvassing election returns.
Service Company, Headquarters Company, Company A, One Hundred and Seventy-ninth Infantry.	Sept. 21-22	do	2		17	Halt drilling of oil well near State capitol.
Battery B, One Hundred and Eighty-ninth Field Artillery.	Nov. 30 to Dec. 1	Norman	3		33	Maintain order and guard gate receipts O. U. & A. & M. football game.
First Battalion, Battery A, and Medical Detachment, One Hundred and Eighty-ninth Field Artillery; Second Battalion, Battery F, One Hundred and Fifty-eighth Field Artillery.	Dec. 10	Kingfisher	14		90	Disperse mob and maintain order; protect prisoner.
Service Company, Company L, First Battalion, One Hundred and Eightieth Infantry.	Feb. 3-4	Sapulpa	6		36	Protect prisoner and prevent formation of mob.
Company E, One Hundred and Eightieth Infantry.	Feb. 18	Atoka	2		18	Do.
First Battalion and Battery D, One Hundred and Fifty-eighth Field Artillery.	Apr. 7-19	Clinton and Hammon.	7		82	Patrol flooded district and prevent looting.
Company E, One Hundred and Eightieth Infantry.	Mar. 5	Idabel	3		19	Protect prisoner and prevent formation of mob.
Second Battalion, One Hundred and Eighty-ninth Field Artillery.	Apr. 15-18	Beaver	1		3	Prevent tax sale.
First Battalion, One Hundred and Seventy-ninth Infantry.	do	Duncan	1		3	Do.
First Battalion, One Hundred and Eighty-ninth Field Artillery.	do	Watonga	1		3	Do.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1934 (July 1, 1933, to June 30, 1934)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
OKLAHOMA—continued						
Second Battalion, One Hundred and Fifty-eighth Field Artillery.	Apr. 15–18	Fairviews	1		3	Prevent tax sale.
Headquarters, One Hundred and Seventy-ninth Infantry, and Company A, One Hundred and Seventy-ninth Infantry.	do	Enid	1		3	Do.
Forty-fifth Military Police Company	do	Walters	1		3	Do.
First Battalion, One Hundred and Eightieth Infantry.	do	Durant	1		3	Do.
Company E, One Hundred and Eightieth Infantry.	do	Hugo	1		3	Do.
First Battalion, One Hundred and Eightieth Infantry.	do	Bartlesville	1		3	Do.
Service Battery, One Hundred and Fifty-eighth Field Artillery.	do	Idabel	1		3	Do.
Second Battalion, One Hundred and Sixtieth Field Artillery.	do	Vinita	1		3	Do.
PENNSYLVANIA						
One Hundred and Twelfth Infantry and attached Twenty-eighth Division staff.	July 29 to Aug. 12	Fayette County (Brownsville).	19		297	Strike duty.
Do	Sept. 13	do				
Do	Oct. 5	do				
One Hundred and Ninth Field Artillery	Sept. 16–18	West Nanticoke	3		49	Flood relief.
Twenty-ninth Military Police Company	Sept. 23–24	York	1		17	Do.
SOUTH CAROLINA						
Company H, One Hundred and Eighteenth Infantry.	Oct. 27 to Nov. 4, 1933	Bath, Langley, Clear Water.	2	0	50	Strike duty.
TENNESSEE						
Headquarters First Battalion, One Hundred and Seventeenth Infantry.	Aug. 30–31, 1933	Cookeville	1	0	0	Maintenance of order during trial of Negro charged with murder.
Company F, One Hundred and Seventeenth Infantry.	do	do	2	0	35	Do.
One Hundred and Twentieth Motor Transport Company.	do	do	0	0	4	Do.
TEXAS						
None.						
VIRGINIA						
One Hundred and Eleventh Field Artillery	Aug. 23–25	Buckroe Beach	3		57	Disorder following hurricane.
WASHINGTON						
One Hundred and Sixty-first Infantry	Aug. 24–27, 1933	Yakima and Selah	7		75	Assisting sheriff in controlling labor disorders in orchards.
WEST VIRGINIA						
Two Hundred and First Infantry	Feb. 9–10, 1934	Terra Alta	2		28	Patrolling fire.
WYOMING						
One Hundred and Fifteenth Cavalry	July 26–28, 1933	Newcastle	2		32	Fighting forest fires.
Do	Dec. 7–8, 1933	Torrington	2		28	Policing town after gas explosion.

[1] Part of these troops released June 30, 1934, remainder on July 1, 1934.
[2] Guard duty, labor trouble, coal-mining industry.
[3] Guard duty, labor trouble, alcohol industry.
[4] Establishment of outposts along entire western border of State from Canadian to Iowa line and to a point eastward about one-half across the State, covering frontage of about 600 miles.

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1935 (July 1, 1934, to June 30, 1935)

[No emergency service during fiscal year 1935: Colorado, Delaware, District of Columbia, Idaho, Illinois, Iowa, Maryland, Michigan, Montana, Nevada, New Hampshire, New York, Ohio, Pennsylvania, Puerto Rico, Utah, Vermont, and Virginia]

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
ALABAMA						
One Hundred and Sixty-seventh Infantry, Sixty-second Infantry Brigade, Fifty-fifth Cavalry Brigade, One Hundred and Sixth Observation Squadron.	Sept. 16–17, 1934	Porter	7		54	Strike duty.
One Hundred and Sixty-seventh Infantry, Sixty-second Infantry Brigade, State staff, Corps and detachment, One Hundred and Eleventh Motor Replacement Section.	Nov. 10–15, 1934	Fort Paynes	8		71	Investigation of election returns.
Sixty-seventh Infantry, One Hundred and Seventeenth Field Artillery, Thirty-first Division staff, Sixty-second Brigade, One Hundred and Twenty-first Motor Transport Company, One Hundred and Eleventh Motor Replacement Section, One Hundred and Sixth Observation Squadron, Fifty-fifth Cavalry Brigade, State detachment, One Hundred and Sixth Ammunition Train.	Jan. 12–16, 1935	Montgomery	87	2	1,012	Inauguration of Governor.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1935 (July 1, 1934, to June 30, 1935)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
ARIZONA						
One Hundred and Fifty-eighth Infantry	Mar. 9 to Nov. 15, 1934	Phoenix and Parker	7		110	Enforcement of military law over areas on Colorado River to prevent construction of Parker Dam.
Do	Sept. 6-8, 1934	Casa Grande and Phoenix.	9		92	Prevent riot Federal Emergency Relief Administration.
ARKANSAS						
One Hundred and Fifty-third Infantry	Jan. 3-5, 1935	Batesville	3		58	Aiding civil authorities in search of murderer.
Do	June 18-23, 1935	Pine Bluff	2		57	Flood duty.
CALIFORNIA						
Fortieth Signal Company and One Hundred and Forty-third Field Artillery.	July 5-6, 1934	Oakland	4		57	San Francisco general strike.
		San Francisco	17		179	
One Hundred and Eighty-fourth Infantry	July 5-9, 1934	Sacramento	1		8	Do.
State staff	July 5, 1919	San Francisco	1			Do.
One Hundred and Eighty-fourth Infantry, Fortieth Division.	July 5, 1921	Berkeley	7		15	Do.
		Oakland	13		228	
One Hundred and Fifty-ninth Infantry and Two Hundred and Fiftieth Coast Artillery.	July 5, 1922	San Francisco	68	1	990	Do.
			62		753	
One Hundred and Eighty-fourth Infantry	July 6, 1922	Oakland	6		115	Do.
Do	July 7, 1922	do	2		2	Do.
Do	July 14, 1921	Sacramento	1		11	Do.
Seventy-ninth Brigade	July 15, 1921	San Francisco	5			Do.
Fortieth Division, Fortieth Signal Corps, Fortieth Tank Corps, One Hundred and Eighty-fourth Infantry, One Hundred and Sixtieth Infantry, and One Hundred and Eighty-fifth Infantry.	July 16, 1921	do	138	1	2,126	Do.
One Hundred and Forty-third Field Artillery	do	Oakland	20		307	Do.
One Hundred and Eighty-fourth Infantry	July 16, 1922	San Francisco	3		56	Do.
Do	July 17, 1921	Sacramento	1			Do.
Do	July 17, 1922	San Francisco	2		62	Do.
Do	July 18, 1921	do	4		47	Do.
Do	July 18, 1922	Oakland	1		8	Do.
CONNECTICUT						
Forty-third Division special troops	Sept. 10-19, 1934	Danielson and Sterling.	7		129	Strike duty.
One Hundred and Sixty-ninth Infantry	Sept. 11-23, 1934	Putnam	26		356	Do.
Do	do	Hartford	13		164	Do.
One Hundred and Second Infantry	Sept. 14-18, 1934	New Haven	9		128	Do.
Forty-third Division, Aviation	Sept. 12-18, 1934	Hartford	4		3	Do.
FLORIDA						
Two Hundred and Sixty-fifth Coast Artillery and One Hundred and Twenty-fourth Infantry.	Oct. 19-26, 1934	Miami	4		35	American Legion convention.
One Hundred and Sixth Engineers and One Hundred and Twenty-fourth Infantry.	Oct. 27-29, 1934	Marianna	7		88	Protecting prisoners.
Two Hundred and Sixty-fifth Coast Artillery	Feb. 28 to May 13, 1935	Islamorada	6		49	Aiding civil authorities, Veterans' Works project.
GEORGIA						
One Hundred and Twenty-first Infantry	Sept. 14 to Oct. 5, 1934	Porterdale, Aragon, Trion, Cedartown, Clarksdale, and Griffin.	66	1	1,098	Textile strike.
One Hundred and Twenty-second Infantry	Sept. 14 to Oct. 8, 1934	Atlanta, Columbus, Newnam, Cartersville, Egan Perk, Barnesville, Social Circle, and Trion.	66	1	1,098	Do.
Do	Oct. 15-29, 1934	Rome	10		300	Do.
One Hundred and Twenty-first Infantry, One Hundred and Twenty-second Infantry, and One Hundred and Eighteenth Field Artillery.	Jan. 5-16, 1935	Rossville	10		393	Do.
One Hundred and Twenty-first Infantry and One Hundred and Twenty-second Infantry.	Mar. 4 to June 17, 1935	Lagrange, Manchester, Monroe.	10		375	Do.
One Hundred and Twenty-second Infantry	June 24, 1935	Jefferson	3		71	Guarding Negro.
HAWAII						
Two Hundred and Ninety-eighth Infantry and Two Hundred and Ninety-ninth Infantry.	Feb. 24 to Mar. 1, 1935	Honolulu	53	1	327	Preserve order to prevent looting after flood.
INDIANA						
One Hundred and Thirty-ninth Field Artillery.	July 25, 1934	Indianapolis	5		29	Guard duty in connection with burial of John Dillinger.
Thirty-eighth Division	do	do			14	Do.
One Hundred and Fifty-first Infantry	do	do	2		46	Do.
State Detachment and One Hundred and Thirteenth Observation Squadron.	do	do			4	Do.
One Hundred and Fiftieth Field Artillery	Nov. 19-20, 1934	Columbus	3		43	Forest fire.
One Hundred and Forty-ninth Motor Transport Company.	do	do	1		35	Do.
KANSAS						
One Hundred and Fourteenth Cavalry	Dec. 20, 1934	La Cygne	3		26	Patrol road after bank robbery.
One Hundred and Sixty-first Field Artillery	June 1-3, 1935	Ottawa	2		5	Flood.
One Hundred and Thirty-seventh Infantry, Sixtieth Field Artillery Brigade, One Hundred and Fourteenth Cavalry, State detail, Sixty-ninth Infantry Brigade.	June 4-6, 1935	Topeka	11		192	Emergency relief.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1935 (July 1, 1934, to June 30, 1935)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
KANSAS—continued						
One Hundred and Thirty-seventh Infantry	June 4-7, 1935	Lawrence	6		101	Emergency relief.
One Hundred and Sixty-first Field Artillery	June 4-6, 1935	St. Marys			5	Do.
One Hundred and Thirty-seventh Infantry and One Hundred and Sixty-first Field Artillery.	do	Topeka	2			Do.
One Hundred and Thirty-seventh Infantry, One Hundred and Fourteenth Cavalry, One Hundred and Sixty-first Field Artillery, One Hundred and Thirtieth Field Artillery, and Thirty-fifth Signal Corps.	June 7-27, 1935	Cherokee County	15		228	Preserve law and order during strike.
One Hundred and Thirty-seventh Infantry, One Hundred and Fourteenth Cavalry, One Hundred and Sixty-first Field Artillery, One Hundred and Thirtieth Field Artillery, and Thirty-fifth Signal Corps.	June 28-30, 1935	do	14		182	Do.
KENTUCKY						
One Hundred and Twenty-third Cavalry	July 27 to Aug. 28, 1934	Frankfort	1		6	Protect life of Governor and family.
One Hundred and Forty-ninth Infantry	Aug. 27 to Sept. 11, 1934	Livermore	2			Assist peace officers.
Sixty-third Field Artillery	Sept. 7-13, 1934	Louisville	3		40	Guard duty during State fair.
Adjutant General's Department	Aug. 28, 1934	Frankfort	1		6	Protect life of Governor.
One Hundred and Forty-ninth Infantry	Oct. 1-11, 1934	Logan County	1		7	Guard jail.
Sixty-third Field Artillery	Nov. 10-11, 1934	Harlan	4			Preserving law and order.
One Hundred and Twenty-third Cavalry	Nov. 14-16, 1934	Harrodsburg			10	Guard President of United States on visit to Kentucky.
Seventy-fifth Infantry Brigade	Nov. 16, 1934	do	4			Do.
One Hundred and Forty-ninth Infantry	do	do	28		175	Do.
Thirty-eighth Military Police Company	do	do	1		10	Do.
One Hundred and Thirty-seventh Hospital Corps.	do	do	1		10	Do.
One Hundred and Thirty-eighth Hospital Corps.	do	do	4		10	Do.
One Hundred and Twenty-sixth Wagon Company.	do	do	2		9	Do.
One Hundred and Twenty-third Cavalry	do	do	21		105	Do.
One Hundred and Forty-ninth Infantry	Dec. 8-9, 1934	Harlan County	3		42	To protect lives of United Mine Workers of America held as prisoners.
Kentucky National Guard	Dec. 13-17, 1934	Rowan County	2		4	Preserving law and order.
One Hundred and Twenty-third Cavalry	Jan. 30, to Feb. 5, 1935	Manchester	3		42	Do.
One Hundred and Forty-ninth Infantry	do	do	10		84	Do.
One Hundred and Thirty-seventh Hospital Corps.	do	do	1		3	Do.
One Hundred and Thirty-eighth Field Artillery.	do	do	2		12	Do.
National Guard of Kentucky (volunteer)	May 4, 1935	Churchill Downs	(1)		(1)	Preserving peace in connection with Kentucky Derby.
One Hundred and Forty-ninth Infantry	May 23-25, 1935	Whitesburg	2		2	Investigating lawless conditions in vicinity.
LOUISIANA						
One Hundred and Forty-first Field Artillery, One Hundred and Twenty-third Motor Transport Company, One Hundred and Fifty-sixth Infantry.	July 30 to Sept. 13, 1934	New Orleans	8		167	Custody of records voters office.
SSC & D	Aug. 3-4, 1934	do	1			Do.
One Hundred and Forty-first Field Artillery	Aug. 3 to Sept. 13, 1934	do			4	Do.
SSC & D	Aug. 3 to Sept. 17, 1934	do	1			Do.
One Hundred and Eighth Cavalry, Sixty-first Brigade, One Hundred and Fifty-sixth Infantry, GSS, Thirty-first Division, One Hundred and Twenty-third Motor Transport Company, One Hundred and Eighth Cavalry, SSC & D.	Aug. 31 to Sept. 30, 1934	do	5		36	Aid to State legislative committee investigation.
GDD, Thirty-first Division, One Hundred and Fifty-sixth Infantry, One Hundred and Eighth Cavalry, medical detachment, One Hundred and Forty-first Field Artillery, One Hundred and Sixteenth Hospital Company, One Hundred and Twenty-third Motor Transport Company, SSC & D Sixty-first Brigade.	Sept. 7-13, 1934	do	60		1,277	Stabilizing unsettled conditions during election.
One Hundred and Fifty-sixth Infantry	Sept. 9-12, 1934	Baton Rouge	2		40	Do.
One Hundred and Forty-first Field Artillery	Sept. 22 to Nov. 7, 1934	Jackson Barracks	2		18	Guard Federal property.
Sixty-first Brigade, Headquarters Thirty-first Division, One Hundred and Fifty-sixth Infantry, One Hundred and Forty-first Field Artillery, One Hundred and Eighth Cavalry, One Hundred and Twenty-third Motor Transport Company.	Jan. 25, 1935	Baton Rouge	38		552	Released as situation warranted. Military law not lifted June 30, 1935. Main force relieved Feb. 2, 1935.
One Hundred and Fifty-sixth Infantry	May 20 to June 6, 1935	Natchitoches	2		22	Flood duty.
MAINE						
Field Staff			6			
State detachment	Sept. 10, 1933, to Aug. 22, 1934	Augusta			1	Textile strike.
One Hundred and Third Infantry		Biddeford	46		879	
Eighty-sixth Brigade		Corinna	1		35	
Two Hundred and Fortieth Coast Artillery		Lewiston	4		60	
One Hundred and Fifty-second Field Artillery.		Pittsfield			2	
		Sangerville				
		Skowhegan				
		Waterville				
MASSACHUSETTS						
One Hundred and Fourth Infantry	Sept. 20-24, 1934	Easthampton	5		70	Strike riot.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1935 (July 1, 1934, to June 30, 1935)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
MINNESOTA						
State staff	July 17, 1934	Minneapolis	1			Strike duty.
Fifty-ninth Field Artillery Brigade	do	do	9		34	Do.
One Hundred and Twenty-fifth Field Artillery.	do	do	2		42	Do.
One Hundred and Fifty-first Field Artillery	do	do	45	1	530	Do.
State detachment	July 20, 1934	do	9		30	Do.
Thirty-fourth Division	do	do	5			Do.
Fifty-ninth Field Artillery Brigade	do	do	9		36	Do.
One Hundred and Twenty-fifth Field Artillery.	do	do	12		151	Do.
One Hundred and Fifty-first Field Artillery	do	do	52	1	532	Do.
Ninety-second Infantry Brigade	do	do	8		22	Do.
Two Hundred and Sixth Infantry	do	do	65	1	986	Do.
Two Hundred and Fifth Infantry	do	do	64	1	969	Do.
Thirty-fourth Division Aviation	do	do	3		20	Do.
One Hundred and Eighteenth Motor Repair Section.	do	do	1		18	Do.
Troop Headquarters	July 28, 1934	do	24		59	Do.
One Hundred and Fifty-first Field Artillery	do	do	43	1	408	Do.
First Provisional Regiment	do	do	62		956	Do.
Quartermaster Detachment	do	do	5		17	Do.
First Provisional Truck Train	do	do	16		226	Do.
MISSISSIPPI						
Supply section and detachments Sixty-first Brigade, One Hundred and Fifty-fifth Infantry, One Hundred and Fourteenth Field Artillery.	Sept. 9 to Oct. 3, 1934	Magnolia and Kosciusko.	41		350	Aiding civil maintain order connection labor troubles.
Supply section and detachments Thirty-first Division Train, Sixty-first Brigade, One Hundred and Fifty-fifth Infantry, One Hundred and Fourteenth Field Artillery, One Hundred and Sixth Engineers.	Feb. 2-4 and Mar. 4-5, 1935	Cleveland	65		576	Trial and hanging of prisoner.
Supply section and detachments Sixty-first Brigade, One Hundred and Fifty-fifth Infantry, One Hundred and Fourteenth Field Artillery.	Mar. 20-22, 1935	Greenwood	23		219	Aiding sheriff guard levees.
One Hundred and Fifty-fifth Infantry, State staff, Sixty-first Brigade.	Mar. 28-30, 1935	Jeff Davis County	20		125	Aiding civil to capture bank bandits.
MISSOURI						
Thirty-fifth Division Aviation	Oct. 12-14, 1934	Columbia	1			Search for bandit.
One Hundred and Fortieth Infantry	Mar. 12-15, 1935	Poplar Bluff	3		52	Flood duty.
Do	Mar. 12-23, 1935	Kennett	15		190	Do.
Thirty-fifth Division Aviation	Mar. 12-17, 1935	do	3		2	Do.
NEBRASKA						
Thirty-fifth Division Troop, One Hundred and Thirtieth Ambulance Company, One Hundred and Sixty-sixth Hospital Company, Service Company Detachment.	June 1-4, 1935	Oxford, Orleans, Alma, Edison, Arapahoe.	21		237	Flood duty and enforcing martial law.
State staff and detachment, Sixty-ninth Infantry Brigade Headquarters, Thirty-fifth Division staff detachment, One Hundred and Thirty-fourth Infantry, One Hundred and Sixty-sixth Hospital Company, One Hundred and Thirtieth Ambulance Company Service Detachment.	June 15-21, 1935	South Omaha	103		1,273	Street car strike.
NEW JERSEY						
Two missions charged to the credit of the Forty-fourth Division Aviation: On Sept. 8, 1934, the disaster of the *Morro Castle* off the coast of New Jersey under most difficult flying conditions the Forty-fourth Division Aviation assisted in rescuing individuals from the burning ship. This mission was conducted under the command of Maj. Robert L. Copsey, Air Corps, New Jersey National Guard, assisted by the Regular Army instructor assigned to the organization, and 4 officers and 1 enlisted man of the Division Aviation. On Dec. 30 and 31, 1934, inclusive, in connection with the search for the missing American Airlines flyers in the Adirondack area north of Albany, N. Y., this mission was performed in subzero ground temperature which was increased in cold intensity in the air. The function of equipment was excellent. Although the survivors were not spotted by the military personnel everyone covered the area assigned to them in an excellent manner. The National Guard units were used to drop food and medical supplies to the flyers after they had been located.						
NEW MEXICO						
One Hundred and Twentieth Engineers	Nov. 5-7, 1934	Guadalupe County	5		12	Used in maintaining order at polls on election.
One Hundred and Eleventh Cavalry	do	San Miguel County	1			Do.
Do	do	Valencia County	5		25	Do.
Do	do	Rio Arriba County	1		8	Do.
One Hundred and Twentieth Engineers	do	Valencia County	1			Do.
One Hundred and Eleventh Cavalry (Band)	Jan. 30, 1935	Santa Fe		1	24	Dedication of F. E. R. A. Building.
One Hundred and Eleventh Cavalry	June 21-30, 1935	From Vaughn to Arizona border.			2	Search for missing Illinois tourists.
One Hundred and Twentieth Engineers	do		1		1	
One Hundred and Fifty-eighth Field Artillery	do				2	

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1935 (July 1, 1934, to June 30, 1935)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
NORTH CAROLINA						
Regimental Headquarters, One hundred and Twentieth Infantry.	Sept. 9–18, 1934	Entire State	1			Protecting life and property during textile strike.
Regimental Headquarters, Company One hundredth and Twentieth Infantry.	Sept. 6–20, 1934	Reidsville	2		64	Do.
Service Company, One Hundred and Twentieth Infantry.	Sept. 14–22, 1934	Burlington	4		37	Do.
Howitzer Company, One Hundred and Twentieth Infantry.	Sept. 11–25, 1934	Gastonia–Belmont	3		63	Do.
Medical Department Detachment, One Hundred and Twentieth Infantry.	Sept. 20–22, 1934	Burlington			5	Do.
Headquarters, First Battalion, One Hundred and Twentieth Infantry.	Sept. 6–22, 1934	do	1			Do.
Headquarters Company, First Battalion, One Hundred and Twentieth Infantry.	Sept. 15–24, 1934	Gastonia–Belmont	2		28	Do.
Company A, One Hundred and Twentieth Infantry.	Sept. 6–22, 1934	Burlington	3		64	Do.
Company B, One Hundred and Twentieth Infantry.	Sept. 12–23, 1934	do	3		60	Do.
Company C, One Hundred and Twentieth Infantry.	Sept. 15–23, 1934	Gastonia–Belmont	3		57	Do.
Headquarters, Second Battalion, One Hundred and Twentieth Infantry.	Sept. 6–27, 1934	Kings Mountain	2			Do.
Company E, One Hundred and Twentieth Infantry.	do	do	3		62	Do.
Company F, One Hundred and Twentieth Infantry.	Sept. 6–25, 1934	Kannapolis – Concord.	2		58	Do.
Company G, One Hundred and Twentieth Infantry.	Sept. 9–25, 1934	Winston–Gastonia	3		61	Do.
Company H, One Hundred and Twentieth Infantry.	Sept. 6–27, 1934	Marion–Spindale	3		60	Do.
Headquarters, Third Battalion, One Hundred and Twentieth Infantry.	Sept. 11–22, 1934	do	1			Do.
Headquarters Company, Third Battalion, One Hundred and Twentieth Infantry.	do	Central Falls	2		27	Do.
Company I, One Hundred and Twentieth Infantry.	Sept. 6–24, 1934	Marion–Spindale	3		50	Do.
Company K, One Hundred and Twentieth Infantry.	Sept. 6–25, 1934	Kings Mountain	3		64	Do.
Company L, One Hundred and Twentieth Infantry.	Sept. 6–22, 1934	Fayetteville	3		63	Do.
Company M, One Hundred and Twentieth Infantry.	do	Burlington	3		64	Do.
Headquarters, Third Squadron, One Hundred and Ninth Cavalry.	Sept. 6–27, 1934	Marion–Spindale	2			Do.
Medical Detachment, One Hundred and Ninth Cavalry.	Sept. 16–25, 1934	Gastonia–Belmont	1		7	Do.
Machine Gun Troop, One Hundred and Ninth Cavalry.	Sept. 6–23, 1934	Kannapolis – Concord.	2		63	Do.
Troop I, One Hundred and Ninth Cavalry	do	Kings Mountain	3		61	Do.
Troop K, One Hundred and Ninth Cavalry	Sept. 6–27, 1934	Marion–Spindale	1		54	Do.
Service Battery, One Hundred and Thirteenth Field Artillery.	Sept. 6–18, 1934	Kinston	4		45	Do.
Battery B, One Hundred and Thirteenth Field Artillery.	Sept. 16–18, 1934	Greensboro – High Point.	4		59	Do.
Battery D, One Hundred and Thirteenth Field Artillery.	Sept. 15–23, 1934	Gastonia–Belmont	4		62	Do.
Battery E, One Hundred and Thirteenth Field Artillery.	Sept. 18–23, 1934	do	3		61	Do.
Battery F, One Hundred and Thirteenth Field Artillery.	Sept. 13–23, 1934	Albemarle	4		64	Do.
Headquarters, Two Hundred and Fifty-second Coast Artillery.	Sept. 11–25, 1934	Gastonia–Belmont	4			Do.
Headquarters, First Battalion, Two Hundred and Fifty-second Coast Artillery.	Sept. 15–25, 1934	St. Paul	1			Do.
Headquarters Battery and Combat Train, First Battalion, Two Hundred and Fifty-second Coast Artillery.	Sept. 11–23, 1934	Gastonia–Belmont	3		25	Do.
Battery A, Two Hundred and Fifty-second Coast Artillery.	Sept. 15–25, 1934	Kannapolis – Concord.	4		64	Do.
Battery B, Two Hundred and Fifty-second Coast Artillery.	Sept. 6–22, 1934	St. Paul	4		60	Do.
Two Hundred and Fifty-second Coast Artillery.	Sept. 6–25, 1934	Greensboro – High Point.	23		204	Do.
One Hundred and Fifth Engineers	Sept. 6–27, 1934	Kings Mountain	4		57	Do.
Company A, One Hundred and Fifth Engineers.	Sept. 6–23, 1934	Marion–Spindale	3		55	Do.
Company B, One Hundred and Fifth Engineers.	Sept. 15–25, 1934	Gastonia–Belmont	3		60	Do.
Company C, One Hundred and Fifth Engineers.	Sept. 6–23, 1934	Cooleemee	3		64	Do.
NORTH DAKOTA						
One Hundred and Sixty-fourth Infantry	July 9–17, 26, 1934	Bismarck and Sioux County	2		46	Martial law and recovery of property.
Quartermaster Corps detachment	July 17, 19, 26, 1934	do			14	Do.
OKLAHOMA						
One Hundred and Seventy-ninth Infantry	Mar. 10–12, 1935	McAlester	2		17	Feeding unemployed.
Do	May 20–24, 1935	Oklahoma City	1		34	Maintaining order and protecting property in flooded area.
One Hundred and Eightieth Infantry	May 27 to June 26, 1935	Picher	5		111	Patrolling mine strike area.
OREGON						
Forty-first Division Headquarters Staff, One Hundred and Eighty-sixth Infantry, One Hundred and Sixty-second Infantry, Two Hundred and Eighteenth Field Artillery.	July 19–31, 1934	Portland, Camp Clatsop, Clackamas.	92	1	1039	Guard duty and protection of property during longshoremen's strike.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1935 (July 1, 1934, to June 30, 1935)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
RHODE ISLAND						
One Hundred and Third Field Artillery, One Hundred and Eighteenth Engineers, Two Hundred and Forty-third Coast Artillery.	Aug. 11 to Sept. 23, 1934	Saylesville, Central Falls, Woonsocket.	64	1	582	Riots in connection with textile strike.
SOUTH CAROLINA						
Headquarters, One Hundred and Eighteenth Infantry.	Sept. 5-29, 1934	Greenville	7			Strike duty.
Headquarters Company, One Hundred and Eighteenth Infantry.	Sept. 5-27, 1934	Laurens	2		62	Do.
Service Company, One Hundred and Eighteenth Infantry.	Sept. 7-27, 1934	Greenville	4		27	Do.
Howitzer Company, One Hundred and Eighteenth Infantry.	do	Graniteville	3		58	Do.
Medical Department Detachment, One Hundred and Eighteenth Infantry.	Sept. 5-28, 1934	Greenville	1		15	Do.
First Battalion, One Hundred and Eighteenth Infantry.	Sept. 6-28, 1934	Spartanburg	3		17	Do.
Company A, One Hundred and Eighteenth Infantry.	Sept. 5-28, 1934	Greenville	3		65	Do.
Company B, One Hundred and Eighteenth Infantry.	do	Spartanburg	3		64	Do.
Company C, One Hundred and Eighteenth Infantry.	do	do	3		58	Do.
Company D, One Hundred and Eighteenth Infantry.	do	Greenville	3		60	Do.
Second Battalion, One Hundred and Eighteenth Infantry.	do	Greer	3		18	Do.
Company E, One Hundred and Eighteenth Infantry.	Sept. 4-29, 1934	Greenville	3		62	Do.
Company F, One Hundred and Eighteenth Infantry.	Sept. 3-28, 1934	do	3		63	Do.
Company G, One Hundred and Eighteenth Infantry.	Sept. 1-28, 1934	Seneca	3		64	Do.
Company H, One Hundred and Eighteenth Infantry.	Sept. 5-27, 1934	Woodruff	3		62	Do.
Third Battalion, One Hundred and Eighteenth Infantry.	Sept. 5-28, 1934	Chester	3		19	Do.
Company I, One Hundred and Eighteenth Infantry.	Sept. 5-27, 1934	Union	3		62	Do.
Company K, One Hundred and Eighteenth Infantry.	Sept. 5-28, 1934	Belton	3		63	Do.
Company L, One Hundred and Eighteenth Infantry.	Sept. 5-29, 1934	Greenville	3		58	Do.
Company M, One Hundred and Eighteenth Infantry.	Sept. 5-27, 1934	Goldville	3		62	Do.
One Hundred and Fourteenth Ambulance Company.	Sept. 6-27, 1934	Chester	2		40	Do.
One Hundred and Eighteenth Motor Transport Company.	do	Graniteville	2		38	Do.
One Hundred and Nineteenth Motor Transport Company.	Sept. 6-28, 1934	Ninety Six	2		40	Do.
Headquarters, Second Battalion, One Hundred and Fifteenth Field Artillery.	Sept. 5-28, 1934	Greenville	2		0	Do.
Headquarters Battery and Combat Train, Field Artillery.	Sept. 7-28, 1934	Spartanburg	1		10	Do.
Battery D, One Hundred and Fifteenth Field Artillery.	do	Greenville	1		20	Do.
Battery E, One Hundred and Fifteenth Field Artillery.	Sept. 6-29, 1934	do	1		10	Do.
Battery F, One Hundred and Fifteenth Field Artillery.	Sept. 18-28, 1934	do	1		10	Do.
Headquarters Second Battalion, One Hundred and Fifth Engineers.	Sept. 5-28, 1934	do	1		0	Do.
Company E, One Hundred and Fifth Engineers.	Sept. 3-28, 1934	Rock Hill	3		60	Do.
Company F, One Hundred and Fifth Engineers.	Sept. 4-28, 1934	Greenville	3		58	Do.
Company D, One Hundred and Fifth Engineers.	Sept. 5-27, 1934	Chester	3		62	Do.
Headquarters, Two Hundred and Sixty-third Coast Artillery.	do	Greenville	1		0	Do.
Headquarters, First Battalion, Two Hundred and Sixty-third Coast Artillery.	do	do	2		0	Do.
Headquarters, Second Battalion, Two Hundred and Sixty-third Coast Artillery.	do	do	2		0	Do.
Headquarters Battery, Two Hundred and Sixty-third Coast Artillery.	Sept. 7-27, 1934	do	2		30	Do.
Battery A, Two Hundred and Sixty-third Coast Artillery.	Sept. 8-28, 1934	Honea Path	3		60	Do.
Battery B, Two Hundred and Sixty-third Coast Artillery.	Sept. 7-28, 1934	Greenville	3		58	Do.
Battery C, Two Hundred and Sixty-third Coast Artillery.	Sept. 5-28, 1934	Rock Hill	3		62	Do.
Battery D, Two Hundred and Sixty-third Coast Artillery.	Sept. 7-27, 1934	Greenville	3		62	Do.
Battery E, Two Hundred and Sixty-third Coast Artillery.	do	Winnsboro	3		62	Do.
Battery F, Two Hundred and Sixty-third Coast Artillery.	do	Greer	3		59	Do.
Headquarters, Thirtieth Division	Sept. 3-29, 1934	Greenville	1		0	Do.
Company L, One Hundred and Eighteenth Infantry.	Apr. 9-11, 1935	Kershaw County	2		20	Assisting in capture of escaped convicts.
Company M, One Hundred and Eighteenth Infantry.	Apr. 7-11, 1935	do	3		62	Do.
Do	Apr. 11-13, 1935	do	3		24	Do.
Battery E, One Hundred and Fifteenth Coast Artillery.	Apr. 8-11, 1935	do	2		35	Do.

[Footnotes at end of table]

Use made of National Guard of the several States, aiding civil authorities in emergencies, fiscal year 1935 (July 1, 1934, to June 30, 1935)—Continued

State and organization	Date	Station	Strength			Nature of duty
			Officers	Warrant officers	Enlisted men	
SOUTH DAKOTA						
One Hundred and Forty-seventh Field Artillery and One Hundred and Ninth Engineers.	Mar. 9–10, 1935	Sioux Falls, S. Dak.	37		367	Strike duty.
Do	Mar. 12–13, 1935	do	41		388	Do.
TENNESSEE						
Headquarters, One Hundred and Seventeenth Infantry.	Dec. 19–23, 1934	Shelbyville	4			To assist civil authorities protecting negro on trial for rape of white woman.
Howitzer Company, One Hundred and Seventeenth Infantry.	do	do	2		1	Do.
Service Company One Hundred and Seventeenth Infantry.	do	do	2		30	Do.
Headquarters and Headquarters Company, Second Battalion.	do	do	2		40	Do.
Company F, One Hundred and Seventeenth Infantry.	do	do	2			Do.
Company G, One Hundred and Seventeenth Infantry.	Dec. 20–23, 1934	do	3		58	Do.
Company H, One Hundred and Seventeenth Infantry.	Dec. 19–23, 1934	do	2		30	Do.
Headquarters and Headquarters Company, Third Battalion, One Hundred and Seventeenth Infantry.	Dec. 20–23, 1934	do	2		26	Do.
Company L, One Hundred and Seventeenth Infantry.	do	do	3		39	Do.
Company M, One Hundred and Seventeenth Infantry.	do	do	3		35	Do.
Troop E, One Hundred and Ninth Cavalry	do	do	3		47	Do.
Company A, One Hundred and Sixty-fourth Engineers.	do	do	3		50	Do.
Headquarters, One Hundred and Fifteenth Field Artillery.	do	do	2		0	Do.
Headquarters and Headquarters Battery and Combat Train, One Hundred and Fifteenth Field Artillery.	do	do	2		20	Do.
Battery A, One Hundred and Fifteenth Field Artillery.	do	do	3		54	Do.
Battery C, One Hundred and Fifteenth Field Artillery.	do	do	0		5	Do.
One Hundred and Twentieth Motor Transport Corps.	do	do	1		0	Do.
State staff	do	do	4		0	Do.[2]
Headquarters, One Hundred and Seventeenth Infantry.	Feb. 18, 1935	Nashville	1		0	Same as above, change of venue from Shelbyville to Nashville.
Service Company, One Hundred and Seventeenth Infantry.	do	do	3		50	Do.
Company F, One Hundred and Seventeenth Infantry.	do	do	3		50	Do.
Company H, One Hundred and Seventeenth Infantry.	do	do	3		50	Do.
TEXAS						
One Hundred and Thirty-first Field Artillery	May 20–22, 1935	Burkburnett	1		24	Flood relief.
WASHINGTON						
One Hundred and Sixty-first Infantry, Twenty-fourth Cavalry Division, One Hundred and Sixty-first Motor Transport Company, and Eighty-first Brigade Staff.	June 26–30, 1935	Tacoma	80	1	1,199	Assisting civil in maintaining law and order.
WEST VIRGINIA						
Two Hundred and First Infantry	Mar. 1, 1935	Terra Alta	1		23	Protection of property.
WISCONSIN						
One Hundred and Fifth Cavalry	July 28 to Aug. 20, 1934	Kohler	18		241	Strike duty.
One Hundred and Twenty-eighth Infantry	July 28–31, 1934	do	22		301	Do.
One Hundred and Eighty-third Ambulance Company.	do	do	3		12	Do.
WYOMING						
One Hundred and Fifteenth Cavalry	June 15–17, 1935	Sheridan	3		24	Flood relief.

[1] 401 officers and enlisted men.

[2] 1 officer, headquarters division attached.

Reasons for which the National Guard of the States of the United States were called out from July 1, 1934, to June 30, 1935

State	Number of calls	Duty	Strikes		Miscellaneous	
			Officers	Men	Officers	Men
Alabama	1	Strike duty	7	54		
Do	1	Investigation election returns			8	71
Do	1	Inauguration of Governor			87	1,012
Arizona	1	Enforcement military law over acres Colorado River to prevent construction of Parker Dam.			7	110
Do	1	Suppression of unemployed			9	92
Arkansas	1	Aid civil authorities in search of murderer			3	58
Do	1	Flood control			2	57
California	1	General strike [1]	356	6,154		
Connecticut	4	Strike duty	69	810		

[Footnotes at end of table]

Reasons for which the National Guard of the States of the United States were called out from July 1, 1934, to June 30, 1935—Continued

State	Number of calls	Duty	Strikes		Miscellaneous	
			Officers	Men	Officers	Men
Florida	1	American Legion Convention			4	35
Do	1	Protecting prisoners			7	88
Do	1	Aiding civil authorities on veterans' work projects			6	49
Georgia	4	Textile strike	152	3,210		
Do	1	Guarding Negro			3	71
Indiana	1	Guard duty burial of John Dillinger			7	99
Do	2	Forest fires			4	78
Kansas	1	Patrol road after bank robbery			3	26
Do	1	Flood			2	5
Do	1	Suppressing unemployed			20	298
Do	1	Strike	15	228		
Kentucky	2	Protect life of governor			1	6
Do	1	Guard duty during State fair			3	40
Do	1	Guarding jail			1	7
Do	3	Strike duty	22	170		
Do	1	Guard President of United States			60	314
Do	1	Guard prisoners			3	42
Do	1	Kentucky Derby				[2] 401
Do	1	Investigation lawlessness			2	2
Louisiana	2	Custody of records voting office			15	220
Do	1	Aid to State legislature			5	36
Do	1	Election day			60	1,277
Do	1	Guard Federal property			2	18
Do	1	Flood control			2	22
Maine	1	Textile strike	57	977		
Massachusetts	1	Strike duty	5	70		
Minnesota	3	do	486	1,219		
Mississippi	1	do	1	350		
Do	1	Hanging of prisoner			65	576
Do	1	Aiding sheriff guard levees			23	219
Do	1	Aiding in capture of bandits			20	125
Missouri	1	Searching for bandit			1	
Do	1	Flood duty			21	244
Nebraska	1	Flood control			21	237
Do	1	Strike duty	103	1,273		
New Mexico	1	Keeping order at polls on election day (Senator Cutting reference)			13	45
Do	1	Dedication of bridge			1	24
Do	1	Searching for missing tourists			1	5
North Carolina	7	Strike duty	141	1,936		
North Dakota	2	Recovery of property			2	60
Oklahoma	1	Feeding unemployed			2	17
Do	1	Flood control			1	34
Do	1	Strike duty	5	111		
Oregon	1	do	92	1,039		
Rhode Island	1	do	64	582		
South Carolina	1	do	118	1,703		
Do	1	Assisting in capture of convicts			10	141
South Dakota	1	Strike duty	41	388		
Tennessee	2	Trial of Negro			64	720
Texas	1	Flood control			1	24
Washington	1	Strike duty	80	1,199		
West Virginia	1	do	1	23		
Wisconsin	1	do	42	554		
Wyoming	1	Flood relief			3	24

[1] Cost approximately $12,000 per day.
[2] Officers and enlisted men.

Mr. ZIONCHECK. Mr. Chairman, I know very little about the National Guard, but the summarization which I have been authorized to insert in the RECORD I shall read very briefly, and read it in view of the language on page 50, because the $3,000,000 increase does not contemplate such a large increase in the National Guard. It contemplates an increase of only 5,000 men, and, understand, you do not pay them unless they are on strike duty or actually drilling, and they do not drill over once a month.

The real significance of this $3,000,000 increase is to be found in the following language:

Provided further, That the Secretary of War is hereby authorized to issue surplus or reserve stores and material on hand and purchased for the United States Army such articles of clothing and equipment and Field Artillery, Engineer, and Signal material and ammunition as may be needed by the National Guard organized under the provision of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916 (U. S. C., title 32, sec. 21), as amended. This issue shall be made without charge against National Guard appropriations except for actual expenses incident to such issue.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ZIONCHECK. For the RECORD I want it to be shown that under the appropriation for the National Guard for 1935 was $28,075,034, and the appropriation for the same National Guard in 1936 was $34,130,866, and coming now to the appropriation on which we are now working, and to which I am referring, we have recommended an appropriation for the same National Guard of $38,004,559. Keep in mind that from the F. E. R. A., from the P. W. A., and from the W. P. A. they have received money as though from Santa Claus. Listen to this language which is shown on page 603 of the hearings on the War Department appropriation bill for 1937 on military activities, Maj. Gen. Johnson Hagood, commanding general, Eighth Corps Area and Third Field Army, testifying:

But I am inclined to think that you will lose all the rest of these 50,000 men within the next 4 or 5 years if the budgeteers are to determine their fate.

I am asking that you take the Army and its supplies out of wartime shacks and put it into permanent buildings. You have got to do it. You have no choice. If you do not do it this year, you have got to do it next year or the year after that or you have got to abolish the Army.

I am suggesting that you do it now, when there is a lot of easy money floating around, and not to wait until you are skinning the Budget to the bone in order to make up for past extravagance.

I got $45,000,000 last year for the C. C. C. and I got a lot of this stage money from the W. P. A. I call it "stage money" because you can pass it around but you cannot get anything out of it in the end.

This particular present request for $10,034,915 is three times what was called for in 1935. This particular item of $10,034,915 that I am trying to reduce to the 1936 level pro-

vides for materials, uniforms, equipment, and field service for the National Guard, but does not provide for the arming, equipping, and training of the National Guard, for there are some $28,000,000 provided for that in this present appropriation. Statistics show that the National Guard was called out for duty but 92 times. Figure it out for yourself. I have done so hurriedly, and I find that every time the National Guard is called out by some harebrained or erratic governor the cost to the Federal Government is merely $348,000, in round numbers. Sometimes they only kill two or three persons. If they kill three, that is $116,000 per person killed—a mere trifle when one thinks of the property that has been saved and the protected rights, protected and enforced rights of workers to work for a livelihood at a starvation wage. It is no wonder that William Randolph Hearst writes lurid, vivid, and exclamation-point descriptions of the terrors of Communist Russia. These people can then get on their bended knees and be thankful to God that they do not have to undergo such terrible conditions and be subject to such terrific and inhuman torture as Mr. Hearst describes but never proves. But that is William Randolph Hearst.

Mr. Chairman, hurriedly, I read a summary. I shall not complete it, because it will be a matter of record tomorrow.

The National Guard, an organization which we are preparing for use in the event of an emergency to bring right into our Regular Army, has been used for little more or little less than a strike-breaking organization. True, in a few instances they were called out for other purposes—once when there was a flood disaster. True, in a few instances when in some States they could not inaugurate a governor they had some National Guards there. I do not know why, because, you know, we ought to have enough sheriffs and enough machine guns around there to inaugurate our own governors. True enough, at one time they were used in Chicago to bury—who was it? who was this gangster, one of the big ones?—Dillinger.

They had to have the National Guard in order to bury him so that the people would stay away from his coffin.

In Alabama, in connection with strikes, the National Guard was called out at different times, and there were used 7 officers and 54 privates.

In the great State of California, which is kissed by sunshine and bathed by the Pacific Ocean, they were called out several times. Three hundred and fifty-six officers were used and 6,154 privates. And, by the way, when they call out the National Guard the National Government pays for it, you understand. You know they get on the national pay then.

I have not the time to state all of these figures, but in Georgia at different times they were called out. One hundred and fifty-two officers and 3,200 men of the National Guard were used down there. That is year before last. I think more were used last year, as the people have the right to organize, and the National Guard has the right to disorganize them. They do not say they are breaking strikes. They say they are out there protecting property and the people's right to work. The people's right to work? The right to see that the scabs get in there to break strikes. That is what they are talking about. They always speak in perfumed language, euphoniously put.

In the State of Kansas 15 officers were used from year before last to last year, and 228 men.

In the State of Kentucky 22 officers and 170 men were used at different times. The reason they did not need so many down there in Kentucky is because the mine owners there seemed to have enough money to hire their own thugs. They imported them.

In Minnesota, 57 officers and 977 men. Of course, this was on one peculiar occasion, as I understand it. They really tried to maintain peace, law, and order.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. ZIONCHECK].

The amendment was rejected.

Mr. ZIONCHECK. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mr. ZIONCHECK: On page 49, line 9, strike out "$10,034,915" and insert "$6,887,638."

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ZIONCHECK. Mr. Chairman, we find that in the State of Nebraska 103 officers were called out at different times, and 1,273 men. All these have to do with strikes, you understand.

In North Carolina 141 officers and 1,936 National Guardsmen were called out, protecting property—mill property. All of these figures will be in the RECORD. I am simply giving a sample.

Now, our New Deal President has come before you, as well as his spokesmen, and stated that this is a new deal for labor. They stated that labor should have the right to organize; that the only way we can drag ourselves out of despondency and the depression is to increase the consumers' purchasing power. The only way you can do that is to permit labor to have a greater share of what they produce, and they produce it all. The President knows that, and it is true.

I show you a picture taken in our great State of Washington, one of the most progressive States in the Union. This was taken in Tacoma, Wash., and shows a National Guardsman on Government pay manhandling a woman on the streets of the city. They were doing "peaceful" duty. The businessmen were objecting because the National Guardsmen were throwing tear gas bombs and mustard gas bombs all around town, and the businessmen could not do any business. You are for people doing business, are you not? If they do not learn how to do these things a little bit better, why, I ask you, increase their appropriation $3,000,000?

All I ask is that you bring it back to the 1936 level of a little more than $6,000,000. Remember, I am only referring to the arms, uniforms, and equipment section of the National Guard, and a decrease in this particular item will in no way impair the arming, equipping, and training of the National Guard, for there is more than $28,000,000 provided for this particular activity. All I want to do is to not allow them to get a larger supply of tear bombs, mustard gas, and tanks with which to peaceably and in a lawful manner protect lives and property. Surely they can get along with $6,000,000. They got along with it in 1936, as the documentary proof shows; they certainly did enough harm then with $6,000,000, with the ammunition, gas, and other instruments of death which they purchased with this amount. Do you want to give them more? Are you men? Are you human?

Mr. MAAS. Yes.

Mr. ZIONCHECK. Well, I doubt it sometimes.

Mr. MAAS. That is a compliment.

Mr. ZIONCHECK. Yes; but where there is no sense there is not feeling, and where there is no feeling there is no sense——

Mr. MAAS. The gentleman is well qualified to explain that.

Mr. ZIONCHECK. Mr. Chairman, I just use this Tacoma strike as an example. I have here an editorial from the Bainbridge News, a very conservative paper. It states that our Senator—I forget which one—Mme. Perkins, and President Roosevelt asked our Governor to withdraw these troops so that there would not be violence and bloodshed, because that is when it always starts, you know, when you get the armed troops in there. How would you farmers have liked to have the National Guard in there when you were fighting for a little more for your milk and a little more for your cows that you were trying to sell as prime beef? How would you

like that? This may be all right. This is a general proposition. However, there is a principle involved.

I do not care how other Members vote on this. I know how I am going to vote. I know, for one, I am not concerned whether I come back to this House again or not, but if I do come back, I will come back like a man. Some of you cannot say that for yourselves. All I am asking is that you cut this appropriation down to the 1936 level of $6,000,000, which was the greatest amount ever given them to create violence heretofore.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, I ask unanimous consent to embody in my remarks only the pertinent portions of this one article, and I will be very, very careful not to put in extraneous matter. The matter to which I refer appears in a Tacoma paper and consists of about three lines of this little editorial from the Bainbridge Review.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The matter referred to is as follows:

[From the Bainbridge Review]

THINGS POLITICAL

By Jimmie K. Browne

* * * The junior Senator became active in Washington. He sought to interfere. Secretary Perkins and President Roosevelt did so.

[From a Tacoma paper]

Five thousand Tacomans shed tears when enveloped in gas for strikers; innocent bystanders suffered when they jam streets to watch pickets, workers, and police clash.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The amendment was rejected.

The Clerk read as follows:

For pay and allowances of members of the Officers' Reserve Corps on active duty in accordance with law; mileage, reimbursement of actual traveling expenses, or per-diem allowances in lieu thereof, as authorized by law: *Provided*, That the mileage allowance to members of the Officers' Reserve Corps when called into active service for training for 15 days or less shall not exceed 4 cents per mile; pay, transportation, subsistence, clothing, and medical and hospital treatment of members of the Enlisted Reserve Corps; conducting correspondence or extension courses for instruction of members of the Reserve Corps, including necessary supplies, procurement of maps and textbooks, and transportation and traveling expenses of employees; purchase of training manuals, including Government publications and blank forms, subscriptions to magazines and periodicals of a professional or technical nature; establishment, maintenance, and operation of divisional and regimental headquarters and of camps for training of the Organized Reserves; for miscellaneous expenses incident to the administration of the Organized Reserves, including the maintenance and operation of motor-propelled passenger-carrying vehicles and purchase of 15 such vehicles; for the actual and necessary expenses, or per diem in lieu thereof, at rates authorized by law, incurred by officers and enlisted men of the Regular Army traveling on duty in connection with the Organized Reserves, and for travel of dependents, and packing and transportation of baggage of such personnel; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department, except that not to exceed $785,775 of this appropriation shall be available for expenditure by the Chief of the Air Corps for the production and purchase of new airplanes and their equipment, spare parts, and accessories; for transportation of baggage, including packing and crating, of Reserve officers ordered to active duty for not less than 6 months; for the medical and hospital treatment of members of the Officers' Reserve Corps and of the Enlisted Reserve Corps who suffer personal injury or contract disease in line of duty, as provided by the act of April 26, 1928 (U. S. C., title 10, secs. 451, 455), and for such other purposes in connection therewith as are authorized by the said act, including pay and allowances, subsistence, transportation, and burial expenses; in all, $6,589,383; and no part of such total sum shall be available for any expense incident to giving flight training to any officer of the Officers' Reserve Corps unless he shall be found physically and professionally qualified to perform aviation service as an aviation pilot by such agency as the Secretary of War may designate: *Provided*, That not to exceed $100,000 of this appropriation may be used for establishment and maintenance of divisional and regimental headquarters.

Mr. McSWAIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McSWAIN: Page 53, line 14, strike out "$6,589,383" and insert "$8,474,195."

Mr. PARKS. Mr. Chairman, I desire to submit a unanimous-consent request. This item has been pretty thoroughly discussed and I think we ought to get through with its consideration in an hour's time and I therefore ask unanimous consent that all debate on this paragraph and all amendments thereto close in 1 hour and that 30 minutes of the hour be controlled by the gentleman from South Carolina [Mr. McSWAIN] and 30 minutes by myself.

Mr. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. PARKS. Certainly.

Mr. BOLTON. I quite agree with the gentleman that the question has been discussed pretty thoroughly and would it not be proper to reduce the time to 40 minutes?

Mr. McSWAIN. I am very sorry, but gentlemen who are more interested in the matter than I am have not discussed it.

Mr. BOLTON. I only offer that as a suggestion.

Mr. McSWAIN. And it has been the understanding that the time would be 1 hour and I have certain obligations with respect to time.

Mr. BOLTON. I am simply desirous of cooperating with the Chairman in concluding the consideration of the bill this afternoon.

Mr. McSWAIN. We are going to cooperate when this is over. Cooperate with us now, and we will be with you hereafter.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that all debate on this paragraph and all amendments thereto close in 1 hour; one-half of the time to be allotted to the gentleman from South Carolina and one-half to the gentleman from Arkansas. Is there objection?

Mr. MAPES. Mr. Chairman, reserving the right to object, is it not rather unusual to divide the time in Committee in this way? The matter of recognition is usually left with the Chairman.

Mr. PARKS. I had it in mind to yield the gentleman some time.

Mr. MAPES. I do not care for any time myself.

Mr. WOODRUM. Mr. Chairman, this has been done many times here, I will say to the gentleman. It is somewhat unusual, but there is precedent for it and an agreement has been reached by gentlemen interested on both sides of the aisle in an effort to expedite consideration of the matter.

Mr. MAPES. If the majority is satisfied I am.

Mr. MARCANTONIO. Mr. Chairman, reserving the right to object—and I am not going to object—I simply want to make this observation. I hope the same consideration will be extended to those who want to decrease this bill as is being extended to those who want to increase it.

Mr. ZIONCHECK. Mr. Chairman, reserving the right to object——

Mr. PETTENGILL. Regular order, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. McSWAIN. Mr. Chairman, I yield myself at this time 5 minutes.

Mr. Chairman, we have come to the point where we must decide whether or not, in effect, the officer personnel of the United States Army from now on shall come exclusively from the Military Academy or whether substantially one-half of them shall come from civilian sources. This is the issue.

My good friend in charge of the bill has told us he is in sympathy with this, but just to put it off until 1939, when the first class of the increased cadet corps graduates, and then let the 50 Reserve officers come in for commissions along with the nearly 600. That will be too late.

The policy of the War Department has been to build up these 2,000 additional officers by annual increments of 400 a year. This is undoubtedly the record as shown by the report last year and this was the testimony of General MacArthur, General Pershing, and General Craig. Our committee was more conservative in the bill that we brought in

here. We asked originally that it be built up by increments of 200 officers for 10 years. We were more conservative. Our bill passed the House, went to the Senate, and the Senate cut it down to 50 officers to be commissioned in the Regular Army instead of 200 as we thought.

Let me remind you of this fact. If you are in doubt about the wisdom of this policy which has been close to the hearts of some of us for 10 years—we have been fighting for 10 years to give the graduates of such schools and colleges as V. M. I. and the Citadel and Norwich University and all of your good land-grant colleges and everywhere you have R. O. T. C. units, a chance. If you do not pass this amendment, I tell you the door is closed to them forever.

Mr. PETTENGILL. Mr. Chairman, will the gentleman yield for a question?

Mr. McSWAIN. Yes; for a question only.

Mr. PETTENGILL. Will the gentleman make plain to me why simply increasing the amount of money does the job the gentleman has in mind and with which I am in sympathy?

Mr. McSWAIN. Because the law authorizes the Secretary of War to do it—the Secretary of War wants to do it—the Secretary of War sent in an estimate to the Budget of $1,884,000 to make this law effective; and this is the money we are putting in the bill, and if he gets the money he will do it.

This House passed this bill twice, first as an amendment to the West Point cadet bill. That bill was amended by unanimous consent. Then the House passed it again. It has passed the Senate twice, and we thought that surely when the Congress had spoken, and the War Department had spoken, and all the great institutions of learning throughout the country had spoken, after the Reserve Officers' Association representing 120,000 Reserve officers had spoken, we would get a chance to show to the country what General Craig said of them, that is, if you will take 100 of the best officers in the Army, you will find half of them from West Point and the other half from civilian sources.

We are fortunate in having in the membership of this House a gentleman who had more to do with the drawing of the National Defense Act in 1920 than any other man living today, and I am going to yield to him at the proper time. He was chairman of the Senate Committee on Military Affairs in 1920, and under the advice of a great historian and constructive military statesman, General Palmer, he led in the drafting of this great instrument, the paladium of our defense, and I shall yield to Representative WADSWORTH at the proper time. [Applause.] With his background of knowledge and his comprehension of this proposition, a citizen of the State of New York, almost within sight of the great Military Academy, he will tell you what he thinks of this piece of legislation, and whether or not we ought to start, and start now, to put it into effect for the benefit of the national defense, this great measure for obtaining and training officers.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. PARKS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, I yield to no man in my desire to see the national defense adequately provided for. If I felt that the national defense imperatively required that we raise the Budget, I should support this amendment, but, frankly, I cannot get myself into that frame of mind. A couple of years ago a situation developed where we had to maintain our officer personnel at 12,000, with an enlisted personnel of about 118,000, and it appeared that upward of 2,000 of those officers were not occupied on necessary military activities. It appeared that they were almost ornamental. It appeared that their age situation was such that they could not perform really necessary active successful work for the Army. This committee a year ago brought in a provision under which that situation can gradually be corrected, and the officer personnel be brought up to date. With that officer personnel, there are plenty of officers to properly officer the troops which are going to be in this estimate of 150,000 men. I turn to pages 73 to 76 of the hearings. At the present time, out of the 12,000 officers with troops, there are 7,942, with 119,000 troops.

Now, we have in this bill 7,942 officers and 150,000 troops, and that means better than 1 officer to every 20 men. Is anyone going to say that that is not sufficient? Let me say to you that with the Infantry there is at least 1 officer to every 30 men, and is anyone going to say that that is not sufficient? Perhaps if we get to the point where there are 165,000 men, it might be possible to put in these thousand Reserve officers on active duty and not entirely demoralize your officer personnel in the Army. If you have more officers than you are able to keep busy, and they are not busy enough so that they are active, you destroy the efficiency of your officer personnel, and that is what you were doing 2 or 3 years ago, when you had 118,000 men in your Army. You have just about got enough with your 150,000 to keep your 12,000 officers properly busy and occupied.

What is the situation with reference to Reserve officers in the Army on active duty? Turn to page 312 of the hearings, and you will see that this bill itself provides for 300 active Reserve officers on duty in the Air Corps.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PARKS. I yield 2 minutes more to the gentleman from New York.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. TABER. When I finish with this part of it. That is an increase of 1,000 Reserve officers on active duty over the current year. Here is another situation: You cannot draw into the Army, without increasing your 12,000 officers on active duty, any more commissioned officers. That became perfectly apparent in the colloquy which took place on page 1920 of the RECORD between the gentleman from South Carolina [Mr. McSWAIN], who offered this amendment, and the gentleman from Arkansas [Mr. PARKS], the chairman of the subcommittee. I now yield to the gentleman from South Carolina.

Mr. McSWAIN. If the gentleman's argument be true, does not the gentleman realize that it was a mistake to increase the number of cadets at the Military Academy because we will not have any places for them?

Mr. TABER. We have increased the number of cadets as a result of the operations of the bill which was brought in here last year by the gentleman from Arkansas [Mr. PARKS], the Army appropriation bill, and the scheme that was set up there to get rid of the over-age personnel, and we will begin to be able to absorb these men as they come out. Frankly I think there is a question whether we will not have a surplus of officers coming out of West Point. But I do not think we ought to make it more acute by crowding this extra 50, which this proposition would provide for, onto the regular officer personnel of the Army. If you put in too many, you completely demoralize the officer corps. I do not want to see the national defense destroyed by demoralizing the officer personnel. The worst thing that can happen is to have too many, with nothing for the men to do, to properly prepare them.

Mr. McSWAIN. Will the gentleman yield?

Mr. TABER. I yield.

Mr. McSWAIN. Does not the gentleman know that the express purpose of increasing the cadets was that the officer personnel would be built up by gradual increments to 14,000 instead of 12,000?

Mr. TABER. I did not understand it that way.

Mr. McSWAIN. I will read it to the gentleman.

Mr. TABER. I do not feel that that should be done.

Mr. McSWAIN. That is what the Congress acted on.

Mr. TABER. I hope this amendment will be defeated.

The CHAIRMAN. The time of the gentleman from New York [Mr. TABER] has expired.

Mr. McSWAIN. Mr. Chairman, I yield at this time to the distinguished gentleman from New York [Mr. WADSWORTH] 4 minutes.

Mr. WADSWORTH. I am in complete agreement with the statements made by the gentleman from South Caro-

lina with respect to the desirability, after we get things started, of commissioning in the Regular Army annually 50 men drawn from the Reserves, and I hope we can start it immediately. I shall not repeat the argument made by the gentleman from South Carolina. I think he has made an excellent presentation of that side of the question. I do, however, desire to take 2 or 3 minutes to say something about the other phase of the pending amendment, that provision which will authorize the Secretary of War or the President to assign to active duty with the Regular Army 1,000 of R. O. T. C. graduates annually to serve for 1 year.

The gentleman from South Carolina and I may not be in complete agreement as to the relative importance of the two provisions of this amendment. I am inclined to believe that, while the matter he has emphasized is exceedingly important, the one I am endeavoring to emphasize is even more important. It has nothing to do with the stated strength of the officer corps of the Regular Army. It proposes to take 1,000 of these youngsters—and I use that phrase advisedly—preferably in the grades of second lieutenant, first lieutenant, and no higher than that of captain—recent graduates from the R. O. T. C., and put them on active duty with the Regular service for 1 year. They will be assigned to the Infantry or the Cavalry or the Field Artillery. They will be assigned to every branch of the service—Quartermaster Corps, Engineers, Ordnance, Chemical Warfare; in fact, all the branches. No one will contend that a recent graduate from R. O. T. C. is an accomplished, trained officer. He will have absorbed in his college course the mere groundwork of the military profession, and it will not be contended that he is the equal of the recent West Point graduate. When he graduates from the R. O. T. C. he is commissioned as a second lieutenant, Reserve. Thereafter he may, under the most favorable circumstances, receive only 2 weeks' active training, a refresher course, as it were, annually, during the rest of his life.

From the date of his commission on through the years, he will receive so little training that actually he will lose touch, comparatively, with the profession into which he is supposed to have entered potentially as a Reserve officer; whereas, if we take these 1,000 youngsters each year and give them the opportunity of having 12 months with the Regular Army, they will absorb the true concept of the military profession. They will live with soldiers and with fellow officers, and at the end of that year they will have imbibed for the rest of their lives, unless I am tremendously mistaken, those ideals of discipline, of loyalty, of teamwork, and of professional responsibility. They can get that only in contact with fellow officers and with troops. [Applause.]

The CHAIRMAN. The time of the gentleman from New York [Mr. WADSWORTH] has expired.

Mr. PARKS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DOCKWEILER], a member of the committee.

Mr. DOCKWEILER. Mr. Chairman, I hesitate to differ with the gentleman from New York who just preceded me, because he is a Member of this House and also has been a Member of the upper body. At the same time I might call his attention to the fact that the bill which was passed provided for these 50 officers to be drawn from the 1,000 Reserve officers, to be trained for 1 year with the Regular Army, were to be assigned to the combatant arms and Chemical Warfare Service. That is, they were to be assigned to the fighting branches of the Army and not to other branches of the Army.

Mr. WADSWORTH. I admit the error. That was my mistake.

Mr. DOCKWEILER. Now, as a member of the committee which tried to provide appropriations to supply the necessities of the Army for the fiscal year 1937, let me say we heard considerable testimony touching this subject. We gave it very serious consideration; but if we were to accept the viewpoint of the gentleman from South Carolina—I speak now in my own opinion—that this bill which was passed and this method that was adopted is to secure 50 fresh officers every year from the more or less civilian ranks, do you know how much each one of those officers cost the United States Government?

Mr. McSWAIN. Yes; I know. Does the gentleman?

Mr. DOCKWEILER. Forty thousand dollars each, to get that commission, for 50 such officers.

Mr. McSWAIN. It will cost to graduate a second lieutenant $387.50 in the ordinary R. O. T. C. One year's training will be less than $1,800. Altogether it will be less than $2,200.

Mr. DOCKWEILER. I am considering a different sort of arithmetic. We are adding $2,000,000 to this bill by this proposed amendment to put 1,000 Reserve Officers in active duty in the Army for a year. The quod erat demonstrandum of the whole thing is that we are to get 50 second lieutenants commissioned out of that, and 50 divided into $2,000,000 is $40,000.

Mr. MAAS. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. I cannot yield; I want to finish my statement.

I am more or less inclined, of course, to the argument of the gentleman from New York. If there is any value in this thing the value is in the training of 1,000 R. O. T. C. graduates in active duty with real officers in the Army. But this is not sufficient in my mind at the present time for myself as a member of the Committee on Appropriations to upset the budgetary or fiscal arrangements of the Government for the coming year.

Mr. Chairman, there ought to be some other approach to the proposition of securing commissioned officers outside the Military Academy. I agree with the statement that it would be a bad thing for us to secure all our commissioned officers from the Military Academy, because I would fear that in years to come there might develop in this country among such a clique of officers a militaristic psychology. I am in favor of drawing some of the officers from the R. O. T. C., from the Reserve Corps and other organizations. I think there ought to be some other method of approach.

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I yield to the distinguished gentleman from Texas, the author of the bill in question, Mr. THOMASON, 10 minutes.

Mr. THOMASON. Mr. Chairman, I hope to be able to yield back at least 2 or 3 minutes of my time, because I know there are a number of Members who would like to be heard upon this very important amendment.

I feel sure this amendment will be adopted if it is properly understood. There is no question about the authorization. The distinguished chairman of the Military Affairs Committee [Mr. McSWAIN] has already explained that after an exhaustive hearing it received the unanimous approval of our committee. I am advised that it likewise received the unanimous endorsement of the Senate Committee on Military Affairs. It received the approval of the War Department. I understand that General Pershing gave it his endorsement. My friend the gentleman from New York [Mr. ANDREWS] stated before the committee that General MacArthur told him it would be a very fine thing. Only yesterday, in a radio address, I observe that the new Chief of Staff, General Craig, said this:

> We need a strong and efficient National Guard. We especially need a corps of outstanding Reserve officers capable of leading our young men in event we are called upon to defend our country.

As stated by the chairman of the Committee on Military Affairs, this authorization measure passed this House at the last session by a unanimous vote. It passed the Senate by unanimous vote. It comes here with the endorsement of the land-grant colleges and the military schools of the United States. It has the hearty approval of the R. O. T. C. officers throughout the country and the unanimous and enthusiastic endorsement of the Reserve Officers' Association of the United States.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. LANHAM. As a matter of fact, was not this policy adopted and approved when the bill was passed last year introduced by my colleague from Texas? And is not this

merely the appropriation of funds to carry into effect a policy which was then ratified by the Congress?

Mr. THOMASON. I am glad to have my friend from Texas ask me this question because he gave this bill his active support; not only that, but the cause of national defense has no better friend in this House than he. As the author of the bill I want to thank him for the support he has always given the Military Affairs Committee. His standing and influence in this House need no comment from me. The authorization is here. The sentiment back of this measure is almost unanimous, not only in this House but throughout the country; so now that it costs $1,800,000 why not give these young chaps who are attending the R. O. T. C. schools throughout the country a chance, an opportunity—and that is all they ask?

Let me ask you to consider this: There are more than 120,000 young men attending the R. O. T. C. schools at the land-grant and military colleges of the United States. More than 7,000 of them graduate every year; yet, you know from your applications for appointment to West Point—and we are all friends of West Point—that those boys are entitled to a chance if you want proper and adequate military preparedness in the United States.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Kentucky.

Mr. MAY. The gentleman will no doubt remember that last year when we were preparing this legislation we had former Secretary of War Newton D. Baker before us and that he described to us the difficulty of the mobilization of the World War Army.

Mr. THOMASON. That is true. We all know that many officers were sent to France who only had a few weeks' training. The hearings disclose that the Secretary of War and the War Department appreciate the importance of this matter. I have heard no good reason assigned why the Budget did not approve. I undertake to say there is not a man on the Subcommittee on War Department Appropriations that is not in sympathy with this idea. Mr. McSWAIN has worked for years on this proposition. Mr. WADSWORTH, who is regarded as an expert on military affairs, says that it is meritorious. West Point is a great school, but they do not need or deserve a monopoly. Others who are just as well qualified are entitled to a chance, and the country wants to know they are trained to meet any emergency.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. THOMASON. Certainly.

Mr. REED of New York. Will it not also be an incentive for more people in land-grant colleges and military colleges to take up the work and to perform their work with greater efficiency realizing they will have a chance to get this experience?

Mr. THOMASON. There is no question about it.

The gentleman from California [Mr. DOCKWEILER] is not correct in his mathematics when he sought to figure the cost of this whole thing on the basis of the 50 men who get permanent commissions. We will also give 950 more men the finest training they ever had.

Mr. CONNERY. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Massachusetts.

Mr. CONNERY. Do I understand there is an authorization for this money but it was not put in the appropriation bill?

Mr. THOMASON. That is correct. It has the unanimous endorsement of the House Committee on Military Affairs, the Senate Committee on Military Affairs, the War Department, the Chief of Staff, and everybody else I know of except this subcommittee.

Mr. CONNERY. I am in hearty sympathy with what the gentleman is trying to do, because in France when we had the young fellows come over there from Plattsburg as lieutenants they went through a lot of misery which they would not have gotten themselves into if they had a year's training as officers. Under the circumstances, we had to take sergeants to do the work.

Mr. THOMASON. I repeat that everybody seems to be for this except this subcommittee. I think now we ought to make it unanimous.

Mr. DOCKWEILER. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from California.

Mr. DOCKWEILER. The gentleman mentioned the V. M. I. Does the gentleman think it is necessary to send a graduate of V. M. I. to West Point for a year?

Mr. THOMASON. Not to West Point, but to give him a year's training and experience in the Regular Army. He is at least entitled to the opportunity, if he wants to serve, and that is something he does not have now.

Mr. DOCKWEILER. Why not make a better arrangement and give him a commission as second lieutenant in the Army if he is a graduate of V. M. I.?

Mr. THOMASON. He has not one chance in a thousand to get in the Army at the present time and the gentleman knows it. Take these young fellows throughout the country, the first and second lieutenants who graduate from these military schools. How much of a chance do they have to get into the permanent Military Establishment? This bill will create interest and enthusiasm among Reserve officers in every town and community throughout the country.

Mr. PARKS. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from Arkansas.

Mr. PARKS. The gentleman mentions a lot of people, including the Chief of Staff, who has endorsed this proposition; but, with all of that, they could not get an endorsement from the President of the United States?

Mr. THOMASON. The President endorsed it when he signed my bill last year. If he had not expected an appropriation that would put it into effect he would have vetoed it. It is no good without some money.

Mr. PARKS. But the President of the United States expressly left that item out.

Mr. THOMASON. It is true the Budget left it out and that is the reason for this fight. May I say in this connection and right along that line that the distinguished gentleman from Wisconsin [Mr. BOILEAU] yesterday expressed it in very fine terms. Instead of spending so much money on useless battleships and on obsolete guns placed along the coast lines let us get a little national defense along the lines of more aircraft and training of our young men as set forth in this bill.

Mr. McSWAIN. Will the gentleman yield?

Mr. THOMASON. I yield to the gentleman from South Carolina.

Mr. McSWAIN. Did not the President of the United States put his name on the gentleman's bill last August.

Mr. THOMASON. Of course he did, and did it promptly. He must have thought well of it.

Mr. PARKS. There are river and harbor improvement projects in here running into millions of dollars, which the Budget did not approve.

Mr. THOMASON. Perhaps so. Nobody ought to approve a lot of this river and harbor stuff. Much of it is "pork barrel" and that is all you can call it. This has merit, it gives us more national defense, helps our colleges, and trains our boys.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. THOMASON. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Is it not true there are no poor soldiers in the Army, but there are poor officers? In other words, a soldier has to obey his superior officer, and if the officer is not properly trained he may lose money. In voting for the gentleman's proposition we are protecting the future soldiers of the United States?

Mr. THOMASON. I thank the lady from Massachusetts, she can always be depended upon in matters of national

defense. There is no politics in this, the amendment has strong support on both sides of the aisle. We are all proud of the work of the subcommittee, but in their hearts they are all for this amendment, so let us make it unanimous. [Applause.]

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. BOLTON].

Mr. BOLTON. Mr. Chairman, I do not intend to take 5 minutes in discussing this matter, because there is very little that I can add to what has been said.

The gentleman from Texas said that the Subcommittee on Appropriations was not in a very receptive mood so far as this proposition is concerned. Frankly, I admit the statement. I believe heartily in the principles and aims as set forth in the Tomlinson bill. I would like to see an additional force of officers in our Army. I would like to see an additional group of enlisted men. I would like to see additional planes and an additional war reserve.

But, as members of the Appropriations Committee, what is our position? We are given a suggested Budget within which to build a bill suitable for national defense and for war purposes. I maintain it is our duty, insofar as it is possible, to hold within these figures. I further maintain that in these days when our general Budget shows a deficit, as sent to us from the White House, of over a billion dollars, and we know that within the next fiscal year it will run several billion dollars, we must forego many of these features of national defense which we would otherwise like to see put into effect. We should practice economy, which this country so much needs at the present time, wherever it is possible and will not jeopardize adequate defense.

Mr. McCORMACK. Will the gentleman yield?

Mr. BOLTON. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I am very much interested and pleased to note the gentleman's sympathy, and I assume if the Committee of the Whole should adopt the amendment the gentleman would not be keenly disappointed. [Laughter.]

Mr. BOLTON. Mr. Chairman, I yield back the balance of my time.

Mr. PARKS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SNYDER], a member of the committee.

Mr. SNYDER of Pennsylvania. Mr. Chairman, I shall not consume 5 minutes. Your Subcommittee on War Department Appropriations has spent a large portion of the last 5 months in studying the contents of this bill. They have gone into every detail of the measure. They have made an extensive study of the application of every item in the bill.

There is nobody on the floor of this House who has devoted more of his life's work or given a larger margin of his time to the activities of young men than I have. I quite agree with the distinguished gentleman from South Carolina, but inasmuch as this was not included in the Budget, and inasmuch as your committee gave all of its study in an effort to come within the Budget, I am asking the members of the committee and the Members of the House to stay with the committee on the bill as it now is.

Mr. ROBERTSON. Mr. Chairman, will the gentleman yield for a question?

Mr. SNYDER of Pennsylvania. I yield.

Mr. ROBERTSON. During the 5 months that your committee studied this appropriation, how much time did your subcommittee give to trying to formulate a plan to bring the services of commercial flyers into the Army and have them available in time of emergency? I am referring to the trained flyers representing the commercial interests who have advanced the science of aviation.

Mr. SNYDER of Pennsylvania. I am very glad the gentleman brought that up. I can say that your committee—and I believe I speak for the entire committee—is very much in sympathy with such a plan.

Mr. ROBERTSON. But you did not work out any plan?

Mr. SNYDER of Pennsylvania. We gave study to the proposition.

Mr. ROBERTSON. Does not the gentleman think we could save three times the amount involved in this amendment by making these commercial flyers available as Reserve officers in time of war?

Mr. SNYDER of Pennsylvania. I would not say we did not work out a plan, but it takes time to consider such a plan.

Mr. ROBERTSON. Does not the gentleman believe we could bring about efficiency and economy in this way?

Mr. SNYDER of Pennsylvania. Perhaps we could.

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I yield one-half minute to the gentleman from Oregon [Mr. EKWALL].

Mr. EKWALL. Mr. Chairman, I have just received a telegram from the Department of Oregon Reserve Officers' Association, consisting of 17 chapters with 600 members and representing 1,600 Reserve officers in the State, who are 100 percent in favor of this amendment. This telegram is signed by Maj. James F. Stutevoss, president, and Capt. Thomas G. Greene, Jr., secretary.

I may say that I was a buck private for a few months during the World War and I know what it means to have trained officers. I am for this amendment just as strongly as I can urge it.

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I yield to a gentleman who is a graduate of a R. O. T. C. unit, the gentleman from Indiana [Mr. HALLECK], 1 minute.

Mr. HALLECK. Mr. Chairman, I frequently hesitate to get on the floor of the House and attempt to speak because many of these things I do not know much about, but this is one matter on which I think I am somewhat informed, having been graduated from a R. O. T. C. unit and having spent some time in these 2-week camps as a Reserve officer on active duty. In my opinion, if you are seeking adequate national defense you cannot get more for your money than you can get by adopting this amendment, putting 1,000 of these young men who have proven their interest in the military service into the service for a year to the end that they will be made real officers. They will then go off the pay roll, but throughout their careers will be immediately available for efficient and trained service in the event of need. [Applause.]

Mr. McSWAIN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. ANDREWS], a member of the Military Affairs Committee.

Mr. ANDREWS of New York. Mr. Chairman, I am reminded of what the gentleman from New York [Mr. TABER] said earlier in the afternoon. I think he entirely misses the point in the consideration of this matter when he speaks of the comparatively large number of officers who would be in the Army in proportion to its enlisted strength.

These young Reserve officers, drafted for 1 year's training, are not going in to take their places in the Regular line of officers, as was well pointed out by my colleague from New York [Mr. WADSWORTH]. They are going in simply for 1 year's active training with the Regular force and will then return to their civilian pursuits.

It is difficult now to say very much more on this amendment without indulging in repetition, but I believe there is one point which has not been touched upon very well. There are 7,000 young officers graduating from the R. O. T. C. schools each year and about 200 such schools scattered throughout the country. There are a great many of these schools in your own districts and in some cases there are hundreds of your young constituents graduating from these schools. I want you to think of it in this light. Doubtless you did have this in mind when the so-called West Point bill, with the authorization for this amendment, passed the House last summer without a dissenting vote, but there are literally hundreds of young men in your own districts who are interested and who want a chance to get into the Regular Army for 1 year's training.

You realize that a large proportion of these young men, when they graduate from these R. O. T. C. schools today are unable to get employment. There is nothing for them to do, and what better way could we find for them to

occupy themselves than to receive a year's training in the Regular Army under the conditions set forth in this bill?

I am reminded in considering the manner in which we act on these regular appropriation bills at times and our actions on other measures before the House when we are not considering a regular appropriation bill, that there is a good deal of penny wiseness and pound foolishness here.

This bill has had the entire approval of the War Department. It was originally recommended by General Pershing. This plan has the expressed approval of the former Secretary of War, Hon. Newton D. Baker; it has the approval of the present Secretary of War. It was recommended by the former Chief of Staff, General MacArthur, who said, and said well, that the passage and excution of the provisions of the Thomason bill will be the greatest single contribution to national preparedness since the war. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McSWAIN. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. EDMISTON], a member of the committee.

Mr. EDMISTON. Mr. Chairman, having served during the World War 28 months in an Infantry regiment of the Regular Army, the Thirty-ninth Infantry of the Fourt Division, I believe that I know something about this subject. I have all the respect and admiration in the world for the cocky young West Point graduate who joins his outfit, believing that he knows more about military science and tactics than "Black Jack" Pershing ever knew, and attempts to demonstrate it for a few years. What we need in our Army is a balance to that West Point cockiness; and the only way to get it is from civilian personnel being commissioned in the Army. A good deal of talk has been indulged in against this bill by members of the Appropriation Committee in respect to unbalancing the Budget. This amendment calls for only $1,884,812, and if we get within a million miles of balancing the Budget with that amount added, we are going to be doing pretty well. The talk of unbalancing the Budget by an appropriation of less than $2,000,000 is trivial and should not be considered when a question as vital to national defense as encouraging young men in the Reserve Offices' Training Corps to remain in that training for 4 years in our land-grant colleges and military schools instead of 2 years, which is the period of compulsory military training. That sort of talk is insignificant, and the talk of unbalancing the Budget should not influence you in your vote on this measure. The amendment, when summed up, gives our country just 950 well-trained young Reserve officers, many times more efficient than they could possibly be after years of service under the present system, and 50 young second lieutenants in the Regular Army that have been carefully picked after 5 years of observation and competitive contests from more than 7,000 of their fellow students from every State in the Union. If you want to improve on national defense, raise the morale of the Reserve Officers' Training Corps and make this a better country in which to live, work, and play, vote for this amendment.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. PARKS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I am just as much in favor of this proposition as my friend from South Carolina [Mr. McSWAIN], but this is not the time to put this approximately $2,000,000 in this bill.

Our committee which has studied the question and every member of it is sympathetic with the proposition and would have put it in the bill if we had not been limited and circumscribed by the President's financial policy that means much to the country and much to your President. We otherwise would have put it in, but since the President now objects to it, it ought not to go into this bill.

We must stand by the President's financial policy, and if we put this $2,000,000 in the bill there are numerous other items of great importance that ought likewise to go into the bill. If we are going to ignore the President's Budget and disrupt his financial program in one particular, why not do it in all particulars?

Mr. HARTER. How about the bonus?

Mr. BLANTON. That was something on which Members of Congress were pledged definitely and faithfully to their constituency long before the President was ever elected, and they had to keep faith with their constituents on that proposition, but on the general financial policy of the President, on his financial program——

Mr. ZIONCHECK. Mr. Chairman, a point of order.

Mr. BLANTON. I do not want to be interrupted by any obstruction in a 2-minute speech.

The CHAIRMAN. For what purpose does the gentleman from Washington rise?

Mr. ZIONCHECK. A point of order. An hour was allotted to debate on this particular amendment, which was a very peculiar movement in the first place, but the House granted it, one half for and one half to be in opposition.

Mr. BLANTON. That is not a proper point of order.

Mr. ZIONCHECK. Just 1 minute.

Mr. BLANTON. It is an interruption to obstruct a 2-minute speech, and is not a proper point of order.

Mr. ZIONCHECK. One-half of the time to be for the measure and one-half in opposition, and so far no one has spoken in opposition, and Mr. PARKS, the chairman of the committee, who controls the time in opposition, has not granted a minute to anyone in opposition.

The CHAIRMAN. The gentleman is not stating a point of order.

Mr. ZIONCHECK. What is it the Chair wants me to state?

Mr. BLANTON. Mr. Chairman, is the Chair going to permit my 2 minutes to be obstructed in this way?

The CHAIRMAN. The gentleman from Washington made the point of order. What is the point of order?

Mr. ZIONCHECK. The point of order is this: If one-half hour is to be devoted to opposition, there should be some opposition.

The CHAIRMAN. That is within the control of the members of the committee and is not a point of order.

The gentleman from Texas may proceed.

Mr. BLANTON. Now that we have been restored to order out of this chaos, which this obstreperous interruption caused, let me continue. Every Member of this Congress—that is, every Democratic Member at least, is pledged to carry out the President's financial policy on matters on which he has not pledged his constituents to the contrary. This is the situation. The President has asked us to keep this bill, so far as military items are concerned and also those nonmilitary, within his Budget. It was his Budget that he sent here. This is no time and no place to go outside of the President's Budget recommendation and load this bill up with many millions of dollars additional, and I hope that every friend of the President will stand behind him on this matter and vote against this $2,000,000 amendment.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McSWAIN. Mr. Chairman, I yield one-half minute to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. Mr. Chairman, this measure is one of the greatest economy measures that has ever been proposed. It will obtain as much benefit for national defense at as little cost as anything ever proposed in this House. Another angle, which has not been touched upon, is the benefit to the education to the Regular Army officers by having 1,000 civilian Reserve officers scattered among them each year. It will give the Regular Army officers a new point of view which will be very healthy and very beneficial. It will balance up the attitude of the regular military service and the civilian components, and give the best possible results for our type of defense.

In time of war the United States will need 500,000 officers. The cost in money and lives is infinitely less by properly training Reserve officers in time of peace than by the hysterical mail-order methods otherwise necessary after war once starts.

One of the reasons that we are in the dire financial straits we find ourselves confronted with today is a result of our stupid, if not criminal, unpreparedness for the last war. There are some economies that become the most extravagant wastes. To refuse on the grounds of economy to provide the money now to carry out the Thomason law is one of those kinds of economy. We will pay dearly for it later, many, many times over in fact, if we fail to provide this necessary training now.

The money asked for in this amendment will permit the real training of a thousand Reserve officers a year. In 10 years we will have 9,500 highly qualified, efficient Reserve officers prepared to immediately take their places of leadership upon mobilization, and in addition 500 officers added to the regular service at a fraction of the cost of West Point graduates.

These Reserve officers on a year's active duty will carry into the Regular Army the point of view of the civilian and give to the Regular officers and men a better understanding of our civilian peacetime philosophy. At the same time, these Reserve officers upon returning to civilian life will carry back to the general public a better knowledge and understanding of the needs of our national-defense establishment.

This very desirable process will be continuous.

The civilian soldier is no militaristic threat to the peace of the world. On the contrary, he provides the most effective and economical force for peace. The members of our civilian components certainly do not want war, for they have everything to lose and nothing to gain personally by war. But the knowledge by possible enemies of this country that we have citizens who not only are patriotic and loyal but who are prepared by adequate training to translate that loyalty into effective action against an invader will do more to deter an overly ambitious enemy than anything else possibly could do.

We will by this amendment provide a force of highly trained officers in a few years nearly equal in size to the Regular officer corps of the Army and at but an infinitesimal fraction of the cost of the Regulars.

We cannot supplant any Regular officers by the use of the Reserves, nor is that the intent. Every officer in the Regular Army is needed for the dual job of administering the peacetime Army and in training the civilian components.

We do not in this country maintain a large standing army in time of peace like other countries, such as Germany with 500,000, France with 600,000, and Russia with 1,300,000. Therefore we must depend upon a properly trained adequate force of civilians to provide our national defense. If we are to depend on such a force, then we must actually have such a corps of genuinely trained reserves.

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I yield one-half minute to the gentleman from Massachusetts [Mr. CONNERY].

Mr. CONNERY. Mr. Chairman, the gentleman from Oregon [Mr. EKWALL], to my mind, told the whole story of this amendment. Those of us who served as privates in the Army know the need of good officers. Many of the Plattsburgers and those officers from other officers' training camps, who came to us in France after only a few weeks' training experience had to be taught their lessons by the sergeants of the different regiments, infantry, artillery, and other outfits. We know the need of these men. We respect the West Pointers. They make fine officers, but the men who came to us from the camps did not have the training of the West Pointers, and unless we make those men ready with fit training and make them experienced officers, we will not be prepared to fight any future war.

I hope the McSwain amendment will be adopted.

[Here the gavel fell.]

Mr. ZIONCHECK. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. ZIONCHECK. I do not think there is a quorum present, Mr. Chairman.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and fifteen Members are present, a quorum.

Mr. McSWAIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. MAVERICK].

Mr. MAVERICK. Mr. Chairman, one of the Members today stated that the friends of the President should stand by his Budget. I think we ought to make our own Budget. The main reason I am for this amendment is that it is not building up a military caste. We do not want this Army to be wholly within the hands of West Pointers. These officers will come from all over the United States. They are mature young men. I believe this amendment should be passed.

Mr. McSWAIN. Mr. Chairman, I yield one-half minute to the gentleman from Texas [Mr. MCFARLANE].

Mr. McFARLANE. Mr. Chairman, there is one point that I do not think has been fully covered, and that is the question of economy in the proposed amendment. From the standpoint of economy the difference between what it would cost to graduate a man from West Point and what it would cost to get a graduate through the R. O. T. C. in any land-grant college is $387 as against about $15,000, the amount it costs to educate a cadet 4 years at West Point. As far as economy is concerned, the Government will get the benefit of having these men from the R. O. T. C. educated the equal of those from West Point at about one-fortieth of the expense to the Government. I think, as an economy measure, if for no other reason, we ought to approve this matter and let the boys who are graduates of the R. O. T. C. have the benefit of this training.

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire [Mr. ROGERS].

Mr. ROGERS of New Hampshire. Mr. Chairman, I just want to say that I think the time has come when we, as Members of this House, about to pass a measure, as we are about to pass this amendment which we all know is meritorious and for the welfare of the national defense of this country, ought not to have thrown at us by two or three distinguished Members the remark that the President of the United States will shed tears and feel badly if we go beyond the Budget. As a matter of fact, yesterday in this House that statement was thrown at me when I tried to get a $13,000,000 amendment to this bill in order to give us an Army aviation force of which we might well be proud. I venture to say that, while I cannot speak for him, if we pass a bill which will give this country an armed air force of which it might be proud, and if we pass this amendment, the President of the United States will be the first man to say "Thank God for it." [Applause.]

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WILCOX].

Mr. WILCOX. Mr. Chairman, profiting by yesterday's experience, I trust the House will not be swept off its feet by the eloquence of the gentleman from Virginia [Mr. WOODRUM] in his appeal to the House to stand by the President.

I want to call the attention of the committee to the fact that this is not in violation of the President's policy. The President has already approved this measure. This is in accordance with the President's policy. When the President sent up his Budget estimate he asked the Appropriations Committee and the House of Representatives not to exceed the total amount which he had recommended. The Appro-

priations Committee, I am told, has already reduced the amount of this appropriation bill about $29,000,000. They have eliminated $29,000,000 of the estimates sent to them. We can put this $2,000,000 in the bill and still be $27,000,000 under the estimates of the Budget. [Applause.]

[Here the gavel fell.]

Mr. McSWAIN. Mr. Chairman, I made a miscalculation and I promised three of my friends each a half minute to close the debate. Since there is only a half minute left, I say with great solemnity that if we pass this amendment and make this law effective, it will be the most forward-looking, progressive step for a fundamental, sane American defense that this Congress has taken within a generation since the National Defense Act was passed. So I ask you, as near as possible, let us make it unanimous.

Mr. PARKS. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Chairman, I think some great soldier once said when he was going into battle feeling a little shaky, "We who are about to die salute you." [Applause.]

Once you get the Army busy after an appropriation you have a pretty hard force to contend with. If the Reserve officers—these fellows who now tell you they are old Reserve officers, too old to go into battle—my colleagues, if this country is invaded by a foreign foe and these so-called Reserve officers get as busy and as energetic after that foreign foe as they have been after this appropriation, then you do not need to worry about the safety of America. [Laughter.]

Mr. Chairman, we have gotten entirely away from the point at issue. My good friends say that the President wants this because he signed the authorization bill. I say that he does not want it. I say to you that if this Congress today were to appropriate money for everything it has authorized, then God save the country, for you know we have millions of dollars worth of worthy projects of various sorts, worthy and commendable, many of them, which we have authorized. Yet our financial and fiscal policy does not permit us now to begin upon them; and that is the point. Why, I join hands with every gentleman here in saying that we should have in our officer personnel of the Army some of the splendid boys from these R. O. T. C. schools; but I want to ask you why, why do you have to take a graduate of the Virginia Military Institute, for instance, and give him a year's training anywhere before he is permitted to take his place by the side of a West Point graduate? That is not necessary. There are many other schools that graduate young men who with a little training, many less than a year, could take their places as officers in the Army. It is not necessary to send them for a year's training.

But that is not the point. The point is that we bring you today—and bear this in mind, my dear friends, when you go back to your districts, and you my friends over here who are Budget balancers, who are twitting us today for useless and extravagant expenditures, bear this in mind—that we are bringing you today the largest appropriation bill for the United States Army ever brought to the American people in peacetime. Remember this, if you please; we have increased the enlisted personnel to a minimum of 150,000, when a few years ago it was 118,000; we have provided for a maximum of 12,000 officers; you have got it; this bill appropriates for it. We gave you over and above the Budget sufficient funds to bring the enlisted personnel up to a minimum of 150,000. Now, if you are going to put any money into the bill, gentlemen, do not put in for officers; put it in for guns and modern equipment. I wish I had time to read you what we need today. We have 3,400 light field-artillery pieces; that is all we have. They are on wooden wheels and the wheels would fall to pieces if we tried to move them.

We have 3,450 semiautomatic rifles. The peacetime requirement is 45,000. What God's good is it to have officers if you do not have equipment for them? We are building up the Army, we are giving them modern equipment, we are modernizing it, we are putting every dollar into it, and as fast as the financial and fiscal policy of the Government will permit.

I come back and say again that the President has not asked you for it. I say it again. You talk of the Budget. It is not an estimate of the Director of the Budget, it is an estimate of the President of the United States, who is the Commander in Chief of this Army about which you are so apprehensive.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I hope the gentleman will excuse me; I cannot yield.

Mr. Chairman, the President of the United States is just as much interested in national defense as any man on the floor of this House; and may I say that when the National Guard Association came to see him asking for this, he said:

Wait for it, do not start it now; there are other things we need worse.

He did not ask you for this appropriation.

A little further along in this bill we come to the nonmilitary activities, and there you will find something like $100,000,000 of projects authorized, carried in this bill. We cannot start them now; it is not expected to start them now. There is just as much logic and reason for putting those items back in the bill as there is for starting upon this project.

Let me say further that this is in no sense a reversal of the splendid policy we inaugurated last year that as soon as we can do it we are going to start the policy of putting some of these splendid young men from our colleges into the officer force of our Army; but we do not need the officers now; we need equipment; we need so many other things more than we need officers; we need airplanes more; we need equipment more; we need armories and other things.

Mr. Chairman, speaking of this question of the Budget, my friend says, "Make our own budget." Well, it is a hard proposition to try to hold expenditures down. Every Member of Congress knows what that means. I have got a splendid college in my district that would be interested in this bill, and there is the Virginia Military Institute in an adjoining district; but I do not believe those gentlemen are going to feel that I have not been sympathetic with their interests when I stand by the recommendations of the President of the United States as sent to this Congress; and I believe every Member of this Congress can justify himself when he goes back to his district if he says, "Yes; I believe in that, but the President of the United States, charged with the financial and fiscal policy of this Government, who charts our way, and who is Commander in Chief of our Army, has not felt called upon to ask us for it; and certainly in this respect we can follow his leadership."

I want to appeal to you gentlemen; I want to appeal especially to my colleagues here, not because I have any feeling in this matter—I am just as enthusiastic for the principle involved as my distinguished friend from South Carolina; and if this amendment were to appropriate money to strike off a bronze tablet to his patriotism, his splendid unselfish service to this Congress and to his people, then I would not have the heart to oppose it.

[Here the gavel fell.]

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. THOMASON) there were ayes 116, noes 61.

So the amendment was agreed to.

The Clerk read as follows:

No appropriation made in this act shall be expended for the pay of a reserve officer on active duty for a longer period than 15 days, except such as may be detailed for duty with the War Department General Staff under section 3a and section 5 (b) of the Army Reorganization Act approved June 4, 1920 (U. S. C., title 10, secs. 26, 37), or who may be detailed for courses of instruction at the general or special service schools of the Army, for duty as instructors at civilian military training camps, appropriated for

in this act, or for duty with tactical units of the Air Corps, as provided in section 37a of the Army Reorganization Act approved June 4, 1920 (U. S. C., title 10, sec. 369): *Provided,* That the pay and allowances of such additional officers and nurses of the Medical Reserve Corps as are required to supplement the like officers and nurses of the Regular Army in the care of beneficiaries of the United States Veterans' Administration treated in Army hospitals may be paid from the funds allotted to the War Department by that Administration under existing law.

Mr. McSWAIN. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. McSWAIN: On page 55, line 7, strike out the colon, insert a comma in lieu thereof and the following: "or who may be detailed to active duty with the Regular Army under the provision of Public Law No. 408, first session, Seventy-fourth Congress."

Mr. McSWAIN. Mr. Chairman, this amendment is offered to remove a restriction without which what we have previously done would be ineffective.

Mr. PARKS. Mr. Chairman, I accept the amendment.

The amendment was agreed to.

The Clerk read as follows:

For the procurement, maintenance, and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, including cleaning and laundering of uniforms and clothing at camps; and to forage, at the expense of the United States, public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War; for transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; for purchase of training manuals, including Government publications and blank forms; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit, or, in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for pay for students attending advanced camps at the rate prescribed for soldiers of the seventh grade of the Regular Army; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the act approved June 3, 1916, as amended by the act approved June 4, 1920 (U. S. C., title 10, sec. 387); for medical and hospital treatment until return to their homes and further medical treatment after arrival at their homes, subsistence during hospitalization and until furnished transportation to their homes, and transportation when fit for travel to their homes of members of the Reserve Officers' Training Corps who suffer personal injury or contract disease in line of duty while en route to or from and while at camps of instruction under the provisions of section 47a of the National Defense Act approved June 3, 1916 (U. S. C., title 10, sec. 441), as amended; and for the cost of preparation and transportation to their homes and burial expenses of the remains of members of the Reserve Officers' Training Corps who die while attending camps of instruction as provided in the act approved April 26, 1928 (U. S. C., title 10, sec. 455); for mileage, traveling expenses, or transportation, for transportation of dependents, and for packing and transportation of baggage, as authorized by law, for officers, warrant officers, and enlisted men of the Regular Army traveling on duty pertaining to or on detail to or relief from duty with the Reserve Officers' Training Corps; for the purchase, maintenance, repair, and operation of motor vehicles, including station wagons, $4,067,996; of which $400,000 shall be available immediately: *Provided,* That the Secretary of War is authorized to issue, without charge, in lieu of purchase, for the use of the Reserve Officers' Training Corps, so many horses now belonging to the Regular Army as he may consider desirable: *Provided,* That uniforms and other equipment or material issued to the Reserve Officers' Training Corps in accordance with law shall be furnished from surplus or reserve stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further,* That in no case shall the amount paid from this appropriation for uniforms, equipment, or material furnished to the Reserve Officers' Training Corps from stocks under the control of the War Department be in excess of the price current at the time the issue is made: *Provided further,* That none of the funds appropriated in this act shall be used for the organization or maintenance of an additional number of mounted, motor transport, or tank units in the Reserve Officers' Training Corps in excess of the number in existence on January 1, 1928: *Provided further,* That none of the funds appropriated in this act shall be available for any expense on account of any student in Air Corps, Medical Corps, Dental Corps, or Veterinary units not a member of such units on May 5, 1932, but such stoppage of further enrollments shall not interfere with the maintenance of existing units: *Provided further,* That none of the funds appropriated elsewhere in this act, except for printing and binding and pay and allowances of officers and enlisted men of the Regular Army, shall be used for expenses in connection with the Reserve Officers' Training Corps.

Mr. MARCANTONIO. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. MARCANTONIO: On page 59, line 6, before the period insert: "*Provided further,* That none of the funds appropriated in this act shall be used for or toward the support of any compulsory military course or military training in any civil school or college or for the pay of any officer, enlisted man, or employee at any civil school or college where a military course or military training is compulsory, and nothing herein shall be construed as applying to essentially military schools or colleges."

Mr. BOLTON. Mr. Chairman, I make the point of order against the amendment that it is not germane.

Mr. MARCANTONIO. Mr. Chairman, the same point of order was made last year. The amendment is offered to the same portion of the bill to which it was offered last year, and the Chair overruled the same point of order at that time.

I refer the Chair to page 2575 of the RECORD of the last session of Congress. My amendment is clearly a negative limitation which limits the purpose for which these funds may be spent. In view of the precedents, I respectfully submit the amendment is entirely in order.

Mr. Chairman, last year this amendment was offered right where the bill read:

Provided further, That none of the funds appropriated elsewhere in this act, except for printing and binding and pay and allowances of officers and enlisted men of the Regular Army, shall be used for expenses in connection with the Reserve Officers' Training Corps.

The amendment was offered right before the period, and that is where the amendment is being offered at the present time.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard?

Mr. BOLTON. I understood the amendment was offered after the "8,900" on line 19.

Mr. MARCANTONIO. No; the gentleman is mistaken.

The CHAIRMAN. The amendment is offered on page 59, line 6, after the word "Corps" and before the period.

Mr. BOLTON. Mr. Chairman, I was mistaken; and if the amendment is offered on line 6, as I understand to be the case now, I withdraw the point of order.

The CHAIRMAN. The gentleman from Ohio withdraws his point of order. The gentleman from New York [Mr. MARCANTONIO] is recognized for 5 minutes.

Mr. MARCANTONIO. Mr. Chairman, the amendment which I have just offered does not raise any issue as to the advantages or disadvantages of military training, because if the amendment is adopted, there is nothing therein which would prevent a young man attending any college or institution in the United States from taking military training. All that the amendment does is to limit the use of Federal funds to optional military training and prevent the use of Federal funds for compulsory military training. The National Defense Act simply provides that Congress shall appropriate for military-training purposes. It does not say a word about compulsory training. The amendment I have offered raises only one issue, and that is the liberty, the freedom of conscience, and the non-Prussianizing of American youth. I believe there are very few Members in this House who believe in conscription, especially in time of peace. Therefore, why apply conscription to American young men who are

attending colleges? Why force young men who are attending colleges, and who have conscientious, religious, and political scruples against military training to take military training in the colleges of this country?

Mr. POWERS. Will the gentlemen yield?

Mr. MARCANTONIO. I yield to the gentleman from New Jersey.

Mr. POWERS. Is it necessary for these boys to go to these particular colleges? Are they forced to go there?

Mr. MARCANTONIO. No; theoretically, they may attend any college they please, but we know full well that with the exception of a few wealthy boys who may choose any college they please, the choice of college is not free, it is controlled by economic determinism and other factors such as type of courses desired, athletic opportunities, and so forth. A young man most likely would choose a land-grant college, for instance, because it would cost him very little to go there.

So that when it is said a young man has freedom of choice with reference to colleges, the statement is only theoretically true, because the vast majority of the young men in this country who attend colleges are actuated in their choice by economic necessity and by a balance of convenience. Therefore, the argument as to freedom of college choice seems to me to have small binding force to the issue involved here.

Mr. Chairman, I fully realize that the argument is going to be made today that military training builds up character, and it does this and that. I do not care to dispute that at all. I say that under my amendment a young man going to college may take military training if he wants to. There is nothing to prevent him from taking military training. It in no manner injures the college student who desires military training. The amendment which I have offered simply protects the young man who does not want to take military training. It protects his liberty, his freedom of conscience, and his rights as an American.

Now, even from the standpoint of military efficiency I ask you to analyze the figures which we have received time and time again.

I have here a list of 11 colleges where military training is compulsory, and I also have here a list of 11 colleges where military training is voluntary. The group in the first column shows 11 institutions having compulsory R. O. T. C. units, having a total basic enrollment of 10,350. The number of advanced course students, potential Reserve officers, produced by these institutions, is only 1,457, which represents 14 percent of the basic enrollment from the given units. The cost of maintaining these military units upon a compulsory basis amounts to $1,077,825.

[Here the gavel fell.]

Mr. MARCANTONIO. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. PARKS. Mr. Chairman, I am sure the Members do not want to stay here into the night in the consideration of this bill, and I must insist that we do not extend the time, and I therefore object to the request.

Mr. MARCANTONIO. May I have 2 minutes more? You gave an hour to a discussion for an increase in these appropriations and I made a reservation of objection and said I would not object if the same consideration would be extended to those of us who might want to reduce these appropriations.

Mr. PARKS. Mr. Chairman, I shall not object to 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARCANTONIO. Mr. Chairman, inasmuch as time does not allow me to proceed with the analysis and comparison I have started, I ask unanimous consent to extend my remarks and include certain tables that were prepared for me, which will give a full picture of the difference between compulsory and optional military-training colleges.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARCANTONIO. After you have read these tables, together with the analysis, you will find that even from a military standpoint compulsory military training is grossly inefficient.

I fully realize that for me to stand up here and try to stop this tidal wave of militarism which has swept over the House, this orgy of steel-helmeted extravaganza, this insane expenditure for war purposes, which, in many instances, is unscientific and absolutely unnecessary, would be futile. I realize that I cannot stop this cavalcade of madness.

We are today sacrificing millions on the altar of militarism. Prepare for war and we will have war, not peace. If we want to prepare for war, why not prepare against unemployment and starvation? Millions of our unemployed are going to be faced with starvation on the 1st of June when Federal funds give out. Bear this in mind when you vote for these huge expenditures. When the unemployed need you, are you going to say, "Where is the money?"

Mr. ZIONCHECK. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I cannot yield right now.

All I can do is protest, Mr. Chairman; I protest against this militarism. Keep on in this fashion and the day is not far off when the youth of this Nation will be forced to goose-step over the campus with right arm aloft shouting "Heil Doktor."

[Here the gavel fell.]

The matter referred to by Mr. MARCANTONIO is as follows:

A STUDY OF THE COMPARATIVE COST AND EFFICIENCY OF COMPULSORY AS AGAINST ELECTIVE R. O. T. C. UNITS

By Edwin C. Johnson, Committee on Militarism in Education

The greater efficiency of elective R. O. T. C. units, as against compulsory units, both with respect to number of potential Reserve officers produced and cost of their production, is shown by the following tables:

I. COMPULSORY R. O. T. C. UNITS

Name	Enrollments[1]		Costs[2]			Average cost per potential Reserve officer
	Basic	Advanced	Personnel pay	Maintenance	Total	
University of Maine	517	39	$21,958.80	$15,691.24	$37,650.04	$965
Rutgers University	604	69	24,233.16	19,668.02	43,901.18	636
University of Maryland	678	50	18,909.00	16,031.98	34,940.98	698
Penn State College	1,694	107	49,305.17	57,723.69	107,028.86	1,000
University of Illinois	2,287	498	168,916.57	148,105.45	317,022.02	636
Iowa State College	731	179	76,007.84	34,756.40	110,764.24	618
University of Missouri	709	145	83,973.66	35,419.57	119,393.23	823
Oklahoma Agricultural and Mechanical College	1,146	74	26,932.00	48,790.99	75,722.99	1,023
Oregon Agricultural College	597	162	71,867.45	49,063.09	120,930.54	746
Utah State Agricultural College	445	37	16,862.00	14,577.00	31,439.00	849
University of Washington	942	97	59,046.19	19,986.49	79,032.68	814
Total	10,350	1,457			1,077,825.76	739

II. ELECTIVE R. O. T. C. UNITS

University of Pennsylvania	284	152	$32,828.46	$18,665.12	$51,493.58	$333
University of Pittsburgh	527	140	31,388.20	18,166.89	49,555.09	353
Carnegie Institute of Technology	274	100	16,199.20	16,822.76	33,021.96	330
Wofford College	207	76	11,419.10	11,589.10	23,008.20	302
University of Cincinnati	341	282	33,785.37	24,075.03	57,860.40	205
Western Reserve University	63	42	5,472.00	4,272.21	9,744.21	232
Knox College	91	44	9,819.03	3,755.62	13,574.65	308

[1] Official War Department figures as of Nov. 1, 1932. (See House hearings, War Department appropriation bill for 1934, pp. 512–525.) Later figures are given in published hearings on more recent War Department appropriation bills but, unfortunately, they are given for the Nation as a whole only and are not given for each school or college having military units.

[2] Official War Department figures for fiscal year ending June 30, 1931. (See House hearings, War Department appropriation bill for 1933, pp. 809–815.) As with enrollment figures, more recent cost figures on the R. O. T. C. for the Nation as a whole have been published, but they are not divided according to the various institutions concerned.

II. ELECTIVE R. O. T. C. UNITS—continued

Name	Enrollments		Costs			Average cost per potential Reserve officer
	Basic	Advanced	Personnel pay	Maintenance	Total	
University of Michigan	378	141	$27,308.13	$13,976.55	$41,284.68	$292
University of Wisconsin	342	117	31,563.22	17,189.69	48,752.91	408
University of Wichita	160	44	11,793.20	5,976.01	17,769.21	403
Washington University	216	105	21,977.80	11,604.57	33,582.37	319
Total	2,883	1,243			379,647.26	305

The foregoing tables show several things which support the contention that, from the standpoint of military utility and Federal policy, elective R. O. T. C. units are preferable to compulsory units.

COMPULSORY UNITS MORE EXPENSIVE THAN ELECTIVE AND YET HAVE A LOWER AVERAGE IN PRODUCTION OF POTENTIAL RESERVE OFFICERS

The group of 11 institutions having compulsory R. O. T. C. units, listed in the first table, have a total basic enrollment of 10,350. The number of advanced-course students, potential Reserve officers, produced by these institutions is 1,457, which represents 14 percent of the basic enrollment for the given units. The cost for maintaining these military units upon a compulsory basis amounts to $1,077,825.76, an average of $97,984.16 for each institution. The average cost of producing the given number of potential Reserve officers by these 11 institutions maintaining compulsory R. O. T. C. units is $739 per head.

The second table lists 11 institutions maintaining R. O. T. C. units upon an elective basis. The total basic enrollment is comparatively small, only 2,883, whereas the number of students in the advanced courses, potential Reserve officers, reaches 1,243, a figure which is 43.1 percent of the basic course enrollment of the given units and which is almost equal to the total number of potential Reserve officers produced by the compulsory unit group. The cost of maintaining elective units in these 11 institutions is $379,647.26, or an average cost of $34,513.38 per institution. These two figures are 65 to 70 percent smaller than the corresponding figures for the compulsory unit group. Accordingly, the average cost of producing the given number of potential Reserve officers by the institutions maintaining elective R. O. T. C. units is $305 per head, or 59 percent less than the average cost of their production in the institutions in the compulsory unit group.

The great waste in the compulsory units is caused by the necessity of providing uniforms, equipment, and instruction for the large numbers of unwilling students who are drafted as cadets in the basic courses. These students never continue with the advanced R. O. T. C. courses (which are optional everywhere except at a few openly advertised military schools) without which they cannot be eligible for appointment as Reserve officers. Moreover, the hostility of these students to the military courses imposed upon them against their choice impairs the morale of the units in which they are enrolled, retards the progress, and reduces the quality of the work of those students who are honestly and sincerely interested in becoming Reserve officers.

COMPULSION IN R. O. T. C. WORK A DETRIMENT, ELECTION A BENEFIT, TO MORALE

Many military men and other authorities actually involved in the administration of R. O. T. C. work have testified that elective military training is preferable to compulsory, because of its beneficial effect upon morale. Witness the following:

At the University of Wisconsin, a land-grant college which made the R. O. T. C. elective in 1923, Major Wood, who first opposed the abolition of compulsory training there, later said: "Voluntary drill has eliminated those students who have an intense hatred of drill. Our corps is better because of it."

Maj. George A. Sanford, commandant of the Pomona R. O. T. C., said in 1927: "Voluntary military training at Pomona College is more successful than the compulsory system abandoned 2 years ago."

During the controversy over compulsory military drill at the University of Washington, Maj. F. J. DeRohan, of the R. O. T. C. unit, said he would "like to give every student who does not like drill an excuse and tell him to get out. It is a university ruling, not ours. We do not want compulsory drill."

An anonymous Army officer, writing in the Infantry Journal, November–December 1931, on Inside Dope on One R. O. T. C. Unit says: "Therefore, I believe that if the training were not compulsory it would not be so distasteful to all concerned. Our past experience proves this."

Maj. Enoch B. Garey, former commandant of the Johns Hopkins R. O. T. C., author and coauthor of many military manuals, including the famous Plattsburg Manual, and a combat officer in the A. E. F., has said: "Existing conditions in the R. O. T. C. ought to be changed. Many of the imperfections are the result of conditions * * * at (the) time grants of Government land were made to State universities. * * * The heads of these institutions took the attitude that military training was compulsory. Boys forced into it grew to hate it. * * * Compulsory military training is an unfortunate plan because of its unpopularity. It is far wiser to offer training under an understanding personnel. Take away compulsion, but foster pride and tradition, which are very necessary to the movement."

Kenneth E. Walser, former major of Field Artillery, once said: "I do not think that any military men think it is possible to make officers out of unwilling students. It has always been taken for granted in past wars that officers must be drawn from those who voluntarily offer their services. This principle was followed in training officers for the last war, and nothing is clearer than that any other course is futile. Therefore, whatever may be the results attained with the students who are sufficiently enthusiastic to take an additional military course and summer camp training (in order to become Reserve officers), the money which the Government is spending in endeavoring to make officers out of those who for one reason or another do not wish to be trained is wasted."

EXPERIENCED EDUCATORS OFFER SIMILAR TESTIMONY

Dean S. H. Goodnight, of the University of Wisconsin, wrote as follows to a correspondent on November 14, 1930: "There is very little agitation with regard to military training on our campus. Since military drill has been made optional, only those students enter the training corps who have an interest in it and prefer it to the alternative requirement of physical education. This results in a much smaller corps, of course, but in a very much better one, because all those who are in it are interested in the work and are doing it from choice * * *."

President Daniel L. Marsh, of Boston University, which changed from compulsory to optional R. O. T. C. early in 1926, entered the following statement in his 1926 report to the trustees: "* * * As a matter of fact, about 80 percent of the men in the freshman class this year have elected the course in military science and tactics. The Army officer in command told me the other day that he noted a vast improvement in the morale of the unit. He and you and I will all agree that it is better to have 80 percent of the men enrolled with 100 percent cooperation and good will than to have 100 percent of the men with only 80 percent of cooperation and good will. Any impartial judge will find that the whole situation is vastly improved by the abolition of the compulsory feature."

Dr. C. C. Little, former president of the Universities of Maine and Michigan, in his book The Awakening College says: "There is a widespread and steadily growing feeling against compulsory military training of any sort, or for any period either basic or advanced, at the colleges and universities. * * * Placing all military instruction at the schools and colleges with R. O. T. C. units on a voluntary basis will aid greatly in disentangling the snarl of factors in the situation as a whole and will give to work in military science a dignity and broad value which, while compulsory, it can never obtain."

Dean E. M. Freeman, of the College of Agriculture of the University of Minnesota, has said: "We cannot dismiss the scores of student petitions, the protests of intelligent and clear-thinking individuals, the numerous resolutions of church and other conventions, and the countless other protests which are voiced in all quarters against compulsory drill as entirely propaganda. * * * The military departments have failed to adapt the college military training to modern college conditions and have maintained an unyielding insistence on the maintenance of an educational system of 50 years ago."

COMPULSION IN R. O. T. C. UNITS NOT AN ADVOCATED WAR DEPARTMENT POLICY

Informed War Department officials have repeatedly denied War Department responsibility for the compulsory feature of R. O. T. C. courses. Witness the following:

John W. Weeks, when Secretary of War, wrote to a correspondent as follows on November 18, 1924: "* * * I am pleased to inform you that the National Defense Act does not make military training compulsory at any of the institutions which receive the benefits authorized by the act. So far as the War Department is concerned, it is optional with the authorities of the school, college, or university whether military training shall be an elective or a compulsory course in the curriculum."

Maj. Gen. Charles P. Summerall, later Chief of Staff, writing in Current History, April 1926, said: "Compulsory military training is not a requirement of the War Department; neither is it required in the provisions of the National Defense Act for those institutions accepting the R. O. T. C."

Each year representatives of the War Department appear before members of the House Subcommittee on Military Appropriations to offer justifications for various items, including maintenance of military training units in schools and colleges, in the annual War Department appropriation bill. Often the testimony offered in these hearings contributes to the clarification of War Department policy with reference to matters of dispute or misunderstanding. Following is testimony pertinent to the question of compulsory military training.

On December 12, 1928, the following dialog took place between Congressman Ross A. Collins, of Mississippi, a member of the subcommittee, and Capt. D. A. Watt, of The Adjutant General's Office of the War Department (pp. 881–882, U. S. House hearings, War Department appropriation bill for 1930):

"Mr. COLLINS. You divide them (the schools and colleges having military training units) into those where training is compulsory and those where it is not compulsory, do you not?

"Captain WATT. No, sir; required and voluntary—that does not enter into it so far as the War Department is concerned. The War Department does not require military training. That is left to the institutions.

"Mr. COLLINS. Do you furnish those schools where the military training is compulsory more than you do the strictly civilian institutions?

"Captain WATT. No, sir; they are all treated alike, depending upon the branch of the service.

"Mr. COLLINS. * * * I believe that military instruction is compulsory in all of those land-grant schools except the University of Wisconsin; is that right? * * * As I understand it, that is a matter which the Secretary of War held was up to the States themselves to determine.

"Captain WATT. It is a matter left entirely to State institutions, land-grant and other institutions."

On December 5, 1930, the following dialog took place between Congressman COLLINS and Captain Watt (pp. 940–941, U. S. House hearings, War Department appropriation bill for 1932):

"Mr. COLLINS. I would like to know if a good many of these colleges do not make R. O. T. C. work compulsory just to get the War Department to take care of physical training in the colleges.

"Captain WATT. That is a matter entirely with the institution. An institution would not receive Government aid in any way, nor would an R. O. T. C. unit be established in an institution, unless they voluntarily came to us and asked that we carry on military instruction at their institutions, and then they would have to show that they had so many students, according to the National Defense Act, available for instruction, and that they had certain facilities. The War Department does not enter into the question of compulsory instruction. We do not even suggest it to institutions."

Mr. PARKS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ZIONCHECK. Mr. Chairman, I just came into the Chamber and the gentleman from New York [Mr. MARCANTONIO] was orating in a very characteristic, but very effective manner, about the possibilities of the unemployed and what they might do when they are hungry. It seems to me the gentleman from New York has not given the situation careful analysis. Does not the gentleman from New York realize that the gentlemen in this Chamber recognize that when we stop feeding the unemployed and when we get them back to "rugged individualism" they are going to rebel? They are going to start breaking things up and you have got to have an Army and a lot of volunteers, and you have got to have a big National Guard and the National Guard has got to have the machinery that goes around fast so that they can surround them and use gas bombs and everything else, so that they can control the situation in that manner. Have you not given this thing just a little thought? Methinks the gentleman from New York [Mr. MARCANTONIO] rather presumptuous or naive to even suggest the matter of the hungry unemployed or those seeking to organize legally in order to get more of what they produce and avoid unemployment, when in this very bill the machinery is being set up in the event they speak up—as our Constitution guarantees—or peacefully assemble to talk over their grievances and work their serious problem out in a decent, orderly American fashion.

Let us pause—

Let us remember—

Without big business—no employment; and why should we leave it without an adequate defense?

I yield back the remainder of my time.

Mr. PARKS. Mr. Chairman, I may say just one word in reply. This is the same old amendment that bobs up here ever and anon, and the House votes it down every year, and I hope they will do so this year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MARCANTONIO].

The question was taken; and on a division (demanded by Mr. MARCANTONIO) there were—ayes 15, noes 86.

So the amendment was rejected.

Mr. BIERMANN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BIERMANN: On page 59, line 6, after the words "corps", insert "*Provided further*, That none of the funds appropriated in this act shall be used for or toward the support of military training courses in any civil school or college the authorities of which choose to maintain such courses on a compulsory basis, unless the authorities of such institutions provide, and make known to all prospective students by duly published regulations, arrangements for the unconditional exemption from such military courses, and without penalty, for any and all students who prefer not to participate in such military courses because of convictions conscientiously held, whether religious, ethical, social, or educational, though nothing herein shall be construed as applying to essentially military schools or colleges."

Mr. PARKS. Mr. Chairman, I make the point of order that the amendment is legislation on an appropriation bill and is in no sense a limitation.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. PARKS. Mr. Chairman, of course, I will reserve the point of order if the gentleman wishes to be heard.

Mr. TABER. Then, I make the point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard on the point of order?

Mr. BIERMANN. Mr. Chairman, the purpose of this amendment is to make an exception of the compulsory feature of this military training for those students who have a genuine conscientious scruple against taking military training. The amendment is of the same piece of cloth as the amendment of the gentleman from New York [Mr. MARCANTONIO], which has been ruled in order many times in this House.

The CHAIRMAN. The Chair is ready to rule. The first part of the amendment offered by the gentleman from Iowa is very much the same as the amendment offered by the gentleman from New York [Mr. MARCANTONIO], but there is further language in the amendment offered by the gentleman from Iowa which involves legislation which is as follows:

That unless the authorities of such institutions provide and make known to all prospective students by duly published regulation—

And so forth. That is an affirmative command and direction to the officers of the institution. The Chair thinks the amendment is not in order because it provides legislation on an appropriation bill, and, therefore, sustains the point of order.

Mr. LUCKEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska is recognized for 5 minutes.

Mr. LUCKEY. Mr. Chairman, repeatedly we hear it voiced on the floor of the House, "Where are you going to get the money?" I think that is a very pertinent question. The world has gone mad on this armament race, and we are leading in this race. We are confronted here with the largest appropriation bill for the Army that has ever come up in the House in peacetimes. I am opposed to this huge, unwarranted expenditure. I desire to state that when we do spend the money, we want to get our money's worth.

On Wednesday, February 12, 1936, as a part of my remarks I quoted some figures on relative expenditures for armaments of the leading military powers over the period 1919 to 1934, inclusive. Since then those figures have been challenged on the floor of the House as to their accuracy. In addition, I have received numerous cloakroom requests for more complete figures and for the sources from which they were drawn. Believing that the Members of this House and that every person in the United States should have these figures, I have prepared a complete table, by years, showing the source from which the information was given. I ask that this table be included at this point in my remarks.

The following figures, derived from original sources, have been tabulated upon the basis of "expenditures" rather than upon "appropriations." The sources from which the figures have been drawn appear at the bottom of each table. Conversions of foreign currencies into United States dollars have been made each year at the going rate of exchange.

Armament expenditures in selected countries for the years 1919-34

[All amounts are given in millions and tenths of millions of the currency designated]

Year	United States [1]	France [2]		Great Britain [3]		Italy [4]		Japan [5]		Germany [6]	
	Dollars	Francs [7]	Dollars [8]	Pounds [7]	Dollars [8]	Lire [7]	Dollars [8]	Yen [7]	Dollars [8]	Reichsmarks [7]	Dollars [8]
1919	11,227.6	21,552.0	295.3	2,198.0	9,737.1	22,411.1	2,554.9	368.0	188.4	1,261.2	37.8
1920	1,659.9	8,686.0	608.0	691.0	2,529.1	8,585.2	424.3	536.7	270.5	2,898.7	52.2
1921	1,070.1	7,635.0	552.2	292.2	1,125.0	11,298.1	485.8	1,360.0	655.5	3,775.0	45.1
1922	794.7	6,993.4	573.9	149.4	639.0	7,974.1	382.8	1,849.8	715.7	5,309.7	11.7
1923	596.8	6,889.1	420.2	127.4	582.3	3,390.8	156.0	1,429.7	693.4	33,026.7	.7
Total	15,349.1		2,449.6		14,612.5		4,003.8	5,184.2	2,523.5		147.5
1924	573.6	5,775.2	288.8	119.4	527.7	3,839.0	168.9	499.0	205.6	456.4	108.6
1925	589.3	5,543.6	266.1	121.2	585.4	4,036.2	161.4	455.2	186.6	465.8	110.9
1926	580.0	6,437.1	206.0	127.0	617.2	4,732.0	189.3	443.8	209.5	621.3	147.9
1927	584.5	7,728.5	301.4	121.8	591.9	5,329.5	277.1	434.2	205.8	658.1	156.6
1928	624.0	9,389.8	366.2	121.8	593.2	4,839.4	256.5	491.6	228.1	713.2	170.5
Total	2,951.4		1,428.5		2,915.4		1,053.2		1,035.6		694.5
1929	680.0	10,968.7	427.8	99.9	485.5	4,933.7	256.6	517.2	238.4	769.1	183.0
1930	702.9	11,599.7	452.4	99.3	482.6	4,959.9	257.4	494.9	244.5	691.0	165.1
1931	699.4	12,021.8	468.9	95.1	430.2	5,643.8	293.5	442.8	216.5	681.1	160.7
1932	702.4	9,965.0	388.6	92.4	324.3	5,439.6	277.4	454.6	127.7	617.0	146.2
1933	648.1	11,447.3	572.4	88.2	374.0	5,193.6	348.0	697.2	178.5	633.7	193.3
1934	540.3	11,186.9	738.3	92.6	550.0	4,584.1	394.2	851.8	253.0	671.7	264.6
Total	3,973.1		3,048.4		2,646.6		1,827.1		1,258.6		1,112.9
16-year total	22,273.6		6,926.5		20,174.5		6,884.1		4,817.7		1,954.9

[1] U. S. Treasury Department: Annual report of the Secretary, 1920, pp. 266, 270-272; figures for 1919 and 1920. The Budget: 1923, pp. A8 and A10 (figures for 1921); 1924, pp. A19 and A24 (figures for 1922); 1925, pp. A27 and A31 (figures for 1923); 1926, pp. A28 and A32 (figures for 1924); 1927, pp. A27 and A31 (figures for 1925); 1928, pp. A27 and A32 (figures for 1926); 1929, pp. A28 and A34 (figures for 1927); 1936, pp. 812 and 814 (figures for 1928-34). Figures represent total expenditures for the War Department—Military Establishment or activities—and the Navy Department.

[2] Budget général de l'exercice, 1923, vol. 1, pp. 14-15 and 30-31; figures for 1919, 1920, and 1921. Amounts include both ordinary and extraordinary budgets, and recoverable expenditures. League of Nations Armaments Yearbook: 1924, p. 460 (figures for 1922 and 1923); 1925-26, p. 571 (figures for 1924); 1932, p. 124 (figures for 1925-28); 1934, p. 279 (figures for 1929-34). Amounts represent Government estimates of budget expenditures for defense. Owing to a change in the fiscal year, the figures for 1930, 1931, and 1932 actually represent those for 1930-31, 1931-32, and for 9 months of 1932, respectively.

[3] Statistical Abstract of the United Kingdom: 1918-21, p. 134 (figures for 1919-22). Amounts represent totals for the Army and Navy ministries. League of Nations, Armaments Yearbook: 1924, p. 106 (figures for 1923); 1925-26, p. 155 (figures for 1924); 1926-27, p. 125 (figures for 1925); 1927-28, p. 134 (figures for 1926); 1928-29, p. 134 (figures for 1927); 1929-30, p. 139 (figures for 1928); 1933, p. 781 (figures for 1929); 1934, p. 784 (figures for 1930-34). Figures for 1934 are estimates.

[4] Italy. Direzions generale della statistica. Annuario statistico Italiano: 1919-21, pp. 463-464 (figures for 1919-21); 1922-25, p. 359 (figures for 1922). Amounts represent totals for the war and navy ministries, both ordinary and extraordinary expenditures. League of Nations, Armaments Yearbook: 1924, p. 547 (figures for 1923); 1925-26, p. 697 (figures for 1924); 1927-28, p. 580 (figures for 1925 and 1926); 1929-30, p. 574 (figures for 1927 and 1928); 1934, p. 426 (figures for 1929-34). Amounts for 1933 and 1934 are budget estimates.

[5] Japan. Bureaude la statistique générale. Résumé statistique de l'empire du Japan: 1922, p. 149 (figures for 1919-20). Figures include both ordinary and extraordinary expenditures by the war and navy ministries. (See also Japan. Department of finance. Financial and economic annual.) League of Nations Armaments Yearbook: 1924, p. 571 (figures for 1921); 1925-26, p. 728 (figures for 1922 and 1923); 1926-27, p. 593 (figures for 1924); 1927-28, p. 609 (figures for 1925); 1928-29, p. 580 (figures for 1926); 1929-30, p. 599 (figures for 1927 and 1928); 1934, p. 441 (figures for 1929-34).

[6] Statistisches Jahrbuch für das deutsche Reich: 1920, p. 183-8 (figures for 1919); 1923, p. 353-5 (figures for 1920-23). Amounts include both ordinary and extraordinary budgets, continuing and temporary expenditures, for the army and navy ministries. Totals have been computed. Armaments Yearbook: 1925, p. 345-6 (figures for 1924); 1927-28, p. 483 (figures for 1925 and 1926); 1929-30, p. 471 (figures for 1927-29); 1934, p. 296 (figures for 1930-34). Figures for 1934 are estimates.

[7] Due to constant fluctuation in rates of exchange it has been necessary to convert foreign expenditures into terms of the United States dollar upon a yearly basis. Rates of exchange have been determined from U. S. Federal Reserve Board. Federal Reserve Bulletin, January 1928, p. 56; January 1933, p. 35; January 1934, p. 38; February 1935, p. 104. Value of German reichsmark, 1924, is for the period Oct. 29 to Dec. 31.

[8] Computed.

For a long time I have been gathering these statistics, and, if there are any errors in them, I shall be most glad to correct them.

The table shows expenditures only through the fiscal year 1934, as that is the latest year upon which actual expenditures—not appropriations—can be shown. From the League of Nations Armament Yearbook for 1935 estimates for 1935 may be cited. For the purpose of brevity, I wish to read you these estimates, by countries, converted into American dollars at current rates of exchange:

France

Army	$368,900,000
Navy	192,300,000
Air Service	96,100,000

Great Britain

Army	300,000,000
Navy	421,000,000
Air Service	164,700,000

United States

Army	328,900,000
Navy	492,500,000
Air Service	42,124,000

For the United States the figures have been taken from the Annual Report of the Secretary of the Treasury, 1935, pages 309 to 313.

Japan

Army	$379,500,000
Navy	413,900,000
Air Service (included with the above).	

Italy

Army	203,600,000
Navy	97,000,000
Air Service	56,300,000

Foreign exchange valuations from United States Treasury Circular No. 1, 1935.

In order that there be no confusion in regard to the figures given heretofore and included in this table today, I want to say that these figures do not represent Budget or appropriation figures but actual expenditures. That must be made clear.

The excessive expenditures for our Army in comparison to those of the other powers is not due to the salaries paid to our standing Army or to the increased cost of feeding and clothing them. All one needs to do to prove this fact is to add up the total of the present bill or any of its predecessors for the items including pay, subsistence, and clothing and compare those with the entire military appropriation.

To get at the basis of this problem, it is necessary to examine the manner in which we maintain our national defense. Lately the Navy has thought primarily in terms of Pacific defense, and most of the fleet has been concentrated there; yet seven navy yards are maintained on the Atlantic coast at Portsmouth, Boston, New York, Philadelphia, Washington, Norfolk, and Charleston. Several times it has been recommended that only the three yards at New York, Philadelphia, and Norfolk and the gun factory at Washington were needed.

The United States Army has been criticized for a number of years because of the useless forts which have been preserved where there is no question of national defense. Every time anyone suggests moving one of these forts, there is immediately a cry of protest from those located around that fort. We have gone past the "horse and buggy" age,

yet we maintain useless posts close together which could be eliminated, as it is only a matter of a few hours' transportation between them. In May 1931 the War Department decided to abandon 10 such posts, and the Hoover administration did abandon 5 posts: Fort D. A. Russell, Tex.; Camp Jones, Ariz.; Camp Little, Ariz.; Fort Eustis, Va.; and Fort Hunt, Va.

Through some strange quirk all five of these posts were in Democratic territory.

Stocks of supplies have been kept on hand sufficient for an Army of 1,000,000 men, although the Army numbered less than 150,000 men. Let me quote the figures for the fiscal year 1932 for some articles of clothing, showing the number on hand and the number issued:

	Number on hand	Number issued
Breeches, cotton	1,798,903	174,463
Coats, cotton	1,712,678	99,799
Breeches, woolen	1,535,514	12,372
Coats, woolen	1,501,339	108,276
Trousers, woolen	830,652	17,334

There is a tremendous waste resulting from overstocking. This was illustrated in 1932 when the Army sold goods which had cost $9,155,000 for $687,399. About 100 kinds of equipment were included in that list of surplus goods. A few of them were as follows:

	Quantity	Cost to Army	Price sold
Woolen breeches	203,000	$667,870	$50,750
Heavy woolen socks	150,000	57,000	6,000
Leather gauntlets	218,000	252,880	25,070
Horsehide gloves	256,500	176,985	25,650
Canton flannel mittens	450,000	225,000	11,250
Winter undershirts	750,000	937,500	108,750

May I quote here a part of a frank speech given at Kansas City in April 1933 by Maj. Gen. Johnson Hagood, commander of the Seventh Corps Area:

So far as the Army is concerned, we have too many bureaus already and we could spare six or eight of them with advantage to the national defense and to the joy of the taxpayer. There is no duplication between the Army and the Navy. But there is a duplication within the Army, and it is to be hoped that the President, with his extraordinary power, will be able to accomplish a consolidation and a simplification within the Army itself that could not have been accomplished with the complicated machinery set up by Congress.

The Army has too many overlapping agencies. We are overstaffed. I have twice as many staff officers, clerks, and orderlies as I need, but I cannot get rid of them under the existing set-up.

Our system of administration and supply is so complicated and involved that it would collapse at the outbreak of the next war just as it has collapsed at the outbreak of every war in the past.

We are tied hand and foot with red tape, borne down with unnecessary paper work, and laboring under a training system that could not be comprehended by emergency officers in time of war. I doubt very much if there be a general in the Army, or an officer of the General Staff, who has read the American training regulations—certainly not one who could pass an examination upon them.

A few million dollars here and there due to waste and maladministration, coupled with the excessive prices paid to armament makers, show the reason why our expenses are so great and our results so small.

If we are to have adequate national defense, we must eliminate excessive profits to purveyors of defense supplies; we must eliminate duplicating of bureaus; we must eliminate graft and maladministration wherever it is found. The crying need is to place the Army, Navy, and Air Services on a business basis, directed by competent, hard-headed business men. Providing equipment and supplies for national defense is one of the biggest businesses in which this Government participates. We should have a centralized business administration for that purpose. This is a day of specialization and this fact is recognized by every officer of our Army, Navy, and Air Corps and by every Member of this Congress. We have highly trained and experienced officers to direct our military needs whose duty it is to point out what we need to make our national defense adequate to meet all contingencies. Why, then, should we not have a centralized business administration for the three services, manned not by men unskilled and inexperienced in business practices, but by hard-headed, practical, and able business men? That is the way to reduce expenditures and at the same time to provide for the goal that we seek—adequate national defense.

(By unanimous consent, Mr. LUCKEY was granted leave to extend his remarks in the RECORD by the insertion of certain figures and statistics.)

Mr. POWERS. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Chairman, I move to strike out the last two words. First, I commend the Subcommittee on Appropriations for the work that they have done upon this bill. They have worked hard and tirelessly and faithfully. They are not only entitled to a vote of thanks but the support of every Member of this body.

Mr. Speaker, I am introducing a bill to provide for the repeal of provisions of paragraph IV, Veterans' Regulation No. 9 (a), promulgated by the President pursuant to Public Law No. 2, Seventy-third Congress.

Veterans' Regulation No. 9 (b) provides that the Government shall reimburse in a sum not exceeding $100 such person or persons as defray the burial expenses of a deceased war veteran.

Veterans' Regulation No. 9 (a) provides that claim therefor may be filed at any time within the year following the veteran's death and evidence in support of the claim must be filed within 6 months upon request thereof by the Veterans' Administration.

It frequently occurs that there are so many distressful circumstances surrounding a veteran's death, the widow or close relatives find it impracticable to perfect a claim within the length of time allotted.

The purpose of this bill is to remove the time limit within which claim for reimbursement for burial expenses may be filed.

I have in mind a case which has come to my attention within the past few months in which it was shown the veteran was murdered in 1929 and his body was not recovered until 1934 following confessions made by the persons responsible for his death.

A claim for burial allowance was filed within less than 2 months after the body was recovered, but the Veterans' Administration denied the claim on the grounds that it had not been filed within 1 year following the veteran's death, or before September 16, 1933, the limiting date in this instance, as provided for in the law and governing regulation.

Now, it was a physical impossibility for this claim to be filed within 1 year after the veteran's death in 1929, since it was not known that he was dead until his body was found in 1934. Likewise it was impossible to file claim prior to the limiting date, September 16, 1933.

I contend the burial allowance in this case is due the claimant and should be paid by the Government, and that the intent, if not the wording, of the law was that such a claim should be allowed.

Since investigating this particular case, I find that similar claims have been denied by the Veterans' Administration, and, in order that these apparent injustices may be erased, I introduce this bill to repeal the unfair regulation covering the time limit for filing claims for reimbursement of burial allowances justly due widows, mothers, and close relatives of deceased war veterans.

Mr. MOTT. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Shortly after the House convened this afternoon my two colleagues from Oregon addressed themselves to the occasion of the anniversary of the admission of our State into the Union. If gentlemen will indulge me, I wish to add to theirs my own brief tribute, and I think I can do that in no better way than to call attention again of the Members of the Congress to one of the great problems of our State, a problem which, by the way, it happens to be the business not of the State of Oregon but of the Congress to solve. I refer to our public-land problem.

The land problem arises out of the circumstances surrounding the admission of Oregon into the Union as a State. The establishment of government in Oregon is one of the most unique chapters in the history of our country. In fact, so far as I know, there is no parallel to it in history anywhere. When the first Americans went to Oregon 100 years ago they went into a country which was politically a "no man's land." The United States claimed sovereignty over the Oregon country, but it had never exercised any jurisdiction over it. The British Government also claimed sovereignty there and had, in fact, exercised jurisdiction. The actual government of the Oregon country at that time was in the hands of a British corporation, the Hudson's Bay Co., and the actual ruler of the Oregon country at that time was Dr. John McLaughlin, who was the chief factor of the company, and who was a benevolent dictator.

During the 12 years following the first settlement of Americans in Oregon, American immigration continued steadily, until finally about 1849 the number of Americans in that country equaled the number of British. The British in Oregon were largely employees and former employees of the Hudson's Bay Co. The Americans, when they went to Oregon from the Eastern States, took their own law into that country.

They decided, after their numbers had become large enough to be effective, that they should establish a civil government for Oregon. So they called a meeting at Champoeg, in which all of the inhabitants of the Oregon country were invited to participate, including the British subjects, and there they declared and perfected a complete form of government of their own. They formed that government without any help or recognition from the United States, and invited the United States to come in and assume jurisdiction over it. That is the way the government was established in Oregon. The people of Oregon gave the Oregon country to the United States.

When we were finally admitted into the Union as a State in 1859 we were admitted upon condition that the United States should retain some 54 percent of the entire area of our State. This was to remain in the ownership of the Federal Government, leaving to the State of Oregon the ownership of only 46 percent of its own area. We are allowed to tax only 46 percent of the land of our own State in order to support our State and local governments.

The problem of Oregon, therefore, is to secure from the Federal Government, on account of the ownership of this vast area of our State in the Federal Government, a sufficient amount of revenue annually to reimburse us for the tax loss sustained through Federal ownership of more than half the area of Oregon. During long years in Congress we have partly succeeded in accomplishing this. We now receive through appropriate legislation enacted for that purpose a substantial share of the annual revenue produced from the Federal domain in Oregon.

It is a part of our duty as Representatives of Oregon in Congress to see to it that the Federal Government performs its plain obligation to our State in this regard in order that our people may not suffer from the tax loss sustained by reason of the fact that so much of our area belongs not to the people of Oregon alone but to all the people of the United States.

From time to time attacks are made upon the laws under which we receive this Federal revenue.

A bill was introduced at the last session to repeal one of the most important of those laws whereby we receive this revenue, namely, the Stanfield, Oregon, and California land-grant law. Fortunately that repeal bill was defeated in the Committee on Public Lands, of which I am a member, and I desire on this occasion to thank my colleagues on that committee for the very friendly interest and understanding they have always shown in regard to our land problems.

Our problem is to preserve that revenue, and if we can, to increase it and make it more secure, and for our just and proper claims in this regard I ask the cooperation of all Members of this body. [Applause.]

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. BIERMANN. Mr. Chairman, I move to strike out the last word.

Mr. POWERS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

Mr. DUNN of Pennsylvania. Reserving the right to object, will the gentleman make it 8 minutes? I should like to have 3 minutes.

Mr. POWERS. I will modify the request to make it 8 minutes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey that all debate on this paragraph and all amendments thereto close in 8 minutes?

There was no objection.

Mr. BIERMANN. Mr. Chairman, unless some Member with a prior right offers a motion to recommit, I expect to offer the following motion to recommit:

I move that the bill be recommitted to the Committee on Appropriations with instructions to report the bill back with sufficient reductions in the amounts to bring the total appropriation below $400,000,000: *Provided*, That none of the reductions shall be made in the Air Corps or Chemical Warfare Service.

If that motion to recommit prevails, the amount of money that will be voted for the War Department for the fiscal year 1937 will be larger than any sum ever voted for war by any other nation on earth in any year of peacetimes since the dawn of history. It will be $80,000,000 more than this country spent in the years 1898 and 1899 together, when we were prosecuting the Spanish-American War and the trouble in Puerto Rico.

This bill lends itself to a lot of brave words. It sounds very fine to get up here and say, "I am for defense." But nobody has come in and said against whom you are going to defend yourselves. Again and again I have asked members of the Appropriations Committee and other members of this committee and of the Subcommittee on Naval Appropriations to come into this House and tell us out of his own imagination or out of testimony by any military or naval man, how it is possible for any foreign power or combination of foreign powers to invade this country. During the World War the Allies had the great navies of the world. Did they invade Germany from the sea? They never fired a single hostile shot from the water into Germany. Did they invade Turkey? They tried it, but they utterly failed. I ask the proponents of this bill, in the time still left for debate, to turn back the pages of history and, if they can, point to one single time in a hundred years when any power or combination of powers has landed troops successfully on the hostile shores of a major power. The English Channel

is 26 miles wide in one place, yet England has never been invaded for about 900 years. In hundreds of years England has not invaded France across that water, and she has not invaded Germany across that water. It is just something that is not done. Some of you gentlemen went across the Atlantic in the World War and you know something about the difficulty of the United States getting its troops across 3,500 miles of water. We had no ammunition to transport. We had no guns to transport. Our allies had ample supplies of these and asked us to send only men and food. All we had to transport was the men and eating materials, and we landed them on welcoming shores, among friendly people; yet it was a little more than a year after our declaration of war before we had enough soldiers on a friendly foreign shore to take even a small part in the hostilities on the other side.

Now, I am for adequate defense, whatever that is. That is "X." But I am not for voting hundreds and hundreds of millions of dollars, more all the time, every time this Army lobby comes here and asks for money. Do they come here and tell you to contract the 120 little Army posts of the country into a few substantial military units so that there can be a regiment together here or there or a brigade here or there? No. Their only cure for all difficulties is to call for more and more money.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. BIERMANN] has expired.

Mr. DUNN of Pennsylvania. Mr. Chairman, I move to strike out the last four words.

Mr. Chairman, I want to go on record as saying I am for adequate defense. I believe that the United States should be second to no nation when it comes to fortifications. I believe we should be so fortified that we could repel not one nation but a coalition of nations, if they desired to invade our country. It is my candid opinion that the amount of money asked for in this bill is too much for defensive purposes. If we would take about one-fourth of this money and use it for old-age pensions or to take care of the many thousands of men who were in the World War and the Spanish-American War and who are now in need of assistance; if we would take about one-fourth of this money which we are asking for to destroy human life and use it to eradicate the slum districts of the United States, we would be making human progress.

As I said before, I am for adequate defense, but the amount of money which is being asked for in this bill is not for adequate defense. It is for the benefit of the munition makers. [Applause.]

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

For maintaining and improving national cemeteries, including fuel for and pay of superintendents and the superintendent at Mexico City, and other employees; purchase of land (not to exceed $6,000); purchase of tools and materials; purchase, including exchange, of one motor-propelled passenger-carrying vehicle; and for the repair, maintenance, and operation of motor vehicles; care and maintenance of the Arlington Memorial Amphitheater, chapel, and grounds in the Arlington National Cemetery; repair to roadways but not to more than a single approach road to any national cemetery constructed under special act of Congress; headstones for unmarked graves of soldiers, sailors, and marines under the acts approved March 3, 1873 (U. S. C., title 24, sec. 279), February 3, 1879 (U. S. C., title 24, sec. 280), March 9, 1906 (34 Stat., p. 56), March 14, 1914 (38 Stat., p. 768), and February 26, 1929 (U. S. C., title 24, sec. 280a), and civilians interred in post cemeteries; recovery of bodies and disposition of remains of military personnel and civilian employees of the Army under act approved March 9, 1928 (U. S. C., title 10, sec. 916); not to exceed $734 for repairs and preservation of monuments, tablets, roads, fences, etc., made and constructed by the United States in Cuba and China to mark the places where American soldiers fell; care protection, and maintenance of the Confederate Mound in Oakwood Cemetery at Chicago, the Confederate Stockade Cemetery at Johnstons Island, the Confederate burial plats owned by the United States in Confederate Cemetery at North Alton, the Confederate Cemetery, Camp Chase, at Columbus, the Confederate Cemetery at Point Lookout, and the Confederate Cemetery at Rock Island, $814,990: *Provided*, That no railroad shall be permitted upon any right-of-way which may have been acquired by the United States leading to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided further*, That no part of this appropriation shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.

Mr. WHELCHEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Mr. WHELCHEL offers the following amendment: Page 64, line 19, strike out the figures following the dollar mark, "814,990", and insert in lieu thereof the figures "816,790."

Mr. POWERS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WHELCHEL. Mr. Chairman, the effect of the amendment I have offered is to increase, ostensibly, by $1,800 the amount of this item, but in reality it is not an increase as I hope to be able to show the committee.

You will notice on page 63 reference to unmarked graves of soldiers. There has been, in my opinion, quite a bit of delay in this regard and I have busied myself to find out the reason. I took it up with the War Department and they made the statement, which I verified and can see some reason for, that there is provided in this measure, only two inspectors and they must cover the whole United States. This being true they are unable to traverse or cover the territory expeditiously.

I have stated that this amendment in reality does not increase the appropriation. The reason it does not is because the traveling expenses of only two inspectors are much greater than the $1,800 a year, or $150 a month to provide an additional inspector and cut down the distance each man must travel.

My interest in this item is that in my district is the Georgia Marble Co. On numerous occasions, for the lack of inspection, this company has been prevented from making sales to the Government. I am not interested solely on behalf of the marble industry of my State. The more expeditious service that could be furnished through the use of an additional inspector for which this $1,800 would be used, would aid the marble industry not only in the Southern States but in Vermont and the other New England States and in those other sections of the country where such stone is located; and I hope Members from those districts will support the amendment. Not only will this aid this industry but it will result in reduced expense to the Government through savings in travel and subsistence allowance. This is borne out by the statement of the War Department, and I sincerely hope my amendment will be agreed to.

Mr. PARKS. Mr. Chairman, will the gentleman yield?

Mr. WHELCHEL. I yield.

Mr. PARKS. I would not be disposed to oppose the gentleman's amendment were it not for the fact that we have added in excess of $26,000 to the estimate for cemeterial expenses. Considering that additional amount I should say there will be an adequate amount available to provide for this extra service if it be desirable.

Mr. WHELCHEL. I took the matter up with the War Department and they told me they were authorized to have only two inspectors. They said in addition, however, that provision for an additional inspector would make it possible to show an ultimate reduction in cost.

Mr. PARKS. Regardless of what the War Department says, I am sure there will be a sufficient amount available to take care of the matter.

[Here the gavel fell.]

Mr. KNUTE HILL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I realize how utterly futile it is in this body to offer any opposition to this bill, how utterly futile it is to offer any amendment on the floor of this House with the

present state of opinion of the House; yet I want to rise to my feet and declare my opposition to this bill as a whole and to say that I will vote against it if it is the only vote cast against the bill.

Whither are we drifting? We are drifting into exactly the same terrible catastrophe through which we went from 1917 to 1918. How short do the memories of the Members of Congress seem to be. Do you remember 1917 and 1918, with the terrible consequences you and I reaped then and are reaping now?

You say we must prepare. Prepare for what? You say defense. Defense against our friendly neighbor to the north? Defense against our equally friendly neighbor to the south? Defense against those who are separated from us by the misty Atlantic to the east or those separated from us by the broad stretches and wastes of the Pacific to the west? No; it is not defense, my friends; it is preparation for one thing, and one thing only, and toward that we are drifting right now—that is war.

I believe it was my good friend from California, Mr. DOCKWEILER who mentioned the danger of Japan, the yellow peril. I was permitted a week or 10 days ago to be one of 60 to be invited to hear Dr. Kagawa, that great man from Japan. He stated, and had the facts to prove it, that 90 percent of the people of Japan were against war; and I am here to tell you that 90 percent of the people in the United States are against war. I do not believe anyone here will deny that statement. Why should we be preparing for war when the people do not want it? You Members who vote for this bill, however sincere you may be, are definitely taking a fatal step toward war. Mark my words, and 10 years hence or sooner, when younger men are shedding their lifeblood in a futile warfare, hang your heads in shame to think that your votes made it possible. The cry is, "Peace! Peace!" But evidently you want no peace. The only way to assure peace is to think peace, talk peace, and vote peace.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The amendment was rejected.

The Clerk read as follows:

SIGNAL CORPS

ALASKA COMMUNICATION SYSTEM

For operation, maintenance, and improvement of the Alaska Communication System and for purchase, including exchange, and operation and maintenance of one motor-propelled passenger-carrying vehicle, $163,338, to be derived from the receipts of the Alaska Communication System which have been covered into the Treasury of the United States, and to remain available until the close of the fiscal year 1938: *Provided*, That the Secretary of War shall report to Congress the extent and cost of any extensions and betterments which may be effected under this appropriation.

Mr. FERGUSON. Mr. Chairman, I move to strike out the last word.

Mr. POWERS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FERGUSON. Mr. Chairman, I desire to talk about a subject that involves as large amount of money as does this entire bill; that is, projects which have been undertaken for construction by emergency agencies of the Government, which projects have had an insufficient amount of money allotted with which to complete.

The Committee on Appropriations deserve a vote of thanks from this House. They laid down a rule here of which we can all be proud. When five projects were submitted to this committee asking for additional appropriations with which to complete, projects which had not been authorized by the Congress, this committee made the statement:

> The committee is in thorough accord with what seems to be the future policy fully to finance such projects out of specific regular annual appropriations, but only after such projects have been authorized by law.

I call the attention of the Members of the House to the situation that exists in connection with these five projects that were turned down by the Committee on Appropriations. We are not discussing the merits of these projects. We are only discussing the legal status. We are discussing the situation that will confront these projects when in future Congresses a request is made for the appropriation of money with which to complete them. These five projects are shown on page 35 of the hearings, and, Mr. Chairman, I ask unanimous consent to include page 35 in my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROJECTS AUTHORIZED UNDER PROVISIONS OF THE EMERGENCY RELIEF APPROPRIATION ACT OF 1935, FOR WHICH ADDITIONAL FUNDS ARE REQUIRED FOR CONTINUATION OF WORK—PROJECTS NOT UTILIZABLE IN PRESENT CONDITION

Project	Amount proposed in Budget estimates	Appropriated by Congress	Funds provided under National Industrial Recovery Act and Public Works Administration	Funds provided from Emergency Relief Appropriation Act, 1935	Total from emergency appropriations	Required for completion
Passamaquoddy tidal power project, Maine	$9,000,000			$5,000,000	$5,000,000	$38,732,000
The Atlantic-Gulf Ship Canal, Fla	12,000,000			5,200,000	5,200,000	138,000,000
Sardis Reservoir, Miss	2,500,000			1,000,000	1,000,000	9,472,000
Conchas Dam, N. Mex	3,500,000			2,500,000	2,500,000	6,171,000
Bluestone Reservoir, W. Va	2,000,000			1,000,000	1,000,000	11,779,000
Total	29,000,000			14,700,000	14,700,000	204,174,000

PROJECTS AUTHORIZED BY CONGRESS, FINANCED IN PART FROM EMERGENCY APPROPRIATIONS FOR WHICH ADDITIONAL FUNDS ARE NECESSARY FOR DEVELOPMENT OF FULL VALUE OF PROPOSED IMPROVEMENT TO NAVIGATION

Brunswick Harbor, Ga	$173,000	$2,689,379	$102,516		$102,516	$175,000
St. Johns River, Fla., Jacksonville to the ocean	674,000	7,199,134	920,013		290,013	674,000
Fort Pierce Inlet, Fla	210,000	1,005	250,000		250,000	210,000
Lake Worth Inlet, Fla	450,000	1,681	110,000		110,000	450,000
Mississippi River between the Ohio and Missouri Rivers	1,000,000	27,055,083	3,996,000	$1,000,000	4,996,000	13,000,000
Ohio River, open channel work	345,000	11,216,512	1,040,235		1,040,235	4,745,000
Missouri River, mouth to Kansas City	1,000,000	68,207,962	6,468,490	1,684,000	8,152,490	4,200,000
Detroit River, Mich	130,000	20,577,454	1,555,000		1,555,000	165,000
St. Marys River, Mich	175,500	34,611,034	159,000		159,000	173,500
Calumet Harbor and River, Ill. and Ind	600,000	2,803,281	3,476,838		3,476,838	1,040,000
Indiana Harbor, Ind	94,000	1,832,025	1,654,000		1,654,000	94,000
Los Angeles and Long Beach Harbors, Calif	1,560,000	12,534,814	1,595,000	1,000,000	2,595,000	3,600,000
Total	6,411,500	188,739,364	20,697,092	3,684,000	24,381,092	28,526,500

PROJECTS AUTHORIZED BY CONGRESS ON WHICH WORK HAS NOT YET BEEN PLACED UNDER WAY BUT HIGHLY DESIRABLE IN INTERESTS OF NAVIGATION

Project	Amount proposed in Budget estimates	Appropriated by Congress	Funds provided under National Industrial Recovery Act and Public Works Administration	Funds provided from Emergency Relief Appropriation Act, 1935	Total from emergency appropriations	Required for completion
New York Harbor, N. Y.	$1,420,000	$7,466,452				$3,750,000
Harlem River, N. Y.	700.000	2,709,054				2,600,000
Winyah Bay, S. C.	325,000	2,937,052				375,000
Savannah Harbor, Ga.	945,000	11,441,497				1,412,000
Galveston Harbor, Tex.	234,000	10,863,077				354,000
Straits of Mackinac, Mich.	50,000					50,000
Grays Reef Passage, Mich.	132,400					132,400
Total	3,906,400	35,417,132				8,673,400
Reserve	821,100					
Grand total	129,000,000	514,587,093	$226,044,599	$102,568,000	$328,612,599	483,130,100

Mr. FERGUSON. The total completion cost is estimated at $204,000,000. These five projects are: Passamaquoddy tidal power project, Maine; the Atlantic-Gulf Ship Canal, Fla.; Sardis Reservoir, Miss; the Conchas Dam, N. Mex.; and the Bluestone Reservoir, W. Va. These projects are going to eventually cost $204,000,000 to build, yet only $14,000,000 has been allotted from these emergency agencies.

They now come to the Appropriations Committee and ask for $29,000,000 to carry on these projects which have never been passed on by any committee of the Congress.

Mr. POWERS. Will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman from New Jersey.

Mr. POWERS. The gentleman's position is if these brain children are going to be reared by some bureaucrat in Washington they should be reared there and not passed on to us?

Mr. FERGUSON. Regardless of the merits of the individual projects they should be passed on at this session of Congress. They should either be voted up or down, so that future Congresses will know whether they should appropriate money with which to complete them or not.

Mr. GREEN. Will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman from Florida.

Mr. GREEN. In reply to the gentleman on the other side of the aisle, may I say that there is at least one of these projects that is not the brain child of some bureaucrat. Mr. Chairman, I would have the Members of this House believe that the Florida canal is a project that has been approved by Army engineers.

Mr. FERGUSON. Mr. Chairman, I do not yield further.

Mr. Chairman, the reason I am bringing this to the attention of the Members of the House is because these projects may be stuck on in the Senate just as a hundred million dollars was added on to the river and harbor bill last year in the form of the Grand Coulee Dam that had never been passed upon by a committee of this Congress. These projects will only be temporarily helped anyway by this request. In the case of the Florida canal only five million two hundred thousand has been allotted from emergency appropriations. This project costs 138 million to complete. If future Congresses appropriate money to finish this project it must go before the proper committee in Congress and be authorized.

The pro-forma amendment was withdrawn.

The Clerk read as follows:

UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

For the maintenance of the office of the United States High Commissioner to the Philippine Islands as authorized by subsection 4 of section 7 of the act approved March 24, 1934 (48 Stat. 456), including salaries and wages; rental, furnishings, equipment, maintenance, renovation, and repair of office quarters and living quarters for the High Commissioner; supplies and equipment; purchase and exchange of law books and books of reference, periodicals, and newspapers; traveling expenses, including for persons appointed hereunder within the United States and their families, actual expenses of travel and transportation of household effects from their homes in the United States to the Philippine Islands, utilizing Government vessels whenever practicable; operation, maintenance, and repair of motor vehicles, and all other necessary expenses, $161,600, of which amount not exceeding $10,000 shall be available for expenditure in the discretion of the High Commissioner for maintenance of his household and such other purposes as he may deem proper: *Provided*, That the salary of the legal adviser and the financial expert shall not exceed the annual rate of $12,000 and $10,000 each, respectively: *Provided further*, That section 3709 of the Revised Statutes (U. S. C., title 45, sec. 5), shall not apply to any purchase or service rendered under this appropriation when the aggregate amount involved does not exceed the sum of $100.

Mr. GREEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I beg to differ in part with my distinguished friend from Oklahoma. I fully realize the importance of securing congressional approval of all projects that may be carried on by the Federal Government, but I would like to remind my colleagues of the fact that some 3½ years ago this country was faced with an unusual condition. Destitution, unemployment, and turmoil prevailed. About a year ago we clad the President of the United States with not only the authority but the responsibility of prosecuting public-works projects, relieving the unemployed in this country, and feeding the hungry. He has carried out the will of this Congress and embarked upon these five projects which have been mentioned by the gentleman from Oklahoma in good faith and with the sanction of this Congress and for the building of permanent improvements and for relief of the unemployed of this country.

The money he has expended on these projects is money well spent. The Director of the Bureau of the Budget, the Chief of the Army Engineers, and constituted agencies of this Government have recommended and approved these projects or have at least approved the ship canal across my State—Florida. Also the P. W. A. engineers, and also a board composed of two Army engineers, two P. W. A. engineers, and one civilian engineer has definitely approved and recommended it.

I want to ask why Members feel like this Congress should now run out on the President? Why do you want to walk out on him now? Two years ago, when you wanted projects and improvements, you did not run out on him. Why does the Appropriations Committee omit these items when the Bureau of the Budget recommended them and when the Army engineers are now in actual operation of construction? It is true they are not in this bill, but there is no project in this bill that has the more direct approval of the Congress or one that has more merit than does the Florida canal. It is true there has been some insidious propaganda by special interests who fight all waterway improvements and by those who are now receiving benefits from mail subsidies. The construction of this ship canal will mean the cutting off of distance which is now being paid to travel. Are you surprised that these special interests would fight the Florida canal? A resolution may yet be introduced to investigate the interests and causes behind opposition to this project. There is no sound reason why the canal should not be completed, the most competent engineering authorities have concluded that the project is economically sound and that it is fully justified, also that it is a sound project from an engineering point of view. They have fully concluded that the water supply

of the State will not be seriously injured and that the vegetation growth will not be injured. These arguments have been used as smoke screens to cover up the special interests behind the fire.

Florida counties in the canal district have voted bonds for $1,500,000 to buy the right-of-way, the bonds have been issued and partly sold. The State canal authority is purchasing rights-of-way daily. It is almost all secured.

Work is progressing well on actual construction. Five or six thousand men are employed at the point of construction. Thousands of others are indirectly employed at material and manufacturing plants throughout the country.

How about the Boulder Dam project in the State of Nevada and a number of other great projects now under way of construction? Do you want to abandon all of them? Such a course would be insincere and unthinkable. Every one of these projects should be completed, and I venture they will be. It is sound business judgment to carry the Florida canal and these other projects on through to completion. This will be done.

I am surprised that the gentleman from New Jersey [Mr. POWERS] would insinuate that some bureaucrat jumped up a project of the national importance that this canal is and then say that the Congress has no right to proceed with it. The gentleman is sadly mistaken, because the President had full authority and direction to initiate these projects, all of them. I commend his courage and wisdom in so doing.

For one, I am not willing to walk out on the President, on the Army engineers, on the Public Works engineers, and on the American people and abandon a project where five or six thousand men are now employed on a project which will be a lasting improvement and paying investment for the American people; and when you, my friends, understand the facts as we do I am sure you will take the same position, and when the time comes to vote on the project I hope you will then sustain the President and vote for this appropriation. [Applause.]

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I want to take simply a moment to refer to the statement that was made by the distinguished gentleman from Florida who said that this project has been authorized by the Board of Engineers.

In the course of the hearing the gentleman from New Jersey [Mr. POWERS], a member of this subcommittee, questioned General Pillsbury, assistant to the Chief of Engineers, as follows:

Mr. POWERS. General Pillsbury, just to clear up something in my own mind, will you tell me this about the Florida ship canal. Was that approved by the same type of board that the Passamaquoddy project was approved by?

General PILLSBURY. No; to the best of my recollection, that was not recommended by any board. The report is now before the Board of Engineers for Rivers and Harbors, and, upon the request of Members of Congress from Florida, the Board has adjourned the hearing on the proposition until interested parties should have a further opportunity to assemble data in support of it.

Mr. POWERS. Do I understand, then, that the Florida ship canal has never been approved by any board of the Army engineers, or anyone else?

General PILLSBURY. I do not recollect any.

Captain CLAY. There was a special board, and they did point out that, although it lacked complete economic justification with a part of its cost charged to relief, it would be suitable as a relief project.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. PARKS. Certainly, I yield.

Mr. GREEN. I call the attention of the House to the CONGRESSIONAL RECORD——

Mr. PARKS. I thought the gentleman wanted to ask me a question. I did not yield for a statement.

Mr. GREEN. This is in reply to your statement and I will then ask a question.

Mr. PARKS. All right; ask me the question and do not make a statement.

Mr. GREEN. On February 12, at page 1924 of the CONGRESSIONAL RECORD, the gentleman will find a letter signed by Gen. E. M. Markham, Chief of Engineers, approving the Florida canal project.

Mr. PARKS. General Markham approves it?

Mr. GREEN. Wait just a minute. I will read it.

Mr. PARKS. I am not going to yield for a speech.

Mr. GREEN. Also a special board composed of two Army engineers, two Public Works engineers, and a civilian engineer approved it. Also the Public Works engineers.

Mr. PARKS. Let me say to the gentleman, and I say this without meaning to be abrupt, we are almost compelled to finish the consideration of this bill tonight and there are many Members here who do not wish to stay into the night and we have had so much debate on these projects, I hope the gentleman will pardon me for declining to yield.

Mr. FERGUSON. Mr. Chairman, will the gentleman yield for a question on just one point?

Mr. PARKS. I yield.

Mr. FERGUSON. If we dismiss the question of whether the Florida canal is justified or not, in the gentleman's opinion, can it ever be completed by appropriations from Congress until it is approved and authorized by a regular committee of the Congress?

Mr. PARKS. I hope not; and one reason for the committee refusing to bring in this project was that the Congress had approved projects similar to this carrying millions of dollars and the Budget refused to send them down to us, and I hope the Committee will not accept any of these projects, but at the same time I should be delighted to see this project carried through if it should receive authorization in a regular way.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. PARKS. I yield.

Mr. MARTIN of Colorado. What is the gentleman going to do when this $29,000,000 is put in over at the other end of the Capitol?

Mr. MAY. We will refuse to concur in the Senate amendment.

Mr. PARKS. Of course, I cannot speak for the committee of conference, because they might not agree with me; but if the gentleman asks me what I expect to do, I can tell the gentleman that I am going to be guided by the wishes of the House.

[Here the gavel fell.]

The Clerk read as follows:

CORPS OF ENGINEERS

RIVERS AND HARBORS

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes and other boundary and connecting waters as heretofore authorized, including the preparation, correction, printing, and issuing of charts and bulletins and the investigation of lake levels; for prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City; for expenses of the California Debris Commission in carrying on the work authorized by the act approved March 1, 1893 (U. S. C., title 33, sec. 661); for removing sunken vessels or craft obstructing or endangering navigation as authorized by law; for operating and maintaining, keeping in repair, and continuing in use without interruption any lock, canal (except the Panama Canal), canalized river, or other public works for the use and benefit of navigation belonging to the United States; for payment annually of tuition fees of not to exceed 35 student officers of the Corps of Engineers at civil technical institutions under the provisions of section 127a of the National Defense Act, as amended (U. S. C., title 10, sec. 535); for examinations, surveys, and contingencies of rivers and harbors; and for printing, including illustrations, as may be authorized by the Committee on Printing of the House of Representatives, either during a recess or session of Congress, of surveys under House Document No. 308, Sixty-ninth Congress, first session, and section 10 of the Flood Control Act, approved May 15, 1928 (U. S. C., title 33, sec. 702j), and such surveys as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress, and for the purchase of motor-propelled passenger-carrying vehicles and motor boats, for official use, not to exceed $146,050: *Provided*, That no funds shall be expended for any preliminary examination, survey, project, or estimate not authorized by law, $138,677,899: *Provided further*, That no appropriation under the Corps of Engineers for the fiscal year 1937 shall be available for any expenses incident to operating any power-driven boat or vessel on other than Government business: *Provided further*, That not to exceed $3,000 of the amount herein appropriated shall be available for the support and maintenance of the Permanent International

Commission of the Congresses of Navigation and for the payment of the actual expenses of the properly accredited delegates of the United States to the meeting of the congresses and of the commission.

Mr. TABER. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 68, line 10, after the word "law", strike out "$138,677,899" and insert in lieu thereof "$88,677,899."

Mr. TABER. Mr. Chairman, I have offered this amendment to reduce this tremendous appropriation for rivers and harbors. Let me say to the members of the Committee that I have not attempted to touch the amount of $38,000,000 for maintenance.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield for a moment, not to be taken out of his time?

Mr. TABER. Yes.

Mr. WOODRUM. Mr. Chairman, it is quite evident that several amendments will be offered to the paragraph under consideration, and I am wondering if it is possible to have some understanding as to time. I know the membership of the House would like to get away as early as possible, and there will likely be a roll call. I ask unanimous consent that debate upon this section and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection?

Mr. MOTT. Mr. Chairman, I reserve the right to object. I have an amendment to offer to this section and I want to be sure of 5 minutes.

Mr. MANSFIELD. Mr. Chairman, I have an amendment to offer.

Mr. WOODRUM. Mr. Chairman, I modify my request and ask unanimous consent that debate upon this amendment and all amendments to this section close in 45 minutes.

The CHAIRMAN. Is there objection?

Mr. MAPES. Mr. Chairman, I reserve the right to object. I would like to have 3 or 4 minutes.

The CHAIRMAN. The Chair will endeavor to recognize those who seem to be interested, apportioning the time between what seems to be 8 or 9 or 10 gentlemen who desire recognition.

Mr. MOTT. That is satisfactory to me.

Mr. WOODRUM. The Chair understands that the unanimous-consent request is to close debate on the section and all amendments to the section.

The CHAIRMAN. Yes. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none and the gentleman from New York is recognized for 5 minutes.

Mr. TABER. Mr. Chairman, as I started to say, I have not attempted to interfere with the $38,000,000 allowed for maintenance, but I do believe that we should cut in two the $100,000,000 recommended by the committee for improvements. Let me show how this applies to the seacoast harbors and the Great Lakes harbors. The total amount allotted for them is only somewhere around $10,000,000, and for the Great Lakes harbors the total improvements are only $1,000,000. For the other things, rivers and harbors and dams and all that sort of thing which have very small traffic, it is absolutely ridiculous for us to spend this amount of money. When we were at the peak of commerce and developing commerce, we were expending only as high as $60,000,000 or $65,000,000 annually, including maintenance of rivers and harbors, and then we were spending larger amounts than they are now proposing to spend on the improvements on the seacoast and on the Great Lakes. It seems to me that we will never stop this tremendous expenditure unless we begin, and the way to begin and the way to economize and keep things within the authorizations that the Rivers and Harbors Committee have brought in here by laws they have passed is to stop spending so much as $100,000,000 on improvements, and cut it down to $50,000,000 right here. If the people of the United States could be given the confidence they ought to have in their Government by Congress showing it has the capacity to cut down appropriations to a reasonable figure, business in this country would go on by leaps and bounds. I hope the Members of Congress will today give business some encouragement by voting to cut down this item.

I hope the Members of this House will adopt this amendment and cut down this expenditure and save to the Public Treasury $50,000,000. This is the best opportunity on the bill to save money. There is no possible excuse for spending the money, and I hope the amendment will be agreed to.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MAPES. Mr. Chairman, I agree with the gentleman from New York [Mr. TABER] that under the economic conditions and the condition of the Treasury we might well reduce the total appropriation proposed for the prosecution of new work on rivers and harbors, but I rise particularly to discuss the appropriation as proposed by the committee.

Attention has been called a great many times since debate on this bill started to the disproportionate amount of the $100,000,000 which the bill appropriates for the prosecution of new work on river and harbor projects generally that is proposed to be expended on the Great Lakes, as compared with other parts of the country. My colleague the gentleman from Michigan [Mr. DONDERO], who is a member of the Committee on Rivers and Harbors, early in the debate made a very clear and complete analysis of the situation in that respect.

Notwithstanding the fact that about 25 percent of the water tonnage of the United States is on the Great Lakes, the Board of Engineers, according to the tentative list presented to the committee, proposes to spend on rivers and harbors of the Great Lakes only $1,200,000, or a trifle over 1 percent of the $100,000,000.

That is excluding the item for maintenance, $38,000,000. I understand there is no question on the part of anyone as to the maintenance item.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. WHITTINGTON. What part of that item of $38,000,000 is for maintenance along the Great Lakes?

Mr. MAPES. I cannot answer the gentleman.

Mr. WHITTINGTON. Is it not true that it is well up into the millions—nine or ten million?

Mr. MAPES. I have no doubt but what it is a considerable amount.

Mr. WHITTINGTON. So substantially one-third of the entire maintenance goes to the Great Lakes, does it not?

Mr. MAPES. I will say to the gentleman from Mississippi that I have not investigated that carefully and I cannot answer the gentleman's question, but I think a considerable part of the maintenance item is expended on the Great Lakes.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. MAPES. I am sorry, but I do not have time to yield further.

On the other hand, the Board has indicated that it proposes to expend $25,000,000, or one-fourth of the entire appropriation, on the Mississippi River between the Missouri River and Minneapolis, and another $20,000,000 on the dam in the Missouri River at Fort Peck, Mont.

From the standpoint of commerce, either present or prospective, it is hard to see the justification for expending so big a percentage, almost one-half, of the total appropriation on these two projects at the expense of others.

Among the omissions in the list of projects proposed to be improved by the Board of Engineers as submitted to the Committee on Appropriations is Holland Harbor and Black Lake in my congressional district. It is not large as compared with some of the other projects in the country, but it is large and important as far as the traffic there and the interests of western Michigan are concerned. Furthermore, the amount involved, as compared with the entire appropriation, is very small, only $125,000. I should like to express the hope that the Board of Engineers in the reconsideration of the situation and before making the final allotment of the funds carried in this appropriation may see fit

to go forward with this improvement during the next fiscal year.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MAPES] has expired.

The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 38, noes 69.

So the amendment was rejected.

Mr. MANSFIELD. Mr. Chairman, I offer an amendment.

The Clerk read, as follows:

Amendment offered by Mr. MANSFIELD: On page 68, after the colon, at the end of line 10, insert the following:

"*Provided further*, That expenditures under this appropriation for river and harbor improvements shall be limited to projects that have heretofore been specifically authorized by Congress, and all projects so authorized shall be taken under consideration by the Secretary of War and the Chief of Engineers, and the funds shall be allocated and expended in such manner as in their judgment will best serve the interests of commerce and navigation."

Mr. PARKS. Mr. Chairman, I desire to make a point of order against that because it is legislation on an appropriation bill.

I invite the attention of the Chair to section 627 of title XXXIII of the Code. The gist of that section is that when an appropriation has been made in lump sum and there should be a surplus for the projects the lump sum was intended to cover, that that surplus may be applied to other authorized projects as determined by the Secretary of War upon the advice of the Chief of Engineers. I also cite the chairman's attention to section 622.

Mr. MANSFIELD. Mr. Chairman, the amendment does not change existing law. If the amendment is adopted, the money will be expended just exactly as it has been expended ever since the Budget was adopted. It is a limitation and not legislation. It simply provides that the money shall be expended in the manner in which the law now prescribes.

The CHAIRMAN (Mr. PARSONS). The Chair is ready to rule. The section quoted by the gentleman from Arkansas [Mr. PARKS], 627 of United States Code, title XXXIII, states how funds for river and harbor improvements shall be expended. Among other things, it says that the allotments to the respective works consolidated shall be made by the Secretary of War upon recommendation by the Chief of Engineers.

The language of this amendment is in order down to and including the word 'Congress", but then it seeks to make mandatory upon the Secretary of War and the Chief of Engineers the allocation of these funds. The organic law provides that these allocations shall be made by the Secretary of War and by him alone, although upon the recommendation of the Chief of Engineers.

The Chair thinks that it is legislation upon an appropriation bill and therefore sustains the point of order.

Mr. HOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOOK: On page 68, line 10, after the figures, insert: "of which not less than $7,500,000 may be expended for the prosecution of harbor projects heretofore authorized by Congress on the Great Lakes section."

Mr. PARKS. Mr. Chairman, I make a point of order against the amendment.

Mr. HOOK. May I be heard upon the point of order?

The CHAIRMAN (Mr. PARSONS). The Chair thinks this amendment provides for an appropriation for these projects that have already been authorized by Congress, and therefore overrules the point of order.

Mr. MANSFIELD. Mr. Chairman, with reference to the ruling on the amendment which I offered, the bill itself, in the first three lines, makes the same provision:

To be immediately available and to be expended under the direction of the Secretary of War and the Chief of Engineers.

The CHAIRMAN. The gentleman from Texas did not discuss that matter at length and point out those matters in presenting his point of order.

The gentleman from Michigan [Mr. HOOK] is recognized for 5 minutes.

Mr. HOOK. Mr. Chairman, this amendment provides that there may be expended in the Great Lakes region $7,500,000. When it is realized that 72 projects have already been authorized for the Great Lakes region, it seems to me if we are not entitled to the sum of $7,500,000 to get them under way it is about time we sat up and took notice of some of these appropriations that are being made.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. HOOK. Yes.

Mr. MOTT. In my own State of Oregon river and harbor projects to the extent of $1,396,000 have already been authorized by this Congress. Some of them are 4 or 5 years old. Would it not be just as fair for me to ask the Congress to include my projects specifically for the sake of Oregon as it is for the gentleman to ask Congress to include Great Lakes projects?

Mr. HOOK. I may say to the gentleman from Oregon that I am not specifically earmarking any single project.

Mr. MOTT. I am not saying the gentleman is.

Mr. HOOK. The projects are scattered over a great region touching eight great States, a region where there is as much, if not more, navigation than in any other part of the United States. I would remind the gentleman that an improvement project touching one harbor in my district was authorized, to cost $575,000. Had this project been undertaken, the great ship that was destroyed awhile back on account of the condition of the harbor, costing over $400,000, would never have been lost.

Mr. MOTT. I am not denying that.

Mr. HOOK. Right around the great Keweenaw Waterway over 62,000,000 tons of traffic pass annually.

Mr. MOTT. That is quite true.

Mr. HOOK. Gentlemen coming from the great agricultural States of the Midwest ask how these projects would help them. I answer by saying that this great inland waterway carries the wheat produced in their agricultural sections, and carries to the large smelters the ore taken from our mines, to the industrial centers. I believe it carries more navigation and is more important than any other single section in the United States.

All we are asking the Members of Congress to do by this amendment is to say that the Corps of Engineers of the Army may—not shall—allocate $7,500,000 to the Great Lakes region.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I yield.

Mr. MOTT. Admitting that all the gentleman says is true, and I think it is true, why would I not be just as much justified in asking Congress to authorize the War Department to construct $250,000 worth of my own projects?

Mr. HOOK. The gentleman has that right and in his own time may submit such an amendment.

As for myself at this time I ask that this amendment be passed.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to proceed out of order for 3 minutes.

The CHAIRMAN. The gentleman is recognized for 3 minutes in opposition to the amendment.

Mr. SEARS. Mr. Chairman, the reason I made this request is because I have always tried to comply with the rules of the House. I did not make a point of order against my colleague from Oklahoma when he was discussing the canal, because it might appear I was trying to suppress some information to which the House was entitled. When a motion is under consideration a Member may only discuss the motion.

On Wednesday, February 12, as appears from pages 1926–1927 of the RECORD, I discussed some of the advantages of the canal. At the proper time I shall further discuss it, but not under the rules of debate when it is contrary to the rules of the House.

Mr. Chairman, may I just say to the membership, in all sincerity, speaking as Congressman at Large from Florida, that I am earnestly and honestly convinced the canal is

meritorious and that it is economical. I shall undertake to convince my colleagues this statement is true and then I shall rely, as I always have done, upon their good judgment.

Mr. Chairman, I yield back the balance of my time.

Mr. MOTT. Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. MOTT as a substitute for the amendment offered by Mr. HOOK: Add to the amendment the following: "and $1,000,000 for projects authorized by Congress in Oregon."

Mr. MOTT. If the amendment proposed by the gentleman from Michigan is sound and logical, so also is mine. I should like to see the Great Lakes district get $7,000,000, but that is not the way we have been passing river and harbor legislation in the Congress.

Mr. HOOK. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Michigan.

Mr. HOOK. Just because that is not the way, does the gentleman think we should be penalized now?

Mr. MOTT. I agree with the gentleman. I am simply saying if we undertake to pass river and harbor legislation in this way we will have requests from Members from every district in the United States to earmark all of this money, and I have just as much right, and gentlemen from Florida, California, or any place else would have just as much right, to ask for earmarked money with which to prosecute authorized projects in my State, as the gentleman from Michigan has to ask money for the purpose of prosecuting projects in his particular State.

Mr. HOOK. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Michigan.

Mr. HOOK. May I ask the gentleman if he has introduced this substitute amendment for the purpose of trying to kill the amendment of the gentleman from Michigan?

Mr. MOTT. I assure the gentleman I am going to vote for the gentleman's amendment, and in turn I also expect him to vote for my substitute. It would be inconsistent to do otherwise, although I still say that this is not the proper way to take care of this situation.

Mr. Chairman, as I stated yesterday, there are $300,000,000 worth of river and harbor projects authorized in the United States. The Budget has only allowed $100,000,000 to be expended on these projects; therefore we can only prosecute one-third of the authorized projects in the United States. Personally, I think that under the circumstances we should allow the Board of Army Engineers to select the projects which they think are the most important and the most urgently in need of immediate construction. That is the only logical way to take care of the matter. That is the only fair way to take care of the situation. I do not like to see anyone come in here and ask us to earmark a particular portion of these projects to the exclusion of others, but since an amendment has been offered undertaking to do that, I contend that I have just as much right to have the projects in the State of Oregon earmarked as has the gentleman from Michigan. If his amendment is adopted I believe in all fairness my substitute amendment should also be adopted.

Mr. MAY. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Kentucky.

Mr. MAY. In the $300,000,000 that has been authorized by the Congress, does the gentleman include $205,000,000 authorized for the T. V. A. in the Tennessee River?

Mr. MOTT. I do not.

Mr. MAY. That is not under the War Department at all.

Mr. MOTT. I include only regular river and harbor projects approved by the Board of Army Engineers and authorized by the Congress and included in the river and harbor authorization bill passed at the last session of Congress. There are included among those $1,396,000 worth of projects in my own State, and if any projects are to be earmarked in this bill I want the Oregon projects included in that earmarking.

[Here the gavel fell.]

Mr. MANSFIELD. Mr. Chairman, I offered an amendment a while ago which was ruled out on a point of order. Since then I have been informed that the War Department holds that my amendment is unnecessary, as the law will be administered in exactly the same manner I contemplated; therefore it is immaterial to me whether the amendment is ruled out or not.

Mr. MICHENER. Will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Michigan.

Mr. MICHENER. If it is administered that way the effect which the gentleman sought by his amendment will be obtained?

Mr. MANSFIELD. Absolutely. We do not know whether it will be obtained or not, but the gentleman will be eligible to ask for it just the same.

Mr. MICHENER. As a matter of fact, some of us who are interested in the Great Lakes region conferred with the gentleman from Texas, the gentleman from Indiana, and a number of others, and we felt that the only possible way of getting what we really wanted was through the amendment which was ruled out on a point of order.

Mr. MANSFIELD. I will make this statement, which will be an answer to the gentleman's question or any others along the same line.

The bill, as it reads, is not objectionable from my point of view, and I believe it is not objectionable from the gentleman's point of view; but in view of the fact that the Comptroller General has to approve all the warrants that are issued, I was fearful he would limit it to those projects that were put in the break-down as furnished by the Budget. This is the only thing I feared.

Mr. FIESINGER. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. FIESINGER. I am in favor of this amendment, and I should like to know how far the $7,500,000 would go to complete the projects on the Great Lakes authorized by the Congress.

Mr. MANSFIELD. I am not prepared to answer that question, as I have not looked up the figures.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. MAPES. Does the gentleman's information which he has just received go to the extent of saying that the bill prohibits the use of any part of this $100,000,000 on projects that have not been specifically authorized by the Congress? I have in mind Passamaquoddy and the Florida Canal.

Mr. MANSFIELD. Those measures are not in the bill at all.

Mr. MAPES. And the gentleman understands no part of the appropriation will be used?

Mr. MANSFIELD. None whatever; they are not in the bill. They were in the Budget recommendation, but not in the bill. The committee itself cut those things out of the bill.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Kentucky.

Mr. MAY. I would call attention to the provision in the bill which I think covers the question raised by the amendment offered by the gentleman from Texas:

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation.

It seems to me that this language provides for the very thing that the amendment offered by the gentleman from Texas sought to do.

Mr. MANSFIELD. Part of it only.

Mr. MAY. It puts it at least under the supervision of the Secretary of War, subject to the direction of the Engineers, and for the maintenance of river and harbor improvements that have been authorized by Congress, and not others, and then provides they shall be the ones most desirable in the

interest of commerce and navigation, which, I think, covers the question.

Mr. MANSFIELD. That was only a part of my amendment, but my amendment sought further to remove earmarks that I was afraid the Budget would place upon the bill. I was afraid it would be considered as earmarked for the projects the Budget had recommended, as has been done in similar matters heretofore.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. MICHENER. Is it not true that it has been held that authorization by Congress or no authorization where work has been done upon a project the Engineers are warranted in using further money in the prosecution of such projects?

Mr. MANSFIELD. I have been so told.

Mr. MICHENER. And the real purpose of the amendment which the gentleman offered was to take care of that situation.

Mr. MANSFIELD. Partly.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Oregon.

Mr. MOTT. They cannot use this money unless they get it by appropriation.

Mr. MANSFIELD. They can get it through the Public Works Administration perhaps.

Mr. MOTT. And may I call the gentleman's attention to a situation with which I know he is familiar, the proposed South Jetty of the Umpqua River. They built the North Jetty several years ago, and the Board of Engineers said in its report that unless the South Jetty was also built, all the money expended on the North Jetty would be wasted. We have been trying for years to get the money to build the South Jetty, and perhaps, if the Engineers are given a little leeway by the amendment of the gentleman from Michigan, as amended by my substitute, we will get the South Jetty constructed.

[Here the gavel fell.]

Mr. BIERMANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BIERMANN. Mr. Chairman, can we not vote on these amendments now and get them out of the way so the field will be open for new amendments? There is a limited amount of time on the paragraph and if we are going to use all of our time on these amendments there will not be any time left to debate any further amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon to the amendment offered by the gentleman from Michigan.

Mr. CULKIN. Mr. Chairman, may we have the amendment to the amendment again reported?

The Clerk reported the Mott amendment to the Hook amendment.

The question was taken; and on a division (demanded by Mr. MOTT) there were—ayes 20, noes 83.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Michigan [Mr. HOOK].

The question was taken; and on a division (demanded by Mr. PETTENGILL) there were—ayes 20, noes 83.

So the amendment was rejected.

Mr. BIERMANN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BIERMANN: Page 68, line 21, after the word "commission", add: "*Provided*, That none of these funds shall be expended on the so-called 9-foot channel in the upper Mississippi River between the Missouri River and Minneapolis."

Mr. WHITTINGTON. Mr. Chairman, I make the point of order that that is legislation on an appropriation bill.

The CHAIRMAN. This is a limitation on the expenditures that have been authorized by the Congress, and the Chair overrules the point of order. The gentleman from Iowa is recognized for 3 minutes.

Mr. BIERMANN. Mr. Chairman, this bill provides for the possible expenditure in 1937 of $25,000,000 on the upper Mississippi 9-foot channel. For several hundred miles the Mississippi River runs along the border of my State. For 75 or 100 miles it borders my district, but we do not want that kind of money in Iowa. [Applause.] It is money thrown away on a system of transportation as obsolete and as out of date as the oxcart. Today, and for 3 or 4 months last past, that channel has been solidly frozen over, and it will be frozen over for several months more. For 4 or 5 months every year there is no transportation possible in our part of the Mississippi River. In 1934, according to the testimony in the hearings held February 18 and 19, 1935, before the Board of Review of the P. W. A., the total tonnage carried on the upper Mississippi channel was 146,000 tons. T. C. Ashburn, Jr., assistant to the president of the Inland Water Transportation Co., wrote me under date of February 24, 1934, that the freight rates on the new 9-foot channel will be the same as they are now. Therefore, we have no reason to expect that the tonnage will be any larger with a 9-foot channel than with a 6-foot channel, the freight rates being the same. But the proposition is to dump $156,000,000 into this project, and at this particular time $25,000,000, and although that is along the State of Iowa and along my own district for 75 miles, we do not want that kind of money. [Applause.]

Mr. DINGELL. Mr. Chairman, I rise in opposition to the amendment. In voicing my opposition, I wish to state my position in regard to appropriations pertaining to rivers and harbors. A great deal has been said here about logrolling from time to time. Therefore I favor the Army engineers' passing upon the feasibility, the desirability, and the practicability of any proposal that is made here before Congress so far as the river and harbor improvements are concerned, but at the same time I do not want to be put in a position, after Congress declares that the recommendation of the Army engineers is correct and then passes upon a certain project, of later on as a Member of Congress being compelled to go before the Board of Army Engineers and do logrolling before that body. If there is to be any logrolling, I prefer to do it for my district myself.

In this instance the gentleman from Iowa [Mr. BIERMANN] states they do not want that kind of money in Iowa, that it is not worth spending. I grant that is correct as it applies to spending money on the upper Mississippi River, but does not apply to the Great Lakes. For on the great unsalted seas we really have something. The gentleman said that 146,000 tons went down that river in 1 year. During the rush season we have 146,000 tons going down the Detroit River every 30 minutes. We have something to brag about. We have the greatest shipping development in the entire world. My time is too brief to go into the subject of volume and where it comes from, but I will say to the gentleman that Iowa and the great Northwest agricultural areas ship many of their products down the Great Lakes. I want to add, Mr. Chairman, there is no reason why we should go and make an appeal to the Army engineers about some project that they have previously approved. Why cannot Congress, after the Army engineers have approved a project, declare such a project should be completed? There are altogether too many projects up in the air, incomplete. One jetty is completed in Mr. MOTT's district, and the other is not. Then we have to go out and do some log-rolling with the Army engineers in order to obtain completion of the other jetty, and that should not be necessary. The Congress should say whether that other jetty should be completed at one and the same time and not when it pleases the Army engineers. There are eight States—Michigan, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, and New York—that are involved in anything that concerns the Great Lakes.

The CHAIRMAN. The time of the gentleman from Michigan has expired. [Applause.]

Mr. RICH. Mr. Chairman, I congratulate the gentleman from Iowa [Mr. BIERMANN]. His attitude is one of real representation when he is trying to stop money from being squandered, and I take my hat off to him or any other Representative who does not want money spent foolishly. He knows he has railroads out in that country that can take

care of conditions as they are today, and it is not necessary to sink this money in a river that is frozen over half the time and will do nobody any good at any time. It is simply a waste of funds. We will all be held accountable for some of this expenditure. We should spend the money where it will do some good but, as the gentleman said, not squander the money foolishly. We have been doing that for 4 or 5 years, and we must stop it.

Mr. MAY. Probably it would be good business to compete with those railroads that have borrowed so much money from the Reconstruction Finance Corporation.

Mr. RICH. You will have to take care of all of the railroads in the country after awhile, because you will have them all bankrupt by making such ridiculous proposals as this.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. RICH. Yes.

Mr. BLANTON. Is it not a fact that what has been going on in our country during the past few years has made conditions in the last year in the gentleman's district the best he has known in a long time?

Mr. RICH. No, sir; never in God's world. [Laughter.] The reason we are prospering up there is because we are out working to do things, but if we go on much longer with some of these unlawful, illegal laws that you have passed the last 2 years, you will bankrupt this Nation, and I want to say to the gentleman, nobody in this Congress knows that better than the gentleman from Texas. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FERGUSON. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I hesitate to take the floor again at this late hour, but the gentleman from Florida made such an impassioned plea about the President and the unemployment situation that I felt it my duty to come back. I am trying to save the gentleman from Florida from being in the position of spending five or ten million dollars digging a canal down there and having it abandoned because he does not have the authority of Congress to continue to dig. I have nothing against any of these five projects to which I have referred. I am willing to study each one on its merits. I do not want to be in the position of being a Member of Congress that voted emergency funds and allotted one-tenth the amount necessary to complete those projects, and then a year later have the Appropriations Committee say, "No; we cannot appropriate funds for this because they did not have congressional authority." Everyone in this Congress that has a project in which he is interested should make an effort to bring those projects before the correct committee, and have that committee pass on the project and have it authorized by Congress so they will have a chance to be completed.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. BLANTON. Mr. Chairman, I have in my hands a recent letter which the firm of our distinguished colleague from Pennsylvania [Mr. RICH] this year wrote to one of their customers, at the top of the letterhead being "Woolrich Woolen Mills" and then "John Rich & Bros.", written from Woolrich, Pa., which begins:

DEAR CUSTOMER: "Time marches on"; 1935 has passed into history. Woolrich enjoyed one of the best years in its 105 years of existence.

Mr. MARTIN of Massachusetts. Mr. Chairman, a point of order.

Mr. BLANTON (continuing). I wish I could read this letter to you.

Mr. RICH. That is good. We are doing that in spite of this administration. [Laughter and applause.]

Mr. BLANTON. The gentleman said that was the best year in his 105 years of existence.

Mr. RICH. No; I did not personally write it; but that is true, nevertheless.

Mr. BLANTON. The letter is signed "S. B. Rich" and speaks for the firm of John Rich & Bros., which is the firm and business of our distinguished friend from Pennsylvania [Mr. RICH].

Mr. RICH. I did not write that letter. My brother wrote it, and it is true, good business by a concern who manufactures good merchandise.

Mr. MARTIN of Massachusetts. Mr. Chairman, I ask for a ruling on the point of order.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BLANTON] has expired.

Mr. MARTIN of Massachusetts. Mr. Chairman, I made a point of order against the gentleman from Texas and I ask for a ruling. If the point of order is sustained, I will ask that the remarks be stricken out. I insist on a ruling, Mr. Chairman.

The CHAIRMAN (Mr. PARSONS). The point of order came too late to strike it out. The gentleman had already completed reading what he read.

Mr. MARTIN of Massachusetts. I made the point of order, and just because the gentleman from Texas kept on talking is no fault of mine.

Mr. BLANTON. Mr. Chairman, I make the point of order that the point of order came too late.

The CHAIRMAN. The gentleman had already read into the RECORD all that he did read before the gentleman from Massachusetts made the point of order.

Mr. MARTIN of Massachusetts. Where did I make my point of order?

The CHAIRMAN. Just as the gentleman had completed reading what he did read.

Mr. MARTIN of Massachusetts. When he started to read the letter. That is, when I made the point of order—just as he started to read that letter. I ask for a ruling.

The CHAIRMAN. The gentleman had completed the reading of the letter.

Mr. BLANTON. I want to be heard on the point of order, Mr. Chairman.

Mr. MOTT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOTT. Is the time now being consumed by this argument being taken out of the time that was allotted for debate on this paragraph?

The CHAIRMAN. It is not.

Mr. BLANTON. I ask for recognition on the point of order, Mr. Chairman.

The CHAIRMAN. The Chair has already overruled the point of order.

Mr. BLANTON. Mr. Chairman, inasmuch as I secured unanimous consent to extend my remarks, I will now finish what I had intended to say when my good friend from Pennsylvania [Mr. RICH] took up practically all of my time with his interjections.

I did want to finish reading this very interesting letter which my friend's firm, John Rich & Bros., of Woolrich, Pa., recently wrote to their "Dear Customer", as this letter brings most encouraging and flattering news to our President in the White House, but since my good friend from Massachusetts [Mr. MARTIN] made a point of order that stopped me from reading the balance of it, I will respect his rights and will mention no part of the balance of it.

Our distinguished friend from Pennsylvania [Mr. RICH] is one of the active spokesmen and straw bosses here on the floor for his Republican Party on his side of the aisle, hence a frank, honest admission from him based on his conscientious judgment and conviction regarding the good that President Franklin D. Roosevelt and his Democratic administration has accomplished is of unusual value to the country.

During his speech a few minutes ago he asserted that we would have the railroads all bankrupt shortly, and I got him to yield to me, when the following colloquy occurred:

Mr. BLANTON. Is it not a fact that what has been going on in our country during the past few years, has made conditions in the last year in the gentleman's district the best he has known for a long time?

Mr. RICH. No, sir; never in God's world. [Laughter.] The reason we are prospering up there is because we are out working to do things, but if we go on much longer with some of these unlawful, illegal laws * * * will bankrupt the Nation.

It is very clear that our friend was then talking politics for Republican home consumption, because right after that when I brought to his attention the letter which his brother recently wrote for his firm, John Rich & Bros., of Woolrich, Pa., to their "Dear customer", they made the assertion that during 1935 they "enjoyed one of the best years of their firm's 105 years of existence."

This matter is of extreme importance, for never again will our friend be able to take the floor and deny that President Franklin D. Roosevelt and his administration has done much for John Rich & Bros., of Woolrich, Pa. They were given in 1935 the best year in their 105 years of existence.

The CHAIRMAN. The gentleman from Florida [Mr. GREEN] is recognized for 1 minute.

Mr. GREEN. Mr. Chairman, I wish to say that I appreciate the statement just made by the gentleman from Oklahoma [Mr. FERGUSON] that it is in all probability his intention to go along with us for further authorization of these projects. Upon that indication, however, the Congress does not lose its responsibility to carry on projects where workers are now employed. Think of the Grand Coulee project. Have you gentlemen visited it? It was my pleasure to visit it last fall. Shall we abandon such projects as the Grand Coulee and the Florida canal simply because they have not run the gauntlet of detailed congressional legislation? They were begun during grave emergency. We did not have time for delay and dilly-dally. It was the time for action, not talk. People were unemployed and destitute. We must keep faith by carrying on these obligations.

Mr. MOTT. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. MOTT. I understand the people of your own State do not want that.

Mr. GREEN. Oh, yes; they do, 99 percent of them.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. CURLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CURLEY. Is the discussion that is now going on being taken out of the total time allotted to the discussion of amendments to this paragraph? I do not want to speak on the pending amendment, but I desire to offer an amendment to another paragraph.

The CHAIRMAN. The gentleman will have the opportunity to offer amendments to other sections, and the Chair will recognize the gentleman.

All time has expired.

Mr. BIERMANN. Mr. Chairman, I ask unanimous consent that the amendment may again be read.

The CHAIRMAN. Without objection, the Clerk will again read the amendment offered by the gentleman from Iowa.

There being no objection, the Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. BIERMANN) there were—ayes 56, noes 59.

So the amendment was rejected.

Mr. MOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOTT: Page 68, line 10, after the word "law", strike out "$138,677,899" and insert in lieu thereof "$167,677,899."

The CHAIRMAN. The question is on the amendment of the gentleman from Oregon.

The amendment was rejected.

The Clerk read as follows:

Flood control, Mississippi River and tributaries: For prosecuting work of flood control in accordance with the provisions of the Flood Control Act, approved May 15, 1928 (U. S. C., title 33, sec. 702a), and for the purchase of motor-propelled passenger-carrying vehicles and motor boats, for official use, not to exceed $47,325, $15,000,000.

Mr. MANSFIELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, solely for the purpose of keeping the record straight, permit me to call attention to one matter. My distinguished friend the gentleman from Florida [Mr. GREEN] awhile ago seemed to have the impression that the Florida canal and the Grand Coulee Dam were in the same category. He is in error in this impression. The Grand Coulee Dam was authorized by Congress in the river and harbor bill of last August. It was put in that bill as a Senate amendment and accepted in conference by vote of the House. The Florida canal has never been authorized by Congress.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. Yes.

Mr. WHITTINGTON. That project was put in the river and harbor bill but was never approved or recommended by the Rivers and Harbors Committee, was it?

Mr. MANSFIELD. Congress ordered a survey of the Florida canal in the act of 1919. The Board of Engineers of the War Department has never reported back to Congress the results of the survey.

Mr. WHITTINGTON. Then my question, Mr. Chairman, is that the Committee on Rivers and Harbors had never approved this Grand Coulee project, although it was in the rivers and harbors bill.

Mr. MANSFIELD. It was not brought before the Committee on Rivers and Harbors.

Mr. WHITTINGTON. Then the gentleman's committee could not have approved it.

Mr. MANSFIELD. It was put in the bill as a Senate amendment and accepted by the House in conference.

Mr. WHITTINGTON. Exactly; so it was not recommended by the Board of Engineers of the War Department.

Mr. MANSFIELD. No.

Mr. DIMOND. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. DIMOND. I am very much interested in knowing how the $100,000,000 for new projects authorized in the bill is to be expended; that is to say, how and by whom the projects are to be selected? I have been told by at least one person that only those projects will be considered that are covered on pages 34 and 35 of the hearings. Other people have told me that it lies within the power of the Board of Engineers of the War Department to select such of the approved projects as the Board may see fit without being limited to that list.

Mr. MANSFIELD. It is within the discretion of the Secretary of War and the Chief of Engineers.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. Yes.

Mr. CULKIN. It is a fact, reverting to the point made by the gentleman from Mississippi, that the Board of Engineers made a detailed report on the Grand Coulee proposition back in 1927 in which they found it was uneconomical and recommended against it. Is not this true?

Mr. MANSFIELD. I believe so, under the "308" report.

Mr. CULKIN. They made a very extended report.

Mr. MAY. Then who authorized it if the Congress has not; who started it?

Mr. MANSFIELD. It was first authorized by the P. W. A. and large expenditures were made upon it. Later, a provision for it was put in the rivers and harbors bill of last August as a Senate amendment and the House accepted it in conference.

Mr. DUNN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. I yield.

Mr. DUNN of Pennsylvania. Is it not a fact that the $100,000,000 provided in this appropriation is to be used for construction purposes?

Mr. MANSFIELD. I so understand the bill.

Mr. DUNN of Pennsylvania. This $100,000,000 is not for military purposes.

Mr. MANSFIELD. Not at all.

Mr. DUNN of Pennsylvania. It is for construction purposes.

Mr. MANSFIELD. Yes.

Mr. DUNN of Pennsylvania. To put men to work.

Mr. MANSFIELD. Yes.

[Here the gavel fell.]

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CURLEY], for 5 minutes in opposition to the pro-forma amendment of the gentleman from Texas.

Mr. CURLEY. Mr. Chairman, while I am just a new Member of the House of Representatives, I am by no means a neophyte in legislative halls. I am not a member of the committee which considered this matter.

My attention, however, has been called today to an item in this appropriation bill for $2,120,000. Included in this item is an appropriation of $700,000 for the widening and deepening of the Harlem Ship Canal, New York City. May I congratulate and thank the committee for giving this matter their favorable consideration. It has been pending many years and the people of the city of New York, particularly in the Boroughs of Manhattan and the Bronx, have been advocating this very much desired improvement for many, many years. My predecessor in the House, a Member of this body for some 17 years, was the first one to take up the cause of this great major improvement in the city of New York. It is my purpose in taking the floor at this time to give you my impressions and to express my appreciation of the work of the gentleman who preceded me in this House, the Honorable Anthony J. Griffin.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein a communication which I received from the Bronx Board of Trade in the Borough and County of the Bronx.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CURLEY. Mr. Chairman, the letter referred to above, dated February 13, 1936, is as follows:

FEBRUARY 13, 1936.

HON. EDWARD W. CURLEY,
House Office Building, Washington, D. C.

DEAR MR. CURLEY: We have been advised that an appropriation is now pending in Congress providing for the widening and deepening of the Harlem River Ship Canal, an improvement which we have been urging for many years as essential to the industrial development of Bronx waterways.

This appropriation, amounting to $700,000, has been endorsed by city and borough officials of New York and is contained in a recommendation by Maj. Gen. Edwin Markham for funds to carry on War Department work in this zone during the coming year. This is entirely in accord with the present status of the improvement, the work of which is to be undertaken by the War Department, legal requirements having been met by the deeding of land to the Federal Government by State Attorney General John J. Bennett.

It is also our understanding that the War Department will employ relief workers in the project and that recreational plans for territory adjacent to the Harlem River Ship Canal is being held up by Park Commissioner Moses pending completion of the work. In connection therewith, the request for funds to deepen and widen the canal has been recommended to the E. R. A. both by Mayor LaGuardia and Major General Markham.

In view of the urgency of this improvement dormant for many years despite its necessity to the industrial growth of the Bronx and as an exemplary public relief works project, may we enlist your support in urging through Congress early ratification of the appropriation? Likewise, should it appear that the general works plan of which the Harlem River Ship Canal is a part is unlikely to gain early approval, is it possible to introduce a special measure providing for this one project as an improvement promoting local industrial activity and providing increased work?

Knowing of your willingness to further local legislation beneficial to the civic and business expansion of the Bronx, we assure you of our appreciation for any efforts expended in this direction.

Sincerely yours,

WM. E. MATTHEWS,
Executive Secretary.

The Clerk read as follows:

SEC. 2. No part of any money appropriated by this act shall be used for maintaining, driving, or operating any Government-owned motor-propelled passenger-carrying vehicle assigned for the exclusive use of persons other than the Secretary of War and medical officers on out-patient medical service.

Mr. BIERMANN. Mr. Chairman, I move to strike out the last word.

Mr. POWERS. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BIERMANN. Mr. Chairman, a few days ago I reminded the committee that a large number of them had been talking about economy on the floor of this House. All this talk about economy is empty and meaningless unless we economize where the big money is spent. The big money is spent in just two items—paying for past wars and preparing for more wars in the future. At that time I inserted in the RECORD figures showing that in the fiscal year 1937, if this bill is passed and if the Budget estimate on the Navy is passed, we will spend for past wars and for future wars $4,685,000,000. I submit that no Member who votes for that kind of program, or even for a major part of it, has any right at all to go out into his district and tell the people that he is for economy, because it is just not so.

Mr. MARCANTONIO. Will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman from New York.

Mr. MARCANTONIO. When we talk about economy, let us bear in mind the amount of money we will have to appropriate for the unemployed.

Mr. BIERMANN. That is when we will hear the big talk about economy.

Mr. Chairman, unless a Member with prior right offers a motion to recommit, I expect to offer such a motion, with instructions to the committee to bring back a bill reducing these appropriations below $400,000,000, and providing that none of the reduction shall be taken out of the Air Corps or out of the Chemical Warfare Service. The bill now carries appropriations totaling $543,000,000. If my motion prevails, there will be saved $143,000,000, which will be a nice tidy sum to devote to relief when the time comes to vote for relief measures. We cannot cut down on relief. If we have a certain number of men ready to starve to death, we cannot say that we will cut the appropriation 20 percent and allow one-fifth of them to starve. We have to provide for 100 percent of the starving people.

Mr. Chairman, with no nation to prepare against, and with a purely inexcusable expenditure that no one on this floor has attempted to really defend, we will have the opportunity shortly to save $143,000,000 by agreeing to the motion I shall offer. We have one more paragraph to read. If there is anyone on this floor who can give a reason why we have to apprehend an invasion by any one foreign power or any combination of foreign powers I hope he will get up on this floor and tell us the reason.

Mr. Chairman, I ask for a favorable vote on my motion to recommit.

[Here the gavel fell.]

The Clerk read as follows:

SEC. 3. No part of any appropriation made by this act shall be used in any way to pay any expense in connection with the conduct, operation, or management of any post exchange, branch exchange, or subexchange within any State, Territory, or the District of Columbia, save and except for real assistance and convenience to military personnel and civilians employed or serving at military posts and to retired enlisted naval personnel in supplying them with articles of ordinary use, wear, and consumption not furnished by the Government.

Mr. McFARLANE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment by Mr. MCFARLANE: Page 74, after line 25, insert a new paragraph as follows:

"SEC. 4. That as to contracts or subcontracts in excess of $10,000 no appropriation contained in this act shall be available for the payment of a profit in excess of 10 percent to any contractor or subcontractor for the construction and/or manufacture of any complete aircraft or ordnance material, or any portion thereof."

Mr. PARKS. Mr. Chairman, will the gentleman yield for a brief question?

Mr. McFARLANE. Yes.

Mr. PARKS. Is that the same language carried in the Navy bill every year?

Mr. McFARLANE. In substance that is correct. This amendment carries out the same intention as the 10 percent limitation applying to naval expenditures.

Mr. PARKS. I do not see any objection to it.

Mr. McFARLANE. Mr. Chairman, I do not care to detain the Committee, but I just want to make the statement that the substance of this amendment is the same as the provision that now applies to the Navy in legislation enacted by the last Congress, and I see no reason why it should not be adopted unanimously, and I hope the Committee will approve of the amendment. It has the approval of the chairman of the subcommittee, as I understand it. The adoption of this limitation will save for the taxpayers millions of dollars in expenditures that will be made in purchases by the War Department under this bill. So I hope the Committee will unanimously approve this amendment.

The amendment was agreed to.

Mr. CULKIN. Mr. Chairman, I move to strike out the last word.

Mr. POWERS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CULKIN. Mr. Chairman, I rise at this time for the purpose of extending to the members of this Committee on both sides of the aisle my hearty congratulations for their courage in taking back the purse strings of Government. The Committee has done this by refusing to appropriate money for river and harbor projects not approved by Congress. It is to me a most splendid augury, and it is especially courageous on the part of the gentlemen on the Democratic side.

May I say in this connection, and I am only repeating what I have said on the floor before, bureaucratic spending is the most expensive sort of spending, and under this bureaucracy which has existed during the past several years, created, of course, by Congress in this emergency, the money of the people has been wasted to the tune of billions.

We now return, under the auspices of this courageous Committee, to an administration of law by Congress, and this administration of law will be an economic and orderly one. I renew my congratulations to this courageous committee that has set the pace in this direction.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. Yes.

Mr. BIERMANN. I am astonished at what the gentleman states about economy. Last year's war appropriation was the largest in our history, and this is $118,000,000 more than last year.

Mr. BOLTON. If the gentleman will yield, that is not a correct statement. I think the gentleman from Iowa wants to be correct. He referred to "war" appropriations.

Mr. BIERMANN. The gentleman will agree that last year's war appropriation was the largest appropriation of that kind in the history of this country in times of peace.

Mr. BOLTON. That is correct.

Mr. BIERMANN. And this bill carries $118,000,000 more than the bill of last year.

Mr. CULKIN. May I say to the gentleman that I have great respect and admiration for his idealism, but I am more or less practical and believe America must have an Army and Navy that is adequate. I have been referring to the river and harbor item which is carried in this bill.

Mr. BIERMANN. But the gentleman should not talk about economy when this is an increase.

Mr. CULKIN. It is economy because it discontinues certain vast uneconomic projects that Congress never approved.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield.

Mr. RICH. How can the gentleman make the statement that we are getting back to sanity and saving money when every appropriation bill brought in since the 3d of January, when this session of the Congress began, has been higher than it was the year before? Every appropriation bill that has been brought in here this year has been larger and how can the gentleman——

Mr. CULKIN. Just a minute. The gentleman is getting away from the facts. The gentleman has asked me a question. I was commending this committee for its courage in turning its back upon these gigantic malappropriations for such projects as the Florida canal and the Passamaquoddy power project, which never had the approval of Congress. The issue is bigger than the gentleman seems to realize.

[Here the gavel fell.]

Mr. PARKS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendations that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to. Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. PARSONS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 11035, the War Department appropriation bill, 1937, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. PARKS. Mr. Speaker, I move the previous question on the bill and the amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. PARKS. Mr. Speaker, I demand a separate vote upon what are known as the McSwain amendments.

The SPEAKER. Is a separate vote demanded on any other amendments? [After a pause.] If not, the Chair will put the remaining amendments en gros. The question is on agreeing to the remaining amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will report the McSwain amendments.

Mr. PARKS. Mr. Speaker, there are two amendments pertaining to the same thing, and I think they should be voted upon at the same time.

Mr. McSWAIN. I have no objection to that.

The SPEAKER. Without objection the Clerk will report the two McSwain amendments.

There was no objection and the Clerk read as follows:

Amendments by Mr. McSWAIN: Page 53, line 14, strike out "$6,589,383" and insert in lieu thereof "$8,474,195."

Page 55, line 7, strike out the colon and insert a comma in lieu thereof and insert the following: "or who may be detailed to active duty with the Regular Army under the provisions of Public Law No. 408, first session, Seventy-fourth Congress."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and on a division (demanded by Mr. McSWAIN) there were—ayes 99, noes 73.

Mr. PARKS. Mr. Speaker, I object to the vote upon the ground that a quorum is not present, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Arkansas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and eleven Members present, not a quorum. The Clerk will call the roll; and the question is on agreeing to the McSwain amendments.

The question was taken; and there were—yeas 246, nays 98, not voting 86, as follows:

[Roll No. 18]

YEAS—246

Allen	Barry	Buck	Chandler
Andresen	Beiter	Burdick	Chapman
Andrew, Mass.	Bell	Caldwell	Christianson
Andrews, N. Y.	Bloom	Carmichael	Church
Arends	Boehne	Carpenter	Claiborne
Ashbrook	Boykin	Cartwright	Colden
Ayers	Boylan	Castellow	Cole, N. Y.
Barden	Brown, Ga.	Cavicchia	Collins

Colmer	Healey	Mansfield	Schaefer
Connery	Hennings	Mapes	Schuetz
Cooley	Hess	Martin, Colo.	Schulte
Cooper, Tenn.	Higgins, Conn.	Martin, Mass.	Scrugham
Costello	Higgins, Mass.	Massingale	Sears
Cox	Hollister	Maverick	Secrest
Cravens	Holmes	May	Seger
Cross, Tex.	Hook	Mead	Shanley
Crowe	Houston	Meeks	Shannon
Culkin	Imhoff	Merritt, N. Y.	Sirovich
Cullen	Jacobsen	Michener	Smith, Conn.
Cummings	Jenckes, Ind.	Miller	Smith, Va.
Curley	Jenkins, Ohio	Mitchell, Ill.	Smith, Wash.
Delaney	Johnson, Okla.	Mitchell, Tenn.	Smith, W. Va.
DeRouen	Johnson, Tex.	Mott	Snell
Dies	Johnson, W. Va.	Murdock	Somers, N. Y.
Dingell	Jones	Nelson	South
Dirksen	Kahn	Norton	Spence
Ditter	Keller	O'Brien	Starnes
Dobbins	Kelly	O'Connell	Stubbs
Dorsey	Kennedy, N. Y.	O'Leary	Sumners, Tex.
Doutrich	Kenney	Owen	Sutphin
Driver	Kerr	Parsons	Sweeney
Duffy, N. Y.	Kleberg	Patman	Taylor, Colo.
Duncan	Kloeb	Patton	Taylor, S. C.
Eagle	Kniffin	Pearson	Terry
Eaton	Kocialkowski	Perkins	Thom
Edmiston	Kramer	Peterson, Fla.	Thomason
Eicher	Lambertson	Pettengill	Thompson
Engel	Lambeth	Peyser	Thurston
Englebright	Lanham	Pfeifer	Tinkham
Evans	Lea, Calif.	Pittenger	Tolan
Faddis	Lee, Okla.	Polk	Tonry
Fenerty	Lehlbach	Rabaut	Treadway
Ferguson	Lemke	Ramsay	Turner
Fiesinger	Lesinski	Randolph	Turpin
Focht	Lewis, Colo.	Rankin	Umstead
Ford, Miss.	Lord	Ransley	Vinson, Ga.
Gassaway	Lucas	Reed, Ill.	Vinson, Ky.
Gavagan	Lundeen	Reed, N. Y.	Wadsworth
Gearhart	McAndrews	Reilly	Walter
Granfield	McClellan	Richards	Warren
Green	McCormack	Richardson	Weaver
Greenway	McFarlane	Risk	Welch
Greever	McGehee	Robertson	West
Gregory	McKeough	Robinson, Utah	White
Griswold	McLaughlin	Rogers, Mass.	Wigglesworth
Guyer	McLean	Rogers, N. H.	Wilcox
Halleck	McLeod	Rogers, Okla.	Wolcott
Hamlin	McSwain	Rudd	Wolfenden
Hancock, N. Y.	Maas	Russell	Wolverton
Hancock, N. C.	Mahon	Ryan	Woodruff
Hart	Main	Sadowski	
Harter	Maloney	Sanders, Tex.	

NAYS—98

Adair	Dietrich	Kinzer	Quinn
Amlie	Dockweiler	Knutson	Rich
Bacon	Doughton	Kopplemann	Robsion, Ky.
Bankhead	Doxey	Larrabee	Sabath
Berlin	Driscoll	Lewis, Md.	Sandlin
Biermann	Duffey, Ohio	Luckey	Sauthoff
Binderup	Dunn, Pa.	Ludlow	Schneider, Wis.
Bland	Eckert	McGroarty	Scott
Blanton	Fletcher	McMillan	Sisson
Boileau	Ford, Calif.	McReynolds	Snyder, Pa.
Boland	Frey	Marcantonio	Stefan
Bolton	Fuller	Merritt, Conn.	Taber
Brewster	Fulmer	Monaghan	Tarver
Brooks	Gehrmann	Moran	Wallgren
Brown, Mich.	Gilchrist	Moritz	Wearin
Buckler, Minn.	Gildea	O'Connor	Whelchel
Cannon, Mo.	Gingery	O'Day	Whittington
Carlson	Gray, Pa.	O'Malley	Williams
Cary	Gwynne	O'Neal	Wood
Cochran	Haines	Palmisano	Woodrum
Coffee	Hildebrandt	Parks	Young
Cole, Md.	Hill, Knute	Patterson	Zimmerman
Crosby	Hobbs	Peterson, Ga.	Zioncheck
Crosser, Ohio	Huddleston	Pierce	
Deen	Hull	Powers	

NOT VOTING—86

Bacharach	Daly	Goodwin	Plumley
Beam	Darden	Gray, Ind.	Ramspeck
Blackney	Darrow	Greenwood	Rayburn
Brennan	Dear	Harlan	Reece
Buchanan	Dempsey	Hartley	Romjue
Buckbee	Dickstein	Hill, Ala.	Sanders, La.
Buckley, N. Y.	Disney	Hill, Samuel B.	Short
Bulwinkle	Dondero	Hoeppel	Stack
Burch	Drewry	Hoffman	Steagall
Burnham	Dunn, Miss.	Hope	Stewart
Cannon, Wis.	Ekwall	Kee	Sullivan
Carter	Ellenbogen	Kennedy, Md.	Taylor, Tenn.
Casey	Farley	Kvale	Thomas
Celler	Fernandez	Lamneck	Tobey
Citron	Fish	McGrath	Underwood
Clark, Idaho	Fitzpatrick	Marshall	Utterback
Clark, N. C.	Flannagan	Mason	Werner
Cooper, Ohio	Gambrill	Millard	Wilson, La.
Corning	Gasque	Montague	Wilson, Pa.
Crawford	Gifford	Montet	Withrow
Creal	Gillette	Nichols	
Crowther	Goldsborough	Oliver	

So the amendments were agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Marshall (for) with Mr. Withrow (against).

General pairs:

Mr. Drewry with Mr. Darrow.
Mr. Oliver with Mr. Bacharach.
Mr. Dunn of Mississippi with Mr. Carter.
Mr. Montague with Mr. Gifford.
Mr. Darden with Mr. Ekwall.
Mr. Lamneck with Mr. Cooper of Ohio.
Mr. Burch with Mr. Buckbee.
Mr. Rayburn with Mr. Hoffman.
Mr. Flannagan with Mr. Plumley.
Mr. Bulwinkle with Mr. Tobey.
Mr. Beam with Mr. Wilson of Pennsylvania.
Mr. Goldsborough with Mr. Short.
Mr. Samuel B. Hill with Mr. Blackney.
Mr. Sullivan with Mr. Fish.
Mr. Buchanan with Mr. Dondero.
Mr. Steagall with Mr. Hope.
Mr. Celler with Mr. Millard.
Mr. Corning with Mr. Taylor of Tennessee.
Mr. Disney with Mr. Reece.
Mr. Fernandez with Mr. Goodwin.
Mr. Taylor of Colorado with Mr. Burnham.
Mr. Romjue with Mr. Crowder.
Mr. Greenwood with Mr. Hartley.
Mr. Clark of North Carolina with Mr. Crawford.
Mr. Gambrill with Mr. Thomas.
Mr. Hill of Alabama with Mr. Stewart.
Mr. Harlan with Mr. Kvale.
Mr. Gasque with Mr. Dempsey.
Mr. Ramspeck with Mr. Citron.
Mr. Underwood with Mr. Daly.
Mr. Farley with Mr. Nichols.
Mr. Gillette with Mr. Casey.
Mr. Brennan with Mr. Sanders of Louisiana.
Mr. Kennedy of Maryland with Mr. Creal.
Mr. McGrath with Mr. Werner.
Mr. Fitzpatrick with Mr. Montet.
Mr. Mason with Mr. Utterback.
Mr. Dickstein with Mr. Kee.
Mr. Clark of Idaho with Mr. Gray of Indiana.
Mr. Dear with Mr. Buckley of New York.
Mr. Ellenbogen with Mr. Wilson of Louisiana.

Mr. CLAIBORNE changed his vote from "no" to "aye."

Mr. ADAIR changed his vote from "aye" to "no."

Mr. McANDREWS changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

The SPEAKER. The question now recurs on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. TABER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TABER. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TABER moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with the following amendment: Page 68, line 10, strike out "$138,677,899" and insert in lieu thereof "$88,677,899."

Mr. PARKS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion was rejected.

The SPEAKER. The question now recurs upon the passage of the bill.

The question was taken; and on a division (demanded by Mr. BIERMANN) there were ayes 204 and noes 36.

Mr. BIERMANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

On motion by Mr. PARKS a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS—OUR NATIONAL DEFENSE

Mr. BURDICK. Mr. Speaker, I regret that it becomes necessary for me to extend my remarks made before the Committee of the Whole House on the state of the Union on yesterday, February 13. There is, however, no other way by which I can express my views and convictions.

When this bill was open to general debate the time was controlled by the chairman and ranking member of the Subcommittee on Military Affairs. It was impossible for me to get time, as committee members have preference over all others, and I could get no time. Under the 5-minute rule, however, I could, by proper maneuvering, get 5 minutes. I availed myself of that time, and here I wish to complete saying what I would have said yesterday had I been granted the time.

OUR NATIONAL DEFENSE

My principal objection to the present bill (Army appropriation bill) is that for actual military tactics the appropriation is at least $100,000,000 more than is necessary and for nonmilitary purposes the appropriation is not enough.

The object of all patriotic Americans should be to provide adequate defense for this country should its territory be invaded. We have no moral right to prepare for any war of any kind except one in the absolute defense of this country. With this major premise in mind, let us set about to protect this country.

Should this country at some future time be attacked by one or more world powers, there are two outstanding weapons of defense greater than armies and navies.

First, a virile, united people, fighting in the defense of a government in which they believe, a government that gives them protection and permits them to enjoy the inalienable rights set forth in the Declaration of Independence—life, liberty, and the pursuit of happiness. With a people thus actuated, there is no power on this earth—yes; there are no powers capable of uniting against us—that could even hope to conquer this spirit of American independence.

Are the American people so united today and so actuated? It is impossible to talk religion to a hungry man, and the patriotic spirit of the American people can be dangerously cooled, among the millions now in distress. To them this Government has failed to do for them what the Declaration of Independence proclaimed. Today there are millions hungry; there are millions in rags; there are millions who have lost their only home; there are more millions fighting desperately to save whatever of homes they have left. For example, there are about 10,000,000 people living on farms in America, whose homes are about to be taken away from them through the process of foreclosure. What will be their status if we allow this holacaust to take place? What will their attitude be toward the Government, that through its Congress, refuses, over repeated pleas, to stay the mad demands of the mortgagee? What is the attitude of the millions who are eking out a bare existence on public charity? Can the distressed millions, made so by our having permitted the accumulation of the Nation's wealth in a few hands, be expected to have that same ardor for the protection of their Government that they formerly experienced and enjoyed?

It seems to me we are in a war now. It seems to me we have same 60,000,000 people fighting for an existence in a land of plenty. Our first preparation for the protection of this great country is to bring relief to the suffering millions, and first convince them that we have a government worth saving.

We can extricate these people from a sea of debt; we can end special privilege and return to the program of equal opportunity for all and special privilege to none. We can do that by demanding that the private interests of this country immediately surrender its power and control over to the Government, cash and credit. We can use our money and our credit for all the people and not for the special few. We can retire interest-bearing, tax-free bonds and take a billion and a quarter of annual interest taxes off the backs of the American people on our public debt alone. We can issue money enough to supply an adequate medium of exchange without paying interest for the use of it. We can cause this money to circulate and give jobs, food, clothing, homes, and hope to the distressed of this country.

As I view it, this is the greatest preparation we can make for the adequate defense of this country. What will battleships and large standing armies avail us, when those behind the lines are starving themselves? What will it avail us if we have the largest number of trained officers in the world, if the people who are back of the lines are not as willing to fight for their country as are the men in the front lines?

The second greatest element of national defense of any country is its continuing source of food supply. No army, however great, can long hold its ground in front, when either it is short of food or the people behind the lines are hungry. A fighting nation must never be short of food, either in the army or out of it. It is useless to cite examples. History is so replete with the proof of this statement that to state the proposition is to prove it. Did we conquer the South on the battlefield? No; we starved them into submission. Did we whip the German armies in the World War? No; we starved the German Army and the German people.

Armies fight on bread and meat. The people at home supporting the Army live on bread and meat. Where are these necessary and indispensable products produced? On the farms and ranches in this country. Can we afford to permit another 2,000,000 farm homes, food factories for the Army, to perish in peacetimes? Is it not a matter of national defense, and the greatest which we are able to supply, to keep these farms where they are now, producing and ready to produce? Shall we drive 10,000,000 of them off the farm just at a time when we feel that we must provide an adequate defense for this country?

For nonmilitary purposes this bill carries appropriations for flood control and the improvement of rivers and harbors, and rightly so. Is it not sane, sound, and logical, to add to these activities, a further provision that whenever, through an act of God, such as a flood or drought, to make it a part of our scheme of national defense to spend a part of the billion-dollar national defense bill in supplying feed, seed, and relief to those on our farms who have been rendered helpless to continue in this necessary business of national protection? Shall we not as a Congress make it our business now to give protection to those farm homeowners who are in distress, and who will soon lose those homes unless this Congress acts. Shall we not protect the city homeowner who can see his home offered on the auction block because he has no job, and cannot protect himself?

Shall we sit idly by and see insurance companies who, in their reports, boast of the profits they made through the resale of foreclosed homes?

Whenever this country is attacked, if we have the spirit of the people with us, and plenty of food and a source of supply that is inexhaustible, we can take care of the rest of the fundamentals necessary for our national defense. If we now had stored in the interior of this country a supply of Government wheat, withdrawn from sale, and usable only in case of war or a national calamity, it would be a greater protection to the English-speaking people than the combined fleets of the United States and Great Britain. Any surplus raised could be sold to the Government and stored in the interior. A modern battleship costs, according to the hearings last year, between forty and fifty million dollars.

The same money invested in surplus wheat at $1 per bushel would supply 12,000,000 people with bread for a year, or it would supply all of our 127,000,000 people with bread for 40 days.

I am for the adequate defense of this country, but to properly defend this country we must do more than increase the number of our officers and enlisted men; more than the building of more battleships; more than the increasing of war expenditures far beyond any peacetime period in our history, thus taxing more and more the people of the country and making their condition more hopeless than it is today.

ANNUAL RESERVE OFFICERS' ASSOCIATION DINNER

Mr. MERRITT of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech delivered by the Secretary of War last night at the Reserve officers' dinner.

The SPEAKER. Is there objection?

There was no objection.

Mr. MERRITT of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of the Secretary of War, Hon. George H. Dern, at the annual Reserve Officers' Association dinner, Mayflower Hotel, February 13, 1936:

I am glad to meet with you gentlemen of the Officers' Reserve Corps and to say to you personally some of the things about you which I have been telling everyone else.

Your association, representing the Reserve officers of every branch of the Army, is doing valuable work in spreading reliable information about the Reserve Officers' Training Corps and in resisting the attacks that are made on it. You have an intelligent interest in our national defense, and the service you are rendering to the country is a very practical form of patriotism.

Our Regular Army, I believe, is at present more efficient than at any time in its peacetime history, although there is still plenty of room for improvement. Under the inspiring leadership of General Craig, it is going forward to a new high peak in the present year. However, at best our permanent force is but a nucleus around which we will have to build our defense force in any major war of the future.

The National Guard, likewise, is attaining a standard of efficiency that is a great credit to the country and to those part-time soldiers enrolled in the various States. It is preparing to stand shoulder to shoulder with the Regular Army to protect our country in the first phase of any attack that we may have to sustain.

However, the aggregate strength of the combined Regular Army and National Guard is insufficient for the proper protection of our shores from the assault of an aggressive foe possessed of large military resources.

In every major war we have been forced to rely on the unorgazined and untrained manpower of the country to provide the soldiers needed for success on the battlefield. We have an abundance of such manpower, but without skilled leaders untrained recruits are almost as valueless as bricks and mortar without skilled workmen to use them. You gentlemen, and the men you represent, will furnish this indispensable leadership.

I am afraid that we, in the War Department, are too prone to take for granted the continued splendid service of the Reserve officers, and that we fail to express publicly as often as we should our deep appreciation of this service. That our Reserve officers are good officer material, endowed with intelligence and the qualities of leadership, has been proved by the brilliant success of practically every C. C. C. camp that has been commanded by a Reserve officer. You have every reason to be proud of the shining record that your members have made in this difficult task.

The patriotic zeal of our Reserve officers is a matter of common knowledge. Many of them have had their devotion to duty tested on a dozen battlefields. Those who have proved their leadership in the World War are an asset to the country that is of incalculable value. Unfortunately, we are faced with the hard fact that the years are taking their toll of these experienced soldiers. Each year there are fewer of them available. Our problem is to replace them with younger men. In one sense they never can be replaced, but we must select from a new generation the ablest youths to take up the duties of the veterans.

Our best source of new officers is the Reserve Officers' Training Corps of our colleges. The continuance of our R. O. T. C. system is vital to our national defense. This enlightened and democratic method of assuring an adequate supply of trained officers for wartime is an essential feature of the National Defense Act. Without it our national defense system would be a hollow sham, and we could never feel that we were prepared for a national emergency.

In my recent annual report, I emphasized the importance of our Reserve Officers' Training Corps, remarking that the propaganda against this training was based on the fallacious assumption that such training instilled a spirit of militarism in our youth. I asserted that our R. O. T. C. graduates were no more jingoistic than any other citizens, but that they were better prepared to serve their country in time of national peril. I was somewhat surprised to find that a few of my friends who do not believe in preparedness took rather vigorous exception to such statements, and sent protests to me and to the President. However, with due regard for their opinions, and conceding the high motives of their militant declarations for peace, I must respectfully decline to follow their reasoning. The data upon which they base their opinions are pretty flimsy stuff.

No subject of any other country in the world enjoys the liberties and advantages that are accorded the American citizen. In return the country, which is the common parent of all, exacts only the basic obligations of citizenship. Important among these is the obligation to defend it. This basic requirement is inherent in our form of government and has been upheld repeatedly by legislative enactment, Executive pronouncement, and judicial decision.

We read of a few misguided college boys pledging themselves never to participate in a war which they personally do not consider a righteous one. That is an undemocratic attitude, for democracy means rule by the people and rule by the people cannot mean anything else except rule of the majority. The conceited, willful individual who has not learned to submit his own will to the combined will of the majority has not learned the elements of democracy. He is not talking about liberty—he is advocating anarchy. How could we have any government at all if every citizen arrogated to himself the right to disobey all the laws except those which happened to suit his particular fancy?

But I am not disturbed by the utterances of a handful of boys who think they would put peace above safety, righteousness, justice, and honor. No normal man would elect such a cowardly course, and as soon as our country is in danger, and the lives and liberties of our people are threatened, these same young Americans will echo the toast of Stephen Decatur:

"Our country! In her intercourse with foreign nations may she always be in the right; but our country, right or wrong!"

KENTUCKY'S MOST DISTINGUISHED SON, ONE OF GOD'S CHOICEST GIFTS TO OUR COUNTRY, THE WORLD'S MIGHTIEST CHAMPION OF FREEDOM, THE MASTERFUL MAN OF THE AGES—ABRAHAM LINCOLN

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech that I made before the Hamilton Club in Baltimore on Lincoln's Birthday.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker, under the unanimous consent granted to me by the House some days ago, I hereby extend my remarks by inserting in the RECORD an address that I delivered at the Lincoln banquet, sponsored by the Hamilton Club and other Republicans of Maryland, at the Lord Baltimore Hotel in Baltimore, Md., on February 12, 1936, and the speech is as follows:

Mr. Toastmaster, distinguished guests, ladies, and gentlemen, at the outset permit me to thank the Hamilton Club and the Republicans of Maryland for their gracious invitation to address this distinguished assemblage. Your generous reception and kindly hospitality make me feel quite as much at home as if I were appearing before a group of Kentuckians. It is a great privilege and a genuine pleasure to be with you.

The record of Maryland, beginning with its earliest settlement, has been an inspiration to me. I have had the pleasure of serving in both branches of Congress with many of your distinguished sons. Your State was founded upon the great human principles of freedom and justice. In every struggle from colonial days to Flanders Field, on land and sea, Marylanders wrought gloriously and brought wisdom to the councils of the Nation. The courage and patriotism of Charles Carroll of Carrollton has inspired all generations. Was it not a distinguished Marylander who presided over one of the Continental Congresses, and a Marylander who had the foresight to nominate George Washington as Commander in Chief of the Continental Army? Francis S. Key gave to us The Star-Spangled Banner.

Maryland, like Kentucky, was a border State. Blood relationship, social and economic advantages were urged upon your ancestors like mine to forsake the Union and the cause of freedom; but Maryland, like Kentucky, remained true, and your fathers, like ours, struggled shoulder to shoulder with Lincoln; they shared with him the bitterness of defeat and rejoiced with him in victory; their blood was mingled with his blood, and the fruits of their united sacrifices are now the rich heritage of the Republic.

Because of this intimate relationship and oneness of purpose it is only fitting that we join together and renew our devotion to one of God's choicest gifts to our country, Kentucky's most distinguished son, the world's mightiest champion of freedom, the masterful man of the ages—Abraham Lincoln.

GREAT HUMAN STORY

I do not flatter myself that I can bring anything new to you in relation to this great man. Thousands of books and pamphlets have been written; eloquent eulogies have been delivered; the genius of poet, painter, and sculptor has been exhausted; the genealogist has delved deep into his ancestry; the psychologist and moralist have searched his innermost mind and penetrated his very soul in an effort to find the secret of his greatness. The unborn years may be necessary to make a complete appraisal of his life and character. The fact remains that no human story surpasses in fascination and inspiration that of Abraham Lincoln. It is the story of the great outdoors, of humility, poverty, disappointments, and defeats; a story of romance, of pathos, of tragedy, of greatness, winning his supreme victory in death. Washington has a place of his own in the minds and hearts of our people as the Father of our Country. Grant, Lee, Sumner, Stanton, Seward, Douglas of Lincoln's time, Marshall, Jefferson, Hamilton, Jackson, McKinley, and others of other times, tower like mighty peaks across the years of our history. But Lincoln, the log-cabin boy of the Kentucky hills and the Illinois frontier, in my humble opinion rises in majestic grandeur above them all. He and Washington are the most colossal figures in American life and the most influential upon our history.

LINCOLN, THE MAN OF DESTINY

We like to think that Jehovah, looking out on the world in the morning of the nineteenth century, saw the fugitive slave pursued through forest and swamp, saw the suffering of millions of oppressed bondmen, heard the wail of the black mammy when the golden chord of mother and child was rudely broken in the slave market. He saw, too, the most beautiful flower of his handiwork among the nations—your country and mine—in peril. He needed a man to save this country and to free a race.

He did not go to the palace of the rich and mighty, but to the hills of old Kentucky, and found a mother who was noble, pure, and true, and brought forth a son from the log-cabin home in which there was no floor except the earth. He trained him in the school of adversity; He taught him the lesson of humanity, tenderness, and love when He touched his heart with sorrow and chastened his mind and soul with defeat and disappointment; He kept him in direct contact with the common people; He placed on his brow the mark of destiny and guided his footsteps in the ways of the infinite. Was not Lincoln like our Saviour in the surroundings of his birth, like Him in disappointment and suffering, like Him in being a blood sacrifice, and like Him in winning his greatest triumph in death?

LINCOLN-DAVIS

Two mighty forces originating at Plymouth and Jamestown had spread over the Nation—slavery, freedom. Conflicts between these two great forces were seen on every hand. No one appeared to be able to diagnose the Nation's disease and point to the remedy. The hour had come for divine Providence's leader, Abraham Lincoln.

This giant, gaunt figure rose on the frontier of Illinois, and amid the clash of bitter conflicting interests and the clouds of doubt and uncertainty diagnosed the Nation's disease and pointed to the remedy when he declared:

"A house divided against itself cannot stand. This Nation cannot long endure half slave and half free. I do not expect the house to fall. But I do expect it to cease to be divided."

Lincoln was warned that his opposition to slavery would destroy his career. His reply was:

"Broken by it, I, too, may be; bow to it I never will. The probability that we may fail in a worthy cause is not a sufficient justification for our refusal to support it."

Union and freedom were the battle cry on the one hand, with Lincoln as their champion; slavery and secession on the other, with Jefferson Davis, of Kentucky, as their leader. Lincoln was unwilling to provoke the conflict. In his first inaugural address he appealed to the higher and nobler sentiments of the southern leaders when he said:

"In your hands, my dissatisfied fellow countrymen, and not in mine is the momentous issue of civil war. The Government will not assail you. You can have no oath registered in heaven to destroy this Government, while I shall have the most solemn one to preserve, protect, and defend it."

Like a father to a prodigal son who is about to leave the old homestead, he stretches out his hands toward the southern leaders, and with sublime tenderness declares:

"We are not enemies but friends; we must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory stretching from every battlefield and patriot's grave to every living heart and hearthstone all over this broad land will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature."

In one magnificent sweep he carries the minds of the southern leaders through the years of sacrifice and suffering of the Revolution, the War of 1812, the battlefields of Mexico, to the countless thousands of patriot graves, in all of which the South gave unstintedly of her treasure and her blood. Will she now attempt to destroy that which she had given so much to create and maintain?

Is it too much to say that our country today is threatened with dangers equally as great as those faced by our Nation in the days of Lincoln; and how much we now need a Lincoln with his great mind, great heart, matchless courage, and intense Americanism to appeal to the conflicting groups in our land and urge:

"The mystic chords of memory stretching from every battlefield, from the graves of Washington, Franklin, Jefferson, Jackson, McKinley, and the other patriot graves, should touch the heart of every true living American and quicken the better angels of his nature and his gratitude."

Would not the immortal Lincoln warn us that this Nation cannot long endure half socialistic and communistic and half American, or half dole and half free, or half bureaucrat and half burden-bearer? Would he not urge that Congress must legislate and not abdicate—that the dual relationship between the Federal Government and the States be not broken down—that the three great coordinate branches of the Federal Government be permitted to function freely and independently; and that if we maintain a government of the people, by the people, and for the people, agriculture, industry, commerce, and labor must not be regimented?

VICTORY OVER DEATH AND THE GRAVE

The great Civil War was nearing its end. No President had heaped upon him so much of unmerited abuse as Lincoln, yet in his second inaugural address he said:

"With malice toward none, with charity for all, let us join to bind up the Nation's wounds."

But passion, selfishness, greed, and hate demanded another victim. Freedom and union required another sacrifice—the blood sacrifice of the Emancipator. His life was taken by an assassin; and in a small, bare room, not unlike those of his early days, the soul of the Great Emancipator returned to its Maker. It required the broken body of Abraham Lincoln to write the thirteenth, fourteenth, and fifteenth amendments into the organic law of our land.

Jefferson Davis, when he heard of the death of Lincoln, exclaimed:

"Next to the fall of the Confederacy, the death of Lincoln is the greatest blow the South ever received."

Seward, the orator and statesman, said:

"Lincoln was the best man I ever knew."

Secretary of War Stanton, at Lincoln's bier, declared:

"There lies the greatest man that ever ruled any country."

On this the one hundred and twenty-seventh anniversary of his birth, there is naught but love and admiration for Abraham Lincoln. He is today, North, East, South, and West, hailed as the deliverer and savior of the Republic. His image is enshrined in the hearts of men and women everywhere who love freedom, justice, and righteousness. It can be well said at his grave:

"O Death, where is thy sting;
O Grave, where is thy victory?"

The sting of death was healed with the love and affection of mankind. His matchless success snatched victory from the grave.

"GANG" IN MAJORITY

How different to President Lincoln was the recent political speech of President Roosevelt delivered under the guise of his annual message to Congress, characterizing those who opposed him as a "gang" and "ganging him."

This vituperation is unworthy of any President. Are the people who oppose Mr. Roosevelt and his "brain trusters" a "gang"? Thousands and thousands of Democrats oppose the President and his so-called New Deal policies. Governor Smith and John W. Davis, former nominees; John J. Raskob, former chairman and "sugar daddy" for the President's party; Bainbridge Colby, Secretary of State under Wilson; Senator Reed; Governor Talmadge; Governor Ely; Governor Richie; Governor Noe, of Louisiana—these men helped to make Mr. Roosevelt President. A big majority of the press is against the New Deal.

Mr. Roosevelt complains that the Constitution and the Supreme Court of the United States are against the New Deal policies.

Recently the Literary Digest conducted a poll. It sent out 10,000,000 ballots to American citizens and inquired if they were for or against the New Deal. Millions of voters responded. Sixty-two percent were against the New Deal and 38 percent for it. A little over a year ago the same number of ballots were sent to the same people. Then they voted 62 percent for and 38 percent against the New Deal. The recent poll was a complete reversal of the poll of a year ago. This poll disclosed that 36 States were against the New Deal and 12 States were for it.

President Roosevelt, his Secretary of the Treasury, the Postmaster General, and Secretary of Labor come from New York State. New York State and every town and city of 5,000 or more population in this poll showed a big lead against the New Deal.

The Republican Party is against the New Deal; therefore, the opposition to the President is not merely a "gang", it is a multitude. Their numbers are as the sand of the sea. There must be something radically wrong with President Roosevelt and his New Deal policies to incur the active opposition of thousands of leaders and millions of voters in his own party, North, East, South, and West. What is wrong? These Democrats charge that the President has broken his solemn platform pledges to the American people; that he and his associates are attempting to set up a new form of government; that they are undermining the Constitution and the Supreme Court. They have increased the tax burden; they have engaged in a wild orgy of squandering and wasting of the people's money. They are playing politics on the miseries and distress of the American people. Unemployment is on the increase. Relief requirements are still at their peak. Our balance of trade is on the decline. Large increase of deficits and national debt threaten the credit of the Nation. They have substituted paternalistic, socialistic, and in some cases communistic policies for American principles and the long-established policies of the Democratic Party.

Let us examine some of these charges.

BROKEN PLEDGES AND VIOLATED PROMISES

The Democratic Party, in its convention in Chicago in 1932, adopted a simple and direct platform containing in substance the following planks:

1. We pledge to reduce the cost of government at least 25 percent.
2. We pledge to cut out the useless bureaus and commissions that have been set up.
3. We pledge a reduction in the tax burden of the people.
4. We pledge to stop creating additional deficits and pledge our party to balance the Budget.
5. We pledge our party to quit increasing the national debt.
6. We pledge our party that the Government will not engage in private business in competition with its citizens.

Upon the adoption of this platform and the nomination of Mr. Roosevelt, he traveled by airplane to Chicago, accepted the nomination, and declared that he stood 100 percent in favor of that platform and if elected he would carry it out.

Now, these were the promises; what about the performances?

BUREAUCRATS AND TAXES

President Roosevelt has doubled the cost of government. His bureaucrats have engaged in the wildest spree of wasting and spending ever known to the people of any country. In less than 3 years there have been appropriated, expended, or authorized and placed at the disposal of the President, with autocratic and dictatorial powers, more than $26,000,000,000.

This Government spent twenty-four and a half billion dollars over the period of 124 years from Washington down to Wilson. We fought all of our great wars and nearly a score of Indian wars, and at the same time provided adequate pensions for the veterans of those wars and their dependents.

In less than 3 years President Roosevelt has created more bureaus and commissions than were created by all the Presidents in peacetime from 1789 to 1933. There have been added more than 300,000 officeholders. Civil service and merit requirements have been ignored. This tremendous increase was made to provide jobs for Democrat politicians. We now have bureaucracy at its worst. The Nation is filled with political hitchhikers and political snoopers. They have vigorously backed all of these unconstitutional measures in order to secure more jobs and more power over the people. They denounce the Constitution and the Supreme Court. President Roosevelt has increased the taxes more than a billion dollars annually in addition to onerous and burdensome processing (sales) taxes on wheat, meat, corn, cotton, and other necessaries of life. No administration in peacetime in all our history has "soaked" the wage earner, the common people, and the consumer with taxes as has this administration. This administration is always talking about "soaking" the taxpayers. It is high time that the American people turn and "soak" the "soakers." About 30 percent of the income of the ordinary person is now taken for taxes, and the big taxes are on the necessaries of life, bringing about the high cost of living.

The latest statistics (and that is for the year 1934, and taxes have increased since) show that the American people spent, in round numbers, for rent, food, and clothing, $14,850,000,000 in 1934, and for the same year there were taken from them in taxes, National, State, and local, $15,500,000,000.

DEFICITS AND DEBTS

Candidate Roosevelt said if we didn't stop borrowing and spending, the ultimate result would be bankruptcy, and that the American people must quit spending more than the Government takes in—they must stop the deficits and balance the Budget.

This administration inside of 3 years has piled up more than thirteen billions of deficits, and before the end of this administration these deficits will amount to more than sixteen billions.

The national debt when Mr. Roosevelt took office was approximately twenty billions. It is now generally admitted that at the end of his term it will be at least thirty-six billions. He will have increased the national debt sixteen billions in the face of the great increase of taxes, and the administration is now proposing to have Congress to put an additional tax burden on the people of perhaps $1,000,000,000 annually, and this big sum will not begin to balance the Budget. The big taxes are still ahead of us.

UNEMPLOYMENT AND RELIEF GROW

The administration said it was necessary to spend this tremendous sum of money and crowded through a "rubber-stamp" Democrat Congress the N. R. A., A. A. A., and other New Deal measures giving to the President and the other bureaucrats dictatorial powers over the people and their affairs in order to restore industry and agriculture and provide employment. These measures provided jobs for hundreds of thousands of Democrat politicians and favorites. They set about to spend this money like a drunken sailor.

If the expenditure of these tremendous sums and these measures had accomplished what the administration said would be accomplished, there would be less complaint. All of these pillars of the New Deal have been knocked out, and all we have left of these utopian dreams of the "brain trusters" are the debts and deficits running into the billions of dollars and these additional 300,000 officeholders on the backs of the taxpayers of this country.

In June 1933 the New Dealers declared there were 10,000,000 of workers unemployed in this country. They said their plans would put the people back to work.

William Green, president of the American Federation of Labor, a good Democrat and a friend of the Roosevelt administration, issued a statement the other day, February 1936, in which he said there were 11,401,000 now unemployed in this country; and President Green further said he could see no measure of relief for the unemployment situation in the future on account of any jobs that might be furnished by the Government. He said that industry must provide the remedy and furnish the jobs.

Harry Hopkins, National Relief Administrator, appeared before some committee of the Senate some days ago and stated that the peak of relief was still with us—that 20,000,000 people in this country must still depend upon Government relief and that the billions that had already been appropriated would be exhausted by July 1, 1936, and Congress would have to appropriate additional billions to be used for relief after that time. Relief needs are as great today as they were a year ago and twice as great as they were in July 1933. The Republican Party has always stood, and now stands, squarely for adequate relief for the needy. Our party has condemned, and still condemns, the manner in which this relief has been disbursed. Democratic Senators, Congressmen, and other Democratic leaders have charged time and again that certain New Dealers have been playing politics with the relief money and have used the distress and misery of the people of the Nation to promote partisan politics. Fraud, intimidation, favoritism, and politics are seen on every hand. A large part of the relief money has been used to provide political jobs with high salaries for New Deal political pets and favorites. This money, the relief money, should go to the people who need relief and should be entirely free from politics, fraud, and favoritism.

"BOONDOGGLING"

Mr. Tugwell, the main "brain truster" of the New Deal, has been given more than $360,000,000 for resettlement purposes, but, as stated by an outstanding Democratic Congressman on the floor of the House last Monday, thousands of good Democrats have been given offices and millions have been spent, but up to this time no one has been resettled except on paper.

Some time ago we were met with the strange word "boondoggling." A lot of jibes were poked at Hopkins and his "boondoggling." Hopkins responded that the American people "are too damn dumb to understand what 'boondoggling' means."

Some in explaining "boondoggling" point out that more than $300,000 of this relief money was used to put on a show in New York. The directors, singers, etc., were supposed to be people on relief. The directors were paid from $500 to $1,000 per week to direct this show. Some of the singers were paid $500 per week for making two appearances. They paid other singers $250 per week, and an army of other people were employed in proportion; while many needy old people, many needy sick people with families were shoved aside or given one or two dollars per week for a whole family.

This is called "boondoggling." Mr. Roosevelt said in a recent speech that "boondoggling" was a good word, and it had brought us out of the depression.

The Democratic Congress under pressure from the President authorized the T. V. A. in the Tennessee Valley to spend approximately $300,000,000 under the guise of constructing dams for the purpose of making electricity, but the bureaucrats have spread out, as all bureaucrats do. They have gone into the poultry, dairy, and mule business. They spent $500 for a rooster, $1,500 for a jack (and then sold it for $500), and paid on an average $360 apiece for their milk cows!

The "boondogglers" pushed through a bill to spend in the neighborhood of $50,000,000 to harness the tides of the Bay of Fundy in a sparsely settled district on the coast of Maine. They have ordered homes to be built and furnished by the Government on that project and they have ordered placed in each home at least two grandfather clocks, with all the trimmings. Five million dollars would furnish all the electricity that that sparsely settled country will use for the next hundred years free. We could have saved $45,000,000.

These are some more of the high jinks in "boondoggling."

Every other civilized nation has already recovered from the depression. They did not try to "boondoggle" their way out. They followed the course that has been followed by all sensible people for 50 centuries. They did not try to squander and spend themselves into prosperity. They did not burn their pigs and destroy their crops or build "hobo hotels", etc. They encouraged industry, the farmers, and people to produce and to practice economy and common sense.

CONSTITUTION THE CHART AND COMPASS OF OUR LIBERTIES

There are those in high places in our country who speak scornfully of the Constitution and the Supreme Court and create the impression with many of the unthinking that our Constitution was written and our Supreme Court established by kings, dictators, and autocrats to oppress the common people. This is far from the truth. The Constitutional Convention, headed by George Washington, was made up of men who had felt the iron heel of the oppressor and who had struggled for 8 long years, giving unstintedly of their treasure and freely of their blood to have a country and a constitution of their own.

They set out in the preamble their well-considered and high purposes:

(a) To form a more perfect Union;
(b) Establish justice;
(c) Insure domestic tranquillity;
(d) Provide for the common defense;
(e) Promote the general welfare; and
(f) Secure the blessings of liberty to themselves and their posterity.

Their purposes were climaxed in "To secure to ourselves and our posterity the blessings of liberty."

This Constitution wisely provides for the dual sovereignty of the Nation and the States, for three coordinate branches of Government. What a wonderful document! They must have been inspired. The great statesmen of their time and since has declared it the greatest document ever struck off by the brain of man.

Our Constitution gives protection to the weak, to the humble, and to the poor. It provides relief for the minorities against the inconsiderate and unjust acts of the majority. It makes secure not only our freedom, our lives, but guarantees to each one of us the pursuit of happiness. It is the chart and compass of our liberties. It insures to us a government of the people, by the people, and for the people.

The Republican Party stands unalterably opposed to the nullification of our Constitution by the New Dealers. It does stand for the orderly change of that great instrument by the people themselves as provided in the Constitution. Let us not forget dictators, bureaucrats, autocrats, and oppressors did not then and do not now favor written constitutions, courts, or congresses. The New Dealers, in order to stir up and prejudice the unthinking, say: "We cannot eat the Constitution and we cannot wear it; therefore it is of little use to our needy people." Let me say to these scoffers and deceivers that we cannot eat the Holy Bible, but must we destroy it because we cannot eat it or wear it? We do know this, however: That the people of our country have had more food and better food, more clothing and better clothing, more homes and better homes, more schools and better schools, more automobiles and better automobiles, more radios and better radios, more comforts, more of the luxuries of life, more prosperity, and have amassed more wealth and enjoyed greater freedom under our Constitution than the people of any nation in the 50 centuries of the world's history have enjoyed under any other

constitution, written or unwritten. It has protected us in good times; it has sustained us in adversity.

Under our Constitution we came through the War of 1812, the Mexican War, the Civil War, the Spanish-American War, and the great World War, and likewise we withstood the great depressions of 1807 to 1817, the great depression of 1837, the great depression of 1857, the great depression of 1873, and the great depression of 1893. In all of those trying times there were men and women who sought to overthrow our Constitution and the Supreme Court, but the patriotism and good sense of the majority of American people sustained and upheld them.

The brain trusters and New Dealers in public forums and on platforms are urging the American people to take away the power of the Supreme Court to pass upon the constitutionality of the acts of Congress. Let us not forget that the inferior courts, the justices of the peace courts of the several States now have that power. Congress cannot take that power from them. Would it not be ludicrous for Congress to say that the Supreme Court could not pass upon the constitutionality of the Federal statutes when that power and right could be exercised by county judges and justices of the peace in the various States of the Union? We would have confusion—confounded.

The Constitution of the United States is the chart and compass of liberty; the Supreme Court is the great umpire between the executive and legislative branches of our Government. To destroy the Constitution would be as foolish as a ship's master out on a distant sea throwing his chart and compass into the ocean. Who would suggest taking the umpire out of a baseball game and have the various plays passed upon by the baseball fans themselves? Of course there would be nothing but confusion over a foolish set-up like that. It would be equally unwise to take the umpire, the Supreme Court, out of our scheme of government.

The Republican Party is opposed to the executive branch of the Government usurping the powers of Congress and the Supreme Court. We have observed the ill effects of that in the Seventy-third and Seventy-fourth Congresses becoming "rubber stamps." Ill-considered measures have been pushed through Congress in violation of the Constitution, giving dictatorial and autocratic powers to the President and his army of bureaucrats. The result is, the rights of the people have been ruthlessly overrun and we end in confusion. If we should take away the power of the Supreme Court to act as umpire, Congress could pass any kind of law and it would stand. It could do away with the executive branch and could do away with the Supreme Court entirely. It could set up, or tolerate at least, dictatorship as was done in Germany and Italy. It could grant the President a lifetime tenure of office, and upon his death, designate his firstborn as his successor. It could destroy the freedom of religious worship, freedom of speech, and of the press; the right of trial by jury, the right to vote, unless it should be restrained by physical force. There can be no real freedom in this country; there can be no government of the people, by the people, and for the people, except under our Constitution, and the three great coordinate branches of government acting independently of each other, There could be not guaranty of freedom to the people of the States unless these are maintained.

Lincoln made the fight to free the black people—to give them rights that they had never enjoyed. The great struggle in America today is, for the white race and the black race to fight uncompromisingly to keep the rights that have been handed down to them by the sacrifices of the patriotic men and women of the past and to preserve these rights for our children.

The Republican Party is unalterably opposed to the Supreme Court transgressing upon the power of Congress or the President. It must act solely and only as umpire, and not as lawmaker or executive. Some ask what restrictions have we on the Supreme Court. In the first place, the President appoints all the members of the Supreme Court, and the Senate must confirm these appointments. Congress can fix the number of members of the Supreme Court. Congress also has the power to impeach and remove from office any member of the Supreme Court. It can be seen at once that the Senate operates as a check on the President in these appointments, and that Congress, by its power to impeach, holds a check on the Supreme Court. As a further safeguard, the members of the Supreme Court have a life tenure of office, and are free from the passions and prejudices of partisan politics.

Let us keep our chart and compass, the Constitution. Let us hold on to the umpire, the Supreme Court.

The New Dealers urge us to throw away the chart and compass and turn away from the umpire and follow them into the wild, uncharted bogs of paternalism, socialism, and, in many instances, communism, so that they may wipe out State lines, regiment agriculture, industry, labor, and the banks, and even establish birth control among the hogs, and lay their hands upon the lowly spud (Irish potato).

WORK FOR US TO DO

Lincoln, Washington, and others of other days, by their devotion and sacrifices, bequested to us the richest heritage of any people on the earth. The world has never before seen such a wonderful country as yours and mine. We are 48 great sovereign States, held in the mighty embrace of two great oceans, flanked on the north and south by two friendly nations, with nearly 130,000,000 people bound together by ties of blood and by our Constitution. There cannot be another country like yours and mine. There is no place on the globe out of which another such country can be carved. You cannot find the people, the variety of climate and products, the diversity of soil, the beauty of its scenery, the richness of its natural resources, its wealth, and virile manpower.

There are wrongs to be righted, oppression to be relieved, the needy to be cared for, the power and selfish to be restrained, the poor and humble to be protected and defended, care for our defenders and their dependents, government to be restored to the people, our Constitution, our form of government, and our institutions upheld, the enemies of our country and our flag to be driven from our shores.

Industry, agriculture, and commerce must be encouraged; the wheels of progress must again be set in motion; jobs with honest wages must displace the dole and "boondoggling"; we must turn away from false doctrines; encourage honesty, thrift, industry, and self-reliance, and preach the gospel of prosperity and plenty; spurn the unsound doctrine of waste, destruction, and scarcity; protect our agriculture, industry, domestic commerce, and labor against the unfair competition of the farms, factories, mines, peasant, and sweatshop labor of the countries across the seas; give 100 cents of public service for every dollar taken from the taxpayers; stop the handicap of continuing deficits and increasing debts to ourselves and to our children; lead the world in the paths of justice, peace, and righteousness; and pass on to our children this rich heritage—a government of the people, by the people, and for the people—strengthened and enriched by our own devotion and sacrifices.

FOR THE COMMON GOOD

Mr. WOOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a speech of the Honorable Dwight H. Brown, secretary of state of Missouri, delivered at Springfield, Mo., January 30, 1936.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. WOOD. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address of Hon. Dwight H. Brown, secretary of state of Missouri, delivered before the Women's Roosevelt Democratic Club, of Springfield, Mo., January 30, 1936:

Madam Chairman, ladies, and gentlemen, we are met to do homage to one of the truly great men of the ages and one who already has written his name indelibly upon the scrolls of the years as one who richly contributed to the progress of man.

Those in high places in the autocracy of wealth and privilege rail at him just as those who lined the way to Calvary when another cross-bearer strove to improve the place of the common people and who, like Franklin Delano Roosevelt, "came not to destroy the law but to fulfill it."

We can do no greater honor to this man than to dedicate our lives anew and with fresh zeal to the noble purpose of bringing a greater fullness to American citizenship. We therefore must arm with the sword of truth and the shield of righteousness for the struggle of the ages.

We are entering upon another great political campaign in which many vital issues will receive the attention of the American people. Of this we may be sure, that it is going to be a hard-fought campaign, marked with bitterness, and the issues prosecuted with vigor. In thinking of the situation, I have concluded that the same patriotism that was the motivating influence in the founding of the Nation and framing of the Constitution is the urge in the heart of the honest citizen of today. While the Constitution was written at a time when the world was in the age of sail ships, keel boats, stage coaches, hand looms, quill pens, and tallow-candle illumination, there are certain fundamentals of truth that remain unchanging with the progress of the years. The purposes of the Constitution are eternal and much that was promulgated as the basis of law to bring those objectives should be eternal. Already the American people have amended the Constitution 21 times. They amended it in the belief that they were improving the means of obtaining the purposes of the organic law.

No administration prior to the present has given greater life to those lines declaring as purposes "the promotion of the general welfare" and "bringing the blessings of liberty to all."

Those who had prospered most as a result of the delinquencies of the past in promoting the general welfare have talked much about the President and his supporters as endangering the Constitution.

A neglect of the application of the general-welfare clause to the policies of government in a more generous way in the years past resulted in the birth of a money class. They became a money autocracy, and in every age they have resented any legislation which infringed upon what they regarded as the right of money to go its way without regulation or restraint of government.

The money power did battle with Jefferson and Jackson, warning the Nation against both of them as radicals who threatened the Government. The money power alarmed Lincoln, who warned of its peril, and so dominant had the Money Trust become by 1900 that the Democratic convention at Kansas City devoted the greater part of its platform to the money power, trusts, and imperialism. Bryan was defeated, but fate soon placed Theodore Roosevelt in the White House, and he found himself so handicapped by an interest-controlled Republican Party that he repudiated that party in the Progressive revolt of 1912.

The 2 percent that controls 85 percent of the business of the Nation is arrayed against the New Deal, either speaking through the impotent repudiated Republican Party or through the American Liberty League or some other camouflaged auxiliary of the G. O. P. By the way, it is interesting to know that the expense of the Liberty League is furnished by the multimillionaires of the Nation, among them being the Du Ponts of war-supplies fame.

Mark these words:

"I see, in the future, a crisis approaching which unnerves me and causes me to tremble for the safety of my country. Corporations have become enthroned, an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working on the prejudice of the people, until the wealth is aggregated in the hands of a few people, and the Republic is destroyed."

Those are the words of Abraham Lincoln, who foresaw the new menacing influence in American life. One might imagine Lincoln speaking of the present day and warning of the nature of the approaching campaign. He warned of a policy to prolong the reign of the money power by working on the prejudices of the people. He spoke as a prophet, and those who have believed they were following Lincoln in giving allegiance to the Republican Party should make an honest appraisal of the past several years and they will find that to follow Lincoln they must turn to the Democratic Party for an exponent of government of, by, and for the people.

The Democracy has been so responsive to the will of the people that vanishing depression and gloom has been followed by general business acceleration and reemployment.

So definite is the improvement in business that now even the spokesmen for organized and entrenched wealth admit the improvement. Of course, they say it came in spite of and not because of the efforts of the administration at Washington. I believe all must agree that business is on the way back to normal conditions, and the lot of the general public of the Nation has been improved as a result of that recovery. I believe we are justified in following the President in the declaration that we are out of the period of recovery and on the way of progress.

The American Federation of Labor recently predicted a business and industrial boom and the United States Chamber of Commerce in discussing the improvement of business placed the number of reemployed workers in percentages running as high as 52 percent of those unemployed when the administration took over the Government. Five millions of the unemployed have been returned to private employment.

Secretary of Commerce Roper, in speaking of the outlook for this year, pointed to the achievements of the past year. Production of consumers' goods was at or above the relatively high level of 1934, there was further improvement in agriculture, some revival in the durable-goods industry, widespread improvement in consumer purchasing based on increased employment, more equitable price relationships and a large harvest, improved industrial earnings, an increase in the value of foreign trade, and further improvements in the financial field, including a rising tendency in the security markets and a gradual reopening of the domestic capital market to the flow of private funds.

Substantial increase in employment was effected during the year, with the major part of the gain accounted for in the manufacturing industries. There was also an encouraging expansion of employment in the construction industry, particularly in residential building. The latest monthly factory employment data available show an increase of 10 percent, in comparison with a year ago, factory pay rolls being 25 percent higher. Among the more spectacular increases in retail sales in 1935 was the increase of about 20 percent in sales of general merchandise in rural areas and an estimated increase of 40 percent in dollar expenditures for new passenger automobiles.

The National Retail Dry Goods Association estimates the 1935 holiday trade 20 percent greater than 1934. When we recall those ghastly years from 1929 to the coming of the Roosevelt administration with bankruptcy and ruin stalking over the land and with the Federal and State Governments apparently helpless to cope with the situation, nothing looms more vividly than the memory of the collapse of the banking institutions of the Nation. During the Hoover administration a total of 6,038 banks failed, while during 1935 the total was 29.

During those Hoover days when a bank failed it frequently meant the depositors received a miserably small part of their deposits. The losses of the bank along with the mishandling of the bank by political pets who were named not so much for their qualifications as for their party standing frequently consumed all or left virtually nothing for the depositors.

Thanks to the Roosevelt administration all deposits up to $5,000 are insured by the Federal Deposit Insurance Corporation and the community is not thrown into chaos and many individuals driven into bankruptcy as a result of the closing, but on the contrary depositors are paid off.

The amount of money in circulation in the United States at the close of the year was $5,843,000,000. This was $298,000,000 more than a year before. In the State banks of Missouri there was an increase in deposits of $92,883,000, an increase of 21 percent in a year. The State banks are in the main the so-called country banks of the State.

Some understanding of the flow of business at this time may be judged by a statement by Dun & Bradstreet to the effect that during the week ending January 8 bank clearings for the leading cities of the Nation were 25 percent greater than a year ago.

The November output of automobiles was reported as 67 percent greater than any previous November, and during the past year the incomes of automotive workers were nearly 30 percent higher than 1934. The production of cars in 1935 was 45 percent greater than in the preceding year.

No line of business more truly reflects the improvement than the railroads, which are enjoying continuous gains. The net operating income of the first 75 railroads reporting for the month of November was 56.4 percent higher than in the same month a year before. The American Association of Railroads reports revenue freight loadings for the week ending January 4 were 75,000 cars greater than the preceding week and 44,175 greater than the same week in 1935. The Missouri Pacific, Frisco, and M., K. & T., Missouri corporations, are among the railroads reporting gains and launching out upon improvement programs.

Recent figures on the building industry show an increase of 105 percent in a year.

Roger Babson, speaking of the condition of business, says: "I am bullish on business for 1936. I am convinced we shall find satisfactory gains in jobs, wages, sales, advertisement, stocks, farm income, earnings, and dividends. Nothing can stop it."

No element of the population has more cause to display devoted allegiance to the Roosevelt regime than the American farmer, for the present administration has taken the farming industry out of the depths of despair and started it on the high road to parity with other industries and an era of prosperity.

The decision of the Supreme Court in holding the A. A. A. unconstitutional has brought squarely to the attention of the Nation this problem of agricultural parity. The action has crystalized the sentiment that it is to the Democratic Party that the farmer and the American public must look for a sympathetic handling of the farm problem.

Just what A. A. A. has meant to the farmer can be better understood when it is remembered that there has been paid out in the control program $324,229,789 during the 1 year, 1935, and there remains to be paid for that year $217,250,348, making a total of $541,480,137. This very material cooperation on the part of the Federal Government has placed the industry back on a sound foundation. The hope is that that foundation is sufficiently firm that the price level can be maintained until further steps can be taken to insure parity for the farmer's dollar with the industrial and mercantile dollar.

Not only the agricultural districts appreciate what has been done by the Roosevelt administration, but even in the Nation's Metropolis there is apparently very definite conviction that A. A. A. has served a great purpose, for the New York Daily News has the following to say: "Whatever the Supreme Court says about it, the system worked. National farm income rose from $5,000,000,000 in 1932 to $8,000,000,000 in 1935. * * * The Supreme Court says it is an invasion of State rights. * * * How are the Government's debts to the farmers under the crop-curtailment contracts to be paid? The Government may be compelled to pay them by higher income taxes. * * * The Supreme Court voted against the A. A. A. by 6 to 3. But the farmers voted for the A. A. A. by 6 to 1."

Already farm leaders of the Nation have gathered in Washington and considered the great problem that confronts them. They have found a friendly administration anxious to protect the industry. It goes without saying that the Congress and the President will give 100-percent support to the farmer.

A manufacturing State that fails to appreciate the titanic effort of the Roosevelt administration to recover some of the foreign trade lost by the Nation through the stupid tariff law passed under Hoover is blind to its own interest. Trade treaties are being made with several countries looking to increasing the commerce with those countries. The new treaty with Canada is expected to break down a great trade barrier. So bitter was Canadian sentiment against Hoover's tariff that the Bennett tariff budget and the Empire preference program nearly put the United States out of business in the Dominion. I visited Canada during that period for the purpose of making some inquiry into what the farmers up there were paying for farm machinery. I recall an incident impressing the feeling. On a table in a restaurant I found a bottle of catsup bearing the label of Heinz, but be assured it was "Heinz, Ltd., of Canada." That was not a sufficient assurance for the Canadian mind. It also bore these words: "This label printed in Canada."

Some of those industrialists who now denounce the Democratic administration were the advocates of the Hoover tariff with its dire results. Finding the Nation practically isolated from the world's business, they established factories in foreign lands to get world business. Thus we behold these tariff-fattened barons of industry taking American money to establish new factories to employ foreign labor while our own people languished. Some of those same "patriots" will complain against the Government's effort to employ the unemployed through Government-sponsored works.

We frequently hear the statement that it will never be possible for American business to again employ the total of the unemployed. Modern invention has robbed many of their jobs, but undoubtedly those foreign factories owned by American capitalists are the explanation of much unemployment.

Not only had the farmer been operating under the greatest possible handicap as a result of buying in a market where prices paid by him were made excessively high by a robber tariff law; but he was carrying an enormous debt at high rates of interest—those rates of the more prosperous times. Since May 1933, a

half million farmers have borrowed more than a billion eight hundred million dollars through the Farm Credit Administration. With the reduced interest more than eight hundred fifty thousand farmers are saving more than $55,000,000 this year on interest alone.

You will recall that through the influence of the wicked Queen Jezebel, Baal worship once threatened Israel; the queen having prejudiced King Ahab against the prophet Elijah sufficiently that he asked, "Are you he who troubleth Israel?"

The testing time came on Mount Carmel with the repudiation of Baal, the slaughter of his priests, the turning back to the way of truth, and the vindication of Elijah. The American people, like those of Israel, are marching to Mount Carmel, and the testing time comes in November 1936.

The priests of privilege would have us believe that it is Franklin D. Roosevelt that troubleth America; but unless I overestimate the good sense of the American people they are going to recognize in the author of the New Deal, with improved conditions for the farmer, the worker, and business in general, and with the social-security program, a doer of good works, and at the figurative Mount Carmel the people of America will repudiate the priests of Baal—the priests of the money power.

REPRESENTATIVE GOVERNMENT CHALLENGED

Mr. LEMKE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including a radio address which I made over the National Broadcasting System.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LEMKE. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I include my address delivered over the National Broadcasting System on January 25, 1936, as follows:

Members of the Farmers' Union, farmers, and friends of agriculture: Nothing in this world is permanent but change. Everywhere we are going from the old to the new. We are discarding the clothes of yesterday and putting on the clothes of tomorrow. Civilization is in a transition. Whether the new civilization in our own country will be better than the old depends upon the men and women of this Nation—upon the intelligence they use. It does not depend upon the intelligence of official Washington because there is no real intelligence here. There is a self-sufficient ignorant bureaucracy here which has become domineering beyond comprehension. This bureaucracy does not know where it is going or where it came from. It is drunk with power and feels that it is all-important and knows how to guide the destiny of this Nation.

These bureaucrats do not know that they do not know and therefore are dangerous to the Nation. Unknowingly they are the puppets in the hands of the greedy who have wrecked the old civilization. They believe in the concentration of all power here in Washington. They believe in the dole system—in regimentation. They believe in tax-exempt, interest-bearing bonds. They are the result of the World War. We went into the war to make the world safe for democracy—came out of it with three full-sized dictators and a half dozen small ones and with a bureaucracy saddled on our back which threatens the very life of our own democracy.

There is danger ahead. The Government is still trying to bring back prosperity by borrowing and issuing billions more tax-exempt, interest-bearing bonds. Secretary Morgenthau estimates that by the end of 1937 the national debt will be some forty billion dollars. The average interest on this huge sum will be about 3 percent or $1,200,000,000 per annum. This is the national debt. It does not include that of States, counties, cities, and other political subdivisions. These States, counties, cities, and other political subdivisions, as well as individuals, have lost all sense of proportion, have all stretched their credit to the utmost. All are willing to stretch it more and mortgage not only their own future, but also the future of their children, grandchildren, and great-grandchildren without limit. All have their hand out for Federal aid.

The Federal Government is still squandering billions to no avail. It is now engaged in jack-rabbit projects, skiing contraptions, tennis courts, and golf courses. All desirable perhaps, but does it warrant the mortgaging of our future and that of unborn generations? We are told that golf is a lazy man's exercise, a method by which fat men reduce. Why not let those who are interested in golf build their own courses rather than build them out of public funds at the taxpayers' expense. When the last dollar on these nonessential projects has been spent will we have put one single family on a self-supporting and self-sustaining basis? We will not.

Truly our bureaucrats have gone mad. Our Department of Agriculture is still engaged in destroying and restricting agricultural production in the midst of hunger, want, and rags. It still believes that there is overproduction, while every intelligent person knows that our problem is underconsumption and maldistribution—in fact there is a scarcity. There never was an overproduction. On the other hand, our Department of State is still selling the American farmer and the American laborer in foreign market places. It is still seeking foreign concessions—still chasing the elusive rainbow, the will-o'-the-wisp of international trade. It is selling our domestic markets to foreign horse traders.

As a result of this un-American policy, our country is now being flooded with foreign agricultural and manufactured products as never before in its history, products produced and manufactured in foreign countries, with the lowest possible standard of living. At present we have restricted the immigration of European races and have excluded the immigration of Asiatic races, in order to protect our American standard of living. But now we import, under trade agreements and otherwise, hundreds of millions of dollars' worth of manufactured articles from Asiatic nations, articles produced by human slavery and human misery. We exclude the Asiatic because of his low standard of living, and at the same time we permit the articles that his labor produces, under insanitary, brutal, and inhuman conditions, to be sold in competition with articles manufactured by labor under the American standard of living. In fact, by importing these goods we invite, we import the Oriental, the lowest standard of living for Americans.

Last winter we had 21,000,000 on Federal relief and about 13,000,000 out of employment, and yet we import the very things that these men and women should be producing under an American standard of living—not under an Asiatic standard. Why prevent our own people, who are in want and misery, from producing and manufacturing these articles in order to enrich a few importers and international dealers? We submit that this is the work of madmen. It is the work of men that know not what they are doing, and who do not understand or know the foundation upon which the greatness of this Nation has been built. It is the work of bureaucrats who lack vision, and of incompetents. We challenge not only the fallacy of this policy but we challenge its continuation. The President must repudiate this un-American doctrine. He must surround himself with men who know and represent real America—America self-maintained.

It is self-evident that we cannot borrow or tax ourselves out of the depression, nor can we buy ourselves into prosperity by buying agricultural and manufactured products from other nations which our own people ought to and can produce. Everyone knows that we cannot satisfy hunger, want, and poverty by scarcity. We cannot restrict or destroy ourselves into recovery. Neither can we gain anything by selling goods produced or manufactured by our own people on credit to bankrupt nations that already owe us $26,000,000,000, and that have refused and have no intention of ever paying it. Such a stupid policy will not bring recovery, but will bring devastation and destruction.

A farmer who is capable of producing all he needs but who persists in destroying and restricting his production to part of his needs, and then sells on credit what he produces to a bankrupt neighbor and buys for cash what he needs from that same neighbor will ultimately himself become a bankrupt. A manufacturer that has all the material and equipment to supply his own wants, but who buys part of the things that he is equipped to and ought to manufacture himself, and then sells his own products on credit to a bankrupt concern will in turn become a bankrupt.

Likewise a nation that destroys and restricts production so that it may buy from foreign and bankrupt nations, and then insists on selling its own products to these same nations on credit will in the end become a bankrupt. In other words, a nation that insists upon buying products which its own people can and should produce and then sells its own labor and natural resources on credit to other nations who already owe more than they are able to pay cannot long succeed. Neither can it maintain a high standard of living when it forces its people to compete with the low standard of orientals. We repeat, the American farmer, manufacturer, and laborer cannot compete with the serf, peon, or oriental laborer of foreign countries that is able to exist on a bowl of rice and who manages to get by without shoes, covers his body with about 50 cents' worth of rags, and lives under the most insanitary conditions. We maintain that our American standard requires us to eat, drink, wear, and buy American products—America for Americans.

The absurdity of our policy is shown when we realize that during the past year we imported about $2,000,000,000 worth of foreign goods. About $1,360,000,000 of this represents agricultural products and substitutes. These figures are so large, so staggering, that it is hard for us to comprehend what they really mean. We are now so accustomed to talking of millions and billions that we feel as if we were talking about molehills in place of mountains.

The total amount paid to the farmers up to September 30, 1935, for the 3 years that the A. A. A. was in force, before the Supreme Court strangled it, amounted in round numbers to nine hundred and twenty-five million; and yet we imported over a billion dollars worth of agricultural products and substitutes in 1 year. In other words, if the farmers had been permitted to supply the domestic market, they would have received three times as much as they did receive in allotment payments during the same period. The Secretary of Agriculture now concedes that a large amount of this allotment money was paid by the farmer himself through the processing tax.

This gives us some idea of the extent to which our domestic markets are being sold to international horse traders, at the expense of the great mass of American people, in order to please a few international manufacturers and international bankers. These, though unbeknown to the Secretary of State, are responsible for this policy, and the Department of State is simply used as their pawn to accomplish this destructive purpose. All this is done under the mistaken idea that foreign trade is essential to progress, a trade that, because of chemical discovery and development, is gone forever, never to return—dead and buried. All aggressive and progressive nations from now on will, because

of these developments and discoveries, be able to become more or less self-maintained.

This two million paid for foreign imports, spent at home and used as a revolving fund, would give many billions of purchasing power. That purchasing power would have resulted in a larger demand for manufactured articles. Why should we give this purchasing power to foreign nations, in order to satisfy the greed and grasping instinct of a few international bankers and international manufacturers? The fallacy of such a policy is so self-evident that we are sure the American people will not tolerate it, once they know the facts.

It is time that we realized that money spent in America continues to be spent in America; and that money spent in foreign nations will continue to be spent in foreign nations. Our Federal Reserve Banking System and our Treasury Department, by giving credit to foreign nations, are in fact financing foreign competitors to sell their products in this country. But this same Federal Reserve Banking System and this same Treasury Department have consistently refused to do for our people that which they are doing for foreigners. They have failed to finance agriculture and industry. The truth is, we are getting altogether too internationally minded.

The United States, because of its great natural wealth and unlimited resources of raw material, has, through inventions and ever-increasing discoveries of its people, become self-sufficient and able to develop economic freedom for all. It can, and will, abolish poverty, not by mingling it with the poverty of other nations but by an ever-increasing and higher standard of living, not of the few but of the many. This Nation need no longer concern itself with international shopkeeping; it is all-suffcient unto itself. It will trade with its friends for friendship's sake, as far as essential and necessary for their mutual well-being, but it will not drive bargains or sell part of its people in foreign market places.

If the Members of Congress would break with these bureaucrats and once more represent the people who elected them, and they themselves write the Nation's laws without undo influence from these bureaucrats, then we could soon put an end to this destructive policy of selling our agricultural markets to foreign nations for a mess of pottage to please a few international bankers, international horse traders, and international manufacturers. But if Congress submits further to the dictates of these bureaucrats, then representative government as our forefathers understood it will cease to exist.

I shall now discuss with you the trials and tribulations of the Frazier-Lemke refinance bill. Upon the passage of this bill depends the homes and security of over 10,000,000 men, women, and children. We all know that the stability of government depends upon homes. No government is safe when more than half of its people are made homeless.

This bill provides that the United States Government shall refinance existing farm indebtedness at 1½-percent interest and 1½-percent principal, on the amortization plan, not by issuing bonds, but by issuing Federal Reserve notes secured by the best securities on earth, first mortgages on farm lands; better security than gold or silver, because you cannot eat gold or silver but you can eat the products that grow on the farms; therefore, your life depends upon the farms; they are the best security on the face of the earth.

Under the provisions of this bill, there would be issued and put into circulation between two and three billion dollars of new money—Federal Reserve notes. This, used as a revolving fund, will be sufficient to refinance all of the farm indebtedness and save 2,000,000 farm families from ruination. If we had passed this bill in the special session, this two or three billion dollars, used as a revolving fund, would have given us an intelligent expansion of the currency and would have made it unnecessary for the Government of the United States to issue billions of tax-exempt, interest-bearing bonds. It would then not have been necessary to put 22,000,000 on Federal relief and millions more on State, county, and municipal charity. The $4,800,000,000 dole would have been avoided, human misery and unemployment would have ceased. That is the difference between the Frazier-Lemke refinance bill and the present policy of the Government, borrowing money and guaranteeing bonds.

There is nothing new in this bill. Our Government now prints Federal Reserve notes and gives them to the Federal Reserve banks at seven-tenths of 1 cent per bill—the cost of printing. It makes no difference whether that bill is a $1 bill or a $1,000 bill, or whether they keep it for 1 year or for 20 years—all they ever pay your Uncle Sam for it is seven-tenths of 1 cent per bill. The amount of all the paper money given by the Government, mostly to the large banks, amounted on June 1 last to over $4,600,-500,000, of which amount over $3,414,000,000 were Federal Reserve notes. What is back of this paper money? Is there gold back of it? There is not. Is there even a farm back of it? There is not. There is simply the indebtedness of the United States—a Government bond—back of it.

If the Government can issue this money for a few international bankers without anything back of it but debts, why can it not do it for 30,000,000 who are dependent upon farms? Why not do it for all of our people? Under the Frazier-Lemke refinance bill the farmers would have to pay just $6,149,500,000, less interest, in 47 years, the time required for amortization of the farm indebtedness; and, at the same time, the Government would make a net profit of six billion three hundred and forty-five millions, and to that extent lessen our Federal tax burden.

This bill was introduced in Congress over 5 years ago. There never was a day during that time but what it would have passed the lower House. Numerous and extensive hearings were held on the Senate side, but in the House we were never able to get a hearing until the last session. It has been favorably reported out by both the House and Senate Committee on Agriculture and has been on the calendar of both the House and Senate for about 6 months. Yet under the "gag and shackle rules" of procedure—rules well adapted for boss and Wall Street control—this bill has not yet been brought upon the floor for a vote upon its merits—not because it would not pass, but on the contrary, because it would pass.

Two hundred and thirty-four different Members of the lower House of Congress actually signed petition no. 7, to discharge the Rules Committee and create a special order of business to bring the bill up for a vote on its merits. But in spite of the fact that it may mean political suicide, 21 Members have been induced to withdraw their names. A few of these have reinstated their names—other, we hope, will. Two hundred and thirty-four is a majority of 37 of the present membership of the House. In spite of the withdrawals, we now have 214 signers. Two hundred and sixteen is a majority of the present membership, but I am satisfied that we will be compelled to have 218, although the Patman bill was permitted to be discharged with 216, the present majority.

Thirty-two State legislatures, the Territory of Hawaii, and, in addition, the lower houses of New York, Pennsylvania, and Delaware have asked Congress to pass this bill. It has the militant support of the National Farmers' Union and of the National Union for Social Justice. It has the endorsement of many State and local farm bureaus and Grange organizations. It has the support of labor leaders and officers of the Veterans of Foreign Wars. It has the approval of over 90 percent of the people of this Nation, as well as of every intelligent banker, business, and professional man and woman.

This is no longer a question of economics. It is a challenge to representative government. It is a question whether this Nation still has a government of, by, and for the people. Members of Congress are supposed to represent the people of their districts. They are supposed to vote for measures that their constituents want. Obviously, when legislation can be kept from the floor by a few leaders, the will of the people is defeated. Our Revolutionary forefathers believed that there should be "no taxation without representation." We believe there can be no representation without the privilege of voting. There can be no real representation when a few reactionary leaders, who, because of the ancient rules under which the House proceeds, can block the will of the majority and manipulate and control the bills upon which Congress is allowed to vote.

Every Member in the House from 20 States has signed petition no. 7. At least one or more Members from every other State, except Virginia and North Carolina, have signed this petition. Why have none of the Members of these two great agricultural States signed? Is it because you farmers have not informed them of your desperate financial situation? Have you forgotten that they are your representatives and that they will be glad to represent you? Therefore, I appeal to you farmers of these two States and also of the States of Alabama, Indiana, Illinois, Ohio, and Georgia, where many Members from strictly agricultural districts have not yet signed, to immediately wire or write your Members to sign petition no. 7.

I appeal to every farmer and to all the people of this Nation—north, south, east, and west, in the sense of fairness and justice; I appeal to you as a believer in representative government and a square deal; I appeal to you in the name of 30,000,000 men, women, and children who live on the farms, to wire or write your Congressman to sign petition no. 7. I know you will not disappoint or fail us. No Member should or can longer refuse us a vote on this bill.

It took Rome 300 years to die. It died of the disease of concentration of wealth and dictatorial power in the hands of a few; of bureaucracy and regimentation. Our Nation has now been sick with the same disease for over 15 years. I am confident, however, that our people have the patriotism and the ingenuity to halt the disease before it is too late.

I repeat, I am an optimist and have confidence in our democracy, but I approach the future with apprehension and with determination. I am sure we are going back to the democracy of Jefferson and Lincoln; forward to a happy, properly self-supporting, self-reliant, and self-governed people—a people with hopes and aspirations; forward to the true grandeur of this Nation, "Where every man is a king" and every woman a queen, and where every boy and girl is given an opportunity to make good—has a future where their dreams for a home of their very own may be realized.

EXTENSION OF REMARKS

Mr. PARKS. Mr. Speaker, I ask unanimous consent that all those who spoke on the War Department appropriation bill in the Committee of the Whole may have 5 legislative days within which to revise and extend their remarks on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a clipping giving a detailed report on a poll

taken by one of the best weekly newspapers in Oklahoma showing in no uncertain terms the popularity of the President of the United States as compared with a former President of the United States, as well as some others who are said to aspire to the Presidency.

Mr. RICH. Mr. Speaker, reserving the right to object, we cannot permit these newspaper polls to be put in here. We had better put in the Literary Digest poll. I object.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his own remarks and to include a poll taken by one of the weekly newspapers in Oklahoma.

Mr. JOHNSON of Oklahoma. May I add, Mr. Speaker, that the poll in question is a fair one. Those voting had their choice between President Roosevelt and several who evidently want his place. We all know of a certain Nation-wide poll that was manifestly unfair. If our Republican friends want to learn the truth, surely they will not object.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. RICH. Reserving the right to object, Mr. Speaker, if we permit these polls in Oklahoma we will have to permit them in every other State in the Union and we will have to put in the Literary Digest poll, and that would not be satisfactory to the gentleman from Oklahoma. I do not think we ought to do it.

Mr. BANKHEAD. Mr. Speaker, the regular order.

Mr. RICH. Mr. Speaker, I object.

Mr. JOHNSON of Oklahoma. I do not blame the gentleman from Pennsylvania.

LEAVE OF ABSENCE

Mr. FERGUSON. Mr. Speaker, I wish to state that my colleague, Mr. NICHOLS, is unavoidably absent.

THE OIL INDUSTRY IN OKLAHOMA

Mr. FERGUSON. I ask unanimous consent to extend my remarks in the RECORD and include therein a letter I have addressed to the members of the Ways and Means Committee on the oil industry in Oklahoma.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FERGUSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letter, which I have addressed to the members of the Ways and Means Committee:

To the Members of the Committee on Ways and Means of the House of Representatives:

My constituents are very deeply interested in your favorable report on the Disney oil import bill. The passage of this measure by Congress will do much to relieve them of the uncertainty which has prevented development of many industrial enterprises in my State. This is true not merely of the petroleum industry itself but of all other phases of industry in Oklahoma, since any policy which affects the petroleum industry for good or for ill has a reflex effect upon all other business activities in the State. Furthermore, this bill has very great importance as a step in any national conservation program which touches natural resources, and the wise use as well as the discovery and the proper development of one of the Nation's greatest assets.

My father was a pioneer. In the early days he met the ends of the railroad and there bought cattle which had been driven from the Rio Grande. In his lifetime he has seen the Nation pass through experiences which should be filled with valuable meaning for this generation. In the comparatively brief span of this single human life he has seen the almost unlimited game of the open prairie vanish, the buffalo killed by the thousands, the wildlife of the plains wastefully destroyed. He has seen the forests disappear. Where once stretched boundless woods, today he can see treeless lands stretching away to the horizon. He has lived through the period when the unfenced ranges were covered with cattle. Those ranges today are gone and farms have taken their place. He has seen the farms themselves disappear through wasteful practices or unwise methods. He has seen the very soil itself carried away. Today he can see another of the Nation's most valuable resources, its petroleum reserves, being uneconomically produced, being placed on the market at prices below its value, and being forced into unworthy and inferior uses.

We might restore, in some measure, the game which we have driven from our fields. We might replant our forests. We might once more cover the earth with the rich food on which the range cattle fed. We might even restore the lost fertility of the ground from which the topsoil has blown away or been carried off by erosion. We might do all this, but we never can restore those valuable petroleum reserves which, once used, are gone forever. All we can do is to insure their proper use and to promote exploration and discovery of new pools in order that our needs for coming decades may be fully met. This bill will do exactly that. It will do more, of course. It will give new hope and courage to the second industry of the nation. It will add millions of dollars to our own purchasing power. It will transfer from the foreign branch of the petroleum industry to the domestic branch millions of dollars. Because of what it will do for my own State of Oklahoma, as well as for the other oil States and for the industrial life of the Nation, I am urging an early and favorable report upon this important measure.

The stability of the domestic petroleum industry which is involved in the Disney bill should mean more to the State of Oklahoma than all the relief and emergency measures which have been proposed. It should reduce if not eliminate the necessity of the expenditure of much of our relief funds. If the domestic producers are relieved from that uncertainty which is caused by the continuous threat of the invasion of our markets by foreign oil and the breaking of the price structure which they have been rebuilding during the past few years, then the oil States of the Union, including Oklahoma, will find their purchasing power multiplied so that they will be able to turn millions of dollars into the Nation's industry and trade without burdening the consumer. However valuable other methods of "priming the pump" of business may be, and without either criticizing or underestimating the value of these, I feel that none of them can surpass the effect which would be produced in the oil States by this measure. Without levying new taxes on the oil industry, that portion of the Nation's business will be enabled to turn millions of dollars into the various public treasuries at the same time that it is giving employment to armies of men and taking the output of hundreds of factories in the industrial sections of the country. As an economic force for spreading out prosperity over every portion of the Nation, few proposals which have been suggested promise to be anywhere nearly so effective.

Oklahoma is a typical oil State. Figures comparable to those I am presenting in behalf of my State could also be given for all the other oil States of the Union. I believe the situation in those States does not differ from the situation in Oklahoma except in degree. Here are some facts which indicate the importance of the adoption by Congress of legislation which the oil States themselves cannot pass and which is fundamentally necessary for the maintenance of this pillar upon which rests so much of the material welfare of the entire United States.

Over $10,000,000 more than the total of interest on farm mortgages and taxes on farm property was paid in oil rentals and royalties in the State of Oklahoma during the year 1934 when these sources of revenues handed to the farmers and landowners of that State $31,890,000. This amount was over $11,000,000 in excess of the total amount of money paid to the farmers in that State under the A. A. A. whose benefits in Oklahoma amounted to $20,606,000. These payments were made possible by the fact that for the past few years under the code of fair competition for the petroleum industry there was some definite limitation of imports, resulting in a new security and confidence which the oil industry had not previously felt for many years.

In addition to these amounts in oil rentals and royalties farmers and other landowners received as a bonus paid to them in order to persuade them to sign these leases during the year 1935, $2,250,000. In the State of Oklahoma during the year 1934, 600,000 acres were producing oil and 150,000 acres producing gas, the total value of these products at the wells being $199,117,000. Out of the total acreage of 44,500,000 acres in the State of Oklahoma, 6,500,000 acres are under lease as possible oil land. This land is not producing today but is merely held for possible future production. Meanwhile the average rental of this land is 90 cents an acre per year, giving to the farmers and landowners of the State $5,850,000 annually, without interfering with the farmers' use of this land for agricultural purposes.

Every farmer who is thus renting his land is hoping that some day oil may be discovered upon it. It is highly probable that oil will eventually be discovered on many acres of farm land thus leased. Such discovery, however, is not likely to be made if the domestic markets of petroleum products are given to importers of foreign oil. Without an assured domestic market, the oil industry is not likely to make the costly explorations necessary to establish the presence of oil on much of this land. I would not take away from the farmers of Oklahoma the hope which they have that such oil discoveries on their farms may relieve them from the burdens of anxiety which they now bear. On the other hand, this bill should warm that hope into a lively expectation if not into a definite assurance that there will be a market for the oil under their acres should such oil be discovered.

The taxes on all the farms of Oklahoma in the year 1934 amounted to $9,360,000. In the same year the interest charges on farm mortgages amounted to $12,130,000, a total of $21,490,000. In that year the farmers and landowners of the State received in oil rentals and royalties $31,890,000. During 1935 Oklahoma added 300,000 acres to its leaseholds with an average bonus paid of $7.50 per acre, making a total of $2,250,000.

Many of the farmers of Oklahoma find oil their principal crop. The total sales of all crops raised in the State in 1934 brought to the farmers of Oklahoma $56,184,000. Rentals and royalties, exclusive of bonus paid by the oil industry to the farmers of Oklahoma in that year, amounted to $31,890,000, or much more than one-half the total farm income from crops raised on the ground. Oklahoma's wheat crop returned to the farmer $23,377,000; the corn crop, $228,000; cotton lint, $19,175,000. No single crop raised in the State produced so large returns as oil. Another advantage of the Oklahoma farmers' income from oil is that it has required

no labor or expenditures for seed, fertilizer, etc. All of that income today rests upon an uncertain basis. It presumes that there will be a fair price for domestic petroleum products and that that price will be maintained over a period sufficiently long to justify contracts such as these which have been of primary importance to the agricultural interests in my State. This bill is designed to take the uncertainty away from that basis and give it a sound foundation by establishing the equitable principle that imports of foreign oil shall be prorated equitably along with the production of our own Oklahoma oil so that the petroleum industry will not be always menaced by the possible collapse of the entire price structure through the uncontrolled imports of foreign oil in large quantities whenever this might suit the convenience or the plans of a few great importing companies.

Not merely the farmers, but the whole financial and economic life of the State is concerned in the security of this basic industry in Oklahoma. The investments of the petroleum industry in Oklahoma have been enormous. For the year 1934 the total investment in production was $1,699,500,000; for natural gasoline, $62,100,000; for oil pipe lines, $202,429,000; and for marketing, $49,168,000.

This tremendous investment and the benefits to the farmers of Oklahoma, as well as to employees of the petroleum industry and to the general public in that State, are all continuously jeopardized by the constant threat of an increasing invasion of the domestic market by cheap foreign oil. Carrying a tremendous burden of taxation, such as is not levied upon any other product in this country, I feel that it is impossible for domestic petroleum, whether produced in Oklahoma or in any other oil State, to successfully compete with the cheap foreign petroleum which is exempt from this taxation burden and pays only a small oil excise tax in addition to such sales tax as might be payable at the filling station. I find that there is at present no limitation upon the amount of this foreign oil which might be imported. The stability of this industry, so important to Oklahoma and to nearly half the other States of the Union, may be destroyed in any month if there is not some Federal legislation imposing a fixed ratio for such imports.

The State of Oklahoma has been one of the leading States in the attempt to conserve wisely the oil reserves of that State. Both by itself and in cooperation with other States through the interstate oil compact, the State of Oklahoma has been prorating its production, limiting the output of its wells, so that there might be some sound and economic balance of supply with demand. Under this system the wasteful production of petroleum or its diversion to uneconomic and inferior uses is minimized. Unfortunately, the value of all these efforts, which involve very often great sacrifices on the part of the State's oil industry, depends upon the will of the oil importers, who are not subject at present to any form of regulation, of limitation of output, or of proration such as is faced by the domestic petroleum industry.

If the Disney oil import bill is favorably recommended by your Committee and is adopted by this Congress, this industry in Oklahoma, as in the other oil States, will be given a degree of surety and confidence which it has never known. This bill does not attempt to embargo the importation of foreign oil but merely sets out to establish a definite relationship between the amount of imports and the total amount of domestic consumptive demand (including exports), thus placing this foreign product upon a basis equivalent to that on which the production of oil now stands in many of the oil States. That this is equitable and also necessary has been confessed by the importers themselves when, as I am informed, they voluntarily agreed to practically this same limitation at the time the Washington oil conference was held in March 1933, under the auspices of the Department of the Interior.

The oil-producing States are not the only ones which, whether they know it or not, will be benefited by the passage of this measure. Hundreds of millions of dollars will be spent on the purchase of equipment, supplies, and other material required by the petroleum industry but which is produced in the industrial States which have no oil production. It is to the direct advantage of these industrial States that a customer so profitable as the petroleum industry should be encouraged. Any national policy which makes it easier for the domestic petroleum industry to maintain its position in our economic life and to continue to pay wages and salaries to over a million employees who receive an average of $3,300,000 per day when the industry is in good condition, is of first-grade importance to the manufacturing centers of this country. It is difficult to see where these manufacturing centers would find other customers whose consuming and purchasing power would be equal to that furnished by the oil industry.

The petroleum industry has been more of an agency to distribute money rather than to make profits for a long period back. It has been a free collecting agency for the tax bureaus of cities, States, and the Nation. It is also active as a collection agency to receive money for payment in wages and to supply the necessary materials as well as to distribute among farmers, landowners, and others almost incredible sums of money. Out of these vast sums handled by the oil industry comparatively little has been retained by that industry for itself. Mr. Clarel B. Mapes, of my own State of Oklahoma, general secretary of the Mid-Continent Oil & Gas Association, in an address made Tuesday, February 4, before the Oklahoma City Chapter of the American Petroleum Institute, gave figures showing that the industry has not been operating profitably. From 1930 to 1933 the cost of producing oil was higher than the returns on that oil. Operators lost money on every barrel produced during that 4-year period.

A definite restriction on the amount of petroleum which might be imported into this country gave to the industry a degree of certainty which they had not hitherto possessed, so that during 1934 a change was noted in the financial standing of the whole industry. The average production cost was slightly less than the average price received, and producers were able to recoup a part of their losses. While Mr. Mapes did not have the figures for 1935, he felt that because of the increase in operating costs an even break was all that could be expected. The importance of the speedy adoption of some such measure as the Disney import bill is indicated by all these items.

The situation which has prevailed during the past decade cannot be continued indefinitely. The brief period of semiprosperity enjoyed by the industry in the last year or two was due, in larger part than many realized, to that balance of supply with demand which could not have been attained if there had not been this import limitation made possible by the aid of the Federal Government. With the end of the N. R. A. the Federal Government's assistance in the limitation of foreign oil was ended. The whole industry is now dependent upon the pleasure and the self-restraint of a few large importers. Such a situation is intolerable. For the sake of the millions of people in the oil States and in the industrial States whose economic welfare is very seriously affected by everything that affects the petroleum industry, Congress should give to this industry that security which can come only from definite legislation protecting the industry against an inundation of cheap foreign oil. Even though such an inundation might never come, the fact that the industry cannot be sure of this and that it has no positive security seriously affects its planning for the future and its continuance of exploration and development work to the great harm of any national industrial or economic program.

PRESIDENT ROOSEVELT GETS 73 PERCENT OF VOTE IN OKLAHOMA POLL

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I have presented a unanimous-consent request to have printed in the CONGRESSIONAL RECORD a clipping giving a detailed report on a poll taken by one of the best weekly newspapers in Oklahoma showing the popularity of President Roosevelt as compared with a former President and some others said to aspire to the Presidency.

The request was promptly objected to by the gentleman from Pennsylvania [Mr. RICH], who, aside from being a prominent Republican Member of Congress, is also a very prominent manufacturer in his State. It seems that the distinguished gentleman from Pennsylvania who, to say the least, has no love for anything connected with the New Deal, has surmised that the poll recently made in Oklahoma was favorable to President Roosevelt.

Although our Republican friend from Pennsylvania boasts that the manufacturing concern with which he is connected had the best business last year in the 105 years of its existence, he apparently did not want Members of this House, as well as the country, to know that voters of Oklahoma still are strong for President Franklin D. Roosevelt.

Therefore I am not permitted under the rules to print the clipping giving the results of the Oklahoma poll in detail. However, it occurs to me that Members of the House will be interested to know that the Fletcher Herald, published at Fletcher, Okla., recently conducted such a poll, employing disinterested persons to conduct same. I will merely give the result of the poll taken.

Instead of balloting on what they thought of the entire New Deal, as was the case in the Nation-wide poll taken by the Liteary Digest, those who participated in the poll taken by the Fletcher Herald expressed their personal choice between President Roosevelt, Herbert Hoover, Senator William E. Borah, and Governor Landon. No one was permitted to vote who was under 21 years of age. Otherwise all were invited to participate, regardless of political affiliations.

It is significant that this poll was taken after the Supreme Court decision outlawing the A. A. A. farm program and after the Liberty League speech of former Gov. Alfred E. Smith to members of the Du Pont family and their guests here in Washington.

The results of the poll were as follows: President Roosevelt, 259 votes; Herbert Hoover, 5; Senator Borah, 38;

Governor Landon, 54. It will be noted that President Roosevelt received about 73 percent of all the votes cast.

Let me suggest that if the so-called Liberty League and other special-interest groups that fattened because of special privileges received under the old deal, that marked the blackest era of American history, will continue the tirade of abuse, villification, and misrepresentation against President Roosevelt and his efforts to bring order out of chaos, restore prosperity, give jobs to the unemployed, feed the hungry, and keep America at peace with all nations of the earth, that the next poll taken will show that our people of Oklahoma will be more unanimous in favor of the President over all of his present or prospective opponents.

SUSAN B. ANTHONY—HEROIC PIONEERS OF WOMAN SUFFRAGE—EARLY STRUGGLES AND PERSECUTIONS

Mr. LUNDEEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Universal Suffrage and Women Suffrage Leaders.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LUNDEEN. Mr. Speaker, 116 years ago tomorrow, February 15, Susan B. Anthony, emancipator of women, was born in the little town of Adams, Mass., in the Berkshire Hills. She was the second of eight children. Today we honor her for the woman suffrage amendment which she wrote but never lived to see enacted into law. It was prepared by her before the Civil War. For many years she sought to have that measure passed by Congress. Then the amendment was dropped for a period of years, and women leaders gave their entire time to securing suffrage State by State, appealing to the qualified voters to enfranchise them. After 40 years of campaigning, women were enfranchised in only a handful of States. Women realized it would take forever to secure the vote for themselves by this method, and therefore, in 1912, they organized the Congressional Union for the sole purpose of securing the passage of the Susan B. Anthony amendment by the Congress of the United States and its ratification by the necessary States. In that way all women could be given suffrage for all time.

THE CONGRESSIONAL UNION

The Congressional Union understood political campaigns, and the Congressman who did not take woman suffrage seriously found his district aroused and demanding that he vote for the amendment. In the same way the leaders of the major political parties were faced with the responsibility for their party on its attitude on the suffrage measure. This policy of holding the party in power responsible culminated in the picketing of the White House, with women demanding that the President of the United States, as leader of his party, use his influence with members of his party to insure the passage of the Susan B. Anthony amendment by Congress.

PERSECUTION OF WOMAN-SUFFRAGE LEADERS

Today we honor these noble women who had the vision of women's emancipation and the courage to fight for it. Only yesterday they were ridiculed and persecuted. Their persecution at the hands of Government officials remains a blot on this Nation's history. I served in the Sixty-fifth Congress, during the war, when these good women came to Washington in a body to petition Congress and the President for equal suffrage. I protested then against the cruel treatment they received. Two hundred and ten women were sent to prison. One of my constituents, Bertha Moller, of Minneapolis, Minn., came here battling for suffrage during the war. She was one of those courageous leaders who were taken by police and thrown into patrol wagons. They were carried to vermin-infested prisons where they went on a hunger strike for the purpose of effecting a release. I went to that prison a number of times endeavoring to look after the comfort of this truly noble lady and many other notable suffrage leaders who were jailed at the same time for the crime of fighting for their convictions; for a cause, now a part of the Constitution which we are sworn to uphold. I was the first public official of Minnesota to march in a woman-suffrage parade. I was ridiculed for joining in the crusade for woman suffrage. Men on the sidelines hissed, hooted, and jeered the marchers in that parade.

DRAMATIC STRUGGLE

No struggle for human liberty has ever been won without a dramatic setting. Men have fought and bled and died on battlefields for rights they hold precious. These bloody struggles in the final analysis were dramatics which captured the imagination of the people and helped focus the attention on the cause to be won. Women could not wage war for their rights. The only thing they could do was to dramatize their cause with their banners and colorful flags, and, with beautiful artistry, call the world to realize that their rights were being denied them.

We who were in Congress in 1918, when woman suffrage passed the House of Representatives for the first time, know that these dramatics were most effective. For the first time, woman suffrage, as an immediate political issue, was recognized by both parties. It was the topic of paramount interest in Congress. Members of both Houses began discussing woman's suffrage as one of the measures which would soon have to be faced. Medieval and barbarous oppression of our own mothers and sisters asking for liberty! The papers were full of it; people eveywhere were discussing the question of votes for women. When people begin discussing a measure, that cause is in on the high road to success. Picketing removed woman suffrage from the field of abstract discussion to the arena of immediate politics. Here, right in our own country, was an unjust denial of human rights, and this injustice had to be remedied. The dramatics had accomplished what years of peaceful propaganda had failed to do. The public was aroused and the battle won.

The suffrage amendment passed the House of Representatives for the first time on January 10, 1918, and the vote—274 to 136, 17 not voting—was so close that I may say I had the honor of casting the deciding vote for woman suffrage.

If only one more Member of Congress had opposed the suffrage amendment it would not have passed the House that session.

It is fitting, on this anniversary of the birth of Susan B. Anthony, to call attention to the valiant pioneers of this most momentous cause and recall to the present generation the debt that we owe them.

EARLY LIFE OF SUSAN B. ANTHONY

Susan B. Anthony was the daughter of a Quaker, a strong temperance advocate and opponent of slavery. His ideas had a profound effect on her life and career. At 15 she became a teacher in her father's school, held in his own home; and at 17 she taught in a private family for $1 a week and board. Later her father's fortune collapsed during a period of depression, and she taught school of necessity.

She joined the Daughters of Temperance and enlisted her heart and soul in that cause. This was the beginning of her entrance into public life. Her father believed in her and encouraged her. He believed in giving the same advantages to both boys and girls, and she was never told that woman's place is in the home.

THE FIRST WOMAN'S RIGHTS CONVENTION

The first woman's rights convention was held in Seneca Falls in 1848, and Susan Anthony's sister and parents attended and were much impressed. These early equal-rights meetings were held under great difficulties. Speakers were heckled and hissed. Susan B. Anthony always had courage in the face of hostile audiences. On one occasion the mayor of the town had to sit on the platform throughout the meeting with a shotgun across his knees to maintain order.

Sent as a delegate to the Sons of Temperance convention at Albany, her name was brought to the attention of the country. Instead of being content to "listen and learn", she demanded the privilege of speaking in her own right. She was rebuked by the sponsors of the meeting, and as a result called a woman's State temperance convention. From then on she abandoned school teaching and became an uncompromising advocate of absolute equality of rights for women. She devoted her life to temperance, antislavery, and equal rights for women. She fought for recognition for women throughout her life, but she also battled for the rights of all

mankind. Her vision, like Lincoln's, told her that no nation could long exist half slave and half free.

She saw in woman's position a practical enslavement. The wife was the property of the husband. Her earnings belonged to him. He could will away her possessions. She had no political rights, and even the right of free speech was not guaranteed her in that part of the country where she was not even allowed to speak at teacher's conventions.

ABOLITION MOVEMENT

Susan B. Anthony joined with William Lloyd Garrison, Wendel Phillips, and others who risked their lives in the cause of abolition. She faced infuriated mobs. She was insulted, rotten-egged, and faced with threats of death. Women were run out or dragged out of meetings by mobs. In joining with the abolitionists, it was her understanding that after their victory was secured, they would join with her in her fight for woman suffrage. In this she was disappointed. She realized then, that if women were to win their political freedom, they must win it for themselves by themselves. She decided, with clear vision and sound logic, that the ballot is the basis of political liberty.

WOMAN'S NATIONAL SUFFRAGE ASSOCIATION

In 1869 the Woman's National Suffrage Association was organized. For 22 years she struggled for woman suffrage in the various States. But organization among women proceeded slowly, and at the time of Susan B. Anthony's death in 1906 suffrage had been granted to women in only four States. There was failure after failure, with only occasional victories. But her pioneering work laid the groundwork for success later on, and those who followed in her footsteps profited by the foundation she had laid. Faced with failure time after time, the words she spoke at the last convention she attended were, "Failure is impossible." Her deep disappointment in being unable to share in the final victory was expressed on her eighty-sixth birthday, when she said:

Just think of it. I have been striving for 60 years for just a little bit of justice, and yet I must die without obtaining it. It seems so cruel.

Yet she knew that failure was impossible.

She prepared the way for others to carry on. She urged her followers to keep scrapbooks. These and her own scrapbooks and her personal library are now in the rare-book department of the Congressional Library. They form a complete history of the equal-rights movement. Each volume of hers is inscribed in her own handwriting. A biography of her life might be written from these inscriptions. She presented her books to the Library before her death. She died on March 13, 1906. Thousands of women today follow the shining example of Susan B. Anthony, the author of the suffrage amendment.

OTHER WOMAN-SUFFRAGE LEADERS

Susan B. Anthony's colleagues were Elizabeth Cady Stanton and Lucretia Mott, whose sculptured likenesses stand properly in the Hall of Fame of our own United States Capitol. Lucy Stone, born on August 13, 1818, also pioneered in the struggle for woman's rights. In 1855 she married Henry B. Blackwell, a young hardware merchant of Cincinnati, himself a strong woman's rights man, who worked with her and lectured with her in many States and before many legislatures on the subject of equal rights. At the time of their marriage they issued a joint protest against the inequalities of law which gave the husband control over his wife's property. She regarded the loss of a wife's name at marriage as a symbol of the loss of her individuality. In 1866 she helped to organize the American Equal Rights Association, which was formed to work for both Negroes and women. She too joined with William Lloyd Garrison, George William Curtis, Mrs. Julia Ward Howe, and others, and organized the American Woman Suffrage Association and was chairman of its executive committee for 20 years. At the same time she was an excellent cook and housekeeper and a splendid mother. During her last days she said:

I have had a full, rich life. I am so glad to have lived, and to have lived at a time when I could work. (Alice Stone Blackwell, "Lucy Stone.")

The last phase of the woman-suffrage movement was led by Carrie Chapman Catt, Alice Paul, and their colleagues. It was January 1859 that Carrie Chapman Catt was born as Carrie Lane. Mrs. Carrie Chapman Catt had been in the thick of the fight for years, when the woman-suffrage amendment was finally adopted in 1920. She planned the League of Women Voters in careful detail to educate women to their political duties.

WOMAN-SUFFRAGE LEADERS IN THE NORTHWEST

We of Minnesota and the Northwest are proud of our suffrage leaders. Mrs. Andreas Ueland, Mrs. A. R. Colvin, Mrs. A. H. Bright, Mrs. Luth Jaeger, Miss Josephine Schain, of Minneapolis and New York, Mrs. Bertha Moller Delin, are among the outstanding leaders. I freely acknowledge my great debt of gratitude to all of these leaders and many other good and sincere women, especially Josephine Schain and Bertha Moller. Miss Schain's suffrage briefs, literature and books, speeches, and arguments on the public platform and in conversation were unanswerable.

EARLY SUFFRAGE MOVEMENTS

The first demand for the ballot was made in 1776, when Mrs. Abigail Adams wrote to John Adams, her husband, asking him, when a Member of the Continental Congress to "remember the ladies." It was a century later that the first legislature complied with the request.

The Territory of Wyoming gave women the right to vote in 1869. Some say this was done in order to help keep law and order. Objection was made to Wyoming's admission as a State in 1890 because of woman suffrage, and there were heated debates in Congress on the dangers of permitting women to vote. The people of Wyoming decided they would rather remain out of the Union than abandon woman suffrage. Congress finally admitted Wyoming as a State, with woman suffrage in the constitution. (Women and the Franchise, Josephine Schain, A. C. McClurg & Co., 1918.)

In Colorado a law was passed in 1893 giving women the right to vote. Utah and Idaho granted woman suffrage in 1896, and in Washington State woman suffrage carried in 1910. California was sixth, in 1911, and after that the movement began to spread to the East. Here is the entire list of States which granted women suffrage prior to the nineteenth amendment, as furnished me by the Congressional Library:

WOMAN SUFFRAGE

I. FULL SUFFRAGE

Wyoming: Granted 1869, by act of Territorial legislature. (Incorporated in constitution when admitted as a State in 1890.)
Colorado: Granted 1893, by act of legislature. (Subsequent provision made by amendment to the constitution in 1901.)
Idaho: Granted 1896, constitutional amendment; submitted by legislature, ratified by popular vote.
Utah: Granted 1896, original constitution,[1] submitted by constitutional convention, ratified by popular vote and Federal statute.
Washington: Granted 1910, constitutional amendment,[2] submitted by legislature, ratified by popular vote.
California: Granted 1911, constitutional amendment; submitted by legislature, ratified by popular vote.
Kansas: Granted 1912, constitutional amendment; submitted by legislature, ratified by popular vote.
Oregon: Granted 1912, constitutional amendment; proposed by initiative petition, adopted by popular vote.
Arizona: Granted 1912, constitutional amendment; proposed by initiative petition, adopted by popular vote.
Montana: Granted 1914, constitutional amendment; submitted by legislature, ratified by popular vote.
Nevada: Granted 1914, constitutional amendment; submitted by legislature, ratified by popular vote.
New York: Granted 1917, constitutional amendment; submitted by legislature, ratified by popular vote.

II. PRESIDENTIAL SUFFRAGE ONLY

Granted by act of the legislature:
Illinois: 1913, page 333.
North Dakota: 1917, chapter 254.
Nebraska: 1917, chapter 30.
Michigan: 1917, chapter 191.
Rhode Island: 1917, chapter 1507.

[1] Territorial Legislature of Utah passed equal suffrage in 1870, but it was taken away by Congress in 1887.
[2] Territorial Legislature of Washington passed equal suffrage in 1883, but supreme court of Territory declared the act unconstitutional in 1887; legislature reenacted law in 1888, but that law was declared unconstitutional by supreme court of Territory in 1889.

In 1917 Presidential suffrage was granted to women in Indiana by act of the legislature, but the State supreme court declared the law unconstitutional.

In 1917 the act of the Legislature of Ohio granting Presidential suffrage to women was vetoed by a referendum vote of the people.

III. PRIMARY SUFFRAGE ONLY

Arkansas: Granted by act of legislature, 1917, chapter 186.

IV. TERRITORIES

Alaska: Granted by act of the Territorial legislature, 1913, chapter 1.

SUFFRAGE IN FOREIGN COUNTRIES

Unmarried women and widows have had municipal suffrage in England and Wales since 1869. New Zealand gave full suffrage to women in 1893, Australia in 1901, Finland in 1906, Iceland in 1913, Denmark in 1915. Municipal voting rights were given to taxpaying women of Sweden in 1862, and full municipal voting rights were given to all women of Sweden in 1909. Norway's taxpaying women had full suffrage in 1907, and in 1913 the full right was extended to all women. (Women and the Franchise, Josephine Schain.)

"FAILURE IS IMPOSSIBLE"

Many countries preceded ours in granting suffrage rights, and their progress helped to inspire the women of our own country. These pioneers laid the foundations for the victory that finally came when the nineteenth amendment passed the House on May 21, 1919, the Senate on June 4, 1919, and finally on August 26, 1920, when the ratification by 36 States was declared by proclamation of the Secretary of State. This great victory could never have been won had not the women of America constantly kept before them the courageous words of Susan B. Anthony: "Failure is impossible." Death could not conquer her great cause. She passed on, but the spirit of Susan B. Anthony led her hosts up the hills of time to final and complete victory.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. BUCHANAN, for 1 week, on account of illness.

To Mr. HOFFMAN (at the request of Mr. MAPES), on account of important business.

To Mr. DONDERO (at the request of Mr. MAPES), on account of important business.

To Mr. KVALE (at the request of Mr. BOILEAU), for today, on account of illness.

To Mr. HILL of Alabama (at the request of Mr. STARNES), on account of illness in his family.

CALENDAR WEDNESDAY

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday next week may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ADJOURNMENT OVER

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that when the House adjourns tonight it adjourn to meet on Monday next.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, reserving the right to object, will the gentleman from Alabama tell us what bills he expects to bring up the fore part of next week?

Mr. BANKHEAD. The Consent Calendar, of course, has the right of way on Monday. It has been intimated, although I cannot make a statement for the Speaker, that request may be made to take up the neutrality bill under suspension of the rules.

On Tuesday, of course, we have the Private Calendar, including the omnibus bills, and on Wednesday it is our expectation to take up the Jones farm bill. This is as far as the program has been arranged for the present.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. I yield.

Mr. O'CONNOR. The Rules Committee is now holding hearings on a proposed investigation of old-age-pension plan racketeering. Should the Rules Committee report out such a resolution it is hoped it would be called up on Wednesday before the farm bill is taken up.

ADJOURNMENT OVER

The SPEAKER. Is there objection to the request of the gentleman from Alabama that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next?

There was no objection.

ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 16 minutes p. m.) the House, pursuant to its previous order, adjourned until Monday, February 17, 1936, at 12 o'clock noon.

COMMITTEE HEARING

PUBLIC LANDS

Committee on the Public Lands, Tuesday, February 18, 1936, at 10:30 o'clock a. m., room 328, House Office Building, to consider H. R. 11046.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DOUGHTON: Committee on Ways and Means. H. R. 3254. A bill to exempt certain small firearms from the provisions of the National Firearms Act; without amendment (Rept. No. 2000). Referred to the Committee of the Whole House on the state of the Union.

Mr. McREYNOLDS: Committee on Foreign Affairs. House Joint Resolution 491. Joint resolution extending and amending the joint resolution (Public Res. No. 67, 74th Cong.), approved August 31, 1935; without amendment (Rept. No. 2001). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of West Virginia: Committee on Mines and Mining. S. 1432. An act to amend section 5 of the act of March 2, 1919, generally known as the "War Minerals Relief Statutes"; without amendment (Rept. No. 2002). Referred to the Committee of the Whole House on the state of the Union.

Mr. AYERS: Committee on Irrigation and Reclamation. H. R. 10751. A bill to further extend the operation of the act entitled "An act to further extend the operation of the act entitled 'An act to further extend the operation of the act entitled "An act for the temporary relief of water users on irrigation projects constructed and operated under the reclamation law", approved April 1, 1932', approved March 27, 1934", approved June 13, 1935; with amendment (Rept. No. 2003). Referred to the Committee of the Whole House on the state of the Union.

Mr. KRAMER: Committee on Immigration and Naturalization. H. R. 9991. A bill to extend the time for applying for and receiving benefits under the act entitled "An act to provide means by which certain Filipinos can emigrate from the United States", approved July 10, 1935; without amendment (Rept. No. 2004). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DIES: A bill (H. R. 11167) to amend the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890; to the Committee on the Judiciary.

By Mr. McGROARTY: A bill (H. R. 11168) providing for certain deductions from the retired pay of retired officers and enlisted men in the Army, Navy, Marine Corps, and the Coast Guard, who are required by any court to support their wives and minor children; to the Committee on Military Affairs.

By Mr. WHELCHEL: A bill (H. R. 11169) authorizing the manufacture of fertilizer by the United States Government

at Muscle Shoals, Ala., for the benefit of the farmers; to the Committee on Military Affairs.

By Mr. KNUTSON (by request): A bill (H. R. 11170) to provide for the purchase of certain lands, and for other purposes; to the Committee on Agriculture.

By Mr. KRAMER: A bill (H. R. 11171) to provide for the enlargement of the Veterans' Administration hospital at San Fernando, Calif.; to the Committee on World War Veterans' Legislation.

By Mr. STARNES: A bill (H. R. 11172) to further reduce immigration, to authorize the exclusion of any alien whose entry into the United States is inimical to the public interest, to prohibit the separation of families through the entry of aliens leaving dependents abroad, and to provide for the prompt deportation of habitual criminals and all other undesirable aliens, and to provide for the registration of all aliens now in the United States or who shall hereafter be admitted; to the Committee on Immigration and Naturalization.

By Mr. KENNEY: A bill (H. R. 11173) to terminate certain taxes on coconut oil and products derived therefrom; to the Committee on Ways and Means.

By Mr. WERNER: A bill (H. R. 11174) to establish an old-age-pension system for certain Indians; to the Committee on Indian Affairs.

By Mrs. O'DAY: A bill (H. R. 11175) to extend the definition of an "alien veteran" for naturalization purposes only so as to include certain aliens born in enemy countries but who actually rendered service in United States armed forces during the World War with personal record of loyalty to the United States in the prosecution of that war, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. McCLELLAN: A bill (H. R. 11176) increasing the penalty for making false oaths for the purpose of bathing at the Government free bathhouse at Hot Springs, Ark.; to the Committee on the Public Lands.

By Mr. CLARK of Idaho: A bill (H. R. 11177) to add certain lands to the Minidoka National Forest, Cassia Division West; to the Committee on the Public Lands.

By Mr. HOUSTON: A bill (H. R. 11178) to repeal provisions of paragraph IV, Veterans' Regulation No. 9 (a), promulgated by the President pursuant to Public Law No. 2, Seventy-third Congress; to the Committee on World War Veterans' Legislation.

By Mr. DOUGHTON: A bill (H. R. 11179) to require the filing of copies of income returns, and for other purposes; to the Committee on Ways and Means.

By Mr. PETERSON of Georgia: A bill (H. R. 11180) to extend the boundaries of the Fort Pulaski National Monument, Ga., and for other purposes; to the Committee on the Public Lands.

By Mr. AYERS: A bill (H. R. 11181) to amend the act of July 3, 1926, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes" (44 Stat. L. 807); to the Committee on Indian Affairs.

By Mrs. GREENWAY: A bill (H. R. 11182) to amend an act entitled "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes"; to the Committee on the Public Lands.

Also, a bill (H. R. 11183) to provide for the acquisition of certain lands by the town of Benson, Ariz., for school and park purposes; to the Committee on the Public Lands.

By Mr. WHELCHEL: A bill (H. R. 11184) providing for equalization of taxes in counties where there are Government-owned lands; to the Committee on the Public Lands.

By Mr. DIRKSEN: A bill (H. R. 11185) to repeal section 7 of the act of the Congress of the United States, known as the Alcoholic Beverage Control Act for the District of Columbia; to the Committee on the District of Columbia.

By Mr. MARCANTONIO: A bill (H. R. 11186) to provide for cooperation by the Federal Government with the several States and the District of Columbia in relieving the hardship and suffering caused by unemployment, and for other purposes; to the Committee on Labor.

By Mr. BELL: Resolution (H. Res. 418) authorizing and directing an investigation of all persons, groups, etc., promoting old-age-pension schemes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOEHNE: A bill (H. R. 11187) for the relief of Catherine Humbler; to the Committee on Pensions.

By Mr. BURNHAM: A bill (H. R. 11188) for the relief of John Gustav Baisch; to the Committee on Naval Affairs.

By Mr. CLARK of Idaho: A bill (H. R. 11189) for the relief of Mary Louise Oxley; to the Committee on the Civil Service.

By Mr. CULLEN: A bill (H. R. 11190) for the relief of James M. Robedee; to the Committee on Naval Affairs.

By Mr. DUFFY of New York: A bill (H. R. 11191) granting an increase of pension to Emma C. Van Bender; to the Committee on Invalid Pensions.

By Mr. HEALEY: A bill (H. R. 11192) for the relief of Alfred Aloysius Bligh; to the Committee on Naval Affairs.

Also, a bill (H. R. 11193) for the relief of John W. Reardon; to the Committee on Military Affairs.

Also, a bill (H. R. 11194) for the relief of Fred D. Dickerson; to the Committee on Naval Affairs.

Also, a bill (H. R. 11195) for the relief of Gloria Hayes; to the Committee on Claims.

Also, a bill (H. R. 11196) for the relief of Frank P. Barbour; to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 11197) granting a pension to Anna O. Van Auken; to the Committee on Pensions.

By Mr. JENKINS of Ohio: A bill (H. R. 11198) granting an increase of pension to Mary E. Lemley; to the Committee on Invalid Pensions.

By Mr. KINZER: A bill (H. R. 11199) granting an increase of pension to Sarah D. Brooke; to the Committee on Invalid Pensions.

By Mr. LAMNECK: A bill (H. R. 11200) for the relief of John W. Pennington; to the Committee on Military Affairs.

By Mr. McCLELLAN: A bill (H. R. 11201) for the relief of W. T. Jackson; to the Committee on Claims.

Also, a bill (H. R. 11202) for the relief of Henry F. Rea; to the Committee on Claims.

Also, a bill (H. R. 11203) for the relief of Andrew Smith; to the Committee on Claims.

By Mr. McGROARTY: A bill (H. R. 11204) to permit Willis Adams to make a homestead entry on certain public land in Oregon; to the Committee on the Public Lands.

Also, a bill (H. R. 11205) to permit Willis Adams to make a homestead entry on certain public land in Oregon; to the Committee on the Public Lands.

By Mr. McMILLAN: A bill (H. R. 11206) for the relief of Frank Williams; to the Committee on Claims.

By Mr. MONAGHAN: A bill (H. R. 11207) for the relief of Anna Ancel; to the Committee on Claims.

Also, a bill (H. R. 11208) for the relief of John Stevens; to the Committee on Claims.

Also, a bill (H. R. 11209) for the relief of Mr. and Mrs. Fred Hausauer; to the Committee on Claims.

By Mr. MOTT: A bill (H. R. 11210) granting a pension to Jane Armstrong; to the Committee on Pensions.

By Mr. TABER: A bill (H. R. 11211) granting an increase of pension to Sarah VanTuyl; to the Committee on Invalid Pensions.

By Mr. TERRY: A bill (H. R. 11212) for the relief of Earl Hill; to the Committee on Claims.

By Mr. THOMAS: A bill (H. R. 11213) granting an increase of pension to Emma L. Locklin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10110. By Mr. CARMICHAEL: Petition of C. M. Patterson, Athens, Ala.; to the Committee on the Post Office and Post Roads.

10111. Also, petition of Luther King and others, Lexington, Ala.; to the Committee on the Post Office and Post Roads.

10112. By Mr. BOEHNE: Petition of Richard Knight, of West Fork, and Daniel Mason, of Taswell, Ind., and others, requesting Congress to enact legislation at this session that will indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10113. By Mr. GOODWIN: Petition of the New York State Legislature, memorializing Congress at this session to give consideration to the report and recommendations of the Chief Engineer of the United States Army for permanent flood-control works in the flooded areas of New York State; to the Committee on Flood Control.

10114. By Mr. KNIFFIN: Petition of Charles Pool, secretary of M. E. S. S., of Hicksville, Ohio, favoring the passage of the Guyer bill; to the Committee on the District of Columbia.

10115. By Mr. LAMBERTSON: Petition of Mrs. John C. Sedgwick and 93 other citizens, all of Topeka, Kans., favoring passage of House bill 8739; to the Committee on the Judiciary.

10116. By Mr. MAPES: Petition of Frances J. Chapman and 91 other members of the Trinity Community Church, of Grand Rapids, Mich., recommending the enactment of the Pettengill-Neely bills to outlaw compulsory block booking and blind selling of movie films; to the Committee on Interstate and Foreign Commerce.

10117. By Mr. MOTT: Petition signed by F. M. Wheaton, of Coquille, and 90 others, of Coos County, Oreg., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

10118. Also, petition signed by Ray Walker, of Mapleton, and 69 others, of Lane County, Oreg., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

10119. Also, petition signed by Edward Gasbar, of Waldport, and 28 others, of Lincoln County, Oreg., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

10120. Also, petition signed by Ralph Bernhardt, Mapleton, and 59 others, of Lane County, Oreg., urging the enactment of legislation placing star-route carriers on the same salary and working basis as rural carriers; to the Committee on the Post Office and Post Roads.

10121. By Mr. SADOWSKI: Petition of the National Restaurant Association, objecting to the continuance of Government competition with private enterprise in the operation of restaurants; to the Committee on Expenditures in the Executive Departments.

10122. Also, petition of the Federation of Standard Railway Crafts and Auxiliaries at a regular meeting January 9, 1936, asking repeal of the Transportation Act of 1920, and to enact the Black-Crosser 6-hour-day bill, the Brown-Griswold train-limit bill, the Neely-Griswold full-crew bill, the signal- and track-inspection bill, etc.; to the Committee on Labor.

10123. Also, petition of the Michigan Municipal League board members and endorsing Senate bill 2883; to the Committee on Agriculture.

10124. By the SPEAKER: Petition of the Kansas City Bar Association; to the Committee on the Library.

SENATE

SATURDAY, FEBRUARY 15, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, February 14, 1936, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MURRAY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hayden	O'Mahoney
Ashurst	Coolidge	Holt	Overton
Austin	Copeland	Johnson	Pittman
Bachman	Costigan	Keyes	Pope
Bailey	Couzens	King	Radcliffe
Barbour	Davis	La Follette	Reynolds
Benson	Dickinson	Logan	Robinson
Black	Dieterich	Lonergan	Russell
Bone	Donahey	Long	Schwellenbach
Borah	Duffy	McAdoo	Sheppard
Brown	Fletcher	McGill	Smith
Bulkley	Frazier	McKellar	Steiwer
Bulow	George	McNary	Thomas, Okla.
Burke	Gerry	Maloney	Trammell
Byrd	Gibson	Moore	Truman
Byrnes	Glass	Murphy	Tydings
Capper	Gore	Murray	Vandenberg
Caraway	Guffey	Neely	Walsh
Carey	Hale	Norbeck	Wheeler
Chavez	Harrison	Norris	
Clark	Hatch	Nye	

Mr. MURRAY. I announce that the Senator from Alabama [Mr. BANKHEAD] is detained on account of illness; and that the Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. BILBO], the Senator from Illinois [Mr. LEWIS], the junior Senator from Indiana [Mr. MINTON], the senior Senator from Indiana [Mr. VAN NUYS], the Senator from Utah [Mr. THOMAS], and the Senator from New York [Mr. WAGNER] are detained on important public business. I further announce that the Senator from Nevada [Mr. MCCARRAN] is unavoidably detained.

Mr. AUSTIN. I announce that the senior Senator from Delaware [Mr. HASTINGS], the junior Senator from Delaware [Mr. TOWNSEND], the Senator from Rhode Island [Mr. METCALF], the Senator from Minnesota [Mr. SHIPSTEAD], and the Senator from Maine [Mr. WHITE] are necessarily absent.

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

VICE PRESIDENT GARNER

Mr. ROBINSON. Mr. President, I ask to have printed in the RECORD at this point as a part of my remarks an article published in the Chicago Daily News, Thursday, February 13, 1936, relating to the character, disposition, and services of the Vice President of the United States.

It is somewhat embarrassing to submit this request while he is presiding over the Senate, but I feel sure that every Senator will be glad to learn that a newspaper which belongs to the party in opposition to that of which the Vice President is a member has made a brief analysis of his services. I think it appropriate that the article should be incorporated in the CONGRESSIONAL RECORD, and I ask that that be done.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Daily News of Feb. 13, 1936]

ALL THINGS CONSIDERED

By Howard Vincent O'Brien

WASHINGTON, D. C.—Upstairs and down a long corridor, I proceeded to an office. It was not one of the building's grander offices. In fact, it was quite small and not elaborately furnished. There was no one in it when I arrived, but presently a secretary appeared. He was a young man, and pleasant. When I inquired if his boss was in he did not reply with the usual "whajawannaseeumabout?" Instead, he poked his head in a side door and said yes; the boss

was in. And instantly on the heels of that statement I heard a voice saying, "Come in boy, come in."

Thus I reached the presence of a man who is beyond dispute one of the most important men in the world today, the Vice President of the United States.

AN INCREDIBLE FACT

Such a thing would not be possible in Europe. Imagine just walking in on any crowned head or dictator and hearing a cheerful "Come in boy, come in." For that matter, just imagine walking in on the average bank president or corporation director, or even the third assistant vice president! No; of course you can't imagine it. No one could.

The fact is that the stocky little man from Uvalde is anything but an average man. In my opinion he is a most extraordinary man. He is that rarity, that unique phenomenon, a man whose shirt does not bulge at the accident of high office.

If greatness may be attributed to a man who can sit in a seat upholstered with might, without himself becoming overstuffed, then I believe that "Jack" Garner must be called a great man. If his head has been turned by so much as the width of a single silver hair, there is no evidence of it. His eminence has not swollen his ego. Genial, humorous, demonstrably shrewd, he has kept his balance as few men at his altitude have been able to do.

SECOND IN COMMAND

One of the queerest features of this queer country is its indifference to the personality of the individual suspended above its highest office by only the thread of gossamer from which hangs a single human life. Almost any Congressman gets more publicity than does the Vice President. One reason for that is the fact that the Vice President does not court publicity, and most Congressmen do. Another reason is the peculiar unimportance of his office. The Vice President has literally nothing to do. At any moment fate may send him in to pitch, but there is no provision in custom or the Constitution for keeping his arm warmed up.

That does not mean that this particular Vice President is idle. Far from it. It may seem like an accident that at his annual dinner he should have the President and the Chief Justice of the Supreme Court sitting side by side and in stitches at the cracks of Gracie Allen. But it is no accident. It is the expression of a high talent for diplomacy.

FIRESIDE-AND-SLIPPER MAN

The Vice President has no liking for state functions. They bore him painfully. He is a fireside-and-slipper man, a man with no prejudice against poker or a nip from the cup that cheers, now and then, a thoroughly typical American of what is sometimes called "the middle class." But if convention and the protocol demand an occasional state function, he sees to it that when he gives the party all hands have fun. He has mastered the greatest lesson that experience has to teach, namely, that few problems can withstand a laugh.

I find that people are surprised when I speak highly of Mr. GARNER. For some reason he has acquired a rating somewhere between that of "practical" politician and amusing nonentity. Those who know the ropes around here do not make the mistake of writing him off so lightly. He is a politician, true; has been one for nearly half a century. But he is by no means an inconsequential politician. He plays a big part in the management of that many-ringed circus known as Congress. He isn't out in the sawdust, rigged up in topper and dress coat, cracking the whip. But if you slip around behind the scenes you will hear his soft Texas drawl and you will observe that the aces of the political flying trapeze are listening closely.

NOT A BLANK

Having the newspaper reporter's cynic amusement at the antics of little men in high place, I find myself rather overpowered by the effort to deal with a man who can look in a mirror without having hallucinations about himself. Our present national insurance policy is such a man. The hour I spent with him made me forget the many hours I have spent meditating on human vanity in the anterooms of what a friend of mine calls .22 blanks.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed a bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS

The VICE PRESIDENT laid before the Senate a resolution of the executive committee of the League of Texas Municipalities, Austin, Tex., favoring amendment of the rules and regulations governing employment under the Works Progress Administration so as to permit the selection of worthy unemployed persons on projects regardless of the past relief status of such persons, which was referred to the Committee on Appropriations.

He also laid before the Senate a resolution of the executive committee of the League of Texas Municipalities, Austin, Tex., favoring the enactment of legislation to provide for the further development of vocational education in the several States and Territories, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the convention of the United Mine Workers of America, endorsing a recent Executive order designating George L. Berry as Coordinator for Industrial Cooperation for the purpose of supervising, subject to the direction of the President, conferences of representatives of industry, labor, and consumers for consideration of the best means of accelerating industrial recovery, eliminating unemployment, and maintaining business and labor standards, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Commissioners Court of Maverick County, Tex., favoring the enactment of legislation for the creation of a public-health district on the Mexican border, which was referred to the Committee on Finance.

He also laid before the Senate resolutions adopted by the New York State Bar Association and the executive committee of the Pennsylvania Bar Association, favoring the enactment of House Joint Resolution 237, for the establishment of a trust fund to be known as the Oliver Wendell Holmes Memorial Fund, which were referred to the Committee on the Library.

REPORTS OF THE MILITARY AFFAIRS COMMITTEE

Mr. AUSTIN, from the Committee on Military Affairs, to which was referred the bill (S. 3663) to correct the military record of William Connelly, alias William E. Connoley, reported it with an amendment and submitted a report (No. 1576) thereon.

Mr. SCHWELLENBACH, from the Committee on Military Affairs, to which was referred the bill (S. 3627) for the relief of Francis Gerrity, reported it without amendment and submitted a report (No. 1577) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them severally, without amendment, and submitted reports thereon:

H. R. 1867. A bill for the relief of Orville E. Clark (Rept. No. 1578);

H. R. 5876. A bill for the relief of Elmer H. Ackerson (Rept. No. 1579); and

H. R. 5964. A bill for the relief of Carl F. Yeager (Rept. No. 1580).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARBOUR:

A bill (S. 4027) granting an increase of pension to Ada J. McGinley; to the Committee on Pensions.

By Mr. BYRD:

A bill (S. 4028) for the relief of certain officers of the United States Navy and the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. JOHNSON:

A bill (S. 4029) to transfer certain national forest lands to the Capitan Grande Mission Indian Reservation, Calif.; and

A bill (S. 4030) to transfer certain national forest lands to the Los Coyotes Mission Indian Reservation, Calif.; to the Committee on Indian Affairs.

HOUSE BILL REFERRED

The bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CHANGES OF REFERENCE

Mr. ROBINSON. Mr. President, there are three bills pending in the Senate relating to the same subject matter. Two of them are before the Committee on the Judiciary and one is pending before the Committee on Claims. The latter bill was reported some time ago and on my motion, with acquiescence of the Senator from New York [Mr. COPELAND],

the author of the bill, it was recommitted to the Committee on Claims.

With the approval of the chairman of the Committee on the Judiciary, I ask that that committee be discharged from the further consideration of the bill (S. 1291) authorizing the estate of John Gellatly, deceased, and/or Mrs. Charlyne Gellatly, individually, to enter suit in the United States District Court for the Southern District of the State of New York, for the return of an art collection and objects of art claimed to have been obtained by agents or representatives of the Smithsonian Institution and of the United States Government, and for other purposes, and the bill (H. R. 8824) for the relief of the estate of John Gellatly, deceased, and/or Charlyne Gellatly, individually, and that they be referred to the Committee on Claims.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. POPE submitted amendments intended to be proposed by him to House bill 10630, the Interior Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 78, line 2, to strike out "$583,215" and substitute therefor "$609,365."

On page 78, line 17, to strike out "$165,400" and substitute therefor "$185,400."

On page 81, line 23, to strike out "$300,490" and substitute therefor "$330,490."

On page 81, line 23, to strike out "$220,000" and substitute therefor "$255,700."

On page 82, following line 23, to insert "Repair of gas well: For repair of the Bush A–1 gas well, helium properties, Bureau of Mines, near Amarillo, Tex., $20,000."

ISSUES OF THE DAY—ADDRESS BY SENATOR THOMAS OF UTAH

Mr. O'MAHONEY. Mr. President, the distinguished junior Senator from Utah [Mr. THOMAS] last evening addressed the Phi Delta Kappa at Columbia University. His talk upon that occasion on the Liberty League, the Constitution, and other issues of the day is worthy of the broader field which will be reached through its publication in the CONGRESSIONAL RECORD. Therefore, I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

It is good to be back in the academic atmosphere. I come before you tonight, though, as a politician. I was a professor before I went into the Senate, but I have never been honored by being called a member of the "brain trust", and probably I am not only unworthy of membership in that august body but also ineligible because I am more than 28 years of age.

As a politician there are three things I must talk about before I proceed with my theme or else you will not think you are hearing a political speech. First is the Liberty League.

There is a current word which falls from the tongue of American slang artists and which is fast taking a real place in our business vocabulary, and that word is "jallopy." "Jallopy" is a trade term for an automobile that is useless for anything but plain junk or a museum exhibit. The Liberty League seems to me to be the best open corporation of junked political "jallopies" that our country has yet produced. Whenever I hear the title "American Liberty League" I am reminded of a famous sentence by an equally famous author, Viscount Bryce, who wrote a book on the Holy Roman Empire, wherein he states that the Holy Roman Empire was not holy, it was not Roman, and was not an empire. The American Liberty League is only American in the same sense that a Chinese laundry or a Greek restaurant may be called an American laundry or an American restaurant. It knows nothing of liberty and it is a league only in that narrow sense that we might dignify a clique of highbinders as a league of liberty-loving gentlemen of the road. The American Liberty League is, therefore, not American, it is not interested in liberty, and it is not a league.

Next we must talk about the Constitution. The constitutional situation may be summarized in a very short paragraph, and students will understand completely what I mean. Our Constitution rests upon the thin thread of fair play among the three coordinate branches of our Government. Each must not only live, but it must let the others live, or else our Constitution comes to an end. The tendency lately, and by lately I mean since the Civil War, has been to make the Government of the States and now the Federal Government impotent by endless and, I might say, insincere litigation. The elements for the destruction of the American Constitution by the litigation route were well-nigh impossible of being realized under our original Constitution because the sixth article of the Constitution saw to it that the Constitution and the laws made in conformity were to be supreme in spite of what any State or any judge might do. But with the adoption of the tenth amendment we emphasized in the Constitution the theory of reserve powers and a theory of definitely placing stronger limitations upon the Federal Government. Then after the fourteenth amendment was adopted the courts read into the definition of "person" such broad meanings that by subsequent litigation they expanded the definition to such undreamed of lengths that many of the State powers were destroyed as those powers were attempted to be used against the corporations. Today (1936) our Constitution has become a lawyer's Constitution. It is possible for those elements in our Nation which have sufficient means to hire expensive lawyers not only to cripple and make impotent the power of the States by bringing actions under the due-process clause of the fourteenth amendment but also to turn around and restrain the power of the Federal Government under the reserve powers of the tenth amendment. Thus there are elements in our country today which are capable of actually becoming outside the law by tying up both the State and the Nation. That today is America's constitutional dilemma.

That we shall ultimately get back to the spirit of the sixth article is, of course, essential. It is also certain that we shall, because the people themselves will insist upon it. They want a government by the Constitution, not a government by litigation. Such a government, you may rest assured, will find a way. Honestly analyze what we are doing today in regard to agriculture legislation and my point is made. For years agriculture has demanded that government save it from the economic situation which actually has threatened the possibility of a happy life on the farm. Plan after plan has been put forth. Finally one was invented which actually worked, and now it is cut down by court action. Congress must save the structure of this bettered condition. Congress, therefore, is attempting to save the better conditions by making the method of sustaining this better condition fit into a dulling strait jacket invented by minds weighed down by arguments based upon words. The Constitution, which Marshall said was established to endure forever and which he made into a living organism by his theory of judicial review, now is definitely "what the judges say it is" instead of a great framework of government based upon the broad theories as expressed in the Constitution's preamble for carrying out the people's purposes. The people's will will ultimately prevail. Litigation based upon a selfish interest will surely fail.

The third thing which I must talk about if I am to remain in the realm of the politician is to shout against the fascism, communism, socialism, nazi-ism, and dictatorships. Frankly, these are mere words which run us into emotional reactions and concerning whose meaning few agree. These "isms" are so broad I can safely say I know very little about them. I do know something about the Russian form of government; I do know something about the Italian form of government; I do know something about the German form of government; and I do know something about the American Government, and I also know something of the Japanese Government, and some day I should like to talk to you about all these governments and the theories which sustain them, but I cannot tonight. If you ever get me talking about any one of these governments, you may be sure that I will follow the logic of the old Chinese philosopher, Shun, who was willing to talk about any one of the three problems which affected the Chinese citizen of his day, but in order that he might know what it was that he was to talk about he kept in front of his home a bell, a gong, and a clang. If his caller wished to talk to him about the gods and their relations to the world, the caller would ring the bell, and the philosopher would come out and talk of heaven and earth. If the caller wished to talk about the affairs of state, he would ring the gong, and the great ruler would come out and talk about government and politics. If he wanted to talk of man and man's relations with other men, he would ring the clang, and Shun would come out and talk to him about filial piety and neighborly attitudes. It is really an asset in any discussion for both the speaker and the hearers to understand what the subject of discussion is. As prospective teachers, I think you ought to try this method sometime.

Now, having finished with the purely political part of my talk, I am going to spend the rest of my time on two subjects, first the New Deal and its significance, and, secondly, the money question and what should be our next action.

When our Constitution was established, the fundamental theory which lay behind the various compromises which became our Constitution was the theory that government should not be an all-embracing thing, but merely a guarantor of certain things. Those certain things we may discover by reading the purposes for which the Constitution was brought into being as expressed in its preamble. One of these purposes was to secure the blessings of liberty. It must be assumed that, as the Constitution was one of delegated and limited powers, the blessings of liberty were to be made secure by restraining government from interfering too much with the ordinary affairs of life. The Constitution and government, therefore, did not set out all the rights of man nor did it aim to interfere with many of his activities. Man's pursuit of happiness was to be in accordance with his own desires. And in that pursuit of happiness he was to be as economically free and unhampered as was consistent with other men's rights and liberties. Thus the American Government accepted a theory that governments were instituted for the good of man, that the important thing should be the people and not the Government; and throughout our history we have glibly paraphrased an expression from the Scriptures to say that gov-

ernment was made for man and not man for the government. That is probably the most generalized statement which anyone can make if he wishes to compare our governmental theory with the theory of the governments of the world. In theory our Government does not exist to sustain itself; it exists to sustain the people. The end of government, therefore, is not government itself, but it is the people. That seems that while the people of Europe and Asia know that governments will sustain themselves at all hazards, we in America know that government must be the servant and the people the master; therefore, our second generalized statement about our American Government can be made, which is that, in America, government is always against itself.

The genius of our American Government is not that the majority rules but that the minority is protected. The outstanding remarkable characteristic of the American Government is not that you and I, when mounted on a soap box, can say what we wish, but that a Supreme Court Justice can say whatever he wishes and still keep his job, and that a Senator of the United States can be even so verbose that he runs into hours of filibuster and thereby says nothing, yet may continue to draw his pay. The chief method of carrying on and getting things done in America is for the President of the United States to assume leadership in much the same spirit that became the habit of our best officers in the late war. He does not order. He does not command. He says to Congress and to his subordinates, "Come on, let's go."

Now, if this is our governmental scheme, man must be secure not only in his life but also in his property. His property is extremely complicated; but, in the main it consists of, first of all, his home, secondly his business, thirdly his savings, and fourthly his investments. If he is secure in these things and allowed the blessing of life and a chance to learn, the privilege of worshiping his God as he sees fit, free to go and come, and unhampered in his method of gaining a livelihood, then the American citizen is ideally what the American ideals would have him.

Analyze the theories and the aims of the major legislative endeavors of the New Deal, and you will find that each one of the great laws had for its purpose the making more secure of those things that are essential to the American citizen, if America is to remain America. First, men, women, and children can again put their money in savings banks and feel that that foundation which is to be the beginning of their economic independence is secure. Out in our State and in California we had what we called "school banking day", and every child was taught thrift and was encouraged to put absolute faith in his bank. It was right that this should be done, because Americans should be taught the worth of property and ownership. Then something went wrong. The banks seemed to go back on them. We do not know what was the cause, but banks closed, and faith was hurt. That day has gone, and, through New Deal legislation, a man when he can get a dime can put it where it will be safe.

Insurance companies now are safe. Corporations in which people put millions of dollars of their investments have been saved. Farms have been brought back to productivity and their owners made secure. Homes which we once called our own we now call our own again; and the thoughtful person in America, be he capitalist, laborer, professional man, or teacher, marks what has been done and calls it good. America can remain what your father and my father conceived it to be only through realization of security in those things for which Americans strive. Thus we have solved the problem of property. We are still, however, insecure in work; but the right to work and the actual work that goes with that right can be attained only if the security in property has come. Work can be made more certain and more sure when the investor feels secure in his property.

Historians a hundred years from now who write upon the significance of the New Deal will compose a paragraph something like this: "The people of the United States established a Constitution in 1789, and under that Constitution they gave to their Government the right to coin money and to control its value. But almost from the very beginning small groups of private individuals got the control of the money of the United States and for 150 years they kept that control, but in 1933 and again in 1935 the people took back that control and put it again into the hands of the Government." That is the significant thing which the New Deal has accomplished. I think government can do as well in administering the control of money as private individuals have done. The next 150 years, of course, will tell. Personally, I am sure that it can.

And now having got this control, what should we do with it? Our legislation is such that government is able to do what it has never been able to do before. Just what it will do depends not upon the laws but upon the wisdom of those who administer the law. This is what I would do if I were money administrator under the present laws:

First I would assume that the money of the United States is the money of the United States and, while I am for cooperation in almost everything under the sun, international cooperation in money affairs will come only after we have set our own house in order and the setting of our own house in order, if it is to be lasting, must be built upon the facts of American economics and American business. Nay, more than this, we must build our money practices upon the factors of present conditions and circumstances. It cannot be built upon the facts and the theories of economics of the past or of the future. We must build upon the conditions of the present. It must be built upon the facts, I repeat, and not upon some sloganized expression we have accepted as our axiom to identify us with some school of thought.

Now, money is a tremendously big and complicated proposition. It is not simple, and when I use the term tonight, I mean the money of the United States, not bank credit, not the credit that you gain from collateral, not managed currency, not our American checking system, I mean the American basic money, the money of the Constitution—gold and silver, dollars, dimes, eagles, and double eagles. When we make our national money system secure, then is the time to talk about the international stabilization and the stabilization of exchange. Our present law in regard to money is based upon the theory that we are going to remain on the metallic base. That was the constitutional idea, too. I therefore want to see gold and silver used as money. That is, I want them to cease to be used as commodities. I want them to circulate again as money. I want all paper in the United States which is redeemable in gold and silver to be made redeemable in gold and silver. That paper money which is redeemable in other things which we may call lawful money is not the money I am talking about. Our Federal Reserve System affords an elastic credit system, and our bank money serves us well. While these are subsidiary systems, they are the backbone of our business habits.

Why do I insist upon America remaining on the metallic base? First of all, because such a base is backed up by historical practice, and secondly, because if we go off the metallic base, America will become, when compared with the other nations of the world, at a disadvantage. To state it positively, I can make my point clearer. Under a managed currency, that state which is closest to the ultimate consumer, which has the cheapest labor, and which also has the most surplus labor, is at the greatest advantage in international trade. America is the farthest from the ultimate consumer. She has the least surplus labor and she has the best paid labor; therefore any American statesman who would lead us into a strict managed-currency system and would lead us away from metallic-based money would by so doing lead us into an economic position which would force a drop in American wage, work, and living standards.

Neither gold nor silver is money in the United States today, although legally we still remain upon the gold standard. The longer we keep gold and silver in bullion and the longer our Government continues its present practice of hoarding and salting it down, the more our people will think of gold and silver as mere commodities. Now, remember this: A managed-currency system will work, but it is bound to work, as I have said, to the disadvantage of America because of our economic situation. Is it not time to commence circulating again our gold and our gold-secured notes? Should not gold be freely traded in business? I think it should. The time has come for us to again think in terms of specie payments. The gold the Government is hoarding does not belong to it. The Government is trustee for three-fourths of it, the other one-fourth is profit to be used to stabilize the American dollar in international exchange.

I would immediately direct our mints to coin 5- and 10- and 20-dollar pieces in accordance with the present legal value of gold. Then I would recoin in silver in accordance with its legal coinage value in ratio to the value of gold. This, of course, means that the new coins would have less gold and silver content than they have had. When we devalued the dollar we also provided for a devaluing of the silver-coinage ratio. Under our Silver Purchase Act the aim is to build the value of silver up to its lawful coinage value. For newly mined domestic silver that value should already be granted. The Government of the United States cannot morally justify its taking of more than 50 percent in seigniorage and coinage charges. A dollar should be made a dollar, a dime should be made a dime, and an eagle should be made an eagle. Then I would build our silver reserve by purchasing our newly mined domestic silver at its coinage value. When we take in the whole world the psychology of purchase encourages us to buy as cheaply as possible, but the purpose of purchase was to raise the price. Thus, the operation of the law makes the purchasing act against the law's aim. If we reduce seigniorage on newly mined domestic silver, we give to American workmen and American industry merely the face value of coin. How can you morally justify the Government exacting its high seigniorage charge against our own people? Once again by doing these things we establish metal-money consciousness in our people and once again we give the metal value to our money. The American silver dollars will then become the standard, American-backed pieces as we know them, just as the old Austrian dollar was the standard for many years in the whole world and the Mexican dollar the standard coin for all China. We have the gold; we have the silver.

I know what you are going to say. You are saying that your speaker is from the biggest silver State in the Union. I am, and I should like to see our mines grow and thrive. But the question is bigger than Utah's mines. The danger of a repetition of money chaos is with us and always will be with us until we settle the question definitely for ourselves. What better way to settle it, now that we have built up our great reserve, and now that both gold and silver are under national control, is there than to put our money system definitely on a metallic base and stand by it? Mining puts men to work. Mining creates wealth. Through the enlargement of national wealth the standard of living is increased. History shows us that an increase in gold and silver money means a higher standard of living whenever it has occurred. America may have too much gold and too much silver, if gold and silver are merely commodities, but America can never have too much gold and too much silver if America will use gold and silver as money.

Now, the old economists told us that we could issue paper against metallic bases up to a ratio of about 12 or 15 to 1. The laws wisely provided for a very much higher rate of reserve. Since

the world has become as it is and nations ruined by war have had to exist by makeshifts, Germany, for example, has issued as high as 36 to 1 and still remains on the metallic base. Her mark today is still worth 40 cents in our money. But that is done by control and there is no bank-check money in Germany. She, too, maintains a double value for her marks to compete internationally with other managed currencies. I repeat we must remember that Germany does not use a check-credit system. Under the German system we could issue as much as $300,000,000,000 in paper and still not have inflation, but the American system and the German system are not the same, no one would want to see such an issue, it would be unwise and unnecessary and accomplish nothing but money disaster. We can safely issue 10 paper dollars against every one of our gold dollars, but even that is unnecessary, and I think unwarranted. But we must, I repeat, start using gold and silver as money and again think in terms of specie payments. We must allow free trading in gold and silver and coinage without high charges for seigniorage, or else the American money system will evolve into a system such as obtains in those nations where they have been forced because of lack of gold and silver to base their money value on labor or the government's ability to sustain a value. We may have this condition if we wish, but in so doing we cease to be the country in which men can change occupations readily, and in which men can acquire, and in which men can be secure in their savings. To be thus favored or blessed we must have a definite measure of our money values, and that money must pass from hand to hand and be accepted the world over as money. Let us return to metal money without more ado. We need no legislation. We need merely an appreciation of what money is, and a wise administration of our present laws.

Managed currency for America will be to America's disadvantage. In those countries where they have not the gold and silver to maintain a metallic-based system of money, managed currency becomes a necessity. But the world wants our gold and silver and will use it whenever we put our own stamp upon it, in as great quantities as we will allow them to have. Managed currency means the striking of a value based upon labor and industry. In international competition, therefore, the controlling factors are labor costs, distribution costs, and the plentifulness of labor. In the competition between managed-currency countries the tendency must always be to drive costs down. This must ultimately result in the lowering of standards. American Government exists primarily for the purpose of bettering the standards of the people. Managed currency cannot help but reduce standards.

Now, why have I suggested the use of silver along with gold for the maintenance of a metallic-based money? The answer is a simple one. You do not think the nations of the world today would be struggling with their various systems of paper currencies if they had the metals to back their currencies? Of course they would not. In practically all of the nations of the world, their money systems have been based upon a forced national and international system, and we, even with all our gold, have not enough gold to supply all the needs of American business, if our whole country were living on proper standards, and still remain on a metallic base. But with the use of both gold and silver our base would be sufficient for business and industry in all of its aspects.

Japan's situation is a good example. She now has a managed yen, but she has to resort to managed currency because of the insufficiency of her metals to take care of her enlarged industry and enlarged activities under her present industrial way of doing things. Italy's nationalization of silver affords another example of the worth of metal moneys. Remember that we took the action we did in regard to gold because Americans and foreigners were hoarding and because gold became, through comparative scarcity with enlarged business and enlarged debts, of higher value than it actually was.

If the economic effect of hoarding is bad when the people do it, surely the economic effect must remain bad when the Government does it. That the nationalization of gold and silver were necessary when they were done is admitted, but there must come a day, and I think it is here, when the necessity ceases. That is surely the case for the United States internally, and we can control by embargo improper external advantage taking.

It is the free flowing of money in trade and in exchange that marks good times. The use of both gold and silver jointly, freely, will supply the quantity necessary for that free exchange. Gold alone will not do it because there is not enough. Gold and silver together furnish the key to metal money success and the people's economic and business prosperity.

Now that we have united gold and silver again and made both metals our base, we need have no fear of hoarding and we need have no fear of runs on our reserve. We can pay dollar for dollar against everything that is now issued. There need be no incentive to hoarding, because our American business and international trade are now large enough to destroy any lack of trust in our ability to pay with the backing which we now have. These are simple, understandable factors. Please remember that I am talking not about bank credit money, not about checking systems, not about the Federal Reserve System, but about the basic money of the United States. We may start now as no other nation in the history of the world ever started, with a metallic base of more than $12,000,000,000, and this can grow as our mines produce. Let the mines of other nations fill and build up the reserves of other nations. Our growing American standards need all the gold and silver that our American mines can produce.

May I repeat? Our money matters are of domestic concern. International stabilization must rest upon national stabilization. International money conferences have never contributed much. Remember money systems are national systems. England did not ask us if she might go off gold. When we devalued we devalued without international consultation. The British Commonwealth of nations does not even have a simple money system. She has five or six. The world paid no attention to the League of Nations franc. We should therefore build our own system to support our own economic welfare. I repeat this because we have had since McKinley's time a demand for international action about silver.

Gold is again crossing the oceans. That is a good sign, but we must keep up to date with conditions or we may see the time when European or Asiatic investors have free access to our gold trade, with American investors denied the privilege.

We must cease to aim to buy silver cheap. That does no good. Getting the silver should be done only as a means to the end of lifting the price level. Despite China's having had drought, war, and everything else last year to hold its business volume down, and foreign financiers' factories in China having been hurt, the administration still believes silver did not help China simply because the trade volume did not expand. If silver had been out of the picture, what kind of trade volume would we have had with her? If silver is destroyed as a means of creating new wealth, what effect is it going to have on our trade volume with Mexico, Canada, Peru, and Chili?

So long as gold can be drawn out of us for trade-balance settlement, the European investors have a strangle hold on us. Compare the present situation with that of the twenties. England went to confiscatory taxes in the early twenties. It forced a flight of capital from England to France and this country. France took advantage of that economic force by letting the flood of gold build unhealthy credit expansion by leaving gold in this country and supporting her currency with a gold credit entry at the Bank of France, making the gold work twice, once to earn interest here and again to support her currency expansion required to meet her increased trade volume. When the break came she grabbed her gold. That condition will be duplicated within another year. Why should European investors have free access to the gold supply and American investors be denied equal right?

The practical method to pursue is to increase the metal money supply so that uncertainty cannot result from heavy gold withdrawals. Silver is the only substitute for gold that has tradition of use to back it up. If this Government could maintain the coinage ratio between gold and silver and immediately start redeeming its currency in specie the European investors would be the first to buy, and they would buy gold; but if the Secretary of the Treasury would be the first to buy, and they would redeem currency in gold or silver at his election, then he could pay off in silver and the European investors would be forced to clamor for their Governments to give money status to silver. That movement would immediately end managed-currency use as a world money, and it would force maintenance of proper parity between gold and silver, because as one metal got too high in price redemption would go to the other metal and the equilibrium would be restored. Of course, there would be slight fluctuations between gold and silver prices, but the fluctuations would be much slighter than the fluctuations that will attend currency war.

A cry is set up that sharply increasing price of silver to natural parity with gold would cause severe trade dislocation. What of that? Whenever the world has had a great gold discovery it has had the same effect. Is anyone crying out because Russia is greatly increasing her gold production? Throughout all history there have been those who would control nature only to find that nature will not be harnessed.

The Government would by that course immediately take itself from the money-metal markets and they would be allowed to seek price levels working in orderly fashion. It would mean reopening of free and open market for sale of gold and silver in this country. It would permit world-wide use of gold and silver money. It would let trade properly expand. It would lift the price level. It would take the taint of politics from the money question.

LINCOLN DAY ADDRESS BY GOVERNOR NICE

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the Honorable Harry W. Nice, Governor of Maryland, at the Lincoln banquet on February 12, 1936, at Hagerstown, Md.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Ladies and gentlemen, it is a great privilege and honor to join with you this evening in paying tribute to the memory of Abraham Lincoln. To the youth of America he is an unfailing inspiration; to the men and women of America, a safe guide and trustworthy leader. From rail splitter to President, the life of this plain, simple, kind-hearted gentleman has become the symbol of the open gate of American opportunity. This revered martyr; this great American whose character, life, and public service set him apart and enshrined him in the hearts and affections of all his countrymen; this man who now belongs to the ages, was "a man of sorrow and acquainted with grief", but never once did he lose his faith in God, in the durability of the American Commonwealth, nor in the good sense, sober judgment, and patriotism of the American people.

If, in addition to paying public tribute to his life and wonderful work, we are able to grasp and appreciate the greatness of his heart and the depth of his soul, understand the almost childlike directness of his thought, and through such appreciation

consecrate ourselves anew to our responsibilities and duties in the tasks now before us, our meeting here tonight will not have been in vain. Because of the soundness of his philosophy, his teachings are as apt and fitting to the troublous times of the present as they were during the period of the Civil War.

In the spirit of his presence, and with the utmost reverence, let us here and now rededicate ourselves to do all within our power to further the fulfillment of his most profound desire that a "Government of the people, by the people, and for the people shall not perish from the earth."

Today governmental problems, both State and National, are not only complex but seemingly insurmountable. Their proper solution demands the calm, dispassionate judgment of all those who believe in safe, sane, and sound principles of constitutional government.

I was elected Governor at a time when unrest throughout the world, and particularly in this country, was more pronounced than at any period since the Civil War. I was confronted with an alarming condition, carefully suppressed during the campaign, in connection with the State's finances. Within 5 days after the election I discovered a State deficit of almost $3,000,000—an enormous sum for the State of Maryland. So serious was the situation that during the first days of the session of the legislature the State was obliged to borrow on short-term notes $1,000,000 to meet current expenses and pay the salaries of the members of the general assembly. This has been repaid.

Notwithstanding this deficit, I balanced the State's budget, and it is still in balance. In order to absorb completely the deficit and to supply money for the proper housing of groups of the State's wards, it was necessary to create a State loan. I am opposed to imposing upon real estate additional burdens for the servicing of such loans, and, therefore, the servicing and repayment of this loan were wholly provided for from other sources.

The State tax rate has not been raised a single penny, while during the month of August last year a large portion of the bonds representing this loan were sold at a rate of interest lower than any before carried by State bonds and at a premium greater than had ever before been received. I repeat, the State tax rate has not been increased, general assessments on real estate have not been raised, the State's budget is balanced, the State is solvent, and its credit is as firmly established as it has ever been in its history.

I am a Republican. I believe earnestly in the principles of my party and shall do all I can, honestly and fairly, to establish those fundamental constitutional concepts for which it stands. Regardless of party, however, it is my earnest, sincere, and conscientious purpose as Governor of all the people of Maryland, to perform my duties fairly and impartially and with due regard for the rights and privileges of all.

On the eve of this, a Presidential election, all citizens are instinctively directing their thoughts to problems confronting the National Government, and are deeply concerned with their proper solution. This solicitude springs from a realization that their individual rights, privileges, and liberties have been seriously imperiled by the novel, strange, revolutionary, and experimental policies which have been pursued during the past 3 years by the present national administration.

Few persons will deny that from the fall of 1929 until the summer of 1932 this country experienced the most severe depression in its history. It was not localized, but world-wide. Long before it was felt by us it had laid its grip upon the rest of the world. It was not brought on by the Republican Party, nor could it have been fairly charged to the Democratic Party had that party been in power. It was the after effect of the World War.

By the summer of 1932 we had reached the depths, but from then on until the election of that year we had begun slowly, though surely, to emerge therefrom. Had the opposition at that time thought more of country and less of party advantage through destructive criticism, had it helped in the slightest degree, had it given any intimation of its willingness to help the then Republican administration in that administration's efforts to bring about recovery, instead of planting itself as an immovable obstacle across the path of progress, the improvement which had already begun would have continued, and many of the harrowing scenes of misery we have since witnessed might have been avoided. Notwithstanding its deliberate refusal to cooperate during the 4 months extending from the Presidential election to the inauguration, even then, had the new administration lived up to the promises of its own platform, the energy and resourcefulness of our people, coupled with the natural wealth of the country, would once again have started us on the upward march.

I am not, in the slightest manner, to be understood as comparing the Democratic platform with the decalogue, but had the present administration followed the precepts of even that platform instead of permitting itself to be advised, and even led, by false gods, such as theorists, socialists, brain trusters, radicals, and money squanderers, it might have become such a beacon as that recorded in Exodus:

"And the Lord went before them by day in a pillar of cloud to lead them the way; and by night in a pillar of fire, to give them light; to go by day and night."

Let us look at one of the planks in the Democratic platform on which the present administration was supposed to have been elected. "We advocate the immediate and drastic reduction of governmental expenditures." Let us see what the President stated concerning this plank when speaking in Sioux City, Iowa, on September 30, 1932. "If we are to balance the Budget and relieve the burden of taxation, I repeat, the Government must retrench and not attempt too many functions, particularly functions which belong to the States and to local communities and to individuals. There can be no real relief until the Government retrenches, eliminates waste, duplication of activities and unnecessary bureaus, and brings about a reduction of the staggering cost of government."

Again, from that same speech: "I accuse the present administration (meaning the Republican administration) of being the greatest spending administration in peacetimes in all our history—one which has piled bureau on bureau, commission on commission, and has failed to anticipate the dire needs of reduced earning power of the people." Compare those statements with what you know has occurred.

The President was elected and with him a servile partisan Congress. His word became a command; his every wish was gratified. When he said "must", "must" it was. He had full and complete power to do whatever he would. At that time the people looked to him, relied upon him, and wished him success. To what extent has he justified this confidence? Has there been less spending of the taxpayers' money? Have there been any reductions in governmental expenditures either immediate or drastic? Has the Budget been balanced? Have any bureaus or commissions been abolished? The simple and complete answer is to paraphrase, and say: "The mouse labored and brought forth a mountain"—a mountain of debt, threatening to destroy us more completely than did Vesuvius, Pompeii.

There has been the greatest spending jamboree in the entire history of the world. The people's money has been squandered, in many instances, on foolish projects, to such an extent as to be almost beyond human comprehension.

Ruled by a bureaucracy in the seat of the National Government; business, industry, and labor subject to interference by a Federal autocracy never heretofore dreamed of; every activity of the people regimented by a centralized authority; life, liberty, and property subject to the whim and fancy of an administration of experimentation; hundreds of thousands of unnecessary office-holders appointed without regard to the civil-service laws but solely with a view to their partisan usefulness in perpetuating this regime through the coming campaign, it is little wonder that even many leading Democrats, with their country's interest at heart and alarmed for its safety, cry out in protest.

Each and every one of you ladies and gentlemen here tonight is a taxpayer whether you realize it or not. Directly or indirectly you pay for the functioning of your Federal Government; and while you are willing to perform this duty, if legitimately imposed, you are nevertheless concerned that public affairs shall be so conducted that the contributions you make from year to year shall steadily decrease. Do you know that for every dollar that you were called upon to pay to the Federal Government in taxes in 1932 before the control of the Government passed into the hands of the present administration you were compelled in 1935, as a result of wasteful extravagance, to contribute $1.80—an increase during the short period of 3 years of 80 percent; and yet, notwithstanding this enormous increase in your taxes, the national debt has risen to the stupendous sum of over $30,000,000,000, and the end is not yet in sight.

Who is to pay these vast sums wherein a million dollars is treated as mere pocket change, while a billion is only ordinary spending money? Let there be no mistake about this. It is not only the rich. The great working class, the so-called middle class—you and I—and our children, and our children's children and their descendants; we are the ones whose future is being mortgaged. Let us look to the words of a great man, now deceased, whose sound common sense and wise judgment, notwithstanding the covert sneers of some of the present administration apologists, still meets the approval of the sober-thinking people, Calvin Coolidge, when he said:

"No matter what anyone may say about making the rich and the corporations pay the taxes, in the end they come out of the people who toil. No system has ever been devised under which any person living in this country could escape being affected by the cost of our Government. It is felt in the price of those prime necessities of existence: food, clothing, fuel, shelter. I want the people of America to be able to work less for the Government and more for themselves. I want them to have the rewards of their own industry. That is the chief meaning of freedom."

Another great cause for alarm is the apparent lack of knowledge of Federal authorities as to the cost of government for the year 1937. The President, in his message to Congress submitting the Budget for the coming fiscal year, although having full knowledge as to the necessity for relief and the knowledge of the almost certain passage of the bonus bill, but without providing in his Budget for these reasonably sure expenditures, fixed his budgetary requirements at $6,172,000,000, with an estimated income of $5,654,000,000, creating a deficit of $518,000,000. His Secretary of the Treasury, a week later, estimated the necessary expenses of the Government for the coming year at $10,172,000,000, with an estimated revenue of only $5,107,000,000, and a deficit for the year of $5,065,000,000.

Upon which are we to rely? The Budget of the President or the estimate of his Secretary?

We have plunged so deeply into debt, we are so hopelessly and helplessly upon the rocks of financial unsoundness as to make it impossible for any man to predict what the morrow shall bring forth.

In 1932 our country had a stable currency which was based upon a sound gold standard. American money under Republican administrations had evolved from the old wildcat, uncertain, and constantly changing values of State-bank issues up to and through the

days of the Civil War, to a certain well-defined, stable dollar. Under Republican administrations the gold standard had been established.

Had there been the slightest intimation during the 1932 campaign that Democratic success would mean the abandonment of that standard, it is reasonable to believe that the results would have been different. So true is this that during the campaign, when an intimation was rumored that we were close to abandonment of the gold standard, Senator CARTER GLASS, of Virginia, one of the most intelligent and certainly one of the safest statesmen in this country, delivered a powerful address to the American people in which he ridiculed the possibility of the abandonment of the gold standard and unreservedly asserted that his party and his party's candidate for the Presidency could safely be trusted not to indulge in even the thought of such a disastrous economic move.

The Democratic platform promised the maintenance of a sound and stable currency. To the consternation of both the wage earner and the businessman, one of the President's early acts was to devalue the dollar to less than three-fifths of its former value. He called in, under penalty of imprisonment for failure to obey, the gold holdings of the country and issued therefor paper money worth less than 60 cents on the dollar. For each dollar's worth of American goods sold abroad, there was paid in consequence, by the foreign purchaser, 60 cents instead of the previous 100 cents; and, notwithstanding this, our physical volume of exports abroad not only did not increase but probably decreased. Such a situation could conceivably open up our domestic markets to competition with goods produced by the cheap labor of Europe, and to that extent might help further to throw our own workingmen out of employment. Today the present administration has a profit on the gold so taken from our people, and credited as a Government asset, of $2,808,000,000; taken not only without recompense to the people but without even disguising the taking under the form of taxation.

There will be no real or permanent return of prosperity to the country until we have returned to a sound and stable currency. The very stability and reliability of the United States of America in business matters have been beyond criticism, for as long as we can remember, but suddenly the present administration, under the guise of an emergency and with the excuse that international exchange demanded it, repudiated our Nation's obligations to pay in gold, depreciated our dollar to below 60 cents, and made the solemn promise of the United States a byword before the world. We are now simply another paper-currency nation, or, to put it another way, we have a currency which defies definition, for it is at the whim of one man, namely, the Chief Executive. Ostensibly we are on a gold standard but our paper money is irredeemable, and the President has the power to change this standard overnight without previous notice to the country. This has had the effect of opening the door to foreign gold and allowing the world to buy the United States of America at bargain-counter prices. Our national currency is poised over the chasm of financial ruin on the slack wire of a managed dollar. We are sick at heart at the spectacle.

You ladies who do the marketing know only too well from your sad experience what the manipulation of the dollar has meant to you in increasing the cost of supplying your family needs.

Abraham Lincoln was confronted with this problem and recommended a solution. From his frontier vantage point, he had seen the effects of the orgy of inflation of the Jackson administration, when the flood of paper money from the State banks followed the demise of the Bank of the United States in 1836. This was followed by the panic of 1837. To stem the tide of inflation, specie payments were resumed. He had witnessed a little later the stabilizing effect of the establishment of the direct Treasury management of coinage and circulation and the resumption of convertibility of the obligations of the United States into gold; the principles of sound finance had been indelibly written on his memory. In 1862, when the financing of the war had compelled the temporary suspension of specie payments, he expressed his firm belief in sound money in his message to Congress. He said:

"A return to specie payments, however, at the earliest period compatible with due regard to all interests concerned, should ever be kept in view. Fluctuations in the value of currency are always injurious, and to reduce these fluctuations to the lowest possible point will always be a leading purpose in wise legislation. Convertibility, prompt and certain convertibility, into coin is generally acknowledged to be the best and surest safeguard against them."

And in 1863 he addressed Congress in these words:

"It seems very plain that continued issues of United States notes without any check to the issue of suspended banks, * * * might soon produce disastrous consequences, and this matter appears to me so important that I feel bound to avail myself of this occasion to ask the special attention of Congress to it * * *. That Congress has power to regulate the currency of the country can hardly admit of doubt, and that a judicious measure to prevent the deterioration of this currency * * * is needed, seems equally clear."

His ringing words, coupled with our experience since his time, verifying in every detail the principle of sound currency based on convertibility and the adherence to the promises of the Nation to pay in gold, point the way to security.

The present administration, in thus debarring a sound and stable currency, evidently overlooked that trite saying of Lincoln that "You may fool all the people some of the time, and some of the people all the time, but you can't fool all the people all the time."

A century and a half ago we began a glorious march from a small Nation of a few million souls to the richest, strongest, and happiest country in all the history of the world. It is true we had our reverses at times; depressions, serious in their nature, frequently overtook us, but just as a strong, healthy man is at times visited with sickness and recovers therefrom, so has the country thrown off its temporary setbacks and resumed its triumphal journey. A skillful physician, in his treatment of a sick patient, is guided by his experience gathered from the previous treatment of patients suffering from similar diseases. He does not throw the knowledge thus gained to the winds. He does not say this man is perhaps sicker than his previous patient, and, in consequence, fail to administer treatment that he knows has proven efficacious in the past. He does not determine to experiment, and if that experiment proves valueless, to try another, thereby risking his patient's life. Were he to do that, a new doctor would soon be called in to take charge. The country has been experimented upon so frequently by the New Dealers, but without success, that another doctor should be called in to take charge. I am very strongly of the opinion that during this coming November the new doctor will be selected.

In utter disregard of all the valuable lessons that should have been learned from long experience, the administration saw fit to dose the country with a lot of nostrums prescribed by theoretical amateurs in the science of government. They assume to know more about business than the businessman; more about manufacturing than the manufacturer; more about production than the producer; more about the problems of labor than the worker himself; and, in thus foisting their views on the Nation, under the guise of law, have sickened it almost unto death. Notwithstanding the spending of billions of dollars on N. R. A., A. A. A., and other alphabetical concoctions, we still have over 11,000,000 work people unemployed.

One of the first nostrums administered business was the N. R. A. That was the special creation of the Brain Trust, which twisted the idea of business cooperation advocated by the businessmen of this country out of all resemblance of reality or practicability and in this emasculated form offered it as a panacea for all our industrial ills. Under their concoction business was hamstrung, the people regimented, and individual effort proscribed; unworkable codes of procedure, coupled with severe penalties for failure to obey, were prescribed by these underlings, who sat as lawmakers, judges, juries, and prosecutors. Regulations were established so numerous, and in many cases so nonunderstandable, that the authorities themselves did not know what they were all about. Not only was all business shackled, but the small businessman was even more greatly handicapped. Then came that momentous decision of the Supreme Court of the United States, in which the whole act, from stem to stern, was declared unconstitutional. That decision, according to the President, was to carry us back to the "horse and buggy" age. Dire things were predicted as a result. For a while it was rumored that the President contemplated the possibility of ignoring the decision. The reaction of the American people against any attempt to override the Constitution as construed by the Supreme Court, whether by the executive or legislative department, quickly showed the unwisdom of any such course.

Business immediately responded to the Court's decision, and confidence, in a measurable degree, began to manifest itself. Instead of the predicted chaos, a marked improvement in industry is already apparent. Let the administration not only grant a breathing spell but assure the country of its confirmed intention of future noninterference; let the Government remove itself from business and confine its activities strictly to its proper constitutional functions. Then, and then only, shall we emerge from the shadows of depression into the sunlight of prosperity. I am not a reactionary, nor do I advocate a return to stagnating conservatism. I assume that the Republican Party must take a firm stand against Government competition or stifling interference with business. We probably will have to reconcile ourselves to a certain amount of judicious regulation, but if so, let it be through the doctrine of States' rights and by the States and not through bureaucracy under a centralized Federal autocracy.

I think it is a reasonable assumption that every person throughout this land, unless utterly devoid of humane feeling, desires that the worthy poor and afflicted be extended relief, sufficient at least to provide for their necessities, and until such time as those who are able and willing to work shall secure employment. That providing relief, sufficient to meet the situation, bears heavily on our citizens, there is no question; yet, nevertheless, they willingly carry that burden. However, it must seem an anamoly to them, as it certainly does to me, that, while the hungry were crying for bread and meat, hundreds of millions of dollars were paid to destroy hogs and plow under wheat. The A. A. A. was another product of the New Deal. From the beginning, even before the passage of this law, its constitutionality was seriously questioned. I am firmly convinced that our farmers are entitled to such measure of necessary protection as can legally, and with due regard to the economic welfare of the whole country, be extended them. I subscribe to that proposition with all my heart and soul, but I do not, however, believe in the wisdom of any law, whether a processing tax or any other tax, the proceeds of which are used to pay for the destruction of the necessities of life. Such tax laws can only impose additional burdens upon the family provider, the one least able to afford it.

The Supreme Court of the United States declared this measure unconstitutional. It was a clear invasion of the reserved rights of the States. This act, as drawn and enacted, was so dangerous to the perpetuity of our American system of government, an inde-

structible Union of indestructible States, and so drastic and far-reaching was the contention of the Government in support of it, that the Supreme Court in its opinion felt impelled to say:

"Until recently no suggestion of the existence of such power in the Federal Government has been advanced. The expressions of the framers of the Constitution, the decisions of this Court interpreting that instrument, and the writings of great commentators will be searched for any suggestion that there exists in the clause under discussion or elsewhere in the Constitution the authority whereby every provision and every fair implication from that instrument may be subverted, the independence of the individual States obliterated, and the United States converted into a central government exercising uncontrolled police power in every State of the Union, superseding all local control or regulation of the affairs or concerns of the States."

We have reason to hope and believe that other of the administration's costly experiments will shortly meet the same fate. As in the case of N. R. A., the dire prediction as to dreadful things to happen if the A. A. A. were invalidated has not come to pass. The price of hogs and corn did not tumble, the prices of wheat did not fall to 36 cents per bushel, and cotton did not fall to 5 cents. On the contrary, hogs, corn, cotton, and wheat sold at a higher price than before the Court's decision. But this did happen: The housewife now pays less for the bread and pork she buys, and the sole reason is that she has been relieved from paying the processing tax on these commodities; and hundreds of millions from now on will thereby be saved to the consumer without loss to the farmer.

Once more, as a result of the Supreme Court's decision, we hear cries of "Down with the Constitution", "Clip the claws of the Supreme Court", "Override by legislative enactment the jurisdiction of the Court." Similar cries were heard and similar threats made concerning the Court, the greatest and most respected Court in the world, in the days when it was presided over by that eminent American jurist, John Marshall. The politicians may clamor, but the people, those who make or break politicians at their will, stand unmovable and unbeatable in its defense. To them it is like "the shadow of a great rock in a weary land." The New Dealers' cry is that the Constitution is the protector of property rights and not human rights. I wonder if some of them have even read the Constitution. I wonder if they realize that it guarantees to the people the most fundamental principles of individual freedom, those basic rights which men have fought to win and retain through the ages of attempted tyranny. I wonder if they know that Congress may not suspend the writ of habeas corpus. That no bill of attainder or ex post factor law may be passed. That the right of a speedy and public trial by an impartial jury is guaranteed. That no man shall be compelled to be a witness against himself. That no one shall be deprived of life, liberty, or property without due process of law. That religious freedom is guaranteed. That Congress shall make no law abridging the freedom of speech or of the press, or of the right of the people peaceably to assemble and petition the Government for a redress of their grievance.

Only a few weeks ago a convention of the Association of Patriotic Women of America met in Washington. The Marine Band was to play national anthems; officers of the Navy were to address the gathering. A former Secretary of State under the late President Woodrow Wilson addressed the convention and dared express opinions as to the policies of the present administration which evidently did not meet the administration's approval. The speech could not be suppressed, but the Marine Band, whose salaries are paid by your taxes, was withdrawn; the naval officers, whose salaries are also paid by your taxes, canceled their engagements to speak. I wonder what might have happened to former Secretary of State Colby had he not been protected by the Constitution's guaranty of free speech.

During the past year or so many businessmen of standing in their respective communities have likewise expressed their views as to the policies of the present administration. Because their consciences and good judgments would not permit them to agree, and having the courage of their convictions, they did not hesitate to express freely their opinions. They have been denounced as Tories and traitors. What do you think might have happened to them except for the mantle of protection thrown about them by the Constitution?

The historic and revered charter of our liberties is the foundation upon which the Republic has been builded. The American people, for whom it has made possible an unprecedented prosperity and happiness, are deeply conscious that it is their most valued possession—their most sacred heritage. They have no desire that it shall become a dam to obstruct the waters of life; they realize that its usefulness depends upon its adaptability to the varying needs of succeeding generations, but they resent and will challenge every insidious effort, whether direct or indirect, to impair its vitality. They, themselves, in the exercise of their reserved power and after mature reflection, may approve amendments from time to time, but never in a way which will disturb the perfect balance of its component parts. They will insist that the three branches of the Federal Government shall forever be kept separate and independent, with their original duties and powers unimpaired; they will resist any curtailment of the personal rights and privileges guaranteed in the first 10 amendments; they will demand that no undue concentration of authority in Washington shall abridge the sovereign powers and dignities of the individual States; they will continue to realize that there can be no security in the future unless the Supreme Court be permitted, free and untrammeled, to discharge its protective functions; and they will be insistent that the United States of America, in its attitude toward every group of its citizenship and in all of its international relations, shall always keep the faith and be true to the highest standards and finest ideals of governmental conduct.

This was the philosophy of Lincoln. He strove mightily for the preservation of the Union as it had been originally conceived and developed. With his far-seeing vision, he realized that its success and prosperity were dependent upon the complete and sympathetic cooperation of every element of its population. Amid the bitter prejudices engendered by the Civil War he remained calm and dispassionate, even as a father might look with tenderness upon his erring children. Never did he arraign class against class; never did he countenance or disseminate any doctrine of hate; never did he, for personal or political advantage, appeal to certain groups of our people by insidiously maligning others. In his economy of life there was a useful and necessary place for all. It was ever his purpose to heal wounds, eliminate discords, and restore harmony. A great war President, he was nevertheless an outstanding apostle of peace.

Of Lincoln, Coolidge said, "He is the richest legacy of the greatest century." Woodrow Wilson feelingly described him as the "supreme American of our history." And President Taft wrote of "the influence of his Christlike character" as "spreading to the four quarters of the globe"; while the great English statesman, Lloyd George, made reference to him in the following language: "I doubt whether any statesman who ever lived sank so deeply into the hearts of the people of so many lands as did Abraham Lincoln."

May I, in conclusion, give you an insight as to Lincoln's great reverence for our Constitution, by quoting from his Springfield speech, wherein he said:

"Let every American, every lover of liberty, every well-wisher to his posterity swear by the blood of the Revolution never to violate, in the least particular, the laws of the country, and never to tolerate their violation by others. Let every man remember that to violate the law is to trample on the blood of his father and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in the schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice."

In the discharge of our duties as citizens during these vexatious days through which we are passing let us emulate, so far as is possible, his example and be animated by the ennobling spirit embodied in his immortal words:

"With malice toward none, with charity for all; with firmness in the right, as God gives us to see the right."

POWER OF FEDERAL COURTS TO DECLARE ACTS OF CONGRESS UNCONSTITUTIONAL—ADDRESS BY HON. JOHN H. HATCHER

Mr. AUSTIN. Mr. President, I ask unanimous consent to have printed in the RECORD an address on the subject the Power of Federal Courts to Declare Acts of Congress Unconstitutional, delivered before the Bar Association of the City of Charleston, W. Va., on January 25, 1936, by the Honorable John H. Hatcher, president of the Supreme Court of Appeals, State of West Virginia.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The rulings of the Supreme Court of the United States on the N. R. A. and the A. A. A. have been followed by blustering challenges of the authority of the Court to declare an act of Congress unconstitutional. This has occurred each time the Court has so ruled since 1803. The present challengers make the same time-worn charges as their predecessors, which are: (1) That because we derived our legal procedure from England, and the English courts claimed no power to review acts of Parliament, it was unprecedented for the Federal courts to review acts of Congress; (2) that this jurisdiction was "unknown" to the fathers of the American Constitution; (3) that this jurisdiction was "unintended" by the fathers; (4) that Chief Justice John Marshall originated the idea and "put it over" in the case of *Marbury* v. *Madison* in 1803; and (5) that "There is not a line in the Federal Constitution * * * to authorize the assumption of such power by the Courts; they have secured the power only by usurpation."

These charges ignore facts as well as logical sequence. Yet they were made in the last Congress without contradiction. They have been reiterated in occasional editorials without detailed refutation. Since the people ordinarily believe what they read, errors of fact on a subject so vital in our scheme of government should not go unexposed. Therefore, let us set these charges (as enumerated) against the historical background and the contemporary foreground of the Constitution.

First. It is quite true that English courts prior to 1787 (the date of the National Constitutional Convention) recognized the absolute supremacy of an act of Parliament. That recognition, however, was not due to a conception of legislative immunity from judicial review but to the fact that Parliament acted in a dual capacity—as both legislature and court. Parliament was a court (curia regis) before it ever assumed legislative powers; and it was and always had been from its inception the highest court of England. An act of Parliament was both supremely legislative and

supremely judicial.[1] Moreover, in the words of Viscount Bryce, one of England's greatest writers on constitutional law, "Parliament is not a body with delegated or limited authority. The whole fullness of popular power dwells in it. The whole nation is supposed to be present within its walls."[2] Magna Carta and the other bulwarks of English liberty restrain only the kingly power. Parliament itself is subject to no constitutional restraint. Parliament is "omnipotent" (Bryce). Congress has no judicial power (except in relation to its own Members and to impeachments), and even its legislative powers are enumerated and limited by the Constitution. Consequently there is no ground whatever for judges to rank an act of Congress as they would an act of Parliament.

The few jurists who have controverted the judicial right to review congressional legislation have based their arguments largely on the common law esteem of acts of Parliament. Each of those jurists overlooked the fundamental differences between Parliament and Congress; each overlooked the designation of Parliament in the Declaration of Independence as "a jurisdiction * * * unacknowledged by our laws"; each overlooked the patent fact that the common law is not a part of the supreme law of the land as defined by the Constitution; and each overlooked the historical fact that the American idea of judicial review is not an offshoot of the common law but is a development of colonial practice, as I shall now demonstrate.

Second. The colonial governments in America were the issue of specific grants from the King and were thus "connected to England through the Crown and not through Parliament or any other governmental division of the Kingdom" (Long, Genesis of the Constitution). Those grants authorized the establishment of a limited form of self-government, and were usually called charters, although the ones to New Hampshire, New Jersey, and North Carolina were styled constitutions. The comprehensive nature of those instruments is demonstrated by the fact that when the Colonies renounced the rule of England three States—Massachusetts, Connecticut, and Rhode Island—adopted their several charters as their State constitutions with no change except the substitution of allegiance to the State for that to the King.[3] The colonial charters were in fact all constitutions,[4] and were generalized in the Declaration of Independence as "our Constitution." The charters differed much in the specific power granted or denied; but they had this common provision, that local legislation should not be contrary to the laws of England.

That provision was adapted from the constitution of the island of Jersey. The chronicle quaintly recites that "Jersey, Guernsey, and their fellows (Channel Islands) are simply that part of the Norman Dutchy, which clave to its dukes when the rest fell way."[5] And because Jersey clave to the line of Duke William, the Norman, after he conquered England in the eleventh century, Jersey became an English Province. But it retained the right of self-government under a constitution of its own, subject only to the power of the English King, acting through his privy council or other representative, to disapprove its local laws. That same power was expressly asserted in some of the colonial charters, but whether mentioned or not it was one Jersey practice which was common to all colonies.[6] Pursuant to that practice the colonial laws were constantly tested by their charters and by the laws of England. The extent of that practice is shown by the fact that nearly 400 acts of colonial assemblies were annulled by the privy council (or a body acting under it) because they did not pass that test. A noted instance was in the case of *Winthrop* v. *Lechmere* (1727–28), where the privy council held a Connecticut provincial act of nearly 30 years' standing to be invalid as "contrary to the law of the realm" and "against the tenor of their charter." The invalidation of a colonial act was read at least once in every court, once in every church, and once at the military musters throughout the colony.[7]

Thus the colonists became familiar with that practice. The provincial laws, says Professor Dickerson in his careful work on American Colonial Government, were constantly submitted to "a kind of constitutional test", and in this way the colonists grew accustomed "to a limitation upon their local legislatures." He further says: "The parallel between British colonial practice and present-day United States practice is clear in the case of laws from chartered Colonies, as the charter was a written constitution. The local legislature was limited by the terms of the grant (charter); if a power had not been granted, it could not be exercised legally."[8] How thoroughly charter-minded the colonists became is illustrated by a decision of the judges of the hustings court of Northampton County, Va., shortly before the Revolution, holding that a certain act of Parliament was not binding on the inhabitants of Virginia "inasmuch as they conceived said act to be unconstitutional."[9]

Following the colonial period, some of the State legislatures, parliamentlike, attempted to assume absolute powers, but such assumptions met with general disapproval. The right of the courts to test legislation under the State constitutions was quickly asserted in 8 of the 13 new States.[10] One J. H. Ralston, of Washington, D. C., has published a survey of this period, which would show that prior to 1787 judicial review of State legislation had been sporadic and unpopular. His publication is now cited as authority by the critics of the Supreme Court. His remarks should be accepted with caution. For example, he not only miscalled a leading Virginia decision "dicta" but further misdescribed it as follows: "In 1782, in Virginia, in the case of *Commonwealth* v. *Caton*, two judges asserted the right of the court to resist the unconstitutional act of the legislature, and the third was doubtful."[11] The Virginia Court of Appeals, which decided that case, consisted of 11 judges instead of 3.

One judge was not doubtful of his right to pass on the constitutionality of the act in question, but was of opinion that it was unnecessary to do so. "The rest of the judges were of opinion", in the words of the decision itself, "that the court had power to declare any resolution or act of the legislature * * * to be unconstitutional and void", and they did declare the act "inoperative" because not passed in manner provided by the Virginia Constitution. The case is reported in 4 Call, 5. The sentiment of that period toward the legislative assumption of judicial powers is well reflected in a request by the Continental Congress, made in April 1787, to several State legislatures which had assumed the right to construe the recent treaty with England. The legislatures were requested to turn over all matters affecting the treaty "to its proper department, viz, the judicial." Several State judges who had taken part in the decisions on constitutional questions were members of the Federal constitutional convention. Much newspaper publicity was given the decisions, particularly in Philadelphia at the time the Convention was in session. Any question whatever as to the information of the convention on this subject is removed by the notes of Delegate James Madison. They show that within a few days after a quorum of delegates had assembled, Elbridge Gerry, of Massachusetts, said to the Convention: "In some States the judges had actually set aside laws as being against the Constitution." He further added: "This was done, too, with general approbation." So, instead of judicial power to determine the validity of legislation under a written constitution being an innovation in 1787, it had been exercised in America under colonial and State governments successively for a hundred years prior to the Convention.

Third. The opponents of the judicial review of legislation say that such review could not possibly have been intended by the founders, because the right was refused four times at the National Convention. The opponents refer to the rejection of a so-called council of revision. Here are the unvarnished facts: The Virginia delegates proposed to the Convention a council on which the judiciary should share with the Chief Executive the power to veto congressional legislation. Advocates of the council admitted frankly that in exercising the veto power, the judges would pass on the policy as well as the validity of laws. The same two arguments were advanced against the council each time it was presented to the Convention. One argument was that the policy of the law was a legislative and not a judicial matter. The other argument, as expressed by Delegate Luther Martin, was that "The constitutionality of laws * * * will come before the judges in their official character. In this character they have a negative on the laws."

Thus the facts demonstrate, first, that it was the veto power, as such, which was denied the judiciary, and second, that a major reason for the denial was the understanding of Martin and his associates (the majority) that the Constitution they were framing would confer on the judiciary the right to review congressional legislation. Of the 55 delegates who attended the Convention, only three—Bedford, Mercer, and Dickinson—clearly expressed themselves against judicial review, and they did not press their views. Their failure to do so is not specifically explained. It does appear, however, that after the Convention was assured "that the jurisdiction given (the Federal courts) was constructively limited to cases of a judiciary nature", the amendments which phrased the jurisdiction in its final form (Art. III of the Constitution) were passed "nem con", the classical slang of Madison for no one against. (Incidentally, it also appears that Dickinson later favored judicial review.)

Dean Trickett, of the Dickinson College law school, fancied himself brilliantly sarcastic when he referred to the Supreme Court as "pretending to have marconigrams from the defunct men of 1787 and 1788 concerning their meaning when they adopted this or that phrase of the Constitution." Instead of being sarcastic, the dean was simply amusing. There is no need of marconigrams from the men of 1787–88 on the meaning of article III. They left their construction in writing too plain to be misunderstood. Under the title "Genuine Information", Luther Martin reported to the legislature of his State (Maryland) in November 1787, the proceedings of the Convention and explained in detail the meaning of the several provisions of the Constitution. With reference to the power vested in the Federal courts by article III, he wrote: "These courts and these only will have a right to decide upon the laws of the United States and all questions arising upon

[1] Pope, 27 Harv. Law Rev. 45; Haines Am. Doctrine Jud. Supremacy 8, et seq.

[2] Bryce, American Commonwealth, 246.

[3] Bryce, 413 et seq.

[4] Fowler, 29 Am. Law Rev. 711, 717–718; Haines, 65.

[5] 6 Larned History, 4837.

[6] Russell, Am. Col. Leg. 221; Thayer, Leg. Ess. 199–200; 5 McMasters Hist. U. S. 394; Dicey, Const. 160; Fowler, 21 Am. Law. Rev. 399, 405, et seq.

[7] 2 Bruce Inst. Hist. Va. in 17th Century, 507.

[8] Am. Col. Gov. 234 et seq. Accord: Greene, Foundations of Am. Nationality, 203, 239; Haines, ch. III; Thayer 3; Andrews, Col. Background, 49, 50.

[9] 5 McMasters, 354–355.

[10] Meigs, 19 Am. Law Rev. 175, et seq.; Haines, ch. V; Fowler, 29 Am. Law. Rev. 711, 721–722.

[11] 54 Am. Law Rev. 1.

their construction * * *. Whether, therefore, any laws or regulations of the Congress, or any acts of its President or other officers, are contrary to, or not warranted by the Constitution, rests only with the judges * * * to determine." In publications (the Federalist) explaining the Constitution to the people of the State of New York, Alexander Hamilton, also a member of the National Convention, placed the same construction on article III as that of Martin.

In the debates before the several State conventions which ratified the Constitution, James Wilson, of Pennsylvania; Oliver Ellsworth, of Connecticut (later a Chief Justice of the Supreme Court of the United States); W. R. Davie, of North Carolina; and George Mason, of Virginia, all members of the National Convention; and delegates Samuel Adams in Massachusetts; and Patrick Henry, Edmund Pendleton, John Marshall, George Nicholas, and William Grayson, in Virginia, each construed article III like Martin. (That very construction was used by some as the basis for attacking the Constitution.) The reports of the proceedings in the other State conventions are fragmentary or incomplete; but there is no record of a single explicit dissent to that construction in any of the conventions. Newspapers published in 1788–89, in every State from North Carolina to Massachusetts, inclusive, whether friend or foe of the Constitution, uniformly construed article III to empower the Federal judiciary to pass on the constitutionality of congressional legislation.[12] The construction was even reflected in a London newspaper of that era in an article written by a New York correspondent.

A prominent eastern newspaper recently disparaged judicial review not only as usurpative but as "abhorent to our American system of government." No precedent for that aspersion can be found in the records of the early sessions of Congress. The First Congress met in 1789. That Congress is accredited with 90 Members, of whom 18 had been delegates to the National Convention and 31 had been delegates to the State conventions which had ratified the Constitution. Thus the Constitution makers dominated that Congress. The right of judicial review was not only treated by those Congressmen as a matter of course but was extolled by some. Elias Boudinot—the friend and counselor of Washington—saying that this right "was his boast and his confidence." I could find that right questioned by only one Member, James Madison, who, while doing so, inconsistently admitted that "in the ordinary course of government, the exposition of the laws and Constitution devolves upon the judiciary."

The Federal Judiciary Act passed by that Congress explicitly recognized the right of the Supreme Court on appeal from State courts to review acts of Congress. That recognition has continued unto this very day and may be found in the present Federal Code, title 28, section 344. Had those Congressmen who recently spoke so contemptuously of judicial review given thoughtful consideration to the Federal Judiciary Act they might have been freed, in the words of Burns, from many a blunder and foolish notion. The right of judicial review was repeatedly declared in succeeding sessions of Congress without any concerted opposition until 1802. Those early Congressmen were overwhelmingly in accord with the construction given to article III by the members of the National and the State conventions, respectively. After reviewing with great care the utterances of the Congressmen on this subject from 1789 to 1802, Warren in his book, Congress, the Constitution, and the Supreme Court, observes: "Hence it is an especially striking fact that Members of Congress, of both parties (Federalist and Anti-Federalist) should have been practically united in one sentiment at least, that under the Constitution it was the judiciary which was finally to determine the validity of an act of Congress."[13]

In 1802, for the first time in the history of Congress, John Breckenridge, of Kentucky, the Jeffersonian leader in the Senate, attempted the organization of a movement to establish the exclusive right of Congress "to interpret the Constitution in what regards the lawmaking power." Opponents of judicial review quote with much unction the rhetorical denunciation thereof by Senator Breckenridge, but they do not quote the replies to Breckenridge or say what happened to his attempt. Notwithstanding his prestige, he made small progress with his doctrine, being supported only by a few associates from Virginia, Kentucky, Georgia, and North Carolina, a hopeless minority. Breckenridge had taken before the Kentucky Legislature in 1798 the exact reverse of the position he advanced in Congress in 1802.[14] His sincerity has been further impugned by some writers.[15] The motives for his attack on judicial review, however, have nothing to do with the right of such review. That right must be determined from the Constitution itself, irradiated by contemporary thought. The speech of Breckenridge before the Senate presenting his position fails in that respect. He did not attempt to analyze the language of the Constitution, or to elucidate its meaning from the expressions of the Constitution makers, or from the sentiment of the Constitution-making period.

After some declamatory questions about the Constitution, he merely summarized what he called his "idea on the subject" without giving a substantial basis for that idea. None of his supporters were more convincing. Conceding proper motives, the personal ideas of the Breckenridge coterie on the science of government, unaccompanied by argument, is of little weight on what the Constitution was intended to mean, what it was contemporaneously construed to mean, and what its phrases fairly defined do mean. Many of the fathers of the Constitution were still alive in 1802. Some were Members of that Congress. It was close enough in point of time to 1787 for the Congressmen to be thoroughly familiar with the thoughts of the fathers on article III. Those thoughts are manifested in the summary manner Congress spurned the Breckenridge doctrine. It was referred to by Representative Henderson, of North Carolina, in these words: "That monstrous and unheard of doctrine which has been lately advanced"; and by Senator Ross, of Pennsylvania, in these: "By this horrid doctrine Congress erects itself into a complete tyranny." Democrats united with Federalists in repudiating the Breckenridge doctrine. The stalwart northern Democrat, Bacon, of Massachusetts, voiced the sentiments of most of his associates when he asserted on the floor of the House that it was not only the right of the Federal judges, but it was "their indispensable duty * * * to judge for themselves on the constitutionality of every statute on which they are called to act."

Immediately following the organization of the Federal Court by Congress in 1789, the Federal judges commenced to assert their right to review legislation. One of those early jurists was Associate Justice William Patterson, who had been a member of the National Convention. A more positive pronouncement of this right was never made than one by him in 1795 (in *Vanhorne* v. *Dorrance*, 2 Dal. 304, 309), as follows: "I take it to be a clear position that if a legislative act oppugns a constitutional principle, the former must give way and be rejected on the force of repugnance. I hold it to be a position equally clear and sound that in such case it will be the duty of the Court to adhere to the Constitution and to declare the act null and void." It will be remarked that this pronouncement was made 6 years before John Marshall's appointment to the Supreme Court, which did not occur until 1801. I am mindful that Associate Justice Chase approached that construction hesitantly in 1796 (*Hylton* v. *U. S.*, 3 Dal. 171, 175); but in 1800 (*U. S.* v. *Callender*, 25 Fed. Cas. 239, 253, 256–257), after he had "deliberately considered the subject" [his words], he asserted the doctrine of judicial review just as strongly as had Justice Patterson, refusing even to hear argument to the contrary by Attorney General Wirt, of Virginia.

It would seem that the uniform construction placed on article III by the delegates who phrased it, by the contemporary publications, by the State conventions which ratified the Constitution, by the early sessions of Congress, and by the early Federal judges would have established that construction beyond peradventure.

Fourth. However, in 1803, John Marshall, Chief Justice of the Supreme Court, wrote the opinion in the case of *Marbury* v. *Madison*, which was destined to become the controversial case on this subject. The facts in that case are of no consequence here; it became controversial, not because of its facts but because Thomas Jefferson took umbrage at what he termed an "obiter dissertation" in the opinion, pronouncing the right of the Court to review acts of Congress. The critics of the Supreme Court have placed such emphasis on Jefferson's opposition to judicial review that some comment thereon seems pertinent. He was fundamentally a States' rights man. The expansion of national power under the Federal Government had been particularly odious to him. He had attempted to check that expansion through the celebrated Virginia and Kentucky resolutions of 1798, wherein the respective legislatures of those two States protested to the other States that certain acts of Congress were infractions of the Constitution, and that the States had the inherent right to say so. North Carolina, South Carolina, and Georgia did not either formally approve or disapprove the resolutions.[16]

Delaware and Connecticut disapproved the resolutions in strong terms. Rhode Island, Massachusetts, New York, New Hampshire, Vermont, and Pennsylvania not only disapproved the resolutions but expressly stated that the authority to declare acts of Congress unconstitutional was vested exclusively by the Constitution in the Federal courts. The reply of Rhode Island to Virginia (in February 1799) illustrates the position taken by the six States last mentioned, to wit: "In the opinion of this legislature the second section of third article of the Constitution of the United States, in these words, to wit: 'The judicial power shall extend to all cases arising under the laws of the United States' vests in the Federal courts exclusively, and in the Supreme Court of the United States ultimately the authority of deciding on the constitutionality of any act or law of the Congress of the United States."[17] And, mind you—this was also done before John Marshall wrote Marbury against Madison. The attitude of the other States toward the Virginia and Kentucky resolutions was a keen disappointment to Jefferson.

Upon his election as President, shortly afterward, he then contemplated checking Federal expansion through the Federal court. To that end he planned to make his adherent, Spencer Roane, of Virginia, Chief Justice of the Supreme Court. Jefferson was frustrated in this through the last-minute appointment of Marshall to that office by the retiring President Adams. It is now accepted that two bitterer political enemies never lived within the bounds of the Old Dominion than Jefferson and Marshall.[18] "From the day of Marshall's appointment", says Haines, in the American Doctrine of Judicial Supremacy, "Jefferson planned for his removal and aimed to curb the powers of his Court."[19] Jef-

[12] Warren, 65–66; Ford Pamphlets on the Constitution; Ford, Essays on the Constitution.
[13] Warren, 99.
[14] Warren, 215.
[15] Warren, 219.
[16] Haines, 190–191.
[17] 4 Elliott's Debates on Fed. Const. 528 et seq.
[18] Dodd, Am. Hist. Rev., July issue, 1907.
[19] Haines, 241.

ferson's partisanship must have been at least a factor in his opposition to judicial review. For in his Notes on Virginia, written in 1781, he had strongly criticized the very theory of government later proposed by his lieutenant, Breckenridge, in Congress, saying that the assumption of judicial and executive powers by the Virginia Legislature was "precisely the definition of despotic government."[20] Furthermore, Jefferson was in France while the Constitutional Convention was in session and had no part whatever in phrasing article III. Now who should be preferred on the construction thereof, the fathers or Jefferson?

That same Mr. Ralston, heretofore referred to, says that Marshall in 1796, as counsel in *Ware* v. *Hylton*, advocated precisely the opposite view to that expressed in *Marbury* v. *Madison*. Again, I find that Mr. Ralston is in error. In *Ware* v. *Hylton*, Marshall was discussing a Virginia act under the Virginia Constitution (which has no provision similar to article III of the Federal Constitution), and he did not even mention the powers of the Federal courts under the Federal Constitution.

Five Associate Justices sat with Marshall in 1803. Three of his associates—Patterson, Chase, and Cushing—had prior thereto unequivocally declared in favor of the right of judicial review. A fourth associate—Bushrod Washington—had been a member of the Virginia convention which ratified the Constitution, and there had heard it unanimously construed to grant that right. The statement that Marshall coerced or even influenced the Court to concur in *Marbury* v. *Madison* is purely arbitrary. In that opinion he merely restated the sentiment previously declared not only by three of his Associate Justices and by six sovereign States but, in the words of Senator Beveridge, "by hundreds of men."[21]

The statements of what occurred in the Federal Convention and the State conventions are taken for the most part from Elliott's Debates on the Federal Convention and Farrand's Records of Federal Convention; and the statements of what occurred in Congress are taken from the Annals of Congress, first and seventh sessions.

The arguments in that opinion are simply repetitions of the arguments made in the congressional debates in 1802 (particularly those of Representatives Hemphill, Stanley, Dana, and Bacon). Instead of that opinion being the root, it was the flower of a growth rooted in America a century before. That opinion, however, caused the embers kindled by Breckenridge in 1802 to flare again. The animosity of the Jeffersonian group against Marshall led its extremists either to forget or to overlook the history and precedents supporting the right of judicial review, and (after a few years) to characterize the opinion in Marbury against Madison as an original and dangerous usurpation of power. And from that time to this, those who oppose the right of judicial review ordinarily ignore its genealogy and continue to signalize Marbury against Madison in the same manner as the Jeffersonian extremists. A recent CONGRESSIONAL RECORD quotes a Representative from West Virginia as stigmatizing Marbury against Madison as "the most brazen judicial announcement ever made." According to the RECORD, he attributed to justices of the peace the power, under that opinion, to nullify acts of Congress, and he then proceeded to "stand aghast" and "to shudder and wonder what the outcome will be." How unfortunate for this patriot to have suffered in that manner, when his tremors could have been averted by even a casual acquaintance with the facts.

Fifth. When the fathers strove so insistently to perfect a government different from the parliamentary government of England, and to achieve the absolute independence of the judiciary, it is inconceivable that the Constitution produced by their care and thought should intend for the Federal judiciary to be bound by the constitutional exposition of Congress—a nonjudicial department. One looks in vain in the Constitution for any reflection of such intention. Congress, being an artificial creation of the Constitution, can exercise only such powers as the Constitution confers. Article I, section 1, brings Congress into being with the fiat, "All legislative powers herein granted shall be vested in a Congress of the United States." Mark the language. All legislative powers are not vested in Congress, but only such powers as are therein granted. Thus, congressional legislative powers are special and limited. That limitation was not casual but deliberate.

The delegates to the National Convention had noted "a powerful tendency in the legislature to absorb all power into its vortex" (according to Madison); also its tendency to heed popular clamor and selfish interests (according to Morris), and all agreed that a check on Congress was necessary (according to Gorham). The specific powers granted Congress are named in section 8 of article I, and include the power "to make all laws which shall be necessary and proper for carrying into execution" the powers vested "by this Constitution in the Government of the United States." There is not even a hint that Congress can exercise any judicial power (except in relation to its own Members and to impeachments) such as confirming the legality of its own acts. Section 8 fixes the absolute boundary of congressional action in relation to laws. Judicial exposition of laws is beyond that boundary, and therefore beyond the range of Congress.

After conferring on Congress the right to determine its own membership, and on the Senate "the whole power to try all impeachments", the Constitution vests "the judicial power" of the United States in the Federal courts. That phrase—"the judicial power"—must mean all the remaining judicial power, especially since there is no further blending whatever of judicial and legislative powers and no further delegation of any judicial power. (This was expressly conceded by Madison in the House in 1789.) To make plain the extent of that investiture, the article further provides that the judicial power "shall extend to all cases in law and equity, arising under * * * the laws of the United States." What is judicial power? It is the power "to declare the law." What are the laws of the United States? They are the Constitution, the laws passed by Congress in pursuance of the Constitution, and all treaties made under the authority of the United States. (Constitution, art. VI.) (Thus the Constitution does have a line authorizing the Federal courts to declare the law in any case in law or equity arising under the acts of Congress. And what a comprehensive line it is!

Every case before those courts is either in law or in equity. A line conferring more absolute jurisdiction in cases which involve acts of Congress cannot be conceived, for the power to declare the law necessarily comprises the right of determining what is the law and of rejecting what is not the law. Article VI further makes those three classes of laws "the supreme law of the land." An act of Congress "made in pursuance" of the Constitution thereby becomes the lawful equal of the Constitution itself. But an act repugnant to the Constitution is not made in pursuance thereof—is not "proper for carrying into execution" the powers vested thereby in the Government of the United States (as prescribed in art. I, sec. 8)—and is not the legal offspring of constitutional government.

Such an act has no place in that trinity which constitutes the supreme law of the land. In a case where a court must declare whether the Constitution or an unconstitutional act is the law, it would be the duty of the court, under the general conception of judicial duty, to prefer the Constitution as paramount. The duty is made absolute by the judicial oath prescribed by the Constitution itself which binds the judges "to support this Constitution." Under that oath they cannot, Pilatelike, wash their hands when confronted with a patent violation of the very instrument they are sworn to support merely because another department of government has failed in that support. The oath to support has no exception. It permits no evasion. It requires exposition of every such violation whereon the court is required to declare the law. And since that duty is imposed on judges by the Constitution, by amendment alone, so long as the Constitution shall endure, can that duty be revoked.

[20] Jefferson, 174.

[21] 3 Life of Marshall, 118.

UNIFICATION OF RAILROAD TERMINAL FACILITIES—ADDRESS BY J. B. EASTMAN

Mr. WHEELER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Joseph B. Eastman, Federal Coordinator of Transportation, in regard to proposed orders requiring certain unifications of railroad-terminal facilities. The statement was issued under date of February 1, 1936.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Coordinator is proposing to issue orders requiring the unification of railroad terminal facilities at Worcester, Mass.; Mechanicville, N. Y.; Grand Rapids, Mich.; Jacksonville, Fla.; Montgomery, Ala.; Meridian, Miss.; Freeport, Ill.; Des Moines, Iowa; Council Bluffs, Iowa; Beaumont, Tex.; and Ogden, Utah.

One of the main purposes of the Emergency Railroad Transportation Act, 1933, is to eliminate waste in railroad operations, particularly the waste which is caused by failure of the railroads to cooperate with each other in joint service or joint use of facilities where good opportunity exists. The Coordinator is the Federal officer appointed to further this purpose. The act enjoins the railroads to accomplish the object through regional coordinating committees, but in default of voluntary action the Coordinator is authorized and directed to enforce action by order.

Since the appointment of the Coordinator extensive surveys have been made at his initiative and under the supervision of his staff, but with the cooperation of the railroads, of the opportunities for getting rid of unnecessary expense. They have also gone into the opportunities for increasing traffic and revenues by giving service and charging rates better suited to the new and changed conditions created by the rapid development of other forms of transportation.

It is perfectly plain that if the railroads are to secure maximum traffic and revenues and furnish maximum employment, in the interest of shippers, travelers, investors, and their own employees, they must be able to furnish at less expense much service which will be better than they now furnish and charge less for it. Hence, the need for reducing expense in every feasible way which will not impair, but, on the contrary, increase, their ability to furnish such service.

The need for better and cheaper passenger service is something that all can see. There is the same need for better and cheaper freight service. The shippers of coal, the shippers of grain, livestock, fruits and vegetables, milk, and other farm produce, and the shippers of many other commodities have plenty of reason to know that this is so. So have the railroads.

Along with this need stands the fact that the railroads are in serious financial straits. They have borrowed $683,000,000 from the Government. There are 93 railroads in bankruptcy or receivership, which own 65,272 miles of road, or, approximately, 26.77 percent of the mileage of the country. Rehabilitation and modernization will continue to be held back unless this situation can be improved.

Much ground has been covered by the Coordinator's surveys. The possibilities of improvement which they disclose have a wide

range. Some of the proposals would require widespread and radical changes. Others are simple. Every effort has been made to induce the railroads to move voluntarily in these matters and along lines of their own choosing. They cannot be blamed for taking time to study many of the projects. But the failure to act goes much beyond any such justification.

The plans for terminal unification are a good illustration. The staff of the Coordinator estimates that present terminal operations involve a yearly waste of more than $50,000,000, even with the present low level of traffic. The railroads question this estimate but concede that the waste is large. About 5,000 terminal situations have been surveyed. The waste has been brought to light. Little or nothing has been done about it. Some of the railroads have been willing to act, but others have held back. Collectively they have thus far failed to act.

While the Coordinator would much prefer voluntary railroad action, and has done everything possible to encourage such action, he is convinced that the time has come to use the authority which the act gives him, and directs him to exercise so far as may be necessary to accomplish the purpose sought. The railroad machinery for handling these matters is apparently on dead center.

As the first step in this exercise of authority he has selected a few very simple terminal-unification projects and plans which committees of railroad officers have themselves developed. None of these plans presents any great difficulty. No railroad need fear that its competitive situation will be impaired, and it is clear that the public will be given not worse but better service and without any loss of competition. The savings on these particular projects will be substantial. They will serve as a clear and simple test of the coordination policy of the emergency act and of the authority of the Government to enforce it.

After this first step, the Coordinator is prepared, if necessary, and so far as the time limits of his office permit, to proceed with other steps of increasing magnitude, working up gradually from small to larger projects, but always with a willingness to stand aside if the railroads are able to proceed on their own momentum. Fifty millions of waste can probably be avoided by terminal unifications, but these are only a part of the program. It is believed that the opportunities for savings and, even more important, for traffic gains from other improvements which can be made run into larger figures. The groundwork for these improvements has been laid and the time has come to get on with them.

Terminal unification is a means of eliminating waste which was specifically contemplated when the Emergency Act was passed. Section 4 definitely states that it is a purpose of the act "to encourage and promote or require action on the part of the carriers * * * which will avoid unnecessary duplication of services and facilities of whatsoever nature and permit the joint use of terminals and trackage incident thereto or requisite to such joint use." For the protection of railroad labor in connection with such projects, provisions which the labor representatives drafted were inserted in section 7 of the act, and particularly in paragraph (b) of that section.

For reasons which have been indicated in a study just released, prepared by his section of Labor Relations and entitled "Employment Attribution in the Railroad Industry", the Coordinator regards these provisions as unsatisfactory, in certain respects, not only from the standpoint of the railroads but from that of the employees as well. At the last session of Congress, he recommended a bill which he felt would produce better results for all concerned. This bill, however, received support from neither the management nor the men, and the Emergency Act was extended for a year without change.

Such orders as are now contemplated will, of course, be subject to the protection which section 7 and other provisions of the act give to the employees or to any different protection upon which the parties may be able to agree. Because of this fact, the full economies will not at once be realized. They can, however, be realized gradually, and if railroad traffic continues to grow, full realization may come at a comparatively early date.

It should be remembered that this statute, directed at the elimination of waste in railroad operations, was passed by Congress in 1933 at the very bottom of the depression, when it was inevitable that loss of work would follow from coordination projects. Now the tide of traffic is rising, and new work may be added to take the place of some or all of the work lost. And in any event section 7 (b) protects all who were employed in May 1933.

Before orders can be issued, certain procedural steps are necessary under the law. The regional coordinating committees have had plenty of opportunity to act, but all technical doubt on this point must be removed. The regional labor committees must be given reasonable opportunity to present their views to the Coordinator. The State authorities must also be notified. In addition, the Coordinator, in accordance with a promise which he has made in public statements, will give similar advance notice, not required by law, to the commercial interests of the communities affected. These procedural steps are being taken. Unless unforeseen reasons for nonaction are presented, the orders will thereafter issue.

While the Coordinator, in proceeding as above outlined, is doing only what is his duty under the definite mandate of the Emergency Railroad Transportation Act, 1933, he is thoroughly persuaded that such action is in the public interest. From now on, the hope for thriving and growing railroads lies in the keen enterprise which can produce more convenient, more frequent, more expeditious, more flexible, more attractive, and more economical passenger and freight service at lower rates and charges. The program of the coordinator is designed to stimulate such enterprise and enable it to function under more favorable conditions. The ultimate aim is not to reduce employment but to increase and stabilize it, in the meantime protecting employees against any undue hardships. Obstruction of the program will in the end not help, but harm, railroad labor. The plan is not to consolidate the railroads into huge units or stifle competition, but to enable the competing companies to cooperate to mutual advantage where their interests are common and where they are now working at cross purposes and duplicating their efforts without reason. It proposes to make the movement and circulation of commodities and people as easy and cheap as possible, and thus add to transportation business and revenues. It does not seek to injure any form of transportation, but to get the most that can be got out of railroading. No other means of transportation will be deprived of equal opportunities to give the best and cheapest service possible. There is no intent to produce dividends or interest on inflated securities, but it is the aim to produce earnings sufficient to sustain the financial credit which is essential to progress.

The program proposes to give these opportunities to private enterprise. It does not undertake to promote or advance public ownership. The latter is inevitable only if private enterprise proves unable to do what the public interest requires.

THE CONSTITUTION—ADDRESS BY W. J. CAMERON

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD a radio address on The Constitution, delivered by W. J. Cameron, February 2, 1936, in Detroit, Mich.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

When lately we beheld a people great and strong mingling their sorrow and their hope around a throne, some of us were asked, "Where is our center? What holds our state intact?" For we also have a center that stands unmoved while statesmen come and go, where is enthroned the majesty of our Nation. That center is the Constitution.

The peculiar glory of the Constitution of the United States is that it is not a charter of rights granted by Government to a people but a limit of powers to which a vigilant people restricts its Government. It is not a Government edict which the people must obey but a people's law which Government must obey. "We, the people of the United States"—these seven potent words were and remain, all subsequent world upheavals notwithstanding, the most revolutionary words on record.

It is often asserted nowadays that this generation knows more than did the Constitution makers. So we do—but not about government. We could have known more, perhaps, had we been interested, but within this framework of freedom erected by the fathers we have used our minds in other matters—we have been busy building the country. Their special wisdom in the field of government left us free to do that. They made the blueprint, laid the foundations, reared the scaffolding, and started the building; and we have by no means yet filled in that framework of destiny and freedom.

Our fathers knew better than we that the specific temptation of government at all times—any government—even an American government—is to seize more power than is allotted to it or misuse the power it has. They foresaw the always possible rise of dazzling personal leadership; they foresaw the displacement of law by temporary emotion, the tendency to unwise action under stress; and to prevent these evils they erected certain barriers. The land was stripped of any power superior to the people, who spoke through the Constitution. The Presidency was made subordinate to the Constitution. So was the Congress. So were the courts. These three powers of government, with officers oath-bound to the Constitution, are established in complete independence one of another, on the supposition that never would all three of them combine against the people or the law that gave them being. Thus far that foresight has been justified. Every thrust made against the Constitution has been made to get more authority over the people and to leave the people with less authority over their own affairs; but in every such attempt one of these checks, and oftener two, have operated to prevent the seizure of power.

A recent criticism declares that the Constitution is static, that it leaves no room for natural development. On one side the Constitution is wide open toward the sky for all possible growth. Never once has it operated to hinder progress. Not one of the recent new experiments in this country was prevented by the Constitution. However fantastic they may have been they were freely put in motion and tried. Months and years they had, with all the powers of the Government behind them, with all the resources of the Treasury at their disposal, to justify themselves, to root themselves in the service and confidence of the people. The Constitution did not put forth a hand against them, yet unfit proposals one by one proved themselves incapable of seeding down in American soil. When finally the Constitution was invoked they were already dead. The Supreme Court did not kill them; it only pronounced a coroner's verdict on the corpse.

Our history is strewn with warnings that what is contrary to the Constitution is also very likely to be contrary to progress. Why is this? We often speak of legislation as being constitutional or unconstitutional; but what constitutes the constitutionality of the Constitution? Before what supreme bar must it be justified? The secret of the Constitution's innate rightness is in its profound harmony with natural law, with moral principle, with the public conscience, and with the political wisdom won through

the age-long travail of our people. These are its bases. Hence nothing is constitutional or unconstitutional merely because of certain words written on a parchment, but because of its agreement or nonagreement with natural law and the moral government of life which that parchment has somehow magnificently understood. This is the secret of the Constitution's innate authority. That is why our fathers could build a highway that bears our weight as we advance, and that is why many new experiments lead us so consistently into bogs.

We talk about defending the Constitution, but neither those who use it as a class or party weapon nor those who would disrupt it because it thwarts their will can have any part in this. If it ever comes that the Constitution needs defense the plain people, all of whose interests are bound up in it, will attend to that. There it stands—simply by being there it defends and warns. Defend the Constitution? It is defending us from fallacies that the experience of 3,000 years condemns; from dictatorship which is abhorrent to every American concept; from the totalitarian state that regiments men's bodies and denatures their minds and forces their consciences—from these and like evils now so widespread on the earth this Constitution is daily defending us. It stands between us and the great blasphemy that man is a creature of the state. Here is our throne, here is our crown, here is the scepter of our people—the Constitution.

PLATFORM AND PERFORMANCE—EDITORIAL FROM TAMPA (FLA.) TRIBUNE

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Tampa (Fla.) Morning Tribune of February 8, 1936, entitled "Platform and Performance."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Tampa (Fla.) Morning Tribune of Feb. 8, 1936]

PLATFORM AND PERFORMANCE

Tuesday morning we printed a letter from a reader who complained that we were not fair in our criticism of Al Smith's Liberty League speech; that, although condemning Smith's attitude, his change of front, and his new alliances and associations, we did not answer Smith's charge that the Roosevelt administration has failed to carry out any of the pledges of the 1932 Democratic platform. "That the President hasn't followed the promises of better government pointed to in that platform is known to everyone who reads, and regretted by millions of Democrats everywhere", writes our reader.

In answer to that challenge, we were preparing a statement of the particulars in which the Roosevelt administration has carried out the pledges of the 1932 platform, when we find them so clearly presented by the Atlanta Journal that we gladly use them instead of our own.

The Journal gives, as pledges performed by the administration, the following planks directly quoted from the platform:

"We advocate the extension of Federal credit to the States to provide unemployment relief wherever the diminishing resources of the States make it impossible for them to provide for the needy.

"We advocate the spread of employment by a substantial reduction in the hours, the encouragement of the shorter week by applying the principal in Government service.

"We advocate planning of public works.

"We advocate unemployment and old-age insurance under State laws.

"We favor the restoration of agriculture, the Nation's basic industry; better financing of farm mortgages through recognized farm bank agencies at low rates of interest on an amortization plan, giving preference to credits for the redemption of farms and homes sold under foreclosure.

"Extension and development of the farm cooperative movement and effective control of crop surpluses so that our farmers may have the full benefit of the domestic market.

"The conservation, development, and use of the Nation's water power in the public interest.

"We advocate the protection of the investing public by requiring to be filed with the Government and carried in advertisements of all offerings of foreign and domestic stocks and bonds true information as to the bonuses, commissions, principal invested, and interests of the sellers.

"Regulation to the full extent of Federal power of: (a) Holding companies which sell securities in interstate commerce; (b) rates of utility companies operating across State lines; (c) exchange in securities and commodities.

"We advocate quicker methods of realizing on assets for the relief of depositors of suspended banks and a more rigid supervision of national banks for the protection of depositors and the prevention of the use of their moneys in speculation to the detriment of local credits.

"We advocate the repeal of the eighteenth amendment.

"We advocate continuous responsibility of government for human welfare, especially for the protection of children."

These are the salient pledges of the platform upon which President Roosevelt was elected. Not even the most prejudiced critic of the administration can deny that these promises have been faithfully kept. Mr. Smith, with manifest unfairness, gave the administration credit for only one of these performances—repeal. He ignored all the pledges which have been carried out, and dwelt on two which have not and could not be adhered to—reduction of expenditures and balancing the Budget.

Performance of these pledges was prevented by the immediate emergency which faced the President and the country when he went into office—an emergency which had to be met by unprecedented measures, which the makers of the platform did not contemplate and could not foresee. And, let it be remembered, the most insistent demands that these pledges be abandoned in order that their skins might be saved came from those interests which are now loudest in criticism of the administration because it did not and could not fully live up to them.

PROTECTION OF PURCHASERS OF COMMODITIES

Mr. ASHURST. Mr. President, I ask the attention of the Senate whilst I make a statement. It has never been my policy to complain of newspaper articles. I do not now complain, so far as I am personally concerned, and I would not now refer to the articles except that they do an injustice to the members of the Senate Committee on the Judiciary, of which committee I happen to be the chairman, and of which I am very proud.

There have been published articles in various newspapers complaining of and alleging haste concerning a certain bill introduced by the Senator from Arkansas [Mr. ROBINSON], to wit, the bill (S. 3154) making it unlawful for any person engaged in commerce to discriminate in price or terms of sale between purchasers of commodities of like grade and quality, to prohibit the payment of brokerage or commission under certain conditions, to suppress pseudo-advertising allowances, to provide a presumptive measure of damages in certain cases and to protect the independent merchant, the public whom he serves, and the manufacturer from whom he buys, from exploitation by unfair competitors.

It is the bill to close up certain gaps in the Federal Trade Commission law enacted more than 20 years ago.

Among the articles published is one in the Washington Star. I am making no particular complaint against that newspaper, because it is an excellent journal, and is usually correct. It goes on to say:

The snappiest piece of legislative speeding exhibited in Congress lately was performed on the pending Robinson-Patman business-regulation bill. It was a complete answer to everyone who has been complaining about congressional red tape.

Few Senators had even heard of the bill, except by hearsay, until they half awoke a few days ago and found it proposing something vaguely reminiscent of N. R. A., and ready for passage. No one knew exactly how it got up front like that. Probably no one will ever find out for sure, but enough can be discovered to indicate the progress that has been made lately in lawmaking.

Congress is developing a technique for streamlining bills in conformity to the rest of the streamlined world.

ONE LIKE IT LAST YEAR

A bill generally like this one was proposed last May by Democratic floor leader ROBINSON and Representative PATMAN jointly.

Mr. President, if there were in the article implications against myself only, I should not take the time to reply, because Senators know my philosophy of life, namely, if we make an explanation as to what somebody says about us, the next day we will be explaining that explanation. It would be a near approach to cowardice, however, if I were to permit such implications to pass unnoticed when they reflect upon the Senate Judiciary Committee.

What are the facts? Instead of "streamlining" the bill through, instead of trying to rush and hurry the bill through, I am able to say that not since I have been chairman of that committee has more assiduous attention been given to proposed legislation than was given to this bill.

On June 20, 1935, the Senator from Arkansas [Mr. ROBINSON] introduced Senate bill 3154. On July 2 of that year, that bill, as is customary with all important bills, was referred by the chairman of the Senate Committee on the Judiciary to a subcommittee for examination. The subcommittee was composed of Messrs. LOGAN, as chairman, HATCH, and NORRIS. If there be in the Senate three men, as we know there are, who are noted for their industriousness, their desire to give to all a fair hearing, these three Senators come conspicuously to our attention.

Early in August last the Judiciary Committee had some discussion of the bill, but it was unanimously determined by the committee to be advisable not to attempt to bring the bill forward during that session. The Congress adjourned. The subcommittee, when the Congress met in January 1936, resumed its consideration of the bill.

The House of Representatives, in the meanwhile, upon a similar bill, held hearings, which hearings consisted of 269 printed pages. A copy of the printed hearings was laid before every member of the Senate Committee on the Judiciary. The clerk of the committee, Mr. Dix Price, a very efficient gentleman, who now sits on my left, informs me that he personally delivered a copy of such hearings to every member of the Senate Judiciary Committee, including, of course, the members of the subcommittee. Whereupon the subcommittee on January 20 last reported the bill to the main committee with certain amendments and asked for a vote. A quorum of the main committee was present—not a paper quorum but an actual personal quorum of members of the Judiciary Committee.

I recall that I then said:

Owing to the importance of the bill, let us not vote this morning. Let us vote this day fortnight.

I remember there was gentle raillery about my use of the word "fortnight." And the vote was postponed until February 3.

The vote was called for by the Committee on the Judiciary on February 3, 2 weeks after the date first mentioned, viz, January 20. On February 3 there was not a paper quorum present, but there was an actual physical quorum of members of the committee. After discussion, one of the members of the committee said:

Mr. Chairman, I desire a roll call on this bill so that my constituents may know where I stand.

As chairman, I replied:

Sir, that is not a privilege. That is a right you have. Of course, the roll will be called.

Whereupon the roll was called and every member of the committee who was present, with a copy of the printed hearings before him, proceeded to a vote on the bill.

It is true, as is quite usual—I shall not mention names unless requested to do so—that two members of the committee did say, in effect, "The fact I am voting now to report the bill does not preclude me from offering amendments or changing my mind." I replied, "We must change our minds on legislation every day." The vote was unanimous, being 13 yeas and no nays.

Mr. KING. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Utah?

Mr. ASHURST. Certainly.

Mr. KING. I apologize for interrupting my good friend. The Senator will do me the justice to state that I did not object to the bill being reported, but stated that by such vote I did not mean I was in favor of the bill. I reserved the right to oppose the bill when it came before the Senate.

Mr. ASHURST. The Senator is correct.

Mr. President, I respectfully ask Senators to consider the record. Do they know of any other matter of legislation that was more carefully considered, examined with more prudence and circumspection, than was this bill?

I am now advised that the House committee held subsequent hearings on the same legislation, if I may be permitted to speak of proceedings of the other branch of Congress. It has now been complained that we did not hold hearings and spend probably a thousand dollars to print what had already been printed and was available to every person who wished a copy.

There is another statement in the article in the Star and in other newspapers to which I wish to refer. It is said:

This legislation is something vaguely reminiscent of the N. R. A.

So far as I am personally concerned, nothing vaguely or even in any shadowy form approaching the N. R. A. will secure my vote. I did not vote for the N. R. A. I believed it was unconstitutional when it was passed and I think so now. So far from being vaguely reminiscent of the N. R. A., it is the opposite. I call upon the distinguished chairman of the subcommittee, the Senator from Kentucky [Mr. LOGAN], who has been a judge in his own State, and upon whose sagacity and opinions I am accustomed to rely, to give his views.

The VICE PRESIDENT. The Chair is advised that the time of the Senator on the amendment has expired.

Mr. ASHURST. I thank the Chair. If I have any time on the bill, I will take 3 or 4 minutes more.

The VICE PRESIDENT. The Senator has 15 minutes on the bill.

Mr. ASHURST. I repeat, I believe for the third time, that if the articles printed in various newspapers related to me personally I would not answer. The way to answer criticism, in my judgment, is to let your actions answer. I lay before the Senate the action of the committee and shall let that be the answer.

If my friend the able Senator from Kentucky [Mr. LOGAN] will indulge me, I shall again call upon him as to what occurred, as he was chairman of the subcommittee. In view of the widespread propaganda—I dislike to use that word and shall therefore say in view of the widespread character of telegrams coming from various sources, all bearing closely the same language, even to the split infinitive, which would indicate that the same person had written the telegrams—I ask the Senator from Kentucky whether or not this piece of proposed legislation has been "railroaded" or "streamlined" through the committee.

Mr. LOGAN. Mr. President, in answer to the Senator from Arizona, I will say that the subcommittee had the bill under consideration for nearly 7 months, and we gave it very careful consideration.

The article referred to by the distinguished Senator from Arizona makes one statement which, I believe, might reasonably give offense to the Judiciary Committee; but I attribute the statement to a lack of information. I cannot believe that the writer would deliberately state that which he knew to be false; so he has been imposed upon by lobbyists. There is the most powerful lobby here opposing this bill that I have seen since I have been a Member of the Senate.

The writer states that the bill was not considered by the committee, and that when the Judiciary Committee met there were only two or three members present, and the bill was "railroaded" through, and the clerk was directed to call up the other members of the committee, and he did so, and they voted by telephone; and he suggests that the Senate could go home and cast its votes by telephone.

There is not one word of truth in that statement. Thirteen members of the Judiciary Committee were present. Every Senator who voted there, as I recall, was present and actually participated in the discussion. There are Members here who know that. The Members who were present that morning know that they were present, and they know that the published statement is untrue. I for one am growing rather weary of paid lobbyists inducing newspapers or others to make statements which are absolutely false about the proceedings that go on in Congress.

I do not care anything about what the writer of the article says about me. I can usually take care of myself; but he has no right to mislead the public. I see telegrams coming in here from all over the United States about this bill containing statements that are absolutely false and untrue. It is the most desperate attempt I have ever seen to defeat a bill, and I express the sincere hope that as soon as it may be done, the Senator from Arkansas [Mr. ROBINSON], who is the sponsor of the bill, will have it called up, and I believe the Senate will dispose of it in a very short time, because the bill has been carefully considered. It is only an effort to strengthen the Clayton Antitrust Act. The Clayton Antitrust Act undertook to do years ago what we are now trying to do; but the same persons who are circulating this false information found ways to evade the law. Now we are trying to stop the holes so that they may no longer evade the Clayton antitrust law, and that is all there is in the bill. No hearings are necessary although there have been very extensive hearings.

AGRICULTURAL RELIEF

The Senate resumed consideration of the bill (S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation.

Mr. NORBECK. Mr. President, we have another farm bill pending, the soil-conservation bill. For 15 years I have been a Member of the Senate. All that time I have been

a member of the Committee on Agriculture and Forestry. Mr. President, we have been told about the break-down in agriculture, the woe of the farmers, the diminishing business of the merchant, the shrinkage in values, the failure of small banks, the spread of disaster to larger cities, where after a few years it became serious. The farmer continued to buy long after his purchasing power had been curtailed, because he had some reserve. He used it up in a few years and only then did the cities find out that a profitable agriculture was important to them. Slowly, but surely, it has been soaking in. Now it is admitted there can be no general national prosperity unless the earning power of every group is somewhere near average. The farm group is a large group. The well-being of the Nation is generally admitted now to be much influenced by their purchasing power—their ability to buy.

The McNary-Haugen bill was the first specific plan. It was proposed to give the farmer an American price for that part of his product which was consumed in the U. S. A., and a world price only on that part which had to be sold abroad, the so-called surplus.

The pledge of the Republican Party in 1928 was to restore the equality to agriculture. This was the only bill brought out for that purpose. It passed both Houses but was vetoed by the President, who was elected upon that platform, two major reasons for the veto being given—one that it would give the farmers undue advantage; second, that it would add to the farmer's cost of living and, therefore, give him a disadvantage and that the very things he had to consume at home would be higher priced if market conditions were better—and technically speaking at least, he was eating high-priced potatoes and high-priced bread, even though he produced both on his farm.

Later came the so-called Marketing Act—the Hoover plan. I thought it was worse than nothing, so I voted against it. I was one of three Republicans who did. All Congress was stampeded at that time and the Democrats generally voted for the Hoover plan also. It failed utterly in operation and brought on the worst condition agriculture had known in my life, and it cost the taxpayers about $500,000,000. It was the only farm-relief plan that secured a rather solid Republican vote. The Senators from industrial States generally voted for it. One Senator said he did it because there was nothing in the bill except a chance for the Government to lose some money; what he meant was, of course, that there was nothing in it for the farmer—it would not interfere with the industrial viewpoint. He was quite right in his size-up.

Then we had the Agricultural Adjustment Act, about which much criticism was made, but it did help a great deal in giving the farmer some earnings. I never thought it was the best plan, but I voted for it because I thought it was better than nothing. I had voted against the Hoover plan because I thought it was worse than nothing. The experience in both cases shows I guessed right.

But, Mr. President, it should be clear to us, by this time that our trouble is deep-seated and we are dealing with it only superficially. This is one more superficial bill; it is one more makeshift, but for those of us from the farm States there is nothing to do but vote for it, because we have an emergency and this may bring temporary relief.

WHY FARM RELIEF?

Naturally, the question has been asked: Why any farm relief at all? Are farmers less competent than other people? Do they have to be pensioned or paid a bonus? Mr. President, it is not that. They work longer hours than others. They live cheaper than others. They are more saving than others, and still they are losing their homes and being scattered. Why? The word "relief" is not the proper one. It is not relief the farmer is seeking; it is an equal chance to earn a living. He is only seeking that chance which has been taken away from him.

I think there is nothing wrong with agriculture except interference with economic law for the benefit of others. We have tipped up the balance and given an undue advantage to others. The conditions we have are the result of unsound policies pursued.

I think Alexander Hamilton was quite right when he said, in effect, "Let us have a 10-percent tariff upon manufactured goods so that we shall not forever have to import them. We have a lot of people here who can produce some of them. Let us give a little encouragement to infant industries, and get them started; but let us not do it at the expense of the farmer. If we raise the price of industrial products, let us raise it equally for agricultural products, and then there will be no handicap to agriculture. The purchasing power of the farmer will not be destroyed. The United States will have a 10-percent price level higher than the European price level." Is there anything wrong with that? I cannot see anything wrong with it; and yet for a whole century we have protected industry, and have refused to apply the debenture to the farm question.

More than a hundred years of that has gone on. The manufacturer was not satisfied very long with 10 percent. He said, "If 10 percent is good, why not have 20? If 20 percent is good, why not have 40? If 40 percent is good, why not have 80? If 80 percent is good, why not have the tariff so high that foreigners cannot bring anything here at all, and have an embargo?"

Senators remember the great eloquence of our hopeful leader from Indiana, Mr. Watson, speaking here on the last tariff bill. He honestly believed it would bring the millennium, peace and good will on earth, and eternal happiness. Little did he imagine that it would be the measure of his statesmanship, and would result in leaving him home when the time for reelection came around.

TARIFF

The average effective duty on manufactured goods seems to be about 40 percent. It is insisted this must be the rate to meet competition from cheap labor abroad and to give the American businessman a chance for good profits.

In other words, if a unit costs 60 cents in Europe, he would charge a dollar for it here, under a 40-percent tariff. The wheat farmer says, "May I not have the same thing?" "No, no; the 40 percent works the other way with you." "How come?" "Why, you have to pay the transportation charges to get your product over to the European market. You have to pay insurance; you have to pay commissions; and whatever the European market affords you then is your price." The farmer says, "Oh, yes; on the export of part of it; but will you not give me an American price for the rest?" "Oh, no; the world price will have to do for you. We must have the American price for our industrial products; but the country should have the European price for agricultural products less the cost of reaching the European market."

So the farmer could not get any benefit from the tariff; and, on top of that, along came the demand of labor for better wages. They were organized. Many of them were underpaid. They wanted a better wage; they got it. We have higher commodity prices as a result. The increased freight rate is costing the people of my State $10,000,000 annually. It comes out of agriculture; but that is only part of it.

BUSINESS RACKETEERING

What we call business racketeering came, too—the desire for greater profits. When the Standard Oil Co. was organized, Mr. Rockefeller said, "Let us charge a cent or two a gallon extra. That will not hurt anybody. We can do it if we can get away from this competition. We do not want competition. Let us have a monopoly. That will not hurt anybody, because we shall use the money for better purposes than those fellows themselves would use it. We shall have medical centers; we shall have educational centers; we shall have art centers; we shall have a beautiful and lovely America." But what happened? The next businessman said, "I do not like competition, either. I, too, want to charge more for my product; but I shall keep the money. I shall boost the price of my goods, but I am not going to do as John D. does. I am going to keep it." So we had thousands of them starting to racketeer in business, with the result that today we have about 400 commodities on which there is no competition; and that is the market in which the farmer must buy.

We have talked a great deal about the law of supply and demand. That is the only farm-relief law the farmer ever needed, but that law was repealed. He does sell in competition with everything—the cheap labor of the world, the cheap lands of South America, the more productive lands of Canada, and his way to the market is a long one. He buys in a controlled market; he buys from monopolists and trusts who are advancing their prices on every pretext. They always take their pound of flesh; but, Mr. President, where one pound of fish used to satisfy them it now takes several pounds. The greed has grown. The desire for better profits and bigger dividends is the chief desire of the American businessman; if he has the power to get it, he will take it; and he wants more next time. I am not now referring to the small businessman, who is at the mercy of the same things the farmers are; he is driven out of business. The big fellows say, "We can do it better"; they also say, "Beware of socialism, because it destroys human initiative." They also say, "Take our medicine, which also destroys human initiative, but gives us a profit."

Mr. President, at this point I should like to insert in the RECORD a table taken from the publications of the Department of Agriculture showing the relative purchasing power of farm products in the so-called parity period and in 1931.

The VICE PRESIDENT. Without objection, it is so ordered.

The table is as follows:

Amounts of specified farm products required to buy different items of farm equipment and machinery in 1910–14 and in June 1931

Items of farm equipment and machinery	Wheat (bushels)		Corn (bushels)		Hogs (hundredweight)		Beef cattle (hundredweight)		Cotton (pounds)		Butter (pounds)	
	1910–14	June 1931	1910–14	June 1931	1910–14	June 1931	1910–14	June 1931	1910–14	June 1931	1910–14	June 1931
Harrow, pig tooth	13	62	18	60	1.6	5.7	2.3	6.1	95	418	46	132
Hoe	.5	1.9	¾	1.8	.1	.2	.1	.2	4	13	2	4
Manure spreader	122	314	168	303	14.9	28.6	20.7	31.0	871	2,116	424	668
Mower	56	155	77	150	6.8	14.1	9.4	15.3	397	1,045	193	330
Plow, 2-horse walking	15	42	20	41	1.8	3.9	2.5	42	104	286	51	90
Cream separator	73	179	101	173	9.0	16.3	12.4	17.7	523	1,206	254	381
Wagon	91	246	125	237	11.1	22.4	15.3	24.3	646	1,656	314	523

Mr. NORBECK. This table shows that a harrow that cost 13 bushels of wheat in 1914 cost 62 bushels of wheat in 1931. A mower that cost 56 bushels of wheat in the pre-war period cost 155 bushels of wheat in 1931. A wagon that cost 91 bushels of wheat in the pre-war period has gone up to 246 bushels of wheat, and so on. I have the comparative figures for other farm products as well.

On the subject of supply and demand, I have something which I think is very illuminating. This also comes from official sources and shows how the law of supply and demand works. Theoretically, when there is a drop in supply, the price goes up. If there is a drop in demand, it will go down. I have here a brief table which I desire to insert in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The table is as follows:

	Percent drop in prices	Percent drop in production
Agricultural implements	6	80
Motor vehicles	16	80
Cement	18	65
Iron and steel	20	83
Auto tires	33	70
Textile products	45	30
Food products	49	14
Leather	50	20
Petroleum	56	20
Agricultural commodities	63	6

Mr. NORBECK. It shows that the law of supply and demand is not permitted to interfere with the prices of agricultural implements, motor vehicles, iron, steel, auto tires, and so forth, but on food products and agricultural products it tells the opposite story. The petroleum people are not quite able to control the market because there was such a flood of new oil, but Congress helped them out with several provisions at the expense of the public.

The table shows that when the production of agricultural implements dropped 80 percent, the price went down 6 percent; but when the production of agricultural commodities went down 6 percent, the price went down 63 percent. You may call that supply and demand, but that is due to a controlled market, of course. That is all it is.

The VICE PRESIDENT. The Senator's time has expired on the amendment. He has 15 minutes on the bill.

Mr. NORBECK. I will now take my time on the bill.

So we have had different plans proposed to overcome the depression, but there is plenty of reason behind the opinion shared by some Senators that you can boost farm products all you like, but you cannot get very far, anyway.

Mr. President, the bill before us aims to give the farmers better earnings. I think it will be helpful, though there is much about it I do not like. How long it would be helpful I do not know; not very long, I suspect. The farmer must be given the privilege of raising his prices step by step, just as others do, or he cannot stand the pressure.

Then along came the people who were pleading for cooperative marketing to help farmers for the establishment of cooperatives. Leading citizens went to Europe and there made a study of cooperatives. It was found this was somewhat applicable to the marketing of dairy products, fruit, and truck, but did not mean much in the marketing of staples, such as grains and meats. The Committee on Agriculture and Forestry went into that question quite carefully, and we found that one of the most successful cooperatives was a livestock selling association. They handled millions of dollars' worth of livestock, and they had saved 30 cents per head to the producer. A $50 steer did bring $50.30 a year. That was the measure of relief under that plan; it was helpful in a very small way.

The Hoover plan, of course, was based on the theory that we should give Government money to a board in order to speculate in the market, and thereby keep the price level up. It proved to be a fallacy.

We have businessmen today who say, "Let us have normal times and we will take everything you can raise and give you a good price", but, Mr. President, they have not studied the question or they would not talk so glibly. We have too many acres for the number of people. Our population is comparatively small; our area covers a continent; and never has America been able to consume the products of the American farm, neither of food nor of textiles. The cotton farmer and the wheat farmer are well aware of this, but until the production costs got too high, he could sell in a foreign market. He has done it successfully, but conditions gradually grew impossible, and finally the European market fell off in its demand, and, again, embargoes were placed against our products because of our high tariff against them, which was in many instances an embargo tariff. There seems to be no real limit to the demands of the human being, and we have economists who say that expansion is possible; that our people can consume everything we can produce. But, Mr. President, I think we have to make the distinction between food and some of the other material. The human stomach does not change materially in size; it has a limited requirement even in good times. We may desire several suits of clothing; we may desire more furniture; and desire better homes—we can use them. We want automobiles—one, two, or three, if we can pay for them—but there is a limit to the food we want.

It was a common argument that as American labor had better employment in factories, they were better customers for American goods, and there was some truth in that—but only some. Our surplus was sold abroad. The foreign de-

mand determined the price on that. The prosperity of the foreign factory worker fixed it. It became the price on which domestic commodity prices were often based, so we often found that it was the welfare of the European factory hand that fixed the price of our farm products, even if we exported only a small percentage.

Conservation of our soil is conservation of our natural resources; it is a national necessity. Just how effectively it can be brought about under this plan I do not know, but it is a momentous undertaking; it is new. We have no experience in this line and we cannot expect the best results to start with. I am afraid the taxpayers are going to get tired of these huge sums for farm adjustments, and I believe the farmers can be put on a fair basis of earning without taking so much money out of the Treasury, but the first and all-important thing is to give the farmer a fair earning.

BENEFIT PAYMENTS

He does not want a bonus or a dole, but he has to take it now to buy some coal and other supplies for the winter. He needs money for spring operations. He is so near the end of his rope that he begins to depend on these small adjustment checks, of which the Government still owes South Dakota farmers about $9,000,000. It is a little more than $100 to each farmer; it is not large but it helps. Congress is willing to provide for payment; the President favors same. We do not yet know what the Court will let us do; they said there were no contracts.

What the farmer wants is a chance to earn something. He wants a wage; not a big one, but a small wage. I, for one, believe it would be cheaper to buy the surplus land in the country than to be always paying for the surplus crop. To plow every third row of cotton may have been a necessary thing at the beginning of the program, but why be required to plow it up every year, or why pay rental on the land when it is cheaper to buy it?

The money spent under the Hoover plan, together with the money to be spent under this plan, would buy about half the land needed to bring our production within our market demand; but more about that later. It is not the only plan by any means, but it is one plan and it may be the ultimate plan, but I will agree it is not a substitute for the pending measure, nor for any measure that means quick action to meet this emergency. I am thinking of it as a long-time solution with the least possible red tape, the least possible regimentation, the least possible disturbance of natural conditions, and the least possible expense.

There has been much criticism of the killing of the little pigs. We hear about it every day in the Capital. It is wrong to kill little pigs; they should grow up to feed the hungry. The sentiment has an appeal to right-minded people. I hope we can get away from the destruction of food when we have people who go hungry, but it is an old, old game in American business. It is strange, if not amusing.

Some 16 years ago I attended a meeting of cooperative associations of milk producers and learned that in many cities the distributor insisted on the farmer delivering all the milk that could be produced, even if he could not sell it. It must not be sold to others, so the distributor paid the farmer a very small price for it, poured part of it in the sewer, and charged the consumer a high price. But that was in the interest of the businessman; he made a profit and he was considered a good businessman. However, if it is done in the interest of the farmer, who is the poorest paid laborer in the United States of America, then it becomes a crime.

In my city a young merchant was selling groceries and fruit. He found the fruit spoiling and he cut the price and sold it. Poor people, who could not afford to buy fruit at the usual price came in and bought it at half price. This was better for the merchant than to have suffered the entire loss, but the representative of the wholesale house came around and notified the merchant they would sell him no more fruit because he was cutting prices. He was further told he could not cut prices but he could destroy the fruit. This is an old business trick that we have tolerated a long time in America. It has been looked upon as gentlemanly when it is done in the interest of the profiteer. Not so any longer. We still hear about the killing of the little pigs; and the killing of the little pigs!

FARMER'S WAGE

As to the earnings of the farmer, let me put into the RECORD at this time something bearing on the parity price. A number of years ago I wrote the Census Bureau in an effort to discover what the earnings of the farmers were in the pre-war period, the age to which we want to return. I ask to have the reply from the Census Bureau printed in the RECORD at this point.

The VICE PRESIDENT. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. PETER NORBECK,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Replying to your letter of July 27, the Bureau of the Census does not compile statistics of individual incomes.

The only general statistics of income which are published by the Government are those issued by the Commissioner of Internal Revenue, based on reports concerning personal-income tax, and these, of course, relate only to incomes large enough to be subject to the tax.

Concerning the farmers' income, in 1916 there was prepared and issued by the Office of Farm Management, Department of Agriculture, a bulletin (no. 746) on the Farmers' Income by Dr. E. A. Goldenweiser. This bulletin showed that the wages of the average farmer are about $600, composed of about $200 in cash and about $400 supplied by the farm. This is the best thing I know of on that subject.

Regretting that I am unable to refer to any more recent or complete statistics, I am,

Very truly yours,

JOSEPH A. HILL,
Assistant to the Director.

Mr. NORBECK. Mr. President, this shows that the farmer's earning power, after he pays his expenses, is $200 a year on an average all over the United States, but that he gets $400 additional through the advantage of living on the farm. These figures are for the golden age, to which the pending bill is trying to take us back, and it is always referred to as the parity price period.

Parity price is the income of the pre-war period—1909 to 1914. It is assumed that if those golden days of $600 a years could come back, that the farm problem would be solved. There is some doubt that the solution is so simple, for they say the farmer has taken on some extravagances since that time; and he has. I remember well the time he used to take his sandwich with him to town, eat his lunch at the town pump. It would keep him from spending a dime or a quarter, and it was these small economies that made it possible for the farmer to progress. The saving of a wage of 30 cents a day over a period of 30 years made the average South Dakota farmer quite well-to-do.

In order to do it, he had to deny himself the luxuries and many of the comforts. He did not go to the theater, and seldom went to the circus because it cost money. He did not take a daily paper; he had no telephone; he had no curtains on his windows or carpets on his floor, but he had food, clothing, and shelter. Now he is more extravagant; he wants a telephone, a daily paper, a radio, and he feels the need of an automobile to go to town. The highways are no longer a safe place for his horses. He goes to town and sees the clerks in the grocery store who wait on him driving cars. He does not feel it is extravagant for him to do likewise, but his income is not sufficient for this and he finds himself unable to send his children to anything but a grade school. He would like very much to send his children to high school, at least some of them, but the income of the farm will not permit it; no, not on the parity price—so he keeps slipping and hoping that the country will recognize the justice of his cause and give him a square deal now or in the future.

NOT MODERN HOMES

Ninety percent of the farmers do not have running water in their houses; they do not have bathrooms; they do not have the conveniences that the poorhouse has, nor the privileges of the relief worker. But they go plodding on trying to have faith in their fellow men and their Government, in

the Constitution, in the courts; they expect little but are certainly disappointed in not getting that.

Little do the people of our cities and towns appreciate the hardships of the farm, but it is good they do not all put a premium on luxury. Our city population has now reached the point where it is dwindling. The average family does not raise two children; if it were not for the children growing up on the farm and going into the cities, then we would have a steadily dwindling population in our cities. The condition is getting worse and worse from year to year. Are we simply facing national disaster? Will our population be much less or will our colored people fill the gap by their greater increase?

I send to the desk an amendment, which I ask to be read, and I wish to make a brief explanation of the amendment.

The VICE PRESIDENT. Let the Chair say to the Senator from South Dakota that there is now an amendment pending before the Senate.

Mr. NORBECK. I will speak on the pending amendment then.

The VICE PRESIDENT. The Chair thinks it is his duty to call the Senator's attention to the fact that he has already spoken on the Clark amendment 10 minutes and 15 minutes on the bill. The Senator has 2½ minutes left.

SUPREME COURT

Mr. NORBECK. I desire to speak on the Supreme Court in the 2½ minutes I have left. At this point I ask to have section 8, the welfare clause of the Constitution, printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The welfare clause of the Constitution is as follows:

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Mr. NORBECK. The Constitution says that Congress may provide for the general welfare. The Court says the Congress can do it by appropriating money, but the Congress cannot do it by saying how it can be spent. I can find no such provision in the Constitution. My main objection is that there is so much in the decision in the A. A. A. case which is not in the Constitution. That, however, is not so strange. I am not critical of the Court, Mr. President. I think the Court has served a splendid purpose in our Government. But 50 or 100 or more years after the Constitution was written, attempts are made to interpret what the fathers meant by the provisions of the Constitution as applied to transportation, as applied to agricultural problems, and so forth. Then looms up the States' rights theory, and what not, which adds to the confusion and uncertainty as to what the law of the land really is.

William Howard Taft was often rated as the great jurist of our age. He afterwards became Chief Justice of the Supreme Court, but while he was President he vetoed a measure passed by Congress on the ground of its unconstitutionality. His veto message to Congress was a legal brief supporting his view, but both Houses of Congress overrode the veto, so the bill became a law without his approval. It was afterwards tested in the Supreme Court and found to be constitutional. I am informed there was no dissenting opinion. I have reference to the Webb-Kenyon Act. But I think it just goes to show that the Constitution is silent on so many subjects that great difference in opinion results.

What is the Constitution? I am informed that Chief Justice Hughes says "the Constitution is what the Court says it is." Maybe he is right. This would mean that the Constitution means what the Court thinks it should mean or rather what some of the Justices think it should mean—a majority of the Justices.

Of course, the Court is within its rights when they declare an unconstitutional law to be unconstitutional. The Constitution has two purposes: First, it is an instrument in the hands of a majority for maintaining the Government; second, it carries guaranties to the minority of religious freedom, right to worship, freedom of press, and so forth.

Such rights as these are protected without a division of the Court. If it is a clear case of violation, then there will be a unanimous opinion, but it is an entirely different matter for men on the bench to be writing their own economics and political philosophy into decisions and thereby making it a part of the Constitution and doing it by a bare majority. The majority rule is a rule adopted by the Court, not by the Congress, not by the Constitution. It is a practice, but it is a question of a practice. Nowhere would a jury be permitted to render a verdict of guilty on a majority vote. Some States permit finding by three-fourths jury in civil cases. Congress provides that governmental boards in the most important cases cannot decide by a bare majority. Even the constitutional provision for amending the Constitution requires two-thirds vote in Congress and three-fourths of the States ratifying; the majority rule does not prevail.

CHAOS

What I have said about the Court decision is that the Court should not declare an act unconstitutional unless they are quite well agreed among themselves. The record of our Government from its foundation shows this would be a safe rule.

I have much respect for our Justices, not because they wear the robe, but because, as a rule, they are men of great intellect and good purpose. A mediocre lawyer makes a mediocre judge. A mediocre citizen does not make a good judge. The same will apply to judges as to Senators. Nothing additional is conferred by the Creator when the officeholder goes into his new position; his talents and limitations are the same. As Governor, I appointed a number of judges, and as a Member of the Senate I have voted on confirmation. We have freely discussed in this Chamber the views of different nominees and have not been ignorant of their attitude toward certain public questions. Justice Brandeis was opposed for confirmation by conservatives because he was known to be a liberal. Justice Butler was opposed by many Members of the Senate here because they feared he was corporation-minded and not liberal at all; and Justice Cardozo was appointed by President Hoover when he was looking for a liberal, and Cardozo was the outstanding liberal. These men have not been disappointing to their sponsors nor their critics, for they have followed the course that was anticipated.

OTHER COUNTRIES

I presume that if we had no Supreme Court at all, we would get along all right. England does; Canada does; Australia and New Zealand the same. In no other English-speaking country are the courts empowered to nullify laws except in ours. In these other countries they cannot even do it with unanimous vote; in fact, very few civilized countries on the whole globe permit any such interference with a lawmaking body as is done here; in fact, we are beginning to have two lawmaking bodies in our National Capital, the Court and Congress, if "the Constitution is what the Court says it is." Even in conservative old England they are quite democratic. They do not permit their sovereign to veto their laws. They do not permit the court to nullify their laws, although at times they have bad laws. The next election takes care of those matters—their appeal goes to the voters, not to nine Justices appointed for life and responsible to nobody. But American people are sometimes quite impatient. We hate to wait until the next election. It may be a good thing to have a bad law made void, but the penalty that attaches to hasty action by the Court may be even worse than hasty action by Congress, because it is harder to repeal.

ABSURD

Our loyalty is in question now if we agree with the three learned Justices of the Court who were not in the majority, one appointed by President Wilson, one by President Coolidge, one by President Hoover. They are men of high integrity and learning. Are we disloyal to the Constitution because

we think their logic better, because we may agree with the opinion expressed by Justice Stone that the Court decision on the A. A. A. may lead to absurd consequences. Who in criticizing the Court has used any stronger word than that—"absurd" is about as strong a word as can be found. Our Court is much divided on this question, and so are the American people.

Mr. President, I do not think that the three Justices are trying to destroy the Constitution; I think maybe they are trying to save it from a repetition of what once happened, when this high Court passed on a very controversial question—that of slavery, and the Court said it could not be abolished—they thought the only remedy was a constitutional amendment. They knew the slave States would prevent the matter, so they thought they would just settle that by building the dam higher. But it broke. That decision of the Supreme Court was reversed by Executive order—the President freeing the slaves. If this was not revolutionary, I do not know what was. But the American people took so kindly to the author and his acts that the Lincoln Memorial stands as a testimony of veneration.

We have gradually begun to think that the century-old question of State rights was being solved by the law of necessity. The brilliant and plausible arguments of Mr. Calhoun have proven unsound. Webster was more nearly right; but I think President Lincoln had the most correct view of the matter when he said, in substance, that the division of authority between the States and the Federal Government should be along the following lines: Let the States do that which they could do best; let the Federal Government do the things which it could do best. This thought is much at variance with some recent opinions of the Court, especially wherein they have said that the A. A. A. interferes with the constitutional authority of the States to regulate and control agricultural production, just as though the States could do that; just as though the States wanted to do that; just as though the fathers of the Constitution had such a thought in mind.

A layman like myself is absolutely unable to harmonize this opinion with the decision of the same Court in its North Dakota cases, in which it nullified the North Dakota grain-grading law on the ground that the State had exceeded its rights, and another case where it reduced the assessment of the Great Northern Railroad in North Dakota $10,000,000. They did not find the railroad taxation to be unreasonable—there was no proof to that effect, but it was maintained that it exceeded present market value, same as other property in North Dakota does at the present unfortunate period. But the advantage given the railroads becomes a positive burden on other property. Talk about State rights.

CONSTITUTION

Maybe Justice Holmes was right; no one cherished the Constitution more, but he was frank in his expressions. He said:

It is an experiment, like all things human.

The American people cherish it and they want to hold onto it. They have only gone against the Supreme Court once; they had to do it that time. But the Civil War was an expensive affair, the basic controversy of which was the abolition of slavery.

Strange indeed, but just about the time the American people began to recognize there is an agricultural problem, it happens to be the unfortunate moment when the Court throws everything overboard telling us to start again, but does not tell us how to start. It only gives us a hint that the States might do it and we know the States are not able to. But, Mr. President, I want to devote myself to the agricultural problem.

20 PERCENT OR 7 PERCENT

The farmer, notwithstanding his embarrassing situation, still holds about 20 percent of the Nation's wealth as property, and he constitutes something over 20 percent of the population, variously estimated, from 20 to 25 percent, depending on whether the village farmer or the rubber-tired farmer is to be counted, but call it 20 percent, to be conservative. How can we justify 20 percent of the Nation's getting only 7 percent of the earnings? We cannot justify it—we will not try. We have ignored it for a long time, but it looks as though we have to face it.

The farmer has had much advice; sometimes it comes from those who think they are high and mighty and well able to give it. Someone from a casual study decided he ought to raise something else. A superficial examination of statistics shows we are buying a lot of wool, so the businessman says, "Why not produce more wool?" Only to discover that wool is not a product but a byproduct, and we do not know what to do with the mutton.

Another person discovered that we have been importing a lot of hides, so why not raise a lot of hides; and that argument prevails until someone finds out that a hide is not a product but the covering of an animal, and the rest of the product cannot be marketed. Someone says our imports have increased, and they get it through the newspapers and over the radio; that is music to our ears until we get the cold facts; and this statement also dwindles when we find that our big importation is corn, and that only amounts to 1½ percent of what we produce in this land.

RAISE SOMETHING ELSE

A few years ago the Northwest bankers decided we should milk more cows, and they brought it about. The country was overstocked; butter was overproduced. The market broke; dry weather came; there was a shortage of feed and the Government bought the extra cows and slaughtered them. The farmer, if left alone, would not have made all these mistakes.

Recently we had a big chemical group meeting in Detroit who undertook to solve the farm problem in an afternoon session and made specific recommendations about shifts in production. Some of these proposed changes will come naturally in course of time to a limited extent as industrial demand develops for agricultural products, but the recommendations are without much value. At the head of the list is the recommendation to produce more flax. I come from a flax country. We have been trying for 50 years to increase our flax production to supply the American market, but have not been able to do it profitably. Flax has even been less profitable than wheat. Some vegetable alcohol should be marketed with gasoline for motor fuel. That will come but maybe cannot be hurried much. Oil petroleum is cheap, and powerful interests dominate the industry; at least, we cannot hope for revolutionary changes to materially help the farmer. Even Congress has shown that as between the oil industry and the agricultural industry they are not very brave.

HEARINGS

The Agricultural Committee held some hearings on this bill and it is my opinion that the best thinkers on the agricultural question got scant consideration. Among them was O. L. Brownlee, representing the League for Economic Equality, whose statement before the committee was in part as follows:

Senator NORBECK. Mr. Chairman, I wish W. R. Ronald, of South Dakota, could be here. He has been so helpful in previous years on farm legislation, but he was unable to come; but his son, W. B. Ronald, came down with a statement, making some suggestions as to the possible way out of this situation, and I ask that it be printed in the record.

The CHAIRMAN. Without objection, it is so ordered.

(The statement referred to follows:)

"This is a summary of a plan to provide a successor to the A. A. A., which is presented to the Wallace farm conference by M. B. Ronald, representing the South Dakota State planning board, and W. R. Ronald, its chairman.

"The plan is a modification of the South Dakota board's recent proposal for a permanent farm program, submitted by W. R. Ronald, a coauthor of the A. A. A.. The modifications are designed to bring it within the constitutional limits laid down in the recent Supreme Court ruling. It involves use of the President's soil-conservation program, Secretary Wallace's ever normal granary plan, and continuation of the crop-stabilization program through a newly created Federal conservation and loan corporation. The plan has also been laid before the White House, Secretary Wallace, Chester Davis, A. A. A. Administrator, and Assistant Secretary of Agriculture, M. L. Wilson.

"The preamble states that 'Whereas reckless cultivation of the farm lands of the United States is threatening the loss of the

fertility of many thousands of acres of farm land w[illegible] consequent danger of a shortage of food products in the United States, in the comparatively near future, this act takes steps to avert that calamity and at the same time prevent suffering by producers of farm products and the consumers of food products within the United States.'

"Section 1 creates a Soil Conservation Corporation of the United States, with provisions for making it become a farmer-owned corporation. The loan of $1,000,000,000 by the Federal Government to the corporation is authorized. The loan is to be on a 20-year amortization basis. Its purpose will be to provide the corporation with a revolving fund to be used in carrying on its land-conservation program.

"Section 2 provides for organization of the United States Farmers Cooperative. The purpose of the cooperative shall be to work with the Soil Conservation Corporation in carrying on its program, and carry out marketing agreements of the members governing commodities produced on farms which are not classed as basic commodities. It shall also be within the powers of the cooperative to make use of the equalization fee principle to make temporary disposal of the surplus of basic commodities at any time the carry-over shall exceed normal consumption by 10 percent or more. When the carry-over has been reduced to the normal consumption of the United States, the equalization fee shall cease to be used on basic commodities.

"Organization of the cooperative will be by the farmers. They will elect township, county, State, and National officers, and a board of directors. The national officers and the board shall be empowered to represent the cooperative in all negotiations with the Soil Conservation Corporation of the United States.

"Powers and duties of the Soil Conservation Corporation are outlined in a third section, as follows:

" 'In recognition of agreements made by members of the Farmers Cooperative, the Soil Conservation Corporation shall be empowered to make loans on all basic nonperishable farm commodities amounting to the parity price with industry whenever the parity price drops below market by a specified percentage. Parity is hereby defined as equaling the average ratio between farm and industrial prices during the years 1910 to 1914, inclusive. But in recognition of changing production costs, the Department of Agriculture shall be empowered to make a survey of such costs at any time it is deemed necessary and shall make such corrections in the definition of parity prices as the survey shall indicate are necessary in order to assure farmers the cost of production plus a reasonable profit.

" 'The Corporation shall make these loans only to members of the cooperative who can prove they have carried out the Corporation's land-conservation program, by utilizing the required proportions of their lands for the purpose of producing grasses, legumes, and other soil-restoring crops, as the Corporation shall decree.

" 'For the purpose of protecting the interests of farm producers and consumers of food products, this act limits the power of the Corporation to carry on its land-conservation program as follows:

" 'At any time that the carry-over of a basic nonperishable commodity shall exceed the normal consuming power of the United States by 10 percent, or more, the Corporation shall be empowered to decree the use of a like percentage of the acreage that year for land-conservation purposes.

" 'If at any time the carry-over shall fall below the normal consuming power of the United States for any basic commodity, the Corporation shall decree that land in a like percentage of the amount devoted to producing that commodity shall be withdrawn from soil-conservation crops and shall be added to the acreage devoted to the production of said basic commodity.

" 'Determination of the amount of soil to go into producing of the basic commodities and the amount to be used for soil-conservation crops shall be made by the Corporation once each year.

" 'The Soil Conservation Corporation shall require that each member of the farmers' cooperative who obtains a loan when market prices drop below parity on any basic commodity by 5 percent or more, besides furnishing proof he has complied with the Corporation land-conservation program shall also agree to seal the grain on which the loan is advanced on his farm to be used as security for the Corporation in making the loan.

" 'When the price of the basic commodity on which a loan program has been started shall exceed parity by 5 percent, the Corporation shall call the loans.

" 'The Corporation shall require that each member of the farmers' cooperative who secures a loan shall use 5 percent of the amount of the loan for the purchase of stock in the Soil Conservation Corporation until such a time as the loan by the Federal Government to establish the revolving fund shall be repaid. At that time the Corporation shall pass into the control of the farmers' cooperative. But its powers and duties shall continue as enumerated while it is still under Federal control.

" 'The corporation shall use money paid by cooperative members for capital stock to retire the loan from the Federal Government. Interest shall be charged on the loans made to farmers on basic commodities at the rate of 4 percent. This interest money shall be used to finance the borrowing of the billion-dollar revolving fund and to defray expenses of administration.

" 'All profits of the corporation shall be paid to the holders of its stock both before and after the Corporation passes from Federal to farmer control.

" 'It is expressly stated that at any time the price of a basic commodity shall drop 5 percent or more below parity the Corporation must make loans to all members of the farmer cooperative who have complied with the soil-conservation program on the terms heretofore laid down.

" 'Basic commodities shall include cotton, wheat, corn, oats, barley, rye.

" 'Loans shall be made as heretofore specified only on those commodities defined as basic.

" 'As a large portion of the corn is marketed in the form of hogs, the corporation shall have power to order curtailment in the production of hogs at any time the supply shall increase above the preceding 10-year average by 5 percent or more. If the supply falls below the 10-year average, the corporations shall decree an increase in hog production by a percentage equaling the percentage of shortage.

" 'In carrying out its affairs the corporation shall always conduct its policies so that the interests of farmers and consumers shall be protected. It must take full advantage of all opportunities to conserve the soil of the Nation when surpluses in any basic commodity carry-over shall make it possible to withdraw a portion of the soil used in its production and devote that soil to soil-conservation purposes.

" 'But the corporation must not make use of its soil-conservation powers to create a shortage in any basic commodity and thus raise the price above parity with industry.' "

STATEMENT OF O. L. BROWNLEE, REPRESENTING THE LEAGUE FOR ECONOMIC EQUALITY, AND THE PROGRESSIVE FARMERS UNION, SIOUX CITY, IOWA

Mr. BROWNLEE. Senator BANKHEAD and gentlemen of the committee, my name is O. L. Brownlee, appearing for the League for Economic Equality and the Progressive Farmers Union, Sioux City, Iowa.

Senator SHIPSTEAD. How many farmers are there in the Progressive Farmers Union?

Mr. BROWNLEE. About 30,000, I should say, Senator.

Senator SHIPSTEAD. You mean the members?

Mr. BROWNLEE. Members.

Senator SHIPSTEAD. Do you represent the same Farmers Union that these gentlemen represented who spoke this morning?

Mr. BROWNLEE. Not the same organization, no. This is known as the Progressive Farmers Union.

In order to avoid glittering generalities and conserve the time of the committee, I have reduced what I have to say to a few simple written statements. The suggestions contained herein are not offered as a complete plan but as a basis for study, looking to the development of the program which can be quickly enacted and easily administered.

This outline provides for five basic principles which must be incorporated in any program.

First, the constitutionality of the act; second, an ever-normal granary; third, price stabilization; fourth, conservation of the soil; fifth, control of production.

Senator NORRIS. What was the second one? I didn't quite hear it, Mr. Brownlee.

Mr. BROWNLEE. An ever-normal granary, an adequate reserve supply of foodstuffs.

Briefly, we suggest that the following provisions be incorporated in a bill or bills:

1. Give the Secretary of Agriculture authority to designate the basic crops.

2. Provide for the production and financing of an adequate carry-over of food crops to provide an ever-normal and adequate reserve supply of basic foodstuffs.

3. Make provision for a governmental agency to lend money on basic crops in the following amounts and under the conditions specified:

(a) Up to 75 percent of the parity price as established by the Secretary of Agriculture from year to year, using the 1909–14 average as the index figure for computing the crop to be marketed.

(b) Up to 50 percent of the parity price on the normal granary reserve.

Senator NORRIS. What does that mean now?

Mr. BROWNLEE. Whatever surplus we might have, Senator, after allowing for the normal domestic consumption. In other words, an insurance against drought conditions like we had in 1934.

Senator NORRIS. I thought you had that properly stated in one of your preceding statements.

Mr. BROWNLEE. I think I did. This refers to the loaning on that reserve.

Senator NORRIS. You were going to loan 75 percent of the fair value.

Mr. BROWNLEE. That was on the immediately marketable portion up to 50 percent on the carry-over, so as to give that farmer some early cash return, that he would not have to finance that entire operation over the year.

4. The Government would guarantee such loans under the following conditions:

(a) Producers would be required as a condition of the loan privilege to cooperate in a soil-fertility and conservation program by limiting their acreage of basic crops to a ratio figure established by the Secretary of Agriculture from year to year, using the 1936 ratio figure as defined in the A. A. A. contracts for 1935 as a basis of investment.

(b) The producer would agree to repay on his loan such amounts on the basic crops that may constitute a normal granary until such time as his loan contract would be liquidated.

Finally, the Government would cease to guarantee such loans on the products marketed or held as a normal reserve whenever the price rose to, for the sake of convenience, I will say, 15 percent above parity.

I think he had a well-thought-out plan that could have been gotten into quick action, maybe not necessarily permanent, not too quick. Very few things are permanent but I do think effective.

Another plan comes from no less a personality than W. R. Ronald, of Mitchell, S. Dak., co-author of the law recently declared unconstitutional by a divided Court. Mr. Ronald has recognized the need of getting agricultural equality without such a big burden on the taxpayer. Ronald thinks it could be done through cooperative interstate organizations of farmers who might control the production if given some encouragement from Congress and be in line with recent expressions in high court. Mr. Ronald suggested the better use of the loan feature which was so successful in our Corn Belt. He believes the proper course extends through cooperative organizations with such crop control as they impose on their members would be sufficient to bring about agricultural equality, providing the Government will furnish the funds. He believes it can be handled without any substantial loss of Government funds. In other words, it should be self-sustaining.

Mr. President, I ask that the statement of Mr. Ronald be made part of the RECORD.

The VICE PRESIDENT. It is so ordered.

Mr. NORBECK. I think the hope of Northwest agriculture rests with men like Mr. Ronald and Mr. Brownlee. Mr. Ronald is president of the South Dakota State Planning Board, which has endorsed his new plan.

Mr. President, some time ago I introduced an amendment to carry the Ronald plan into effect, and I ask that at this point it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The amendment is as follows:

Amendment intended to be proposed by Mr. NORBECK to the bill S. 3780) to make further provision for the conservation and proper utilization of the soil resources of the Nation, viz: At the end of the bill insert the following new section:

"SEC. —. (a) After January 1, 1938, the Secretary is authorized to make loans on basic farm products, corn, oats, barley, wheat, rye, and cotton to national cooperative marketing associations handling such products in interstate commerce: *Provided*, That the Secretary of Agriculture shall find from a survey and/or other information that the acreage of the ensuing crop of any product upon which loans are requested shall be such as to remove any existing surplus or prevent the creation of any surplus, at normal yields, above a normal carry-over of 25 percent: *Provided further*, That these loans shall be made at not to exceed current market prices of the products: *Provided further*, That the associations shall have title or assignments of the product upon which the loans shall be made: *Provided further*, That the loans shall run for not to exceed 1 year or until the current market price reaches parity, as defined in subsection C: *And provided further*, That such loans shall be made out of a revolving fund created by appropriation by Congress and at an interest rate of not more than 1 percent above the current rates on United States Government bonds.

"(b) Commodities upon which such loans are made shall be stored in such places as the Secretary shall prescribe. The amount of any such loan shall be equal to the parity price of the commodity upon which such loan is made. No such loan shall be made unless the market price of such commodity is below the parity price. When the market price of such commodity reaches the parity price the loan shall be called.

"(c) As used in this section, the term 'parity price' means that price level that will give such commodity a purchasing power as to articles that farmers buy, equivalent to the purchasing power of such commodity in the period of August 1909 to July 1914.

"(d) There is hereby authorized to be appropriated the sum of $1,000,000,000, which shall constitute a revolving fund to be administered by the Secretary to carry out the provisions of this section. Payments of principal or interest upon any such loan shall be covered into the revolving fund."

Mr. NORBECK. I do not offer it as a substitute for the pending bill, but just as an amendment to same, providing that after January 1, 1938, this provision is to take effect.

Of course, there is no chance at this time to get this or any other measure seriously considered, for an emergency exists. The administration has a plan and the Democrats have the votes. The Republicans have neither a substantial plan nor the votes. We can only vote for or against the so-called soil-conservation bill.

But I do not want to close my remarks without again calling attention to the fact that the agricultural problem is never solved until it is solved right. In the long run, I think there is only one solution and that is Government control of the surplus land. Two and one-half billion dollars invested in these lands would be saved in 5 years in the operation of these various farm laws. The Government would own the land and could then hold it out of production temporarily or permanently. In the meantime it could use much of it for reforestation, recreational areas, and wildlife conservation. It would have to buy average land but need not buy large tracts in any one community. They need not be improved farms, there need be no shifting in population in buying, preference to be given to individual landowners, but it would stabilize all land values. It would make good the farm loans which Uncle Sam is carrying now, which run into hundreds of millions. I ask, Mr. President, that the explanation made by Mr. Harold Oldham, formerly of South Dakota, but now of Iowa, be inserted in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

A SIMPLE PERMANENT PLAN FOR AGRICULTURE

By Harold Oldham

This plan for agriculture is offered in the belief that the matter of an agricultural policy is not a political problem. That primarily it is an economic and social question of national scope and concern and that only by lifting it out of the political arena and treating it as such will a sound, equitable, and lasting solution be found for it.

For the purpose of illustrating this plan let us assume the following statements to be substantially correct:

1. That there are approximately 360,000,000 acres of cultivated farm land in the United States. That the surplus in agricultural commodities over and above that portion required for domestic needs is produced upon about 45,000,000 acres of that area. In other words, our farm plant is overexpanded 45,000,000 acres.

2. This surplus consists chiefly of basic commodities such as wheat, cotton, and pork. Unless this oversupply can be sold abroad, otherwise disposed of, or prevented altogether by just not raising it, the surplus piles up and ruins domestic prices for the American producer, depriving him of his fair share of the national income.

3. While it is true this surplus has been reduced the past 2 years to a point of better balance between supply and demand, partly as a result of A. A. A. acreage reduction but principally because of an unprecedented drought, nevertheless nature's law of averages in production holds surprisingly true. This law now points to abundant, if not abnormally large yields in the most troublesome, basic crops in 1936 which very likely will again ruthlessly tear to pieces all the farmer has accomplished in the way of balanced crops and price improvement.

4. That the agricultural output of the Nation can and must be brought into better balance with demand by curtailing production until domestic consumption increases, until new uses for products of the soil can be created, and, most important of all, until our foreign demand can be enlarged.

5. That reducing the acreage planted to crops will automatically control or curtail the production of livestock and byproducts.

6. Agriculture and other industries are so interwoven that as the one prospers so will the other prosper. Based largely upon the above statements, we now wish to respectfully submit for consideration a simple, workable, and concrete plan for agriculture which would give the farmer the economic equality with other groups to which he is justly entitled.

1. Federal purchase of land: By act of Congress retire from production 40,000,000 acres of the 45,000,000 surplus acres of cultivated land by outright purchase by the Federal Government, the purchase price to be payable to the landowner in 20 equal annual installments with interest or in Government bonds. Purchase this acreage to accomplish erosion control, crop rotation, and soil conservation as well as retirement of surplus-crop land.

2. No dislocating of population: Buy only farms without buildings in order to avoid the serious problem of dislocating population, as has been frequently the case in buying marginal and submarginal farms.

Please keep this point in mind, that the success and principal new feature of this plan rests upon the purchase of cultivated farms without buildings, most of which would be owned by and bought from owners living some distance from the land.

3. Method of retiring land from production: Retire surplus lands from production in some such manner as this: In the rice-producing State of Louisiana, buy whatever number of acres there are in that State which are contributing to the rice surplus of the Nation; in Iowa purchase corn lands high as well as low in productive value, to the extent of the surplus acres Iowa contributes toward the oversupply of corn acreage for the country as a whole, which would also automatically control the output of hogs and fattened cattle; in the wheat and cotton areas acquire title to the surplus wheat and cotton-producing tracts which would include millions of acres of low-priced marginal and submarginal land.

4. Preserve fertility: Preserve the fertility of this 40,000,000 acres by retiring it from all agricultural uses, except for the leasing of some of it to balance production, as hereinafter provided. The return of these lands to their former natural state could be economically hastened by permitting nearby farmers to pasture

the lands more or less for only the first 3 years, because grazing for a longer time might unduly increase beef and mutton production.

5. Preference to individual landowners: Purchase from individual owners in preference to corporate holders.

6. National board: To carry out the purposes of this plan appoint a thoroughly representative National Agricultural Board.

7. Reserve stock. Protection of consumer: Establish a reserve supply in such basic crops as wheat, corn, and cotton equal to 10 percent of the average annual crop, to be stored at convenient points and drawn upon in the event of a Nation-wide shortage in any particular crop, the amount withdrawn to be replaced the following year. This supply would be used as a balance wheel on production and on price. If the prices should tend to rise over the parity figures in a given stored commodity, this reserve would be drawn upon to control the market price of that particular commodity, thereby protecting the consumer against an unfairly high price.

The Government would purchase the initial reserve stocks or the producers could contribute it proportionately out of their first yields.

If an unusually severe shortage should occur some year the Government could lease some of its acquired acreage to producers only until the shortage disappeared.

8. Leasing when export trade revives: If our foreign trade should revive to the stage where the producer could increase his output without lowering the domestic price, the Government could expand the cultivated acres by leasing just enough land to meet the requirements of the enlarged export demand.

9. Control cropping of virgin soils: In all contracts for the purchasing of land by the Government require the owner to agree not to again acquire unimproved or virgin land for farming purposes. Have other owners and tenants likewise agree unless they desire to use the lands as a homestead.

10. Retard reclamation: Open no new reclamation projects, expand no old ones until needed.

11. Improve credit facilities: Encourage minimum interest rates to and improve Government and other credit facilities for the producer.

12. Better marketing: Promote better marketing agencies.

13. Work of agricultural schools: Continue and improve the splendid work of our agricultural schools in advancing scientific agricultural methods, soil conservation, erosion control, and numerous other useful activities.

14. Consumption and employment: Expand food consumption by increasing employment.

15. New crop uses and imported farm products: Promote new crop uses; also the production of those commodities being imported to supply shortages in our domestic market due to lack of production at home.

16. A subsidy without cash: Encourage the American farmer to capture the American market for the imported commodities in which a domestic shortage exists. The Government would accomplish this by granting leases on a portion of the purchased lands at rentals low enough to induce the farmer to raise such products. Adopt the principles of our tariff system for the benefit of the farmer in this manner.

17. Constitutionality: Legal opinion appears to hold this program to be constitutional.

18. Applying plan to 1936 crops: Purchase in time to control production for 1936 could very likely be made through the present A. A. A. set-up by beginning in the South where plantings are earliest. When authority from Congress had been obtained, options from owners to sell or, better still, contracts of purchase could be entered into, providing that the owner would be paid a predetermined value for his crop in event the Government failed to complete its agreement to purchase. In that manner the owner could doubtless be quickly induced to abandon or have abandon plans for 1936 plantings.

An alternative for 1936 crop control might be found in the Government agreeing at an early date to lease selected unimproved tracts with the understanding that rental payments would apply on the purchase price as soon as arrangements for purchase could be arranged. All leases could contain a blank clause providing option to purchase.

19. Total cost to Government: Time and space will not be taken here for a detailed estimate of the total cost to the Federal Government to acquire title to the surplus acreage under consideration. Only a general estimate, which appears to be very reasonable and conservative, will be attempted at present. Therefore let us assume that in acquiring 40,000,000 acres of cultivated land without buildings that it would be necessary to purchase uncultivated or pasture land along with the cultivated areas, and that in all a total of 50,000,000 acres would have to be bought. Assuming these lands would embrace highly productive farms as well as submarginal farms, ranging in cost from $5 per acre to as high as $100, it appears very reasonable and conservative to say that the average cost of the entire 50,000,000 acres should not exceed $50 per acre at the most. On that basis the total purchase price would amount to two and one-half billion dollars.

In other words, the entire cost would be only $125,000,000 per year for 20 years and interest.

Comments: A program in Washington is now under way to spend an estimated $500,000,000 annually in benefit payments for 1936 and 1937. Compared with this program or annual expenditures for the past 2 years, does not the yearly cost of this plan at $125,000,000 look very small? Recent and present plans are ones of spending whereas this program would accomplish the purchase of a lasting national asset and at the same time provide equality in purchasing power for the farmer.

When the total expenditures already made by or through the Government and the individual expenses of farmers under the A. A. A. are added to the huge sums now under consideration for future benefit payments it appears safe to say that the total sum will amount to as much, if not more, than the entire cost of $2,500,000,000 under this permanent program.

This plan is in line with the contention that surplus production must be controlled for the welfare of both farmer and the Nation. It removes the objection of temporary, complicated, and regimenting methods and goes directly at the problem for a simple, permanent cure at a reasonable cost.

DES MOINES, IOWA, *November 1935.*

Mr. NORBECK. Mr. President, more of the details are set out in the bill which I introduced at the request of Mr. Oldham on February 3, being S. 3906, and entitled "To provide for the purchase of certain agricultural lands and for other purposes", and I ask, Mr. President, that this also be printed in the RECORD in full.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill is as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to acquire by purchase (1) not to exceed 40,000,000 acres of agricultural lands adapted to the raising of wheat, corn, cotton, rice, and tobacco, which have been cultivated for 5 years or more, including lands planted to tame hay, legumes, and other like cover crops, upon which no tenants or owners reside or upon which there is no habitable house, and (2) not to exceed 10,000,000 acres of lands usable for grazing or timber purposes, or unfit for cultivation, which adjoin such cultivated lands. In the acquisition of such lands individual sellers shall be given preference over corporate sellers.

SEC. 2. (a) The Secretary shall purchase such land under contract. Such contract shall provide payment therefor in 20 equal annual installments and shall bear interest at the rate of not more than 3 percent per annum, payable annually. Such contract shall also provide that the seller of such land shall not cultivate or acquire virgin land for farming purposes unless such virgin land is to be converted into and used by himself as a homestead.

(b) There is hereby appropriated annually, out of any money in the Treasury not otherwise appropriated, the sum of $125,000,000 to carry out the provisions of this act.

SEC. 3. (a) All lands acquired under the provisions of this act shall be retired from all agricultural use except as hereinafter provided. Such lands may, within the discretion of the Secretary, be leased for grazing or pasturing at reasonable rentals for the first three seasons following the date of enactment of this act.

(b) If the Secretary finds that a domestic shortage exists in any agricultural commodity he may lease such lands for the purpose of growing such commodities so long as such shortage exists. Rentals under such leases shall be low enough to induce the growing of such commodities.

SEC. 4. The Secretary shall acquire such lands in the States which contribute to the surplus supply of corn, cotton, wheat, rice, and tobacco in the proportion in which those States contribute to such surplus supply. Such lands shall include lands which are high as well as low in productive value. Such lands shall be selected in such manner within the respective States as will not seriously interfere with the taxation program of the State or political subdivisions thereof.

SEC. 5. The Secretary is authorized and directed to establish and maintain a reserve stock in the respective commodities referred to in section 1. Such reserve stocks shall be established and maintained, as nearly as practicable, on the basis of 10 percent of the annual average of each such crop, and shall be stored at convenient points. In the event of a Nation-wide shortage in any of such commodities, the Secretary shall release a sufficient amount of such reserve stocks as will maintain the market price of each such commodity, as nearly as practicable, at the parity price for each such commodity, based upon the index figures of the Department of Agriculture for the period between August 1909 and July 1914, in the case of corn, wheat, cotton, and rice, and for the period between August 1919 and July 1929 in the case of tobacco.

SEC. 6. (a) The Secretary is authorized to make such rules and regulations as may be necessary to carry out the provisions of this act.

(b) The Secretary is authorized, subject to the provisions of the civil-service laws, to appoint, and, in accordance with the Classification Act of 1923, as amended, to fix the compensation of such officers and employees, and to make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere) as are necessary to carry out the provisions of this act.

Mr. CLARK. Mr. President, I ask that my pending amendment be stated.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. At the end of the committee amendment it is proposed to insert the following new section:

SEC. 6. The obligations incurred by the Secretary of Agriculture for any fiscal year shall not exceed such sum of $500,000,000.

Mr. CLARK. Mr. President, the purpose of this amendment may be very simply stated. It is to add to the bill a limitation of the amount of obligations which may be incurred under the bill. Yesterday an amendment was adopted at the instance of the Senator from South Carolina [Mr. BYRNES] making an authorization of $500,000,000. Of course, it is perfectly apparent that an authorization and a limitation are two entirely different things. Under the bill as it stands at present the Secretary of Agriculture might incur obligations of $50,000,000,000 or $100,000,000,000 or any other sum that he happens to see fit, and the mere fact that the authorization has been limited to $500,000,000 would not prevent him from doing so.

It is said that it is impossible to effectuate these obligations, to carry them out, unless Congress appropriates the money; but we are now confronted with a situation at this very moment when I think there is a universal feeling throughout the country that even though the Agricultural Adjustment Act has been declared unconstitutional, and the contracts made by the Secretary of Agriculture are therefore illegal, there is a moral obligation on the part of Congress to appropriate the money for carrying those contracts into effect. If the pending bill shall be passed in its present form without the amendment which I have just submitted, and the Secretary of Agriculture were to exceed the authorization in any degree whatever, either by $100,000,000 or by $1,000,000,000 or by $10,000,000,000, and contracts should be entered into by reason of which farmers should change their positions, there would be a moral obligation on the part of Congress to appropriate the money to effectuate those contracts.

Therefore I submit that this bill should not pass without a very definite limitation being placed by Congress.

Mr. KING. Mr. President, I should like to ask the chairman of the committee whether in addition to the appropriation which is authorized in the pending bill, which will be for $500,000,000, the Department of Agriculture is to receive and to expend as it may see fit one-third of the amount that may be received from customs duties?

Mr. SMITH. It is provided under the terms of the bill, Mr. President, that 30 percent of customs receipts is to be used by the Secretary of Agriculture in carrying out the provisions of the bill.

Mr. KING. So that if the customs duties totaled, as they did a few years ago, approximately $600,000,000 per annum, there would be nearly $200,000,000 available from that source for the Department of Agriculture to spend. Then there would be a large sum annually appropriated for so-called soil erosion. In addition the bill before us authorizes an annual appropriation of not exceeding $500,000,000. Is that correct?

Mr. SMITH. I think the Senator is substantially correct. I should like to say in that connection, if the Senator will allow me, that this amount of money looking to the benefit of agriculture sinks into insignificance when we consider the billions of dollars that are being poured out in other directions.

Mr. KING. Mr. President, the Senator's ad hominem argument, I presume, would appeal to many people. But if it be a fact that billions of dollars are poured out in other directions for various purposes, it would not justify appropriation of $800,000,000 or more for some other purpose.

Mr. SMITH. Will the Senator again yield to me?

Mr. KING. Yes; I yield.

Mr. SMITH. In making the statement I did I meant to say that the amount we have spent in constructive legislation—I said constructive legislation—for the benefit of agriculture is insignificant as compared to what we have spent lavishly in other directions, and I do not think the amount here being authorized, plus the 30 percent of whatever may be the revenue received from customs duties, if wisely spent for the benefit of agriculture, is in any sense too much.

Mr. KING. The Senator now states that the Government has expended lavishly in various directions large sums of money, and he contends that the amount appropriated for agricultural purposes is insignificant, measured by other governmental appropriations.

I concede, Mr. President, that the expenditures of the Federal Government during the past few years have been enormous; they have exceeded what I regard as necessary; indeed, they were beyond the bounds of prudence or reason, and there is every indication that the swollen stream of Federal expenditures is not being reduced.

Some of the administrative agencies of the executive departments are trying to carry into effect their slogan of a "new social order." In carrying out their philosophy and in executing their plans they would create new organizations, add thousands of additional employees to the Federal pay rolls, and secure larger Federal appropriations. Those interested in this new social order seem indifferent to the burdens of taxation which will be placed upon the people and to the unfortunate, if not disastrous, results if their schemes and philosophy are carried to fruition.

Attacks are made upon the political and economic policies which made this Republic the richest and most powerful nation in the world. Collectivism, so-called, or a diluted form of socialism, is regarded as superior to the so-called profit system; and there are those who seek to undermine the political and economic system which has prevailed from the beginning of our history and to adopt policies utterly at variance with those upon which this Nation has been built and which yielded the greatest liberty and produced the most important economic and social development.

Mr. President, a few years ago when the Republicans were in power, a measure was enacted creating the Farm Board, and $500,000,000 were appropriated to be expended by that organization in the interest of agriculture. It was urged that agricultural cooperatives would be organized to control crop production and the distribution of agricultural commodities. Many farm organizations enthusiastically supported the measure, and it was contended that under the operations of the act the ills of agriculture would be cured. There were many who believed that the measure would not only fall far short of the predictions made in its behalf but in the long run would prove disadvantageous to the agricultural interests of the United States. Many Democrats opposed the bill and prophesied that it would prove most unsatisfactory.

It is to be noted that that measure, which many Democrats opposed, called for the appropriation of only $500,000,000, whereas the bill before us provides annually for an indefinite period a sum not exceeding $500,000,000. Indeed, the measure we are considering is permanent legislation. It does not take into account the economic and agricultural changes that may occur in a few years from now; it fails to recognize that parity may be reached within a short time or that the agricultural situation may radically change so that the annual appropriation provided in the bill would be not only unwise but wholly improper.

But, as above indicated, the annual appropriation herein provided for is to be supplemented by 30 percent of all of the customs duties collected by the Government of the United States, and, in addition, other appropriations have been made, and will continue to be made, ostensibly for the prevention of soil erosion and cognate matters. But there will also be provided annually from $50,000,000 to $100,000,000 for the Agricultural Department, which will be expended under the direction of the Secretary of Agriculture in aid of the farmers of the United States. It is quite likely that the annual appropriations for agricultural purposes will be in the neighborhood of $1,000,000,000.

That reasonable measures should be adopted in the interest of agriculture all admit. If agriculture prospers the country prospers, and reasonable and valid measures that will contribute to the prosperity of the farmers should be approved; but it must be conceded that there have been policies adopted and measures enacted that retarded agricultural development and injured the farmers of the United States.

The VICE PRESIDENT. The time of the Senator on the amendment has expired.

Mr. KING. I will take a few minutes on the bill. Mr. President, I had hoped that the day was at hand when much of the so-called emergency legislation would terminate. But the indications are that the hoped-for day is not at hand. The expenditures for this fiscal year may be greater than those of the fiscal year which ended June 30 last, and there are signs that the appropriations for the following fiscal year will be no less than those for the fiscal year ending June 30, 1937. At the close of this fiscal year the bonded indebtedness will approximate $35,000,000,000. No one can safely predict when the maximum indebtedness of the Federal Government will be reached. In addition to the colossal Federal debt the States and their political subdivisions have obligations approximating $17,000,000,000. All Senators will recall the shock that the American people received when it was announced that we had a billion-dollar Congress. That meant that appropriations amounting to that sum had been made covering a period of 2 years.

But it is a far cry from that day to this when appropriations will be made totaling between six and eight billions of dollars for 1 year; indeed, we cannot now foretell what governmental obligations the next fiscal year and the following fiscal year will have to be met.

It is regrettable that there is so little concern manifested over the enormous expenditures of National and State Governments. Our Republican friends on the other side of the aisle say but little in behalf of governmental economy; indeed, many of the measures carrying large appropriations receive their support.

The Senator from South Dakota [Mr. NORBECK] has based his appeal for aid to agriculture largely upon the fact that industry has been benefited by high tariffs. Undoubtedly our tariff policy has favored various industries to the disadvantage of agriculture. The Republican Party erected strong pillars upon which to rest their tariff policies. Following the Civil War many of the manufacturing interests secured the passage of tariff laws behind which domestic concerns received unwarranted protection. This resulted in indefensibly high prices upon industrial products, and in many instances in the development of monopolies and the monopolistic control of commodities. The farmers were the victims of tariff policies. The Democratic Party for years courageously attacked Republican policies and attempted to lower the ramparts behind which some of the powerful industries waged their relentless battle. Paradoxically as it may seem, the farmers of Iowa and other States were the strongest supporters of Republican tariff schedules.

Mr. President, I sincerely hope that the Democratic Party will adopt policies that will result in materially reducing governmental expenses and abolishing many unnecessary bureaus and Federal agencies, the maintenance of which materially contribute to governmental expenses and adds to the tax burdens which must be borne by the American people.

Mr. President, if it is regarded as necessary in the interest of the farmers of the United States to supplement the appropriations to which I have referred carried by other measures, by authorizing an appropriation of $500,000,000 provided in this bill, then I suggest that there should be a restriction upon the period within which the authorization is to be made effective. There will be important changes in our economic life during the next few years; and, as I have before indicated, conditions may be such in 2 or 3 years as to make indefensible—even in the view of the strongest protagonists of the policy of this bill—an appropriation of this enormous amount.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. VANDENBERG. I call the Senator's attention to the language of the Clark amendment.

> The obligations incurred by the Secretary of Agriculture for any fiscal year shall not exceed such sum of $500,000,000.

It seems to me that, under that language, any revenue which might flow from the tariff reservoir would have to be included within the $500,000,000 commitment.

Mr. KING. I hope the Senator's construction is correct, but I fear that it will not be accepted by those who will administer the law.

Mr. President, I should be glad if the Senator from Missouri [Mr. CLARK] had named a smaller sum than is authorized by this bill. However, I shall vote for the amendment, because I regard it as a restraint upon officials in the Department of Agriculture.

Mr. BYRNES. Mr. President, I merely wish to call attention to the fact that the bill as it now stands provides an authorization not to exceed $500,000,000 in any fiscal year. I have heretofore stated that when the independent offices appropriation bill comes before the Senate I intend to offer an amendment to that bill providing an appropriation of $440,000,000 for the purpose of carrying out during the next fiscal year the purposes of this bill.

The Secretary of Agriculture has no right to incur any obligation in excess of the amount appropriated by the Congress for this or for any other purpose. If it be said, if the Secretary, in violation of the law, incurs an obligation, that then there is a moral obligation on our part to pay it, it may be said equally well in case the pending amendment shall be adopted, because the amendment provides that the obligation incurred by the Secretary of Agriculture for any fiscal year shall not exceed such sum of $500,000,000. It merely repeats the law as it now stands. Under existing law the Secretary of Agriculture has no right to incur an obligation; but if, in violation of the law, he should incur an obligation, the question is whether we would then say that there was a moral obligation; there was no legal right to incur the obligation, but just because it was incurred we must pay it.

This language might apply to every appropriation for any purpose at all made by the Congress. It does now apply. No administrative official has any right to incur any obligation in excess of the appropriation.

My only objection to the amendment is that it singles out one appropriation and as to that provides that the Secretary of Agriculture shall not have any right to incur an obligation in excess of the amount appropriated. I suppose someone might assume that as to all other appropriations the Secretary would have the right to go ahead and incur obligations in excess of the appropriation. I say he has no such right, and he knows he has no such right; and if he incurs such obligations he violates the law. If what is proposed is to be done, it ought to be in the form of a repetition of the general language of the present statute that affects all acts, and in some way, if that be deemed wise, penalize to a greater extent under existing law the action of any administrative official who spends money or incurs obligations in excess of the amount appropriated by Congress.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. CLARK. The Senator's argument seems to me, according to his own theory, to indicate that certainly there can be no objection to this amendment. According to my theory, it imposes absolutely a necessary limitation. The Senator is as familiar as is any other Senator on this floor with the fact that we pass annually hundreds of millions of dollars of deficiency appropriations, which are nothing on earth except appropriations to cover amounts by which the administrative officers have exceeded the authorizations of the law and the appropriations.

Mr. BYRNES. It is true that the general statute makes it a criminal offense for an official of the Government to incur a deficiency in excess of the appropriation; and if a criminal statute will not stop it, how in the world will we stop it by saying, "You must not do it"? I think the adoption of the amendment would really detract from the strength of the existing law. What we need is the enforcement of the criminal statute when an officer incurs obligations in excess of the appropriation.

Mr. KING. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. KING. Is it the Senator's view—and I ask for information—that the bill which was passed sometime ago and became a law which permits 30 percent of all customs duties to be expended by the Department of Agriculture to fur-

ther our exports will still continue in force and will be in addition to the $500,000,000 or the $440,000,000 authorized by this bill?

Mr. BYRNES. I say to the Senator that the amendment I intend to offer will provide an appropriation of $440,000,000, because at the proper time I shall show, as I believe, that there will be no doubt about sufficient funds being provided by an appropriation of $440,000,000 instead of $500,000,000.

Mr. KING. Is it the Senator's view that the amount which will be collected from customs duties shall constitute a part of the authorization?

Mr. BYRNES. Oh, no. That exists for this year, as I understand, and has nothing to do with this matter.

The Senator from Missouri and I have the same thought in mind; we have the same purpose to achieve; but I submit to him that when we have a criminal statute preventing it I do not know that we will help the situation by saying as to one particular appropriation that the Secretary of Agriculture shall not violate the law. I say he should not violate the law as to any appropriation.

Mr. NORRIS. Mr. President, if we had not already put in the bill a limitation of the appropriation that may be made under it, then I would see no objection to this amendment. The intention of the Senator offering it is, I think, one thing, but I believe if the amendment would have any effect whatever, it would have the opposite effect than that which he seeks.

What the Secretary may do under this bill is limited not by the authorization but by the appropriation. Congress is limited in its appropriation by the authorization. I think that is correct. In other words, the Congress cannot appropriate more than $500,000,000; that is Congress' limitation; and the Secretary is limited to what Congress appropriates. If he disregards that limitation, as seems to be the idea of those supporting this amendment, and is bound by the authorization of $500,000,000, and we adopt this amendment, if it should have any effect whatever, it would have the effect of permitting obligations by the Secretary regardless of appropriations to the extent of this limitation, which is the same as the authorization.

The Senator from South Carolina is going to offer an amendment to an appropriation bill, if we pass this bill in its present form, and that amendment is going to provide that the Secretary may use $440,000,000, which is $60,000,000 less than the authorization. The Secretary of Agriculture will be limited by that. If the authorization limited the Secretary, as seems to be implied by those who support this amendment and think it is necessary to adopt it, then he would have $60,000,000 more that he could use without being liable to the charge that he had violated the law, because if we had an appropriation of $440,000,000 and he should spend $500,000,000, while he would have exceeded his authority by $60,000,000, the law would authorize Congress to make an appropriation of $500,000,000.

I am in sympathy with the limitation, but I do not see that it adds anything. I do not believe it would have the suggested effect, because I believe the Secretary is bound by the appropriation. In addition to that we are seemingly selecting this bill to insert two limitations. We have never done such a thing in any other bill, and I think it might be construed as a reflection that in this case we are endeavoring to be doubly sure, and hence are going to provide against such a condition by inserting two limitations in the bill. It seems to me it is entirely unnecessary, and we cannot accomplish anything by it. It puts Congress in the attitude of doing an unnecessary and what seems to me almost a foolish thing.

Mr. MURPHY. Mr. President, the amendment offered by the Senator from Missouri [Mr. CLARK] reads:

> The obligations incurred by the Secretary of Agriculture for any fiscal year shall not exceed such sum of $500,000,000.

That might mean that the expenditures in the Department of Agriculture in their entirety are limited to $500,000,000. I doubt not that that is not the intent of the Senator from Missouri. I ask if he would be willing to accept a modification limiting the amendment to the expenditures under this bill.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MURPHY. Certainly.

Mr. CLARK. I do not think the language of the amendment is susceptible of the interpretation the Senator places upon it. It certainly is not my intention to limit all expenditures of the Department of Agriculture to $500,000,000. I shall be glad to modify the amendment by inserting after the word "incurred" the words "for the purpose of carrying out this act."

Mr. BYRNES. Mr. President, will the Senator from Iowa yield?

Mr. MURPHY. Certainly.

Mr. BYRNES. While the Senator has the amendment in his hand, I should like to read what the law now is:

> No executive department or other governmental establishment of the United States shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriation unless such contract or obligation is authorized by law.

I submit that that language is far stronger than the language contained in the amendment.

The section of the law concludes:

> Any person violating any provision of this section shall be summarily removed from office, and may also be punished by a fine of not less than $100 or by imprisonment for not less than 1 month.

My only objection is that when the law specifically prohibits not only the excess expenditures but the incurring of any obligation under any contract or otherwise involving the future expenditure of money we weaken it when we say as to one specific appropriation that the amount appropriated shall not be exceeded. I would rather insist upon the enforcement of existing law.

Mr. CLARK. It seems to me a complete answer to what the Senator from South Carolina said is that just the other day we passed a $330,000,000 deficiency appropriation by a viva-voce vote.

Mr. BYRNES. Is it not a further answer that if a criminal statute would not stop such expenditures, we could not stop them by this "milk and water" provision?

Mr. MURPHY. As I understand the situation with respect to the amendment, the Senator from Missouri himself has inserted language in the amendment which meets the situation as I view it.

The VICE PRESIDENT. The Senator from Missouri has modified his amendment, and the amendment as modified will be stated.

The CHIEF CLERK. At the end of the committee amendment it is proposed to insert the following new section:

> SEC. 16. The obligations incurred for the purpose of carrying out this act by the Secretary of Agriculture for any fiscal year shall not exceed such sum of $500,000,000.

The VICE PRESIDENT. The question is on agreeing to the amendment, as modified, to the amendment of the committee in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. McNARY. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In the amendment of the committee, on page 7, line 6, at the end of section 8, it is proposed to insert the following:

> And any payment or grant of other aid which is conditioned, in whole or in part, upon the growth of soil restoration, soil conservation, or erosion preventing crops on any land, or any change in the kind of crop to be grown on any land, shall be subject to the further condition that no crops intended for sale be harvested from, and no livestock intended for sale, or the products of which are intended for sale, be grazed or pastured on, such land.

Mr. McNARY. Mr. President, the pending bill is builded on the theory that certain acreage now planted to the basic commodities, so defined in the Agricultural Adjustment Act, and which now causes a surplus of those commodities, shall be retired and in their stead there shall be raised legumes,

such as cowpeas, soybeans, clover, alfalfa, and all the nodule-bearing nitrogenous plants which are capable of sustaining a very large dairy industry.

The dairymen of the country realize that when the substitution is made which is necessary to carry out the purposes of the bill, it will expand in a very large way the industry which now is balanced as between production and consumption. For that reason I have offered the amendment.

I may say to the chairman of the committee, who is familiar with every phase of the bill, that I am addressing myself to an amendment which I am offering in behalf of a very large group of dairy farmers. In fact, the National Cooperative Milk Producers' Federation, who claim they represent in excess of 23 percent of the gross agricultural income of the country, are asking that the displaced land, later to be planted to nitrogenous plants to carry out the purposes of the bill, shall not be used through the sale of such crops or the use of such crops for the feeding of animals which will be sold in the market.

The purpose is to prevent expansion of an industry which today is self-sustaining, as to which the market demands are about equal to the capacity of production, and to prevent a surplus in milk, cheese, and other dairy products, which unquestionably would result from a very great expansion of the area to be planted to those products to be used by the dairy industry. In their behalf I am asking that the amendment be inserted in the bill to prevent the dairy industry becoming overexpanded.

To carry out the thought which is so well expressed by this great organization whose gross income exceeds that of any other industry and who do not desire to have their business ruined by reason of the administration of the provisions of the measure, I ask that a letter from the secretary of the Cooperative Milk Producers' Association be read at this time supplementary to my remarks.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

THE NATIONAL COOPERATIVE
MILK PRODUCERS' FEDERATION,
Washington, D. C., February 10, 1936.

To Members of the United States Senate:

We would like to call to your attention a situation existing in the pending agricultural relief bill (S. 3780) now being considered by the Senate under which the dairy farmers of this country will be heavily and unjustly penalized unless this situation is corrected by an amendment to the proposed bill.

Under the terms of the proposed bill, payments are to be made out of the Treasury of the United States to farmers for the promotion of soil conservation in the United States. The program contemplates the taking out of production of cotton, wheat, corn, and tobacco and the planting of the acreage so withdrawn in clovers, alfalfa, grasses, and other forage crops. No limitation is placed in the bill upon the use of such withdrawn acres and we are advised that both the Secretary of Agriculture and the Administrator of the Agricultural Adjustment Act admitted before the House Committee on Agriculture that the program would result in an increase in the production of livestock and dairy products.

Only a small percentage of dairy farmers will be eligible for the benefits provided for in this bill. Dairy farmers have in the past and are continuing to practice a type of farming which promotes soil conservation and prevents soil erosion. They already have a system of rotation in effect which provides for the production of grasses and forage crops and thus they will be unable to make shifts in their production which would entitle them to benefit payments.

The result of the program will be that corn, cotton, wheat, and tobacco farmers will withdraw part of their acreage from these crops and receive benefit payments. In addition, they will be permitted to plant the withdrawn acreage in grasses or forage and will put cows out into this acreage and increase the production of dairy products to the detriment of the more than 3,000,000 farmers engaged in whole or in part in commercial dairying.

This program will result in a substantial increase of two- and three-cow farms, with a resultant increase in the production of butter, cheese, and other manufactured dairy products.

We believe that it is absolutely essential for the protection of the dairy farmers of this country that a provision be placed in the bill S. 3780 at the end of section 8 to read as follows: "and any payment or grant of other aid which is conditional, in whole or in part, upon the growth of soil restoration, soil conservation, or erosion preventing crops on any land, or any change in the kind of crop to be grown on any land, shall be subject to the further condition that no crops intended for sale be harvested from, and no livestock intended for sale, or the products of which are intended for sale, be grazed or pastured on such land."

The contention which has been made that such a condition will render the bill unconstitutional is, in our opinion, an unsound one. Certainly if money is to be paid out by the Secretary of Agriculture to farmers who meet certain conditions which are to be fixed by the Secretary of Agriculture, the inclusion in the bill of a condition to be imposed by the Congress of the United States cannot cast further doubt upon the constitutionality of the measure. The argument that conditions fixed by the Secretary of Agriculture will make the bill constitutional, but conditions fixed by the Congress itself will render the bill unconstitutional, is, in our opinion, fallacious.

We therefore urge on behalf of the dairy farmers of this country, who represent in excess of 23 percent of the farm income and who will not be eligible for the benefit payments under the act, that Congress at least in the enactment of legislation for other farmers provide proper safeguards against the harmful effect of such legislation on the major agricultural group of the country.

Very truly yours,

CHARLES N. HOLMAN,
Secretary, the National Cooperative Milk Producers' Federation.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Oregon yield to the Senator from Montana?

Mr. McNARY. I yield to the Senator from Montana.

Mr. WHEELER. I desire first to say that in my judgment this amendment clearly comes within the decision of the Supreme Court in the recent A. A. A. case. Clearly the Congress of the United States cannot say to the farmers of a State, "If you take this land out of production you may not feed livestock upon it, nor may you raise any grass which you are going to feed to livestock."

That is the first thing which it seems to me is perfectly apparent from a reading of the amendment, so that there cannot be any question about it.

Secondly, take the condition in all the Western States where we are not engaged to any extent in the dairy business, but are engaged in cattle raising. Take the situation in Wyoming, or in Montana, or in any of the States where the people are largely engaged in cattle raising and not in the dairy business. If a farmer takes some portion of his land out of wheat raising, it is proposed to say to him that he may not feed his cattle upon it, and that he may not raise hay on it for the purpose of feeding his cattle. One of the things we need in Montana is to raise more hay on which to feed our livestock. This amendment would completely prevent that sort of thing from being done.

Mr. CAREY. Mr. President, will the Senator yield to me?

Mr. WHEELER. I have not the floor.

Mr. McNARY. I yielded to the Senator from Montana when I observed that he desired to make a speech. I yield now to the Senator from Wyoming.

Mr. CAREY. I should like to call the attention of the Senator from Montana to the fact that under the A. A. A. there was an increase in livestock production, due to the fact that land was taken out of crop production; and if we carry out a program of soil conservation, or whatever it may be called, we may expect that many persons will engage in the livestock business who today are not in that business.

I do not agree with the Senator from Montana that it would be harmful to the people of our part of the country if this amendment should be adopted. I think it would help them. In fact, I have had a telegram from the Wyoming Stock Growers' Association to that effect.

Mr. WHEELER. Mr. President, let me say to the Senator from Wyoming that as a matter of fact, no matter what anyone says, there was no large increase in the raising of cattle because of the A. A. A. In my judgment, any livestock association or anyone else who makes that contention is entirely wrong. I know that in Montana, for instance, the reason why the Government had to kill so many cattle was because on account of the drought and on account of the erosion of the land out there, in many instances they did not have any grass or any hay. If they had taken a lot of that land out of cultivation they would not have had erosion, and they would have been able to raise hay.

If any livestock association sent a telegram of that sort it was perfectly absurd for them to do so, because they could not possibly have understood this amendment and have advocated what the Senator says the livestock association of his State has advocated.

Mr. McNARY. Mr. President, I always desire to be courteous to the limit, but I am advised by the Chair that the time occupied by these interruptions is being taken out of my time.

Mr. WHEELER. I do not care to take the Senator's time.

Mr. CAREY. Mr. President, will the Senator from Oregon yield to me for just a moment?

Mr. McNARY. For just a moment; yes.

Mr. CAREY. I merely desire to make a brief statement. It is well known that a great deal of the land in Texas which was taken out of cotton has gone into livestock production; and I think we shall find that the same thing will happen all over the country.

Mr. WHEELER. Mr. President, if the Senator from Oregon will pardon me, I do not know what happened in Texas, but I do say——

The PRESIDING OFFICER. The time of the Senator from Oregon on the amendment has expired. Does the Senator wish to speak on the bill?

Mr. McNARY. Later I wish to speak on the bill. I am rather in doubt as to what to do.

Mr. DUFFY. Mr. President, if I may have the floor, I desire to make just a brief statement, and then I shall be glad to yield to the Senator from Oregon.

Mr. McNARY. I do not think that would conform to the spirit of the rule. I should not care to do that. I thank the Senator.

Mr. DUFFY. Mr. President, it seems to me the amendment proposed by the Senator from Oregon [Mr. McNARY] should be adopted.

It is all very well to say, "I will support a bill in favor of agriculture in other parts of the country because it does some good out there." I have done that a number of times when there was no particular benefit to the agricultural interests of my State; but I think this bill not only is of no particular benefit to the agricultural interests of my State, which is primarily a dairy State, but the operation of it will work directly against their interests.

There can be no question that the dairy farmers—who, as the letter just read has stated, represent in excess of 23 percent of the farm income of this country—should have consideration. Those dairy interests for years have practiced the rotation of crops which will be put into effect under the operation of this bill. They already have done that, and they cannot come in now under this bill, because there is no change they can make whereby they can get the benefit of the bill. So the Senator from Montana adopts the attitude that although the farmers of his part of the country are willing to take benefits from the Government for withdrawing their land from production, in addition to those benefits they wish to put it into use in a way that will operate against, for instance, the dairy farmer, of whose products there is already a large surplus in the country.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DUFFY. I have only 10 minutes, but I will yield to the Senator from Montana.

Mr. WHEELER. In view of the Senator's statement, I desire to call attention to the fact that he is not stating my position accurately at all, for the reason that I assume that the benefits will be paid under some scheme or regulation whereby they may be taken away from the farmer who raises some other crop in preference to the one he has been raising.

Mr. DUFFY. I think it is not fair to the dairy interests of the country to have the Government pay farmers for withdrawing their land from production, and then have them use that land in a manner which will seriously and adversely affect the interests, for instance, of the dairy farmer.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. DUFFY. I yield.

Mr. MURPHY. Yet the fact is that in the State of Ohio, for example, taking the data supplied me by the Department of Agriculture, the net shift of contract acres from intensive crops into grasses and legumes in the period from 1933 to 1935 was 80 percent, but, nevertheless, there was a reduction from 83,100,000 pounds of creamery butter to 80,000,000 pounds. I also have the figures for Iowa, Wisconsin, and Tennessee.

Mr. DUFFY. If I may interrupt there, as to any statistics of that kind I desire to say that we all know that drought conditions existed through all the sections where any considerable amount of dairy products was produced; and it is not through the operation of the A. A. A. that any figures of that kind may be accounted for. Especially was that true in Wisconsin.

Mr. MURPHY. I grant that what the Senator says is true as to 1934, the year of the drought.

Mr. DUFFY. The A. A. A. did not go into operation, certainly, until the middle of the year 1933; so it is very difficult to see how the figures of that year can be of any value. I do not wish to take any more time on that subject, however.

Mr. MURPHY. I will discuss the subject in my own time.

Mr. DUFFY. I merely wish to say that I think the dairy producers of this country are entitled to fair consideration. As I say, they represent 23 percent of the agricultural income of this country. They are not only willing to be good sports and say, "We shall not object when other parts of the country, other kinds of agricultural interests, get many benefits out of this bill. We are willing that they shall do so. We from the dairy States want them to." But where the bill will operate directly adverse to their own interests in piling up greater surpluses of the kind against which they have been struggling so long, I think there ought to be some more good sportsmanship shown, and where farmers are having acreages withdrawn and are being paid therefor they should not use them to build up surpluses of dairy products.

Mr. COPELAND. Mr. President, I have not spoken at all on the pending bill. I should take no time now except for the fact that the matter under discussion is of tremendous importance to my State.

New York State stands eighth in agriculture among all the States of the Union largely because of its dairy interests. There are 70,000 dairy farmers in the State. The milk supply of New York City comes from New York, and the section immediately adjacent to it, New Jersey, Vermont, Pennsylvania, and other States in that region.

The dairy interests are very much burdened at the present time. It is really in distress.

The dairy business is a peculiar one; I mean when the milk is produced for beverage purposes and for cooking purposes. At certain seasons of the year, when the meadows are lush, there is an oversupply of milk; in the winter season and other times, when the meadows are not available, we still must have in the great cities a tremendous amount of milk. Consequently the adjustment of the dairy farms must be set to that time when the low production reveals.

In the city of New York every day there are consumed 3,200,000 quarts of milk, an enormous amount. Unless there can be some profit in the dairy business, unless there can be prosperity for the dairy farmer, it means a great menace to the cities of the country. It means scarcity and high price of milk, with consequent invasion of the health, especially among young children.

I shall not undertake to speak on the general merits of the bill, except to say that if it is likely to have the effect feared by the dairy farmers of my State, I must be in opposition to the measure. I do not like to oppose anything that has to do with the prosperity of the farmer. I am conscious of the necessity of increasing the buying power of the farmer. My city of New York is the greatest manufacturing city in the United States, but it sells its products largely to the farms, and if we are to thrive there must be buying power upon the farms. In the pending bill, unfortunately,

are provisions which would destroy the dairy interests, certainly of my section.

To prevent soil erosion, it is proposed there shall be the planting of grasses and legumes and other cover crops. If those crops are used for cattle grazing, it can readily be seen that it will produce such competition with the dairy farmer within my territory that all profit or chance of profit will be lost.

Then farmers and milk distributors must depend upon the sale of butter and cheese and malted and condensed milk in the lush season, in the surplus season. They have to do that in order to get rid of the surplus which prevails then. Yet, to have an abundance of milk there must be enough dairy cattle to insure production for beverage purposes during the indoor season.

Mr. President, evil effects were imposed upon the dairy farmer by the operation of the A. A. A. I want to speak about that; I want to speak very seriously and pointedly, if I can, in order to show that this effort of ours to improve agriculture may perpetuate the troubles caused the dairy farmers by the outlawed method. It may have the effect of destroying certain branches of agriculture, and the important branch in which I am particularly interested is the dairy farmer.

We find, according to the Agricultural Year Book, that the crop-land pastured in the United States amounts to about a billion acres. That is about 55 percent of the total farm area, but it includes desert scrub land, too dry for crop production, and more than a fifth is forest and cut-over land. But if there should be the reduction of acreage proposed by the bill, it would mean bringing about 30,000,000 acres of land into grazing, with dairy production, into the production of milk, butter, cheese, and meat.

It can readily be seen what effect that would have upon our dairy farmers. As I see it, if we are to increase the acreage devoted to fields suitable for the feeding of cattle, we are going to impose another burden upon the dairy farmers of the country. Not to be despised either is the burden placed upon the consumers of the country, because of what it will mean in the limitation of the milk supply of the population of the cities.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. WHEELER. I thought that one of the great complaints of the people of New York City and the people of other Eastern States was that under the program which has been carried out by the Department of Agriculture they had killed so many cattle that it increased the price of beef to the consumers of the State of New York—of the city of New York particularly, and of the other metropolitan areas in the United States.

Mr. COPELAND. There may be some truth in that as regards meat, but I am discussing milk particularly.

Mr. WHEELER. But the Senator spoke of meat, and I say that the same thing is true with reference to milk. The truth about it is that by reason of the tremendous drought throughout the West thousands of cattle were killed—not that the people wanted to kill them, but it was because of the drought that they had to kill them. This measure will not and cannot possibly materially affect the State of New York. Not only that, but I am satisfied that under the terms of the amendment as it is drawn it would come clearly within the provisions of the decision which has just been rendered.

Mr. COPELAND. I wish the Senator could convince me that the proposed law would not affect New York. But here are the facts about it. In New York State, in Vermont and Pennsylvania, and all the area of which I have spoken as supplying the eastern city markets with milk, between 1932 and 1934 there was a decrease of 30,000 milk cows.

Mr. BONE. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BONE. I have not heard all of the argument, but I am rather curious about the amendment. I am wondering whether it would not come under the ban of the Court if it adheres to its recent A. A. A. decision, because this would compel the farmer virtually to enter into a contract with the Department of Agriculture, and, furthermore, apparently this would absolutely mean the sterilizing of all the land. They would take it out of production and could not produce anything on it.

Mr. COPELAND. Mr. President, I do not intend to enter into an argument over the constitutionality of the act passed on by the Court or of the pending bill. I think this act is just as bad as the other one.

Mr. SCHWELLENBACH. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. For a question.

Mr. SCHWELLENBACH. Will the Senator let me answer the question as to the constitutionality?

Mr. COPELAND. Certainly.

Mr. SCHWELLENBACH. I will answer when the Senator concludes.

Mr. COPELAND. I am perfectly willing to yield to the Senator now to answer.

Mr. SCHWELLENBACH. The question which the Senator from Montana and my colleague raised about the Constitution is, I believe, based upon a misapprehension in reference to the decision of the Supreme Court. The Supreme Court did not hold that the compulsory feature of the relationship between the Department of Agriculture and the farmer was in itself the objectionable phase of the Agricultural Adjustment Act. They held that the Federal Government had no right to control the production of agriculture, and that, as such, on that broad basis, the Agricultural Adjustment Act was unconstitutional.

In answering that argument the Government attempted to reply by saying that while it may be impossible for the Federal Government to enter into the activities of the States in controlling the production of agriculture, as a defense they said the A. A. A. was voluntary, and therefore it did not make any difference whether the Federal Government had that right or not. The Supreme Court answered that by saying that it was not voluntary because certain requirements and restrictions were made. Therefore apparently what is worrying the Senator from Montana and my colleague is that we are imposing restrictions. If the soil-conservation feature of the bill is unconstitutional as an improper exercise of Federal authority, then it makes no difference whether there are restrictions or whether it is voluntary. But it is an entirely different question from that which was raised in the A. A. A. decision.

Mr. WHEELER. Mr. President, if the Senator from New York will pardon me for just a moment——

The PRESIDING OFFICER. The time of the Senator from New York on the amendment has expired.

Mr. COPELAND. I will take my time on the bill. I shall not yield to the Senator from Montana now, because he is against me. He can speak in his own time. I am sure he will not be offended, because of the limitation on my time.

I am very much obliged to the junior Senator from Washington [Mr. SCHWELLENBACH]. I am impressed that what he says is fundamentally and legally and constitutionally correct.

Mr. President, let me show the effect upon the dairy industry of such a measure as the pending one, as shown by the Agricultural Yearbook.

In 1935, in New York, Vermont, and Pennsylvania—and that is the area in which I am interested, because it supplies the milk for the New York market—there was a decrease of 34,000 milk cows. During the same period there was an increase of 41,000 milk cows in the State of Mississippi, 32,000 in Arkansas, 36,000 in Louisiana, 28,000 in Georgia—I suppose my good friend from Georgia [Mr. GEORGE] will oppose this amendment for that very reason—19,000 increase in Kentucky, 18,000 increase in North Carolina, 36,000 increase in Kansas, and 48,000 increase in Nebraska. These States are representative of the cotton, tobacco, wheat, and corn producing areas. Yet there was an increase in the number of cows in those States, which, of course, in milk products, is creative of serious competition with us.

The appeal I make, Mr. President, is that it is not fair to enact any sort of legislation which seeks to benefit certain sections of the country against some other section.

National happiness and contentment will not be enhanced if one section of the country is arrayed against another section of the country, or several sections are arrayed against one section.

If the pending bill shall be passed without amendment, and if the effects shall be produced which are contemplated by its authors and proponents, I am convinced that 30,000,000 acres of land now used for other purposes, or not used at all, will be put into grass and legumes, which are crops used for developing the dairy industry. That is not fair to us.

I do not have any thought in the world that the amendment will be adopted. It is not because I hope there may be sufficient argument produced to cause the amendment to be adopted that I speak now; but I desire to enter my solemn protest against legislation which seeks to tear down a section of agriculture which has been self-sustaining, which has carried on its work through 100 years and which has never asked for relief.

I protest that there should be no legislation of that sort. If justice shall be done to the section of the country which I represent, some provision must be made that while land is taken out of production for other purposes it shall not be devoted to a farm use which will impair and even destroy the dairy interests of the eastern part of the country.

Mr. President, I wish I had words which could impress upon Senators the seriousness of this situation as we see it. I should not presume to speak so feelingly if I did not have some knowledge of the question. For many years—pardon the reference, Mr. President—it was my duty to supervise, in a sense, the dairy products of the East. The great consuming market of New York was the market into which these products were sent; and it was my official duty to guard and protect them and, in a sense, to supervise them.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. NORRIS. I wish to ask the Senator from New York if he thinks it is a good thing to prevent soil erosion, and that we ought to prevent it?

Mr. COPELAND. Mr. President, I think it is a good thing. I have no objection to that.

Mr. NORRIS. One practical way to prevent soil erosion is to put the marginal lands or other lands into legumes and grasses, and in other cases into forests. Would the Senator do that in order to prevent erosion?

Mr. COPELAND. I would.

Mr. NORRIS. If the Senator produced a tree that could be sawed up into lumber, would he throw it away, or would he prevent its use for lumber for fear it would interfere with some other section of the country which produced trees? Or, if his land produced grasses, would he prevent the cattle and the horses from eating the grass?

Then I wish to ask another question following that. If the Senator advocates the adoption of his amendment in order to prevent objection from New York and other dairy States, will he not agree that his amendment, if adopted, would incur additional expense far beyond the $500,000,000 for Federal inspectors to see that cattle and horses did not eat any of the grass which might happen to grow in the areas in question?

Mr. MURPHY. Mr. President——

Mr. COPELAND. Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator from New York has 5 minutes left.

Mr. MURPHY. Mr. President, will the Senator yield to me to make one observation?

Mr. COPELAND. I must not yield, Mr. President. I do not like to refuse to yield, but I am advised by the Chair that I have only 5 minutes left.

I do not know what are the secret purposes back of this bill. If it undertakes actually to prevent soil erosion and to put the soil back in condition, I am in sympathy with it. I can speak as a farmer, Mr. President. I know how the soil on my farm is destroyed by washing and erosion. I know how the soil is deteriorated by these acts of Nature. I know what a valuable thing it would be to the farming country to have soil erosion prevented. With that object I am in perfect sympathy. But I am not willing to have enacted legislation which would result in the immediate placement upon that new land of large numbers of dairy cattle to eat the fodder found there, when, as the result of that act, there would be the destruction of that part of the industry represented by the dairy farmers. I am particularly interested, of course, in that problem as it affects my section.

To answer the Senator from Nebraska a little more fully, I think the future may bring about gradual adjustments. I do not know. I hope it will.

If this amendment shall not be adopted, I shall vote against the pending bill. I shall do so because I am unwilling to have created by act of Congress a situation which would surely result in bringing into dairy use 30,000,000 additional acres of land, and therefore still further to impoverish the dairy farmers of the East. I can make no argument for other sections of the country; but I am convinced, Mr. President, that unless this amendment shall be adopted the bill will bring distress into 70,000 homes in my State alone, to say nothing of distress which may enter homes in other parts of the country.

So my appeal, Mr. President, is that the amendment offered by the able Senator from Oregon [Mr. McNARY] shall be adopted. If it raises a new constitutional question I cannot help that, and I do not think any lawyer ought to be worried about it, because, speaking now as a "constitutional lawyer", I think the entire proposal is unconstitutional, anyhow. But at least give us a chance to save our people from the distressing effect of an act which is bound to bring destruction upon the dairy interests of great sections of the United States.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon desire recognition to speak on the bill?

Mr. McNARY. Yes, Mr. President, I do; because of the observation made by the distinguished Senator from Nebraska [Mr. NORRIS].

Everyone knows—and I am treating this matter from the physical standpoint—that if soil is going to be conserved by being planted to legumes, they should be plowed under. That is fundamental. If the pending bill proceeds upon the theory that leguminous crops are going to be raised and sold, then it will not fully add to the soil fertility. That is an exposure of another weakness of the bill that I did not expect to see disclosed on the floor of the Senate. I have known from practical experience, from observation, and from study—and everyone knows it who has given the subject study from that standpoint—that if soil fertility is going to be conserved by means of these crops, they must be plowed under and not harvested and sold.

Mr. President, if this is a plan to pay benefits to the acreage that is reduced, and sell the crops in the open market, then we are not following the intended purposes of this bill in any manner whatsoever. If that is what is intended, it is not only unconstitutional but it is void of any virtue, and will not accomplish anything the advocates of the bill have been describing in the way of soil conservation.

One may put in all the clover and the vetches that he can plant per acre, but unless they are turned under and treated as "green manures" they do not return to the soil those vital food elements which are necessary. It seems to be now the exposed purpose of this bill to have the farmers plant legumes and sell them to the livestock and dairy industry. In the case of range cattle—and I see before me the Senator from Montana, who lives in a State where they have great ranges—it would be desirable to get cheap cowpeas, vetches, and clovers from some of the Central States and sell them to those who raise cattle. But what of the dairy interests?

Mr. President, if the farmers are to cut and harvest these crops, then they have not fully conserved the fertility of the

soil; they have not added to the fertility of the soil in anyway whatsoever; but they have flooded the market with cheap dairy products and expanded the industry to the point of its destruction. It seems to me that nothing could be more fair in connection with this bill than to provide, if it is desired to give it a soil-conservation aspect, that the livestock that is browsed on the "green manures" and the green crops should not enter the market. That would bring about the balanced situation that obtains today, and would prevent a flooding of the market with cheap materials for the dairy industry and its unfortunate ruinous expansion, and would carry out the honest purposes which, I assume, to start with, this bill has.

I think the bill, as I have said heretofore, Mr. President, comes within the inhibitions of the decision of the Supreme Court, and I must say to my friends who challenge the constitutionality of this little amendment that, while it is in the nature of control, if we are going to control farm production by the displacement of corn and tobacco and rice and peanuts and wheat by nitrogenous crops, which is in itself control, and which is the embodiment of the purposes of the bill, we had better, at the same time, protect the dairy industry from ruinous competition and expansion which would result from using these crops on the market instead of applying them correctly and rightly, as any horticulturist knows—that is, by returning them to the soil. For that reason I want to comment briefly upon the statement made by the Senator from Nebraska that these crops should be sold, for I say if that is done, I repeat—it cannot be repeated too often—the purposes of this bill are destroyed.

Mr. COPELAND. Mr. President——

Mr. McNARY. I yield.

Mr. COPELAND. Will the Senator emphasize that point? I understand that what he has in mind is that the only way these legumes can ultimately increase the fertility of the soil is by being frequently plowed under, so that there may be fertilization and a restoration of the nitrogenous elements.

Mr. McNARY. I hesitate to refer to any practical experience, but, as an orchardist, I have had years of experience. It is an old story with me. I have never asked the Government to buy seed for me or to pay any benefits, but each one of these nitrogenous plants have nodules which fixate the nitrogen from the air. That nitrogen goes to the soil when the plant is plowed under, is then released, and the tops of the grasses above the soil furnish the humus which makes the ground compact and prevents it from being blown or washed away. The whole process is complete when the legumes are turned under the ground.

Are we going to say that it is a conservation plan, and then deny it, and defeat its purposes, and at the same time claim that the dairy industry is asking something unfair because they do not want their business injured? I am surprised, Mr. President, at the turn this measure has taken in that respect.

Mr. McNARY subsequently said: I ask unanimous consent to have read by the clerk an excerpt from the minority report of the House Committee on Agriculture indicating what effect, in their opinion, the unbridled production of legumes will have upon the dairy industry; and I ask to have these remarks appear in connection with the remarks I made a few moments ago.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The legislative clerk read as follows:

The Secretary of Agriculture and the Administrator of the Agricultural Adjustment Act finally appeared informally before the committee, and from the statements made by these officials it was definitely ascertained that the Secretary proposed to take from twenty to thirty million acres of cotton, wheat, corn, and tobacco land out of the usual line of production. It was stated by both gentlemen that the greater part of this land would be used for the production of grasses and legumes, and that farmers entering into the arrangements would receive a subsidy or bounty for changing their usual type of production. It was also admitted that the carrying out of the contemplated program would materially increase dairy and livestock production throughout the country, and that the Department's program would encourage livestock production in areas now used exclusively for other types of farming.

Mr. MURPHY. Mr. President, the assumption back of the pending amendment is that returning surplus-crop lands to grasses and legumes will increase livestock and dairy production, and that, therefore, the dairy and livestock industries would have to bear the brunt of the soil-conservation program. I do not intend to speak on the constitutionality of the amendment; to my mind it is unconstitutional; but I do wish to dissipate the assumption that it necessarily will follow, or that it will follow at all, that the retirement of acreage from grain crops to legumes and grasses will increase competition in the dairy industry.

In a statement interpolated in the remarks of the Senator from Wisconsin a little while ago, I referred to four States as to which I intended to give the statistics, showing the percentage of acres contracted under A. A. A. and converted from intensive crops into grasses and legumes during the years 1932 to 1935, inclusive, and the trend in butter production in those States for those years. I had covered the case of the State of Ohio, where the percentage of shift of contract acres was 80, and the reduction in the production of creamery products was from 83,100,000 pounds to 80,000,000 pounds.

I have the figures for the States of Ohio, Iowa, Wisconsin, and Tennessee in the form of a table, which I will read, repeating the figures as to Ohio for the sake of completeness.

State	Percentage of shift of contract acres from intensive crops into grasses and legumes, 1933–35	Trend in creamery-butter production from 1933 to 1935
Ohio	About 80 percent	Reduced from 83.1 million pounds to 80 million pounds.
Iowa	About 85 percent	Reduced from 239.1 million pounds to 217.2 million pounds.
Wisconsin	About 90 percent	Increased from 157.9 million pounds to 166.1 million pounds.
Tennessee	About 75 percent	Reduced from 17.4 million pounds to 16 million pounds.

It is not an answer, I submit, Mr. President, to say that the drought explains the facts disclosed by these statistics. There was a drought in one year only. These figures cover 3 years. Further proof that the drought is not the explanation is found in the figures as to the State of Wisconsin, as set forth in the table.

So it is very clear, Mr. President, that, on the basis of our experience, the shift of the contract acres to grasses and legumes has not been attended in the States mentioned with an increase in the production of creamery butter.

Mr. DUFFY. Mr. President——

Mr. MURPHY. I yield to the Senator from Wisconsin.

Mr. DUFFY. Will the Senator give us his idea of how making more grasses available to the cows will cut down the production of milk?

Mr. MURPHY. I answer the Senator that that has been the experience under the A. A. A. The great fear that the dairyman has is not from the result produced by the shift of acreage to grasses; the great fear he has is that the farmer producing beef cattle and grain, because of low prices for those commodities, will shift into the production of milk, because milk is a cash crop and his necessities will force him to do that. That is the great fear he has. There is no incentive supplied here for that farmer to do that, because the program otherwise seeks to elevate the prices of other food products and thereby lessen the attractiveness of dairy farming to that particular farmer.

For the country as a whole, approximately 35,000,000 acres were taken out of the intensive soil-depleting crops, and most of such acreage went into grasses and forage crops. The record shows that for the country as a whole from 1933 to 1935, when the adjustment programs were in effect, creamery-butter production decreased from 1,762.7 million pounds to 1,633.8 million pounds.

Mr. BLACK. Mr. President——

Mr. MURPHY. I yield to the Senator from Alabama.

Mr. BLACK. I listened to the figures of the Senator from New York showing that one of the States had increased the number of cows, I believe, during 1 year 18,000. I did not

hear his figures as to the increase or decrease of the cow family in the entire country during that same period; but the thought occurs in connection with the Senator's statement—and I will ask him if it is not justified—that possibly there were a great many cows owned by families for their own use who had never before owned a cow and who were not able to buy any creamery butter from New York; and it may be possible in that way that more people are getting milk. I should judge from the figures the Senator has given that it is clearly established that the withdrawal of the land from crop production did not increase the number of farmers who went into the dairy business. Did not the Senator's figures show that it did not have that effect?

Mr. MURPHY. The figures show the production of creamery products declined in that period.

Mr. BLACK. They show that the production of creamery products declined; so that, if it be true in the States the Senator mentions that there was either a natural or an unnatural increase in the number of cows—the figures do not show whether there was a natural or unnatural increase in the number of cows in those States—it is very clear from the Senator's statement that it did not injure the dairy business.

Mr. MURPHY. I thank the Senator for his remarks. But suppose, Mr. President, these figures do not give a true picture and suppose the soil-conservation program would increase dairy production; even so, the Congress has provided ways to deal with the situation which have been and will be used effectively to protect dairymen; so there is no use talking about the necessity of this amendment as essential to the preservation of the homes of dairymen in New York.

The thing that wrecks the dairyman is the existence of seasonal surpluses, which are bought up and stored by speculators. Under the powers provided by Congress in the Jones-Connally amendment to the Adjustment Act, and section 37 of the amendments to the Agricultural Adjustment Act last August, money and authority are provided for surplus purchases and the elimination of diseased animals in the dairy and cattle industries. Support for the dairy industry through surplus diversion is also provided in section 32 of the Agricultural Adjustment Act amendments adopted last August. So the Government, to protect the dairymen and cattlemen against these seasonal slumps, can slide a plank under the market whenever there is need and at any time it elects.

Mr. President, to my mind this amendment is impossible of enforcement.

The PRESIDING OFFICER. The time of the Senator on the amendment has expired.

Mr. MURPHY. I shall take a few minutes on the bill.

The Senator from Nebraska [Mr. NORRIS], in his remarks a few moments ago, suggested the possibility of the unenforcibility of this measure. He suggested that there would be a great increase in administrative expense. The Senator is eminently correct. It would be necessary to police every cow and every beef steer to see that it did not graze on any of these grasses.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. WHEELER. Not only the cows, but if a farmer were raising some horses and the colts should run over to the other piece of land and feed there, he would be denied the right to his benefits under the measure.

I am interested in one other thing that should be called to the attention of Senators on this side of the Chamber. We constantly hear the ex-President of the United States and all the other Republican leaders of the country saying that what the Democrats are preaching is an "economy of scarcity", that what we are trying to do is to keep the people from getting milk, trying to keep them from getting beef and a sufficient amount of food.

Now, we find the Republican leader on the other side of the Chamber offering an amendment to the bill, supported by the distinguished Senator from New York [Mr. COPELAND], advocating the "economy of scarcity", and saying that what they are afraid of is that the people of New York will get a little too much milk and consequently force down the prices of milk for the consumer, and afraid they will get a little too much beef unless the amendment is adopted.

I have supported every measure that has ever come here for the benefit of the dairy farmer. In my judgment, any dairy farmer or organization of dairymen that says this is going to definitely injure the dairy farmer is absolutely wrong, as the figures submitted by the Senator will show.

I did not want to let this opportunity go by without pointing out the inconsistency of the Republican leader in this Chamber and of the Republican candidates for the Presidency.

Mr. MURPHY. I thank the Senator for his very pointed observation. I would be the last man in the Senate to do anything willfully to the prejudice of the dairy industry, which is one of the greatest industries in my State. But the evidence attending the administration of A. A. A. shows that the dairymen and cattlemen have already gained and stand to gain further from a program for the general interests of American agriculture, and that Congress has provided special measures, money and powers, to meet the special problems of the dairymen. There is every reason to believe that the soil-conservation program has the overwhelming support of the rank and file of real dairymen who are thinking straight about the true interests of their industry.

Mr. DUFFY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. MURPHY. I yield.

Mr. DUFFY. Can the Senator tell me whether any dairy organization ever came to the conclusion that this would not jeopardize their interests very seriously?

Mr. MURPHY. I have not been addressed, to my knowledge, by any dairy organization on the subject.

Mr. NORRIS. Mr. President, I regret that the dairy people of the United States, represented by the organization whose letter was read at the desk at the request of the Senator from Oregon [Mr. MCNARY], feel as they do. I cannot help, to some degree at least, losing some of the confidence I have in that great organization.

The dairy farmers of America have been the recipients of many governmental favors; and justly so, I believe. I have sat for days and days in the Committee on Agriculture and Forestry listening to the pleas of the dairy farmer for different kinds of protection in various kinds of bills which have been before that committee. I believe I have invariably and without exception come to the conclusion that much, if not all, the relief they were asking was relief for which they were justified in asking; and I have done what little I could do to help them.

Now, I am surprised and startled that these dairy organizations, who have been favored by congressional enactments on many occasions and are now enjoying such governmental favor, have suggested an amendment to this bill which seems to me shows on its face that it is unfair and unjust, and that they are asking for a favor to which they are not honestly entitled.

In the first place, I believe the statistics and the arguments just presented by the Senator from Iowa [Mr. MURPHY] absolutely show that the dairymen stand in no danger of injury if the amendment should be adopted. The statement of the Senator from Oregon [Mr. MCNARY], in answer to the question by the Senator from New York [Mr. COPELAND], was to the effect that the lands withdrawn must be planted to legumes and plowed under every year in order to enrich the soil. That would enrich the soil; but in many instances, perhaps in the majority of instances, where we are trying to prevent erosion, the lands which are eroding now are doing so because they have been cultivated—lands that never ought to have felt the touch of a plow.

In some instances we are going to plant them to trees. Is it not just as fair to the lumbermen to say the trees will grow up and afterward be cut into lumber and come in competition with trees some place where we now have immense forests? In all legislation that we enact for the benefit of

some it may be figured out how it might be an interference with the prosperity of others. But in the end these matters adjust themselves. The dairy farmers of Wisconsin and New York are in no danger of becoming extinct because we are going to plant some trees and some grasses on withdrawn land in some other section of the country.

Mr. President, the injury about which there is apprehension is entirely too indefinite and uncertain. I remember once being criticized by some of the newspapers of my State which ordinarily had great admiration for me because I had supported a bill dealing with the Reclamation Service which would have put under irrigation some land which at that time was producing nothing; and the criticism was solely on the ground that the land would produce crops which might interfere with crops produced in my State. That might have been true; it probably was; but is that any reason why we should be what I believe to be narrow-minded, and take all the benefits to ourselves, and then build a fence around the remainder of the country and say we shall do nothing for it?

In the end, as I said, these things will adjust themselves. I remember when I first came to Congress it was proposed to install typesetting machines in the Government Printing Office; and delegations of men and women came to my office by the hundreds, praying with me almost on bended knees—because they were in dead earnest; they meant what they said; they thought they were right—to vote against any such improvement as that, because it would deprive of employment their husbands, their brothers, and their sons who were standing up in the Government Printing Office, setting type by hand. We put in the typesetting machines, however. Every country newspaper now has one, all over the United States. Nobody would go back to the old way of setting type.

The people who have cows and dairies in New York will not be injured by the proposed legislation. It will not hurt them to have some legumes or some grasses or some trees or some bushes planted on land withdrawn from cultivation. Shall we say, after it is planted to grasses, that it never shall be pastured? If we should provide that when these legumes and grasses and trees were planted the Government should build a wire fence around the whole thing and keep everybody out, it would be cheaper, in my opinion, than to employ the thousands of inspectors who will always have to be on guard to see that no cow or horse or sheep or goat gets over into some of these marginal lands and eats a bunch of grass.

Mr. President, there is one other thing I desire to mention. This amendment is flying right in the teeth of the Supreme Court decision in the A. A. A. case. It specifically, almost in so many words, provides for doing something which the Supreme Court in so many words has held that we may not do. They may hold the law unconstitutional, anyway, without this amendment; but they will have a much better excuse to do it if we put on this amendment, and the whole thing will go out.

There can be no doubt whatever that this amendment specifically regulates agricultural production. I think the remainder of the bill does that somewhat, but it is not so brazen in talking about it. The idea is not to let the Supreme Court find it out, I think; but we are going to point out the fact to them in flaming headlines if we put in this amendment. It seems to me the effect of it would be to make certain the death of the bill. It now has at least a hope of life.

Mr. GEORGE. Mr. President, I desire to say a few words on this amendment.

If it should result that the passage of this bill without this amendment would work great hardship on the dairying interests of the country and therefore on the farmers who are engaged in dairying, I should regret it. I cannot lead myself to accept that view as being altogether correct, however, although I can understand the apprehension which inspires the amendment.

I should like to say that I am loath to make the suggestion which has been made by the distinguished Senator from Nebraska [Mr. NORRIS] that the dairying interests of this country have not been altogether considerate of other sections of the country. Innumerable acts have been passed by previous Congresses outlawing products which came from other agricultural States. We have the oleomargarine statutes; we have the filled-milk legislation; we have outlawed products which admittedly were wholesome, which admittedly were desirable. We have outlawed them solely upon the ground that it was desired to prevent competition with dairy products.

I very well remember a distinguished member of this body, when we had under consideration a milk bill, who admitted—and I had very great respect for him, as did all of his colleagues—that the milk he proposed to outlaw was not harmful from any possible point of view. He admitted that it was even desirable for children in certain conditions; and yet the Congress struck down an industry at the request of the dairying interest of the country.

I have generally voted to support anything which I thought was at all proper and in the true interest of dairying; but it is a remarkable sort of thing for the dairying interest in certain States to come here and ask that lands which may be taken out of clean-crop cultivation in order to receive the benefits which the Secretary of Agriculture may grant under this bill should not be sown to cover crops or feed crops, or at least that those feed crops should not be used at all to fatten or to produce any dairy product or beef product sold on the market. I think I ought not to lose the opportunity of saying that the dairy States have stood here and asked that the southern cotton farmer be penalized by an unconscionable tax on the products of cottonseed and cottonseed meal, and that has been done. Now they are here complaining that somebody may compete with them.

Mr. President, I call attention to the fact that this amendment does not propose that the grasses and cover crops shall not be consumed by hogs and cows and cattle and other livestock, and that the farmer may not eat the livestock produced on these additional acreages of cover or feed crops, but only that he may not sell on the open market the products which result from an increase in the food crops, as our dairying friends anticipate.

The Senator from Nebraska [Mr. NORRIS] is obviously right when he says that it would take an immense sum of money and a vast army of inspectors and snoopers to find out whether one's chickens or his hogs or his cows had gone over onto some of the prohibited territory, or the lands which had been taken out of clean-crop cultivation and had been put to raising feed crops.

But, Mr. President, it seems to me there is no need to delude ourselves. If this amendment shall be adopted, this entire legislation beyond a peradventure of a doubt will be ended before it is commenced. It seems to me, with all due respect, that there has been considerable misapprehension in this body about the meat, the heart of the decision in the A. A. A. case.

The Supreme Court did not hold, as has been assumed—and many very severe strictures have been directed at the Court because it was thought it had so held—that the Congress could not aid agriculture by an appropriation. The Supreme Court did not hold that there were not less restrictions on the power to appropriate than on the power to legislate. They did not hold any such thing as that at all. They did not intend so to hold. The Supreme Court said some things in the decision which may be criticized from the standpoint of those who do not believe in a dual system of government. I, myself, do believe in it, and I shall not criticize the Supreme Court because it is in favor of preserving the State with something more than the trifling police power of a municipality.

While I am discussing the pending amendment, I might as well discuss other things. I regret expressions coming from this side of the Senate, particularly from leaders of the party, and I think they are without substantial foundation or justification. But as for my part, and in order to make it clear, whatever my party declares in the next national convention, or writes into its platform, or announces through its candidate, I will not support a program looking

to the destruction of the dual system of government in this country, because, as I conceive it, my obligation and duty to my country are above my obligation to my party. That is as plain as I can make it, and I want to make it plain.

Mr. President, what did the Supreme Court say? I read from the opinion:

> We are not now required to ascertain the scope of the phrase "general welfare of the United States" or to determine whether an appropriation in aid of agriculture falls within it.

The Court expressly and implicitly reserved those questions. This is what the Court did say, and this is the heart of its decision:

> Wholly apart from that question, another principle embedded in our Constitution prohibits the enforcement of the Agricultural Adjustment Act. The act invades the reserved rights of the States. It is a statutory plan to regulate and control agricultural production, a matter beyond the powers delegated to the Federal Government.

I call attention to this language:

> The tax, appropriation of the funds raised, and the direction for their disbursement are but parts of the plan. They are but means to an unconstitutional end.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired.

Mr. GEORGE. I will take my time on the bill.

What the Supreme Court said—what it meant to say, what it explicitly did declare—was that the whole scheme of the Agricultural Adjustment Act aimed at an unconstitutional purpose, or an extra-constitutional purpose, so far as the Federal Government was concerned. In this decision they do not commit themselves to the doctrine that the power to appropriate is as restricted as is the power to legislate. They concede, as I think most lawyers have always believed, that there were less restrictions in fact on the power to appropriate money than on the power to legislate. There was the early view of Mr. Madison, and the Supreme Court dealt with this conflicting view, but they took the other view. They took the Hamiltonian view, as interpreted at least by Judge Story. What they said was that the power to regulate agricultural production was a power reserved to the States or to the people of the States; and that the tax laid for that purpose, the tax levied for that purpose, the means of distributing the money that was appropriated for that purpose, constituted one general scheme, and they condemned it.

If the pending amendment should be enacted, Mr. President, there could be no question that the Soil Conservation Act would become at once an act to regulate agricultural production, to control it, because the provision written into the act by the Congress itself would provide that no crops intended for sale be harvested from and no livestock intended for sale, or the products of which are intended for sale, be grazed or pastured on the lands that are taken out of clean cultivation, at least under the soil-conservation measure now before the Senate.

If the bill is to have the slightest chance of favorable consideration by the Supreme Court, it seems to me that we cannot afford to write into it the pending amendment. It does seem that the objection to the amendment is so clearly good that it would be useless to write it in and entertain any further hope that the act would be held to be constitutional.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. McNARY. Mr. President, I have a very favorable opinion of the judgment of the able Senator from Georgia, and I should like to ask him whether it is his idea that the amendment is in any way weaker, from the constitutional standpoint, than the bill itself?

Mr. GEORGE. I think it is, because it is clearly and distinctly disclosed that with the amendment in the measure the purpose of the legislation is to control agricultural production.

Mr. McNARY. Would it be any more controlled than for the Secretary of Agriculture to say to a farmer that certain grasses or legumes should be planted, and that he was compelled to do that in order to receive his benefits; and then go further and say that if they were planted, he could not feed them to cattle which would go into the dairy business?

Mr. GEORGE. I think it would be, because I can see that if the conservation of soil is within the power of the Federal Government and not within the powers reserved to the States, or to the people of the States, anything that is appropriate to the conservation of the soil itself may be said to be within the power of the Congress, or within the competency of the Congress.

I do not mean to express an opinion that the Supreme Court will hold the bill as it stands to be constitutional, because I know perfectly well that much will depend upon the administration of the measure. The court has always, and rightly, looked to the actual application of a law as the final test of whether the act itself is constitutional.

Mr. BORAH. Mr. President, will the Senator from Georgia yield to me?

Mr. GEORGE. I yield.

Mr. BORAH. I invite the Senator's attention on the question of constitutionality to subdivision (4) of section 7. Subdivision (1) provides for "preservation and improvement of soil fertility." Subdivision (2) is for the "promotion of the economic use and conservation of land." Subdivision (3) is for the "diminution of exploitation and wasteful and unscientific use of national soil resources."

It seems to me that the Court might well hold the bill to be constitutional as to those three purposes, because they all relate directly and intimately to the question of soil conservation. But subdivision (4) provides for the "reestablishment and maintenance of farmers' purchasing power." I do not see how that could be sustained within the decision of the Supreme Court in the Agricultural Adjustment Act case.

Mr. GEORGE. I am very frank to say to the Senator from Idaho that I do not see how it could be sustained within that decision because it has at least no direct relation to the constitutional purpose, if it be conceded that soil conservation is within the powers of the Federal Government.

I was about to say that even in the N. R. A. case, so far as one essential feature of that act was concerned, had the administration of the N. R. A. been confined to interstate commerce, the act would not have been condemned; but in its actual application the administrator undertook to regulate barber shops, pressing clubs, restaurants, hotels, and other purely local and intrastate business. So that if under the pending measure in its actual administration it were apparent that the purpose was the regulation of agricultural production, the act would unquestionably meet the fate of the Agricultural Adjustment Act, and writing into the measure the amendment which the distinguished Senator from Oregon, for whom I entertain not only the highest respect but the deepest affection, has presented, would certainly declare the purpose in unequivocal and explicit language, as I read it—that is, to control agricultural production.

Mr. President, that is all I have to say.

Mr. BORAH. Mr. President, I should like to ask the Senator in charge of the bill whether he regards subdivision 4 as essential to the effective working of the bill. I entertain the view, which I suppose all entertain, that we would like to legislate for soil conservation and the prevention of soil erosion.

Mr. SMITH. Mr. President, I will state frankly that it was contended that this provision might be misconstrued. A great many members of the committee thought that in the Government's effort to prevent soil erosion and to bring about soil conservation one of the necessary corollaries would be the reestablishment and maintenance of the purchasing power of farmers.

Mr. BORAH. If that be true, Mr. President, then subdivision 4 is surplusage. The fact, however, that this subdivision is inserted conclusively establishes the fact that it is proposed to do something aside from dealing with soil erosion, and I venture to believe that it would imperil the measure if it

were left in it. We ought not to insert a clause which may invalidate the entire measure when we can effectuate our purpose without it.

Mr. SMITH. Mr. President, all of us know that the object of the entire bill is to aid agriculture, to preserve the fertility of the soil, and to reclaim the soil whose fertility has been destroyed. We are attempting now to legislate constructively, for the future increase in population, and we hope we will not always be in the depression or facing a future depression, and that possibly we will need a great extension in the future of the soil on which to produce the necessities of life at home and whatever may be needed abroad.

That was the whole purpose of the bill.

I am frank to say that by the language of the bill it did not appear that the ordinary farmer's specific personal interest was being taken care of; and the committee thought it was perfectly legitimate to say that the result of the operation of these laws will perhaps have the effect of maintaining and reestablishing the ordinary farmer's purchasing power.

I remember the illustration was used that we certainly have the constitutional right—so declared now—to build a dam to improve the navigability of a stream. If, in building that dam, incidentally there is produced power, that is in no sense correlated to the objective of the dam and the locks.

Now, the question is, what declaration should be made in reference to a projected construction of a dam under which incidentally there would be power produced? It might very well be said that in providing money to build the dam there will be incidentally a considerable contribution to another accomplishment.

Mr. BORAH. Mr. President, I agree with the logic of the Senator's position with reference to building a dam and power development; but I must say that that does not seem to me to be an answer to this contention.

Mr. SMITH. Mr. President, is it the objective of this bill really to benefit the farmer?

Mr. BORAH. Oh, yes; to benefit the farmer, of course.

Mr. SMITH. Certainly. In what respect?

Mr. BORAH. When it is said that we propose to reestablish and maintain the farmer's purchasing power, I do not know what is meant, unless we propose to control production.

Mr. SMITH. Mr. President, I think that largely depends upon what construction is placed upon the reestablishment of the farmer's soil. To meet the issue squarely and fairly, let me say that it was thought that if it should be necessary to take out of cultivation certain lands in order to prevent erosion and in order to increase fertility, it would perhaps necessarily and logically reduce production.

Mr. BORAH. Exactly. Therefore, I say that everything can be done which it is proposed to do under this bill.

Mr. SMITH. But we want the farmer to understand it. He might not understand the constitutional, technical phase of the matter. We must get it down to a cornfield basis. Frankly, that is exactly what influenced the committee. I am telling the Senate that now. We may pile up our technicalities and our constitutional constructions, but the gentleman out in the field says, "Where do I come in?"

Mr. BORAH. The gentleman out in the field is a great deal more intelligent than we give him credit for being.

Mr. SMITH. Yes; I hope he is, and I hope the effect will be felt later on. It has not been felt up to the present time. He has not proven his intelligence as he ought to have done—I mean, by exhibition where the laws are made.

Mr. BORAH. The Senator and I are both here.

Mr. SMITH. Yes; I know we are, and that proves the point I am making.

Mr. President, I fully agree with the Senator from Idaho that in view of the decision of the Supreme Court, that language, if they so desired, might be construed as expressing one of the main objectives. It is a corollary coming from the erosion and depletion of the soil.

Mr. BORAH. I think I understand the Senator's position.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oregon [Mr. MCNARY] to the committee amendment.

Mr. CAREY. Mr. President, a few moments ago I referred to a telegram which I had received from the secretary of the Wyoming Stockgrowers' Association, and which I now ask to have read by the clerk.

The PRESIDENT pro tempore. Without objection, the clerk will read the telegram.

The legislative clerk read as follows:

CHEYENNE, WYO., *February 10, 1936.*

ROBERT D. CAREY,
United States Senate:

We urge you oppose farm legislation as now proposed. First, because it provides for expansion of hay and pasture land in farm States, which we believe will lead to great subsidized expansion of cattle and sheep production in those States to utilize millions of acres of new hay and pasture land. Thus created, this would lead either to serious oversupply of livestock or to forced reduction in livestock on western ranges through restriction of stock licensed to graze under Taylor Act and on forests. Either of these results would be disastrous to West, and especially Wyoming. Second, we understand such farm legislation likely to be financed by processing taxes, thus further burdening livestock industry. Our stockmen are united in their opposition to such taxes, especially if levied upon livestock or its products.

RUSSELL THORP,
Secretary, Wyoming Stock Growers' Association.

Mr. CAREY. Mr. President, we know that under the A. A. A. program as soon as there was a reduction of one crop the farmer turned to another crop. We began by legislating with respect to a very few basic commodities, which were constantly added to on account of new crops and new kinds of surpluses resulting from our previous acts.

If the pending bill is an honest bill, if it is the intention of the Department of Agriculture and other advocates of the bill really to administer it as a soil-conservation measure, the result will be, we know, that these lands will go into the production of grasses and feeds, which means a larger livestock production throughout the United States, as well as an expansion of the dairy industry.

I desire to read from an article written by J. Evetts Haley, of the department of history of the University of Texas, Austin, Tex., entitled "The Cows in the Cotton Patch." I quote from this article:

The unplanned results of the planners are coming in with the bills, and the dislocations of our national economy are just now beginning to be felt. The center of meat production is shifting South and East, following the growth of feed. Peter Molyneaux, editor of the Texas Weekly, notes the increase in Texas production and suggests coastal packing houses to process and ship southern hogs to eastern markets; Dr. George W. Carver, famed agriculturist of Tuskegee Institute, says cattle are supplanting cotton in the South; and in distant Wisconsin Dr. Glenn Frank raises his voice to warn the dairy interests of the potentialities of other regions. Nor are these wild predictions. Already the cows are in the cotton patch, and only the western cowman and the Corn Belt feeder will worry about who is a-going to get them out.

I quote from another part of this article:

From Red River to the coast of Texas this writer has seen cotton lands being turned to feed and to range, and the preliminary report of the census of agriculture indicates the trend elsewhere. Around Selma, Dallas County, Ala., there is a 9-percent reduction in agricultural acreage for the last 5 years. Yet hay and oats are up, corn production increased more than 17,000 acres, and the number of cattle advanced to 37,716 head for this county alone, or an increase of 55 percent. Markets at Montgomery report an active demand for light stocker cattle, the biggest calf crop "in years", and "unprecedented" receipts in the yards.

I ask unanimous consent to have the entire article printed in the RECORD at this point as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The article is as follows:

THE COWS IN THE COTTON PATCH

(By J. Evetts Haley, of the Department of History, University of Texas, Austin, Tex.)

That the western range man, the Corn Belt feeder, and even the Wisconsin dairyman have almost as vital an interest in the restriction of cotton acreage as the southern planter is a fact but slowly realized. Though originally designed to promote stability in one industry, the Bankhead Act and cotton subsidy now threaten the life of others, and offer another illustration of the

fallacy of "economic planning" as practiced by the "brain trust." Such "planning" for one group at the expense of another is mere class legislation, and for downright consistency in at least one New Deal field there seems nothing in American history to equal it.

In the early summer of 1933, Mr. Henry Wallace, short on experience but long on philosophy, called a conference of southern cotton authorities to advise as to the disposition of surpluses and the prevention of their recurrence. With the usual emotional fervor of those "first hundred days", and also with their usual lack of deliberation, a scheme of reduction was evolved.

Dr. A. B. Cox, recognized cotton authority from Texas, there in attendance, opposed the sacrifice of our world trade and the dislocation of southern economy upon the basis of emergency. Emphatically he warned the Secretary that if cotton production were severely restricted, the South would be forced into the cattle business. At that time it was traitorous to doubt, and Mr. Wallace strode across the room, shook his finger under the Texan's nose, and laid down the first principle of regimentation:

"No; you can't do that," he said. "We won't let you!"

Since then the extension of bureaucratic power to American agriculture and, through agriculture, to American life, has moved apace to encompass the domestic economy, all the way from chewing tobacco to baked potatoes.

Upon the surface the plan was simple enough. The farmers were in distress; prices should be raised; and, marvelously, these planners decided the exact amount they should be raised and called this the "parity" price. Certain commodities were declared "basic", and processing taxes or class levies were collected to pay "cooperating" farmers a bonus. Obviously processors could not absorb these levies indefinitely, as the propagandists seem to have led the country to believe, and the cost was passed on to the consumer. When buyers' strikes developed and the products would not move, the levies were, of necessity again, passed back to the producers in lower prices.

But by offering the cotton farmer a bounty not to raise cotton, and the corn-hog grower a subsidy not to raise corn and hogs, the so-called Agricultural Adjustment Administration induced them to vote approval of the plans, and, of course, "voluntarily" submit to control.

Since that day the devastating results of planned economy have broadened with the field. At first the A. A. A. was to limit but one southern crop, and that crop was cotton. Then it bit off tobacco. But as tobacco and cotton acreage decreased, peanuts increased, and in order to save this considerable industry, "goobers" were added to the Triple A list. Still the millions of tillable acres remained, and planters put more land into potatoes. The potato market slid to the bottom, and now by recent amendment to the A. A. A., the most arbitrary rule of all is invoked, not only to prescribe the number of bushels each person may produce, but to indicate the only container in which they may be sold, and to lay down a penalty of a thousand dollar fine for both seller and buyer of bootleg goods.

Today, instead of one southern crop, a half dozen are "under control." It is a dangerous progression pointing the short way to complete regimentation of the agricultural field and a corresponding change in the American way of life.

It takes several years to raise a cow or produce a heavy beef, and hence the effects of the A. A. A. upon beef production are but now becoming evident. Some 13,000,000 acres have been withdrawn from cotton in the South, and millions from production of other basic crops. Yet it is a notable fact that acres growing but weeds and grass produce meat, whether on a western range or on a delta plain, and the consumers are beginning to wonder when this and the other costly contradictions will end.

The Administration pays farmers to retire rich corn land in Iowa while Texas is producing the biggest crop in 25 years; it holds down production of grain while we import trainloads from Mexico and Canada; it kills off our cattle in the name of "balanced abundance" while importing meats from abroad; and, through one division of the A. A. A., kills the calves and pigs to save the growers, while another division of the organization, known as Consumers' Counsel, advises resentful buyers to turn to other articles of diet.

The unplanned results of the planners are coming in with the bills, and the dislocations of our national economy are just now beginning to be felt. The center of meat production is shifting south and east, following the growth of feed. Peter Molyneaux, editor of the Texas Weekly, notes the increase in Texas production and suggests coastal packing houses to process and ship southern hogs to eastern markets; Dr. George W. Carver, famed agriculturist of Tuskegee Institute, says cattle are supplanting cotton in the South; and in distant Wisconsin Dr. Glenn Frank raises his voice to warn the dairy interests of the potentialities of other regions. Nor are these wild predictions. Already the cows are in the cotton patch, and only the western cowman and the Corn Belt feeder will worry about who is a-going to get them out.

If these interested parties attempt to do it with unrestrained production, will Mr. Wallace again rise to remark:

"No; * * * we won't let you."

Yet this is the ruthless, unavoidable sequence of the plan for abundance through scarcity, this so-called agricultural adjustment. Control of one big crop means control of all; planning for agriculture means planning for the other industries. It happened with peanuts and potatoes, and now Nature's inevitable cycle moves on the upgrade to a vast surplus of beef. The western producer can read the signs as he rides; prices in the West will be scaled down through the pressure of great herds from the South. This is neither planning, nor balance, nor adjustment, but plain economic bungling, disturbance, and impending disruption, with none of the commendable, shock-absorbing features of the easy, natural readjustment of our economic life.

Will Mr. Wallace permit the western range man and the Corn Belt feeder to hold his business by meeting this southern expansion? The past history of the A. A. A., as well as its uncertain future, poise the negative answer. To do so means defeat of the whole scheme. The outcome must be more and more control. Already his machinery for handling the situation exists through the cattle-adjustment contracts extended to the western range through the medium of drought relief. Through the cattle-killing program and the payment of bonuses more than 700,000 ranchmen and farmers in 24 range States signed a contract to "cooperate with further general programs pertaining to the adjustment or reduction of production * * * which may be proffered by the Secretary." Furthermore, they agreed "to abide by and conform to regulations and administrative rulings" relating to the agreements "hereafter prescribed by the Secretary." It hardly seems rash to predict that the "hereafter" is near at hand. Will the blanket contract be invoked to hold western production in check when the South can produce at its own free will?

Whatever may be Mr. Wallace's philosophical rejoinder, the meat producers of the West must face these grim facts, as well as a foreign trade sheet steadily mounting in their disfavor. Department of Commerce figures for the first 8 months of the last 2 years tell their own story—the story of eating our neighbors' beef:

Imports (in pounds)	1934	1935
Beef and veal	136,972	7,115,925
Hams, bacon, etc	547,223	2,395,608
Canned meats	26,215,757	49,770,402
Lard, etc	296,185	10,758,779
Butter	436,695	21,826,263

While the experts were punching hypothetical cows across their charts, the ranches of Alberta, Canada, in these 8 months shipped 30,000 cattle over the American tariff walls, compared with 6,567 head for all of Canada through the whole of last year. Likewise, cattle pour in from Mexico, beef from Argentina, and the South drifts its herds into the cotton patches.

From Red River to the coast of Texas this writer has seen cotton lands being turned to feed and to range, and the preliminary report of the census of agriculture indicates the trend elsewhere. Around Selma, Dallas County, Ala., there is a 9-percent reduction in agricultural acreage for the last 5 years. Yet hay and oats are up, corn production increased more than 17,000 acres, and the number of cattle advanced to 37,716 head for this country alone, or an increase of 55 percent. Markets at Montgomery report an active demand for light stocker cattle, the biggest calf crop "in years", and "unprecedented" receipts in the yards.

In the simple idiom of the range, these cows in the cotton patch are being bred by the Bankhead "outfit", running the A. A. A. brand. The mavericks haven't been tallied; the count still isn't in. The big herds are to be "punched" by the political cowboys, riding the New Deal range.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. McNARY] to the committee amendment.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Hatch	O'Mahoney
Austin	Coolidge	Hayden	Overton
Bachman	Copeland	Holt	Pittman
Bailey	Costigan	Johnson	Pope
Barbour	Couzens	Keyes	Radcliffe
Benson	Davis	King	Reynolds
Black	Dickinson	La Follette	Robinson
Bone	Dieterich	Logan	Russell
Borah	Donahey	Lonergan	Schwellenbach
Brown	Duffy	Long	Sheppard
Bulkley	Fletcher	McAdoo	Smith
Bulow	Frazier	McGill	Steiwer
Burke	George	McKellar	Thomas, Okla.
Byrd	Gerry	McNary	Trammell
Byrnes	Gibson	Maloney	Truman
Capper	Glass	Murphy	Vandenberg
Caraway	Gore	Murray	Walsh
Carey	Guffey	Neely	White
Chavez	Hale	Norbeck	
Clark	Harrison	Norris	

The PRESIDENT pro tempore. Seventy-eight Senators having answered to their names, a quorum is present.

The question is on the amendment offered by the Senator from Oregon [Mr. McNARY] to the amendment in the nature of a substitute reported by the committee.

Mr. McNARY. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CAREY (when his name was called). On this question I have a special pair with the senior Senator from Montana [Mr. WHEELER]. If he were present, he would vote "nay", and if I were permitted to vote I should vote "yea."

Mr. DICKINSON (when his name was called). On this vote I have a pair with the junior Senator from Mississippi [Mr. BILBO], who is necessarily absent. I transfer that pair to the junior Senator from North Dakota [Mr. NYE] and will vote. I vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Minnesota [Mr. SHIPSTEAD], who is unavoidably absent. Therefore I withhold my vote. I do not know how he would vote if present, and I doubt if I know how I would vote if at liberty to vote.

Mr. WHITE (when his name was called). On this vote I have a pair with the junior Senator from Alabama [Mr. BANKHEAD]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. AUSTIN (after having voted in the affirmative). I observe that the junior Senator from Utah [Mr. THOMAS] is not present and has not voted. I have a pair with that Senator for the day. I understand that if present he would vote "nay." Therefore I withdraw my vote.

Mr. McKELLAR (after having voted in the negative). I inquire if the junior Senator from Delaware [Mr. TOWNSEND] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. McKELLAR. I have a general pair with that Senator. In his absence, I transfer my pair with him to the Senator from Nevada [Mr. McCARRAN], and will allow my vote to stand.

Mr. AUSTIN. I announce the following pairs on this question:

The Senator from Rhode Island [Mr. METCALF] with the Senator from Indiana [Mr. VAN NUYS]; and

The Senator from Delaware [Mr. HASTINGS] with the Senator from Kentucky [Mr. BARKLEY].

I am advised that if present the Senator from Delaware [Mr. HASTINGS] would vote "yea" and the Senator from Kentucky [Mr. BARKLEY] would vote "nay."

Mr. MURRAY. I announce that the Senator from Alabama [Mr. BANKHEAD] is detained on account of illness, and that the Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. BILBO], the Senator from Illinois [Mr. LEWIS], the junior Senator from Indiana [Mr. MINTON], the senior Senator from Indiana [Mr. VAN NUYS], the Senator from Utah [Mr. THOMAS], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are detained on important public business.

I further announce that the Senator from Nevada [Mr. McCARRAN] and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

The result was announced—yeas 28, nays 45, as follows:

YEAS—28

Barbour	Coolidge	Frazier	Maloney
Borah	Copeland	Gibson	McNary
Brown	Couzens	Hale	O'Mahoney
Bulkley	Davis	Johnson	Pittman
Burke	Dickinson	Keyes	Schwellenbach
Capper	Donahey	La Follette	Steiwer
Clark	Duffy	Lonergan	Vandenberg

NAYS—45

Adams	Costigan	Long	Reynolds
Bachman	Dieterich	McAdoo	Robinson
Bailey	Fletcher	McGill	Russell
Benson	George	McKellar	Sheppard
Black	Gerry	Murphy	Smith
Bone	Gore	Murray	Thomas, Okla.
Bulow	Guffey	Neely	Trammell
Byrd	Harrison	Norbeck	Truman
Byrnes	Hatch	Norris	Walsh
Caraway	Holt	Overton	
Chavez	King	Pope	
Connally	Logan	Radcliffe	

NOT VOTING—23

Ashurst	Glass	Minton	Tydings
Austin	Hastings	Moore	Van Nuys
Bankhead	Hayden	Nye	Wagner
Barkley	Lewis	Shipstead	Wheeler
Bilbo	McCarran	Thomas, Utah	White
Carey	Metcalf	Townsend	

So the amendment of Mr. McNARY to the amendment in the nature of a substitute reported by the committee was rejected.

Mr. O'MAHONEY. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In the amendment of the committee on page 7, line 17, at the end of section 8, it is proposed to insert the following:

There shall be deducted from any payment or grant of other aid which is conditioned, in whole or in part, upon the growth on any lands of any crops intended to restore or conserve the soil, or to prevent erosion, or conditioned upon any change in the kind of crop to be grown on any land, the net proceeds of any crops harvested from, or of any livestock or products of livestock, grazed or pastured on, such land.

Mr. O'MAHONEY. Mr. President, the amendment of the Senator from Oregon [Mr. McNARY], which was voted on just a moment ago, would have prohibited the use of lands taken out of cultivation for the purposes of the act for the harvesting of crops or the pasture of livestock. The amendment which I have offered is in the nature of a substitute for his amendment.

The bill authorizes the payment of benefits and the grant of aid to farmers based upon the retirement of lands from cultivation for the purposes of soil conservation or based upon the use of lands for purpose of preventing soil erosion. The effect, of course, will be to change the use of lands. If my amendment should be adopted, it would merely mean that if any of the retired lands were used for the purpose of grazing livestock or producing livestock products or the growing of any other crops which should be harvested and sold, then the owner of the land would not be permitted to receive both a benefit payment and the net proceeds of such a crop or such a product.

It seems to me it is not necessary to elaborate the arguments upon the proposal. It follows the discussion which has already been had. Retired lands should not be permitted to be used in competition with farmers and producers who do not derive benefits from the act. If my amendment is adopted beneficiaries of the act will not use their retired lands for the production of additional surpluses. This provision will be particularly helpful to the livestock industry.

I submit the amendment with this brief explanation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I send to the desk an amendment which I offer to the committee amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 8, line 2, after "thereof", it is proposed to insert "or for the stabilization of the markets for such commodities or the products thereof"; and on page 8, line 2, after "thereof", to insert the following new sentence:

In carrying out the provisions of this section the Secretary is authorized and empowered to enter into contracts with associations of producers or associations composed of producer associations as defined by the act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act, under which said associations may be designated by the Secretary as the agency to carry out any program authorized by this section, and the Secretary is further authorized and empowered to allot to said associations whatever funds may be necessary to carry out any program authorized by this section.

Mr. LA FOLLETTE. Mr. President, in opposing the amendment which was offered by the Senator from Oregon [Mr. McNARY], the Senator from Iowa [Mr. MURPHY] suggested there were certain provisions of law by which the dairy and livestock industries could be protected against serious declines in price due to the operations of the pending measure or market conditions. The purpose of the amendment which I have offered is to enable the Secretary of Agriculture

to reinforce such activities and to make use of cooperative organizations in carrying out stabilization programs.

Senators familiar with the subject may remember that in 1933, when operations were undertaken to stabilize the butter market, the Secretary of Agriculture designated one of the large cooperatives as his agency for that particular operation. I am advised that unless this language is placed in the bill there will be a question as to whether or not the Secretary, if he so desired, might employ these cooperative associations as his agents in stabilization operations.

Personally I can see no objection that could legitimately be raised against the amendment, since it only strengthens the arm of the Secretary to protect the dairy and livestock industries and, if he finds it advisable, to make use of cooperative organizations for these purposes.

With that brief statement concerning the purposes of the amendment, I desire to avail myself of this opportunity to state briefly my attitude toward the pending legislation.

Mr. AUSTIN. Mr. President, will the Senator yield for a question before he leaves that point?

Mr. LA FOLLETTE. Certainly.

Mr. AUSTIN. I inquire of the Senator from Wisconsin whether his amendment applies and relates only to commodities that move in interstate commerce or that hinder or obstruct interstate commerce or that directly affect interstate commerce?

Mr. LA FOLLETTE. The sections which were mentioned by the Senator from Iowa [Mr. MURPHY], and under which certain stabilization operations and certain purchases to relieve surplus commodities have been made, are in the existing law. They are to be found in the so-called Jones-Connally Act and in section 32 of the amendment of the Agricultural Adjustment Act which was passed at the last session of Congress. The Senator may likewise remember that when the deficiency appropriation bill, I believe it was, was under consideration an amendment was written into the law which permitted the Secretary of Agriculture to make purchases of surplus commodities for distribution.

All that my amendment seeks to do is to provide the Secretary of Agriculture with additional authority to carry on similar operations. It also provides that these stabilization programs may be conducted through cooperative organizations.

Mr. President, during the time I have been a Member of the Senate I have supported agricultural legislation. Shortly after I came to the Senate a measure then under consideration was the McNary-Haugen bill. I supported it throughout its legislative history. I supported the debenture amendment offered by the Senator from Nebraska [Mr. NORRIS] to the so-called Hoover Stabilization Corporation Act, although when that amendment was eliminated I voted with a few other Senators in the Chamber against the bill itself. I supported the Agricultural Adjustment Act. I supported the amendments to the Agricultural Adjustment Act. I intend upon the final roll call to support the pending bill.

In all of these instances in the past I have had to admit, both publicly and to myself, that the measures did not represent entirely my own point of view; but recognizing, as it seems to me any person must acknowledge, that the purchasing power of the great agricultural population of the country is vitally essential to its economic life, I have refused to take the position of voting against a measure simply because it did not meet all of the phases of the problem which I believed should be met. Therefore, while I share to some extent the apprehension which is held in the minds of some of those who are deeply and vitally concerned in the prosperity of the dairy industry and the livestock industry, yet it seems to me that upon the final passage of the measure I cannot take the position that the bill should be killed. It is perfectly clear that in our present economic situation the interdependence of the various sections of the agricultural industry and the interdependence of the urban population are interwoven together. We cannot hope to achieve a better and more abundant life until all sections of our population have been given an opportunity to share in it.

Furthermore, as I read the pending bill, I do not agree with the construction which some have placed upon it, that the farmers in the dairy and livestock industries are barred from participation in the benefits of the measure because they have employed more scientific use of their soil. As I read the bill, it will be the duty of those charged with its administration to consider the programs advanced by each and every State; and if they are reasonably designed to accomplish the primary purposes of the legislation, I assume that they will receive sympathetic consideration and approval. Therefore I do not think it is fair to take the position that those who are engaged in the livestock and dairy industries are denied participation and benefits under it.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Iowa.

Mr. MURPHY. I will say to the Senator that he has expressed the view taken of this proposed legislation by the committee. The committee feel that the bill will be beneficial also to those industries.

Mr. LA FOLLETTE. Mr. President, we are not confronted with a theory. We are confronted with a very realistic situation.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired.

Mr. LA FOLLETTE. I shall proceed on the bill.

The Agricultural Adjustment Act has been declared unconstitutional. Six million farmers in this country find themselves once more denied any opportunity to obtain relief and benefits from the Federal Government. We must make the best of a difficult situation. It is a case of take this bill or nothing. I regard it as another temporary device to divert a larger proportion of the wealth produced from year to year to those who are engaged in tilling the soil.

Our problem in this country is to produce more wealth. We have in America today a potential abundance which, if we could find ways and means of releasing, would provide not only an abundant and a satisfactory life to those who live upon the farms, but, by the same token, an abundant and a satisfactory life to those who live in our urban communities. I am firmly convinced that our ultimate objectives should be to release this potential abundance, and bring about a more equitable distribution of it to those who participate in its production from year to year. Nevertheless, in the economic crisis with which we have been confronted for the past several years, it seems to me that, as practical men, we must acknowledge that if we cannot achieve these greater objectives in their entirety, we must then rely upon other devices to secure a more equitable distribution of the wealth which we are able to produce during the crisis.

Believing that agriculture as a whole has been in distress since 1920 and 1921, I am not embarrassed by the fact that perhaps temporarily this program may seek to some extent to curtail production, if it will enable a more equitable proportion of the wealth we do produce to flow into the hands of those who live upon the farms, and who are dependent upon agriculture for their livelihood.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment of the committee.

On a division, the amendment to the amendment was agreed to.

Mr. RUSSELL. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment offered by the Senator from Georgia to the amendment of the committee will be stated.

The CHIEF CLERK. On page 5, line 14, of the reprint, after the word "value", it is proposed to insert: "and loss in value of exports below the average for the period 1924–29."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on the committee amendment, as amended.

Mr. McNARY. Mr. President, the committee amendment, as amended, is the bill itself?

The VICE PRESIDENT. If the committee amendment as amended shall be agreed to, no more amendments will be in order, and the amendment as amended will become the bill of the Senate.

Mr. McNARY. I anticipated that that would be the Vice President's answer. There are further amendments pending. I will say frankly that at the appropriate time I am going to move to recommit the bill to the Committee on Agriculture and Forestry. I do not desire to make that motion if it will result in denying any other Member of the Senate an opportunity to present his amendment. I am advised that there are 8 or 10 amendments on the desk.

The VICE PRESIDENT. At the present time no amendment is presented to the Senate.

Mr. NORBECK. Mr. President, I have a couple of amendments which I should like to offer. One of them is an additional section to be added at the end of the bill, however; and I thought I would wait until the last minute to offer that amendment.

The VICE PRESIDENT. The Senator would have to offer it now, because if the amendment reported by the committee should be agreed to, it would become the bill and would not be subject to further amendment.

Mr. NORBECK. I send to the desk the amendment and ask to have it stated.

The VICE PRESIDENT. The amendment offered by the Senator from South Dakota to the amendment of the committee will be stated.

The CHIEF CLERK. In the committee amendment it is proposed at the proper place to insert the following:

The Secretary of Agriculture is hereby authorized and directed to investigate the practicability of purchase of 10 to 15 percent of average agricultural lands for the purpose of taking said lands temporarily or permanently out of production and converting them to the purpose for which they are best suited, such as forestry, recreation, and wildlife conservation. And the Secretary shall estimate the cost of various plans he may suggest and make a report to the Congress, if in session; if not, then to the Secretary of the Senate and the Clerk of the House.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. NORBECK] to the committee amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

Mr. McNARY. Mr. President, if there are no further amendments to be offered to the amendment, I desire to propose the motion which I send to the desk.

The VICE PRESIDENT. The Senator from Oregon submits a motion, which the clerk will read.

The legislative clerk read as follows:

It is moved that the pending bill be recommitted to the Committee on Agriculture and Forestry with instructions to report the bill back within 3 weeks.

Mr. McNARY. Mr. President, I am compelled to offer this motion for the reason that I think the bill in its present form is unworkable and unconstitutional. I do not intend to repeat the argument I made a few days ago on that particular phase of this problem. When the bill was first proposed to the committee it contained a plan which is embodied in the pending bill, but did not contain the so-called plan of cooperation between the States and the Federal Government in the matter of the protection of soil fertility and prevention of erosion.

When I addressed the Senate on the bill a few days ago I stated that, in my opinion, the plan of cooperation between the Federal Government and the States had many potentialities worthy of consideration. It is my judgment that if the bill should be returned to the Committee on Agriculture and Forestry and a permanent plan which did not impinge upon the Constitution or do violence to the decision of the Supreme Court in the case of Butler against the United States should be worked out, it might be of great aid to agriculture in the future.

I am not at this moment concerned about the present-day price levels. This morning I inquired of the Bureau of Agricultural Economics concerning the price levels before, at the time, and since the rendition of the Supreme Court decision. From that source, and from other data which have been published, it is my opinion that the farmer is doing very well today without the processing tax, and for the RECORD I should like to read some statistics.

On January 4 the market price of cotton, Middling spot, was 11.71 cents. On the day the decision was rendered it was 11.47 cents, and on February 8, a day or two ago, it was 11.38 cents, showing that there was a very small decline in the price level.

As to wheat, Hard Winter No. 2, at Kansas City, the primary market, on January 4 the price was $1.18; on January 11 it was $1.15; and on February 8 it was $1.10, showing a decline of a few cents.

The price of corn, No. 3 Yellow, was 60.9 cents a bushel in the Chicago market on January 4. On the day of the rendition of the decision the price was 60 cents, and today it is 61 cents, showing an increase of practically 1 cent a bushel.

Hogs, on January 4, were worth 9.38 cents a pound; on January 11, 9.85 cents; and at this time, 10.36 cents, showing a general elevation in the price level since the Supreme Court decision.

Mr. President, what do we find as to hard wheat on the Chicago market? The price of No. 1, Dark Northern spring was $1.34 before the decision, on January 4; it was $1.30 at the time of the decision, and it is $1.3410 now, showing an increase in the price of hard wheat.

Taking all the farm commodities, we find that there has been a gradual increase in farm prices since the rendition of the Supreme Court decision.

This shows that there is no immediate and urgent necessity for legislation. There is a necessity for a permanent plan, which Congress over the last decade has attempted to establish, and my judgment is that the pending bill should be returned to the Committee on Agriculture and Forestry and considered in connection with the Norbeck bill, the Connally debenture bill, the bill which I introduced here some time ago containing what is called the three-way plan, the old equalization fee and the allotment plan; the bill offered by the Senator from Wyoming [Mr. CAREY] and the bill prepared by Mr. Peek, one of the greatest agricultural economists in the country, which sets forth completely and specifically a plan of cooperation between the Federal Government and the States. If the committee today were charged with the obligation of taking these various bills now before it, studying them, and reporting back in 3 weeks, in my opinion the grave mistake and serious error that was made in the hasty consideration of the A. A. A. and the N. R. A. would be avoided.

For these reasons, since it is shown conclusively by the figures that there is no present necessity for hasty legislation, I ask in the best of faith of the Members of this body who are interested in the farmer and who do not want in the future to embarrass him as we have in the past, that the bill be returned to the Senate Committee on Agriculture and Forestry. I have very carefully protected the industry of agriculture from possible evil effects of any delay in legislation by providing that the report must be made within 3 weeks.

Mr. SMITH. Mr. President, I wish to make just one statement. I do not want the impression to go abroad that the bill was not carefully considered by the committee. In all my experience on the Committee on Agriculture and Forestry I have not known of a bill being considered as carefully by both parties as was the pending bill. The fact is that we ourselves have been charged with delay, when we have worked hard to frame a bill which would meet the situation.

Mr. McNARY. Mr. President, I did not expect a challenge, and I shall not be content without answering it.

The bill had four editions; four publications of the bill were made, and the Senator from South Carolina nods in affirmation of my statement.

The Secretary of Agriculture; Mr. Davis, Administrator of the A. A. A.; Mr. Reed, the Solicitor General; and one solicitor of the Department whose name eludes me now, in executive session, were the only ones who came before the committee. If that constitutes a public hearing, if that amounts to careful consideration, then I am not advised as to what those terms mean.

Mr. NORBECK. Mr. President, I think the Senator from Oregon overlooks the main point. There were other hearings on the bill and the bill was improved in the committee. Six distinguished gentlemen had the bill under consideration, but they were all taken from the Democratic side. No Republican was on the committee and we do not know how they considered the bill. I say that this is the first time I have ever served on a committee when a subcommittee of that size was appointed all from one party. I am not protesting, except that I do not want the remark made that the bill was carefully considered by both sides. One side was left out of consideration.

Mr. SMITH. The members on the Republican side refused to serve.

Mr. NORBECK. Who are they?

Mr. SMITH. The Senator from Oregon [Mr. McNARY] and the Senator from Nebraska [Mr. NORRIS].

Mr. NORBECK. How many Republicans are there on the committee?

Mr. SMITH. There were others.

Mr. BLACK. Mr. President, yesterday I asked for some figures with reference to prices. I did so by reason of the fact that the Senator from Oregon yesterday stated the prices compared with those of several weeks ago.

I was unable at that time to obtain any figures as to the prices. I was told that wheat was selling on yesterday, I believe, at 98 cents. I think the Senator from Oregon has said that today it is selling for $1.10, if I am not mistaken.

Mr. McNARY. No; I said No. 1 Dark Northern, spring, which is the wheat containing proteins, was selling yesterday in Chicago at $1.34 a bushel.

Mr. BLACK. I now desire to read, Mr. President, a brief extract from the speech of the Senator from Idaho [Mr. BORAH] made in this body on July 8, 1932:

> I was conversing today with one of the great wheat raisers of the United States, perhaps the largest wheat raiser in the United States. He informed me that he was harvesting some 500,000 bushels of wheat, and that the price of his wheat on board the cars is 16 cents a bushel.

That shows what wheat was selling for before the present program began. I noticed a few minutes ago that the price of hogs was given. If I am not mistaken, the Senator from Oregon [Mr. McNARY] stated that hogs were selling for $9.85 on January 4 of this year, and for $10.36 today. Are those figures correct?

Mr. McNARY. Hogs, good and choice, were bringing $9.38 on January 4, $9.85 January 11, and $10.36 yesterday.

Mr. BLACK. In January 1933 hogs were selling for $2.68, as against a little more than $10 at the present time. According to this statement, wheat then was selling at 14 cents, as against a little over a dollar today. I have here a list of prices of various other products.

The reason why I have placed these figures in the RECORD at this point is that all of us realize that since the A. A. A. decision there has not been a proper opportunity to determine the effect on farm prices without laws. All over the United States it is anticipated that laws will be enacted.

At the time the present administration assumed office wheat was selling at about 14 cents a bushel. I have in my possession news items with reference to burning corn at that time. Corn was selling so low that it was cheaper to use it for fuel than to sell it for feed.

The Senator from Oregon now suggests that the bill be recommitted to the committee, with all the confusion that would result from such action, in spite of the fact that the National City Bank of New York, which is certainly not supposed to be proadministration, has recently issued a bulletin which attributes the prosperity which started in the Nation when the new administration came in to the rising price of farm products.

I simply desired to have these price figures in the RECORD at this time in order that we might not be misled by figures as to prices for which farm products are selling today compared with their prices 2 years ago. The question which Senators who vote to send this bill back to the committee will have to answer is, What was wheat selling for on March 4, 1933? What was corn selling for then? What were hogs selling for at that time? What were other farm products selling for on that date? As the result of the administration's program, the prices of those products have been brought up to the point where at least the farmers are getting somewhere near a reasonable price for their commodities. Those results were brought about during this administration. There is no other way to explain to one's constituents the differences between 14-cent wheat and $1 wheat.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon [Mr. McNARY] to recommit the bill.

Mr. VANDENBERG. Mr. President, there is one very important thing to be said, it seems to me, in favor of the motion submitted by the able Senator from Oregon which thus far has been overlooked. I refer back by analogy to the time when the Senate voted to refer back to the committee the great $4,880,000,000 work-relief appropriation bill. Why did the Senate vote to send that bill back to committee for further survey and exploration? The Senate voted to send it back because Senators could not find within the language of the bill any specifications whatever which would indicate in what fashion the undertaking contemplated was to be carried out. It was a blank check. The Senate insisted that it was entitled to some small degree of information respecting the ultimate contemplation involved in the legislation.

The Senate asserted temporarily its sense of responsibility. The bill went back to the committee. It was returned to the floor of the Senate, I confess, without much additional illumination, but, Mr. President, the original bill respecting the appropriation of $4,880,000,000 was brilliantly illuminated by electricity compared to the bill which is before us now. This bill is the sum total of all the errors of haste, generality, and degelation of power ever heretofore committed. It is the climax in legislation in the dark.

Nobody knows what is to happen under the terms of this bill. Nobody knows how it is to happen, when it is to happen, why it is to happen, or what shall be the result after it has happened. This bill proposes to sublet to the Secretary of Agriculture a complete grant of power and money, limited only by a vague expression of pious purpose and altruistic objective. It turns the Treasury and the American farmer over to the mercy and the undisclosed wisdom of the Secretary of Agriculture and his associated experimentalists.

Mr. President, good intentions are not enough to help agriculture or to save the farmer. I am not questioning the good intentions of the Secretary of Agriculture or those who might be clothed with the responsibility to proceed under this anonymous grant of power. But I am asserting that time and time again there have been failure and errors through just such hasty, ill-considered, pell-mell legislation.

Let me give Senators one typical example, just one, and I will take my seat. The Senate will remember the famous Matanuska resettlement project in Alaska, which it investigated as the result of a resolution submitted jointly by the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from Wisconsin [Mr. LA FOLLETTE], and myself. Administrator Hopkins enthusiastically reported back last June that the Matanuska project would cost, speaking roughly, a million dollars, and that it contemplated putting 200 families on 40-acre farms in the Matanuska Valley in Alaska. These farm families were moved from Michigan, Minnesota, and Wisconsin. Now, 6 months later, we have a little more definite information as to what has happened. The dream and the reality may be paralleled. Instead of $1,000,000, the experiment has cost $2,500,000. The guess on cost was missed by about 125 percent.

Mr. President, that is incidental and insignificant compared to the real moral to be drawn from the table. As the

result of the Matanuska operation, let us contemplate this thing which has been done in the name of humanity and idealism and aid to the farmer. This is what we contemplate. A situation in Matanuska where American farmers have been taken to this new pioneering area, put upon 40-acre farm plots, each 40 acres mortgaged for $6,000, in round numbers, to the Government of the United States. In addition to the $6,000 mortgage which rests upon every 40-acre farm in this great, enlightened, humane undertaking, the Government itself has spent another $6,000 per 40-acre farm upon the adventure. Twelve thousand dollars per 40-acre farm, half of which rests as a mortgage throughout the life not only of the farmer who is the head of the family but of his children as long as they can live, because no one can work out a $6,000 mortgage on a 40-acre farm. Not only is the Public Treasury victimized but so also are the intended beneficiaries of this nobly meditated experiment in farm planning.

Now, what happened—and this is the analogy? The thing that happened, Mr. President, was that we rushed into the Matanuska project in the face of warnings from Alaska, warnings from within our own country continentally, that the thing could not be done on the basis on which it was proposed. It was absurd from the first, but no time was taken to find it out.

I am asserting, I repeat, that good intentions are not enough to save agriculture and the farmer. Good intentions at Matanuska have produced a gross distortion, so far as any aid to agriculture is concerned. Who knows how many Matanuskas, speaking generally of all this experimentation, are wrapped up within the boundaries of the anonymous language of this bill? Who knows? Why is it that we cannot have an understandable formula brought here which will permit us upon our responsibility as legislators to know what it is we are doing with the farmer's destiny and with $500,000,000 of the public money? It is in the hope and belief that through a further exploration of the subject precisely along the lines indicated by the able Senator from Oregon that I would expect a recommittal of the bill might produce more palatable and more useful legislation. At least, it should produce a measure which somebody on this floor can understand and explain. At least, it should bring us something besides a legislative monstrosity which uses the excuse of farm aid, which we all want to encourage, to cloak a complete surrender of legislative prerogatives and a complete and uncharted dictatorship in the Department of Agriculture. There is no need for haste, as has been clearly demonstrated by the Senator from Oregon. There is ample time to look before we leap. I submit we owe this precaution both to the farmer and to the taxpayer.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon [Mr. McNARY] to recommit the bill.

Mr. McNARY. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. CAREY (when his name was called). On this question I have a special pair with the senior Senator from Montana [Mr. WHEELER]. If he were present, he would vote "nay." If permitted to vote, I should vote "yea."

Mr. McKELLAR (when his name was called). On this vote I have a pair with the junior Senator from Delaware [Mr. TOWNSEND], which I transfer to the junior Senator from Nevada [Mr. McCARRAN], and will vote. I vote "nay."

Mr. WHITE (when his name was called). On this vote I have a pair with the junior Senator from Alabama [Mr. BANKHEAD]. I understand that if present he would vote "nay." If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. COPELAND. My colleague [Mr. WAGNER] is unavoidably detained. If he were present and permitted to vote, he would vote "yea."

Mr. AUSTIN. I announce the following pairs on this question:

The Senator from Rhode Island [Mr. METCALF] with the Senator from Indiana [Mr. VAN NUYS];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Kentucky [Mr. BARKLEY];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS]; and

The Senator from Iowa [Mr. DICKINSON] with the Senator from Mississippi [Mr. BILBO].

I further announce that the Senator from Delaware [Mr. HASTINGS], the Senator from Rhode Island [Mr. METCALF], and the Senator from Iowa [Mr. DICKINSON], if present, would vote "yea", and that the Senator from Kentucky [Mr. BARKLEY], the Senator from Indiana [Mr. VAN NUYS], and the Senator from Mississippi [Mr. BILBO] would vote "nay" on this question.

Mr. MURRAY. I announce that the Senator from Alabama [Mr. BANKHEAD] is detained on account of illness, and that the Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. BILBO], the Senator from Illinois [Mr. LEWIS], the junior Senator from Indiana [Mr. MINTON], the senior Senator from Indiana [Mr. VAN NUYS], the Senator from Maryland [Mr. TYDINGS], and the Senator from Colorado [Mr. COSTIGAN] are detained on important public business. I further announce that the Senator from Nevada [Mr. McCARRAN] and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

I announce a pair between the Senator from Maryland [Mr. TYDINGS] and the Senator from Illinois [Mr. LEWIS]. If present, the Senator from Maryland would vote "yea", and the Senator from Illinois would vote "nay."

Mr. BYRD. I announce the unavoidable absence of my colleague [Mr. GLASS]. He has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

The result was announced—yeas 21, nays 54, as follows:

YEAS—21

Austin	Couzens	Johnson	Steiwer
Barbour	Davis	Keyes	Vandenberg
Bulkley	Donahey	King	Walsh
Burke	Gerry	Lonergan	
Coolidge	Gibson	Maloney	
Copeland	Hale	McNary	

NAYS—54

Adams	Clark	Logan	Pope
Ashurst	Connally	Long	Radcliffe
Bachman	Dieterich	McAdoo	Reynolds
Bailey	Duffy	McGill	Robinson
Benson	Fletcher	McKellar	Russell
Black	Frazier	Moore	Schwellenbach
Bone	George	Murphy	Sheppard
Brown	Gore	Murray	Smith
Bulow	Guffey	Neely	Thomas, Okla.
Byrd	Harrison	Norbeck	Thomas, Utah
Byrnes	Hatch	Norris	Trammell
Capper	Hayden	O'Mahoney	Truman
Caraway	Holt	Overton	
Chavez	La Follette	Pittman	

NOT VOTING—21

Bankhead	Dickinson	Minton	Wagner
Barkley	Glass	Nye	Wheeler
Bilbo	Hastings	Shipstead	White
Borah	Lewis	Townsend	
Carey	McCarran	Tydings	
Costigan	Metcalf	Van Nuys	

So the Senate refused to recommit the bill.

The VICE PRESIDENT. The question now is on agreeing to the amendment of the committee in the nature of a substitute as amended.

The amendment as amended was agreed to.

The VICE PRESIDENT. The question now is, Shall the bill pass?

Mr. McNARY. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CAREY (when his name was called). On this question I have a pair with the senior Senator from Montana [Mr. WHEELER]. If he were present, he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. McKELLAR (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "yea."

Mr. FRAZIER (when Mr. NYE's name was called). My colleague [Mr. NYE] is absent. On this vote he is paired with the junior Senator from New York [Mr. WAGNER]. If my colleague were present, he would vote "yea", and I understand the Senator from New York, if present, would vote "nay."

Mr. COPELAND (when Mr. WAGNER's name was called). My colleague [Mr. WAGNER] is unavoidably absent. As already announced, if he were present and permitted to vote, he would vote "nay."

Mr. WHITE (when his name was called). I again announce my pair with the junior Senator from Alabama [Mr. BANKHEAD]. I understand, however, that the senior Senator from Idaho [Mr. BORAH], if present, would vote as I desire to vote. I, therefore, transfer my pair to him, and will vote. I vote "nay."

The roll call was concluded.

Mr. BLACK. My colleague the junior Senator from Alabama [Mr. BANKHEAD] is absent on account of illness. If present, he would vote "yea."

Mr. KING (after having voted in the negative). The junior Senator from Indiana [Mr. MINTON] is absent from the Chamber. I promised several days ago that if he did not return I would protect him on the final vote. I understand if he were present he would vote "yea." I am compelled to withdraw my vote.

Mr. AUSTIN. I announce the following pairs:

The Senator from Delaware [Mr. HASTINGS] with the Senator from Kentucky [Mr. BARKLEY];

The Senator from Rhode Island [Mr. METCALF] with the Senator from Indiana [Mr. VAN NUYS]; and

The Senator from Iowa [Mr. DICKINSON] with the Senator from Mississippi [Mr. BILBO].

If present, the Senator from Delaware, the Senator from Rhode Island, and the Senator from Iowa would vote "nay"; and if present, the Senator from Kentucky, the Senator from Indiana, and the Senator from Mississippi would vote "yea."

I further announce that if present the Senator from Minnesota [Mr. SHIPSTEAD] would vote "yea."

Mr. MURRAY. I announce a pair between the Senator from Illinois [Mr. LEWIS] and the Senator from Maryland [Mr. TYDINGS]. If present and voting, the Senator from Illinois would vote "yea", and the Senator from Maryland would vote "nay."

I further announce that the Senator from Kentucky [Mr. BARKLEY], the Senator from Mississippi [Mr. BILBO], the Senator from Illinois [Mr. LEWIS], the junior Senator from Indiana [Mr. MINTON], the senior Senator from Indiana [Mr. VAN NUYS], and the Senator from Maryland [Mr. TYDINGS] are necessarily detained from the Senate on official business.

The Senator from Nevada [Mr. MCCARRAN] and the Senator from Montana [Mr. WHEELER] are unavoidably detained from the Senate. Both Senators, if present, would vote "yea."

Mr. BYRD. I announce the unavoidable absence of my colleague [Mr. GLASS]. He has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

The result was announced—yeas 56, nays 20, as follows:

YEAS—56

Adams	Clark	Johnson	Overton
Ashurst	Connally	La Follette	Pittman
Bachman	Costigan	Logan	Pope
Bailey	Dieterich	Long	Radcliffe
Benson	Duffy	McAdoo	Reynolds
Black	Fletcher	McGill	Robinson
Bone	Frazier	McKellar	Russell
Brown	George	Moore	Schwellenbach
Bulow	Gore	Murphy	Sheppard
Byrd	Guffey	Murray	Smith
Byrnes	Harrison	Neely	Thomas, Okla.
Capper	Hatch	Norbeck	Thomas, Utah
Caraway	Hayden	Norris	Trammell
Chavez	Holt	O'Mahoney	Truman

NAYS—20

Austin	Copeland	Gibson	McNary
Barbour	Couzens	Hale	Steiwer
Bulkley	Davis	Keyes	Vandenberg
Burke	Donahey	Lonergan	Walsh
Coolidge	Gerry	Maloney	White

NOT VOTING—20

Bankhead	Dickinson	McCarran	Townsend
Barkley	Glass	Metcalf	Tydings
Bilbo	Hastings	Minton	Van Nuys
Borah	King	Nye	Wagner
Carey	Lewis	Shipstead	Wheeler

So the bill was passed.

Mr. GORE. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a statement which I have prepared for the press with reference to my position and vote on the bill which has just passed.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY HON. THOMAS P. GORE

I have decided to resolve all doubts in favor of the new farm bill and vote for it. I do this in spite of serious objections to the measure both on economic and administrative grounds. I have not been entirely free from question as to its constitutionality, although I think that the Logan amendment to protect navigable streams against soil erosion strengthens the measure somewhat from a theoretical standpoint, and in the light of certain decisions from a legalistic standpoint as well. If a farm-relief measure can be so drawn as to come within the general welfare clause, as to come within the purview of the Constitution, this bill probably achieves that end. If this measure is not constitutional, then it would hardly be found practical to bring any general relief measure within the scope of the Constitution. For my own part, I do not wish at this time to precipitate the Constitution or the Supreme Court into the maelstrom of a heated partisan campaign. That would adjourn economic issues which are pressing for solution, and would disrupt existing party ties and alinements and thus aggravating rather than diminishing political and social confusion. I prefer reform to revolution; I prefer evolution to revolution.

I naturally take a keen and sympathetic interest in this measure insofar as it undertakes to prevent soil erosion and promote soil conservation. After all, I think that is the fundamental problem, and the existing conservation act I regard as one of the most constructive measures passed in recent years. It may be that I am biased in its favor because I introduced the bill in the Senate on the same day it was introduced in the House, which was enacted into law and became the present Soil Conservation Act. We must save our soil in order to save our farms, save our homes, and save our civilization itself.

My objection to the measure on administrative grounds is that it places more power in one man than should be placed in one man or set of men. I see no reason why the Secretary could not make payments to Farmer Smith and withhold payments from Farmer Jones in exactly the same circumstances. He could discriminate between them for any reason or for no reason. Unrestrained power is liable to abuse, and all human experience gives force to the fear that it will be abused; and when abused, that is the very reverse of equal rights and equal justice which the farmers seek.

My objection to the measure on economic grounds is that it substitutes artificial forces for natural forces; that it may arbitrarily encourage scarcity; may divert and disrupt production; may further diminish our foreign trade and surrender our foreign markets for staple agricultural products.

One of the chief complaints against the A. A. A. was its effect upon the tenant farmer, particularly the share cropper. Often the tenant farmer deserves help as much and needs it more than the landlord himself. It seems to me that the pending bill, since it addresses itself to soil conservation, may be difficult of application in such a way as to help the tenant farmer who owns no land at all.

I prefer a government of laws rather than a government of men, and I would, therefore, prefer a measure more certain and definite in its terms, standards, and limitations. But I have no such measure at hand. There is no other present alternative, there is no other choice. It is this or nothing now, and I have, therefore, owing to my special interest in conservation, resolved the doubts in favor of the pending bill.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. MCKELLAR. I move that the Senate proceed to the consideration of House bill 9863, being the independent offices appropriation bill.

The motion was agreed to; and the Senate proceeded to the consideration of the bill (H. R. 9863) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1937, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

RECESS

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon Monday.

The motion was agreed to; and (at 3 o'clock and 20 minutes p. m.) the Senate took a recess until Monday, February 17, 1936, at 12 o'clock meridian.

SENATE

MONDAY, FEBRUARY 17, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 12 o'clock, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, February 15, 1936, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Couzens	King	Pittman
Ashurst	Davis	La Follette	Pope
Austin	Dickinson	Lewis	Radcliffe
Barbour	Dieterich	Logan	Reynolds
Barkley	Donahey	Lonergan	Robinson
Benson	Duffy	Long	Russell
Bilbo	Fletcher	McAdoo	Schwellenbach
Black	Frazier	McGill	Sheppard
Bone	George	McKellar	Smith
Borah	Gerry	McNary	Steiwer
Bulkley	Gibson	Maloney	Thomas, Okla.
Bulow	Gore	Metcalf	Thomas, Utah
Burke	Guffey	Minton	Townsend
Byrd	Hale	Moore	Trammell
Byrnes	Harrison	Murphy	Truman
Capper	Hastings	Murray	Tydings
Caraway	Hatch	Neely	Vandenberg
Chavez	Hayden	Norbeck	Wagner
Coolidge	Holt	Norris	Walsh
Copeland	Johnson	O'Mahoney	Wheeler
Costigan	Keyes	Overton	White

Mr. BYRD. I announce the unavoidable absence of my colleague the senior Senator from Virginia [Mr. GLASS] on account of illness in his family. I ask that the announcement stand for the day.

Mr. LEWIS. I announce that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness, and that the Senator from North Carolina [Mr. BAILEY], the Senator from Tennessee [Mr. BACHMAN], the Senator from New Hampshire [Mr. BROWN], the Senator from Missouri [Mr. CLARK], the Senator from Texas [Mr. CONNALLY], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Indiana [Mr. VAN NUYS] are necessarily detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Wyoming [Mr. CAREY] and the Senator from Minnesota [Mr. SHIPSTEAD] are necessarily absent.

Mr. FRAZIER. I announce that my colleague the junior Senator from North Dakota [Mr. NYE] is necessarily detained from the Senate.

The VICE PRESIDENT. Eighty-four Senators have answered to their names; a quorum is present.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President has approved and signed the following acts and joint resolution:

On January 31, 1936:

S. 3328. An act to provide an official seal for the United States Veterans' Administration, and for other purposes.

On February 10, 1936:

S. 3934. An act to repeal the Kerr Tobacco Act, the Bankhead Cotton Act of 1934, and the Potato Act of 1935.

On February 11, 1936:

S. 2148. An act to provide for the leasing of restricted Indian lands of Indians of the Five Civilized Tribes in Oklahoma;

S. 2166. An act for the relief of Ludwig Larson;

S. 2175. An act to grant to the State of California a retrocession of jurisdiction over certain rights-of-way granted to the State of California over certain roads about to be constructed in the Presidio of San Francisco Military Reservation and Fort Baker Military Reservation;

S. 2206. An act for the relief of the State of New Mexico;

S. 2321. An act for the relief of S. M. Price;

S. 2323. An act for the relief of Ida C. Buckson, executrix of E. C. Buckson, deceased;

S. 2343. An act for the relief of Maj. Edwin F. Ely, Finance Department; Capt. Reyburn Engles, Quartermaster Corps, and others;

S. 2741. An act for the relief of Maj. Joseph H. Hickey;

S. 2877. An act to reimpose and extend the trust period on lands reserved for the Pala Band of Mission Indians, California;

S. 2897. An act for the relief of Lt. Robert A. J. English, United States Navy;

S. 3140. An act to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes; and

S. 3186. An act for the relief of Edward H. Karg.

On February 12, 1936:

S. 363. An act to increase the efficiency of the Veterinary Corps of the Regular Army; and

S. J. Res. 169. Joint resolution granting permission to Hugh S. Cumming, Surgeon General of the United States Public Health Service; John D. Long, medical director, United States Public Health Service; Bolivar J. Lloyd, medical director, United States Public Health Service; and Clifford R. Eskey, surgeon, United States Public Health Service, to accept and wear certain decorations bestowed upon them by the Governments of Ecuador, Chile, Peru, and Cuba.

On February 13, 1936:

S. 1298. An act for the relief of John Z. Lowe;

S. 1301. An act to provide further for the maintenance of United States Soldiers' Home; and

S. 2891. An act to provide for the adjustment and settlement of personal injury and death cases arising in certain foreign countries.

On February 14, 1936:

S. 423. An act for the relief of Lynn Brothers' Benevolent Hospital;

S. 2691. An act for the relief of E. E. Sullivan;

S. 3020. An act for the relief of A. E. Taplin; and

S. 3447. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended.

On February 15, 1936:

S. 3381. An act to provide for the protection and preservation of domestic sources of tin.

REPORT OF GOVERNOR GENERAL OF THE PHILIPPINES FOR 1934

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Territories and Insular Affairs, as follows:

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands", I transmit herewith, for the information of the Congress, the report of the Governor General of the Philippine Islands for the calendar year 1934.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 17, 1936.*

(NOTE.—Report accompanied similar message to the House of Representatives.)

JACK DOYLE—VETO MESSAGE (S. DOC. NO. 174)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed, as follows:

To the Senate:

I return herewith, without my approval, S. 166, "Act for the relief of Jack Doyle."

This bill provides that Jack Doyle, who was dishonorably discharged from the military service on September 29, 1920, shall be held and considered to have been honorably discharged from the military service on that date, it being provided that no back pay, compensation, benefits, or allowances shall be held to have accrued prior to the passage of this act.

In view of the facts set forth in the accompanying letter of the Secretary of War, I do not feel justified in giving my approval to this bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 17, 1936.*

ELMER BLAIR—VETO MESSAGE (S. DOC. NO. 175)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed, as follows:

To the Senate:

I return herewith, without my approval, S. 246, "An act for the relief of Elmer Blair."

This bill provides that Elmer Blair, whose separation from the service was under other than honorable conditions, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on March 13, 1918, it being provided that no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of the act.

In view of the facts set forth in the accompanying letter of the Secretary of War, addressed to the Acting Director, Bureau of the Budget, I do not feel justified in giving my approval to this bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 17, 1936.*

THOMAS A. COYNE—VETO MESSAGE (S. DOC. NO. 173)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Military Affairs, and ordered to be printed, as follows:

To the Senate:

I return herewith, without my approval, S. 1176, "An act for the relief of Thomas A. Coyne."

This bill provides that, in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, the said Thomas A. Coyne, who was a member of Company C, Forty-fifth Regiment, United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on January 4, 1918, it being provided that no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The official records show that Thomas A. Coyne was, on January 4, 1918, discharged from the Army without honor, by direction of the Secretary of War, by reason of his imprisonment under sentence of a civil court. This action was in accord with the Army regulations in force at the time, which regulations had the effect of law.

Due notice is taken of the fact that at a later date Coyne was "inducted" into the military service under the World War draft, served in this country about 4 months, and was honorably discharged by reason of demobilization. However, I do not consider that this circumstance has any material bearing upon this case.

The enactment of S. 1176 into law would, in effect, constitute a legislative reversal of the considered action of the authorities charged with the execution of the laws enacted for the government and control of the military forces and would single out for preferential treatment one individual of a large but undetermined number of former soldiers whose status is identical with that of the man now under discussion. Moreover, it would place a man who was convicted of offenses against the civil laws, while serving as a noncommissioned officer and wearing the uniform of the United States Army, on a par with those who, by reason of honest and faithful service, earned honorable discharges from the military forces.

The Secretary of War strongly recommends that this bill be not favorably considered, and I find nothing in the facts in the case which would justify different action on my part.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 17, 1936.*

JULIUS CRISLER—VETO MESSAGE (S. DOC. NO. 172)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Finance, and ordered to be printed, as follows:

To the Senate:

I return herewith without my approval S. 1950, an act for the relief of the estate of Julius Crisler.

This bill authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to the executors of the estate of Julius Crisler, deceased, the sum of $1,525.31, in full satisfaction of his claim against the United States, such sum representing the amount of taxes assessed against the said Julius Crisler as transferee of the Jackson Sanitorium & Hospital Co. and paid by him. The bill would authorize and direct the refund of such tax regardless of the fact that the matter has been adjudicated by the Board of Tax Appeals, from which judgment a timely appeal was not taken by the said Julius Crisler.

On several occasions there have been submitted to me other bills which proposed to except certain taxpayers from the operation of the statutes of limitations pertaining to the revenue laws by extending the time for the refunding of certain taxes to such taxpayers. On those occasions I expressed my accord with the enacted policy of Congress that it is sound to include in all revenue acts statutes of limitations, by the operation of which, after a fixed period of time, it becomes impossible for the Government to collect additional taxes or for the taxpayer to obtain a refund of an overpayment of taxes. I pointed out in each instance that legislation such as the proposed bill selects a small class of taxpayers for special treatment by excepting them from that policy. Such legislation thus discriminates against the whole body of Federal taxpayers, and establishes a precedent which would open the door to relief in all cases in which the statute operates to the prejudice of a particular taxpayer, while leaving the door closed to the Government in those cases in which the statute operates to the disadvantage of the Government.

In this regard the instant measure, S. 1950, does not differ in principle from the bills which were under consideration on those prior occasions. I know of no circumstances which would justify the exception made by S. 1950 to the long-continued policy of Congress. Again I must express my belief that the field of special legislation should not be opened to relieve special classes of taxpayers from the consequences of their failure to perfect their claims for the refund of taxes within the period fixed by law.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 17, 1936.*

PETITIONS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Mississippi, which was referred to the Committee on Agriculture and Forestry:

A Senate concurrent resolution memorializing the President and Congress of the United States of America to extend cotton loans to February 1, 1937, and to provide for the waiving of the charges and accruals to February 1, 1936

Whereas in the season of 1934–35 the Reconstruction Finance Corporation, through the Commodity Credit Corporation, pursuant to the policy announced by the Agricultural Adjustment Administration, financed some 4,500,000 bales of cotton through a flat

12-cent loan on all grades and staples ranging from low Middling seven-eighths inch up; and

Whereas, pursuant to this policy, and inspired by a desire to cooperate with the administration, the farmers of Mississippi, who produced during that season cotton, 85 percent of which was fifteen-sixteenths inch and better, accepted a loan with the belief that the announced policy of the administration would be carried out as stated in the President's words in his inaugural address with reference to parity on farm commodities—"it may take 1 year, it may take 2 years, or it may take more, but do it we will"; and

Whereas at the expiration of the term of these notes Commodity Credit Corporation did extend the loans to February 1, 1936; and

Whereas the present collateral value of all cotton in the loan is approximately 90 percent of the loan plus accruals; and

Whereas the Reconstruction Finance Corporation has extended loans to other business and industrial groups with collateral of lesser value: Now, therefore, be it

Resolved (by a joint resolution of the Mississippi Legislature), That in fairness to cotton producers the Reconstruction Finance Corporation should extend the cotton loans to February 1, 1937, and the Congress of the United States should promulgate a plan that will provide for the waiving of the charges and accruals to February 1, 1936, and permit farmers in their wisdom to execute sale of their own cotton at such time and in such manner as they deem wise and expedient; and be it further

Resolved, That, in our opinion, to place in the hands of any agency the power to fix a policy of dumping on the market a definite amount of cotton at fixed intervals would be disastrous to the interest of cotton producers, and that the President of the United States exercise his vested authority in directing the Reconstruction Finance Corporation to extend these loans and urge the Congress to promulgate the foregoing plans that will guarantee equitable participation of producer interests.

The VICE PRESIDENT also laid before the Senate letters from the Director of the Division of Territories and Island Possessions, office of the Secretary of the Interior, embodying cablegrams in the nature of petitions addressed to the Secretary of the Interior from the Civic Association Liga Defensora, the Association of Unemployed Women, and the General Union Laborers, all of Mayaguez, P. R., praying for the confirmation of Benigno Fernandez Garcia to be attorney general of Puerto Rico, which were referred to the Committee on the Judiciary.

Mr. WAGNER presented a resolution adopted by the board of supervisors of Jefferson County, N. Y., favoring the enactment of the bill (S. 1632) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by water carriers operating in interstate and foreign commerce, and for other purposes, which was ordered to lie on the table.

RECIPROCAL-TRADE AGREEMENTS

Mr. WAGNER presented a resolution adopted by a meeting of dairy farmers and representatives of business interests of St. Lawrence and Franklin Counties, Ogdensburg, N. Y., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolved, That this meeting of dairy farmers and representatives of the business interests of St. Lawrence and Franklin Counties held in Ogdensburg, N. Y., February 7, 1936, deplores the present policy of the National Government with respect to the so-called reciprocity-trade agreements with Canada, Switzerland, and Holland wherein the necessary import duties levied by the Tariff Act of 1930 have been materially reduced. The lowering of these duties curtails both the possible income of dairy farmers of this and other regions of the United States, and curtails the volume outlet of domestic dairy products in domestic markets by virtue of the outside competition from countries whose cost of production is lower than ours.

We urge the Congress—

1. To establish import quotas as provided for in the Agricultural Adjustment Act amendments.
2. To pass legislation to prevent any further raids on dairy and other agricultural tariffs by restoring to the Senate its right to ratify these agreements.
3. To pass legislation requiring all dairy products imported into the United States to be officially certified by foreign governments that they come from herds that are free from tuberculosis.

GEORGE WASHINGTON FOUNDATION NATIONAL HEALTH SHRINE—BERKELEY SPRINGS, W. VA.

Mr. NEELY presented a resolution of the George Washington Foundation National Health Shrine, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Whereas the George Washington Foundation, Inc., has been chartered and organized to promote as a national health shrine the historic springs in the town of Bath, Berkeley Springs, Morgan County, W. Va., in tribute to George Washington, the first surveyor, sponsor, and patron of these mineral springs and health resort after Indian days; and

Whereas the title of said springs is vested in the State of West Virginia, and the legislature thereof has approved and endorsed the development of said springs as a health-shrine project; and

Whereas "Y. Fam'd Warm Springs" were a gift by Thomas, Lord Fairfax, "to be forever free to the public for the welfare of suffering humanity"; and

Whereas a town by the name of Bath was first established at these medicinal warm springs by the State of Virginia as a health resort for the sick and wounded soldiers of the Revolutionary War; and

Whereas, according to documentary evidence in the Library of Congress, historic Bath was also the home of the world's first steamboat—invented, built, and tried out there by James Rumsey (a Revolutionary soldier, native of Cecil County, Md.) in the years 1782–1784; and where General Washington witnessed the successful demonstration of one of Rumsey's mechanical boats, gave him the famous certificate for same, and engaged "the ingenious Mr. Rumsey" to build his "dwelling house, kitchen, and stable" on his lots "at the Warm Springs in Berkeley" (now Morgan County), and where Washington Irving wrote much of his great work, The Life of Washington; and

Whereas the West Virginia George Washington Foundation National Health Shrine project is nonpartisan, nonsectarian, nonpolitical, and nonprofit sharing, and has been indorsed by the Legislature of West Virginia, the West Virginia State Medical Association, the West Virginia State Medical Association Auxiliary, the Business and Professional Women's Club, the West Virginia State Quota Club, the West Virginia State Lion's Club, the town of Bath and local organizations, the Masonic order, the American Legion, the Chamber of Commerce and the town of Bath Chapter Daughters of the American Revolution, and other organizations, for the perpetuation of this historic health center and the purpose for which it was established, and in tribute to the founder who virtually laid the cornerstone of the George Washington Foundation National Health Shrine nearly two centuries ago; and

Whereas "Y. Fam'd Warm Springs"—the town of Bath is the only health center in America that was surveyed, laid out as a town, promoted as a health resort and summer colony by the great Washington, who took his family there for many weeks at a time "to try y. effects of y. water" because he himself had been "cured of rheumatic fever and other disorders"; and

Whereas "Y. Fam'd Warm Springs" was the health center of the earliest Americans and first famed through Indian legend, about which Washington wrote when he made his pioneer visit there on March 18, 1748: "We this day call'd to see y. Fam'd Warm Springs. We camp'd out in y. fields this night", and which health center was made socially famous by him and patronized by the founder throughout his lifetime (1748–1794) even after he became the first President of the United States: Therefore, be it

Resolved, That the Congress of the Nation founded by George Washington endorse the West Virginia George Washington Foundation National Health Shrine in commemoration of this two hundred and fourth anniversary of the birthday of the founder, February 22, 1936, for the welfare of suffering humanity and in tribute to the great Washington who began this humanitarian project nearly two centuries ago.

REPORTS OF COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. NORRIS. From the Committee on Agriculture and Forestry I ask unanimous consent to report back favorably, with amendments, the bill (S. 3483) to provide for rural electrification, and for other purposes, and I submit a report (No. 1581) thereon.

The VICE PRESIDENT. Without objection, the report will be received and the bill will be placed on the calendar.

Mr. SMITH, from the Committee on Agriculture and Forestry, submitted a report (No. 1575) to accompany the joint resolution (S. J. Res. 205) providing for the disposition of certain cotton held by the United States, heretofore reported by him from that committee with amendments.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that today, February 17, 1936, that committee presented to the President of the United States the enrolled bill (S. 3612) to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes.

EXECUTIVE REPORTS OF INTERSTATE COMMERCE COMMITTEE

As in executive session,

Mr. WHEELER, from the Committee on Interstate Commerce, reported favorably the following nominations:

Clyde B. Aitchison, of Oregon, to be Interstate Commerce Commissioner for the term expiring December 31, 1942; and

Claude R. Porter, of Iowa, to be Interstate Commerce Commissioner for the term expiring December 31, 1942.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARBOUR:

A bill (S. 4031) to create a commission to enter into negotiations with respect to the refunding of certain obligations of foreign governments held by the United States, and for other purposes; to the Committee on Finance.

By Mr. TYDINGS:

A bill (S. 4032) for the relief of George Edwin Godwin; to the Committee on Naval Affairs.

By Mr. SCHWELLENBACH:

A bill (S. 4033) to amend the Longshoremen's and Harbor Workers' Compensation Act, as amended; to the Committee on the Judiciary.

By Mr. HATCH:

A bill (S. 4034) to provide for the conveyance to entrymen under the land laws of the United States of the rights to the gas, oil, and oil shale in the lands patented to them; to the Committee on Public Lands and Surveys.

By Mr. BARKLEY:

A bill (S. 4035) granting an increase of pension to Margaret C. Mitchell; to the Committee on Pensions.

By Mr. MURPHY:

A bill (S. 4036) to prevent the infringement of patents; to the Committee on Patents.

By Mr. BURKE:

A bill (S. 4037) to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, approved June 10, 1930, and for other purposes; to the Committee on Commerce.

PURCHASE OF SUPREME COURT DECISIONS AND DIGEST—AMENDMENT

Mr. BURKE submitted an amendment intended to be proposed by him to the bill (S. 1589) authorizing the purchase of United States Supreme Court decisions and digest, which was referred to the Committee on the Judiciary and ordered to be printed.

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL

Mr. TYDINGS submitted an amendment intended to be proposed by him to House bill 11035, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On pages 63 line 17, to strike out "$6,000" and in lieu thereof to insert the following: "177,000, of which $171,000 shall be available for expenditure by the Secretary of War for the acquisition, by purchase, condemnation, or otherwise, of such suitable lands in the vicinity of the city of Baltimore, Md., as in his judgment are required for enlargement of existing national cemetery facilities, and shall remain available until expended."

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. THOMAS of Oklahoma submitted an amendment intended to be proposed by him to House bill 10630, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill to insert the following:

"The sum of $2,000,000 of the unobligated balance of the appropriation for relief purposes contained in the Emergency Relief Appropriation Act of 1936, approved April 8, 1935, is hereby made available to the Secretary of Agriculture for allocation and payment to the States in the southern great plains area, or to farmers therein, for wind erosion control, under plans to be approved by the Secretary of Agriculture."

LINCOLN DAY ADDRESS BY SENATOR STEIWER

Mr. DAVIS. Mr. President, I ask unanimous consent to have inserted in the RECORD an address delivered by the junior Senator from Oregon [Mr. STEIWER] on February 12 at the Lincoln Day banquet of the Republican Club of Rhode Island at Providence, R. I.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

America today celebrates the anniversary of the birth of Abraham Lincoln, who rose to immortal heights in the service of his country and mankind. It was Lincoln's leadership that brought the first great success of the Republican Party. His service in this regard is only a small part of an eventful life of magnificent achievement, but it affords justification for our tribute of respect and gratitude upon this occasion.

In the shifting destinies of the years since the Great Emancipator, the reunited American Nation has attained new heights and enjoyed a succession of opportunities which have resulted in the great Republic of this generation. Now for half a decade all America has suffered from economic maladjustment and some of our people have been confronted with privation and want. From the suffering of the people there has come a restless instability and desire for change. The national administration has sought and now seeks to capitalize upon unrest by urging a whole series of experimental proposals. If we are to render to the memory of Mr. Lincoln a service sincere and genuine, we will examine the new proposals and determine whether they tend to strengthen or to destroy the American system of government.

We are almost within hearing of the tumult of a Presidential election. We ask ourselves the simple question, What is the issue which will divide the American people? Is it recovery? It ought not to be, for recovery is a national objective sought by all. Nor does the issue consist of the old partisan controversies between the Republican and the Democratic Parties. For the moment the old questions which separated the two great political groups are not the paramount issues. Moreover, the incumbent national administration which wears the label of the Democratic Party is not proclaiming the time-honored traditions of that party.

By its conduct and avowed purposes, this administration proclaims it is something other than the Democratic Party. It is a New Deal with personnel recruited from both the old political parties and from the Socialists and Communists and from those who recognize no party at all. It repudiates the platform of the last Democratic National Convention. This New Deal is disowned by outstanding Democratic leaders, including Governor Smith, who courageously place love of country above mere party regularity. Among the many distinguished Democrats who have denounced the New Deal philosophy there are, in addition to Governor Smith, men like Governor Ely, of Massachusetts; Governor Ritchie, of Maryland; ex-Senator Reed, of Missouri; Governor Talmadge, of Georgia; and John W. Davis, a former standard bearer of his party. To define the issue let us consider the claims made in behalf of the New Deal by its own leader. At the $50 per plate Jackson Day feast in Washington the President declared—I quote:

"* * * the real issue before the United States is the right of the average man and woman to lead a finer, a better, and happier life."

Most respectfully I ask what sort of an issue is this? Of course, every right-thinking person desires the average man and woman to lead a better and happier life. It is the goal of the reformer in the field of morals. It is the hope of the church, the consummation of a national ideal. But who has challenged this right, and under what sort of fantastic ledgerdemain is anyone to claim that the right to live right is a political issue? In the same address the President again stated the issue—in a fashion inconsistent with the statement just read, but, nevertheless, nearer to political reality. He said:

"* * * the basic issue will be the retention of popular government."

A fair interpretation of the phrase "popular government" would be the people's government; the representative democracy established by the forefathers and described by Abraham Lincoln as "government of the people, by the people, and for the people." The retention by the American people of popular government might well be a political issue to the extent that the right has been threatened. I can accept popular government as a basic issue and assert that the government of the people as described by Mr. Lincoln is threatened, but not by the Republican Party nor by any present-day critic of the incumbent New Deal administration. Popular government is menaced by New Deal usurpations and placed in jeopardy by the soaring ambition of the President himself. Popular government under our institutions is government by law and not government by men. We do not retain such government when we substitute for government by law the ipse dixit of any ruler, however good his intentions. It is not retained under any formula which is based on the delegation by a subservient New Deal Congress to the President and his agents of its legislative powers in order that the American people may be ruled and regimented under a system of executive regulations. It is not retained by any new-fangled political structure in which the "dealers", new and old, speak in defiance of the courts and indicate disrespect for judicial processes. An instance is the remark by the Secretary of Agriculture that a recent decision of the United States Supreme Court is "the greatest legalized steal in American history." Government by the people is not retained when authority to make laws and enact taxes is lodged by Executive order in subordinate administrative agencies. Much less is it retained when the elected servants of the people yield up their legislative authority and permit themselves to be led against their judgment into innovations and experiments in which the people are not consulted but in which their liberties are abridged or suspended. The rights of popular government are not retained when a Federal oligarchy in defiance of the Federal Constitution seeks to perform the functions reserved to the several States, and for this unauthorized and unconstitutional purpose sets up at Washington the greatest bureaucracy that the world has ever known. Popular government is not retained when the efficient administration of the people's business is degraded by the spoilsman's assault upon the Civil Service. And, finally, there can be no assurance of its retention when Federal bureaucracy creates a crushing national debt which by its cruel exactions

threatens not only the prosperity of the people but the perpetuity of government itself.

I submit this indictment: That from the beginning of the New Deal to this day not one move has been made by the administration to perfect the right of the people to participate in their own Government. If I may be indulged in making reference to my own efforts in Congress, I would tell you of the resolution, which I offered which provides a system for direct nomination of candidates for President and Vice President as a substitute for the present method of selection by national conventions. This resolution has been pending before the Judiciary Committee of the United States Senate since January 1934; but in a New Deal Congress I have never been able even to get it reported out of the committee. I would tell you also of Senate bill 509, which I first introduced June 10, 1933, which has been pending in the Senate in slightly modified form since that date. This bill is designed to prevent the use of Federal official patronage and the misuse of positions of public trust for partisan ends. I quote from the bill, as follows:

"* * * no person holding an appointive office of trust or profit under the Government of the United States shall be officer, delegate, or alternate of any political convention, having for its aim the nomination or election of any candidate, avowed or unavowed, for President or Vice President of the United States."

This bill is on the Senate Unanimous Consent Calendar, having been favorably reported by the Judiciary Committee on March 12, 1935. The CONGRESSIONAL RECORD will support my declaration that this bill cannot be enacted because of the opposition of the New Deal leaders in the Senate. Its defeat will insure a spoils convention of New Deal minions and officeholders at Philadelphia whose only thought will be—not the retention of popular government—but the retention of Federal jobs for which they will applaud the New Deal and pay $50 per plate on the anniversary of Andrew Jackson's victory in the Battle of New Orleans. Even partial loyalty to the principles of popular goevrnment would prompt the New Deal leaders to withhold objection to this bill. On this record the President's lip service for popular government is amazing. We see a New Deal President asserting the basic importance of popular government and at the same time seeking nomination from a convention of United States marshals and postmasters at Philadelphia. America is entitled to a better deal than the New Deal.

The people know political power rightfully resides with them and that this power should be exercised without hindrance and without obstruction, both within political conventions and outside the conventions. There is no justification for thwarting the will of the people in the selection of candidates for the Presidency through manipulation of nominating conventions or by any other means. A political appointee in a convention is always a menace to and sometimes the destroyer of the worthy purposes of the convention. He attends the convention to do his master's bidding. If the President is right in his declaration that the basic issue is the retention of popular government, I can say only that he is on the wrong side of the issue.

After stating in his Jackson Day speech that the retention of popular government will be the basic issue, the President added a plea for strong, effective, political organization. This is an extraordinary plea to be made by a President of the United States. At the risk of being presumptuous, I answer that the maintenance of popular government will never be assured by more effective organization of politicians. The opposite is true. It is rendered insecure by an administration which increases the civil rolls of the Government by more than 250,000 patronage jobs in 34 months. When the people are hungry there is no justification for any deal, old or new, that increases the annual Federal pay roll nearly $500,000,000. On the contrary, the life of the Republic will be extended by economical government and by avoiding the inefficiency which is incident to the New Deal evasions of the Federal Civil-Service system. It is silly for this administration to talk of a balanced Budget or of decreased burden of taxation. Incompetence, by its very nature, cannot and will not result in a balanced Budget and bureaucracy has never willingly permitted exaction of less taxes from the people. The incompetent administration of third-rate theorists and New Deal bureaucrats constitutes a never-ending threat to the retention of popular government. We are faced with the fact that a debt-burdened government inefficiently administered directly invites new forms of government, because in the long run it inevitably will destroy the existing forms.

I would define another issue equally basic, and that is the retention of constitutional government. Our Constitution was written to restrain the Government, not to restrain the people. For this purpose it provides for distribution of governmental powers among three independent coordinate branches. This division of governmental power is the bulwark of constitutional freedom. For nearly 3 years we have seen the spectacle of a Chief Executive intent upon the attainment of extraordinary power. In this undertaking he has been highly successful. The willingness of Congress to delegate its legislative authority and to place in the hands of the President vast sums to be expended substantially at his discretion is the foundation of the bureaucracy from which the Nation now suffers. Gratification of the greed for power in the Executive breaks down the system of checks and balances provided by the Constitution and substitutes government by regulation. The President speaks of the hatred of "entrenched greed." I am not its defender, but I can see that, after all, entrenched greed is the greed for money and that it is less destructive of the people's rights than the greed for power. With all respect I submit that he who induces concentration of power is himself responsible for the greatest threat to the perpetuity of our institutions. President Coolidge in his lifetime characterized Federal centralization as tyranny. He said:

"Unless bureaucracy is constantly resisted it breaks down representative government and overwhelms democracy. It is the one element of our institutions that sets up the pretense of having authority over everybody and being responsible to nobody."

Let us examine New Deal political philosophy. In his inaugural address, March 4, 1933, President Roosevelt said:

"It is to be hoped that the normal balance of executive and legislative authority may be wholly adequate to meet the unprecedented task before us. But it may be that an unprecedented demand and need for undelayed action may call for temporary departure from that normal balance of public procedure."

This hope should have warned the country of his purpose to disturb the balance of governmental powers. In his message to Congress, January 3, 1934, he said we are now engaged in building "on the ruins of the past a new structure designed better to meet the present problems of modern civilizations." In an industrial area like Rhode Island the "ruins of the past"—I again quote Mr. Roosevelt—are insignificant in comparison with the ruins created under his New Deal mismanagement. What did the President mean by his phrase "the ruins of the past" if he did not believe American institutions had come to the end of their usefulness? And what did he mean by the phrase "the new structure" if he did not refer to the extraordinary delegation of legislative powers to the Executive? The President himself answered these questions in a further statement in the same message. I quote:

"Out of these friendly contacts we are, fortunately, building a strong and permanent tie between the legislative and executive branches of the Government. The letter of the Constitution wisely declared a separation, but the impulse of common purpose declares a union."

Thus the impulse of common purpose as seen by the President would break down the balance between the legislative and executive branches as provided in the Constitution. But this is not all. In his message to Congress of January 3 of this year the President said:

"They realize that in 34 months we have built up new instruments of public power. In the hands of the people's government this power is wholesome and proper. But in the hands of political puppets of an economic autocracy such power would provide shackles for the liberties of the people."

I agree that the "new instruments of public power" which are now under control of the Executive would, in the hands of an economic autocracy, provide shackles for the liberties of the people, but these "new instruments of public power" are the tools of dictatorship. Dictatorship is both un-American and unsafe in anybody's hands. The shackles already have been forged, but they will never be worn by the free men and women of America. These powers will never be accepted in the Commonwealth founded by a great champion of religious and personal liberties.

These new instruments of public power are especially unsafe in the hands of a President who in the 1932 campaign said that the Republican Party was in control of the United States Supreme Court. No political party, then or now, controlled the United States Supreme Court, and I assume that by this time the President is advised of this fact.

In his Jackson Day dinner address the President implied that he and Jackson were much alike. Let us see. President Jackson was opposed to the Bank of the United States. When Congress passed a law extending the life of the bank, Jackson resorted to the veto. The Supreme Court had already held that Congress was acting within its constitutional authority when it created the bank in the first instance. Jackson denied the constitutionality of the bank and exercised his veto power in defiance of the Court's conclusions. But between Andrew Jackson and Franklin Roosevelt we still find a very definite political difference. In the incident referred to Jackson's grievance lay in the fact that the Court has upheld a power in the Federal Government which he did not personally approve. At the present time Mr. Roosevelt's grievance is that the Court denies him the power to extend the jurisdiction of the Federal Government into the exclusive sphere of the States and prevents him from carrying on operations which he personally desires. Mr. Jackson, therefore, defended the rights of the States and of individuals. Mr. Roosevelt would invade the rights of the States and of individuals. Against usurpation of this sort, President Jackson, in his veto message, issued his most solemn warning. He said:

"Nor is our Government to be maintained or our Union preserved by the invasion of the rights and powers of the several States. In thus attempting to make our general government strong, we make it weak."

Any claim that the New Deal is based on the philosophy of Jackson is a distortion of historic fact. They have little in common except that each, in victory, dealt in spoils.

And now Mr. Roosevelt says, "We will not retreat"; but the New Deal has been in retreat almost from the time it started. It retreated from the Democratic platform of 1932 and from its early efforts to balance the Budget. It retreated from P. W. A. to C. W. A., and from C. W. A. to F. E. R. A., and from F. E. R. A. to W. P. A. It retreats from control of production of cotton, tobacco, and potatoes. It was thrown into rout by the resistance of the Supreme Court, and is now engaged in trying to suppress mutiny in its own ranks. In the meantime the cause of popular

government and of good government both suffer alike. They will continue to suffer until next November, when the people will resort to their last but most effective weapon.

This crisis demands clear thought and straight talk. The people will not be deceived by prettily expressed Presidential sophistries. Oratorical flourishes about the "real issue" and "basic issue" and "refusal to retreat" will not obscure the fact that the incumbent administration is wasteful and expensive; that it creates deficits, unbalances the Budget, and increases the national debt; nor the further fact that its excesses are almost the sole cause of the talk of governmental repudiation, currency inflation, and national financial disaster. One great group knows that its savings have been lost in the depression, and now those who still retain the rewards of industry and thrift know their savings are being endangered by excessive cost of government and generous provisions by the administration for the care of its political favorites. They know the largess of Mr. Roosevelt does not come from the skies, but that somebody foots the bills; and they know that finally the people pay. They pay through taxes which add to the cost of bread and meat. Above all else they know that if we do not pay the bill it will become a charge against the future and a cruel handicap upon children yet unborn. This knowledge is a call to arms. New England's answer to this call is expressed in Nathaniel Hawthorne's Allegory of the Gray Champion. From it I summarize:

In the reign of King James, the unprincipled Sir Edmund Andros, Governor of New England, held the colonists in his tyrannical sway. One afternoon the Governor and his councilors assembled the armed guard and appeared in the streets in an effort to intimidate and overawe the oppressed and suffering people. A multitude gathered in King Street, and there, quiet yet murmuring, fearful yet unafraid, they stood in sullen suspense as the redcoats marched toward them. Suddenly, in the path of the Governor, there was seen the figure of an ancient man. He was so venerable no one recognized him and none suspected his purpose; but when the redcoats approached, he cried, "Stand", in a voice of authority, and the advancing line stood still. The Governor demanded "How dare you stay the march of the King's Governor!" to which the ancient patriarch replied: "I have stayed the march of the King himself. The tyrant James is no longer on the throne. Back, thou that wast a Governor, back! With this night thy power is ended; tomorrow the prison. Back! Lest I foretell the scaffold." The Governor sensed the anger of the multitude and perceived his peril. He turned back in retreat.

Who was the Gray Champion? It was said that whenever the descendents of the Puritans are to show the spirit of their sires the old man appears again; that he stood on the green at Lexington and at Bunker Hill he walked his round throughout the night; and that today, should domestic tyranny oppress us, the Gray Champion will come again, and, to use the language of Hawthorne:

"* * * his shadowy march, on the eve of danger, must ever be the pledge that New England's sons will vindicate their ancestry."

AMERICAN NEUTRALITY

Mr. BONE. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Constantine Brown, published in the Washington Evening Star of February 14, 1936, dealing with the neutrality plan.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star of Feb. 14, 1936]

GENEVA HAPPY AS UNITED STATES NEUTRALITY PLANS BREAK DOWN, AND EUROPE PREPARES FOR ANOTHER WAR

By Constantine Brown

Geneva is all smiles, while the State Department is in tears, because the Congress has given a first-class burial to the neutrality bill containing the embargo clauses for raw materials.

The State Department was convinced that an embargo on oil, cotton, and other such materials would help to keep this country out of war and would also make foreign wars more difficult.

But at Geneva the "defection" of the United States has produced only crocodile tears. The sanctionist leaders welcome the opportunity of laying the blame for the League's inaction at the doorsteps of this country. And secretly they are glad that the Congress has not voted a neutrality law with sharp teeth, because a war in Europe within the next few months seems inevitable. America may still provide the necessary raw material.

The opinion of the best diplomatic and military authorities is that a way must break out shortly. The ratification of the French-Soviet military alliance (officially it has a different name), the strong attitude of the French foreign minister, Flandin, toward the remilitarization of the Rhineland, and the feverish arms race all over the world—all these point out toward a war.

Money counts no longer. Whatever the general staffs need, the treasuries of the different countries grant them. It is true, unlike during the World War, that money is no longer thrown away. The general staffs have learned to count.

The great propaganda to enlist the favor of other nations is also being loosened. But this time the governments are careful about their expenditure. The agents of the various countries in the United States, for instance, endeavor to play on the sympathetic feelings of individuals rather than on bribery and corruption, as was the case between 1914 and 1917.

Of course, most of the nations which are going to war are almost broke. They are trying to be self-sufficient and to use, as much as possible, their own national resources to provide for all war necessities.

Those within the orbit of France can still draw a few millions from the French Treasury, but they have been warned not to abuse this privilege. Great Britain has cut down drastically on foreign loans. France, of course, still has a limited credit, but nothing like in the first years of the World War.

Germany and Poland must rely mainly on whatever can be produced in their own countries, and for the time being they are still able to obtain foreign exchange by dumping industrial products in foreign countries. But that exchange is being spent on war materials.

In these countries scientists who can make wool out of bark, gasoline out of coal, coffee out of barley, cocoa out of sweeetened dust, and tobacco out of anything from corn silk to tree leaves are at a premium. And there is no doubt that these men are doing a remarkable job.

Unemployment throughout Europe and Japan is on the decline. Men are drafted either in the army or in the labor corps or are working overtime in ammunition and gun factories.

The cannon fodder is accepting its fate with oriental resignation. The peoples of Europe have come to the conclusion that theirs is an accursed fate which cannot be avoided. The men receive their pink preliminary mobilization slips with a shrug of the shoulders.

"It cannot be helped," they say, and go on with their business awaiting the final call.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate resumed consideration of the bill (H. R. 9863) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1937, and for other purposes.

Mr. BYRNES. Mr. President, I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will state the first amendment reported by the committee.

The first amendment of the Commiteee on Appropriations was, under the heading "Independent establishments—American Battle Monuments Commission", on page 4, line 6, after "118a", to insert "purchase and repair of uniforms for caretakers of national cemeteries and monuments in Europe at a cost not exceeding $1,200", so as to read:

For every expenditure requisite for or incident to the work of the American Battle Monuments Commission authorized by the act of March 4, 1923 (U. S. C., title 36, secs. 121–133), and by Executive Order No. 6614 of February 26, 1934, including the acquisition of land or interest in land in foreign countries for carrying out the purposes of said act and Executive order without submission to the Attorney General of the United States under the provisions of section 355 of the Revised Statutes (U. S. C., title 34, sec. 520; title 40, sec. 255); employment of personal services in the District of Columbia and elsewhere, including not to exceed $750 for allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (U. S. C., Supp. VII, title 5, sec. 118a); purchase and repair of uniforms for caretakers of national cemeteries and monuments in Europe at a cost not exceeding $1,200; travel expenses; rent of office space in foreign countries; the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles which may be furnished to the Commission by other departments of the Government or acquired by purchase; the purchase of one motor-propelled passenger-carrying vehicle at a cost not exceeding $750; printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information concerning the American activities, battlefields, memorials, and cemeteries in Europe; the purchase of maps, textbooks, newspapers, and periodicals, $71,000, together with $100,000 of the unexpended balances of the appropriation carried for the American Battle Monuments Commission in the Independent Offices Appropriation Act, 1936, and of the no-year appropriations for the said Commission carried in any and all previous acts, which unexpended sum is hereby made available for all the purposes of this appropriation.

The amendment was agreed to.

The next amendment was, under the heading "Federal Trade Commission", on page 15, line 6, after the word "act" and the semicolon, to strike out "$1,399,000, together with $8,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1935" and insert "$1,407,000", so as to read:

For five commissioners, and for all other authorized expenditures of the Federal Trade Commission in performing the duties

imposed by law or in pursuance of law, including secretary to the Commission and other personal services, contract stenographic reporting services; supplies and equipment, law books, books of reference, periodicals, garage rentals, traveling expenses, including not to exceed $900 for expenses of attendance, when specifically authorized by the Commission, at meetings concerned with the work of the Federal Trade Commission, for newspapers and press clippings not to exceed $600, foreign postage, and witness fees and mileage in accordance with section 9 of the Federal Trade Commission Act; $1,407,000: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) when the aggregate amount involved does not exceed $50.

The amendment was agreed to.

The next amendment was, on page 15, line 15, to increase the total appropriation for the Federal Trade Commission from $1,431,000 to $1,439,000.

The amendment was agreed to.

The next amendment was, under the heading "Interstate Commerce Commission—Salaries and expenses", on page 18, line 13, before the word "may", to strike out "$170,000" and insert "$190,000", so as to read:

Regulating accounts: To enable the Interstate Commerce Commission to enforce compliance with section 20 and other sections of the Interstate Commerce Act as amended by the act approved June 29, 1906 (U. S. C., title 49, sec. 20), and as amended by the Transportation Act, 1920 (U. S. C., title 49, sec. 20), including the employment of necessary special accounting agents or examiners, and traveling expenses, $847,000, together with $5,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1935, of which amount not to exceed $190,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 19, line 7, before the word "may", to strike out "$87,900" and insert "$90,000", so as to read:

Safety of employees: To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with acts to promote the safety of employees and travelers upon railroads; the act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906 (U. S. C., title 45, sec. 35), and the provision of the Sundry Civil Act approved May 27, 1908 (U. S. C., title 45, secs. 36, 37), to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation, inspectors, and for traveling expenses, $500,000, together with $6,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1935, of which amount not to exceed $90,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The VICE PRESIDENT. That completes the committee amendments.

Mr. BYRNES. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 40 it is proposed to strike out lines 9 to 19, inclusive, as follows:

Adjusted-service certificate fund: For an amount necessary under the World War Adjusted Compensation Act (U. S. C., title 38, secs. 591–683; U. S. C., Supp. VII, title 38, secs. 612–682), to provide for the payment of the face value of each adjusted-service certificate in 20 years from its date or on the prior death of the veteran, and to make loans to veterans and repayments to banks in accordance with section 507 of the act, as amended (U. S. C., Supp. VII, title 38, secs. 642, 647, 650; act July 21, 1932, 47 Stat., pp. 724–725), $160,000,000, to remain available until expended.

And to insert in lieu thereof the following:

Adjusted-compensation payments: To carry out the provisions of the World War Adjusted Compensation Act, 1924 (Public, No. 120, 68th Cong.), enacted May 19, 1924, as amended, and the Adjusted Compensation Payment Act, 1936 (Public, No. 425, 74th Cong.), enacted January 27, 1936, except section 5 thereof, $1,730,000,000 to the adjusted-service certificate fund, to be immediately available and to remain available until expended, and such amount as represents the face value of the bonds required to be paid to the United States government life insurance fund pursuant to section 5 of said act is hereby directed to be charged to any moneys in the Treasury not otherwise appropriated for transfer and deposit as a public-debt receipt.

Mr. KING. Mr. President, I should like to have an explanation of the amendment.

Mr. BYRNES. Mr. President, when the bill authorizing the payment of the adjusted-compensation certificates was pending before the Senate, the statement was made that when the pending appropriation bill came before the Senate an amendment would be offered providing for the money to pay the bonds authorized to be issued by that act. The amount of money appropriated by the amendment is arrived at in the following manner:

The figures submitted by the Veterans' Administration at the time of the consideration of the adjusted-compensation payment bill showed that there would be payable to the veterans in bonds $1,836,213,950; that there would be payable in cash to veterans, by reason of the odd amounts less than $50, the face of the bonds, various amounts, the average of which would be about $25, and the total of which would be $87,786,050.

The report stated that in addition to these amounts it would be necessary to pay to the banks in cash, in order to secure the release of adjusted-compensation certificates, $60,000,000.

The total amount payable as the result of the enactment of Congress would be $1,984,000,000.

In the adjusted-compensation certificate fund in the Treasury is the sum of $254,000,000. The appropriation contemplated in the pending amendment is made to that fund.

In arriving at the figure included in the amendment, therefore, I deduct from the total amount estimated by the Veterans' Administration of $1,984,000,000 the sum the Veterans' Administration now has on hand in that fund, $254,000,000, which leaves a balance of $1,730,000,000, the amount proposed in the amendment to be appropriated.

Then I should like to invite attention to the fact that the bill carries an appropriation for the next fiscal year of $160,000,000 to be placed in what we might call the sinking fund for the redemption of the adjusted-compensation certificates in 1945. Each year an appropriation has been made for that purpose, the amounts of the appropriation varying. This year the amount which was added by the House and reported by the Senate Committee on Appropriations is $160,000,000.

Inasmuch as the amendment contemplates making available the total amount which would be necessary to make the payment contemplated by the act, we therefore eliminate from the bill the item of $160,000,000.

The total amount of $1,730,000,000 is added to the bill not because it is believed any such amount will be asked of the Treasury during the next fiscal year. No one familiar with the subject would estimate that more than one-half of the amount would be called for. However, the Treasury takes the position that the bonds authorized by the Congress to be issued, inasmuch as they are payable on demand, are in effect checks upon the Treasury, and even if that were not true, their position is that whenever bonds are issued there must be, for their bookkeeping purposes, an appropriation made to cover the amount of the bonds issued. Therefore, in order to remove any question as to the right of the Veterans' Administration and the Treasury to issue the bonds which are provided for by the law which was recently enacted by the Congress, the appropriation is made for the entire amount.

In addition to the amount of $1,730,000,000 there is included in the amount language which has the effect of transferring to the United States Government life-insurance fund the $507,000,000 of bonds which were authorized under section 5 of the recent act. It will be recalled that section 5 directed the Secretary of the Treasury to transfer bonds of the character described in that section bearing 4½-percent interest, to the United States Government life-insurance fund, because out of that fund there had been used money to make advances to veterans, the United States Government life-insurance fund receiving from the veterans as security for such advances their adjusted-compensation certificates. That is but a bookkeeping transaction. The language which is contained in the amendment to accomplish this transfer was drafted for me by Comptroller McCarl and, I understand, is con-

curred in by the officials of the Treasury as accomplishing the purpose of the Congress as set forth in section 5.

Of course, I must say that while this appropriation, in order to comply with the bookkeeping requirements of the Treasury, must be carried in full in the bill, it means that in the years to come prior to the maturity of the bonds in 1945 there will exist no longer the necessity for making an annual appropriation to redeem the bonds falling due in 1945.

If the Treasury this year shall be called upon to pay in cash a billion dollars—the outside amount that any man could suggest—the Treasury will have the authority, under this appropriation, to meet the payment. If the Treasury should borrow the money to meet it, the only difference would be that instead of the Government of the United States owing the veteran, as it has owed the veteran since 1925 upon a certificate due in 1945, the Government would then be owing an investor instead of the veteran. There would also be the difference that upon the money borrowed the Government would have to pay interest, whereas it was not paying interest upon the adjusted-compensation certificates outstanding.

With this explanation of the method by which the amount is arrived at, I ask for the adoption of the amendment to carry out the purposes of the act of Congress.

Mr. KING. Mr. President, may I ask the Senator from South Carolina whether or not his committee gave any consideration to the question of the source from which the funds are to be obtained to meet the appropriations?

Mr. BYRNES. The Senator knows that the Appropriations Committee does not consider the questions of finance; but the Finance Committee, of which the distinguished Senator from Utah is such an able and efficient member, has charge of that problem. I said, however, in concluding my remarks, that, certainly, if I had my way about the matter there would be done just what I have suggested; and upon the presentation for payment of the obligation of the Government in the hands of the veteran, if the funds to meet that payment were not available in the Treasury, I should favor issuing the obligations of the Treasury to secure the funds with which to pay it. So the difference would be that thereafter the Government, instead of owing the veteran, would owe the investor. I see no reason for the Appropriations Committee's considering the question as to how the funds could be raised.

Mr. KING. Mr. President, the Senator will admit, will he not, that the adoption of the amendment just offered would increase the obligations of the Government, and if the payment to the ex-service men were in cash instead of bonds, it would mean that additional revenue would be required and the burdens of taxation now resting upon the American people increased?

Mr. BYRNES. I have said to the Senator that the certificates which are outstanding have been obligations of the Government, have constituted the promise of the Government to pay in 1945. That was just as sacred an obligation as any other obligation of the Government. If the Senator means, however, that there would be added the interest upon any amount which might be borrowed, I agree that the amendment would to that extent increase the obligation of the Government, but I do not admit that the adjusted-compensation certificates have not for all these years been obligations of the Government. Because the certificates are obligations of the Government, each year the annual supply bill carries an amount to be placed to the credit of this fund in the Treasury in order to redeem the certificates at maturity; and by my amendment $160,000,000, which otherwise would have been appropriated for this purpose is eliminated from the bill.

Mr. KING. Mr. President, if I understand the Senator's position, it is not entirely sound. He states, if I am correct, that the obligations growing out of the so-called bonus legislation do not mature until 1945, and therefore they are not to be placed in the same category as obligations which call for immediate payment to be made by an appropriation of money or by the issuance of bonds immediately payable. The Senator's amendment calls for payment either in cash or bonds, of nearly $2,000,000,000. But, as I understand the Senator, a portion of this sum will not be paid during the present fiscal year. He contends, as I understand, that perhaps only $1,000,000,000 will be required within the immediate future.

But to meet that amount the Government will be required to issue and sell bonds, because the Treasury will not have adequate funds for that purpose and can only obtain the necessary funds by the sale of bonds or by additional taxation. Obviously, then, the Treasury must make provision for the $1,000,000,000 required by the veterans who will receive certificates; I repeat when I say that that can only be done by increasing taxes or selling more Government bonds.

Mr. TYDINGS. Mr. President, will the Senator from Utah yield?

Mr. KING. I yield.

Mr. TYDINGS. As I understand this matter, originally Congress passed the bonus act, which made the payment of the certificates an obligation of the Government. This year we passed another bonus act, so to speak, creating another obligation of the Government. The fact is that the second obligation will cost more than the first obligation; but, now that we have taken action, is not the second obligation the law of the land? If it is the law of the land, it seems to me the sole question is as to whether or not Congress is going to appropriate the money to carry out an obligation created at this very session of Congress and now the law of the land.

Mr. KING. The Senator from Maryland has only stated a truism. Everybody admits that, of course.

Mr. TYDINGS. But the point I desired to make is that even if the second obligation does cost more the door has now been closed; the action has been taken; and the sole question is whether or not Congress is going to make good on its obligation.

Mr. KING. I am not challenging the Senator's position. I have not raised the question as to the original so-called bonus act or the recent act of Congress which was passed over the President's veto. Under that act provision must be made to meet the obligation there created. I am only attempting to ascertain what provisions have been made, or must be made to meet such obligation. I understand, of course, that the Committees on Appropriations recognize Federal obligations created by law, and that it is their duty to report measures in order that such obligations may be met. However, there are many demands made upon the committees for appropriations which are not authorized by law, and which, even though they have merit, may be postponed to some future date.

Before measures are reported from committees involving present or future appropriations they should be carefully scrutinized, their effect upon the revenues of the Government should be considered, and certainly every effort should be made to compel economies in every branch of the Government.

I was prompted to make the inquiry addressed to the Senator from South Carolina [Mr. BYRNES] in order that I might be advised as to whether any steps had been taken by the Senate Committee on Appropriations to ascertain what provisions must be made before Congress adjourns to meet the appropriations which will be recommended by the committee.

It is obvious that appropriation bills will be presented for our consideration totaling many billions of dollars. It seems to me that Senators should be put on notice of the stupendous sums which will be required to meet the requirements of the Federal Government in order that they may devise measures to meet the same.

An ordinarily prudent person attempts to balance his budget; before spending he determines what his income will be. The obligation rests upon governments to be more careful in their financial operations than are individuals. The Government is in the position of a trustee for the American people. It must discharge the obligation of the trust with fidelity; it must not spend unwisely; indeed, it must meticulously consider every request for appropriations and every dollar authorized to be expended. Prudent individuals who have outstanding obligations weigh more carefully every demand

made upon them for expenditures, because they realize that disaster will overtake them if increased expenditures widen the gulf between income and outgo and increase their annual deficits.

It is already certain that the deficit for the next fiscal year will amount to several billion dollars, and it is believed by many that the aggregate indebtedness of the Federal Government at the end of the period referred to will be between $35,000,000,000 and $40,000,000,000. My recollection is that the Budget figures submitted by the President contemplated an expenditure of more than six and three-fourths billions of dollars. The interest upon the public debt will soon exceed a billion dollars, and it is manifest that if revenues are not increased and expenditures are maintained substantially along the present high figures, the interest charges will be greater.

The total income of the Government for the fiscal year 1936 was approximately $4,400,000,000. I should add that in view of the recent decision of the Supreme Court in the A. A. A. case, this amount must be reduced by at least $500,000,000. Substantially the entire revenue which will be available for Government expenses is derived from income taxes and customs duties. It is estimated that the revenue for the fiscal year 1937 will be approximately five billion one or two hundred million dollars. I am assuming that no part of the Federal income will be derived from so-called processing taxes. The Budget estimates of expenditures for the year 1937 did not include, as I understand, provisions to meet the payments authorized under the recent Bonus Act, nor did they include the payment of approximately $500,000,000 which was authorized under the so-called Farm Erosion Act, which passed the Senate last Saturday. Other appropriations will be made before Congress adjourns not brought within the Budget estimates. Only a few moments ago the Senator from Nebraska [Mr. NORRIS] reported a bill from the Committee on Agriculture which calls for $1,000,000,000 for so-called rural electrification.

Mr. President, it is impossible to determine with any degree of accuracy the aggregate appropriations which will be made for the next fiscal year. No matter how stupendous will be the total of the appropriations provided before Congress adjourns, there will be perhaps two or three deficiency appropriation bills before the fiscal year 1937 expires, which will carry several hundred million dollars. Experience has demonstrated that no matter how generous, indeed how extravagant, Congress is in providing for the various governmental activities in the so-called general and normal appropriation bills, there are in every Congress two or three deficiency appropriation bills carrying in the aggregate several hundred millions of dollars.

I have stated that the President's Budget contemplates expenditures for 1937 of more than $6,750,000,000. If we add to that stupendous sum the nearly $2,000,000,000 to meet the bonus legislation and $450,000,000 to meet the demands of the soil-erosion measure, we will have a total of between eight and nine billions of dollars.

The Senator from South Carolina stated, however, that the bonus payments may be less than a billion dollars for the next fiscal year. However, if I correctly interpreted his remarks, there must be an authorized appropriation of the total amount to be paid under the terms of the Bonus Act.

Mr. President, I know that any effort to reduce amounts carried in appropriation bills will be futile. The demands made by the people for Federal appropriations are increasing. Functions which should be performed by States or their local subdivisions, it is now insisted, should be discharged by the Federal Government. With no desire to be critical, and within the bounds of accuracy, it may be said that there is a growing disposition throughout the country to strengthen the power of the Federal Government, even though it diminishes the power and authority of the States. There is a stronger nationalistic spirit than ever; and as the activities of the Federal Government are multiplied, the forces of local self-government and of proper individualism are weakened. That there are powerful gravitational forces operating throughout the country which draw into the vortex of the Federal Government all must admit. This means that there is a decadence of the spirit of local self-government, the maintenance and perpetuity of which are essential if our form of government is to endure.

With the tragic record of the past, which records the death of democratic governments and the frustration of the ambition and hopes of communities and States for wider liberty and greater freedom, many of the American people complacently regard the aggrandizement of the Federal Government—indeed, they urge it to further invasions of individual and local government.

In my opinion our fathers were wiser than those of this generation; they had a broader and more comprehensive understanding of the philosophy of government and certainly of the dangers of centralized power and authority.

Their admonitions and their precepts are being disregarded; and the advocates of a powerful national government, in which the States are compounded and brought into a colloidal mass, rise to positions of leadership in various parts of the land. If our form of government is to be preserved, there must be not only a restatement of democratic principles but a reinstatement in the hearts of the people of the ideals of the fathers of this Republic.

Mr. President, the bill before us, as it came from the committee, carries more than seventy-four and one-half million dollars in excess of the appropriations for the same organizations for this fiscal year; and, as I have indicated, there will be added to the bill before it leaves the Senate at least two and one-fourth billion dollars additional, so that the measure will leave this body with the seal of approval, though it carries appropriations of approximately $3,000,000,000.

Mr. President, as I have indicated, opposition to the bill or any of its provisions will be futile. No minority report accompanies it, and, so far as I am advised, no dissenting voice will be raised against any of its provisions. One would suppose that a measure which will result in placing burdens upon the taxpayers of the United States of $3,000,000,000 would call for some opposition or at least some criticism or comment, but it, like other appropriation bills in these days of large appropriations, provokes neither opposition nor comment.

There are meritorious provisions in the bill, but I should like to see it recommitted with a view to modifying some of its provisions and reducing the total amount for which provision is made.

Mr. President, I am constrained to submit these observations and to indicate that I do not approve of all of the provisions of the bill nor of the policy which enlarges the Federal bureaus, multiplies the number of Federal officials, and increases Federal expenditures.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. BYRNES].

The amendment was agreed to.

Mr. BYRNES. Mr. President, I send to the desk another amendment, which I ask to have stated.

The VICE PRESIDENT. The amendment offered by the Senator from South Carolina will be stated.

The CHIEF CLERK. On page 41, after line 6, it is proposed to add a new section, as follows:

SEC. 2. To enable the Secretary of Agriculture to carry out the purposes of sections 7 and 8 of the Soil Conservation Act as amended, $440,000,000, to be made immediately available and remain available until expended, together with the unexpended balance, not exceeding $30,000,000, of the funds made available for rental and benefit payments by the Secretary of Agriculture under the provisions of the Supplemental Appropriation Act, fiscal year 1936, approved February 11, 1936.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Carolina.

The amendment was agreed to.

Mr. BYRNES. Mr. President, I offer another amendment, which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 8, line 25, it is proposed to strike out "$85,900" and to insert in lieu thereof "$85,000."

The amendment was agreed to.

Mr. BYRNES. I ask unanimous consent that the clerks be authorized to change the section numbers of the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

NEUTRALITY OF THE UNITED STATES

Mr. PITTMAN. Mr. President, I ask that the Senate proceed to the consideration of Senate Joint Resolution 198, to extend the neutrality law.

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 198) to extend for 1 year the joint resolution approved August 31, 1935, relating to neutrality, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and to insert the following:

That section 1 of the joint resolution (Public Resolution No. 67, 74th Cong.) approved August 31, 1935, be, and the same hereby is, amended by inserting after the word "shall" and before the word "proclaim", in the fourth line, the words "so soon as such fact shall come to his knowledge", and by striking out the word "may", after the word "President" and before the word "from" in the twelfth line, and inserting in lieu thereof the word "shall"; and by substituting for the last paragraph of said section the following paragraph:

"Except with respect to prosecutions commenced or forfeitures incurred prior to May 1, 1937, this section and all proclamations issued thereunder shall not be effective after May 1, 1937."

SEC. 2. There are hereby added to said joint resolution two new sections, to be known as sections 1a and 1b, reading as follows:

"SEC. 1a. Whenever the President shall have issued his proclamation as provided in section 1 of this act, it shall thereafter during the period of the war be unlawful for any person within the United States to purchase or sell bonds, securities, or other obligations of the government of any belligerent country, or of any political subdivision thereof, or of any person acting for or on behalf of such government, after the date of such proclamation, or to make any loan or extend any credit to any such government or person except ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in current commercial business.

"The provisions of this section shall not apply to a renewal or adjustment of indebtedness existing on the date of the President's proclamation.

"Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, any officer or agent thereof participating in the violation shall be liable to the penalty herein prescribed.

"When the President shall have revoked his proclamation, as provided for in section 1 of this act, the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply.

"SEC. 1b. This act shall not apply to an American republic or republics engaged in war against an non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war."

SEC. 3. Section 9 of said joint resolution is amended to read as follows:

"There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this act."

The VICE PRESIDENT. The question is on agreeing to the committee amendment, which is in the nature of a substitute.

Mr. McNARY. Mr. President, I think we have all been surprised at the expedition by which the independent offices supply bill was passed. I had thought, from general observation and some inquiry, that there would be contests over some of the provisions of the bill and that the Senate probably would not reach the pending joint resolution until tomorrow afternoon or Wednesday.

During the latter part of the week which has just passed the Senator from North Dakota [Mr. NYE] and the Senator from Missouri [Mr. CLARK] discussed the matter with me, and each expressed a very sincere desire to be present when the neutrality resolution was taken up. I gave it as my judgment that the independent offices appropriation bill would occupy the time of the Senate all day Monday. In less than 30 minutes that bill has been passed by the Senate.

I was advised by the Senator from North Dakota [Mr. NYE] and by the press that a number of Senators met in the office of the Senator from North Dakota a few days ago and decided to offer amendments to the neutrality joint resolution. I am not at all conversant with these amendments; I do not know that I shall support any of them; in fact, I do not know the nature of the amendments. My only thought is that, as a matter of courtesy and fairness to these Senators who are absent, they should have an opportunity to be present when the joint resolution is proceeded with. At least it should not be finally disposed of until they have an opportunity to be present.

I do not wish to be in the attitude at all of delaying any any legislation; that has not been my habit; it has not been my practice. I think all Senators know that I have tried to expedite bills as they have come to the floor of the Senate. I have no personal interest in a postponement of the pending measure, because I am always present and willing to express my views by a vote on any measure which comes before the Senate.

From the knowledge I have I am very well satisfied with the action of the Foreign Relations Committee in reporting the joint resolution. I am only asking that some consideration be given to those who are absent and to other Senators who probably have the same mental attitude toward this subject as that of the Senator from North Dakota and the Senator from Missouri.

Mr. President, with this brief appeal, I submit the matter to the Senator from Nevada.

Mr. PITTMAN. Mr. President, the joint resolution, as amended, and as it has been read, was reported unanimously by the Committee on Foreign Relations on last Wednesday. It was printed, and has been on the clerk's desk and on the desks of all Senators.

It was the desire of the committee, and I think the desire of the Senators to whom the Senator from Oregon has referred, that action should be taken on this matter at as early a time as possible. It is known that the existing law, which the pending joint resolution would extend, will expire on the 29th day of this month, and it is understood that matters like appropriation bills coming in would take precedence over the joint resolution. It was recognized that if it should cause very much debate, the debate might be proceeding on the 29th of February, when the present act will cease to exist, and there would be no law on the subject.

I may say that the joint resolution is brought forward at this time by reason of the expiration of the present law on the 29th of February, and the danger of our having on the books no law on the subject of neutrality.

This joint resolution is a compromise measure, pure and simple, by reason of the emergency which exists. There are Senators on the Foreign Relations Committee who do not believe there should be any law with respect to neutrality at this time. They do not believe the present law should be extended. Witnesses came before our committee who are recognized as great international lawyers, who testified that in their opinion it would be safer and better not to enact any neutrality legislation at present. That is one extreme.

The other extreme was represented by those who believe that if it were necessary in order to prevent our being dragged into a foreign war we should place an embargo upon the exports of everything to belligerent countries. Those are the two extremes.

In between there are various schools of thought. The committee was not through with its hearings. There were members of the committee who were desirous of hearing from other international lawyers than those who had been heard. There were various groups in the country who had petitioned the committee to be heard on this question; and very probably the committee would have invited them to address the committee except for this compromise. But I think practically all the members of the committee agreed that no legislation favored by either extreme could possibly pass through Congress at this session. The feeling was so intense on the

question, and the controversy was so sincere, that any Senator holding one of the extreme views possibly would have been justified, except for this compromise, in debating the subject without limit on the floor of the Senate.

Therefore there comes to the Senate this compromise. The compromise is simply an extension until May 1, 1937, of the existing law, which by its own terms will expire on the 29th of February. It adds to that law the prohibition of the sale or purchase of the bonds, notes, or other securities of belligerent nations. It adds to that law an exception in favor of the Latin-American republics. Those are all the changes in existing law.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Nevada yield to the Senator from Michigan?

Mr. PITTMAN. I yield.

Mr. VANDENBERG. Is it the Senator's conception that this compromise ends for the present session the consideration of the neutrality problem by the Foreign Relations Committee; or is it his conception that further consideration will be given to the moot points which we have set to one side in order to agree upon this temporary formula?

Mr. PITTMAN. I am sorry that I am totally unable to answer that question, because there has been, to my knowledge, no expression on that subject in committee by any member of the committee.

Mr. VANDENBERG. Would the Senator be willing to state his own view as to whether this compromise is conclusive for the session?

Mr. PITTMAN. I will state my own view; yes.

Mr. VANDENBERG. That is what I am asking.

Mr. PITTMAN. I gave out a written statement, several days before we acted on this matter, expressing my personal views only; and therefore I shall go into a slight history of the question for the purpose of developing my personal views.

As the Senate well knows, I introduced in this body what was known as the administration bill. That bill provided, in addition to other things, that there should be, in certain cases, a restriction upon the export to any belligerent of practically all materials above the peacetime normal. That provision is included also in what is called the Nye-Clark bill. That question involved a great deal of discussion in the committee. Here was the administration bill, which provided that when the President found it was necessary to the preservation of our neutrality he should issue a proclamation to that effect; and, when he did, the export to belligerents of all materials and articles in addition to arms, ammunition, and implements of war should be restricted to what were termed the "normal shipments" during peacetimes. The provision included practically everything.

The so-called Nye-Clark bill had exactly the same provision in it, except that it used the expression "essentials of war", and the administration bill used the expression "materials used in the conduct of war."

The administration bill would allow the President to use his discretion as to when the time had arrived to place that restriction. I think the Nye-Clark bill makes the same provision. However, the Senator from North Dakota [Mr. NYE] was in favor of making the provision mandatory. Nevertheless, it was that section of both bills pending before the committee which aroused the controversy in the committee and, I may say, the controversy on the floor of the Senate outside of the committee, because practically every Senator was interested in that vital legislation.

There was a wide, sincere difference of opinion not only as to how that section should be framed but as to its effect on peace. The question was, What are the essentials of war? What items, if any, should be enumerated? Should they be enumerated in the bill or should they be left to the discretion of the President; or, on the other hand, should all items, everything, mandatorily be restricted to normal shipments after the proclamation that war existed between certain countries?

As I said, we had expert opinion on this question. Great international lawyers stated that this measure, if enacted, would mean war instead of peace, and tried to sustain their positions by arguments. Others sustained the measure on the ground that the limitation to normal peacetime shipments would arouse less antagonism on the part of belligerents not controlling the seas than would unlimited shipments. Nevertheless, the difference of opinion was wide; it was sincere; it was intense; and it occurred to several members of the committee, who informally discussed the matter with each other, that if there was an attempt to report out either one of those bills, or to report out any bill carrying either one of those main sections, it would result in unlimited debate upon the floor of this body, and not only would the legislation not be enacted but the existing law which places an embargo on arms, ammunition, and implements of war would also die, and we should end with no legislation at all.

Whether the members of the committee were right or wrong in their supposition, I say to the Senate that I believe 90 percent of them were of that opinion. At least I may say positively that a majority of the committee was so firmly of that opinion, and so anxious to save the existing law, that they were prepared to vote for a resolution of extension without any further amendment. This matter was taken up with the State Department. It was discussed as the hearings went on. The State Department itself agreed with us that in the circumstances there was danger of having no law, and I say there is grave danger of having no law. For that reason the compromise was agreed on.

The compromise does not meet the demands of the administration group. It does not meet the demands of the Nye-Clark group. It does not even meet the demands of those who do not believe in any legislation at this particular time; but it is a step along the desired line of legislation, and a very forward step.

If Senators will take the existing law and look at it, they will find that it provides for an absolute mandatory embargo upon arms, ammunition, and implements of war. The act absolutely prohibits American vessels from carrying arms, ammunition, or implements of war to a belligerent country. The existing law provides that the President may prohibit the departure from this country of a vessel which has previously made such deliveries. The present law provides that the President may proclaim that American citizens shall refrain from traveling on any vessel of any belligerent nation except at their own risk. The existing law controls the use of our ports and harbors by submarines of belligerents. To that we add the credit provision, which, to my mind, is a very strong and important provision.

If Senators remember, the Johnson Act which was passed at a recent session prohibited the sale in this country of bonds and securities of belligerent countries who are in default on their debts to us. But that only applied to certain great countries. It applies to Great Britain; it applies to Italy; it applies to France; it applies to Belgium; but there are other great and powerful countries to which it does not apply. What the committee has done is to place in the joint resolution an amendment carrying a prohibition against the sale in this country of bonds and securities of all belligerents; and that should be done. That is the whole situation. The question is solely whether or not we shall attempt to carry out the unanimous vote of the committee. When I say "unanimous" I mean that there was not an objection made; there was not a vote against in it the committee. Certain Senators reserved the right to take any action they saw fit on the floor of this body. They have that right, anyway.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. PITTMAN. I do.

Mr. VANDENBERG. I substantially concur in everything the able chairman of the committee has said. Even though I have been rather intimately related with the so-called Nye-Clark group, which has been studying this problem, I am inclined to believe that something of this nature is necessary in order to beat the deadline of February 29.

I submit to the Senator, however, that there is a sharp division of opinion upon some details even in this temporary

extension. The Senator from Missouri [Mr. CLARK] and the Senator from North Dakota [Mr. NYE] are not in the city today, as I understand. I am advised that they can be here tomorrow. The only plea I make to the Senator, sustaining that submitted by the able Senator from Oregon [Mr. MCNARY], is that, with this preliminary exploration of the matter, we may let the subject pass until tomorrow, so that full and free opportunity may be given for whatever additional exploration these Senators may desire to pursue.

Mr. PITTMAN. I will say that both Senators to whom the Senator from Michigan has referred knew that I was going to seek to have this joint resolution considered immediately after the disposition of the appropriation bill.

Mr. VANDENBERG. Will the Senator yield at that point?

Mr. PITTMAN. Yes.

Mr. VANDENBERG. Does not the Senator think it would have been a rather reasonable presumption on the part of a Senator that an appropriation bill involving two or three billion dollars might have taken more than 20 minutes to pass in the Senate of the United States?

Mr. PITTMAN. I do not think so. That is the reason I was here prepared to seek consideration of the joint resolution. I saw no reason why the appropriation bill should take very long. It was almost a formal matter, involving appropriations to carry out existing law; I think that was all it was for.

It seems to me, in view of the circumstances, particularly that we do not know how long the debate is going to last on the joint resolution, and as we are trying to expedite its consideration, that one of those Senators might have been present today; in fact, I understood that the Senator from Missouri [Mr. CLARK] would be here today. I am disappointed that he is absent.

I have no desire, of course, to attempt to foreclose any Senator from offering and obtaining a vote on any amendment he may desire to submit, but it seems to me that the request for a continuance of this matter has not been supported very strongly by any good reason. So far as I know, no Senators who are particularly interested in the subject matter are sick; no one has asserted that they are absent on account of official business; in fact, I do not know why they are absent from the body. I know that it is the desire of the administration to close this session of Congress as rapidly as it may be done and yet transact absolutely necessary business. I am satisfied that that is also the desire of the Congress of the United States. Now to have this matter delayed possibly into a time when another appropriation bill or other important measure might come on the floor, resulting in the joint resolution's being temporarily laid aside, would not be advisable.

I am rather surprised that both the Senator from North Dakota [Mr. NYE] and the Senator from Missouri [Mr. CLARK], who are just as anxious as am I to preserve the existing law, if they cannot get anything more, are allowing a day, at least, to go by when the time is already so short to enact any legislation at all on this matter. Yet I cannot conceive how we could proceed to a vote today without possibly appearing to have crowded this measure through the Senate.

So, Mr. President, I ask unanimous consent that when the Senate concludes its business today it recess until 11 o'clock tomorrow, and that at that time the Senate proceed to the consideration of the pending joint resolution.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. MCNARY. Mr. President, I did not clearly understand the concluding remarks made by the able Senator from Nevada in response to the suggestion I made that action be deferred today on the joint resolution. Were they to the effect that the Senator was willing to defer consideration?

Mr. PITTMAN. Yes; and I have asked unanimous consent that when the Senate concludes its business today it recess until 11 o'clock a. m. tomorrow, and that the joint resolution be taken up at that time for consideration and disposal.

Mr. MCNARY. I appreciate the Senator's attitude, and may say that I am just advised by the secretary of the Senator from North Dakota [Mr. NYE] that he and the Senator from Missouri [Mr. CLARK] will be here tomorrow morning.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

Mr. THOMAS of Utah. Mr. President, despite the remarks that have been made by the chairman of the Committee on Foreign Relations [Mr. PITTMAN] indicating that the committee is anxious, as I believe the Senate is anxious, to have action upon the joint resolution, I believe, because of the fact that I introduced the joint resolution extending the time of the operation of the present law, it will probably be well for me to speak concerning the reasons I had in mind when the joint resolution was introduced.

When I introduced the joint resolution extending the Neutrality Act I did so because I thought I foresaw that before February 29 there would not be sufficient time for the consideration of what was planned to be permanent neutrality legislation.

The difficulties in the way of determining the permanent-neutrality policy of the United States are so great that it seems doubtful whether a wise, final decision can be reached at the present time.

It is, of course, important to distinguish between the neutrality policy of the United States and the international law governing neutral rights and duties. Everyone recognizes that the events during the World War are extremely important in considering the future of the law of neutrality. Yet one provision of one of the proposed laws attempts to ignore all of our and the world's experience since 1914. We cannot cut out of history or growing laws and custom those things we do not like. We had the World War and we now have its consequences in law and treaty, habit and custom. We may not like what is, but that does not destroy what is. There were many violations of international law during the World War as there have been in other wars. Violations of law never change the law, but in this particular case the United States, after becoming a belligerent, acted upon certain principles which it had contested during the period of its neutrality. The War Memoirs of Robert Lansing state clearly in a number of places that our protests during the neutral period were restrained because we did not want to prejudice our later position as a belligerent. On page 128 of the memoirs he says:

> It was of the highest importance that we should not become a belligerent with our hands too tightly tied by what we had written. We would presumably wish to adopt some of the policies and practices which the British had adopted, though certainly not all of them, for our object would be the same as theirs, and that was to break the power of Germany and destroy the morale of the German people by an economic isolation which would cause them to lack the very necessaries of life.

In the summer of 1916 Mr. Lansing wrote further:

> Nothing in our controversies with Great Britain must be brought to a head. We must keep on exchanging notes, because if we do not, we will have to take radical measures.

That was written by the American Secretary of State, who, in theory, was operating under instructions from his President to be neutral. This tends to prove that which I am now going to assert. The theory of neutrality is based upon a fallacy. It would be an unneutral act to pray for rain right now in Ethiopia. Neutrality means being impartial. Nations are not equal in war. Not to act means helping the stronger nation; to act helps the one you aid, and both are unneutral effects.

Before we entered the World War in 1916 former President Roosevelt wrote Senator Lodge:

> It is dreadful to think that some millions of Americans will vote for Wilson.

That statement we can forgive Mr. Roosevelt because Mr. Wilson was making headway with the slogan, "He kept us out of war," and also because no man who has himself been through a Presidential campaign is supposed to write 100 percent perfect logic from July to November of the Presidential year. But we have a key to what Mr. Roosevelt meant in

another letter sent about the same time. He was not worked up about the election. It was the war and his own zeal to get us into it that caused his words, for to the British Ambassador he wrote the following:

> Your country is passing through the flame and will come out cleansed and refined to lofty nobleness. Mine is passing through the thick yellow mud streak of "safety first" and its high places are held * * * by men of little soul, who desire only sordid ease; and perhaps we shall have to be shot over, and eat the bitter bread of shame, before we find again the spirit of high desire.

I myself thought President Theodore Roosevelt was right. I believed it then so intensely that I almost believe it now. I emphasize this fact because I want to show how hard it is to be neutral and how almost impossible the idea of a spiritually equal neutrality is to bring about. But in the light of history we know that Mr. Roosevelt's reactions were developed reactions. It is harder today to make war than it has been in the past. But rest assured that it can be done, and it will seem no more sordid than it did when we made it before.

Our strange neutrality and the desire of the Government of the United States not to cause a breach with England by disputes over neutral rights is further illustrated by the incident told by Ambassador Page in his letters. A ship called the *Dacia*, formerly a German ship, was sold in December 1914 to Americans. Under general rules of international law questions were raised regarding the validity of such a transfer in wartime. Ambassador Page knew that it was a probability that the ship would be seized on the ground that she was still a German vessel. He told Sir Edward Grey, the British Foreign Secretary, that there were so many causes of controversy between the United States and Great Britain that it would be unfortunate to add this additional dispute. He therefore suggested that it might be well to have the *Dacia* captured by a French cruiser instead of a British cruiser. The suggestion was acted upon and the issue was tried in a French instead of a British prize court.

Before I proceed further I should make the statement that I emphasize this point again to show that during the time we were operating under a neutrality law and during the time we were urged to be neutral in thought and action, there could be no doubt from history that we did not live up to the instructions of our President and that what we were doing was in terms definitely unneutral.

The contraband list issued by the United States after we entered the war in 1917 was not as detailed as the lists of other belligerents, but the broad categories indicated would cover about as many articles.

Since the war there has been no real attempt to settle the differences of opinion which existed in 1914 and which were accentuated from 1914 to 1918.

Therefore, it would be most unwise for us to attempt to enact a more stringent, more severe, more harsh neutrality law at this time without ascertaining the experience in regard to neutrality not only of ourselves, but of other countries, before we take another step.

Mr. LEWIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Illinois?

Mr. THOMAS of Utah. I yield.

Mr. LEWIS. I recall to the able Senator from Utah, whose scholarly attainments upon international law we all acknowledge and respect as he is a professor of eminence in a great university in Utah. In the ship *Dacia* case there is an important phase that has been omitted by the Senator, he feeling that possibly it was not necessary to his thesis. But it must be considered that the diplomatic correspondence began with our Ambassador in London but was then brought to America, and the formal correspondence between the then Ambassador from Britain and our State Department ensued, in which the Ambassador from Great Britain stated that the dispute about selling the German ship to American owners could not change the fact of German property. The purchase was by the Texas citizens to get a ship to take American cotton bought for the purpose of being sent to the buyers generally in Europe.

The British Ambassador wrote to our State Department that Great Britain refused to yield to the contention exempting such a vessel, though transferred honestly, apparently, and for honest purposes of merchandise, transportation to other lands than those at war. Still England reserved the right to seize and confiscate the vessel. Our Secretary of State finally addressed another communication in reply and it was upon the theory of this Government as presented if I am not in error, rather than the policy of France that the matter be submitted where it could be disposed of from a legal point of view instead of a political one. I ask the able Senator if that is not the situation?

Mr. THOMAS of Utah. The Senator from Illinois is entirely correct. If we had gone into the dramatics of the situation instead of attempting to make the single point which I did, they would have been more interesting than this, because the subtle suggestion thrown out by the question-and-answer method, which is the way in which gentlemen carry on when they meet, is more interesting than the actual history as it became recorded.

The point, though, remains exactly the same. In attempting to adopt drastic neutrality legislation, no matter what the motive, no matter how ideal the appeal, no matter what the purpose, the fact remains that such legislation must rest upon the facts of history and the condition of history, and that when once we have war in the world we have a situation which says good-bye to law. The real definition for war is ultima ratio regum. Will the Senator from Illinois translate that for me?

Mr. LEWIS. I think that means the last argument of kings.

Mr. THOMAS of Utah. That is the way it is translated in the textbook. I like to translate it and call it "the end of reason." That is exactly what war is. When we try to bind our hands, bind our actions, and look into the future at a time like this, at a time when we do not know what is going to happen, we cannot help but make mistakes.

A slight step was taken at the Washington Disarmament Conference of 1921 and at the London Naval Conference of 1930 regarding visit and search by submarines, but these treaties have not received general acceptance. The Pan American Convention on Maritime Neutrality was signed by the United States and ratified by the United States, but the other parties are only a few Latin American nations, and the convention has no value as a general world statement.

Neutral rights and duties, of course, flow from international law and cannot be fixed by domestic statute.

Moreover, we must keep in mind this primary fact about modern war. We are no longer fighting a two-dimensional war. We are fighting a three-dimensional war. We have all the law to be developed for the air and for the submarine. In the evolution of the law for the submarine I must call attention to the fact that we may expect complete reversal of all the ideas and theories we have had in the past in regard to attacks by submarines. The reason for that is that the conditions, the necessary conditions themselves, will lay down the law. When a submarine under restrictions of international law is under obligation to warn a ship before it sinks it, to take a ship to a port and deliver the noncombatants after search before it destroys it, we are asking the impossible because everyone knows that a submarine stands utterly defenseless, and although a larger boat, an ordinary Atlantic boat, would be without arms and could not destroy a submarine by a shot, it has higher speed than the submarine and the mere accident of allowing the big boat to run into the submarine and sink it would, of course, have the effect of actual destruction.

These are the facts, and it is only upon the facts that we can build international law.

There is the primary fact which we should keep in mind at all times. We cannot, here in the Congress of the United States, enact international law.

For us to make our domestic law stronger than international customary law may not only put us at a disadvantage but actually bring disaster to the very aims we are attempting to achieve. The worth of any constitution is tested

while the state operating under the constitution is passing through an emergency such as war. A false move which might tie our Government while war is in the earth may be not only against public policy but also it may actually threaten our very existence.

If the United States is a neutral in another great war before any agreement is reached on the international law of neutrality, we shall be faced with exactly the same type of dispute with belligerents which led to our difficulties in the World War, and which similarly had previously led us into the War of 1812 with England, and into the limited war with France in 1798. Therefore, we need international action defining rights and duties of neutrals in the light of our treaty obligations. This has not yet been attained. The logical move for us to make is to attempt to bring about international action in regard to these international rights and duties, and then build our domestic law upon those international rights and duties.

Let me here call attention to the fact that when President Washington issued his neutrality proclamation, and later when the neutrality law became the law of our country, that law not only became good law from our own standpoint, but it became recognized as good law from the world standpoint. The reason it was good law was that domestic legislation was built upon the customary habits and customary rules of the nations of the world, and was in complete harmony with what the world itself had decided in regard to neutrality.

After any important war, the naval colleges and war colleges and general staffs immediately begin to study war practices in order to determine their effect upon future plans. All future contingencies are carefully worked out. Nothing comparable has been done in our country in regard to neutrality. The Department of State is not adequately staffed to enable it to devote the proper amount of time to the subject. A number of very competent people in the Department have been studying the question of neutrality for some time, but they have been forced to do so only as one item among numerous other duties. This is only one of the aspects which make no new legislation desirable at the present time.

That situation is in no sense a reflection upon our Department of State. I wish merely to point out the fact that when it comes to governmental efficiency, when it comes to governmental planning, our War Department and our Navy Department are away ahead of the Department which should take care of peaceful processes. It seems to me a very, very constructive idea for us to attempt to bring about a situation wherein we could have a staff dealing with the problems of future international law just as we have a staff dealing with the future problems of war on sea and on land.

Not only are the questions of international law unsettled, but the current neutrality bills involve problems of great difficulty which have not yet been worked out. For example, throughout the bills there are provisions regarding the shipment of embargoed articles to neutrals for transshipment to belligerents. This, of course, raises the whole question of continuous voyage through neutrals to belligerents. In the past, and particularly in the World War, this has been a fruitful source of controversy; but in the past these questions have been determined by a prize court. Under the bill the neutral United States Government would have the burden of determining in advance these extremely difficult problems of continuous voyage and ultimate destination.

I believe no plans have been worked out to enable the Government to discharge this duty. If the neutral American Government does not discharge this duty properly, belligerents, of course, will not respect any statement we make to the effect that the destination is really an innocent neutral one. In that connection it may be noted, as brought out in the hearings before the Munitions Committee, that our laws at present do not give customs inspectors any adequate power to investigate shipments, and therefore frauds in shipping under false labels cannot be prevented. Testimony before some of the congressional committees has shown that during the embargo on arms during the Chaco war evasions of the embargo could not be prevented.

It should also be pointed out that the United States is now a party to the Argentine Antiwar Pact of 1933. The Senate advised and consented to the ratification of the treaty on June 15, 1934, and it was ratified by the President on April 27, 1934. The treaty came into force on November 13, 1935. The other parties to the treaty are now believed to be the following: Twenty-one American republics, and Austria, Bulgaria, Czechoslovakia, Italy, Portugal, Rumania, Spain, Turkey, and Yugoslavia. Article 3 of that treaty provides—and we should pay particular attention to this, because it is not only the supreme law of our land but it is one of our foreign policies:

> In case of noncompliance by any state engaged in a dispute with the obligations contained in the foregoing articles, the contracting states undertake to make every effort for the maintenance of peace. To that end they will adopt in their character as neutrals a common and solidary attitude; they will exercise the political, juridical, or economic means authorized by international law; they will bring the influence of public opinion to bear but will in no case resort to intervention either diplomatic or armed; subject to the attitude that may be incumbent on them by virtue of other collective treaties to which such states are signatories. (Department of State Press Release, Apr. 28, 1934, 234. Text in Department of State Treaty Information Bulletin No. 54, March 1934.)

The supreme law of the land, therefore, now requires that during a period of neutrality we should take common and solidary action with other neutrals. Some may assume that this is new theory growing out of the collective theory for action against an erring state by members of the League; but such is not the case. Joint action by neutrals is the only way in which a neutral right can be enforced. It has long been the practice of nations. Neutrality, as John Adams pointed out, in his day implied joint action with other neutrals.

So far as I know, no plans have been developed to indicate what type of action should be taken. I doubt whether there has been sufficient exploration of the economic and juridical means permitted by international law which are referred to in the treaty. All these questions obviously require detailed consideration and long study. It would be most unfortunate to pass legislation hastily at this time, before these points are worked out. Attention may also be called to the preamble of the Pan American Convention on Maritime Neutrality of 1928, which has been ratified by the United States, and which refers to the fact that "neutral states have equal interest in having their rights respected by the belligerents."

The interesting thing about the detail of this bit of history is the fact that last year, in the discussion of our Neutrality Act, this necessary historical background dealing with the actual law under which we operate was not brought out, was not discussed on the floor of this body, and was not made part of the editorial writings of the country. It is also interesting to note that even the great peace societies, which sponsored and advocated the action which we took last year, acted emotionally and impulsively, and through their action legislation followed, as all emotional legislation does follow. The least emotional of all things that we have to deal with is the law of nations. It is built upon custom, and it is the longest existing law about which we know anything.

This question of the common interest of the neutrals in defense of their rights has nothing to do with the League members or with the action of the League powers. I emphasize that because we invariably have a habit of assuming that because a word is commonly used today, and has reference to today's action, it grew out of today's conditions. The collective idea is hundreds of years older than the League of Nations idea. It is quite clear that there may be many situations in which even members of the League will be neutral, as is proved by the actions of Austria, Hungary, and Albania. We know that that is the case. Under the League theory, the question arose as to whether it was possible to have neutrality; but today members, in full standing, of the League of Nations are neutrals in the present situation, and have declared their neutrality. Austria, Hungary, and Rumania are understood to be neutrals; and from the standpoint of the whole scheme of international

convention, international organization, and the working of international law, it is very much better for the peace of the world to have these three States remain neutral in the present situation.

Finally, it will be noted that the first neutrality act of the United States was passed in 1794 as a temporary measure limited to 2 years, and was followed by a still more temporary proclamation of President Washington. When the question of renewing it and making it permanent came up in Congress in 1797 the following discussion took place:

Mr. Gallatin said there was the same reason for continuing the limitation now that there was for originating it when the law passed. The law was suitable for our present situation, and whilst the European war continued it might be well to continue this law in all its parts * * *.

Owing to the temper of the public mind at the time (1794) the regulation was a proper one; it might be so now (1797); but he was not prepared to say that it would always be so, because there might be considerations which, whilst we were at full peace, would induce us to wish our citizens to learn the art of war.

This legislating by the lump was not convenient. This was a long act, and, as the session was near a close, there would not be time for discussing it section by section; the law must therefore be reenacted without undergoing much discussion. If it were to continue in force for 2 years longer, it might then be taken up section by section, and they would see whether it could not be amended.

Mr. Holland was in favor of the limitation. It has been observed, he remarked, that experience has shown the law to be a good one; if so, it would continue to be so. The gentleman from Maryland [Murray] was certain that it was agreeable to the fixed law of nations; it might be so, but he ought not wish to pass it without giving gentlemen time and opportunity to examine it for themselves.

Gallatin's advice was taken and the act was renewed for a further temporary period of 2 years. After the Civil War an ill-advised neutrality act was attempted during a period of stress, but the bill died in the Senate Foreign Relations Committee after having passed the House; it was an emotional reaction of the times, and an attempt to go back to the original principles of 1794.

This probably is the best illustration in our American history of an attempt, made in so many other countries so many times before, to cut out a policy which we do not particularly like, and go back to another policy which, because it was adopted a long time ago, was deemed to be good.

The proposed draft neutrality act of the 60's of the last century, if it had become law, as the emotional advocates of the proposed act wanted it to become law, would have destroyed our case in regard to the *Alabama* claims, because they attempted to take our neutrality back in 1794, and the *Alabama* claims, which we presented, and in which we were successful, grew out of experiences which we had at the beginning of the nineteenth century.

Similarly, at the present time we have had only a very brief time in which to try out the act of last August 31. A war is now in existence, and the uncertain factor of League sanctions introduces an element which makes it very difficult to legislate for the future.

The great American theory of neutrality instituted in 1794 was great and lasting law because it caused our domestic law to rest upon the already established customary law of nations. I repeat, for us to put limitations upon our citizens when other States will not limit their citizens is merely inflicting an injury upon ourselves.

Under these circumstances in more and more increasing numbers Americans will ask why they should lose their trade. I hold no brief for anyone who would glory in extra profits taken from war, but I am totally unable to see why an American oil company, or a motor company, or a hot-dog salesman, or even a student or a tourist, who wishes to go abroad to study and observe, should have to suspend his ordinary pursuits and suffer inconveniences and loss, simply because some state is seized with the hydrophobia of war.

War between two nations cannot diminish the rights of the rest of the world remaining at peace. The doctrine that the rights of nations remaining quietly in the exercise of moral and social duties are to give way to the convenience of those who prefer plundering and murdering one another is a monstrous doctrine; and ought to yield to the more rational law, that "the wrong which two nations endeavor to inflict on each other, must not infringe on the rights or conveniences of those remaining at peace." Shall two nations turning tigers break up in one instant the peaceable relations of the whole world?

Those words are not my words; they are too strong. Those words, which might surprise some of those now listening to me, were written by a gentleman by the name of Thomas Jefferson in a letter to R. Livingstone, September 19, 1801. (T. J. Randolph (ed.) Memoirs, Correspondence, etc., vol. III, pp. 478–482.)

Public opinion today and treaty law denounce nondefensive war as a crime and the state which carries it on as a criminal. But neutrality carried to illogical ends may say that when such a state starts upon its career of crime we must do nothing that might embarrass it in its criminality. Do you want our neutrality to go further? Do you want it to announce to the criminal in advance that we will do nothing to stop him, and that we hereby give up all our rights so that he can conduct his crime without restraint?

Mr. President, I hate war. I regard it as utterly futile in accomplishing any good; but I would fight before I would give up a single right to a bully state running riot and condemned as a national criminal by the public opinion of the world. But we would never have to fight. The weight of public opinion would prevail.

To yield to such a bully, if we should go that far, would be the most humiliating and ignoble position ever taken by a great state. Even if we were unwilling to help others, it would still be an ignoble position, for we would be unwilling even to help ourselves. We would lose immediately all our influence in the community of nations; we would allow war to continue and grow; we would allow the law-breaking state to become stronger and stronger, until the time when it could be ready to devour us also. We would invite our own destruction, and we would deserve it, for civilization was never builded upon such supine surrender to crime, nor can it last if the greatest of all nations in the world permits it.

Mr. President, I do not wish to be misunderstood in uttering these rather strong statements, which cannot be construed as referring to a rather strong national position. I say I do not wish to be misunderstood. I stand where our great leader, the Senator from Arkansas [Mr. ROBINSON], stood last summer when on August 24 he uttered in the Senate what seem to me to be the greatest words ever uttered in regard to peace in the history of our country, saying:

We want no war. We want no wealth gained from war.

We rose to a height, to a position which we had never yet attained, and I should like to see us stand right there. I am merely trying to stress the complications, to show that we have gone as far as we should go at the present time, and with the present law, and the arguments which I put forth, I trust, imply that we should defend the joint resolution as it came out of the Committee on Foreign Relations.

The question as to whether we want to make neutrality the foundation of our foreign policy in times of war is still a question which has not yet been settled. There is in my mind a grave question as to whether we should attempt to make neutrality the foundation on which we are going to build our policy. That should be studied; it should be worked out in the light of the experience through which we have passed since last August. I think the deduction heretofore made, that there is not time before February 29 to consider a permanent neutrality policy, is a valid deduction.

It is not well to have our policy too strong and too absolute. Neutrality must remain a matter of degree. This we discovered the minute we started considering the measures which were before us. It was pointed out—and everyone accepted the theory—that if they did not accept the words, neutrality must remain a matter of degree and never become an absolute thing. As soon as we thought about neutrality rather seriously, we discovered that to be absolutely neutral in regard to all war meant turning our backs on one of the most cherished policies we have advocated, and a policy which has done much good in the world, namely, the Monroe Doctrine.

In the wording of the pending joint resolution as we have it now, we have inserted words the like of which have not

been used before, and once more we realize what an American and what a non-American state is. But in regard to these things everyone knows that the United States would not be neutral when a question of that type arose. So completely do we understand that we could not be neutral in accepting any theory in regard to the Monroe Doctrine that, whether we accept the theory of Woodrow Wilson that it is a cooperative, regional understanding, or whether we accept the theory of Monroe himself, we still stand where we have always stood, and everyone would teach the fact that the minute there was war on this continent between a state which is an American state and one which is a non-American state the United States would not remain neutral.

I will state now what I shall repeat later, because I think it is worthy of emphasis, that in our declaration in the pending amendment, which has been reported from the Committee on Foreign Relations, that the neutrality law shall not apply whenever an American state is at war with a non-American state, we are merely responding to something which has already occurred in the history of our neutrality relations.

When the World War broke out many South American states accepted the same theory we accepted in our declared neutrality policy. When we entered the war those South American states changed their neutrality policy and gave notice that they were going to be neutral no longer when it was to the advantage of the United States for them not to be neutral. The legislation which we are considering today is merely a return to the spirit which the South American states already expressed under actual law. It is cooperative. I am sure we probably will not be neutral if war should break out affecting that part of the world where the Philippines are. I am sure we would not be neutral if our interest in the Far East were being questioned. We should likely refuse to remain aloof under those circumstances.

Would it be right to bind ourselves by a law which we are not going to live up to, and that will merely give the people of America another opportunity to be disillusioned about the force and the strength of law? If Senators imagine we can keep out of war just by enacting a law, they are making the mistake of the ages. We have all the law anyone needs to keep all nations out of war. The most universally accepted piece of international law that the world has ever known in its whole history is the treaty that has actually outlawed war as an actual instrument. Yet we have war today. You could not make law any stronger than that unless you enacted a piece of domestic law which actually forbade intercourse with an outside state.

We can follow what was the practice of China and what was later the practice of Japan—we can isolate ourselves and we can pass laws, as Japan passed laws, providing that any man who left Japan would be beheaded, and any man who came in would be beheaded—and make it a crime to build anything larger than a 40-foot boat. We can do that if we want to. That is probably one way we could avoid war.

If there should develop that which is threatened from time to time—a war between races—there is no question about our neutrality in a situation of that kind. These factors are so many and are so great that surely they emphasize the common sense behind the present report of the Foreign Relations Committee.

Neutrality must remain a matter of degree, for at one time our obligations may be great and another time they may be less. It must also remain a matter of degree in regard to places, and at one time our interests may be comparatively more important than at another time. The policy of neutrality, therefore, has many more factors than our emotional desire to avoid war.

We should not enact further law until we have had time to review the experiences of those States which have successfully during the most trying times maintained a neutral position. Personally I have felt that a simple, general law such as prevails in a certain traditionally neutral state might become the best guaranty possible to effect our neutrality. The state I am referring to has maintained its neutrality not only through the great World War but through other wars. That general law reads as follows:

> All persons who, in case of war, in which (this state) is not engaged, willfully do any act by which the neutrality of the state is imperiled, or who willfully violate any particular order for maintaining neutrality, shall be punished by imprisonment not exceeding 6 years.

That simple law has kept a state, which rests its very existence upon the theory of neutrality, from war and from trouble.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. MURPHY. The law does not attempt to define what neutrality is?

Mr. THOMAS of Utah. There is no definition of neutrality there. The definition would come, as I have suggested, as the result of a proclamation, as the result of an order, as the result of a condition.

Mr. MURPHY. The knowledge as to what neutrality is rests in the citizens of the state.

Mr. THOMAS of Utah. When I say that I must not be too dogmatic. Our Constitution works quite differently from the constitution of the state of which I speak. Over there policies are enacted by the legislature. The laws are pretty generally administrative. I think our Supreme Court has suggested that that is not the way for us to do things in the United States, so that which I have said is probably not in order.

Our excess neutral war trade was estimated at more than $2,000,000,000 from 1914 to 1917. We sold more while we were a neutral than after we became a belligerent. If love of profits took us into war, as some people assume, then our businessmen made their usual bad judgments about how to get richer. The minute we went into war sales dropped off.

When we went to war with Spain the little State of Denmark immediately passed a law which forbade Danish subjects "to openly offer to raise a State loan for either of the belligerents if the Government has issued a special prohibition against it." If we had had that simple law in 1914 our people would not have loaned the Allies over $2,000,000,000, which they did during our period of neutrality. Note these figures, please. We sold to the warring nations in excess of our ordinary trade during our period of neutrality $2,000,000,000 worth of goods. We loaned to the warring nations during the period of our neutrality $2,000,000,000 of money. It seems to me that you cannot get better figures to show that trade with warring nations under the period of war does not pay, and it seems to me that it is proper here to emphasize again the statement of our great leader that we want no war and we want no profit made from war.

There are those who hold that due to the revelations of the Munitions Committee we are prepared for permanent legislation now. I do not accept the conclusion, nor do I underestimate the work of the committee. I give them credit for having accomplished many things, and I think that it is due to the committee that a review be made of the type of things the committee brought to light. For example, it discovered that embargoes actually attempted to be enforced during the World War were defied by shippers and circumvented. That should be the key to the spirit in which we approach our present neutrality legislation.

The Munitions Committee also discovered that bribery or payment of special commissions to influential persons frequently was regarded as a necessary element in the promotion of arms sales. If it was a necessary element in 1914 to 1917, it may become a necessary element in the minds of those persons who would profit out of dishonest trade—for them to continue to do the same thing. The point I make here is that there must be other laws antecedent to a neutrality law before a neutrality law can be effective.

The committee proved that arms were sold simultaneously to both sides in time of war, and proved that arming revolutionary and government factions in civil wars were common practices. Those are the things we should remedy before we tie our hands in regard to action.

Arms manufacturers opposed embargoes in Congress and sought aid from the War and Navy Departments to press their opposition.

These are historical facts which we now know, and, based upon those facts, we should build our law and make our law cover cases where the wrong was done.

Under existing laws and regulations—and this is the point I have already made, but I am going to make it again—United States customs officers found it useless to attempt to stop embargo violations or prevent mislabeling of shipments to foreign countries. Why? Because we have not given those officers of the United States Government, who are responsible for the goods shipped out of the United States, the authority to investigate and to stop the very shipments we would stop by neutrality laws.

British, German, and American arms companies were linked together under patent and sales agreements providing for an exchange of secret processes, division of profits, and division of sales territories.

That is something we should legislate about. That is necessary before we adopt a law which would tie more tightly than we do tie the hand of government in attempting to overcome these situations. Up to that point everyone present, I am sure, can sustain everything which the Munitions Committee did. Up to that point we have evidence of fruitful historical facts on which to build and on which to legislate.

It was only when the committee left the realm of the investigation of munitions that it got itself into trouble and got itself mixed up with history. For example, when it got into the secret treaties it did not go far enough either to help the members of the committee themselves draw the proper deductions or to guide our newspapers and their reporters and editors in the deductions which they made from the things which were said.

The secret treaties which were mentioned and which were forgotten have a place in history. The most interesting thing about those treaties, and about what was said concerning them, is that those treaties were generally known to the whole world in November 1917, just a few months after we entered the war. They were in all the history textbooks that were written as early as 1919. It will be remembered that the secret treaty made between England, Russia, and France was made public by Trotsky after the bolshevistic revolution got control of Russia. The Russians seem to have been imbued with a sense of fair dealing with all nations. They wiped their hands of the past, and, to prove that their government was the type of government the people should support, they showed not only to the Russian people but to the whole world the terrible consequences of secret treaties. So in 1917 Trotsky published this secret treaty. The Russians then made public also the other treaties referred to in the discussions before the munitions committee, the treaties which made certain promises to Italy and which made certain promises to Japan. The Russians published those treaties. The Manchester Guardian in England copied the Russian publications, and American newspapers copied what was printed in England and in Russia.

So our whole country knew of the existence of those treaties; they were common knowledge. However, the existence of the treaties was not the point at all. Those treaties did not hold when the time came for their holding. Russia broke her own treaty through a revolution and made separate peace. That made the first secret treaty null and void, and so it did not bind and had no place in the final treaty discussion.

So far as the treaties with Italy and Japan are concerned, neither did they hold, because they were broken by the invention of that great theory of trusteeship, which is one of the remarkable discoveries and inventions of international dealing known as the mandate system. Whether or not we like the system or whether or not the system is a mistake, the purposes for which the treaties were executed were not realized and did not become the purposes of the Allies.

I had as one of my teachers for 2 full years——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. BARKLEY in the chair). Does the Senator from Utah yield to the Senator from Idaho?

Mr. THOMAS of Utah. I yield.

Mr. BORAH. Is it not fair to assume that when discussing the secret treaties later we did not have in mind the Russian treaty, because that had been made public; that had been exposed in 1917; and it was never regarded thereafter as a part of the group of secret treaties?

Mr. THOMAS of Utah. That is the point I am trying to make, and I thank the Senator.

I should like to say—although probably it has no place here, and yet it has a place, for in working out these great controversies the men who are engaged in the task must be given every sort of generous treatment because they are dealing with mighty questions—with my own ears, I heard President Wilson explain the outcome of the secret treaty which was made with the Japanese. That treaty, I am sure, and that explanation of the President, I am sure, will satisfy everyone in regard to his sincerity and in regard to the historical situation.

I started to say that I had as an instructor for 2 full years a gentleman who was one of the President's closest advisers with regard to these matters, and I also know a man who was at Versailles at the time the secret treaties were drawn into discussion. I talked to him. The information as to those treaties came in such a way as to surprise everybody, in fact, so much so that no more business was done on the day they were laid on the table, and no business was done the day after. Whether or not there was knowledge of the treaties, there was consternation when the treaties were presented, and they came in as matters which seemed out of order.

That which I have said means nothing to you, Mr. President, or to anyone else, but it means something to me as one who attempts to accept history and the interpretation of history as a descriptive process, and not as a process which attempts to make points or to defend sides.

To proceed further with the question of what was in my mind when I introduced the joint resolution, a month or so ago, let me say that I thought that I foresaw the danger of a lapse of our present law, and I did not think it fair to our own people or to our officials that America should be without a law after a proclamation had been issued under it to cover a world condition which persisted. Nor did I think it fair to the many nations that had undertaken collective action for us to change our policy at this time; that while our Neutrality Act was domestic law, enacted to guide our Government in its actions toward our own people, it did have international significance in that if the rest of the world was interested the world was informed as to what our attitude would be. This was fair both to ourselves and to the world, and it was proper, for I can conceive of no better way to foster international understanding than for nations to speak plainly and then stand firmly for the policies which their words imply.

When I introduced the joint resolution I also had this consideration in mind: So long as the present Italian-Ethiopian emergency continued it seemed to be contrary to the spirit of neutrality to change our rules in the midst of the emergency. Our law, I repeat, is domestic law, so that there is no legal barrier in fact or theory against our adopting a new law, but such action would be distasteful to tens of thousands of our own people and bring criticism in the parts of the world which might actually mar the good which the spirit of neutrality implies. To be neutral means to take no side but to remain friendly to both or to all sides.

In international law it is deemed an unneutral act to change policy in the midst of a war. There are many cases that might be cited, but the outstanding case which has the broadest sanction in international-treaty law emphasizes the rule by laying down another—a neutral state must remain neutral or else be liable to pay damages.

I repeat now a bit of history which I have previously mentioned. After the entry of the United States into the World War a number of Latin-American states modified their neutrality regulations so as to favor the United States by offering use of ports, railways, and so forth. This was

done long before they became belligerents. This act was deemed by the Latin-American states themselves so much a hostile act to the Central Powers that they forced into the Treaty of Versailles article 439, which made it necessary for Germany to waive all claims which she might bring against them as a result of this unneutral act. We need no stronger emphasis of the point we have made that to change our neutrality laws during an existing emergency is unneutral so far as the spirit of neutrality is concerned and is actually unneutral so far as the law is concerned than the sanction of this article in the Treaty of Versailles, which is, of course, the most valid type of international law.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. THOMAS of Utah. I yield.

Mr. VANDENBERG. I should like very much to obtain the Senator's further opinion at that point. Suppose there is an existing conflict, as at present; the Senator's point is that it would be unneutral to change the rules while that conflict is proceeding? It seems to me that is axiomatic. Suppose that conflict subsequently should extend itself into a wider field, would the Senator say that it still would be an unneutral act to change the formula as it might refer to the expanded zone of conflict?

Mr. THOMAS of Utah. No, sir; I would say just the opposite. I would refer the Senator back to the words which I have already uttered, that the theory of neutrality must be relative. Neutrality must be neutrality of a degree both as to time, circumstance, and place.

Mr. MURPHY. And not absolute.

Mr. THOMAS of Utah. And further it must not be absolute, as the Senator from Iowa suggests.

Mr. MURPHY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. THOMAS of Utah. I yield.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. Certainly.

Mr. MURPHY. Does the Senator say, if we should now change our policy in respect to neutrality and yield to a request or demand that we interdict the shipment of oil to Italy, that would make us subject to an action for libel? Will the Senator express his opinion on that point?

Mr. THOMAS of Utah. I think the answer to that question would depend upon a number of factors. If the President's proclamation issued in accordance with the law on which it is based is a proclamation which promises change, and the implication of change is there, a case may be brought in court, in a prize court or international court, or in a local court which, of course, administers international law; but I do not think it would hold.

Mr. MURPHY. I thank the Senator for his lucid answer.

Mr. BONE. Mr. President, will the Senator from Utah kindly yield to me?

Mr. THOMAS of Utah. Certainly.

Mr. BONE. All of the horrors of war seem to remain, but the formalities of modern warfare or what seem to be warfare have been abandoned. Nations seem to have started actual war against each other without the formality of a declaration of war. There was an absence of formal declaration of war on Ethiopia. Certainly Japan has not seen fit to adopt a formal declaration of war against another nation of Asia.

The very pertinent question propounded by the Senator from Michigan [Mr. VANDENBERG] about sterilizing the thing and preventing it spreading is a thing which most of us have in mind. We are not so much concerned with this mess in Africa as with the possibility of keeping that cancerous thing from spreading and perhaps involving us.

I am wondering if the Senator can find any justification for any action involving the taking of a position which will keep us from being embroiled outside of action of a negative kind. That is the way I feel about it. I do not care whether it suits the convenience of a belligerent nation or the convenience of any group in this country. I think we should divorce ourselves from those activities which involve the possibility of such activities as drew us into the late war. If we get ourselves embroiled commercially with these nations, which I want to avoid, it seems to me we are inevitably going to follow the damnable pathway which appears now to have been laid out for our faltering footsteps in 1914 and 1915.

Why can the Senator find any objection to what he has referred to as a sort of negative policy of cutting loose from them rather than doing something to aid either of them? I think real neutrality consists in making laws and divorcing ourselves from them completely. Let them think what they please; it is better than killing our own boys and involving ourselves in an expenditure so profligate it will destroy our civilization.

I should like to have the Senator's views as to whether he thinks we ought not to cut loose from the whole thing, not to do anything that will injure either of them, unless it be said our refusal to sell oil is injurious, and in that case I should like to feel that we were injuring them by divorcing ourselves by legal means which lie in the hands of the Congress. In default of that action I think this body will have to answer to the American people. I feel that very keenly.

Mr. THOMAS of Utah. If the Senator had been present when I discussed the logic of neutrality very briefly, which must always remain a thing of degree and circumstances, he would have seen the utter futility of attempting to accomplish that which he wants to accomplish by binding by a law which will not hold.

Mr. BONE. Does the Senator feel it can be accomplished in any other way except by law? As a lawyer, I know of no other way except by law under our parliamentary practices. I find myself in harmony with the Senator's viewpoint, but as a lawyer I confess I am unable to find any way to accomplish the purpose except by law. There are theories about this thing, but we know what happened in 1914 and 1915, preceding the time when we immersed ourselves in that terrible war. Are we going to stand now and just by a wishful feeling endeavor to keep ourselves out of these affairs? The Senator is a lawyer and so am I, and there are other lawyers in this body, but I do not think any lawyer will suggest to himself or anyone else there is any way out except by law. Certainly we cannot pray or wish ourselves out.

Mr. THOMAS of Utah. I accept the thesis of the Senator in tota. The only hope is through the medium of law, but we must remember what I have said heretofore, that a neutrality law enacted by us is domestic legislation.

The international law of neutrality is law based upon international custom and international action. If we break down the law of international custom and the law of international action, there is no way under the sun of developing a legal and a lawful world. Therefore, our domestic law should follow just as the original neutrality law of George Washington followed, and that is what made that law so great and so lasting. It was built upon the law of custom and international practice, and therefore it was a law that endured.

Now I desire to make one other statement, because I am sure the Senator from Washington did not hear all I have said:

Our problem in domestic law finds itself a problem of the English language. Our present law says, "whenever war exists", for example. There are questions which have not been settled about when war exists. Do we mean a de facto war? Do we mean a warlike condition? Do we mean a state of war? Do we mean a de jure war? Can we not see that all the law on earth which we may enact can never cover the great number of situations which may arise; that even if we attempt to make our neutrality law so binding that we have completely to isolate ourselves in every imaginable action, and give up every right we have gained, both as a nation and a right we fought for for our people, we do not any better overcome an emergency which might arise?

If I were a mathematician, I would show how difficult it is to attempt to control factors that are outside of us by our

own legislation. There are in the neighborhood of 65 states which have some kind of status in international law and international custom, states which are more or less sovereign in their own right. Cannot Senators see that it is hopeless for us to assume that we can pass a law which will cover every situation which might come up when we start with the primary factor of 65 different states? It would take a very much greater mathematician than I am some time to figure out the number of complications for which we should have to make law. The only possible way to deal with the matter is to stand with policy and make the assertion that our law, which has respect to international-law dealings, shall be based upon the law which has been recognized by the best thought of the world as being proper international law.

If I may go on with the point I was making, for us to enact new legislation at this time, since the emergency has occurred, does smack of breaking the international spirit of neutrality. In 1914—to turn again to our own history—Senator Hitchcock, of Nebraska, who was then chairman of the Foreign Relations Committee, actually introduced in the Senate of the United States a joint resolution prohibiting the shipment of munitions to belligerents. That joint resolution was protested by foreign states as being an unneutral act. That joint resolution did not receive the sanction of our administration and was actually disavowed by our Secretary of State, Mr. Bryan, and by the President of the United States, Mr. Wilson.

Mr. BONE. Mr. President, may I again intrude and ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Utah further yield to the Senator from Washington?

Mr. THOMAS OF UTAH. I yield.

Mr. BONE. The Senator will recall that these belligerent powers apparently had very little respect for the international law which the Senator discusses. Great Britain had no hesitancy in impounding our vessels and taking them into her ports, putting prize crews on them and taking them into prize courts. Germany had no hesitancy in doing so.

What I am getting at is that the very existence of the munitions traffic is in itself a constant menace and a threat to peace; and as surely as we all sit in this Chamber, if we again resume the operations of 1914 and 1915, as inevitably as the sun rises and sets we shall again be drawn in by the same process.

The Senator from Utah may be accurately stating international law; but the trouble is that belligerents do not give a hoot about international law when their backs are to the wall and their boys are dying. They do not care anything about the niceties of international law. They want powder and guns and shot and shell and food and clothing; and when we send those things to one of them the other says, "Our boys are dying on fields of battle, and America is supplying this stuff"; and we cannot blame them. What do they care about the niceties of international law if their boys are dying? If my boy or your boy or millions of other American boys were dying, and some country were supplying munitions to the country that was bringing about their death, obviously a sentiment would grow up in this country of absolute, outright hostility to the country which was doing it; and all the niceties of international law cannot remove that human impulse.

That is why I have asked the Senator these questions. I think we have gone far beyond that sort of thing. Certainly the ghastly experience which we had in 1917 and 1918 must have blasted out of our minds any great reverence for these niceties of international law, these expressions which come so trippingly to the lips of people who write books and laws about this subject. The fact is that we are going into another war if we do not keep our fingers out of it.

We may regard international law with all the reverence that I suppose it is entitled to have, and I am mighty happy to have had this expression from the Senator from Utah, who probably knows as much, or more, about it than any other man in this Chamber; but I am a very cold, practical sort of person, and I know that if we start selling munitions and asserting our right to the freedom of the seas another country whose boys are dying because American munitions are being sent there is going to hate us, and start fighting us and sinking our vessels, precisely as was done in 1915 and 1916.

Why should we discard all human experience in dealing with this thing? I wish I could share the Senator's viewpoint and agree absolutely with him, but I think it does violence to our experience in the past, and it does violence to human experience, and the only safe plan is the one that Washington enunciated, "keep out of European troubles." The only way we can keep out is just to keep out. If we do that, I do not know what country can complain.

If we assert our right to the freedom of the seas and ship munitions to Europe, some other country will immediately insist that we are outraging and raping that country, and will attack us. That is precisely what happened when we shipped munitions to the Allies. Germany insisted that German boys were dying as the result of shipment of munitions from this country; and it made no difference whether or not we had a right to do it, or whether we ought to have asserted the doctrine of freedom of the seas as a typical American doctrine. The fact is that when we did it, and when we proceeded down that pathway—that primrose pathway of dalliance with this fascinating evil that stood right there and was very glittering, very impressive, very attractive to us—we got into the very thing which the Senator now seeks to avoid in the proposal he is making.

Mr. THOMAS of Utah. Mr. President, I think if the Senator from Washington had been present during the whole of my remarks, he would have discovered that many times, in a very much weaker way than he has done, I have described the situation. I am arguing now for the purpose of pointing out the complications which we are facing; and I am going to argue in a minute that aside from the fact that certain things would be considered improper in the light of the spirit of neutrality, we have gone far enough with the present law for the present; and if the Senator had been here he would know that I suggested that we need, for the building up of law, agreement about these things on which to build up domestic law.

Assuming that neutrality means impartiality, it would be almost impossible to enact a true neutrality law while the present emergency is on us. The great number of factors which present themselves when we think about the impartiality of neutrality, and think about the present situation, make it utterly impossible for us to be neutral in mind or neutral in fact while we are attempting to enact neutrality legislation.

Let me point out the factors—and these factors come to our minds. We may deny it; we may assume that we are just trying to take care of our own country and mind our own country's business; but even those things need further definition. When we use those expressions, we have to multiply factors and multiply ideas.

These are a few of the factors: There is the League, and all that the League is attempting to do. We immediately attract partisanship; we immediately attract emotional thinking; we immediately attract either pro or con attitudes when once we mention the term "League of Nations."

That has happened even on the floor of this great body. There is the present Italian-Ethiopian situation. There are some persons in the United States, in spite of our neutral policy, who are anti-Italian, and some who are pro-Italian. There are men who do not understand the situation who think they should have allegiances of various kinds to this idea. It may be outside the experience of the rest of the Senators present, but I can tell them for their information that there is many an Italian society and many a peace society and many an international law society that has written me quite a few letters upon this subject, and in nearly all cases those letters have been emotional.

Then there is a new thing which has come into the world—a thing which we do not yet understand, because its practice has not been evolved. It is represented by the word "sanction." I venture to say that if someone mentions the word "sanction" in a group of five or six persons, there will be five or six different reactions to the word itself. If, for example, the law of sanction as it is now being practiced

or now being attempted—it would be better to say, as it is now being evolved—becomes a fact of international law, we shall have accomplished one of the wonders of the ages. We shall have gotten a key to a certain situation. Would it work any better than in past situations? No one knows. Why not watch the experiment working out as it is working out, and discover what we can learn from this first trial that has been attempted?

Then there is a theory about collective action, and I have pointed out that as far as neutrality is concerned, for the whole 150 years of our theory of neutrality we have always assumed that there should be collective action among neutrals. That we seem to have forgotten. Then there are our own treaties. There are obligations. You can never build up respect for law by making your own treaties scraps of paper. You must work in harmony with that which you have.

There is, for example, the Argentine pact, which I have mentioned, under which we have certain obligations. Then, too, we could wipe aside all the other treaties and attempt to interpret this law of neutrality in accordance with the Briand-Kellogg Pact, or the theory behind that pact, because the theory is very much greater than the pact itself. Our varying theories of neutrality are so many and so complicated that every time in the Foreign Relations Committee there has been a question upon the simplest phase of neutrality, there has of necessity been difference of opinion, and radical difference of opinion.

Then there is the League theory of determining the aggressor. What a mountain of obstacles we meet if we attempt to legislate neutrality law in the light of our feelings in regard to the effect of determining, accepting, building up, an aggressor!

So complicated is the law of neutrality that I doubt very much, despite our desire to keep out of war, that we want to make our law of neutrality stronger than the customary international law of neutrality is. On second thought, our attempt to keep out of war by binding ourselves, and only ourselves, with drastic domestic rules may do the very opposite of keeping us out of war. Neutrality is a legal theory. Our desire to keep out of war is an evolutionary fact, or, we might better say, an emotional fact. Emotions change overnight. Laws at least require repealing. Is Congress prepared, in the time given us, to review the history of the concept of neutrality and then prepare policy-forming legislation?

At this point, since I mentioned the League and the League theory and the theory of aggressor, I wish to read into the RECORD the out-and-out League theory in regard to neutrality, to show what a conflict in thought there is.

Assume that we had a perfect society of states, that every state was a member of the society and that the law of the society was ruling the world. Then assume that we take the step which the League Covenant desires to be taken, that in time of war we discover the aggressor. Immediately we bring back into international relationships the theory which rests upon morality. No longer is it a pure theory of law. We go back to the beginning of the very concept of neutrality as it worked itself out in ancient India, where all legal thoughts rested upon religion and religious tradition, where it was impossible to take an action which was not backed by some moral notion.

But the theory of neutrality as it is in the League of Nations, if it ever becomes effective—and I bring this out merely to emphasize the complexity of the things with which we are trying to deal—goes back only to Grotius; and Grotius brought into the law of neutrality of his time the moral idea. He said that a state which remains apart when two other states are at war first of all must decide which is the just cause and then support the side which is right. That is the fundamental theory of the League's notion of the aggressor. It rests upon the concept of morality.

The American theory of neutrality is exactly the opposite. The two do not fuse at any place. Our theory of neutrality has, since the days of Thomas Jefferson and George Washington, rested absolutely upon the notion of impartiality, and the two words could be interchanged. There is no morality in our American theory of neutrality. It is based definitely upon a concept of law.

This is the way the pro-leaguer would emphasize the neutrality notion: Neutrality is immoral, because everyone should stand for right against the wrong. That is the ancient Indian notion. That is the idea of Grotius, and that is the notion of the collective action of the world today. This is the teaching of every system of ethics with which I am acquainted. It is certainly the teaching of the Christian religion.

When the fundamentals of the Christian religion controlled the governments of Europe, when there was the Petrine theory of the universality of Rome's control, there was no neutrality, no place for neutrality, and no theory in regard to neutrality. It was only when that theory of sovereignty was questioned and various nations started to rise in the world in opposition to that theory that Grotius pointed out his law and brought his book into existence dealing with the law as it is in nations when at peace and in nations when at war.

It is also the lesson of all political experience, say the pro-leaguers, which shows that the right can only be maintained by the combined support of all against the evildoer. But neutrality says, "Am I my brother's keeper? What do we care which side wins—just so we can keep out of trouble?" The inevitable result of that is the theory that might makes right, because you can only keep out of trouble by asserting yourself. Therefore, if we went to the extreme, if we made our domestic law stronger than the international law and the custom of nations, we would enact law which did just the opposite to what we expected to do, and we would immediately enact law which emphasized the theory that he who can maintain the right is right; which, of course, is the law of force.

Neutrality is impracticable nowadays, however useful it may have been in the past, for the reasons above suggested. Under modern conditions, the neutral depends upon the belligerent, and the belligerent upon the neutral. However scrupulously impartial the neutral may be, he is sure to hurt one side more than the other. When the United States asserted that she would sell equally to Germany and to the Allies, the actual result was that Germany could obtain nothing from us. If we had reversed the situation and refused to sell to both, our neutrality would have offset the British Navy to the advantage of the Germans. Today, when we refuse to sell to both Italy and Ethiopia, the result is actually to hurt Italy more than Ethiopia, for Ethiopia could not obtain supplies from us anyhow—as is shown by the violent threats of the spokesman for Italy that oil sanctions mean war.

Under the League theory "sanction" is defined as actually not being war. If he means that if sanctions are applied there will be war, that is one meaning. If he means that sanctions are war, that is another meaning, and in either case we discover the difficulty with which we have to deal when we attempt to frame a domestic law which rests upon an international practice. But if Ethiopia were next door to us—like Mexico—she would suffer more, for Italy has more resources of her own. Neutrality cannot be impartial today, if it ever could; its inevitable result in the situation of our day is to weaken the weaker State, and to help the stronger State to win. That is not the objective of our neutrality law, and everyone knows it, but that is the fact which faces us under the neutrality law.

Neutrality, in its old form, is dangerous. If the neutral state thinks it has rights, it can maintain them only by fighting for them; and we have been led into two great wars in exactly that fashion. The belligerent has much at stake. He is always ready to invade the rights of the neutral, or to take offense at what the neutral does. Let us remember, when we legislate, that our mere declaration of neutrality is in itself an implication of weakness.

There are those who will consider the revolutionary changes already accomplished by our neutrality law of last August, and they furnish another reason why I introduced my joint resolution. There are those who know that the

neutrality law of last August was almost revolutionary in its effect. Probably we have never in the history of our country made such a complete break with the past as we did in enacting that neutrality law. The neutrality law, therefore, before it becomes a permanent law, should be considered in a neutral atmosphere. We have already changed the policy which we have maintained for 150 years. Wise action can follow only after long consideration and study of this policy. If we had done nothing, the question would be different; but last summer's act was revolutionary in many particulars, as a brief recital will show.

I am probably tiring many Senators; but for the purpose of the RECORD, and in justification of the joint resolution which has been introduced, and in justification of the logic which was in my mind when I introduced the joint resolution, I think it no more than fair to point out the great changes in regard to neutrality that have taken place as the result of last summer's legislation. This will take a few minutes, but I deem it worthwhile.

Our old neutrality, the neutrality which ran from 1793 to 1917, was what the text-writers call "straight" neutrality. It was based upon the theory of impartiality. Its aim was what the Senator from Washington [Mr. BONE] has implied, to stay aloof; to have nothing to do with wars; that we are not a part of the wars. This law was optional at the outbreak of war. It was not, under our theory, as I have pointed out, modifiable during the process of war.

If Senators will examine the present neutrality law, they will discover that it is a straitjacket type of law. Rules announced during peacetime, and before war breaks out, constitute the theory of the present law. Theoretically, it remains as the old law. It is not modifiable during war, but its only theory is that it operates in that way because in the act itself there is no prescription against changing. It is mandatory where the other law was optional. It is not discretionary or permissive in its provisions. It is a commanding type of law. If Senators will think those few changes through, as to the two kinds of neutrality, they will realize that I have not used an exaggerated expression when I have used the word "revolutionary."

If we compare the characteristics of the two laws, this is what we shall find in regard to our neutrality law which lasted from 1794 to 1917:

It was moderate in the matter of neutral duties. It was extremely extensive in stressing neutral rights. There must be public abstention from, and we must prevent, strictly military activity. That is provided in the old law. Private participation in the economic and financial phases of war was allowed; and, as I have already pointed out, we not only sold $2,000,000,000 worth of goods but we lent $2,000,000,000 to help finance the selling.

I might point out here that the beginning of this theory of our law of neutrality came from an interpretation made by Thomas Jefferson in regard to the first neutral law that was passed. There Jefferson laid down the theory of a neutral right. He was asked, if we may put it in a simple way: "Are you going to be actually neutral both in spirit and in deed? Are you going to limit any kind of trading with the enemy?" Jefferson's reply was that there were scores of citizens of the United States who made their living out of munitions manufacturing and the manufacturing of arms; that it was not the function of the Government to interfere with the economic affairs of its people; and that therefore they had the right to trade. Remember, international law gave to belligerent nations the right to capture and to confiscate goods shipped in this trade; but, so far as we were concerned, it was not illegal trade at all, and since Jefferson's time we have always stressed the theory of right. That is the great outstanding fact, the great generalized statement, in regard to our older neutrality law.

Under the old law there was no interference at all by Government in the economic activities of American nationals. Therefore, public military activity must not be indulged in, but there was private economic participation of every kind. We aimed at political isolation only. The old law, as a characteristic, was impartial in theory. The degree of partiality, in fact, depended upon the state of belligerent control of the trade routes. That is, the facts and the circumstances actually controlled our theory of neutrality in the actual consequences.

Compare what the new law has done in that respect: There is a tremendous increase in the stressing of neutral duties. There is an almost complete abandonment of any neutral rights. That is, we have gone so far that when one analyzes it he is surprised. Public, and to an increasing degree private, remaining away from both military and economic activity is demanded under the present law. There are stringent governmental controls over all economic intercourse with belligerents. Therefore, public and private military and economic abstention, political and economic isolation, impartiality in theory, are assured by the neutral but not by the belligerent action in withholding export.

Each one of these items, which I probably read too rapidly for Senators to follow, was a radical change, and we shall never know until we have run through the next 150 years of history whether the change will effect that which we tried to do.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. VANDENBERG. Will the Senator from Utah express an opinion as to whether he thinks the change will be a useful improvement upon the old situation?

Mr. THOMAS of Utah. I surely do, Mr. President. There is absolutely no doubt in my mind but that the stressing of neutral duties and the tempering of our theory of neutral rights is the key to keeping us out of war. Yet I may say that last year we builded bigger than we thought. I have no criticism at all for what was done. It was only the step which we may take, due to present circumstances and lack of study, that makes further legislation at the present time ill-advised, in my opinion. In fact, we have builded away back, and we have broken with the past so greatly that experience alone can help us in discovering whether or not we have done the right thing.

I have full faith that we have done the right thing, because our experience in the late war showed that our everlastingly stressing rights and forbidding duties caused our neutrality to break down.

Mr. VANDENBERG. Mr. President, may I express my appreciation of the Senator's statement and register my own complete concurrence in it? In my very humble judgment, the progress already made in breaking with the traditional rules will immunize us against 75 percent of the war hazard and war exposure which heretofore have existed. I think that is a great and notable achievement.

Mr. THOMAS of Utah. And if I may add to what has been said by the Senator from Michigan, it is not only a noble achievement for ourselves, but is a noble example to the whole world. We knew what was the matter with our neutrality law; we rectified that; but let us not go any further and find ourselves in the position where we will stand to break because of insistence upon a right which we cannot afford to maintain.

Mr. VANDENBERG. When the Senator says, go no further, I do not understand that he objects to the additional prohibition of loans and credits contained in the pending joint resolution?

Mr. THOMAS of Utah. We should go no further than the joint resolution implies. I am speaking in defense of the joint resolution. I will explain why that part of the joint resolution is not in conflict with the logic which I have attempted to assume in the past.

Mr. MURPHY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. THOMAS of Utah. I yield.

Mr. MURPHY. Abandoning the old policy of Jefferson, we abandon with it affirmation of the right of the freedom of the seas for our commerce. Is that a logical conclusion?

Mr. THOMAS of Utah. That is a logical conclusion, thinking in terms of relativity and nonabsoluteness. There has been a tremendous growth and development in the theory of freedom of the seas. It is not an easy thing to

define. Our law does limit certain aspects of the theory of the freedom of the seas; but I think our law, as it grows and develops, will emphasize the point of the freedom of the seas pronouncement, which we find at its very best in the second, I believe it is, of Woodrow Wilson's 14 points—the very best in the history of international law—and that more and more our neutrality law will aid us by international negotiation and international arrangement, and bring a universal acceptance of the theory as then attempted to be established in 1918 or 1919.

Mr. VANDENBERG. Mr. President, may I add a layman's answer to the question submitted by the Senator from Iowa?

Mr. THOMAS of Utah. I yield.

Mr. VANDENBERG. It has always seemed to me that we use freedom of the seas not as a great impersonal, abstract principle worthy of defense, but that too frequently we use it almost exclusively in an acquisitive manner so as to expand our commerce and to enjoy the widest possible participation in war profits based upon the misery of others.

Now, because, as the able Senator from Utah has said, we now propose to stress duties as well as rights, it seems to me we are abandoning only that portion of the doctrine of the freedom of the seas which was a wholly sordid, selfish, acquisitive thing which put commerce ahead of peace; and now we are proposing to reverse the emphasis.

Mr. THOMAS of Utah. I thank the Senator for those remarks.

Mr. MURPHY. The Senator would except from his statement, would he not, commerce not consisting of munitions of war consigned to neutral ports in American bottoms and taken into British ports, as in the last war, in defiance of the rights of that commerce to be on the seas?

Mr. VANDENBERG. I do not think I catch the question.

Mr. MURPHY. During the late war the British Government took into British ports our ships consigned to neutral ports, laden with cargoes not consisting of munitions of war. The Senator would not associate, would he, the right of such commerce to be on the seas with any greedy design on the part of Americans for profits growing out of participation in the war?

Mr. VANDENBERG. I do not think so. Nevertheless, I think, abstractedly and fundamentally, the wellspring of our difficulties finally has been, as I said before, our anxiety to make the most that we could out of the misery of others by way of war profits.

Mr. THOMAS of Utah. Mr. President, we should make a comparison of the old neutrality with the new neutrality as the two take into consideration world organization and the progress we have made in world organization. The old neutrality assumed the absence of organized effort for the maintenance of international legal order. That was the assumption of our neutrality acts for 150 years. It was based upon complete indifference to the merits of any kind of controversy, and it was operated in a world that, in theory, was a world of laissez faire. It was generally effective in minor wars. In major wars it was a theory that did not hold and could not hold. There is a fact that we should stress in the light of international organization. The present law in relation to world organization assumes the ineffectiveness of and our isolation from any organized efforts for the maintenance of international legal order. We are not made a part of any organized scheme excepting as we are bound by such pacts as the Argentine Pact and the Briand-Kellogg Pact. It is based on the refusal to distinguish between the aggressor and the attacked state. The present law emphasizes what has been our national theory of neutrality, based upon the notion of our impartiality and the treatment of all belligerents alike. Our present law, though, is highly operative in a world of highly intricate commercial restrictions; that is, the actual condition in the world itself due to national law and international agreements is so different from what it was before the World War that the attitude behind the present law was a consistent reason for proposing the present law.

Probably our present law will be very effective in minor wars, more effective than was the old law. Its effectiveness in major conflicts must be determined by future conditions. Where we have made the most radical changes is in the effect upon persons of the new law as contrasted with the old law. If I may emphasize the difference, the old law permitted the maximum of latitude to individuals. It made restraints on military activities on land, sea, and in the air, but there were no restraints on nonmilitary activities for either belligerent. Actual safety under the old law was dependent upon the humaneness of the belligerent's attitude and upon diplomatic pressure which might be expressed by the neutrals, and that, in turn, depended upon not only the degree of neutrality but on the strength of the individual neutral, because he had to assert his position entirely by himself, although the old law did imply that there could be a community of interest and solid action on the part of neutrals. As to the effect of the new law on persons, it will be found that this is greatly changed. There is a minimum of concern for individuals so far as our own people and their rights are concerned. There are great restraints upon military activities on land, sea, and in the air; so that remains the same. There are equal restraints on the economic and financial activities on behalf of belligerents under the joint resolution we are considering. Those restraints are placed so that they will apply universally against every belligerent.

The safety under the new act to the persons who may be found upon belligerent ships or in other places depends now entirely upon the humaneness of the belligerents. We cannot under the new law make an assertion about one of our own citizens and be consistent, because we have notified him that that which he is doing he is doing at his own risk. There is a tremendously great change when it is realized the difference between the laws.

Then, under the new law, in addition to the notice that the individual is traveling at his own risk and places himself in belligerent situations at his own risk, there are inhibitions put upon our Diplomatic Service against doing anything for those individuals. In this I say we have gone far enough. We had better find out the actual effect of that law through practical experience before we go any further.

Under the old law the effect on property should be analyzed. There was a maximum latitude in regard to property; there were no restrictions except in the transfer of Government property or the acquisition of belligerent shipping by neutrals. The actual safety of property depended upon the belligerents' conduct, again subject to the neutral government's claim on behalf of its citizens and the neutral government's ability to enforce the claim. There was, though, complete diplomatic protection and support, and the evidence as to just how effective that protection and support were is indicated by the numerous and almost endless notes of protest which our Government sent at the beginning of the last war.

Now, as to the effect of the new law upon property. Under it there is a minimum concern for property.

The old law had a maximum concern for property. The new one hardly considers the rights of property at all. The restraints on government are continued, but they are probably increased. The right of individuals to trade in contraband is completely curtailed. Under the old law we could sell contraband, but it was subject to capture. Now we cannot sell contraband, and if it is captured we make no complaint. We could not, of course, make complaint if contraband were captured under the old law.

There is no protection at all for goods in trade with either belligerent. Actual security is dependent solely upon belligerent conduct.

That is the first time I think in the history of our country that we have left our citizens in a position where they might become almost in that condition of stateless individuals if they find themselves in belligerent countries during wartime. Our property is in the same stateless condition. There is no diplomatic protection at all for property.

What is the effect upon commerce of the two laws? and this, of course, emphasizes again what a revolutionary step we have taken? There was, under the old law, the maximum latitude to commerce, actually an encourage-

ment of commerce. We have come back to the words of Thomas Jefferson, whom we have quoted in different phases of the discussion today. Jefferson said that the foolish people in Europe who carry on war will make us rich. These are not his words, but they are mine. We will profit by their very foolishness. That has been the economic and commercial morality in regard to trade up until the passage of last summer's act.

Individual commerce is unrestricted, limited only by the activity of the belligerents themselves.

Actual safety is dependent upon belligerent conduct subject to the neutral governments' claims on behalf of their nationals. That meant, if I may use an actual case, that a citizen of a great neutral country traveled on a belligerent boat because he knew his country would take care of him. The citizen of a small neutral country traveled also on the boat, but he knew he was traveling at his own risk, no matter what the law of either nation said.

The logic of the situation in regard to war, and this I know the Senator from Washington [Mr. BONE] will like, is that the neutral from the small country not only had the best logic, but had the best experience and had the right attitude. Circumstances will show that while we used millions of wealth and lost hundreds of thousands of men in one way or another to defend the rights of our citizen who traveled because he knew our flag was wrapped around him, the neutral from the small country put in his claim after the war was over and got the price of his damages without paying anything. There is a common sense of neutrality which we should recognize in connection with the present situation and the present law.

There was always full diplomatic support to any kind of merchant's adventure. That was part of our scheme. We did not go as far in the late war. The ultimate to that sort of theory came after the war, but it came in the pronouncement of a Secretary of the Navy who laid down the principle, under the fundamental theory about which we are talking, of the old neutrality notion that wherever an American dollar is invested there shall be an American battleship to protect it. That logic may be all right, but the economics of the idea are simply terrible.

Under the new theory we have made such a revolutionary change that there is a contrast in almost every item. There is a minimum concern about commerce. So far as the law is concerned, it might have the actual effect of an embargo. Restraints on governments are continued and greatly increased. The rights of individuals to trade are reduced to the carriage of nonembargoed goods at their own risk. See how completely revolutionary that is and how far we went.

There is no protection for ships engaged in trade with either or any belligerent during times of belligerency. There was always protection under the old law. Actual security is dependent solely, entirely, absolutely upon the conduct of the belligerent as it affects or as it runs into our own economies.

I think there can be no doubt, in stressing these great changes we have taken—and any reasonable and thoughtful person will realize that we have gone the maximum extent in expanding our theory of neutrality—that it would be wrong for us to go any further without more—I hate to use the word—experimentation, or without more experience than we have had so far.

I favor the committee report and urge the Senate to adopt it without modification. First the act of August 31 was proper in its motive and right in its aim, and was adopted before a state of war existed; so it can be justified on any type or score that we need or want to justify it. Never in our history has the antiwar theory reached a higher plane than it did last summer. America's attitude toward the immorality of war was the highest since the war. It became accepted through this act as a legal instrument. Remember what a great change we made there. We are backing up by this act, in theory, a pronouncement which we made in an international treaty where we actually reached a point wherein we were willing to accept the illegality and the immorality of war itself, and it was in that spirit that last year's act was made into law. We could not find a better spirit than that under which to enact a neutrality law.

Conditions have given us a chance to do something in relation to this enlarged notion in regard to the immorality of war itself. This we have done and this we ought to do. It might be interesting here, but I shall not do it, though it is worth the while of anyone who wants to go into the revolutionary notion of our present law, to trace the international theory of neutrality as it works itself out in history. It had its ramifications and its ideas in ancient India. It had its aspects in ancient China. But neutrality never had its chance to be born because of the dominating theory of Chinese and the checkerboard notion of keeping peace by a balance of power. When China became a unit even international concepts and interstate concepts were lost, just as they were when Europe became a unit.

When we come down to Greece and Rome we find that the law of neutrality had a place among the ancient Greek states. There was a state that was found in the midst of war, but not at war, and the Greeks worked out a theory for the rights and duties of that State. When we get over to Rome we find no theory like that at all.

If I may again have the attention of the Senator from Illinois [Mr. LEWIS], probably we may quote a line from Livy, and get the Roman theory, showing that there was no place for the neutrality idea there:

"Media nulla via est"—"There is no middle way"; and those who fight, or those who are enemies to the Romans, are either friends, allies, or enemies.

The Roman theory had its reflection in the statement which I think will be found in the New Testament, that "Those who are not for us are against us." Am I right?

Mr. LEWIS. Mr. President, I was about to say to the able Senator from Utah, since he complimented me by calling my attention to the quotation from Livy, that it occurs in a letter in which the position was taken that "You are either against your country or you are with it. There is no middle ground."

The able Senator is quite correct. That was expressed by Jesus Christ in the words—

He that is not with me is against me.

And that doctrine is borne out, as the able Senator says, in the classic reference to which he has made allusion.

Mr. THOMAS of Utah. I have already stressed the theory as it evolved in Grotius' time. I shall not repeat it here. I have already, too, stressed the theory which Washington and Jefferson so ably laid down.

In passing this measure we must, I think, pay attention, just for a moment, to the provisions which are called amendments to the joint resolution itself. These I think I can talk about probably in a briefer way if I confine myself to my notes.

There are five amendments which have to do with the present joint resolution as it came out of the Foreign Relations Committee.

The first amendment is merely to extend the present law.

The second and third are merely clarifying amendments, making the wording mean what the authors of the original law always thought the words meant. There is no break of the neutral spirit in those two amendments.

The fourth amendment, which has to do with loans and credits, might be characterized as an amendment which breaks the spirit of neutrality. It might be thought that we are there adding to the law of last year, but we are not, as it affects the present situation. We already have on our statute books the act known as the Johnson Act, and this act already does, so far as the richest belligerent is concerned, what the new measure will do to all belligerents. As the poorer of the two present belligerents has carried on no trade with us and has attempted to make no loans with us, it, of course, is not affected at all; so that in expanding the law we may expand it without in any way upsetting or marring, either internationally or nationally, that which we are doing in regard to the present situation.

The last amendment is the one which is vitally important.

There is no doubt in my mind but that the words of this amendment will find a place in every textbook of United States history as those textbooks shall be written from this time on. There is in that amendment an appreciation of

what has been the underlying theory of our Monroe Doctrine, if not the underlying fact of that doctrine, as it has evolved and as it has changed from time to time. We have used there terms which admit the complete equality of the Latin-American States, terms which imply the good-neighbor notion and the neighborliness of interests as we are part of this western world. The amendment implies absolute and complete cooperation, because we take, as I have said, the spirit of the present measure from the spirit which had its effect and its leadership in States which were not States of the United States in regard to this theory.

Thus we see that we are again building probably very much bigger than we think; that we are modifying an international policy as it affects the western world in such a way that we are putting pronouncement upon the American and the non-American States. The use of these words, used as they are used, will become a wonderful incentive for developing and evolving that notion of neighborliness to which we have already called attention.

Fellow Senators, I apologize for having taken so much of your time. I realize that to have done so meant that I, as a freshman Senator, or at least as a sophomore Senator, probably have taken myself more seriously than is the rule and the practice of this august body. I apologize with all my heart.

T. V. A. DECISION OF THE SUPREME COURT

During the delivery of the speech of Mr. THOMAS of Utah Mr. DICKINSON asked and obtained leave to correct certain figures used by him in his speech of February 14, whereupon the following debate ensued:

Mr. LEWIS. Mr. President, will the Senator from Utah yield briefly?

Mr. THOMAS of Utah. I yield.

Mr. LEWIS. The able Senator from Iowa rises to correct something in the RECORD. I would ask, while he is in the mood to make corrections, would he not now like to correct the speech he made before the Union League Club in New York in view of the decision of the Supreme Court of the United States this morning, in which the Court takes a position in opposition to the position the able Senator from Iowa then took before his audience while making a Lincoln Day speech?

Mr. DICKINSON. Permit me to suggest to the Senator from Illinois that when I have knowledge of what the decision of the Supreme Court contains I shall be glad to tell the Senate my views with reference to it. I think certain phases of the T. V. A. are not constitutional. I do not know whether or not they are covered by the decision. They have to do with the Government building extension lines and generating plants in direct competition with private business.

Mr. LEWIS. I was only asking the Senator to fulfill his task and make other corrections while he was making one.

Mr. MCKELLAR. Mr. President, will the Senator from Utah yield to me?

Mr. THOMAS of Utah. I yield.

Mr. MCKELLAR. In order that the Senator from Iowa [Mr. DICKINSON] and other Senators may know exactly what is the opinion of the Supreme Court rendered today, I ask unanimous consent that it may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the decision of the Supreme Court was ordered to be printed in the RECORD, as follows:

Supreme Court of the United States. Nos. 403–404. October term, 1935. 403. *George Ashwander et al., petitioners,* v. *Tennessee Valley Authority et al.* 404. *George Ashwander et al., petitioners,* v. *Tennessee Valley Authority et al.* On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. [Feb. 17, 1936.]

Mr. Chief Justice Hughes delivered the opinion of the Court.

On January 4, 1934, the Tennessee Valley Authority, an agency of the Federal Government,[1] entered into a contract with the Alabama Power Co. providing (1) for the purchase by the Authority from the power company of certain transmission lines, substations, and auxiliary properties for $1,000,000; (2) for the purchase by the Authority from the power company of certain real property for $150,000; (3) for an interchange of hydroelectric energy and, in addition, for the sale by the Authority to the power company of its "surplus power", on stated terms; and (4) for mutual restrictions as to the areas to be served in the sale of power. The contract was amended and supplemented in minor particulars on February 13 and May 24, 1934.[2]

The Alabama Power Co. is a corporation organized under the laws of Alabama and is engaged in the generation of electric energy and its distribution generally throughout that State, its lines reaching 66 counties. The transmission lines to be purchased by the Authority extend from Wilson Dam, at the Muscle Shoals plant owned by the United States on the Tennessee River in northern Alabama, into seven counties in that State, within a radius of about 50 miles. These lines serve a population of approximately 190,000, including about 10,000 individual customers, or about one-tenth of the total number served directly by the power company. The real property to be acquired by the Authority (apart from the transmission lines above mentioned and related properties) is adjacent to the area known as the Joe Wheeler dam site, upon which the Authority is constructing the Wheeler Dam.

The contract of January 4, 1934, also provided for cooperation between the Alabama Power Co. and the Electric Home & Farm Authority, Inc., a subsidiary of the Tennessee Valley Authority, to promote the sale of electrical appliances, and to that end the power company, on May 21, 1934, entered into an agency contract with the Electric Home & Farm Authority, Inc. It is not necessary to detail or discuss the proceedings in relation to that transaction, as it is understood that the latter corporation has been dissolved.

There was a further agreement on August 9, 1934, by which the Alabama Power Co. gave an option to the Tennessee Valley Authority to acquire urban distribution systems which had been retained by the Power Co. in municipalities within the area served by the transmission lines above mentioned. It appears that this option has not been exercised and that the agreement has been terminated.

Plaintiffs are holders of preferred stock of the Alabama Power Co. Conceiving the contract with the Tennessee Valley Authority to be injurious to the corporate interests and also invalid, because beyond the constitutional power of the Federal Government, they submitted their protest to the board of directors of the Power Co. and demanded that steps should be taken to have the contract annulled. The board refused, and the Commonwealth & Southern Corporation, the holder of all the common stock of the Power Co., declined to call a meeting of the stockholders to take action. As the protest was unavailing, plaintiffs brought this suit to have the invalidity of the contract determined and its performance enjoined. Going beyond that particular challenge, and setting forth the pronouncements, policies, and programs of the Authority, plaintiffs sought a decree restraining these activities as repugnant to the Constitution, and also asked a general declaratory decree with respect to the rights of the Authority in various relations.

The defendants, including the Authority and its directors, the power company and its mortgage trustee, and the municipalities within the described area, filed answers and the case was heard upon evidence. The district court made elaborate findings and entered a final decree annulling the contract of January 4, 1934, and enjoining the transfer of the transmission lines and auxiliary properties. The court also enjoined the defendant municipalities from making or performing any contracts with the Authority for the purchase of power, and from accepting or expending any funds received from the Authority or the Public Works Administration for the purpose of constructing a public distribution system to distribute power which the Authority supplied. The court gave no consideration to plaintiff's request for a general declaratory decree.

The Authority, its directors, and the city of Florence appealed from the decree and the case was severed as to the other defendants. Plaintiffs took a cross appeal.

The circuit court of appeals limited its discussion to the precise issue with respect to the effect and validity of the contract of January 4, 1934. The district court had found that the electric energy required for the territory served by the transmission lines to be purchased under that contract is available at Wilson Dam without the necessity for any interconnection with any other dam or power plant. The circuit court of appeals accordingly considered the constitutional authority for the construction of Wilson Dam and for the disposition of the electric energy there created. In the view that the Wilson Dam had been constructed in the exercise of the war and commerce powers of the Congress and that the electric energy there available was the property of the United States and subject to its disposition, the circuit court of appeals decided that the decree of the district court was erroneous and should be reversed. The court also held that plaintiffs should take nothing by their cross appeal (78 F. (2d) 578). On plaintiffs' application we granted writs of certiorari (296 U. S. —).

First. The right of plaintiffs to bring this suit. Plaintiffs sue in the right of the Alabama Power Co. They sought unsuccessfully to have that right asserted by the power company itself, and upon showing their demand and its refusal they complied with

[1] The Tennessee Valley Authority is a body corporate created by the act of Congress of May 18, 1933, amended by the act of Congress of Aug. 31, 1935 (48 Stat. 58; 49 Stat. 1075).

[2] The Commonwealth & Southern Corporation, organized under the laws of Delaware, and the owner of the common stock of the Alabama Power Co., was a party to the contract, which also contained agreements with other subsidiaries of the Commonwealth & Southern Corporation, viz: Tennessee Electric Power Co., Georgia Power Co., and Mississippi Power Co. The agreements with these companies are not involved in this suit.

the applicable rule.[3] While their stock holdings are small, they have a real interest, and there is no question that the suit was brought in good faith.[4] If otherwise entitled, they should not be denied the relief which would be accorded to one who owned more shares.

Plaintiffs did not simply challenge the contract of January 4, 1934, as improvidently made—as an unwise exercise of the discretion vested in the board of directors. They challenged the contract both as injurious to the interests of the corporation and as an illegal transaction—violating the fundamental law. In seeking to prevent the carrying out of the contract, the suit was directed not only against the Power Co. but against the Authority and its directors upon the ground that the latter, under color of the statute, were acting beyond the powers which the Congress could validly confer. In such a case it is not necessary for stockholders—when their corporation refuses to take suitable measures for its protection—to show that the managing board or trustees have acted with fraudulent intent or under legal duress. To entitle the complainants to equitable relief, in the absence of an adequate legal remedy, it is enough for them to show the breach of trust or duty involved in the injurious and illegal action. Nor is it necessary to show that the transaction was ultra vires the corporation. The illegality may be found in the lack of lawful authority on the part of those with whom the corporation is attempting to deal. Thus the breach of duty may consist in yielding, without appropriate resistance, to governmental demands which are without warrant of law or are in violation of constitutional restrictions.

The right of stockholders to seek equitable relief has been recognized when the managing board or trustees of the corporation have refused to take legal measures to resist the collection of taxes or other exactions alleged to be unconstitutional (*Dodge* v. *Woolsey*, 18 How. 331, 339, 340, 345; *Pollock* v. *Farmers' Loan & Trust Co.*, 157 U. S. 429, 433, 553, 554; *Brushaber* v. *Union Pacific R. R. Co.*, 240 U. S. 1, 10); or because of the failure to assert the rights and franchises of the corporation against an unwarranted interference through legislative or administrative action (*Greenwood* v. *Freight Co.*, 105 U. S. 13, 15, 16; *Cotting* v. *Kansas City Stockyards Co.*, 183 U. S. 79, 114). The remedy has been accorded to stockholders of public-service corporations with respect to rates alleged to be confiscatory (*Smyth* v. *Ames*, 169 U. S. 466, 469, 517; *Ex parte Young*, 209 U. S. 123, 129, 130, 143). The fact that the directors in the exercise of their judgment, either because they were disinclined to undertake a burdensome litigation or for other reasons which they regarded as substantial, resolved to comply with the legislative or administrative demands, has not been deemed an adequate ground for denying to the stockholders an opportunity to contest the validity of the governmental requirements to which the directors were submitting. See *Dodge* v. *Woolsey*, supra, at pp. 340, 345; *Greenwood* v. *Freight Co.*, supra, at p. 15; *Pollock* v. *Farmers' Loan & Trust Co.*, supra, at pp. 433, 553, 554; *Brushaber* v. *Union Pacific R. R. Co.*, supra, at p. 10.

In *Smith* v. *Kansas City Title Co.* (255 U. S. 180) a shareholder of the title company sought to enjoin the directors from investing its funds in the bonds of Federal land banks and joint-stock land banks upon the ground that the act of Congress authorizing the creation of these banks and the issue of bonds was unconstitutional, and, hence, that the bonds were not legal securities in which the corporate funds could lawfully be invested. The proposed investment was not large—only $10,000 in each of the classes of bonds described (id., pp. 195, 196). And it appeared that the directors of the title company maintained that the Federal Farm Loan Act was constitutional and that the bonds were "valid and desirable investments" (id., p. 201). But neither the conceded fact as to the judgment of the directors nor the small amount to be invested—shown by the averments of the complaint—availed to defeat the jurisdiction of the Court to decide the question as to the validity of the act and of the bonds which it authorized. The Court held that the validity of the act was directly drawn in question, and that the shareholder was entitled to maintain the suit. The Court said: "The general allegations as to the interest of the shareholder and his right to have an injunction to prevent the purchase of the alleged unconstitutional securities by misapplication of the funds of the corporation give jurisdiction under the principles settled in *Pollock* v. *Farmers' Loan & Trust Co.* and *Brushaber* v. *Union Pacific R. R. Co.*, supra" (id., pp. 201, 202). The Court then proceeded to examine the constitutional question and sustained the legislation under attack. A similar result was reached in *Brushaber* v. *Union Pacific R. R. Co.*, supra. A close examination of these decisions leads inevitably to the conclusion that they should either be followed or be frankly overruled. We think that they should be followed, and that the opportunity to resort to equity, in the absence of an adequate legal remedy, in order to prevent illegal transactions by those in control of corporate properties, should not be curtailed because of reluctance to decide constitutional questions.

We find no distinctions which would justify us in refusing to entertain the present controversy. It is urged that plaintiffs hold preferred shares and that, for the present purpose, they are virtually in the position of bondholders. The rights of bondholders, in case of injury to their interests through unconstitutional demands upon, or transactions with, their corporate debtor, are not before us. Compare *Reagan* v. *Farmers' Loan & Trust Co.* (154 U. S. 362, 367, 368). Plaintiffs are not creditors but shareholders (with equal voting power share for share with the common-stock holders, according to the findings) and thus they have a proprietary interest in the corporate enterprise which is subject to injury through breaches of trust or duty on the part of the directors who are not less the representatives of the plaintiffs because their shares have certain preferences. (See *Ball* v. *Rutland Railroad Co.*, 93 Fed. 513, 514, 515). It may be, as in this case, that the owner of all the common stock has participated in the transaction in question, and the owners of preferred stock may be the only persons having a proprietary interest in the corporation who are in a position to protect its interests against what is asserted to be an illegal disposition of its property.[5] A court of equity should not shut its door against them.

It is said that here, instead of parting with money, as in the case of illegal or unconstitutional taxes or exactions, the power company is to receive a substantial consideration under the contract in suit. But the power company is to part with transmission lines which supply a large area, and plaintiffs allege that the consideration is inadequate and that the transaction entails a disruption of services and a loss of business and franchises. If, as plaintiffs contend, those purporting to act as a governmental agency had no constitutional authority to make the agreement, its execution would leave the power company with doubtful remedy, either against the governmental agency which might not be able, or against the Government which might not be willing, to respond to a demand for the restoration of conditions as they now exist. In what circumstances and with what result such an effort at restoration might be made is unpredictable. If, as was decided in *Smith* v. *Kansas City Title Co.*, *supra*, stockholders had the right to sue to test the validity of a proposed investment in the bonds of land banks, we can see no reason for denying to these plaintiffs a similar resort to equity in order to challenge, on the ground of unconstitutionality, a contract involving such a dislocation and misapplication of corporate property as are charged in the instant case.

The Government urges that the power company is estopped to question the validity of the act creating the Tennessee Valley Authority and, hence, that the stockholders, suing in the right of the corporation, cannot maintain this suit. It is said that the power company, in 1925, installed its own transformers and connections at Wilson Dam and has ever since purchased large quantities of electric energy there generated, and that the power company continued its purchases after the passage of the act of 1933 constituting the Authority. The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality (*Great Falls Manufacturing Co.* v. *Attorney General*, 124 U. S. 581; *Wall* v. *Parrot Silver & Copper Co.*, 244 U. S. 407; *St. Louis Co.* v. *Prendergast Co.*, 260 U. S. 469). We think that the principle is not applicable here. The prior purchase of power in the circumstances disclosed may have a bearing upon the question before us, but it is by no means controlling. The contract in suit manifestly has a broader range and we find nothing in the earlier transactions which preclude the contention that this contract goes beyond the constitutional power of the Authority. Reference is also made to a proceeding instituted by the power company to obtain the approval of the contract by the Alabama Public Service Commission and to the delay in the bringing of this suit. It was brought on October 8, 1934, following plaintiffs' demand upon the board of directors in the preceding August. Estoppel in equity must rest on substantial grounds of prejudice or change of position, not on technicalities. We see no reason for concluding that the delay or the proceeding before the commission caused any prejudice to either the power company or the Authority, so far as the subject matter of the contract between them is concerned, or that there is any basis for the claim of estoppel.

We think that plaintiffs have made a sufficient showing to entitle them to bring suit and that a constitutional question is properly presented and should be decided.

Second. The scope of the issue. We agree with the circuit court of appeals that the question to be determined is limited to the validity of the contract of January 4, 1934. The pronouncements, policies, and program of the Tennessee Valley Authority and its directors, their motives, and desires did not give rise to a justiciable controversy save as they had fruition in action of a definite and concrete character constituting an actual or threatened interference with the rights of the persons complaining. The judicial power does not extend to the determination of abstract questions (*Muskrat* v. *United States*, 219 U. S. 346, 361; *Liberty Warehouse Co.* v. *Grannis*, 273 U. S. 70, 74; *Willing* v. *Chicago Auditorium*, 277 U. S. 274, 289; *Nashville, Chattanooga & St. Louis Ry. Co.* v. *Wallace*, 288 U. S. 249, 262, 264). It was for this reason that the Court dismissed the bill of the State of New Jersey which sought to obtain a judicial declaration that in certain features the Federal Water Power Act[6] exceeded the authority of the Congress and encroached upon that of the State (*New Jersey* v. *Sargent*, 269 U. S. 328). For the same reason the State of New York, in her suit against the State of Illinois, failed in her effort to obtain a decision of abstract questions as to the possible effect of the diversion of water from Lake Michigan upon hypothetical water-power developments in the indefinite future (*New York* v. *Illinois*, 274 U. S. 488). At the last term the Court

[3] Equity Rule 27.

[4] The District Court found that "Approximately 1,900 preferred stockholders of the Alabama Co., holding over 40,000 shares of the preferred stock thereof, have associated themselves with a preferred stockholders' protective committee and authorized their names to be joined with the plaintiffs of record in this case as parties plaintiff."

[5] See note 2.

[6] 41 Stat. 1063.

held, in dismissing the bill of the United States against the State of West Virginia, that general allegations that the State challenged the claim of the United States that the rivers in question were navigable, and asserted a right superior to that of the United States to license their use for power production, raised an issue "too vague and ill-defined to admit of judicial determination" (*United States* v. *West Virginia*, 295 U. S. 463, 474). Claims based merely upon "assumed potential invasions" of rights are not enough to warrant judicial intervention (*Arizona* v. *California*, 283 U. S. 423, 462).

The act of June 14, 1934,[7] providing for declaratory judgments, does not attempt to change the essential requisites for the exercise of judicial power. By its terms, it applies to "cases of actual controversy", a phrase which must be taken to connote a controversy of a justiciable nature, thus excluding an advisory decree upon a hypothetical state of facts. See *Nashville, Chattanooga & St. Louis Ry. Co.* v. *Wallace*, supra. While plaintiffs, as stockholders, might insist that the board of directors should take appropriate legal measures to extricate the corporation from particular transactions and agreements alleged to be invalid, plaintiffs had no right to demand that the directors should start a litigation to obtain a general declaration of the unconstitutionality of the Tennessee Valley Authority Act in all its bearings or a decision of abstract questions as to the right of the Authority and of the Alabama Power Co. in possible contingencies.

Examining the present record, we find no ground for a demand by plaintiffs except as it related to the contracts between the Authority and the Alabama Power Co. And as the contract of May 21, 1934, with the Electric Home and Farm Authority, Inc., and that of August 9, 1934, for an option to the Authority to acquire urban distribution systems, are understood to be inoperative (ante, p. —), the only remaining questions that plaintiffs are entitled to raise concern the contract of January 4, 1934, providing for the purchase of transmission lines and the disposition of power.

There is a further limitation upon our inquiry. As it appears that the transmission lines in question run from the Wilson Dam and that the electric energy generated at that dam is more than sufficient to supply all the requirements of the contract, the questions that are properly before us relate to the constitutional authority for the construction of the Wilson Dam and for the disposition, as provided in the contract, of the electric energy there generated.

Third. The constitutional authority for the construction of the Wilson Dam. The Congress may not, "under the pretext of executing its powers, pass laws for the accomplishment of objects not entrusted to the Government" (Chief Justice Marshall, in *McCulloch* v. *Maryland*, 4 Wheat. 316, 423; *Linder* v. *United States*, 268 U. S. 15, 17). The Government's argument recognizes this essential limitation. The Government's contention is that the Wilson Dam was constructed, and the power plant connected with it was installed, in the exercise by the Congress of its war and commerce powers, that is, for the purposes of national defense and the improvement of navigation.

Wilson Dam is described as a concrete monolith 100 feet high and almost a mile long, containing two locks for navigation and eight installed generators. Construction was begun in 1917 and completed in 1926. Authority for its construction is found in section 124 of the National Defense Act of June 3, 1916.[8]

It authorized the President to cause an investigation to be made in order to determine "the best, cheapest, and most available means for the production of nitrates and other products for munitions of war"; to designate for the exclusive use of the United States "such site or sites upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act"; and "to construct, maintain, and operate" on any such site "dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products." The President was authorized to lease or acquire by condemnation or otherwise such lands as might be necessary, and there was further provision that "the products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe." (Id.)

We may take judicial notice of the international situation at the time the act of 1916 was passed, and it cannot be successfully disputed that the Wilson Dam and its auxiliary plants, including the hydroelectric power plant, are, and were intended to be, adapted to the purposes of national defense.[9] While the district court found that there is no intention to use the nitrate plants or the hydroelectric units installed at Wilson Dam for the production of war materials in time of peace, "the maintenance of said properties in operating condition and the assurance of an abundant supply of electric energy in the event of war constitute national-defense assets." This finding has ample support.

The act of 1916 also had in view "improvements to navigation." Commerce includes navigation. "All America understands, and has uniformly understood," said Chief Justice Marshall in *Gibbons* v. *Ogden* (9 Wheat. 1, 190), "the word 'commerce', to comprehend navigation." The power to regulate interstate commerce embraces the power to keep the navigable rivers of the United States free from obstructions to navigation and to remove such obstructions when they exist. "For these purposes," said the Court in *Gilman* v. *Philadelphia* (3 Wall. 713, 725), "Congress possesses all the powers which existed in the States before the adoption of the national Constitution, and which have always existed in the Parliament in England." (See, also *Philadelphia Co.* v. *Stimson*, 223 U. S. 605, 634.)

The Tennessee River is a navigable stream, although there are obstructions at various points because of shoals, reefs, and rapids. The improvement of navigation on this river has been a matter of national concern for over a century. Recommendation that provision be made for navigation around Muscle Shoals was made by the Secretary of War, John C. Calhoun, in his report transmitted to the Congress by President Monroe in 1824,[10] and, from 1852, the Congress has repeatedly authorized projects to develop navigation on that and other portions of the river, both by open-channel improvements and by canalization.[11] The Wilson Dam project, adopted in 1918, gave a 9-foot slack-water development, for 15 miles above Florence, over the Muscle Shoals rapids and, as the district court found, "flooded out the then-existing canal and locks which were inadequate." The district court also found that a "high dam of this type was the only feasible means of eliminating this most serious obstruction to navigation." By the act of 1930, after a protracted study by the Corps of Engineers of the United States Army, the Congress adopted a project for a permanent improvement of the main stream "for a navigable depth of 9 feet."[12]

While in its present condition, the Tennessee River is not adequately improved for commercial navigation, and traffic is small, we are not at liberty to conclude either that the river is not susceptible of development as an important waterway, or that Congress has not undertaken that development, or that the construction of the Wilson Dam was not an appropriate means to accomplish a legitimate end.

The Wilson Dam and its power plant must be taken to have been constructed in the exercise of the constitutional functions of the Federal Government.

4. The constitutional authority to dispose of electric energy generated at the Wilson Dam. The Government acquired full title to the dam site, with all riparian rights. The power of falling water was an inevitable incident of the construction of the dam. That water power came into the exclusive control of the Federal Government. The mechanical energy was convertible into electric energy, and the water power, the right to convert it into electric energy, and the electric energy thus produced, constitute property belonging to the United States. (See *Green Bay Canal Co.* v. *Patten Paper Co.*, 172 U. S. 58, 80,; *United States* v. *Chandler-Dunbar Co.*, 229 U. S. 53, 72, 73; *Utah Power & Light Co.* v. *Pfost*, 286 U. S. 165, 170.)

Authority to dispose of property constitutionally acquired by the United States is expressly granted to the Congress by section 3 of article IV of the Constitution. This section provides:

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[7] 48 Stat. 955.

[8] 39 Stat. 166, 215.

[9] Among the findings of the district court on this point are the following:

"38. The Muscle Shoals plants, including the Sheffield steam plant and the eight hydroelectric units installed at Wilson Dam, were authorized for war purposes by sec. 124 of the National Defense Act of 1916 in anticipation of participation of the Great War. The original conception was for the use of nitrate plant no. 1 employing the Haber process and plant no. 2 employing the cyanamid process for the fixation or manufacture of nitrogen and its subsequent conversion into ammonium nitrate for explosives. Plant no. 1 was completed, but was never practicable, due to the lack of knowledge of the Haber process. Plant no. 2 successfully developed calcium cyanamid from a manufacturing standpoint, but, due to the availability of ammonium nitrate as a result of commercial development of byproduct or synthetic processes, the commercial or peacetime manufacture of calcium cyanamid at nitrate plant no. 2 is considered uneconomical and undesirable and is not proposed or suggested by either the War Department or the T. V. A. The court further finds, however, that the plant, with the aid of electric power furnished by Wilson Dam and the Sheffield steam plant, can be operated to produce annually 110,000 tons of ammonium nitrate by the cyanamid process and that the present plans of the War Department count upon that plant to supply that amount annually in the event of a major war. * * *

"40. The existence of these facilities which make available large quantities of nitrogenous war materials by use of either the nitrogen-fixing process or the oxidation of synthetic ammonia is a valuable national-defense asset."

[10] S. Doc. 1, 18th Cong., 2d sess.; H. Doc. 119, 69th Cong., 1st sess., 11, 12.

[11] See River and Harbor Acts of Aug. 30, 1852, c. 104, 10 Stat. 56, 60; July 25, 1868, c. 233, 15 Stat. 171, 174; Mar. 3, 1871, c. 118, 16 Stat. 538, 542; Aug. 18, 1872, c. 416, 17 Stat. 370, 372; Sept. 19, 1890, c. 907, 26 Stat. 426, 445, 446; Aug. 18, 1894, c. 299, 28 Stat. 338, 354; Apr. 26, 1904, c. 1605, 33 Stat. 309; Mar. 2, 1907, c. 2509, 34 Stat. 1073, 1093; June 25, 1910, c. 382, 36 Stat. 630, 652; July 25, 1912, c. 253, 37 Stat. 201, 215; July 27, 1916, c. 260, 39 Stat. 391, 399; Mar. 3, 1925, c. 467, 43 Stat. 1186, 1188; July 3, 1930, c. 847, 46 Stat. 918, 927, 928. See also H. Docs. 319 (67th Cong., 2d sess.), 463 (69th Cong., 1st sess.), 185 (70th Cong., 1st sess.), 328 (71st Cong., 2d sess.).

[12] Act of July 3, 1930, c. 847, 46 Stat. 918, 927, 928.

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

To the extent that the power of disposition is thus expressly conferred, it is manifest that the tenth amendment is not applicable. And the ninth amendment (which petitioners also invoke) in insuring the maintenance of the rights retained by the people does not withdraw the rights which are expressly granted to the Federal Government. The question is as to the scope of the grant and whether there are inherent limitations which render invalid the disposition of property with which we are now concerned.

The occasion for the grant was the obvious necessity of making provision for the Government of the vast territory acquired by the United States. The power to govern and to dispose of that territory was deemed to be indispensable to the purposes of the cessions made by the States. And yet it was a matter of grave concern because of the fear that "the sale and disposal" might become "a source of such immense revenue to the National Government, as to make it independent of and formidable to the people." Story on the Constitution, secs. 1325, 1326. The grant was made in broad terms, and the power of regulation and disposition was not confined to territory, but extended to "other property belonging to the United States", so that the power may be applied, as Story says, "to the due regulation of all other personal and real property rightfully belonging to the United States." And so, he adds, "it has been constantly understood and acted upon." [Id.]

This power of disposal was early construed to embrace leases, thus enabling the Government to derive profit through royalties. The question arose with respect to a Government lease of lead mines on public lands under the act of March 3, 1807. The contention was advanced that "disposal is not letting or leasing"; that Congress had no power "to give or authorize leases" and "to obtain profits from the working of the mines." The Court overruled the contention, saying: "The disposal must be left to the discretion of Congress. And there can be no apprehensions of any encroachments upon State rights by the creation of a numerous tenantry within their borders, as has been so strenuously urged in the argument" (*United States* v. *Gratiot* (14 Pet. 526, 533, 538)). The policy, early adopted and steadily pursued, of segregating mineral lands from other public lands and providing for leases, pointed to the recognition both of the full power of disposal and of the necessity of suitably adapting the methods of disposal to different sorts of property.

The policy received particular emphasis following the discovery of gold in California in 1848.[13] For example, an act of 1866, dealing with grants to Nevada, declared that "in all cases lands valuable for mines of gold, silver, quicksilver, or copper shall be reserved from sale."[14] And Congress from the outset adopted a similar practice in reserving salt springs (*Morton* v. *Nebraska*, 21 Wall. 660, 667; *Montello Salt Co.* v. *Utah*, 221 U. S. 452). It was in the light of this historic policy that the Court held that the school grant to Utah by the enabling act of 1894[15] was not intended to embrace land known to be valuable for coal (*United States* v. *Sweet*, 245 U. S. 563, 572). See, also, as to the reservation and leases of oil lands, *Pan American Co.* v. *United States* (273 U. S. 456, 487).

But when Congress thus reserved mineral lands for special disposal, can it be doubted that Congress could have provided for mining directly by its own agents, instead of giving that right to lessees on the payment of royalties?[16] Upon what ground could it be said that the Government could not mine its own gold, silver, coal, lead, or phosphates in the public domain, and dispose of them as property belonging to the United States? That it could dispose of its land but not of what the land contained? It would seem to be clear that under the same power of disposition which enabled the Government to lease and obtain profit from sales by its lessees, it could mine and obtain profit from its own sales.

The question is whether a more limited power of disposal should be applied to the water power, convertible into electric energy, and to the electric energy thus produced at the Wilson Dam constructed by the Government in the exercise of its constitutional functions. If so, it must be by reason either of (1) the nature of the particular property, or (2) the character of the "surplus" disposed of, or (3) the manner of disposition.

(1) That the water power and the electric energy generated at the dam are susceptible of disposition as property belonging to the United States is well established. In the case of *Green Bay Canal Co.* v. *Patten Paper Co.*, supra, the question was "whether the water power, incidentally created by the erection and maintenance of the dam and canal for the purpose of navigation in Fox River" was "subject to control and appropriation by the United States, owning and operating those public works, or by the State of Wisconsin, within whose limits Fox River lies" (id., pp. 68, 69). It appeared that, under the authority of the Congress, the United States had acquired, by purchase from a canal company, title to its improvement works, lands and water powers, on the Fox River, and that the United States had consented to the retention by the Canal Co. of the water powers with appurtenances.

We held that the "substantial meaning of the transaction was that the United States granted to the Canal Co. the right to continue in the possession and enjoyment of the water powers and the lots appurtenant thereto, subject to the rights and control of the United States as owning and operating the public works"; and that the method by which the arrangement was effected was "as efficacious as if the entire property had been conveyed to the United States by one deed and the reserved properties had been reconveyed to the Canal Co. by another" (id., p. 80). We thought it clear that the Canal Co. was "possessed of whatever rights to the use of this incidental water power that could be validly granted by the United States" (id., p. 69). And in this view it was decided that so far as the "water powers and appurtenant lots are regarded as property", the title of the Canal Co. could not be controverted, and that it was "equally plain that the mode and extent of the use and enjoyment of such property by the Canal Co" fell within the sole control of the United States. (See *Kaukauna Water Power Co.* v. *Green Bay Canal Co.*, 142 U. S. 254; *Green Bay Canal Co.* v. *Patten Paper Co.*, 173 U. S. 179.)

In *United States* v. *Chandler-Dunbar Co.* (229 U. S. 53), the United States had condemned land in Michigan, lying between the St. Marys River and the ship canal strip of the Government, in order to improve navigation. The riparian owner, under revocable permits from the Secretary of War, had placed in the rapids "the necessary dams, dikes, and forebays for the purpose of controlling the current and using its power for commercial purposes" (id., p. 68). The act of March 3, 1909,[17] authorizing the improvement, had revoked the permit. We said that the Government "had dominion over the water power of the rapids and falls" and could not be required to pay "any hypothetical additional value to a riparian owner who had no right to appropriate the current to his own commercial use" (id., p. 76). The act of 1909 also authorized the Secretary of War to lease "any excess of water power which results from the conservation of the flow of the river, and the works which the Government may construct." "If the primary purpose is legitimate," said the Court, "we can see no sound objection to leasing any excess of power over the needs of the Government. The practice is not unusual in respect to similar public works constructed by State governments" (id., p. 73).

Reference was made to the case of *Kaukauna Water Power Co.* v. *Green Bay Canal Co.*, supra, where the Court had observed in relation to a Wisconsin statute of 1848, which had reserved to the State the water power created by the dam over the Fox River: "As there is no need of the surplus running to waste, there was nothing objectionable in permitting the State to let out the use of it to private parties, and thus reimburse itself for the expenses of the improvement." In *International Paper Co.* v. *United States* (282 U. S. 399), the Government made a wartime requisition of electrical power and was held bound to make compensation to a lessee who thereby had lost the use of the water to which he was entitled. The Court brushed aside attempted "distinctions between the taking of power and the taking of water rights", saying that the Government intended "to take and did take the use of all the water power" and had exercised its power of eminent domain to that end (id., pp. 407, 408).

(2) The argument is stressed that, assuming that electric energy generated at the dam belongs to the United States, the Congress has authority to dispose of this energy only to the extent that it is a surplus necessarily created in the course of making munitions of war or operating the works for navigation purposes; that is, that the remainder of the available energy must be lost or go to waste. We find nothing in the Constitution which imposes such a limitation.

It is not to be deduced from the mere fact that the electric energy is only potentially available until the generators are operated. The Government has no less right to the energy thus available by letting the water course over its turbines than it has to use the appropriate processes to reduce to possession other property within its control, as, for example, oil which it may recover from a pool beneath its lands, and which is reduced to possession by boring oil wells and otherwise might escape its grasp. (See *Ohio Oil Co.* v. *Indiana*, 177 U. S. 190, 208). And it would hardly be contended that, when the Government reserves coal on its lands, it can mine the coal and dispose of it only for the purpose of heating public buildings or for other governmental operations. Or, if the Government owns a silver mine, that it can obtain the silver only for the purpose of storage or coinage. Or that when the Government extracts the oil it has reserved, it has no constitutional power to sell it. Our decisions recognize no such restriction (*United States* v. *Gratiot*, supra; *Kansas* v. *Colorado*, 206 U. S. 46, 88, 89; *Light* v. *United States*, 220 U. S. 523, 536, 537; *Ruddy* v. *Rossi*, 248 U. S. 104, 106). The United States owns the coal, or the silver, or the lead, or the oil, it obtains from its lands, and it lies in the discretion of the Congress, acting in the public interest, to determine of how much of the property it shall dispose.

We think that the same principle is applicable to electric energy. The argument pressed upon us leads to absurd consequences in the denial, despite the broad terms of the constitutional provision, of a power of disposal which the public interest

[13] See citations of numerous statutes in *United States* v. *Sweet* (245 U. S. 563, 568, 569).

[14] Act of July 4, 1866, c. 166, sec. 5, 14 Stat. 85, 86.

[15] Act of July 16, 1894, c. 138, 28 Stat. 107.

[16] See, as to royalties under leases "to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", the act of February 25, 1920, c. 85, 41 Stat. 437. Also, as to leases of public lands containing potassium deposits, the act of October 2, 1917, c. 62, 40 Stat. 297.

[17] 35 Stat. c. 264, 815, 820, 821.

may imperatively require. Suppose, for example, that in the erection of a dam for the improvement of navigation it became necessary to destroy a dam and power plant which had previously been erected by a private corporation engaged in the generation and distribution of energy which supplied the needs of neighboring communities and business enterprises. Would anyone say that, because the United States had built its own dam and plant in the exercise of its constitutional functions, and had complete ownership and dominion over both, no power could be supplied to the communities and enterprises dependent on it, not because of any unwillingness of the Congress to supply it, or of any overriding governmental need, but because there was no constitutional authority to furnish the supply? Or that, with abundant power available, which must otherwise be wasted, the supply to the communities and enterprises whose very life may be at stake must be limited to the slender amount of surplus unavoidably involved in the operation of the navigation works, because the Constitution does not permit any more energy to be generated and distributed?

In the case of the Green Bay Canal Co., above cited, where the Government works supplanted those of the canal company, the Court found no difficulty in sustaining the Government's authority to grant to the canal company the water powers which it had previously enjoyed, subject, of course, to the dominant control of the Government. And in the case of *United States* v. *Chandler-Dunbar Co.*, supra, the statutory provision, to which the Court referred, was "that any excess of water in the St. Marys River at Sault Ste. Marie over and above the amount now or hereafter required for the uses of navigation shall be leased for power purposes by the Secretary of War upon such terms and conditions as shall be best calculated in his judgment to insure the development thereof." It was to the leasing, under this provision, "of any excess of power over the needs of the Government" that the Court saw no valid objection (id., p. 73).

The decisions which petitioners cite give no support to their contention. *Pollard* v. *Hagan*, 3 How. 212, *Shively* v. *Bowlby*, 152 U. S. 1, and *Port of Seattle* v. *Oregon-Washington Railway Co.*, 255 U. S. 56, dealt with the title of the States to tidelands and the soil under navigable waters within their borders. See *Borax Consolidated* v. *Los Angeles*, 296 U. S. 10, 15. Those cases did not concern the dominant authority of the Federal Government in the interest of navigation to erect dams and avail itself of the incidental water power. We emphasized the dominant character of that authority in the case of the Green Bay Canal Co., supra, by this statement, at page 80: "At what points in the dam and canal the water for power may be withdrawn, and the quantity which can be treated as surplus with due regard to navigation, must be determined by the authority which owns and controls that navigation. In such matters there can be no divided empire." The case of *Wisconsin* v. *Illinois*, 278 U. S. 367, related to the diversion by the State of Illinois of water from Lake Michigan through the drainage canal at Chicago, and the questions now before us with respect to the disposition of surplus energy created at a dam erected by the Federal Government in the performance of its constitutional functions were in no way involved.

(3) We come then to the question as to the validity of the method which has been adopted in disposing of the surplus energy generated at the Wilson Dam. The constitutional provision is silent as to the method of disposing of property belonging to the United States. That method, of course, must be an appropriate means of disposition according to the nature of the property; it must be one adopted in the public interest as distinguished from private or personal ends; and we may assume that it must be consistent with the foundation principles of our dual system of government and must not be contrived to govern the concerns reserved to the States. See *Kansas* v. *Colorado*, supra. In this instance, the method of disposal embraces the sale of surplus energy by the Tennessee Valley Authority to the Alabama Power Co., the interchange of energy between the Authority and the Power Co., and the purchase by the Authority from the Power Co. of certain transmission lines.

As to the mere sale of surplus energy, nothing need be added to what we have said as to the constitutional authority to dispose. The Government could lease or sell and fix the terms. Sales of surplus energy to the Power Co. by the Authority continued a practice begun by the Government several years before. The contemplated interchange of energy is a form of disposition and presents no questions which are essentially different from those that are pertinent to sales.

The transmission lines which the Authority undertakes to purchase from the power company lead from the Wilson Dam to a large area within about 50 miles of the dam. These lines provide the means of distributing the electric energy, generated at the dam, to a large population. They furnish a method of reaching a market. The alternative method is to sell the surplus energy at the dam, and the market there appears to be limited to one purchaser, the Alabama Power Co., and its affiliated interests. We know of no constitutional ground upon which the Federal Government can be denied the right to seek a wider market. We suppose that in the early days of mining in the West, if the Government had undertaken to operate a silver mine on its domain, it could have acquired the mules or horses and equipment to carry its silver to market. And the transmission lines for electric energy are but a facility for conveying to market that particular sort of property, and the acquisition of these lines raises no different constitutional question, unless in some way there is an invasion of the rights reserved to the State or to the people. We find no basis for concluding that the limited undertaking with the Alabama Power Co. amounts to such an invasion. Certainly, the Alabama Power Co. has no constitutional right to insist that it shall be the sole purchaser of the energy generated at the Wilson Dam; that the energy shall be sold to it or go to waste.

We limit our decisions to the case before us, as we have defined it. The argument is earnestly presented that the Government by virtue of its ownership of the dam and power plant could not establish a steel mill and make and sell steel products, or a factory to manufacture clothing or shoes for the public, and thus attempt to make its ownership of energy, generated at its dam, a means of carrying on competitive commercial enterprises and thus drawing to the Federal Government the conduct and management of business having no relation to the purposes for which the Federal Government was established. The picture is eloquently drawn, but we deem it to be irrelevant to the issue here. The Government is not using the water power at the Wilson Dam to establish any industry or business. It is not using the energy generated at the dam to manufacture commodities of any sort for the public. The Government is disposing of the energy itself which simply is the mechanical energy, incidental to falling water at the dam, converted into the electric energy which is susceptible of transmission. The question here is simply as to the acquisition of the transmission lines as a facility for the disposal of that energy. And the Government rightly conceded at the bar, in substance, that it was without constitutional authority to acquire or dispose of such energy except as it comes into being in the operation of works constructed in the exercise of some power delegated to the United States. As we have said, these transmission lines lead directly from the dam, which has been lawfully constructed, and the question of the constitutional right of the Government to acquire or operate local or urban distribution systems is not involved. We express no opinion as to the validity of such an effort, as to the status of any other dam or power development in the Tennessee Valley, whether connected with or apart from the Wilson Dam, or as to the validity of the Tennessee Valley Authority Act or of the claims made in the pronouncements and program of the Authority apart from the questions we have discussed in relation to the particular provisions of the contract of January 4, 1934, affecting the Alabama Power Co.

The decree of the Circuit Court of Appeals is affirmed.

Supreme Court of the United States. Nos. 403 and 404. October term, 1935. 403. *George Ashwander et al., petitioners,* v. *Tennessee Valley Authority et al.* 404. *George Ashwander et al., petitioners,* v. *Tennessee Valley Authority et al.* On certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. [Feb. 17, 1936.]

Mr. Justice Brandeis, concurring.

"Considerations of propriety, as well as long-established practice, demand that we refrain from passing upon the constitutionality of an act of Congress unless obliged to do so in the proper performance of our judicial function, when the question is raised by a party whose interests entitle him to raise it" *Blair* v. *United States* (250 U. S. 273, 279).

I do not disagree with the conclusion on the constitutional question announced by the Chief Justice; but, in my opinion, the judgment of the Circuit Court of Appeals should be affirmed without passing upon it. The Government has insisted throughout the litigation that the plaintiffs have no standing to challenge the validity of the legislation. This objection to the maintenance of the suit is not overcome by presenting the claim in the form of a bill in equity and complying with formal prerequisites required by Equity Rule 27. The obstacle is not procedural. It inheres in the substantive law, in well-settled rules of equity, and in the practice in cases involving the constitutionality of legislation. Upon the findings made by the district court, it should have dismissed the bill.

From these it appears: The Alabama Power Co., a corporation of that State with transmission lines located there, has outstanding large issues of bonds, preferred stock, and common stock. Its officers agreed, with the approval of the board of directors, to sell to the Tennessee Valley Authority a part of these lines and incidental property. The management thought that the transaction was in the interest of the company. It acted in the exercise of its business judgment with the utmost good faith.[18] There was no showing of fraud, oppression, or gross negligence. There was no showing of legal duress. There was no showing that the management believed that to sell to the Tennessee Valley Authority was in excess of the company's corporate powers, or that it was illegal because entered into for a forbidden purpose.

Nor is there any basis in law for the assertion that the contract was ultra vires the company. Under the law of Alabama, a public utility corporation may ordinarily sell a part of its transmission lines and incidental property to another such corporation if the approval of the public service commission is obtained. The con-

[18] The management explained that it was in the best interest of the company to accept the offer of the Authority for the purchase of the transmission lines in a limited area, coupled with an agreement on the part of the Authority not to sell outside of that area during the life of the contract. It protected the company against possible entrance of the Authority into the territory in which were located nine-tenths of the company's customers, including the largest; and it assured the company that so long as the latter retained its urban distribution systems within the territory served by the transmission lines those systems would be serviced by power from Wilson Dam. Upon delivery of the transmission lines the Authority agreed to pay the company $1,150,000.

tract provided for securing such approval. Moreover, before the motion to dissolve the restraining order was denied, and before the hearing on the merits was concluded, the legislature, by act no. 1, approved January 24, 1935, and effective immediately, provided that a utility of the State may sell all or any of its property to the Tennessee Valley Authority without the approval of the public service commission or of any other State agency.

First. The substantive law: The plaintiffs who object own about one-three hundred and fortieth of the preferred stock. They claimed at the hearing to represent about one-ninth of the preferred stock; that is, less than one-forty-fifth in amount of all the securities outstanding. Their rights are not enlarged because the Tennessee Valley Authority entered into the transaction pursuant to an act of Congress. The fact that the bill calls for an inquiry into the legality of the transaction does not overcome the obstacle that ordinarily stockholders have no standing to interfere with the management. Mere belief that corporate action, taken or contemplated, is illegal gives the stockholder no greater right to interfere than is possessed by any other citizen. Stockholders are not guardians of the public. The function of guarding the public against acts deemed illegal rests with the public officials.

Within recognized limits, stockholders may invoke the judicial remedy to enjoin acts of the management which threaten their property interest. But they cannot secure the aid of a court to correct what appear to them to be mistakes of judgment on the part of the officers. Courts may not interfere with the management of the corporation, unless there is bad faith, disregard of the relative rights of its members, or other action seriously threatening their property rights. This rule applies whether the mistake is due to error of fact or of law, or merely to bad business judgment. It applies, among other things, where the mistake alleged is the refusal to assert a seemingly clear cause of action, or the compromise of it (*United Copper Securities Co.* v. *Amalgamated Copper Co.*, 244 U. S. 261, 263–264). If a stockholder could compel the officers to enforce every legal right, courts, instead of chosen officers, would be the arbiters of the corporation's fate.

In *Hawes* v. *Oakland* (104 U. S. 450, 462) a common-stock holder sought to enjoin the Contra Costa Waterworks Co. from permitting the city of Oakland to take without compensation water in excess of that to which it was legally entitled. This court, in affirming dismissal of the bill, said: "It may be the exercise of the highest wisdom to let the city use the water in the manner complained of. The directors are better able to act understandingly on this subject than a stockholder residing in New York. The great body of the stockholders residing in Oakland or other places in California may take this view of it, and be content to abide by the action of their directors. If this be so, is a bitter litigation with the city to be conducted by one stockholder for the corporation and all other stockholders, because the amount of his dividends is diminished?"

In *Corbus* v. *Alaska Treadwell Gold Mining Co.* (187 U. S. 455, 463), a suit by a common-stock holder to enjoin payment of an Alaska license tax alleged to be illegal, the Court said: "The directors represent all the stockholders and are presumed to act honestly and according to their best judgment for the interests of all. Their judgment as to any matter lawfully confided to their discretion may not lightly be challenged by any stockholder or at his instance submitted for review to a court of equity. The directors may sometimes properly waive a legal right vested in the corporation in the belief that its best interests will be promoted by not insisting on such right. They may regard the expense of enforcing the right or the furtherance of the general business of the corporation in determining whether to waive or insist upon the right. And a court of equity may not be called upon at the appeal of any single stockholder to compel the directors or the corporation to enforce every right which it may possess, irrespective of other considerations. It is not a trifling thing for a stockholder to attempt to coerce the directors of a corporation to an act which their judgment does not approve, or to substitute his judgment for theirs." [19]

2. The equity practice. Even where property rights of stockholders are alleged to be violated by the management, stockholders seeking an injunction must bear the burden of showing danger of irreparable injury, as do others who seek that equitable relief. In the case at bar the burden of making such proof was a peculiarly heavy one. The plaintiffs, being preferred-stock holders, have but a limited interest in the enterprise, resembling, in this respect, that of a bondholder in contradistinction to that of a common-stock holder. Acts may be innocuous to the preferred which conceivably might injure common-stock holders. There was no finding that the property interests of the plaintiffs were imperiled by the transaction in question; and the record is barren of evidence on which any such finding could have been made.

3. The practice in constitutional cases. The fact that it would be convenient for the parties and the public to have promptly decided whether the legislation assailed is valid, cannot justify a departure from these settled rules of corporate law and established principles of equity practice. On the contrary, the fact that such is the nature of the inquiry proposed should deepen the reluctance of courts to entertain the stockholder's suit. "It must be evident to anyone that the power to declare a legislative enactment void is one which the judge, conscious of the fallibility of the human judgment, will shrink from exercising in any case where he can conscientiously and with due regard to duty and official oath decline the responsibility." (1 Cooley, Constitutional Limitations (8th ed.), p. 332.)

The Court has frequently called attention to the "great gravity and delicacy" of its function in passing upon the validity of an act of Congress,[20] and has restricted exercise of this function by rigid insistence that the jurisdiction of Federal courts is limited to actual cases and controversies, and that they have no power to give advisory opinions.[21] On this ground it has in recent years ordered the dismissal of several suits challenging the constitutionality of important acts of Congress. In *Texas* v. *Interstate Commerce Commission* (258 U. S. 158, 162) the validity of titles III and IV of the Transportation Act of 1920. In *New Jersey* v. *Sargent* (269 U. S. 328) the validity of parts of the Federal Water Power Act. In *Arizona* v. *California* (283 U. S. 423) the validity of the Boulder Canyon Project Act. Compare *United States* v. *West Virginia* (295 U. S. 463), involving the Federal Water Power Act, and *Liberty Warehouse Co.* v. *Grannis* (273 U. S. 70), where this Court affirmed the dismissal of a suit to test the validity of a Kentucky statute concerning the sale of tobacco; also *Massachusetts State Grange* v. *Benton* (272 U. S. 525).

The Court developed, for its own governance in the cases confessedly within its jurisdiction, a series of rules under which it has avoided passing upon a large part of all the constitutional questions pressed upon it for decision. They are:

1. The Court will not pass upon the constitutionality of legislation in a friendly, nonadversary proceeding, declining because to decide such questions "is legitimate only in the last resort, and as a necessity in the determination of real, earnest, and vital controversy between individuals. It never was the thought that by means of a friendly suit a party beaten in the legislature could transfer to the courts an inquiry as to the constitutionality of the legislative act" (*Chicago & Grand Trunk Ry.* v. *Wellman*, 143 U. S. 339, 345; compare *Lord* v. *Veazie*, 8 How. 251; *Atherton Mills* v. *Johnston*, 259 U. S. 13, 15.)

2. The Court will not "anticipate a question of constitutional law in advance of the necessity of deciding it" (*Steamship Co.* v. *Emigration Commissioners*, 113 U. S. 33, 39;[22] *Abrams* v. *Van Schaick*, 293 U. S. 188; *Wilshire Oil Co.* v. *United States*, 295 U. S. 100). "It is not the habit of the court to decide questions of a constitutional nature unless absolutely necessary to a decision of the case" (*Burton* v. *United States*, 196 U. S. 283, 295).

3. The Court will not "formulate a rule of constitutional law broader than is required by the precise facts to which it is to be applied" (*Steamship Co.* v. *Emigration Commissioners*, supra. Compare *Hammond* v. *Schappi Bus Line, Inc.*, 275 U. S. 164, 169–172).

4. The Court will not pass upon a constitutional question, although properly presented by the record, if there is also present some other ground upon which the case may be disposed of. This rule has found most varied application. Thus if a case can be decided on either of two grounds, one involving a constitutional question, the other a question of statutory construction or general law, the Court will decide only the latter (*Siler* v. *Louisville & Nashville R. R.*, 213 U. S. 175, 191; *Light* v. *United States*, 220 U. S. 523, 538). Appeals from the highest court of a State challenging its decision of a question under the Federal Constitution are frequently dismissed because the judgment can be sustained on an independent State ground (*Berea College* v. *Kentucky*, 211 U. S. 45, 53).

5. The Court will not pass upon the validity of a statute upon complaint of one who fails to show that he is injured by its operation [23] (*Tyler* v. *Judges, etc.*, 179 U. S. 405; *Hendrick* v. *Maryland*, 235 U. S. 610, 621). Among the many applications of this rule none is more striking than the denial of the right of challenge to one who lacks a personal or property right. Thus, the challenge by a public official interested only in the performance of his official duty will not be entertained (*Columbus & Greenville Ry.* v. *Miller*, 283 U. S. 96, 99–100). In *Fairchild* v. *Hughes* (258 U. S. 126), the Court affirmed the dismissal of a suit brought by a citizen who sought to have the nineteenth amendment declared unconstitutional. In *Massachusetts* v. *Mellon* (262 U. S. 447), the challenge of the Federal Maternity Act was not entertained, although made by the Commonwealth on behalf of all its citizens.

6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits [24] (*Great Falls Mfg. Co.* v. *Attorney General*, 124 U. S. 581; *Wall* v. *Parrot Silver & Copper Co.*, 244 U. S. 407, 411–412; *St. Louis Malleable Casting Co.* v. *Prendergast Construction Co.*, 260 U. S. 469).

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[19] See also *Samuel* v. *Holladay* (21 Fed. Cas. No. 12,288, pp. 306, 311–312).

[20] E. g., Miller, J., in Ex parte Garland (4 Wall. 333, 382; *Hepburn* v. *Griswold* (8 Wall. 603, 610); *Adkins* v. *Children's Hospital* (261 U. S. 525, 544); Holmes, J., in *Blodgett* v. *Holden* (275 U. S. 142, 147–148).

[21] E. g., Hayburn's case (2 Dall. 409); *United States* v. *Ferreira* (13 How. 40); *Gordon* v. *United States* (2 Wall. 561, 117 U. S. 697); *Muskrat* v. *United States* (219 U. S. 346); *Willing* v. *Chicago Auditorium Assn.* (277 U. S. 274).

[22] E. g., *Ex parte Randolph*, 20 Fed. Cas. No. 11558, pp. 242, 254; *Charles River Bridge* v. *Warren Bridge*, 11 Pet. 420, 553; *Trade-Mark Cases*, 100 U. S. 82, 96; *Arizona* v. *California*, 283, U. S. 423, 462–464.

[23] E. g., *Hatch* v. *Reardon* (204 U. S. 152 160–161; *Corporation Commission* v. *Lowe* (281 U. S. 431, 438); *Heald* v. *District of Columbia* (259 U. S. 114, 123); *Sprout* v. *South Bend* (277 U. S. 163, 167); *Concordia Insurance Co.* v. *Illinois* (292 U. S. 535, 547).

[24] Compare *Electric Co.* v. *Dow* (166 U. S. 489); *Pierce* v. *Somerset Ry.* (171 U. S. 641, 648); *Leonard* v. *Vicksburg, etc., R. R.* (198 U. S. 416, 422).

7. "When the validity of an act of the Congress is drawn in question, and even if a serious doubt of constitutionality is raised, it is a cardinal principle that this Court will first ascertain whether a construction of the statute is fairly possible by which the question may be avoided" (*Crowell* v. *Benson*, 285 U. S. 22, 62).[25]

Fourth. I am aware that on several occasions this Court passed upon important constitutional questions which were presented in stockholders' suits bearing a superficial resemblance to that now before us. But in none of those cases was the question presented under circumstances similar to those at bar. In none were the plaintiffs preferred-stock holders. In some the Court dealt largely with questions of Federal jurisdiction and collusion. In most the propriety of considering the constitutional question was not challenged by any party. In most the statute challenged imposed a burden upon the corporation and penalties for failure to discharge it; whereas the Tennessee Valley Authority Act imposed no obligation upon the Alabama Power Co., and under the contract it received a valuable consideration. Among other things, the Authority agreed not to sell outside the area covered by the contract, and thus preserved the corporation against possible serious competition. The effect of this agreement was equivalent to a compromise of a doubtful cause of action. Certainly, the alleged invalidity of the Tennessee Valley Authority Act was not a matter so clear as to make compromise illegitimate. These circumstances present features differentiating the case at bar from all the cases in which stockholders have been held entitled to have this Court pass upon the constitutionality of a statute which the directors had refused to challenge. The cases commonly cited are these:[26]

Dodge v. *Woolsey* (18 How. 331, 341–346) was a suit brought by a common-stock holder to enjoin a breach of trust by the directors which, if submitted to, would seriously injure the plaintiff. The Court drew clearly the distinction between "an error of judgment" and a breach of duty; declared that it could not interfere if there was only an error of judgment; held that on the facts the threatened action of the directors would be a breach of trust; and pointed to the serious injury necessarily resulting therefrom to the plaintiff.[27]

Greenwood v. *Freight Co.* (105 U. S. 13, 15–16) was a suit brought by a common-stock holder to enjoin the enforcement of a statute alleged to be unconstitutional as repealing the corporation's charter. The Court said: "It is sufficient to say that this bill presents so strong a case of the total destruction of the corporate existence * * * that we think the complainant as a stockholder comes within the rule * * * which authorizes a shareholder to maintain a suit to prevent such a disaster where the corporation peremptorily refuses to move in the matter."

Pollock v. *Farmers' Loan & Trust Co.* (157 U. S. 429, 553–554) was a suit brought by a common-stock holder to enjoin a breach of trust by paying voluntarily a tax which was said to be illegal. The stockolder's substantive right to object was not challenged. The question raised was that of equity jurisdiction. The allegation of threatened irreparable damage to the corporation and to the plaintiff was admitted. The Court said: "The objection of adequate remedy at law was not raised below, nor is it now raised by appellees, if it could be entertained at all at this stage of the proceedings; and, so far as it was within the power of the Government to do so, the question of jurisdiction, for the purposes of the case, was explicitly waived on the argument. * * * Under these circumstances we should not be justified in declining to proceed to judgment upon the merits." The jurisdictional issue discussed in the dissent (157 U. S. at 608–612) was the effect of Revised Statutes, section 3224.

Cotting v. *Kansas City Stock Yards Co.* (183 U. S. 79, 113), was a suit brought by a common-stock holder to enjoin enforcement of a rate statute alleged to be unconstitutional against which the directors refused to protect the corporation. It was alleged and found that its enforcement would subject the company to great and irreparable loss. The serious contention concerning jurisdiction was, as stated by Mr. Justice Brewer, whether a suit lay against the attorney general of the State. Of the jurisdiction of the suit "as one involving a controversy between the stockholders and the corporation and its officers, no serious question is made."

Chicago v. *Mills* (204 U. S. 321), was a suit brought by a common-stock holder of the People's Gas, Light & Coke Co. to enjoin enforcement of an ordinance alleged to be illegal. The sole question before this Court was whether the Federal court had jurisdiction. That question raised an issue of fact. This Court in affirming the judgment below said (p. 331): "Upon the whole record we agree with the circuit court that the testimony does not disclose that the jurisdiction of the Federal court was collusively and fraudulently invoked. * * *"

Brushaber v. *Union Pacific R. R.* (240 U. S. 1, 9–10), was a suit brought by a common-stock holder to restrain the corporation from voluntarily paying a tax alleged to be invalid. As stated by plaintiff's counsel: "The contention is—and this is the only objection that is made to the suit—that it seeks to do indirectly what the Revised Statutes (sec. 3224) have said shall not be done; namely, enjoin the collection of a tax." The Court, assuming that the averments were identical with those in the *Pollock case*, declared that the right of the stockholder to sue was clear.

Smith v. *Kansas City Title & Trust Co.* (255 U. S. 180, 199–202) was a suit brought by a common-stock holder to enjoin investment by the company in bonds issued under the Federal Farm Loan Act. Neither the parties, nor the Government which filed briefs as amicus, made any objection to the jurisdiction. But as both parties were citizens of Missouri, the Court raised, and considered fully, the question whether there was Federal jurisdiction under section 24 of the Judicial Code. It was on this question that Mr. Justice Holmes and Mr. Justice McReynolds dissented. The Court held that there was Federal jurisdiction, and upon averments of the bill, assumed to be adequate, sustained the right of the stockholder to invoke the equitable remedy on the authority of the *Brushaber* and *Pollock cases*.

Hill v. *Wallace* (259 U. S. 44, 60–63) was a suit by members of the Board of Trade of Chicago to restrain enforcement of the Future Trading Act, alleged to be unconstitutional. The Court held that the averments of the bill, which included allegations of irreparable injury, stated "sufficient equitable grounds to justify granting the relief" on the cases above cited.

If, or insofar as, any of the cases discussed may be deemed authority for sustaining this bill, they should now be disapproved. This Court, while recognizing the soundness of the rule of stare decisis where appropriate, has not hesitated to overrule earlier decisions shown, upon fuller consideration, to be erroneous.[28] Our present keener appreciation of the wisdom of limiting our decisions rigidly to questions essential to the disposition of the case before the Court is evidenced by *United States* v. *Hastings* (296 U. S. —), decided at this term. There we overruled *United States* v. *Stevenson* (215 U. S. 190, 195), long a controlling authority on the Criminal Appeals Act.

5. If the company ever had a right to challenge the transaction with the Tennessee Valley Authority, its right had been lost by estoppel before this suit was begun; and as it is the company's right which plaintiffs seek to enforce, they also are necessarily estopped. The Tennessee Valley Authority Act became a law on May 18, 1933. Between that date and January 1934 the company and its associates purchased approximately 230,000,000 kilowatt-hours electric energy at Wilson Dam. Under the contract of January 4, 1934, which is here assailed, continued purchase of Wilson Dam power was provided for and made; and the Authority has acted in other matters in reliance on the contract. In May 1934 the company applied to the Alabama Public Service Commission for approval of the transfers provided for in the contract; and on June 1, 1934, the commission made in general terms its finding that the proposed sale of the properties was consistent with the public interest. Moreover, the plaintiffs in their own right are estopped by their long inaction. Although widespread publicity was given to the negotiations for the contract and to these later proceedings, the plaintiffs made no protest until August 7, 1934; and did not begin this suit until more than 8 months after the execution of the contract. Others—certain ice and coal companies who thought they would suffer as competitors—appeared before the commission in opposition to the action of the Authority; and apparently they are now contributing to the expenses of this litigation.

6. Even where by the substantive law stockholders have a standing to challenge the validity of legislation under which the management of a corporation is acting, courts should, in the exercise of their discretion, refuse an injunction unless the alleged invalidity is clear. This would seem to follow as a corollary of the long-established presumption in favor of the constitutionality of a statute.

Mr. Justice Iredell said, as early as 1798, in *Calder* v. *Bull* (3 Dall. 386, 399): "If any act of Congress, or of the legislature of a State, violates those constitutional provisions, it is unquestionably

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[25] E. g., *United States* v. *Delaware & Hudson Co.* (213 U. S. 366, 407–408); *United States* v. *Jin Fuey Moy* (241 U. S. 394, 401); *Baender* v. *Barnett* (255 U. S. 224); *Texas* v. *Eastern Texas R. R.* (258 U. S. 204, 217); *Panama R. R.* v. *Johnson* (264 U. S. 375, 390); *Linder* v. *United States* (268 U. S. 5, 17–18); *Missouri Pacific R. R.* v. *Boone* (270 U. S. 466, 471–472); *Richmond Screw Anchor Co.* v. *United States* (275 U. S. 331, 346); *Blodgett* v. *Holden* (275 U. S. 142, 148); *Lucas* v. *Alexander* (279 U. S. 573, 577); *Interstate Commerce Commission* v. *Oregon-Washington R. & N. Co.* (288 U. S. 14, 40).

[26] Others are *Memphis City* v. *Dean* (8 Wall. 64, 73); *Smyth* v. *Ames* (169 U. S. 466, 515–518); *Corbus* v. *Alaska Treadwell Gold Mining Co.* (187 U. S. 455); *Ex parte Young* (209 U. S. 123, 143); *Delaware & Hudson Co.* v. *Albany & Susquehanna R. R.* (213 U. S. 435); *Wathen* v. *Jackson Oil & Refining Co.* (235 U. S. 635).

[27] The resolution of the directors (p. 340) was this: "*Resolved*, That we fully concur in the views expressed in said letter as to the illegality of the tax therein named, and believe it to be in no way binding upon the bank, but in consideration of the many obstacles in the way of testing the law in the courts of the State we cannot consent to take the action which we are called upon to take, but must leave the said Kleman to pursue such measures as he may deem best in the premises." Referring to *Dodge* v. *Woolsey*, the Court pointed out in *Hawes* v. *Oakland* (104 U. S. 450, 459): "As the law then stood there was no means by which the bank, being a citizen of the same State with Dodge, the tax collector could bring into a court of the United States the right which it asserted under the Constitution to be relieved of the tax in question, except by writ of error to a State court from the Supreme Court of the United States."

[28] A notable recent example is *Humphrey's Executor* v. *United States* (295 U. S. 602), which limited (p. 626 et seq.) *Myers* v. *United States* (272 U. S. 52), disapproving important statements in the opinion. For lists of decisions of this Court later overruled, see *Burnet* v. *Coronado Oil & Gas Co.* (285 U. S. 393, 406–409); Malcolm Sharp, Movement in Supreme Court Adjudication—A Study of Modified and Overruled Decisions (46 Harv. L. Rev. 361, 593, 795).

void; though I admit that, as the authority to declare it void is of a delicate and awful nature, the Court will never resort to that authority, but in a clear and urgent case."

Mr. Chief Justice Marshall said, in *Dartmouth College* v. *Woodward* (4 Wheat. 518, 625): "On more than one occasion this Court has expressed the cautious circumspection with which it approaches the consideration of such questions; and has declared that, in no doubtful case, would it pronounce a legislative act to be contrary to the Constitution." [29]

Mr. Justice Washington said, in *Ogden* v. *Saunders* (12 Wheat. 213, 270): "But if I could rest my opinion in favor of the constitutionality of the law on which the question arises, on no other ground than this doubt so felt and acknowledged, that alone would, in my estimation, be a satisfactory vindication of it. It is but a decent respect due to the wisdom, the integrity, and the patriotism of the legislative body, by which any law is passed, to presume in favor of its validity, until its violation of the Constitution is proved beyond all reasonable doubt. This has always been the language of this Court, when that subject has called for its decision; and I know that it expresses the honest sentiments of each and every member of this bench."

Mr. Chief Justice Waite said in the *Sinking-Fund Cases* (99 U. S. 700, 718): "This declaration [that an act of Congress is unconstitutional] should never be made except in a clear case. Every possible presumption is in favor of the validity of a statute, and this continues until the contrary is shown beyond a rational doubt. One branch of the Government cannot encroach on the domain of another without danger. The safety of our institutions depends in no small degree on a strict observance of this salutary rule."

The challenge of the power of the Tennessee Valley Authority rests wholly upon the claim that the act of Congress which authorized the contract is unconstitutional. As the opinions of this Court and of the circuit court of appeals show, that claim was not a matter "beyond peradventure clear." The challenge of the validity of the act is made on an application for an injunction—a proceeding in which the Court is required to exercise its judicial discretion. In proceedings for a mandamus, where, also, the remedy is granted not as a matter of right but in the exercise of a sound judicial discretion, *Duncan Townsite Co.* v. *Lane* (245 U. S. 308, 311–312), courts decline to enter upon the inquiry when there is a serious doubt as to the existence of the right or duty sought to be enforced. As was said in *United States* v. *Interstate Commerce Commission* (294 U. S. 50, 63): "Where the matter is not beyond peradventure clear we have invariably refused the writ [of mandamus], even though the question were one of law as to the extent of the statutory power of an administrative officer or body." A fortiori this rule should have been applied here where the power challenged is that of Congress under the Constitution.

Mr. Justice Stone, Mr. Justice Roberts, and Mr. Justice Cardozo join in this opinion.

Supreme Court of the United States. Nos. 403 and 404—October term, 1935. 403. *George Ashwander et al., petitioners,* v. *Tennessee Valley Authority et al.* 404. *George Ashwander et al., petitioners,* v. *Tennessee Valley Authority et al.* On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. [February 17, 1936.]

The separate opinion of Mr. Justice McReynolds.

Considering the consistent rulings of this Court through many years, it is not difficult for me to conclude that petitioners have presented a justiciable controversy which we must decide. In *Smith* v. *Kansas City Title Co.*, 255 U. S. 180, the grounds for jurisdiction were far less substantial than those here disclosed. We may not with propriety avoid disagreeable duties by lightly forsaking long-respected precedents and established practice.

Nor do I find serious difficulty with the notion that the United States, by proper means and for legitimate ends, may dispose of water power or electricity honestly developed in connection with permissible improvement of navigable waters. But the means employed to that end must be reasonably appropriate in the circumstances. Under pretense of exercising granted power, they may not in fact undertake something not entrusted to them. Their mere ownership, e. g., of an iron mine, would hardly permit the construction of smelting works followed by entry into the business of manufacturing and selling hardware, albeit the ore could thus be disposed of, private dealers discomfited and artificial prices publicized. Here, therefore, we should consider the truth of petitioners' charge that, while pretending to act within their powers to improve navigation, the United States, through corporate agencies, are really seeking to accomplish what they have no right to undertake—the business of developing, distributing, and selling electric power. If the record sustains this charge, we ought so to declare and decree accordingly.

The Circuit Court of Appeals took too narrow a view of the purpose and effect of the contract of January 4, 1934. That went far beyond the mere acquisition of transmission lines for proper use in disposing of power legitimately developed. Like all contracts, it must be considered as a whole, illumined by surrounding circumstances. Especial attention should be given to the deliberately announced purpose of directors, clothed with extraordinary discretion and supplied with enormous sums of money. With $50,000,000 at their command, they started out to gain control of the electrical business in large areas and to dictate sale prices. The power at Wilson Dam was the instrumentality seized upon for carrying the plan into effect.

While our primary concern is with this contract, it cannot be regarded as a mere isolated effort to dispose of property. And certainly to consider only those provisions which directly relate to Alabama Power Co. is not permissible. We must give attention to the whole transaction—its antecedents, purpose, and effect—as well as the terms employed.

No abstract question is before us; on the contrary, the matter is of enormous practical importance to petitioners—their whole investment is at stake. Properly understood, the pronouncements, policies, and program of the Authority illuminate the action taken. They help to reveal the serious interference with the petitioners' rights. Their property was in danger of complete destruction under a considered program commenced by an agency of the National Government with vast resources subject to its discretion and backed by other agencies likewise entrusted with discretionary use of huge sums. The threat of competition by such an opponent was appalling. The will to prevail was evident. No private concern could reasonably hope to withstand such force.

The Tennessee River, with headwaters in West Virginia and North Carolina, crosses Tennessee on a southwesterly course, enters Alabama near Chattanooga, and flows westerly across the northern part of that State to the northeast corner of Mississippi. There it turns northward, passes through Tennessee and Kentucky, and empties into the Ohio 40 miles above Cairo. The total length is 900 miles; the drainage basin approximates 40,000 square miles. The volume of water is extremely variable; commercial navigation is of moderate importance.

At Muscle Shoals, near Florence, Ala. (20 miles east of the Mississippi line and 15 south of Tennessee), a succession of falls constitutes serious interference with navigation; also presents possibilities for development of power on a large scale. During and immediately after the World War a great dam was constructed there by the United States, intended primarily for generation of power. Production of electricity soon commenced. Some of this was devoted to governmental purposes; much was sold, delivery being made at or near the dam.

During the last 30 years several corporations have been engaged in the growing business of developing electric energy and distributing this to customers over a network of interconnected lines extending throughout Tennessee, Georgia, Alabama, and Mississippi. At great expense they gradually built up extensive businesses and acquired properties of very large value. All operated under State supervision. Through stock ownership or otherwise they came under general control of the Commonwealth & Southern Corporation. Among the associates were the Alabama Power Co., which serviced Alabama; the Mississippi Co., which serviced Mississippi; and the Tennessee Co., which operated in eastern Tennessee. Huge sums were invested in these enterprises by thousands of persons in many States. Apparently the companies were diligently developing their several systems and responding to the demands of the territories which they covered.

In 1933, operations began under an imposing program for somewhat improving Tennessee River navigation and especially for developing the water power along its whole course at public expense. This plan involved conversion of water power into electricity for wide distribution throughout the valley and adjacent territory. Its development was entrusted to the Tennessee Valley Authority, a Federal corporation wholly controlled by the United States. This promptly took over the Wilson Dam and began work upon the Wheeler Dam, 20 miles up the river, and the Pickwick Dam, some 40 miles lower down. Also it commenced construction of Norris Dam across Clinch River, a branch of the Tennessee, 200 miles above the Wilson Dam. All these, with probable additions, were to be connected by transmission wires, and electric energy distributed from them to millions of people in many States. Public-service corporations were to be brought to terms or put out of business. At least $75,000,000 of public funds was early appropriated for expenditure by the directors; and other governmental agencies in control of vast sums were ready to lend aid.

Readily to understand the issues now before us, one must be mindful of these circumstances.

The trial court made findings of fact which fill more than 60 printed pages. They are not controverted and for present purposes are accepted; upon them the cause stands for decision. They are much quoted below. Plainly they indicate, and that court, in effect, declared, the contract of January 4 was a deliberate step into a forbidden field, taken with definite purpose to continue the trespass.

Nothing suggests either necessity or desirability of entering into this agreement solely to obtain solvent customers willing

[29] In 1811, Chief Justice Tilghman of the Supreme Court of Pennsylvania, while asserting the power of the court to hold laws unconstitutional, but declining to exercise it in a particular case, stated the practice as follows: "For weighty reasons, it has been assumed as a principle in constitutional construction by the Supreme Court of the United States by this court, and every other court of reputation in the United States that an act of the legislature is not to be declared void unless the violation of the Constitution is so manifest as to leave no room for reasonable doubt." James B. Thayer, after quoting the passage in the Origin and Scope of the American Doctrine of Constitutional Law (7 Harv. Law Review 129, 140) called attention (p. 144) to "a remark of Judge Cooley, to the effect that one who is a member of a legislature may vote against a measure as being, in his judgment, unconstitutional; and, being subsequently placed on the bench, when this measure having been passed by the legislature in spite of his opposition, comes before him judicially, may there find it his duty, although he has in no degree changed his opinion, to declare it constitutional."

to pay full value for all surplus power generated at Wilson Dam. Apparently there was ample opportunity for such sales deliveries to be made at or near the dam. No attempt was made to show otherwise. The definite end in view was something other than orderly disposition.

The Authority's answer to the complaint is little more than a series of denials. It does not even allege that the contract of January 4 was necessary for ready disposal of power; or that thereby better prices could be obtained; or that no buyer was ready, able, and willing to take at the dam for full value; or that the Board expected to derive adequate return from the business to be acquired. No sort of explanation of the contract is presented—why it was entered into or whether profitable use probably could be made of the property. And I find in the Authority's brief no serious attempt to justify the purchases because necessary or in fact an advantageous method for disposing of property. Nothing in the findings lends support to any such view.

The record leaves no room for reasonable doubt that the primary purpose was to put the Federal Government into the business of distributing and selling electric power throughout certain large districts, to expel the power companies which had long serviced them, and to control the market therein. A Government instrumentality had entered upon a pretentious scheme to provide a "yardstick" of the fairness of rates charged by private owners, and to attain "no less a goal than the electrification of America." "When we carry this program into every town and city and village, and every farm throughout the country, we will have written the greatest chapter in the economic, industrial, and social development of America." Any reasonable doubt concerning the purpose and result of the contract of January 4 or of the design of the Authority should be dispelled by examination of its reports for 1934 and 1935.[30]

[30] From the Annual Report, T. V. A. Board, for 1934, pp. 23, 24, 25, 26, 27, and 28.

To provide a workable and economic basis of operations, the Authority plans initially to serve certain definite regions and to develop its program in those areas before going outside.

The initial areas selected by the Authority may be roughly described as (a) the region immediately proximate to the route of the transmission line soon to be constructed by the Authority between Muscle Shoals and the site of Norris Dam; (b) the region in proximity to Muscle Shoals, including northern Alabama and northeastern Mississippi; and (c) the region in the proximity of Norris Dam (the new source of power to be constructed by the Authority on the Clinch River in northeast Tennessee).

At a later stage in the development it is contemplated to include, roughly, the drainage area of the Tennessee River in Kentucky, Alabama, Georgia, and North Carolina, and that part of Tennessee which lies east of the west margin of the Tennessee drainage area.

To make the area a workable one and a fair measure of public ownership, it should include several cities of substantial size (such as Chattanooga and Knoxville) and, ultimately, at least one city of more than a quarter million, within transmission distance, such as Birmingham, Memphis, Atlanta, or Louisville.

While it is the Authority's present intention to develop its power program in the above-described territory before considering going outside, the Authority may go outside the area if there are substantial changes in general conditions, facts, or governmental policy, which would necessarily require a change in this policy of regional development, or if the privately owned utilities in the area do not cooperate in the working out of the program.

The Authority entered into a 5-year contract on January 4, 1934, with the Commonwealth & Southern Corporation and its Alabama, Tennessee, Georgia, and Mississippi subsidiaries. The contract covered options to purchase electric properties in certain counties of Alabama, Mississippi, and Tennessee, the sale of distribution systems to municipalities in these counties, restrictions on territorial expansion by the contracting parties, the interchange of power, and other matters.

Alabama properties.—All of the low-tension (44,000 volts or lower) transmission lines, substations, rural lines, and rural distribution systems of the Alabama Power Co. in the counties of Lauderdale, Colbert, Lawrence, Limestone, and Morgan (except the Hulaco area), were included in the contract; also those in the north half of Franklin County, including the town of Red Bay, and the territory in the northern part of Cullman County served by a line of the Alabama Power Co. extending south from Decatur. The price of these properties was set at $1,101,256. The purchase had not been completed at the end of the fiscal year.

The power company agreed to attempt to sell the local distribution systems in the above counties to the respective municipalities, the Authority reserving the right to serve them if sales were not consummated within 3 months of bona fide negotiations and effort. Because of the failure of any [many] of the municipalities in northern Alabama to consummate negotiations for the purchase of the distribution systems serving them, the Authority entered into negotiations for the direct purchase of these distribution systems, but a purchase contract had not been completed on June 30.

Mississippi properties.—The contract covered all of the properties of the Mississippi Power Co. in the counties of Pontotoc, Lee, Itawamba, Union, Benton, Tippah, Prentiss, Tishomingo, and Alcorn, except a dam site on the Tennessee River in Tishomingo County. The purchase price was $850,000. The purchase was completed and delivery was accepted on June 1, 1934.

The transmission and generation facilities acquired in Mississippi and to be retained as part of the Authority's system include the following:

44,000-volt transmission lines	miles	63
44,000-volt substations		6
22,000-volt transmission lines	miles	45
22,000-volt substations		4
Tupelo steam stand-by generating plant	kilovolt-amperes	4,374
Corinth steam stand-by generating plant	do	2,225
Blue Mountain Diesel generating plant	do	150
Myrtle Diesel generating plant	do	75

Part of the local distribution facilities acquired in Mississippi were sold prior to the end of the fiscal year and it is expected that all will be sold eventually, as noted hereafter.

Tennessee properties.—The contract covered all of the properties of the Tennessee Electric Power Co. in the countries of Anderson, Campbell, Morgan (except the lines extending into Morgan County from Harriman), and Scott; also those in the west portion of Claiborne County, and the 66,000-volt transmission line from Anderson County to Knoxville. The price of these properties was set at $900,000. The purchase had not been completed at the end of the fiscal year.

Negotiations were carried on diligently for several months with the National Power & Light Co., an affiliate of the Electric Bond & Share Co., in an endeavor to acquire the eastern Tennessee electric properties of the Tennessee Public Service Co., a subsidiary of the National Power & Light Co. The electric distribution system in the city of Knoxville is included in these properties. The negotiations resulted in a contract after the end of the fiscal year.

Construction of rural electric lines in northern Alabama and northeastern Mississippi was commenced in the latter part of 1933 with relief labor, the Authority furnishing supervision and materials. Relief labor was withdrawn on February 15, 1934, after which date the work was continued by the Authority with its own forces. Approximately 93.5 miles of rural electric lines were under construction in Lauderdale and Colbert Counties, Ala., on June 30, and approximately 127 miles in Lee, Pontotoc, Alcorn, Itawamba, Prentiss, Monroe, and Tishomingo Counties, Miss.

A standard form of 20-year contract was devised to govern the sale of power at wholesale to municipal distribution systems, and was first used in a contract with the city of Tupelo, Miss. The Tupelo contract has been published by the Authority and is available for distribution.

Annual Report, T. V. A., 1935, pp. 29, 30—

"The Authority has devoted special attention during the year to the problems of rural electrification, as required by section 10 of the act. By the close of the fiscal year 200 miles of rural electric line had been built and 181 additional miles were in process of construction. These lines are divided among the various counties, as follows:

	Miles completed	Miles in progress
Alabama:		
Colbert	19	15
Lauderdale	72	
Mississippi:		
Alcorn	41	29
Lee and Itawamba	41	26
Pontotoc	27	
Prentiss		7
Tennessee: Lincoln		104
Total	200	181

"In addition to the above, a number of the rural lines purchased from the Mississippi Power Co. were rehabilitated in order to improve operating and safety conditions, and to provide for increases in load. Also, additional customers were connected to all existing rural lines."

the real purpose; obviously, the thing to be facilitated was carrying on business by use of the purchased property. Under the guise of disposition, something wholly different was to be accomplished—devotion of electric power to purposes beyond the sphere of proper Federal action, an unlawful goal. There is no plausible claim that such a contract was either necessary or desirable merely to bring about the sale of property. This Court has often affirmed that facts, not artifice, control its conclusions. The agency has stated quite clearly the end in view: "This public operation is to serve as a yardstick by which to measure the fairness of electric rates." "The T. V. A. power policy was not designed or limited with a view to the marketing of the power produced and available at Muscle Shoals." "In formulating and going forward with the power policy the Board was considering that policy as a permanent and independent commercial function."

For present purposes, a complete survey of relevant circumstances preceding the contract of January 4 and all its consequences is not essential. The pleadings and findings fairly outline the situation. What follows is mainly quoted or derived from them.

The act of May 18, 1933, created the Tennessee Valley Authority as a body corporate "for the purpose of maintaining and operating the properties now owned by the United States in the vicinity of Muscle Shoals, Ala., in the interest of the national defense and for agricultural and industrial development, and to improve navigation in the Tennessee River and to control the destructive flood waters in the Tennessee River and Mississippi River Basins." It provided a board of three directors "shall direct the exercise of all the powers of the Corporation" and "is authorized to make alterations, modifications, or improvements in existing plants and facilities, and to construct new plants"; and to "produce, distribute, and sell electric power as herein particularly specified." The Corporation "shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation"; "to acquire real estate for the construction of dams, reservoirs, transmission lines, power-houses, and other structures, and navigation projects at any point along the Tennessee River or any of its tributaries."

Also, the Board is "hereby empowered and authorized to sell the surplus power not used in its operations, and for operation of locks and other works generated by it, to States, counties, municipalities, corporations, partnerships, or individuals, according to the policies hereinafter set forth; and to carry out said authority the Board is authorized to enter into contracts for such sale for a term not exceeding 20 years." "In order to promote and encourage the fullest possible use of electric light and power on farms within reasonable distance of any of its transmission lines the Board in its discretion shall have power to construct transmission lines to farms and small villages that are not otherwise supplied with electricity at reasonable rates, and to make such rules and regulations governing such sale and distribution of such electric power as in its judgment may be just and equitable."

"One of the first corporate acts of T. V. A. after its organization was to formulate and announce a power policy to govern the commercial distribution of electric power by T. V. A. The evidence establishes the fact that the Board from the outset has considered that it has general corporate discretion as to the establishment and extension of its electric power policy. In establishing a power policy the Board was not primarily considering merely the question of disposal of power produced at Muscle Shoals no longer required for governmental purposes as a result of overbuilding, obsolescence of plants, or termination of war purposes. Nor was it considering disposal of prospective increases in electric power to be unavoidably created in excess of some governmental requirement. It was considering the matter from the standpoint of the successful establishment and permanent operation of an independent and well-rounded Government-owned electric distribution system, and the general civic, social, and industrial planning and development of the Tennessee Valley region as a whole.

"Under date of August 25, 1933, T. V. A. announced its power policy, indicating both the initial stage of its development and certain later steps originally determined upon. * * * This power policy had not been rescinded or abandoned or modified at the time of submission of this cause.

"In September 1933, the Authority announced its wholesale and retail rate schedules, which are shown by the evidence to be materially lower than corresponding schedules of the existing utilities in the area. Following this action numerous municipalities in the area began to make efforts to construct municipal systems with which to distribute T. V. A. current, and Public Works Administration (called P. W. A.) gave assurances of favorable consideration of applications for loans to that end."

Under such circumstances, Commonwealth & Southern Corporation negotiated the January 4 contract for its operating subsidiaries—Alabama Power Co., Georgia Power Co., Mississippi Power Co., and Tennessee Electric Power Co.

This recited that the Alabama Co., the Mississippi Co., and the Tennessee Co. desired to sell, and the Authority desired to purchase, certain land, buildings, and physical properties devoted to the generation, transmission, and distribution of electricity, together with certain franchises, contracts, and going business.

The Alabama Co. agreed to sell for $1,000,000 all of its low-tension (44 kilovolts or lower) transmission lines, substations (including the high-tension station at Decatur and the Sheffield steam-plant station) and all rural lines and rural distribution systems in five Alabama counties and parts of two others. (These counties are in northwestern Alabama and lie on both sides of the Tennessee River for 80 miles or more.)

The Mississippi Co., in consideration of $850,000, agreed to transfer all of its transmission and distribution lines, substations, generating plants, and other property in Pontotoc, Lee, Itawamba, Union, Benton, Tippah, Prentiss, Tishomingo, and Alcorn Counties (except one dam site in Tishomingo County), State of Mississippi, used in connection with the generation, transmission, distribution, or sale of electric energy. (These counties are the northeastern section of the State, a territory 60 miles square.)

For $900,000, the Tennessee Co. agreed to convey its transmission and distribution lines, substations, distribution systems, and other properties used in connection with the transmission, distribution, and sale of electrical energy in Anderson, Campbell, Morgan, and Scott Counties, east Tennessee, and "all of the 66-kilovolt transmission line from Cove Creek to Knoxville." [These counties are in the mountains northward from Knoxville, within a radius of about 60 miles. They lie northeast of Muscle Shoals and some points therein are much more than a hundred miles from Wilson Dam. They have a population of 86,000.]

The power companies agreed, that "any conveyance of property shall include not only the physical property, easements, and rights-of-way, but shall also include all machinery, equipment, tools, and working supplies set forth in the respective exhibits, and all franchises, contracts, and going business relating to the use of any of said properties." Also, "to transfer or secure the transfer of said franchises, contracts, and going business, and to transfer said properties with all present customers attached, so far as they are able." Also, "that during the period of this contract none of said companies will sell electric energy to any municipality, corporation, partnership, association or individual in any portion of the above-described counties or parts thereof in Alabama, Tennessee, and Mississippi, etc." The Authority agreed not to sell "electric energy outside of the specified counties to the customers of non-utilities supplied by the power companies."

Other covenants provided for interchange of electric energy between the contracting parties and for cooperation in the sale of electric appliances throughout the entire territory served by the power companies:

"Power companies covenant and agree that after the expiration of this agreement the interchange arrangement then in effect will be maintained by power companies for an additional period (not exceeding 18 months) sufficient to permit Authority to construct its own transmission facilities for serving all of the territory which it is then serving in whole or in part with power obtained at such interchange points.

"Power companies agree to have available at all times for exchange, at each point of exchange, energy and capacity to supply the entire demands of the customers served by Authority from such points of exchange, subject to the limitations as to transmission capacity set forth in section 10 (h) hereof; provided, that the maximum amount which Authority shall be entitled to demand at all points of exchange shall be 70,000 kilovolts."

Prior to the agreement for sale the Alabama Co. had derived $750,000 gross annual revenue from its properties located within the ceded area. This district had a population of 190,000; and the company had therein 10,000 individual customers—approximately one-tenth of all those directly served by it. The lines transferred by the Mississippi Power Co. served directly 4,000 customers in nine counties, having total population of 184,000. When this cause began, the Mississippi properties were being operated by T. V. A. and rural lines were in process of extension by it in both Mississippi and Alabama.

"All of the electric properties and facilities covered by the contract of January 4, 1934, * * * were contracted for by T. V. A. for the purpose of continuing and enlarging the utility service for which they were used by the respective power companies.

"The operation of a commercial utility service by T. V. A. and the wholesaling and retailing by T. V. A. of electricity in the area served by the Alabama Power Co. is not and will not be in aid of the regulation of navigation or national defense or other governmental function insofar as any plan, purpose, or activity of the T. V. A. or the United States disclosed on this record would indicate."

Answering the petitioners' complaint, Alabama Co. admitted "that the public statements of T. V. A. indicated the program therein alleged; and the directors of respondent company considered that to vest such an agency as therein alleged with unlimited power and access to public funds, in a program of business competition and public ownership promotion in the area served by respondent company would in effect destroy this respondent's property; and such conclusion on its part was the principal inducement for it to enter into the contracts of January 4 and August 9, 1934; and respondent company thereby was and will be enabled to salvage a larger amount of its property than it could have done by competition." Also, "that under the circumstances of threatened competition, directed or controlled by T. V. A. as averred therein, this respondent agreed to the sale of certain of its transmission lines and property, and entered into the contract dated January 4, 1934. * * * Respondent company admits that at and before the execution of the contract the threat was made to use Federal funds to duplicate the facilities of respondent which would result in competition with rates not attainable by or permissible to this respondent, and such rates would be stipulated, controlled, and regulated by T. V. A."

As matter of law the trial court found:

"The function intended by T. V. A. under the evidence in relation to service, utility in type, in the area ceded by the contract of January 4, 1934, transcends the function of conservation or disposition of Government property, involves continuing service

and commercial functions by the Government to fill contracts not governmental in origin or character.

"Performance of the contract of January 4, 1934, would involve substantial loss and injury to the Alabama Power Co., including, inter alia, the loss or abandonment of franchises, licenses, going business and service area supporting its general system and power facilities and unless resisted would tend to invite a progressive encroachment on its service area by the Tennessee Valley Authority.

"Congress has no constitutional authority to authorize Tennessee Valley Authority or any other Federal agency to undertake the operation, essentially permanent in character, of a utility system, for profit, involving the generation, transmission, and commercial distribution of electricity within State domain, having no reasonable relation to a lawful governmental use.

"The contract of January 4, 1934, expressly provided for the transfer of all or substantially all of the lines and properties of the Alabama Power Co. for the service of the ceded area, included transmission lines, rural distribution systems and certain urban distribution systems, and contemplated the eventual transfer of 14 urban distribution systems. This contract, expressly contemplating service of the ceded area by the Tennessee Valley Authority with electricity to be generated or purchased by the Tennessee Valley Authority for that purpose, was in furtherance of illegal proprietary operations by the Tennessee Valley Authority in violation of the Federal Constitution and void. The contract was accordingly ultra vires and void as to the Alabama Power Co."

Having made exhaustive findings of fact and law, the trial court entered a decree annulling the January 4 contract and enjoining the Alabama Power Co. from performing it. The circuit court of appeals reversed, upon the theory that the Authority was making proper arrangements for sale of surplus power from the Wilson Dam. The injunction was continued.

I think the trial court reached the correct conclusion and that its decree should be approved. If under the thin mask of disposing of property, the United States can enter the business of generating, transmitting, and selling power as, when, and wherever some board may specify, with the definite design to accomplish ends wholly beyond the sphere marked out for them by the Constitution, an easy way has been found for breaking down the limitations heretofore supposed to guarantee protection against aggression.

After the conclusion of the speech of Mr. THOMAS of Utah,

WORKS PROGRESS ADMINISTRATION IN WEST VIRGINIA

Mr. HOLT. Mr. President, I filed today with the Works Progress Administration a letter asking for an investigation of the Works Progress Administration in West Virginia. I filed that letter as a friend of the national administration, as a man who has consistently and always voted with the national administration. I did that as one who has spoken in 30 States in behalf of President Roosevelt, and one who was with President Roosevelt before he was nominated; but I feel that the conduct of the Works Progress Administration in the State of West Virginia is doing more harm to the reelection of President Roosevelt than any single thing or group of things that I can point out in the entire political set-up of our State.

As I say, I do this as a friend of the administration when I state to you that the Works Progress Administration under the leadership of Mr. F. W. McCullough, the present administrator, is a disgrace to the State of West Virginia and to the Works Progress Administration.

Mr. McCullough, the Works Progress Administrator, has been on the Federal pay roll since 1913, off and on, except at times when he was on the State board of control, when he was fired out of that job in 1932 as a candidate for Governor. He has held a particular political plum. He always held appointive not elective jobs. In 1932 he entered the race for Governor. I shall not tell the Senate about the charge made by Mr. Wilkinson, one of the outstanding citizens of our State, about why Mr. McCullough entered the race for Governor in 1932; but what did the people of West Virginia think about Mr. McCullough? Out of 250,000 votes cast in the State, Mr. McCullough received but 25,904, or 10 percent of the total number of votes, finishing fifth with six candidates; and today he is merely using the Works Progress Administration, with its great purpose, to try to make himself Governor of the State of West Virginia. He has used that machine, and is using the machine today, to build up a political carriage to try to carry himself to the nomination; and I say that whenever a person does that he destroys the value of the relief act itself; he destroys the purpose of the act.

The Works Progress Administration was designed to take care of cases of distress, cases of persons who needed food and needed employment, and certainly was not meant to be a means to enable a man to go into a political position or for the furtherance of his political ambitions.

Now let me give you a little more of the history of this man McCullough who is administering the Works Progress Administration fund in the State of West Virginia.

Mr. McCullough is president of a loan-shark company—one of these 42-percent loan-shark companies. I bring here a picture of the window on which his name appears as president and chief director of the Charleston Finance Co., which is a loan-shark company charging the poor people of the State of West Virginia 42 percent upon loans under $300. That is the man who is administering the Works Progress Administration fund. When the 42-percent-loan bill was before the Legislature of West Virginia, Mr. McCullough was a lobbyist for that particular measure in the most notorious bartering of votes that was ever known in the history of West Virginia. Not only did he do that, but in the same session of the legislature he was a lobbyist in connection with a silicosis bill that is being investigated in the House of Representatives. I have here a letter from Mr. McCullough which involves him in this transaction.

How can we expect the Works Progress Administration to get anywhere in the State of West Virginia under the administration of a man who is a loan-shark artist, who would deprive in every way he could the persons who need compensation when they are suffering from a dreadful disease as silicosis.

It has been stated in the State of West Virginia that W. P. A. does not stand for Works Progress Administration; that it stands for Witcher's Political Army, or has been referred to as Witcher's Politicking Again, using W. P. A. as the designation for that.

He has told me with his own mouth that the 55,000 people employed in the Works Progress Administration of West Virginia would make him Governor of the State of West Virginia. I took it as a joke. I could not believe that a man would so use the Work Relief Act, noble as it is, to try to force himself into a gubernatorial chair. I defy Mr. McCullough to say that he did not make that statement to me. If he denies it, I will tell him the exact spot and the exact date where and when he made the statement.

How does this man administer the W. P. A. in West Virginia? This is the way in which he administers it. If a man goes to get a job from any county, he must get a letter from the named political boss in that county. Right here on my desk I have his own letter showing the pay roll, noting the recommendations for the various workers in each and every county of the State of West Virginia. In other words, it is not to give a person relief, but to put a few politicians into the administration of an act that was not meant for politicians.

Not only did he do that in particular counties where county bosses were named but he has established political committees where there were a number of factions within a party, such as Kanawha County, such as Logan County. Where there were a number of different political factions he got a representative of the faction and put him on the committee to pass on whether a man could get relief, whether he could get work, whether he could have an opportunity to earn for his children the right to live or the right to have clothing to put upon their backs. If I could tell of the hundreds and hundreds, and, without making an overstatement, the thousands, of complaints which have come to me against the administration of the Works Progress Administration, it would astound Senators.

I have here a petition which came to me on Saturday containing something over 1,400 names, and not a single one of those men asked for employment. They are protesting against the way the Works Progress Administration is being conducted in the State of West Virginia.

If that continues along the present line, it will do much to destroy the program, and do much to destroy President Roosevelt, so that the Democrats cannot carry the State of West Virginia. When I say that I do not refer to the many conscientious workers who do want the W. P. A. to be a

success, and who are interested in giving employment to the people in the State of West Virginia. Many of them are conscientious and want to help in giving employment and carrying out the real purpose of the act.

What else did this man do? Let me show his conduct relative to his attempt to be Governor. I hold in my hand the first bulletin published by the Works Progress Administration, the Progressor. On the front page of it is Mr. McCullough's picture, and under that "F. W. McCullough, administrator." It should have said "Candidate for Governor." In other words, it asks for loyalty to him as administrator of the W. P. A., expecting to carry that loyalty through so that they would be loyal to him as a candidate for Governor of West Virginia.

I checked one article in this magazine which was written by the W. P. A., just one article, and I found that Mr. McCullough's name was mentioned 23 times, telling about the wonderful work Mr. McCullough was doing—written by his own force, and in some instances written by his own hand—telling about how great a man he was and how he should continue as administrator.

Not only has he done this to build up his organization, but he got a young fellow, a very fine fellow, I may say, who was earning around $30 a week on a newspaper, and put him on the pay roll at $3,400 a year, or $283 a month, and his business was to write publicity about the administrator himself. Think of that—from a $30-a-week job to a $3,400-a-year job, in order that Mr. McCullough's name might be kept before the people of the State of West Virginia!

Mr. McCullough has constantly used his office not to relieve unemployment but to make the 55,000 on the rolls work for him. I called him up one day and said, "Mr. McCullough, I wish this project could be completed." He said: "Those men in that section did not vote right, and I think they need to be told how to vote." In other words, it was not a question whether the project would be completed, but whether it would help his particular game of seeking the governorship of the State of West Virginia.

I know some of those listening to me wonder why this should be brought out in public. I am stating these things in order that the people of West Virginia may not blame the national administration for what is going on. I am very hopeful that the national administration will remove from its pay roll in the State of West Virginia a man who is doing much to destroy President Roosevelt, much to destroy the present administration, in order that he might continue along his present line as a political candidate. I do this because I believe in the principles of work relief. I think work relief is for the man who needs it, not for the politician to go into office on.

I made a statement last week, and I repeat it. Mr. McCullough either ought to get out of the race for Governor or he ought to get out of the W. P. A. There is no place for a candidate for a State-wide office running the W. P. A. and dictating orders to men who have to buy bread with what they received for the work they do under his dictation and orders.

In many instances projects have been stopped because politicians have asked him to stop them. I repudiate that, and I want to say that I am very hopeful that the national administration, through the Works Progress Administration, will investigate these charges, and if I cannot prove every single charge against Mr. McCullough I will apologize from the same spot where I am making the charges.

I charge Mr. McCullough with using the office he holds for nothing more than to try to carry himself to the office of Governor, not for the administration of the Work Relief Act itself.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting several nominations (and withdrawing a nomination), which were referred to the appropriate committees.

(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)

RECESS

Mr. BARKLEY. Mr. President, I move that, in accordance with the order previously entered, the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 3 o'clock and 45 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Tuesday, February 18, 1936, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 17 (legislative day of Jan. 16), 1936

PUBLIC WORKS ADMINISTRATION

William J. Farley, of Connecticut, to be State director of the Public Works Administration in Connecticut.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

First Lt. Richard Byington Carhart, Infantry, with rank from August 1, 1935.

WITHDRAWAL

Executive nomination withdrawn from the Senate February 17 (legislative day of Jan. 16), 1936

POSTMASTER

KENTUCKY

Mary R. Meredith to be postmaster at Mammoth Cave, in the State of Kentucky.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 17, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, the Father of our Lord and Savior, who touched the very depths of sacrificial love, be our portion now and forever. We thank Thee for the assurance that Thou wilt keep him in perfect peace whose mind is stayed on Thee because he trusteth in Thee. O God, enrich our souls, give us new conceptions of life, new meanings of the Holy Bible, and new outlooks on the eternal. All that we can claim of time is today; help us to live it well. We shall then be prepared for a better tomorrow. Grant that righteousness may prevail throughout our whole land. O purge the evil leaven that poisons its arteries and cleanse them of sin, shame, and falsehood; pour into its veins a new life, rich in power, health, and blessing. Let Thy gracious favor rest upon the Congress this day, and Thine shall be the praise forever. Through Christ. Amen.

The Journal of the proceedings of Friday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On February 11, 1936:

H. R. 3421. An act to authorize credit in disbursing officers' accounts covering shipment of privately owned automobiles from October 12, 1927, to October 10, 1929;

H. R. 3709. An act for the relief of the Norfolk Southern Railroad Co.;

H. R. 4805. An act authorizing adjustment of the claim of the Adelphia Bank & Trust Co. of Philadelphia;

H. R. 6402. An act for the relief of Julia M. Crowell;

H. R. 7814. An act to authorize the Secretary of Commerce to grant to the State of California an easement over certain land of the United States in Tehama County, Calif., for highway purposes;

H. R. 9871. An act to amend an act entitled "An act providing for the participation of the United States in the Cali-

fornia-Pacific International Exposition to be held at San Diego, Calif., in 1935 and 1936; authorizing an appropriation therefor, and for other purposes", approved March 7, 1935, to provide for participation in the California-Pacific International Exposition to be held at San Diego, Calif., in 1936, to authorize an appropriation therefor, and for other purposes;

H. R. 10464. An act making appropriations to provide urgent supplemental appropriations for the fiscal year ending June 30, 1936, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1936, and for prior fiscal years, and for other purposes; and

H. J. Res. 459. Joint resolution to amend the joint resolution entitled "Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes."

On February 12, 1936:

H. J. Res. 307. Joint resolution authorizing the erection of a memorial to the early settlers whose land grants embrace the site of the Federal City.

On February 13, 1936:

H. R. 10929. An act to amend the District of Columbia Unemployment Compensation Act with respect to excepted employment.

PRIVILEGES OF THE HOUSE

Mr. TABER. Mr. Speaker, I rise to a question of the privilcges of the House.

Mr. Speaker, on Friday last, on page 2068 of the RECORD, I reserved the right to object to the extension of remarks which the gentleman from Washington [Mr. ZIONCHECK] requested at that time. As I understood, the gentleman stated it would not take over a half page for his extension of remarks in the RECORD. The RECORD shows he said a page and a half. There were inserted in the RECORD certain tables, which run from page 2069 to page 2081, a total of 13 pages, at a cost to the Government of $565.

Mr. Speaker, it seems to me that is an abuse of the privileges of the House in this manner and should not be tolerated. If a Member asks unanimous consent in connection with extension of remarks to cover a page and a half and inserts in the RECORD a total of 13 pages, it seems to me the extension should not be permitted by the RECORD clerk.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Washington.

Mr. ZIONCHECK. I admit that I said it would take a page and a half. I thought at the time that the statement was true. I admit that this extension cost $565, but I was trying to save the Government $23,000,000, and the gentleman from New York [Mr. TABER] was not here to help me. I was trying to keep the appropriation down.

Mr. TABER. I was here.

Mr. ZIONCHECK. The gentleman did not try to save any money that day.

Mr. TABER. Yes; I was.

Mr. ZIONCHECK. I was trying to save $23,000,000.

Mr. TABER. Mr. Speaker, it seems to me that when a Member causes an extension of that character to be inserted in the CONGRESSIONAL RECORD it should not go unnoticed. I do not think the extension should be permitted to stay in the RECORD under the circumstances.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Washington.

Mr. ZIONCHECK. I want to apologize for the length of the extension. I was in such a big hurry that day I did not have time to figure it out. I was moving too fast. I did not do it intentionally. Of course, I put it in intentionally, but I did not intend that it take over a page and a half. I am not a printer, and I did not know how much space these things would take.

Mr. RICH. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Pennsylvania.

Mr. RICH. It seems to me that the gentleman from Washington [Mr. ZIONCHECK] ought to apologize to the gentleman from New York, because, if there is anyone in the House of Representatives trying to save money for this Government, it is the gentleman from New York [Mr. TABER].

The SPEAKER. The Chair will state that the question of the privileges of the House should properly be brought before the House by way of a resolution. That has not been done in this case, and the Chair, therefore, feels that the question of privilege has not been presented in proper form.

The Chair will say that there are three special orders today—one under which the gentleman from Georgia [Mr. Cox] is permitted 30 minutes to address the House immediately after the reading of the Journal and disposition of business on the Speaker's desk. This is to be followed by the gentleman from Maine [Mr. HAMLIN], who will address the House for 15 minutes, to be followed by the gentleman from Minnesota [Mr. KNUTSON], for 10 minutes. Of course, any recognitions that are made now are made subject to the consent of these gentlemen, because under the special order of the House they have the right to the floor at this time.

Mr. WOODRUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WOODRUM. Mr. Speaker, in the interest of orderly procedure, I should like to propound a parliamentary inquiry to the Speaker.

If I understand the rules of the House, they provide that in debate should a Member desire to address the House or the Speaker he must first secure recognition of the Speaker. If a Member has the floor and is addressing the House or the Speaker and another Member desires to interrogate him, interrupt, or interject remarks, he must first secure the permission of the Member who has the floor.

Mr. Speaker, I observe a custom growing up here of Members getting up and a number of them talking at once, with the Speaker pounding for order. It seems to me that they must not understand the rules, or else I do not understand them. I do not understand that under the rules a Member has a right to cut into another Member's speech, or interrupt the Member when he is trying to speak, or while the Speaker is trying to make a ruling or is addressing the House. I think the Speaker should rule on this matter.

The SPEAKER. The gentleman is correct. The Chair has had occasion several times, according to his distinct recollection, to call this rule to the attention of the Members of the House. It is a violation of the rules of the House for a Member to interrupt another Member when he has the floor without first addressing the Chair and obtaining the consent of the Member having the floor before he interrupts.

In order that the matter may be entirely plain, the Chair is going to read the rule to the House for the third or fourth time. The rule provides:

> When any Member desires to speak or deliver any matter to the House he shall rise and respectfully address himself to Mr. Speaker, and on being recognized may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

The gentleman from Virginia [Mr. WOODRUM] is correct. Whenever a Member has the floor and is addressing himself to any subject before the House, under the rules, a Member who desires to interrupt him should first address the Chair. After addressing the Chair and obtaining the consent of the Member for the interruption, of course, he may then proceed subject to the wish of the Member who has the floor at the time.

As the Chair has stated, there are three special orders for today. The Chair will not recognize any Member who wishes to address the House for any length of time without the consent of these three gentlemen.

The Chair will recognize at this time requests for correction of the RECORD, the presentation of a rule, or any matter of that kind which does not involve debate.

PRICE LEVEL

Mr. GOLDSBOROUGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include

therein a resolution passed by the Maryland Farm Bureau Federation at its recent meeting on the question of price levels. It is a very short resolution.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GOLDSBOROUGH. Mr. Speaker, under leave to extend my remarks in the RECORD I include a resolution passed by the Maryland Farm Bureau Federation at its recent meeting on the question of price levels, as follows:

The past 6 years has seen the general price level go from the high level of 1929 to the low of 1932.

The experiences of the past have proved that in an abrupt price-level change salaries always lag from 5 to 10 years behind prices. Farm prices today are still out of fair relation to taxes, freight rates, farm machinery, professional services, etc.

During a time that price disparity exists, interchange of goods between farm groups and other groups is greatly decreased. Farmers with low purchasing power meet only necessary obligations, their farm buildings and equipment suffer, education and health are neglected, and millions of idle men walk the street.

Prosperity cannot return when agriculture furnishes one-sixth the Nation's capital, represents one-fourth the gainfully employed labor, and receives only one-tenth the national income.

On May 8 last, Representative ALAN GOLDSBOROUGH, of our State, introduced an amendment to the banking bill which was lost by a vote of 122 to 128. Had this amendment passed, it would have made it mandatory that the price level be raised to the 1926 level. It would have created legislation to prevent violent price-level fluctuations; be it therefore

Resolved, That we reaffirm our position on backing the A. F. B. F. in their program for monetary reform.

We believe that the right time to enact legislation, to restore price levels and create a managed currency is now while the entire Nation knows that the need exists; be it further

Resolved, That we send a copy of this resolution to President O'Neal, of the American Farm Bureau Federation, and to the committee for the Nation.

EXTENSION OF REMARKS

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to extend my remarks by placing in the RECORD at this point a brief letter I have received from Lawrence Westbrook, Assistant Administrator of the Works Progress Administration, in explanation of a situation existing there concerning which I made a talk on the floor a few days ago.

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask the majority leader if he is going to permit this matter to go into the RECORD at this point?

Mr. LANHAM. May I say to the gentleman the only reason I ask that is because it is in explanation of a situation about which I myself talked on the floor.

Mr. MARTIN of Massachusetts. This is merely an extension of the RECORD?

Mr. LANHAM. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The matter referred to follows:

WORKS PROGRESS ADMINISTRATION,
Washington, D. C., February 15, 1936.

MY DEAR CONGRESSMAN LANHAM: In agreement with my conversation with you today I am giving you herewith the circumstances under which officers from the Corps of Engineers of the Army were assigned to duty with this Administration.

In September 1935 the Works Progress Administrator, who was faced with the problem of placing in operation a large works program under which nearly 3,000,000 people would be given employment, requested that the Chief of Engineers of the Army act as an engineering adviser to him and that the services of a limited number of officers of the Corps of Engineers be made available to the Works Progress Administration. Instructions to effect this were transmitted by the President to the Secretary of War. In accordance with these instructions certain officers of the Corps of Engineers have been on temporary duty with the Works Progress Administration since the end of September of last year. The maximum number so detailed at any one time was 43, and the present number is 37. Both of these totals include five officers who give a portion of the time to the Works Progress Administration while continuing to carry on their regular duties under the War Department.

In making these officers available the Chief of Engineers has cooperated splendidly with the Works Progress Administration in the face of the fact that the greatly increased volume of work for which he is responsible made it difficult to release his officers for this purpose. It has been understood and agreed between the Works Progress Administrator and the Chief of Engineers that the arrangement is of a temporary nature, and it is the present intention of the Works Progress Administration to release the majority of these officers within the next 2 months, so that they may return to their regular duties.

These officers were detailed to the Works Progress Administration during a period which involved extreme difficulties in organizing and putting in operation a gigantic employment program. They have given faithful and efficient service at much personal inconvenience and considerable uncompensated expense to themselves, and their contribution to the success in carrying out the President's purpose of providing employment by work on useful projects has been an outstanding one. Civilian engineers, capable of performing the very important specific duties assigned to these officers, could not have possibly been obtained for the short length of time that their services were required.

There are, however, approximately 4,000 civilian engineers employed to supervise the 75,000 separate W. P. A. projects now operating. It will thus be seen that the engineers detailed from the Corps of Engineers of the Army represent less than 1 percent of the total engineering personnel utilized by this Administration.

Thanking you for giving me the opportunity to clarify this misunderstanding, I am,

Very sincerely yours,

LAWRENCE WESTBROOK,
Assistant Administrator.

The Honorable FRITZ LANHAM,
House Office Building, Washington, D. C.

ORDER OF PROCEDURE

Mr. ZIONCHECK. Mr. Speaker, I rise now to ask unanimous consent to comment upon the Speaker's ruling; in other words, I want the RECORD to show that this breaking into the RECORD with remarks has been going on right along.

Mr. Speaker, I submit a point of order.

The SPEAKER. The gentleman will state it.

Mr. ZIONCHECK. The Chair made some remarks and read the rule. We all know the rule; but the custom has been otherwise, and one has to fight fire with fire here, and I want the RECORD to show that.

The SPEAKER. The gentleman will state his point of order.

Mr. ZIONCHECK. I will observe the rule if they will.

Mr. BOYLAN. Regular order, Mr. Speaker.

The SPEAKER. The Chair made reference to no particular individual in the House. The Chair was simply calling the attention of all the Members of the House to the rules under which it is intended the House shall proceed.

AGRICULTURE—A LOCAL ACTIVITY AND A NATIONAL PROBLEM

Mr. LARRABEE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address made by the Honorable Henry A. Wallace, Secretary of Agriculture, at Indianapolis, February 12.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LARRABEE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement of Hon. Henry A. Wallace, Secretary of Agriculture, at a meeting of the Indiana Farm Bureau Federation at Indianapolis, Ind., February 12, 1936:

Recent decisions of the United States Supreme Court have compelled the American people to reexamine the responsibility of the Federal Government toward agriculture and the general welfare. The power of the Federal Government to "promote the general welfare" has been questioned, in fact if not in theory. A venerable doctrine—the doctrine of States' rights—has been injected into the farm problem.

Lincoln's Birthday is an appropriate time on which to discuss matters like these. Lincoln had to define for his generation the general welfare and Federal responsibility for it. He knew something about such diverse things as agriculture and States' rights.

But first, let us think of the man himself. It may be he was a genius; certainly he was a complex character and a lonely one. We do not always understand lonely men, but they may have qualities which draw us to them. We all like to remember Lincoln for his most obvious virtues, his passionate sense of justice and his scorn of injustice, his kindliness, his capacity for pity, his earthly humor, and a wisdom which seemed to come from a source deep within him.

A man with these qualities is likely to have enemies. Lincoln had many of them. They denounced him as a dangerous radical. From their point of view, the description was accurate. He challenged economic, social, and political institutions which they did not wish to see challenged. He was dissatisfied with things as they were, and insisted on talking about things as they ought to be. By the time he was 27 he had spoken out in favor of woman suffrage—at least two generations ahead of his time. When he was 33 he was on record on two other issues. Speaking on Washington's Birthday, 1842, he said: "And when the victory shall be complete, when there shall be neither a slave nor a

drunkard on the earth, how proud the title of that land which may truly claim to be the birthplace and the cradle of both those revolutions that shall have ended in that victory." And we must remember that in that day slave property was almost as sacred as corporate property is today.

Against a man with such views, and who insisted upon expressing them at the most inopportune times, such men as Douglas were logical opponents. Today we remember Douglas chiefly because he debated with Lincoln, but at that time he was popular in the best circles, possessed the most distinguished political and social connections, and therefore was known to hold only the "soundest" ideas—the ideas; that is, held by those who thought Lincoln uncouth and a dangerous radical.

Lincoln's ideas, however, are less important to us today than his attitude, his spirit. This occasion will be wasted unless we can use it to recapture, if possible, some of the spirit of Lincoln. Our problems are different, and our solutions certainly will not be the solutions forced on Lincoln; but we can profitably recall his attitude toward the problems and events of his day.

I suppose no American has ever studied the Constitution and the ideas of the founding fathers more earnestly and honestly than Lincoln. As a result, he felt he knew what the Constitution was for, and what it was not for. He wished to be guided by the intent and spirit of the Constitution as expressed in the preamble. He seemed to take the view taken by some of the greatest interpreters of the Constitution. Justice Story, for example, told the narrow constructionists of his day that all provisions of the Constitution are to be interpreted in harmony with the preamble.

From the bottom of his heart Lincoln believed slavery wrong, and said so. But until the tragedy of war overtook him he did not propose to molest slavery in the States where it was established. He hoped peaceful forces would in time provide the remedy there. But that slavery should be extended to the Territories, and perhaps even into the free States, was to him unthinkable. He was sure that the men who framed the Constitution neither expected nor desired to see slavery extended. Certainly many of them spoke with longing of the day when it might be abolished.

It was therefore a terrific shock to Lincoln to have the Supreme Court rule in the Dred Scott case that a slave owner could take his slaves into a Territory. In effect that made slavery legal in a Territory, even though the people of the Territory might wish otherwise.

In 1856, a year before the decision was handed down by a divided Court, Lincoln thought the issue might be settled by a decision of the Supreme Court. But when the decision came, when he grasped the full import of it, he knew he could not and the Nation ought not accept it as final.

Lincoln was reluctant, however, to join in the savage attacks of the extreme Abolitionists, such as the New York Tribune under Horace Greeley, for he cherished an abiding respect for the traditions of the Court and the ideals it was established to serve. But it seemed to him a choice between the Constitution and the Court, and he chose the Constitution.

He knew that the Court did not have to pass upon the constitutionality of the Missouri Compromise Act at all—an act in existence, incidentally, for 27 years at the time of the Dred Scott decision. In fact, the Court had first agreed to avoid deciding the case on the broad constitutional grounds, but for a variety of reasons changed its mind and finally handed down a decision in which a majority held the Compromise Act unconstitutional.

The extreme Abolitionists immediately launched a bitter attack on Chief Justice Taney and the majority. The New York Tribune, which had previously accused the justices of being "artful dodgers" for postponing a decision until after the election of Buchanan, now began a daily onslaught against the Court. The Tribune summed up its attitude when it said that the Dred Scott decision "is entitled to just so much moral weight as would be the judgment of a majority of those congregated in any Washington barroom."

Lincoln's language, by contrast, was temperate and statesmanlike. He took the view that the Dred Scott decision was a tragic abuse of judicial power. He knew that the majority on the Court had misread the trend and the temper of the times. He would have been amazed to learn, what we now know, that the judges did not realize in the slightest degree the effect the decision was to have, nor did they doubt that a decision by them would actually settle the issue.

In 1858, in his debates with Douglas, Lincoln stated that he declined to abide by the decision as rendered. Let me give you Lincoln's exact words:

"* * * we think the Dred Scott decision is erroneous. We know the Court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this. We offer no resistance to it."

And in his inaugural address in 1861, while still expressing his belief that constitutional questions could be decided by the Supreme Court, he added:

"At the same time the candid citizen must confess that if the policy of the Government, upon vital questions affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal."

These statements did not silence Lincoln's enemies. They continued to charge that he was violating his oath of office; that he was undermining faith in the Supreme Court; that he was a demagogue, a breeder of sectional hatred; and that he was out to wreck the Constitution. To these attacks Lincoln made effective reply in a letter to A. G. Hodges on April 4, 1864. He summed up his attitude in the following words:

"I took an oath that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States. * * * I understand, however, that my oath to preserve the Constitution * * * imposed upon me the duty of preserving, by every indispensable means, that Government, that Nation of which the Constitution was the organic law. Was it possible to lose the Nation and yet preserve the Constitution? By general law, life and limb must be protected; yet often a limb must be amputated to save a life, but a life is never wisely given to save a limb.

"I felt that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the Nation. Right or wrong, I assumed this ground and now avow it. I could not feel that, to the best of my ability, I had even tried to preserve the Constitution if to save slavery or any minor matter I should permit the wreck of the Government, country, and Constitution all together."

In the years since Lincoln fortunately no issue has become as acute as that which he faced. The issues before us today are difficult and full of grave meaning, but it is still possible, I hope, to discuss them calmly and reasonably.

By the time Lincoln had reached the Presidency the die was cast, the tragedy well toward conclusion.

The cynic says the only thing we learn from history is that we learn nothing from history. I do not believe that. As a people we have learned some things from the tragedy of the Civil War, and one of them is that to prevent fatal conflict we must deal courageously with conflicting forces and interests long before the conflict becomes acute. We shall be able to do that, it seems to me, if all of us—whether in the executive, the legislative, or the judicial branches of government, whether a private citizen or a Government officer—can in some degree recapture the spirit with which Abraham Lincoln approached the Court and the Constitution.

On occasions when it is apparent that the Supreme Court has reached decisions plainly wrong—wrong because they are in opposition to fundamental economic and social trends of the times, or wrong because they are unjust, however legal—on such occasions it is the duty of citizens and officers of the Government to point out the error of the Court. Unless we can do this, preferably in the calm, matured way in which Lincoln did it, then we have a judicial dictatorship. Whatever else the founding fathers may have intended, they did not intend a dictatorship by any one of the three branches of government, least of all by the branch most removed from contact with or restraint by the people.

As the three dissenting Justices in the Hoosac Mills case reminded the majority of the Court, "while unconstitutional exercise of power by the executive and legislative branches of the Government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self-restraint. For the removal of unwise laws from the statute books appeal lies not to the courts but to the ballot and to the processes of democratic government." In other words, when judges are lacking in self-restraint, we have the makings of a judicial dictatorship.

We once had a law making it an offense to criticize the President. That was in 1798. Public resentment at that law helped Thomas Jefferson organize the Democratic Party and sweep into power in 1801. Jefferson could think of nothing more abhorrent to our form of government than a law or a custom which in any way interfered with freedom of speech. He was shocked that freedom of speech, among other inalienable rights, had not been written into the Constitution by the Constitutional Convention, and he urged immediate passage of the first few amendments to guarantee such rights. In his Presidency he was as cruelly attacked as Lincoln was in his, but he stuck to his belief in freedom of speech. He also asserted his own right, both as President and as a private citizen, to say exactly what he thought. He was one of an impressive list of Presidents to disagree with decisions of the Supreme Court and to say that a wrong decision ought not to be allowed to stand.

It is therefore not only the constitutional right but the privilege and duty of the conscientious American citizen to speak his mind about any governmental act or policy which he believes to be wrong. Do you know of any reason why that privilege and duty should be applied to the executive and the legislative branches and not to the judiciary? Were Jefferson, Jackson, Lincoln, Grant, and Theodore Roosevelt un-American because they disagreed with judicial decisions?

Partisan considerations and financial considerations may cause some people to think so, but I cannot believe that the members of the Supreme Court think so. I know that William Howard Taft, when a circuit court judge, said that "the opportunity freely and publicly to criticize judicial action is of vastly more importance to the body politic than the immunity of courts and judges from unjust aspersions and attack." I know that Mr. Justice Brewer, long an honored member of the Supreme Court, wrote in 1898 as follows:

"It is a mistake to suppose that the Supreme Court is either honored or helped by being spoken of as beyond criticism. On the contrary, the life and character of its justices should be the objects of constant watchfulness by all, and its judgments subject to the freest criticism. The time is past in the history of the world when any living man or body of men can be set on a

pedestal and decorated with a halo. True, many criticisms may be, like their authors, devoid of good taste, but better all sorts of criticism than no criticism at all. The moving waters are full of life and health; only in the still waters is stagnation and death."

The wisest members of the Supreme Court during the past 150 years have repeatedly disclaimed infallibility. Men have emotions and prejudices, you know, however conscientiously they may try to stifle them. But, beyond and above all this, how in the world can our system of government possibly function unless the people are free to examine and criticize the actions of all three branches? Our system of government has endured as long as it has in large part because the American people have been free to demand of all three branches of government accountability to the sovereign will of the people.

I have suggested that the decision in the Hoosac Mills case, in which the Agricultural Adjustment Act was declared in violation of States' rights by a majority of the Supreme Court, compels us to reexamine the responsibility of the Federal Government toward agriculture. Until this decision the prevailing notion of Federal responsibility was based upon a long series of declarations and legislative acts, the declarations beginning with George Washington, the legislative acts beginning mainly in the administration of Abraham Lincoln.

There is no need to rehearse all of those today. You must be familiar with the interest of the founding fathers in agriculture and of the prevailing opinion, expressed by Washington in his Farewell Address. "It will not be doubted", he declared, "that with reference either to individual or national welfare agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse, and to what object can it be dedicated with greater propriety?"

It was in Lincoln's administration that the homestead bill became law, and the western plains were thrown open to our pioneer grandfathers. It was Abraham Lincoln who signed the act of Congress creating a Federal Department of Agriculture. Again it was Lincoln who signed the Morrill Act, granting large tracts of public lands to the States on condition that they would establish, with receipts from the sale of lands, colleges for the promotion of agriculture and the mechanic arts. Our whole system of agricultural research and education dates from Lincoln's time.

Apparently Lincoln and his contemporaries, like Washington and his, thought the Federal Government had wide and enduring responsibilities toward agriculture. By the legislation Lincoln signed, by the agricultural legislation enacted between his time and the period of the World War, a complex institution was created primarily with one purpose—to make the United States safe for an increasing population. The Homestead Acts served this purpose by enormously expanding the amount of land put under the plow; the other legislation served this purpose by helping farmers grow two blades of grass where only one grew before. Where this was not always the purpose it was at least the effect.

The full flowering of this legislation came in the World War period in the days of the Food Administration, of the Food-Production and the Food-Control Acts. The armies of our Allies needed food. To make up the European deficiency, wrote Food Administrator Herbert Hoover in 1917, "this country must export 220,000,000 bushels of wheat as against our normal export of 88,000,000 bushels. In addition, we must furnish them with 400,000,000 bushels of other cereals as against our normal pre-war export of less than 50,000,000 bushels."

The campaign to produce more wheat, and still more wheat, began with a whoop. The Extension Service put on hundreds of emergency agents. Posters, "pep" talks, prayers, and the lure of higher prices pulled the Wheat Belt out of shape. In the South, farmers were urged to grow as much as possible of their food and feed at home in order to have plenty for export. Consumers went through meatless days, wheatless days, and so on, that the export flow might keep up. The Secretary of Agriculture urged farmers to adopt measures to secure maximum returns from their farms, and the colleges and extension agents were busy suggesting what those measures should be, and how to apply them. The Department of Agriculture, in cooperation with the Food Administration, went so far as to determine the food needs at home and abroad, and suggested the needed acreage of wheat for each State.

In response to all this stimulation, not forgetting, of course, the stimulus of price, the farmers by the end of 1918 had added an area about the size of Illinois to the farm plant of the United States. Comparing 1918 with 1914, the total acreage of tilled crops was increased about 11 percent. Wheat acreage harvested reached its peak in 1919—the lofty summit of 75,000,000 acres, as compared with a pre-war average of less than 50,000,000 acres.

I suppose agriculture in those days was as much "a purely local activity" as a majority of the Supreme Court now says that it is, but that did not prevent the Federal Government from bringing a direct influence to bear on the individual farming operations of some 6,000,000 farmers. The Government did not make contracts with the farmers; it used the more potent, if less controllable, device of high-pressure propaganda. Legally there was no compulsion; actually there was the most overwhelming compulsion of all—the compulsion of a Government-directed public opinion.

In the war period the Federal Government's long-time effort to stimulate agricultural production reached its climax. From 1862 through 1920 the Federal Government conceived its responsibility toward agriculture in terms of methods to increase production. Individual farm efficiency was, of course, emphasized, as was increased production per unit in order to lower costs; but the result—a result fervently desired during the war—was a bigger output of wheat and corn, cotton and tobacco, hogs, cattle, and everything else.

In all the years during which the Federal Government has used its power to increase production, not once has that power been questioned. In the use of those powers the courts have never interfered. Not once has anyone so much as suggested that the Federal Government was violating State rights.

Since January 6 I have wondered about this a great deal. It must be that the Federal Government has the power to stimulate production but not to help farmers obtain balanced production in the general interest, and that the States reserve the power to control production but not to stimulate it. If this is so there is more in the tenth amendment to the Constitution than meets the eye. At all events, it is a disturbing fact that the States have often succeeded in stimulating agricultural production but never in controlling it.

From 1862 through 1920 the effect of the Federal Government's interpretation of its duty toward agriculture was to increase production. So long as the market for that production kept increasing at the same rate everybody was happy.

But the market didn't keep on expanding at the same rate. It contracted in 1921, had a fake expansion until 1930, and then contracted with a force that still has us in its grip. Under these circumstances, what should be the responsibility of the Federal Government toward agriculture? Should it persuade farmers to produce wheat and cotton for a foreign market which doesn't exist? Or should it fool them into producing for that nonexistent market by means of Farm Board-ish subsidies?

Before answering these questions let's look further into the record of the Federal Government's activities in relation to agriculture. To increase production, it must be acknowledged, was the effect if not always the purpose of most farm legislation between 1862 and 1920. Now it might be supposed that the end of the war would have changed the emphasis. Europe soon needed less of our raw materials. Overnight we had become a creditor nation, and a creditor nation can only maintain its export trade by a liberal tariff policy.

But between 1920 and 1933 we refused to behave like a creditor nation. We boosted tariffs higher and higher; we put an artificial and temporary prop of foreign loans under exports; we pursued an agricultural policy which had the effect of increasing agricultural production at the very time our tariff policy was restricting the market for our exports. Then came the deluge, of unpleasant memory.

It would not be fair to say that the Federal Government was the only influence stimulating production during the post-war period. The development of the tractor, the growth of industry were, of course, large factors. But the Federal Government's policies contributed heavily. I used to say that a government which fails to face the consequences of its own stimulation of agriculture is criminally negligent. I still think so.

One more factor in this post-war period should be mentioned. The disparity between agricultural and industrial prices was an outstanding fact of the depression. There is a clear connection between inflexible industrial prices and the concentration of industrial power within a relatively few corporations. Presumably we have antitrust laws in this country, but they haven't stopped the trend from little business to big business, and they haven't seriously interfered with the power of huge corporate combines to dictate the economic terms for the rest of us. Do you recall any instance between 1920 and 1932 in which the Federal Government effectively checked the power of the large corporation to maintain inflexible prices and to reduce its production whenever it found it necessary? Yet the very people who defend the right of industry to reduce production and maintain price deny agriculture the same right—even when that right was only being exercised with respect to the foreign market.

To remove the disparity between farm and industrial prices was an objective of the Agricultural Adjustment Act. When a majority of the Supreme Court held on January 6 that the act violated States' rights, a variety of opinions about a substitute for the Adjustment Act blossomed forth.

There were some who asserted that agriculture had fully recovered and could get along without the use of any governmental powers. Coming from persons who had been extremely critical of the adjustment program, this was indeed a handsome tribute. This meant that in less than 3 years agriculture's desperate economic illness had been completely cured. Farmers know, if some other people don't, that this is too rosy a picture. Farmers know that present prices of farm products are not far from parity, thanks to the healthier supply-and-demand situation which has been brought about. But farmers also know that with foreign markets still largely closed, normal yields would again bring on a condition of unbalance similar to that which resulted in the low prices of 1931 and 1932. With some commodities this might come by 1937 but with others not until 1938 or 1939, depending on the weather.

Right here I would like to puncture a misstatement which has been given currency and emphasis by some speakers and newspapers. This is the statement that the President predicted last May that if the Nation abandoned crop control, wheat would "immediately" drop to 36 cents a bushel and cotton to 5 cents a pound. If the President had actually said this, he would not have been a good prophet, because these prices have not yet fallen to any such extent. I was curious to know if the President

were really as poor a prophet as he has been made out to be, and so I looked up the record of what he had actually said. I found that what he had actually said was that if all Federal relationship to a crop, whether it was the method of crop control or some other method, were abandoned, then 36-cent wheat and 5-cent cotton would follow. But he did not use the word "immediately" in this connection at all, nor did he base his remarks solely on the possible ending of crop control. So much for that story. It only goes to show that many words written or spoken in a campaign year are to be taken with a grain of salt.

And while you have your hand in the salt barrel, take out a handful for use on some of these stories which explain that the processors are really entitled to the $300,000,000 of impounded and other outstanding taxes recently ordered released to them by the Supreme Court. Mr. George Wharton Pepper, counsel for many of the processors and chief counsel against the Government in the Hoosac Mills case, again comes to bat for his clients, as a good lawyer should. After calling upon me to retract my statements, he gratefully acknowledges that the Supreme Court rescued a number of pork packers from financial embarrassment and, in some cases, from bankruptcy. Mr. Pepper might as well know now that I have nothing to retract.

But his gratitude that his clients have been saved from bankruptcy is more significant. I don't know which packers he has in mind, but I do know that 14 meat packers, including the largest ones, have had impounded hog-processing taxes amounting to $40,000,000, or about 80 percent of all impounded hog-processing taxes. If this $40,000,000 goes back to these 14 packers, and if they are allowed to keep it, they will have a gift probably four times as great as their 1934 profits on hogs. That should prevent almost any conceivable degree of financial embarrassment.

Fortunately, many processors—probably a large majority—do not look on these impounded processing taxes as Mr. Pepper and a few of the packers do. Most of the processors know and admit—as representatives of the largest packers did in 1933—that the tax was either passed on to the consumer or back to the farmer. Consequently they now look on the impounded funds as "hot" money, and they would welcome any fair method of dealing with it. It seems to me that the sense of fair play and justice of the American people will eventually take care of this situation.

Returning, now, to the problem of finding a substitute for the Adjustment Act:

When the Nation reviewed the situation brought about by the Supreme Court decision, the consensus of opinion was that something must be done for agriculture. Also, the prevailing opinion was that there must be cash assistance to farmers.

Among those favoring direct, tangible assistance some difference of opinion has arisen as to the form it should take and what kind of plan should accompany it. Some persons argue that the Federal Government should no longer be concerned with the farmers' production, that some form of subsidy, such as the so-called domestic allotment plan, would be sufficient. Now, without going into a long discussion of the details of various proposals, I just want to bring out one fact. That is that the amount of money paid out to farmers in benefit payments under the A. A. A. can account for only part of the gain in farm income since 1932, and the smaller part at that. An improved supply-and-demand situation has accounted for most of the gain. Let us ask those who favor a subsidy alone, therefore, how much subsidy would have been needed in 1933, 1934, and 1935 to give farmers the gain in income they actually got by a combination of benefit payments and adjustment programs.

Those of us in this administration who have seen the farm cash income go up from $4,400,000,000 in 1932 to $6,900,000,000 in 1935 did not wish to leave agriculture worse than we had found it. Hence we could not favor any plan which left out of account factors of supply and demand for farm products. After we had studied the two opinions of the Supreme Court in the Hoosac case, and the limitations laid down by the majority opinion, we concluded that the best approach to the problem was through the method of Government encouragement of soil conservation by farmers. Bills embodying this approach are now being considered by both Houses of Congress.

While it remains to be seen just what form the plan will take when and if it is finally enacted, I can explain here the essentials of the plan as embodied in the bills already approved by the Senate and House Agricultural Committees. Briefly, the plan provides for grants by the Federal Government to the States, which in turn may reward farmers who follow practices of soil conservation on their farms. Since some time will necessarily elapse before a sufficient number of States can enact laws to take advantage of the Federal aid, provision is made temporarily for the grants to go from the Federal Government direct to individual farmers who have made application and who show that they have met the specified conditions.

I don't see how anyone can successfully contend that this plan would not be for the general welfare. Not only would it help protect and conserve the land that is still productive, but it would go a long way toward maintaining a healthy supply-and-demand situation in the export commodities. The plan would assist farmers in practicing the kind of "good farming" that they have long wanted to follow, but were not able because of the necessity, from month to month and year to year, of making both ends meet. Farmers, if assisted in producing the soil-building crops which are needed, will be under less pressure to produce surpluses of other crops which are not needed. If fair prices for farm products are thus achieved and maintained, the present level of farm income will be maintained and, I hope, improved.

When the Agricultural Adjustment Act was passed in 1933 it represented, perhaps, the best bill that could be devised at the time and under the circumstances. It was closely in accord with the platforms of both the great political parties of 1932. A sincere attempt was made by farm leaders and Members of Congress to formulate a measure that would be in accord with the Constitution. However, under the procedure that the lawyers and judges of the country have built up over the years it was not possible to obtain an opinion from the Court in advance. The Nation could only work and wait. After nearly 3 years of work the farmers cooperating under the act were surprised and dismayed to be told by the majority of the Court that the assistance they had been receiving from the Federal Government represented an invasion of the rights of the States and therefore was in violation of the Constitution. When the law was passed most of us thought it was constitutional. Some of us, including three justices of the Supreme Court, think so still. But, not possessing powers of prevision or clairvoyance, we could not tell in advance what the majority of the Court would say.

This new plan is a sincere attempt to operate within the limitations laid down by the majority of the Court. I myself am convinced that it is constitutional in the sense of meeting those limitations as well as in the sense of coming within the actual meaning of the Constitution itself. I believe that some form of this plan will pass Congress with bipartisan support, will be signed by the President, and will meet with the approval of a majority of the people.

One question remains: Will it meet the approval of the Supreme Court? No one can really answer that question but the Court. Precedents, so beloved of the legal mind, may give the final answer; and because there are so many precedents, and so many possibilities of choosing this precedent and ignoring that one, the final answer can never be forecast with any assurance. As students of Supreme Court decisions have pointed out, the Court now has in every case involving economic conflict two lines of precedents—one leading to one conclusion; the other to the contrary. A judge may therefore, in all sincerity, choose either line, depending upon his own economic views.

We believe the Supreme Court will approve the new legislation if it recognizes any one of the three following propositions:

1. The fact of the Nation-wide interdependence of all commerce, from the humblest farm to the largest corporation;

2. The extent to which the doctrine of State rights is being used as the final refuge for antisocial corporations; and

3. Federal responsibility for the post-war agricultural dilemma.

If it was the proper function of the Federal Government in wartime to encourage farmers to plow up land which should never have been plowed, in order to produce wheat for our Allies; if the Federal Government was justified in encouraging the mining of our soil to supply a European demand which has now disappeared, then it seems to me no less the Federal Government's proper function to encourage the return of that land to grass and trees, to make it worth the farmer's while to improve the soil's fertility by planting soil-building crops. For this generation owes a duty to generations yet unborn to hand on to them an agricultural heritage which will supply this country in the future and on which they, too, can make a living—and, let us hope, a better living than this generation has made. If in exercising our duty to the generations yet unborn we can also minister to the welfare of the people of today, it would seem that all understanding men could arrive at but one opinion. Could anything be more squarely in line with the words of the Constitution's preamble: To "promote the general welfare"?

Farmers ask no more and no less than the moral, economic, and political equivalent of the advantages enjoyed by industry through the corporate form of organization and the protective tariff. Farmers are willing to have their demands checked against any fair, living interpretation of the general welfare. They have not and will not deliberately reduce production below the needs of domestic consumers. They are prepared to do their full share toward a national economic goal of this sort: Increased, balanced production of the things we all really need and want, at prices low enough to keep the stuff moving into consumption, yet high enough to keep producers producing, and with income so distributed that none shall be denied participation in consumption except those who refuse to work, with scrupulous regard for our remaining natural resources and by means in harmony with our traditional democratic processes.

Surely this sort of goal is in the general welfare and in the spirit of the living Constitution. Farmers believe in a living Constitution, not a thing of rigid, mechanical design. Farmers believe, with Lincoln, that any interpretation of the Constitution which does not serve the people is out of harmony with the purposes of the Constitution and the founding fathers. Like Lincoln, we ask for national action wherever and whenever it is necessary to solve national problems. In the spirit of Lincoln, and against the background of the forces and events of our own day, let us here and now pledge ourselves to a new unity in the interests of the general welfare.

THE SUPREME COURT AND GOVERNMENT BY THE PEOPLE

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to include in the Appendix of the RECORD an address made by Senator WARREN R. AUSTIN, of Vermont.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, under leave to extend my remarks in the RECORD, I desire to have printed in the RECORD the following radio address on the Supreme Court and Government by the People delivered by the able senior Senator from Vermont, Hon. WARREN R. AUSTIN, on February 6, 1936, over the Yankee network.

Fellow New Englanders, the invitation of the Yankee network to speak to the people of New England, in a 15-minute broadcast, regarding issues pending in this Seventy-fourth Congress, excites consideration of the pending proposals to amend the Constitution, and resolutions or bills, all tending to alter the American form of government by curbing the Supreme Court and increasing the power of Congress and the President.

They bring to instant prominence the questions: Shall the people continue to rule? or, Shall an uncurbed Congress and Executive monopolize sovereignty?

One proposal of amendment would prohibit any court of the United States or of any State passing on the constitutionality of Federal statutes.

One proposal would prohibit any Federal court from declaring a statute unconstitutional.

One joint resolution declares that the right to hold statutes unconstitutional does not exist, and that the courts have usurped this power, forbids its further exercise, and makes the act of passing on such question automatically vacate the office of the judge.

Four bills would take away the power of inferior Federal courts to pass on the question, thus stripping the Supreme Court of the largest part of its jurisdiction, viz, on appeals.

The first amendment above mentioned would also repeal the tenth amendment, which is that part of the Bill of Rights saving to the people of the several States all sovereignty not granted to the Federal Government.

Another class of amendments proposed would curtail the powers of the Court by granting to Congress power over local affairs: production, mining, manufacturing, agriculture, labor, etc.

One of this group grants enough power to Congress to create a completely socialized State. It enables Congress to tax instrumentalities of States. But the New Deal is most conspicuously delineated in the section reading:

"The Congress shall have power to delegate its legislative power to the President and/or to such agencies as he may select."

Another group of 14 proposals of amendment and bills would curtail the Supreme Court's power by various changes—in number of members, by requiring more than a majority rule, by providing for advisory opinions, and by limitations of time for testing the question.

One amendment would curb the Court as to production and sale of farm products and give Congress power to issue money based on farm commodities. One would give Congress control over farm production. One would increase the scope of the general-welfare clause so as to curb the Court.

Jointly and severally they present the issues of home rule and free government immediately before us.

We have enjoyed home rule and government by the people nationally because of two characteristics of our Federal system, viz:

(1) Reservation to the people of the several States of all sovereignty not expressly granted by them to the Federal Government; and

(2) Division of Federal functions—executive, legislative, and judicial—into three separate departments designed to check government against overreaching the will of the people, expressed in writing.

These two fortresses of liberty have been defended by decisions of the Supreme Court declaring void statutes which conflicted with the Constitution.

The Constitution is the people's law. It was made fixed by them because they had suffered tyranny under an unfixed constitution.

It protects the citizens from their Government. It cannot be changed by their Government. It can be changed only with their consent.

Meantime there must be some place to which citizens may go for protection against alteration by usurpation. They established the Supreme Court as that place. They did this by their Constitution. The Supreme Court derives its judicial power by a direct grant from the people. It cannot be taken away save by the people. In this it is unique. It does not receive its power from Congress, as other Federal courts do. The jurisdiction of the Supreme Court is divided by the Constitution into original and appellate jurisdiction, and the latter only is subject to exceptions and regulation by Congress.

Thus the United States, until afflicted with the New Deal, avoided centralization and decentralization, tyranny and anarchy, and maintained the highest degree of relative liberty and opportunity, among all governments, by the devices of independent sovereign States and limited and balanced Federal powers expressed in the written commission of the people.

New Deal acts, such as N. R. A. and A. A. A., were void because they struck down local self-government—without which the liberty reserved by the people did not and cannot exist. When required by specific cases brought by citizens to the Court, the Supreme Court functioned, as directed by the people, and declared the N. R. A. and A. A. A. inoperative.

The Court was the people's institution specially established for this purpose.

The denial of its right and power is not new. The Court has had to withstand such attacks many times. Jefferson bitterly expressed his reaction to the decision in *Gibbons* v. *Ogden*, which mapped out the course that Congress would follow for a century in regulating interstate commerce: "That body, like gravity, ever acting with noiseless foot and unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them." He was wrong, as proven by the decisions on N. R .A. and A. A. A., which saved those special governments.

This was the important period when the Court, under Marshall, was giving strength and vitality to nationalism. The critics then were the States' rights proponents.

Jackson was in collision with the National Bank case and Lincoln with the Dred Scott case, respectively. Lincoln's notes for debate with Douglas say. "I might as well preach Christianity to a grizzly bear as to preach Jefferson and Jackson to him." Douglas asserted: "He * * * keeps appealing each day from the Supreme Court of the United States to political meetings in the country. The Dred Scott decision was pronounced by the highest tribunal on earth. From that decision there is no appeal this side of Heaven."

Federalists condemned the Court one day and acclaimed it another. States righters complained one day and gave thanks another. New Dealers praised it for the gold-clause decision and criticized it for the N. R. A. decision.

But the Court is in possession of the right. It has exercised it for a century and a half as a logical development of the American system. Such judicial power was exercised in the several States.

The Constitutional Convention assumed it to exist. Twenty-three of the twenty-five men who dominated the Convention have been shown to recognize it. Every New England State acknowledged the right.

Connecticut adopted the Constitution on a representation by Oliver Ellsworth: "If the United States go beyond their powers, if they make a law which the Constitution does not authorize, it is void; and the judicial power, the national judges who, to secure their impartiality are to be made independent, will declare it to be void."

Massachusetts, New Hampshire, Rhode Island, and Vermont, in 1798, adopted resolutions counter to the famous Virginia and Kentucky resolutions touching the alien and sedition laws which expressly held that the authority of deciding on the constitutionality of any act or law of the Congress of the United States was vested exclusively in the judicial courts of the United States.

Though not expressly described in the Constitution, the right is clear, by necessary implication and inevitable practice. This right of the Court to declare statutes unconstitutional has been the rod by which the people have ruled their Government. The certainty of its use, notwithstanding the roaring of the transgressors, has punctuated the history of our remarkable progress, politically, socially, and economically. Its use has been the marvel and admiration of statesmen, jurists, and historians of other countries—Gladstone, Bryce, and DeToqueville, notably.

It has preserved our constitutional form of government. It has prevented a gap occurring between the limits and the powers of the several States and those of the Republic, and likewise, it has prevented the overlapping of those powers. It has made the frontiers and boundaries of jurisdiction clear.

When national sovereignty was at low ebb, the Court, under Marshall, turned the tide.

When the backwash of the War between the States threatened to engulf the South, the Court, under Salmon P. Chase, erected a dyke against the reaction.

Now, when the Federal Government attempts to destroy local self-government, the Court, under Hughes, throws up the barrier of judicial protection.

Recognizing that, by consent of the people, the form can be changed; i. e., through amendment; and assuming, but not admitting, that it can be changed without consent of the people; i. e., by statute; do we want it changed in this respect?

Do we want a parliamentary form of government?

Do we want to raise the power of statute law to the supremacy of a constitution?

Such is the tendency of the amendments, resolutions, and bills now pending.

Even the comparatively conservative amendments expressly enable Congress to legislate regarding production, manufacturing, and mining.

If the Federal Government occupies this field, local self-government will be driven out because a Federal statute and a State statute cannot occupy the same field. This field reaches the horizon of State life.

Assuming the need for bringing capitalistic civilization to a policy of social and economic justice, is the method advocated commendable, or is it too dangerous?

The Supreme Court does not determine or change policy. Its action is but a brake on speed.

Its power is simply the authority to dispose of a controversy before the Court in which one citizen who is a party to a case claims rights guaranteed to him by the Constitution. It is not the absolute negative or revision which was refused by the Constitutional Convention.

The Court applies it in the determination of the specific issue by measuring the statute with the fundamental law relied upon by the citizen.

If public opinion cherishes the centralization of power and the destruction of local self-government involved in the New Deal, the negation of the Court can be surmounted by these amendments.

The general consequence of centralization was expressed by a great New Englander, President Calvin Coolidge, in May 1926, thus:

"No method of procedure has ever been devised by which liberty could be divorced from local self-government. No plan of centralization has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction, and decline. * * *"

The scope and effect of the "must" legislation passed by Congress and found void by the independent, nonpolitical, unbiased, and courageous action of the Court, persuade those who are not New Dealers that we cannot afford to curb the Court and aggrandize Congress.

It is hoped that consideration of the other possibilities involved in the use of such power as the pending legislation would vest in Congress will persuade some New Dealers themselves.

An omnipotent Congress could muzzle the press and destroy free speech, enter our homes and search and seize without warrants, dragoon us with troops quartered in our houses, cut off communication between States and between persons within States, regiment every business and every farm, take over and communize the economic activity of the people, enslave us to a State religion; take away the right to trial by courts and juries, and subject us to penalties and punishments by acts of Congress, take our property without compensation, abolish process of law and create inquisitions, it could abolish States and set up soviets, and it could legislate the combination of President and Congress into permanent autocracy.

Granting that such a catalog of dire possibilities lacks the authenticity of even probability, yet we ought always to consider possible evils of a proposition to change the form of our Government. A probable evil from removing judicial power which should be a fiery cross rallying New Dealers as well as Republicans and Democrats against the propositions is the different and conflicting interpretations of the Constitution—as many as there are States—which could occur if we did not have the Supreme Court to unite us in one interpretation for all States and for all people.

In effect the proposals affirm that the States have finished their usefulness and ought to be extinguished, that the America of balanced powers has passed its zenith, and that we ought to have a President with powers comparable to those of Hitler or Mussolini, through a Congress authorized to delegate to him all legislative functions.

Is this the destiny of the America we are so proud of? No, not while Americans remain worthy of freedom. Yes, if Americans become incapable of self-discipline and self-government, not a written Constitution, not a Supreme Court, could then save this America.

The perpetuity of our free institutions will be secure so long as the people sanctify their Constitution and keep the power in their own hands to amend it. Indeed, I favor a more direct use of that power than is provided for now.

There is another group of resolutions proposing to amend the method of ratification of a constitutional amendment. All four of them would permit ratification by vote of the people in elections in three-fourths of the States. They differ from each other in the following respects:

One cuts out action by conventions and legislatures and substitutes an election to be held according to laws adopted in each State, or, in defect thereof, law enacted by Congress.

One adds to the present methods majority vote in the congressional election next held after submission or in a special election held on date and in manner designated by the President, not less than 4 nor more than 6 months after submission.

One cuts out the present methods and requires ratification by majority vote at any general election held within 7 years after submission.

One abolishes present methods and provides for ratification by a majority of electors in the next election for Federal Representatives held not less than 3 months after proposal. This amendment would also compel Congress to propose an amendment on the application of the legislatures of two-thirds of the several States, or of a majority of the electors of each thereof, voting at a regular election. This would abolish the convention for proposing amendments now available on application of the legislatures of two-thirds of the States.

Out of these latter proposals should develop a change in the fundamental law which will bring the people and the Constitution nearer together. The sanction of broad public interest, and the belief in the wisdom of what John Locke called "a standing law to live by" should give the Constitution additional vitality.

We New Englanders are bred, trained, and disciplined to preserve institutions like local self-government and balanced Federal power.

Instinctively we strengthen the citadel that guards them—the Supreme Court.

ORDER OF BUSINESS

Mr. MARTIN of Massachusetts. Mr. Speaker, I desire to submit a parliamentary inquiry as to the program for the day.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. Will the Speaker tell us what suspensions are in order for today?

The SPEAKER. Following the special orders, the House will proceed for some length of time—the Chair is unable to state how long—on the Consent Calendar. The Chair later on during the afternoon will recognize a motion to suspend the rules and pass House Joint Resolution 491.

Mr. MARTIN of Massachusetts. May I ask the Speaker if it would be possible to take that up first?

The SPEAKER. That would be contrary to the general custom. The House will first proceed with the consideration of bills on the Consent Calendar.

WORK-RELIEF PROJECT AT BROOKLYN NAVY YARD

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Works Progress Administration work in the Brooklyn Navy Yard.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, since the advent of the New Deal, men without number have been taken from the breadlines and placed on work relief jobs. Periodically, however, unthinking critics of the New Deal point to occasional instances in the work-relief picture where inefficiency, poor management, and haphazard planning chance to occur, and on these few-and-far-between cases, these critics take it upon themselves to lambast the entire New Deal set-up. Such critics fall well within the adage of the Bible, that "There are none so blind as those who will not see"; for examples are numerous and plentiful where the work-relief projects are being carried on efficiently, carefully, and systematically.

Proof of this fact can be had by a survey of the $3,000,000 labor-relief works program of construction and repair under way at the Brooklyn Navy Yard. Here—all the work-relief critics to the contrary notwithstanding—efficient production is being obtained from 2,300 relief workers, through sound management, careful planning and scheduling of operations, and constant check of performance and progress. The great success of the program now being carried on in the yard—a program involving 10 projects of improvements to the shops and industrial facilities of the yard, and a considerable volume of maintenance and badly needed repairs to utilities, railroads, and streets—is attributed to the attitude of the management that here is a works program and not merely a relief program. Except for the cooperation afforded by the navy-yard officials, Navy-construction engineers, and other regular purchasing and accounting departments, the program is being conducted by civilians recruited from relief and unemployed lists. A civilian most experienced in construction is projects manager. His name is A. J. Brehm, and the greatest amount of credit for the splendid fashion in which the programs of navy-yard projects are being worked out should be given to Mr. Brehm. It affords me real pleasure to give unstinted praise to this gentleman.

The various works were planned and developed with the cooperation and general supervision of Navy officials, by a design department staffed with competent and experienced engineers from the unemployed list. Field operations are under the direction of capable construction men, many of them formerly associated with some of the country's largest contractors.

SCOPE OF PROJECT

The 10 projects, for which $3,391,000 was allotted under the Emergency Relief Appropriation Act of 1935, are given in the following list. Subsequent to the original estimates, the working hours of skilled and semiskilled labor were greatly reduced without a cut in monthly pay, thereby increasing the cost of the work. Some curtailment of the original program has been necessary to meet the increased costs.

1. Repair and improvement of steam, compressed-air, water, and street-lighting systems	$414,000
2. Repair and improvement of buildings	1,780,000
3. Improvements to power, heating, and refrigerating plants	36,000
4. Repair and improvement of water-front structures	147,000
5. Revamping inside lighting and power circuits	149,000
6. Revamping the plumbing and ventilation systems	105,000
7. Rebuilding railroad tracks and yards	160,000
8. Rebuilding streets and walks	150,000
9. Foundation exploration and subsurface surveys	25,000
10. Completion of relief-work projects already under way (interior painting of shops, renovation of rolling stock, office furniture, minor building repairs, etc.)	425,000

The major item of work in the program is the rearrangement and improvement of shops and industrial facilities to increase the efficiency of the yard as a shipbuilding plant. For example, two shop buildings are being connected by an addition and are being altered and rearranged to permit the consolidation in the resulting large building of two shops now widely separated, which can be more efficiently operated as a single unit.

In addition, a considerable volume of deferred maintenance work is being undertaken. For years naval appropriations have been inadequate to maintain the shore establishments in the condition desired by the Navy Department. At Brooklyn, as well as at many other yards, funds have been insufficient to maintain the extensive navy yard facilities in full repair. Many of the buildings are very old, and some have deteriorated in spite of all repairs that could be made with funds available to such an extent that their usefulness has been impaired. Water, steam, electric, and compressed-air distribution systems were in need of extensive repairs. Many pavements, railroad tracks, and craneways were similarly in need of complete rehabilitation to make up for deferred maintenance.

The work involves many types of construction and repair, offering a great variety of employment. Included are streets, sidewalks, sewer and building construction; repairs to steam, water, air, and power systems; repair of railroad track and a complete rebuilding of railroad rolling stock; painting and skylight repairs, building alterations, and shipway repairs. One project is for a complete subsurface survey of foundations, utilities, pipe lines, and sewers.

Classes of work include brick and stone masonry, demolition of buildings, excavation, carpentry, pipe laying, painting, bituminous pavement construction, and brick and asphalt block laying.

ORIGIN OF PROJECTS

With the advent of the current national relief-work program, the commandant of the navy yard recommended the yard projects to the Bureau of Yards and Docks for relief labor work. The Bureau in turn recommended a long list of projects to W. P. A., which finally allotted funds for the definite projects listed above.

For some time a small program of relief work—under C. W. A. and E. R. B.—had been carried on at the yard. For this work a small designing organization had been created. This group worked up preliminary plans and cost estimates for the new program upon which allocations were made and served as the nucleus of a much larger design organization set up immediately to work out detail designs.

The funds allotted to each project were split into three main items, and the specific amount allocated to each item cannot be exceeded. First of all, a sum was set aside to cover what might be termed overhead. The allocation of a certain percentage of this overhead budget to each project constituted the first item of expense. The second item includes miscellaneous tools, consumable supplies, and rental of equipment, the last being furnished for the most part from regular navy yard sources. The third item is for direct labor and materials, comprising the balance of the project allotment.

The larger projects were divided into subprojects, where division was logical according to type of work or by other classifications. The amount of money allotted for each subproject cannot be exceeded unless there has been a saving in some other subdivision of the same project. Funds are not transferable between projects.

LABOR CONDITIONS

All of the labor required is requisitioned through the United States National Reemployment Office, the class or trade of labor desired being specified in the requisition. Labor is, in general, recruited from relief rolls; but exceptions have been made in certain supervisory, technical, and skilled classifications. Using December 19 as a typical example, total employment on that date was 2,304 divided as follows: Superintendents, engineers, clerical, and so forth, 348; skilled labor, 1,045; semiskilled, 288; and unskilled, 623.

Wages are all on a monthly basis, with no deduction for lost time not the fault of the worker. Monthly earnings vary from $60.50 for skilled labor to $93.50 for the highest skilled classification. The number of hours worked per month varies with the labor classification. The supervisory, technical, and clerical force works 39 hours per week; unskilled forces work 120 hours per month; certain semiskilled trades work 80 hours per month; and all skilled trades work 60 hours per month. The reduction in hours for certain trades resulted from the recent W. P. A. capitulation demands of organized labor in New York that prevailing hourly rates be maintained on relief work.

A systematic arrangement of working hours has been worked out to meet the various labor conditions. The regular working month has been divided into 4 weeks of five 6-hour days each. When Saturdays, Sundays, and holidays are insufficient to reduce the number of working days to 20 for any one month, additional nonwork days are arbitrarily designated. Unskilled labor works every working day, or 120 hours per month. The skilled and semiskilled classes have been divided into two shifts, working alternate weeks for a total of 10 days per month. The 80-hour-per-month classes work an extra 2 hours per day, or 8 hours 10 days per month. This system has eliminated most of the confusion resulting from variable shift changes, but it has not eliminated the loss of efficiency from long lay-offs between working periods.

JOB ORGANIZATION AND COST KEEPING

At first the design department was rushed, and as fast as deailed drawings were turned out for a project or subproject, men and materials were requisitioned. Workmen were organized into gangs of about 20, each crew supplied with a foreman. Within a surprisingly short time the force has been built up to more than 2,000 workers employed on a diversity of projects.

The work was laid out to provide continuous employment for a uniform size force in August 1935 to about March 1, 1936, and from then on for an augmented force to permit completion of work by July. Projects requiring little design and those left over from earlier relief work were started first. Other projects were delayed until complete designs could be prepared, and some were purposely held up to take up the slack later on as other projects were completed.

From the start those in charge were determined to make this work as efficient as possible from the labor. Consequently shirking and loafing were not tolerated. Skilled and semiskilled workers are requisitioned for definite tasks. If the individual supplied for a job is found to be incapable of filling it, he is sent back to the employment office, for misfits are regarded as a drag on the remainder of the crew.

As far as possible a tolerant attitude on output rate is maintained toward the common labor, especially the newcomers, for the supervisors realize many of those reporting for work are inexperienced in construction. Incoming laborers are carefully assigned to jobs to which they seem best suited. An inspection of the work reveals that the huskies are found in the concrete and excavation crews or on pile-driving gangs, while the lightweights and older men are assigned to cleaning brick and to other lighter tasks. In contrast to much relief work, individual workers are placed where they produce best and are not merely put to work. The physically unfit and those showing no disposition to work are returned to the reemployment office.

Timekeeping and cost-keeping procedure is similar to that on any well-managed construction job. Each workman is given a clock set-up for every subproject. The cards are signed by the foreman, who checks the labor-cost distribu-

tion with the timekeepers. Four field checks daily are made by the timekeepers. Daily cost records for both materials and labor are compiled, showing the total cost to date and the unexpended balance for every project and subproject.

SAFETY MEASURES

Safety in construction of the projects is regarded as an important feature, especially in view of the large percentage of inexperienced workers in the unskilled class. All safety work is under the direction of an experienced safety engineer, who is given authority to enforce safe practices and methods. Scaffolds, ladders, shoring, and pit and trench sheeting must be built to required standards. Goggles must be worn by operators of concrete breakers and chipping hammers.

A weekly inspection is made of all rope, cable, slings, chains, blocks, scaffolds, and ladders in use. All workers come under the regular Government employee compensation coverage. Remarkably low accident records are being maintained, as is exemplified by the experience for the month of October, when 2,074 employees, working 191,814 hours, had only 8 lost-time accidents, resulting in a total of 47 lost days. The safety record reflects the careful attention that has been given the work by the superintendents and general foremen at all times.

DIRECTING PERSONNEL

Admiral Sterling Yates, Jr., commandant of the Brooklyn Navy Yard, is W. P. A. State administrator of naval projects, assisted by Capt. C. A. Dunn, manager of the yard. Capt. A. L. Parsons, C. E. C., public works officer of the Brooklyn yard, is project manager of navy yard projects, assisted by Commander W. M. Angas, C. E. C., relief works superintendent, and Lt. A. D. Hunter, C. E. C. Capt. J. N. Jordan, S. C., is in charge of all accounting. A. J. Brehm is works manager, in charge of all the construction and civilian personnel, and, as I have already stated, he has been doing, and is still doing, a great and splendid piece of work. These naval officials are likewise entitled to genuine praise for their work.

This is but one instance of how, through the President's work-relief program, the people of this country are being lifted out of the doldrums of the depression.

Let those who, without knowing the true facts, hasten to criticize, examine closely the state of things as they really are and remain to praise.

THE FATE OF THE AMERICAN INVESTOR IN GERMANY

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of German bonds.

The SPEAKER. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I include a dialog between Dr. Max Winkler, professor of economics in the College of the City of New York, and myself, over radio station WOR, February 15, 1936, as follows:

Dr. WINKLER. Immediately after the war Germany was required to pay an enormous indemnity on the grounds of having been responsible for the conflict. She cunningly chose to enact such fiscal and currency measures as would enable her to secure funds for reparation payments from the very recipients thereof.

Mr. CELLER. How did she do this?

Dr. WINKLER. She started the printing presses of the Reich and turned out enormous quantities of paper which were sold wherever buyers could be found, as government, state, corporate bonds, and German currency. The Americans proved particularly easy victims.

Mr. CELLER. But banks and those engaged in the marketing of the various German securities, or shall we say insecurities, emphasized the possibilities of enormous profits in the event of a return of the mark to its pre-war value. The banks and investment houses—did they properly advise the American investing public?

Dr. WINKLER. No. The incessant output of German paper continued to affect most adversely the position of the German currency, and before very long the mark declined to an infinitesimal fraction of its original value. Whereas prior to the war one could purchase for $1 a little over 4 marks, it became possible in 1933 to purchase for $1 over 4 trillion paper marks. As soon as the cost of printing exceeded the amount which could be realized from the product of the printing presses Germany ceased these fiscal operations. It is estimated that Americans purchased various types of German paper to the extent of $2,500,000,000 of real money. It was these funds which Germany used to pay reparations, finance her foreign trade, and rehabilitate her internal economic structure.

Mr. CELLER. What about the Dawes plan?

Dr. WINKLER. Late in 1923 it was decided to effect a complete financial rehabilitation of the Reich, and the Americans were invited to participate in the scheme. A committee, headed by Gen. Charles G. Dawes, worked out a plan which would restore Germany to the position it held prior to the conflict. A loan of $200,000,000 was offered for public subscription, of which the Americans were privileged to take more than 50 percent.

Mr. CELLER. I understand that with the aid of this loan the rehabilitation of Germany commenced. Thanks to the propaganda spread on behalf of the Reich, the credit standing of our former enemy continued to improve in the eyes of the American bankers, who in turn succeeded in translating this improvement into enormous amounts of German bonds, which our public bought. Powerful sales organizations were created by the various banking institutions in the large cities and the desirability of Germany as a credit risk was constantly emphasized by the bankers. Since the yield on these bonds was somewhat higher than was obtainable on comparable securities in this market, the smaller financial institutions throughout the country proved a particularly fertile ground for the absorption of German issues. But, Dr. Winkler, what happended in 1929?

Dr. WINKLER. Well, Congressman, rumors, emanating from official or semiofficial quarters, were circulated throughout the country to the effect that Germany might be unable to meet the service on her dollar bonds. The market had already become very sensitive. Since the American investor apparently forgot his experiences in the early post-war years with German paper marks, he threw his German bonds overboard at great sacrifice. The German debtors in this way adroitly acquired large quantities of bonds, and as soon as they accumulated a substantial amount the earlier rumors about impending defaults were officially denied. The result of this denial was a fresh purchase of German issues on the part of Americans, and it appears again on careful analysis that these advances were utilized by the German Government to resell part of the bonds that it had bought earlier at very much lower figures. You'll agree that was rank business.

Mr. CELLER. Was it not also somewhat curious that Dr. Schacht, fiscal chief of Germany, attempted to allay the rumors about Germany's impending default before the Bond Club of New York at a meeting on October 9, 1930?

Dr. WINKLER. Yes, indeed. His reassurance was as follows: "I want to emphasize here in the full public that everyone who after the war has invested any money in Germany on long term or on short term, whether he has invested in industrial credits or commercial credits or in credits to the public authorities, will not be disappointed because Germany will pay those debts."

Mr. CELLER. That promise was like pie crust—easily broken. While Schacht was making that fake promise, his Machiavellian allies in deceit, Hitler, Goering, and Goebbels, were planning quite differently. Their plans were tragic to American bondholders; see what Schacht said, in an interview on August 25, 1934:

"I am now in charge of German banking, commerce, and industry, both at home and abroad * * *. Germany will not pay those coupons to America because we haven't got the money available."

Dr. WINKLER. The question is, Shall American bondholders take this licking lying down?

Mr. CELLER. Emphatically, no. Dr. Winkler, is Germany actually playing favorites?

Dr. WINKLER. Yes. Holders of German bonds in Holland, Switzerland, Sweden, and Great Britain have been receiving interest on their holdings. American investors are the only ones discriminated against. Americans bought more German bonds than other nationals. Their gullibility is now being rewarded by Germany, which withholds payments from them while making them to other nationals. What course would you suggest, Congressman, as a remedy?

Mr. CELLER. Our State Department lodged a rather eloquent protest against this discrimination, but words mean nothing to the present rulers of Germany. Persuasion by force is the only means by which payments might be secured. I do not mean physical force, of course. I mean force of an economic character, which, after all, was the method employed by European creditors of Germany, with very satisfactory results.

Dr. WINKLER. You mean economic reprisals?

Mr. CELLER. Economic reprisals is one potent suggestion. But the so-called clearing arrangements between Germany and European creditors is another potent remedy. In each case Germany had had a favorable balance of trade with the countries in question. It is thought by some that Germany could not be made to pay interest on American investments as a result of a clearing arrangement because she has an unfavorable balance of trade with this country.

Those who hold this view are, I am afraid, ignoring so-called invisible exports and imports, which doubtlessly offset Germany's so-called favorable balance.

It is for this reason that I believe that American holders of German bonds could collect what is rightfully due them if a clearing system were put into operation. This system would work about as follows:

All classes of payments that Americans are scheduled to make to or for the account of Germany, German corporations or nationals, will be turned over to the Federal Reserve Bank of New York.

Before releasing these funds, which will represent payment for German merchandise imported into the United States, interest and dividends on American securities owned by German nationals, corporations, and individuals, interest on German balances in the United States, remittances to Germany, payment for shipping, bequests, inheritances, gifts, and insurance—the Reserve bank would apply these remittances to pay:

1. American exporters for merchandise sold to Germany.
2. Interest on the Dawes and Young loans.
3. Interest on all other German dollar bonds.
4. Interest on all credits as defined under the various "standstill agreements."
5. Amortization of German dollar obligations.

Do you think, Dr. Winkler, some such plan would bring haughty Schacht to his knees begging forgiveness?

Dr. WINKLER. Such a method would force Germany to cease discriminating against American bondholders. Notes from our State Department, no matter how sharp or eloquent, produce no results. Something more forceful must be tried.

Another factor which militates against American holders of German bonds is the peculiar position occupied by our large banking institutions which are holders of so-called short-term credits and on which they have been receiving both interest and amortization, naturally at the expense of the holders of long-term bonds which were sold by those very institutions.

Mr. CELLER. You mean that these banks play a dual, inconsistent role—playing both ends against the middle?

Dr. WINKLER. Yes. It would seem that the difficulties incident on the dual position occupied by banking houses which are both holders of short-term credits and originators and distributors of long-term bonds could be eliminated only through the activities of a governmental agency provided for in title II of the Securities Act of 1933. It will be recalled that this title calls for the formation under governmental auspices of an absolutely independent instrumentality whose chief function it would be to accord genuine and disinterested protection to the countless American victims of the foreign-bond bubble.

Mr. CELLER. You know, of course, that the title II has been passed by both Houses and is still awaiting Presidential proclamation.

As a Member of Congress, I shall make it my studied purpose to induce the President to set up the machinery provided for in title II of the Securities Act and try to bring about the clearing system, and then endeavor to start an investigation so that all the facts in this miserable mess shall come to the surface. Americans should know how they have been defrauded by Germany.

LEAVE OF ABSENCE

Mr. SEGER. Mr. Speaker, my colleague, Representative POWERS, of New Jersey, desires 3 days' leave to attend the funeral services of a member of the New Jersey Legislature, Senator A. Crozer Reeves, a lifelong friend, who has just passed away.

The SPEAKER. Without objection, the leave is granted.

There was no objection.

THE POSTAL SERVICE

Mr. WITHROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an address by the gentleman from South Dakota [Mr. HILDEBRANDT] over the radio on February 13, 1936.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WITHROW. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of Hon. FRED H. HILDEBRANDT, Representative from South Dakota and member of the Committee on the Post Office and Post Roads, on N. B. C. Farm and Home Hour, February 13, 1936:

Friends of the radio audience and to the home folk of South Dakota, no branch of our Government means more to the average citizen than the Post Office Department. Day after day, mail is delivered in millions of homes and the service rendered is uniformly efficient, faithful, and honest.

Messages of love, sympathy, encouragement, helpfulness, and hope are brought to our people daily by the carriers. Unfailingly and continuously this service is given.

Some 230,000 clerks, carriers, and other assistants work in one capacity or another in connection with the distribution of mail. In fair weather, in sunshine, and on cloudy days, they carry out their appointed tasks. The loyalty and reliability of postal employees is an inspiration.

The reduction of the postal work-week from 44 hours to 40 hours was a merited consideration to these earnest, hard-working men and women. Promotions have recently been made that were equally deserved. Eighteen thousand substitutes have been afforded relief. Many fair and equitable reforms have been put into effect under the able and wise administration of Postmaster General James A. Farley. Mr. Farley has established an exceptional record of integrity and capability.

Spanning of the Pacific Ocean by air mail is another notable achievement accomplished under the present administration. The first clipper ship sailed into San Francisco harbor 100 years ago. Now America and Asia are linked and 8,000 miles of ocean distance are covered in 5 days.

Contract air-mail service in Alaska has supplanted the dog-sled service of earlier times. Food and medical supplies are made available to the suffering of the far North through air mail—a service of tremendous value and human helpfulness.

From the days of the sagacious and philosophical Benjamin Franklin, our first Postmaster General, down to the present period, our Post Office Department has been a source of pride to every American, a means of conveying intelligence and knowledge, and an evidence of national progress.

Not so many years ago we were told that parcel post was impracticable, that rural free delivery was unworkable, and that it was out of the question for the Government to transport packages. Today we appreciate how absurd this contention was. The workability of these experiments has been clearly demonstrated. Their merit has been proven beyond the shadow of a doubt.

I take pleasure in paying sincere tribute to our Post Office Department and its manificent usefulness in the life of our country.

The other night I saw a fascinating film of the Postal Service in the caucus room of the old House Office Building entitled, "Here Comes the Mail." I wish every citizen might have seen it. The film was the production of a postal employee, Howard Hanson, of St. Paul, Minn., and was financed by voluntary contributions of postal workers, being shown under the auspices of the National Federation of Post Office Clerks, the Railway Mail Association, and the National Association of Letter Carriers. It consisted of "shots" of post-office clerks, railway-mail clerks, letter carriers, rural-delivery carriers, and vehicle employees actually on duty, with views of interiors of post offices and railway-mail cars. The intricate and technical operations by which the United States Postal Service collects and delivers your mail and mine were shown interestingly and accurately.

It is, indeed, a remarkable transition that the Postal Service has undergone since its establishment in this country. How surprised the old-time post rider would be if he returned today and witnessed the modern, efficient, and complicated institution of the twentieth century! How astonished would the founding fathers be to see what has evolved from the Post Office Department of Ben Franklin's time!

In the history of our country, and in the romance of inventive genius, there is no greater triumph of achievement than the perfected Postal Service.

LINCOLN DAY ADDRESS

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by me in Nashville, Tenn., on February 12 on the occasion of a banquet in commemoration of the birth of Abraham Lincoln.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TAYLOR of Tennessee. Mr. Speaker, under leave granted me to extend my remarks in the RECORD, I include the following address delivered by me in Nashville, on February 12, on the occasion of a banquet in commemoration of the birth of Abraham Lincoln:

Mr. Chairman, fellow Tennessee Republicans, and friends, at the outset, by way of preface and preliminary, permit me to say that if anyone should find himself irked or uncomfortable during the course of my remarks this evening on the state of the Union and the delinquencies and iniquities of the present national administration, you have my permission to recline in your chair and park your brogans at any angle you may see fit.

My friends, it is indeed a privilege and an inspiration to be here tonight on another anniversary of the birth of the immortal Lincoln and to contemplate the certain political victory which lies out just immediately ahead of us.

Six times I have traveled 1,500 miles to attend one of these celebrations, and I have always felt that the expense and inconvenience thereof were amply justified and compensated, because after attending a Lincoln Day dinner I always feel like I am a better Republican and a much better citizen.

In the midst of the confusion of the hour, how we yearn for another Abraham Lincoln to give to the country a new birth of freedom—not freedom from the shackles of human slavery but freedom from a political witchcraft which, if not curbed, will inevitably destroy the principles for which our forefathers fought and for which the great emancipator died.

With the hallowed institutions of our country gravely threatened, with the sacred traditions and heritages of our fathers reduced to a shamble, with constitutional government in the greatest possible peril and jeopardy—yea, with liberty itself in a death struggle for survival, how we need another such patriot and statesman as Lincoln to lead us out of the Egyptian darkness of threatened socialism into the Canaan of Jeffersonian, Jacksonian, and Theodore Roosevelt democracy.

Oh, my friends, how hath the erstwhile great Democratic Party fallen. I refer to the Democratic Party of the illustrious Jefferson, the intrepid Jackson, and the courageous Grover Cleveland.

Everything for which this illustrious trio stood has been grossly repudiated by the administration in power at Washington masquerading as it does under the false colors of democracy.

States' rights, so dear to the hearts of the old-time Democrats, has been thrown into the scrap heap, and centralized government of the most vulgar and outlandish type has been substituted.

In the presence of what is transpiring in this country today, how ironical the words of Grover Cleveland when he thundered: "The Government is not supposed to support the people, but the people are supposed to support the Government."

But, my friends, I exonerate the Democratic Party as such of what is going on in Washington today. The administration at Washington is not Democratic—it is the rankest sort of socialism tinctured with communism.

Mr. Chairman, I charge that the present administration in Washington is guilty of a degree of embezzlement of public confidence never before witnessed in the history of this country. If ever a President treated with a disregard, which amounts to sheer contempt, the platform and campaign pledges upon which he was elected to office, he is the present occupant of the White House.

So eager was he to accept the Democratic nomination in 1932 that he flew to Chicago, and declaring that a platform was a "solemn and sacred covenant with the people", he subscribed to it in its entirety—100 percent. That platform declared for the preservation of a sound money policy, and within 60 days from his induction into office he deliberately devalued the dollar 41 percent and in the operation, without due process of law and in bold violation of the Constitution, he appropriated two billion eight hundred million of the people's money.

The Democratic platform adopted at Chicago in 1932 declared for economy in government, pledged the party to the elimination of bureaus and commissions, and in the most explicit and specific terms committed it to a 25-percent reduction in governmental expenses. The nominee of the Democratic Party not only subscribed to this pronouncement of the platform, but during his campaign on various occasions solemnly asseverated his determination to strictly observe and discharge this commission. What does the record show? During the 3 years of his administration he has created more than 100 bureaus and commissions, to obtain titles for which he has exhausted the English alphabet, adding to the Government pay roll more than 300,000 employees. In March 1933 Secretary Wallace began his administration of the Department of Agriculture with an organization of 26,132 employees. Up to the day that the Supreme Court laid to rest the A. A. A., Wallace has increased this number to 66,969 full-time employees. The Civil Service Commission estimates the average salary of these Government employees at $150 per month. This means that the New Deal pays out of the taxpayers' money to this one group an annual salary of $120,824,916. In addition to this army of full-time employees, Mr. Wallace has organized a field force of part-time employees of 115,366, drawing, according to the August report of the Civil Service Commission, an average of $28.32 per person per month. This makes a grand total in one department alone of 182,355 employees, or 40,000 more than the standing Army of the United States!

During his campaign the present occupant of the White House, in conformity with the Democratic platform, promised to balance the Budget, yet today the Federal Budget is two billions out of balance, and during 3 years of Franklin Delano Roosevelt our public debt has increased to approximately $33,000,000,000. The interest on our public debt today is one and one-half times what the total national debt was in 1913 when Woodrow Wilson became President of the United States.

I wish I had time to elaborate further on this subject, but I must hasten on.

During the past 3 years, under the "beneficent" auspices of the New Deal, there has been recruited in Washington the most gigantic aggregation of magicians that has ever been assembled under one "big top" since the morning stars first sang at creation's dawn. P. T. Barnum, that great wizard of the circus, in his palmiest days could not have boasted of such a collection of freaks and fakers. During this period dreamers, clairvoyants, crystal gazers, jugglers, and ledgerdemain performers of every conceivable variety gathered at the Nation's Capitol and proceeded to diagnose the Nation's ills and undertook to prescribe the necessary panaceas. Barnum, the great premier of the circus, once said: "A sucker is born every minute", but Drs. Rexford Tugwell, Felix Frankfurter, and Mordecai Ezekiel have declared that all Americans are suckers, and that all that is necessary to lead them up a "blind alley" and into the realm of make-believe is to give them a shot in the arm from the New Deal hop bottle, and personal initiative and personal responsibility instantly become passé.

These happy-go-lucky playboys and boondogglers in Washington have been willing to try any quack theory that might occur or be suggested to them regardless of its impracticality or absurdity.

They remind me of an incident that happened at Memphis during the American Legion convention there last year. One of the boys decided to "throw" a party, and he invited a number of his friends. Just before the event began one of his friends came to him and said, "Joe, Bill Jones can't attend your party tonight." "What's the matter with Bill," inquired Joe. "Well, Bill's got a case of laryngitis," his friend replied. "Well, that's all right; tell Bill to bring it along. These 'birds' will drink anything."

So these New Dealers, in typical bacchanalian fashion, cry, "On with the dance! Bring forth your patent-medicine schemes and wild-eyed nostrums imported from Russia. The American people are so dumb or indifferent that they will stand for anything."

To promote the "more abundant life" these eminent New Deal magicians prescribed the reduction of crops, the destruction of food products, and the birth control of pigs and calves. They prescribed the lowering of our tariff walls and the negotiation of reciprocal treaties. And behold, as a result of these nostrums alone, we have not only lost our foreign markets, but we have seen the cost of living skyrocketed from 50 to 100 percent. As a direct result of these two prescriptions, in the 11 months ending November 30, 1935, our imports of agricultural products increased $338,000,000 over the same period of the previous year. During the year 1929 we imported into the United States only 399,138 bushels of corn, whereas during the year 1935 we imported 43,242,296 bushels of corn. During the year 1934 we imported 13,771,622 bushels of wheat, whereas during 1935 we imported 38,871,598 bushels of wheat. Our importation of other agricultural commodities has been in direct proportion. And yet oblivious or in defiance of our vanishing foreign market, with importations of farm commodities increasing to staggering proportions, we went merrily along slaughtering pigs, destroying food products, reducing to ashes hay and grain while millions of our citizens suffer for want of food, clothing, and shelter.

In the face of this amazingly paradoxical situation, is it any wonder that we have a farm problem in the United States today?

As a crowning act of stupidity a supine and complacent Congress, at the behest of the "brain trusters", passed the celebrated potato control bill, better known as the "spud bill." Under the terms of this asinine legislation our time-honored friend, the lowly spud, took on a very dignified and aristocratic mien and importance. For commercial use each individual spud, under Government inspection, would have had to be wrapped in cellophane, stamped like a package of cigarettes, and meticulously crated according to specifications handed down by the bureaucrats in Washington. Any violation of bureaucratic regulation subjects the offender to a fine of $1,000 and 12 months of penal servitude, in the discretion of the Federal court. At a meeting of the bureaucratic Sanhedrin in the Agricultural Department in Washington a few days ago to consider control of potato production in the United States, Tennessee was "generously" given a quota of 500,000 bushels, notwithstanding the fact that Tennessee last year produced over 4,000,000 bushels of this staple commodity—eight times, if you please, the quota allowed her.

But, alas, my friends, the potato turned out to be entirely "too hot" for the administration, and the law to regulate its production and distribution is now no more. Under the withering ridicule and indignation of an outraged people, and especially under the threat of vengeance of the Supreme Court, at the earnest behest of the White House, a pliant and submissive Congress a few days ago ruthlessly cut down this youthful and promising New Deal agency along with its triple sisters, the cotton and tobacco enactments, and they now lie alongside the Three A's and the Blue Eagle on the pitiless "cooling board", and "none are so poor as will do them reverence." I noticed in the press since coming to Nashville, however, that on day before yesterday, after administering extreme unction, the President performed the last sad rites over the melancholy remains of these ill-starred triplets. May they rest in peace.

A deliberate and damnable attempt was made by the "brain trusters" to blueprint and straitjacket the American people in a program of rigid regimentation, and it might have succeeded but for the timely interference of the Supreme Court of the United States. Thank God for this great tribunal, which has earned deservedly the respect and gratitude of every American citizen. I reverently toast the Supreme Court—the bulwark and palladium of American liberty.

For daring to uphold the integrity of the Constitution, as was to be expected, the Supreme Court was denounced and satirized in the most scathing fashion by the "brain trusters" and their satellites. Even the Chief Executive, in commenting on the famous "sick-chicken case", declared that the decision of the highest court in the land harked back to the "horse and buggy" days. Well, my friends, there is one thing certain, and that is that we must get back to "horse and buggy" economy and "horse and buggy" honesty in this country if we ever hope to get out of this terrible dilemma. There is one thing that can be said of the "horse and buggy" days, and that is, the buggy was paid for, the horse had horse sense, and the driver knew where he was going and knew where he had been when he got back; and you can't say this for the New Deal.

While my faith in the sincerity of the Chief Executive had hitherto been more or less shaken, I did not lose full confidence, however, until he wrote a letter to Representative HILL, of the Ways and Means Committee of the House, urging the passage of certain legislation "notwithstanding its doubtful constitutionality." Think of a President of the United States sending such a message as this after taking the oath to support, uphold, and defend the Constitution of his country.

My friends in Tennessee, as in every State in the Union, there are literally thousands of people who heretofore have not affiliated with the Republican Party, who are absolutely surfeited—completely "fed up"—on this so-called New Deal heresy. They yearn to see a return to sanity in Government—a rebaptism of old-fashioned Americanism in the United States. The party of Lincoln invites everybody of whatever past political creed to join us in our battle for the restoration of constitutional government. In this patriotic objective I beseech Republicans of Tennessee to let factionalism be adjourned. Twice during the past 16 years Tennessee has cast her electoral vote for the Republican national

ticket. She will do it again if Republicans abstain from factional controversy and put their shoulders to the wheel.

And now, my friends, I approach the most pleasant part of my assignment tonight, and that is to introduce the real speaker of the evening.

We have had several distinguished men on our program on similar occasions in the past, but tonight we are particularly fortunate in our guest of honor. He is not only a figure of national importance, but his influence and activities have reverberated abroad. While still a young man he has had a most interesting, brilliant, and colorful career. Captain of the Harvard football team, as a tackle he distinguished himself to such a degree that he was rated by Walter Camp as all-American.

When the United States entered the World War he volunteered and was made a captain, and during that struggle was twice decorated for gallantry in action. He has the unique distinction of being the representative in Congress of the present occupant of the White House, but this fact has in no sense assuaged his opposition to the fallacies of the New Deal. No man in Congress has been more aggressive or more merciless in his opposition to the shams and sophistries of the present administration than our guest of honor tonight. He is an inveterate foe of communism and a few years ago headed a special congressional committee which revealed startling information of red activities in the United States. He has been prominently mentioned as the next standard-bearer of the Republican party for President, and I say with pleasure and without hesitation that the Republican Party could go further and do much worse.

Mr. Chairman, it is a great pleasure and a signal honor for me to present to you now an outstanding American and a Republican of the Lincoln type, my personal friend and colleague, Hon. HAMILTON FISH, of New York.

OLD-AGE PENSIONS

Mr. O'CONNOR, chairman of the Committee on Rules, by direction of that committee, presented a report (No. 2005) on House Resolution 418, which was referred to the House Calendar and ordered printed.

THE BEAUTIFUL OHIO RIVER

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein excerpts from figures, facts, and statements made by Colonel Hall.

The SPEAKER. Is there objection?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, ladies and gentlemen of the House, the Ohio River is the most beautiful river in the world. My district runs about 175 miles along the north bank of this beautiful river. The United States Government has spent many millions in the construction of dams and other aids to navigation. By reason of these improvements and the natural flow of the river, the Ohio River can carry more traffic than any other river in the world. The United States Army Engineers have supervised much of these improvements in the Ohio. This branch of the Army is proud of its achievements in the Ohio, and those who use the river extensively are also proud of the work the Government has done on the great waterway.

Col. C. L. Hall, of the United States Army Engineers, is the Chief Engineer of the Cincinnati Division. He has made a thorough study of the Ohio River and its improvements and has incorporated the result of these studies into an address which he delivered before the Ohio River Improvement Association at its recent meeting. This address is full of valuable information, and I am incorporating it into my speech. His address is as follows:

I am very much obliged to the Ohio Valley Improvement Association for the privilege granted me of making an address on a subject which, of course, is of as much interest to me as it is to you. I trust that you will pardon me for prefacing my remarks by a few words on rivers in general.

The dream river of the engineers is not the dream river of artists. Our dream river is one flowing unobstructed, with a uniform flow and a uniform slope, with a temperature approximately constant, in an atmosphere always fair. In the nature of things this kind of river does not exist. If Lake Superior were situated at the headwaters of the Chattahoochee, that river might possibly qualify for the position. Certainly, as all of us with any experience in navigation know, the Ohio River is not an image of this dream.

In its natural state, the Ohio River and its tributaries were the most beautiful streams which the French invaders had seen in America. But the river was obstructed. Its flow was far from uniform, having, indeed, a greater variation than that of any other river of its size in the Temperate Zone; its slope was not uniform; it was subject to ice hazard in cold weather; and it was liable to fog. But with all its disadvantages it formed a major channel of communication between the Appalachian Mountains and the Mississippi River, and thus it was the principal line between the western slopes of those mountains and tidewater. The people of the West—as soon as there were any people—decided that the way to overcome the natural handicaps of the Ohio River was to apply engineering to the problem. By this means the consequences of obstruction, variable flow, variable slope, variable temperature, and variable weather could be neutralized to a sufficient extent to enable the Ohio River to perform its functions as an artery of commerce. One hundred and ten years ago work was started on a very modest scale by removing obstructions—snags—in the lower Ohio River. It is a satisfaction to me to think that that very first work was undertaken by one of my predecessors stationed in Cincinnati.

But it is not this anniversary that we celebrate tonight. Fifty years ago the first navigable dam on the Ohio raised its wickets against the river and gave Pittsburgh Harbor its first deep-water pool. The half century that has passed has witnessed the so-called completion of the Ohio River project, a project of complete canalization of the river, a project of 9-foot water the year around from Pittsburgh to the Mississippi. This project was not completed without much travail and labor. There was the active opposition of vested interests to overcome. There was the inertia of the people, the conflicting interests of political groups. For decades after the completion of this first dam at Davis Island little was done. Then gradually, as the people of the Ohio Valley saw a vastly expanding railroad system render their unimproved river obsolete, and saw their great commerce threatened, they awoke to their danger. Under the splendid leadership of your organization, they were instrumental in the adoption by the Government of an Ohio River project which, when completed in 1929, connected the river at low stages with a series of 50 navigable pools.

Do not misunderstand when I speak of the completion of the Ohio River project. A project of this kind can no more be completed than can the national life of the country. It must keep abreast of the increasing demands made upon it. We must hold what we have gained; we must keep our project in a state of usefulness; and we must look ahead to anticipate the demands of tomorrow.

It appears fitting at this time to pause and review what has gone before, to take stock of our present situation, and to cast our eyes to the future. It was as long ago as 1793 that a seagoing schooner launched at Elizabeth, Pa., rode the spring freshets down the Ohio to the Mississippi and thence to the Gulf and the Atlantic. This feat, accomplished at a time when the flatboat ruled the Ohio, awoke the people of the Valley to the possibility of shipbuilding. Shipyards sprung up like mushrooms, and each spring saw more and more deep-sea tonnage depart for the seven seas. Spain, who then controlled New Orleans, undertook in 1798 to close the lower Mississippi to our commerce. They reckoned without the rivermen of the Ohio, who promptly threatened war against Spain. Congress—in those days always burdened by a chip on its shoulder—at once ordered the construction of two armed seagoing vessels at Pittsburgh—the *President Adams* and the *Senator Ross*—an addition to our infant Navy which convinced the Spaniards of the error of their ways.

These deep-water ships, carrying valuable cargoes to New Orleans and thence scattering over the oceans wherever trade beckoned, had trouble peculiar to themselves. There were the falls of the Ohio to hurdle. There were the notorious pirates, who, sallying out of their rendezvous at Cave-in-Rock, Ill., would murder the crew and confiscate the cargo of any boat luckless enough to ground nearby. And there were also troubles with foreign customs, who were certain there were no seaports in the western forest of the United States, and regarded with suspicion ships clearing from such hitherto unheard-of seaports as Marietta, Ohio.

It is not surprising, then, that as soon as Henry Shreve built steamboats to sail on the water, as distinguished from Fulton's boats which were very much in the water, the Ohio shipyards divorced themselves from the fickle ocean and settled down to the profitable business of turning the Ohio into the country's greatest artery of commerce. There is no need to remind you gentlemen of the glorious heyday of steamboats which preceded and—after a brief relapse—followed the Civil War. No vessel on the seven seas could then show such luxuriousness as could steamboats like the *Grand Republic*—the *Normandie* of her day. Few rivers the world over could show such a steady stream of freight borne on their waters. But since this heyday lapsed into a temporary twilight, and since these magnificent vessels vanished in large part from the river, it seems prudent for us to review the reasons for the eclipse so that we may guard ourselves against such danger in the future.

There were three principal causes for the decline—lack of terminal facilities, the encroachment of the railroads, and the hazards of low-water navigation, that is, the consequences of variable flow. In the final analysis these mean merely that the railroads could haul freight more rapidly than the steamboats. A rail shipper could depend on his timetable. A shipper by boat was at the mercy of terminal facilities—or more often lack of facilities—and of the vagaries of low-water depth. About this time also there occurred a series of years of very dry weather, similar to the past few years on the Ohio. With no dams to conserve the low-water flow, the river became a series of pools blocked by sand bars, and navigation ceased for months at a time. Thus nature played into the hands of the railroads, and a much harassed river commerce all but gave up the ghost.

It was at this juncture that the Government, spurred on by the river interests of the Ohio, first acted on the idea of canalization. The idea was fought bitterly by a school of thought which favored reservoir construction to supplement low-water depths. They thought it better to equalize the flow than to overcome the con-

sequences of low flow by engineering devices in the stream. The issue was fought up and down the river and on the floor of Congress. Strange though it seems, Pittsburgh itself was opposed to canalization. When the first dam was proposed at Davis Island, the coal interest fought it; and the Pittsburgh Representative in Congress called the proposed movable dam, with a pardonable play on words, "a most damnable move, most certainly movable by the floods of the Ohio."

But the dam was built, the Pittsburgh interests were mollified when they discovered that the wickets did in fact permit open-stream navigation, and the succeeding decades saw additional dams go up. But the process was slow. A few scattered dams on the Ohio were of little use to a tow which found itself stranded on one of the many bars between dams. Some great driving force was necessary if the complete canalization of the river was to be completed before the dying river commerce was laid away to rest. And this driving force was furnished by you gentlemen of the Ohio Valley Improvement Association. Organized in 1895, the association was instrumental, in 1910, in the passage of a bill providing for the complete canalization of the river. But authority is one thing and appropriation, as the association learned, is another. The work lagged for lack of funds. Again the association went to bat, and in 1922 the waterways group in Congress succeeded in eliminating the "pork barrel" paralysis by having the War Department allot river and harbor funds according to merit, and the canalization of the Ohio went forward in earnest.

That, gentlemen, gives you a very brief review of the river to date. We stand today with one major objective behind us. Ahead of us are further objectives. But in the meanwhile there is much to be done in improving our present system. The last dam of the Ohio River had not been completed before studies were begun to standardize and modernize all auxiliary aids to the basic navigation system.

As a result of these studies many improvements have been made which have contributed greatly to the free and easy navigation of the Ohio River and its principal tributaries. Standard electric signal lights have been established at all Ohio River locks to replace various obsolete types. All critical bars and dredged cuts are now marked with buoys, most of which are of the permanent type. At the most critical places buoys are equipped with automatic electric flashing beacons, which reduces the hazard of night navigation to a minimum. Recognizing the annoyances and dangers of draws through beartraps, signal boards and lights have been installed at all Ohio River movable dams. Navigation routine has been standardized from Pittsburgh to the Mississippi, thereby eliminating many headaches among masters and pilots.

These, of course, are mere details, but details which render much aid and comfort to navigation. There are other and more major problems which require solutions. The Ohio River is restless within its dams. Each cycle of high and low water brings with it sand bars and reefs, and it is just as important today as it was 50 years ago to direct the regimen of the river so as to use its mighty force of erosion to keep the channel clear. Toward this end extensive model studies have been made in our hydraulic laboratory at Vicksburg, and from the lessons learned in this miniature river, modified in the light of experience, we are discovering the most practical methods of controlling the river. Under the most favorable conditions, however, there is still a great amount of dredging to be done, and with this dredging come problems of disposal of spoil. Great care is exercised in the planning of proposed dredge cuts and of the disposition of dredged material to make the cuts as permanent as possible. Thus we try to offer the best obtainable condition for navigation.

Going back to the characteristics of my dream river, we can see that the work already accomplished on the Ohio overcomes the consequences of variable flow at low water, of variable slope at low water, and of obstructions. A good place has been reached in which to take stock of our achievements, and to value our assets in terms of similar improvements accomplished elsewhere. The Ohio River System, as it is right now, may properly be compared with the most successful systems in use at the present time in other rivers of the world. It has been my privilege to attend a recent International Congress of Navigation at Brussels. I there submitted a paper on the Ohio River, which had evidently been read by a number of the delegates before the meeting. It was interesting to see that the scale of the work accomplished in our country was so much greater than the scale of any similar work accomplished abroad that comparison between foreign and American work was difficult. The improved European river, except the Russian rivers, whose length and drainage area can best be compared with the Ohio—is the Danube, the beautiful blue Danube, which is neither beautiful nor blue. No attempt has been made to canalize the Danube River, and it flows through nations so jealous of each other that even free and unobstructed telephone conversation between river officials is not to be thought of. My statement that the lockmaster at lock 53 could get information by telephone from the lockmaster at Dashields if he needed it, without going through any higher official, almost paralyzed foreign engineers when they discovered that it is about as far between the two points as it is from Vienna to Bucharest. On a river of the same size, our improvement is thus more intensive.

On the Seine River there is an excellent system of movable dams which has some similarity to that on the Ohio, though the locks are much smaller and the width of the navigable passes very much less. The French have developed at one point on the Seine River a very interesting overhead bridge with a traveling crane, whereby their dams can be raised and lowered by one man, without a maneuver boat. The device was suggested by a European for American action. I asked my French colleague how it would work on a river demanding a 600-foot navigable pass, with a 72-foot difference in elevation between high and low water, and needing a 45-foot clearance for steamboats on top of that. After these dimensions were translated into meters, the subject was dropped. We might say that among rivers improved with the same intensity, the American rivers are much the longest and the most difficult.

As was said at the beginning of these remarks, no one should think that Ohio River improvement work is finished. Engineering works are all subject to decay, and all of them except tombstones are subject to obsolescence. With modern methods of construction, the engineer as a builder has gotten ahead of the engineer as a prophet. As a result, obsolescence is becoming more important as a reason for replacement than is decay. We sometimes think that no structure should be built to last more than 50 years, on the theory—correct 99 times out of 100—that in 50 years it will be better to build something modern than to try to get along with something which has served its time. Almost anyone whose office has been in an old Federal building will cordially endorse this dictum.

In planning new structures on the Ohio River, required for replacement purposes, the Department has recently tended to prefer one new high navigation dam to several rebuilt movable navigable dams covering the same section of river. There are several projects now under way which illustrate this tendency.

Since the completion of the 1910 project, three major works on the Ohio have been undertaken to carry us further toward the goal of an Ohio still better fitted for larger tows. First of these projects below Pittsburgh is Emsworth Dam, where the present structure is being elevated 7 feet. This will give Pittsburgh a pool of 16 feet at the point. A contract covering the first stages of construction on this project was let this past summer and work has already begun.

Next below Emsworth is the new Montgomery Dam at Montgomery Island, 18 miles below Dashields Dam. This is a high dam of the vertical lift type. In the near future will give a pool of 9 feet up to Dashields Dam, drowning out dams nos. 4, 5, and 6.

The third project on the Ohio is the Gallipolis Dam, 10 miles below Gallipolis, Ohio. The double locks of this dam are nearly completed, the machinery is being installed, and progress on the dam itself is well under way. This dam is of the roller type, developed in Germany and possessing certain advantages over other types. The rollers are readily and quickly lifted to control the flow of the river beneath them, and in times of floods the rollers are raised clear above flood stages, providing unobstructed passage for flood waters. Not the least of their advantages is their immunity to ice. The inability to handle present movable dams when the river is frozen over has in the past been the cause of some grief, especially with loss of pool. This trouble, at least at Gallipolis, will be a thing of the past. The rollers of this dam are the largest in the United States, perhaps the largest in the world. They are 29 feet in diameter and 125 feet long. When completed, Gallipolis Dam will provide a pool of 9 feet up to dam no. 23, replacing dams nos. 24, 25, and 26 on the Ohio, and nos. 9, 10, and 11 on the Kanawha.

This will give you an idea of what we are doing now to improve navigation on the Ohio. But we have not neglected the tributaries. The Allegheny is being improved with contracts let this past summer. The Kanawha, especially, has been the fair-haired child of the Government. Two roller-type dams at London and Marmet, above Charleston, have been completed. They provide a pool depth of 9 feet as far upstream as 32 miles above Charleston, besides eliminating four old-type dams. The locks for the large dam at Winfield have been completed and work on the dam itself is under way. On the Green and Barren Rivers in Kentucky two of the old-type locks and dams have been replaced with a new and larger type, and on the Cumberland River the existing dams A to F are being raised by a 3-foot crest. All the new structures are larger than any navigation structures now being built in foreign countries, except a few in Russia.

It is important for us to bear in mind that many of these extensive improvements are not the results of a normal process of government. They are dependent, rather, upon a state of economic emergency, in which the Government was forced to spend huge sums of money on public works. Unless we keep this in mind, we are apt to be lulled into inactivity by a false sense of security. When this state of emergency is over—and signs point to its approaching end—we shall find it more necessary than ever to exert every effort to the end that the Ohio River may keep abreast of the growing demands of commerce.

The recent construction of the Montgomery and Gallipolis dams has caused the engineer division to draw up a scheme so that similar replacements undertaken in the future, whether primarily for relief purposes or pursuant to definite requirements of decay and obsolescence, will fit in with an approved and considered general plan. He has accordingly appointed a board, of which I am senior member, which is now engaged in laying out a tentative project for work above Louisville, so that future dams will be built in the best place and in a manner to afford the maximum economies of operation. This work is proving highly interesting, and I am sure that when it is completed it will be satisfactory to the navigation interests whom it is the privilege of the Corps of Engineers to serve.

From the description which has been given, you can see that of the various items which distinguish the Ohio River from the ideal river, the Government has almost eliminated the consequences of obstructions, of differences of flow so far as low water is concerned,

and of differences in slope. Differences in temperature are serious only when the river freezes. In the nature of things, we cannot destroy this hazard entirely, but we have done a great deal to modify its evil effects. The days when the engineer offices were able to quit work and twiddle their thumbs at Christmas time are long since over. Every effort is made to keep down the effects of ice. Of recent years the combined effect of hard work by the lock crew, centralization of authority, and the natural breaking up of ice caused by continuous traffic has kept the river open during all but the coldest weather. As I have already indicated, the new high dams will lend themselves to manipulation by positive control in such a way that ice in moderately cold weather will never delay traffic more than a few hours. More than this cannot be promised.

There is another hazard which I mentioned at the beginning of my paper; namely, the weather on the Ohio is not uniformly calm and clear. Fog and wind will always remain with us, but the river is fortunate in that the effects of these two difficulties have always been of short duration.

There remains one more consequence of the physical characteristics of the river to be discussed. Variable flow means not only water which is sometimes inconveniently low, but also water which is sometimes inconveniently high. The adverse effects of high water can be reduced by a sound system of flood control. This is a subject which has been brought to all of our minds by the August floods on the Muskingum, described to you by another speaker. Flood control is necessarily an expensive proposition, and only a most light-headed optimist would dare hope that the Ohio Valley would get a couple of hundred million dollars in a lump sum to carry a project through to completion. However, miracles do happen, and the present-day tendency to construct public works has resulted in a substantial step being taken toward the goal of flood control on the Ohio. Let me give you a general picture of the War Department flood-control scheme, together with such steps as are being taken at present to realize the complete project.

The flood-control project for the Ohio River above Cincinnati originally involved a system of some 39 reservoirs, with a capacity for flood-control use of about 7,000,000 acre-feet. This system would control a drainage area of more than 31,000 square miles, or about 40 percent of the drainage area above Cincinnati. If we translate these figures into something which the man with a flooded cornfield can understand, we find that the heights of floods in the Ohio River above Cincinnati will be reduced from 7 to 10 feet. Since it is the top few feet of a flood which cause the major portion of the damages, the importance of the reduction can be appreciated. The record flood on the Ohio River has produced stages varying from 8 to 23 feet above flood stage at the larger cities. It is thus seen that the large flood-control project developed by this department would not eliminate all floods, but it would eliminate about two-thirds of the flood damage to the Ohio Valley.

The complete project involves reservoirs on all the important tributaries above Cincinnati, such as the Allegheny, the Monongahela (including the Tygart), Beaver River, the Kanawha and Little Kanawha, the Muskingum River, the Scioto, and the Licking. Since this project was evolved, however, the Muskingum Conservancy Association has had approved, and the War Department is executing, a flood-control project for the Muskingum Valley described by another speaker.

The largest single dam now under construction in this valley is the great Tygart Dam, near Grafton, W. Va. This dam will be the largest structure of its type east of the Mississippi. Constructed of great concrete monoliths, it will rise 250 feet above the bed of the stream, and will impound water for both flood control and low-water supply. Its capacity of nearly 300,000 acre-feet will be available for flood control, and during the summer and fall a portion of this capacity will be used to increase the lower water supply of the Monongahela River. The beginning of each calendar year will see it nearly empty, prepared to impound the spring run-offs. The beginning of each summer will see it partly full, prepared to supplement the usual low-water flow of the Monogahela in the summer and fall. This huge dam is now well under way. Together with the cost of the land which will be inundated it will cost about $16,000,000.

Admitting that the Tygart and the Muskingum Reservoirs will have beneficial results in their own valleys, let us see what effect they will have on the Ohio River as a whole. Together they drain about 9,000 square miles, or about 12 percent of the drainage area of the Ohio River above Cincinnati. They control less than one-third of the area included in the Ohio flood-control project, and provide about one-fifth the storage capacity of that plan. The Tygart Reservoir should reduce floods at Pittsburgh by about 1 foot—a very important foot. The Muskingum system will reduce Ohio River floods immediately below the mouth of the Muskingum by about 5 feet, under favorable conditions. This effect will naturally diminish in a downstream direction, and at Cincinnati reductions of from 1 to 2 feet may be expected, depending upon the distribution of rainfall.

So you will see that the reductions produced by the reservoirs now being built will be relatively small, and the important effects will be confined to regions just below the reservoir. Widespread benefits cannot be expected, although some measurable reductions will be felt throughout the Ohio Valley above Cincinnati. The important thing, however, is that a real and substantial start has been made toward controlling the floods of the Ohio River. These dams are not built for a day. They will be here in the future when other funds become available, and there is no reason to doubt that flood control on the Ohio, in some form, will some day become a reality. With the completion of the flood-control project—if it is ever completed—the improvement of the Ohio River will reach another point, not of completion, of course—for it will never be completed—but of pause. But even now we feel that in our service to navigation we have performed an engineering feat not paralleled elsewhere in the world. During the calendar year 1933, a channel of project depth, sufficiently wide for a standard tow, was available for vessels throughout the entire length of the Ohio River on 362 different days. The greatest delay to any vessel, at any place in the river, for any cause except errors in its own handling, fear of danger of extreme high-water navigation, or danger from ice, was 72 hours. Considering that before the improvement, the depth was only 1 foot, and that the normal duration of the low-water season was about 100 days, and allowing also for the difficulties naturally created by a ratio of high to low flow of 451 to 1, it would be hard to find an example of a more successful adaptation of the natural regimen of a river to the needs of man.

Mr. BANKHEAD. Mr. Speaker, I call for the regular order.

THE SUPREME COURT

The SPEAKER. Under the order of the House, the Chair recognizes the gentleman from Georgia [Mr. Cox] for 30 minutes.

Mr. COX. Mr. Speaker, the action of the Supreme Court in overthrowing, first, the National Industrial Recovery Act, and then the Agricultural Adjustment Act, has brought down upon the Court criticism which seems unduly severe and largely uninformed.

Complaint is not so much against the soundness of the rulings made as it is against the Court for having exercised the power to declare acts of Congress in violation of the Constitution. For this the Court is charged with the usurpation of power, of having set itself up as a kind of judicial oligarchy, and members of the Court are referred to as "gentlemen of the purple cloth."

Many bills have been introduced in both House and Senate dealing with the Federal judiciary. Some seek to limit the powers of the Court by legislation—which, of course, would be ineffectual except as to inferior Federal courts—while others propose the submission of amendments to the Constitution.

There is no intention of discussing the merits of these various proposals, or the decisions of the Court in the cases to which reference has been made. My purpose is to defend the Court against the charge of usurpation and abuse of power and to support as best I can the wisdom of the rule of judicial determination of the constitutionality of acts of Congress.

We must not lose sight of the fact that ours is a dual form of Government, that it is 48 sovereign States that form the Federal Union which is a Government of delegated powers. Bearing this in mind it should not be difficult to understand why the English system cannot be used to support the proposition that the framers of the Constitution did not intend to exempt acts of Congress from the constitutional test to be applied by the courts.

The principle of the division of the powers of Government into three parts first grew up in this country in the confederated States. It was out of experience with the abuse of a mixed power exercised by the legislative branches of State Governments that the demand for the division of power arose. The general assemblies of some States had practiced control of the judiciary—the setting aside of judgments of the courts, the interpretation of contracts, the administration of estates, the determination of rights as between individuals and otherwise exercising powers purely judicial in character.

In 1780 Massachusetts wrote into her constitution that—

> In the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and the judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them, to the end it may be a government of law and not of men.

Other States had already taken similar action, the highest court of Virginia having declared the rule of the controlling power of the court in 1772 and again in 1776.

So it seems fair to assume that when the delegates to Constitutional Convention entered upon the performance of their duties they did so, not only with the idea of preserving

the rights of the States being uppermost in their minds, but also with the idea of the division of the powers of Government to be formed into three parts, coordinated but not mixed.

It is not by me contended that a government which is absolute trinity in form was constructed or could have been constructed, or if constructed could be maintained. It is often impossible to draw a line of demarcation between legislative, executive, and judicial functions. A power may partake of the nature of each and not be susceptible of division. Growth and developments produce complications that demand flexibility at times. However, this ideal was so closely approached by the framers of the Constitution that it is substantially true to say that it was attained.

The language of the Constitution applicable to the point under consideration is found in section 1, article 3:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

And in section 2, article 3:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution and the laws of the United States * * *.

This language is not dependent upon the rule of loose construction for the meaning that acts of Congress are subject to judicial review. To say that the judicial power shall be vested in certain courts is to say that no judicial power is vested in Congress, except as may be specifically provided. While all three departments of the Government are independent within their own sphere, acts of both the executive and legislative branches, when performed, are subject to judicial review when the question of validity is raised in a case involving the rights of parties.

The Court holds no veto power over acts of Congress and will not pass upon the constitutional validity of an act unless the case presented requires it. An act may be contrary to common right and reason and impossible of performance, still, if it violates no provision of the Constitution, the Court has no discretion but to let it stand.

The question of the power of the Supreme Court to pass upon the validity of acts of Congress first arose in the celebrated case of *Marbury* v. *Madison* (1 Cr. 132). It is fortunate that it came early in the history of the new government and fell into the hands of so able a jurist as Chief Justice Marshall to decide. In the opinion the Chief Justice said:

> It is, emphatically, the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases must, of necessity, expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each. So, if a law be in opposition to the Constitution, if both the law and the Constitution apply to a particular case, so that the Court must either decide that case conformable to the law, disregarding the Constitution, or conformable to the Constitution, disregarding the law, the Court must determine which of these conflicting rules governs the case. This is the very essence of judicial duty. If, then, the courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the legislature, the Constitution, and not such ordinary act, must govern the case to which both apply.
>
> Those, then, who controvert the principle that the Constitution is to be considered in court as a paramount law are reduced to the necessity of maintaining that courts must close their eyes on the Constitution and see only the law.
>
> This doctrine would subvert the very foundation of all written constitutions. It would declare that an act, which, according to the principles and theory of our Government, is entirely void, is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits, and declaring that those limits may be passed at pleasure.

Of that decision, the brilliant Rufus Choate said:

> I do not know that I can point to one achievement in American statsmanship which can take rank for its consequence of good above that single decision of the Supreme Court, which adjudged an act of the legislature contrary to the Constitution to be void, and that the judicial department is clothed with the power to ascertain the repugnancy and pronounce the legal conclusion. That the framers of the Constitution intended this to be so is certain; but to have asserted it against Congress and the Executive, to have vindicated it by that easy, yet adamantine demonstration than which the reasoning of mathematics shows nothing surer, to have inscribed this vast truth of conservatism upon the public mind, so that no demagogue, not in the last state of intoxication, denies it—this is an achievement of statesmanship (of the judiciary) of which a thousand years may not exhaust or reveal all the good.

Those still contending that the Supreme Court has no such power under the Constitution derive great comfort out of the dissenting opinion of Chief Justice Gibson, of Pennsylvania, in the case of *Eakin* v. *Raub* (12 Seargent and Rawles Reports, 330), in which he attacked the reasoning of Chief Justice Marshall as weak and inconclusive, contending that if the Court had such power that it was a political and not a judicial body. They overlook the fact that this great judge, later, in the case of *Norris* v. *Clymer* (2 Pa. State Repts. 281) abandoned this position.

One of our great Senators in a recent speech attacking the Supreme Court, quoted the decision of Mr. Justice Chase in the case of *Hylton* v. *United States* (1 U. S. 174) as follows:

> If the courts have such power, I am free to declare that I will never exercise it, but in a very clear case.

And yet Justice Chase concurred in the decision of Marbury against Madison. Of the other authorities cited by the Senator in this very able speech not one supports the contention that the Supreme Court has not the power to hold acts of Congress unconstitutional, or that it should not have such power.

It is difficult to form a law in such language as to convey the same meaning to every mind. Nevertheless, the meaning must be derived from the language used, unless it so clearly appears that a contrary design was intended to be accomplished, in which case interpretation should be favorable to the spirit and against the letter of the law. However, caution must be exercised to keep interpretation from expanding into enlargement. It is the legislative branches of government that make laws and not the judges.

It is freely conceded that the vesting of power in the judicial branch of the Government to declare unconstitutional and void acts of the legislative branch was something new in jurisprudence. There is no definite precedent for it to be found in either the Roman or English systems, from which the framers of the Constitution drew. But neither of these systems were adjusted or susceptible of being fully adjusted to a government of limited powers. They were the development of governments absolute in form; governments enjoying absolute and complete sovereignty. Whereas with us the Federal Government is sovereign only to the extent of the use of power delegated to it.

The framers of the Constitution, acquainted with the lessons of history, sought to profit thereby. The protection of the States was their chief concern. They did not want a general government of unlimited powers but a government forming a more perfect union of sovereign States; one establishing justice and insuring domestic tranquillity; a government to promote the general welfare of the people of the several States.

To make clear public will on the question of the division of powers the First Congress proposed and the States adopted the tenth amendment to the Constitution, which says:

> The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people.

A storm of criticism was directed at the Supreme Court following its decision in the Dred Scott case. As great and profound as was the decision of Chief Justice Marshall in Marbury against Madison, it was neither greater nor more profound that was the decision of Chief Justice Taney in the case of *Dred Scott* v. *Sanford* (60 U. S. 393). While the decision of Chief Justice Marshall was the first pronouncement of the Court on the subject of the power of the Court to hold acts of Congress in violation of the supreme law and was made on a case that was a political issue at the time, the circumstances were not so trying as those confronting the Court in the Dred Scott case, for there the fate of the

Nation hung in balance. And yet the old judge was not cowered and met the issue as a brave and conscientious man and wrote an opinion that is a classic in our American jurisprudence. Some day a just people will see fit to do justice to the memory of this great man.

If the framers of the Constitution did not intend to subject acts of Congress to judicial review and still did not intend that Congress should have unlimited power, then what check upon Congress did they intend to impose? Congress holds a check upon the Executive and the judiciary through the power of impeachment, but who holds a check upon Congress?

In the development of our constitutional system it is impossible to imagine what might have happened if the courts had not had this power.

> The judicial power of the United States shall be vested in one Supreme Court * * * and * * * shall extend to all cases, in law and equity arising under this Constitution * * * and * * * the laws of the United States * * *.

Does this not make the Supreme Court the tribunal for the determination of all Federal questions arising in law and equity under the Constitution and the laws of the United States? Was it intended that the binding effect of a Federal law might be passed upon by a State court but not touched by the Federal judiciary?

What is an act of Congress but a law of the United States? To remove it beyond the field of attack is to give it the force and rank of the supreme law; indeed, it would supersede the supreme law. Are there those who believe that the founders of the Government ever intended to vest such power in Congress?

Why should an act of Congress be more sacred than State laws? Do not members of all legislative bodies take an oath or solemnly affirm to uphold and defend the Constitution as the supreme law of the land? Is this oath less binding upon Congress than State legislatures? I take it that no one would argue that the Supreme Court should not have the power to invalidate State laws on the ground of unconstitutionality, but why State laws and not Federal laws? There is no more delegation of power for the one purpose than for the other. If Congress may legislate without regard to the Constitution, then why not the States?

Be reminded again that it was the people of sovereign States that formed the Union, and that they made it a government of limited powers—all powers not delegated being reserved to the States or to the people. Congress cannot rightfully exercise greater power than was delegated; neither can the Executive or judiciary. But what is the position of those who attack the Court upon the basis of the assumption of power? It can be nothing less than that the will of Congress should be supreme. But who wants to live under a government of supreme legislative power? Under such conditions would life be tolerable to a people accustomed to freedom? And yet this is the power that Congress would have if the check imposed by the Constitution be removed, and if the Court be stripped of the power against which complaint is heard it will be removed.

If Congress may exercise an unrestrained power, then what powers are reserved to the States and to the people? Do the people want a Congress enjoying supreme powers? With such power it could adopt a law prohibiting the free exercise of religion, the freedom of speech, the freedom of the press, or the right of the people to peaceably assemble and to petition the Government for a redress of grievances. If its laws are not subject to attack, then what becomes of the powers reserved to the States or to the people? What sanctity has any part of the Constitution? Might it not as well be destroyed, for if not binding upon Congress then it is not binding upon anyone, and should not be.

To take from the Supreme Court the power to apply the constitutional test to acts of Congress would mean the changing of our whole form of government. It would mean the concentration of all powers in Washington and the complete destruction of the States. It would mean the abandonment of the Constitution, the loss of liberty, and the subjugation of the people to what may conceivably be a blind, irresponsible, tyrannous force.

Let those who, in their wrath or disappointment, demand curtailment of the powers of the courts take account of the possible consequences of such change.

It may be contended that Congress, having complete and unlimited legislative power, would not use it to the point of violating the liberties of the people. But why vest a power that should never be exercised? Why expose the people to so deadly a hazard?

If change is needed, then let it come in the manner provided by law. Let the people know what they are invited to do and be not misled into a position that is false to liberty and to life. I know that the Supreme Court is a human institution, just as are all others, and that it is subject to the same frailties of human nature, but to say that it has ever been the minion of wealth is to speak the language of blind and malicious ignorance. It is liberty's best friend—the people's guarantee of protection of their constitutional rights. Someone has said that it is "the living voice of the Constitution", in the formation of which "the lessons and experiences of 4 continents and 30 centuries lent their aid." Certainly it has a proud record for high public service, a fame for honor and impartiality that is not excelled by any similar body in all world history. No more imposing judicial power was ever constituted by any people. The Executive appeals to it in resisting the encroachment of the legislative powers; the legislative demands their protection from the designs of the Executive; it defends the Union from the disobedience of the States, the States against the encroachment of the Union, the public interest against the interest of private citizens, and the conservative spirit of order against the fleeting innovations of democracy.

I like to think of the Court as having the power in the name of the people to summons before its bar the great and the small to receive judgment in accordance with law. I like to think of it as the purest expression of the public conscience to which the humblest citizen as well as the sovereign powers may appeal for the righting of wrongs.

The nine men who constitute the Court are not infallible. I have thought that in their interpretation of the due-process and commerce clause of the Constitution they projected Federal power too far into matters of purely domestic concern, and encroached upon the jurisdiction and prerogative of States, but in this regard they have never gone half as far as legislative will is disposed to go and would go if permitted to act without restraint. Mention need not be made of what would happen to the governments of rural communities and small States, and the concentration of power in populous centers.

A court with power to pass upon the validity of acts of the Executive and legislatures could not exist in a government absolute in form, but in a government of confederated sovereignties, living under a written constitution, it is necessary to the preservation of the spirit of order and as protection against the tyranny of the majority, a danger to order always existing in a democratic form of government with sovereignty in the people whose wisdom and justice is not always equal to their power.

It is unfortunate that critics of the Court should fall into the grievous error of making its decision the subject matter of partisan political controversy, thereby undermining the institution in the confidence of the people, a thing so necessary to its power and influence.

No political significance is to attach to my remarks. I am only undertaking to paint the pictures in less high colorings and with a stricter regard to realities. The Court has done nothing other than say what the law is. If the acts of Congress referred to are unconstitutional, then the responsibility is that of Congress and not the Court.

As for myself, I never entertained the slightest doubt but that the National Industrial Recovery Act was unconstitutional, but as to the Agricultural Adjustment Act, while entertaining some serious doubt, I thought there was a chance of its holding against attack on the theory developed in the minority opinion of the Court. However, I have always believed that the right approach to the subject of agricultural relief was through grants to the States, and still

think we should proceed along that line under some general policy laid down by Congress. The people are the source of all public virtue, and their care in their own concern must not be destroyed through governmental monopolization of the energy of their existence, for when this is lost the Nation dies.

Following the decision invalidating the National Industrial Recovery Act, some criticism was made of the President for a remark he is alleged to have made upon being informed of the fate of the act, which was to the effect that the country was being turned back to "horse and buggy" days. Considering the important part that the law played and was intended to play in the recovery program, it is reasonable that he should have been disappointed and should have so expressed himself. He was entirely self-restrained and made no expression approaching in violence statements made by President Jefferson following the decision of the Supreme Court in the Marbury case, who said:

> The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric.

Neither was the statement severe and hostile in tone as those made by President Lincoln following the action of the Court in the Dred Scott case, who said:

> * * * If the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court * * * the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

It was mild as compared with the angry utterances of President Theodore Roosevelt made in his advocacy of recall of judicial decisions.

There has been no demand on the part of the Executive that the Constitution be bent to meet the exigencies of the hour. This great charter of human liberty is as sacred to him as it should be to all others. His appeal has been that the Congress not stand still in the midst of the Nation's distress but move forward and lift from the lives of the people the pall of misery that rested upon them.

So, no matter how widely apart we may be on constitutional interpretation, how greatly our philosophies may differ or our opinions clash, let us preserve a tolerant attitude, keep an open mind, speak the language of moderation, and defend the Republic against the assaults of madness, misconception, and wicked design. Let the coordinated branches of government exercise their full constitutional powers in the public service, lest America be hurled from the proud pinnacle of glory where the sacrifices and exertions of the people have placed her. [Applause.]

Mr. MARTIN of Colorado. Mr. Speaker, I rise to ask the gentleman from Georgia a question.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired. Under the special order of the House, the Chair recognizes the gentleman from Maine [Mr. HAMLIN] for 15 minutes.

Mr. HAMLIN. Mr. Speaker, a recent decision of the United States Supreme Court has attracted attention to the age-old question of free speech and free press in America. I propose to discuss this today, but due to my limited time am forced to decline to yield to interruptions. I do this the more willingly since my distinguished colleague from Minnesota following me will, I am sure, patch up and add to my poor structure, so that at the close there will be little need for more light on this great subject.

Free speech and a free press dates from Lexington and Bunker Hill and the treaty of peace with England in 1783. It has had milestones all along the way—the Declaration of Independence, the Constitution of the United States and its amendments, right of petition, emancipation proclamation, eighteenth amendment and repeal, enfranchisement of women, and the humanitarian policy and achievements of this present administration.

These great movements of public opinion in free America sprang from and live today through the education of its masses, not in muzzling speech or the press, as in nations of the past and present, but in the freedom of its citizens under law, knowing that the freedom of its citizen ends where the freedom of the Republic begins.

These great advances, not retreats, for it is not our job to permanently retreat in America, have had leaders in speech, spoken and written, in peace and in war, with always the objective—freedom, and the truth has made us free.

Patrick Henry spoke it in the House of Burgesses, Sam Adams wrote it for the town meetings in New England, Tom Paine penned it on a drum head, and Washington fought for it and best of all lived it when he refused the kingship of America. The treaty of peace, an open covenant openly arrived at, was steered by the great printer of free speech, Benjamin Franklin—the Declaration of Independence; Jefferson, the founder we might say of schools and colleges in Virginia, its author; and along with this came the United States Constitution, two of the greatest state papers ever made by man. I say to you, the great framers of that chart and compass which we all believe in were inspired by Almighty God, and with sturdy hearts and enlightened minds accepted by three-fourths of the Colonies after debate in the press and on public platforms by Hamilton, Jefferson, Madison, the immortal Washington, and many others.

The right of petition, led by John Quincy Adams, in this House, and granted at last by the South, generous then as now, was a victory for free speech and a free press as was the Emancipation Proclamation, and the Eighteenth Amendment, especially its repeal.

The enfranchisement of women—and last Saturday was the one hundred and sixteenth birthday of Susan B. Anthony—was a logical prelude to you good ladies of this House. But I ask you, did not these great leaders in these great movements of the past, were they not closely touching and in most cases forced by public opinion emanating from free speech?

Oh, yes; time and public opinion puts men and measures in the right place. When we read of Washington we must remember Conway, Cabal, Gates, Lee, and those critics who made him say that he would have preferred death rather than the abuse to which he was subjected. We see today Mount Vernon, this Capitol, and our great Republic monuments to his true worth.

Did Jefferson have critics? Read his life and see. Yet the Louisiana Purchase, begun by him, opened the golden West until Texas, New Mexico, and California were ours. He always fostered free speech and press.

Did John Quincy Adams have opposition? Yes; while President, but more in forcing the organization of this very House and winning the support of his colleagues and public opinion.

Jackson? Why, he lived and thrived on opposition then; but now his monument is down there; I love to look at it. He always took it on the chin, met his opponents in the open at New Orleans and Washington; he never tried to overthrow speech or press, but believed in their freedom; he did overthrow entrenched greed, the United States Bank.

And now I must be careful, for I deal with men and measures of today. Yet I shall speak of these men and policies as I see them affected by free speech and free press—and I speak under the principle of free speech.

I believe Teddy Roosevelt's courage in great reforms was helped materially by public opinion; that Grover Cleveland was tried and proved by public opinion, accepted after death, not as a servant of Wall Street nor an English sympathizer but a man who stood for an honest dollar, arbitration with Great Britain, and a defender of law and order.

I believe that public opinion through freedom of press and speech has proven President McKinley not manipulated by his friend Mark Hanna; and President Coolidge, privately and publicly a typical New England product, constant and unswerving. It has shown that President Wilson was first of all a patriot and one of the greatest educators and world idealists this Nation ever saw. He had a vision. When there is no vision the people perish. I might speak of the strength of public opinion in Europe.

Sometimes we read and hear sensational stuff that is in the current papers and radio programs, and we are mad

and sick at heart, but there is so much good, too, in them; for much, thank God, found here is against communism and the reds, against high-toned education under the guise of liberty and freedom, against presuming to ask teachers to swear allegiance to that flag which cost us so much and stands for all we are or shall be. I say when we read and hear this it makes us happy; but when we hear and read politics, pro and con, Al Smith and BORAH, this good Democrat for this and that good Republican for that, each one knows he is right—ah, there is the rub!

And you say to me, "If you believe in public opinion and free debate, why did you vote for the gag rule and the death sentence and 'soak the rich', as proclaimed in the press?" My answer, allowed by free speech, is that the gag rule is a misnomer—it is a governmental rule enabling the majority of this House to act; that the death sentence of 7 years is a long death and longer than I wish it were; that "soak the rich", translated, is "give the poor an equal chance." But, as in the past, if an intelligent, fair, and well-diffused public speech and press—and they were never so universal—will precede our elections, our elections will bring good government, which will be supported and guarded by a healthy and courageous public opinion, and America will continue safe and happy.

Free speech and press plague us when we do not agree with them, but no matter if we are right, somebody else is printing it and at last in America truth will live. Judge Sutherland is right—

> A free press stands as one of the great interpreters between the Government and the people; to allow it to be fettered is to fetter ourselves.

And Franklin said:

> Whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech.

The SPEAKER pro tempore (Mr. MCSWAIN). The time of the gentleman from Maine has expired.

Mr. ZIONCHECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ZIONCHECK. I wanted to ask the gentleman from Maine [Mr. HAMLIN], who was quoting Jefferson, whether Jefferson said if such things as he advocated were passed and such laws, that half the people would be hypocrites and the balance would be fools.

Mr. BLANTON. Mr. Speaker, that is not a parliamentary inquiry and it is against the rules of the House. There is a special order.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. ZIONCHECK. Then I withdraw it.

The SPEAKER pro tempore. Under the special order of the House the gentleman from Minnesota [Mr. KNUTSON] is recognized.

Mr. KNUTSON. Mr. Speaker, I was constrained to ask for this time because I realized that the rule to accompany the neutrality resolution would, of necessity, greatly limit the time for debate, and quite properly so.

I happen to be one of the few now here who were Members of the House during the war Congress back in 1917 and 1918, when my distinguished colleague, the gentleman from Alabama [Mr. BANKHEAD], the able majority leader, also became a Member of this body.

A very remarkable address was delivered in another body a week ago today that I feel should not go unanswered. In that address the speaker virtually served notice on Japan that if the Japanese do not live up to the obligations which she has assumed in certain treaties this country would go to considerable lengths to compel her to do so. In view of the fact that the speaker to whom I have reference occupies a position unusually close to the administration, I am wondering whether he spoke by the card.

Mr. BANKHEAD. Mr. Speaker, I feel constrained to make a point of order. The rules of the House, as I understand them, specifically provide that no reference shall be made by a Member of the House to a statement made by a Member of the United States Senate with reference to his action in such Senate. I think the character of speech which the gentleman from Minnesota is making transgresses the rules of the House.

Mr. KNUTSON. Mr. Speaker, I did not mention the Senate. I simply said "some remarks had been made in another body."

The SPEAKER pro tempore (Mr. MCSWAIN). The Chair sustains the point of order. The implication is plain that the reference is to the Senate of the United States. The point of order is sustained. The gentleman will please proceed in order.

Mr. KNUTSON. Of course, that throws my remarks completely around. [Laughter and applause.]

I will go at it in this way: Back in 1916 the Democratic Party went before the country on the slogan that Woodrow Wilson had kept us out of war, and, acting upon the assumption that he would continue to keep us out of war, the American people reelected him President by a close margin. In fact, it was so close that we did not know for several days who had been elected President. I am wondering, Mr. Speaker, if the policy will be reversed in the coming campaign, and that we are going to be plunged into war with Japan before election so that an appeal may be made to the American people to not change horses while we are in midst of an emergency.

There is no valid ground for our going to war with Japan either for the purpose of promoting our commerce or protecting the territorial integrity of another country, more especially when that country has demonstrated its incapacity for orderly self-government.

Our trade with the Orient is largely a thing of the past, because we cannot compete with Japan when it comes to cost of production. I will not go into that phase now, as I have done so on previous occasions. Mr. Speaker, our trade territory lies to the south, and I am glad that President Roosevelt has called a conference of the nations of this hemisphere, the object of which is to attain a better and more harmonious understanding among them. Let us cultivate the people of Latin America. They are our friends, and among them lies our richest market as does their best market lie with us.

All wars are commercial or political. We were dragged into the World War to protect the loans to the Allies made by the New York international banking crowd. We now know that at the very time we were being urged to stand by President Wilson in the 1916 campaign, because he had kept us out of war, it had been definitely decided we were to enter that war after election, providing Mr. Wilson was reelected.

I thank God that I am one of those who voted against going into that war. Had we stayed out of it, we would have been spared the misery and suffering that has been our lot the past few years.

Now, Mr. Speaker, I fear that the question of neutrality is one that very few of us understand sufficiently well to legislate upon. I do not believe we should adopt a policy of neutrality that will cause us to surrender those things which we acquired as a result of the War of 1812, the freedom of the seas; certain rights that no proud people would willingly give up. I believe we should keep free of foreign entanglements, as recommended by the immortal Washington. We should prohibit the sale of foreign securities in this country by any belligerent. We should prohibit foreign countries that are at war coming to this country and unloading a lot of "cats and dogs" upon us in return for good American dollars and merchandise. We should insist upon the right to sell to any belligerent who is willing to come here and pay cash for what he buys, and take it home with him. Is there anything wrong with a neutrality policy of that kind?

In the consideration of neutrality legislation, let us not forget that everything from bread for the women and children at home to cannon for the battlefield are held to be contraband of war. It follows that in the event of a general war we would thus be unable to sell abroad the products of our farms and factories if we were to adopt a neutrality law such as is asked for by the extremists. In every war, nonbelligerents have sold freely to such belig-

erents as they could make deliveries to. I would sell only to such belligerents as were able to pay cash and carry away with them that which they buy. I believe that such a policy would reduce to a minimum any danger of our being drawn into wars with which we have no concern.

During the present Italo-Ethiopian war it has been suggested that we impose sanctions. No. Sanctions can only lead to war. We were asked to place an embargo on oil against Italy a short time ago. Mr. Speaker, to have done so would have been the height of asininity. Why should we continue, as we have for a hundred years, to fight Great Britain's battles in our foreign policies? Is it not about time that we adopted an American policy for the American people that will redound to the welfare and glory of this great country?

I yield back the balance of my time. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, I sought to interrupt the very able gentleman from Georgia, Mr. Cox, whom I greatly admire, with a question, while he was delivering his speech on the Supreme Court, but time did not permit.

My question would have embraced this proposition: The growing use of the judicial veto over acts of Congress since the beginning of the industrial era indicates a growing departure, a constantly widening breach between the organic law of the land and the economic systems and conditions of the country, which are apparently beyond the powers or capacity of the States to deal with, and resulting in these repeated frustrated efforts of Congress to deal with them. I wanted to ask the gentleman if he recognized this growing difference; and, if he did, what in his opinion ought to be done about it, or whether anything needs to be done.

[Here the gavel fell.]

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent——

Mr. ZIONCHECK. Mr. Speaker, I object.

The SPEAKER. To what?

Mr. ZIONCHECK. Whatever the gentleman wants, I object.

The SPEAKER. The gentleman from Texas has not stated his request.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I understand that today will come up for consideration under suspension of the rules the matter of neutrality. I want to appeal to the common sense and intelligence of every Member of this body. We hear hour after hour taken up in personalities and home-consumption speeches, yet when the most important subject of this entire session comes before us, it comes under suspension of the rules, which is the worst form of "gag" rule it is possible to apply to a bill. It is intellectually dishonest, I say it is intellectually and spiritually cowardly of us to bring this up under a "gag" rule, under suspension of the rules.

I believe the only fair thing is for the Committee on Foreign Affairs to stand by its original report and its original bill, but if it does not report any bill whatever, with a rule which will give us an orderly and fair discussion of the measure. This "gag" procedure is not democratic and it is not fair.

What do you mean to do; do you mean to say that we have to listen hour after hour to speeches of no importance and give only 40 minutes to fundamental legislation such as the neutrality bill?

We have been here nearly 8 weeks; what have we done of a fundamental nature? Nothing! Should we spend the rest of our time shadow-boxing and rush home? Forty days and more on speeches, 40 minutes only on millions of human lives——

[Here the gavel fell.]

Mr. SISSON. Mr. Speaker, I ask unanimous consent that the gentleman from Texas may proceed for 2 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. ZIONCHECK. Mr. Speaker, I shall object to 2 minutes. The gentleman should modify his request to make it 1 minute for the gentleman from Texas. One minute is enough.

Mr. SISSON. Mr. Speaker, I modify my request and ask unanimous consent that the gentleman from Texas may proceed for 1 additional minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MAVERICK. We might as well agree that certain special groups have come into the picture. I refer to the letters of certain leaders of Italo-American groups. I am not referring to Italian-American people, because they are just as good Americans as I or anybody else; but certain persons out of organizations representing Italian-Americans have written letters saying they are entitled to special consideration for Italy.

I deny to any racial group in this country the right to special consideration. [Applause.]

As I said, the Italian-American groups may, through their leaders, demand special consideration, but Italian people as a whole have exactly the same reactions as anyone else. It seems to me that the pressure, the so-called Italo-American pressure, has not come from the mass of Americans who are of Italian extraction or descent, but from certain leaders. I make no statement concerning the Government of Italy. Their form of government is their business, and our form of government is our business, but I stand for strict neutrality and for staying out of the war, and the Italian-Americans no more want to get into a war than did the good and patriotic Americans of German extraction in the late war. Let us not look at this from a racial viewpoint whatever; let us look at it from a viewpoint of what is best for America.

Another thing, I have been trying to find certain testimony given by John Bassett Moore for several weeks. I should have been able to get it here, but I did not; I finally had to get it from the New York Chamber of Commerce. They oppose neutrality legislation. Is their interest unselfish? Have they given this thorough thought? A common-sense businessman ought to see that any temporary sacrifice that is made will certainly be cheaper, just from a money viewpoint, in the long run. This is wholly aside from the viewpoint of humanity, which is compelling enough.

Mr. Speaker, I urge that this "gag" rule be defeated, and that the Committee on Foreign Affairs then bring in a bill under a fair, democratic rule, so we can at least be heard on the subject. [Applause.]

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

Mr. ZIONCHECK. Mr. Speaker, I object. Make it 1 minute.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SWEENEY. Mr. Speaker, in a radio address Sunday afternoon, February 16, 1936, the Reverend Charles E. Coughlin, founder of the National Union for Social Justice, and spokesman for millions of oppressed and inarticulate citizens of this Nation, dared to tell the American public the truth about legislation in Congress.

He condemned the tactics of the leaders of the majority side in obstructing the opportunity for free debate on the Frazier-Lemke bill, which petition to discharge the committee now lies on the Speaker's desk, containing the signature of 209 Members.

He also condemned the legislation sponsored by Representative JOHN J. O'CONNOR, a private bill known as H. R. 4178, designed for the relief of the International Manufacturers Sales Co. of America, Inc., A. S. Postnikoff, trustee, in the amount of $900,000. This bill was vetoed by the President of the United States on February 11, 1936, and sustained by a roll-call vote of 333 to 4.

The gentleman from New York [Mr. O'CONNOR] at the conclusion of Father Coughlin's radio address sent to him the following telegram:

REV. CHARLES E. COUGHLIN,
Royal Oak, Mich.:

Just heard your libelous radio ramblings. The truth is not in you. You are a disgrace to my church or any other church, and especially to the citizenship of America which you recently embraced. You do not dare to print what you said about me. If you will come to Washington I shall guarantee to kick you all the way from the Capitol to the White House, clerical garbs and all. Silver in your pockets you got by speculating in Wall Street while I was voting for all farm bills.

JOHN J. O'CONNOR.

With the threat of the honorable gentleman from New York [Mr. O'CONNOR] to kick a priest from the Capitol to the White House I am not interested; nor with the anger of the gentleman from New York. The thing that is important is whether the things the radio priest said are true. I am certain that Charles E. Coughlin, the American citizen, can take care of himself under any circumstances. And I am authorized to state he will exercise his constitutional right as a free American citizen and accept the challenge of Mr. O'CONNOR to come to the Capitol at his convenience and meet him face to face on the issue which was raised by the radio priest yesterday, February 16, 1936.

There are many Members of this Congress who were suspicious of the legislation known as H. R. 4178. This is confirmed by the tremendous vote to sustain the President's veto.

There are some things the Congress and the people of the Nation are entitled to have cleared. Pertinent to the inquiry one dares to ask why, after the United States Senate reduced the claim to $658,050, the conference committee inserted the amount $900,000, which was the sum included in the final passage of the bill.

It is pertinent to inquire why the State Department, despite the claim made by the proponents of this private bill that they were in sympathy and had recommended its passage, have no files or memoranda on the subject.

It is pertinent to inquire why the gentleman from New York [Mr. O'CONNOR], on August 20, 1935—page 13852, the CONGRESSIONAL RECORD—stated:

This bill was inherited by me from my predecessor. This company has been knocking at the gates of Congress for 17 or 18 years. I have never gone into the details of this bill, as had the gentleman from North Carolina [Mr. CLARK], the gentleman from Oklahoma [Mr. NICHOLS], and the gentleman from Alabama [Mr. BANKHEAD], but these gentlemen who have say it is absolutely justified on its merits.

The RECORD fails to disclose that the distinguished majority leader, Mr. BANKHEAD, ever made a statement, one way or the other, when this measure was under consideration.

May I be permitted to recite for the benefit of the RECORD the fact that the gentleman from New York [Mr. O'CONNOR'S] predecessor was the Honorable Bourke Cockran, since deceased, perhaps one of the most outstanding gentlemen of his generation. He served in the House from March 4, 1887, to 1889; elected to the Fifty-second and Fifty-third Congresses, respectively; served from November 3, 1891, to March 3, 1895; elected to Fifty-eighth, Fifty-ninth, and Sixtieth Congresses, respectively; having served from February 23, 1904, to March 3, 1909. Mr. Cockran did not return to Congress until he became a Member of the Sixty-seventh Congress and served from March 4, 1921, until his death March 1, 1923. Obviously, this claim is alleged to have arisen during the year 1918 to 1919 at a time when Mr. Cockran was not a Member of the House. If he at any time sponsored the legislation in question, as indicated by the remarks of the gentleman from New York [Mr. O'CONNOR], it could only have been during his services as a Member of the Sixty-seventh Congress, the period from March 4, 1921, to his death, March 1923. I have searched the RECORD, and I do not find where Mr. Cockran was identified in any way with this legislation.

I submit this as a statement of fact to remove whatever inference there may be that the gentleman from New York [Mr. O'CONNOR] inherited this bill from the distinguished gentleman, Congressman Bourke Cockran, whose lips are sealed in death, but whose reputation and memory is clarified by the RECORD.

It is pertinent to inquire whether or not the War Trade Board, referred to in the RECORD and the veto message, was in fact in existence at or about the time this obligation was contracted by the International Manufacturers Sales Co., Inc., A. S. Postnikoff, trustee. It is significant also to note that the Secretary of the Treasury, the Acting Director of the Bureau of the Budget, the Comptroller General, and the Attorney General united with the President in recommending that the bill be vetoed.

There seems to be one issue involved in this controversy, which has now been made a matter of public record and Nation-wide importance, and that is the truth or falsity of certain statements. The calling of names and the threat of physical violence will not clarify the issue. Commendation should be accorded the Chief Executive in acting in a courageous manner in exercising his right of veto to kill questionable legislation of this type that had no legal basis for recovery of damages against the Government. It is also pertinent to inquire who the lawyers, if any, were interested in the successful passage of this private bill.

PERMISSION TO ADDRESS THE HOUSE

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. MAVERICK. Mr. Speaker, reserving the right to object, that is a very long time.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, may I ask the majority leader when we are going to take up the regular business today?

Mr. BANKHEAD. Replying to the inquiry, I think it is proper for me to state at this time that we have been very liberal and generous in the disposition of time this morning. This is the day set aside for the consideration of bills on the Consent Calendar and there are many Members present who would like to have their bills brought up for consideration. I shall not object to the request of the gentleman from Oregon, but I trust that hereafter Members will not make similar requests.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PIERCE. Mr. Speaker, I learn from the press this morning the chairman of the Rules Committee states that no Democratic member of the Committee on Agriculture of the House of Representatives has asked for a rule for the consideration of the Frazier-Lemke refinancing bill. It was on my motion that the bill was reported out of the Agricultural Committee. I thought I had spoken to the chairman of the Rules Committee about getting a rule. I am sorry if my memory is at fault. However, I now publicly ask as a Democratic member of the Committee on Agriculture that the Rules Committee report a rule upon this bill, so that it may be brought up on the floor for consideration.

Mr. ZIONCHECK. Are there not a lot of Democratic signatures on the petition to discharge the committee?

Mr. PIERCE. I signed the petition to discharge the committee.

[Here the gavel fell.]

Mr. CELLER. Mr. Speaker, I ask unanimous consent that on Wednesday next after the reading of the Journal and disposition of matters on the Speaker's desk I may address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, it has been previously announced that we will take up on Wednesday next the farm bill, in which I imagine all Members of the House are tremendously interested. It is unpleasant to object to these unanimous-consent requests. I wonder, therefore, if the gentleman could not content himself with getting time in general debate on this bill. I think we can arrange it for him.

Mr. CELLER. The difficulty is I desire to speak out of order. I modify the request to 10 minutes.

The SPEAKER. What is the request of the gentleman from New York?

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House on Wednesday next after the reading of the Journal and disposition of matters on the Speaker's desk for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARCANTONIO. Mr. Speaker, my good friend, the gentleman from Texas, has referred to the so-called Italian-Americans requesting special consideration in the matter of neutrality legislation. I simply want to inform my colleagues of the House that these so-called Italian-Americans are Americans of Italian extraction and that the Americans of Italian extraction are not requesting special consideration. They are interested only in the welfare of the United States of America. They have demonstrated this by working for, fighting for, and dying for our Nation. They are willing to fight and make any contribution or sacrifice for the United States, but they expect justice. It is their desire to keep our Nation out of war. They want peace. They are opposed to any scheme which would make our Nation the tool of either the international racketeerism of the League of Nations or the imperialistic interests of any foreign nation. They also believe that neutrality policies should be fixed by Congress and not by the Executive. This is the cause they espouse. Who can say that it is not a just one? Who can say that it is not American? Who can say that it is not for the cause of peace? [Applause.]

PENNSYLVANIA HAS FAILED THE AGED

Mr. ELLENBOGEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. ELLENBOGEN. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following:

Seventeen State laws have been approved by the Federal Government for participation in Federal old-age-pension funds, but Pennsylvania's law has been rejected. Why?

The reasons for the rejection of Pennsylvania's inadequate and absurd old-age-assistance law will amaze and shock you.

But first let us discuss the history of old-age pension legislation in Pennsylvania, and then examine its present status.

FIRST STATE PENSION ACT

On May 10, 1923, the State legislature in Harrisburg passed an old-age pension act. This action was dishonest because insufficient funds were appropriated. Only $25,000 was appropriated for a 2-year period—a sum of money which could not even begin to pay for administering the law in the 67 counties of Pennsylvania. The appropriation of only $25,000—when thirty millions were required under that law—was a cruel joke at the expense of the needy aged of Pennsylvania.

It was a deliberate fraud on the aged of Pennsylvania. Instead of extending sympathy and help, the State legislature in Harrisburg in 1923 handed the aged a joker.

SUPREME COURT VOIDS ACT

The Supreme Court of Pennsylvania came to the aid of the State legislature, and on February 2, 1925, Justice Kephart of the State supreme court delivered the opinion of the court that the old-age pension act of Pennsylvania violated the constitution of Pennsylvania and was therefore invalid.

Another attempt to enact old-age-pension laws which would conform with the present constitution of Pennsylvania was made by the special session of the State legislature in 1933. The attempt was made on the theory that if old-age pensions were confined to indigent aged—that is to say, to aged who were in need of public support—such an act might be upheld by the Supreme Court of Pennsylvania.

AID TO INDIGENT INADEQUATE

In this manner the present Old Age Assistance Act was passed. This act, ladies and gentlemen, is so inadequate and so limited in its application, that it even fails to comply with the modest standards set forth in the Federal social-security bill, passed last year by the Congress of the United States.

The act of Congress of August 14, 1935, provided that the Federal Government would match, dollar for dollar, all old-age pensions paid by any State of the Union, provided the State law would live up to certain minimum standards in making provisions for the needy aged.

Pennsylvania's law is below these minimum standards.

This fact explains the stories carried last week by the newspapers that the Pennsylvania law was not approved for Federal aid.

STATE AGE LIMIT TOO HIGH

In order to comply with the Federal law, the State law must fix the age limit at 65 years, or lower, but it has until January 1, 1940, to do so. However, certain residents are included under the Federal law who are excluded by the Pennsylvania law, and unless the State of Pennsylvania takes care of that class the Federal Government will not aid Pennsylvania in its old-age-pension payments.

It does not appear likely that Governor Earle, of Pennsylvania, who is very anxious to improve this situation, will be able by executive action to correct the shortcomings of the law, and it is therefore likely that Pennsylvania will not receive any Federal funds for old-age pensions until it changes its law.

TO AMEND SOCIAL SECURITY ACT

However, I will introduce a bill in the Congress to have the Federal law changed for a limited period of time so that the Pennsylvania State Legislature in Harrisburg will have an opportunity to pass an adequate old-age pension law when it meets in special session, which is expected to be called within a few months.

Now, let me tell you something about the Pennsylvania old-age pension law as it is in operation today.

Mr. Speaker, I make the following indictments of the Pennsylvania old-age pension law:

NINE CHARGES AGAINST STATE ACT

First. The old-age assistance law is inadequate, because the corrupt and controlled Republican State senators slaughtered the constitutional amendment to permit the people to vote on real old-age pension legislation.

Second. It limits old-age pensions to paupers only. It provides that old people who possess more than $300 in personal property are not eligible for pensions, even if they have no income whatever and are without friends or relatives.

Third. It provides only for payments of less than $30 a month, which are indecently low and shamefully insufficient.

Fourth. It denies medical aid to the aged needy and provides for less than a mere bread-and-water diet for them.

Fifth. It provides that the applicant for a pension must have lived in Pennsylvania either continuously for 15 years immediately preceding the date of his application, or for a total of 40 years in the State, and thereby disqualifies thousands of needy and aged people.

Sixth. It provides for an age minimum of 70, when 60 years should be the age at which pension payments begin.

Seventh. Insufficient funds have been appropriated, thereby denying pensions to about two-thirds of those eligible under this very restricted and limited law.

Eighth. It fails in other respects to meet even the minimum standards required by the Federal Social Security Act.

Ninth. These extreme restrictions and inadequate provisions will deny Pennsylvania millions of dollars each year in Federal funds.

AGE LIMIT SHOULD BE 60 YEARS

The Pennsylvania State law requires that a person must be 70 years of age to be entitled to aid.

This is an age limit which is far too high. In our industrial age, when many of our mines and mills and factories throw a human being on the scrap heap when he is 45 years of age, it is a travesty upon justice to say that the aged cannot receive a pension until they become 70 years of age. We might as well say that the aged will not receive the aid of society until they are so near the grave that they can enjoy pension checks for but a few short years. The people of Pennsylvania want an old-age pension, not a graveyard pension! There may be honest differences of opinion as to the age at which pension payments should begin, but there can be no difference of opinion about the fact that 70 years is far, far too high.

In my opinion old-age pension payments should begin at the age of 60 so that the aged may have a considerable number of years which they can spend in peace and comfort.

Ever since I have been in public office I have actively advocated and vigorously fought for the payment of old-age pensions to all those who are 60 years of age or more. I shall continue the fight until the goal is achieved. I shall battle until every aged person in Pennsylvania 60 years or more will receive from the State of Pennsylvania, aided by the Federal Government, an adequate and fair old-age pension check.

PAYMENTS ARE TOO LOW

But the high age limit is not the only defect of the Pennsylvania law.

The second outstanding defect in the law of Pennsylvania is the provision which fixes $30 as the maximum pension allowance. It is clearly impossible for an aged person to live in decency and simple comfort on $30 a month.

As a matter of fact, those who are over 70 years of age and those who fulfill all the strict requirements of that harsh law do not even receive as much as $30 a month. Under a ruling by the attorney general, the pension may be awarded to cover only four needs of the aged—rent, food, clothing, and fuel. Nothing is provided for medical care. Medical attention for persons over 70 years of age is as necessary as food or shelter. It is inhuman and unjust—it is tragic—that the Pennsylvania law will not permit the allotment of one cent for medical care for the aged of this State.

Thirty dollars a month is too low, but the needy aged do not even get that sum. Under the present law the average allowance in Allegheny County at this time is $25.40, and at no time was it any higher than $25.52.

PENNSYLVANIA'S RESIDENCE REQUIREMENT TOO STRICT

Another outstanding defect in the Pennsylvania law is the residence requirement. The Federal law provides that a State should pay pensions to resident citizens of the State who have lived in that State continuously for 5 years out of the last 9 years. But the Pennsylvania law says that an applicant must be a citizen for 15 years and must have lived in Pennsylvania for 15 years immediately preceding his application, or must have lived in Pennsylvania for a total of 40 years. These idiotic residence requirements are a serious stumbling block and will prevent Pennsylvania from getting any Federal funds unless they are drastically amended.

But here is the most astounding defect: The Pennsylvania Legislature, which half-heartedly passed this weak and inadequate law, delayed the enforcement of its provisions for a year after its passage. Then it deliberately refused to appropriate sufficient funds for this inadequate assistance law.

Now, let me give you some facts and figures. When the law took effect on December 1, 1934, 10,563 applications were received in Allegheny County from persons 70 years of age or over. Of these, 3,737 were allowed pensions and 6,617 were put on the waiting list.

TWO-THIRDS OF AGED ON WAITING LIST

On May 31, 1935, there were 4,017 aged on the pension list of Allegheny County and 7,934—nearly 8,000—were on the waiting list. Two-thirds of the needy aged of Pennsylvania who were eligible under the law were on the waiting list because of insufficient funds. And this waiting list is being steadily increased.

Mr. Speaker, you can visualize just what these figures mean. Every week I receive dozens of letters from old people living in Allegheny County complaining that, although they are eligible under this severe law, although their applications have been on file for over a year, they are not receiving a pension.

In the State of Pennsylvania 39,574 people received pensions as of December 31, 1935; whereas over 100,000 were on the waiting list. These facts and figures mean that the Legislature of the State of Pennsylvania has been derelict in the most elementary duty of providing the necessary funds to pay pensions for the aged.

We have seen that the Pennsylvania law is utterly insufficient and inadequate and far too strict regarding residence and other requirements.

If the law were more liberal, thousands more aged of Pennsylvania would be eligible.

ONLY ONE-THIRD OF REQUIRED SUM APPROPRIATED

Only $10,000,000 were made available for these payments when $30,000,000 were the minimum required. What is the use of passing a law to pay pensions to people 70 years of age or over, and then fail to appropriate the money to pay these pensions? That is a fraud upon all the people of Pennsylvania and a heinous fraud upon those aged who are qualified under the strict terms of the law.

A special session of the State legislature must be called as speedily as possible in order to change the Pennsylvania old-age pension law so that it will meet the minimum standard required by the Federal law. If that is done, the Federal Government will immediately pay to Pennsylvania one-half the money which Pennsylvania pays out for old-age pensions. If Pennsylvania would pay out $30,000,000, the Federal Government would immediately pay back to Pennsylvania $15,000,000.

PROGRAM FOR SPECIAL SESSION

Mr. Speaker, I urge the calling of a special session of the Pennsylvania State Legislature as soon as possible, and I urge that at that special session the legislature make the following changes which I have suggested in regard to old-age pensions:

First. Change the law so that it will comply with the minimum requirements of the Federal Social Security Act, thus enabling Pennsylvania to receive her share of Federal money for old-age pensions.

Second. I think the time has come when the age limit should be reduced from 70 years to 60 years.

Third. The Pennsylvania Legislature must appropriate sufficient money to pay pensions to all who are eligible. The waiting list must be abolished.

We must have decent and humane laws for the security of the old people of Pennsylvania. Every person in Pennsylvania who is over 60 years of age, and who needs it, should receive a pension from the State, a pension which will permit him to spend the winter of his life in simple comfort and free of financial worries.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include

therein the headline taken from a newspaper containing just nine words, saying, "House gagged today to pass Neutrality Act." That is all there is.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

JURISDICTION OF SUPREME COURT ON T. V. A.

Mr. MONAGHAN. Mr. Speaker, I ask unanimous consent to withdraw H. R. 10764, which I have heretofore introduced, which bill would amend the T. V. A. Act, taking it from the jurisdiction of the Supreme Court. I find that this august body has reversed itself again by an 8 to 1 decision and affirmed the T. V. A., which now makes my bill totally unnecessary.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, what is the resolution?

The SPEAKER. It is a resolution which the gentleman states relates to the T. V. A. Is there objection to the request of the gentleman from Montana?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3780. An act to promote the conservation and profitable use of agricultural land resources by temporary Federal aid to farmers and by providing for a permanent policy of Federal aid to States for such purposes; and

S. Con. Res. 27. Concurrent resolution providing for a compilation of Federal laws administered by the Veterans' Administration.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. NORBECK members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments", for the disposition of useless papers in the following departments, viz: Agricultural Adjustment Administration, Post Office Department, Treasury Department, and War Department.

THE CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the calendar.

IRRIGATION CHANNEL BETWEEN CLEAR LAKE AND LOST RIVER, CALIF.

The Clerk called the first bill on the Consent Calendar, H. R. 6773, to deepen the irrigation channel between Clear Lake and Lost River, in the State of California, and for other purposes.

Mr. JENKINS of Ohio and Mr. PIERCE rose.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. JENKINS of Ohio. I object, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS of Ohio. Mr. Speaker, I reserve the right to object to make this comment in the interest of the consideration of the calendar and the interest of expense to the Government. There are seven or eight bills here in succession, all of which have been passed over without prejudice a number of times, some of them eight or nine times, and some of them five or six times. This bill has been passed over without prejudice, I think, on eight different occasions and I think something ought to be done to clear the calendar. I am not opposed to the measure, but I think some action ought to be taken on the bill. I think the gentleman from Oregon appreciates this.

Mr. PIERCE. I certainly do, but the people I am representing are ready to compromise with respect to the terms of the bill and the gentleman from California [Mr. ENGLEBRIGHT] is also interested and I think we can agree on the proposed terms of the bill before the next call of the calendar.

Mr. JENKINS of Ohio. The gentleman thinks he can make these arrangements by the time the calendar is next called, and with that understanding I withdraw my objection to the bill being passed over without prejudice.

The SPEAKER. Without objection, the bill will be passed over without prejudice.

There was no objection.

COLONIAL NATIONAL MONUMENT IN THE STATE OF VIRGINIA

The Clerk called the next bill, H. R. 5722, to provide for the addition or additions of certain lands to the Colonial National Monument in the State of Virginia.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. ZIONCHECK. I object, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. I object, Mr. Speaker.

THE HOMESTEAD NATIONAL MONUMENT OF AMERICA IN GAGE COUNTY, NEBR.

The Clerk called the next bill, S. 1307, to establish the Homestead National Monument of America in Gage County, Nebr.

Mr. LUCKEY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. ZIONCHECK. Mr. Speaker, I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. I object, Mr. Speaker.

ENFORCEMENT OF THE TWENTY-FIRST AMENDMENT

The Clerk called the next bill, H. R. 8368, to enforce the twenty-first amendment.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That this act may be cited as the "Liquor Enforcement Act of 1935."

SEC. 2. (a) Wherever used in this act the word "State" shall mean and include every State, Territory, and possession of the United States, unless otherwise specifically provided.

(b) As used in this act the word "vessel" includes every description of watercraft used, or capable of being used, as a means of transportation in water or in water and air; and the word "vehicle" includes animals and every description of carriage or other contrivance used, or capable of being used, as a means of transportation on land or through the air.

SEC. 3. (a) Whoever shall import, bring, or transport any intoxicating liquor into any State in which all sales (except for scientific, sacramental, medicinal, or mechanical purposes) of intoxicating liquor containing more than 4 percent of alcohol by volume are prohibited, otherwise than in the course of continuous interstate transportation through such State, or attempts so to do, or assist in so doing, shall: (1) If such liquor is not accompanied by such permit or permits, license or licenses therefor as are now or hereafter required by the laws of such State; or (2) if all importation, bringing, or transportation of intoxicating liquor into such State is prohibited by the laws thereof; be guilty of a misdemeanor and shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

(b) The definition of intoxicating liquor contained in the laws of any State shall be applied in order to determine whether anyone importing, bringing, or transporting intoxicating liquor into such State, or anyone attempting so to do, or assisting in so doing, is acting in violation of the provisions of this act.

SEC. 4. All intoxicating liquor involved in any violation of this act, the containers of such intoxicating liquor, and every vehicle or vessel used in the transportation thereof, shall be seized and forfeited. Such seizure and forfeiture, and the disposition of such property subsequent to seizure and forfeiture, or the disposition of the proceeds from the sale of such property, shall be in accordance with existing laws or those hereafter in existence relating to seizures, forfeitures, and dispositions of property or proceeds, for violation of the internal-revenue laws.

SEC. 5. No intoxicating liquor which, by the decree of any court of the United States, is ordered to be sold by the United States marshal, and no intoxicating liquor which has been summarily forfeited, shall be sold in any State, District, Territory, or possession of the United States, in violation of the laws of such State, District, Territory, or possession.

SEC. 6. The Secretary of the Treasury shall enforce the provisions of this act and of sections 238, 239, and 240 of the Criminal Code (18 U. S. C., secs. 388–390), as herein amended.

When engaged in enforcing or attempting to enforce the provisions of this act, or of sections 238, 239, and 240 of the Criminal Code, or of any law in regard to the manufacture, taxation, or

transportation of, or traffic in, intoxicating liquor, the Secretary of the Treasury, the Commissioner of Internal Revenue, and his subordinates and agents appointed for such purpose, and any other officer, employee, or agent of the United States, shall have the rights, privileges, powers, and protection now conferred or imposed upon the Secretary of the Treasury by the act approved March 3, 1927 (U. S. C., Supp. VII, title 5, secs. 281–281 (f)), or conferred or imposed on him or any other officer by any other law in respect of the taxation, importation, exportation, transportation, manufacture, possession, or use of, or traffic in, intoxicating liquor.

Regulations to carry out the provisions of this act shall be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury.

SEC. 7. Section 238 of the Criminal Code (18 U. S. C., sec. 388), is amended to read as follows:

"Any officer, agent, or employee of any railroad company, express company, or other common carrier, who shall knowingly deliver or cause to be delivered to any person other than the person to whom it has been consigned, unless upon the written order in each instance of the bona fide consignee, or to any fictitious person, or to any person under a fictitious name, any spirituous, vinous, malted, or other fermented liquor or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, which has been shipped from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall be fined not more than $5,000 or imprisoned not more than 2 years, or both."

SEC. 8. Section 239 of the Criminal Code (18 U. S. C., sec. 389) is amended to read as follows:

"Any railroad company, express company, or other common carrier, or any other person who, in connection with the transportation of any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which prohibits the delivery or sale therein of such liquor, or from any foreign country into any such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall collect the purchase price or any part thereof, before, on, or after delivery, from the consignee, or from any other person, or shall in any manner act as the agent of the buyer or seller of any such liquor, for the purpose of buying or selling or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be fined not more than $5,000 or imprisoned not more than 1 year, or both."

SEC. 9. Section 240 of the Criminal Code (18 U. S. C., sec. 390) is amended to read as follows:

"Whoever shall knowingly ship or cause to be shipped from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, any package of or package containing any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, unless such package be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, the quantity contained therein, and the percentage of alcoholic content by volume of such liquor or compound, shall be fined not more than $5,000 or imprisoned not more than 1 year, or both; and such liquor shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contray to law."

SEC. 10. Section 5 of the act entitled "An act making appropriations for the Post Office Department for the year ending June 30, 1918" (39 Stat. 1069; 18 U. S. C., sec. 341), as amended, is hereby repealed.

SEC. 11. Nothing contained in this act shall repeal any other provisions of existing laws except such provisions of such laws as are directly in conflict with this act.

SEC. 12. If any provision of this act, or the application thereof to any person or circumstances, be held invalid, the remainder of the act, and the application of such provision to other persons or circumstance, shall not be affected thereby.

SEC. 13. This act shall be effective as of the thirtieth day following the date of its enactment.

With the following committee amendments:

On page 5, line 9, strike out "$5,000" and insert "$1,000"; and on page 5, line 10, strike out "2 years" and insert "1 year."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF BANKRUPTCY ACT

The Clerk called the next bill, S. 1425, to amend section 80 of chapter 9 of an act to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898.

Mr. TABER. Mr. Speaker, reserving the right to object, is not this the same bill that was passed by the House about a month ago?

The SPEAKER. The Chair is not informed about that. This is a Senate bill.

Mr. TABER. There was a similar bill considered at that time, to which I objected. Then my objection was withdrawn later on in the same afternoon and the bill considered and passed. Unless someone is informed otherwise, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

INSPECTION OF MOTOR VESSELS

The Clerk called the bill (S. 2001) to amend section 4426 of the Revised Statutes of the United States, as amended by the act of Congress, approved May 16, 1906.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. WOLCOTT. Reserving the right to object, I want to ask the gentleman if it is possible that the committee will agree upon a bill along this line?

Mr. BLAND. I am unable to answer that question.

The SPEAKER. Is there objection to the request of the gentleman from Virginia that the bill be passed over without prejudice?

There was no objection.

BOARD OF REGENTS SMITHSONIAN INSTITUTION

The Clerk called Senate Joint Resolution 118 providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Reserving the right to object, this is the first time this has been on the Consent Calendar. This is numbered 375. I would like to ask the Chair how it got on the calendar?

The SPEAKER. The Chair is informed that this joint resolution was indefinitely postponed and later the gentleman from Illinois [Mr. KELLER] asked unanimous consent that the proceedings be vacated and the joint resolution restored to the calendar. That request was granted and the joint resolution was restored to the calendar by the order of the House.

Is there objection to the consideration of the joint resolution?

There was no objection.

The Clerk began the reading of the joint resolution.

Mr. COSTELLO. I ask that the further reading of the joint resolution be dispensed with.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution is as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the expiration of the term of Irwin B. Laughlin, on January 21, 1935, be filled by the appointment of Roland S. Morris, a citizen of Pennsylvania, for the statutory term of 6 years.

Mr. COCHRAN. Mr. Speaker, I move to strike out the last word, and ask unanimous consent to revise and extend my remarks.

Mr. ZIONCHECK. I object. There is no last word. The joint resolution has not been read.

The SPEAKER. Further reading of the joint resolution was dispensed with.

Mr. ZIONCHECK. The regular order.

Mr. COCHRAN. I moved to strike out the last word, the amendment, and have been recognized by the Speaker. I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

Mr. COCHRAN. This should satisfy the gentleman from Washington, that I am now proceeding in order.

The SPEAKER. The gentleman from Missouri is recognized for 5 minutes.

Mr. COCHRAN. Mr. Speaker, tomorrow omnibus claims bills will be entitled to consideration under the Private Calendar rule.

An omnibus bill contains numerous individual bills. The bills can only be reported after two or more Members have objected to their consideration when originally placed on the Private Calendar and the bills have been recommitted to the committee.

The calendar shows we have seven omnibus bills ready for consideration. I have gone over the bills and reports and I find many meritorious bills included, but at the same time I likewise find many others which I do not feel Congress should pass.

The parliamentary situation Tuesday will be such I might not have an opportunity to present my views on some of the bills; therefore, I am placing this statement in the RECORD so that Members will have an opportunity to see just what they are requested to pass.

Three bills come from the War Claims Committee, two from the Claims Committee, one from the Committee on Foreign Affairs, and one from the Committee on the Public Lands.

The danger in providing for omnibus claims bills is that so many Members have individual bills included in the omnibus bills that in order to get their own bill enacted into law they might support other bills which, if considered individually, they would under no circumstances vote for.

As I say, there are many meritorious bills included in the omnibus bills; but are we to let measures that have been turned down time and again, not only by Congress but by Government agencies that were duly authorized to consider them, pass simply because we have a bill included in an omnibus bill? In one of the bills I have a claim that I think should be paid. It provides for the payment of $415 to a motor-car company in my city. This company sold a car on time and purchaser used it to carry liquor, was caught, and the Government sold the car and placed the money in the Treasury. The amount represented the sum that the purchaser had not paid the company. This company took the matter to court, but it was too late, the money was in the Treasury. I think that bill should be passed, but I am going to vote against the omnibus bill because there are other bills in that measure which I do not think should be passed.

There are bills to reimburse private citizens whose relatives were killed or injured accidentally by Government officials. Those bills should be passed. I have one myself before the committee where a Federal agent staged a raid on a home in St. Louis stating he had information that gangsters lived there. When not immediately admitted someone fired through the door and killed a woman sleeping in bed. The people were very poor. Had the Federal agent told our chief of police or chief of detectives why he wanted to raid this house they could have told them they received the same tip a year before, but when they investigated no gangsters were found in that home. It was a Federal raid in charge of a Federal agent, and, of course, that family should be reimbursed by the Government. My bill is still pending before the committee, as the Department has asked that it be held up until the Federal agent is tried in the Federal court. Regardless of the outcome of that case this family should be reimbursed, because the Federal agents staged the raid, and the woman was killed during the raid, regardless of who fired the shot.

Mr. Speaker, I submit, much as we would like to see private claims bills that we are interested in passed we should not cast a vote for an omnibus bill if that bill contains relief measures that under no circumstances should be passed.

We hear much about balancing the Budget. The executive branch can never balance the Budget if we continue to pass private claims bills which department heads say have no merit.

I propose to briefly refer to some of the claims that I object to and which I think should never be enacted into law.

Included in an omnibus bill—H. R. 8236—from the War Claims Committee is a resolution giving jurisdiction to the Court of Claims to consider the claim of A. J. Peters Co., Inc. This is an innocent-looking resolution, but investigation discloses this firm, both as a prime and a subcontractor, had trouble with the War Department during the World War because it was discovered it shipped hay of a most inferior quality and not in accordance with the terms of agreement. While criminal proceedings were not sustained, papers seized by Department of Justice agents showed the firm deliberately changed inspection reports showing a higher grade of forage than was actually shipped. While the amount involved cannot be ascertained, it is certainly above $31,000 and possibly will run much higher. Back in 1930 the Secretary of War notified Congress the Government would be at a great disadvantage were it required to defend itself in a suit at that time, which clearly indicates it could not defend itself now. The resolution should not be passed.

A second bill in this omnibus bill names $1,200,000 to be paid to various employees, their heirs or assigns, of a number of machinery, steel, and foundry corporations located in Minnesota. The employees were engaged in the manufacture of munitions and attorneys made claims for additional compensation. Secretary Weeks and Secretary Baker, both of the War Department, held that the War Trade Board should consider the claims, but nothing came of it. Now, 15 years later, Congress is asked to pass the bill. Secretary of War Hurley in 1930, in a long report, held there is no obligation on the part of the Government to pay the claims. This bill is not for the Court of Claims to consider the claim, but the Secretary is authorized and directed to pay.

A third claim several years ago passed the Congress and was vetoed by President Roosevelt. It provides for the payment of $3,000 to reimburse St. Ludgers Church, of Germantown, Mo., for occupation and damage caused by Government troops during the Civil War. I considered this bill a legitimate claim and voted for it, but in view of the fact that President Roosevelt once vetoed it why should it be sent back to him again.

The fourth claim is one of the Velie Motors Corporation for machine-gun carts furnished during the war. The contract was for $866,950, and this less a deduction of about $2,500 for penalties for delay in completing the contract was paid. Later the company made claim for $4 extra for each cart, or a total of $37,816. The War Department considered the claim, rejected it, and holds that the company had ample time to go to court if it desired but failed to do so. Now comes the attorney and wants the statute of limitations set aside. The Government would have trouble defending the case at this time on account of the elapsed time and would have difficulty in locating witnesses so the War Department recommends that the bill not pass. Nothing has ever been presented to show the Government did not treat this corporation fairly. In fact, the penalty was over $7,000 but $5,000 of that amount was refunded.

The last title of this bill provides for sending the claim of the A. C. Messler Co. to the Court of Claims. Repeatedly denied by the War Department Claims Board it was suggested back in 1920 the company could then file suit in the Court of Claims, but the company did not take advantage of its legal rights. The claim is for $16,378.68, which the company maintains should have been added to the amount it received on a contract for 15,000,000 cartridge clips. The claim was made that the Government should have delivered 29,000 pounds of metal more than it did to make up for scrap. The War Department holds it carried out its contract and it would now be unfair to the Government to require it at this late date to defend its contention.

The company had the right to go to court when the facts could have been properly presented but now with witnesses for the Government dead and addresses unknown the Government would be at a disadvantage if such a bill were passed.

In omnibus House bill 8524 from the Committee on War Claims: The report says four bills are to refer cases to the Court of Claims. There are four other old war claims which

total about $41,000. One for $9,000 grows out of a garbage contract which the War Department holds the Government fulfilled. The original claim was for $33,000. The contract contained a cancelation clause. The claimant holds large quantities of garbage that he should have had were stolen or diverted. His loss, he claims, was due to the fact that he did not get sufficient garbage to fatten the hogs that he had purchased. The War Department held the Government never guarantees to keep sufficient soldiers in a camp simply to provide garbage for a contractor to feed hogs. There is no merit to this claim.

A second case, that of the Southern Products Co., was decided unfavorably by the War Department and its contention sustained by the Court of Claims. The bill authorizes and directs the Treasurer to pay this company $13,000. It likewise is a war claim.

The claim of Fred G. Clark Co. for $13,000 likewise was rejected by the War Department, and the Court of Claims sustained the decision, but Congress is now asked to pay this war claim which was for furnishing supplies.

The fourth claim in this bill to pay direct from the Treasury is for the cancelation of a lease held by P. Shipley Saddlery & Mercantile Co., at Camp Funston. The original claim was for $17,000 and the bill authorizes payment of $11,902. The report shows the War Department considered this claim allowed and paid $3,579. The War Department strongly opposes payment of the claim.

The request to authorize suit against the Government by the United Shipping & Trading Co., against the Government, growing out of a collision at sea in 1918, involves $85,000. Each Secretary of War for the past 15 years has recommended against the passage of the bill.

The claim of David A. Wright is a war claim. He desires to be paid for rehabilitating a tool factory. The Court of Claims heard this case and denied the petition, but still this bill is to resubmit the case. The War Department and Department of Justice is opposed to the bill. The amount involved is not set forth in the report nor in the bill but it is undoubtedly very large.

The case of the Southern Overall Co. has been before Congress for at least 8 years. On every occasion the War Department recommends against favorable action. About six Government agencies, including the Comptroller, has considered the claim and held the Government not liable. The amount involved is $6,000, growing out of a contract for overalls.

H. R. 8664 is an omnibus bill from the Foreign Affairs Committee. Two bills seek to reimburse State Department officials for the loss of personal property due to an earthquake in Nicaragua in 1931. One is for $25,215.50, another for $1,006.82.

Are we not treading on dangerous ground when we pass such legislation? It is admitted the men were on duty there. Suppose there was an earthquake that destroyed all the personal property of several hundred Army officers and thousands of enlisted men on duty at a camp. If we pass those bills we would be justified in reimbursing the officers and enlisted men. Then, again, if one of our battleships was lost at sea and the personnel of, say, 1,500 officers and men were saved but lost their personal property, could we deny them relief if we pass this bill? Is the Treasury of the United States to be held responsible for an act of God? What are insurance companies for?

The bill to permit the Delaware Bay Ship Building Co. to enter suit against the Government is strongly opposed by the Treasury Department, which holds it was the duty of this company to properly protect its property. The damage was the result of a collision with a Coast Guard vessel. The Government department holds there is no reasonable ground for holding the Government responsible but, on the contrary, holds the corporation is responsible to the Government for the damage to the Government vessel.

In the claim of G. Elias & Bro., Inc., for $24,139.28, the War Department holds the specifications were not changed, and the claim of this corporation was denied by the Comptroller. That should end it.

The claim of Fred Herrick for $50,000 is one that I would support. I base this conclusion on the committee report.

The claim of the Wales Packing Co. for $100,000 results from a favorable decision of the Court of Claims. However, it originated before any Member of this House was ever elected to Congress.

The claim of George Lawley & Son Corporation for the construction of two torpedo boats was referred to the Court of Claims. The court said, under "Conclusion of law":

> Upon the foregoing special findings of fact, which are made part of the judgment herein, the court decides as a conclusion of law that the plaintiff is not entitled to recover, and its petition is dismissed. Judgment is rendered against the plaintiff for the cost of printing the record herein, the amount thereof to be ascertained by the clerk, and collected by him according to law.

Will the Congress ignore this finding? If it does, the court points out another case of a similar nature—the Union Iron Works case.

Let me point out the report says the loss was found by the Court of Claims, but while the court might have found there was a loss the conclusion of law referred to held the plaintiff was not entitled to recover from the Government. Do not be misled by that part of the report which states the court agreed there was a loss.

There are in this bill numerous cases where it is provided to pay certain claimants or to refer their cases to the Court of Claims growing out of payment of taxes, and so forth, which cannot now be paid due to the statute of limitations, and so forth.

It has long been the established policy of Congress by its action on similar bills to refuse to act favorably on such legislation, no matter how meritorious the claim might be. I have had several such claims where the Treasury admitted an overpayment, but the relief bills were never passed.

The Treasury repeatedly has held—

> The position which this Department has taken and which Congress has sanctioned is that it is a sound policy to have statutes of limitation and that the policy upon which statutes are based must be adhered to, notwithstanding hardship in particular cases.

Then, again, I quote from a Treasury report:

> The Treasury Department has consistently opposed the enactment of special legislation designed to remove the bar of limitations on refunds as unfair to other taxpayers with equally meritorious claims.

One dislikes to deny a taxpayer money illegally paid or money due as an overpayment of income and other taxes, but to open the door would mean claims involving hundreds of millions of dollars. Then again some attention must be paid to the position the Government finds itself in. In making audits the Government has found where money is due, but it cannot collect because of the statute of limitations. This likewise involves hundreds of millions of dollars. It is only in fraud cases where the Government can go beyond the statute of limitations.

In H. R. 9054 will be found the claim of John L. Alcock & Co., for damages growing out of the cancelation of a contract. The amount involved is $195,230.62. The committee has stricken out that part which included interest from April 6, 1918.

The report shows the contention of the War Department is assailed by the committee. The War Department says in part:

> If the relief be granted it is believed such action would constitute a precedent too dangerous to even contemplate, as it would open up untold tens of thousands of claims of a like nature, for the reason that during the war the Government not only requisitioned ships which were under contract and charter at the time of their requisition, but undertook the control of wheat, sugar, coal, and other commodities of almost every nature, thereby rendering impossible the execution of previous contracts respecting these commodities, and took over steel mills, railroads, shipyards, telephone and telegraph lines, the capacity output of factories and other producing activities. If this bill should be enacted into law it is the opinion of this Department that it will inevitably result in a stampede and gold rush in the nature of claims upon the Government in comparison with which the Klondike gold rush would appear as a solo affair. If this should be passed it is difficult to understand why, in principle, every soldier who was drafted into the military service would not have an equally meritorious claim against the Government for a special act of Con-

gress for relief to compensate him for the difference between his meager Army pay and the pay, salary, or earnings he was receiving in civil life.

It seems to me, in view of such a statement from the present Secretary of War, Congress should give more than ordinary consideration to this proposed legislation and defeat the bill.

The claim of Henry W. Bibus and others grows out of the purchase of land for use by the Government during the war, for which the claimants were paid $472,250.30. There are 11 claimants, and all but 2 received the option price. In one instance the compromise was $5,000 less, and in the other the same amount. In four cases the Government paid more than the option price. The report shows the Government spent millions for improvements. It converted the land into highly desirable industrial property by reason of the expenditure in excess of $6,000,000. Now the former owners want the Congress to pass a bill that might result in their securing the amount between the purchase price and the sale price—over a million dollars. The War Department is opposed to the bill, and the Congress should defeat it.

In direct contrast to this recommendation is the bill for the relief of the Western Electric Co., Inc., which originates with the War Department. This in itself is evidence that the Department is fair, because it admits the Government is obligated, prepares the bill, submits it to the Congress, and asks for its passage.

The bill for the relief of Teresa de Prevost has been pending for many years and grows out of the so-called Alsop award of July 4, 1911, made by the King of Great Britain as arbitrator.

Mrs. de Prevost maintains this money should be paid to her by the Government because of alleged irregularities in the distribution through the State Department to claimants under the Alsop award. The United States Government held the Government of Chile was liable to the United States, acting for certain named persons and their heirs. The King of Great Britain was named as arbitrator, and he decided in favor of the United States. The contentions of the claimant indicate a former Assistant Solicitor of the State Department resigned after the award had been made and within a few days entered the case as an attorney. If the allegations of Mrs. de Prevost are true, then the Assistant Solicitor of the State Department was guilty of unethical conduct, to say the least. This lady has spent many years around the Capitol in an effort to secure the passage of an act to reimburse her. The case is so involved I do not intend to even advance an opinion, but I do say the letter of the State Department which is referred to by the attorneys of Mrs. de Prevost should have been included in the report by the committee. The attorney's answer is printed but the Department's letter is missing. Further, if this bill is now passed, the money, as I understand it, will come out of the Treasury of the United States, as the money collected on the claim has long since been disbursed.

Omnibus House bill 9112 comes from the War Claims Committee. The first bill is to remove the statute of limitations so far as it applies to the linters claim of the Rowesville Oil Co. arising out of a contract it had with the Government in 1919. The Judge Advocate General of the War Department indicates that at this time, with incomplete records, the Government would be at a great disadvantage in defending this suit if the bill was passed. Further, while the plaintiff made a plea at the time of cancelation of contract that it feared bankruptcy, the Judge Advocate General says:

> As a matter of fact, the plaintiff did not fail. Like all industries connected with the manufacture of munitions, the plaintiff made great profits as a result of the war.

The company did not protest the cancelation clause at the time the contract was made. When the war ended there was no further use for buying linters used in the manufacture of explosives, and the cancelation clause was in all such contracts so the Government would be protected when it no longer needed the explosives. The amount involved is not indicated by the report or bill. It might be pertinent to say, however, there are now before the Court of Claims cotton linters claims amounting to over $6,000,000.

The second bill is for the Farmers Storage & Fertilizer Co., and is similar to the Rowesville Oil Co. bill.

In this omnibus bill is also a measure ordering the Secretary of the Treasury to pay Walter W. Johnston $5,495. This man never had a contract with the Government, but claimed he was promised $50,000 if appliances owned by him were successful in launching ships for the Emergency Fleet Corporation and Shipping Board. He claimed that W. C. McGowan, district supervisor in the Jacksonville district, made the agreement. After his claim was denied by the Corporation he filed suit in the Court of Claims. Mr. McGowan died in November 1918. The Court of Claims gave judgment in the sum of $20,000, less a credit of $5,495 representing salary the court found had been paid the plaintiff by a private ship corporation where a number of vessels were launched.

The net judgment was paid by the Government. It amounted to $14,505 and was paid September 6, 1930. This certainly should dispose of the claim. The bill seeking further reimbursement should be defeated.

The bill to pay Ella B. Kimball, daughter and heir of Jeremiah Simonson, is a Civil War claim. It provides for payment of $16,441.81 for furnishing supplies and labor in the construction of the U. S. S. *Chenango*. The findings of the court were submitted in 1907, but all efforts to collect the money by an act of Congress have failed, as have hundreds if not thousands of other Civil War claims.

The claim of Joseph G. Grissom of $1,153.43 is another Civil War claim. This was to cover a period between the time he was commissioned by a Governor and actual date of muster in. One hundred and sixty-three such claims passed the House but were rejected by the Senate. This is the first time since 1914 this claim has been reported by a House committee.

It might be proper to recall here that in 1914 the last omnibus claims bill, including Civil War claims, was passed. At that time the late Oscar Underwood submitted an amendment which was adopted and became law, which provided that thereafter the Court of Claims should have no further jurisdiction in claims growing out of the War of the Rebellion. I distinctly remember this amendment, as I was at that time a secretary to a Representative in Congress.

The claim of George B. Marx grows out of an informal contract to make 200 wire carts for the Signal Corps in 1918. The War Department canceled the order on November 9, 1918, later considered the claim, and paid Marx $139,876.86. Marx claims $76,574.12. The committee, despite the objections of the War Department in the Seventy-first Congress, recommended Marx be paid $58,259.02. The bill was defeated. Now it is proposed to refer the case to the Court of Claims. The Government should not be required to defend such a suit.

The claim of T. D. Randall grows out of a war contract. The contractor holds he had options for hay to fill a contract for 3,600 tons at $14 per ton. He contends that owing to a car shortage he could not close the options and was forced to pay from $20 to $25 a ton for the hay. It has been repeatedly held that once a contract has been made it cannot be changed to the disadvantage of the United States. Why should the Government be put to the expense of defending such a suit in the Court of Claims at this late date?

The two bills in the omnibus bill from the Public Lands Committee refer the claims to the Court of Claims. It is alleged the claimants were damaged by reason of the patenting of certain lands in the State of Washington to another person and by the cutting of timber from such lands. There is absolutely nothing in the report that gives any information that would enable Members to intelligently consider the bill.

The reason I find it necessary to make this reference to various bills is that under the rule only 5 minutes is allowed for and against each claim unless an amendment or amendments are offered. I hope Members will prepare amendments so we can thoroughly discuss the merits of this legislation.

No omnibus bill should be passed without a roll call. The legislation is too important.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIMS OF SUBCONTRACTORS AND MATERIALMEN FOR CONSTRUCTION OF POST OFFICE AND COURTHOUSE, RUTLAND, VT.

The Clerk called the next bill, S. 37, authorizing the Comptroller General of the United States to settle and adjust the claims of contractors and materialmen for material and labor furnished in the construction of a post-office and courthouse building at Rutland, Vt.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I object.

FORT FREDERICA NATIONAL MONUMENT, GA.

The Clerk called the next bill, H. R. 8431, to provide for the establishment of the Fort Frederica National Monument at St. Simon Island, Ga., and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. DEEN. Will the gentleman reserve his objection?

Mr. ZIONCHECK. I will reserve the objection for the gentleman from Georgia at any time.

Mr. DEEN. Mr. Speaker, I should like to call the attention of the gentleman from Washington to the report of the Secretary of the Interior on this bill. The Secretary approves the bill, and the report says the Director of the Budget approves the bill. It does not call for an additional appropriation. I should also like to say to the gentleman that the money necessary to put this bill into operation is in P. W. A. funds. It will not require more than $75,000 or $100,000. I hope the gentleman will withdraw his objection and let this bill pass.

Mr. COSTELLO. Will the gentleman yield?

Mr. DEEN. I yield.

Mr. COSTELLO. Can the gentleman tell us what the estimated annual maintenance of this park will be?

Mr. DEEN. Approximately $12,000, as indicated by the Department.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I object. I want to say if anyone could get a bill like this passed, the gentleman from Georgia [Mr. DEEN] could.

INDIAN CLAIMS COMMISSION

The Clerk called the next bill, H. R. 7837, to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, I object.

Mr. O'MALLEY. Will the gentleman withhold his objection?

Mr. WOLCOTT. Mr. Speaker, I object.

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent that this bill be allowed to go over without prejudice for the reason that there is a similar Senate bill now before our committee, and our committee has not had a chance to hold hearings on the bill. The Senate bill is somewhat different. So, I ask that this bill go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. WOLCOTT. Reserving the right to object, I cannot see how the status of this bill would be changed by consideration by the committee of a similar Senate bill. I am opposed to the principle of this bill, and I probably will be opposed to the principle of the Senate bill. For that reason I object to the request, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I object.

Mr. TABER. Mr. Speaker, I object.

Mr. COCHRAN. Mr. Speaker, I object.

CLAIMS OF SUBCONTRACTORS AND MATERIALMEN FOR CONSTRUCTION OF POST-OFFICE BUILDING AT HEMPSTEAD, N. Y.

The Clerk called the next bill, S. 2647, authorizing the Comptroller General of the United States to settle and adjust the claims of subcontractors and materialmen and laborers for material and labor furnished in the construction of a post-office building at Hempstead, N. Y.

The SPEAKER. This bill requires three objections. Is there objection?

Mr. ZIONCHECK, Mr. CLAIBORNE, and Mr. YOUNG objected.

ADMISSION OF CERTAIN ALIEN WIVES OF AMERICAN CITIZENS

The Clerk called the next bill, H. R. 7975, to permit alien wives of American citizens who were married prior to the approval of the Immigration Act of 1924 to enter the United States.

The SPEAKER. This bill requires three objections. Is there objection to the present consideration of the bill?

Mr. JENKINS of Ohio. Reserving the right to object, and I do not intend to object, although I have objected heretofore, for the reason that I wanted to investigate this bill. I think the bill is of sufficient importance that I be permitted to make a statement for one-half minute, to this effect, that under the present law an American citizen may bring his Chinese wife into the United States, under circumstances provided in this bill, but an American citizen may not bring in his Japanese wife. All this bill does is simply put them on a parity. I think that should be done, and for that reason I withdrawn any objection that I have heretofore made.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That part (4) of subdivision c of section 13 of the Immigration Act of 1924, as amended by an act of June 13, 1930, shall be amended to read as follows: "or (4) is the alien wife of an American citizen who was married prior to the approval of the Immigration Act of 1924, approved May 26, 1924."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESIDENCE REQUIREMENTS, NATURALIZATION LAWS

The Clerk called the next bill, H. R. 4900, to amend the naturalization laws in respect of residence requirements, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS of Ohio. Reserving the right to object, just in order to make a statement. This is another immigration bill. Heretofore I have asked that it be passed over without prejudice, in order that we might familiarize ourselves with it, because of the complexity of the subject involved. I am glad to report that my investigations have convinced me that the bill does not materially change the immigration laws. Consequently I withdraw any objection I might heretofore have made.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the second paragraph of the fourth subdivision of section 4 of the Naturalization Act of June 29, 1906, as amended (U. S. C., Supp. III, title 8, sec. 382), is amended by striking out the period at the end thereof and inserting a comma and the following: "except that in the case of an alien declarant for citizenship employed by or under contract with the Government of the United States or an American institution of research recognized as such by the Secretary of Labor, or employed by an American firm or corporation engaged in whole or in part in the development of export trade from the United States or a subsidiary thereof, no period of residence outside the United States shall break the continuity of residence if (1) prior to the beginning of such period (whether such period begins before or after his departure from the United States) the alien has established to the satisfaction of the Secretary of Labor that his absence from the United States for such period is to be on behalf of such Government, or for the purpose of carrying on scientific research on behalf of such institution, or to be engaged in the development of such export trade or whose residence abroad is necessary to the protection of the property rights in such coun-

tries of such firm or corporation, and (2) such alien proves to the satisfaction of the court that his absence from the United States for such period has been for such purpose."

SEC. 2. No period of residence outside the United States during the 5 years immediately preceding the enactment of this act shall be held to have broken the continuity of residence required by the naturalization laws if the alien proves to the satisfaction of the Secretary of Labor and the court that during all such period of absence he has been under employment by, or contract with, the United States, or such American institution of research, or American firm or corporation, described in section 1 hereof, and has been carrying on the activities described in this act in their behalf.

Mr. BLOOM. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLOOM: On page 2, line 2, after the word "of", strike out the words "export trade from" and insert "foreign trade and commerce of"; page 2, line 11, after the word "such", strike out "export trade" and insert "foreign trade and commerce."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS TENNESSEE RIVER AT DAYTON, TENN.

The Clerk called the next bill, H. R. 8586, granting the consent of Congress to the State of Tennessee and certain of its political subdivisions to construct, maintain, and operate a toll bridge across the Tennessee River at or near a point between Dayton and Decatur, Tenn.

Mr. HOLMES. Mr. Speaker, reserving the right to object, and I will not object, I want to call the attention of the House to the fact that this bill was incorporated in the omnibus bill which was passed in the last session of Congress and is now a law.

I ask unanimous consent, therefore, that this bill may be laid on the table.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bill be laid on the table. Is there objection?

There was no objection.

FIVE CIVILIZED TRIBES

The Clerk called the next bill, H. R. 8787, to amend section 3 of the act approved May 10, 1928, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes", as amended February 14, 1931.

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 3227, be substituted for the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That section 3 of the act of May 10, 1928, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes", as amended February 14, 1931, be amended to read as follows:

"SEC. 3. That all materials, including oil and gas, produced on or after April 26, 1931, from restricted allotted lands of members of the Five Civilized Tribes in Oklahoma, or from inherited restricted lands of full-blood Indian heirs or devisees of such lands, shall be subject to all State and Federal taxes of every kind and character the same as those produced from lands owned by other citizens of the State of Oklahoma; and the Secretary of the Interior is hereby authorized and directed to cause to be paid, from the individual Indian funds held under his supervision and control and belonging to the Indian owners of the lands, the tax or taxes so assessed against the royalty interest of the respective Indian owners in such oil, gas, and other mineral production: *Provided*, That nothing in this act shall be construed to impose or provide for double taxation and, in those cases where the machinery or equipment used in producing oil or other minerals on restricted Indian lands are subject to the ad valorem tax of the State of Oklahoma for the fiscal year ending June 30, 1931, the gross production tax which is in lieu thereof shall not be imposed prior to July 1, 1931: *Provided further*, That in the discretion of the Secretary of the Interior, the tax or taxes due the State of Oklahoma may be paid in the manner provided by the statutes of the State of Oklahoma."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider and a similar House bill (H. R. 8787) were laid on the table.

EMPLOYMENT OF SKILLED SHORTHAND REPORTERS IN EXECUTIVE BRANCH OF THE GOVERNMENT

The Clerk called the next bill, H. R. 4886, providing for the employment of skilled shorthand reporters in the executive branch of the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I object.

BOARD OF SHORTHAND REPORTING

The Clerk called the next bill, H. R. 4887, to create a board of shorthand reporting, and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I object.

CONSTRUCTION OF BUILDINGS FOR POST-OFFICE USE

The Clerk called the next bill, H. R. 4672, to provide for the purchase or construction of buildings for post-office stations, branches, and garages, and for other purposes.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that the bill H. R. 10772, which is No. 551 on the calendar, be considered in lieu of this measure. It relates to the same matter and is a subsequent bill introduced and reported to correct errors in the former bill, providing for a reduction of expense, and also conforming to the Ramseyer rule.

Mr. TABER. Mr. Speaker, reserving the right to object, will the gentleman explain what this last bill does?

Mr. LANHAM. Mr. Speaker, this bill was introduced by the gentleman from New York [Mr. MEAD], for the purpose of saving money for the Government in the operation of various branches and garages. The gentleman from Illinois [Mr. DOBBINS], a member of the Committee on the Post Office and Post Roads, can give the gentleman from New York more specific information as to the particular conditions this bill seeks to correct. I should like to yield to the gentleman from Illinois for the purpose of replying to the gentleman from New York.

Mr. DOBBINS. Mr. Speaker, the only purpose of this bill, I may say for the information of the gentleman from New York and of the Members of the House, is to amend the general law, making it possible for the Government to erect branch post offices, stations, and garages in the same way it now has power to erect the main post-office buildings. It does not authorize construction in any specific instance, and the authority of Congress will still have to be given before an appropriation may be made for the purpose of constructing buildings.

The situation at present is this: A great many of those who have available buildings for these facilities of the post offices, understanding that the Post Office Department has no authority upon general law itself to erect buildings for the purpose, have been holding us up for high rents. A number of instances of this kind were brought to the attention of the special committee headed by our late colleague the gentleman from Pennsylvania, Mr. Kelly, who conducted a general investigation several years ago and found the abuses that were existing in this respect.

It seemed to me, and I think it seemed to the committee presided over by the gentleman from Texas [Mr. LANHAM] which considered this bill, that the way will be open for a considerable saving of money to the Government if this general authority could be given.

Mr. LANHAM. Will the gentleman yield?

Mr. DOBBINS. I yield to the gentleman from Texas.

Mr. LANHAM. May I say in this connection that it may not even be necessary for the Government to resort to the authority given by this bill, but in those cases where exorbitant rates are asked, the Government would, at least, have the protection of this authority. I understand there are several instances in which the Government is paying entirely too much money for services of this character. One such situation was called to my attention in which the annual rental, I think, was 15 or 20 percent of the value of the property being leased.

Mr. WOLCOTT. Will the gentleman yield?

Mr. DOBBINS. I yield to the gentleman from Michigan.

Mr. WOLCOTT. In order to keep the record straight, may I ask the gentleman from Texas to amend his request to provide that the bill, No. 451 on the calendar, be stricken and that the bill, No. 551 on the calendar, be considered at this point in lieu thereof?

Mr. LANHAM. Mr. Speaker, I adopt the request of the gentleman from Michigan. I ask unanimous consent that the bill, No. 451 on the calendar, be stricken and that the bill, No. 551 on the calendar, be substituted in lieu thereof.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, reserving the right to object, while we are on the question of garages, has the gentleman anything to do with the Senate garage here in Washington?

Mr. LANHAM. I have not.

Mr. ZIONCHECK. Well, there is an unwholesome condition existing down there. The Senators are using that garage for the storage of their clerks' cars, while a Member of Congress on this side cannot get in there at all. I think the situation ought to be looked into a little bit.

Mr. LANHAM. I will say to the gentleman that personally I have no jurisdiction over that matter.

Mr. ZIONCHECK. I do not care to go that far down, but once in a while when the weather gets bad a Member of Congress might want to shove his car in there for a while.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. THURSTON. Mr. Speaker, reserving the right to object, would it be the purpose under this bill to erect ornate garages in the large cities for the Post Office Department?

Mr. LANHAM. No. The only purpose is to protect the Government. Where a lease cannot be made at a reasonable price, the Government would have the authority, if it meant the considerable saving of money, to put up its own structure. There is no intention whatever to build ornate buildings. As a matter of fact, the whole purpose of the measure is economy.

Mr. THURSTON. I am sure the gentleman understands that in the smaller towns of the country they are erecting a type of architecture that might be compared with a cigar box, and I was wondering if it was the intention to do the same thing with these garages.

Mr. LUDLOW. May I ask the gentleman from Texas whether the Post Office Department is in favor of this bill?

Mr. LANHAM. Yes; the Post Office Department is in favor of the bill and the Treasury Department also, and they have requested such legislation for their own protection.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. There is another argument that may be made in favor of this proposition, and that is it might be used as a threat to bring about an economical rental for private property.

Mr. LANHAM. That is really the primary purpose. We want to protect the Government in case a reasonable rental may not be had from private sources.

Mr. TAYLOR of Tennessee. That was my understanding when I voted to report this bill out of the committee.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first sentence of section 1 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes", approved May 25, 1926, as amended (U. S. C., 1934 ed., title 40, sec. 341), is hereby amended by inserting after the words "post offices" the following: "(including buildings for post-office stations, branches, and garages)."

Mr. LANHAM. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LANHAM: On page 1, line 7, strike out the words "post offices" and insert in lieu thereof the word "postoffice."

Mr. LANHAM. Mr. Speaker, the purpose of this amendment is merely to make the bill conform to the law as written at the present time. The word "postoffice" in the law is written as one word, and this is offered to make the bill conform with the present law.

Mr. JENKINS of Ohio. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I am not opposed to the amendment, and I am not going to speak on it, but I am going to speak on another proposition which will come up with reference to bill numbered 479 on the calendar. When an immigration matter is being considered by the House under unanimous consent it is impossible to get sufficient time to discuss it intelligently. At the last call of the calendar I tried to discuss this bill and impress upon the Members in the few minutes I had at my disposal the importance and danger of the bill. My time was cut short because a demand for regular order was made at that time.

Mr. CHURCH. Mr. Speaker, I demand the regular order. The gentleman is not speaking on the amendment.

Mr. JENKINS of Ohio. Mr. Speaker, I prefaced my remarks with the statement that I was not going to speak on the amendment.

Mr. CHURCH. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman will continue and address himself to the amendment.

Mr. JENKINS of Ohio. Mr. Speaker, I prefaced my statement with the remark that I was not going to talk about the amendment. I think the gentleman should have objected at that time; but since he did not, and, as I understand it, he has the right to object at this time, I cannot continue.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS OHIO RIVER NEAR LOUISVILLE, KY.

The Clerk called the next bill, H. R. 8661, supplementing the act of Congress approved February 25, 1928, entitled "An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city."

Mr. HOLMES. Mr. Speaker, reserving the right to object, I find this bill was included in the omnibus bill which was passed at the last session of the Congress and is now law.

I therefore ask unanimous consent that the bill be stricken from the calendar and laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

JURISDICTION OF BOUNDARY WATERS BETWEEN THE STATES OF WASHINGTON, OREGON, AND IDAHO

The Clerk called the joint resolution (S. J. Res. 23) giving consent of the Congress of the United States to the States of Washington, Oregon, and Idaho, or any two of said States, to agree upon the jurisdiction to be exercised by said States over boundary waters between any two or more of said States.

Mr. MOTT, Mr. WOLCOTT, Mr. McLEAN, and Mr. JENKINS of Ohio objected.

STATUTE OF LIMITATIONS ON FRAUDS AGAINST THE UNITED STATES

The Clerk called the next bill, H. R. 4451, to amend section 1044 of the Revised Statutes to provide a 10-year period of limitations on prosecutions for offenses involving frauds against the United States.

The SPEAKER. This bill requires three objections.

Mr. ZIONCHECK. I object, Mr. Speaker.

There being no further objections, the Clerk read the bill, as follows:

Be it enacted, etc., That section 1044 of the Revised Statutes, as amended (U. S. C., Supp. VII, title 18, sec. 582), is hereby amended to read as follows:

"SEC. 1044. No person shall be prosecuted, tried, or punished for any offense, not capital, except as provided in section 1046, unless the indictment is found, or the information is instituted,

within 3 years next after such offense shall have been committed, except that, for offenses involving the defrauding or attempts to defraud the United States or any agency thereof, whether by conspiracy or not, and in any manner, the period of limitation shall be 10 years."

SEC. 2. The amendment made by section 1 of this act shall apply to offenses whenever committed, except that it shall not apply to offenses the prosecution of which was barred before the date of enactment of this act.

With the following committee amendments:

Page 2, line 3, strike out the word "ten" and insert the word "six"; and amend the title.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended and a motion to reconsider laid on the table.

NATURALIZATION AND CITIZENSHIP OF MARRIED WOMEN

The Clerk called the next bill, H. R. 7574, to amend an act entitled "An act relative to naturalization and citizenship of married women", approved September 22, 1922.

Mr. JENKINS of Ohio, Mr. WOLCOTT, Mr. McLEAN, and Mr. COSTELLO objected.

RESERVOIR SITES ON INDIAN IRRIGATION PROJECTS

The Clerk called the next bill, S. 2656, to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Indian irrigation projects and to lease the lands in such reserves for agricultural, grazing, or other purposes.

Mr. TABER, Mr. WOLCOTT, Mr. JENKINS of Ohio, and Mr. RICH objected.

OLD-AGE PENSIONS FOR INDIANS OF THE UNITED STATES

The Clerk called the next bill, H. R. 9018, providing old-age pensions for Indians of the United States.

Mr. WOLCOTT, Mr. JENKINS of Ohio, Mr. TABER, and Mr. RICH objected.

SAN CARLOS APACHE INDIANS

The Clerk called the next bill, S. 2523, authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. COCHRAN. I object, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN. I object to the consideration of the bill, Mr. Speaker.

Mr. ZIONCHECK. Mr. Speaker, will the gentleman withhold his objection? The gentlewoman from Arizona [Mrs. GREENWAY] is preparing some amendments and requests that this bill be passed over without prejudice out of special consideration for her, because of the exceptional circumstances involved in this particular bill.

Mr. COCHRAN. In view of the report I put in the RECORD 2 weeks ago, I cannot see how the House can pass this bill.

Mr. ZIONCHECK. I do not think it can either, but I think we ought to allow her this privilege.

Mr. COCHRAN. I will agree to withdraw my objection and let the bill go over without prejudice.

The SPEAKER. Is there objection to the bill being passed over without prejudice?

There was no objection.

SWAMP LANDS IN WISCONSIN

The Clerk called the bill (S. 3045) providing for the payment to the State of Wisconsin for its swamp lands within all Indian reservations in that State.

The SPEAKER. Is there objection?

Mr. TABER, Mr. BACON, and Mr. JENKINS of Ohio objected.

RELIEF OF GOVERNMENT CONTRACTORS

The Clerk called the bill (H. R. 7293) to amend the act approved June 16, 1934, entitled "An act to provide relief to Government contractors whose cost of performance were increased as a result of compliance with the act approved June 16, 1933, and for other purposes.

The SPEAKER. Is there objestion?

Mr. ZIONCHECK, Mr. WOLCOTT, and Mr. TABER objected.

NAVAL AIR STATION IN THE VICINITY OF MIAMI, FLA.

The Clerk called the bill (H. R. 8372) to authorize the acquisition of lands in the vicinity of Miami, Fla., as a site for a naval air station and to authorize the construction and installation of a naval air station thereon.

The SPEAKER. Is there objection?

Mr. RICH. Reserving the right to object, I want to ask the gentleman whether this bill was recommended by the Navy Department and whether they are interested in having it there?

Mr. WILCOX. Yes.

Mr. RICH. Have they made a recommendation, and for what purpose?

Mr. WILCOX. It is for training Reserves for aviation and other purposes.

Mr. RICH. What is it going to cost the Government?

Mr. WILCOX. Nothing; the city of Miami is giving it to the Government.

Mr. RICH. Why do they give it to the Government if it is not going to cost the Government anything?

Mr. WILCOX. The city is trying to comply with the desires of the Navy Department in order that they may have a proper base for training naval aviators.

I will say that some years ago Miami gave the Navy Department a similar tract, but that tract does not lie near the water. The Navy desires an additional tract on the water, and the city has an option on this land and expects to give it to the Federal Government without cost.

Mr. RICH. Every time you give the Government some land it is expected that the Government is going to keep it up. We passed a bill for the Everglades Park and said it would cost the Government nothing. Now they are asking to eliminate that feature of it and get money for maintenance.

Mr. WILCOX. I will be glad to explain that when that bill comes up.

Mr. RICH. Has the Naval Affairs Committee passed on this?

Mr. WILCOX. Yes; and the committee favors it unanimously.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to accept on behalf of the United States, free from encumbrances and without cost to the United States, the title in fee simple to such lands as he may deem necessary or desirable in the vicinity of Miami, Fla., approximately 650 acres, as a site for a naval air station to be returned to the grantor if not used by the United States for such purpose within 5 years; or, with the written approval of the President, to exchange for such lands existing naval reservations; or, if it be found impractical to secure the necessary lands by either of the aforesaid methods, to purchase the same by agreement or through condemnation proceedings.

SEC. 2. The Secretary of the Navy is further authorized to construct, install, and equip at said station such buildings and utilities, technical buildings and utilities, landing fields and mats, and all utilities and appurtenances thereto, ammunition storage, fuel and oil storage and distribution systems therefor, roads, walks, aprons, docks, runways, sewer, water, power, station and aerodrome lighting, telephone and signal communications, and other essentials, including the necessary grading and filling and the removal of existing structures and installations. He is authorized also to direct the necessary transportation of personnel, and purchase, renovation, and transportation of materials, as may be required to carry out the purposes of this act.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums of money as may be necessary to be expended under the direction of the Secretary of the Navy for the purposes of this act, including the expenses incident to necessary surveys, which appropriation shall continue available until expended: *Provided*, That the provisions of section 1136, Revised Statutes (U. S. C., title 10, par. 1339), shall not apply to the construction of the aforesaid stations and depots.

With the following committee amendments:

Page 1, line 7, after the word "desirable", insert the words "on North Biscayne Bay."

Page 2, strike out lines 2, 3, 4, 5, and 6 and insert the words "10 years."

Page 3, line 1, after the word "necessary", insert the word "development."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

The Clerk called the bill (H. R. 8293) to amend the Longshoremen's and Harbor Workers' Compensation Act.

The SPEAKER. Is there objection?

Mr. LAMNECK objected.

MONUMENT COMMEMORATING ENTRANCE OF FIRST STEAM RAILROAD INTO WASHINGTON, D. C.

The Clerk called the next business, House Joint Resolution 362, to authorize the selection of a site and the erection thereon of a suitable monument indicating the historical significance of the first entrance into the city of Washington of a steam railroad, and for other purposes.

The SPEAKER. Is there objection?

Mr. TABER, Mr. BACON, and Mr. WOLCOTT objected.

AMENDING EXECUTIVE ORDER NO. 6166

The Clerk called the next bill, H. R. 8316, to exempt the Indian Service within the State of Oklahoma from the requirements of section 4 of Executive Order No. 6166, dated June 10, 1933.

The SPEAKER. This bill requires three objections. Is there objection?

Mr. WOLCOTT. Reserving the right to object, I do not know as I have any particular objection to the merits of this bill, but I think it is rather presumptive of this Congress to amend an Executive order by the President. I am afraid we are establishing a rather dangerous(?) precedent to legislate contrary to the wishes of the President. In this particular case the President provided certain things by an Executive order which is numbered 6166. In other words, 6,166 Executive orders, at least, have been promulgated by the Executive, which do not appear as part of the statutory law of the land. I think I have no particular objection to this bill, but I merely want to call attention to the fact, especially to the Members on the Democratic side of the aisle, that we are now repealing Executive orders and not statutes passed by the Congress of the United States.

Mr. RICH. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Pennsylvania.

Mr. RICH. It may be a very fine thing for the Congress to assume its prerogative and knock out some of these Executive orders. I think that would be our duty.

Mr. ZIONCHECK. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. ZIONCHECK. The gentleman mentions that it would be a little presumptuous on the part of Congress to amend an Executive order. I may say that I even presumed to prepare an amendment to this Executive order. I want it to apply every place and not just to the State of Oklahoma.

Mr. WOLCOTT. The gentleman must answer for his own presumption or recklessness—I do not know which.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the disbursing functions of the Indian Service within the State of Oklahoma shall be exempted from the requirements of section 4 of Executive Order No. 6166, dated June 10, 1933, and shall continue to operate under the direction of the Commissioner of Indian Affairs.

With the following committee amendment:

Line 3, page 1, after the word "service", strike out "within the State of Oklahoma."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill to exempt the Indian Service from the requirements of section 4 of the Executive Order No. 6166, dated June 10, 1933."

A motion to reconsider was laid on the table.

REPLY TO SECRETARY WALLACE

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a radio address I delivered recently.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TREADWAY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address which I delivered recently over the radio:

I am indebted to the National Broadcasting Co. for this opportunity to reply to certain statements made by Secretary of Agriculture Wallace during the Farm and Home Hour on January 28. I refer particularly to his unwarranted and subversive charge that the Supreme Court's decision in the so-called Rice Millers case—by which it returned to processors the taxes impounded pending its determination of the constitutionality of the A. A. A.—was, to quote his exact words: "probably the greatest legalized steal in American history."

I am sure that every right-thinking American has a feeling of indignation at this slur on the Supreme Court. I unhesitatingly say that the charge is unjustified, and displays a gross lack on the part of the Secretary of the proprieties of an administrative official. Such a statement from one in high office can have no other purpose or effect than to reflect upon the integrity of the Court and its individual members, and encourage a disrespect for law and our American institutions. It was undoubtedly made with a view to arousing public opinion against a coordinate branch of the Government.

The Secretary's gratuitous insult to the Court was not uttered in a moment of pique (which might have been excusable) but was deliberate and considered. It was made 2 weeks after the Court's decision and was reiterated at a press conference following my statement on the floor of the House of Representatives that in my opinion he ought to be impeached or cited for contempt.

Secretary Wallace has never apologized for his intemperate allegation, nor has the President ever publicly reproved him for it. In his Lincoln Day address at Indianapolis the Secretary said he had nothing to retract. It is astonishing to me how the President can remain silent. We are left to conclude that the Secretary expressed the official viewpoint of the administration and spoke as well for the President as for himself. In this connection we may recall the President's own criticism of the Supreme Court's decision in the N. R. A. case, which he referred to as taking the country back to the horse-and-buggy days.

As if to justify his own remarks about the Supreme Court, Secretary Wallace, in his Indianapolis address of February 12, pointed out that Abraham Lincoln had once criticized the Court for its decision in the Dred Scott case. Of course, that is true, but as the Secretary himself stated in his address (I quote):

"Lincoln was reluctant, however, to join in the savage attacks of the extreme abolitionists, * * * for he cherished an abiding respect for the traditions of the Court and the ideals it was established to serve. * * * Lincoln's language, by contrast, was temperate and statesmanlike."

While it was perfectly proper for the Secretary to disagree with the Court's decision, if he saw fit, he might at least have followed Lincoln's example and used more temporate and statesmanlike language.

Let us analyze the situation that has brought about such an indiscreet and incorrect remark by Secretary Wallace. The basic and original trouble comes from a hasty and ill-considered policy of the administration, for which the Secretary was more responsible than any other man.

When the original Agricultural Adjustment Act was under consideration in Congress, grave doubts were expressed as to its constitutionality, both as regards Federal control over agriculture and the delegation to the Secretary of Agriculture of the power to impose processing taxes. Therefore, the administration was forewarned that the precise situation which now exists might come about. It knew that the constitutionality of the act was certain to be challenged, and that in the event of an unfavorable decision the processing taxes which had been illegally collected would have to be returned.

Cases involving the constitutionality of the A. A. A. have been pending in the courts for more than 2 years, and the administration has done nothing to expedite their consideration. Therefore, if a large accumulation of impounded processing taxes has resulted, it has only itself to blame.

The first case involving the validity of the A. A. A. to be decided by the Supreme Court was the so-called Hoosac Mills case, in which the Court denied the right of the Government to impose the tax on the ground that it was but part of an unconstitutional scheme to regulate agriculture. No question of a refund was involved in this case.

In the Rice Millers case, the processors applied to the Supreme Court for a temporary injunction to restrain the collection of the processing tax. The Court granted the injunction upon condition that the processors pay the amount of taxes in question to a depositary, to be impounded pending final determination of their legality. Subsequently, having held in the Hoosac Mills

case that the processing tax was an illegal exaction, the Court ordered the funds returned to the processors.

Let me quote the concluding words of the Court's opinion, as delivered by Mr. Justice Roberts, and concurred in by all nine of the justices. I quote:

"The exaction still lacks the quality of a true tax. It remains a means for effectuating the regulation of agricultural production, a matter not within the powers of Congress. * * * The decree of the district court will be vacated, an appropriate order entered directing the repayment to the petitioner of the funds impounded * * *", and so forth.

Certainly this language offers no basis for an accusation of stealing. Yet this is the decision which Secretary Wallace flippantly characterized as a "legalized steal." Such loose language is hardly to be expected from one occupying such a high position as the Secretary of Agriculture, who should carefully measure the accuracy of his words.

To steal means to take the property of another. If the Secretary means to convey the impression that the processing taxes ordered returned by the Court were stolen from the Government, he is in error, because they never were in the possession of the Treasury, nor did the Government at any time have a right to them. While the amount of the taxes was paid out by the processors, the payment, as I have pointed out, was only made to the Court pending its determination as to whether the Government or the processors were entitled to the money. Having held that the levy was not a true tax, but an unconstitutional exaction under the guise of taxation, the Court had no alternative but to return the money to the processors. Even the Justices who dissented in the Hoosac case agreed to that. Certainly the Secretary does not mean to charge them with being a party to a legalized steal.

Had the Court allowed the Government to retain the illegal taxes, it would be identical to permitting a wrongdoer to retain his loot. When the Government can levy all sorts of unconstitutional taxes, delay the litigation brought to test their legality, and then keep the money collected, even though the taxes are invalid, constitutional rights become absolutely meaningless.

If there was any "steal" involved in connection with the Rice Millers decision, it was perpetrated by Secretary Wallace himself when he first imposed the iniquitous and illegal processing taxes. He has been "robbing Peter to pay Paul"—"Peter", of course, being another name for the millions of consumers throughout the country who have been forced to shoulder a tremendously increased cost of living as a result of the billion or more dollars of processing taxes levied by him on bread, meat, cotton goods, and other necessities of life. Secretary Wallace himself, in his annual report for 1934, admitted that these taxes bore most heavily on the poorer people. That is where the "steal" comes in, and the Secretary is primarily responsible for it. His false accusation against the Supreme Court is but a smoke screen to divert attention from his own unconstitutional acts.

Let me now refer to the alleged unjust enrichment of the processors by reason of the decision to which Secretary Wallace takes exception. The Secretary baldly assumes that the processing tax, though levied on the processor, was in every case either passed on to the consumer or back to the producer. This, however, is not the truth. For example, in the textile industry, with which I am familiar, the processor in many instances was forced to absorb the tax himself, although it was just as much a part of the cost of production as raw materials, wages, and rent. The result has been that many textile mills have been unable to continue in business, and have closed their doors, throwing many men and women out of employment.

In contesting the processing taxes, the processors had no purpose to enrich themselves at the expense of the consumers. They merely sought to prevent the levying of an unconstitutional tax, which, like any other business expense, was passed on to the consumer where possible to do so.

By successfully contesting the validity of the processing taxes, the processors have not only performed a distinct benefit to themselves, but they have also saved the consumers and producers hundreds of millions of dollars which otherwise would have to be paid in the future.

As evidence of the disposition of processors not to take any undue advantage by reason of the return of the impounded processing taxes to them, I wish to quote the following telegram which I have received from the National Association of Cotton Manufacturers:

"During the past year it was impossible to pass the tax on in many instances. Several mill financial statements show where losses for 1935 are greater than the processing tax. Despite this, mills are passing on tax refunds due under agreement with customers made last August."

Doubtless other processors are taking similar steps. However, the administration's legal experts are now attempting to devise some means of recovering these refunds from the processors, so it may be that after all, the consumers will not get any benefit.

In his remarks of January 28, Secretary Wallace made reference to numerous letters he had received in connection with the Supreme Court's decision in the A. A. A. cases, and quoted from several. Since my denunciation of his charges on the floor of the House of Representatives recently I have received scores of letters supporting my stand. These letters, which are on file in my office, come from every section of the country—North, East, South, and West; from Republicans and Democrats; from New Dealers and anti-New Dealers. Many of them contain remarks very uncomplimentary to the Secretary. There are also many from which I wish I had time to quote, since they give a rather complete cross-section of the feeling of resentment on the part of the American people at the Secretary's charges.

The following brief editorial from the Charlotte (N. C.) Observer pretty well crystallizes newspaper sentiment throughout the country with reference to this matter. It reads:

"Secretary Wallace was, of course, frustrated by the blow given his A. A. A. by the Supreme Court, but he should learn to take his medicine more gracefully instead of uttering such irritable cries as his recent comment to the effect that permitting the processors to take back their taxes 'is the greatest legalized steal in history.'"

Even the chairman of the House Agricultural Committee, who rose in the House of Representatives to defend the Secretary following my denunciation of him, variously referred to his remarks as being "pretty strong", "extravagant", and "injudicious." Likewise Senator NORRIS, who is seeking to limit the power of the Supreme Court to declare acts of Congress unconstitutional, agreed that the charge was "too severe."

There is no doubt in my mind but that Secretary Wallace's derogatory charge is deplored and resented by the great body of our citizens throughout the country, including many of those who may have been adversely affected by the Court's decision. If Secretary Wallace does not have the decency to apologize, he ought to be made to retire from public office, and the sooner the better.

CONSENT CALENDAR

PRELIMINARY EXAMINATION OF NEHALEM RIVER, OREG.

The Clerk called the next bill, S. 3277, authorizing a preliminary examination of the Nehalem River and tributaries, in Clatsop, Columbia, and Washington Counties, Oreg., with a view to the controlling of floods.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Nehalem River and its tributaries, in Clatsop, Columbia, and Washington Counties, Oreg., with a view to the control of floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL MONUMENT AT CAMP MERRITT, N. J.

The Clerk called the next bill, H. R. 27, to provide for the establishment of a national monument on the site of Camp Merritt, N. J.

The SPEAKER. Is there objection?

Mr. ZIONCHECK, Mr. TABER, Mr. BACON, and Mr. RICH objected.

Mr. KENNEY. Will the gentlemen withhold their objections?

Mr. ZIONCHECK. Mr. Speaker, I object.

Mr. TABER. Mr. Speaker, I object.

Mr. ANDREWS of New York. Mr. Speaker, the regular order.

Mr. BACON. Mr. Speaker, I object.

The SPEAKER. Three objections are heard. The Clerk will call the next bill.

WAR MINERALS RELIEF ACT

The Clerk called the next bill, S. 1567, to amend section 5 of the act of March 2, 1919, generally known as the War Minerals Relief Act.

The SPEAKER. Is there objection?

Mr. JENKINS of Ohio, Mr. TABER, and Mr. WOLCOTT objected.

PAN AMERICAN EXPOSITION, TAMPA, FLA.

The Clerk called House Joint Resolution 365, providing for participation by the United States in the Pan American Exposition to be held in Tampa, Fla., in the year 1939 in commemoration of the four hundredth anniversary of the landing of Hernando De Soto in Tampa Bay, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. ZIONCHECK, Mr. WOLCOTT, and Mr. MARTIN of Massachusetts objected.

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent that this joint resolution go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. ZIONCHECK. Mr. Speaker, I object.

ANNIVERSARY OF FOUNDING OF PRATTVILLE, ALA.

The Clerk called the next business, House Joint Resolution 241, to provide for the observance and celebration of the one hundredth anniversary of the founding of Prattville, Ala.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. ZIONCHECK, Mr. TABER, Mr. JENKINS of Ohio, and Mr. BACON objected.

ECONOMIC STUDIES OF THE FISHERY INDUSTRY

The Clerk called the next bill, H. R. 8055, to provide for economic studies of the fishery industry, market news service, and orderly marketing of fishery products, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I find that this bill sets up a large personnel which are not taken from the civil-service register. I think we should start somewhere to protect the civil-service register. This bill gives the Secretary of Commerce power to appoint these individuals and remove them and fix their compensation at will. Unless the bill is corrected to require that these individuals be taken from the civil service I shall be inclined to object.

Mr. BLAND. Has the gentleman an amendment to that effect?

Mr. WOLCOTT. No. I will make the request that the bill go over without prejudice.

Mr. BLAND. That is all right.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EQUESTRIAN STATUE OF GEN. ROBERT E. LEE

The Clerk called House Joint Resolution 232, authorizing the erection of an equestrian statue of Gen. Robert E. Lee in the Arlington National Cemetery.

Mr. HOLLISTER and Mr. DIRKSEN objected.

TO PROHIBIT STATEMENTS AND PUBLICATIONS ADVOCATING OVERTHROW OF THE GOVERNMENT BY VIOLENCE

The Clerk called the next bill, H. R. 6427, a bill to prohibit statements and publications advocating overthrow of the Government by violence, and for other purposes.

Mr. YOUNG. Mr. Speaker, I object.

Mr. ZIONCHECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ZIONCHECK. Mr. Speaker, I was wondering if the gentleman on the other side objected because this $5,000 was for Prattsville, Ala.

Mr. MAVERICK, Mr. YOUNG, and Mr. ZIONCHECK objected.

PURCHASE OF GROUP OF STATUARY KNOWN AS THE INDIAN BUFFALO HUNT

The Clerk called the next bill, H. R. 5263, to purchase and erect in the city of Washington the group of statuary known as the Indian Buffalo Hunt.

Mr. BACON, Mr. WOLCOTT, and Mr. RICH objected.

Mr. KELLER. Mr. Speaker, will the gentleman withhold his objection?

Mr. BACON. No; I object.

FILING AND INDEXING SERVICE FOR USEFUL GOVERNMENT PUBLICATIONS

The Clerk called the next bill, H. R. 4015, authorizing the establishment of a filing and indexing service for useful Government publications.

Mr. TABER. I object.

Mr. WOLCOTT. I object.

Mr. COCHRAN. Mr. Speaker, I object. This establishes another new governmental agency.

MEMORIAL TO THOSE SERVING IN ARMED FORCES OF UNITED STATES DURING WORLD WAR

The Clerk called the next bill, H. R. 1401, to authorize the erection of a tablet in the Washington Monument in honor of those who served in the armed forces of the United States during the World War.

Mr. DIRKSEN, Mr. BACON, and Mr. YOUNG objected.

COMMEMORATION OF THE BATTLE OF BLACKSTOCK

The Clerk called the next bill, H. R. 4332, to provide for the commemoration of the Battle of Blackstock.

Mr. ZIONCHECK, Mr. RICH, Mr. TABER, Mr. BACON, and Mr. WOLCOTT objected.

COMMEMORATION OF THE BATTLE OF MUSGROVE'S MILL

The Clerk called the next bill, H. R. 4331, to provide for the commemoration of the Battle of Musgrove's Mill.

Mr. ZIONCHECK, Mr. RICH, Mr. JENKINS of Ohio, Mr. TABER, and Mr. BACON objected.

DONATION OF LAND AT VALPARAISO, FLA., FOR AVIATION FIELD

The Clerk called the next bill, S. 3018, to authorize the Secretary of War to acquire by donation land at Valparaiso, in Okaloosa County, Fla., for aviation field, military, or other public purposes.

Mr. RICH. Mr. Speaker, reserving the right to object, will the sponsor of the bill explain its purpose? What department of the Government has passed upon it?

Mr. ZIONCHECK. The Government will spend no money on this particular project.

Mr. RICH. But the Government will spend money maintaining it after it is acquired.

Mr. ZIONCHECK. No; that is specifically provided against.

Mr. RICH. Mr. Speaker, I object.

The SPEAKER. This bill requires three objections. Are there further objections?

Mr. DIRKSEN, Mr. RICH, and Mr. WOLFENDEN objected.

Mr. WILCOX. Mr. Speaker, will the gentlemen withhold their objections? I think I can explain the bill to their satisfaction.

Mr. WOLFENDEN. No.

TO REGULATE DETAILING OF ARMY OFFICERS TO DUTY IN THE DISTRICT OF COLUMBIA

The Clerk called the next bill, H. R. 4452, to regulate the detailing of Army officers to duty in the District of Columbia, and for other purposes.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That section 4c, as amended, of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916, is hereby amended by striking out, beginning with the fifth sentence of the section, all that follows to the end of the section (U. S. C., title 10, secs. 27 to 29 and 532 to 534) requiring periodical duty with troops of combatant arms and making certain exceptions to the requirement), and inserting in lieu thereof the following paragraphs:

"No officer of the United States Army, except officers of the Medical Department, shall be ordered to duty of any kind within the District of Columbia unless such officer shall have served outside of the District of Columbia during the entire 4 consecutive years immediately preceding the commencement of such duty, and no such officer so ordered to duty in the District of Columbia shall be permitted to remain on duty in any capacity whatsoever within the District of Columbia for a longer period than 4 years.

"The Secretary of War shall annually report to Congress the numbers, grades, and assignments of the officers and enlisted men of the Army, and the number, kinds, and strength of organization pertaining to each branch of the service."

SEC. 2. The following provisions of law are hereby repealed:

(a) The last paragraph (U. S. C., title 38, sec. 681) (authorizing the exemption of not more than seven officers of the Army from the requirement of duty with troops to aid in the administration of the World War Adjusted Compensation Act) of section 701 of the World War Adjusted Compensation Act, as amended.

(b) That part of the second sentence of section 4 (c), as amended (U. S. C., Supp. VII, title 49, sec. 154) of the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes", approved June 3, 1924, reading as follows: ", and shall be exempt from the operation of any provision of law, or any rules or regulations issued thereunder, which limits the length of such detail or compels him to perform duty with troops."

(c) Section 2 (U. S. C., title 10, sec. 534) (amending section 4c of the National Defense Act of June 3, 1916, authorizing the exemption of officers of certain departments from the requirement of duty with troops) of the act entitled "An act to amend in certain particulars the National Defense Act of June 3, 1916, as amended, and for other purposes", approved June 6, 1924.

SEC. 3. In the application of section 315 (47 Stat. 411; 48 Stat. 13; 48 Stat. 522; U. S. C., Supp. VII, title 5, sec. 673, note) (providing for restrictions on transfer of noncivilian personnel), of part II of the act entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932, with respect to the remainder of the fiscal year ending June 30, 1935, or to any period during which such section 315 may hereafter be continued in force, no restriction on the transfer of officers shall be effective in any way contrary to the provisions of section 4c, as amended (relating to the detailing of Army officers to duty in the District of Columbia) of the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes", approved June 3, 1916.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOANS TO FARMERS FOR CROP PRODUCTION

The Clerk called the next bill, H. R. 10213, to provide for loans to farmers for crop production and harvesting during the year 1936, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, is this not a bill that was passed last week under suspension of the rules?

The SPEAKER. The Chair is informed that there is a Senate bill, which was passed in lieu of this bill, now pending in conference.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent to lay this bill on the table.

The SPEAKER. Without objection, the bill will be laid on the table.

There was no objection.

MILITARY AND NAVAL FORCES OF THE UNITED STATES

The Clerk called the next bill, S. 2253, to make better provision for the government of the military and naval forces of the United States by the suppression of attempts to incite the members thereof to disobedience.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK, Mr. YOUNG, Mr. SCOTT, Mr. MAVERICK, and Mr. MARCANTONIO objected.

PROHIBITING ARMY OFFICERS FROM RENDERING OUTSIDE SERVICES FOR PAY

The Clerk called the next bill, H. R. 4453, to prohibit Army officers from rendering outside services for pay or reward in connection with Government contracts, property, or business relations, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McFARLANE. Mr. Speaker, reserving the right to object, I would like to have the author of this bill explain it a little bit.

Mr. MARTIN of Massachusetts demanded the regular order.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That chapter 5 (offenses relating to official duties) of the Criminal Code is hereby amended by inserting between sections 109 and 110 thereof (U. S. C., title 18, secs. 198 and 199), a new section to read as follows:

"SEC. 109A. No officer of the United States Army with an active-duty status shall render, or agree to render, services or assistance of any kind or in any way to an individual partnership, association, or corporation for pay, compensation, thing of value, gratuity, fee, or reward, of any kind or in any form, or for the promise thereof, in connection with any claim against the United States, any contract or negotiation relating to a contract with the United States, or any obligation, transaction, or business relation to which the United States is a party, directly or indirectly, in respect of any property, real or personal, any material, or any services. The term 'United States' in this section, except the first time it occurs, includes the District of Columbia, or any Territory or possession of the United States. Any such officer who violates this section shall be fined not more than $5,000 or be imprisoned not more than 1 year, or both."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

COURT MARTIAL FOR OFFENSES INVOLVING FRAUDS AGAINST THE UNITED STATES

The Clerk called the next bill, H. R. 4454, to amend the Articles of War to provide a 10-year period of limitations on proceedings by court martial for offenses involving frauds against the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I object.

EVERGLADES NATIONAL PARK, FLA.

The Clerk called the next bill, H. R. 8741, to amend an act entitled "An act to provide for the establishment of the Everglades National Park in the State of Florida, and for other purposes", approved May 30, 1934.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts, Mr. TABER, Mr. JENKINS of Ohio, Mr. WOLCOTT, and Mr. DIRKSEN objected.

ERECTION OF MEMORIAL IN DEPARTMENT OF LABOR BUILDING

The Clerk called House Joint Resolution 439, authorizing the erection in the Department of Labor Building of a memorial to the officers of the Immigration and Naturalization Service and Immigration Border Patrol who, while on active duty, lost their lives under heroic or tragic circumstances.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. DIRKSEN. Mr. Speaker, reserving the right to object, may we have a statement with reference to this matter?

Mr. LANHAM. Mr. Speaker, I introduced this joint resolution at the request of the Secretary of Labor. Those who are employed in that Department wish at their own expense to put up a plaque in honor of those formerly in that service who have died under heroic or tragic circumstances in the performance of their duty. They have already raised the money for this purpose. This is following a precedent that has existed in other departments and involves not one penny of expense to the Government.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. Is it not true that this whole movement started from what was almost a wholesale massacre of border-patrol men down in the gentleman's own State?

Mr. LANHAM. No. There are many other States involved, and in the hearings a list of these officers is set out, and also the sections of the United States in which the tragedies occurred. They all died under heroic circumstances.

Mr. JENKINS of Ohio. I think the joint resolution is very meritorious.

Mr. McFARLANE. When the gentleman extends his remarks, will he set out therein a list of those who have died?

Mr. LANHAM. Their names already appear in the hearings.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the bill, as follows:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and is hereby, authorized to grant permission for the erection of a memorial to the officers of the Immigration and Naturalization Service and Immigration Border Patrol who while on active duty lost their lives under heroic or tragic circumstances. The design of the memorial shall be approved and the site in the Department of Labor Building shall be chosen by the Commission of Fine Arts, and the United States shall be put to no expense in or by the erection of the said memorial.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SURVEY OF SAN GABRIEL AND LOS ANGELES RIVERS

The Clerk called the next bill, H. R. 7147, authorizing a preliminary examination and survey of the San Gabriel and Los Angeles Rivers and their tributaries; to include both

drainage basins and their outlets, in Los Angeles County, Los Angeles, Calif., with a view to the controlling of floods.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Los Angeles and San Gabriel Rivers and their tributaries; to include both drainage basins and their outlets, in Los Angeles County, Los Angeles, Calif., with a view to the control of floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill authorizing a preliminary examination of the San Gabriel and Los Angeles Rivers and their tributaries; to include both drainage basins and their outlets, in Los Angeles County, Los Angeles, Calif., with a view to the controlling of floods."

PERMISSION TO ADDRESS THE HOUSE

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent that on tomorrow, after the reading of the Journal and disposition of business on the Speaker's table and special orders now pending I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask the gentleman if he is going to have that parade from the Capitol to the White House tomorrow?

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes tomorrow after the reading of the Journal and disposition of business on the Speaker's desk and special orders now pending.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House tomorrow after disposition of business on the Speaker's desk——

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object——

The SPEAKER. I think it is a discourtesy to the Chair for Members to interpose when the Chair is undertaking to state a unanimous-consent request to the House. [Applause.]

The gentleman from Texas asks unanimous consent that on tomorrow after the reading of the Journal and disposition of business on the Speaker's table and other special orders he may be permitted to address the House for 15 minutes. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, may I ask the gentleman what subject he is going to talk about?

Mr. McFARLANE. The subject will be the 10-percent amendment that was placed on the War Department appropriation bill last Friday and the aspersions that have been cast on the amendment by the press yesterday and day before.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair wishes to make this explanation of the remark the Chair made awhile ago. Every Member of the House may rest assured that he will have an opportunity to interpose his objections. The Chair is not anxious, of course, to cut off any gentleman from objecting whenever he may desire to do so, but the Chair does think that orderly procedure in the House demands that the request be first submitted and then that the Member reserve an objection or object, as he may desire.

OPERATION OF STANDS IN FEDERAL BUILDINGS BY THE BLIND

The Clerk called the next bill, H. R. 4688, to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes.

Mr. COSTELLO and Mr. RICH rose.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice, as I understand the author of the measure is contemplating some amendments which will be offered to the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SAN JUAN NATIONAL MONUMENT, P. R.

The Clerk called the next bill, H. R. 7931, to establish the San Juan National Monument, P. R., and for other purposes.

Mr. ZIONCHECK and Mr. RICH objected.

INTERNATIONAL EXPOSITION OF PARIS

The Clerk called the next resolution, House Joint Resolution 305, accepting the invitation of the Government of France to the United States to participate in the International Exposition of Paris—Art and Technique in Modern Life—to be held at Paris, France, in 1937.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I notice that the committee raised the amount of money to be authorized for this purpose from $20,000 to $50,000.

Inasmuch as these exhibits will be by private enterprises in the United States who will contribute at their own expense, and inasmuch as $20,000 seems to me an ample amount for the purpose of supervision of these exhibits at Paris, I am constrained to object if the amount is left at $50,000. I think we should participate in this exposition and I shall have no objection to a reasonable authorization. Apparently the sponsor of the bill felt, when he introduced the measure, that $20,000 would be ample to allow us to participate. Now, the committee has increased the amount to $50,000, without very much reason so far as the report shows. With the assurance of the gentleman or the committee that there will be no objection to eliminating the $50,000, which will leave it at $20,000, I shall have no objection.

Mr. BACON. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. YOUNG. Mr. Speaker, I object.

REPUBLICAN RIVER, SMOKY HILL RIVER, AND MINOR TRIBUTARIES OF THE KANSAS RIVER

The Clerk called the next bill, H. R. 8030, to authorize a preliminary examination of Republican River, Smoky Hill River, and minor tributaries of Kansas River, in the State of Kansas, with a view to the control of their floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of Republican River, Smoky Hill River, and minor tributaries of Kansas River, in the State of Kansas, with a view to the control of their floods in accordance with the provisions of section 3 of an act entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXCHANGE OF LAND BETWEEN THE WAIANAE CO. AND THE NAVY DEPARTMENT

The Clerk called the next bill, H. R. 9999, to authorize an exchange of land between the Waianae Co. and the Navy Department.

Mr. MAIN. Mr. Speaker, at the request of the Delegate from Hawaii [Mr. KING], I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

WATCHMEN AND MESSENGERS IN THE POSTAL SERVICE

The Clerk called the next bill, H. R. 10850, to extend the provisions of the 40-hour law for postal employees to watchmen and messengers in the Postal Service.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first section of the act entitled "An act to fix the hours of duty of postal employees, and for other purposes", approved August 14, 1935, is amended by striking out the words "and laborers" and inserting in lieu thereof the following: "laborers, watchmen, and messengers."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXAMINATION AND SURVEY OF ESOPUS CREEK AND ITS TRIBUTARIES

The Clerk called the bill (H. R. 9062) authorizing a preliminary examination and survey of the Esopus Creek and its tributaries of Birch, Bushnelville, Woodland, Warner Bushkill, and Beaverkill Creeks; Sawkill, Rondout, and Neversink Creeks, Ulster County; Schoharie and Catskill Creeks, Greene County; Neversink, Beaverkill, East Branch of Delaware, Willowemoc, and Lackawack Rivers, Sullivan County; Schoharie Creek and its tributaries, Schoharie County, all located in the State of New York, with a view to the controlling of floods.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to cause a preliminary examination and survey to be made of Esopus Creek and its tributaries, of Birch, Bushnelville, Woodland, Warner Bushkill, and Beaverkill Creeks, Sawkill, Rondout, and Neversink Creeks, Ulster County; Schoharie and Catskill Creeks, Greene County; Neversink, Beaverkill, East Branch of Delaware, Willowemoc, and Lackawack Rivers, Sullivan County; Schoharie Creek and its tributaries, Schoharie County, all located in the State of New York, with a view to the control of floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of floods of the Mississippi River, and the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 4, after the word "examination" strike out the word "examination" and insert the words "and survey."

Amend the title so as to read "A bill authorizing a preliminary examination of the Esopus Creek and its tributaries of Birch, Bushnelville, Woodland, Warner Bushkill, and Beaverkill Creeks; Sawkill, Rondout, and Neversink Creeks, Ulster County; Schoharie and Catskill Creeks, Greene County; Neversink, Beaverkill, East Branch of Delaware, Willowemoc, and Lackawack Rivers, Sullivan County; Schoharie Creek and its tributaries, Schoharie County, all located in the State of New York, with a view to the controlling of floods."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

SHORTER WORKWEEK FOR EMPLOYEES OF THE MAIL EQUIPMENT SHOP

The Clerk called the bill (H. R. 10193) to amend the act to fix the hours of duty of postal employees.

The SPEAKER. Is there objection?

Mr. RICH. Reserving the right to object, I would like to have the bill explained.

Mr. DOBBINS. Owing to the construction of the act of August 14, 1935, by the Comptroller General, the pay of these employees has been reduced. The Comptroller General held that that act, commonly known as the postal employees' 40-hour-week law, does not apply to men who are working on a per-diem basis, as these employees are in the mail bag repair shop. The result is that these employees have actually suffered a loss in pay due to the passage of a bill that was intended to benefit them along with all other postal employees. Now, this bill will give effect to the congressional intent that the per-diem postal employees working 40 hours a week will receive just as much pay for a week's work as they received before for the 44 hours' work required of them before the 40-hour bill was passed.

Mr. RICH. What rate of pay are they receiving?

Mr. DOBBINS. There is a table of that appended to the report. The usual rate is $4.40 to $7.60; but there are a few assistant foremen, machinists, and electricians and other skilled tradesmen who receive from $8 to $11.40.

Mr. RICH. You have the Government in business. Does the gentleman think it is right that the Government should be in business in competition with people doing the same kind of work in the same private industry?

Mr. DOBBINS. The mail bag repair shop is an old institution. When I was in the Postal Service 35 years ago it was an old institution then. I think there is no good reason why we should penalize these mail bag repair shop employees, who have lost a total of $14,588. Then there is an additional reason. These employees of this shop frequently find letters or other mail, sometimes containing money and other valuables, which has inadvertently been left in these old bags which are turned in for repairs. It seems to me the public is justified in expecting this mail to be kept in charge of sworn Government employees until it reaches its intended destination.

Mr. RICH. But if we continue to make laws in Congress to add to each one of these appropriation bills, we then increase the amount of money that we are to raise. When people in that department are making $4.50 to $11 a day, then you have to go back to the taxpayers and ask them to pay the bill. Now, is it right for you to go back to your district and for me to go back to my district and ask the taxpayers to increase the salaries of men who are getting $11 a day?

Mr. DOBBINS. I believe this shop was established before I was born; so I can hardly assume any responsibility for initiating the practice, so far as its propriety is concerned. But it is unquestionably right that the men should be equitably paid for the work that they do.

Mr. RICH. I agree with that.

Mr. DOBBINS. And they will continue to be paid whether we pass this bill or not.

Mr. RICH. I agree with that, but I question whether we should enact laws now and then go back and expect to have an appropriation to pay for it. How are you going to do it? Where are you going to get the money?

Mr. DOBBINS. The appropriation has already been made, for all of us assumed these employees were included in the scope of the bill, and the estimate of additional funds needed was made accordingly. Another consideration is this: These postal employees were expressly excluded from the benefits of the pending annual leave bill, on the theory that they were getting a compensating weekly vacation, without loss of pay, through our 40-hour bill. The leave bill has passed the House, and now appears to have an excellent chance of becoming a law. The result is that this small group of employees is unintentionally deprived of any benefit of either law.

Mr. ANDREWS of New York. Regular order, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICH. Mr. Speaker, I object.

PREMIUM ON BONDS OF OFFICERS AND EMPLOYEES IN POST OFFICE DEPARTMENT

The Clerk called the next bill, H. R. 6014, to regulate the rate of premium on bonds of officers and employees in the motor-vehicle service of the Post Office Department.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That, effective —— days after the date of enactment of this act, no bond shall be accepted from any surety or bonding company for any officer or employee in the motor-vehicle service of the Post Office Department which shall cost more than the rate of premium which may lawfully be charged

clerks and letter carriers in the Post Office Department for like bonds under the provisions of the Deficiency Appropriation Act for the fiscal year 1909, approved August 5, 1909 (U. S. C., title 6, sec. 14).

With the following committee amendment:

Page 1, line 3, after the word "effective", insert the word "thirty."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF OFFICERS AND SOLDIERS IN SERVICE IN THE PHILIPPINE ISLANDS

The Clerk called the next bill, H. R. 9472, for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899.

The SPEAKER. Is there objection?

Mr. COSTELLO and Mr. YOUNG objected.

OBSOLETE COAST GUARD MATERIAL TO SEA-SCOUT DEPARTMENT OF THE BOY SCOUTS OF AMERICA

The Clerk called the next bill, H. R. 9671, to authorize the Secretary of the Treasury to dispose of material to the sea-scout department of the Boy Scouts of America.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice. I also make the same request as to the next bill, Calendar No. 558.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. JENKINS of Ohio. Reserving the right to object, Mr. Speaker, these bills are entirely different. I object to that procedure.

Mr. ZIONCHECK. I have not had a chance to look at these particular bills, and I ask that they go over.

The SPEAKER. Is there objection?

Mr. JENKINS of Ohio. I object to the gentleman's request. If the gentleman will divide it, I have no objection.

The SPEAKER. Is there objection to the request that H. R. 9671 go over without prejudice?

There was no objection.

BRIDGE ACROSS MISSOURI RIVER AT RANDOLPH, MO.

The Clerk called the next bill, H. R. 10187, to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.

The SPEAKER. Is there objection.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

BRIDGE ACROSS THE MONONGAHELA, ALLEGHENY, AND YOUGHIOGHENY RIVERS, ALLEGHENY COUNTY, PA.

The Clerk called the next bill, H. R. 10262, to extend the times for commencing and completing the construction of certain bridges across the Monongahela, Allegheny, and Youghiogheny Rivers in the county of Allegheny, Pa.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ZIONCHECK. Reserving the right to object——

Mr. HOLMES. Reserving the right to object, and I am not going to object, I want to call the attention of the House to the fact that this bill was passed and became a law during the first session of the Seventy-fourth Congress.

Mr. ZIONCHECK. And Mr. Truax had a similar objection to this bill, did he not?

Mr. HOLMES. This bill comes in with certain amendments, and they are very minor clarifying amendments. In other words, if you will look at the report on this bill you will find in connection with all these bridge bills that they are striking "bridge." and inserting "bridge,". That is all the amendment there has been to the present law, which was passed at the last session of Congress by almost a unanimous vote. I sincerely hope that in connection with the consideration of these bridge bills the House will support the Committee on Bridges of the Interstate and Foreign Commerce Committee, which has diligently considered all these applications for extensions. We are recommending to the Congress a number of them in regular order. Most of them are granting extensions to either communities, State commissions, or States the right to build these bridges. I hope we can pass these bridge bills and amend these acts so that the State and municipalities can proceed.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. HOLMES. I am very glad to yield.

Mr. ZIONCHECK. The only thing I resent about this bill is that our former colleague from Ohio, Mr. Truax, who is now dead, entered into an agreement with some of the gentlemen from Pennsylvania that if he let the bill go through last time they would amend it and make these free bridges or limit the amount they should charge. I do not know what gentlemen from Pennsylvania agreed to that, but when it came to the amendment they talked against it and voted it down. That was the greatest breach of faith that I have ever seen demonstrated on the floor of this House.

Mr. HOLMES. Mr. Speaker, may I say to my colleague from Washington that there is nothing in the bill which compels the authorities to charge any tolls whatsoever. That is purely a matter of local regulation and control in conformity with what the W. P. A. may require in helping finance these projects. One of the requirements may be that there be tolls to retire part of the cost of the construction work. I sincerely hope the gentleman will not oppose this legislation.

The regular order was demanded.

The SPEAKER. The regular order is, Is there objection to the bill?

Mr. ZIONCHECK. Mr. Speaker, the gentleman from Pennsylvania [Mr. BROOKS] wants to state that these are free bridges now.

The SPEAKER. Does the gentleman from Washington object?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of certain bridges, to wit:

(a) Across the Monongahela River, at a point suitable to the interests of navigation, from Pittsburgh to Homestead, Pa., near to, and to replace, existing Brown's Bridge.

(b) Across the Allegheny River, at a point suitable to the interests of navigation, from Pittsburgh to O'Hara Township, Pa., near Dam No. 2, to replace the existing Highland Park Bridge.

(c) Across the Monongahela River, at a point suitable to the interests of navigation, in the city of Pittsburgh, Pa., between the Smithfield Street and Point Bridges.

(d) Across the Monongahela River, at a point suitable to the interests of navigation, from the Glenwood to the Hays section of the city of Pittsburgh, Pa., to replace existing Glenwood Bridge.

(e) Across the Monongahela River, at a point suitable to the interests of navigation, from Dravosburg to McKeesport, Pa., to replace existing Dravosburg Bridge.

(f) Across the Youghiogheny River, at a point suitable to the interests of navigation, in the city of McKeesport, to replace existing Fifth Avenue Bridge.

(g) Across the Monongahela River, at a point suitable to the interests of navigation, from the borough of Rankin to the borough of Whittaker, Pa., to replace existing Rankin Bridge,

authorized to be built by Allegheny County Authority and the county of Allegheny, Pa., or either of them, by an act of Congress approved June 4, 1934, amended and supplemented by an act of Congress approved August 21, 1935, are hereby extended 1 and 3 years, respectively, from June 4, 1936.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

One page 1, in line 8, and on page 2, in lines 4, 8, 12, 16, and 19, change the period in each instance to a comma, and in line 23, on page 2, after the word "Bridge", insert a comma.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOURS OF DUTY OF POSTAL EMPLOYEES

Mr. DOBBINS. Mr. Speaker, I ask unanimous consent to return to Calendar No. 554, and ask that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

BRIDGE ACROSS POQUETANUCK COVE, LEDYARD, CONN.

The Clerk called the next bill, H. R. 10316, to legalize a bridge across Poquetanuck Cove at or near Ledyard, Conn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Connecticut to maintain and operate a bridge and approaches thereto already constructed across Poquetanuck Cove at or near Ledyard, Conn., as a lawful structure and subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS SECOND CREEK, LAUDERDALE COUNTY, ALA.

The Clerk called the next bill, H. R. 10465, to legalize a bridge across Second Creek, Lauderdale County, Ala.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Alabama to maintain and operate a bridge and approaches thereto already constructed across Second Creek, Lauderdale County, Ala., on the Florence to Athens highway in such State, as a lawful structure and subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS OHIO RIVER, ROCKPORT, IND.

The Clerk called the next bill, H. R. 11045, to extend the times for commencing and completing the construction of a bridge across the Ohio River between Rockport, Ind., and Owensboro, Ky.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River between Rockport, Ind., and Owensboro, Ky., authorized to be built by the Spencer County Bridge Commission, by an act of Congress approved June 18, 1934, are hereby extended 1 and 3 years, respectively, from June 18, 1936.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS LAKE SABINE, PORT ARTHUR, TEX.

The Clerk called the next bill, H. R. 10185, to amend the act approved June 18, 1934, authorizing the city of Port Arthur, Tex., or the Commission thereby created and its successors, to construct, maintain, and operate a bridge over Lake Sabine, at or near Port Arthur, Tex., and to extend the times for commencing and completing the said bridge.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the act entitled "An act authorizing the city of Port Arthur, Tex., or the Commission hereby created and its successors, to construct, maintain, and operate a bridge over Lake Sabine, at or near Port Arthur, Tex.", approved June 18, 1934, is amended by striking out the words "20 years" and inserting in lieu thereof the words "30 years."

SEC. 2. That the times for commencing and completing the construction of the aforesaid bridge are hereby extended 1 and 3 years, respectively, from June 18, 1936.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LIMITING OPERATION OF CRIMINAL CODE WITH RESPECT TO CERTAIN COUNSEL

The Clerk called the next bill, S. 3453, limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to certain counsel.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. ZIONCHECK and Mr. MARTIN of Massachusetts objected.

NATIONAL BOY SCOUT JAMBOREE, 1937

The Clerk called House Joint Resolution 443, to amend Public Resolution No. 31 of the Seventy-fourth Congress, first session, approved June 17, 1935, so as to extend its provisions to cover the National Boy Scout Jamboree now scheduled to be held in 1937.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That Public Resolution No. 31 of the first session, Seventy-fourth Congress, approved June 17, 1935, is hereby amended as follows: In section 1 of the public resolution, after the words "to be held in the United States in", the figures "1935" are amended to read "1937."

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COAST GUARD STATION, CRESCENT CITY, CALIF.

The Clerk called the next bill, H. R. 1398, to provide for the establishment of a Coast Guard station at or near Crescent City, Calif.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

COAST GUARD STATION, PORT WASHINGTON, WIS.

The Clerk called the next bill, H. R. 8370, to provide for the establishment of a Coast Guard station at Port Washington, Wis.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAMNECK. Mr. Speaker, I object.

COAST GUARD STATION AT APOSTLE ISLANDS, WIS.

The Clerk called the next bill, H. R. 8901, to provide for the establishment of a Coast Guard station at or near Apostle Islands, Wis.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a Coast Guard station at or near Apostle Islands, Wis., at such point as the Commandant of the Coast Guard may recommend.

With the following committee amendment:

On page 1, line 4, strike out "and directed."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This completes the call of the Consent Calendar.

Mr. DIRKSEN. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. The Chair will count.

Mr. DIRKSEN. Mr. Speaker, I withdraw the point of order.

NEUTRALITY

Mr. McREYNOLDS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H. J. Res. 491) extending and amending the joint resolution (Public Res. No. 67, 74th Cong.), approved August 31, 1935.

The Clerk read the joint resolution, as follows:

Resolved, etc., That section 1 of the joint resolution (Public Res. No. 67, 74th Cong.), approved August 31, 1935, be, and the same hereby is, amended by striking out in the first section, on the second line, after the word "assembled" the following words: "That upon the outbreak or during the progress of war between" and inserting therefor the words: "Whenever the President shall find that there exists a state of war between"; and by striking out the word "may" after the word "President" and before the word "from" in the twelfth line and inserting in lieu thereof the word "shall";

and by substituting for the last paragraph of said section the following paragraph: "except with respect to offenses committed or forfeitures incurred prior to May 1, 1937, this section and all proclamations issued thereunder shall not be effective after May 1, 1937."

SEC. 2. There are hereby added to said joint resolution two new sections, to be known as sections 1a and 1b, reading as follows:

"SEC. 1a. Whenever the President shall have issued his proclamation as provided for in section 1 of this act, it shall thereafter during the period of the war be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent country, or of any political subdivision thereof, or of any person acting for or on behalf of such government, issued after the date of such proclamation, or to make any loan or extend any credit to any such government or person: *Provided*, That if the President shall find that such action will serve to protect the commercial or other interests of the United States or its nationals, he may, in his discretion, and to such extent and under such regulation as he may prescribe, except from the operation of this section ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in normal peacetime commercial transactions.

"The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

"Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than $50,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

"When the President shall have revoked his proclamation as provided for in section 1 of this act, the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply.

"SEC. 1b. This act shall not apply to an American republic or republics engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war."

SEC. 3. Section 9 of said joint resolution is amended to read as follows:

"There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this act."

The SPEAKER. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

Mr. MAVERICK. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. MAVERICK. Mr. Speaker, I am informed that no specific authority to request a suspension of the rules has been given by the committee. May I ask the chairman if specific authority has been granted by his committee on this particular bill? In other words, has specific authority been given the gentleman by the committee to ask for a suspension of the rules?

Mr. McREYNOLDS. Yes; twice.

Mr. MAVERICK. On this particular bill?

Mr. McREYNOLDS. Yes.

The SPEAKER. The Chair may say to the gentleman that it is within the discretion of the Chair to recognize the gentleman's move to suspend the rules.

Mr. MAVERICK. Specific authority has to be given by the committee, as I understand the rules of the House.

Mr. McREYNOLDS. The motion is to suspend all rules, anyway.

The SPEAKER. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FISH. I am opposed to the way it is being brought up here.

Mr. MAVERICK. Mr. Speaker, I shall object and then demand tellers, and I demand a second.

The SPEAKER. Is a second demanded?

Mr. MAVERICK. Mr. Speaker, I demand a second. I am opposed to the bill.

Mr. FISH. Mr. Speaker, I am opposed to the way the bill is being brought up.

The SPEAKER. Is any other Member opposed to the bill on its merits?

Mr. MAVERICK. Mr. Speaker, I am opposed to the bill on its merits and demerits.

The SPEAKER. Is any Member on the minority side opposed to the bill on its merits? If so, the Chair will recognize him to demand a second.

Mr. ROBSION of Kentucky. Mr. Speaker, I am opposed to the bill on its merits, and I demand a second.

The SPEAKER. The gentleman is recognized to demand a second.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. MAVERICK. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects. The gentleman from Tennessee [Mr. McREYNOLDS] and the gentleman from Kentucky [Mr. ROBSION] will take their places and act as tellers.

Mr. MAVERICK. Mr. Speaker, I withdraw my objection.

The SPEAKER. The gentleman withdraws his objection. Without objection, a second is considered as ordered.

There was no objection.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that the time be extended to 40 minutes on the side, instead of the usual 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. ANDREWS of New York. Mr. Speaker, reserving the right to object, inasmuch as the joint resolution has been brought up in this form, there will be no opportunity for amendment. I see no reason to continue the debate any longer than the usual time, and therefore I object.

The SPEAKER. The gentleman from Tennessee [Mr. McREYNOLDS] is recognized for 20 minutes and the gentleman from Kentucky [Mr. ROBSION] is recognized for 20 minutes.

Mr. SISSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SISSON. As I understand the rules of the House, one-half of the time should be allotted to those who are opposed to this bill on its merits. I do not think that situation obtains. This bill is being considered under the most vicious type of gag rule, and I think in the interest of fairness, the Members who are opposed to this bill on its merits should have 20 minutes of the time.

The SPEAKER. That was the object of the Chair in requesting those who demanded a second to state whether or not they are opposed to the bill on its merits. The gentleman from Kentucky qualified. The Chair assumes that the gentleman from Kentucky [Mr. ROBSION] will, in the spirit of his demand, yield to those who are opposed to the bill.

Mr. ROBSION of Kentucky. The gentleman will yield to those who are opposed to the resolution.

Mr. O'MALLEY. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and forty-five Members are present, a quorum.

The gentleman from Tennessee is recognized for 20 minutes and the gentleman from Kentucky is recognized for 20 minutes.

Mr. McREYNOLDS. Mr. Speaker, I yield myself 5 minutes.

I ask only a few minutes to undertake to explain this bill, which is very short. It merely amends the neutrality law that we passed at the last session and adds a very important section on credits, which, to a great extent, will control materials of war.

It was absolutely necessary to resort to these means in order to save the present neutrality bill, which expires on the 29th day of this month. The same bill has been agreed upon by the Senate, and it is their intention to do the same thing that we are doing in passing the bill in this way.

Naturally I would prefer to come before the House in favor of the bill that was reported by your committee prior to this bill, which was more complete, and I take no backwater on that; but, not desiring to lose the neutrality legislation we have, we had to form a compromise in order to save it.

Now, what does this bill do? First, there are some merely clarifying amendments to the bill of last year, and, second, there is the credit section, which we consider very important.

You will recall that 2 years ago the Johnson bill was passed, which prohibited the sale of bonds, and so forth, of foreign nations in this country where they were in default. This

carries that provision further and makes it unlawful to sell Government bonds, and so forth, or to transfer or to exchange them if they are belligerent nations, in order to prevent such belligerent countries from being able to finance their wars in this country. This will be of great service.

The bill also provides that this shall not apply to American republics when engaged in war with a foreign state.

This is what is in the bill, and if the measure is passed, then what legislation do we have on neutrality? We will have the following:

First. Embargo against the sale, exportation, and transportation of arms, ammunition, or implements of war to any and all belligerents except to American republics, as expressly provided.

Second. Prohibition against the sale of bonds, notes, and other securities of belligerent countries in the United States, or the purchase of such securities in the United States; the prohibition of loans or extension of credits of foreign governments or persons representing them, except ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in current commercial business.

Third. Prohibition against American vessels carrying arms, ammunition, and implements of war to belligerents or for transshipment for use by belligerents.

Fourth. Prohibition of the use of the United States as a base for supplying belligerent ships with arms, ammunition, or implements of war.

Fifth. Special regulations relative to the use of our ports by submarines of belligerent countries.

Sixth. Restraint upon our citizens when traveling upon belligerent vessels.

With the adoption of the amendments we have proposed, you will have the matters I have enumerated as a step forward in reference to neutrality.

Mr. DUNN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. I have not the time right now.

This will be our position; but if it is not passed or if it does not become the law before the 29th of this month, you will have nothing. So it is up to us to pass this bill in this form in order to put it up to the Senate, because they have agreed to pass it in the same form, if possible, and then we will have an extension of our neutrality laws.

This is not all your committee wanted; this is not all I wanted; and I regret very much to have to come before the House and even ask for a suspension of the rules, but I want to say to you that the time is here, and it is time we should act, and after much consideration I thought this was the proper way to pass this bill, under the circumstances existing, and also inasmuch as it has been reported out unanimously by your committee. [Applause.]

[Here the gavel fell.]

Mr. ROBSION of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. MAVERICK].

WEEKS ON SPEECHES—40 MINUTES ON MILLIONS OF LIVES

Mr. MAVERICK. Mr. Speaker, I would like to know why the Foreign Affairs Committee and why the chairman of that committee did not stick by their original bill, which was a good bill. They should have stuck by their original bill, and what they thought was right. After working for about a year, since last year's bill was enacted, they report out a bill and recommend it highly. Suddenly, the committee deserts it. Why?

We all have our views, but I feel certain many of us are against the bill now being presented, if for no other reason, because it comes up here with only 40 minutes of discussion, no chance for amendment—just a cruel, undemocratic gag rule. We meet here and discuss everything imaginable, and it seems the only thing we want to do is to shadow box around and get away and adjourn by May 1. Of course, we ought to get out of here, but this is the most important thing that has come before the Congress in 10 years, and it is announced in the paper this morning that we will be gagged this afternoon and here we are in the afternoon, taking the gag as the paper said we would. Is there no limit to this? We have used 10 hours on an appropriation bill, hours on bitter personalities, and hours on home consumption speeches. But when it comes to the lives of millions of our sons, the most important bill before Congress, it takes 40 minutes to finish such a question.

RETREAT AND SURRENDER BY COMMITTEE—NO REAL NEUTRALITY

The chairman of the Foreign Affairs Committee said that the substitute bill now being presented is very short. Yes, it is very short, and it is an abandonment of everything that committee stood for. They went back on themselves, and back on the administration, and back on the Democratic Party, and back on the Republican Party. They have disappointed the American people and the American people, 90 percent of them, will be ashamed of our action in this matter.

The gentleman said "we" had to compromise, that it is the best "we" could get. Well, who are "we" and who compromised? This House is supposed to pass its own legislation. This body is not supposed to go before the Senate with some of its alleged leaders and have secret compromises! We are supposed to legislate! We are supposed to pass on these things ourselves. Moreover, I am getting tired of "steps in the right direction", halfway measures accomplishing nothing and only trying to please everybody politically. I am getting tired of being rushed at the very last few days of some law expiring and being told that if we do not take the gag like good little boys that we will not have any legislation at all. The truth is, this committee has had a full year in which to study—they reported a bill, then abandoned it—and now ask us to support this bill, which is worse than nothing.

LEGISLATION ALL VAGUE AND DISCRETIONARY

Now, the gentleman from Tennessee speaks of all the things this new makeshift bill is going to stop, but I want to tell you this is the very worst type of discretionary legislation. It is nothing but discretionary legislation; it is vague, loosely drawn, indefinite, and does not meet the situation. The submarine part is merely a discretionary authority for the President; so are all the rest of the provisions in effect, except the arms embargo.

Let us take the part in reference to finance and business. The President can make exceptions in what is termed as ordinary peacetime credit; the bill is so drawn as to make possible such exceptions as will lead to the same kind of wartime boom that got us into the last war. In other words, this is no bill at all. We ought not to go before the country with such a bill. The people are not so dumb as not to know they are getting double-crossed.

The committee reported a bill originally, and why do they not stand by it? It was itself not perfect, but it had some strong provisions—at least, it was intended to meet the situation. But the bill which is now being choked down our throats is, as the chairman of the Foreign Affairs Committee says, a compromise—and a dubious one—a makeshift, a jumble of "*provideds*", words, loose sentences meaning practically nothing. This bill does not eliminate the causes that led us into the World War, or may lead us into the present war, or some other. The heart of the original bill, all its strong provisions, are taken out and eliminated. This is a hodgepodge, and you do not know whether you have international law or whether you have national law.

NINETY PERCENT OF AMERICAN PEOPLE DISAPPOINTED

As I have said, 90 percent of the American people are going to be disappointed and discouraged. They are going to be discouraged by the administration laying down on this bill. And the people are going to be disappointed not only with the administration but all of Congress and all parties. This is no effective legislation. I appeal to you that we pass some legislation before we leave that will keep us out of war.

The attitude in Washington now seems to be not now—maybe later. No; do not let us pass legislation of an effective nature now, but wait until later. Pass up old-age pensions, social security, unemployment, all real questions

involving fundamental economic problems, until after the election! And pass up neutrality until after a war!

Mr. Speaker, this bill passes over the fundamental factors of staying out of war, and is nothing but a makeshift, and for which the chairman of the Foreign Affairs Committee and several of its members have apologized. This bill, in my opinion, should be voted down by us, so the Foreign Affairs Committee will bring out a bill of some kind on an ordinary rule on the floor. Then the whole question can be thoroughly explained, and the bill can be debated, discussed, and amended. Then, whatever the outcome, we can be satisfied. But a gag such as this, especially since it is also quack medicine, must surely leave a bitter taste. [Applause.]

[Here the gavel fell.]

Mr. ROBSION of Kentucky. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SISSON].

NEUTRALITY

Mr. SISSON. Mr. Speaker and Members of the House, the legislation commonly known as neutrality legislation, but mainly designed for the purpose of keeping this country out of war, is legislation on the most important subject which has come before this Congress at this session, and perhaps the most important that will come before the Congress at this session.

An emergency measure, hurried because of the threatened imminence of a general European conflict, was passed in the closing days of the last session. It was well understood and conceded at that time by the Members in both branches of Congress that the law passed last session was hastily prepared, that for lack of time not sufficient study had been given to it, and that it was not adequate for and not intended to be a permanent formulation of our policy either designed to keep us out of another European conflict or to save us from the enormous loss and entire dislocation of our productive agencies which we suffered through our trade policy in the World War.

Since the close of last session, during the months of the recess members of the Committee on Foreign Affairs and Foreign Relations in both bodies of Congress, and other Members of Congress, other experts and authorities, the State Department—notably two of our most sound and able statesmen, Secretary Hull and Under Secretary Moore—have been studying this subject. The House Committee on Foreign Affairs held open hearings for weeks and gave most intelligent and careful consideration to this subject. They prepared a bill in which they avoided the questions which could not yet be finally passed upon. The result of their work was to reconcile varying and extreme views and the two somewhat opposite policies or schemes of neutrality legislation. That bill—the original bill, the administration bill—the bill recommended and endorsed by the State Department—in other words, the McReynolds bill, as reported first to this House was a good bill, and under the circumstances a most admirable piece of work. I want again to congratulate Chairman MCREYNOLDS for the ability and statesmanship which he and several of the members of the House Committee on Foreign Affairs evidenced in the result that they accomplished under trying circumstances.

The heart of that bill was section 4, which was intended to keep wartime trade down to peacetime or normal volume. During the World War we exported a vast quantity of our wealth; so much that it exceeded by over $28,000,000,000 the goods which we took in return. In addition to that tangible wealth, we exported about $25,000,000,000 worth of our capital. It was not a healthy trade. Its result was to make a few rich and millions poor, because we received in return for it, not goods, but mainly the I O U's of the other countries which have not and will not be paid. In addition to that we greatly speeded up our manufacturing production, bringing about, after the war ended, great unemployment, and we called into cultivation many millions of acres of land and put them under the plow, which should have been left in grass, and thereby to a great extent brought about the plight of our farmers, to remedy which the A. A. A. was passed.

The President uttered some strong words about this policy in his annual message to the Congress in January, and stated, among other things:

> * * * we seek to discourage the use by belligerent nations of any and all American products calculated to facilitate the prosecution of a war in quantities over and above our normal exports to them in time of peace.

This was the heart of the legislation.

It is now proposed to scrap this legislation and to pass in place of it a bill extending the present so-called neutrality law until the 1st of May 1937, with the comparatively unimportant addition of the prohibition of loans and credits, which at the present time and for some years to come most of the nations could not obtain anyway. The real heart of the legislation has been taken out of this makeshift bill. Its extension again for a period of another year and two months is a confession on our part of weakness and of the inability of Congress to legislate for the interest of all the people when subjected to pressure, and to the influence of selfish interests. The overwhelming majority of the American people, though somewhat inarticulate, though incapable of expressing in definite language their wishes to be put into words that will accomplish their wishes in this legislation, still want legislation that will keep us out of war, legislation that will help to avoid the necessity of again sending our boys, our weath, our dollars abroad for the purposes of a European conflict. In my judgment, this makeshift bill wretchedly fails in all of those purposes.

But this is not the worst of it!

We are asked today to pass this bill under suspension of the rules, with only a few minutes of debate, with no opportunity to offer amendments, without a single word of debate upon the legislation—the most important of this session. I believe that if the Members on both sides of this House had an opportunity to understand this situation they would vote against this extreme gag. I have voted for so-called gag rules before, but they were really not gag rules as this is. They were made necessary to prevent an unlimited number of amendments and unlimited waste of time in debate. That situation does not exist here today. This is a short bill. Only a few amendments at the most could be offered. No Member need be subjected to any embarrassment by the offering of amendments to be voted upon only in the Committee. It may be that this bill which we are asked to pass today under suspension is the best we can get under all the circumstances. Until this gag was proposed I was willing to accept the judgment of the leadership that it was perhaps the best that we could do, and I did not intend to oppose the bill. I do feel that it is my duty to oppose passing the most important legislation of this session so far under the most extreme drastic type of gag known to the rules of this House; and I call upon all my colleagues who believe that we should legislate in the open, who believe that we do not want to present the spectacle to the American people that the Congress has something here to conceal which cannot be brought out in the light of day, to vote with me and defeat this gag rule.

It may be that a majority of the House will decide; it may be that a majority of the other body will decide that this bill—the Kloeb bill—is all that we can accomplish at the present session; but if so let us let the facts be known so that every Member who wishes to do so may go on record and those who do not wish to go on record need not be subjected to any embarrassment. Let us not let it appear to the people of the United States that we are attempting to conceal something here.

If you believe that the Kloeb bill is the best bill that we can pass at this session under the circumstances, you can vote for it without subjecting yourself to embarrassment; but how are you going to answer the American people if you prevent consideration of the question as to whether amendments may be offered to the bill as you will do if you vote for this resolution to suspend the rules and pass the bill without debate and without amendment?

Mr. MCREYNOLDS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. KLOEB].

Mr. KLOEB. Mr. Speaker, I desire, first, to commend the chairman of the Foreign Affairs Committee of the House and the members of that committee, my colleagues, for their fine work during the past 6 weeks in the consideration of neutrality legislation. Personally, I come here not to defend, but I come here to maintain. This bill that we are considering needs no defense. We have not forgotten the heart of the McReynolds bill. We have taken the heart from that bill, the section prohibiting loans and credits, and inserted it in this measure.

A year ago I introduced the first neutrality bill in either House of the Congress. It provided for what? Only the prohibition of the making of loans and the extension of credit to warring nations. It was my theory then, and it is now, that this whole neutrality problem has so many diverse angles as that it becomes absolutely impossible to encompass them all in one bill and to have it pass this legislative body. Therefore, I felt that if it is taken up one step at a time—and I considered the loans-and-credit section the spearhead, if you please, of the whole neutrality problem—eventually we would encompass a measure that would cover those points necessary and adequate to plug the holes that contributed toward our entry into the last war.

When the *Lusitania* went to the bottom of the sea she carried on her decks and in her hold, three glaring errors that contributed toward our entry into that war. First, she carried 4,200 cases of ammunition. Second, she carried that ammunition sold on credit. Third, she carried on her decks 159 American citizens going for a joy ride on a belligerent vessel, bound for belligerent shores, and 124 of them went to the bottom of the sea. Hence, a law designed to plug those holes, that would prohibit the sale and exportation of munitions of war, that would forbid the making of loans and the extension of credit wherewith to purchase commodities to conduct war, and that would forbid American citizens to travel on belligerent vessels, would give us a comprehensive neutrality law that certainly, at this time, would accomplish everything that, with safety, we could hope to accomplish in this body. The bill before us meets these very requirements.

A year ago I suggested before the Foreign Affairs Committee in its hearings a so-called cash-and-carry plan. The bill before us brings into effect the cash plan. We have but to bring about, at some future date, perhaps 14 months hence, when this measure shall have expired by limitation, the insertion of section 7-b of the McReynolds bill, which would give to the President authority to invoke the carry plan, if we felt it was necessary and proper so to do.

But to make that sort of plan mandatory and automatic upon the outbreak of a war certainly would be a mistake, because in the event of any little conflict on any part of the globe, it would make us the laughing stock of the world to take our ships from the sea merely because we felt they might become endangered. Because we felt it would have been necessary to make this provision discretionary with the Executive instead of mandatory, and because Members of this body, as well as those of another body, stressed and overestimated the importance of the so-called freedom of the seas, a term that is merely a myth and a meaningless expression at this time—because of those two obstacles I refrained from inserting in this bill the second plan of the cash-and-carry theory, namely, the carry plan. I am satisfied with this measure as it comes before us today. It safeguards us against a repetition of the three errors that the sinking of the *Lusitania* brought so forcibly to the attention of the American people. It affords us a safe and comprehensive neutrality law. [Applause.]

[Here the gavel fell.]

Mr. ROBSION of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. LUDLOW].

Mr. LUDLOW. Mr. Speaker, my emotion as I contemplate the wreck of our Nation's hopes in respect to neutrality is best described by a beautifully solemn couplet in Whittier's charming poem, Maud Muller:

> Of all sad words of tongue or pen
> The saddest are these: It might have been.

The truth of this couplet sinks deeply into my consciousness when I think of what we might be doing here today, by the passage of the right kind of a neutrality bill, to protect and save America from being dragged into other peoples' wars and what we are really about to do to expose America to war by passing the pending abortive neutrality resolution.

In anguish the American people are pleading with us to protect the young men of our country from being dragged into the shambles of another foreign war. In reply, we are apologetically telling them that nothing must be done that will disturb our trade with belligerents, which is almost certain to drag them in. The people are crying for bread and we are giving them the hardest kind of a granite stone.

Within a few minutes the gag will be applied and we will have a fateful roll call in this Chamber, and the result of that roll call will be that we will herald to the American people and to the world that the House of Representatives is sacrificing the peace of America on the altar of expediency, because, forsooth, we do not want to go against powerful groups that are opposed to a real neutrality law.

We are fixing things here today so that if another World War should break out during the next year it will be virtually certain that America will be sucked into it, just as it was sucked into the last World War. It seems that we have learned nothing by experience or, at least, that if we have learned we are content to plead that we are supine and powerless to resist the influences that are leading us on.

I make the further assertion that the alleged neutrality resolution which we are passing is not neutral. I make the assertion that in the manner of its operation it is pro-British. I make the assertion that when we pass it we will be playing Great Britain's international game to the *n*th degree.

The title of this resolution should be changed. It should be entitled "A joint resolution to make the United States of America an ally of Great Britain in any war in which Great Britain may be engaged."

This resolution provides that American foreign trade in war materials and supplies shall go on in spite of all wars and in this connection it is important to note that our foreign trade with British countries has grown until it is 43 percent of our entire foreign trade. In 1934, the last year for which complete export statistics are available, our trade with Britain amounted to $842,150,000. In the same year our trade with Italy amounted to only $64,091,000 and our trade with Germany to only $106,649,000, and to other nations we sent goods in proportion, amounting in no instance to more than a mere fraction of our exports to British countries. Would a continuation of that status quo in war time, with Britain as one of the belligerents, be fair to Italy? Manifestly not. Would it be fair to Germany? Manifestly not. Would it be fair to any country in the world that might be fighting Great Britain? Absolutely not. We have built up with increasing rapidity in recent years a vast trade with Britain which, if we continue it as the pending resolution proposes to do after Britain goes to war, will be the lodestone that is almost certain to drag America into war on the side of the British.

Under this resolution it will be impossible for America to remain neutral after Britain goes to war. We will be on her side from the very beginning to protect our profits in the vast quantities of war materials which comprise the normal volume of our shipments, without reckoning the additional pulling power in the increase of orders and profits that may be expected from an empire with such financial resources and shipping facilities as Britain possesses.

If this resolution is to be passed at all it should in all conscience be amended so as to allow only one quota to the British Empire instead of a separate quota to every country included in that Empire. Only in that way could the British quota be held down to a reasonable and fair parity compared with the trade favors that would flow from the United States to other countries in the family of nations in wars in which the British will participate. I do not know at this time exactly the language that might be employed to effectuate this purpose, but it would read somewhat as follows:

"When two or more countries are connected in one governmental system, the entire system shall be treated as one unit in the determination of the amount of exports it shall receive from the United States, and its quota shall be obtained by adding together the normal quotas comprised in the system and dividing the total by the number of countries included in the system."

Unfortunately, under the cloture employed to force this resolution through the House no amendments are allowed.

The passage of this resolution, in my opinion, makes us a British ally and underwrites the success of any war in which Britain may engage with any foreign power. It ought to be enough to cause the British to change their favorite slogan, "Britain rules the waves", so that it will read "Britain rules both the land and the waves."

We may beat about the bush all we want to, but there is only one way to be neutral, and that is to be neutral. We cannot be both neutral and accessory to war. We cannot be neutral and at the same time be a trade ally of a great military and naval power, furnishing to that nation the supplies it needs to carry on its war. In time of foreign convulsions we cannot have our entire foreign trade and national security at the same time. We must give up temporarily our trade with belligerents, and surely that is a small price to pay, compared with the inestimable blessings of peace.

Our trade with all the world amounts to only 7.5 percent of the estimated total value of all movable goods produced in this country, according to the Department of Commerce, which gathers foreign-trade statistics. It is impossible to imagine a situation where a complete embargo on goods to all of the foreign nations that conceivably might be at war at one time would amount to more than an infinitesimal fraction of the cost in dollars and cents of the World War or to more than a mere bagatelle compared with the astounding cost and the inevitable loss of life that would result if we should allow cupidity for profits to snare us into another such war.

The actual direct cost of the World War up to date, as shown by Treasury Department records, is $41,765,000,000, or the equivalent of $60,000 for every day since Christ was born, and that does not take into consideration future pension lists, veterans' hospitalization, and other left-over expenses. President Coolidge probably was not far wrong when he said that the World War will ultimately cost America $100,000,000,000. The total foreign trade of the United States in 1934, the last year for which statistics are available, was $2,100,000,000. Thus it will be seen that if the entire foreign trade of the United States, including all exports of every kind and description, were entirely cut off for 47 years, the loss to the United States would still be less than our part of the financial cost of the World War, based on Mr. Coolidge's forecast, to say nothing of the heart-sickening toll of lives and the terrible burden of grief and misery caused by that war. Therefore, from every standpoint, economic no less than humanitarian, there is a genuine obligation resting upon us to write into the statutes a real neutrality law with teeth in it.

Let us not deceive ourselves. Every dollar's worth of trade with belligerent nations is bought—and dearly bought—at the expense of the peace of America. This resolution now before us turns a deaf ear to humanity and casts the die in favor of the fleshpots and profits of those who make war's merchandise out of our fine young men. In this tragic hour, remembering the millions upon millions of fathers and mothers who are looking to us to keep their sons out of slaughter pens in foreign countries, let us try, with God's help, to realize our responsibility to them. Let us vote down this resolution, and then, in a spirit of consecrated service to humanity, let us take up the subject again and try to enact a real neutrality law.

I cannot conscientiously vote for this resolution, because I believe that it wrecks the hopes and aspirations of the American people, and that in it are the seeds of national danger and disaster. [Applause.]

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. ROBSION of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. SAUTHOFF].

Mr. SAUTHOFF. Mr. Speaker, I want to register a protest against the method of procedure employed in considering this bill. Last week we spent 5 days considering the appropriation for the Army. One whole hour was consumed on one amendment alone. Next week we will consider the naval appropriations bill. If we take 5 days for that, it will make 10 days for considering the appropriations for the Army and Navy. Together those appropriations will amount to $1,100,000,000. We are allowing for this bill, a more important bill, we believe, to the welfare of the people of this Nation than both these appropriation bills together, 20 minutes to the side, and we are not permitted to offer any amendment to this bill or even discuss an amendment to the bill. Those of us who believe that certain amendments are necessary wish to raise our voice in protest against this gag rule, this stifling of debate, this prohibition against amendments. We believe in offering an amendment calling for a referendum on war in case there is not a foreign invasion. We are prohibited from doing that under this rule. We are told, forsooth that there ought not be any further discussion of the bill. Pass it as it is, because if we do not we do not have anything. Who says so? Who cracks the whip over us and tells us what we must do and must not do? Is there any overlord that gives us orders? [Applause.]

We are charged with the duty of making the laws for our people. We cannot discharge that obligation by sitting in our seats, deaf and dumb with no volition of action save a feeble "yes" when the order is given.

We progressives of Wisconsin respectfully petitioned our Speaker to permit us to consider this measure in a regular, orderly manner, with free and unlimited debate and an opportunity to offer our amendments. This petition I offer herewith so that our position as Progressives may be made perfectly.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 17, 1936.

To the Honorable JOSEPH BYRNES,
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: We the undersigned, constituting the membership of the Progressive Party in the House of Representatives, respectfully petition you and your associate leaders in the House to reconsider the announced intention of bringing before the House the neutrality bill of 1936 under suspension of the rules.

Such a procedure would shut out any and all amendments, stifle discussion and shut off full and complete debate. We, as liberals, deplore such gag-rule procedure on a measure of such vital importance. Wisconsin venerates her great leader, the late Robert M. La Follette, who threw everything into the balance, to challenge a declaration of war. As his followers we are dedicated to the same cause and request that the entire subject of neutrality may be opened to full and complete discussion, with ample opportunity for amendments.

Respectfully submitted.

HARRY SAUTHOFF.
B. J. GEHRMANN.
GEORGE J. SCHNEIDER.
GERALD J. BOILEAU.
GARDNER R. WITHROW.
MERLIN HULL
THOMAS R. AMLIE.

Mr. McREYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Speaker, in the ancient city of Venice on the walls of its armony is this inscription, "Happy is that city which in time of peace thinks of war."

Unfortunately, the nations of the earth in times of peace have too often prepared for war and too seldom sought to create conditions and pass laws to avert it.

Be it said to the credit of the United States of America that it has been conspicuous among the nations of the earth in seeking to promote peace.

The proposed legislation on neutrality is another evidence of our desire to prevent war, and is designed to eliminate or minimize the hazard of our country becoming involved in a war between other countries.

The neutrality bill, which we passed at the last session of Congress, will expire on the 29th of this month, and this

legislation amends that act and will be effective until May 1, 1937.

There were several minor defects in the existing law which are corrected by this bill, but all of the provisions of that act will, under this amendment, remain in effect if this bill is passed until May 1, 1937.

In addition to the provisions of existing law there is added section 1a, which will make it unlawful—

For any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent country, or of any political subdivision thereof, or of any person acting for or on behalf of such government, issued after the date of such proclamation, or to make any loan or extend any credit to any such government or person.

The Foreign Affairs Committee of the House have had exhaustive hearings upon the subject of neutrality almost continuously since the present session of Congress convened, and also at the last session, and this bill was reported to the House by unanimous report of the committee.

Personally, I prefer House Joint Resolution 422, known as the McReynolds bill, which was reported by our committee to the House on February 14, but it is impossible to secure passage of the McReynolds bill, due to the fact that the existing law will automatically expire within 12 days, and it is necessary to pass some legislation before that time, and a compromise has been effected between the House and Senate whereby the bill under consideration will be passed, and I am therefore supporting the committee in urging that it be adopted.

Those who have spoken against the bill based their reasons principally upon the method by which the bill is being considered. I regret that the early expiration of the present law makes it necessary to resort to this method, known as suspension of the rules, and wish that we might have time to fully debate this important legislation, but objections to the method under which the bill is being considered do not go to its merits. This is either a good bill or a bad bill. No one can justify opposition to legislation merely because he dislikes the method under which it is being considered. The fact that this bill has the unanimous support of the House Committee on Foreign Affairs, which committee has given long and intensive study to this subject, is of itself evidence that the bill possesses merit.

The subject of neutrality is a complex and complicated subject, and the views of those who have given it serious and conscientious consideration are entitled to some weight by the membership of the House.

Someone in the debate has charged that this is a makeshift bill. It is not entitled to be so branded. It has in it seven distinct and specific provisions which are designed to remove some of the causes that might involve us in a foreign war:

First. It prohibits the export of arms, ammunition, and implements of war to belligerent nations, or to neutral nations for reshipment to belligerent nations.

Second. It prohibits the sale of bonds, securities, or other government obligations of a belligerent nation, and also prohibits the making of loans to belligerent nations.

Third. It creates a National Munitions Control Board which regulates and controls those engaged in the business of manufacturing, exporting, or importing arms, ammunition, and implements of war, and requires the exporter, importer, manufacturer, or dealer in such commodities to register with the Secretary of State, so that the Government may have registered all such firms so engaged, and furthermore makes it unlawful for them to export or attempt to export arms, ammunition, or implements of war to any other country without first having obtained a Government license therefor.

Fourth. It prohibits American vessels to carry any arms, ammunition, or implements of war to any port of a belligerent country, or to any neutral port for transshipment to or for the use of a belligerent country.

Fifth. It prohibits the departure from an American port of any vessel, domestic or foreign, that is about to carry out of the port of the United States men or fuel, arms, ammunition, implements of war, or other supplies to any warship, tender, or supply ship of a foreign belligerent nation.

Sixth. It provides that during any war in which the United States is neutral, if the President shall find that special restrictions placed on the use of ports of the United States by submarines of foreign nations will serve to maintain peace between the United States and foreign nations, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine to enter a port or the territorial waters of the United States or any of its possessions, or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe.

Seventh. It provides that during any war in which the United States is neutral, if the President shall find that the maintenance of peace between the United States and foreign nations, or the protection of the lives of the citizens of the United States, or the protection of the commercial interests of the United States and its citizens, or the security of the United States requires that American citizens should refrain from traveling as passengers on the vessels of any belligerent nation, he shall so proclaim, and thereafter no citizen of the United States shall travel on any vessel of any belligerent nation except at his own risk, unless in accordance with such rules and regulations as the President shall prescribe.

Someone expressed opposition to the bill because it was not mandatory and delegated authority to the President. Five of its prohibitions are mandatory and the President has no discretion whatever, and only the two relating to the use of American ports by submarines and the travel of Americans on belligerent vessels are left to the President's discretion, and even in these the delegation of discretion is so circumscribed that it is practically mandatory, since he is required to act if either of a number of contingencies therein mentioned should arise.

Under the existing Neutrality Act, which this bill extends, President Roosevelt has already issued a proclamation prohibiting Americans from traveling, except at their own risk, upon belligerent vessels in the present war between Italy and Ethiopia.

The value of this legislation is fourfold:

First. It proclaims to the world that the United States stands for peace and will not become involved in the wars between foreign countries.

Second. It sets an example in pioneering in the passage of neutrality legislation which it is hoped that other governments may emulate.

Third. It discourages war between other countries by our Government refusing to furnish arms, ammunition, or implements of war and also credit. No war can be successfully carried on without these, and a bill that prohibits our country or its citizens from contributing these essentials of war is a substantial discouragement to the conduct of war by other countries.

Fourth. It removes some of the irritating causes which might lead our country into war by restricting our citizens in their dealings with belligerent nations. We cannot pass any legislation here that will prevent war, for war is produced by a state of mind, and when the passions of a people become inflamed, war is inevitable. But we can remove some of those irritating causes when other nations are engaged in war which will make it less likely that we shall become involved therein.

We are still paying the penalties of the last great war, and our children and the generations yet to come will continue to do so. The signing of the armistice and the subsequent treaty of peace ended hostilities, but it did not end the suffering and sacrifices of our people nor of the other peoples of the world.

I am glad, therefore, to vote for this resolution, which is designed to and I think will materially reduce the danger of our country's becoming involved in war if other nations should decide to fight.

The prevention of war is one of the highest duties that government owes society, and any nation that will not take

every precaution and use every legitimate means to avert the holocaust of war is unworthy to stand among civilized nations of the world.

[Here the gavel fell.]

Mr. ROBSION of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. Mr. Speaker, this is a dangerous bill. I want to warn you that the consequences of this policy are going to be more far-reaching than any of us apparently see here. I want to warn you that this is a change in fundamental policy and one that we should consider very, very carefully.

If this policy had been general throughout the world a hundred and sixty years ago, there would be no United States today; and should any nation in the future, particularly an oriental nation, engage this Nation in war, and if Europe should have this policy, the United States would be defeated and conquered.

What we are saying to the world is that now that we are a strong, powerful Nation, we do not care to become involved in wars with anybody, that we do not care about the quarrels of the rest of the world, that we do not care if a strong, avaricious country invades a weak, peace-loving country, and regardless of the merits of such conflicts, we are going to keep out of them so that we do not have to become involved. [Applause.]

This is the most cruel, most un-American thing I have ever seen or heard in this House. We are saying to the world that strong nations that are greedy can gobble up the rest of the world because we will not even let invaded peoples get supplies with which to defend themselves. The result will be either that within a few years two or three nations will control the world, or else we shall see the greatest race of armament building and storage of war supplies the world has ever seen; and if the storage of war supplies is an incentive that leads to war, then we shall have nothing but wars from now on.

This is not neutrality at all. This is enforcing League sanctions in disguise. This policy, no matter what you label it, is taking sides with the strong, well-prepared militaristic nations against the small, peaceful nations. It is a cowardly surrender on the part of a strong Nation to the bullying of the League of Nations. It is a dangerous surrender of American ideals to timid political expediency. In the blind hope that it may keep us out of becoming involved in a war, we are sacrificing our independence and our traditional policy of giving moral support to weak, oppressed peoples. As a matter of fact we are in reality launching a boomerang that one day will return to strike us a terriffic blow. The day will come when we ourselves will need assistance to defend our very national existence. The nations who are being discriminated against now by us will not forget. We will pay for our selfish surrender of our traditional neutrality.

It may sound very neutral to say that we will sell to neither party engaged in war. But back of the sound we will find just the opposite result.

In most cases it is only one nation which desires or needs to obtain supplies from us. Therefore a flat embargo effects only one side in such a war, and our so-called neutral policy makes us, in effect, a participant. This will eventually much more endanger our peace than preserve it.

While for a time we may escape involvement in foreign wars, the ultimate outcome will be that a few powerful, militaristic nations, unchecked by anything, will gradually create a situation of world-wide conquest, and the time will come when we alone will be left in the way of their complete world dominance. As surely as we take this attitude of smug indifference now, we ourselves will then become the object of attack and invasion. We are not self-sufficient in all materials necessary to conduct a long war of defense. We absolutely depend upon importation of many things to carry on even self-defense of the United States.

If we are to close the door to other nations of necessary supplies to enable them to defend themselves against invasion, then they will do likewise to us.

If this is to be the situation, it will be necessary for us to immediately provide for enormous stores of certain supplies that we do not produce in this country but without which we cannot defend ourselves against invasion. This will require hundreds of millions of dollars a year. Yet, if we value our independence, its continuance makes such expenditures absolutely mandatory.

There is a way to avoid all this, to avoid becoming embroiled in the quarrels of the world and yet retaining the typical friendly neutrality that has always been our American policy.

Our position should be that we are friendly with all of the peoples of the world and perfectly willing to sell them anything they need if we have it. However, since we do not propose to again be drawn into outside wars to protect war loans nor shipments in time of war, we should prohibit loans for war purposes to anyone. We should permit unlimited purchasing in this country on condition that such supplies are sold for cash only and carried on ships provided by the purchaser and not flying the American flag. This treats all nations alike and shuts the door to none. This is real neutrality and has the following advantages.

First. It would not entangle us in a war through foreign credits.

Second. It would not embroil us through a "freedom of the seas" issue.

Third. It would free us from the embarrassing decision as to what are and what are not war supplies.

Fourth. It would free us from the odium of declaring what country was the aggressor.

Fifth. It would not only treat all combatants alike but would not work a hardship on the weaker countries that have been unable to amass war supplies in advance.

Sixth. It would maintain our foreign trade with all the risks of warfare assumed by the countries so foolish or so unfortunate as to be involved in war.

Seventh. And, finally, it would be so simple to interpret and to enforce, and so fair and free from offense to all nations, and withall so efficient, that it ought to be adopted as our national policy. [Applause.]

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. HEALEY] such time as he desires.

NEUTRALITY

Mr. HEALEY. Mr. Speaker, the action of the Committee on Foreign Affairs in deciding not to pursue its earlier course of attempting the passage of House Joint Resolution 422 as reported by it, and in urging instead the passage of the present resolution under consideration, is certainly wise and sound. I know its decision is the result of thorough and conscientious study which the members of this committee have given to this problem over a long period, and it is indicative of the sound and unbiased realism with which they have dealt with this complicated problem.

To have persisted in its efforts to pass a bill embargoing such commodities as oil and cotton would certainly have placed the safety of this Nation in grave danger, and our international relations would have indeed become precarious if such legislation had been enacted. [Applause.]

I understand that there is some opposition to the course of the committee on the part of well-meaning members. This group desired to amplify our present neutrality legislation so as to include commodities and materials which may be used in the conduct of war, at least to limit their exportation from this country to belligerents to the normal peacetime shipments. Now, I know that these gentlemen are animated by the same desire as those of us who have opposed any change in our present neutrality policy. They are inspired by the highest patriotic motives, and they sincerely believe that such a policy is the best means of insuring the future peace of our country. However, I feel that these gentlemen, although well-meaning, are absolutely erroneous in their conclusions that such restrictions of shipments of commodities would insure our future peace. On the contrary, it is my sincere belief that such a policy would have

the tendency under present conditions and circumstances to draw us into war. The precedents of international law are contrary to the principle of a neutral nation changing its policy during the progress of a war. At such a time the embargoing of any commodity may have the effect of unequally affecting one belligerent more than another, in which event, according to the tenets of international law, such an act may be considered by such belligerent as unfriendly, unneutral, and hostile.

This position was clearly and expressly declared in the well-known note to Germany in 1915 in the course of which President Wilson stated:

> This Government holds and is constrained to hold, in view of the present indisputable doctrines of accepted international law, that any change in its own laws of neutrality during the progress of a war, which would unequally affect the relations of the United States with the nations at war, would be an unjustifiable departure from the principle of strict neutrality.

The eyes of the world are upon the action of this Congress today. This legislation is of tremendous importance and it is fraught with many possibilities so vital to our own future happiness and security. Thousands of our own citizens of Italian extraction, who are naturally interested in the fate of the mother country, are looking anxiously toward us. They have been fine, industrious, patriotic citizens, men and women who have hallowed our shores with their homes, have raised their families here and given willingly of their children to the service of their adopted country in the World War. Surely, the American people recognize too great a debt of gratitude to Italy for its contributions to this Nation in the development of our common country and our civilization in the realm of exploration, arts, sciences and other fields of human endeavor to pass legislation, which by all accepted principles of international law, would amount to an unfriendly and hostile act toward a traditionally friendly nation.

To have passed section 4 of the McReynolds bill, in my judgment, would have been to circumvent the overwhelming sentiment of the American people for that bill with that section embodied in it would have committed us to the policy of the League of Nations' sanctions.

The American people have shown on more than one occasion their whole-hearted opposition to the League of Nations, the World Court, or any of its offshoots. Yet for many months now those nations comprising the League of Nations through the use of subtle propaganda have attempted to commit this country to a policy which would have meant the carrying out of their own ends. The League of Nations has not yet taken action to put in effect its sanctions on oil and cotton, but has obviously been waiting for the United States to lead the way and to take upon its shoulders the responsibility and onus for carrying the League of Nations' own policy.

Now, Mr. Speaker, the American people do not desire to be projected into the whirlpool of dubious diplomacy and intrigue of Europe, but want only to safeguard their own future peace and security.

Mr. Speaker, it is with a sense of gratification that I will cast my vote for this bill because I believe it will best serve the interests of our common country and because I believe that such legislation is the only sane measure to pass under present circumstances.

Mr. McREYNOLDS. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. McCLELLAN] such time as he may desire.

Mr. McCLELLAN. Mr. Speaker, nothing is or can be more important to this Nation than establishing our neutrality and the preservation of peace. We are a neutral Nation. The American people are neutral. We hope to remain so. For that reason, with that purpose in mind, and prompted by no other motive, we deem it appropriate that we, through legislative enactment, should give expression to the sentiments of the American people in the hope that such affirmative action will hinder and obstruct evils that have a tendency to lead us into war.

We all agree that we are neutral, and maintenance of peace is our highest aim. In this problem we have a common goal, and our only differences are in the means to be adopted and pursued in achieving this paramount objective.

Various proposals for keeping us out of war have been offered and advocated, many of which would, I believe, incite war rather than render it less probable. In being neutral we must respect the rights of other people and pursue a course that we would be willing to accord other neutral nations if we ourselves were at war.

It therefore behooves each of us as Members of Congress to give this legislation our best thought and study, and I submit for your consideration six major principles that should be embodied and observed in the formation of our national policy of neutrality.

First. Proclaim by appropriate enactment of law a policy of strict neutrality which can only be interpreted as meaning that we shall abstain from any participation in the conflict that would contribute to the assistance of one of the contesting powers involved, to the hurt and injury of the other, and that we are and shall remain the common friend of all the belligerents so long as our rights as a neutral are not trampled on or violated.

Second. Be adequately prepared to successfully defend against attack by any foreign foe and to enforce by force, if necessary, our purpose to maintain our declared policy of neutrality.

If we are to make certain our ability and power to meet such contingencies or emergencies if and when they arise, in view of the armament race now being conducted by foreign nations, it is imperative that our military facilities, arms, and equipment be increased and kept to a strength that will impress and deter those who would disregard or attempt to challenge and obstruct our efforts to preserve peace, and likewise to insure success of our military operations should war be waged against us. In this connection I would emphasize the importance of building an air fleet that will establish our supremacy in this branch of military preparedness. If this arm of the Service is not already so recognized, it is rapidly becoming our first line of defense, and to neglect it, in my judgment, may be a costly blunder. We should announce to the world that we are building and it shall be our national policy to maintain to the limit of our skill and resources the greatest air force of any nation in the world; that we intend to ever be supreme in the air, not for the purpose of aiding one belligerent against another in broils across the sea, but solely to safeguard our own peace and neutrality.

Mr. Speaker, I know it is regrettable that such a policy and course as this must be undertaken. We do not want war, we have never wanted it, and desire it less today than ever, but we cannot escape it if we neglect to prepare to enforce peace. The dictators of Europe, when it suits their convienience, regard treaties with other nations as mere scraps of paper and formulate their policies and actions accordingly. They apparently do not understand nor respect the language of peace predicated on the principles of liberty, freedom, and justice. But there is a language they fully understand and respect—the language spoken in the thunderous tones of the "heaviest artillery." We must be able to speak this language if necessary to insure our safety. Had we been thus prepared our neutrality would not have been violated during the World War, a war that has cost us to date $50,000,000,000 in addition to the sacrifices of many human lives and untold misery and suffering. Five billions of dollars expended between 1914 and 1917 for adequate preparedness would have safeguarded our neutrality and permitted us to escape the awful penalties that war has exacted. We cannot underwrite the peace of the world; it would be suicidal folly for us to ever undertake it. We can act wisely, guided in the light of past experience, in making secure the peace of this Nation. That is our task, and a great responsibility it is, and in the performance of it we must ever be alert and sensitive to trends and conditions that exist on other shores.

Third. There should be no abandonment, either expressed or implied, of the Monroe Doctrine. It should be reasserted lest it be overlooked by those nations that seek territorial expansion.

Fourth. In the event of war we should place an embargo on arms, ammunition, and implements of war to the bel-

ligerents, prohibit loans to foreign powers for their use in financing military operations, and provide that American citizens traveling on belligerent ships do so at their own peril. To restrict the sale, for cash, of commodities, goods, and merchandise, which we produce in normal peacetimes would be an unnecessary and unjustified surrender of our rights and would be a self-imposition of sacrifices beyond the limits that neutrality implies or demands.

Fifth. We must refrain from delegating to the President of the United States or to any other authority or agency powers that are reserved to Congress. The authority and responsibility for policies, acts, or procedure calculated to lead to or have a tendency toward the severance of diplomatic relations, and ultimately to war, should be retained, insofar as it is legislatively possible, in those whose duty it shall become to bear arms and make the supreme sacrifices on the altar of war. The responsibility for determining who is the aggressor in any war should be in Congress, who alone can declare war, and not in the Chief Executive. While at peace and with no acute emergency existing the delegation of such powers and the clothing of the Chief Executive with such authority could not possibly promote the preservation of peace, whereas if they should be granted and unwisely exercised they might easily and quickly plunge us into a war that may have otherwise been avoided.

Sixth. Congress should enact a law, as sponsored by the American Legion, that will, insofar as it is possible, eliminate excess profits in time of war and that provides for the conscription of industrial and material resources as well as the manpower of our country. More war millionaires should be made impossible. The American people will demand that in the event the manpower is ever drafted again. It is a most righteous demand, and one that Congress will find a way to grant.

Mr. Speaker, if these six fundamental principles which I have briefly outlined are observed and followed in our efforts to enact neutrality legislation and provide for our national defense, it is my humble judgment, sir, that we will thus form a policy that will make secure our national safety and existence, and one that will pay generous dividends of peace throughout the years to come.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that all Members speaking on this bill may have the right to revise and extend their remarks.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will not the gentleman include all the Members in his request?

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. McREYNOLDS. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. JOHNSON] such time as he may desire.

Mr. JOHNSON of Oklahoma. Mr. Speaker, the pending measure proposing to extend the Neutrality Act passed at the last session of Congress, and which expires on the 29th day of this month, will receive my support on the theory that it is considerably better than no bill at all.

I do not agree with the statement made a few minutes ago by the gentleman from Texas [Mr. MAVERICK] that the pending neutrality resolution is worse than nothing. If I remember correctly, the gentleman from Texas supported the original resolution last year, and it is generally conceeded that this measure goes considerably further in an effort to preserve American neutrality with the nations of the earth than does the present law, which is about to expire. Surely the gentleman from Texas is not very consistent when, in his enthusiasm to create sentiment against the pending resolution he states that it is worse than nothing.

As pointed out by the gentleman from Ohio [Mr. KLOEB], who has made an extensive study of the subject of neutrality, in which the American people are so vitally interested, this measure at least will plug three holes that all of us agree must be plugged before we can even approach the possibility of maintaining absolute neutrality in case of war: First, this resolution prohibits the selling of munitions to nations at war; second, it prevents credit being extended to a belligerent nation for the purpose of waging a war; third, it prohibits American citizens from traveling on a vessel of a belligerent nation.

To say that such a law is worse than nothing is, of course, absurd. Had such a law been in effect at the beginning of the World War there would have been no occasion for the sinking of the *Lusitania*. It is a matter of record that the *Lusitania*, that was sent to the bottom of the sea by a German submarine, was loaded with munitions of war that had been sold to Great Britain on credit. That old ship was loaded down with 4,200 cases of ammunition. There were also more than 200 pleasure-seeking Americans aboard the ship, although they had been warned not to travel on the high seas on ships bearing munitions of war. So it is certainly a farfetched statement to say that the pending law is worse than nothing.

On the other hand, Mr. Speaker, it had been my sincere hope that the committee would present a more comprehensive and a more drastic measure than the pending resolution that we are called upon to pass today, without the opportunity of offering an amendment, if we are to have any neutrality legislation.

It is significant that most of the argument made thus far by the opposition to the pending resolution is not against the resolution itself but against the so-called gag rule under which the House is operating at this time. I do not like gag rules. I have voted against gag rules and talked against them many times in the past, but the mere fact that I am personally opposed to a gag rule certainly will not prevent my supporting any measure that has much merit as has the pending neutrality resolution. [Applause.]

Mr. Speaker, it is my understanding that if and when this resolution is passed it will expire within about 14 months. In the meantime the American people will at least have a breathing spell from the probability of America's being dragged into any foreign war. Do not tell me that is worse than nothing. Do not tell me that is not worth the effort put forth by the committee. We heard our distinguished chairman say this is the best compromise measure possible to secure at this time, and we know that he is an honorable, truthful gentleman who has the confidence and respect of every Member of this House, irrespective of political affiliations.

Let us support the pending resolution today—a resolution that is at least a great forward step toward maintaining the peace of the world. Then let us come back here next year and pass a more far-reaching bill with real teeth in it. [Applause.]

Mr. ROBSION of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, in substance, the Committee on Foreign Affairs comes before the House today and states that 12 days from now, on the 29th of February, the present neutrality legislation expires. They tell us that certain obstacles have risen in connection with the McReynolds bill; therefore, they must resort to this kind of legislation in order to save the gains that have been made for neutrality.

Mr. Chairman, that is a very weak and ineffectual case. They are asking for an extension of 1 year. May I remind the chairman of the Foreign Affairs Committee that when the banking bill of 1935 was impounded in committee and it became necessary to resort to interim legislation to prevent a lapse in some of the provisions in order to keep alive the temporary Deposit Insurance Corporation fund there was brought before this House a resolution, effective for a short period, until the Senate and the House could finally act upon the banking bill of 1935. Instead of begging the question, I say to the chairman of the Foreign Affairs Committee, why does not the gentleman bring in a resolution that operates for only 60 days? In that 60-day period his committee, which is not overburdened with work any more than other committees, will have ample time to give consideration to the original bill. This, of course, would allow 60 days; and

certainly every Member of the House is sufficiently interested in the fundamental policy of neutrality to give generously of his time in order to consider the original bill fully and carefully.

I know of nothing pending before the Foreign Affairs Committee that is especially weighty or pressing, and in that 60 days the committee could give uninterrupted attention to fashioning a bill that is something more than a makeshift.

If at the end of that time the committee could come to no resolution on a bill, there will still be time to resort to a suspension of the rules and pass a joint resolution providing for an extension of the old bill with such amendments as could be agreed upon by members of the committee. But for some unaccountable reason this makeshift is being rushed through today and the committee has made out no case for such action.

If the pending motion to suspend the rules is adopted today and is followed by favorable action on the alleged neutrality bill, it will mean that after only 40 minutes of debate this House will have disposed of one of the most important matters of national policy that was presented to any Congress. It will mean also that once more the profound hopes of the American people will have been frustrated.

Our people knew precisely what they wanted in the late summer of last year when the stopgap-neutrality measure was adopted. They wanted to keep out of and keep away from war. Because of the long duration of the first session of this Congress they were satisfied with that measure as a temporary expedient, and looked forward to the present session for a real rather than a makeshift law. Now after extended hearings before the House Committee on Foreign Affairs on various neutrality measures, the result is that no agreement has been reached and no new action is contemplated on a real neutrality measure. Apparently the whole thing was a mere gesture only to end in the sharp disappointment of the hopes of the people.

If this motion prevails today it will constitute complete surrender to confusion. It will bear grim testimony to the complete indifference of this Congress to what is happening in foreign nations today. There will be slender smiles in Geneva. League observers and spokesmen contemplating the friction on the border between Mongolia and Manchukuo, the conflict in Ethiopia, the growing friction between Russia and Japan, the disquet in Germany, and the temper of France are already prophesying that war in Europe is inevitable within the next few months or a year. And today they will smile because the United States will once more provide the raw materials with which to prosecute such a war.

Meanwhile the Congress has developed a stalemate on the question of eating our cake and having it too, and rather than take the time to go into the matter thoroughly it prefers the ostrich-like policy of sticking its head in the sand. If it approves this motion and then supports the bill, it means that it prefers to take 40 minutes to wash its hands of this momentous matter without regard for what effect this unsettled state of affairs in Europe may have upon the lives of millions of our young men.

It has been said that this is about all we can safely do at this session. No less an authority than Walter Millis, whose book Road To War fired the imagination of the people, now comes forth to say that "the present compromise is all that is practical now." Even so profound a student as Walter Lippmann poses the question, "Why, then, must this momentous question be dealt with in such a hurry?" The answer is that a prudent man does not wait to insure his house when there is fire in the vicinity. How strange that this Congress will enact a $2,000,000,000 bonus measure which is the direct inheritance of the war and vote three hundred and seventy-six millions for national defense in anticipation of conflict and then exhibit a certain kind of mental indolence toward a policy which is hoped to make a recurrence of the former impossible and gradually reduce the latter. Does such a problem not merit more than 40 minutes of this Congress' time? Cannot we afford to take some of the many Saturdays during which the House has been in adjournment for a proper discussion of this problem?

For many weeks the press was filled with accounts of the investigations on the other end of the Capitol, the findings of which we felt were to be the background against which a new and genuine neutrality measure was to be pitched. The public mind was being prepared for a neutrality policy. We have gone back into history to indicate that Secretary Lansing took sides and shaped our national policy in the direction of the Allies. We went back to show that Secretary Stimson sought to use the Kellogg pact for inciting League action against Japan in the Manchurian controversy, and very currently attempts have been made to show that Secretary Hull was trying to aline this Nation with Great Britain in an effort to smash Italy. In addition, such questions as the freedom of the seas, the right to trade with belligerents, and the effect of various kinds of neutrality on our internal economy have all been examined and reexamined at great length by experts and students of foreign affairs. It appeared that every conceivable angle of the neutrality problem had been examined and that ample data had been acquired on which to predicate a sound policy. With all this preparation, the people have been led to the mountain of hope to regard the kingdoms of peace below, only to find that it was a mirage of 40 minutes' duration. Is that to be the answer of this Congress to the American people on this momentous question? What a sad accounting of our stewardship we must give when this body adjourns to return home unless this question of neutrality receives the thorough and forthright attention which it deserves.

Insofar as I can determine, we have been genuinely unwilling to meet the question of what commercial and economic sacrifices we are willing to make to achieve neutrality. Apparently we are willing to have absolute neutrality if it costs us nothing. We are willing to have neutrality if we can preserve such traditions as freedom of the seas and the unrestricted right to trade. We insist on placing profits first and neutrality second. We refuse to determine the most important question of all in the neutrality discussion, and that is how much we are willing to pay to prevent a recurrence of those hectic days of 1917 and 1918 and those shadowy years from 1933, in which economic dislocation, resulting directly from the distortions of war, have filled the land with suffering and distress. And, rather than perturb ourselves to find a satisfactory answer to the problem, we are willing to devote 40 minutes to its discussion in order to remove it from the field of immediate controversy.

I do not essay the role of a prophet, but who knows but what these might become the most momentous 40 minutes in American history.

Mr. ROBSION of Kentucky. Mr. Speaker, I yield one-half minute to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS of Maryland. Mr. Speaker, a half minute is ample for my purpose. I merely wish to say that I feel it to be my duty to vote against the motion of our much honored chairman of the Committee on Foreign Affairs.

[Here the gavel fell.]

Mr. LEWIS of Maryland. Mr. Speaker, I ask unanimous consent to continue my remarks by inserting an editorial of the Baltimore Sun on this subject, dated February 15.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. LEWIS of Maryland. Mr. Speaker, the editorial to which I refer reads as follows:

PROFITEERS WIN

We shall be left for another year, at least, with a law that forbids the shipment of ammunition and guns to countries at war, but that does nothing to prevent the shipment of munitions in the broader sense; that is, essential raw materials and the like. That this will play largely into the hands of Italy, an aggressor nation, is evident. Italy has gun factories and other plants in which it can make its own ammunition and weapons, but it needs raw materials, which, under the present policy, American companies are legally permitted to supply. Ethiopia has no factories to speak of. It must buy its munitions ready-made, but under the American policy, which is now to be continued for 15 months, it cannot buy them here.

Moreover, it has by now become quite apparent that although the League sanctions adopted to date have hampered Italy, they have not yet brought the aggressor to the pass where it would be compelled to suspend hostilities. It is generally agreed that only by broadening sanctions to include such essential materials as oil might this be done. There was, of course, a question as to whether the League powers would be willing to go that far in any case, but now it seems certain that they will not, for it cannot be expected that they will forbid their own oil companies to sell to Italy while American policy permits American companies to sell without restraint and to reap the huge profits arising from such commerce.

Abandonment by the Administration of its neutrality bill represents a victory for those shipping, industrial, and other interests that have been quietly lobbying against the bill in the last 4 or 5 weeks. These interests have no qualms about making "blood money" out of war trade, even though that trade might involve the United States in war. The administration's change of front also constitutes a victory for * * * "isolationists" who on the one hand demand that the country keep scrupulously aloof from all collective efforts to promote international amity and peace, and on the other hand insist that we must be ever ready to defend our "rights", including our "right" to carry on our trade at any time, in any place, under any circumstances and at any cost, even at the cost of war.

At the same time, this action must be put down as a defeat for those who felt that through neutrality legislation, vesting certain discretion in the President, the country could assist in collective efforts to preserve peace by taking concerted action against an aggressor. It is also a defeat for the other neutrality school which, having little faith in League sanctions, favors automatic and mandatory embargoes in the belief that the best way of keeping the country out of war is by temporarily withdrawing from all economic contacts with belligerent powers that might give rise to actual conflict.

War profiteers will naturally benefit by the present policy, but the Government and Nation may suffer, for it means that we shall have to continue to drift for another year without any substantial control whatever over any of the more likely economic causes of war, and without any authority to participate in any kind of collective movement for the preservation of peace.

Mr. McREYNOLDS. Mr. Speaker, I yield such time as he desires to the gentleman from Minnesota [Mr. CHRISTIANSON].

Mr. CHRISTIANSON. Mr. Speaker, I want to say at the outset that personally I feel that this bill does not go as far as it should; I should rather vote for legislation following the lines of the so-called Maverick-Nye bill, which is much broader in its provisions than the present measure. Like others, I do not like to see legislation as important as this come up with so limited opportunity for discussion.

Nevertheless, I shall vote for suspension of the rules for the reason that if we do not extend the operation of the law we passed last August, it will expire by its own limitation on February 29. If we fail to act we shall leave the country without any neutrality law.

I for one do not want to assume the responsibility of the consequence which might flow from delay. If the present law should be permitted to lapse it would become lawful on and after March 1 for American ammunition manufacturers to ship their products to Italy or Ethiopia or any other nation that might become involved in war. Belligerents would in fact become vested with a right to buy implements of war in the United States. We should then find it embarrassing to enact even legislation merely restoring the provisions of the present law, for by doing so we should deprive belligerents of an existing privilege and thereby make ourselves unneutral. [Applause.]

If we should permit the existing law to lapse we should be in a different situation from that in which we were last August. Then the whole world was at peace. Now two nations are at war, and if we should, after even a brief intermission, enact legislation depriving them of any right they had during that intermission, and if the deprivation should result in greater disadvantage to one belligerent than to the other, we should become unneutral, even although the sole purpose of the legislation was to safeguard our neutrality.

It is not the purpose that motivates our policy, but the consequences which flow from it that will determine whether our action is neutral or unneutral. It is because of that consideration that I deem it wise to part company for the time being with those of my colleagues who, like myself, favor a measure with more teeth in it, but who, unlike myself, seem willing to jeopardize what we have gained heretofore in a futile protest against a parliamentary situation that prevents us from getting more.

I cannot agree with those who contend that the bill we are now passing is a poorer bill than the one which the Committee on Foreign Affairs first recommended. To me it is infinitely better. It is better, for one thing, because it is in all of its provisions mandatory. It does not leave dangerous discretionary power—the most dangerous of all discretionary powers, that of involving the Nation in war—to the President.

Mr. Speaker, there are some significant coincidences—I hope they are coincidences—to which I wish to call attention.

First, for 3 years the present administration has sought to secure legislation giving the President power to impose discretionary embargoes.

In 1934 it was proposed that in the event of war in any part of the world, the President should have power to designate and to impose embargoes against the aggressor. That proposal was rejected by the other body.

In 1935 it was proposed that the President should have the power, not to designate and to impose embargoes against the aggressor, but to impose embargoes applying impartially to both or all belligerents, whenever he saw fit to do so. This might seem to insure neutrality, but in fact it would not, because an embargo might operate with greater disadvantage to one belligerent than to the other. Accordingly, we refused to entrust the President with that power, as a discretionary power, believing that its exercise would be likely to involve us in war instead of keeping us out.

We forced the Chief Executive to accept a mandatory measure which requires him, as a matter of duty and not of discretion, to place an embargo on arms, munitions, and implements of war whenever two or more nations become involved in hostilities.

Second, the League of Nations, in an effort to stop Italian operations in Ethiopia, concluded to shut off Italy's supply of petroleum. The effectiveness of this measure depended upon cooperation by the United States. Despite the fact that the United States had refused to join the League of Nations, or to assume any responsibility in relation to any sanctions the League might impose, the President tried, without lawful authority, to stop the exportation of petroleum to Italy. In effect, he tried to involve the United States in responsibility for the enforcement of policies in the formulation of which the United States had had no voice. He tried to make the United States, which is not a member of the League of Nations, an auxiliary to the League.

Third, finding that he could not stop the exportation of petroleum under the act of August 31, 1935, the President asked for the enactment of the McReynolds bill and particularly section 4 thereof, which proposed to give him power to embargo the raw materials used in war, one of which is petroleum. But note that section 4 was not, like the present neutrality law, mandatory. It was discretionary. It was so worded that if it suited the purpose of the League of Nations to have an embargo imposed, the President might impose it; but if it suited the purpose of the League not to have an embargo imposed, the President in the exercise of his discretion might refrain from imposing one. It is conceivable that if England and France should become involved in the present war, they would be best served, in the event that they succeeded in bottling up the Italian fleet in the Mediterranean, if American petroleum remained freely available. The President, under the McReynolds bill, would have had the discretion in that event not to impose an embargo. The administration bill was designed to give the President a blank power of attorney empowering him to take sides in any war in which he might wish to participate. It was not a neutrality bill. It was a bill to aid unneutrality. The present measure is infinitely preferable.

Third, is it or is it not significant that at the very time these efforts to aid England and France were being made Congress was asked to appropriate the unprecedented sum of eleven thousand million dollars for the Army and the Navy? Does it portend that in 1936 or 1937, as in 1917, we

shall be called upon to pull more European chestnuts out of the fire? Is it necessary for us again "to make the world safe for democracy" or to fight a "war to end war"?

I shall not attempt to answer my own questions, but shall content myself with making the observation that the sequence of events indicates that it is highly desirable that those Americans who still believe that the best way to preserve peace is to avoid foreign entanglements stand vigilantly on guard.

Mr. ROBSION of Kentucky. Mr. Speaker, ladies and gentlemen of the House, no person in this broad land of ours is or could be more sincerely opposed to our country entering into entangling alliances with foreign nations, or more sincerely and earnestly in favor of world peace than I am.

This measure affects every man, woman, and child in this country, as well as our relations with all of the other countries of the earth. To me it is unthinkable for the Democratic majority to crowd such an important measure through under this "gag" rule. We are allowed only 20 minutes' debate on each side. Honestly favoring neutrality and world peace, I am opposed to the form of this so-called neutrality resolution and this "gag" rule. Think of it. Last week we spent 5 days considering the Army appropriation bill. Two or three days of this time were spent largely in the making of political speeches for home consumption. Nearly all of the matters contained in the Army appropriation bill were merely routine matters, and had been approved by the various Congresses over a period of many years.

The proposed neutrality legislation embarks upon a new field, and it is of vital importance to the people of our country, yet we are limited to 20 minutes' debate on each side. There must be an Ethiopian in the woodpile somewhere. The administration is unwilling to have this measure and policy fully and thoroughly aired on the floor of Congress. The administration leaders urge that the makeshift measure passed last year, expires the last of this month, and there only remain about 12 days for us to act. That certainly is no excuse for limiting debate to 20 minutes on a side. The makeshift so-called neutrality bill was pushed through under the similar circumstances last year. Large sums of money have been expended by various committees investigating this subject. The mountain has labored and brought forth this mouse. It looks as if the administration has delayed purposely the bringing up of this important question until now so that it could be crowded through without investigation or debate on the floor of the House.

The Democratic leaders say that the munition makers have obstructed real neutrality legislation. Yes; I have been informed that the munition makers have put their O. K. on this gesture toward maintaining the peace of our country. Is that any reason why the representatives of the American people in Congress should not pass a measure that will secure the peace of our country?

I do not like this measure because it gives to President Roosevelt the discretionary power of declaring when a state of war exists between any two nations. It clothes him with the power to project us into a war with foreign countries. The Constitution provides that Congress shall have the power to decide war. I want that power to remain with the chosen representatives of the people, the Congress of the United States, and I am unwilling to delegate any such power to the President. If the American people are to go into any war, let Congress, as provided in the Constitution, be the judge as to when and how we shall enter any such war. President Roosevelt has been a strong advocate of entangling alliances with foreign countries. In 1920, when he was a candidate for Vice President, he traveled from one end of this Nation to the other making speeches in which he strongly endorsed the League of Nations, and urged the people of this country to elect Governor Cox and himself, and thereby insure our entrance into the League of Nations. The American people rejected that proposal. They have done likewise ever since when they have had an opportunity to vote on that question. Less than 1 year ago President Roosevelt urged the United States Senate to ratify the World Court proposal, which we all know provides entrance to the League of Nations through the back door. President Wilson and his party could not get us into the League of Nations by the front door, and since Roosevelt has become President he insists that we go into the League by way of the back door, but the United States Senate turned down his proposal.

The munitions investigation discloses that President Wilson and his associates were not neutral, and by their meddling with the affairs of foreign countries we found ourselves involved in the World War. President Roosevelt was Assistant Secretary of the Navy under President Wilson. In 1916 President Wilson and Mr. Roosevelt and others urged the reelection of President Wilson because "Wilson kept us out of war." The American people accepted these statements, voted the Democratic ticket, believing that President Wilson would continue to keep us out of war, but at the very time those statements were being made they had involved us so that our entrance into the World War was inevitable. They were then planning for this country to enter into the World War.

With that background I am unwilling to vote for this resolution giving to President Roosevelt the power to decide when a state of war exists between two foreign countries, and for him then to proceed to act upon his own findings and then carry forward a course of action that, more than likely, would involve us in war, and to give him the power over the credits of this Nation and its commerce on the high seas. If Mr. Roosevelt has shown a tendency to any course, it is a desire for autocratic and dictatorial powers. He already has too much of these for the good of our country.

I note that the Members of this House who are sincerely and strongly in favor of world peace and opposed to entangling alliances of this country are against this resolution. I refer to my distinguished colleagues, LUDLOW, of Indiana; MAVERICK, of Texas; SAUTHOFF, of Wisconsin; LEWIS of Maryland; and others who have made eloquent speeches against this resolution. Only one of these is a Republican.

By the time we pay all the compensations, pensions, and other expenses of the World War it will have cost this country $100,000,000,000, hundreds of thousands of lives, and countless numbers of cripples, widows, and orphans. The people must bear the burden of these wars. If we enter another war, we certainly want Congress and the people to determine that course for themselves.

Those who have made a careful study of this legislation, and have had wide experience in world affairs, have come to the conclusion that this measure is not in the interest of neutrality or world peace, and I share in the same belief. In a few days we are to celebrate the birth of George Washington, the Father of our Country. He laid down for us the safest and best rule to govern us in our foreign policies—"Friendship for all and entangling alliances with none."

Fearing that this measure may violate that great American policy and that we are taking away the right of Congress and the people to say when we shall go to war, I feel constrained to cast my vote against this measure. [Applause.]

Mr. McREYNOLDS. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina [Mr. LAMBETH].

Mr. LAMBETH. Mr. Speaker, I ask unanimous consent to insert at the conclusion of my remarks a brief table of statistics which I have compiled showing certain exports from the United States.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. LAMBETH. Mr. Speaker, we come now to a final decision as to neutrality legislation for this session. Along with every Member of the committee, I shall cast my vote in favor of the motion of the able chairman, the gentleman from Tennessee [Mr. McREYNOLDS]. In doing so I am not surrendering my views, which are well known to those who have taken the time to read the hearings and my previous

remarks on the floor of the House January 13, 17, and February 10.

I was one of those who labored incessantly in the committee to secure a favorable report for the McReynolds bill, House Joint Resolution 422. A combination of political obstructionists, isolationists, extremists, and selfish interests—backed by powerful and insidious propaganda—has now made it impossible for that bill to be enacted at this session; but, like truth crushed to earth, it will rise again.

The heart of that bill was section 4. For myself I am unalterably opposed to mandatory, inflexible, rigid neutrality legislation, for this problem can be handled best with a minimum of legislation and a maximum of executive authority and discretion, wisely and prudently exercised as necessity develops. Even though, apparently, the sentiment of this country is not now in favor of cooperating with other nations in order to prevent the outbreak of war—which, in my opinion, is the only truly effective way of keeping ourselves from becoming involved in the next war—at the same time I would oppose any act which would tie our hands to the point where we could not only be unable to cooperate with other nations, but we might thereby defeat efforts of other nations sincerely desiring peace and striving through economic sanctions to strike down aggressors before the world is caught in another great conflagation.

I do not wish the United States to remain for belligerents, as it was during the last war, a base of supply of essential war materials in abnormal quantities, and this was the purpose and philosophy of section 4 of the McReynolds bill.

The bill now under consideration represents a forward step, and an important step, in that it restricts loans and credits to belligerents. We should make haste slowly in this extremely difficult and complicated area of neutrality legislation.

[Here the gavel fell.]

TABLE 1.—*United States exports of gas oil and fuel oil*

[In thousands of barrels]

Country	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935
Italy	279	182	403	311	106	354	500	393	422	949
Japan	2,149	4,419	5,114	5,172	5,694	5,437	4,986	5,182	7,817	9,292
Germany	843	1,258	1,793	1,351	2,006	1,686	917	630	882	747
France	680	93	578	249	334	371	142	399	335	66
United Kingdom	5,709	5,507	4,403	3,593	3,010	1,397	1,195	1,581	2,057	1,411
China	664	683	910	588	621	531	253	147	189	239
Total	10,326	12,142	13,201	11,164	11,771	9,776	7,993	8,332	11,702	12,704
Total world	34,516	42,963	41,573	35,715	32,378	26,588	17,831	18,455	25,977	25,685
Total value (world) [1]	$45,354	$49,802	$45,812	$37,200	$33,220	$23,966	$16,172	$18,310	$28,342	$27,017

[1] In thousands of dollars.

TABLE NO. 2.—*United States exports of raw cotton*

[In bales]

Country	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935
Italy	814,023	666,308	737,505	770,125	530,687	521,846	697,074	803,700	492,583	452,000
Japan	1,250,528	1,437,453	1,225,473	1,100,837	888,646	1,743,653	2,248,997	1,813,845	1,737,101	1,515,000
Germany	2,020,686	2,452,472	2,037,872	1,652,220	1,637,213	1,356,941	1,741,599	1,653,098	739,773	591,000
France	990,197	918,098	819,137	810,237	915,122	435,418	811,295	851,501	424,144	591,000
United Kingdom	2,288,653	1,648,175	1,997,395	1,533,929	1,199,192	898,776	1,486,938	1,489,259	897,296	1,189,000
China	172,026	240,355	167,632	229,566	319,217	879,695	585,671	311,275	286,550	86,000
Total	7,536,113	7,362,861	6,985,014	6,096,914	5,490,077	5,836,329	7,571,574	6,922,678	4,577,447	4,424,000
Total world	8,916,000	9,199,000	8,546,000	7,418,000	6,480,000	6,851,000	8,916,000	8,353,000	5,753,000	5,858,000
Total value (world) [1]	$810,365	$818,318	$912,849	$764,760	$493,632	$323,794	$343,182	$395,168	$367,165	$383,165

[1] In thousands of dollars.

Mr. MONAGHAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONAGHAN. The question of the gag has been raised. Personally, I always have been opposed to "gag" legislation and have voted against it. If this bill came in under a rule, we would be right in assuming that a vote against that rule would be a vote against gagging the House. However, the motion in this instance is to suspend the rules and pass the bill. If we could vote specifically for bringing this bill up under an open rule or a closed rule, it would be different. But am I not right in assuming that a vote against this motion is, in effect, a vote against the neutrality bill that is now pending and might result in no neutrality legislation at all? A defeat for this bill at this time by merely a third of the Members voting against the motion to suspend would result in the defeat of neutrality legislation today, and through lapse or through neglect or through maneuvering or trickery no legislation preventing war might be enacted. I agree with the sentiment expressed by Senator NYE that we should extend this bill to meet the emergency arising upon the lapse of the old measure and then pass a strong measure to cover the situation. Am I right in assuming that a vote against the motion to suspend the rules would be, in effect, a vote against the neutrality bill which is now pending?

The SPEAKER. It is not within the province of the Chair to determine the effect of the gentleman's vote on the motion.

Mr. McREYNOLDS. Mr. Speaker, I believe I have 1 minute remaining.

I wish to say to the Members of the House that a vote against this resolution is a vote against this neutrality bill and against an extension of what we already have. This bill extends the neutrality law to May 1, 1937. This date was fixed in order for Congress to have sufficient time during the next Congress to iron out their differences on the controversial questions and pass the bill as a permanent law. I am very sorry that this could not have been done during this session of Congress, since your committee in the House has devoted much time and attention to the consideration and formation of the bill that we heretofore reported (H. J. Res. 422) and for which I appeared before the Rules Committee of the House and asked for a rule. A proper neutrality bill is considered to be one of the most difficult to draft, as it has so many different angles to be considered. As before stated, this bill is a compromise in order to save the present neutrality law we now have on the statute books and adding thereto a most important amendment relative to credits.

[Here the gavel fell.]

The SPEAKER. All time has expired. The question is on the motion of the gentleman from Tennessee to suspend the rules and pass the joint resolution.

Mr. DUNN of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNN of Pennsylvania. Mr. Speaker, would it be in order for me to ask unanimous consent to address the House for 1 minute to ask the chairman a very important question?

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for 1 minute. Is there objection?

There was no objection.

Mr. DUNN of Pennsylvania. Mr. Speaker, I wish to ask the chairman of the committee a question. Is there any part of this bill which will permit the United States to send munitions to a neutral nation?

Mr. McREYNOLDS. This measure prohibits the shipment of arms to foreign nations that are belligerents.

Mr. DUNN of Pennsylvania. I refer to a nation that is not a belligerent.

Mr. McREYNOLDS. Not to a neutral nation, unless it is going through such country to a belligerent nation.

Mr. DUNN of Pennsylvania. How can we prevent a neutral nation from shipping munitions to a belligerent nation?

Mr. McREYNOLDS. Such a transshipment is prohibited, and, if we can get the fact that that is being done, the shipment is stopped. Such character of shipments are prohibited under the statute.

Mr. DUNN of Pennsylvania. I thank the gentleman for his courteous response.

The SPEAKER. The question is on the motion to suspend the rules and pass the joint resolution.

Mr. McREYNOLDS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 353, nays 27, not voting 50, as follows:

[Roll No. 19]

YEAS—353

Adair	Crowe	Greever	McGrath
Allen	Crowther	Gregory	McKeough
Andresen	Culkin	Griswold	McLaughlin
Andrew, Mass.	Cullen	Guyer	McLean
Arends	Cummings	Haines	McLeod
Ashbrook	Curley	Halleck	McMillan
Bacharach	Daly	Hamlin	McReynolds
Bacon	Darden	Hancock, N. Y.	McSwain
Bankhead	Darrow	Hancock, N. C.	Mahon
Barden	Dear	Hart	Maloney
Barry	Deen	Harter	Mansfield
Beam	Delaney	Hartley	Mapes
Beiter	Dempsey	Healey	Marcantonio
Bell	DeRouen	Hennings	Martin, Colo.
Berlin	Dickstein	Hess	Martin, Mass.
Blackney	Dies	Higgins, Conn.	Massingale
Bland	Dietrich	Higgins, Mass.	May
Blanton	Dingell	Hildebrandt	Meeks
Bloom	Disney	Hill, Knute	Merritt, N. Y.
Boehne	Dobbins	Hill, Samuel B.	Michener
Boland	Dockweiler	Hobbs	Millard
Boykin	Dondero	Hoffman	Miller
Boylan	Dorsey	Hollister	Mitchell, Ill.
Brewster	Doughton	Holmes	Mitchell, Tenn.
Brooks	Doxey	Hook	Monaghan
Brown, Ga.	Drewry	Hope	Moran
Brown, Mich.	Driscoll	Houston	Mott
Buck	Driver	Huddleston	Murdock
Buckler, Minn.	Duffey, Ohio	Imhoff	Nelson
Buckley, N. Y.	Duffy, N. Y.	Jacobsen	Nichols
Burch	Duncan	Jenckes, Ind.	O'Brien
Burnham	Eagle	Jenkins, Ohio	O'Connell
Caldwell	Eaton	Johnson, Okla.	O'Connor
Cannon, Mo.	Eckert	Johnson, Tex.	O'Leary
Cannon, Wis.	Edmiston	Johnson, W. Va.	O'Neal
Carlson	Ellenbogen	Jones	Owen
Carmichael	Engel	Kahn	Palmisano
Carpenter	Englebright	Keller	Parks
Carter	Evans	Kennedy, Md.	Parsons
Cartwright	Faddis	Kennedy, N. Y.	Patman
Cary	Farley	Kenney	Patterson
Casey	Fenerty	Kerr	Patton
Castellow	Ferguson	Kinzer	Pearson
Cavicchia	Fernandez	Kleberg	Peterson, Fla.
Celler	Fiesinger	Kloeb	Peterson, Ga.
Chandler	Fish	Kniffin	Pettengill
Chapman	Fitzpatrick	Knutson	Peyser
Christianson	Flannagan	Kocialkowski	Pfeifer
Church	Fletcher	Kopplemann	Pierce
Citron	Focht	Kramer	Pittenger
Claiborne	Ford, Calif.	Lambertson	Plumley
Clark, N. C.	Ford, Miss.	Lambeth	Polk
Cochran	Frey	Lamneck	Rabaut
Coffee	Fuller	Lanham	Ramsay
Colden	Fulmer	Larrabee	Ramspeck
Cole, Md.	Gambrill	Lea, Calif.	Randolph
Collins	Gasque	Lee, Okla.	Rankin
Colmer	Gavagan	Lehlbach	Ransley
Connery	Gifford	Lesinski	Rayburn
Cooley	Gilchrist	Lewis, Colo.	Reece
Cooper, Ohio	Gildea	Lord	Reed, Ill.
Cooper, Tenn.	Gillette	Lucas	Reed, N. Y.
Corning	Gingery	Luckey	Reilly
Costello	Goldsborough	Lundeen	Rich
Cravens	Goodwin	McAndrews	Richards
Creal	Granfield	McClellan	Richardson
Crosby	Gray, Pa.	McCormack	Robertson
Cross, Tex.	Green	McFarlane	Robinson, Utah
Crosser, Ohio	Greenway	McGehee	Rogers, Mass.
Rogers, N. H.	Smith, Wash.	Thom	Weaver
Rogers, Okla.	Smith, W. Va.	Thomason	Welch
Rudd	Snyder, Pa.	Thompson	Werner
Ryan	Somers, N. Y.	Thurston	West
Sadowski	South	Tinkham	Whelchel
Sanders, Tex.	Spence	Tobey	Whittington
Sandlin	Stack	Tolan	Wigglesworth
Schaefer	Starnes	Tonry	Wilcox
Schuetz	Stefan	Treadway	Williams
Schulte	Stubbs	Turner	Wilson, Pa.
Scott	Sullivan	Turpin	Wolcott
Scrugham	Sumners, Tex.	Umstead	Wolfenden
Sears	Sutphin	Underwood	Wolverton
Secrest	Sweeney	Utterback	Woodruff
Seger	Taber	Vinson, Ga.	Woodrum
Shanley	Tarver	Vinson, Ky.	Young
Shannon	Taylor, Colo.	Wallgren	Zioncheck
Sirovich	Taylor, S. C.	Walter	
Smith, Conn.	Taylor, Tenn.	Warren	
Smith, Va.	Terry	Wearin	

NAYS—27

Amlie	Dunn, Pa.	Ludlow	Risk
Biermann	Eicher	McGroarty	Robsion, Ky.
Binderup	Gehrmann	Main	Sauthoff
Bolleau	Gwynne	Maverick	Schneider, Wis.
Burdick	Hull	Moritz	Stewart
Cole, N. Y.	Lemke	O'Day	Withrow
Dirksen	Lewis, Md.	O'Malley	

NOT VOTING—50

Andrews, N. Y.	Ekwall	Mason	Sanders, La.
Ayers	Gassaway	Mead	Short
Bolton	Gearhart	Merritt, Conn.	Sisson
Brennan	Gray, Ind.	Montague	Snell
Buchanan	Greenwood	Montet	Steagall
Buckbee	Harlan	Norton	Thomas
Bulwinkle	Hill, Ala.	Oliver	Wadsworth
Clark, Idaho	Hoeppel	Perkins	White
Cox	Kee	Powers	Wilson, La.
Crawford	Kelly	Quinn	Wood
Ditter	Kvale	Romjue	Zimmerman
Doutrich	Maas	Russell	
Dunn, Miss.	Marshall	Sabath	

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was passed.

The following pairs were announced:

On the vote:

Mr. Wadsworth and Mr. Ditter (for) with Mr. Kvale (against).

Mr. Perkins and Mr. Andrews of New York (for) with Mr. Maas (against).

General pairs:

Mr. Cox with Mr. Snell.
Mr. Steagall with Mr. Bolton.
Mr. Buchanan with Mr. Marshall.
Mr. Oliver with Mr. Powers.
Mr. Montague with Mr. Ekwall.
Mr. Montet with Mr. Crawford.
Mr. Hill of Alabama with Mr. Thomas.
Mr. Bulwinkle with Mr. Short.
Mr. Greenwood with Mr. Buckbee.
Mr. Sabath with Mr. Gearhart.
Mr. Gray of Indiana with Mr. Merritt of Connecticut.
Mr. Harlan with Mr. Doutrich.
Mr. Zimmerman with Mr. Brennan.
Mr. Kee with Mr. Dunn of Mississippi.
Mr. White with Mr. Mason.
Mr. Romjue with Mr. Quinn.
Mr. Russell with Mr. Wood.
Mr. Ayers with Mr. Wilson of Louisiana.
Mr. Clark of Idaho with Mr. Sanders of Louisiana.

Mr. KNUTE HILL changed his vote from "no" to "aye."

Mr. EDMISTON. Mr. Speaker, my colleague, Mr. KEE, is absent on account of illness; if present, he would have voted "aye."

Mr. CONNERY. Mr. Speaker, my colleague, Mr. RUSSELL, is unavoidably absent; if present, he would have voted "aye."

Mr. BEITER. Mr. Speaker, the gentleman from New York, Mr. MEAD, is unavoidably detained; if here, he would have voted "aye."

Mr. BEAM. Mr. Speaker, my colleague, Mr. KELLY, is unavoidably absent; if present, he would have voted "aye."

Mr. HART. Mr. Speaker, the lady from New Jersey, Mrs. NORTON, is unavoidably detained; if present, she would have voted "aye."

Mr. McGEHEE. Mr. Speaker, the gentleman from Mississippi, Mr. DUNN, is in the hospital on account of illness; if present, he would have voted "aye."

Mr. GOODWIN. Mr. Speaker, the gentleman from New York, my colleague, Mr. THOMAS, is unavoidably absent; if present, he would have voted "aye."

Mr. MARTIN of Massachusetts. Mr. Speaker, the gentleman from New York, Mr. SNELL, and the gentleman from

New York, Mr. ANDREWS, are unavoidably absent; if present, they would have voted "aye."

Mr. TREADWAY. Mr. Speaker, the gentleman from Connecticut, Mr. MERRITT, is unavoidably absent, and if present, he would have voted "aye."

Mr. NICHOLS. Mr. Speaker, my colleague, Mr. GASSAWAY, is unavoidably absent; if present, he would have voted "aye."

Mr. BANKHEAD. Mr. Speaker, my colleagues, Mr. STEAGALL and Mr. OLIVER, are both detained on account of illness; if present, they would have voted "aye."

Mr. STARNES. Mr. Speaker, the gentleman from Alabama, Mr. HILL, is unavoidably absent; if present, he would have voted "aye."

Mr. COX. Mr. Speaker, I was unavoidably absent and cannot qualify, but if present I would have voted "aye."

The result of the vote was announced as above recorded.

On motion of Mr. MCREYNOLDS, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

EXTENSION OF REMARKS—NEUTRALITY LEGISLATION

Mr. MICHENER. Mr. Speaker, this Congress is today running true to form so far as procedure is concerned. We have before us one of the most important pieces of legislation that can possibly come before this legislative body. It deals with peace, and one of the best ways to maintain peace, so far as this Nation is concerned, is to have upon our statute books proper neutrality laws.

Since the first of this session, the Congress has been recessing from Friday night to Monday morning. We have devoted hours and days to political speechmaking. We have just passed the Army appropriation bill after several days of discussion. Next week we will take up the Navy appropriation bill, and everybody will be given all the time they want to debate. I am not discussing the merits or demerits of that legislation. Suffice it to say, that with all other right-thinking citizens, I am opposed to war. Being opposed to war, I am for a proper national defense to prevent war.

It is preposterous, however, that time can be frittered away in these halls and then all of a sudden a bill like this neutrality legislation is brought upon the floor of the House, as is the case today. We are told that the existing neutrality law expires on February 29, and that if we do not pass this resolution, then we will have no neutrality law. Under the suspension of the rules, there is but 20 minutes on a side, or 40 minutes in all, to debate this important question. That is not the worst of it, because the resolution is not subject to amendment. In short, this body is permitted by this rule to talk for 40 minutes and then to vote "yes" or "no" without any opportunity of amendment.

In these circumstances, the Member of Congress' vote is very readily misunderstood, and in voting for this measure I do not want to be interpreted as feeling that this law goes far enough. It does not. It is this or nothing, however.

Personally, I should like to see a provision that trade with belligerents must be made at the trader's own risk; also that shipment of war materials be limited to peacetime quotas. In fact, there are many amendments that should be made to existing law. However, the plan of the administration seems to be to force this bill, in its present form, through the House and through the Senate.

Be it understood, however, that the sentiment of the country will in time require more comprehensive neutrality legislation, and when the people thoroughly understand this matter, I am confident that a "gag" rule situation of this character will not be tolerated.

I can see little justification for those who believe in peace—who want to prevent war, who feel that the United States should stay at home and take care of its own business—voting against this legislation. This resolution reenacts and amends existing law, and if adopted, the law will then provide:

First. Embargo against the sale, exportation, and transportation of arms, ammunition, or implements of war to any and all belligerents except to American Republics, as expressly provided.

Second. Prohibition against the sale of bonds, notes, and other securities of belligerent countries in the United States, or the purchase of such securities in the United States; the prohibition of loans or extension of credits of foreign governments or persons representing them, except ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in current, commercial business.

Third. Prohibition against American vessels carrying arms, ammunition, and implements of war to belligerents or for transshipment for use by belligerents.

Fourth. Prohibition of the use of the United States as a base for supplying belligerent ships with arms, ammunition, or implements of war.

Fifth. Special regulations relative to the use of our ports by submarines of belligerent countries.

Sixth. Restraint upon our citizens when traveling upon belligerent vessels.

I heartily endorse and advocate every one of these provisions and look forward to the time when this Congress will again return to deliberate, careful, and statesmanlike consideration of such important matters. A vote for this resolution is not a vote for the rule under which we are considering the measure. If we believe in neutrality legislation, there is but one course to pursue. It is idle to vote against that which is good simply because we are opposed to the method of consideration.

Mr. MCSWAIN. Mr. Speaker, under general permission granted those who spoke upon the Army appropriation bill to extend their remarks thereon, I am submitting herewith some very brief but direct considerations concerning the benefits to accrue to the Army and to the country by the appropriation of approximately $1,900,000 to make the Thomason Act effective. We are all interested in national defense, and as prudent legislators it is our duty to get the most defense possible for the least money possible. To get the picture properly fixed in our minds, we must realize the overwhelmingly preponderant importance of the Organized Reserves in our land forces. With only 12,000 Regular Army officers and about 14,000 National Guard officers, our initial need at mobilization is for 120,000 Reserve officers.

Since Reserve officers will be in command of battalions, companies, and platoons, as will National Guard officers, the losses in action among these two classes will undoubtedly be very great, and the only source from which to replenish the losses in either the National Guard or the Regular Army will be from the Organized Reserves. Hence we must contemplate a great reservoir of Reserve officers; and the more efficient are these officers, the quicker will be our readiness for action after mobilization. The ratio in numbers of Reserve officers as against both Regular Army officers and National Guard officers is, therefore, at least 5 to 1 at the very beginning, and ultimately, if a war should continue 2 or 3 years, would be at least 10 to 1.

Now, Mr. Speaker, we must remember that almost all the Reserve officers commissioned in recent years and to be commissioned in the future must come from the R. O. T. C. units in our universities, colleges, and military schools.

Therefore, whatever strengthens our R. O. T. C. units will greatly strengthen the cause of national defense. By strengthening I do not mean mere increasing numbers, but I mean increasing efficiency, increasing interest in military students, increasing zeal for military advancement, increasing willingness to submit to military discipline. With this in mind, let us recur to the facts found recorded on page 1830 of the CONGRESSIONAL RECORD of February 11, 1936. There it will appear that since 1920, 429,670 college students have been enrolled in our R. O. T. C. units, both basic course and advanced course. This includes the 115 universities and colleges having senior units. During that time $54,882,871.10 have been expended on these units. Ninety-eight thousand four hundred and seventy students have taken the advanced course, and of them 76,201 have graduated and received commissions as second lieutenants.

At present the annual number of graduates is about 7,000. I have gone over the figures found in the hearings before the

Committee on Appropriations and conclude that the Federal Government spends on each of these students who receives a a commission as second lieutenant at graduation in one of these R. O. T. C. units only $387.50. When one of these R. O. T. C. graduates is called to duty with the Regular Army for training and instruction for 1 year, then his pay and allowances for that year will be slightly less than $1,800. Add to this the cost of his previous instruction, to wit, $387.50, and you find that at the end of such year's duty each of these young men has cost the Federal Government less than $2,200. But what does it cost to send a graduate for 4 years through the Military Academy at West Point? The War Department has had various studies made of this question. One of them made in 1929 found the cost of such 4 years' course for a cadet to be around $19,000. A subsequent study made in 1932 by order of Gen. William R. Smith, then Superintendent of the Military Academy, made the cost slightly less than $10,000, but this latter computation failed to take into account such overhead items as fair interest on plant value, cost of land, and expense of maintaining troops at the acedemy for instructional purposes. I have recently had made, by an officer in the Army, from official data, an estimate of the cost of graduating young men at the Military Academy, counting 4 percent interest on a total plant capitalization of about $32,000,000. I conclude from the figures furnished me that a fair and reasonable estimate is approximately $16,000, or about $4,000 a year.

Now, Mr. Speaker, let us make a comparison, and I believe it is a fair comparison. Take the 50 best men graduating in any class of about 300 at the Military Academy and compare them with the 50 men that it is proposed to commission in the Regular Army after 1 year's active duty with the Regular Army. Both groups would be second lieutenants. I contend that the 50 selected by the War Department from the 1,000 Reserve officers on duty with the Regular Army for 1 year will be equal as officer material to any 50 recent graduates of the Military Academy. The Reserve officer will have cost the Federal Government less than $2,200. The graduate of the Military Academy will have cost the Government about $16,000. Therefore the graduate of the Military Academy will have cost the Government nearly eight times as much as the graduate from the R. O. T. C. unit. Can it be said that the graduate of the Military Academy is eight times more valuable to the Army and the country than the graduate from the R. O. T. C. unit? I contend that it is the other way around and they are of equal value, and therefore the more economical method of producing officers is by the R. O. T. C. route.

Now, Mr. Speaker, why do I contend this? I must continually remind the Congress and the country that I have no prejudice against the Military Academy at West Point, but also I confess that I have no illusions about its vaunted superiority. It is just a good school where the discipline is properly severe and where high and wonderful ideals are inculcated and generally practiced. But on the authority of Gen. Malin Craig, in his testimony before the Appropriations Committee, the ratio between graduates of the Military Academy and nongraduates among the 100 best officers in the Army is about equal, or 50–50. Why is this bound to continue to be true under the plan proposed by the Thomason bill? Because all the R. O. T. C. units have a total enrollment of about 112,000 at this time, with the number gradually increasing from year to year.

There is a pronounced elimination due to many causes, so that at the end of 4 years, in all these R. O. T. C. units, only about 7,000 graduate. It is fair to assume that the 7,000 who graduate are at least a high average from among the 112,000 students. Now, Mr. Speaker, under the Thomason bill plan, the 7,000 annually graduating will be invited to make application to the Secretary of War for 1 year's duty with the Regular Army. Assume that only 3,000 apply. It is fair to assume that the 3,000 taking most interest in military matters, and therefore, best prepared for duty as junior officers, will apply. From the 3,000 who apply on blanks to be furnished by the Secretary of War containing a very detailed questionnaire, and from the records of the young men in college with all the background and surrounding information possible for the Secretary of War to obtain from all sources, he will select the 1,000 of the 3,000 showing the most promise of ability for leadership as Army officers. After 1 year of duty under the critical and scrutinizing observation of Regular Army officers, who will report in detail their observations, findings, and conclusions, the Secretary of War will offer commissions to the 50 young men found by this process of observation and study to be best qualified for Army officers. The average annual freshman enrollment in R. O. T. C. units is about 40,000. Therefore we find that 40,000 young men commence their basic training and at the end of 4 years only 7,000 are graduated, and of the 7,000 only 1,000 are selected for active duty with the Regular Army, and of the 1,000 only 50 are selected for permanent commissions in the Regular Army. By this process of selection and elimination, and attrition, I believe that the 50 young men thus chosen by the Secretary of War for commissions will equal in ability, in character, and in efficiency any 50 graduating in any class at the Military Academy. The Military Academy started with a class of about 350 and graduated about 250. In such case the elimination, therefore, is only about 28 percent. Contrast that with the 50 finally chosen from an original 40,000.

According to the mathematical doctrine of chances, and according to the better doctrine of common sense, the 50 officers coming from the R. O. T. C. units will certainly equal any 50 graduating at the Military Academy. Bear in mind the difference in cost, to wit, about $2,200 for each of the 50 young officers as against about $16,000 for each of the graduates of the Military Academy.

But, Mr. Speaker, this is not the sole and exclusive benefit to the Army from the Thomason Act. It will stimulate interest in every one of the 112,000 students in all the R. O. T. C. units. It will do this because it will give every one of them hope by holding out a prospect of help. At present there is nothing for the R. O. T. C. student to look forward to except to receive the little $387.50 to help him through college and the honor of having a commission in the Reserve Corps, with the prospect of receiving active duty for 14 days once in about 5 years. Under the Thomason Act every one of the 112,000 will be a better student, will take more interest in his military duties, because he will hope that by doing so he may be one of the 1,000 young officers to be selected for 1 year of active duty with the Regular Army, and then he would have a chance to be one of the 50 to be selected for a commission in the Regular Army. Contrast this hope and chance for help with conditions as they now are. At present there is absolutely no chance for the best second lieutenant graduate of an R. O. T. C. unit in all the land to get a commission in the Regular Army.

Yet the corps area commanders select the outstanding R. O. T. C. students in their respective corps area, and they are brought to Washington at the expense of the R. O. T. C. Association, and each year for several years I have seen these groups of fine young men, and I have been impressed by their splendid bearing, their manifest intelligence, and their fitness for leadership. Yet not a one of these outstanding young men could get a commission in the Regular Army. For the last 7 or 8 years practically all of the vacancies in the Regular Army were filled by West Point graduates. Due to enforced attrition last year, there were about 52 nongraduates of the Military Academy to receive commissions, but for the current year there will be no vacancies, and unless the Thomason Act is made effective there will never be any vacancies. While it is true, therefore, the 50 possible commissions is a very narrow door whereby each of the 112,000 R. O. T. C. students has a hope of entering the Regular Army, yet it is a door, as against the total absence of any door now. While it is a slim chance, it is a chance, as contrasted with the present total lack of chance.

Now, Mr. Speaker, we cannot measure the value of the R. O. T. C. merely by the 7,000 who graduate. The other 105,000 such students have gotten a valuable training and are valuable upon mobilization to be used as noncommissioned officers in organizing, training, and leading the untrained civilian recruits who must be called into the Service. Remember that during the last 15 years the training

of these 429,670 R. O. T. C. students has cost slightly less than $55,000,000. On the other hand, remember that during the same last 15 years the Military Academy has admitted 6,143 cadets and has graduated 3,640 cadets at a total cost of $38,801,449. If you add interest on plant investment as above, and also pay of officers and enlisted men on duty there, including subsistence, forage repairs, and so forth, all estimated at approximately $3,000,000 per year, then for 15 years you have a total of $45,000,000, and if you add $38,801,449 you have a total cost for 15 years of $83,801,449. Divide by 3,640, the total number of graduates, and you have a total cost per graduate of $23,297.

But the 2,503 cadets who failed to graduate received valuable training of use to the cause of national defense. This should be deducted from the estimated cost per graduate. It is difficult to determine just what proportion of the total cost should be charged to these nongraduates. However, I believe the figures heretofore given of about $16,000 per graduate are fair, reasonable, and, in fact, conservative.

Mrs. O'DAY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement: Those of us who had hoped for a strong neutrality bill this session have been willing to accept the measure submitted on the grounds that half a loaf is better than none. We have even been willing to concede that the present bill is a shade better than the last. But when we are asked to accept this bill with less than an hour of argument and without the opportunity to at least present our ideas in the shape of amendments we rebel.

The question of neutrality is too important to be passed over so lightly. Too important to us who appreciate that it is possible to repeat the mistake of 1917–18. I intend to vote against this measure as a gesture of protest against this limitation of debate and refusal to accept amendments. As a sincere believer in neutrality, the strongest kind of neutrality, I protest the methods by which this highly important measure is being rushed through. My vote is a protest only. If I thought for a moment that it might jeopardize the success of the bill, I should vote otherwise. We advocates of a stronger bill have been forced to concede this is the best we can do. But I know the House is overwhelmingly in favor of the measure, so I can afford to voice my protest against the methods of procedure by a negative vote against the bill.

Mr. WHELCHEL. Mr. Speaker, it was my privilege on yesterday to support a measure having for its purpose keeping the United States neutral in all foreign entanglements.

While the measure that we passed was a step in the right direction, I do not feel that it is perfect by any means, and, of course, I realize we could not perfect legislation at this time to cover every phase of this most important undertaking. To my mind, this is the most important legislation that will be passed by this Congress at this session, and I believe when we prepare proper legislation in regard to neutrality it will be the greatest move this Nation has ever made in steering clear of foreign wars. I am against foreign wars and our participation therein. I think this Government should be convinced there is no other alternative. In fact, I can see no justification for this Nation being entangled in the ever-existing strifes and wars that are now existing in European nations; and I believe, certainly as long as I can remember, since the beginning of the world they have been fighting; and the blood of America's young manhood is too precious to be spilled on some foreign soil, participating in this ever-raging conflict between the foreign nations. I believe in protecting our citizenry and Nation against invasion at all costs, and I do not think any American, be he young or old, would shirk his duty in defense of his Nation should an attack be made thereon; but I do not think it fair, neither do I believe it right, for a Christian nation, as America is, to permit the spilling of American blood on foreign soil in furtherance of these conflicts that have raged since the beginning of the world, and, in my opinion, will continue to do so until the end of time.

So far as I am concerned, and so long as I am a representative of the American people in the Halls of Congress, it is not my purpose to cast a vote that will send one dollar to a foreign nation in furtherance of war, or to send one soul to a foreign "slaughter", so long as I retain the mind that I possess now.

Not only do I feel that we should be neutral in the respect that this measure proposes, but I feel we should in no uncertain terms let those nations, who were so generous in accepting the money of this Nation to further the World War conflict, know that we do not appreciate the fact they have repudiated their obligation and failed and refused to pay an honest debt. I am in favor of using every means and method of collecting this money to the exclusion of war, but never will I acquiesce therein, or be a party thereto of sending our soldiers to pay with their lives in attempting to collect this indebtedness, which has been so unwisely—and I might say foolishly—placed beyond the reach of this country.

Mr. Speaker, in conclusion, in summing up my remarks, I stand for neutrality, and I think our legislation from time to time should be strengthened in furtherance of this important matter.

Mr. LEE of Oklahoma. Mr. Speaker, it was 2 o'clock in the morning. The rain was running off my steel helmet in sheets. I had my rifle under my armpit to keep it dry. I was on guard around a German stockade. We had 437 German prisoners.

The armistice had been signed about a week, but we were required to guard our prisoners just the same.

I was cold, I was tired, I was homesick and hungry. I saw a light over in the German stockade, inside of the barracks which they used for a kitchen, and I knew that Frank, the German Polack cook, was doing his cooking for the next day. I threw a gravel over against the barracks, and soon a flood of light shot out from the door as Frank poked out his square German head. I said to him in the best German I could command, which was not very good, "Frank, giben mer das brote und das coffee." Frank said, "Yah."

Pretty soon he returned with a canteen cup full of steaming hot coffee and a piece of German coffee cake. The coffee had cream and sugar in it, two delicacies we did not often have, but he had taken some from the amount allotted to him for cooking, and put it in my coffee.

The lightning flashed as he handed the coffee and coffee cake through the fence; and I saw his face; and there was no cynical grin of hatred there, but, rather, a smile of friendliness; and if he saw my face I know he saw friendliness there.

Frank did not hate me. He loved me. I did not hate him. I loved him; and yet if I had met him on the battlefield at that hour of the night one week before I would have killed him or he would have killed me.

That is what war means. It means bringing men together, who otherwise would love each other, to kill each other.

War never proves which is wrong. It only proves which is strong.

If it is a question of medicine, ask a doctor. If it is a question of law, ask a lawyer. Then, if it is a question of war, ask the warrior. The ex-service men oppose war because they know the futility of it, but that does not mean that we would not serve our country again if our services were needed. We would.

It simply means that we are speaking now, while our country is at peace, protesting against conditions that lead to war and attempting to remove every war incentive.

PEACE PLANS THAT DO NOT GO FAR ENOUGH

Allow me to name some of the means of securing peace that have been relied upon in the past and then suggest that these do not go far enough.

First, there are treaties, pacts, and agreements between nations. These are good as friendly gestures and are to be encouraged, but war will never be abolished by proclamation.

Then, again, there is the plan of educating for peace. This is a good idea and is to be continued by all means, but it is too slow. It takes generations before advancement can be made by the slow process of education. In the meantime, we might have another world war that would annihilate civilization.

Further, there is the plan of disarmament. This, too, should be encouraged; but if one nation should get too far out in front on a disarmament program, that nation's weakness might invite attack. There is no use to deceive ourselves—the world has not yet come to the philosophy of peace on earth for the sake of brotherly love.

WEAKNESS INVITES ATTACK

Manchuria was helpless, and Japan marched in. Ethiopia was defenseless, and Mussolini is marching in. Therefore, we cannot depend upon disarmament.

I therefore wish to propose some definite steps which, if taken, would greatly further the cause of world peace.

First, the United States should control the preparation for war by requiring munition makers to operate under a Federal license system.

Second, the United States should make permanent its present non-intervention policy that refuses to send a military force into a foreign country to protect private investments.

Third, the United States should equalize, as far as possible, the burdens of war by a universal draft law that will conscript money and materials as well as men.

Fourth, the United States should enact tax laws that will recover for the Government 100 percent of all war profits.

EMBARGO OF ARMS

By licensing the munition makers the Government could make effective an embargo on arms. The United States is not in a consistent position when we tell the rest of the world that we are a peace-loving nation at the same time that we are furnishing cannons, hand grenades, and machine guns for warring nations.

If I walk down the street and see two little boys quarreling and give one of them a club and the other a pair of knucks and stand back and watch them destroy each other, I can say to the crowd that gathers around that I am a peace-loving man until I am black in the face, but if they know that I furnished the instruments of destruction, they know that I am a liar and a hypocrite.

For years the manufacturers of munitions in the United States have furnished engines of death to warring nations all over the globe, and yet we have proclaimed to the world that we are a peace-loving nation. Our words whisper peace and our actions thunder war.

What was the final straw that broke the camel's back and plunged America into the last war? It was the sinking of the *Lusitania*, was it not? Mrs. William Jennings Bryan, wife of the Secretary of State, wrote in her diary that they were dining out on the evening that the news came of the sinking of the *Lusitania*.

Mr. Bryan was very much disturbed at the news. He said on the way home, speaking of the *Lusitania:* "I wonder if she had munitions on board? If she did," he said, "that puts a different phase on the whole matter. I will have Lansing investigate that."

The next day Mr. Lansing examined the clearance papers and reported that the *Lusitania* did have munitions on board.

The manufacturers were so eager for the profits on one more cargo of death that they endangered the lives of citizens who took passage on that passenger ship and plunged America into the World War.

This unbridled campaign for profits at the cost of American lives and world peace can be controlled by the Government through a licensing system.

COMPETITIVE ARMAMENT CAMPAIGNS

Then, again, the Government can prevent competitive armament campaigns which are carried on by the makers of munitions. These manufacturers employ the highest powered salesmen in the world. They sell one nation a battleship. Then they go to the nation's neighbor and play it up in the papers that this nation has bought a battleship, and as a result of that propaganda they sell that nation's neighbor two battleships. They return to the first nation and attempt to sell that nation three battleships. The result is a vicious spiral of competitive armament that makes war between nations and profits for the manufacturers of death.

This pernicious practice of promoting war can be controlled through a licensing system that should be in effect now, today, as a means of preventing war.

CONTROL WAR PROPAGANDA

The manufacturers of munitions have the incentive of profits that leads to campaigns of propaganda in order to bring about war. Do you remember before America entered the last war the floods of propaganda that were poured out in this country, telling us of the atrocities of the Germans?

But such propaganda is hatched up in the minds of the makers of death, and is intended to inflame the passions of people and result in war, for profits cannot flow in the munitions business unless blood flows on the battlefield.

MUNITIONS MAKERS ARM OUR ENEMIES

Furthermore, by the Government controlling the manufacture of munitions, we could prevent American manufacturers from arming our potential enemies. The munition maker is not a patriot of any nation. He is an internationalist. Patriotism to him is only a sentiment on which he can play to engender war and increase his profits.

It has been brought out before the Senate investigation committee that the munition makers peddle their wares in every nation on the globe. Today, at this hour, in the laboratories scientists are pouring over death-dealing devices and new war inventions. What for? For the exclusive benefit of America? To protect America from a foreign enemy? To destroy the foes of America? No; they will no sooner be perfected than they are peddled to every nation on the face of the earth by the highest-powered salesmanship known, and yet the Du Ponts said before the investigation committee that if it had not been for the Du Ponts America would today be a German colony.

They sell America steel plates for her battleships. What for? To protect them from torpedoes they have already sold to our potential enemies. They sell America gas masks. What for? To protect our soldiers from gas bombs they have already sold to our potential enemies. They sell America antiaircraft guns. What for? To bring down war planes they have already sold to our potential enemies.

In the World War a contingent of English troops was trying to take a certain objective. There was one gun that was particularly deadly. It mowed down the Tommies. Many fell trying to capture it. Finally, after a great loss, the gallant Tommies captured it. They thought it a fitting tribute to take it back to England and mount it in a public park as a memorial to those who fell while capturing it. There in Bedford, England, it stands today in one of the parks. On one side of its deadly barrel are engraved the names of the men who fell while capturing it, and on the other side engraved in the steel is the name of the makers—a British company.

It takes the patriotism out of a soldier to be shot by a gun that is manufactured in his own country.

When the Allies tried to capture the Dardanelles they were fired upon by guns manufactured in England and financed by a French bank.

The Senate investigating committee has exposed the deeds of the international munitions ring. It has flung open the closet door of this Bluebeard of war.

They are not patriots; they are internationalists.

All they know of patriotism is that it is a fine sentiment on which they can play to generate the war spirit and increase their profits.

Therefore, our Government should at the earliest possible hour set up a licensing system under which they require the manufacturers of munitions to operate in order that our Government might control their policies and activities.

SECOND STEP, NONINTERVENTION POLICY

The second step that will go a long way toward preventing war is to continue President Roosevelt's non-intervention policy, refusing to send a military arm of the Government to protect private investments in foreign countries. When a person invests in a foreign country that is a commercial venture. It is a business gamble. If he makes a profit, he takes it all, and if he has a loss, he should stand that, because when he invested he knew that it was a chance, and he took that chance because of the profit incentive.

In other words, it is a cold-blooded business venture and the only motive is profit.

When a man invests in a business proposition within the Nation he does not expect the Government to guarantee him against loss. Why, then, should foreign investments be given this protection?

Of course, if an American citizen in a foreign nation is discriminated against merely because he is a citizen of the United States, then it becomes an affair of the National Government; but as long as a citizen of this Nation is accorded the same treatment that citizens of other nations are in a foreign country there is no just cause for complaint, and certainly not for intervention.

INTERVENTION IN NICARAGUA

How many of you know why the marines were sent to Nicaragua? We were given several different answers.

Why? I will tell you the facts and let you answer for yourself.

Capitalists in the United States had loans and investments in Nicaragua to the amount of over $18,000,000. If the Nicaraguan Government were overturned by revolution, those loans and investments would be no good; but if that government were held in power at the point of American bayonets, the loans and titles to oil properties and gold mines would be protected.

Thus all of the people of the United States were asked to support a military movement to protect the investments of a very small group who had invested in Nicaragua for the purpose of making a profit. It cost the Government of the United States over $6,000,000 to protect the $18,000,000 of private investment. It cost the lives of 150 American soldiers and approximately 450 Nicaraguans. The life of one good American boy should be held to be of more value than the total investments in Nicaragua.

If we want peace we should follow a foreign policy that holds blood to be more precious than gold and peace more precious than profit.

We lost not only the lives of 150 Americans and 450 Nicaraguans but the goodwill of many of the Latin Americans, for at the same time that President Coolidge was in Habana speaking before the World Peace Conference, telling the world that we are a peace-loving nation, at that same time the newsboys on the street were shouting, "Forty Nicaraguans killed in American air raid!"

Again our actions thunder war and our words whisper peace.

But we may take heart, because since the election of President Roosevelt the United States has launched a non-intervention policy, and the last marine has been called out of Nicaragua.

NO INTERVENTION IN CUBA

Then, again, there was the Cuban situation. Only a few months ago there was a revolution in Cuba. For years United States investors in the sugar business have taken millions of dollars profit from Cuba.

It is entirely legitimate for people to invest in foreign enterprises. It is entirely all right for citizens of the United States to invest their money in the sugar business in Cuba, and if they make a profit, so far as I am concerned, they are welcome to it; but if they have a loss, they can have that, too. I do not wish to be cut in on the loss and left out on the profit.

In the last disturbance in Cuba you remember there was great agitation in this country for the Government to "Send a battleship to Cuba", "Send the marines to Cuba", "Put down the revolution in Cuba", but our Government has launched a new foreign policy. Our President has shattered precedent, has taken a new step in world diplomacy and statecraft. He courageously came out with a proclamation stating that there would be no intervention in Cuba. There was no intervention in Cuba, and she settled her own domestic trouble.

I, therefore, urge that we make permanent as a means of promoting peace this non-intervention policy launched by President Roosevelt.

THIRD STEP, UNIVERSAL DRAFT

The third step that will go a long way toward promoting peace is a universal draft of money and materials as well as men. This has the unqualified support of all veterans' organizations. Such a universal mobilization of the financial and material resources of the Nation, as well as the manpower, would make us more effective in war. In my opinion, if our Nation is plunged into war, every man jack of us and every dime of resources should be at the disposal of the Government for the successful prosecution of that war. But there are those who say, "That is a fine theory, but it cannot be put into practice."

Indeed it can be put into practice. The manufacturers have always uncorked that old bottle of chloroform and put Congress to sleep with the argument that such a law is unworkable. They say, "It is impractical; it will not work; it cannot be done; it is unconstitutional."

When they cannot think of anything else against a law, they say it is unconstitutional, but I cannot believe that we live under a Constitution that places a greater value on one man's property than it does on another man's life. I think it is an insult to the framers of the Constitution to say that one man's gold is more sacred than another man's blood. Yet that is the argument that is advanced against the conscription of wealth.

During the Civil War Abe Lincoln went to New York to see the bankers to get more money in order that he might carry on the war to save the Union. He saw that the bankers were holding out for better terms. Finally he stood up, his eyes flashing fire. He said, "I can conscript a widow's only son. I can take him from between the plow handles and put him in the battle's front where his life will not be good for 6 minutes, but I cannot lay hands on enough money to pay for the food he eats."

It was true in the Civil War. It was true in the World War, and unless we act now during peacetime it will be true in the next war.

Furthermore, the Government should conscript the managers of industry, transportation, and communications, in order to make it possible to quickly and effectively mobilize these three necessary activities for the successful prosecution of the war.

The Senate investigation committee brought out the fact that in the last war, at one of the most crucial times of the war, the Du Pont Manufacturing Co. bickered with the Government for three months over the profits that they were to receive for manufacturing powder. The Government requested them to build the Old Hickory powder plant and manufacture powder, and for three months they refused the demands of their Government, because the profits were not sufficient to satisfy them. What would happen if the soldier in line of battle refused to obey commands, because his pay was not enough? He would be court martialed and shot, and yet the Du Ponts, who were so patriotic that they kept us from being a German colony, refused to manufacture powder because their profits were not enough. But if these manufacturers had been conscripted there would have been no equivocation.

FOURTH STEP, PROFITS TAXES

Now the fourth and final step that would promote peace by removing the profits from war is the passage of tax laws that would take 100 percent of all war profits. War should be a burden to everyone. Then everyone will oppose war.

In the feverish days of the war Americans bent every energy to win that war. It rather shocked our patriotism when we returned from France, where we had served for a dollar a day and a chance to die, and found that 22,000 millionaires had been made off of that war that cost us in blood and money.

It further shocked our patriotism when we found that the war cost our Government $29,000,000,000. In round numbers, the war cost the United States $29,000,000,000. Nobody knows how much a billion dollars is, it is so much, but that is what economists say the war cost our Government. Do you know how much of that went to pay the soldiers, the men who faced death? Only 5 percent.

Do you know what it cost the average soldier in dollars and cents to go to war? Figure it out for yourself. If a boy had stayed out of service, he could have earned $7 a day for

unskilled labor. That was the lowest. Anybody could get $7 a day. But the soldier received 75 cents a day. You thought we got a dollar. We did, but we had to pay $6 to $8 a month back into the Government on our life insurance. The privates paid back into the Government something like $408,000,000 out of our slim pay of $30 a month, to pay the death claims of our buddies. But the difference between what a boy received who was in the service and one who was not, at the lowest estimate, over a period of 16 months is $2,800. That is what it cost a boy to be patriotic. But you say you cannot pay for patriotism. No; you cannot; but there is no reason to penalize it. It is bad enough for the soldier to suffer the physical dangers of war without requiring him to bear the economic loss as well. While we were serving for 75 cents a day and a chance to die, there were 22,000 millionaires made in the United States. Du Pont Manufacturing Co. made 100-percent profit during each of the 4 years of the war. The steel companies made from 27 to 65 percent during each year of the war.

AIRPLANE PROFITS

A Government audit of the Standard Aircraft Corporation and the Standard Aero Co. showed that these two concerns were overpaid $6,500,000. The affairs of the company were immediately put into liquidation. The Government had a fat chance to get that back. And, to add insult to injury, these two companies were owned by the great Japanese house of Mitsui & Co. And Mitsui & Co. were paymasters of the Mikado of Japan, and at one time were paymasters of the great international-spy system of the German Government. Oh, for the eloquence of a top sergeant to express my feelings.

PROFITEERING IN RAINCOATS

Then, again, think of those manufacturers who made raincoats of "mosquito netting" and sold them to the Government for the best india rubber. I am confident that the death of some of the boys in my own company was caused by the rain soaking through those raincoats and chilling their backs and shoulders while they drilled to protect those profiteers who betrayed them.

I was in the Sandstorm Division, the Thirty-fourth. We trained at Camp Cody, N. Mex., then stopped at Camp Dix, N. J., for final training before we went over. The rainy season hit us there. It rained every day and we drilled every day. I came in many nights soaked through to the skin across the shoulders because of those flimsy raincoats. We drilled rain or shine. The soldier cannot select his weather.

Then the "flu" hit us. The boys died like flies. We stacked them up in the morgue like cordwood. I was on the firing squad. Every morning we marched down to the station to fire a salute over a flag-wrapped body. Then we loaded it onto a train and shipped it back to some station where a little woman in black was waiting to receive it.

Then one day I sat by the bunk of one of my buddies, a lad from Colorado, and heard the death rattle in his throat caused by the "flu" which he had caught while drilling in the rain with one of those flimsy raincoats. The next day they took him to the hospital and a few days later to the morgue. As I stood with the firing squad and we fired the salute over his flag-wrapped body, I thought of some fat-handed, slick-haired, well-groomed millionaire sitting behind his mahogany desk figuring his profits, calculating his bloodstained gold, and I vowed then, if the chance ever came, I would make my war on the profiteer. This is my chance.

SPEAKING FOR THOSE WHO CANNOT SPEAK

My friends, I am speaking for those who cannot speak. Tonight when the sun went down 15 more of my buddies "went west" out of our hospitals. That is the average. They have been dying a slow and tortuous death for 17 years. I am speaking for the men in our TB hospitals, the living dead. Gassed lungs, the white plague, then wait for the end. I am speaking for the orphan children whose daddies fell when it might have been me. Some of them never saw their daddies. I am speaking for the shell-shocked boys whose bodies came back but their minds did not. I am speaking for the soft-cheeked babies and the millions of school children who will be sacrificed in the next war. I am speaking for the Gold Star Mothers, who paid the greatest sacrifice of all. Year before last the Government gave 3,000 of them a trip to France to see the last resting places of their sons.

Do you see the mother as she stands by the grave where they tell her her son sleeps? Stands? What mother would stand? She gets down on the earth as close to him as she can. I am speaking for her. For is not 6 feet of earth and a white cross rather poor compensation to a mother for her years of training and hopes and prayers?

Then I am speaking for those lips that are silent in death.

A million wooden crosses are
Calling out to you,
We died that war may be no more.
What are you going to do?
Our wooden crosses they are dumb,
But the message you can bring,
Tell the world, the careless world,
War is a cursed thing.

—Selected.

Mr. SCHNEIDER of Wisconsin. Mr. Speaker, the neutrality resolution and regulations now in force expire on February 29, and I believe that a stronger and more permanent neutrality policy should be fully considered and enacted into law at this session of Congress.

In order to make clear the position taken by the Progressive Party Members of the House, I ask that there be inserted at this point a petition which was addressed to the Speaker.

To the Honorable JOSEPH BYRNS,
Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: We, the undersigned, constituting the membership of the Progressive Party in the House of Representatives, respectfully petition you and your associate leaders in the House to reconsider the announced intention of bringing before the House the neutrality bill of 1936 under suspension of the rules.

Such a procedure would shut out any and all amendments, stifle discussion, and shut off full and complete debate. We, as liberals, deplore such gag-rule procedure on a measure of such vital importance. Wisconsin venerates her great leader, the late Robert M. La Follette, who threw everything into the balance, to challenge a declaration of war. As his followers, we are dedicated to the same cause and request that the entire subject of neutrality may be opened to full and complete discussion, with ample opportunity for amendments.

Respectfully submitted.

HARRY SAUTHOFF.
B. J. GEHRMANN.
GEORGE J. SCHNEIDER.
GERALD J. BOILEAU.
GARDNER R. WITHROW.
MERLIN HULL.
THOMAS R. AMLIE.

War clouds continue to hang over Europe, and recalling our bitter experiences in the last European war, our people are determined that we should leave no stone unturned to prevent any possibility of again becoming involved in overseas controversies.

Our experiences of the horrors in the so-called war to end wars, less than 20 years ago, are so easily recalled that our people are almost unanimously in favor of avoiding any possibility of a recurrence of that catastrophe. Not only do we recall the tremendous loss of life and property, but we have before us daily reminders of the tremendous toll. Daily I hear the pleas of the veterans who write me of the living horrors their tormented bodies are still enduring.

Since the armistice was signed in 1918, however, science has been designing more terrible instruments of war, so that the next outbreak will not be confined to the field of battle, but the war god Mars will reach out and strike the women and helpless aged in our homes as well as children on their playgrounds and in their schools. Poison gases used in the last war were mild as compared to the instruments certain to be used in the next war.

The Senate munitions committee has clearly pointed out the influences which brought us into the last war, immediately after our people, by solemn referendum, had voted support of a policy of keeping our Nation out of war. Despite abuse and calumny hurled at its members, this group

has clearly pointed out the small, selfish groups which plunged our entire Nation into that bloody conflict to satiate the appetites of these greedy groups for profit and glory.

The extent to which great financial and business interests, with a vital stake in the profits of war, conniving with Government officials acting as their tools, forced us into the last war, is best illustrated by a cablegram, sent by the American Ambassador to Great Britain, to his superiors in the State Department, just a month before we declared war on Germany. The Ambassador's message said, in part:

The financial inquiries made here in London reveal international conditions most alarming to the American financial and industrial outlook. Perhaps our going to war is the only way in which our present preeminent trade position can be maintained and a panic avoided.

Within the past few months, the financial speculators and international bankers have been revealed as sinister influences, exerting powerful pressure on our Government officials, to get a war declaration against Germany so that their dollars invested in foreign countries might be saved.

The late Senator Robert M. La Follette, one of the few who had the courage to oppose the entrance of this country into the World War, charged at the time of the sinking of the *Lusitania* that it carried ammunition. Senator La Follette was condemned and vilified for making his charge, but history has proven that his assertions were correct. Only yesterday on the floor of this House a Representative belonging to the party in power at the time we entered the war, admitted openly what is now an established fact, when he stated that the *Lusitania* carried 4,200 cases of ammunition.

As a result of the careful investigation of war causes and selfish greed of those who find war profitable, there has been prepared by the Senate Munitions Committee a well-rounded neutrality program providing:

First. Strict prohibition of trade with warring nations in munitions of war and war materials as well as warning to our citizens to refrain from risking their lives and property in war zones or on ships of warring countries.

Second. Strict regulation of the exportation of contraband from our country to nations engaged in war.

Third. Forbidding the issuance of any credit or the making of any loan by any American individual or corporations to any belligerent or the nationals of any belligerent in time of war.

The sentiment of the rank and file of our people is nearly unanimous for a strict neutrality program with mandatory provisions. Despite this fact, Congress compromised in adopting a weak stopgap neutrality resolution at the close of the last session, and today as a result of the sinister pressure being brought to bear by the selfish interests which profit from war, enactment of a strong and permanent neutrality law is further delayed.

Special interests have been working in a quiet and subtle manner, but they are coming out in the open more and more and their influence is being brought to bear upon Congress in many ways. As the possibility of war becomes more certain, and these interests see a similar opportunity to that which they used to advantage before the World War, the same powerful propaganda will be unloosed through the press, radio, newsreels, and many other avenues to public opinion which they control.

It will cost us money to stay neutral, but the cost will be very small compared with the tremendous amounts which war costs. In 1929–30 we spent 55.7 cents out of every dollar expended by the Federal Government on past and future wars. During the fiscal year 1936–37 this cost will rise to almost 60 cents out of every dollar, when a total of $4,600,000,000 will be spent.

As ably expressed by the official publication of the Veterans of Foreign Wars:

As long as the people of the United States are able to resist their own individual greed for a temporary period of prosperity, so long will America be able to preserve its position of neutrality. But when the people themselves fall victim to the siren song of silk shirts and soaring salaries then all will be lost, and history will repeat itself with America again paying the price of war with bloodshed, broken homes, and battered souls.

Mr. Speaker, the resolution before the House today, extending the neutrality legislation for a little over a year, is an improvement over the makeshift resolution passed last year. It provides for a ban on credit to warring nations, as advocated by the Progressive group since neutrality legislation was first proposed last year. There are still too many loopholes, however, and greedy commercial groups, willing to profit from human destruction, will still find it profitable to encourage war. These loopholes should be plugged and stricter enforcement provisions written into the neutrality legislation, as proposed in the Nye-Clark bill. Penalties of $10,000 in this legislation mean nothing to the war makers who get millions in profits. The stricter jail penalties and fines up to $100,000 in the Nye-Clark bill are necessary to stop agitation for participation in foreign wars.

Congress should also enact legislation providing for a popular referendum before our country could enter any war except to repel invasion. The Progressives have long been on record in favor of such action, and it is inconceivable that a liberal would vote in favor of a foreign war without approval on the part of the people of the country.

I believe that we should also pass strict laws to entirely take the profits out of war, so that none may gain from human slaughter and international misunderstandings. Our policy of increasing the staggering amounts spent in preparation for war should be reversed. The enormous sums spent for the Army and Navy are sufficient to satisfy the greedy war lords and war makers. In all history armament races between nations have encouraged and led to wars instead of promoting peace. We have only to look to Europe for examples of this kind, and our country should profit by these examples instead of joining the mad race.

We are being told today that this is the best neutrality resolution that we can get passed at the present time. In their public utterances most Members of Congress are definitely committed to a policy of avoiding war. I believe it is only fair to ask our leadership to reveal who is opposed to stronger neutrality legislation. The temper of Congress, as indicated by public sentiment, shows strong sentiment for effective neutrality legislation, and there seems to be no necessity, so far as I can see, for this "gag" rule, under which a neutrality program is being forced through with only 40 minutes of discussion under suspension of the rules without an opportunity to offer amendments to the resolution.

As soon as a foreign war is declared there are those in this country who immediately start taking sides. Old prejudices are revived. Our peace should be guaranteed so far as it is possible to do so by legislation, and neutrality regulations should be so strict that no one, either in public office or otherwise, will be in a position to make mistakes which will involve us in war.

There is nothing in even the most strict neutrality proposals which has been advanced here in Congress which will tie the hands of this country in the event of invasion of American shores. Many of the residents of my district have written me supporting mandatory legislation, and there is no question that the sentiment of our people is overwhelmingly opposed to our becoming involved in any war which will make it necessary to again send the best of our young manhood and our wealth away from this country.

Daily the menace to world peace continues to grow. Our experiences prior to the great destructive World War point out the dangers as selfish financiers, like the Morgans and Du Ponts, see the possibility of material gain. Congress should today erect the safeguards. We can now see clearly the pathway over which we were unwittingly led into the World War. Based on the sordid revelations, a permanent neutrality act, with teeth inserted to enforce its provisions, has been introduced. Delay with halfway measures will only make it more difficult to enact effective legislation later.

I believe we should not pussyfoot on this issue but should pass definite, comprehensive, and permanent neutrality legislation now.

Mr. LUCKEY. Mr. Speaker, on Monday, February 17, 1936, House Joint Resolution 491 was passed by this House under circumstances which I feel duty bound to bring to

the attention of the American people. The object of that resolution was to extend and amend the so-called Neutrality Act—Public Resolution Numbered 67, Seventy-fourth Congress—approved August 31, 1935.

Ever since that memorial Armistice Day of November 11, 1918, the American people have asked and prayed for some measure or some law by which we might be kept out of future wars. But the years slipped by, and nothing was done until the closing days of the first session of the Seventy-fourth Congress, when war clouds hovering over Europe aroused us from our mental lethargy. A makeshift neutrality measure was then jammed through Congress which was to extend to February 29, 1936. Many of us felt that that measure was only a compromise and not what a real neutrality law should be.

On Monday, February 17, when this measure came up for consideration, we were confronted with the worst form of gag rule imaginable. Under the rule only 40 minutes were allowed for debate—20 on each side—and no amendments could be offered. As matters stood, a vote for or against the resolution was a vote for or against the neutrality measure. This was the most damnable trickery perpetrated to prevent what should have been a free and open discussion of this all-important measure. Probably no piece of legislation having such far-reaching effect as this has come before Congress since the armistice—and only 40 minutes for debate! Yesterday hours were spent in debating personalities. Often days are spent in useless political haranguing and in delivering speeches for home consumption. Yet, when an important measure such as this neutrality bill comes up there is no time for debate. We are gagged. We have to vote for this makeshift bill or go without anything at all. As for the Congress representing the people, that seems to be a myth. Various occasions have demonstrated to my mind that we are apparently governed by the Rules Committee.

What is the force behind the scene that brought about this situation? Let us examine. The Foreign Affairs Committee had studied the problem of a neutrality measure. They had held hearings. They had formulated a bill which was a great improvement over the makeshift measure adopted last August. This new bill had a proviso which was intended to keep wartime trade down to peacetime or normal volume; this was the heart of the bill as proposed.

But it seems that some invisible force has put in its sinister work to emasculate that bill. Can it be possible that the oil interests, that the "merchants of death" had dictated what kind of a neutrality measure we should have? Or is it possible that foreign interests are working behind the scene? These things have happened before—and I am asking the question now.

The facts are that a weak bill, House Joint Resolution 491, was substituted for a stronger bill. In other words, the American people were cheated. Who will profit by this substitution? The commercial and industrial interests will profit. Another victory for the "merchants of death." Another case where property interests are placed above human interests. Another case where the love of money is the root of all evil. As I have stated on the floor of the House before, wars are based on greed. Their causes are commercial and the motive for war is gain and loot. Take the profit out of war and you remove the incentive for war. The tragedy is that the bill enacted does not remove the incentive.

I listened to the wonderful speech of my esteemed colleague, Mr. LUDLOW, and again read it as recorded on page 2244 of the CONGRESSIONAL RECORD of February 17. I wish every American citizen would read that speech. I felt just as he did when he said:

> I cannot conscientiously vote for this resolution, because I believe that it wrecks the hopes and aspirations of the American people. * * *

And yet, on the other hand, could we afford to abandon the little that we do have in the present measure? I was opposed to the resolution, but in order to save what neutrality legislation we did have I was compelled to vote for it.

Mr. CROWE. Mr. Speaker, as a peaceful citizen of a peaceful nation, I am in favor of House Joint Resolution 491 as the best neutrality legislation to be had at this time. Any move, any program, or any legislation which will aid our country to keep out of war is to be desired. The legislation before us today contains much that will serve this Nation to that end.

Forbidding and making it unlawful to "purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent country or of any political subdivision thereof or of any person acting for or on behalf of such government", will go a long way in the right direction. When you take the profits out of war, there will be few wars.

Making it unlawful to export arms, ammunition, or implements of war to either a belligerent or neutral port for use by a belligerent country is another great wedge to obtain neutrality and keep this Nation out of war. This provision again takes the profits out of war, because no sales, no profits.

It is to be expected that the powerful Du Pont family and their associates will try to make pacifists believe that these provisions will not be of any effect or force. If they did not have strength, the Du Ponts and other munition makers would not use their subversive, undermining influences, as they do. It is extremely unfortunate for the citizens of this country that these "influences" prevailed with such telling effect that more drastic neutrality legislation was not realized. I consider this bill sound and beneficial and the best obtainable at this time.

Making it unlawful to handle the securities of belligerent nations is certainly wise and timely. Not only will it aid in keeping us out of war but it will effect a great economic saving for this country. It would seem that our losses in loans made to the Allies during the World War and their subsequent repudiation would be sufficient to convince any sound-thinking American that loans should never be granted again to European nations. They have shown by their actions that they are a dishonorable group of nations. They promise everything when in distress and disavow all when the evil day passes.

SUMMARY

The United States should attend strictly to her own affairs. Eliminate the exorbitant profits of the munitions makers to the greatest possible degree. Let us build up a strong and adequate merchant marine and abundantly let us build up our national defense in fleet, troops, and air. Fortify our coasts so they may be made impregnable. Fortify our outlying possessions, particularly the Panama Canal Zone, and make the Territory of Hawaii a veritable Gibraltar.

In peace or in war Uncle Sam must have the utmost freedom of the seas to transact business with the friendly, peaceful nations of the world. Let those at war, who desire our merchandise for their civilian population, and goods not for war purposes, come to our ports with the money in their hand and carry the goods away in their own ships.

Let us not again, as in the last war, be dragged into the conflict because of our unpreparedness and the greed of the Du Ponts and others of their coterie.

Mr. GEHRMANN. Mr. Speaker, under leave to extend my remarks in the RECORD, regarding the neutrality resolution, which is House Joint Resolution 491, I would be willing to vote for the extension of last year's neutrality resolution for 60 days, which was only a temporary stopgap, but passage for the continuation of the present makeshift neutrality act, to continue until May 1, 1937, seems unfair and unnecessary at this time.

To enact this resolution, continuing the present weak and inadequate law, is only to dodge the vital issues involved, and perhaps defeat, for a long time to come, the enactment of measures to prevent our being drawn into another war.

The question of neutrality is too important to be passed over so lightly, too important to us when we know that it is possible to repeat the mistakes of 1917. As a sincere believer in neutrality, and I am for the strongest kind of neutrality legislation, I am forced to protest not only against the extension of this makeshift resolution for so long a time, but I am forced to vote against this measure as a protest against

this limitation of debate and the refusal to allow amendments. I protest against the methods by which this measure is being forced down our throats. We could devote a solid week to debate on appropriation bills, and we were allowed to offer amendments to any of them, but when it comes to the most important legislation to be considered, by this or any other Congress, we are limited to 40 minutes of debate, and the gag rule allows no amendments.

Aside from the temporary arms-embargo feature and the provision for the registration of all munitions makers and exporters with the State Department, the present Neutrality Act is not mandatory but only permissive in character. It does not direct; it merely authorizes the President to prohibit Americans from traveling on ships of belligerent nations except at their own risk, to restrict or prohibit the entry of belligerent submarines into American waters or American ports, and to prohibit the delivery of men or munitions from American ports to belligerent ships at sea.

My conscience, therefore, will not allow me to vote for this type of makeshift legislation under the circumstances stated.

Mr. SMITH of Washington. Mr. Speaker, I give my hand and heart to this vote because I favor House Joint Resolution 491, extending and amending the joint resolution (Public Resolution No. 67, 74th Cong.) approved August 31, 1935, dealing with the all-important subject of neutrality. I feel certain that there is an overwhelming public sentiment throughout the land in favor of this legislation. Our people are almost unanimously opposed to war and are determined upon a national policy of absolute neutrality so far as the other nations of the world are concerned. There are few, if any, homes or firesides in America in which there does not abide today a hatred of war and a love of peace in the breasts of the men, women, and children in those homes.

If this resolution is adopted, the law will then provide:

First. Embargo against the sale, exportation, and transportation of arms, ammunition, or implements of war to any and all belligerents, except to American republics, as expressly provided.

Second. Prohibition against the sale of bonds, notes, and other securities of belligerent countries in the United States or the purchase of such securities in the United States; the prohibition of loans or extension of credits of foreign governments or persons representing them, except ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in current, commercial business.

Third. Prohibition against American vessels carrying arms, ammunition, and implements of war to belligerents or for transshipment for use by belligerents.

Fourth. Prohibition of the use of the United States as a base for supplying belligerent ships with arms, ammunition, or implements of war.

Fifth. Special regulations relative to the use of our ports by submarines of belligerent countries.

Sixth. Restraint upon our citizens when traveling upon belligerent vessels.

Mr. Speaker, on April 9, 1935, when this body had under consideration H. R. 5529, to prevent profiteering in time of war and to equalize the burden of war and thus provide for the national defense and promote peace, I said:

Mr. Speaker, I have recently obtained from the library of the House of Representatives one of the few copies which are still extant of Senate Document No. 259, Sixty-fifth Congress, second session, corporate earnings and Government revenues, which shows the earnings of some 31,500 corporations which earned in excess of 15 percent on their capital stock during the war period, many of them as high as several hundred and thousand percent. This report proved so astonishing in its revelations and disclosures that Congress feared to make it public, and it was immediately suppressed and withdrawn from circulation. It is without doubt the most damnable and damning indictment of profiteering in wartime to be found anywhere in the history of the world, and very few persons know of its existence. I had the document called to my attention recently by a friend who held a high position in the service of our Government during the war, and who is of the opinion that its resurrection and republication as a public document would do more to educate the public and the Members of Congress to the evils of war profiteering than any single thing that could be done, and I agree with him. This document presents in its many thousands of columns of cold figures a lurid tale of perfidy, avarice, greed, high crime, and treason which cannot fail to arouse the indignation, anger, and hatred of every normal human being.

It presents, indeed, a diabolical and hellish contrast to the casualty lists, lists of the names of the wounded and killed who sacrificed life, limb, and health, and the myriads who sustained financial and material losses as a result of the war, which President Woodrow Wilson, after his sad experience with the diplomats and statesmen of Europe, declared in his disillusionment was nothing but a commercial war after all.

Mr. Speaker, the present law expires February 29; and, therefore, this resolution extending and amending it is timely and necessary, and is at least a forward stride in the right direction, and I hope it will be followed by others until we have trod the full distance to our ultimate destination and demonetized war and rendered it forever impossible for a few human monsters and ghouls to profiteer and coin millions of dollars out of the tears, blood, and sacrifices of multitudes of their fellow men.

Mr. PFEIFER. Mr. Speaker, in my remarks of February 11 I advocated the reenactment of the Neutrality Act of 1935. I also stated that I would offer an amendment. This modified neutrality act was brought to the House today under suspension of the rules. With debate limited to 40 minutes, and all amendments barred, my request for time on the floor was refused.

The amendment, referred to above, is as follows: "Implements of war shall not include raw material."

Let us go back a few years to the Convention for the Supervision of the International Trade in Arms and Ammunition and Implements of War, signed at Geneva, Switzerland, June 17, 1925. In the report that came out of this conference there was no mention of raw material in the specifications of arms, ammunition, and implements of war.

Time marches on. The Neutrality Act of 1935 brought forth a proclamation by the President of the United States on September 25, 1935, as follows:

THE PRESIDENT'S PROCLAMATION OF SEPTEMBER 25, 1935

The President's proclamation of September 25, 1935, made pursuant to the final paragraph of section 2 of the joint resolution of August 31, 1935, reads as follows:

"By the President of the United States of America

"A PROCLAMATION

"Whereas section 2 of a joint resolution of Congress, entitled 'Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent States; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war', approved August 31, 1935, provides in part as follows:

" 'The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section',

"Now, therefore, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and pursuant to the recommendation of the National Munitions Control Board, declare and proclaim that the articles listed below shall be considered arms, ammunition, and implements of war for the purposes of section 2 of the said joint resolution of Congress:

"Category I:

"(1) Rifles and carbines using ammunition in excess of cal. 26.5, and their barrels.

"(2) Machine guns, automatic rifles, and machine pistols of all calibers, and their barrels.

"(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels.

"(4) Ammunition for the arms enumerated under (1) and (2) above, i. e., high-power steel-jacketed ammunition in excess of caliber 26.5; filled and unfilled projectiles and propellants with a web thickness of .015 inch or greater for the projectiles of the arms enumerated under (3) above.

"(5) Grenades, bombs, torpedoes, and mines, filled or unfilled, and apparatus for their use or discharge.

"(6) Tanks, military armored vehicles, and armored trains.

"Category II:

"Vessels of war of all kinds, including aircraft carriers and submarines.

"Category III:

"(1) Aircraft, assembled or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying

and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below.

"(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

"Category IV:

"Revolvers and automatic pistols of a weight in excess of 1 pound 6 ounces (630 grams), using ammunition in excess of caliber .265, and ammunition therefor.

"Category V:

"(1) Aircraft, assembled or dismantled, both heavier and lighter than air, other than those included in category III.

"(2) Propellers or air screws, fuselages, hulls, tail units, and undercarriage units.

"(3) Aircraft engines.

"Category VI:

"(1) Livens projectors and flame throwers.

"(2) Mustard gas, lewisite, ethyldichlorarsine, and methyldichlorarsine.

"In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

"Done at the city of Washington this 25th day of September, in the year of our Lord nineteen hundred and thirty-five and of the independence of the United States of American the one hundred and sixtieth.

"FRANKLIN D. ROOSEVELT.

"By the President:

[SEAL] "CORDELL HULL,
"Secretary of State."

NOTE.—Not one word has been said about raw material. In this respect the President's proclamation is identical with the report of the International Conference of Geneva, in that neither one even mentioned raw material.

Meanwhile, a definite state of war had developed between Italy and Ethiopia. Another proclamation by the President on October 5, 1935, regarding special provisions for Italy and Ethiopia. Again there was no mention of raw material. Now, if the concensus of opinion of the leaders of the countries of the world is that raw material is not an implement of war, then why is it not stated in the Neutrality Act?

If this were so incorporated in the act there would be no excuse for the United States to participate in any international scheme or alliance either with or against any belligerent country.

Mr. BINDERUP. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

I will freely admit that to guard against being involved in war by an act of Congress, as explained by the chairman of the Committee on International Relations, who had this bill in charge, is very difficult. Therefore, plenty of time for consideration of so important a measure is most essential, and even if this Congress would sit 1 or 2 months on nothing but this one bill it would indeed have been time well spent. But regardless of the importance of this bill, it was brought out on the floor of the House by the committee with a provision suspending the rules and the House was given only 20 minutes on a side to speak on the bill, with a time limit of from 1 to 4 minutes for each speaker, and all amendments to the bill prohibited.

How inconsistent to speak on the bill, criticize the bill, discuss plans and amendments, if it was a closed rule and no amendments or suggestions could be considered in the bill. So this so-called neutrality bill was steam-rollered through the House. There is not one single Member in Congress who is satisfied with this bill, this most important measure that was designed to keep us out of war. In fact, the chairman of the committee spent his 4 minutes on the floor apologizing for the bill, and adding that he would have liked to have brought out a good bill but the committee was very much rushed for time, so he said this bill the committee now introduced was the very best they could do under the circumstances. The committee did not write a new bill—they substituted the old bill from last year. In August 1935, just before Congress adjourned, a neutrality bill was rushed through Congress, prompted by the Italian-Ethiopian trouble; everybody was anxious to go home, so we rushed through the bill, consisting of no more than two pages, in an effort to keep us out of war, although everyone knew it was practically worthless. But it was a gesture at least in the right direction, so I, together with others, although we were not satisfied with the bill, voted for this preliminary measure, a bill that would live for just 6 months, or until this present session of Congress, when we promised our people we would pass a real neutrality bill. We in Congress had expected the Committee on Foreign Relations to bring us out a good bill, and to have been given an opportunity to express ourselves on the floor of the House, and by amendment and in other ways make this bill, that is so very important, a neutrality bill in the full meaning of the word.

My first reason for voting against this bill was as a protest against the unreasonable tyranny of a rule that prevents and prohibits duly elected Representatives from being heard on the floor of the people's Congress. My friends, it is just acts like this that breed war, for wars are bred by tyranny, and autocracy and bureaucracy, just as was exercised on the floor of the House of Representatives when this bill was finally passed. The only things that foster peace are liberty, justice, and true democracy. It is only in a world where the people are free and in which the power of government is exercised by the people—people who eventually pay the price of war—that we can look for real cooperation, real neutrality, and a real preventive of war. You cannot buy peace with tyranny, nor can you preserve peace by throttling free speech on the floor of Congress. And so, confronted with a bill that everyone knew was incompetent, I had the choice—I could either vote against the bill (as I did), and explain to my constituents why I voted with a minority against the so-called neutrality bill, when I had always proclaimed my most ardent desire to vote for a bill that would prevent war, or I could vote for the bill and apologize to my constituents for voting for a neutrality bill that was a miserable, spineless camouflage that would only deceive my people into believing we had passed a neutrality bill when in reality I knew that was not the case. I have never believed justice and righteousness have a substitute, nor do I believe duty has an alibi. Congress could have voted as I voted, if necessary staying in session all summer or until we had passed a neutrality bill and kept faith with our people whom we had promised, and who looked to us for just such a bill, as they had a right to do. We should have extended the old makeshift bill passed last session for 2 months, or until our new bill had been passed, and we should never have gone home until the job was finished.

Practically every speaker on the floor apologized for this bill. The chairman of the Committee on Foreign Affairs, in whose committee the responsibility rests, said it was a compromise bill. A compromise with whom? I should like to ask. There is only one answer. With the private interests, those who make their millions out of war, and so by passing this bill we as Representatives in Congress compromised with the Steel Trusts, the Copper Trusts, the Munitions Trusts, the Shipping Trusts, and big business, that make money out of war, that capitalize on the lifeblood of our young men as the World War proved, when they rung up $25,000 in their cash registers every time their shot and shell passed through the body of one of our young boys and sent him into eternity. They did not want a real neutrality bill, these private interests. It would interfere with trade and commerce. And so we compromised, and got a neutrality bill that every Congressman is apologizing for to his constituents. I wanted a neutrality bill that would, first, take the profits out of war, by Government ownership of all munitions factories, but the objectors shouted back, "You cannot do that; the Government must stay out of business." That would destroy the business of Du Pont, Remington Arms, Colt Manufacturing Co., and others; Uncle Sam must not destroy these great business concerns. This class believes property rights are more to be considered than human rights.

Second. I wanted a neutrality bill that would say to the House of Morgan, the symbol of human greed, "If you want to invest the profits you have made in this country in foreign lands, look to that nation for the protection of your property, and if in trouble do not call upon Uncle Sam to send his ships and soldiers over to help protect your foreign investments", for nevermore shall Uncle Sam allow his flag, the emblem of liberty, to float over another Nicaragua as a symbol of tyranny, or over another Philippine Islands as a protection of American plundering wealth.

Third. I want a neutrality bill that will say to the globe-trotters and other citizens of the United States sojourning in other countries where war is threatened or is actually taking place, "Come home; Uncle Sam wants to protect you, but we cannot afford to protect you at the risk of sacrificing the lives of millions of our young men and involving the expenditure of billions of dollars, together with all of the terrible sacrifice that these entail." Uncle Sam shall nevermore tolerate the condition as in the recent Shanghai trouble between Japan and China, when we sent ships and soldiers to protect American citizens and Morgan's factories and financial interests and people, who had worked in Shanghai for 30 years and who still claim Uncle Sam's protection.

Fourth. I want a neutrality bill that shall provide that no army shall ever cross the boundary line of Uncle Sam's domain unless first the matter has been referred to the people to decide, in an election, for or against war, for nevermore shall Uncle Sam become a laughingstock of a group of ungrateful European nations.

Nevermore another Flanders Field where the poppies grow, or another 125,000 precious souls sacrified to the god of mammon; no, not to make the world safe for democracy, as we were taught then to believe, but to guarantee the collection of bonds and stocks and credits for the House of Morgan. Nevermore shall Uncle Sam hold in his hand $22,000,000,000 of foreign bonds on which the American people have paid and paid and will continue to pay—no less than $44,000,000,000 with interest added on—while ungrateful European nations are repudiating and laughing and calling their obligations mere scraps of paper, while they are spending billions of dollars preparing for a new war.

Fifth. I want a neutrality bill that conscripts capital and all profits made during war. If the youth of America shall give their lifeblood, it certainly would not be unreasonable to ask that capital and business shall give their wealth and profits. This will do more to prevent war than anything else. For you cannot touch the heart of selfish greed by pleading for the preservation of the lives of our young men, but you can in this manner touch the pocketbook of this tribe, which responds immediately; and you will find the cry of selfish greed urging "on to war" would immediately be stilled if they had to sacrifice a few dollars. I wanted these and many more important features included in the neutrality bill, but the bill was brought in on the closed rule; we could comment and suggest and criticize all we pleased, but no amendments were permissible. You could vote for the rule or against the rule; that was all. And so with much concern and deep regret I voted against the neutrality bill, and my fondest hopes of being able in this session of Congress to vote for a neutrality bill that would in reality keep us out of war were sacrificed.

Mr. LARRABEE. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to point out what I feel are some of the very important features of the new temporary "neutrality law", which we have enacted within the past few days. The purposes of this law, extending the 1935 act, and amending and strengthening what were believed to be the most vulnerable provisions or omissions of the 1935 act, are not to provide permanent neutrality laws for this Nation, but to provide temporary instruments believed sufficient to keep the United States from becoming drawn into foreign entanglements until such time as Congress, through its properly designated committees has sufficient opportunity to present sound, permanent legislation.

Among those who profess to know most about international affairs and who, perhaps, have given greatest thought and study to neutrality legislation, there is such a definite divergence of opinion that I, for one, am not yet ready to vote for any permanent laws.

I believe the amendments we have just enacted to the 1935 law are sufficient to prevent this Nation from being drawn into any international conflict as the result of any overt act on the part of the citizens of, or the officials of this Nation. The amendment provides for the extension of present laws, with amendments, until May 1, 1937. By that time, I feel, Congress will be better able to enact permanent legislation.

I am especially gratified with the enactment of the amendment to the present law which provides restrictions against financial transactions with belligerent governments. It is believed that this amendment will prohibit any credits or transactions undertaken to be carried on in this country by a belligerent country during any warfare. This section deals with all credits and the purchase, sale, or exchange of bonds, securities, or other obligations of the government of any belligerent country, or its political subdivisions or of any person acting for or on behalf of such government. Very little discretion or authority is given the Executive by this provision, and it is definitely mandatory that such credits and transactions be halted with and between any belligerent nation and credit sources in the United States immediately upon the recognition of existence of a state of warfare.

It is the intention of Congress, through this amendment, to make it impossible for any interests, financial or otherwise, to enter into any transaction of any nature which might tend in any way to draw this Nation into foreign conflict. Perhaps the law, with this amendment, is not perfect—I seriously doubt that it is—but I believe it is sufficient to provide desired safeguards until more perfect legislation is designed.

Briefly, the 1935 law, as amended by the 1936 enactment, provides an embargo against sale, exportation, and transportation of arms, ammunition, or implements of war to any and all belligerents, except to American republics as is expressly provided. It provides definite prohibition against sale of bonds, notes, and other securities in the United States and the prohibition of loans or extension of credits to foreign governments, except ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in current commercial business. The law, as amended, provides definite prohibition against American vessels carrying arms, ammunition, and implements of war to belligerents or for transshipment for use by belligerents. It prohibits the use of the United States as a base for supplying belligerent ships with arms, ammunition, or implements of war. It provides special prohibitory regulations with reference to use of our ports by submarines of belligerent nations. It provides a wholesome restraint and safeguard against our citizens traveling upon belligerent vessels.

It is the general belief of this Congress that the above provisions offer the greatest protection available at this time and the time element is of paramount importance now. The 1935 law expires February 29, 1936, and we must have some law ready to take its place.

With so many controversial issues involved in an effort to enact permanent legislation I have felt it my duty to support extension of the 1935 law, with certain amendments on which the majority seem agreed, and which I feel do definitely and to a large extent strengthen the present law.

As an example of the questions involved, the question of whether or not the protection of the United States shall be accorded its people who may wish to trade with any foreign nation, in commerce requiring shipment on the high seas, during a period of international warfare has been raised. There are those who feel that this Nation should withdraw the protection of our flag from all commerce at such times. Others feel that every possible protection should be extended to all those who comply with our laws, and live within the laws, and who are carrying on commerce abroad in a way that our Nation says is legitimate. This element feels that our Government should extend full protection in such cases, while the opposing element says in effect that if our agents or agencies of commerce enter upon the high seas during any time of international conflict such commerce should be carried on without the protection of the American flag.

There is such a difference of opinion on this subject, and on other similar subjects, that it is apparent that there is no chance of enacting permanent legislation in this session of Congress.

I have also felt that in the light of existing conditions there is grave danger that we might endanger the neutrality which we seek to maintain by going too far with intended prohibitory measures. I am firm in the belief that there is always danger in too much legislation.

In supporting the legislation we have just enacted I feel we have gone as far as is possible with safety at this time; that we have set up sufficient barriers against any dangerous violation of our neutral tendencies, and that we have opened the way to permanent legislation in the next session of Congress.

Mr. GRISWOLD. Mr. Speaker, someone once said that there are just two causes of war, "the avariciousness of the rich and the patriotism of the poor." Without these two factors working in conjunction there would be no war. This Neutrality Act now before the House for its consideration is not all that I would desire to insure neutrality, but it is a far step beyond any legislation which we have had in the past. It does seek to place a curb on the avariciousness of those who look upon war primarily as a means of increasing their wealth forgetting the men who must fight the war. I commend the committee for placing in the act section 1a, making it "unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent country, or of any political subdivision thereof, or of any person acting for or on behalf of such government, issued after the date of such proclamation, or to make any loan or extend any credit to any such government or person."

I regret that the committee saw fit to exempt from the operation of this section the "ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in the normal peacetime commercial transactions." I believe that this legislation would have been much better if this exempting clause had been left out. A nation, when it goes to war, should, insofar as other nations are concerned, be isolated. A neutral nation is always drawn into the conflict in an insiduous, secret, serpentine manner. This exemption, innocent as it may appear, leaves an opening for the body politic to be infected with the war germ. It is my belief that we will only have freedom from wars when we cease to allow legislative bodies to vote wars.

I am a believer in the rule of the majority. If the majority of the people who must fight the war are willing to vote a war then, in a democratic government, war it should be. I do not think that a few men should have the power to vote a war that must be fought by the majority. When Congress votes a declaration of war the next thing to do thereafter is to determine who shall fight the war. In the past the membership has gazed at one another and discovered that the vast majority of the Members of the Congress were beyond 45 years of age and immediately the bright minds in both these bodies reached the conclusion that the actual fighting should be done by men under 45 years of age. I submit that this is not fair nor just. We older men, by our votes, shove the young men into the battle line.

We talk much of the cost of war in dollars. I am interested more in the cost of war that cannot be measured in dollars—the cost of war that is evidenced in the loss of brain power to the Nation. In my district is located at Marion, Ind., one of the largest Veterans' Administration mental hospitals in the United States. If you would know the greatest cost of war, then you should view the dead minds in living bodies that reside in that hospital.

In this, a government of majorities, in such a vital thing as war, I think it just and right and proper that the men who are to suffer the loss of their minds, the men who are to have twisted bodies as a result of the war, and the parents who must bear the anguish and torture of awaiting the casualty list should have some vote in the declaration of war. Until we shall have reached the place where we can provide legislation that will permit a declaration of war to be passed upon by the expression of the majority of our citizens I am of the opinion that we cannot have a neutrality act that would be too strict and mandatory in its terms. I accept this act and vote for it because it is a step in the right direction.

EDWARD SHIPPEN WEST (H. DOC. NO. 410)

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith, without my approval, H. R. 4858, entitled "An act for the relief of Edward Shippen West."

This bill authorizes me to summon Edward S. West, late captain of Cavalry, Regular Army, before a retiring board for the purpose of hearing his case and to determine whether his disabilities were incurred during his active service in the Army in line of duty, and if, as a result of such inquiry, the findings are affirmative to place him upon the retired list of the Army with the rank and pay of captain.

The records of the War Department show that the beneficiary of this measure served with the North Carolina National Guard from July 15, 1916, to March 24, 1917; as an emergency officer from August 15, 1917, to October 31, 1919; and as an officer of the Regular Army from September 12, 1920, to November 1, 1922, when he was honorably discharged from the service with 1 year's pay, under the provisions of the acts of June 30 and September 14, 1922, reducing the commissioned strength of the Army.

Under date of August 26, 1922, Captain West applied for retirement for physical disability resulting from a broken hip and a broken wrist. He was examined by a board of medical officers, and the commanding general, Eighth Corps Area, who forwarded the report with the request of Captain West, stated there was no evidence of disability sufficient to warrant Captain West's appearance before a retiring board, and the Surgeon General, after a review of the case, expressed the same opinion. Captain West was accordingly honorably discharged from the service.

The medical officers who examined Captain West at the time of his discharge from the service, November 1, 1922, certified that he was physically and mentally sound, with the following exceptions:

> Flexion of right thigh upon abdomen limited to 90 percent of normal. Other movements of joints normal. Right lower extremity shows shortening of one-fourth inch. X-ray negative. Gives history of impacted fracture head of right femur by being thrown from horse November 27, 1920. Fractured right wrist May 1921. Examination with X-ray negative. Lateral motion of wrist joint 75 percent of normal.

and reported that, in view of occupation, he was 10 percent disabled.

From the facts in this case as disclosed by the records of the War Department, it appears that this former officer's discharge from the military service was strictly in conformity with the method specifically provided by the legislation directing the elimination of officers in 1922, and that the question of his physical condition was carefully studied by the War Department at that time.

Granting that he is now suffering from incapacity incident to his military service, the Government has provided by law the means of extending relief to former members of the military forces through the agency of the United States Veterans' Administration, and I can see no justification for singling out this former officer for preferential treatment when others in the same category are not similarly treated.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 17, 1936.*

The SPEAKER. The objection of the President will be spread at large upon the Journal.

Mr. MCSWAIN. Mr. Speaker, I move that the message of the President and the bill be referred to the Committee on Military Affairs which reported the bill to which it relates, and ordered printed.

The motion was agreed to.

COMMISSIONS IN THE REGULAR ARMY TO THE R. O. T. C.

Mr. HARTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. HARTER. Mr. Speaker and Members of the House, permit me to make a few brief observations relative to the adoption of this amendment, the purpose of which is to amend the War Department appropriation bill, which we are considering so that 1,000 graduates from R. O. T. C. colleges and universities may be inducted into the Regular

Army with the grade of second lieutenant for a year's training and at the expiration of such training period, 50 of each class of 1,000 will be given permanent commissions as second lieutenants in the Regular Army.

In this great Republic, whenever it has become necessary for it to engage in war, and I know, Mr. Speaker, that we all sincerely hope we shall never have to enter another, there has been no lack of patriotism on the part of the youth and the manhood of this Nation. We have always had a tremendous number of civilian volunteers who were ready to give their services and, if necessary, make the supreme sacrifice in the defense of their country.

We know that today, if a foreign foe were to invade this country, that our whole people would rise up in the defense of America. But we are faced with practical considerations in our scheme of national defense. We live in a mechanical age. The inventions of the generation in which we live are used in the art of war as well as in the arts of peace. The training and development of an officer is no small task.

It is far more complicated today than it was at the entry of this country into the World War. Those men who participated in that gigantic conflict best know the advantages to the recruits who have an opportunity of serving under officers properly and adequately trained. We owe it to the youth of this country to protect them in case it becomes necessary to fight a defensive war, by building up, through the years of peace, officer personnel that will be fully trained and that will know how to handle men and protect them so far as it is humanly possible if a national emergency should occur.

Through this amendment we purpose to give 1,000 college graduates, who have had 4 years of Reserve Officers' Training Corps experience with their respective colleges, the advantage of an additional year's actual experience in the Regular Army, attached to the several combat branches of our armed forces.

In this way, we shall develop annually an additional 1,000 officers who will be available should the necessity arise. After graduation from the R. O. T. C. under normal conditions, these men would have about 2 weeks' training annually, a freshening course. Think of how much more adequately they will be trained if they have an opportunity to go directly to the Army for a year. The simplest calculation will show how many additional trained officers will be developed over a period of a few years and who would be of the age and physique that they could be called upon in time of national emergency.

If it is only deemed advisable to utilize the services of those who have served under this plan during a preceding period of 10 years, we would have 10,000 additional officers, the oldest of whom would probably not average more than 32 years of age.

When we consider that the present officer strength of the Regular Army is 12,000, and that there are about 13,000 officers of the National Guard, think of the tremendous advantage that would accrue through this proposal should it be necessary to expand our armed forces and develop a large trained army in a short period of time.

We would have 10,000 officers of junior grade, between the ages of 22 and 32, ready to impart to the rank and file the knowledge and the information that would come to them through this year of intensive training.

This, Mr. Speaker, appeals to me as the outstanding advantage that will come to our country through the adoption of this amendment. The amount of money involved annually—considerably less than $2,000,000—is infinitesimally small in comparison with the peace-time expenditures that we have been witnessing recently. When we consider the tremendous outlay upon work relief, the development of public works in this country, the entry of the Government into many fields, the desirability of which many of us doubt, we surely should not hesitate to make this expenditure, which is bound to yield such large dividends in saving the lives of many of our citizen soldiers should we be called upon to enter another war.

There is this further highly commendable feature of this amendment which has been discussed at length by the chairman of the Military Affairs Committee of this House and others, the granting of commissions in the Regular Army to 50 men from civil life annually should have a most wholesome effect. At the present time our incoming officers, with few exceptions, are all graduates of the Military Academy. We know that they are fully and adequately trained, but we believe that it will have a most wholesome effect and tend to make our Army more fully representative of a democracy if part of its officers are drawn directly from civil life, but after full and thorough training.

I hope, Mr. Speaker, this amendment will be adopted.

REPORT OF THE GOVERNOR GENERAL OF THE PHILIPPINE ISLANDS (H. DOC. NO. 411)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Insular Affairs and ordered printed:

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands", I transmit herewith, for the information of the Congress, the report of the Governor General of the Philippine Islands for the calendar year 1934.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 17, 1936.*

FEDERAL COMMUNICATIONS COMMISSION

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONNERY. Last Friday the people of the United States celebrated Valentine's Day. The Federal Communications Commission took advantage of the day to present to the American people a valentine, the like of which I hesitate to believe has ever been presented by a governmental agency to the Congress or to the American people.

With a committee of five of the seven members having sat for the past 6 weeks investigating alleged corruption or misconduct on the part of some of those officially connected with this governmental agency, this body, with the signatures of five of the seven members attached to the report, state that the Chairman and the secretary of the Commission were told by the son of the Chairman and an associate, one Major Kilduff, that they had overheard a conversation wherein the vice president of one of the national broadcasting companies was alleged to be able, on payment of $25,000, to straighten out the difficulties of an applicant for favor at the hands of the Commission. Further, that the applicant was prepared to pay $25,000 or $50,000.

The report further states that the secretary of the Federal Communications Commission told the committee of five of the seven members of the Federal Communications Commission that the alleged conversation which was heard, or supposed to have been heard by the son of the Chairman of the Commission and Major Kilduff, included a description of a person connected with the Commission who could be "gotten to", which description was discussed by those present, although the person was not identified, and, further, an intimation that the described person had been in the pay of some company for a number of years.

The committee in its findings states:

> The committee is unable to state whether the alleged conversation ever took place. If the purported statements were made, they have been completely repudiated. Grave responsibility for unsupported statements attacking the integrity of a Government official lies at the door of some person involved in this matter.

Is it the belief of any Member of this House that those who made such statements or who were alleged to have discussed the possibility of bribing a public official are going to admit willingly that they entered into such a conspiracy?

The resolution which I presented to this House some weeks ago, and which is now before the Rules Committee for consideration, did not touch on this situation. It did positively call to the attention of the House the fact that 16 Members of this body jointly petitioned the Federal Communications Commission for action against a chain of broadcasting stations which had allegedly broadcast an obscene and indecent program; that the Federal Communications Commission had deliberately attempted to deceive the Members of this House by citing to them language as contained in a court decision which is not to be found in the decision cited; that this petition requested a public hearing and none was granted.

When the independent offices appropriation bill was before the House for consideration I pointed out how the Chairman of the Federal Communications Commission had erroneously answered a query as to the number of radio stations which were affiliated with the three major networks, which query was asked by a member of the Appropriations Committee of this House.

In the CONGRESSIONAL RECORD of January 7, 1936, on page 129, one of the present members of the Federal Communications Commission is quoted as having said, in part, in an address at the school of journalism, Columbia University:

> There is in progress an obvious, practical, pragmatic endeavor on the part of those controlling commercial broadcasters to make the Federal Communications Commission a subservient instrument to commercial radio.

Continuing, this member of the Commission is quoted as saying:

> I realize that this is a very broad statement to make, but it is one that is borne out by the facts, and one that, at some other time, more appropriate and less crowded, I shall justify in detail.

In view of the fact that the party, innocent or otherwise, who was alleged to be able to deliver certain decisions or to straighten out certain difficulties which applicants for favor at the hands of the Federal Communications Commission were unable to do themselves is the vice president of one of the principal networks, is not the public statements of this member of the Commission a virtual challenge to the Congress of the United States to protect the people of our country from a further entrenchment of the monopoly which we all know now exists?

Of the 40 high-powered, clear-channel stations, the Chairman of the Federal Communications Commission admitted, in a letter which is printed in the CONGRESSIONAL RECORD, there are only two which are not affiliated with or controlled by the three major networks. Does not this constitute monopoly?

I sincerely trust that the Rules Committee will soon present to the House a favorable report of the resolution which I have presented, which resolution calls for a congressional investigation into the activities of the Federal Communications Commission and those under their jurisdiction.

Mr. Speaker, I ask at this point unanimous consent to extend my remarks by inserting this report of the Federal Communications Commission of February 14, 1936.

The SPEAKER. Is there objection?

There was no objection.

The report referred to is as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D. C., February 14, 1936.

The Federal Communications Commission today made public the following report:

REPORT OF THE COMMITTEE APPOINTED BY THE COMMISSION JANUARY 9, 1936, TO INVESTIGATE THE FACTS AS TO THE CONVERSATION ALLEGED TO HAVE TAKEN PLACE IN THE WILLARD HOTEL ON SEPTEMBER 5, 1935

On January 9, 1936, the Commission appointed the undersigned as a committee to investigate what was known as the Willard Hotel incident. The committee immediately began its work, and on January 10, 1936, it requested the Department of Justice to make a full and complete investigation of the matter. Pursuant to that request, a report was submitted to the committee on January 25, 1936. The committee then requested the Department of Justice to procure certain additional information, pursuant to which request a supplementary report was made by the Department on February 1, 1936. With this report the Department of Justice informed the committee that "this closes the investigation." The committee itself examined, among others, all persons now on the Commission's staff who participated in the hearings on the applications of the Howitt-Wood Radio Co., Inc., owners of Station WNBF, Binghamton, N. Y., and the Knox Broadcasting Co., Schenectady, N. Y., for facilities on 1,240 kilocycles.

The committee has obtained sworn statements from all persons interrogated either by the Department of Justice or by it. Upon the basis of those statements and of other information obtained by it, the committee submits the following report:

On September 5, 1935, after the recess of the afternoon session of the hearing on the application of the Knox Broadcasting Co., Mr. Cecil D. Mastin, of Binghamton, N. Y.; Mr. Harold E. Smith, of Albany, N. Y.; Mr. C. M. Jansky, Jr., and Mr. Alfons B. Landa, of Washington; and Mr. Maurice Jansky, of Madison, Wis., met in Mr. Mastin's room (803) at the Willard Hotel. There they discussed and criticized the hearings which they had just left. Highballs were served, but some of those present state that they did not participate.

Mr. A. Mortimer Prall was registered in room 804, which adjoined Mr. Mastin's room. With him that afternoon was Maj. Malcolm M. Kilduff.

Mr. Prall and Major Kilduff joined Mr. Anning S. Prall, chairman of the Federal Communications Commission, and Mr. Herbert L. Pettey, secretary of the Commission, at Chairman Prall's apartment for dinner that evening. There they told the substance of a conversation which they said they had overheard late that afternoon in room 803. The essential feature of the overheard conversation, as Mr. Mortimer Prall and Major Kilduff states it was told to Chairman Prall and Mr. Pettey, was that Mr. Harry Butcher could straighten out station WNBF's difficulties with the Commission for $25,000 and that one of the speakers was prepared to pay $25,000 or $50,000. This story was told to an agent of the Department of Justice who came to the apartment that evening to begin an investigation in response to a request from Chairman Prall.

Mr. Pettey has informed the committee that the alleged conversation as it was reported to Chairman Prall and himself that evening also included (1) a description of a person connected with the Commission who could be "gotten to", which description was discussed by those present, although the person was not identified; and (2) an intimation that the described person had been in the pay of some company for a number of years. Mr. Pettey's recollection was that the description was given to the agent of the Department of Justice; this does not accord with the agent's report. The intimation that the described person had been in the pay of some company was not passed on to the agent.

Mr. Mortimer Prall states that on September 6 he told Chairman Prall and Mr. Pettey that upon his return to his room about 12:40 a. m. he had heard one man in room 803 tell another that a described, but not named, Commissioner had instructed the examiner what to recommend. That same day Mr. Mortimer Prall told the Department of Justice agent that he had given the agent all the information in his possession, but he did not mention the description or the purported instructions to the examiner. A short time thereafter Chairman Prall and Mr. Pettey informed the agent that they had no information in addition to that which had already been furnished to him.

The investigation by the Department of Justice was suspended early in September after Chairman Prall had told the agent that the psychological moment for pursuing it had passed and that the investigation could be more advantageously pursued later.

Upon receiving a report on the matter from Chairman Prall on December 18, 1935, the Commission directed the chairman to request the Department of Justice to continue the investigation. Except for a letter of December 30, 1935, reciting developments as they stood early in September, the committee has seen no report from the Department of Justice prior to that of January 25, 1936.

Each of the occupants of room 803 has sworn that he made no such statements as those reported by Mr. Mortimer Prall and Major Kilduff; likewise each has reported that he did not hear any such statements made by anyone in the room. Mr. Butcher has sworn that never upon any occasion did he make any statement that anyone on the Commission "could be bought or controlled." All of the persons involved have declared that they have never made any statements reflecting upon the character and integrity of any member of the Commission.

The examiner who heard the Knox Broadcasting Co. application has testified that no member of the Commission, or any other person, spoke to him about his recommendation or about any phase of the hearing. The committee's investigation within the Commission reveals no irregularities in the handling of either the Binghamton or the Schenectady application.

The committee is unable to state whether the alleged conversation ever took place. If the purported statements were made, they have been completely repudiated. Grave responsibility for unsupported statements attacking the integrity of a Government official lies at the door of some person involved in this matter. If the individuals responsible could be identified, they should be prosecuted as relentlessly as the maligned person should have been had the charges been substantiated. While we conclude that there is no basis for the charges made, we keenly regret that we cannot fix the responsibility for them.

Respectfully submitted.

IRVIN STEWART, *Chairman.*
THAD H. BROWN.
PAUL A. WALKER.
NORMAN S. CASE.
GEORGE HENRY PAYNE.

LIST OF DOCUMENTARY EVIDENCE CONSIDERED BY THE COMMITTEE

1. Letter of December 19, 1935, to the Federal Bureau of Investigation.
2. Letter of December 30, 1935, from Federal Bureau of Investigation.
3. Letter of December 31, 1935, from Mr. Harold E. Smith to Mr. Harry Butcher.
4. Letter of January 2, 1936, from Mr. Cecil D. Mastin to Mr. Harry Butcher.
5. Transcript of telephone conversation between Mr. Harry Butcher and Mr. Alfons B. Landa.
6. Transcript of telephone conversation between Mr. Harry Butcher and Mr. Cecil D. Mastin.
7. Transcript of telephone conversation between Mr. Harry Butcher and Mr. Harold Smith.
8. Memorandum of telephone conversation with Mr. E. A. Tamm, January 10, 1936.
9. Letter of January 10, 1936, from Chairman Prall to Federal Bureau of Investigation.
10. Letter of January 14, 1936, to Federal Bureau of Investigation.
11. Letter of January 21, 1936, from Federal Bureau of Investigation.
12. Letter of January 25, 1936, from Federal Bureau of Investigation containing copy of report and copies of sworn statements by: (a) Harry C. Butcher, (b) C. M. Jansky, Jr., (c) Aaron Kellert, (d) Malcolm M. Kilduff, (e) Alfons B. Landa, (f) Horace L. Lohnes, (g) Cecil D. Mastin, (h) A. Mortimer Prall, and (i) Harold E. Smith.
13. Letter of January 27, 1936, to Federal Bureau of Investigation.
14. Letter of February 1, 1936, from Federal Bureau of Investigation enclosing copy of report and sworn statement of Mr. Maurice Jansky.
15. Letter of February 3, 1936, to Federal Bureau of Investigation.
16. Transcript of statement by Miss Mary Belle Anthony.
17. Transcript of statement by Mr. Tyler Berry.
18. Transcript of statement by Mr. John P. Bramhall.
19. Transcript of statement by Mr. Herbert L. Pettey, January 10, 1936.
20. Transcript of statement by Mr. Herbert L. Pettey, February 6, 1936.
21. Transcript of statement by Mr. P. W. Seward.
22. Transcript of statement by Judge E. O. Sykes.
23. Transcript of statement by Mr. John Wesley Weekes.
24. Letter of February 10, 1936, to Judge E. O. Sykes.
25. Letter of February 10, 1936, to Chairman Anning S. Prall.
26. Memorandum of conversation with Chairman Anning S. Prall, February 10, 1936.
27. Summary of information relating to application of Knox Broadcasting Co., Inc.
28. Summary of information relating to application of Howitt-Wood Radio Co., Inc.
29. List of participants in hearing on application of Knox Broadcasting Co., Inc.
30. List of participants in hearing on application of Howitt-Wood Radio Co., Inc.

Mr. CONNERY. Mr. Speaker, I was in New York last Monday speaking at a Democratic service men's gathering in the Hotel Commodore. At a certain luncheon which I attended that same day I talked to a man who probably knows as much about radio and all its workings as any man in the United States. I am not going to mention his name. It would embarrass him at this point. He will be glad to come before the committee at the proper time. That man said to me, "BILLY CONNERY, Congress does not dare to investigate the Radio Commission, and it does not dare to investigate radio broadcasting because the biggest lobby in the United States, the Power Trust, controls radio, and Congress does not dare to investigate radio."

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to proceed for 3 additional minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CONNERY. I say this is a challenge to the Congress of the United States, that there is any group of men or any lobby in the United States which can say to the Congress or which makes the statement to the Congress, "You do not dare to investigate the Radio Trust." As I have said on previous occasions, this is an unpleasant task. It will mean to me, if the Speaker should choose to appoint me chairman of that committee, long hours of hard work on that committee. It is not pleasant to sit long hours day and night, investigating a rotten situation in the radio industry; but, like the gentleman from Illinois [Mr. SABATH], who has done such fine work with his special committee investigating the issuing of fraudulent bonds and mortgages, I am willing to work and work hard to protect the American people from exploitation by this powerful Radio Trust. This investigation should proceed, Mr. Speaker. I think that situation should be cleaned up, the homes of the American people protected, and a privileged few denied the opportunity of controlling information furnished to the American people by a monopolistic control of radio broadcasting.

The SPEAKER. The time of the gentleman from Massachusetts has again expired.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that the gentleman be given 5 additional minutes.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, the gentleman said he wanted 5 minutes to present this matter. Now he has had 8 minutes, and I do not think he should ask for further time.

Mr. ZIONCHECK. I ask unanimous consent that the gentleman be allowed to proceed for 2 additional minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CONNERY. In conclusion, many Members of the House feel that this investigation of radio is a very important matter and should be acted upon by this House. I have had letters from all over the United States protesting about conditions on the radio and conditions in the Federal Communications Commission. Many Members of this House are anxious to have these conditions cleaned up and believe that the Rules Committee ought to report to this House a resolution for a thorough investigation of radio broadcasting from top to bottom.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. CONNERY. I prefer not to yield.

The SPEAKER. The time of the gentleman from Massachusetts has again expired.

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair trusts the gentleman will withhold that for a few moments.

Mr. BANKHEAD. I will withhold it, Mr. Speaker.

EXTENSION OF REMARKS

Mr. BROWN of Georgia. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein excerpts from an address by Judge Blanton Fortson, a distinguished jurist in my State and district, dealing with national income and expenditures, delivered at Atlanta, Ga.

The SPEAKER. Is there objection?

Mr. RICH. Reserving the right to object, Mr. Speaker, the gentleman mentioned excerpts from newspapers. We cannot permit that. I object.

NEUTRALITY

Mr. HIGGINS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HIGGINS of Massachusetts. Mr. Speaker, notwithstanding the fact that application of the "gag" rule prevents extended debate on this subject and that the Committee on Foreign Affairs has agreed to abandon the original so-called administration bill, which would have given the President unprecedented and unusual discretionary power over our trade in dealing with the belligerents in the present conflict, I feel that it will be of interest to the Members of the House to analyze the causes for the change of opinion on the part of Secretary Hull since the passage of the neutrality bill in August, as to what constitutes neutrality, and bring to public attention some of the glaring inconsistencies of our present foreign policy and the tendency to involve, by a "back door" method, this Government in the League of Nations.

The purposes, I assume, of any neutrality bill, are to safeguard the peace and welfare of the United States in dealing with other nations engaged in war. The neutrality bill that was originally proposed and since abandoned was an attempt to shape a new policy of neutrality from which the nations of the world may derive a clear understanding of the attitude of our Government on all matters relating to the pres-

ent conflict in Europe. The aim of legislation to keep us out of war is most commendable and moved by the highest ideals of modern civilization and meets with my wholehearted approval, but the means of attaining this end under the provisions of the recently abandoned bill are not so good. The bill was developed around the neutrality law passed last August, but represents a wide departure from the policy of neutrality as expressed at that time, and abandons all former ideas of international law on the subject of neutrality.

PRESIDENTIAL PROCLAMATION, OCTOBER 5, 1935

When the Congress passed the Neutrality Act on August 31, 1935, our problem was fundamentally simple, for it was in the time of peace. We laid down a definite American neutrality law. On October 5 the President issued a proclamation in compliance with the provisions of the act as passed by Congress. He proclaimed that a state of war unhappily exists between Ethiopia and the Kingdom of Italy and admonished all citizens of the United States to abstain from every violation of the provisions of the Neutrality Act and made effective the embargo forbidding arms, ammunition, and implements of war from being exported from the United States to Ethiopia or to the Kingdom of Italy or any of its possessions, or to any neutral port for transshipment to, or for the use of, Ethiopia or the Kingdom of Italy.

The language of the Neutrality Act passed by Congress was plain and understandable and the President described in detail in his proclamation what was included by the phrase "arms, ammunition, and implements of war." Significantly, no mention was made at the time of including oil, cotton, and other raw materials in this classification of "arms, ammunition, and implements of war." For the President to place an interpretation on the provisions of the act was proper, for the Neutrality Act was to be our guide and the cornerstone of our economic policy toward the belligerents. Keep in mind the dates of these events for they are of importance in determining the cause for the change of opinion as to what constitutes neutrality.

SECRETARY HULL'S RADIO ADDRESS OCTOBER 10, 1935

The annual New York Herald Tribune Forum on Current Affairs was held on October 10, and our Secretary of State Cordell Hull, in a radio address from Washington, took occasion to discuss relations between the United States and the outside world and more particularly problems connected with the age-long question of peace and war. Mr. Hull set forth in a part of that address a very clear statement as to the American policy toward the outside world, quote from the radio address by Secretary Hull:

> The main lines of American policy are clear. This country has no aggressive ambition of any kind. We make no threat against the territory or the safety of any other country. We are prepared to defend ourselves against any threat to our own safety and welfare. We are determined not to enter into armed conflicts that may arise between other countries. On these matters the great majority of the American people are agreed.

That brief statement is a true expression of the views held by the American people. He then proceeds to justify our Government's exerting a "moral influence" in world affairs, quote:

> But our duty, and the necessities of the situation, do not end there. We have an opportunity to exert an enormous moral influence throughout the world in support of peace and a peaceful settlement of controversies. We should exert it, and we are exerting it.

In light of this statement, I am wondering is he the same Secretary of State Cordell Hull who 6 short months ago persistently advised the President not to use his good offices to reach a peaceful settlement of a controversy based upon human rights and liberties in Mexico; when a congressional committee, of which I had the honor to be chairman, pleaded with him to urge the President to use his offices toward the end that millions of humans (on this continent, not in Europe) would be freed from the bondage of intolerance and the fear of murder and outrage at the hands of a godless and communistic government. I am aware that Mr. Hull will distinguish "a peaceful settlement of controversies" as applying among nations and not to "controversies" which arise within a nation, but if he is a great moralist, then all problems based on morality should have a like appeal to his sense of justice.

The language of his radio address on this occasion is the first inkling that we have as record of his ultimate goal to have us join in effect with the purposes of the League of Nations, quote:

> Nor does this exhaust the limits of our duty or of the necessities of the problem of maintaining peace. For that end some mastery over the causes of conflict is required, a mastery only to be obtained by the simultaneous action of many countries. I have in mind, primarily, action in the economic and monetary spheres. In the task of remedying the conditions and difficulties which foster conflict, a common basis of action must be found with other countries.

If we grant that we should exercise a moral influence to bring about a peaceful termination of the present European conflict, does Mr. Hull contend that the application of sanctions on raw materials such as oil and cotton, which were not mentioned in the Neutrality Act passed in August, will bring about a peaceful settlement of this controversy between Italy and Ethiopia? "Sanctions" means enforcements. They have been defined as "specific penalties to enforce obedience to a law." What law? Surely not the United States neutrality law because that was enacted to preserve our neutrality in the war between Italy and Ethiopia. Our conception of neutrality is based upon the definition given to us by George Washington in a proclamation issued over 100 years ago on the occasion of war among Austria, Prussia, and Great Britain, on one side, and France on the other:

> The duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers.

If the "law" referred to in the definition of "sanctions" does not mean our neutrality law, then obviously it must refer to the law of the League of Nations.

SANCTIONS UNDESIRABLE

Sanctions are objectionable in that they create artificial antagonisms between countries that have no conflicting interests and ought to be on the best of terms. Under the provisions of the bill before us for consideration, the President is authorized, during a war, to ban shipments of materials, used ultimately in war, to any belligerent nation.

Under this section, the President could wait until after the League of Nations had voted sanctions against a belligerent and then join the League in banning whatever goods had been prohibited in the sanctions. The purpose of the bill is toward international cooperation on the matter of sanctions. Sanctions are an act of war, and if we join with the League in imposing sanctions, we will be drawn inevitably into the conflict. When sanctions are imposed by individual nations, or collectively, someone must enforce them, in the event that Italy refused to accept the sanctions voted. This was the identical situation if the League had voted sanctions against Japan for her aggression over Manchuria. Logically one would say that the British Navy was the agency that should be used to enforce the League sanctions in the Japan case. The fact that England and every other member of the League of Nations refused, when the matter was discussed, to enforce these sanctions against Japan, because it would mean war for Great Britain, is mighty fine evidence that sanctions cannot be enforced among nations as they are organized today. Why the sanctions for Italy and not for Japan? The happenings in the Far East are immeasurably more sinister than the acts of Italy in the present conflict. The greater part of China, including Manchuria, inner Mongolia, and China proper, with 100,000,000 people and vast resources, is being taken over by Japan, and neither the League of Nations nor any other country can do anything to prevent it.

China is a member of the League of Nations, and has appealed to it in the name of obligation and justice to come to her aid in this, her hour of distress. Japan continues to assault and despoil China and no tie of honor has brought the League of Nations to her assistance. Then why should the League of Nations invoke its covenant against Italy?

PRESENT UNITED STATES FOREIGN POLICY FOLLOWS LEAGUE OF NATIONS

No nation that is a member of the League of Nations feels that it can trust that organization to guarantee its security. Japan withdrew from the League when she invaded and pillaged China. Germany disregards her mandate. Austria, Hungary, and Albania, League members, have said that they would do nothing to impair their friendship for Italy. Switzerland, the home of the League, stands out against economic sanctions because of her "special position." Argentina pleads "special position" and prepares to sign a new trade pact with Italy. With two great world powers outside the League of Nations and the confusion and uncertainty of League members on the matter of sanctions, the United States persists in bolstering up the tottering form of an organization (League of Nations) whose existence cannot be justified by any contribution it has made toward international peace.

With chaos and dissension among member nations in the League of Nations, meeting as to the policy on sanctions on October 21, 1935, the Committee of Coordination of the League decided to enlist the aid of nonmember nations and accordingly a communication was directed to our attention through our Minister to Switzerland, Hugh R. Wilson (State Department document; letter from president of the Committee of Coordination):

SIR: As president of the committee of coordination of measures to be taken under article 16 of the Covenant, I have the honor to transmit herewith to states nonmembers of the League, in accordance with the decision of the coordination committee formed as the result of the recommendation adopted by the Assembly on October 10, the principal recent documents in the Italo-Ethiopian dispute, including the minutes of the Council of October 7, the minutes of the Assembly of October 9 to 11, and the recommendations of the coordination committee.

I am instructed to add that the governments represented on the coordination committee would welcome any communication which any nonmember state may deem it proper to make to me, to notifications of any action which it may be taking in the circumstances.

I have the honor to be, Sir,
Your obedient servant,

AUGUSTO DE VASCONCELLOS,
President of the Committee.

Secretary Hull was familiar with the fact that the League had invoked the provisions of article 16 of the Covenant of the League of Nations for the first time in its history, because he had, according to the above letter, the recent documents in the Italo-Ethiopian dispute, and the minutes of the League meetings of October 7, 9, and 11, before him. He was aware that article 16 demands immediate financial and economic rupture with the aggressor state; and that the League had already adjudged Italy the aggressor. What was his answer? Mr. Hull's reply, far too lengthy to quote, can be briefed as to the substance by quoting the enthusiastic greeting it received in the December (1935) issue of the Carnegie Endowment for International Peace, the arch disciple of the League of Nations interests here in America, quote page 542, bulletin 315:

The nonmember problem in general, and the American aspect in particular, thus proved to be a fundamental preoccupation. A word is justified, therefore, as to the attitude toward the United States. Its first full and courteous reply, showing a certain parallelism in action and a definite repugnance of aggression, was received with interest and appreciation. It not only indicated a general unity of objective but also removed the old fear that America might take positive measures to resist collective action, no matter how much swollen war trade or profiteering developed.

A further extension of Secretary Hull's thoughts on the theory of sanctions and his tendencies to embrace the dictates of the League of Nations can be noted in his radio address of November 6, 1935. The date is significant because it was within 10 days after he had advised the president of the Committee of Coordination of the League of Nations that our Government held parallel views with the League of Nations on the matter of neutrality. Review the language of that radio address and determine for your own satisfaction whether it is a step toward coordinate action with the League in invoking sanctions against Italy (radio address State Department document):

To assume that by placing an embargo on arms we are making ourselves secure from dangers of conflict with belligerent countries is to close our eyes to manifold dangers in other directions. The imposition of an arms embargo is not a complete panacea, and we cannot assume that when provision has been made to stop the shipment of arms, * * * we may complacently sit back with the feeling that we are secure from all danger. * * * So, also, transactions of any kind between American nationals and a belligerent may conceivably lead to difficulties of one kind or another between the nations and that belligerent. * * * The Executive should not be unduly or unreasonably handicapped. There are a number of ways in which discretion could wisely be given the President which are not and could not be seriously controversial. These might well include discretion as to the time of imposing an embargo. Moreover, we should not concentrate entirely on means for remaining neutral and lose sight of other constructive methods of avoiding involvement in wars between other countries. * * * Our own interest and our duty as a great power forbid that we shall sit idly by and watch the development of hostilities with a feeling of self-sufficiency and complacency when, by the use of our influence, short of becoming involved in the dispute itself, we might prevent or lessen the scourge of war.

Where is the line of demarcation in using our—United States—influence "short of becoming involved in the dispute itself"? We are not a member of the League of Nations and we are not obliged to take any action in its decisions nor assume responsibilities for its errors. Why should we adopt any measure such as sanctions which could be construed as unfriendly to either of the belligerents? If the policy of Mr. Hull is to use a "moral influence", then he must be cognizant of the possible results of such action and appreciate that European statesmen have been known to change their minds and leave us to carry the burden.

Finally, in this chain of events, all of which are subsequent to the date of the letter Mr. Hull received from the League of Nations committee on coordination, I submit his own statement—State Department document, November 15, 1935—as conclusive proof of his desire to follow the League policy on the matter of sanctions of certain commodities, such as oil, copper, trucks, tractors, scrap iron, and scrap steel:

The American people are entitled to know that there are certain commodities such as oil, copper, trucks, tractors, scrap iron, and scrap steel which are essential war materials, although not actually "arms, ammunition, or implements of war", and that according to recent Government trade reports a considerably increased amount of these is being exported for war purposes. This class of trade is directly contrary to the policy of this Government as announced in official statements of the President and Secretary of State, as it is also contrary to the general spirit of the recent Neutrality Act.

No mention of these commodities as constituting "essential war materials" was made by the President. In fact, the language "essential war materials" was coined by Mr. Hull to justify his statements, and at no point was this language used in the Neutrality Act. These commodities were never intended to be included in the provisions of the Neutrality Act passed by Congress in August. Consequently, they could not be classed as "arms, ammunition, or implements of war" in the President's proclamation. Mr. Hull did not reach the conclusion that such commodities were "essential war materials" until this date, November 15, 1935, exactly 20 days after his reply to the letter of the Committee on Coordination of the League of Nations. With full knowledge that the commodities enumerated in his statement of November 15, 1935, quoted above, were not, either by implication or by intent, intended to be included as "arms, ammunition, and implements of war" by the Congress of the United States, he seeks to justify an embargo on this class of trade by saying, quote:

This class of trade indirectly contrary to the policy of this Government as announced in official statements of the President and Secretary of State, as it is also contrary to the general spirit of the recent Neutrality Act.

What does Mr. Hull mean by the "general spirit of the recent Neutrality Act"? There is no such thing under our system of government as the "spirit of neutrality." Neutrality is a matter of definite law. One cannot read into the Neutrality Act, passed in August, "a spirit of neutrality", because neutrality is a policy of government and not of individuals. Again, I repeat, it is a definite law with definite provisions, and Secretary Hull or anyone else has no right to issue misleading statements of this type. Those who are shaping our policies should be mindful that the American

people recognize a government of laws and not of men. Secretary Hull knows that the commodities enumerated by him were not included in the language of the Neutrality Act passed in August, but in direct violation of the principles that we like to call American freedom, he attempts to coerce his fellow citizens into the belief that they must embrace the spirit of the neutrality law in order to be law-abiding citizens. Is it any wonder, after analyzing our foreign policy in relation to the present Italo-Ethiopian conflict, that the League of Nations believes that we stand foursquare in support of their policies, notwithstanding the fact that the American people through their accredited representatives in the Senate of the United States, have defeated efforts to enroll our Government as a member of the League on several occasions during the past 15 years. The safety of the United States is our concern.

Let me say that the American people are pro-American and the foreign policy of our Government in the future should reflect that opinion. Let us keep out of war by refraining from the policy of invoking sanctions against Italy, for such a policy will inevitably embroil us in war. We have no quarrel with Italy, but let us not fool ourselves—we cannot take sides and be neutral at the same time. We have prescribed a definite American policy on neutrality. This was done in a time of peace (August 1935), and for us to change the rules in wartime to accommodate the League of Nations is, in my opinion, a hostile act. Keep in mind these fundamentals—that sanctions mean war and that we will be drifting toward war if we invoke sanctions against Italy. The League of Nations is a war trap. Let us keep out of it both in fact and in effect. America's desire for peace at home will most certainly be endangered by an American attempt to make peace abroad. Hands off is the safest policy. Let us not invoke sanctions against Italy. The present Neutrality Act, passed during peacetime (August 1935), needs no further amendment.

BROKEN PLEDGES TO ITALY

The nations which invoke sanctions against Italy today are those which failed miserably to fulfill the provisions of their contract with Italy embodied in the Secret Treaty of London signed in 1915 by Italy, France, Great Britain, and Russia. Italy agreed to use her entire resources and manpower in waging war against the common enemy, Germany. The measure of Italys' fulfillment of that contract is her casualty list. More than 670,000 of her young men gave their lives in the World War. What were the pledges of the Allies made in 1915 to Italy? Here are the plain facts:

Article 13 of the treaty provided that in the event of France and Great Britain increasing their colonial territories in Africa at the expense of Germany, Italy might claim equitable compensation.

After the war, Great Britain and France shared between them the vast former territories of the Cameroons, Togoland, and German East Africa. Other extensive regions went to Belgium and the Union of South Africa. Only Italy received nothing.

The high moralists of the League of Nations, preaching their lofty doctrines of the sacredness of League obligations, pilloried Italy because she had ventured to assert her rights and claim a place in the sun that other countries had already taken good care to secure for themselves. They have never raised a voice against the violation of a treaty signed long before the League was even thought of. It is a common maxim among lawyers that he who invokes a court of equity must go into court with clean hands. Is it for those who have broken their promises to Italy to arraign her for alleged breaches of her obligations?

OUR DEBT TO ITALY AND THE ITALIAN PEOPLE

When people speak of a debt that is owed a nation the expression is used generally in the abstract sense and often without an appreciation of the proof available to support the truth of the statement. It is fine to speak of a great race of people and to extol its contributions to human progress, as a reminder to those who would oppress that race or impugn its motives in matters of world interest. Such is the predicament that Italy finds herself in today. Nations whom Italy has befriended in their hour of need are today invoking economic barriers to halt her plans, plans not of aggression but rather of self-preservation. The memory of nations—if I may be permitted to use that phrase—that comprise the League of Nations is short-lived. Italy responded in the World War and gave generously of her resources and manpower to aid the oppressed nations of Europe, without gain either in bounty or in the acquisition of territory. History relates that the birth of modern Europe, during the period of the Renaissance, is inseparable from the history of Italy. It was Italy that aroused the European youth to progressive action in the spheres of arts and sciences. It was she who revealed the treasures of ancient learning, so that the products of the Roman, the Greek, and the Hebrew civilizations were put at the disposal of all. Her geniuses have spread culture, learning, and advanced thought over the entire world; and it is to her universities that the youth of Europe go for inspiration, for Italian education has given great benefits to the intellect of mankind. Her contributions in the fields of sculpture and music over centuries are too well known to relate at this time, and for her accomplishments in literature, arts, and sciences the world will be paying tribute to her for generations to come. Italy's treasures are the world's treasures, and the world is interested in perpetuating an Italy which should be given free scope to develop her genius.

In more modern times, we need only review the accomplishments of Italy as an ally in the World War. When the World War broke out, Italy was the most powerful European nation not at war. She could have thrown the balance of power in either direction. Italy had the only large fleet not at war, and it alone could have established a cruising superiority in the Mediterranean for either side. Yet her very actions, even though not a participant in the war at its outbreak, savored of what might be termed a benevolent neutrality for the Allies, for the Italian troops were withdrawn from the French frontier when war was declared so that France need not keep her troops to guard this line, but instead put them to use in the cause of the Allies. Italy's entrance into the war was a voluntary act. Her soil had not been invaded. The Allies, by the Pact of London, guaranteed that the Italian areas of the Dual Monarchy were to be released to Italy. When Italy declared war, it was a dark moment for the Allied cause. Germany had won memorable battles and the demoralizing effect of modern German warfare was taking its toll in the Allied troops. In 1915, 1916, and 1917 we witnessed 12 distinct yet devastating battles of the Isonzo by the Italian Army. The Italian morale was high. The Austrian advance was repeatedly stopped at the cost of thousands of lives of Italian heroes killed on the field of battle. We need only recount the battle of Piave, and the Battle of Vittorio Veneto in 1918 which practically annihilated the Austro-Hungarian Army in which it is estimated at least one-third of the Austrian infantry and practically the whole of the Austrian artillery were in the hands of the Italian troops.

The Battle of Vittorio Veneto was one of the most important battles in history. It was one of the most decisive victories of the World War and, in point of numbers of men engaged on both sides—almost 2,000,000—the greatest battle of all history. It was essentially an Italian victory, for more than 90 percent of those engaged on the side of the Allies were Italians. The Battle of Vittorio Veneto cost Italy more than 35,000 dead. At the time of the armistice, Italy held over one-half million Austrian prisoners. Out of a population of 50,000,000, Italy mobilized 5,000,000 for her Army. She lost in all more than one-half million killed and more than 1,000,000 wounded. It is idle to speculate as to who won the war. No one nation can claim that honor, but with Italy, as with America, it may be truthfully said that if she had remained neutral, the war would have lasted much longer and possibly would not have been won by the Allies.

It is to Italy whose genius has given us modern sculpture and art, whose painters and their exquisite works will live until time is no more, whose peasantry have taught the world the love of music and song, whose scholars were the liberators of human thought, whose teachers have revealed the treasures of learning, and whose soldiers have fought the

most memorable battles in history, that we owe a duty to remain neutral in the present Italo-Ethiopian conflict, and by such action pay, in part at least, the debt of gratitude which we owe that great nation.

THE IMPORTANCE OF OUR WILDLIFE

Mr. FADDIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. FADDIS. Mr. Speaker, it is hoped by our millions of citizens interested in the sports of field and stream that the convention of the North American Wildlife Conference, held in the Nation's Capital February 3–7, 1936, will result in a worth-while national program for the conservation and restoration of our fish and game. Such a program has indeed a very logical place in our national life and economic system and is worthy of serious consideration, at this or any other time. In our heedless race of industrialism we have made multitudes of mistakes, many of which are excusable; but the most of our mistakes made in connection with our fish and game are inexcusable. They are the result of a short-sighted policy to satisfy the greed of special interests.

Who can calculate the value of recreation to a nation in health, wealth, or morals? Outdoor exercise is a necessity to most people in order to enable them to maintain a satisfactory state of health. Not everyone is financially able to belong to a golf club, and many prefer other forms of sport. Idleness is an abnormal state for human beings and leads to many violations of the rights of society. With the advent of shorter hours for labor, more opportunities are demanded by man for recreation. Where can our citizens look for assistance in recreational desires if not to the Government which was instituted, among other purposes, to promote the pursuit of happiness? Our fish and game, the pursuit of which is the recreation of a large percent of our population, has been so mercilessly persecuted by our commercial interests as to be nearing extinction.

In the past we have contented ourselves with passing laws to shorten the season and reduce the bag limit, thereby hypnotizing ourselves into a false sense of security. What can it avail us to shorten the number of open days for fishing in waters so poisoned by industrial wastes that no fish can live in them? Why reduce the bag limit on wild ducks, when we have almost annihilated them by a foolish, uneconomic system of wiping out their breeding grounds? Why endeavor to protect elk and antelope from being killed by sportsmen and at the same time allow our Forest Service to be prostituted to the interests of politically protected sheep which, by taking the natural feed of these animals, are exterminating them by starvation? Why close the season on upland game and not protect their natural habitat from being denuded of the vegetation which protects the steep hillsides from erosion and prevents disastrous floods which cause millions of dollars worth of damage each year?

Our past experience demonstrates, beyond the possibility of a doubt, that restriction will not bring back our vanishing game. We must get down to the fundamentals of the proposition. We must have a system of protection and replenishing or we will have no game. Surely, in our program of retiring submarginal lands and curtailing crop production, some attention should be devoted to increasing that valuable crop of this Nation of which there is no surplus—fur, fish, and game. We have made a splendid start in this direction in our C. C. C. camps. Let us continue along this line.

It is man's ambition to leave to his children a better start, in the material things of life, than that which he enjoyed. Let us also insure that we leave to our posterity a more abundant heritage in our wildlife than our fathers left us.

Our crop of fur, fish, and game is an important one to the Nation if measured only by the yardstick of economics. Fish, game, and fur-bearing animals are no inconsiderable items in our national income. In the neighborhood of 13,000,000 sportsmen pay as many million dollars yearly for licenses, to say nothing of the licenses paid upon dogs kept purely for hunting purposes. Besides this, a vast industry derives its revenue from the guns, shells, boots, clothing, fishing tackle, and other accessories which our sportsmen purchase. This expenditure will undoubtedly run well over $1,000,000,000 per year. Guiding, boarding, and transporting this army is also a considerable industry. Many of us who were reared upon a farm can look back to the time when the first money we ever earned was by trapping fur in the farm woodlot. Many a drained marsh has never produced as much revenue since being drained as it formerly returned from muskrat pelts. In the comparatively closely settled State of Pennsylvania I believe that $5,000,000 per year is a conservative estimate of the value of fur caught during the last 15 years.

To the farmers of the Nation I should like to say that the proposition to replenish and conserve our wildlife should be particularly interesting to them because there is a very definite future for them in such a program. Anyone fond enough of hunting or fishing to buy a license would rather pay $5 for a license and have game, than to pay $1 and have very little or no game. A system whereby the farmer gets his fair share of the increased licenses is easily within the realm of possibility. Indeed such systems have been put into effect very successfully in various States. A splendid field is opening, which so far has hardly been scratched, in which farmers and sportsmen will work in cooperation, to the mutual advantage of each, for the conservation and restoration of fish and game. The leasing of hunting rights on cover, properly stocked with game, will produce revenue from a new source of resources, as real as any of the other resources of the farm. There is also a very attractive industry in sight in the shape of game farming. Such cooperative movements are certain to result in a closer bond of sympathy between our urban and rural populations, and will produce a better understanding of the problems of each. Then too, the farmer, by such a movement will be placed more closely in touch with a personal market for many of his small cash crops which are such an important part of the farm income. The farmers will benefit by prevention of disastrous floods, with their consequent erosion and destruction of crops. A national program, such as is advocated, will also assist in maintaining nature's system of checks and balances, and is the most expeditious manner, in which to combat that most dangerous enemy to agriculture—the invading insect. Most certainly any movement having to do with the prevention of stream pollution would be highly beneficial to the farmer, from an economic viewpoint as well as to the sportsman from the viewpoint of recreation.

We must recognize, of course, that it was necessary to curtail the activities of some species of our game in the interest of development. For instance, it would neither be possible nor desirable to return the buffalo to our prairies, or to any part of them. On the other hand we have vast areas which, under present conditions, can be of value to us only in connection with such a program as the one proposed. These wastes should be made into recreational centers for the people of the Nation. If this is not done, hunting and fishing will, in a few years, be in the same position here as it is in Europe, a sport for the wealthy alone.

One of the least excusable of our mistakes has been that of permitting the pollution of our streams. Naturally, this is particularly true of our industrial sections, the very sections in which we are in the most need of those recreational facilities which can be afforded by unpolluted streams properly stocked with fish. Where is there a more wholesome sport than fishing? The two extremes of society will fish in harmony, side by side, exchanging bait, advice, tackle, tobacco, and genuine sympathy for the big one which got away. Where was there ever a more democratic institution than the old swimming hole? What a crime against God, who gave to us the pure and sparkling water, to allow the pollution of our streams. Sulphurous water from mines, acids from factories, sawdust from sawmills, refuse from towns and cities, in open violation of the laws of man, God, and common decency, have made the existence of life in many of our streams impossible and near them undesirable. The wastes of the privileged few have been allowed to destroy the playground of the masses. Is

it any wonder that the masses meet for recreation in unwholesome surroundings, which foster communism and crime? Give us more hunting and fishing grounds, and we will need fewer penitentiaries and reformatories. Streams are, in most cases, interstate matters, and Federal legislation is necessary to prevent pollution.

The desire of mankind for recreation is strong and undeniable. The urge to hunt and fish is more than a mere desire for recreation. It is an assertion of a latent instinct in man to draw upon nature's barnyard for meat. This instinct comes down to us from the dim past, when only those who were proficient in the chase survived. We are the descendants of those who did not starve to death during the hard winters of the Stone Age. Many of us are indeed but a few generations removed from those who hunted from necessity. The necessity has disappeared but the instinct is still strong. As taxpayers and owners of undivided interests in the public lands we have the right to demand consideration. Game belongs to the State, and although it may inhabit private lands, is subject to State regulation. Since its nonexistence so adversely affects the recreation of so many of our citizens we must consider it a question of major importance.

We have numerous associations interested in the preservation and restoration of our wildlife. For all of their efforts, each year game becomes less plentiful. The reason for this is their failure to cooperate in a Nation-wide movement to forward their common purpose. Until those in favor of conservation and replenishment unite and combine their efforts, to first of all, preserve the habitat of our game, any other efforts are futile. Game, as well as any other form of life, must have a home. It is a sad fact that we have to a large extent destroyed its public home, and that today most of our game exists on private land. Some States possess a public home for game, but many do not. A wise system of management in either case is the only remedy. Give the game a chance on public lands and the owner of private lands a square deal, and we will have game in abundance.

Surely there must be enough in common among the 13,000,000 sportsmen, combined with those interested from the commercial viewpoint, to enable them to unite upon a reasonable logical national plan to save our game from extinction.

Pennsylvania furnishes examples, both of conservation and extermination, which are worthy of consideration. It also furnishes an example of the lack of cooperation between those interested and those who dictate policies. Thirty years ago deer were almost extinct in Pennsylvania, and beaver entirely so. By a wise system of protection and replenishing, in a comparatively few years both animals became abundant—so abundant in fact, that lacking sufficient natural food, they became, in some sections destructive to private property, and in others threatened with starvation. Ordinarily the season is open only on bucks having pronged horns. Every few years this results in a surplus of does and a deer population too numerous, in some localities, for the natural food. A large percent of these does are old barren does and should be killed off.

From time to time the season has been opened on antlerless deer. The result has been that meat hunters swarmed to the woods, knowing that does are more easily killed than bucks, and have shot at any deer in sight. If the deer killed happened to be illegal, they took a chance on the next one. The whole matter is nauseating to the senses of any true sportsman. In 1931, 70,255 antlerless deer were killed, of which only a small percent were the undesirable barren does. Fawns, spike bucks, fertile does, and hunters bore the brunt of this unwise policy. The sensible way in which to accomplish this reduction would be to have the game wardens and foresters in each locality kill off these barren does during the closed season and market the meat and hides for the benefit of the game fund. These barren does can easily be distinguished, and in this manner the affair could be managed without the loss of human life and damage to the breeding stock which otherwise results. The sportsmen of Pennsylvania are all agreed upon this matter, but lack of cooperation among them has failed to secure the proper procedure.

Nature is a wonderful and prolific mother. She will make every possible effort to replenish and perpetuate her children, and has endowed her children with a high degree of adaptability. All she needs is the assistance of man, in the form of a sensible plan whereby he shall cease to destroy, unnecessarily, the natural home and food of our fish and game, some aid in protecting it from predatory vermin, a reasonable bag limit, and she will replenish our supply of game. If we are to leave to our posterity any opportunity to enjoy the delights of Nature's playgrounds, we must unite upon a rational national plan of conservation and restoration before it is too late.

NEUTRALITY AND THE LESSONS OF THE WORLD WAR

Mr. IMHOFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. IMHOFF. Mr. Speaker, I am in favor of any neutrality bill that will keep the people of the United States out of war. If House Joint Resolution 422, introduced by the gentleman from Tennessee, will do it, I am for it; if House Joint Resolution 491, introduced by the gentleman from Ohio, will keep us out of war, I am for that.

I know that the people of the United States from the Atlantic to the Pacific, and from Mexico to the Canadian boundary, are opposed, now and for all time, to war. Our people may differ in politics, religion, and in the best ways to settle our economic problems, but in one thing they are united, and that is that they are wholeheartedly against any sort of entanglement that would have any tendency to lead our country into another foreign war.

The World War taught our people some lessons that they are going to remember for generations to come. It is easy to start a war; it is easy to be led into a war started by someone else. The world, after 22 years, is debating who started the last war. There has been an investigation during this session of Congress as to how we got into it. The fact that the question, "Who started the World War?", and the further question, "How did we get into it?", can hardly be satisfactorily answered, only goes to show how careful we should be in any neutrality measure. The fact remains that we got into the World War whether we know how we got into it or not. At any rate, we paid the price. In the way of preparation it cost us $25,000,000,000; we loaned over $12,000,000,000 to the Allies, and it is quite likely that we will never collect another dollar of it; we sent 2,000,000 men across 3,000 miles of water to take part in that great struggle. Today 75,000 of those boys are sleeping over there, some of them on the plains of Picardy, some in the valley of the Marne, and some in Flanders field.

We told ourselves that this was a war to end war. We told our boys that when autocracy was crushed for all time no other boys in the years to come would ever be called upon to engage in a foreign war. We promised the mothers, the wives, and the sweethearts of those boys that never again would mothers, wives, and sweethearts be asked to sacrifice their loved ones to the god of war. We believe that by our aid the tide was turned and victory was won, but, after all, what did we get out of it? Nothing. What did it settle? Nothing. What did any war ever settle? In war no one, no country, ever wins. Both sides lose. In the World War our country made such sacrifices that it will not recover in the next hundred years. One-half of all the wealth of the world was blown and blasted away. If all the men who were killed in the World War were to march past you 10 abreast, it would take 45 days of marching day and night for them to march past you. Other untold millions were maimed and disfigured, their minds wrecked or destroyed; many others, on account of their wounds, handicapped in their employment; all of them disillusioned as to the efficacy and the profits of war. And then to think that out of all this cataclysm of carnage and destruction that nothing was won and nothing was settled. Is it any wonder that the people of this country have determined that absolutely under no provocation will we ever again engage in another European War? And I say to you

that neither this Congress nor any other Congress for generations to come will dare to presume to vote the people of this country into another foreign war.

I am told that the United States Government is now, after 124 years, paying pensions to dependents of soldiers of the War of 1812; we are also paying pensions to dependents of veterans of the Mexican War; the United States Government is now paying pensions to hundreds of thousands of dependents of soldiers of the Civil War; and this Government for the next 150 years will be paying pensions to dependents of World War veterans, so that in the end our participation in the World War will cost the taxpayers of this country over $100,000,000,000. When will we learn that war does not pay, that war has no profits, that war never settles anything? When will we learn that the welfare and happiness of the great mass of people of our country depend not upon war but upon peace?

War is as old as the human race. It has been the heritage of our generation to learn without question the price that a people has to pay for war. We see today a world war-weary and in economic ruin, and I warn you that civilization cannot stand another world war. The thinking people of the whole world are groping about trying to find an answer; a way out to economic happiness; and a guaranty for perpetual peace.

Today, because we are outside the maelstrom of European bickering, we are the leaders of the thought of the world. We must not fail in our task. It is ours to lead the rest of the world to an understanding of lasting peace. Otherwise the lessons of the World War must be learned over again and its loss and sacrifice will have been in vain. God forbid.

ENFORCEMENT OF TWENTY-FIRST AMENDMENT

Mr. SUMNERS of Texas. Mr. Speaker, today the House passed a bill (H. R. 8368) to enforce the twenty-first amendment. This bill is not in shape to pass; questions about it have arisen since its introduction.

Mr. Speaker, I asked unanimous consent that the action of the House in passing the bill (H. R. 8368) to enforce the twenty-first amendment be vacated.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman tell us something about the bill?

Mr. SUMNERS of Texas. The title of the bill is to enforce the twenty-first amendment. I may say to the gentleman from Massachusetts that since the bill was introduced representatives from some of the States which were sought to be benefited by the bill say the bill is not satisfactory; and we have not been able to get an agreement amongst the States to be benefited by the administrative forces of the Government. I do not know whether a satisfactory solution can be worked out or not.

Mr. ZIONCHECK. Mr. Speaker, reserving the right to object, what is wrong with the bill as it is now drafted? Why not let it stand as it is and if a better bill should be introduced, report it out. Certainly the great Judiciary Committee did not make a mistake in having that bill placed on the calendar, did it?

Mr. SUMNERS of Texas. It is making no mistake now in asking to have the action of the House vacated; but the gentleman may do as he pleases about it.

Mr. ZIONCHECK. I object, Mr. Speaker.

NEUTRALITY

Mr. WHITE. Mr. Speaker, I was unable to be present when the vote on the neutrarity bill was taken. Had I been here I would have voted "nay."

NATIONAL INCOME AND EXPENDITURES

Mr. RICH. Mr. Speaker, I misunderstood the request of the gentleman from Georgia [Mr. BROWN]. I withdraw my objection to his request to extend his remarks in the RECORD and insert the matter referred to.

The SPEAKER. Is there objection to the request of the gentleman from Georgia to extend his remarks in the RECORD as indicated?

There was no objection.

Mr. BROWN of Georgia. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following excerpts from an address of Judge Blanton Fortson, a distinguished jurist in my State and district, delivered in Atlanta, Ga., last November, dealing with national income and expenditures.

From J. P. Morgan down to the most obscure reactionary politician come warnings that unless the so-called "spending program" of the Roosevelt administration is speedily abandoned, our economic and political systems will be destroyed.

Primarily, let us remember that most of the money the Government dispenses is lent or put into permanent improvements; and it should not be forgotten that for the money lent good security was taken, so that the borrower and not the taxpayer will pay it back.

Thus, of the 336 millions the Government has put out in Georgia since March 1933, 195 millions was in loans, about one-third of which already has been repaid; 140 millions, or 40 percent, has been spent in useful construction, and only 63 millions, or less than one-fifth, has been given in direct relief. I suppose this percentage holds good throughout the Nation.

Now, will the citizens be able to pay the taxes necessary to retire the debt the Government incurs for public works and direct relief?

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That they can do is demonstrated by very recent history. Soon after the World War began in 1914 conditions in this country became very bad. Due to the loss of German and other markets and severe restrictions of foreign demand, farm products fell below the cost of production; trade in general was depressed and our Republican friends talked of a "Wilson panic." But soon the Allies began to spend in this country enormous sums which they borrowed from American bankers and our national income began to rise. In 1917 we entered the war and our Government instituted the greatest spending program in its entire history. In 2 years it borrowed and spent at home over twenty-three billions. Contrast that with the nine billions the Roosevelt administration has been authorized by Congress to use in spending for recovery. In 1914 our national debt was $2,900,000,000. By 1919 it had risen to twenty-six and one-half billions.

But here is the other side of the picture. Our national income, which in 1914 had been $36,000,000,000, had by 1919 risen under the stimulus of this spending to seventy billions. It averaged above seventy billions for each year until 1930, and in 1929 was eighty-one billions. Out of the increased national income more than four billions were paid on the debt by 1922. Then Mr. Mellon's so-called sound fiscal policy was adopted; the income taxes in the higher brackets were reduced four times, and the average annual reduction of the debt fell off to a little less than a billion dollars. But, even so, according to Mr. Mellon's annual report, by June 30, 1930, the debt had fallen to fifteen billion nine hundred million. And it has been plausibly argued that it should have been reduced considerably lower by retaining the high surtaxes on the larger incomes, with very beneficial results to the Nation.

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Before Mr. Hoover's term expired the debt had risen to twenty-one billions, an increase of over five billions. Since Mr. Roosevelt has been in office it has risen nine billions to slightly more than thirty billions. But note the difference: While Mr. Hoover was spending, the national income steadily declined. By 1932 it had dropped from eighty-one billions a year to only thirty-eight billions, the lowest point since 1914. When Mr. Roosevelt started spending, the national income immediately began to rise. In 1933 it was forty billions; in 1934, fifty-one billions; and now, for 1935, it is conservatively estimated to be nearly sixty billions. The trouble with Mr. Hoover's spending was that it was not adapted to the problem he faced; it did not go far enough; it did not put purchasing power in the hands of the masses.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MONTAGUE, indefinitely, on account of illness.

To Mr. GRAY of Indiana, for 1 week, on account of illness.

To Mr. MERRITT of New York, for Tuesday, February 18, on account of important business.

To Mr. KVALE (at the request of Mr. BOILEAU), indefinitely, on account of illness.

To Mr. STEAGALL (at the request of Mr. STARNES), indefinitely, on account of illness in family).

To Mr. HILL of Alabama (at the request of Mr. STARNES), indefinitely, on account of illness in family.

To Mr. OLIVER (at the request of Mr. STARNES), indefinitely, on account of illness.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3130. An act granting the consent of Congress to the State of Tennessee and certain of its political subdivisions to construct, maintain, and operate a toll bridge across the Tennessee River at or near a point between Dayton and Decatur, Tenn.; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 164. Joint resolution to authorize the selection of a site and the erection thereon of a suitable monument indicating the historical significance of the first entrance into the city of Washington of a steam railroad, and for other purposes; to the Committee on the Library.

ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until tomorrow, Tuesday, February 18, 1936, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 7690. A bill to authorize the coinage of 50-cent pieces in commemoration of the two hundred and fiftieth anniversary of the founding of the city of Albany, N. Y.; with amendment (Rept. No. 2006). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 8107. A bill to authorize the coinage of 50-cent pieces in connection with the celebration of the one hundredth anniversary of the opening of the tri-State Territory of east Texas, north Louisiana, and south Arkansas by Capt. Henry Miller Shreve, to be held in Shreveport, La., and surrounding territory in 1935 and 1936; without amendment (Rept. No. 2007). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 8234. A bill to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the founding of the city of Elgin, Ill., and the erection of a heroic Pioneer Memorial; with amendment (Rept. No. 2008). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 8886. A bill to authorize the coinage of 50-cent pieces in commemoration of the sesquicentennial anniversary of the founding of the city of Columbia, S. C.; with amendment (Rept. No. 2009). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 9673. A bill to authorize the recoinage of 50-cent pieces in connection with the California-Pacific International Exposition to be held in San Diego, Calif., in 1936; without amendment (Rept. No. 2010). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 10264. A bill to authorize the coinage of 50-cent pieces in commemoration of the fiftieth (golden) anniversary of Cincinnati, Ohio, as a center of music, and its contribution of the annual May festival to the art of music for the past 50 years; with amendment (Rept. No. 2011). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 10317. A bill providing for a change in the design of the 50-cent pieces authorized to be coined in commemoration of the one-hundredth anniversary of independence of the State of Texas; without amendment (Rept. No. 2012). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 10489. A bill to authorize the coinage of 50-cent pieces in commemoration of the two hundred and fiftieth anniversary of the founding and settlement of the city of New Rochelle, N. Y.; with amendment (Rept. No. 2013). Referred to the Committee of the Whole House on the state of the Union.

Mr. SOMERS of New York: Committee on Coinage, Weights, and Measures. H. R. 10906. A bill to authorize the Director of the Mint to prepare a medal commemorative of Texas independence, and for other purposes; without amendment (Rept. No. 2014). Referred to the Committee of the Whole House on the state of the Union.

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 11040. A bill to deport certain aliens who secured preference-quota or non-quota visas through fraud by contracting marriage solely to expedite entry to the United States, and for other purposes; without amendment (Rept. No. 2017). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 11214. A bill for the relief of sundry claimants, and for other purposes; with amendment (Rept. No. 2015). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 11215. A bill for the relief of sundry claimants, and for other purposes; with amendment (Rept. No. 2016.) Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AYERS: A bill (H. R. 11216) to amend the act of March 3, 1927, entitled "An act to amend section 1 of the act approved May 26, 1926, entitled 'An act to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled "An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes"'"; to the Committee on Indian Affairs.

By Mr. CALDWELL: A bill (H. R. 11217) to amend section 76 of the Judicial Code, as amended, with respect to the terms of the Federal district court held at Tallahassee, Fla.; to the Committee on the Judiciary.

By Mr. AYERS: A bill (H. R. 11218) to provide for the disposition of tribal funds now on deposit or later placed to the Credit of the Crow Tribe of Indians, Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. CHANDLER: A bill (H. R. 11219) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. McGRATH: A bill (H. R. 11220) to amend section 2 of the act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934; to the Committee on Naval Affairs.

By Mr. DISNEY: A bill (H. R. 11221) to amend the last two provisos, section 26, act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248); to the Committee on Indian Affairs.

By Mr. RAMSPECK (by request): A bill (H. R. 11222) to amend the civil-service laws with respect to the retirement of employees engaged in the apprehension of criminals; to the Committee on the Civil Service.

By Mr. SMITH of Virginia: A bill (H. R. 11223) to regulate gratuities, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 11224) to extend the classified civil service to postmasterships of the first, second, and third classes, and for other purposes; to the Committee on the Civil Service.

By Mr. DISNEY: A bill (H. R. 11225) to establish the National Academy of Public Affairs, providing for a board of supervisors therefor, and making an appropriation for its establishment and maintenance; to the Committee on Education.

By Mr. JONES: Resolution (H. Res. 419) providing for the consideration of S. 3780; to the Committee on Rules.

By Mr. BEITER: Joint resolution (H. J. Res. 492) making an appropriation for public-works projects to provide work relief and increase employment; to the Committee on Appropriations.

By Mr. FENERTY: Joint resolution (H. J. Res. 493) directing the President of the United States of America to proclaim November 11 of each year as a national holiday for the observance and commemoration of the signing of the armistice; to the Committee on the Judiciary.

By Mr. McSWAIN: Concurrent resolution (H. Con. Res. 42) to recognize April 6 as Army Day; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of New York, regarding the sale of firearms in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of New York, regarding flood control in certain counties in the State of New York; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KENNEDY of Maryland: A bill (H. R. 11214) for the relief of sundry claimants, and for other purposes; to the Committee on Claims.

Also, a bill (H. R. 11215) for the relief of sundry claimants, and for other purposes; to the Committee on Claims.

By Mr. ANDREWS of New York: A bill (H. R. 11226) for the relief of the Percy Kent Bag Co., Inc., to the Committee on Claims.

By Mr. BUCK: A bill (H. R. 11227) to award the Distinguished Flying Cross to Lincoln Ellsworth; to the Committee on Military Affairs.

By Mr. CROSBY: A bill (H. R. 11228) granting a pension to Clara Dempsey; to the Committee on Invalid Pensions.

By Mr. HALLECK: A bill (H. R. 11229) granting an increase of pension to Hester A. Walmer; to the Committee on Invalid Pensions.

By Mr. HEALEY: A bill (H. R. 11230) for the relief of Alfred Aloysious Bligh; to the Committee on Naval Affairs.

By Mr. SAMUEL B. HILL: A bill (H. R. 11231) for the relief of Rasmus Bech; to the Committee on Claims.

By Mr. HOFFMAN: A bill (H. R. 11232) for the relief of Charles Hose; to the Committee on Military Affairs.

By Mr. HOLMES: A bill (H. R. 11233) for the relief of John P. Ryan; to the Committee on Claims.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 11234) for the relief of Jack Stuckey; to the Committee on Claims.

By Mr. KNIFFIN: A bill (H. R. 11235) granting a pension to Myrtle R. Oldfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11236) granting a pension to Charles F. Boroff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11237) granting an increase of pension to Mary L. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11238) granting an increase of pension to Elizabeth Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11239) granting an increase of pension to Frances A. Kuder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11240) granting an increase of pension to Catherine Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11241) granting an increase of pension to Eunice Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11242) granting an increase of pension to Nancy A. Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11243) granting an increase of pension to Ella A. Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11244) granting an increase of pension to Margaret I. Reider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11245) granting an increase of pension to Mary Buhrer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11246) granting an increase of pension to Catherine J. Cupp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11247) granting an increase of pension to Martha M. Ely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11248) granting an increase of pension to Harriet Deamer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11249) granting an increase of pension to Abbie Davison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11250) granting an increase of pension to Sarah Marks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11251) granting an increase of pension to Jennie Kohn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11252) granting an increase of pension to Christena Huffman; to the Committee on Invalid Pensions.

By Mr. KOPPLEMANN: A bill (H. R. 11253) granting a pension to Alfred A. Abel; to the Committee on Invalid Pensions.

By Mr. MITCHELL of Tennessee: A bill (H. R. 11254) for the relief of William Wirt McDonald; to the Committee on Claims.

By Mr. MONAGHAN: A bill (H. R. 11255) for the relief of William Boyer; to the Committee on Claims.

Also, a bill (H. R. 11256) for the relief of M. M. Twichel; to the Committee on Claims.

By Mr. MOTT: A bill (H. R. 11257) granting a pension to Rose Berry; to the Committee on Pensions.

By Mr. NELSON: A bill (H. R. 11258) granting a pension to Samuel L. Poe; to the Committee on Pensions.

By Mr. O'BRIEN: A bill (H. R. 11259) for the relief of George Colton; to the Committee on Naval Affairs.

By Mr. PARSONS: A bill (H. R. 11260) granting an increase of pension to Effie Compton; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 11261) for the relief of widows of certain Reserve officers of the Army who died while serving with the Civilian Conservation Corps; to the Committee on Claims.

By Mr. RAMSPECK: A bill (H. R. 11262) for the relief of Brooks-Callaway Co.; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 11263) granting a pension to Annie E. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11264) granting a pension to Mary E. Ringer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11265) granting a pension to Nora Henley Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11266) granting a pension to Reatha Reneau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11267) granting a pension to Hattie Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11268) granting a pension to Lucy E. Huff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11269) granting a pension to Charlie Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11270) granting a pension to Joke Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11271) granting a pension to Sarah L. Ellison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11272) granting a pension to Hattie Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11273) granting a pension to Robert N. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11274) granting a pension to Martha Story; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11275) granting a pension to Venia Moody; to the Committee on Pensions.

Also, a bill (H. R. 11276) granting a pension to Cinda Forbes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11277) granting an increase of pension to Sarah J. Lake; to the Committee on Invalid Pensions.

By Mr. SHORT: A bill (H. R. 11278) granting a pension to Mary E. Mitchell; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 11279) granting an increase of pension to Eliza V. Stevens; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10125. By Mr. BIERMANN: Petition of L. O. Berridge and others of Oelwein, Iowa, asking for remedial legislation regarding star routes; to the Committee on the Post Office and Post Roads.

10126. Also, petition of Jud Gady and others of Oelwein, Iowa, asking for remedial legislation regarding star routes; to the Committee on the Post Office and Post Roads.

10127. By Mr. CUMMINGS: Petition of number of citizens of Weld County, Colo., urging Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10128. Also, petition of 134 citizens of Logan County, Colo., urging Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10129. Also, petition of patrons of star route no. 65130, Larimer County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10130. Also, petition of patrons of star route no. 65199, Jefferson County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase compensation thereon; to the Committee on the Post Office and Post Roads.

10131. Also, petition of patrons of star route no. 65172, Yuma County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase compensation thereon; to the Committee on the Post Office and Post Roads.

10132. Also, petition of 54 citizens of the Second Congressional District of Colorado, urging Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10133. Also, petition of 69 citizens of Larimer County, urging Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10134. By Mr. DRISCOLL: Petition of citizens residing in towns served by star route no. 10212, petitioning Congress to indefinitely extend existing star-route contracts and increase the rate of compensation therefor; to the Committee on the Post Office and Post Roads.

10135. By Mr. GOODWIN: Petition of 45 citizens and patrons of star route from Carlisle to Central Bridge, N. Y., urging Congress to enact legislation at this session that will indefinitely extend all existing star-route contracts, and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10136. Also, petition of 26 citizens and patrons of star route from Sloansville to Central Bridge, N. Y., urging Congress at this session to pass legislation that will indefinitely extend all existing star-route contracts, and increase the compensation thereon to an equal basis with that paid for other forms of transportation; to the Committee on the Post Office and Post Roads.

10137. By Mr. HAINES: Petition signed by 114 constituents of York County, Pa., endorsing Townsend old-age-pension plan; to the Committee on Ways and Means.

10138. By Mr. JOHNSON of Texas: Petition of Vera Allday and Caymae Cosby, of the Alday Beauty Shop, Dawson, Tex., opposing House bill 10124; to the Committee on Interstate and Foreign Commerce.

10139. By Mr. JONES: Petition of Perry Gober and 77 other citizens of Canadian, Tex.; to the Committee on the Post Office and Post Roads.

10140. By Mr. KENNEY: Petition of the Linden High School Parent-Teacher Association, endorsing the Federal food and drugs bill, and House bill 6472, and petitioning that they be brought before the House of Representatives; to the Committee on Interstate and Foreign Commerce.

10141. Also, petition of the North Hudson Real Estate Board, favoring appointment of a commission to establish a clear height on the bridge over the Hudson River from New Jersey to New York by the North River Bridge Co.; to the Committee on Interstate and Foreign Commerce.

10142. By Mr. KRAMER: Resolution of the Los Angeles Bar Association, relative to the adoption of legislation to provide the United States Circuit Court of Appeals for the Ninth Circuit with additional judges, etc.; to the Committee on the Judiciary.

10143. By Mr. LAMBERTSON: Petition of Mary Vories and 35 other citizens, all of Wathena, Kans., favoring passage of House bill 8739; to the Committee on the Judiciary.

10144. Also, petition of O. E. Replogle and 14 other citizens, all of Oskaloosa, Kans., advocating the legislation proposed by the National Star Route Carriers' Association; to the Committee on the Post Office and Post Roads.

10145. By Mr. MICHENER: Petitions signed by D. E. Hewitt and 111 other residents of the Second Congressional District of Michigan, residing in the territory served by star route no. 37345, urging that legislation be enacted indefinitely extending all existing star-route contracts, and increasing the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10146. By Mr. MOTT: Petition signed by Gertrude Dick, Eugene, Oreg., and 34 other members of the Eugene Central Woman's Christian Temperance Union, urging the enactment of House bill 8739; to the Committee on the District of Columbia.

10147. By Mr. O'CONNELL: Petition requesting Congress to restore to the District of Columbia its prohibition law by passing House bill 8739; to the Committee on the District of Columbia.

10148. By Mr. PARKS: Petition concerning star-route contracts, etc.; to the Committee on the Post Office and Post Roads.

10149. Also, petition concerning star-route contracts, etc.; to the Committee on the Post Office and Post Roads.

10150. By Mr. PFEIFER: Petition of the National Women's Moderation Union for Legalizing Lotteries, Inc., New York City, urging support of Congressman KENNEY's lottery bill; to the Committee on Ways and Means.

10151. Also, petition of the Senate of the State of New York, Albany, urging consideration of the report and recommendations for permanent flood-control works in certain counties of New York State; to the Committee on Flood Control.

10152. Also, petition of the National Music Printers and Allied Trade Associations, New York, urging hearings on the Duffy copyright bill (S. 3047); to the Committee on Patents.

10153. By Mr. SANDERS of Texas: Petitions of citizens of Wood, Smith, and Van Zandt Counties, Tex., requesting enactment of legislation to extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10154. By Mr. SNELL: Petition signed by patrons of star route no. 7139, relative to legislation to extend all existing star-route contracts, and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10155. By Mr. WILLIAMS: Petition of Victor Roth, of Wittenberg, Mo., and others, requesting changes in the tenure of office and compensation of star-route mail contractors; to the Committee on the Post Office and Post Roads.

10156. By the SPEAKER: Petition of various citizens of Kuttawa, Ky., to the Committee on the Post Office and Post Roads.

SENATE

TUESDAY, FEBRUARY 18, 1936

(Legislative day of Thursday, Jan. 16, 1936)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, February 17, 1936, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Costigan	King	Radcliffe
Ashurst	Couzens	La Follette	Reynolds
Austin	Davis	Lewis	Robinson
Bachman	Dickinson	Logan	Russell
Barbour	Dieterich	Lonergan	Schwellenbach
Barkley	Donahey	Long	Sheppard
Benson	Duffy	McAdoo	Smith
Bilbo	Fletcher	McGill	Steiwer
Black	Frazier	McKellar	Thomas, Okla.
Bone	George	McNary	Thomas, Utah
Borah	Gerry	Maloney	Townsend
Bulkley	Gibson	Metcalf	Trammell
Bulow	Gore	Minton	Truman
Burke	Guffey	Murphy	Tydings
Byrd	Hale	Murray	Vandenberg
Byrnes	Harrison	Neely	Van Nuys
Capper	Hastings	Norbeck	Wagner
Caraway	Hatch	Norris	Walsh
Chavez	Hayden	O'Mahoney	Wheeler
Clark	Holt	Overton	White
Coolidge	Johnson	Pittman	
Copeland	Keyes	Pope	

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness; that the Senator from Virginia [Mr. GLASS] is absent because of illness in his family; and that the Senator from North Carolina [Mr. BAILEY], the Senator from New Hampshire [Mr. BROWN], the Senator from Texas [Mr. CONNALLY], the Senator from South Carolina [Mr. SMITH], the Senator from New Jersey [Mr. MOORE], and the Senator from Nevada [Mr. MCCARRAN] are unavoidably detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Wyoming [Mr. CAREY] and the Senator from Minnesota [Mr. SHIPSTEAD] are necessarily absent.

Mr. FRAZIER. I announce that my colleague [Mr. NYE] is necessarily detained from the Senate.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a petition of several citizens of Timber, Oreg., praying for the adoption of the so-called Townsend old-age-pension plan, which was referred to the Committee on Finance.

He also laid before the Senate the petition of Local Unit No. 16, I. W. A., of Buckner, Ill., praying for the enactment of the so-called Federal workers' social-insurance bill, which was referred to the Committee on Finance.

Mr. COPELAND presented resolutions adopted by the Heating, Piping, and Air-Conditioning Contractors Association, of Syracuse; the Central New York Tile and Marble Contractors Association, Inc.; and the Syracuse section of the American Society of Civil Engineers, all in the State of New York, favoring the separation of construction projects of the work-relief program into two classifications, and related matters, which were referred to the Committee on Appropriations.

He also presented a resolution adopted by the West End (N. Y.) Chamber of Commerce, Inc., favoring extension of the Federal Housing Act after its expiration on April 1, 1936, which was referred to the Committee on Banking and Currency.

He also presented a resolution of the Educational Conservation Society, Woodside, Long Island, N. Y., favoring the enactment of Senate bill 2384, known as the Copeland conservation bill, which was referred to the Committee on Education and Labor.

He also presented the petition of the Genesee Valley District (N. Y.) of the National Congress of Parents and Teachers, praying for the enactment of pending legislation to abolish the so-called blind and block booking of motion pictures, which was referred to the Committee on Interstate Commerce.

He also presented a resolution of the national legislative committee of the Chamber of Commerce of Amsterdam, N. Y., protesting against the enactment of legislation providing for the Government ownership and operation of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a resolution of the board of managers of the New York Produce Exchange, of New York, N. Y., protesting against the enactment of the so-called Pettengill bill, being the bill (H. R. 3263) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4), which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Manumit (N. Y.) Local of the American Federation of Teachers, protesting against the enactment of legislation to restrict the freedom of speech and of the press, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the New York State Bar Association and the New York County Lawyers' Association, favoring the enactment of House Joint Resolution 237, for the establishment of a trust fund to be known as the Oliver Wendell Holmes Memorial Fund, which were referred to the Committee on the Library.

He also presented a resolution of Admiral Schley Unit, No. 902, of the Steuben Society of America, Freeport, Long Island, N. Y., bearing on the subject of neutrality and protesting against the entrance of the United States into the League of Nations or the World Court, which was ordered to lie on the table.

He also presented resolutions of the Progressive League of Richmond County, Inc., of Stapleton, N. Y., favoring the enactment of legislation extending the existing neutrality law for another year, which was ordered to lie on the table.

He also presented a letter in the nature of a petition from the Rochester (N. Y.) Chapter of the American Coalition, representing various patriotic societies, praying for the enactment of the so-called Tydings-McCormack military disaffection bill, which was ordered to lie on the table.

He also presented a resolution adopted by Massena (N. Y.) Grange, No. 704, Patrons of Husbandry, protesting against the enactment of Senate bill 1632, to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by water carriers operating in interstate and foreign commerce, and for other purposes, which was ordered to lie on the table.

He also presented petitions and papers in the nature of petitions from sundry residents of Lajas and Bayamon, P. R., favoring the enactment of legislation extending the benefits of the Federal social-security plan to Puerto Rico, which were referred to the Committee on Territories and Insular Affairs.

VOCATIONAL EDUCATION

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD and to lie on the table an endorsement from L. J. Taber, master, on behalf of the National Grange, of Senate bill 2883, to provide for the further development of vocational education in the several States and Territories.

This is a most meritorious bill. It authorizes an appropriation of $12,000,000 annually, one-third each to the fields of agricultural education, trade and industrial education, and home-economics education. Because of the difficult financial situation in which many of the States find themselves, the measure does not require that the Federal funds be matched until after June 30, 1942. After June 30, 1936, State and local subdivisions will be required to match Federal funds, 50 percent at the start, on an ascending scale

until finally the States and local subdivisions will be required to match Federal funds 100 percent. This bill meets a vital national need. I hope we may get an early and favorable vote upon it.

There being no objection, the communication was ordered to lie on the table and to be printed in the RECORD, as follows:

THE NATIONAL GRANGE,
Columbus, Ohio, February 15, 1936.

To Members of the United States Senate:

In the period of adjustment and change in rural life through which we are passing, no agency has rendered greater service than the educational forces of the Nation. The farmer of the future must be equipped with a workable knowledge of his problems if a full measure of success crowns his efforts. What is true of the farmer is true to a greater or lesser degree of the industrial workers of the Nation.

Vocational education has been of inestimable value to all groups of our citizens during recent years, and its value has been greatly increased in training leaders and equipping the youth of today with the needful mental machinery for the tasks ahead.

This Congress has been generous in its appropriations for rural education, but appropriations for vocational education have lagged and there is a vital demand for increased appropriations and broader legislation being passed at the earliest date by the Congress. Senate bill 2883, introduced by Senator GEORGE, amended and reported favorably by the Committee on Agriculture, has the unanimous endorsement of the National Grange and its membership throughout the Nation.

May I urge upon your body the early passage of this legislation in substantially the form in which it was reported by the committee.

Assuring you that this action will meet with favor not only in rural areas but throughout the Nation, I remain,

Yours very truly,

L. J. TABER,
Master, National Grange.

THE CRIME OF BRIBERY—RECOMMITTAL OF A BILL

Mr. KING. Mr. President, a few days ago the bill (H. R. 8821) to define the crime of bribery and to provide for its punishment was reported from the Committee on the District of Columbia. I move that that bill be recommitted to the Committee on the District of Columbia, as an error has been discovered in the bill.

The VICE PRESIDENT. Without objection, the bill will be recommitted to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. METCALF, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 2923. A bill for the relief of Misner Jane Humphrey (Rept. No. 1582); and

H. R. 5916. A bill to authorize the conveyance by the United States to the State of Michigan of the former United States lighthouse supply depot, St. Joseph, Mich., for State naval force purposes (Rept. No. 1583).

Mr. HARRISON, from the Committee on Finance, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

S. 3410. A bill to exempt from taxation receipts from the operation of Olympic Games if donated to the State of California, the city of Los Angeles, and the county of Los Angeles (Rept. No. 1584);

S. 3777. A bill to authorize the Secretary of the Treasury to execute an agreement of indemnity to the First Granite National Bank, Augusta, Maine (Rept. No. 1586); and

H. J. Res. 356. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Pan American Exposition to be held in Tampa, Fla., to be admitted without payment of tariff, and for other purposes (Rept. No. 1587).

Mr. KING, from the Committee on the District of Columbia, to which was recommitted the bill (H. R. 8821) to define the crime of bribery and to provide for its punishment, reported it without amendment and submitted a report (No. 1585) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BYRD (for Mr. GLASS):

A bill (S. 4038) to amend an act of Congress approved March 3, 1863, entitled "An act to reorganize the courts in the District of Columbia, and for other purposes" (with an accompanying paper); to the Committee on the Judiciary.

By Mr. MINTON:

A bill (S. 4039) for the relief of Catherine Humler; to the Committee on Finance.

A bill (S. 4040) granting a pension to Harvey A. Macy (with accompanying papers); to the Committee on Pensions.

By Mr. CLARK:

A bill (S. 4041) granting an increase of pension to Francis W. Mudd; to the Committee on Pensions.

By Mr. SCHWELLENBACH:

A bill (S. 4042) for the relief of George Schultz; to the Committee on Naval Affairs.

A bill (S. 4043) for the relief of Robert Emil Taylor; to the Committee on Military Affairs.

By Mr. GIBSON:

A bill (S. 4044) for the relief of widows of certain Reserve officers of the Army who died while serving with the Civilian Conservation Corps; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 4045) for the relief of Alpha D. Wilcoxon; to the Committee on Claims.

By Mr. TYDINGS:

A bill (S. 4046) granting a pension to Jacob H. Kinnamon; to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 4047) authorizing the President to present the Distinguished Service Medal to Comdr. Percy Tod, British Navy, and the Navy Cross to Lt. Comdr. Charles A. deW. Kitcat, British Navy; to the Committee on Naval Affairs.

By Mr. COPELAND:

A bill (S. 4048) granting an increase of pension to Ella Jenkins;

A bill (S. 4049) granting an increase of pension to Mary Montgomery; and

A bill (S. 4050) granting a pension to Alice E. Pillsbury; to the Committee on Pensions.

(By request.) A bill (S. 4051) granting insurance to Maybelle M. Hannan; to the Committee on Finance.

(By request.) A bill (S. 4052) for the relief of W. D. Gann; and

(By request.) A bill (S. 4053) for the relief of Sidney S. Steinberg and Leon Steinberg; to the Committee on Claims.

By Mr. THOMAS of Oklahoma:

A bill (S. 4054) validating certain conveyances by Kickapoo Indians of Oklahoma made prior to February 17, 1933, providing for actions in partition in certain cases; and

A joint resolution (S. J. Res. 213) defining the jurisdiction of the Court of Claims under the act approved April 25, 1932 (47 Stat. L., 137), and for other purposes; to the Committee on Indian Affairs.

ARMY DAY

Mr. SHEPPARD submitted the following concurrent resolution (S. Con. Res. 30), which was referred to the Committee on Military Affairs:

Resolved by the Senate (the House of Representatives concurring), That Monday, April 6, 1936, be recognized by the Senate and House of Representatives of the United States of America as Army Day and that the President of the United States be requested, as Commander in Chief, to order military units throughout the United States to assist civic bodies in appropriate celebration to such extent as he may deem advisable; to issue a proclamation declaring April 6, 1936, as Army Day, and in such proclamation to invite the Governors of the various States to issue Army Day proclamations.

TENNESSEE VALLEY AUTHORITY ACT, 1933—DECISION OF THE SUPREME COURT (S. DOC. NO. 176)

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed as a public document the decisions rendered yesterday by the Supreme Court of the United States in the so-called T. V. A. case, together with the dissenting opinion.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

GOVERNMENT EXPENDITURES—ADDRESS BY SENATOR BYRNES

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD an illuminating address on Government expenditures delivered over the radio by the Senator from South Carolina [Mr. BYRNES] yesterday evening, February 17.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Confidence is essential to progress. Doubt as to the credit of the Government lessens confidence and retards progress. Daily there is printed in the newspapers and heralded over the radio statements of individuals expressing doubt as to the credit of the Government. Of course, there is a Presidential election this year, and some of these statements may be due solely to political partisanship. In some instances, however, the individuals making such statements are not inspired by partisanship, but are misled as to facts.

Informed persons abroad seem to have none of the fear entertained by some of our politicians. Nearly a year ago the Royal Bank of Canada, in one of its monthly statements referring to conditions existing in this country, said:

"In the United States the depression became more acute than in other countries. If capacity to survive unprecedented shocks constitutes a basis for confidence in the future—the future of the United States is assured. The Government has spent and is spending money freely, but alarm concerning such expenditures would seem to be somewhat exaggerated when it is considered that if the United States and individual States were to maintain the recent scale of expenditure for 20 years the resultant debt load would bear no heavier proportion to normal predepression national income than does the present debt load in Great Britain. Further, if the Government, State, county, and municipal debts are combined, the total amounts to less than $50,000,000,000 as compared with a normal income that amounted to between $75,000,000,000 and $80,000,000,000 per year at the price level which prevailed under the old gold standard. With a depreciation of 40 percent, it seems probable that national income may easily exceed $100,000,000,000. The public debt of Great Britain is a sum equal to twice the national annual income, and when the debt of local government bodies is added it comes to a sum more than two and one-third times as large as the (British) national income."

The economic advisers of the Canadian bank predicted at that time that the business barometer in the United States would continue to rise. It is a matter of common knowledge that that prophecy has been fulfilled.

Only a few days ago Dr. O. M. W. Sprague, former economic adviser to the Bank of England and a frequent critic of administration policies, declared that our national debt could reach $40,000,000,000 without weakening the Government credit, "provided there was a tapering off in annual deficits."

Last November one of the leading journals of Japan quoted the Minister of Finance of that Government as citing the financing by the United States Treasury as a splendid example of successful government financing.

Confidence in the credit of this Government, however, does not exist only among the financiers and economic experts of other nations. Last December the United States Treasury engaged in a refunding of obligations. They offered $450,000,000 of 10-year bonds, bearing 2¾-percent interest, and $450,000,000 of 5-year notes, bearing only 1½-percent interest. Notwithstanding the low rate of interest, so anxious were the banks and investors of the Nation to purchase the obligations of this Government, that in 1 day there was subscribed four and one-half times the amount of these two issues.

Regardless of what pessimistic politicians may say about the credit of your Government, the banks and the investors have such confidence in the Government that whenever the Treasury has issued its obligations it has been able to sell them at such reduced rates of interest that there has been a reduction in the amount of interest to be annually paid by the taxpayers upon outstanding obligations of approximately $100,000,000.

We can best appreciate the strength of our Treasury position by comparison with Great Britain and France. On January 31, 1936, according to Treasury figures, the gross public debt of the United States amounted to $30,516,452,985.58. On that date there was a net balance in the general fund of the Treasury of $2,003,979,340.93; so that the gross debt of the Government, less the balance in the Treasury, amounted to $28,512,473,644.65. With an estimated population of 127,608,000, this makes our per-capita debt on that date $239.14. I have not the figures for so recent a date as to the United Kingdom, but according to the Economist, of London, the budget of Great Britain shows that the public debt of that Government as of December 31, 1935, was $39,548,466,528, making a per-capita debt for the population of that country of $871.09. The public debt of France as of August 31, 1935, was $21,379,464,000, making the per-capita debt of France $510.50. I repeat, the per-capita debt of this country is $239.14; of France, $510.52; and of Great Britain, $871.09.

Whenever these figures are cited, the confirmed pessimist calls attention to the fact that in addition to the debt of the Government of the United States we have the debt of the States, cities, and other subdivisions of government. These debts are not relevant to a discussion of the condition of the United States Treasury, but they do exist. It is estimated that today the total debt of States, counties, and municipalities of the United States is slightly less than $20,000,000,000. If this is added to the net debt of the United States Government, as of January 31, 1936, it makes the total indebtedness of all governments in the United States approximately $48,000,000,000.

There is likewise an indebtedness on the part of subdivisions of Government of the United Kingdom estimated at $6,682,000,000, so that the total indebtedness of all governments in Great Britain, with its comparatively small population as compared with the population of the United States, is only slightly less than the combined debt of the Government of the United States, and of all States, counties, and cities.

The public debt of the United States Government is less than 10 percent of our national resources. The national income, which means the amount received for goods produced and services rendered, in 1935 exceeded $50,000,000,000. Now just picture in your community a man of good character who had resources of $100,000, who had an annual income of $15,000, and who did not owe but $10,000. Is there a banker who would refuse to make a loan to that citizen?

There are other reasons why the people who have money to invest have confidence in our Government. They know its capacity to pay. In August 1919 our public debt reached twenty-five and one-half billion dollars. Ten years later it had been reduced to fifteen billion eight hundred million. Had Secretary Mellon not recommended and the Congress granted a reduction of income and corporation taxes, the debt would have been further reduced. If the present tax rates are continued, and the recovery of business continues, the revenues from corporation and income taxes in 1937 are bound to show a remarkable increase. Daily you read of the resumption of dividends and the increase of dividends by corporations. This means increased incomes, and increased incomes mean increased revenues to the Government.

Our pessimistic friends, however, assert that while there may be no danger as to the credit of the Government today, that if the Budget is not balanced immediately it will be endangered. No one will question the desirability of a government or an individual living within its or his means.

In normal times it is the only policy to pursue. In abnormal times, in such an emergency as that from which we are emerging, balancing the Budget is an unwise policy. You can do it only by increasing taxes or reducing expenditures. If you decrease expenditures too suddenly, you add to unemployment and curtail the revived buying power. If you increase taxes too much, you force industries out of business and again increase unemployment. My thought is that during a business depression the Government should engage in public works that will give employment to those who are forced out of private industry. As normal conditions return, the Government should reduce its expenditures for public works so as not to compete with private industry for labor.

Where public works are of a permanent nature, the taxpayers should not be asked to bear the burden of the entire cost out of the income of a single year. To illustrate: We are now engaged in the construction of post offices and court houses throughout the country. In order to provide employment we are doing more of this building than we would ordinarily do. The life of these buildings is estimated at 50 years. Is it fair, in order to balance a Budget, to force the people who are fighting an economic depression, to provide the funds for the construction of buildings to exist for 50 years, or should that money be borrowed, and in this way the expense be apportioned through the years and some of the burden borne by those who will profit from the expenditure?

In considering the wisdom of building at this time we should recognize that not only is the Government furnishing jobs, but it is buying lots in the cities of the country for post-office sites at depression prices. At the end of the life of these buildings, 50 years hence, the Government will possess property worth many times the amount paid for these sites in 1936. To illustrate, the Government, about 50 years ago, purchased a site for a building in Louisville, Ky. Today appraisers of the Treasury estimate the value of that lot at almost 300 times the amount paid for it. That is true in Portland, Oreg.; Newark, N. J.; and practically every other city where the Government owns a building.

No great corporation constructs a new plant out of its annual income. It issues bonds to secure money for that purpose. How many persons in America would today own a home, or a farm, or a business, if they had refrained from purchasing until they had the cash for the entire purchase price?

The Government of Japan is often cited by our business leaders as an efficient Government. The Japanese budget for this calendar year provides that the funds to meet expenditures shall be secured 70 percent from taxation and 30 percent from the sale of bonds. The same policy has been followed for the last 4 or 5 years. The credit of the Government has been maintained and throughout the nation there is evidence of prosperity.

An industrial leader of Japan, in discussing this failure to balance the budget, stated that there was some criticism that it would place upon the children of today the burden of paying this debt. He said, however, that the prevailing opinion was that it was far better that the Government pursue a policy of making the nation one in which the children of today could hope that tomorrow they would be assured of a job with an income which would enable them to reduce this debt, than to turn over to them a prostrate nation in which they would have no chance to pay taxes because they would have no chance to secure a job.

But we are fond of phrases. One of the wise men of the East can declare that recovery depends upon immediately balancing the Budget, and throughout the country all the lesser leaders

will promptly and eloquently declare that the safety of the Nation depends not upon its Army and Navy but depends solely upon a balanced Budget. Soon it becomes an obsession.

In Washington there was a man, who, as a result of constantly listening to these pessimistic political prophets talking about balancing the Budget, was taken to the hospital for the insane. Asked what was wrong with him, the guard stated, "I don't exactly know, but I hear him saying, 'Balance the budget, budget the balance, bidget the budget, budget the bidget', and then he starts all over again." Instead of reaching this condition we can keep our feet upon the ground. We can recognize the necessity of balancing a budget in normal times, and the impossibility of doing it in abnormal times. If one of these budget balancers was sick and his income reduced, do you think he would refrain from calling a doctor and buying medicines and food because it would make his expenditures exceed his income, and unbalance his budget?

When we consider the public debt of the United States, we must not forget that of the total net debt of $28,512,473,644.65, there is a total of $4,409,000,000 which has been invested by the Government and which will be recovered by the Government. Included in this amount are funds loaned to the closed banks of the Nation by the Reconstruction Finance Corporation in order to permit them to more quickly pay the depositors. To secure these loans the assets of the bank are held by the Corporation. That money will be repaid. To encourage the banks to lend money the Reconstruction Finance Corporation purchased preferred stock in hundreds of banks. That accounts for a part of the public debt. Was it wasted? Millions of dollars were advanced upon cotton, which cotton the Government holds to secure the loans. Millions were advanced to the Home Owners' Loan Corporation to help refinance the homes of America. Was that wasted? Millions were advanced to refinance the farms of the Nation. Was that wasted money? These advances are secured by liens upon the homes and the farms of America. The loans were based upon values fixed during the depression. The Government will recover its money unless real-estate values should decrease below what they were in 1933. If that occurs, balancing the Budget will be one of our minor problems.

Millions of dollars have been advanced by the Public Works Administration to the municipalities for public improvements. For such advances bonds of the cities are held by Public Works Administration. In some cases these bonds have been sold at a profit to the Government. In some of these investments there may be a loss. In others there will be a profit. Certainly this $4,400,000,000 constitutes an asset of the Government, and as it is returned to the Government it should be used to reduce the public debt.

Critics, however, say that they see no prospect for reduction of expenditures, and cite the expenditures proposed for the Army and Navy at this session of Congress. Admittedly, they are large. At the Naval Conference for the Limitation of Naval Armaments we fought for the right to build a Navy that would be equal to that of Great Britain. We insisted upon what is called the 5–5–3 ratio. We won that fight. Great Britain built the ships she was entitled to build. Japan built the ships she was entitled to build. The United States was content merely to have the right to build. We hoped that our example in not building would influence other naval powers to refrain from increasing their naval strength. Our confidence was misplaced. They sang about peace on earth and went ahead building battleships. Now we find it necessary to spend more money than would have been spent had we in 1930 provided a program for the construction of a certain number of ships per year—the only economical way in which to provide a building program. Our Navy bill this year will be approximately $500,000,000. No one is anxious to appropriate this much money. Our Government has tried and is still trying to induce the other powers to agree to a reduction in naval armaments. To date we have failed. It is splendid to talk about peace and about "beating swords into plowshares", but when other governments are turning their pruning hooks and plowshares into swords and diverting money that should be used to paying our war debts and to the building of battleships, it is our duty to see to it that the Navy of the United States is second to no navy on the face of the earth.

I know, however, that many of those who criticize most severely the expenditures of government, if called upon to specify where reductions should be made, instead of citing appropriations for national defense, would cite the appropriations for relief. As business recovers, relief expenditures can be reduced and will be reduced. Gradually the burden must be returned to local governments. But those who criticize the Government for having made these appropriations should recall that the United States Government did not enter this field until local governments declared their inability to care for their own unfortunates. This Nation, with its immense resources and unimpaired credit, could not permit human beings to starve. But the willingness of some persons to disregard human suffering is not new. We are told that long ago, on the road to Jericho there lay a man wounded and suffering. He was in need. That was relief case no. 1. I imagine that the clergyman who passed without heeding his appeals contented himself with the thought that it was a case for the community chest or Salvation Army. Doubtless the Levite who passed and ignored the cry for assistance feared that if he granted relief he would not be able to balance his budget. But fortunately there came by a good Samaritan, who heeded the cries of the unfortunate man. He did not stop to consider budgets. He took him to an inn, paid for his keep, and then, because his credit was good, pledged that credit for whatever amount was necessary to relieve the suffering of a human being. There comes a time in the life of a government as in the life of an individual, when the spirit of the Samaritan must influence our actions and we must place the relief of human beings above the necessity of balancing a budget.

After all, my purpose is only to assure you that notwithstanding all the pessimistic political oratory you may hear, there is no question about the soundness of the Government of the United States. The credit of this Government is superior to the credit of any other government in the world. That credit will be maintained. As we continue to return to normal conditions, expenditures will be reduced and the public debt will be reduced. Confidence is being restored. There is justification for that confidence.

LINCOLN DAY ADDRESS BY SENATOR METCALF

Mr. HASTINGS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the senior Senator from Rhode Island [Mr. METCALF] on the occasion of the Lincoln Day dinner of the Republican Club of Rhode Island.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

I speak tonight to call your attention to the patriotic necessity of saving our country, State, and city from the devastating acts of the present Democratic administration.

Supporters of the New Deal assert that only they are concerned with the relief of the suffering and distressed and that the principal purpose of the New Deal is to provide such relief. If their claim is correct, then for more than 2,000 years mankind has misstated the maxim, "The safety of the people is the highest law."

Every association of human beings under whatever form of government knows, or should know, that to protect the suffering and distressed is a primary obligation. No government worthy of the name could long exist that did not provide clothing, food, and shelter to such of its citizens as would otherwise perish. Every form of government knows that its perpetuity depends upon providing such relief and protection. This is a social and not a political problem. Whatever party administers the government in times of social distress must place relief at the very forefront of the problems to be solved. The New Deal states nothing new; it merely attempts to solve the problem in a different way.

Instead of saying frankly to the people, "We must through taxation and borrowing provide funds to relieve this suffering", it demands, by the cry of distribution of wealth, a confiscation of savings, a discouragement of thrift, and a denunciation of the profit motive. It says that it is more concerned with the protection of life than with the protection of property.

But can life be protected if property is not also protected? More sacred than the individual life is the association of lives in the American home, because that home is the primary protection of each life in it, and that home, however humble, is and always will mean property saved and collected for the shelter and care of those who compose it.

Every normal man and woman who unite to make a home rightfully work and save to that end, and look upon their efforts with pride. If this be the protection of property, is it to be condemned because it better protects the lives that will make up the home? If this working and saving be the condemned profit motive, make the most of it.

So as to relief, there is no difference except in degree between the duty of a home to protect the family against suffering and distress and a like duty of government.

But how does a family go about the performance of this duty? If one of its members is ill or in need of care the others economize, borrow, and make sacrifices, often desperate. They try to keep within their income. If they can't, they pledge their credit with the full and honest intention of repayment when times are better. They expect to save, not spend their way out. They would have no credit if they threatened to repudiate their obligations or repay them with debased money.

What the family does to protect the home and its members, Government should do to relieve suffering and distress of its citizens and in the same way.

Undermining the confidence of the great mass of home owners, decrying protection of property and the profit motive is cutting squarely across the pattern of American home life. Upon that home life American institutions have been built; upon it they must rely for their perpetuity.

The New Deal declares in vain for the confiscation of property, the redistribution of savings. In vain it slams the door of hope against those who would work with a profit motive for the shelter and security of their loved ones.

The words of that great New England Senator, Charles Sumner—words uttered on the floor of the Senate in denouncing slavery—apply today with stunning force to the New Deal declarations against thrift, integrity, and the profit motive. Speaking of an advocate of slavery, Senator Sumner said:

"Against him are stronger battalions than any marshaled by mortal arm—the inborn, ineradicable, invincible sentiments of the human heart; against him is nature in all her subtle forces; against him is God. Let him try to subdue these."

It is beyond the power of any legislature, State or Federal, to make and enforce laws contrary to these human and divine sentiments. Constitutions, both State and Federal, forbid it, because after all these constitutions are but the deliberate conclusions of the social compact by which people live together and achieve happiness.

The New Deal will declaim to no effect where permanent human happiness is threatened. The only way out is the old way of honesty, honor, and thrift.

There is no patriotism in remaining silent over the acts of this administration. With all our resources, with our abundance of natural wealth and human capacity, we are making no progress toward basic recovery.

Our tax rolls are growing—the public debt is increasing—confidence in private enterprise is failing, and the only desirable momentum given anything in these days is the promising drift toward the Republican Party.

This is coming from every direction—from great Democrats like Al Smith, from statesmen like Bainbridge Colby.

Our national deficit will destroy us if we do not succeed in stopping it, and the result is suggested by the following rhyme:

Hush, little deficit,
Don't you cry—
You'll be a crisis
By and by.

If there comes a crisis, let the Republican Party be there to meet it. Let us leave this hall with that resolution foremost in our minds. It will take hard work and an earnest faith in our America. With these we shall save the Rhode Island Constitution in March and the Nation's Constitution in November.

THE TENNESSEE VALLEY YARDSTICK

Mr. COSTIGAN. Mr. President, yesterday's decision by the United States Supreme Court upholding, with reservations, the constitutionality of contracts of the Tennessee Valley Authority for the Government purchase of transmission lines and Government sale of hydroelectric energy is being widely welcomed as a victory for the general welfare. One of the effective arguments in behalf of these Federal activities has been, and is, that consumers of electric power in all parts of the United States will be, and, as citizens, are entitled in this instance to be, benefited by a federally owned and operated yardstick with which to measure the reasonableness of rates charged for electric light, heat, and power by privately owned and operated utilities. Hon. David E. Lilienthal, Director of the Tennessee Valley Authority, at the annual meeting of the American Historical Association and the American Political Science Association, Chattanooga, Tenn., December 29, 1935, discussed the value of that yardstick, as, in part, already demonstrated.

I ask unanimous consent that Director Lilienthal's address, entitled "The Yardstick in Action", may be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE YARDSTICK IN ACTION

The electricity program of the Authority contains elements that are challenging. We are just entering the age of electric power. No one has sufficient foresight or imagination to see what lies ahead as electricity becomes more and more widely available and new and now undreamed uses are developed. In the Tennessee Valley today the country is witnessing in somewhat dramatic form the impact of electricity upon individual habits, upon community life, upon regional development. What is happening here merits your close and disinterested observation.

The source of the T. V. A. electricity program lies in certain rather well-known engineering and constitutional principles. Congress, acting under the commerce clause, has directed the Tennessee Valley Authority to provide a navigable channel throughout the length of the Tennessee River from Knoxville to the mouth, near Paducah, a distance of 658 miles, and to provide for the control of destructive floods. To carry out this mandate, the Board has proceeded to the construction in the main river of a series of high dams and by the construction of dams in canyons on tributaries of the Tennessee River. These dams, together with Wilson Dam at Muscle Shoals (already in operation), will provide control of water and a minimum 9-foot navigable channel throughout the year. Here we have a familiar and traditional function of the National Government, the providing of an interstate highway of transportation, and the control of destructive waters on an interstate stream.

Everyone knows that when water falls there is power in that water, power that men have used from time immemorial. So when T. V. A. lets water through these dams in pursuance of its constitutional functions with respect to navigation and the control of floods, the question is not whether power should be developed—the power is there by the mere fact that water is falling. The question is whether the power in that falling water shall be harnessed and shall be utilized in the form of electricity by putting the water through turbines and generators, or whether the power should be allowed to go to waste.

It is almost unthinkable that this power should not be made available, since with a relatively small additional investment of equipment it can be harnessed and put to work. And that is precisely what Congress has directed should be done. The economy of such a plan is apparent at once. If a dam is built for navigation alone, or flood control alone, or (as in the case of a private development) for power alone, the cost of securing navigation, flood control, and power, is greater than if all three purposes can be served by a single structure, and the costs of the structure divided among the three or more services.

ACTUAL AND POTENTIAL ELECTRIC POWER OF T. V. A.

What is to be done with this vast potential supply of electric power created by these navigation and flood-control dams? Under the so-called property clause of the Constitution it is our view that Congress has authority and wide discretion to provide for the disposition of this great national property in electric power. The policies governing the sale of that public property of electricity, as written into the T. V. A. Act as amended in 1935, are comprehensive, and have deep social and economic implications.

First of all, the power is to be used by the Authority for its own purposes and then by other Government agencies. Such Government uses include the operation of the electric furnaces in the T. V. A. fertilizer works at the Shoals, the construction of dams, the lighting of Government buildings, activation of navigation locks, and the like. These uses consume great quantities of power.

All the power not thus employed for strictly governmental purposes is to be sold, or, to use the words of the statute, the Board is authorized, "in order to avoid the waste of water power, to transmit and market such power as in this act provided, and thereby, so far as may be practical, to assist in liquidating the cost or aid in the maintenance of the projects of the Authority."

OBLIGATION TO SELL SURPLUS POWER

In other words, the first duty of the T. V. A. Board with respect to the surplus of power not used for Government purposes is to sell that power and use the revenues to help pay the operating costs and repay the investment in the project.

The Board has a duty to secure revenues. But in securing those revenues, the widest possible use of electricity, particularly in homes and on farms, is specifically laid down as a policy to guide the Authority. Though the project must plan to support itself, the national policy is clearly one of maximum use, consistent with reasonable costs, not maximum financial returns. Some of the statutory language is unusually interesting and worthy of your study:

"This policy is further declared to be that the projects herein provided for shall be considered primarily as for the benefit of the people of the section as a whole and particularly the domestic and rural consumers to whom the power can economically be made available, and accordingly that sale to and use by industry shall be a secondary purpose, to be utilized principally to secure a sufficiently high load factor and revenue returns which will permit domestic and rural use at the lowest possible rates and in such manner as to encourage increased domestic and rural use of electricity."

In an interesting provision, which I quote from section 10, the statute expressly recognizes and emphasizes the deep social implications of electricity:

"That the Board is hereby authorized and directed to make studies, experiments, and determinations to promote the wider and better use of electric power for agricultural and domestic use, or for small or local industries, and it may cooperate with State governments, or their subdivisions or agencies, with educational or research institutions, and with cooperatives or other organizations, in the application of electric power to the fuller and better balanced development of the resources of the region."

Beneath these stiff legal phrases there appears to be a deep-lying social objective. With respect to this byproduct, electricity, we have here a frontal attack on the now familiar anomaly of "want in the midst of plenty."

VARIOUS YARDSTICKS IN PRODUCING AND DISTRIBUTING ELECTRICITY

As you can see, under this law the Authority was faced with the problem of devising a price for electricity which would result in maximum use and yet would return to the Federal Treasury all the costs of producing and distributing that energy.

The component costs of producing and distributing electricity were to be recorded in such a way that they would form a useful and challenging basis of comparison—a yardstick of comparison—with costs in private and public operations in various parts of the country. In using such a yardstick of costs due weight must, of course, be given to the underlying variables which affect every fair comparison of costs and rates.

But the yardstick is by no means a yardstick of costs alone. What T. V. A. is doing on several fronts, pursuant to statute, furnishes equally useful yardsticks. For example, a yardstick of mass consumption (about which I shall speak in detail in a moment); a yardstick to determine whether good wages and superior working conditions will result in low unit costs in construction; the extent to which electricity on the farm can be so used to increase the farmer's income; a yardstick for the integrated control of waters throughout an entire major watershed.

It is necessary to explain that T. V. A., with limited and temporary exceptions, is selling electricity at wholesale, either at the power-house, or more commonly, by carrying it over high-tension transmission lines to the city gate or factory site. For example, T. V. A. has a contract under which it is delivering power to the city of Dayton, Tenn., not far from where we are meeting tonight. The city of Dayton then resells that electricity to its residents, to industries, and to farmers in the surrounding territory. The only prices which involve T. V. A.'s own costs are the wholesale rates.

The cost of generating electricity forms a very small part of the total cost to the residential consumer or the farmer, ranging

usually from about one-sixth to one-tenth. That is, generating costs are usually only from about 4 to 6 inches of the total 36 inches in the yardstick. And T. V. A. prices for electricity at wholesale vary only a mill or two per kilowatt-hour (in some cases less than a mill) from the wholesale rates generally charged in this area. A mill, or even several mills difference in the wholesale price affects the rate charged the ultimate home user very little. For example, if the T. V. A. wholesale rate is a mill a kilowatt-hour lower than in your community, based on the national average usage, this difference would amount to about 5 cents a month, and even a 2-mill difference will only amount to 10 cents a month to the householder.

CONTRACTS OF T. V. A. WITH MUNICIPALITIES

In the contracts with municipalities for sale of bulk power not only the wholesale rate but also the rates the city will charge the ultimate consumer are agreed upon by the Authority and the city. It is these rates to the consumer that are usually referred to as T. V. A. yardstick rates. And it is these retail rates which show such a marked disparity from rates usually charged, a disparity far in excess of any mill or two difference in wholesale rate.

To illustrate, suppose in your home you pay an average rate per kilowatt-hour of 51 mills, which is the national average. The average rate among users in T. V. A. communities is 21 mills a kilowatt-hour, a difference of 30 mills. The disparity, as you see, cannot be accounted for even by several mills' difference in the T. V. A. part of the rate, the wholesale rate. One of the chief reasons for this wide difference of 30 mills lies in the fact that T. V. A. average consumption is more than twice the average through the country. And why that is true I believe will be plain if we have in mind the familiar economic principles of prices in an industry of diminishing costs.

LOWER RATES AND LOWER COSTS

I am not going to take you into an involved and lengthy discourse on the theory of price and cost in the field of electricity. But one principle of pricing must be clearly recognized or the entire social significance of the yardstick is lost—the rate charged for electricity, within wide limits, determines the cost. No yardstick rate for domestic electricity, at least in my opinion, is worth serious consideration unless it is based on this principle.

By a happy coincidence the social objective of wide utilization of electricity and the business principle I have just stated work in harmony. Now, of course, this is by no means a brand new discovery. The principle has been commonly accepted by economists for many years. In a wide field of mass production, as everyone knows, increased demand results in less cost per unit. Limited production means high costs; wide consumption produces low costs.

But how to get wide use and in turn low costs? The answer of the T. V. A. yardstick is low rates, genuinely low rates. Low rates will bring increased use, and increased use results in low costs. There are limits, but they are far off.

Some critics of this yardstick principle say: We want to charge low rates, but we can't lower rates further until we can cut our costs, and we can't cut costs unless people buy more electricity. Your yardstick rates would probably work if people used twice as much electricity as they do, but until they do such rates are impossible.

And, with a few exceptions, that is the answer, too, of the rate regulatory commission. With an eye fixed by law on present costs based on present consumption of electricity, the commission says: "We can't order genuinely low rates because the lower rates would be below the cost of distribution. When people use more electricity, such rates would be feasible." In other words, in the regulation of rates under the fair-value theory, plainly the cart is before the horse.

How does the consumer look at the matter? He says: You cut prices for electricity and then I will use more.

The situation reminds you of the famous western statute designed to prevent accidents at railroad crossings which provided that whenever two trains approach each other at a crossing neither shall pass until the other has gone.

The cities and associations which have adopted the T. V. A. rates smashed the vicious circle by drastically reducing rates about 50 percent in most cases. With what results we shall see in a moment from the record.

We may well wonder what would have happened if many years ago Henry Ford had issued the following announcement to the public: "I have just produced my first horseless carriage, which I will sell for $25,000. That is a fair price because that is just what it cost me to produce it. When the public demand is such that I can sell a million a year then my costs will be reduced and I can then sell cars for less than a thousand dollars apiece. Mr. Ford had too much business sense for that. He fixed the price of his first cars at a level that the price stimulated the demand, and the demand permitted large-scale production with resulting low cost. The habits, the economy, the whole course of our Nation have been deeply changed because of that principle of pricing. Maximum use because of low prices, not restricted production at high prices has motorized America.

And there are other illustrations equally impressive. In 1924 the average retail price of electric refrigerators was $450, and in the entire country only 30,000 were produced and sold at that level of prices, with a total value of $13,500,000. During the decade following 1924 the average sales price declined and the units sold soared. In 1934 the average sales price was $172 (compared with $450), and 1,400,000 refrigerators were sold, with a value of $240,000,000.

It is interesting in this connection to observe briefly a comparable case in recent transportation history. Harassed by years of steadily declining passenger revenues, the railroads abandoned thousands of miles of track and curtailed service. This was ineffective. In desperation, recently many carriers instituted drastic reductions in fares. The reductions were made voluntarily, and not as a result of regulatory orders (which their counsel could easily have established to be confiscatory). The official records show that these reductions turned the tide. Passenger travel increased in spectacular fashion. The Southern Railway increased its passenger revenue in 1934 by 13.7 percent over 1933, with an actual decrease in train-miles of 1.2 percent. The Interstate Commerce Commission found, after taking months of evidence, that the continued improvement in revenues following the fare reduction was "due largely to such reduced fares and not in any great degree to improved business conditions." One further sidelight with respect to passenger fares. In the passenger-traffic report of Coordinator Eastman is this significant note:

"An experiment made by the Chicago & North Western in 1932 indicated that base fares of 2.5 cents were ineffectual in increasing revenues, while a basic fare of 1 cent, by increasing volume 500 percent, produced greater revenue than a 3.6 base fare."

I could cite a few more such illustrations, but unfortunately, not many; for industry generally has put these price policies into effect only to a limited extent. And yet, in this direction of "more, not less", of mass consumption induced by an economic price there may be a new standard of living and a greater stability in industry.

THE ELECTRIFICATION OF AMERICA

The principle of diminishing costs applies with greater force in the case of electricity than it does with automobiles or refrigerators or passenger fares. And there are, here and there, notable cases in which public-utility managements, both private and publicly operated, have demonstrated the soundness of low rates. But suppose such a principle were to be genuinely adopted throughout the country in fixing rates for electricity? Electricity is the most potent force of modern times. It is being used on a niggardly scale today—even after all these years the typical (not the average) household in this country uses electricity virtually only for lighting. Taking the country as a whole, the United States electrically is still back in the two-cylinder "benzine buggy" days. Two-cylinder electric rates will keep us in the two-cylinder hand-cranking period of electric use. If the T. V. A. yardstick does no more than point to the need for mass consumption pricing principles it may become a real asset to the country.

I do not want to minimize the difficulties or oversimplify the problem. The orgy of utility financial malpractice has left many operating managements with a legacy of crushing capital structures. To ask a utility management carrying such a load to take a step involving even a few months' reduction of revenue is expecting a good deal. Nor is this all. The sedative of tradition and the deep, dark mystery with which rate experts have surrounded their cult are not conducive to an original reexamination of electric rates.

The difficulties are great, I grant; but the stake is great—nothing less than the electrification of America.

INDUSTRIAL, FARM, AND DOMESTIC POSSIBILITIES

What would happen if electricity should be used widely and liberally instead of parsimoniously? What would be the social consequences, the consequences to industry, the distribution of population, the balancing and humanizing of agricultural life, the impetus to housing—the revolutionary effect on a hundred facets of American life? The Tennessee Valley may throw some light on this stimulating possibility.

Let us take some communities in which the so-called T. V. A. rates have been in effect and see what happened. Those communities have widely differing economic characteristics, and all lie in States having among the lowest per capita income in the country—not an easy testing ground.

Within 22 months after placing in effect these low rates (a reduction of about 50 percent) total residential consumption of electricity in Tupelo, Miss., increased 267 percent. In Athens, Ala., after 18 months, there was an increase of 272 percent, and in the same period in two county-wide associations in Alcorn and Pontotoc Counties in Mississippi, increases of 220 and 293 percent, respectively. In New Albany, Miss., in 12 months there was an increase of 114 percent; and in Pulaski, Tenn., after only 11 months' operation, an increase of 128 percent, while in Dayton, Tenn., the increase was 88 percent in 10 months.

Another reflection of the increase in usage following drastic rate reductions is in the change in the amount of electricity used by the average householder. Under high rates the average domestic user in Tupelo used 49 kilowatt-hours a month, whereas after less than 2 years the average had reached 130 kilowatt-hours per month, or considerably more than twice the national average of about 55 kilowatt-hours. Athens, Ala., in an even shorter period, had an average use of 133 kilowatt-hours per month. Similar results have been reached in other communities, using T. V. A. rates, allowance being made for the shorter period during which the reduced rates have been in effect.

An important result which should be noted both for its social and its financial significance is that there has been a very substantial percentage of increase in the number of homes formerly without any electrical service under higher rates, which are now using that service.

An examination of the records of these communities, kept according to a uniform classification of accounts, shows that in

each case a margin above aggregate costs, including in such costs taxes, depreciation, interest, and, of course, operating expenses. Where operations have extended over a year, the percentage of profit has been substantial. In Athens, 20 cents out of each dollar of revenue has been net income; in Alcorn County, 36 cents; and in Tupelo, 31 cents.

Of more general interest is the rapidity with which these communities have recovered the loss of revenue which each experienced in marked degree when rates were cut in half. Revenues for several communities were recovered within a year.

It would be unscientific to assert, on the basis of the present data, that these same rates would produce exactly the same financial results under any and all circumstances. But taken together with other results here and there throughout this country and Canada, the yardstick certainly points to a wide use of electricity by the application of the principles of mass consumption, of low prices, and wide use.

PRIVATELY OWNED UTILITIES ALSO PROFIT

The privately owned electric utilities in the Tennessee Valley region have made a beginning in the application of this yardstick of mass consumption. Let us look at the experience of one company by way of illustration, the Tennessee Electric Power Co., which serves a major part of this State. By a contract with the Tennessee Valley Authority entered into on January 4, 1934, this company put into effect a substantial reduction in rates. In the ensuing year the Tennessee Electric Power Co. led the entire country by a wide margin in the increased sale of electricity to home users, an increase in average use more than six times as great as the corresponding increases achieved by the 40 leading electric utilities of the company. Reports for the first 6 months of 1935 indicate that this company will probably set up another national record in the second year under these reduced rates. Rate reductions initially resulted in a lowering of revenues, but this reduction in gross revenue was recovered in a relatively brief time because of expanded consumption. The only close rivals of the Tennessee company in the entire country in the increased use of electricity by its customers were also companies in the Tennessee Valley area which had likewise put into effect rates identical with those embodied in the agreement between T. V. A. and the Tennessee Electric Power Co.

Now what happens when electricity becomes available and widely available in a community such as this Tennessee Valley area? Why was the Congress so insistent upon maximum use of the public property which the T. V. A. was directed to sell? What are the social results, what is the community and individual impact of the wide utilization of electricity? Here is a matter of human interest and social significance.

IMPROVED LIVING CONDITIONS

First of all, consider the case of the resident of a community who has increased his consumption of electricity from, let us say, 35 kilowatt-hours a month to 150 kilowatt-hours a month. Under the earlier and higher rate, when he was using 35 kilowatt-hours a month this average man was using electricity almost entirely for lighting his home, and perhaps for a radio and for some breakfast appliances. But with this reduction in rates and the incentive for using large quantities of electricity without greatly increasing his bill he immediately thinks of other uses than lighting and radio and proceeds to put them into his home: a washing machine makes its appearance, an electric refrigerator, an electric range, automatic water heating, and other appliances. He and his wife and children therewith change their entire way of living. And, obviously, even at a 50-percent reduction in rates he is a much better customer from the financial point of view than he was when he was using a limited amount of electricity. The investment to serve him is not substantially increased, if at all, and the cost to generate the additional kilowatt-hours that are furnished him is very little. With the greatly increased use of electricity under low rates it is usually a relatively short time until the total revenues from this consumer are as great or greater than under the high rates. But there is this vital difference: that the household is using about twice as much electricity for about the same share of the family income. The social implications of this fact are far-reaching.

Another important economic effect is that the industrial centers feel the effect of widening use of power, in increased demand for electric appliances. In some of the communities we have been discussing, in which these rates have been in effect a year or more, the number of refrigerators has doubled, so that instead of 30 homes out of 100 having electric refrigerators, at the end of a year as high as 70 homes out of every 100 have these appliances and almost 30 out of every 100 have electric ranges. The figures vary, but they all show gratifying increases above the national average.

But the most interesting result from the human point of view in the effect on the individual way of living is to be found in the rural communities in which T. V. A. has brought electricity for the first time. Those of us who live in the cities and have become accustomed to the conveniences of electricity often forget that these minimum conveniences, such as running water and electric lights, are unknown in all but a very small proportion of the farm homes of this country. About 90 percent of the 30,000,000 American citizens on farms do not have the simple conveniences and comforts which have become a commonplace in most middle-class homes in urban communities. What will be the effect on farm life, on the attractiveness of living in the country, on the migration of young people from the farm to the city, on the whole balance between the rural and urban population, when rural electricity becomes widespread instead of being extremely limited, as it is at the present time? Here, too, the T. V. A. experience will furnish a useful kind of yardstick.

Electricity on the farm becomes an energizing force, not only literally but in its impact on farming as a way of living. A recent newspaper account illustrates what I have in mind. Senator NORRIS visited the home of a farmer living not far from Wilson Dam, who until the very recent construction of a line by T. V. A. had not had electricity on his place. The Chattanooga News reported the incident in this way:

"Weather-beaten and sadly in need of paint, the house was located in the midst of fertile acres that stretched around. Through the house the farmer conducted them. Here he pointed to his water heater, his glistening white refrigerator, his lights, and other appliances newly installed. At the back door he pridefully called his visitors' attention to a water pump, operated by electricity, like other appliances in his house. Then he grew a little apologetic. 'This house here doesn't look much,' he said. 'It's in need of some paint and repairs. But now we've got electricity in here we're planning to fix up things. We're going to do over the place, maybe add some rooms.'"

Now this change in the homes, as a result of bringing electricity to the farm, has been marked throughout the area where T. V. A. electricity has been available. In a north Alabama county, 7 percent of the homes to which electricity has been brought for the first time were thoroughly remodeled or entirely new homes constructed. A shiny electric range or running water in a kitchen increases the interest in improving that home. And we find that most of these improvements have been accomplished by the payment of cash, money which has been accumulated by the quiet, thrifty habits of these people. I point this out simply to demonstrate how electricity, widely used, can stimulate demands that have theretofore been dormant and change and raise the standard of living.

In the Tennessee Valley Authority (the view is widely shared) we consider electricity on the farm as a principal source of additional income to the farmer. It fits into our plans of research and demonstrations, looking toward a diffusion of industry—the encouragement of small industries developing local products in the farm areas of the South. So long as steam power was essential to industry, location in rural areas on a small scale was probably not feasible. The transmission line carrying electricity into farm areas changes all this.

And in this matter T. V. A. has already noted gratifying results. Some farmers have taken electricity when it has been a pinch for them to find room for it in their limited budgets. But the presence of the power on their farm has led them at once to devise ways and means of using that power for the increase of their cash income. Already there have sprung up small manufacturing operations which the farmer and one or two helpers can carry on, small-scale, semi-industrial operations sometimes carried on in the farmer's woodshed. An important part of the T. V. A. yardstick in its rural operation has been this point of view: Let's not look to the farmer's present income without electricity as an infallible guide to his ability to afford electric service. Let's make the rate low so that he will be a profitable user because he will use large quantities of electricity and use it for income-producing purposes. And this yardstick, too, is producing tangible results which the country may find of value.

CARL D. RUTH

Mr. BULKLEY. Mr. President, some 3 weeks ago Carl Douglas Ruth departed this life, and so the press gallery lost an outstanding and well-beloved member and the Congress lost a faithful and useful friend. He will be sorely missed in Ohio, where many thousands of newspaper readers enjoyed from day to day the benefit of his diligent and conscientious work—his clear, interesting, and always absolutely reliable reports on Washington affairs.

I ask unanimous consent to have printed in the RECORD certain material concerning his life and character, including particularly the formal resolution adopted by the standing committee of the press galleries, that adopted by the Gridiron Club, and a richly deserved tribute from Strickland Gillilan, and several other tributes equally well deserved which have appeared in editorial columns and elsewhere in the public press.

There being no objection, the tributes were ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
PRESS GALLERIES,
Washington, January 29, 1936.

Whereas in the untimely death of Carl D. Ruth, chief Washington correspondent for the Toledo Blade, the press galleries of Congress have lost a distinguished member whose service extended through many years; and

Whereas Carl D. Ruth, during that period, as a member of the press galleries was outstanding in all the qualities which bring highest recognition in the field of journalism; and

Whereas his services as a member of the standing committee in the Sixty-ninth Congress brought the press galleries valuable counsel and loyal cooperation; and

Whereas his fine spirit of friendship, his uniform courtesy, and his scrupulous adherence to the ethics of his profession, together with his rare ability as a newspaperman combined to make Carl D. Ruth nationally known among journalists and public men: Therefore be it

Resolved, That the standing committee of correspondents, in behalf of the members of the press galleries, express to the family of Carl D. Ruth their sorrow at the loss of a most lovable figure in the history of the galleries, and their heartfelt sympathy at the passing of a long-time coworker and comrade; and that these resolutions be communicated to his relatives and to the Toledo Blade, which he had served so ably for these many years.

THOMAS L. STOKES,
Chairman, New York World-Telegram.
HARRY B. GAUSS,
Chicago Daily News.
W. K. HUTCHINSON,
International News Service.
WILL P. KENNEDY,
Washington Star.
PAUL J. MCGAHAN,
Secretary, Philadelphia Inquirer.

CARL DOUGLAS RUTH

With a deep sense of personal loss, the Gridiron Club expresses its profound sorrow in the death of Carl Douglas Ruth, a member of the club, elected February 13, 1932. He passed away January 25, following a short illness. Services were held January 29 at the Covenant-First Presbyterian Church, of which he was an elder, and were largely attended. He was buried in Arlington National Cemetery.

Carl Ruth was born July 11, 1884, at Mazeppa, Minn. His education in the public schools was supplemented by attendance at Dakota Wesleyan University and Oberlin College. He represented Ohio newspapers in Washington, first as the correspondent of the Cleveland Leader, later for the Cleveland News, and at the time of his death was correspondent for the Toledo Blade and Times and the Duluth Herald and News-Tribune.

As a reporter of the changing scene in Washington for 20 years, his work was marked by unusual industry, a scrupulous regard for accuracy, and a conscientious sense of responsibility, alike to the newspapers and to the public he so well served. He had the confidence and esteem of a large group of men prominent in the official and public life of his time.

His interests were not limited to the work of the date. He served on the standing committee of correspondents for the Capitol press galleries; he had been a member of the board of governors of the National Press Club. Unpretentious in practice and faithful to the obligations of the religion he professed, he stood high in the councils of the church of which he had long been a member.

In the World War he served, with the rank of captain, in the Military Intelligence Division of the General Staff.

Sincere, friendly, dependable, of singular simplicity of character, Carl Ruth brought to his professional activities and to the social contacts of his daily life qualities which won and held the respect and affection of all who knew him.

To the bereaved family the Gridiron Club extends its sympathy.

CHARLES S. GROVES,
MARK FOOTE,
LEWIS WOOD,
Committee.

CARL RUTH

By Strickland Gillilan

Oh the pity—and the mercy—of human forgetfulness!

This thought came to me while sitting with dimmed eyes in tear-blurred view of a bank of flowers—enough floral tribute for a king—and in company with scores of other newspapermen, listening to a minister who was put to it to the utmost to keep back his own tears. In front of the huge array of blossoms that hid the entire chancel, stood a mound of resurrection lilies. And beneath that mound—every lily of which bore to those present its full meaning in fragrant tribute and love—lay the human habitation that had once held the soul of Carl Douglas Ruth.

You who had merely read (and I hope you read with the confidence that would have been yours if you had known the writer personally) the interestingly written, reliably informing articles with Carl's byline, week after week, knew him only as a name in your favorite paper. You knew nothing of the sweet character, the self-forgetting industry, the unsparing effort back of all that you read. We who worked with him knew him as a man who never stopped working except for insufficient rest and nourishment and relaxation; yet who was never impatient, never ill-natured, never too busy to help someone else. I have seen Carl Ruth stop everything on a day when he was up to his eyes in work to do a kindness or a service for someone else, although fully conscious that this unpaid, nonobligatory kindness was going to cost him several hours' work away on toward morning, when rest was his sorest need. He never spoke of these things at the time or afterward, never complained, never lagged in yielding again to his impulse for helping someone else. That was the center of his life—the focus of his impulses—someone else. Never himself.

Having some little reputation—however ill-deserved—for originality, I dislike to humble myself by adopting the phrase of another. Yet I plume myself a little on knowing a perfect phrase when I see it, even if not of my own origination. So I can do no better—nobody could do better—in describing Carl Ruth and his work than by borrowing a phrase coined by Larry Sullivan (then of the Washington Post) in speaking of the great Richard V. Oulahan when that splendid journalist went away: "He gathered news like a gentleman, and wrote it like a scholar." That statement fits Carl Ruth as perfectly as if it had been written of him instead of another.

He knew every newspaperman in Washington and every newspaperman knew him. Yet there was none who disliked him and none whom he disliked. He was a friend to all and all knew it.

So there at the funeral service today in the church of which Carl had been an elder up to the time of his going, under the voice of the man who had been his pastor and friend, we newspaper pals of his sat in the deepest dejection. Not one but thought, "Well, this is the nearest death could come to me without touching one of my immediate family." There was no perfunctory show of grief. It was genuine, sincere. Everyone felt keenly the loss he had sustained in friendship and professional fellowship; the great gap in the ranks—an almost incredibly wide gap to have been created by the removal of only one man.

To you who had been used only to reading him, every bit of good faith, every particle of research ability, every bit of concentrated conscientious effort, and tremendous energy in Carl Ruth went into the finding out and the recording of every bit of news or gossip or background you ever read under that name. And deeper than all, sweetening all, was the character of Carl Douglas Ruth, whose love for humanity was boundless. He could well have been Abou Ben Adhem when judged by the standard of love for his fellow man. Not having known him personally was a great deprivation to you—there is the pity of it. But you who knew him only as a trusted name also escape the unutterable pain of missing him—a pain that makes even the discussion of him almost impossible, and there's the mercy of it.

[From the Toledo Blade of Jan. 28, 1936]

CARL D. RUTH

We of the Blade who knew Carl best loved him most. He was not only a great newspaper man—he was a greater friend. His death, after years as a member of the Blade family, as our chief correspondent in Washington, brings not only sorrow to his associates and coworkers but a very real sense of grief to the thousands who for years have read daily his brilliantly written, informative, and accurate dispatches from the Nation's Capital.

Gifted with an extraordinarily attractive personality, with a well-earned reputation for absolute honesty and reliability, Mr. Ruth shared the confidence of more men high in public life than almost any other writer on national affairs. He had lived in Washington for nearly 20 years. He knew everybody. He was welcome in the White House, in the homes and offices of Cabinet members, Senators, and Congressmen. Leaders of both political parties—BORAH, ROBINSON, VANDENBERG—all of them—trusted Carl Ruth. He was the particular friend of new Senators and new Members of the House who sought his advice.

Carl Ruth possessed a prodigious capacity for hard work. He never spared himself. In whatever he undertook he gave full and devoted service.

A dear friend, an able man, a great gentleman is at rest.

[From the Columbus Dispatch of Jan. 28, 1936]

It is always difficult to say anything either comforting or adequate upon the death of a personal friend, and it is for that reason the Dispatch hesitates to try and make any deserving estimate of the loss it and its readers have suffered by the passing of its Washington correspondent, Carl D. Ruth.

A busy, unobtrusive, friendly man with a prodigious amount of energy and an inexhaustible supply of knowledge about Washington and its ways, he was one of the most highly respected and ablest of the Washington reporters and interpreters. Many years before he joined the regular staff of the Dispatch he was of great service to its readers because of his close association with LOUIS LUDLOW, now a Congressman from Indiana, but then the Dispatch's correspondent at the National Capitol.

Carl Ruth worked indefatigably to cut through the red tape and detail and to get at the meat of things for his readers. His vacations were rare; indeed, his occasional visits back to Ohio were made the excuse, not for rest but for a refreshing of his perspective. He liked to travel throughout the country and hear for himself what the people were saying. And thus his play and his work and his hobbies were in the last analysis one.

Always the passing of a man like him is to be doubly regretted because, on the one hand, he is difficult to replace and, on the other, the world loses an example of industry, integrity, and ability that it has need of.

[From the Duluth Herald of Jan. 26, 1936]

One of the saddest duties of a newspaper is the recording of the passing of those who have helped to make it. Today the Herald reports the death of its Washington correspondent, Carl D. Ruth, whose dispatches from the Capital have appeared in almost every issue since 1929, recording and explaining the complicated events of those years.

As a native of Minnesota, educated in South Dakota, and trained in newspaper offices in Cleveland, Columbus, Cincinnati, and

Washington, Mr. Ruth was well fitted to write Washington news as it pertained to this region and to the country at large.

His readers, his employers, and his coworkers here and in Washington will learn with regret of his death at the early age of 51. His passing also will be mourned by many Duluthians who have come in contact with him while on visits to the National Capital.

[From the Toledo Morning Times of Jan. 28, 1936]

The full significance of the death of Carl D. Ruth cannot be immediately appreciated. True, he was a fine newspaperman, whose able writing and fair interpretation of the events in Washington won him a large public following of newspapers in Toledo and other large cities.

Beneath his skill and honesty, his uncanny ability to see behind the written and spoken word and his keen and kindly judgment of those in high places there was a foundation of solid character which made him one of the most respected newsmen in the country.

He was not the breezy, high-pressure type of reporter who breaks into private meetings, threatens or begs for news. He was quiet, spoke little, thought much, and could read a man's motives, no matter what were his words. He was welcomed by public executives, unobtrusive, inoffensive, and trusted by the men who shape the destiny of the Nation.

Mr. Ruth was a man with a family who worked for a living and had much the same outlook as thousands of other newspapermen, expecting little from life and giving much. To talk with him gave one a peace of mind, a brief interlude, in a pell-mell day at the news desk.

His influence, through his writings, made its way into the habits of living of several million persons. His analysis of governmental policies was unbiased. His schooling in reporting forbade him to break a confidence although he knew most of the big stories in Washington many days before they trickled out over the wires to the printed page.

It is fitting that he will rest with the Nation's great in Arlington. His was a life of unselfish service to his country, in peace and war. America's newspapers need more men with the ideals of Carl D. Ruth.

[From the Ohio State Journal of Jan. 28, 1936]

When a man not only is efficient and progressive in his profession, but also is noted for his fine personal qualities, it is extremely hard for his friends and associates to say to him the final farewell. And it is difficult for those who knew him to realize that Carl D. Ruth is gone.

No nobler man ever adorned the profession of reporting and corresponding. Carl Ruth was a first-class newspaper man, and when newspaper men say that about one of their associates it is the highest praise they can give him. Except, of course, when they add that he was a real friend in every true sense, that is just piling Pelion on Ossa.

For here was a man skilled and noted in his profession and here was a man beloved of all with whom he came in contact, and just about the last individual on earth to ask or expect a glowing tribute to himself, but he deserved and merited every kindly thing anybody could say about him.

[From Editor and Publisher of Feb. 1, 1936]

CARL D. RUTH DIES IN WASHINGTON—CORRESPONDENT OF TOLEDO BLADE SUCCUMBS TO TYPHOID FEVER AT 51—LEADER IN 1905

Funeral services were held Wednesday in Washington for Carl D. Ruth, correspondent for the Toledo Blade and veteran member of the Washington correspondents' corps, who died Saturday night, January 25, of typhoid fever. The services were held in Covenant Presbyterian Church, and burial was in Arlington National Cemetery, with honors due Mr. Ruth as a wartime captain of military intelligence.

Mr. Ruth, who was 51, had been Washington correspondent for the Blade and several other newspapers at various times since 1915. He was widely known among newspapermen and high Government officials, all of whom joined in expressing deep sorrow at his death. He had been ill several weeks.

Born in Minnesota, Mr. Ruth was graduated from Oberlin College, Oberlin, Ohio, and obtained his first newspaper job with the old Cleveland Leader as a reporter in 1905. He soon made good on the city staff and was sent to Columbus to assist John T. Bourke in the Leader's legislative bureau. After several years in Columbus Mr. Ruth was sent to Washington, first as correspondent of the Leader, later representing the Cleveland News and the Toledo Blade.

After a short time Mr. Ruth dropped his connection with the News and since then had been correspondent for the Blade and some other Paul Block newspapers, principally the Duluth Tribune and the Toledo Times.

Mr. Ruth had covered national conventions of both political parties since 1912.

Cabinet officers and Members of Congress, including the entire Ohio delegation, were shocked at Mr. Ruth's passing and all expressed the belief that the Blade and contemporary journalism has sustained a great loss.

Secretary of Commerce Daniel C. Roper said: "The death of Carl Ruth brings to a close the career of a brilliant and highly regarded newspaperman. I knew him personally and join with his many friends in mourning his death. The Blade and the world of journalism have lost one of their outstanding members."

Senator ROBERT J. BULKLEY, of Ohio, another of Mr. Ruth's personal friends, was deeply shocked. "The death of Carl Ruth comes as a great shock to his many friends here on Capitol Hill," the Senator said. "In the many years that I have known him I have always held him in the highest regard, and I consider his death a great personal loss."

Senator VIC DONAHEY, of Ohio, said: "The death of Carl Ruth is a great loss not only to the Blade but to his host of friends who knew and loved him. Mr. Ruth represented the finest of present-day American journalists, and his work here in the Capital City has won for him a place in the history of newspaperdom which will live long in the hearts of those who knew him."

The Blade and Times both carried editorials paying highest tribute to the work and character of Mr. Ruth.

He is survived by his widow and one son, Robert.

Organizations represented at the funeral included the National Press Club, the Gridiron Club, and the White House Correspondents' Association.

[From the Duluth News-Tribune of Feb. 4, 1936]

VOICE OF THE PEOPLE—CARL D. RUTH

Editor, Duluth News-Tribune:

Just a word in memoriam. The sudden passing of your Washington correspondent, Carl Ruth, in the prime of life and in a field of great usefulness, was a cruel blow to all who knew him. He was genial, competent, alert, and versatile. Representing a chain of papers, he was widely informed, and possessed of far horizons. His knowledge of political affairs and contact with public men bred in him a spirit of tolerance, and he leavened his writings with good will toward all. The poison pen of the detractor was never found in his possession, and he leaves the service of his high calling to pass over the great divide from the storms of life to the silence of the great adventure in the midst of a wilderness of regrets and with a record as fair as that of any knight who made quest of the holy grail.

To meet him was a joy, and to know him was a constant delight. The old copybook rings true: "The king of shadows loves a shining mark." The gold cord is severed; the pitcher is broken at the well. He is gone. Laurels to his memory, peace to his ashes, and comfort to the home that is bereft.

J. ADAM BEDE.

DULUTH, *February 1, 1936.*

[From the Toledo Morning Times, Jan. 29, 1936]

RUTH HONORED BY HOUSE MEMBERS—PASS RESOLUTION

WASHINGTON, January 28.—A resolution of sorrow over the death of Carl Ruth, correspondent for Ohio newspapers, was adopted today by Democratic Members of the House from Ohio.

The motion was made by Representative WARREN J. DUFFEY, of Toledo. The Toledo Blade and Times were among the newspapers represented in Washington by Ruth, who died Saturday.

NEUTRALITY OF THE UNITED STATES

The Senate resumed consideration of the joint resolution (S. J. Res. 198) to extend for 1 year the joint resolution approved August 31, 1935, relating to neutrality.

Mr. McNARY. Mr. President, yesterday I announced the absence of the Senator from North Dakota [Mr. NYE] and the Senator from Missouri [Mr. CLARK], and, in view of their absence, requested that any action on the pending joint resolution might be deferred until today. At that time, on page 2177 of the RECORD, I stated:

I am just advised by the secretary of the Senator from North Dakota [Mr. NYE] that he and the Senator from Missouri [Mr. CLARK] will be here tomorrow morning.

That is this morning.

I am now advised by the secretary of the Senator from North Dakota [Mr. NYE] that, on account of the low ceiling and poor visibility and bad weather, he is unable to fly here from Minneapolis, where he spoke last evening, and cannot return to the Chamber until tomorrow. I think it is fair to the Senate for me to make that statement, and that it is proper for the RECORD that I indicate that on yesterday I made a statement which, for reasons beyond control, has not been borne out today. I hope that the Senator from Nevada, having in charge the pending joint resolution, will bear that statement in mind, and will so conduct the consideration of the pending measure and the legislative processes involved that the Senator from North Dakota may be here before a final vote shall be taken on the joint resolution.

Mr. PITTMAN. I accept the suggestion for whatever it may be worth.

Mr. McNARY. The House yesterday passed a joint resolution covering the same subject matter. Before the Senate

is the joint resolution which was reported by the Senate Foreign Relations Committee. Is the Senator from Nevada going to ask to substitute the House joint resolution for the Senate joint resolution, or are we to proceed with discussion of the Senate joint resolution?

Mr. PITTMAN. I understand the House joint resolution has not yet been received from the House but is expected very soon. When it arrives I shall ask unanimous consent to substitute the House joint resolution for that of the Senate. I understand the House measure is substantially the same as the Senate joint resolution.

The VICE PRESIDEDNT. The question is on agreeing to the amendment reported by the committee in the nature of a substitute.

Mr. CLARK. Mr. President, I offer the amendment which I now send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. In the amendment of the committee, on page 2, line 11, it is proposed to strike out "May 1, 1937" and insert in lieu thereof "June 1, 1936", so as to make the paragraph read:

Except with respect to prosecutions commenced or forfeitures incurred prior to May 1, 1937, this section and all proclamations issued thereunder shall not be effective after June 1, 1936.

Mr. CLARK. Mr. President, the purpose of the amendment which I have offered is to afford time at this session of Congress for the Senate and the Congress to consider the only specific recommendation in the last annual message of the President of the United States.

The joint resolution reported by the Committee on Foreign Relations, to my mind, represents perhaps as remarkable procedure as has ever been presented to the Congress. The theory upon which the joint resolution rests evidently has to do with two dates: First, that the existing temporary neutrality expires by limitation on the 29th of February 1936; and, second, the fact that in November of this year there happens to be a general election in the United States. It is, therefore, assumed, and was practically stated in an interview by the chairman of the Committee on Foreign Relations, that it would be impossible at this session of Congress to consider properly the question of permanent neutrality or the establishment of a permanent neutrality policy as recommended by the President of the United States on the 3d of January last.

The purpose of my amendment is to extend the existing temporary legislation, with the addition proposed by the Senate Committee on Foreign Relations having to do with loans and credits, until such time as Congress may have had an opportunity to work out a permanent neutrality policy.

I ask the administration leaders in this body what has happened since the 3d of January last, when the President delivered his annual message, to change the necessity which he then expressed for permanent neutrality legislation?

Mr. PITTMAN. Mr. President——

Mr. CLARK. I yield to the Senator from Nevada.

Mr. PITTMAN. I accept the designation because I am chairman of the Committee on Foreign Relations.

Mr. CLARK. The Senator is entitled to it.

Mr. PITTMAN. Many things have happened since the 1st of January. About the 1st of January, I, for one, thought the proposed legislation so unobjectionable that it would be agreed to by the entire committee. I imagined in the next place that hearings on it would be very short. It developed, however, as the hearings proceeded, that that was not the case. I think the Senator knows that during the period of 2 weeks we had the Secretary of State and his assistants before the committee in conference on the entire matter. The difference of opinion in the committee then commenced to develop.

We then had two distinguished international lawyers present, who, in the minds of some members of the committee, cast great doubt upon the actual peaceful effect of the measure. We had one or two other witnesses who took issue with the two distinguished gentlemen to whom I have just referred.

However, the members of the committee were in informal conference off and on all the time. The opinion of the committee developed to a point where it was believed there was such a great divergence of opinion with regard to some of the most material provisions of the measure that to report it would result in unlimited debate in this body or exceedingly long debate, and that we would not accomplish anything at this session. There were Senators, such as the Senator from Utah [Mr. THOMAS], who spoke yesterday quite exhaustively on this subject, who, himself, as he expressed yesterday, does not believe the subject is sufficiently understood, does not believe there is sufficient time to determine these matters.

That is the reason why I say the situation has changed since that time.

Mr. CLARK. Mr. President, I am fully aware of the diligence with which the subject has been pursued by the Committee on Foreign Relations and by the chairman of the committee. However, I submit that there is absolutely nothing in the joint resolution that holds out any more hope for an agreement on a permanent neutrality policy a year from next May than there would be if Congress would sit down right now and work out the details of a permanent neutrality policy. The President recognized the necessity for such legislation by singling it out for the one specific recommendation in his annual message.

Certainly, with the war clouds darkening the sky in many parts of the world, there will never be a greater necessity for a permanent neutrality policy than there is today.

I say the mere fact that there happens to be a Presidential election this year, the mere fact that Members of the Senate and Members of the House are anxious to get away and go home as early as possible to conduct their political campaigns, is no excuse for the Congress to pass over the most important question that confronts the Congress and the American people. In failing to pass permanent neutrality legislation Congress is failing in its duty to the people.

We cannot justify ourselves to the American people, simply because we want to get away by the 1st of May, if we fail to take the necessary time, however long it may be, to follow out the President's recommendations with reference to a permanent neutrality policy. While the joint resolution certainly is a very great advance over the existing neutrality legislation in that it includes loans and credits, and while the present temporary neutrality policy, admittedly a makeshift, does represent the greatest possible advance over any previous existing neutrality legislation, yet I say the present attitude of the Congress in failing even to consider permanent neutrality legislation after the recommendation of the President in his annual message puts the Senate and the Congress in the same position as was described in the old song we used to hear when we were boys:

The grand old Duke of York,
He had ten thousand men;
He marched them up the hill,
And he marched them down again.

In my opinion, it is the duty of the Senate to take whatever time is necessary, however long it may be, for the purpose of giving adequate consideration at this session of Congress to the question of the establishment of a permanent neutrality policy.

Mr. PITTMAN. Mr. President, if we are to vote on this amendment now—and I assume we are ready to do so—I suggest the absence of a quorum, in order that the amendment may be read before being voted upon.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Bulkley	Costigan	Gibson
Ashurst	Bulow	Couzens	Gore
Austin	Burke	Davis	Guffey
Bachman	Byrd	Dickinson	Hale
Barbour	Byrnes	Dieterich	Harrison
Barkley	Capper	Donahey	Hastings
Benson	Caraway	Duffy	Hatch
Bilbo	Chavez	Fletcher	Hayden
Black	Clark	Frazier	Holt
Bone	Coolidge	George	Johnson
Borah	Copeland	Gerry	Keyes

King	Metcalf	Radcliffe	Trammell
La Follette	Minton	Reynolds	Truman
Lewis	Murphy	Robinson	Tydings
Logan	Murray	Russell	Vandenberg
Lonergan	Neely	Schwellenbach	Van Nuys
Long	Norbeck	Sheppard	Wagner
McAdoo	Norris	Smith	Walsh
McGill	O'Mahoney	Steiwer	Wheeler
McKellar	Overton	Thomas, Okla.	White
McNary	Pittman	Thomas, Utah	
Maloney	Pope	Townsend	

Mr. BYRD. I announce the absence of my colleague [Mr. GLASS] on account of illness in his family.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

Mr. ROBINSON. Mr. President, the pending joint resolution, reported by the Committee on Foreign Relations, represents a compromise arrangement and a very long step forward in the matter of maintaining an attitude on the part of the United States which will be helpful in preserving the peace of the United States. That fact is recognized by the able Senator from Missouri [Mr. CLARK], who has offered an amendment merely extending the existing act and the provisions of the pending joint resolution for a period of 60 days.

I oppose the amendment for the reason that my studies of the subject have prompted the conclusion that, should the amendment be agreed to, it would be necessary at the end of the 60-day period to secure another extension, for in all probability 60 days would not afford adequate time in which to work out a complete joint resolution touching all the subject matter that has been brought forward in the study of this joint resolution.

I think, perhaps, it is true that a misapprehension or misunderstanding has become quite general, first, as to the effect of neutrality, and, second, as to whether the provisions of the original Pittman bill were simply neutrality provisions. Let me say that "keeping the country out of war" and maintaining "neutrality" are by no means synonymous. Many have come to believe—probably owing to mistaken representations which have been made—that if the United States announces and maintains a neutral policy, that course will protect us against all the dangers of being drawn into war.

While I do not for a moment minimize the importance of neutrality and the necessity for it, I can easily conceive of the existence of conditions which, while the United States is maintaining neutrality, would imperil the peace of the Nation.

The eliminations which have been made from the original Pittman bill are chiefly two—section 4 of that bill and section 9.

Section 4 vested the President with discretion to impose an embargo on the exports of materials above the normal amount. I do not think anyone who studies the subject will regard that as an unfair provision. Neither do I think anyone who studies the subject will regard that as a complete safeguard against war. A belligerent with power on the seas is not concerned whether the United States is shipping exactly or approximately the same amount of wheat or the same number of bales of cotton that it normally ships. It is concerned with preventing any substantial shipments, and the natural result would be, even if we should adopt section 4, that a belligerent possessing the power to do so certainly in an extremity would exercise its power and attempt to prevent the shipment of materials to its opponent, even in the smallest amounts. It would not be a complete safeguard against war, nor in my opinion a substantial safeguard against the seizure and the possible destruction of our ships, if we should adopt section 4.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a joint resolution (H. J. Res. 491) extending and amending the joint resolution (Public Res. 67, 74th Cong.), approved August 31, 1935, in which it requested the concurrence of the Senate.

NEUTRALITY OF THE UNITED STATES

The Senate resumed consideration of the joint resolution (S. J. Res. 198) to extend for 1 year the joint resolution approved August 31, 1935, relating to neutrality.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Nevada?

Mr. ROBINSON. I yield.

Mr. PITTMAN. Mr. President, I ask unanimous consent that House Joint Resolution 491, just sent to the Senate from the House, be taken up for consideration at the present time in lieu of the pending Senate joint resolution, and that the amendment offered by the Senator from Missouri [Mr. CLARK] be considered as offered to the House joint resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 491) extending and amending the joint resolution (Public Res. 67, 74th Cong.), approved August 31, 1935, which was read the first time by its title and the second time at length, as follows:

Resolved, etc., That section 1 of the joint resolution (Public Res. 67, 74th Cong.) approved August 31, 1935, be, and the same hereby is, amended by striking out in the first section, on the second line, after the word "assembled" the following words: "That upon the outbreak or during the progress of war between", and inserting therefor the words: "Whenever the President shall find that there exists a state of war between"; and by striking out the word "may" after the word "President" and before the word "from" in the twelfth line, and inserting in lieu thereof the word "shall"; and by substituting for the last paragraph of said section the following paragraph: "except with respect to offenses committed, or forfeitures incurred prior to May 1, 1937, this section and all proclamations issued thereunder shall not be effective after May 1, 1937."

SEC. 2. There are hereby added to said joint resolution two new sections, to be known as sections 1a and 1b, reading as follows:

"SEC. 1a. Whenever the President shall have issued his proclamation as provided for in section 1 of this act, it shall thereafter during the period of the war be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent country, or of any political subdivision thereof, or of any person acting for or on behalf of such government, issued after the date of such proclamation, or to make any loan or extend any credit to any such government or person: *Provided*, That if the President shall find that such action will serve to protect the commercial or other interests of the United States or its nationals, he may, in his discretion, and to such extent and under such regulation as he may prescribe, except from the operation of this section ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in normal peacetime commercial transactions.

"The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

"Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than $50,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

"When the President shall have revoked his proclamation as provided for in section 1 of this act, the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply.

"SEC. 1b. This act shall not apply to an American republic or republics engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war."

SEC. 3. Section 9 of said joint resolution is amended to read as follows:

"There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this act."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK]. The Senator from Arkansas [Mr. ROBINSON] has the floor.

Mr. ROBINSON. Mr. President, it was further asserted and discussed at length in the Committee on Foreign Relations that the adoption of a new policy forbidding the shipment of war materials after a war has arisen would be in itself an unneutral act, and that contention was enforced to the minds of many students of the subject by the fact that one of the belligerents in an existing war has repeatedly announced that such a policy would be regarded by it as an act of war. So that the committee in its study of the sub-

ject was confronted with the proposition as to whether it should include in the Senate joint resolution a provision that was regarded in advance of its enactment as a cause for war by a belligerent in an existing conflict.

I say again that the purpose of the provision is helpful and wholesome, but it does not follow, merely because we believe that to be true, that the adoption of such a provision, under existing circumstances, would tend to preserve the peace of the United States; on the contrary, it might tend to disturb the peace of our country.

Then another question arose, which is not at all simple, which cannot be resolved by the mere expression of opinion, and that is as to what constitutes "war materials."

From time to time in the history of our country there has occurred an evolution on this subject, so that during the World War the Allies and this country regarded as war materials practically everything that was carried in commerce, for the reason that soldiers consume the same commodities which civilians consume, for the further reason that many of the primary commodities carried in commerce are readily converted into implements of war; and the proclamation of an embargo on war materials would be held by belligerents to extend to practically everything that is carried in commerce unless expressly limited.

I do not think there is in present conditions any occasion for completely suspending the commerce of the United States on the theory that it will keep us out of war. In spite of the fact that other peoples are in conflict, there still exists necessity for the United States and her citizens to engage in trade other than war trade, and it does not appear to be essential at this time, under conditions which now exist, to inject into this legislation a cause for controversy, a cause which might interrupt the peaceful course of the people of the United States.

Section 9, the other important provision which has been eliminated, gave the President the power to serve notice upon Americans engaged in export that they pursue their trade at their own peril. It is true that that does not contemplate an invitation to belligerents to attack our commerce, but it is also true that many members of the committee felt that it would be a humiliating attitude, and an unnecessarily humiliating attitude, for the United States to give notice to the world that it had informed our citizens that if they engage in lawful trade with other neutral countries they will do so with the protection of our flag withdrawn, for that would have been the interpretation placed upon the provision by belligerents.

So that the elimination of the provisions which have not been incorporated in the joint resolution does not weaken the measure in the sense that it makes greater the danger of the United States engaging in a war. I admit that the elimination of those provisions does take from the joint resolution important powers sought to be invested in the President, but those powers might possibly unavoidably have been exercised in a way that would not have conserved the peace of the United States.

Now, with respect to the joint resolution which is pending, it is absurd for anyone to contend that it is not a substantial advance in the direction of peace. Every provision incorporated in the proposed law has been carefully studied, its language has been somewhat carefully framed.

The first provision extends the existing arrangement for embargo against arms, ammunition, and implements of war. That is the first time, as far as my information goes—and if I am in error I would thank the Senator from Utah [Mr. THOMAS], who has made a very complete study of this subject, to correct me—when any neutral nation has abandoned its trade in arms, ammunition, and implements of war for the purpose of aiding peace, for the purpose of preserving its own peace, for the purpose of refraining from rendering assistance to any belligerent engaged in conflict. Of itself it is an important advance.

The second provision, relating to credits, in my judgment, will do more to keep the United States out of a foreign war than anything else that has been proposed or anything else that can be proposed, even if we should continue this subject for the 60-day period proposed by the Senator from Missouri, or for a longer period.

Why is that declaration made, and how is it sustained? We all know that the one fundamental essential for the maintenance of military conflict is financial resources. We all know that no great war can long be maintained unless the belligerents are able to secure credits in neutral countries, and this provision puts a ban on loans and on the sale of securities by any belligerent in the United States after the issuance of the proclamation.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. COUZENS. May I draw the Senator's attention to the bottom of page 2, where I find this language, "Except ordinary commercial credits and short-time obligations." It seems to me that is almost impossible of policing and enforcing.

Mr. PITTMAN. Mr. President, if the Senator from Arkansas will yield, the Senate joint resolution provides that the President may, if it would not interfere with our neutrality, permit short-term credits in aid of legal transactions, such as are customarily used in commercial transactions. In the House joint resolution that is made discretionary with the President.

Mr. ROBINSON. Mr. President, as stated by the Senator from Nevada, the provision with respect to commercial credits in the House joint resolution is somewhat different from that in the Senate joint resolution, to which the Senator from Michigan has referred.

Mr. COUZENS. I did not have the House measure before me.

Mr. ROBINSON. Nor did I. The provision in the House joint resolution merely gives to the President discretion in the matter of allowing commercial credits. It does not recognize as a right the carrying on of commercial transactions.

Mr. NORRIS. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON. I yield.

Mr. NORRIS. In a parliamentary sense the Senate joint resolution is not before us at the present time.

Mr. ROBINSON. No.

Mr. NORRIS. We have before us the House joint resolution.

Mr. ROBINSON. Yes.

Mr. NORRIS. It seems to me it would be well, if there are any other differences besides the one pointed out, that we should have them pointed out to us at this time. I am not familiar with the differences between the two joint resolutions, if there are any. Like the Senator from Michigan [Mr. COUZENS], I have the Senate joint resolution before me.

Mr. PITTMAN. One difference between the Senate and the House joint resolutions is with respect to discretion in allowing commercial credits.

Mr. NORRIS. Is there another one?

Mr. PITTMAN. There is another difference. That difference is with regard to securities. The Senate joint resolution applies to all securities. The House joint resolution applies to securities issued after the President's proclamation.

Mr. ROBINSON. Those are the two principal differences between the House joint resolution and the Senate joint resolution. In my judgment, the House joint resolution, as to the feature first mentioned by the Senator from Michigan, is an improvement over the Senate joint resolution. I have not yet been able to make a sufficient study of the other difference to reach a conclusion in that respect. However, I do not think the difference is very material.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. VANDENBERG. Just to complete the record, there is one further difference, in the penalty provided. I think the House joint resolution establishes a $50,000 penalty.

Mr. ROBINSON. And the Senate joint resolution provides a $10,000 penalty.

Mr. VANDENBERG. Yes.

Mr. ROBINSON. I thank the Senator.

Those are the three differences so far as they have come to my attention. The House joint resolution was passed yesterday by a vote of 14 to 1. No opportunity has been afforded Senators carefully to study it; but, so far as my attention has been directed to the matter, there are only three changes, and these changes are not very substantial or important.

Mr. PITTMAN. Mr. President, will the Senator permit me to interrupt him?

Mr. ROBINSON. Certainly.

Mr. PITTMAN. I may say that the House joint resolution followed the provisions of both the so-called Pittman bill and the Nye-Clark bill, while the Senate committee made the changes from those two bills which appear in the Senate joint resolution. Therefore I will say that the House is following more nearly than did the Senate committee the form of the legislation introduced in both bodies.

Mr. ROBINSON. What greater thing can the United States do to discourage the engagement of other nations in war, and to preserve our own peace, than to deny belligerents the right to float war loans or to secure the means with which to carry on their conflicts through resort to credit in this country? Its importance must not be minimized. It is the one thing which above all others, in my judgment, will prove effective.

It cannot be said that the incorporation of this provision relating to credits in the United States for belligerents will be calculated to arouse the antagonism of belligerents, for the reason that it does not affect directly any of the nations engaged in an existing conflict. Italy, to speak specifically, already is barred under what is known as the Johnson Act from getting credits in the United States; and the same thing is true of practically all the other great nations which some have felt are in danger of being drawn into the conflict. They could not complain, because they could not get credits anyway, even if this joint resolution should not be enacted into law. They are barred already for the reason that they have made default in the payment of obligations incurred to carry on other wars.

As to Ethiopia, the other belligerent, she does not seek credits from the United States; she has not sought credits in the United States; she is not in a position to do so. So the incorporation of this very wholesome and helpful provision will not endanger the peace of the United States.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. VANDENBERG. I think there is one further thing that the Senator might say respecting the effect of the loans and credits. It has an implication which reaches much farther than the text might indicate, because when we prohibit loans and credits, using our World War experience as an analogy, we probably are prohibiting the great development of a war-materials trade which has to depend upon credit before it can exist. Therefore it is a prohibition not only to the extent the Senator indicates, and it is useful not only to the extent the Senator indicates, but it has the still further utility of probably controlling even the war-materials trade itself.

Mr. ROBINSON. I thank the Senator. I thought that conclusion was implied in the statement I was making. Perhaps I did not make it clear.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. COUZENS. May I draw the Senator's attention to the following language on page 3, line 3, of the House joint resolution:

> The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

If I properly interpret that language, it means that any refunding operation might be carried on if the original debt had been incurred prior to the President's proclamation. Is that the Senator's understanding?

Mr. ROBINSON. Yes. We certainly do not desire to put in this joint resolution a provision which will make it impossible for our debtors to pay us or to pay the citizens of the United States. I should not like, in the name of neutrality, to outlaw obligations already due the Government of the United States, or due the citizens of the United States; and that is the manifest purpose of the provision to which the Senator from Michigan refers.

Mr. COUZENS. Mr. President, will the Senator yield further?

Mr. ROBINSON. Yes.

Mr. COUZENS. I think there is a further implication there, other than simply the payment of debts to our citizens. In other words, a belligerent might prepare to pay a debt owed on bonds which were circulating in this country or any other country, and as a means of continuing to finance a war it might start refunding operations, and the refunding bonds might be used and sold and distributed in this country without any inhibition. That, I think, should not be the case.

Mr. ROBINSON. Mr. President, the object of the provision is to preserve the integrity of such indebtedness as may exist on the date of the President's proclamation. I do not think under that arrangement that a belligerent could engage in any war financing in the United States.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. PITTMAN. That is a matter which would be construed by the Government of the United States, of course; and if it were a refunding operation, the Government would see that the money for which the bonds were sold was used to take up the refunded bonds. Otherwise, it would not be a refunding operation. As to what the word "adjustment" means, it might mean the settlement by belligerent countries of their war debts to us. But I call attention to the fact that the construction of that language, from the necessity of the case, is with our own Government.

Mr. ROBINSON. Mr. President, I maintain that upon the basis of the language itself there is no real justification for fear that it would permit a belligerent to finance its war operations through the renewal or adjustment of existing loans due the United States or our citizens.

The purpose of the language is plain. It would require an interpretation that could hardly be justified to permit an evasion. Italy owes the United States. If the time ever comes when she wishes to adjust the loan and we find it appropriate to do so, I should not like by statute to estop or prevent her from doing so. The same thing is true with reference to any other nation which owes the United States and which may be embroiled in a war. I should like to preserve, so far as that can be done, the integrity of existing obligations. In no event would it seem proper to me to write a statute which would make impossible the payment or renewal of the obligations by the countries which owe us.

There is yet another provision in this amendment which has been made during the course of the debate, which is unanimously agreed to by the members of the Committee on Foreign Relations, and is believed to be a very proper and advantageous provision, namely, that which provides that the joint resolution shall not apply to an American republic when engaged in war with a non-American country. The necessity for this provision and the justification of it are clear. We would not wish to put ourselves in the attitude of denying the opportunity to an American republic to defend itself against an encroachment by a foreign power. It may be said that that is not entirely neutral, and I am disposed to admit that it is not entirely neutral; but, at the same time, it is a recognition of a fundamental American policy which has prevailed for more than a hundred years, and which the Congress ought not to repudiate or abandon.

Mr. KING. Mr. President, will the Senator yield?

Mr. ROBINSON. Certainly.

Mr. KING. Assume a situation of this character: Some powerful American republic such as Brazil, Argentina, or Chile should without provocation—and, of course, the assumption is a violent one, I concede—make war upon some feeble country such as Liberia; I will not indicate any other—and should seek loans in the United States to enable it to prosecute the war; then, as I understand the joint reso-

lution before us and the attitude of the Senator, we might make loans or extend credits to the South American Republic which was the aggressor?

Mr. ROBINSON. Yes; there is nothing in the joint resolution which would prevent a shipment of arms, munitions, and implements of war; there is nothing in the joint resolution which would prevent the extension of credit to any American republic if such American republic should become engaged in war with a non-American nation; but I do not think that in a so-called neutrality statute we ought to undertake to anticipate the possibility of an American republic making an aggression in the Orient or an aggression in any other part of the world.

Mr. President, throughout the consideration of this subject there has been a confusion in the minds of some Senators, and, I believe, in the minds of many others, between the term "keeping out of war" and the term "neutrality." Some have been disposed, as I said in the beginning, to regard the two as synonymous. As a matter of fact, they are by no means synonymous, either in definition or in practical application. It is true that we seek to adopt and enforce this neutrality policy—and it is properly called that—with the purpose in mind of doing nothing, of taking no action, and permitting no action that is reasonably calculated to place the United States in the attitude of having invited an attack from a foreign power. It is true in that sense that it is designed to keep the peace of the world; and I pray Almighty God that it may be helpful to that end.

It has been to me one of the mysteries of life, which my poor mind has been unable to solve, why it is that everybody talks about peace but that nations find it impossible to keep the peace. We now have a treaty signed by every civilized nation on the globe binding itself to obligations which, if kept, would maintain peace throughout the earth: First, by undertaking not to engage in war as an instrument of national policy, and, second, not to resort to other than pacific means for the settlement of international disputes; but I think the fact that since this treaty was negotiated and adopted in Paris several years ago there have occurred a number of wars between nations that are parties to the treaty demonstrates that it is not always possible to rely upon the treaty obligations of nations to keep the peace. We have solemnly kept that obligation; we propose to keep it; and we do not propose to assist any other nation to violate it; but we do not propose, while keeping these obligations, as we have kept them, to take any action which would invite an attack from a foreign government. Everything in reason that we can do we wish to do and shall continue to do to maintain our own peace. It seems to us absurd that other nations should disregard that obligation, the obligation not to resort to war as an instrument of national policy and not to adopt other than pacific means for the settlement of their disputes. Yet they have done so and they probably will continue to do so, some of them, at least.

I am interested in keeping the United States on a course that will enable us to keep our obligations, that will enable us to refrain from going to war to enforce any national policy, from resorting to any other than pacific means to settle our disputes. That is the spirit in which this joint resolution is presented. We cannot make war impossible by legislation; we cannot prevent other nations from going to war, no matter what statutes we enact; we cannot change international law, as was said by the Senator from Utah in his able address yesterday, by passing a statute of the United States. The sensible, the sound, the helpful course to pursue is to do that which is right, to observe the law ourselves and to ask others to do it.

I am hopeful that whatever may come in other hemispheres the nations upon the Western Hemisphere will escape being drawn into that conflict. We do not want to make a profit out of war trade; we have not sought to do so. We should like to go on our way in peace, uninterrupted and not interfered with by other people.

I am not willing to say that the United States flag shall be withdrawn from all the seas; I am not willing to say that the lawful commerce of the United States shall be entirely abandoned, as some have proposed, for, in my judgment, that would be to invite aggression against us; that would be to invite attacks upon our ships and insults to our flag. We still are a great nation and a great people. We want peace; we pray for it; we strive for it; but we will not abandon the right of self-defense; and I do not care who advocates it, I will stand to defend my country, and other Senators will do so also whenever the necessity arises. Our flag cannot be withdrawn from the seas, we cannot abandon all commerce without inviting dangers and difficulties that would be equal to those of war. We will do everything we can to keep the peace. God help us in that lofty enterprise!

Let those who have studied this subject regard it from a practical standpoint; let them give their aid. I have seen for the last time, I hope, the sons of this Republic sent into foreign lands to engage in warfare. If we ever fight again it will be in self-defense; it will be in actual self-defense, there will be no technicalities involved; but we cannot serve notice on the world that we will abandon all trade and all commerce, remove our ships from the seas and go into the storm cellar and stay there until the storm has passed. We cannot, we dare not do that.

In my judgment, the pending joint resolution represents as great an advance as those who compose the Foreign Relations Committee have been able to work out or as they would be able to work out in the reasonably imminent future. Conditions are constantly changing and we cannot tell "which wire runs around the world." As someone else has said, the nation basking in contentment and repose may still be the deadly circuit and tomorrow writhing in the toils of war. Our desire and our aim are to do justice to all people, to be the good neighbor; but in doing that we will not invite anyone to encroach upon our rights; we will not invite anyone to attack us. I thank the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK].

Mr. CLARK. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. FRAZIER. Mr. colleague the junior Senator from North Dakota [Mr. NYE], who is unavoidably absent, is paired on this question with the junior Senator from New Hampshire [Mr. BROWN]. If my colleague [Mr. NYE] were present, he would vote "yea." I understand the Senator from New Hampshire [Mr. BROWN] would vote "nay."

Mr. BULKLEY (after having voted in the negative). I am advised that the senior Senator from Wyoming [Mr. CAREY], with whom I have a general pair, is necessarily absent from the Chamber. Not being informed how he would vote, I transfer my pair to the junior Senator from Texas [Mr. CONNALLY] and allow my vote to stand.

Mr. LEWIS. I announce the absence of the Senator from North Carolina [Mr. BAILEY], the Senator from New Hampshire [Mr. BROWN], the Senator from Texas [Mr. CONNALLY], the Senator from South Carolina [Mr. SMITH], the Senator from Nevada [Mr. MCCARRAN], and the Senator from New Jersey [Mr. MOORE], who are unavoidably detained.

I also announce the absence of the Senator from Alabama [Mr. BANKHEAD], occasioned by illness.

I announce the temporary absence of my colleague the junior Senator from Illinois [Mr. DIETERICH], and am authorized to say that if present and voting he would vote "nay."

I wish also to announce that the Senator from New York [Mr. COPELAND], the Senator from Kentucky [Mr. BARKLEY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Louisiana [Mr. OVERTON], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Montana [Mr. WHEELER] are detained in an important committee meeting.

I am advised that if present and voting the Senator from New York [Mr. COPELAND] would vote "nay."

I have been requested to announce a general pair between the Senator from South Dakota [Mr. NORBECK] and the Senator from Alabama [Mr. BANKHEAD].

Mr. BYRD. I desire to announce that my colleague the senior Senator from Virginia [Mr. GLASS] is detained by

reason of illness in his family. He has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

The result was announced—yeas 16, nays 61, as follows:

YEAS—16

Barbour	Clark	Holt	Pope
Benson	Costigan	La Follette	Schwellenbach
Bone	Donahey	Long	Thomas, Okla.
Capper	Frazier	Norris	Vandenberg

NAYS—61

Adams	Davis	King	Robinson
Ashurst	Dickinson	Lewis	Russell
Austin	Duffy	Logan	Sheppard
Bachman	Fletcher	Lonergan	Steiwer
Bilbo	George	McAdoo	Thomas, Utah
Black	Gerry	McGill	Townsend
Borah	Gibson	McKellar	Trammell
Bulkley	Gore	McNary	Truman
Bulow	Guffey	Maloney	Tydings
Burke	Hale	Metcalf	Van Nuys
Byrd	Harrison	Minton	Wagner
Byrnes	Hastings	Murphy	Walsh
Caraway	Hatch	Murray	White
Chavez	Hayden	Neely	
Coolidge	Johnson	Pittman	
Couzens	Keyes	Radcliffe	

NOT VOTING—19

Bailey	Connally	Moore	Reynolds
Bankhead	Copeland	Norbeck	Shipstead
Barkley	Dieterich	Nye	Smith
Brown	Glass	O'Mahoney	Wheeler
Carey	McCarran	Overton	

So Mr. CLARK's amendment was rejected.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

NEUTRALITY OF THE UNITED STATES

The Senate resumed the consideration of the joint resolution (H. J. Res. 491) extending and amending the joint resolution (Public Resolution No. 67, 74th Cong.), approved August 31, 1935.

Mr. BONE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, after line 20, it is proposed to insert a new section, as follows:

TRANSACTIONS WITH BELLIGERENTS

SECTION 1c. Whenever, during any war in which the United States is neutral, the President shall find that the maintenance of peace between the United States and foreign nations, or the protection of the commercial interests of the United States and its nationals, or the security or neutrality of the United States would be promoted by requiring nationals of the United States to assume the risk of commercial transactions with the governments or nationals of belligerent countries, or persons residing therein, and shall so proclaim, thereafter American nationals who engage in such transactions shall do so at their own risk.

Mr. BONE. Mr. President, this amendment is identical with section 9 of Senate bill 3474, which was introduced by the Senator from Nevada [Mr. PITTMAN] the opening day of the Senate. Reference has been made to it by the Democratic floor leader, the Senator from Arkansas [Mr. ROBINSON].

However, I suspect, in view of the attitude of the administration leader on this floor and the obvious attitude of the administration toward it, that the argument I am about to indulge in will be a futile gesture, and I am impressed with a sense of futility in offering the amendment. Nevertheless, I feel impelled to do it, and I feel I would be recreant in my duty to the country and to the boys who would die in another war if we failed to do our duty here, if I omitted to perform this task.

A few days ago an admiral of the British Navy referred to Europe as one gigantic arsenal. So as we sit in the Senate today we confront a war-torn world covered with scars from the last Great War, the like of which the world had never witnessed, on the verge of bankruptcy, and yet piling up armaments at a rate which staggers the imagination. When the powder barrel is open in front of us, we in the Senate sit here and refrain from doing what I think—and it is only my own judgment—is a vitally important thing.

I wish to invite attention to an extraordinary picture presented by some of the arguments made in connection with the joint resolution. Senators are rational human beings. Many Senators are lawyers and realize the truth of what I am saying. It has been stated repeatedly on the floor that we may not do anything now because there is a state of war between Italy and Ethiopia, although at times those countries have not been mentioned specifically by name.

We cannot do anything now, we are told, because there is an actual state of war existing between these countries; but listen, gentlemen of the Senate: In what sort of a predicament do we find ourselves?

I stood on the floor of the Senate in the latter part of August of last year and asked the Senate to pass some sort of a neutrality bill; and I suspect if an effort had not been made then, there would not be a line of neutrality law on the statute books of this country today. That is the picture presented to the people of this country. It is suggested now that Congress cannot do anything now, because it is impossible to do anything without violating some theory of neutrality. And yet you know, as I stand here and speak, and I think every man in this building will agree with me, that if that fight had not been made last year, there would probably not have been a line of law on the statute books now; and, obviously, if there had been no law written then, every Senator might well arise here and assert that we today would be guilty of a grievous breach of all the rules of neutrality if we presumed to pass a law dealing with neutrality. That is true, and you know it, and I know it, and the whole country knows it.

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Washington yield to the Senator from Missouri?

Mr. BONE. I yield.

Mr. CLARK. Is it not a fact that at the last session precisely the same argument was made against any neutrality legislation which is now being made against any permanent neutrality legislation?

Mr. BONE. That is true; exactly the same argument.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nevada?

Mr. BONE. I do.

Mr. PITTMAN. Just for the record, I desire to state that I do not think the Senator from Washington is entirely accurate when he says that if he had not made his speech last August there would not have been any neutrality legislation on the statute books.

Mr. BONE. Very well; I will withdraw that statement and assert, then, that if there had not been a fight at the end of the last session, in which others besides myself joined, there probably would have been no neutrality legislation in this country. I think the Senator from Nevada will agree with me in that statement.

Mr. PITTMAN. No; I will not agree with the Senator as to that. I heard the Senator's speech last August. I say to the Senator that the Senate Foreign Relations Committee had had neutrality legislation under consideration for 4 months before that speech was made.

Mr. BONE. Yes; and we were getting ready to adjourn and go home, and we were assured that we would go within 2 days.

Mr. PITTMAN. I will further say to the Senator—and some Senators know it, whether he does or not—that at the time he made his brilliant speech and other Senators made their brilliant speeches, called a filibuster, the committee had already reported out a neutrality bill.

Mr. BONE. I do not so recollect, but possibly the Senator is correct. I think the Senators here will agree with me, however, that we were ready to go home, and I and a number of other Senators here were firmly convinced that there was no hope for or possibility of neutrality legislation at that time.

I think our pathway here is as plain before us as Holy Writ. My amendment is merely one of the provisions which

was in the bill introduced by the Senator from Nevada [Mr. PITTMAN]. It requires persons who insist upon carrying on war commerce to do it at their own risk—an assumption-of-risk doctrine.

Let me ask the lawyers in this body if there is anything extraordinary, bizarre, or weird about that sort of a doctrine.

It has found lodgment in the body of American law for years and years, only we have applied it to poor devils in personal-injury cases. I have seen them nonsuited in case after case, when some court said, "You had to assume the risk when you took that job"; and since the poor fellow had to have a job, he had to go there and risk the loss of a leg or an arm or an eye or some other part of his body, or his family had to be deprived of his earning power if he refused to take the risk. That was the assumption-of-risk doctrine which had been applied by our distinguished courts in this country for years and years—in my judgment a legal principle that is frequently a stench in the nostrils of decency, but, nevertheless, it is good American law. We cannot apply that doctrine, however, where some fellow is shipping munitions of war, the shipment of which may inevitably lead us into conflict. That would be laying profane hands on sacred property rights.

The Senator from Arkansas [Mr. ROBINSON] has said that belligerents are not concerned with the amounts of shipments that go to another belligerent country with which they are engaged in war. Of course not. They simply are determined, as they evidenced in the last war, not to permit this country to ship anything to an enemy country. I recall very vividly, and so does every other Member of this body, the attitude of the people of Germany when we were shipping munitions to England. The Germans, and the Germans here in America, made very plain their attitude. They said, "The munitions that are being supplied by American munitions manufacturers that are going into England are being used to destroy German boys. The sons of German mothers are dying on battlefields over there, because America is supplying that stuff, and it is vital to the success of Great Britain that America continue to do it"; and, as a consequence, they ignored every rule of international law.

The Senator from Utah [Mr. THOMAS], who is a very able and distinguished Member of this body, spoke yesterday of the rules of international law; but let me say to you gentlemen that those rules go in the ashcan when a nation has its back to the wall and is fighting for its life. So much has the Senator from Arkansas [Mr. ROBINSON] indicated by his brief remarks, if you care to read them. He said—

> They do not care about such things in an extremity; the shipment of even the smallest amount of supplies to an enemy excites the antagonism of a country at war—

And you can well understand that.

If you Senators had boys dying because some other country was shipping munitions of war to the enemy country that was destroying their lives, you, too, would have that feeling in your hearts. It is a very natural feeling and reaction that all can understand. I have no difficulty in understanding the attitude of mind of a people whose sons were being destroyed by American munitions.

We did not interfere with these war shipments. They finally got us into war. But why do war profiteers insist that this Government assume the responsibility for the safety of this traffic, and why should we send the boys of America out to die in order to vindicate their right to ship munitions to some country in Europe?

Why can they not carry that stuff themselves and assume all the risks? We have imposed this assumption-of-risk doctrine on poor workers in American industry, but we lack the nerve to impose it on wartime business profiteers who piled up monstrous fortunes during the war; fortunes which, in my judgment, are a reproach to the memory of every boy who died in that war. Not one of these big fellows who sent this stuff across the seas risked his hide in that hell in Europe; but they piled up these tremendous fortunes out of the miseries of others. One concern made such enormous profits that it acquired control of one of the greatest industries in America out of its surplus profits.

We know how we got into that war over there. Germany objected to our shipping war materials to England. You could not blame the Germans. If we had been shipping it to Germany, England would have complained, with equal justice, according to the viewpoint that obtained at that time.

"We had a right to trade with them." To be sure we had a right to trade with them; but when we were shipping munitions into England, Germany had a right to stop them; and was England thin-skinned about this thing called international law? Not in the slightest. England seized our ships on the high seas and took them into prize courts. Oh, England had a lot of regard and respect for international law, did she not? Quite as little as Germany had and quite as little as any country would have whose boys were dying by the thousands every day on gory fields of battle.

Now, let us look at this thing in a practical way.

I have no desire to see this country surrender any legitimate rights that it has; but am I insulted because a cargo of Du Pont powder cannot be sold in Europe? Why is our national honor outraged because Du Pont cannot make money out of war? Why should your boy die in order to vindicate the right of the Du Pont Powder Co., or a copper company, or any other kind of an outfit, to make profits out of war? It were better to surrender that kind of business and keep this country out of war, than to enable profiteers to make those profits. Those profits were not made for you or for me or for the 128,000,000 average Americans. God hasten the time when nobody can make profits out of war. Unhappily, the vast profits that were coined out of the last war went to a comparatively small group of men in this country. Apparently that fact is generally known except in Washington, D. C.

Because this country, in my judgment, was recreant in not clamping down on that kind of hell-born traffic, our boys went abroad and died; and every drop of blood from the body of an American soldier boy was translated by the alchemy of big business, into a dollar that clinked into the cash register of war profiteers; and that is the sort of thing on which some folks ask us to put the stamp of our approval. We stand at the crossroads of decision right now. There are in our hands today some of the weapons with which we can strike down this thing called war by removing its chief causes.

It were better to abandon some trade than to pay the price we shall have to pay if we insist on trading with belligerents. Is there a man in this body who can contemplate with peace of mind and equanimity the horrible financial and social results of another great international war? At the expense of being a little tedious, I am going to repeat to you the answers made to some questions put to some of the biggest businessmen in this country who appeared before the Munitions Committee of the Senate. I asked men like Grace, of Bethlehem Steel, and Bernard Baruch, and Pat Hurley, and a number of others what they thought would happen if this country of ours, and our western world, become embroiled in another great international conflict. Without a single exception the answer in substance was, "Our civilization may die."

Are we going, then, to defend the right of the Du Pont Powder Co. to ship powder across the Atlantic when the price of a mistake in that policy may be the destruction of our civilization, which is the heritage of 60 centuries of human progress that now rests in our hands? Shall this fragile thing called civilization be thrown away like a worthless bauble to insure profits for somebody?

"Freedom of the seas!"—whose seas? The seas of these boys who are in insane asylums? I have seen those mournful processions of veterans out in my home country, where they are cared for in one of those great Federal institutions. These soldier boys whose minds were destroyed—were they defending their seas? No. Who made the money out of this

war? Certainly not the soldiers. Let the American people answer that question. We do not have to answer it. They will answer it.

Another thing, my friends: If there is any great illusion on earth, any monstrous illusion on earth, it is that there is real profit in war. Defend our commerce, make profits, and every dollar of profits made in that war is going to be sweated out of our hides under the lash of the tax collector for generations to come. Ultimately the profits accumulated at such a tragic price are all lost.

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. BONE. Yes.

Mr. CLARK. The Senator will recall that a large part of the profits growing out of the money paid for munitions in this country during the last war was ultimately paid for directly out of the Treasury of the United States.

Mr. BONE. Why, surely. We had to bail out the whole crowd after we got through. Oh, we defended the "freedom of the seas"; we insisted on the right of our ships to go across safely, except when Britain grabbed them, and then for some obscure reason we were very timid; and in order to pay for that stuff Britain and the other countries borrowed the money from us; and they never paid it back! We are paying now for all this boasted "freedom of the seas", this boasted defense of American business supremacy, this right to ship this hellish stuff across the ocean on the theory that the American businessman has a right to make money out of that sort of thing. American taxpayers are still paying for the flossy profits of the "freedom of the seas" boys.

Can one look at the experience of the last war and find any other answer in his heart than that war is utterly stupid? We are paying today; Members of the Senate are paying in their income taxes every year for the traffic the Senator from Arkansas discussed a moment ago. He said he hoped the American flag would not go off the seas. It did not go off during the war, and we are now paying the terrific bill for keeping it there. We are paying it in our income tax; and I hope that my voice will go beyond these Halls to inform the American people that they are paying dearly for this freedom of the seas of 1914 to 1917.

International law is one of those mysterious and abstruse sciences which nobody understands. It requires an erudite gentleman like the Senator from Utah to explain to us what it all means. When war comes the embittered belligerents pay no attention to the so-called rules which have, we are assured, been more or less in force from the time of Grotius.

Name one country that respected international law during the last war. Name one! Yet we sit here and talk; and how trippingly to our lips come words of reverence and regard for international law, when the nations at war did not give a damn for it.

Why should we bow in reverence at the shrine of international law which warring nations junk with never an apology! When their boys are dying they do not care for rules of international law. They are going to win if they can, law or no law.

I want to read a little statement that came from Admiral Sims, and I take it the admiral knew what he was talking about, and he was talking very frankly. Only a comparatively short time ago Admiral Sims, who handled our naval operations during the war, had this to say:

> The point of the whole business is this: We cannot keep out of a war and at the same time enforce the freedom of the seas; that is, the freedom to make profits out of countries in a death struggle.

That is plain enough; that is Admiral Sims talking, not a Senator who objects to this kind of business, but a man who was honored by being made the commander of the American naval forces during the war. Listen again:

> If a war arises, we must therefore choose between two courses: Between great profits, with grave risk of war, on the one hand, or smaller profits, and less risk, on the other.

That language is too plain to admit of any interpretation. Every man in this body knows exactly what the admiral was driving at.

Why can we not be true to ourselves? There is no profit in war. Why not realize that any profit that is even remotely associated with it is a mirage?

When the World War came on and farmers were encouraged to put in more wheat, vast acreage was brought into cultivation in this country. The Senate has been wrestling with that very problem ever since I have been in the Senate. What happened when the bottom fell out of this fictitious and fantastic war market? There were millions of acres of land that properly never should have been put into cultivation, and the Congress has been appropriating millions and millions of dollars to solve the problems arising out of this increased acreage. It is wrestling with a problem which was a legitimate outgrowth of war. Of course, the poor devil of a farmer who had a piece of land wanted to continue to produce and make a profit after the war ended, but he could not do it. American industry was likewise dislocated. Before we leave here we will have to wrestle still further with that problem. The heritage of that war will haunt us for years to come.

Mr. President, profits were made out of the war, but Uncle Sam will take them from this generation and its children and children's children to pay the endless cost of the war. Yet we talk glibly of the right of the American businessman to make money out of war. We are going to protect the American businessman in making money in that kind of a hell-born thing, even though we drag down the flag and threaten our civilization with utter disaster. That is not my conception of patriotism. I do not think it squares with common sense. Ask yourselves whether your boy makes any money out of war. Let every American mother and every American father ask himself and herself if her boy or his boy makes any money out of war, and they will provide the answer to this thing in a hurry. Submit anything like this to the American people in a referendum and find out what kind of a vote you would have. It is perhaps of no moment to those who are listening to me; but I have made many speeches about this war business, and I give Senators my word that there is no issue which seems quite as close to the American mother and father today as the idea of peace.

I am not concerned whether we call it neutrality, or keeping out of war. I want this country to keep out of war, and if it is necessary, in order to save America and keep our boys home, to stifle the right of every man to make a nickel out of that kind of business, I am willing to go to that length. Were I the only man in the Senate with that viewpoint, I should have no hesitancy in expressing it.

The American people are being forced to face some grim facts. Last year we appropriated a billion dollars for the peacetime needs of the Army and Navy, and this year we are appropriating more than a billion dollars. How long can we continue such expenditures on top of all the other costs incident to the dislocations of war and the depression. We all realize that many of these tragic things with which we wrestle in this depression were due to war. They were the legitimate offspring of war.

I submit that the Senate should adopt an amendment of the kind I have offered. It was apparently so logical that it was tendered by the able Senator from Nevada, and I think he was sincere and honest when tendering it, and I do not know why he withdraws it.

I am sorry that the administration takes the position that it should not adopt this, that there is something extraordinary or bizarre about this proposal to compel men who want to do a war business, to do it in war zones at their own risk.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. PITTMAN. If the Senator meant to suggest that I should rise and state why I withdraw the provision, I may reply that on yesterday I discussed that matter at length when the Senator did not do me the honor to attend and listen to what I had to say, and I do not desire to trespass further on the time of the Senate. My explanation is in the RECORD.

Mr. BONE. I was present most of yesterday, although I was ill in the morning and was unable to be here at the opening of the session.

I realize that in view of the opposition of the administration to this proposal it will probably be voted down. But if by some awful mischance, gentlemen of the Senate, some of these gentlemen who put dollars above patriotism, some men who love money more than they do humanity, and who are so infernally eager to make money out of the blood of boys who must surely die if war comes, are able to ship cargoes which may be destroyed, we will again be assured that our national honor is outraged. While it would, in the last analysis, involve only profits of the gentleman who owns the ship, we would be expected to go to war to vindicate his right to trade. The hucksters' traffic would be more important than our boys. If it so happens that that awful thing overtakes us again, I hope the American people will remember that today we had a God-given opportunity to write into the laws of this country a greater security against such a catastrophe. This is your country and my country, the country that has been preserved by the blood of a million boys, and a country eminently worth preserving. We have a civilization worth preserving, but it is threatened by this ghastly thing called war. I hope the American people will remember that we of Congress had the precious opportunity. Do not throw it away like a worthless bauble. The responsibility must rest with us. We cannot walk away from it. We might as well try to walk away from ourselves or our consciences. It cannot be done. The opportunity is now ours.

Mr. President, I offer the amendment because I feel it is the proper thing to do. If my brethren see fit to vote it down, I shall have to be satisfied, but I fear for my country. I sincerely hope they will not vote it down.

Mr. COSTIGAN. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. COSTIGAN. In view of the reference of my able friend from Washington to a section offered earlier in the year by the senior Senator from Nevada [Mr. PITTMAN], will it not be well to have the reference made more specific? Are we to understand that the section to which the Senator from Washington now refers is section 9 of Senate bill 3474, introduced in the Senate on January 3, 1936, by the senior Senator from Nevada?

Mr. BONE. That is correct.

Mr. COSTIGAN. Will it not be well to have that section follow the remarks of the Senator from Washington, and may I not ask the Senator from Washington whether the investigation by the special committee dealing with munitions has developed any facts which, in the judgment of the Senator from Washington, or of any other member of the committee who may be here, strengthen the reason for incorporating this amendment in the pending joint resolution?

Mr. BONE. Mr. President, answering the Senator from Colorado, I wish to say, first, that I have no quarrel with the joint resolution in its present form. I want to vote for it. I hope to see it adopted. But I feel that this amendment is vital.

I shall not occupy the floor longer, except to say that all the evidence produced at the hearings of the Munitions Committee of the United States Senate convinces me that we were drawn into the war, "sucked in", as the expression has been frequently used on this floor, by the inevitable commitments which grew out of our commercial relations in that war. I do not think there is any doubt that our war traffic, the seizure and destruction of commercial vessels, all inevitably establish the fact that we were drawn in by our commercial relations.

President Wilson had something very pungent to say about that being a commercial war when he spoke in St. Louis, I think in the year 1920.

I would not have said what I did say today, and I would not feel so passionately about this thing, had I not been convinced to the depths of my being that commercial relations dragged us into the war. For one, I do not give the bankers a clean bill of health. They were bailed out by the money of the taxpayers. Our people are today paying the war debts of Europe, which the Senator from California [Mr. JOHNSON] and the Senator from Illinois [Mr. LEWIS] have vigorously discussed on this floor time after time. Those debts are being stripped out of the hides of the American people today. They are part of the cost of protecting the rights of commercial interests in a war traffic which ultimately takes its hellish toll in human life. One result was to pile up vast war fortunes for a few compared to which the fortunes of Lydia's ancient kings were but a beggar's patrimony.

I say that sort of thing ought to come to an end in this country. We ought to have sufficient respect for the homes of America to think about the boys, instead of businessmen. There may not be any businessmen here if we have another war. They ought to think about that. If that thought ever soaked through the thick skulls of some of the worst of these fellows it would do a lot of good. Yet they fight for profits in war—more profits. In so doing they conjure up a Frankenstein monster which will rise some day not only to torment them but to destroy them.

Mr. POPE. Mr. President, did I not feel so deeply upon this matter I would not take a moment of the time of the Senate. For many years, ever since the World War, I have supported, with whatever influence I have had, those measures which seemed to me to make for peace. At the conclusion of the World War I, with millions of other American citizens, felt that President Wilson had worked out a plan which would end war. We observed that in the plan which he then proposed he used those very same fundamental principles which have been used in every civilized nation on earth. In every community, in every city, and in every county, in every nation, the people have united for the purpose of establishing law and order. They have united for the purpose of punishing one who aggresses upon the rights of others. Since the Wilson plan was based upon those fundamental principles, those principles which are at the very basis of our civilization everywhere, it seemed to many of us that that was the one way out for the nations of the world. In other words that those practices in the establishment of agencies of peace in the various communities could be broadened and extended to the nations of the world. However, that plan did not succeed so far as the United States was concerned.

Since that time other measures have been proposed to promote peace. I supported with all the influence I possessed the treaty now known as the Kellogg Peace Pact. I thrilled with delight at hearing the eloquent words of my colleague upon the passage of that measure. May I give the Senate those words at this time. He said:

> Another important result of such a treaty—

That is the Kellogg Peace Pact—

> would be to enlist the support of the United States in cooperative action—

The word "cooperative" is almost banned now from consideration here—

> cooperative action against any nation which is guilty of a flagrant violation of this outlawry agreement.

If ever there was a clear example of aggression, it is that which has taken place within the last few months, wherein Italy has committed what I think is an unprovoked aggression upon a weaker nation, threatening not only to take away its resources but its independence as a nation. Any of us would now be glad to hear that eloquent voice raised calling upon the United States to do what was suggested in his previous words—to punish a flagrant violation of the Kellogg Peace Pact. That has not been done.

I also supported the Washington Disarmament Treaty. I have supported every measure or every effort, without regard to partisanship, which may tend to promote peace and to prevent another world holocaust such as we saw during the World War. Some of us who lived through that know what it meant. Ten million men lost their lives on the battlefields of that war. Thirty million people lost their lives as the result of the war. It is said that if all the men who died in France could get up out of their graves at this moment and begin marching along in front of this building four abreast in double-quick time, it would take them 7 months to pass this building.

The cost of that war it is almost impossible to estimate. It is estimated that $186,000,000,000 represented by actual direct war costs was lost in that war.

Mr. H. G. Wells has put it this way. He said that if all the dollars expended during that war were coined into silver dollars, you could build a pile of dollars to the moon and then start another pile and build it three-fourths of the way to the moon. That merely suggests to one's mind the immediate and direct money cost of the war.

Following that war, as in the case of every other great war, we have had a terrible depression. As my good friend the Senator from Missouri [Mr. CLARK] once said, "War and depression are inseparable twins, and the one always follows the other."

With reference to our present situation, may I take Senators back for a few minutes to a consideration of our position with respect to neutrality from the very beginning or the founding of our Government? In 1793, when war was going on in Europe, President Washington issued a neutrality proclamation. By 1795 we were in trouble with all the belligerents; we were in trouble with Great Britain, and we were in trouble with France. At that time John Jay was selected to negotiate a treaty with Great Britain. He did so, and in that treaty there was included an embargo to be placed upon cotton, molasses, coffee, and other products as against France. Upon his return, through the great influence of Washington, the Jay treaty was ratified. When Alexander Hamilton went to New York to defend the Jay treaty he was driven from the platform bleeding from stones which were thrown at him. Why? Because of the embargo placed against France.

Following that we had difficulties with France. During the "X Y Z" negotiations the great Charles Cotesworth Pinckney rose and said, "Millions for defense, but not one cent for tribute." So by 1797 we were literally on the verge of war with France. Due to a truce in European affairs, we escaped war. Soon after that the Napoleonic wars began again, and in 1807 Thomas Jefferson, who was then President of the United States, realized that by reason of the violations of what we had considered international law with respect to the rights of a neutral, we were then on the verge of war. We had to do one of two things. In his opinion, we had to embargo exports to the belligerent nations, or we had to go to war. So he recommended to the Congress at that time the passage of embargo acts. Congress passed those acts. That was in December 1807. What happened? Our goods accumulated in the ports. Idleness became geneneral everywhere. There was depression throughout the country. And at one time so great was this depression that the New England States threatened to secede from the Union. Therefore, when Madison became President in 1809 these embargo acts were repealed. We then began to trade as usual, trade according to the laws of neutrality and international law, and by 1812 we were at war with Great Britain. Why? Because our rights as neutrals were violated.

There was no other major war in Europe in which a sea power was engaged until 1914. We had substantially the same rules of neutrality then as before, and as now, for that matter. From 1914 to 1917 we struggled to do two things. First, to trade as usual, and, second, to stay out of war. We had exactly the same experience as in 1812, because trading as usual under the rules of neutrality which were recognized, got us into the war. Now, that has been our experience, and I undertake to say that under the rules of neutrality that exist at this moment, except as modified by this joint resolution—under those rules the United States has gotten into every major war in Europe where a maritime power was involved, since the establishment of our Government.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. POPE. I yield.

Mr. CLARK. The Senator will recall that in the War of 1812, as in the World War, after having entered the war ostensibly on the question of the freedom of the seas, and our right to cross the seas as we pleased, that question was not mentioned in either peace conference, nor included in the treaty of peace in either case.

Mr. POPE. That is perfectly true. We find ourselves in this condition. Our experience as a nation has brought us to this situation, that if we place a complete and strict embargo upon exports as against other nations, particularly when the great maritime nations are involved, we are faced with a depression; and on the other hand, if we trade as usual, trade under rules of international law, which were so eloquently upheld by Mr. John Bassett Moore before the Senate Foreign Relations Committee—if we trade under those rules we get into war. We have gotten into every major war, as I said before, since the beginning of our history.

What was the effort made here by the chairman of the Foreign Relations Committee in his original joint resolution? His effort was to compromise between these two extremes. On the one hand, we have depression if a complete embargo is placed upon our exports. On the other hand, we face almost certain war, judging by our history in the past. So a compromise was effected whereby we would limit our exports to normal peacetime quotas. It seems to me that that was a very fair and a very reasonable compromise.

It is true, as was suggested by the Senator from Arkansas [Mr. ROBINSON] this morning, that a torpedo might as readily be fired at a ship carrying goods under a peacetime quota as at one with a cargo above that quota; but the fact of the matter is that there would be fewer ships, there would be less exposure, there would be fewer contacts which would cause us to be involved in war. That was, it seems to me, a fair proposition. I cannot see how any exporter could claim the right to more than a normal peacetime trade, because when he does so he claims the right to bloody war profits. I, for one, am opposed to anyone having such a right.

This was the interesting situation that developed before the Foreign Relations Committee: We had hearings; it seemed to be a very reasonable provision, both as to export quotas and as to the assumption of the risk; but finally certain gentlemen appeared before the committee using profound arguments for the freedom of the seas. Then we found, almost overnight, such a change of sentiment that the chairman of the committee and others felt like withdrawing those provisions without giving us an opportunity to vote upon them, without giving the people of this country an opportunity to make themselves heard. I have no doubt that throughout this Nation the people want us to do more than we are proposing to do here.

Mr. PITTMAN. I think the Senator's language does not mean what his speech indicates, for he had all the opportunity to be heard that was possible.

Mr. POPE. Yes; but we had no opportunity to vote upon the question, if the Senator please, except such opportunity as we may have to vote on amendments which may be proposed.

Mr. PITTMAN. The Senator did not make his speech before the Foreign Relations Committee at the time he voted, did he?

Mr. POPE. No; I did not.

Mr. PITTMAN. Did the Senator protest against this action in the committee?

Mr. POPE. I did not. I was unable to be present for a number of days. I was present at the time the vote was taken, but the question was already settled, and it would have been perfectly futile to make such a statement there.

Mr. PITTMAN. Very well. I just wanted to know whether I had misrepresented the facts when I stated in my opening speech that there was no objection made to reporting the joint resolution.

Mr. POPE. I did not suggest that the Senator made any misrepresentation, but what I was saying was that, for some reason, the chairman himself deserted and abandoned those provisions of his own measure which I believe the American people desire.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. POPE. I yield.

Mr. PITTMAN. The Senator in the committee abandoned the position he is taking right now. Of course, there was no one to hear his speech in the committee as there is here now.

Mr. POPE. I expect to introduce, in the next few moments, without any further statement with regard to it, substantially the same provision as was contained in section 4 of the so-called administration measure. I merely wish to say here that I am strongly in favor of the amendment submitted by the Senator from Washington [Mr. BONE], because it seems to me the subjects therein involved are just as important, just as vital as are those contained in the amendments to the joint resolution which has been reported to the Senate. I shall, of course, support the joint resolution as it is now submitted to the Senate, even though amendments shall be defeated, but I believe that the people throughout the Nation, who are so vitally interested in this question, desire that further provisions be included, and that they are in favor of the joint resolution as first introduced by the Senator from Nevada.

Mr. CLARK. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point an editorial from the St. Louis Star-Times entitled "Abstract Law or Concrete Peace?" on the subject of Mr. John Bassett Moore's testimony.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

The editorial referred to is as follows:

ABSTRACT LAW OR CONCRETE PEACE?

John Bassett Moore, former member of the World Court, knows as much about the letter of international law as any man living. He says the pending neutrality bill is a "curious blend of homicidal and suicidal mania", and Senator HIRAM JOHNSON, of California, agrees with him. In a 10,000-word discussion Mr. Moore reveals that his two chief objections to this bill are that it deprives us of our "freedom of the seas" and gives the President dictatorial power.

Those are exactly the arguments that the armament and munitions makers might be expected to make, and they are none the stronger because Mr. Moore offers them. Nobody knows better than he that freedom of the seas is a theoretical and not an actual right. We have proclaimed it and fought for it, but it never has existed when the United States was at war or we were caught in the jam between two warring nations. We couldn't even write the abstract clause into the treaty that followed the War of 1812, and England and Germany tramped all over it at the start of the World War and we could not uphold it.

The neutrality bill may be "maniacal", but is any law maniacal that carries the authority to keep Americans from profiteering out of the tears and tragedies of other peoples? Giving this power to the President is a matter of practicality only. Public opinion will prevent its misuse. It is always possible for Congress to repeal or modify a measure in an unforeseen emergency. And finally, even this bill, inadequate as it is, is no more loose or defective than international law itself. In wartime everybody ignores or evades that. What does international law mean to any nation that fights when it has solemnly pledged itself not to have recourse to war?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington [Mr. BONE] to the amendment reported by the committee.

Mr. BONE. On that I ask for the yeas and nays.

Mr. PITTMAN. Mr. President, I think, perhaps, I should call direct attention to the pending amendment. Of course, the speeches of Senators who have spoken on this amendment have gone into a great many other subjects. For instance, the speeches have included the question involved in section 4, and particularly the Senator from Idaho was addressing himself largely to section 4 of the administration measure.

On behalf of the committee, I wish to say a few words, for I feel that, perhaps, it is the duty of the chairman of the committee to defend the committee with regard to some mistaken positions, especially when they are asserted on the floor of the Senate.

In the first place I wish to read the names of the Senators on the Foreign Relations Committee. Each Member of the Senate knows all the other Senators, but possibly does not know the Senators who serve on that committee. The committee is made up of the Senator from Arkansas, Mr. ROBINSON, the Senator from Idaho, Mr. BORAH, the Senator from Mississippi, Mr. HARRISON, the Senator from California, Mr. JOHNSON, the Senator from Georgia, Mr. GEORGE, the Senator from Kansas, Mr. CAPPER, the Senator from Alabama, Mr. BLACK, the Senator from Wisconsin, Mr. LA FOLLETTE, the Senator from New York, Mr. WAGNER, the Senator from Michigan, Mr. VANDENBERG, the Senator from Texas, Mr. CONNALLY, the Senator from Maine, Mr. WHITE, the Senator from Illinois, Mr. LEWIS, the Senator from Minnesota, Mr. SHIPSTEAD, the Senator from Tennessee, Mr. BACHMAN, the Senator from Utah, Mr. THOMAS, the Senator from Indiana, Mr. VAN NUYS, the Senator from Wisconsin, Mr. DUFFY, the Senator from Idaho, Mr. POPE, the Senator from Ohio, Mr. BULKLEY, the Senator from Montana, Mr. MURRAY, the Senator from New Mexico, Mr. CHAVEZ, and the chairman.

Time and again I have heard insinuations in the press, and what I have unhappily felt to be insinuations on the floor of the Senate, that that committee was probably controlled by a majority, at least, who were not in favor of peace; that they had no disposition to do anything reasonable for peace and to keep us out of war; and that they never would have done anything except that they were forced to do it by some action in this Chamber. That is not true. There is not a member of that committee—and I have read all their names—who by environment, by employment, or by association is, in any way whatever, connected with or influenced by any of the great commercial interests that made profits out of the last war. There is not a member of that committee but is just as sincerely in favor of peace as is any other Member of the Senate. The committee were not driven at the last session into reporting the joint resolution that is now the existing law. They did it of their own free will and by unanimous vote and without opposition. It is true that for several months they had that legislation under consideration; and not only that legislation was under consideration but there were other measures which were not included in that joint resolution just as there are provisions which are not included in the pending joint resolution. It was not the joint resolution which was passed at the last session and which is now the law that caused the delay in the committee; it was the consideration of such questions as are now being debated that caused the delay. I say to the Senate that the report of the committee was made before the celebrated filibuster in August which it has been claimed forced the committee to act. I am simply saying this much in defense of the members of the committee.

Mr. COSTIGAN. Mr. President, it has not been my good fortune to hear the discussions of members of the committee on the section which is now offered as an amendment, nor did I hear fully the discussion yesterday of the able Senator from Nevada [Mr. PITTMAN]. It would be helpful to some Members of the Senate, and, it is hoped, will not add unduly to the burdens of the chairman of the Committee on Foreign Relations, if he will indicate whether at this moment he is of a different mind with respect to the inclusion of section 9, on page 9, of the joint resolution introduced by him in the Senate on January 3, 1936.

Mr. PITTMAN. I will answer that question very briefly, because I occupied a considerable time yesterday in explaining my views in regard to this matter, and my remarks are in the RECORD.

I will say that I favored section 9; in fact, I wrote an article for one of the leading magazines in which I defended section 9. My views with regard to section 9 have not changed materially, but I wish to say that I received very little support in my argument in favor of section 9. The section was amended in the committee on my motion.

So far as section 9 keeping us out of war is concerned, it has been argued very strongly that it would not have any effect whatever. That is the argument that has been made. When one of our citizens, with contraband of war or noncontraband of war, starts across the sea to a belligerent country, he is subject to the action of the belligerent controlling the seas. If he disobeys their instructions, he is captured or sunk, as the case may be. Whether it is his own responsibility or the responsibility of his Government, the fact remains that he is a citizen of the United States. While he may not be able to claim any right to ask his

Government to send its Navy to protect or avenge him, still it is a question about which the citizens of the United States will think at some time in some way. If a ship were sunk with a citizen on it, whether this section existed or did not exist, and the sinking seemed to the people of the country to be an utter and outrageous violation of the rights of the citizens of this country, those rights would be discussed through the papers, at meetings throughout the country, and on the floor of the Congress of the United States. Whether that citizen had waived his rights or not waived his rights to protection, the discussion would certainly take place.

I favored section 9 because I thought it repressive on the shippers. I thought it would not permit a shipper to take a great risk after warning and then, when he got in trouble, yell for the United States Government to send out its Navy. But I got very little support in the matter from those with whom I talked. All seemed to think the duty of the Government would be just the same as it would otherwise be, and we would be endangering our citizenship by saying we would not protect them in their legal rights. Of course, protection does not mean the use of the Navy exclusively. It includes retaliation or demands for damages.

Mr. BONE. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. BONE. I wonder if the Senator feels that we would have a right as legislators to lay down a rule of law that would jeopardize the lives of millions of our boys and possibly jeopardize our civilization?

Mr. PITTMAN. We did not go to war by reason of any determination as to the destruction of our property during the World War. As a matter of fact, we went to war by reason of what we termed the illegal killing of some of our citizens.

Mr. BONE. Does not the Senator think it would be a wise thing to keep our nationals off vessels of belligerent countries during war so we might then remove another one of the irritations which the Senator has suggested?

Mr. PITTMAN. The argument for keeping our citizens off of belligerent ships is a very important one. As a matter of fact, we did not go to war on account of commerce or on account of the destruction of any commerce at all. We went to war by reason of the illegal destruction of the lives of our citizens as we interpreted international law at that time.

But I wish to call the attention of the Senator to the fact that the present law, which we are now pressing to extend, does provide that citizens of the United States, after the issuance of this proclamation, shall not travel on belligerent vessels. If they do, they do so at their own risk. That is the existing law.

The existing law also prohibits American vessels from carrying contraband of war, or arms, ammunition, and implements of war. That is in the existing law. The existing law prohibits the use of our ports as bases for belligerent ships or the use of our bases in this country to supply belligerent ships out on the ocean. It provides that we may regulate submarines. In other words, I would say to the Senator that much of the powerful argument he has made in favor of going as far as we can to protect the rights of our subjects against unnecessary war is taken care of in existing law, in my opinion.

The existing law prohibits the sale or the purchase for export or the exporting of arms, ammunition, or implements of war to any belligerent country or to any neutral country for transshipment to a belligerent country, or for the use of belligerents. I think that in itself is the most powerful protection we could possibly give. I doubt very seriously whether or not a sane belligerent government would sink an American vessel, America being neutral, or sink any neutral passenger vessel if it knew that that vessel did not have on it arms, ammunition, and implements of war.

Mr. BONE. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Nevada yield further to the Senator from Washington?

Mr. PITTMAN. I yield.

Mr. BONE. Does the Senator think from our experience in the last war that we can really draw any correct conclusion as to what the state of mind of a belligerent would be in the event of another war, because it would probably be a more terrible war than the last one? Passions would run deeper. Can we assume there would be any less bitterness? But have we not the right to assume that there would be greater bitterness, more desire to terminate the war more speedily by cutting off food as well as munitions of war?

Mr. PITTMAN. I think an effort will be made to cut off everything. If we are going to try to keep out of war by our own legislation, the only safety is not to let anything go out of this country to a belligerent, and not to let anybody go to a belligerent country.

Mr. BONE. It would not shock me if that were done.

Mr. PITTMAN. That has not been included in any proposed legislation, and is not under consideration now.

Mr. BONE. If our civilization is worth preserving, certainly it is worth going to the very last possible step to keep us out of war; either that, or else let us quit talking about the value of our civilization.

Mr. PITTMAN. No legislation suggested has gone that far.

There is no member of the Foreign Relations Committee who has any sympathy with war profits. I can assure the Senator that that was one of the reasons for offering this measure providing for the extension of the present act and including in it a prohibition against belligerents' obtaining credits in this country. If this measure is enacted into law it will include two of the strongest provisions that could be enacted. One is an absolute embargo against the exportation of arms, ammunition, and implements of war on the one hand, and obtaining of credits on the other hand.

I got very little support for section 9.

Mr. BONE. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. BONE. Little support from whom or from what group? The Senator did not make his fight before the country. This body is not the United States. He may have had little support here.

Mr. PITTMAN. This is the body before which I am now appearing. In fact I have not been invited to make speeches outside of this body. I have not earned a cent outside of this body.

The pending question is to put section 9 of the administration bill back in this measure. That has nothing to do with war profits. I really think the credits provision will have more to do with stopping exports to belligerents than anything else.

In the nature of things legislation is a compromise. That I have learned after about 23 years of service in this body. I am so anxious to save the existing law and attach the credits prohibition to it that I am unwilling to assert my own views unyieldingly and die with them if necessary. The committee feel the same way. Every member of the committee felt that way. Two members of the committee may have had mental reservations. They have the right to have them. I have them. That is all right. Nevertheless, I say that the membership of the committee, which contains some of the best men in this body, is just as peaceful as anyone. That committee, which knows more about legislative conditions than any other, determined that there would probably be no legislation and that the present existing law would die if we tried to make a fight to retain section 9 and section 4. I agreed with them.

Mr. BORAH. Mr. President, I suppose it is well understood that this joint resolution does not represent the final or well-matured views of the Committee on Foreign Relations with reference to the subject of neutrality. I doubt if the joint resolution represents the final views of any member of the Committee on Foreign Relations. It represented what the members of the committee who were present unanimously felt was the best that could be done at this session; and upon that basis the joint resolution was reported to the Senate.

The able chairman of the committee, the Senator from Nevada [Mr. PITTMAN], had introduced a bill upon which he had expended a great deal of time and labor. No one who attended the meetings of the committee could have any doubt

as to his sincere desire to legislate as fully as practicable upon this subject. It became apparent, however, that there was such wide diversity of view not only among members of the committee but even more among those who desired to come before the committee that we could not formulate what might be regarded as a final determination to be incorporated into legislation. Therefore the chairman, I thought with some generosity, waived his views as to certain matters in order to save the present law.

Undoubtedly there will be more legislation on the subject; undoubtedly there should be more legislation; but I do not believe it is practically possible to secure it in time to save the present law. Therefore I support the joint resolution as it came from the committee, believing as I do that it is the very best that a sincere committee could do with a very troublesome subject.

One has only to look at the bill which the able Senator from Nevada introduced, and look at the joint resolution, to know that the Senator from Nevada himself was willing to make sacrifices, as it were, of his views in order to accomplish what we all felt must be accomplished, namely, the preservation of the present law.

Mr. President, the present law, together with the joint resolution which we have reported, will not be by any means an inefficient law on this subject. It marks a very great advance in the matter of preserving the neutrality of this Nation in regard to controversies in the Old World. It is a decided advance. It is as far as we can go at this time, in the light of the difference of view as to what would be more effective should we go further.

This joint resolution provides an embargo against the shipment of arms, munitions, and implements of war to the belligerent forces; and, as the law is now and as it will be after we shall have passed this joint resolution, it will provide that the President shall apply the embargo to any spreading of the belligerency. In other words, when we have passed this measure we shall have provided against the shipment of arms, ammunition, and implements of war to the present belligerents and to all who may become belligerents; and the law will become imperative.

When we remember the debate on the contention which took place about 1916 upon that question alone, we recognize how far we shall have advanced by passing this joint resolution. There is no danger of our having any trouble with the belligerent forces, even should they become enlarged, by reason of the shipment of arms, ammunition, and the implements of war. That is as effectively disposed of as we could dispose of it in any legislation we might pass.

In addition to that we provide as follows:

> Whenever the President shall have issued his proclamation, as provided in section 1 of this act, it shall thereafter during the period of the war be unlawful for any person within the United States to purchase or sell bonds, securities, or other obligations of the government of any belligerent country, or of any political subdivision thereof, or of any person acting for or on behalf of such government, after the date of such proclamation, or to make any loan or extend any credit to any such government or person except ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in current commercial business.

Mr. PITTMAN. Mr. President, I desire to suggest that in the measure we are considering, the House joint resolution, that language is slightly different at the end.

Mr. BORAH. I understand that. I heard that discussion this morning.

Mr. President, note the advance which is evidenced by that provision of the joint resolution. We have eliminated arms, ammunition, and implements of war, and we have eliminated the possibility of the belligerents' securing any pecuniary aid in this country. That is, indeed, an advance in the matter of neutrality.

When we get beyond that, we open up the discussion which took place in the committee; and, as I understood—and I attended all the meetings of the committee—the final judgment of the committee met the approval of the entire committee, not because it represented their final views, nor because we thought we should not in the future have to go further, but because we had a law to preserve, a situation to protect, and we proposed to act in a practical way and do that thing. So far as future legislation is concerned, the field is open. We may do what it seems wise to do. I wish to say, lest I be misunderstood, that I do not propose at any time, so far as I am concerned, ever to vote to take the protection of the American flag from the American citizen who is trading or carrying on commerce in a way that his country says is legitimate. If we want to go off the sea, if we want to quit trade and commerce every time a disturbance occurs, that is one thing; but when we have established what this Government thinks is a righteous course to pursue, and have designated the trade and the commerce which may be carried on, then the citizen who complies with the law and lives within the law is entitled to the protection of the American flag. The Government should take the responsibility of defending legitimate trade, and then so long as the citizen lives within the law he should be protected. We have not gone into that subject, however; we have not dealt with it; and I was not willing, so far as I was concerned, to be counted among those who are willing to take from our citizens the protection of Government so long as they live within the law.

Mr. President, so far as the pending amendment is concerned, it received much consideration at the hands of the committee. It was realized at once that that was one of the controversial propositions before us upon which there was a division in the committee and division among those who were opposing or supporting the general legislation.

If it should be adopted, the entire subject would be open. If it should be adopted, of course, this joint resolution would be debated at length, and in my judgment undoubtedly should go back to the committee, because this amendment alone would make an incongruous joint resolution without certain other provisions being considered; and, in view of the number of people who are interested to present both sides of the question, in my judgment it would necessarily have to go back to the committee for any fair consideration.

I therefore shall support the joint resolution as it came from the committee. I hold myself wholly free to deal with future legislation as I shall deem wise.

Mr. COSTIGAN. Mr. President, the able Senator from Idaho [Mr. BORAH] always speaks persuasively. But there are other Members of the Senate who are not as fully advised as he is of the views held by members of the Foreign Relations Committee of the Senate with respect to the omission from the pending bill of the section which was incorporated in the measure of January 3, when introduced here by the Senator from Nevada [Mr. PITTMAN], and which is now offered as an additional section by the Senator from Washington [Mr. BONE].

If the Senator from Idaho will bear with me for a moment, I should like to ask his attention to an article before me, written by Charles Warren, formerly Assistant Attorney General of the United States. The article appears in "Foreign Affairs" for January 1936. It is entitled "Safeguards to Neutrality."

Mr. WALSH. Mr. President, may I inquire whether that is the Mr. Warren who lives in Washington, and formerly lived in Massachusetts?

Mr. COSTIGAN. I am unable to answer the question of the Senator from Massachusetts.

Mr. WALSH. He has written a history of the United States Supreme Court?

Mr. COSTIGAN. He has written a history of the United States Supreme Court.

Mr. WALSH. That is the same man.

Mr. KING. That is Mr. Charles Warren. He lives in Washington.

Mr. COSTIGAN. In the second paragraph of this article, Mr. Warren has this to say:

> On October 5, 1935, the President of the United States acting under this joint resolution—

Referring to the joint resolution of August 31, 1935—

> after proclaiming the existence of a state of war between Ethiopia and Italy, established an embargo on arms, ammunition, and implements of war, and notified American citizens that they

traveled on any vessel of a belligerent nation at their own risk. In addition, he issued a notable statement, announcing a new policy for the better safeguarding of our neutrality, in which he said:

"In these specific circumstances, I desire it to be understood that any of our people who voluntarily engage in transactions of any character with either of the belligerents do so at their own risk."

That is the end of the President's statement, so far as here quoted. Mr. Warren continues:

The President took this step, not under any statutory authorization or direction, but in pursuance of one of his executive functions—namely, that of deciding whether, through the State Department, he will or will not present claims of American citizens against foreign nations. His policy is based on a firm principle, to wit—

And this point was eloquently emphasized by the Senator from Washington [Mr. BONE]—

that the right of the Nation to keep out of war is greater than the right of a citizen to engage in trade which might implicate the Nation in war. It recognizes that new conditions of warfare have made necessary a new attitude toward actions of our citizens. The end sought is to keep the Nation rather than the individual out of trouble.

Later in his article the author speaks in praise, which many of us share, of the action taken by the President, saying:

In spite of all these criticisms and unsolved questions—

This reference is to some preceding, unquoted, intervening parts of the article—

the President's policy sets the nation on a new path. It does not pretend to solve the whole question of contraband and belligerent trade. But it will at least aid this country in avoiding some dangerous complications into which insistence on the old alleged neutral rights of trade drove us in the World War. It does not guarantee or insure us against involvement in war; but it is one decided step in the contrary direction.

I trust the Senator will pardon me for reading at such length; it will be possible to conclude in a moment. I omit now a paragraph in which the author suggests affirmative further legislative safeguards if we are to deal more constructively with the subject of neutrality before the Senate at this moment. Mr. Warren then continues:

President Roosevelt's policy of trade at the risk of the trader is, of course, merely an Executive policy, personal to the present incumbent; it has not the effect of a statute, enforceable until repealed. Legislation will be required, therefore, to put it into permanent effect. The policy, as stated above, would seem fairly to secure the United States against complications with belligerents arising out of trade by Americans. But to supplement this policy an extension of the scope of the embargo contained in the recent neutrality law is desirable, both for the sake of providing a diplomatic instrument in the hands of the Executive and for the sake of attempting to shorten a war by absolutely cutting off trade in articles fully as vital to the waging of war as are the "arms, ammunition, or implements of war" included in the present very limited embargo. The term "arms and ammunition" has a well-settled technical meaning; and neither it nor "implements of war" comprises raw materials.

Without reading further, I venture to ask whether the Senator from Idaho, to whom I always listen with close attention and with great respect for his ability, is of the opinion that action taken by the Senate, if it should be in the direction of a rejection of the amendment offered by the Senator from Washington, would be desirable action if in any respect it implied disapproval by the Senate of the Executive order of the President of last October?

Mr. BORAH. Mr. President, the President, in giving notice of his proclamation that whatever trade was carried on with belligerent nations would be carried on at the risk of the trader was saying, in effect, as I understand Mr. Warren to say—and I do not disagree with him—that he would not present claims to the foreign governments for any injury which might result. That is purely an Executive function. The President undoubtedly has the right to indicate his position with reference to the presenting of claims to the foreign countries for any injuries which might result. I have no criticism to offer of the action of the President; but this is what I undertake to say, and what I would like to say, if the Senator will permit me.

When we do legislate, when we do say what is legitimate trade, when we define by law what is legitimate trade, then I think the citizen is entitled to the protection of his country's flag, so long as he operates within the defined law which has been enacted. In other words, we proposed at one time in the joint resolution to limit all trade to the trade carried on prior to the war; that we would not engage in an extra amount of trade in order to get the profits of war. That is a perfectly sound principle. I myself have no desire to see the United States avail itself of the misfortunes of other people for the purpose of making money. But we did say in the joint resolution that the citizens might trade up to the point of normalcy—that is a very unfortunate word, but it serves its purpose here—that up to the point where it was legitimate to carry on trade, so long as the citizen obeyed the laws of his country, he was entitled to the protection of his country. That is the only position I am assuming today, and I would go as far as most anyone in limiting the activities of the United States in the matter of trade, within reason, but when we do say what is legitimate, then I think the American citizen is entitled to the protection of his country.

Another thing, we said in the joint resolution that citizens might carry on trade in food and foodstuffs; that we would not be a party to starving men, women, and children who were noncombatants in other countries. But we will recall that during the World War the nations interested prohibited the shipment of food. They denominated food as contraband. The question with me is, if we should say that there is a right to carry food, would we withdraw from the citizen the protection of his country while he was carrying food? I do not think we ought to. If we are not to carry food at all, if the Government withdraws all trade, that is the Government's responsibility; but when it says this and that is legitimate trade, then I think the citizen is entitled to protection while he is acting within the law.

Mr. COSTIGAN. Mr. President, the Senator from Idaho has made his meaning very clear. If I may say so, however, the question before the Senate now is whether, in the interest of neutrality and world peace, it should withdraw the protection of the law, and, to that extent, in the words of the Senator from Idaho, simultaneously with this legal notice withdraw the protection of the flag, by such a further affirmative restriction in the pending joint resolution? It is my understanding that the President favored that course as a matter of executive policy last fall, and that Mr. Warren, with whom the Senator from Idaho has said he agrees in principle, favors such an extension by law at this time.

Mr. BORAH. It might be necessary or it might be wise, when we come to consider the matter in full, to follow Mr. Warren's suggestion. But I invite the attention of the Senator to the fact that this amendment provides:

Whenever, during any war in which the United States is neutral, the President shall find that the maintenance of peace between the United States and foreign nations, or the protection of the commercial interests of the United States and its nationals, or the security or neutrality of the United States would be promoted by requiring nationals of the United States to assume the risk of commercial transactions with the governments or nationals of belligerent countries, or persons residing therein, and shall so proclaim, thereafter American nationals who engage in such transactions shall do so at their own risk.

My contention is that the Government of the United States, through its lawmaking body, should say what trade shall be carried on. This provides that the trade may go forward, that the trade may go on, that the commerce may be carried on, but the citizen will proceed at his own risk.

Is it not dignified, is it not fair to the citizen, is it not just to everybody for the great United States to take the responsibility of saying that the trade is either legal or illegal, and if it says it is illegal, the citizen engages in it at his own risk, without any declaration whatever; and, if it is legal, he should have the protection of his country?

Any other doctrine will surely destroy the last vestige of commerce and trade whenever there is the slightest disturbance in Europe. We cannot overlook the fact that some very great and powerful nations interested in this controversy have been interested for a hundred and fifty years in building up their commerce at the expense of the commerce of the United States.

Mr. COSTIGAN. Mr. President, I wish, first of all, to thank the Senator for his statement. Then, may I ask one

further question? Was any effort made in the Committee on Foreign Relations of the Senate to specify the articles which should be withdrawn from commerce under the neutrality joint resolution?

Mr. BORAH. That subject was discussed a great deal, but no specific action was taken on the subject.

Mr. COSTIGAN. I assume, from what the Senator says, that it is the possible delay we face in agreeing upon particular articles that should be specifically included, which is one of the reasons for his favorable attitude toward the pending joint resolution and his feeling that it is not desirable at this time to await and discuss affirmative suggestions of inclusion?

Mr. BORAH. That is right.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. BONE].

Mr. BONE. Mr. President, I ask for the yeas and nays on the amendment.

Mr. GORE. Mr. President, before the order for the yeas and nays is entered I desire to offer an amendment to the amendment.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The CHIEF CLERK. It is proposed to add at the end of the amendment offered by the Senator from Washington [Mr. BONE] the following:

When a state of war exists between two or more foreign powers with which the United States is at peace, it shall be unlawful for any citizen of the United States to travel on any ship of war or any other armed vessel or fighting craft of any such belligerent power, and it shall be unlawful for any officer or other person connected with or exercising any authority in respect to any such ship of war or other vessel within the jurisdiction of the United States to permit any citizen of the United States to travel or take passage on any such ship or vessel. And any person convicted of violating the provision of this paragraph shall be deemed guilty of a felony, and upon conviction shall be fined not less than $1,000 and not more than $10,000 or to be imprisoned not less than 1 year nor more than 5 years, or by both such fine and imprisonment. It shall be unlawful for the Secretary of State or any other officer, agent, or employee of the United States to issue any passport to any citizen of the United States authorizing him or her to travel on any such ship of war or other vessel.

Mr. GORE. Mr. President, the World War is a sufficient argument in favor of this amendment. If that tragic argument is not enough, then any words which I may use would be utterly vain and unavailing. I think the death of every boy who died in the World War is an eloquent argument in favor of the adoption of this amendment. They plead with trumpet tongues for the adoption of this amendment. We can never keep out of any foreign war so long as we permit our citizens to travel upon armed belligerent ships. Such ships will be sunk by their enemies, in spite of the fact that American citizens are aboard. That dramatizes the death of an American citizen. Feelings run high. Passions of war take the place of reason. Then, if there be sinister interests which have the sordid purpose of urging this country into war, they do not avow that purpose point-blank. They take advantage of the excited feelings, of the aroused passions of the American people, they appeal to their patriotism when our citizenship is unconscious of the fact that patriotic emotions are being turned to sordid purposes, and the country is plunged into war. It is mob psychology, after all, that makes a war a practical possibility. When there is crowd psychology, mass psychology, mob psychology, when reason vacates its throne, passion usurps its sway over the individuals, over the mass, then war becomes not only a possibility, a certainty; often it becomes inevitable.

Wars would seldom be resorted to as a mere matter of reason when passions are not running rife.

If this measure is not adopted now, I hope the time will come when such precaution will be adopted by the Congress. Every effect has its cause. Every war is an effect of some cause. It is often said that we must remove the causes of war. Mr. President, when a cause of war once operates it is then too late to prevent the effect. The effect will follow the cause. The effect will tread upon the heels of the cause. We must go one step farther back than that. We must anticipate the causes of war, and we must prevent their operation. It is obvious that the death of American citizens during the late war gave rise to those patriotic feelings and reactions which finally plunged this country into an ocean of blood. We ought to take this precaution. We ought to be warned by experience and not allow that tragedy to repeat itself on account of our negligence and our inaction.

Mr. ADAMS. Mr. President, will the Senator yield to an inquiry?

Mr. GORE. I yield.

Mr. ADAMS. I am curious to know by what authority we could pass an act making it unlawful on the part of an officer of a belligerent power to permit an American citizen to travel on his ship.

Mr. GORE. Mr. President, this amendment was dictated here at my desk and is not drawn with that precision with which it ought to have been drawn. However, there is not any limitation on our power to pass this sort of law, and, while we are neutral, belligerent ships may enter and clear our ports. If they should receive and transport our citizens after the passage of this law and we could ever obtain jurisdiction of the offending person there would be no difficulty about our enforcing the law or administering punishment. We can make it a crime for any person to violate our laws, within our jurisdiction, because our criminal stautes are not limited to citizens. Whoever violates a criminal statute of the United States, within the jurisdiction of the United States, including the 3-mile limit, violates our law and is subject to punishment. It is possible that we may never be able to secure custody of the person of the criminal. We may not be able to enforce the law, but if we do secure custody of the offender we then could enforce the law. It is at least conceivable that armed belligerent ships might welcome American citizens as passengers, at least they might not be averse to having them aboard ship, a condition fraught with all sorts of eventualities—I will not say fatalities.

Mr. ADAMS. Does the Senator feel that we could make it a punishable offense on the part of the captain of an Italian vessel at this time to permit an American citizen to travel on that vessel?

Mr. GORE. If it happened within our ports or within the 3-mile limit, and if we could secure jurisdiction of the captain, we undoubtedly could punish him. Not every criminal statute can be enforced 100 percent. Criminals often elude the law. We should not on that account repeal the penal code or refuse to enact one.

Mr. LEWIS. Mr. President, I beseech of the Senate to grant me its patience for a moment while I in conversation to you bring to the attention of this honorable body a matter to be thought of but which in the zeal indulged by able Senators in behalf of and in opposition to certain amendments pending has, I fear, been lost sight of.

Holy Scripture has an allusion from one of its great prophets: "How strong is the proper word." A great deal can be expressed in the word "neutrality." We are a peculiar nation in one respect, sir. We marry ourselves to slogans and we pursue them with an ardor which incites absolute antagonisms on the part of those who would attempt to oppose our indulgence in the slogans or our prophesies and prejudices based on them. "Neutrality" is one of those words. It is a slogan.

It afforded us all, I am sure, a sense of gratification and edification to hear the speech of the able Senator from Utah [Mr. THOMAS], who is a man of great education, and who is a professor, held in high esteem in his university at home. His disquisition yesterday upon the subject of international law and neutrality will remain a constant lesson, a mine of information, and a source of guidance to all those who seek enlightenment.

Mr. President, may we not face the situation boldly and tell the truth? This country is not neutral. There is no neutrality in America in any conflict where human rights are involved or where privileges of America are in any way embroiled.

Those rights need not be attacked to arouse hostility. It is sufficient, sir, if they become questioned. The fact is there is no neutrality now. The United States has no neutrality in any government contention. Our land may be neutral, sir, in action, but it will never be neutral in feeling in any controversy between countries where on one side there may be the cry of justice and on the other a direct oppression. The people of America reserve the right, sir, and enjoy the privilege of carrying their own opinions and now and then expressing those opinions and asking for such conduct in support of them as it feels consistent with the welfare of the United States.

The United States is not now neutral. There is no neutrality in the United States in any matter, sir, wherein the rights of mankind can be involved. Our views will remain if felt, though they may not always be expressed by action.

I listened this morning with considerable pride to the presentation of the able chairman of the Foreign Relations Committee when he sought to disclose in a very frank exposure to the Senate how we of the Foreign Relations Committee had finally brought to conclusion the present joint resolution now presented to this body. And, sir, while the able chairman did not use the word "concessions", I make bold to use it, if not in his behalf, in connection with his assertion. The joint resolution now before this honorable body, sir, is the result of concessions. It is a direct fruit of what might be called compromise.

It recognizes, as the Chairman has said, that there have been two distinct views, or rather, disastrous situations, so far as concerns what might be called the peace of the committee. On one side there was the demand that no legislation whatever should be attempted. I was one of those, sir, who held that view. I am opposed to anything that looks like legislation which would seek to direct in detail what should be done in these matters as they arise pending wars between other countries. I am one of those who insist that, under the present law as it exists, under international law and under the law that was left to us or created by us after the World War, discretion should be vested in the Commander in Chief of the American Army, the President of the United States, to submit from time to time regulations which would carry with them a definition of our needs as he may see them, considering the constantly changing conditions as they arise, rather than to put my country in a strait jacket by legislation reciting many conditions which so limit us in the enjoyment of our own privileges and our own rights that, Congress not being in session, or even being in session, we would be compelled to wait sometime before we could remedy the wrongs to ourselves and thus deny ourselves our rights. I would go further. I would take it for granted, sir—and I here assert—that no President of the United States ever lived, or can ever live, in that office who, in the exercise of his discretion, would not realize that he could never express an order except as an echo and sentiment of the American people, and if he dared, in the exercise of his discretion as an Executive, to go further than the sense of honor and right of his own people justified, he not only, sir, would defeat himself of any endorsement at the hands of his countrymen but one step more than enough, which is enough, as says the bard, he would prime the pump of impeachment. Therefore I do not concur in the fear that the present President of the United States, the Commander in Chief, or anyone of his predecessors in the exercise of a discretion in promulgating neutrality regulations, to be either ratified, confirmed, modified, or rejected by the Senate from time to time, could ever present such as would be at variance with the rights of his countrymen and do injustice to his Nation. For that reason, sir, I am not of those to whom the able chairman could rightfully allude.

When the neutrality joint resolution came up in August of the last session it will be recalled that I interrupted the able leader on this side when he announced that the resolution had come before the Senate from the committee and asked him would he not please state that the action was not unanimous and that mine was the one vote against it. I then announced that I was still against it because I was opposed to our Government, under the then conditions, attempting an embargo and setting forth regulations so general that in their very nature they enslaved us rather than gave us liberty of action.

In this connection, may I invite the attention of my honorable friends to the fact that the public press brings us the information that Britain has summoned certain nations, which are spoken of as the smaller nations, and that there is an agreement with those nations, so-called neutrals, as will assure them to join in and support Britain in whatever may be her course of action in the event that Italy should attempt to bombard the ships of the English Navy now resting about the Red Sea. Mr. President, let us contemplate that situation, for, as a matter of fact, my eminent friends around me have had that in mind as one of the things that might possibly precipitate again a world war. But hear me—and my able friends will realize that as a brother lawyer and scholar I am speaking of these things, slight as they are in themselves, and merely expressing my view with great respect to any difference of view concerning it. Suppose the thing happened—the unhappy final thing—and that Italy found it necessary to resent what she feels has been the unfriendly course of Britain, and that she should really open war upon the British ships that lie either in a Mediterranean or a Red Sea harbor. When, sir, that is done, the nations that are neutral are no longer neutral; right then and there they are belligerents; they have become fighting nations under the contract with Britain. Where would be the United States, putting an embargo against herself by joining in something she felt was to the advantage of neutral nations that in a flash would themselves become belligerents? We would cut ourselves off by a law generally prevailing, with no opportunity or privilege to remedy our situation as against the new conditions, or to tender for ourselves an exception, and we would deny the President the opportunity or the privilege to direct his judgment by regulations sent to us. Surely, sir, such would be most unwise, from my point of view, and most unfortunate.

I now want to bring to the attention of the able chairman this thought: I listened to the splendid and impassioned presentation of the distinguished Senator from the State of Washington [Mr. BONE], in whom I have very great pride, in view of our very long acquaintance, and I felt as I listened to his address that those of his home, feeling the warmth and tenderness of his expression in behalf of the children who might be made the victims of war, could readily give him their hearty endorsement as a great humanitarian. I wish to call to his attention, as I do the attention of the able junior Senator from Idaho [Mr. POPE] and other Senators who might be interested in the thought, to the fact that the joint resolution, if enacted, will not close the subject. This proposed legislation is not intended to be the end of the subject, the end-all and be-all of the whole complete subject. It does that which for the present conditions serves completely at least under the present circumstances as they surround us.

The able senior Senator from Idaho [Mr. BORAH] has just remarked upon a proposition seriously to be considered, that this Nation surely would not make a body of law that in the very nature of things, or however just in appearance as a rule of action, would operate to keep bread from hungry and starved babies who are defenseless and who have no other source than ourselves to look to in enjoying our benevolence and generosity. We would do such if we passed a law the purpose of which was to stop the merchants of the country from engaging in trade with lands which we speak of as neutrals but which become belligerents or with those which are now belligerents. The final operation would be that, while we stopped every form of commerce and the transfer of every form of trade and the indulgence by our merchants in the sale of their products to the world, in the meantime, upon the theory that would be for the object of peace, we would shut off the defenseless from humanitarian treatment and the direct contributions of charity from this great Nation that always, sir, has stood before the world as the very emblem of justice and the deliverer of the oppressed.

Therefore, Mr. President, let this be said: If there shall break out conditions in China and Japan, as we now behold slightly, if there shall continue, sir, conditions that shall go

so far as is now threatened, according to the news items in the daily press, between Russia and Japan or between Russia and Germany and Japan, then, sir, keep in mind that a wholly new set of conditions in dealing with the oriental nations arises at once to the minds of our countrymen necessarily apart and different from those that might have applied most appropriately to the nations of Europe. So, if I may be so bold as to say so to my colleagues, how foolhardy in our desperation or anxious hope would we be to rush pellmell into some action in the form of the enactment of a law embodying every feature according to our best minds as matters are now upon us suggested from Europe, and then find ourselves powerless and impotent to deal with the new conditions in a new sphere that would have to be dealt with wholly separate from the conditions, actions, and occasions contemplated by the general law. Therefore it is timely, as I see it, that we should not have attempt a general law embargo.

Hear me frankly. We mean no unkindness to any people. While nations of the world have been able to bewitch the United States to join some of them on the theory of what they call an embargo on trade for peace, they boldly serve the very same nations at war by themselves directly, on the one hand, or through their colonies, on the other.

If it be, as indicated by an able Senator in a colloquy yesterday touching oil, that it is openly stated in the Parliament of England that, while England is asking us through her committee known as the committee of sanctions to cut oil out of consideration, deprive the merchants of our country from any opportunity upon the seas, yet in the meantime the great Shell Co., and one other known as the Dutch Co., which is owned by England, are supplying with oil both nations which are now in conflict, in the meantime, sir, every other form of demand that these nations may need as nations or their people may request for trade is being supplied from every quarter and from every section of these lands that themselves profess to be at peace and maintaining neutrality.

Shall the United States, I ask, in the face of this fact, sit silent and allow itself to be so imposed upon as to cut our merchants off from the opportunity of legitimate trade and our manufacturers of their production and our farmers from selling their commodities at a time when all the world, as competitors, are occupying every sphere of opportunity and fulfilling every demand of trade, and, in the meantime, under the name of blessed peace, are shutting the United States from off the seas of the world and the opportunities of mankind while they remove our markets forever from us, they having occupied them in this manner or by the subterranean methods which we see through the public press are being now indulged?

Therefore, Mr. President, the measure which is now before us is but a measure for a time. If conditions shall arise through a conflict that shall explode or something shall come to the minds of those in power in our country or in other countries which require a change and this body called Congress is in session, we can make it by amendment. If it is not in session, then, sir, the power vested in the President to exert the privilege vested in him by the confidence of America to suggest such other regulations, according to new situations, such as would meet the demand and would serve us in such a way that we would not be harmed, no country would be injured, and injustice to ourselves would be completely satisfied.

Sir, I, too, am for peace; my honorable colleagues are for peace, for, to use the words of Disraeli to his countrymen when a conference was being held as to the disposition of affairs of a certain country lately before at war, "we want peace, but we want peace with honor", and, sirs, as we in this Nation will extend honor to others, we will not tolerate a dishonor put upon this country merely for the gratification, or to serve the envy, the jealousy, or the competition of our rivals. I have stated, sir, what I desired to express to my honorable colleagues. It is to do the right thing at the right time, no further, no other. Peace with honor; honor with peace.

Mr. PITTMAN. Mr. President, if no other Senator desires to speak on the pending amendment, and in order that Senators may know we are about to vote, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Costigan	King	Radcliffe
Ashurst	Couzens	La Follette	Reynolds
Austin	Davis	Lewis	Robinson
Bachman	Dickinson	Logan	Russell
Barbour	Dieterich	Lonergan	Schwellenbach
Barkley	Donahey	Long	Sheppard
Benson	Duffy	McAdoo	Smith
Bilbo	Fletcher	McGill	Steiwer
Black	Frazier	McKellar	Thomas, Okla.
Bone	George	McNary	Thomas, Utah
Borah	Gerry	Maloney	Townsend
Bulkley	Gibson	Metcalf	Trammell
Bulow	Gore	Minton	Truman
Burke	Guffey	Murphy	Tydings
Byrd	Hale	Murray	Vandenberg
Byrnes	Harrison	Neely	Van Nuys
Capper	Hastings	Norbeck	Wagner
Caraway	Hatch	Norris	Walsh
Chavez	Hayden	O'Mahoney	Wheeler
Clark	Holt	Overton	White
Coolidge	Johnson	Pittman	
Copeland	Keyes	Pope	

Mr. LEWIS. I reannounce the absence of Senators whose names I mentioned on the previous quorum call and for the reasons then stated.

The PRESIDING OFFICER. Eighty-six Senators have answered to their names. A quorum of the Senate is present. The question is on the amendment of the Senator from Oklahoma [Mr. GORE] to the amendment of the Senator from Washington [Mr. BONE].

Mr. PITTMAN. Mr. President, I wish to state to Senators that I have been informed that there is only one other amendment to be offered after the one now pending. That will be offered by the Senator from Idaho [Mr. POPE], who will offer section 4 of the administration bill after the pending amendment shall have been disposed of. He having already spoken with regard to section 4, it will be disposed of without further debate.

I wish to say, as to the amendment of the Senator from Oklahoma [Mr. GORE] making it unlawful for a citizen of the United States to travel on a belligerent vessel, that such a provision is included in the existing law, though not so strong as that offered by the Senator from Oklahoma.

As to section 9, offered by the Senator from Washington [Mr. BONE], as to which the Senator from Oklahoma [Mr. GORE] has proposed an amendment, that has already been discussed, and I have nothing more to say with regard to it.

I may simply add that it is the opinion of the committee that if any amendments are adopted at this time the whole matter will be thrown open to debate, as said by the Senator from Idaho [Mr. BORAH], and in addition this is only a temporary measure, as stated by the Senator from Illinois [Mr. LEWIS]. I hope no amendments will be adopted.

Mr. GORE. Mr. President, may I ask the Senator from Nevada if the provision to which he refers, making it unlawful to travel on a belligerent ship, is a recent enactment?

Mr. PITTMAN. That is in the present law which we are extending, but it is not made a crime to disobey it.

Mr. FRAZIER. Mr. President, it seems to me the amendment of the Senator from Oklahoma [Mr. GORE] is very important. As I understand, if prior to the time we went into the World War a law of that kind had been in effect, the trouble which arose because of the sinking of the *Lusitania* with American passengers on it, would have been prevented. I ask the Senator from Oklahoma if in his opinion his amendment, had it been the law at that time, would have prevented a tragedy of that kind?

Mr. GORE. Mr. President, of course, it is difficult to answer that kind of question categorically. It certainly would have minimized the chance of our being involved in the World War. It might possibly have averted that danger. My understanding is that the *Lusitania* was entered in the British naval registry as an auxiliary cruiser and that it

was armed. Not only that, but it carried several million rounds of cartridges. I understand that was in violation of our own statutes. We have a law prohibiting any vessel from carrying explosives while at the same time carrying passengers. My belief is the *Lusitania* was violating that statute. Had the pending amendment then been the law of the land, I have no doubt that the danger of our becoming involved in the World War would have been diminished if not averted. I believe, whatever else we may do, as long as we permit our citizens to travel on the armed vessels of a belligerent power, we are inviting war, if not rendering war inevitable.

Mr. FRAZIER. Mr. President, I am glad to have that explanation from the Senator from Oklahoma. In my opinion such an amendment as the Senator has offered is very important. While I do not in any way desire to delay extension of the neutrality law, yet I believe some amendments might well be included which would greatly strengthen the measure. After all, the only object of neutrality is to prevent war and, if possible, to keep the United States out of war.

I have received several telegrams, as I suppose every other Senator has. Some came from my own State, from the American Association of University Women. The Young Women's Christian Association of North Dakota especially have wired favoring further amendment to the present Neutrality Act.

I also received a telegram from New York City this morning, being a copy of a telegram sent to the President of the United States late yesterday afternoon. This telegram expresses regret that the administration's neutrality program has not been carried out, but that it apparently has been laid aside and a compromise reached. The telegram deplores the way in which another branch of Congress apparently railroaded the measure through yesterday afternoon. The telegram is signed by representatives of peace organizations to the number of 25. As I understand, they met in some kind of a national conference in New York City yesterday afternoon, and all of them protest against the present neutrality compromise. They feel that something more definite should be included, and that the original neutrality plan of the President should be carried out.

Mr. President, it is very nice to talk about neutrality, freedom of the seas, and so forth; it sounds very well, but, after all, it is almost impossible to have freedom of the seas. We talk about freedom of the highways, but if we talk to pedestrians who walk down to their offices in the morning, they tell us that they sometimes have to dodge very quickly to prevent being run over by automobiles or trucks, although we have freedom of the streets and freedom of the highways here. The situation is about the same on the ocean in the case of the freedom of the seas. When other countries become involved in war, there is no such thing as freedom of the seas; so a great many of these high-sounding phrases do not really mean what they appear to mean.

The Kellogg Peace Pact was mentioned earlier in the discussion today. Many of us, I think, expected much more of the Kellogg Peace Pact than has been accomplished. The United States Government was practically the influence that brought about the framing of the Kellogg Peace Pact and its adoption by all the great nations on earth; but the very fact that ever since the Kellogg Peace Pact was adopted the United States Government has appropriated more money for the upkeep of its Army and Navy than has any other nation on earth demonstrates to me that some of those who voted for the Kellogg Peace Pact, and some of those in authority at that time and since, have not taken the Kellogg Peace Pact very seriously.

Mr. BONE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. FRAZIER. Yes; I shall be glad to yield.

Mr. BONE. Would the Senator from North Dakota have any objection to having a vote now on the pending amendment? It is rather difficult to keep a quorum here through prolonged debate. I am sure the Senator will acquit me of any desire to suggest a course of conduct to him, but I hope we may vote on these amendments and get them out of the way. Then, if the Senator wishes to submit something further, he may do so.

Mr. FRAZIER. I wish to talk on the pending amendment.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. FRAZIER. I know the Senator from Washington is anxious to have a vote on the amendment he has offered. It is an excellent amendment, and I hope it will be adopted. I can see no reason why it should open up again this question, or why, if adopted, it should be the cause of sending the joint resolution back to the committee. It does not seem to me that that would be necessary.

I, for one, when I voted for the Kellogg Peace Pact, hoped at least that it meant what it said, and that the nations adopting it would comply with the thought and sentiment of the pact. I am sorry that it has not been carried out; and I am exceedingly sorry that the United States Government—our own Government, the one which initiated the Kellogg Peace Pact—in my estimate, at least, has not played fair with the Kellogg Peace Pact. We have not lived up to our part of the agreement, because if we had really meant what we said in the Kellogg Peace Pact it would not have been necessary to make the immense appropriations for the Army and the Navy that we have made every year since that time, larger, I say again, than those made in peacetimes by any other nation on the face of the earth, larger than we have ever before made in time of peace. In fact, the appropriation last year was larger than any that had ever before been made. We appropriated last year a billion dollars for the Army and the Navy for war purposes, for the war system, a larger appropriation for the purpose than any other nation had ever before made in peacetimes, and a larger appropriation than the United States had ever made up to that time in time of peace. In fact, it was more than had been appropriated for years and years prior to the World War by this country; and yet we are the sponsors of the Kellogg Peace Pact declaring that we will keep out of war!

There is pending in the other branch of Congress the naval appropriation bill. I think the Army appropriation bill has been passed in that body. The amounts carried by those bills are the largest in the history of the Nation, still larger than those of last year—over half a billion dollars for the Army, and about the same amount for the Navy for the coming year.

Mr. President, that means further preparations for war. I cannot see the matter in any other way than that these immense appropriations for the Army and the Navy are preparations for war and not for peace. In my opinion, the fact that some persons will try to "kid" themselves into believing that a great Army and a great Navy are for peace purposes is all "bunk." We prepare for war by increasing our Army and our Navy and building more battleships and cruisers and submarines and bombing planes, and so forth. We demonstrate to the rest of the world that we are preparing for war; and what is the result? The result has been, ever since there has been this increase of Army and Navy appropriations by the United States Government, that Great Britain has increased her appropriations for the same purpose. She has not kept up with the United States, it is true, but she has increased her appropriations year by year, and so has Japan, and so have several other nations; and I am told they used the argument that the United States had appropriated these millions up to billions of dollars for increasing the Army and Navy, and therefore they must have increased appropriations for their armies and navies; and they have gotten those increased appropriations on the ground that the United States is preparing for war. It seems to me they stand on pretty solid ground, too, for if we are not expecting war, if we are not preparing for war, why should we spend over a billion dollars a year for the upkeep of the Army and the Navy and the war system?

Mr. STEIWER. Mr. President, will the Senator yield?

Mr. FRAZIER. Yes.

Mr. STEIWER. I join the Senator from North Dakota in deploring the indifferent attitude taken by some toward the obligations assumed under the Kellogg peace treaty. To

that extent I can go with the Senator in the statement he is now making; but I cannot help recall, as I listen to his observations about our military defense, the fact that the Army of the United States stands about number 17 among the armies of the powers of the world.

Mr. FRAZIER. Mr. President, that depends entirely on who figures the strength of our Army and Navy.

Mr. STEIWER. That is the information before the Appropriations Committee, coming largely, it is true, from the military authorities of the country. Our armed forces are somewhat comparable to those of Greece, we will say, and in no sense are they comparable to the powerful military forces of other great nations of the world.

Mr. FRAZIER. The Senator from Oregon will not dispute the fact that we are spending more money on our Army and Navy than any other nation on earth is spending for its army and navy.

Mr. STEIWER. That is due to the fact that everything we do in this country costs our Government more than the costs met by other nations in similar enterprises.

Mr. FRAZIER. Of course, there is something to that argument; and yet, after all is said and done, we have a pretty sizable Army at that; and, counting all the divisions of our Army—the National Guard, and the Reserve Officers' Training Corps, and the C. M. T. C., and the others; I cannot remember the names of all of them—we have a pretty sizable Army; in fact, much larger than we have ever had in peacetimes; and we are spending more money on it; and the same thing is true of the Navy. Why are we going to all this expense and setting the example to every other nation on earth to spend more money, which they are doing, and, I am told, largely because the United States is setting the example?

Mr. STEIWER. Mr. President, will not the Senator concede that, as a matter of fact, the other nations are setting the example for us? How are we justified in saying that we are setting the example for them when they have built up their armies first and we merely meet, or attempt to meet, the conditions by increasing the strength of our Military Establishment?

Mr. FRAZIER. Mr. President, the other nations certainly have not set the example that we have in the amount of their appropriations, because they have not begun to come up to the amount of our appropriations. It is perhaps true that they have more vessels of one kind and another than we have, and some of them have a larger standing army; but in the way of appropriations certainly it cannot be disputed that the United States has set the example for all the rest of the world in appropriating, practically ever since the World War, more than any other nation on earth; and we are continuing to increase our appropriations. That is the worst of it. It is like the schoolboy who goes around with a chip on his shoulder and expects to get into trouble, and he does. The nation that is prepared and armed to the teeth with a great army and a great navy and all the war paraphernalia is bound to get into trouble, just as Germany did at the beginning of the World War.

Senators will remember that the Honorable William Jennings Bryan, who was Secretary of State prior to our entrance into the World War and who resigned just at that time, made the statement in a public address that the nations that were best armed got into that conflict first; and he said, too, that if the United States had been as well armed as some of those who were asking for a larger army and navy at that time wanted us to be, we, too, would have been in the World War right at the beginning.

If that is what we want, that our country shall be armed so that we can get in on the front row in the next world war, to be right in from the start, all well and good; but I do not believe that is what we want. It seems to me it is all foolishness for the United States to spend so much money for the Army and the Navy in peacetimes.

Mr. President, I shall not take more time, but it seems to me these two amendments should by all means be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma [Mr. GORE] to the amendment of the Senator from Washington [Mr. BONE].

The amendment to the amendment was rejected.

Mr. GORE. Mr. President, it is true, as the Senator from Nevada has said, that the existing law which the pending joint resolution is designed to extend 14 months authorizes the President, in case of a war between foreign powers, to issue a proclamation forbidding American citizens to travel on the vessels of belligerent powers, whether they be armed vessels or not. The law also provides that after such proclamation any American citizen taking passage on such belligerent vessel travels at his own risk.

Sir, that may be better than no legislation at all. I do not believe that any American citizen should be allowed to travel on any armed ship of any belligerent power. So long as that privilege is accorded to an American citizen, we have no guaranty against war; and if our purpose is to avoid war, we have not achieved it.

I have no wish to obstruct the enactment of the pending joint resolution; but if I am here next year when the Senate takes up the matter of permanent legislation upon this subject I shall renew my effort to make it unlawful for any American citizen to travel on the armed vessels of a belligerent power. If I should succeed in such an effort, I would feel that I had erected the greatest practical guaranty of peace, the greatest means of preventing war, the greatest means of preserving peace.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. BONE].

Mr. BONE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GEORGE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Costigan	Holt	Pittman
Ashurst	Couzens	Johnson	Pope
Austin	Davis	Keyes	Radcliffe
Bachman	Dickinson	King	Robinson
Barkley	Dieterich	La Follette	Russell
Benson	Donahey	Lewis	Schwellenbach
Bilbo	Duffy	Logan	Sheppard
Bone	Fletcher	Lonergan	Steiwer
Borah	Frazier	McAdoo	Thomas, Okla.
Bulkley	George	McGill	Thomas, Utah
Bulow	Gerry	McKellar	Townsend
Burke	Gibson	McNary	Trammell
Byrd	Gore	Maloney	Truman
Byrnes	Guffey	Metcalf	Tydings
Capper	Hale	Minton	Van Nuys
Caraway	Harrison	Murphy	Wagner
Clark	Hastings	Murray	Walsh
Coolidge	Hatch	Neely	White
Copeland	Hayden	Nye	

Mr. LEWIS. I again beg to announce the absence of Senators for the causes which I gave on a previous roll call.

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from Washington [Mr. BONE]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BULKLEY. I have a general pair with the senior Senator from Wyoming [Mr. CAREY], who is necessarily absent. I transfer that pair to the junior Senator from Texas [Mr. CONNALLY] and vote "nay."

Mr. AUSTIN. I wish to announce that the Senator from New Jersey [Mr. BARBOUR] is necessarily absent, presiding over a hearing of the Munitions Committee.

Mr. HATCH. I desire to announce that my colleague, the junior Senator from New Mexico [Mr. CHAVEZ] is necessarily detained from the Senate on important business.

Mr. LEWIS. I wish to announce that the Senator from Alabama [Mr. BANKHEAD] has a general pair with the Senator from South Dakota [Mr. NORBECK]. The Senator from Alabama is detained on account of illness.

I also desire to announce that the Senator from New Hampshire [Mr. BROWN], the senior Senator from North Carolina [Mr. BAILEY], the Senator from Oklahoma [Mr. GORE], the Senator from Texas [Mr. CONNALLY], the Senator

from Utah [Mr. KING], the Senator from South Carolina [Mr. SMITH], the Senator from Nevada [Mr. MCCARRAN], the Senator from New Jersey [Mr. MOORE], the junior Senator from Louisiana [Mrs. LONG], the junior Senator from North Carolina [Mr. REYNOLDS], the Senator from Wyoming [Mr. O'MAHONEY], the senior Senator from Louisiana [Mr. OVERTON], the Senator from Alabama [Mr. BLACK], and the Senator from Montana [Mr. WHEELER] are unavoidably detained from the Senate.

Mr. BYRD. I wish to announce that my colleague, the senior Senator from Virginia [Mr. GLASS], is detained from the Senate on account of illness in his family. He has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

The result was announced—yeas 18, nays 55, as follows:

YEAS—18

Benson	Caraway	Holt	Pope
Bilbo	Clark	La Follette	Schwellenbach
Bone	Costigan	Maloney	Thomas, Okla.
Bulow	Donahey	McGill	
Capper	Frazier	Nye	

NAYS—55

Adams	Dickinson	Keyes	Robinson
Ashurst	Dieterich	Lewis	Russell
Austin	Duffy	Logan	Sheppard
Bachman	Fletcher	Lonergan	Steiwer
Barkley	George	McAdoo	Thomas, Utah
Borah	Gerry	McKellar	Townsend
Bulkley	Gibson	McNary	Trammell
Burke	Guffey	Metcalf	Truman
Byrd	Hale	Minton	Tydings
Byrnes	Harrison	Murphy	Van Nuys
Coolidge	Hastings	Murray	Wagner
Copeland	Hatch	Neely	Walsh
Couzens	Hayden	Pittman	White
Davis	Johnson	Radcliffe	

NOT VOTING—23

Bailey	Chavez	McCarran	Reynolds
Bankhead	Connally	Moore	Shipstead
Barbour	Glass	Norbeck	Smith
Black	Gore	Norris	Vandenberg
Brown	King	O'Mahoney	Wheeler
Carey	Long	Overton	

So Mr. BONE's amendment was rejected.

Mr. POPE. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, after line 20, it is proposed to insert the following:

SEC. 1c. Whenever, during any war in which the United States is neutral, the President shall find that the placing of restrictions on the shipment from the United States to belligerent countries of certain articles or materials used in the manufacture of arms, ammunition, or implements of war, or in the conduct of war, will serve to promote the security and preserve the neutrality of the United States, or to protect the lives and commerce of nationals of the United States, he shall so proclaim, and it shall thereafter be unlawful to export, or attempt to export, or cause, to be exported, or sell for export, such articles or materials from any place in the United States to any belligerent country named in the proclamation, or to any neutral country for transshipment to or for the use of any such belligerent country in excess of a normal amount, in quantity and kind, of exports from the United States to the respective belligerent countries prior to the date of the proclamation, such normal amount to constitute the average of shipments during a previous period of years to be determined by the President: *Provided*, That no restriction or prohibition imposed under this section shall under any circumstances be applied to food or medical supplies.

The President shall, by proclamation, definitely enumerate the articles or materials the exportation of which is to be restricted, and he may, from time to time, modify or revoke in whole or in part any proclamation issued by him under this section when he shall find that the conditions which caused him to issue his proclamation have ceased to exist or have so changed as to justify in his opinion such modification or revocation.

The President shall from time to time make public the names of persons exporting such essential war materials to any belligerent state, together with the quantity and value of such exportations.

Mr. POPE. Mr. President, I merely wish to add that this is the same identical language as section 4 (a) of the original Pittman bill. Earlier in the day I gave my reasons for offering the amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Idaho [Mr. POPE].

The amendment was rejected.

The PRESIDING OFFICER. If there are no further amendments to be offered, the question is on the third reading and passage of the House joint resolution.

The House joint resolution was ordered to a third reading, read the third time, and passed.

On motion of Mr. PITTMAN, the joint resolution (S. J. Res. 198) to extend for 1 year the joint resolution approved August 31, 1935, relating to neutrality, was indefinitely postponed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 3227. An act to amend section 3 of the act approved May 10, 1928, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes", as amended February 14, 1931;

S. 3277. An act authorizing a preliminary examination of the Nehalem River and tributaries, in Clatsop, Columbia, and Washington Counties, Oreg., with a view to the controlling of floods; and

S. J. Res. 118. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 4451. An act to amend section 1044 of the Revised Statutes, to provide a 6-year period of limitations on prosecutions for offenses involving frauds against the United States;

H. R. 4452. An act to regulate the detailing of Army officers to duty in the District of Columbia, and for other purposes;

H. R. 4453. An act to prohibit Army officers from rendering outside services for pay or reward in connection with Government contracts, property, or business relations, and for other purposes;

H. R. 4900. An act to amend the naturalization laws in respect of residence requirements, and for other purposes;

H. R. 6014. An act to regulate the rate of premium on bonds of officers and employees in the motor-vehicle service of the Post Office Department;

H. R. 7147. An act authorizing a preliminary examination of the San Gabriel and Los Angeles Rivers and their tributaries; to include both drainage basins and their outlets in Los Angeles County, Los Angeles, Calif., with a view to the controlling of floods;

H. R. 7975. An act to permit alien wives of American citizens who were married prior to the approval of the Immigration Act of 1924 to enter the United States;

H. R. 8030. An act to authorize a preliminary examination of Republican River, Smoky Hill River, and minor tributaries of Kansas River, in the State of Kansas, with a view to the control of their floods;

H. R. 8316. An act to exempt the Indian Service from the requirements of section 4 of the Executive Order No. 6166, dated June 10, 1933;

H. R. 8368. An act to enforce the twenty-first amendment;

H. R. 8372. An act to authorize the acquisition of lands in the vicinity of Miami, Fla., as a site for a naval air station and to authorize the construction and installation of a naval air station thereon;

H. R. 8901. An act to provide for the establishment of a Coast Guard station at or near Apostle Islands, Wis.;

H. R. 9062. An act authorizing a preliminary examination of Esopus Creek and its tributaries of Birch, Bushnelville, Woodland, Warner Bushkill, and Beaverkill Creeks; Sawkill, Rondout, and Neversink Creeks, Ulster County; Schoharie and Catskill Creeks, Greene County; Neversink, Beaverkill, East Branch of Delaware, Willowemoc, and Lackawack

Rivers, Sullivan County; Schoharie Creek and its tributaries, Schoharie County, all located in the State of New York, with a view to the controlling of floods;

H. R. 10185. An act to amend the act approved June 18, 1934, authorizing the city of Port Arthur, Tex., or the commission thereby created and its successors, to construct, maintain, and operate a bridge over Lake Sabine, at or near Port Arthur, Tex., and to extend the times for commencing and completing the said bridge;

H. R. 10262. An act to extend the times for commencing and completing the construction of certain bridges across the Monongahela, Allegheny, and Youghiogheny Rivers in the county of Allegheny, Pa.;

H. R. 10316. An act to legalize a bridge across Poquetanuck Cove at or near Ledyard, Conn.;

H. R. 10465. An act to legalize a bridge across Second Creek, Lauderdale County, Ala.;

H. R. 10772. An act to amend the Public Buildings Act of May 25, 1926, to authorize the construction of buildings for post-office stations, branches, and garages, and for other purposes;

H. R. 10850. An act to extend the provisions of the 40-hour law for postal employees to watchmen and messengers in the Postal Service;

H. R. 11045. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River between Rockport, Ind., and Owensboro, Ky.;

H. J. Res. 439. Joint resolution authorizing the erection in the Department of Labor Building of a memorial to the officers of the Immigration and Naturalization Service and Immigration Border Patrol who, while on active duty, lost their lives under heroic or tragic circumstances; and

H. J. Res. 443. Joint resolution to amend Public Resolution No. 31 of the Seventy-fourth Congress, first session, approved June 17, 1935, so as to extend its provisions to cover the National Boy Scout Jamboree now scheduled to be held in 1937.

WILLIAM FRANK LIPPS—VETO MESSAGE (S. DOC. NO. 177)

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Military Affairs and ordered to be printed, as follows:

To the Senate:

I am returning herewith without my approval S. 272, entitled "An act for the relief of William Frank Lipps."

This bill provides that in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Frank Lipps, who was a member of Troop D, Fifteenth Regiment, United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of that organization on the 29th day of January 1904.

The official records show that this soldier was discharged without honor by direction of the Secretary of War by reason of his imprisonment by the civil authorities. This action was in accord with the Army regulations in force at the time, which regulations have the effect of law.

I have carefully noted the contents of Senate Report No. 1852, accompanying S. 272, particularly the statements of Hon. R. J. BULKLEY with reference to payment of fine and release of the soldier from confinement after expiration of 10 days. However, nothing has been found of record to show that the soldier made any attempt to rejoin his organization after such release from confinement by the civil authorities.

The enactment of S. 272 into law would, in effect, constitute a legislative reversal of the considered action of the authorities charged with the execution of the laws enacted for the Government and control of the military forces and would place a man whose status is now that of one discharged without honor on a par with those who rendered services during a period of war which earned for them honorable discharges.

The Secretary of War strongly recommends that this bill be not favorably considered, and I find nothing in the facts in the case which would justify different action on my part.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 18, 1936.*

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 4451. An act to amend section 1044 of the Revised Statutes to provide a 6-year period of limitations on prosecutions for offenses involving frauds against the United States; and

H. R. 8368. An act to enforce the twenty-first amendment; to the Committee on the Judiciary.

H. R. 4452. An act to regulate the detailing of Army officers to duty in the District of Columbia, and for other purposes; and

H. R. 4453. An act to prohibit Army officers from rendering outside services for pay or reward in connection with Government contracts, property, or business relations, and for other purposes; to the Committee on Military Affairs.

H. R. 6014. An act to regulate the rate of premium on bonds of officers and employees in the motor-vehicle service of the Post Office Department; and

H. R. 10850. An act to extend the provisions of the 40-hour law for postal employees to watchmen and messengers in the Postal Service; to the Committee on Post Offices and Post Roads.

H. R. 7147. An act authorizing a preliminary examination of the San Gabriel and Los Angeles Rivers and their tributaries; to include both drainage basins and their outlets, in Los Angeles County, Los Angeles, Calif., with a view to the controlling of floods;

H. R. 8901. An act to provide for the establishment of a Coast Guard station at or near Apostle Islands, Wis.;

H. R. 9062. An act authorizing a preliminary examination of the Esopus Creek and its tributaries of Birch, Bushnelville, Woodland, Warner Bushkill, and Beaverkill Creeks; Sawkill, Rondout, and Neversink Creeks, Ulster County; Schoharie and Catskill Creeks, Greene County; Neversink, Beaverkill, East Branch of Delaware, Willowemoc, and Lackawack Rivers, Sullivan County; Schoharie Creek and its tributaries, Schoharie County, all located in the State of New York, with a view to the controlling of floods;

H. R. 10185. An act to amend the act approved June 18, 1934, authorizing the city of Port Arthur, Tex., or the Commission thereby created and its successors, to construct, maintain, and operate a bridge over Lake Sabine, at or near Port Arthur, Tex., and to extend the times for commencing and completing the said bridge;

H. R. 10262. An act to extend the times for commencing and completing the construction of certain bridges across the Monongahela, Allegheny, and Youghiogheny Rivers in the county of Allegheny, Pa.;

H. R. 10316. An act to legalize a bridge across Poquetanuck Cove at or near Ledyard, Conn.;

H. R. 10465. An act to legalize a bridge across Second Creek, Lauderdale County, Ala.; and

H. R. 11045. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River between Rockport, Ind., and Owensboro, Ky.; to the Committee on Commerce.

H. R. 8316. An act to exempt the Indian Service from the requirements of section 4 of the Executive Order No. 6166, dated June 10, 1933; to the Committee on Indian Affairs.

H. R. 8372. An act to authorize the acquisition of lands in the vicinity of Miami, Fla., as a site for a naval air station and to authorize the construction and installation of a naval air station thereon; to the Committee on Naval Affairs.

H. R. 10772. An act to amend the Public Buildings Act of May 25, 1926, to authorize the construction of buildings for post-office stations, branches, and garages, and for other purposes; and

H. J. Res. 439. Joint resolution authorizing the erection in the Department of Labor Building of a memorial to the officers of the Immigration and Naturalization Service and Immigration Border Patrol who, while on active duty, lost their lives under heroic or tragic circumstances; to the Committee on Public Buildings and Grounds.

H. R. 4900. An act to amend the naturalization laws in respect of residence requirements, and for other purposes;

H. R. 7975. An act to permit alien wives of American citizens who were married prior to the approval of the Immigration Act of 1924 to enter the United States; and

H. J. Res. 443. Joint resolution to amend Public Resolution No. 31 of the Seventy-fourth Congress, first session, approved June 17, 1935, so as to extend its provisions to cover the National Boy Scout Jamboree now scheduled to be held in 1937; to the Committee on Immigration.

ORDER FOR RECESS AND CONSIDERATION OF CALENDAR

Mr. ROBINSON. Mr. President, I ask unanimous consent that when the Senate completes its labors today it take a recess until Thursday next, and that upon convening on Thursday the Senate proceed to the consideration of unobjected bills on the calendar.

Mr. McNARY. Mr. President, I did not know that the Senator was addressing himself to the subject of recess. Is his request with reference to the matter we discussed earlier in the day—that a recess be taken until Thursday?

Mr. ROBINSON. Yes. I thought I had the concurrence of the Senator from Oregon in that agreement.

The PRESIDING OFFICER. Without objection the unanimous-consent request of the Senator from Arkansas is agreed to.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. ASHURST in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. HARRISON, from the Committee on Finance, reported favorably the following nominations:

Wayne C. Taylor, of Illinois, to be Assistant Secretary of the Treasury in place of Lawrence Wood Robert, Jr., resigned; and

Donald Renshaw, of California, to be State director, National Emergency Council, for California vice Jerome F. Sears, resigned.

Mr. HARRISON also, from the Committee on Finance, reported favorably the nominations of sundry officers in the Public Health Service.

He also, from the same committee, reported favorably the nomination of Martin O. Bement, of Buffalo, N. Y., to be collector of customs for customs collection district no. 9, with headquarters at Buffalo, N. Y.

Mr. LONERGAN, from the Committee on Finance, reported favorably the nomination of Capt. Wilford S. Alexander, of Meriden, Conn., to be Administrator of the Federal Alcohol Administration.

Mr. GUFFEY, from the Committee on Finance, reported favorably the nomination of William Driscoll, of Pittsburgh, Pa., to be collector of internal revenue for the twenty-third district of Pennsylvania.

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nomination of William J. Farley, of Connecticut, to be State director of the Public Works Administration in Connecticut.

He also, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

Mr. KING, from the Committee on the Judiciary, reported favorably the nomination of Annette Abbott Adams, of California, to be assistant special counsel, employed to prosecute proceedings to assert and establish the title of the United States to certain lands within the exterior limits of Naval Reserve No. 1, California, and to prosecute any suit or suits ancillary thereto or necessary or desirable under the provisions of law.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of several officers to be brigadier generals, as follows:

Col. Duncan Kennedy Major, Jr., Infantry, from November 1, 1935, vice Brig. Gen. Alston Hamilton, United States Army, retired October 31, 1935;

Col. Walter Campbell Sweeney, Infantry, from December 24, 1935, vice Brig. Gen. Andrew Moses, United States Army, who accepted an appointment as major general December 24, 1935; and

Col. Edwin Simpson Hartshorn, Infantry, from December 26, 1935, vice Brig. Gen. William E. Cole, United States Army, who accepted an appointment as major general December 26, 1935.

Mr. SHEPPARD also, from the Committee on Military Affairs, reported favorably the nominations of Second Lt. Harrison Schermerhorn Markham, Infantry Reserve, to be second lieutenant of Infantry, with rank from October 22, 1935, and Henry Irving Riley, former first lieutenant, Air Corps, to be first lieutenant in the Air Corps with rank from date of appointment, under the provisions of law.

He also, from the same committee, reported favorably the nominations of sundry officers for promotion in the Regular Army; and also the nomination of Maj. Vicente Lim, Philippine Scouts, to be lieutenant colonel in the Philippine Scouts from November 1, 1935.

He also, from the same committee, reported favorably the nominations of sundry officers for appointment, by transfer, in the Regular Army.

He also, from the same committee, reported favorably the nominations of the following officers to be brigadier generals in the Regular Army:

Col. Daniel Van Voorhis, Cavalry, vice Brig. Gen. Henry W. Butner, United States Army, nominated for appointment as major general;

Col. Walter Schuyler Grant, Cavalry, vice Brig. Gen. Stanley H. Ford, United States Army, nominated for appointment as major general;

Col. Ben Lear, Cavalry, vice Brig. Gen. Stanley D. Embick, United States Army, nominated for appointment as major general; and

Col. George Redfield Spalding, Corps of Engineers, vice Brig. Gen. Herbert J. Brees, United States Army, nominated for appointment as major general.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

INTERSTATE COMMERCE COMMISSION

The legislative clerk read the nomination of Clyde B. Aitchison, of Oregon, to be Interstate Commerce Commissioner.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Claude R. Porter, of Iowa, to be Interstate Commerce Commissioner.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

That completes the calendar.

TREASURY DEPARTMENT

Mr. HARRISON. Mr. President, I ask that the nomination of Mr. Wayne C. Taylor to be Assistant Secretary of

the Treasury be laid before the Senate. The nomination has been reported by me from the Committee on Finance.

The PRESIDING OFFICER. Without objection, the nomination will be read.

The legislative clerk read the nomination of Wayne C. Taylor, of Illinois, to be Assistant Secretary of the Treasury.

Mr. HARRISON. Mr. President, I should like to say to the Senator from Oregon [Mr. McNARY] that I ask unanimous consent that this nomination be confirmed today, for the reason that the Senate is about to take a recess until Thursday; and as the Treasury Department is without an Under Secretary, the Secretary of the Treasury has called me up and said that it is very material that the nomination of Mr. Taylor to be Assistant Secretary be confirmed today. The nomination was unanimously favorably reported by the Finance Committee.

Mr. LEWIS. Mr. President, to the endorsement and approval of the Senator from Mississippi [Mr. HARRISON] I should like to add my endorsement of the nominee, as well as that of my colleague [Mr. DIETERICH].

Mr. McNARY. Mr. President, the Secretary of the Treasury spoke to me about this nomination this morning. I have conferred with the Republican members of the Finance Committee, and under the circumstances I have no objection to the nominee being confirmed today.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. HARRISON. I ask unanimous consent that the President be notified immediately of the confirmation of Mr. Taylor.

The PRESIDING OFFICER. Without objection, the President will be notified.

TAX EXEMPTION OF RECEIPTS FROM OLYMPIC GAMES

The Senate resumed legislative session.

Mr. McADOO. Mr. President, out of order, I ask unanimous consent for the consideration of a bill which has been reported today by the Finance Committee, and has been approved by the Secretary of the Treasury. I refer to the bill (S. 3410) to exempt from taxation receipts from the operation of Olympic games if donated to the State of California, the city of Los Angeles, and the county of Los Angeles.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Is there objection to the present consideration of the bill?

Mr. McNARY. Mr. President, no report has been filed with this bill, and it was reported from the Finance Committee only this morning.

Mr. COUZENS. Mr. President, I am unable to see the emergency calling for the passage of this bill today.

Mr. McADOO. I may say to the Senator from Michigan that the committee made its report today. This is a noncontroversial matter. The bill merely permits the State of California and the city of Los Angeles and the county of Los Angeles to have some money to which they are entitled.

Mr. COUZENS. I do not see any objection to waiting until Thursday to consider this measure.

Mr. McADOO. If the Senator has any objection, I can explain the bill to him.

Mr. COUZENS. I prefer that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over and go back to the calendar.

PANAMA CANAL TOLLS

Mr. GORE. Mr. President, I desire to give notice that at the earliest opportunity I shall move the consideration of Senate bill 2288, in relation to Panama Canal tolls. An elaborate and detailed report has been submitted on the bill, which has been materially amended since it was last discussed in the Senate. I invite Senators in the meantime to give attention to the report.

RECESS TO THURSDAY

Mr. ROBINSON. I move that the Senate take a recess, pursuant to the order heretofore entered.

The motion was agreed to; and (at 3 o'clock p. m.) the Senate, under the order previously entered, took a recess until Thursday, February 20, 1936, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 18 (legislative day of Jan. 16), 1936

DIPLOMATIC AND FOREIGN SERVICE

Benjamin Reath Riggs, of Pennsylvania, now a Foreign Service officer of class 4 and a secretary in the Diplomatic Service, to be also a consul of the United States of America.

PUBLIC WORKS ADMINISTRATION

George D. Andrews, of Pennsylvania, to be State director of the Public Works Administration in Pennsylvania.

Kenneth W. Markwell, of Tennessee, to be State director of the Public Works Administration in Tennessee.

COLLECTOR OF CUSTOMS

Martin O. Bement, of Buffalo, N. Y., to be collector of customs for customs collection district no. 9, with headquarters at Buffalo, N. Y., to fill an existing vacancy.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 18 (legislative day of Jan. 16), 1936

ASSISTANT SECRETARY OF THE TREASURY

Wayne C. Taylor to be Assistant Secretary of the Treasury.

INTERSTATE COMMERCE COMMISSION

Clyde B. Aitchison to be Interstate Commerce Commissioner.

Claude R. Porter to be Interstate Commerce Commissioner.

POSTMASTERS

SOUTH DAKOTA

Justin J. Snyder, Stephan.

Frank A. Allen, Wolsey.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 18, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Great and marvelous are Thy works, Lord God Almighty; just and true are Thy ways. Oh, the depth of Thy riches, both of Thy wisdom and knowledge; how unsearchable are Thy judgments; and Thy ways are past finding out. Heavenly Father, we dare put our faith in Thee and in Thy ultimate purpose; we know that we shall not be confounded. We pray that the path of duty walked with Thee may be the path of enchantment, an unfailing spring of peace and joy. More and more may we witness the moral and spiritual triumph of our country by the growing multitudes of good fathers, pure mothers, obedient children, just masters, and honest servants. We wait, we listen, O Lord God, to the Minstrel of Israel. Lord, Thou hast been our dwelling place in all generations; before the mountains were brought forth, or ever Thou hast formed the earth and the world, even from everlasting to everlasting, Thou art God. We pray in our Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate has passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9863. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1937, and for other purposes.

The SPEAKER. Under the special order of the House, the Chair recognizes the gentleman from North Dakota for 20 minutes.

Mr. LEMKE. Mr. Speaker, I prefer to address the House this afternoon not so much in my official capacity as a Member but rather as a citizen of the United States; more

concerned with the problems that confront this Nation of ours than with party politics or party politicians; more concerned with the welfare of all the people than with political patronage or the enrichment of a few. I prefer to speak on behalf of the 32,000,000 men, women, and children who live on the farms of this Nation and on behalf of the eleven or twelve million who are still unemployed and whose condition is becoming more wretched and pitiful every day. I am going to speak on behalf of all the people of this Nation rather than on behalf of a few international bankers and coupon clippers—the money changers who the President in his splendid inaugural address told us would be driven out of the temple, but who are still in full control of that temple and are still mixing the medicine and putting in more poison than ever before. I shall speak on behalf of the home owners who are about to lose their homes by foreclosure and eviction, whether they live on the farms or in the cities of this great Nation of ours.

I am talking to you not as a Republican, not as a Democrat, but as a Lincoln-Jeffersonian nonpartisan. I recognize no partisanship in laws. We liberals in this House have voted for measures regardless of who introduced them, and I am amazed that anyone in this age should make the enactment of laws a partisan issue. We have had enough of this kind of camouflage. After a Member is elected into this House he is no longer a partisan. He is a Representative and lawmaker—not for Republicans or Democrats, but for all the people in his district and for all the people in this Nation, be they Democrats, Republicans, Socialists, nonpartisans, or even Communists. He represents them all, regardless of religious or political creeds or beliefs. President Roosevelt, when Governor of New York, held these views. I have no reason to believe that he does not share them now; if he does not, he ought to.

I know we have been told that certain measures are not in good standing because the Democratic Agricultural Committee, a committee on which there are 18 Democrats, 7 Republicans, and 1 Progressive, saw fit to delegate a Progressive who voted for Franklin D. Roosevelt for President, and a liberal Republican to ask for a rule, and that is given as the reason to crucify 10,000,000 men, women, and children who live on the farms in this Nation and who are about to lose their homes. [Applause.]

Mr. Speaker, I want to say that such an atrocious doctrine cannot stand up in the House of Representatives. I supported the Democratic standard bearer in the last two Presidential elections and I campaigned in seven States for Franklin D. Roosevelt. I want to say I did that after having been asked to meet him, not upon my invitation, but upon the invitation of others, as Governor of New York. My conversation with him was such that I believed he was the better man of the two, and I still believe that so far as Mr. Hoover is concerned. [Applause.]

I also supported about 75 Members on the Democratic side for Congress last time, and only about 40 on my own side of the aisle. I intend to support the 140 Democrats who have their names on that book up there in the coming election as against 67 Progressives, nonpartisans, and Progressive Republicans on the other side. The time has come that we are citizens of this Nation and not Democrats and Republicans any longer. I know that there is no difference between the conservative Republicans on one side of the aisle and conservative Democrats on the other. They both stand for the same thing. They represent the dying shadows of a past civilization, and I say to you, my friends on both sides of the aisle, we are not going to submit any longer to that kind of control. The battle is on. Let us accept the challenge!

I repeat that there is no difference between the conservative Republicans on one side of the aisle and the conservative Democrats on the other side. They both still believe in standing still—in letting bad enough alone, thankful that it is not worse. They believe that some miracle will happen and get them out of this depression. On the other hand, I also know there is no difference between the Farmer-Laborites, the progressive Republicans, and the progressive Democrats. These are all still striving to get this Nation out of this uncalled-for and unnecessary depression. They look forward and in the distance see the dawn of a new and better day. They would rather take 130,000,000 men, women, and children one step up along the highways and byways of civilization than a few greedy individuals a million miles. They believe in saving the homes of this Nation—in perpetuating the individual family life—they believe in the democracy of the fireside and in representative government. They believe that in this Congress the will of the Members should be freely and openly expressed and recorded, so that the public may know where the Representatives stand on public questions. They are opposed to secret and star-chamber proceedings. They love light and dislike darkness.

I regret to say that official Washington does not know what is going on in this Nation. It seems deaf and blind to the appeals of the men and women who have made this Nation what it is. The trouble is not with Members of Congress but with the bureaucrats in charge of this Government. These do not understand and cannot be made to understand the situation as it exists. The trouble is that Washington is too close to Wall Street—too intimately associated in the past with the special, privileged, selected few who have amassed the greater part of the wealth of this Nation in their hands. I know that if Congress were left free to act, that a majority could and would get together and put an end to hunger, want, and rags in the midst of plenty. Unfortunately, however, under the "gag and shackle rule" the majority are not permitted to and cannot function as they should. Unfortunately, because of the corroded patronage system, the majority are kept from doing that which they in their hearts know they ought to do.

In the light of recent events in this House it has become necessary for intelligent and patriotic people to unhesitatingly and unreservedly condemn the action of some of the leaders. These, drunk with power, deaf and blind to human suffering, with a cruel, brutal, and inhuman indifference to the cries for justice from several million men, women, and children who are about to be separated from their livelihood and who are about to be evicted from their homes—these leaders have moved heaven and earth to prevent us from getting the required number of signatures on petition number 7. This petition has for its object and purpose the bringing up on the floor the Frazier-Lemke refinance bill for discussion and disposition on its merits. I want to say that no later than yesterday the President informed me that no Member on this floor of the House had any right to use his name in trying to get names off of that petition or in preventing the bill from coming up for disposition on its merits on the floor.

It has been conceded that if this bill were permitted to come up on the floor, it would pass both the House and Senate, and we are confident that it would be signed by the President. No President would dare to veto a bill that would save the homes of 10,000,000 men, women, and children. No President could be so cruel and so indifferent, so unmindful of the welfare of this Nation. This bill would save at least 2,000,000 mortgaged farm homes from foreclosure and at the same time would pay the creditors up in full. It would loosen the frozen assets tied up in farm mortgages, and this Nation would again have sufficient credit and currency with which to do the Nation's business. It would give us an intelligent expansion of the currency, and no one would be injured. The Government would actually make a profit, and all the people of this Nation would again prosper. It would revive hope and aspiration.

The continued pressure brought by some of the leaders of this House resulting in the continued withdrawal of names from petition number seven has become a national disgrace. It has shocked, humiliated, and shamed the Nation. The Nation is on fire—it is thoroughly aroused. The people have awakened from their lethargy—from sleeping at the switch, and are demanding that the Government once more respond to their will. Therefore I shall discuss with you the Frazier-Lemke refinance bill—its trials and tribulations in this House. Upon the passage of this bill depend the home and security of over 2,000,000 farm families—of over 10,000,000 men, women, and children. We all know that the stability of

government depends upon homes. No government is safe when more than half of its people are made homeless.

The Frazier-Lemke refinance bill provides that the United States Government shall refinance existing farm indebtedness at 1½-percent interest and 1½-percent principal on the amortization plan, not by issuing bonds but by issuing Federal Reserve notes secured by the best security on earth, first mortgages on farm lands.

The Frazier-Lemke refinance bill is not inflation. You Members who have voted until your heads are dizzy to inflate this Nation with tax-exempt bonds ought not to use the silly and ignorant remark of inflation. That is the remark of the Wall Street gangsters and racketeers to defeat honest and intelligent expansion.

There is nothing in this bill that our Government has not and does not now do. Our Government now prints Federal Reserve notes and gives them to the Federal Reserve banks at seven-tenths of 1 cent per bill—the cost of printing. It makes no difference whether that bill is a $1 bill or a thousand-dollar bill, or whether they keep it for 1 year or for 20 years—all they ever pay your Uncle Sam for it is seven-tenths of 1 cent per bill. The amount of all the paper money given by the Government, other than silver certificates, mostly to the large banks, as shown by the Treasury circulation statement of January 31, 1936, amounted to over $4,781,000,000, of which amount over $3,932,900,000 were Federal Reserve notes. What is back of this paper money? Is there gold back of it? There is not. Is there even a farm back of it? There is not. There is simply the indebtedness of the United States—a government bond—back of it.

If the Government can issue this money for a few international bankers, without anything back of it but debts, why can it not do it for 32,000,000 who are dependent upon farms? Why not do it for all of our people? Under the Frazier-Lemke refinance bill the farmers would have to pay just $6,149,500,000, less interest, in 47 years, the time required for amortization of the farm indebtedness; and at the same time the Government would make a net profit of $6,345,000,000, and to that extent lessen our Federal tax burden.

This bill has met with almost universal approval. Thirty-two State legislatures—and to my friends I want to say to you that at least half of these State legislatures were Democratic State legislatures, not Republican—and one Territory have asked Congress to pass it, and in addition the lower houses of New York, Delaware, and Pennsylvania have gone on record in favor of this bill. It has the militant support of the National Farmers' Union and of the National Union for Social Justice. It has the endorsement of many State and local Farm Bureau and Grange organizations. It has the support of labor leaders and officers of the Veterans of Foreign Wars. It has the approval of 95 percent of the farmers, as well as of every intelligent banker, business and professional man and woman in this Nation. No bill ever had the popular support that this bill has. Yet some invisible force has been able to prevent us from bringing it up on the floor for discussion and disposition on its merits.

This bill was introduced in Congress over 5 years ago. Numerous and extensive hearings were held on the Senate side, but in the House we were never able to get a hearing until last session. After this hearing the bill was favorably reported out by the House Agricultural Committee by a vote of 15 to 5. About the same time it was reported out favorably by the Senate Agricultural Committee without a dissenting vote. It has now been on the calendar of both the House and Senate for about 7 months. But under the ancient and corroded rules of procedure—rules well adapted for boss and Wall Street control—this bill cannot yet be brought up on the floor for a vote on its merits—not because it would not pass but, on the contrary, because they know it would pass.

Repeated requests were made orally to the chairman of the Rules Committee for a rule, and I find no fault with the chairman. I know, and I am willing to take the position, that the Rules Committee represents the administration, no matter what party is in power, and I do not care whether you put this baby on the steps of the White House or at the door of the Rules Committee, we are going to get a vote on it. That is all there is to it, and that is all we are entitled to. [Applause.]

The Committee on Agriculture appointed a good liberal Republican, the gentleman from Iowa [Mr. GILCHRIST], and a good Progressive from Wisconsin [Mr. BOILEAU] to go and ask, in writing, for a rule. This rule was asked by the Committee on Agriculture with only one dissenting vote. They asked for it, but they did not get the rule. That is all I know about it.

Under these rules, during the last session of the Seventy-third Congress, we were required to have 145 signers on a petition to discharge the committee and create a special order of business. When we had 141 signatures, and needed only 4 more, some of the majority leaders injected themselves into the fight and, through pressure and persuasion, got some of the Members to withdraw their names. This was the first time that some of the leaders of a great party urged Members to withdraw their names from any petition. Twelve names went off that petition within a few days.

Later, on June 2, we succeeded in getting the 145 signatures. Under the rule, after a committee is discharged a bill must be on the calendar for 7 days, and can only be brought up on the second and fourth Monday of each month. Of course, the Speaker ruled that 7 days meant 7 legislative days. Then the majority leader recessed each day, in place of adjourning, and packed 5 legislative days into one, so that the bill could not be brought up on the second Monday in June, and before the fourth Monday arrived, Congress had adjourned. Thus we were tricked and cheated out of a vote. The farmers of this Nation were again betrayed.

On the first day of the first session of the Seventy-fourth Congress the number of signatures required to discharge a committee and bring a bill up on the floor for disposition on its merits was increased from 145 to 218. This "gag-and-shackle rule" was put over on the first day, before the new Members had time to learn what it was all about. One of the majority leaders assured us, and especially these new Members, that whenever there were 145 signers on any petition who honestly wanted a vote they would get it. Later he changed it to 145 Democratic Members.

How well that promise has been kept is shown by the fact that during that session of Congress, when we had 209 signatures, the same majority leaders again injected themselves into the fight and got a number of Members to withdraw their names. Their argument was that if this bill got to a vote, it would pass both the House and the Senate and the President would veto it. A committee of six was appointed to call upon the President, and we were informed that the President authorized no one to make such a statement, that he would not think of interfering, and that, in fact, he believed that a bill that had the support given this bill should be disposed of on the floor of the House. It is hard for us to know who is who here in Washington.

When the present session of Congress opened we had 204 signers on the petition. We needed only 14 more to complete it. Then, when we were within 5 signatures of the necessary 218, a few names were again withdrawn. Later, when we had 215, the House was hurriedly adjourned, and a few more names went off. At the time that we had 215 there were 148 Democrats on that petition and 67 Farmer-Laborites, Progressives, and Republicans. Who is the power behind the throne that is so determined to prevent this bill from coming up for a vote? I am willing to concede that the Rules Committee represents the administration and that the administration must accept the responsibility. Yet the President again reassures us that he has not sanctioned this procedure. His record, while Governor of New York, condemns the practice of strangling legislation in committees without reserve. All we have to say on the subject is that in that condemnation we heartily join him.

To those who have withdrawn their names, let me say, in the words of President Wilson, that "the large thing to do is the only thing 'you' can afford to do—a voluntary withdrawal from a position everywhere questioned and misunderstood." Replace your name. We had a right to believe that when you signed the petition you knew what you were

doing and that you were a free agent. When you withdrew it, you hurt our cause and subjected yourself to criticism. You were given credit among young constituents for signing and you cannot object if your constituents are informed that you have withdrawn your name. We find no fault with you, but suggest that in the future if anybody comes up and tells you that you should withdraw your name from the petition he insults you by asking you to do something that you ought not to do. You should tell him politely to go to that place where it never is cold.

There is nothing in any rule that prevents the public from being given this information. The rule, on the contrary, provides that when 218 have signed the petition it shall be made public. No former Speaker or future Speaker can make that a secret which is not a secret nor put a padlock upon our brain or seal our lips. Any such attempt in itself would be incompatible with representative government and in violation of the Constitution. Let us stop this silly talk about secrecy and star-chamber proceedings and sign the petition.

To my Democratic colleagues who have signed the petition, let me state that you have nothing to be ashamed of. The Frazier-Lemke refinance bill and the cost-of-production bill is part of your platform. Unfortunately, the administration got tangled up with the Republican platform or crop curtailment and destruction, but the Supreme Court has held that part of the Republican platform unconstitutional. Why not let the administration carry out the Democratic platform on agriculture that we know is constitutional?

I have signed every petition at the Speaker's desk. I have signed them because I believe that every bill that has the backing of a considerable group of the people of this Nation has a right to come up on the floor and be disposed of on its merits. If this House had had the courage to do that, many of the measures on the Speaker's desk that now come to plague us when election is just around the corner would have been disposed of one way or the other and would have been settled issues. Now they have become an accumulated force which may turn into an avalanche and result in the political elimination of many of us here. Had we had the courage to meet these questions in the open we would not now be so apprehensive of what will happen next November. Woodrow Wilson told us that the best way to settle public questions was to throw open the blinds and let in the light of publicity and to annihilate anyone with the finger of publicity who dared to thwart the Nation's will. There is sound logic in that statement.

I want now to digress for a moment. Here are mortgage-foreclosure sales in the great State of Virginia. They are undoubtedly Democrats. This farmer's home is being sold for less than half of what it is worth, and he tells me in this letter that he has lived in this home all of his life, and I have at least five or six thousand such letters from every State in the Union. They all come to me for help. This man could not get any help from the Federal land banks, because the Federal land banks are run by the bankers of the Nation, and most of them are reactionary, "busted" Republican bankers. Get rid of them and put in some Democratic progressives and I will take my hat off to you.

You cannot afford to continue that practice any longer. I am talking as your friend. I am talking as one who again is going to help every Democratic Member who is liberal as well as every Republican who is liberal.

Oh, they tell me that it was because a Republican asked for this rule. You have other petitions up there that cannot see the light of day. There is the McGroarty petition up there. He is a good Democrat, is he not? Why, I will say he is the salt of the earth. I never saw a more genuine Jeffersonian Democrat than Mr. McGROARTY. He is so much of a Democrat that he has filed out in California for President of the United States; and if you will nominate him and the Republicans nominate an equally good Republican I will go fishing on election day.

I am glad that the opposition to the Frazier-Lemke refinance bill has now declared open war upon agriculture. It parrotlike uses the phrase "inflation", but that will not save them. The public knows that they have been guilty of inflating this Nation with 32,000,000,000 tax-exempt bonds. The public knows that that was unnecessary. They will have to use a more forceful argument backed up with more intelligence than that. In fact, a state of war existed between the opposition to this bill and agriculture during the last three sessions of Congress, including the present session. Hostilities were more or less violent at times. They consisted of secretly inducing Members to take their names off of petition No. 7.

However, on last Friday and Saturday the opposition came out in the open with a general barrage and when the smoke of battle was over they had wounded, killed, crippled, and blotted out five names from the petition. I repeat, this procedure of hide and seek of taking names from the petition when we put on others has become a national disgrace. It is an unworthy performance. This House owes it to itself to clear its good name from such frivolous and unseeming action. It can do it by bringing this bill up on the floor for discussion and disposition on its merits. We accept this war of aggression that has been forced upon us by the opposition and we inform that opposition that from now on they will know that we, 140 Democrats and 67 Progressives, Farmer-Laborites, and progressive and nonpartisan Republicans are here. We will accept nothing less than an unconditional and constitutional surrender by the abolition of the "gag and shackle rule" so that every bill on the Speaker's desk that has the backing of a large number of people can come up on the floor for disposition on its merits. There must be a complete restoration of representative government and democracy in this House.

The battle is on. The battle lines are flung from the Atlantic on the east to the Pacific on the west, from the Gulf of Mexico on the south to the Canadian boundary on the north. The battle will continue unless the opposition capitulates from its unwarranted position until next November, when the grandest host of patriotic men and women ever assembled in this Nation will march to the polls and cast an avalanche of ballots that will leave no doubt in anyone's mind that the American people still hold near and dear to their hearts democracy and representative government.

I am an optimist, though I know that truth is still on the scaffold and wrong is still on the throne. But I know that behind that scaffold and behind that throne an enlightened public opinion is still shaping the destinies of this Nation. I know that in the end decency and righteousness will prevail. America will yet be economically free. In this eternal struggle for social justice, only the coward and slave surrender; only the dullard accepts the yoke. I am sure that the American people know that a democratic form of government, although defective, is the best form of government that can possibly be devised for their own best interests. I am confident that they know that without representation there is no democracy, and that without democracy representative government is dead.

The SPEAKER. Under the special order of the House, the Chair recognizes the gentleman from New York [Mr. O'CONNOR] for 30 minutes.

Mr. ZIONCHECK. Mr. Speaker, I rise to the privilege of the House.

The SPEAKER. The gentleman will state his question of privilege.

Mr. ZIONCHECK. The question of privilege is that I rise to a question of the privileges of the House.

The SPEAKER. The Chair will state to the gentleman if it is a question of the privilege of the House it must come before the House by resolution.

Mr. ZIONCHECK. It is coming that way then. It did not come that way yesterday.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the gentleman from New York, Mr. TABER, violated and transgressed the privileges of the House Monday, February 17, 1936.

By Mr. ZIONCHECK, First Washington District.

Mr. ZIONCHECK. That is the best I could do in a hurry.

Mr. LEHLBACH. Mr. Speaker, I make the point of order that the resolution does not raise a question of the privilege of the House.

The SPEAKER. The Chair thinks the point of order is well taken. The resolution does not set out a question of privilege.

Mr. ZIONCHECK. Then I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. MARTIN of Massachusetts. Mr. Speaker, I object.

The SPEAKER. Under the special order of the House, the Chair recognizes the gentleman from New York [Mr. O'CONNOR] for 30 minutes. [Applause.]

Mr. O'CONNOR. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. BOLAND] to prefer a unanimous-consent request.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that I may address the House for 10 minutes immediately following the gentleman from New York [Mr. O'CONNOR].

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent for the privilege of addressing the House for 10 minutes immediately following the gentleman from Pennsylvania [Mr. BOLAND].

The SPEAKER. The Chair will state to the House that there are two more special orders before the last consent was obtained. The Chair does not want the gentleman from Texas to be surprised by this request. If he has no objection, certainly the Chair has none.

Is there objection to the request of the gentleman from Ohio [Mr. SWEENEY]?

There was no objection.

Mr. O'CONNOR. Mr. Speaker, after listening to the address of the distinguished gentleman from North Dakota [Mr. LEMKE] today, I am going to try, as far as possible, to apply light to this controversy rather than heat.

I do not rise on this floor in defense of myself. I have never had to do that up to this good hour, and I do not anticipate I shall have to do it in the future.

Nor, Mr. Speaker, do I rise in defense of the President of the United States. That would be presumptuous on my part. Mr. Roosevelt is well able to take care of himself. I have always been careful not to bandy the word of the President around this Chamber, as to whether he was for or against certain legislation. I still maintain this attitude, in spite of the fact that the President was quoted on the floor today by the gentleman from North Dakota, a co-author of the Frazier-Lemke bill. What information I have about the attitude of the President is my knowledge and is not to be mouthed in this Chamber. Suffice to say that what I have done here is, in my opinion, in support of his policies.

Rather do I, Mr. Speaker, rise in defense—call it presumptuous or not—of the membership of this House, a large number of which have been maligned and scandalized recently by certain radio addresses which were repeated in part in the press.

I have personally known for some weeks that this attack on me was brewing. I have heard of it in my district, where a great deal of money has been spent and at least 100,000 circulars have been issued by a certain "league." That information came to me long before the radio attack started. The plan was to get Roosevelt "through O'CONNOR."

I realize the disadvantage in which I am placed in standing here face to face before a body of distinguished men and women, as compared to going into the quietude of a little room in a peaceful tower and talking into the microphone. I have neither the opportunity nor the money, amounting to many thousands of dollars, that a radio broadcast costs on each occasion. I am informed that the Reverend Father Coughlin pays, or his contributors pay, at least $5,000 for each of his broadcasts, and this price is one-half or one-third the cost of an evening broadcast, 4 p. m. on a Sunday afternoon being the cheapest hour.

I shall attempt, in speaking to you today, not to snarl at people or abuse them. I shall try not to so inflect my voice that it may carry insinuating meanings or inferences. What I have to say will be spoken in plain English and with no meaning that the written word does not carry.

It is also difficult to answer the radio addresses of the Reverend Chas. E. Coughlin, of Royal Oak, Mich., for the following reasons: For instance, I did not hear his address 2 weeks ago last Sunday. I never did listen to the reverend gentleman until a week ago Sunday, but I had heard that he had made a radio address on the previous Sunday, February 2d, in which he referred libelously to me and other Members of the House, including our beloved Speaker, and also to the President of the United States. I then sought to obtain a copy of that speech. I first got an advance copy of the speech, in which my name was not even mentioned at all.

I thereafter received a stenographic report of that part of the speech in which my name was mentioned so libelously. Later I obtained the printed pamphlet with the "imprimatur" of Bishop Gallagher, of Detroit, giving the speech as finally revised. Strange as it may seem, all three speeches were different. There was nothing slanderous or libelous about me in the advance copy or in the final copy. What was said about me over the radio must have been the extemporaneous utterings of Father Coughlin. That situation, Mr. Speaker, raises a serious question about which several people have recently conferred with us, as to what protection the public has as to the spoken word over the radio. There is no law, as I understand it, and there is no regulation of the Federal Communications Commission requiring an official transcript of what is said on the radio so that any person interested may know the truth. In anticipation of further attacks on me, I intend to notify the radio stations over which Father Coughlin broadcasts that I demand that a stenographic report of his speech be made available to me, and that I shall hold them responsible for any slander of me. I understand that the complaints against Father Coughlin's attacks were so numerous some time ago that he was refused further time on a well-known chain, or Nation-wide hook-up.

One can conceive of any number of situations—for instance, an international dispute or a slanderous attack in a campaign—where it might be very important for the protection of our Government, our own citizens no less, that it be known definitely what was said over the radio.

The speeches of the reverend father are now delivered on the Sabbath Day at from 4 to 4:45 p. m., Eastern standard time. They are broadcasted at a time in the afternoon when most people are at home with very little to do and when there is no broadcast of any importance.

Mr. Speaker, I have been acquainted with a great number of Catholic clergymen. I, of course, know, too, a great number of Catholic laymen, many of them leaders in America. You all know that I am a Catholic. All my people have always been Catholics, devout Catholics, patriotic citizens in this country since my great-grandfather landed at St. Johns, New Brunswick, in 1810, with my grandfather, 7 years old, by the hand and walked 400 miles to Boston. We Catholics have the utmost respect for our church. We have the greatest respect for our priests as represented by the garb they wear.

Our Catholic people have always been taught to respect our clergy, "Vicars of Christ." Father Coughlin, however, at least has raised in the minds of the Catholics of America, the Catholic clergy, and the Catholic laymen, the question whether or not he is improperly stepping out of his role as a clergyman when he engages in these discussions of political questions and engages in these vituperative attacks upon men in public life.

I do not wish to offend the reverend gentleman, Father Coughlin. Being, of course, of Celtic extraction, after listening for 45 minutes to a tirade against me, and I think it was directed principally against me, I was really hot—"mad" is the only word that adequately expresses it; and I thereupon

paid my respects to the reverend gentleman. [Laughter.] I have no pride in having done that; I regret it. Not solely because I have been severely criticized by some of my most intimate friends but principally because I know I should not have done it—not in respect to the dignity of the office I hold, but because of the dignity of Father Coughlin's calling. Particularly I was not justified in referring to his "clerical garb." For that I apologize to him and the good people who may have been offended. I also said something about kicking. [Laughter.] Of course, that was a red-headed Irishman's figure of speech. What one impetuously feels like doing and what one should in dignity do or say is quite another thing.

The greatest offense, of course, that could be committed in my church, and probably in every other church, is to show disrespect for a man of the cloth. We have been taught to respect all clergymen. It was an undignified remark, unworthy of me, let alone suitable to the clergyman to whom it was applied. At this very time President Roosevelt is honoring a distinguished priest of the Catholic Church. He has directed that a battleship transport the remains to his native Belgium of that great martyr, Father Damien, who gave his life in the leper colony.

However, Mr. Speaker, I am not a clergyman. I am not supposed to have control over my emotions. I am not supposed to be able to "turn the other cheek." On taking Holy Orders, as the distinguished clergyman did, he took the vows that he would forgive people, no matter what sin they may have committed, and that he would "turn the other cheek." Perhaps I need the "benefit of clergy." [Laughter.] Like all Catholics, I have been taught to say, "Father, forgive me for I have sinned"; but the distinguished clergyman was taught more than that. His duty is to pray to the Almighty: "Father, forgive them, for they know not what they do"; and that may well apply to me. [Laughter.]

In my telegram I made reference to Father Coughlin's citizenship, a subject which has been much discussed. I was in error about that. Father Coughlin is a citizen, it is true. While he was not born in this country and spent quite a time in a foreign country under the dominion of the late King George, in whom my distinguished friend from Ohio [Mr. SWEENEY] was so much interested [laughter], and entered the United States in 1923 as an alien, he was born of American parents.

Mr. Speaker, we Catholics believe this, and I have never met a Catholic priest or an intelligent Catholic layman who did not believe it, that when the priest enters the realm of politics, when he engages in public discussion of things which are not religious, he steps out of his character as a priest [applause], and many people believe that he should no longer, under those circumstances, for that time at least, wear the clerical garb or the Roman collar, which we all duly respect in its proper place. You will recall those days of prohibition; you will recall those days of the Presidential campaign in 1928, when certain clergymen high in the church, distinguished clergymen, Bishop Cannon and others, were campaigning on public questions—yes, even campaigning against candidates for office—and the cry then almost universally, and especially from the Catholic Church, was "Back to the pulpit!"

Now, I personally have never heard in all my life a Catholic priest talk politics. I never imagined it could happen. And, of course, it cannot be camouflaged by the mere fact that he calls on the Savior in every other breath to witness his interest in the cause of the people or to "drive the money changers from the temple", a favorite expression of Father Coughlin. That repetitious calling upon the Deity does not detract one iota from the fact that the man has left his calling as a priest to participate in the "things of Caesar."

The reverend clergyman said in effect on last Sunday that he was going to "lash" me and others—mostly Catholics—from Congress, and also the President from the White House. Well, of course, no one can "lash" me from Congress. The only people who can prevent me from returning to Congress, should I so desire, are the decent, God-fearing people in my district on the East Side of New York, many of them Catholics, and many of them of all faiths holding the highest respect for Father Coughlin. It is they and they only who can say whether or not I shall continue in Congress on my record as a public servant or because I dare do what I believe millions of Catholics have wanted to do for years—to raise this issue before the American people. [Applause.]

It is not pleasant to be the one to raise the issue or to engage in this controversy with a clergyman of my own faith; but the lot having fallen to me, I deem it my duty to face it.

The reverend gentleman called me "a tool of Wall Street." I would be much better off financially if I was better acquainted with Wall Street. It is a narrow, crooked street down in the boot of Manhattan, in the shadow of which I practiced law for over 20 years, until, a few years ago, my last client died or was sent to jail. Wall Street has never done anything for me, and I have never done anything for Wall Street except to vote against every bill in which it was interested and to vote for every bill which tried to hold the malefactors in check and protect the American people against them. [Applause.] Incidentally, I made the closing speech in favor of the securities exchange bill and against Wall Street, which came as quite a surprise to some people and was commented on throughout the country that I, a Representative from New York City, should make this attack upon the stock exchange. So no one can pin "Wall Street" upon me!

The reverend father is better acquainted with Wall Street than I am. His association with Mr. Harriss and others in the silver movement made him well acquainted with that particular crooked street. While I was here voting for the farmer, and while the reverend father on the radio was advocating the remonetization of silver, he was profiting in Wall Street through silver speculation, while our dollar was depreciating—one of the most unfortunate experiments of our Government.

I have not the facilities or the money to answer Father Coughlin on the radio, even on next Sunday, when I anticipate he will again attack me. I understand the expenses of his great organization at Royal Oak are about $100,000 a month. He has scores of employees, I am informed. Some call it a "counting house" because a great deal of the duty consists of opening the contributions which come in, most of which are from the poor people of America, from the working girls, and the laborers. After the $100,000-a-month expenses are deducted there is a net profit of $200,000 or so a year, which has gone to build the beautiful edifice which he has erected there, called "The Shrine", a colossal monument to his business acumen.

As I understand it, Father Coughlin is in an exceptional position as a priest. He is not a curate. He is more or less "on his own", but being in that locality, of course, he is subject to the bishop there, who is his only superior in this country. No cardinal or archbishop of the church has jurisdiction of him or his conduct. At the opening of the speech on Sunday he advocated that his listeners subscribe to his newspaper which he is now getting out at the suggested subscription price of $2 per year. That should, of course, afford him an enormous additional revenue.

Mr. Speaker, I am not the only man in public life the reverend father has attacked, although I am of the least consequence of any he has attacked. He has maligned slanderously, viciously, and without justification Gov. Alfred E. Smith. He has vehemently attacked Gen. Hugh S. Johnson. He has attacked Mr. William Green, president of the American Federation of Labor; and he has attacked most viciously our great President, Franklin D. Roosevelt, shortly after partaking of his hospitality at the White House. A peculiar coincidence has been called to my attention for some time, and that is that his chief attack has been on Catholics. In his speech of 2 weeks ago he rolled on his tongue the names of Catholic Members of Congress who were his victims. The

idea is, of course, to show his lack of prejudice, so he will not raise any other issue, but play safe by attacking "his own."

The reverend gentleman has placed me in good company. In addition to the foregoing gentlemen, he has included me in attacks on our beloved Speaker, the Honorable JOSEPH W. BYRNS, of Tennessee, and our efficient whip, the gentleman from Pennsylvania, Mr. PATRICK J. BOLAND.

Now, Mr. Speaker, let us see about this Frazier-Lemke bill, about which Father Coughlin has talked so much and so fervently—and I pronounce the name "Cough-lin", because that is the only way I ever knew how to pronounce it, and I grew up with hundreds of them. The derivation of the word from its first syllable is obvious.

The Frazier-Lemke bill was introduced in Congress by Senator FRAZIER, of North Dakota, and Representative LEMKE, of the same State, both Republicans. It provides for three things, as I am told. First, that the Government take over the mortgages on the farms, eight or nine billion dollars being involved, at an interest rate of 1½ percent. The Home Owners' Loan mortgages in cities are paying 5 percent. Beyond that, the bill provides that the Government shall lend 100 percent of the value of the property. Under other Government financing not more than 80 percent is loaned.

Those two provisions are not so bad in and of themselves. I have voted for practically every piece of farm legislation to date, including the Frazier-Lemke farm mortgage moratorium bill. I just heard the distinguished gentleman from North Dakota [Mr. LEMKE] make the statement that to say the bill was inflationary is "ridiculous." If that were correct, then we have all been grossly deceived, because it is the inflation feature alone that has caused so many Members to sign their names to that petition. Incidentally, about 50 Members who signed the petition never intend to vote for the bill. Father Coughlin on Sunday carefully avoided, I believe, saying anything about the bill, except that it provided an interest rate of 1½ percent. He did not mention the inflation feature of the bill. Mind you, this bill only pertains to mortgages on farms, while in the cities and urban centers we have $21,000,000,000 of mortgages, with only two and a half billion dollars' worth taken over by the Home Owners' Loan Corporation, and then at an interest rate of 5 percent.

Let us now see how this Frazier-Lemke bill has come before us. It was reported out of the Agricultural Committee of the House. Father Coughlin says the vote was 18 to 5. Until this morning on the floor I do not recall any member of that committee making any such claim whatsoever. As a matter of fact, we have never been able to find out, on diligent inquiry, what the vote was, and have received every possible variation as to the vote. No roll call was even taken.

Then the Agricultural Committee, composed of 18 Democrats and 7 Republicans, appointed a subcommittee to wait upon the Rules Committee. The gentleman from Iowa [Mr. GILCHRIST], a Republican, and the gentleman from Wisconsin [Mr. BOILEAU], a Progressive, and no other constituted this subcommittee. These distinguished gentlemen did wait upon me, and they wrote me asking for a hearing on the application for a rule to consider the bill. When they waited on me I said, "Where are the Democrats?" There were none. I have never known of the Rules Committee being requested for a rule by a subcommittee composed of the minority members of the committee, irrespective of which party was in control of the House. I never knew of the Rules Committee having been requested for a rule except by the chairman of the legislative committee or some high ranking member designated by him. That is the most peculiar situation up to that point.

A petition was then filed to discharge the Rules Committee, and in this connection the rules of this House, whatever one may think of them, have been as grossly violated as in the days of that great Speaker, Mr. Nicholas Longworth, when many Members suggested that drastic action be taken to prevent the violation of the rules in giving out the names of the signers of the petition until the total of necessary signatures was affixed. No one can obtain the names except by stealth and connivance. Likewise, as to what names are withdrawn from the petition. The reasons are obvious.

When the Reverend Father Coughlin gives out statements as to who did or who did not sign that petition or as to whose name came off that petition, he knows that not only is he particeps to a violation of the rules of the House but that some Member or Members are improperly furnishing him with that information.

Now, what is the reverend father's interest in this Frazier-Lemke bill? In my opinion it is the inflation feature. He does not come from a farming community. This is consistent with his attitude on the "bonus" and his attitude on silver legislation. When the petition to consider the Frazier-Lemke bill needed only four more names, he jumped into the picture to push it over the top. That would have added to his laurels. As to the "bonus", when the Patman bill was pending here last year, he was very much interested in that particular bill, because it carried inflation; but this year, when we had up the bonus bill which we passed, we did not hear of Father Coughlin's interest. It had no inflation in it.

I know that the veterans are not deceived into thinking that Father Coughlin has been their champion, because I am informed that one of the leaders of the veterans' organizations went to him when the Economy Bill was pending and asked for his support, whereupon the reverend gentleman stated, "You veterans are getting too much already." So I say the inflation feature of the bonus was the only thing which attracted Father Coughlin to it a year ago.

Now, Father Coughlin has been making these speeches on the Frazier-Lemke bill, and he has been blaming the President for stopping the progress of the bill; and in refutation of all that, I have only to call on you to recall the speech of Mr. LEMKE here on this floor this morning, in which he said the President only yesterday stated to him that he had nothing to do with stopping signers to the petition or taking names off, and that no one was authorized to do it for him. This should forever dissipate the false impression which has gone out to the good people of the country that the President had a hand in what Father Coughlin thinks was an arch conspiracy.

This bill would be of no benefit to my city or the father's city. Quite the opposite. This, however, would not deter me from voting for it if the inflation feature were not in it.

Mr. William Green, president of the American Federation of Labor, has denounced it, saying that it would increase the cost of living for every workingman in America, and thereby reduce the wages which are coming to them. All you have to do to prove this is to determine mathematically what would be the effect of $3,000,000,000 or $9,000,000,000 more in currency.

The people in my district are working people. Many of them are deceived about this Frazier-Lemke bill by reason of Father Coughlin's address. It could be of no benefit to them, but would do them the greatest amount of harm, and I believe it would not help the farmers of America with the inflation feature in it.

Father Coughlin said on last Sunday that Wall Street and the insurance companies were fighting this bill. Why, nothing could be more ridiculous on its face! The insurance companies want this bill. They hold all the mortgages, practically, on these farms, and they would be bailed out at the expense of the Government.

Now, with respect to this information about names on and names off the petition, the reverend father has had for some time two paid lobbyists here, a man named Ward and a man named Collins. This is probably how the reverend father received the information to which he referred to on Sunday, but some Member or Members must have first obtained it surreptitiously.

Two weeks ago Father Coughlin promised that on the next Sunday he would give out the names of every man on this petition. Now, why did he not? Because he was afraid it would not be accurate, and in many of his statements of names on and off the petition, he was inaccurate.

The reverend father referred to the President's campaign speech at Omaha, Nebr., and goes so far as to say that the President promised that he would be for the Frazier-Lemke

bill. Well, no fair-minded man would ever draw such a conclusion from the President's speech on that occasion.

Father Coughlin said I was the "assassin" of the Frazier-Lemke bill. I, the assassin! This is what happened. Some of the men chiefly interested in this bill sent word to Father Coughlin 2 weeks ago Sunday when he made his first vicious speech attacking Members of Congress, that he had killed the bill. It was not I, nor the Speaker, nor the President they blamed. It was Father Coughlin. If there is any charge of killing that bill, the promoters of the bill now lay it on the doorstep of Father Coughlin.

He made another misstatement among the many, that at 11 o'clock last Friday night the President called in his "henchmen" and told them to stop the bill. Well, is there anybody in this House who believes that?

The reverend father also said the President changed the discharge rule from 145 to 218. [Laughter.] Why, the President had as much to do with that as the janitor.

Then Father Coughlin made certain references to the Rules Committee, and constantly stated that the President personally selected me and personally appointed me chairman of that committee. [Laughter.] Why, I was a member of the Rules Committee before I ever met Mr. Roosevelt.

He also said the President personally selected every other member of the Rules Committee; and, of course, you know and the country should know that that is so far from the truth, it has not a grain of verity in it. We members of that committee advanced by seniority, and I succeeded to the chairmanship when our distinguished majority leader, Mr. BANKHEAD, of Alabama, left the chairmanship to take his present position.

For no reason I can imagine, and with no connection with any subject, Father Coughlin injected my brother's name into his speech last Sunday. I do not know, but there are a lot of other members of the family, and I suppose he will take care of them next Sunday. [Laughter.]

[Here the gavel fell.]

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that the time of the gentleman from New York may be extended 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. O'CONNOR. The reverend father said that the Rules Committee was a "political committee", as though he had made a great discovery. [Laughter.] Of course, it is a political committee. It is an arm of the organization of the House. It is an arm of the administration. It serves every standing committee of the House. It takes the measures as they come from other committees and determines their order in the House.

Father Coughlin said that in the Rules Committee it was by virtue of my patronage power that I held the "lash" over the members of the committee; that I had the patronage by reason of my chairmanship of the Rules Committee, and therefore I could influence members. Well, if there has been patronage of that kind, I call on my friend the gentleman from Alabama [Mr. BANKHEAD] and the minority leader [Mr. SNELL] to 'fess up, because they are holding out something on me, as I have not seen any yet. [Laughter.]

Now, if that was all that Father Coughlin had said on last Sunday, I might have taken it with a cool head and laughed off his many misstatements. I probably should have, anyway. That is why I regret that I said some things about the reverend gentleman for which, as far as he is concerned, or anybody that might take offense at it, I am humbly sorry. "The Irish of it", as the Washington Post says today editorially. But he then made a personal attack on me, referring to a certain bill I had introduced in the House, and which was recently vetoed by the President, and he referred to it in strong, ugly words, implying fraud.

I am confident that the reverend father will never print those words that he used in that address. He says over the radio what he likes, but what he prints is entirely different. For instance, I heard him say that I should be "impeached." The advance copy of the speech says that I should "resign."

Now that was a bill, the features of which I shall not take the time to go into now, which was overwhelmingly passed by the House after having passed the Senate three times, at least. It had been reported out of the Claims Committees of both Houses before I even knew of its existence, and every Member who considered it thought it was a meritorious bill, and still think so, as I do. It was also approved by the State Department and the Federal Reserve Board.

But I do not complain that the President vetoed it. I think probably he should have; probably he did the wise thing to veto it, for a reason which was not disclosed in his veto message. I understand that it was thought that the bill raised the question whether or not it might open the door for suits under the "gold clause." Perhaps it was not wise to disclose that reason, but if that was the reason, it justified the veto.

I never met a Member of the House who did not maintain that it was a good bill, or the distinguished Senator from Massachusetts, who carried the bill to passage three times in the Senate.

Now, Mr. Speaker, I ask unanimous consent to insert at the end of my remarks a statement in regard to that bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. O'CONNOR. The bill, however, is dead. Now a vicious attack was made on our beloved Speaker in reference to it. Father Coughlin charged that the Speaker was in connivance and conspiracy in reference to the bill by attempting to refer it back to the Claims Committee with the veto message—the usual and invariable custom in these cases of vetoes. If that procedure had prevailed, the bill would be just as dead as it is now, because no one has ever known of a bill to come out of a committee after it had been vetoed.

Let us consider some further misstatements by the reverend father—and they cannot be accidental. He could have ascertained the truth. Father Coughlin said that Mr. Postnikoff, who was the head of the company mentioned in the bill, was a foreigner. The fact is he was born in California and is a 100-percent American. He said the company was a foreign corporation, when it is a New York corporation. He then asked the President over the radio if a Member of Congress had not written to the President, saying to him, "Mr. President, if you sign that bill, it will be the end of you and O'CONNOR." Almost all the membership is present. Will the Member who wrote that letter please stand up? [Laughter.] Of course, no Member stands, as no Member ever wrote such a letter.

Then the reverend father took his final thrust at me. After having called me "a tool of Wall Street" and an "assassin"—I could have stood for that even though it was on Sunday. [Laughter.]

But this is what he said, and I read it to you. This is what he charged. He charged me with being a burglar, [Laughter.] An actual burglar. There may be many crimes I have committed, but I have yet to go through a transom. [Laughter.] This is what the reverend father said over the radio; I trust he will put it in his printed address. He said, "More than that, and this is almost unexplainable, Mr. O'CONNOR glibly referred on the floor of the House to files in the State Department to support his argument, but when the investigators attempted to verify his statements as taken from the files of the Department, they found that the files had been stripped of every evidence bearing on the case."

Well, that is burglary, and nothing else. His inflection was what counted. Mind you, the State Department itself had always approved this bill. Of course, I wanted to find out from the State Department just when and how I did "burglarize" that institution, so I wrote the Secretary of State yesterday morning, and this is his reply to me:

DEPARTMENT OF STATE,
Washington, February 17, 1936.

MY DEAR MR. O'CONNOR: Reference is made to your letter of February 17, 1936, regarding a bill for the relief of the International Manufacturers' Sales Co. of America, Inc., which was recently vetoed by the President.

In response to your inquiry concerning the status of the files of this Department in connection with this matter, you are informed that an examination of the records of this Department shows the papers in this case are in order and in the files.

CORDELL HULL.

[Applause.]

Now, just how much of that kind of calumny must one stand? Just because you are a Member of Congress, just because you belong to the same church as the defamer, do you have to take that? You know the old expression, "Falsus in uno, falsus in omnibus." A judge always charges a jury that if a witness testifies falsely as to any material fact, the jury may disregard his entire testimony.

Now, Mr. Speaker, I have been in Congress for seven terms. About all I have left is my reputation. I do not receive any contributions from people throughout the country to maintain me. During the past few years I have not been able to practice law because of my constant duties here. I have a pride in my position, not only as chairman of the Rules Committee, but as a Member of this House. I have tried, not always successfully, I know, to maintain the honor and dignity of this position which I occupy, and which probably my ancestors never thought one of theirs would ever occupy.

There is no one who appreciates more than I what it is to be selected from among 127,000,000 people in the United States to be 1 of 435 Congressmen representing the people of this country. Shakespeare said in Othello:

> Who steals my purse steals trash; • • •
> But he that filches from me my good name
> Robs me of that which not enriches him
> And makes me poor indeed.

My purse has been stolen, but no one is going to rob me of my name without my giving a battle. [Applause.]

Mr. Speaker, I have four boys whom I love more than anything in this world. They are altar boys, serving Mass on the altar on Sunday. [Applause.] I propose to preserve my reputation to hand down to them, and I must meet any challenge as to my reputation, even though that challenge be hurled at me by a man of God. [Applause.]

Statement accompanying Mr. O'CONNOR's remarks above:

H. R. 4178, a bill for the relief of the International Manufacturers Sales Co. of America, Inc., A. S. Postnikoff, trustee, in the amount of $900,000, was approved by the House and Senate after having been considered by conferees on January 28–29, 1936.

A bill for the relief of the sales company was first introduced in the Senate by former Senator Pomerene more than 10 years ago. Similar bills have been introduced in practically each succeeding Congress in both the House and Senate by both Republicans and Democrats since that time. Every committee which has considered this claim during these intervening years has made a favorable report with respect to it.

The sales company is a New York corporation. Prior to its unfortunate experience in this transaction it had handled a large export and import business. It had never done any business in Siberia.

During 1918 the Sales Co. shipped 107,000 pairs of shoes from Boston for destinations in European Russia. The shoes were forwarded through Vancouver and Seattle and thence to Vladivostok, because, due to the war, trans-Atlantic cargo could not be had at that time. By the time the shoes reached Vladivostok, Siberia, the Bolsheviks had overturned the Kerensky government. For that reason the shoes were put in storage at Vladivostok and held there. Postnikoff, the president, who had been in European Russia, reached Vladivostok in the fall of 1918 with the intention of reshipping the shoes to America, or, if possible, to sell them in Japan. Siberia was at the time known as White Russia and was friendly to the Allies. The war had played havoc with the people of Siberia. In the fall of 1918, President Wilson adopted a plan of economic aid to the Siberian population. Five million dollars was appropriated out of his revolving fund to aid the people of Siberia. August Heid, who was attached to the American Embassy at Tokio, was sent to Vladivostok on instructions from the Secretary of State, to act as agent for the War Trade Board to give effect to President Wilson's plan of economic aid.

When Heid reached Vladivostok he learned that there were 107,000 pairs of shoes in storage in Vladivostok. He immediately got in touch with Postnikoff, who had meanwhile reached Vladivostok, and after a great deal of consideration, Postnikoff was prevailed on by Heid to permit Heid to take the shoes as agent for the War Trade Board and sell them to the people of Siberia. The shoes were thereupon turned over to Heid and his assistants. The transaction from there on was conducted by Heid. The shoes were delivered to Heid and were disposed of by him during December 1918, and January 1919. They were sold on a 90-day cash basis. Heid and his agents collected about six and one-half million rubles during March, April, and May 1919. Heid deposited these rubles in banks at Vladivostok and elsewhere in Siberia, to the credit of the Sales Co.

Unknown to Heid the Federal Reserve Board had issued a regulation February 14, 1919, which absolutely destroyed the value of the ruble in the money markets of the world. That regulation prohibited "the exportation or importation of Russian rubles or the transfer of funds for their purchase by persons and dealers in the United States" under authority of the Executive order of President Wilson of January 26, 1918. The real purpose of this regulation is not known. The record indicates that it was designed to keep Bolshevik money out of the United States. The regulation was issued without warning and without notice to either Heid or the Sales Co. At the time it was issued the exchange value of the rubles was $968,748.

When the regulation was issued the shoes were out of the possession of the Sales Co. and had meanwhile actually been disposed of by Heid, who was agent for the War Trade Board, an agency of the United States Government. The net result of the willingness of the Sales Co. to be of some assistance to the United States Government in its plan of economic aid to the Siberian population was that one agent of this Government took the shoes, sold them to the Siberian population, while another agent of the Government issued a regulation that made it impossible to convert the money collected for the shoes into American dollars.

Mr. Francis M. Anderson, Solicitor of the State Department, testifying before the Committee on Claims of the House in respect to this claim, stated that the loss sustained by the Sales Co. was due to the order issued by the Federal Reserve Board, and that "the situation, however, actually is that there was a loss caused to the company by an act of state, which would be proper itself, in an endeavor to give this relief to the company, which carried out the order under the encouragement of appropriate officials of the Government in the furthering of a plan which had been established by the War Trade Board."

The report of Senator LOGAN, of the Committee on Claims of the Senate, February 28, 1934, in connection with this bill states:

"The record discloses fully the orders for the relief of the people of White Russia. The shoes were actually distributed by the agents of the Government of the United States. The effect of the whole transaction was that the United States invited claimant to sell shoes to the people of Russia under the plans set up by the Government itself. The invitation was accepted. Then the Government of the United States, without giving claimant any opportunity to save itself, brought upon claimant the loss. The merit of the claim cannot be disputed. Equity and justice demand that the claimant be paid the amount of the loss sustained. The only serious question is what that amount is."

The record before the committees of both Houses which have considered this claim show that this is not a case of reimbursing the Sales Co. because rubles depreciated as the result of the Bolshevik uprising but because their value was actually destroyed by the regulation of the Federal Reserve Board. The rubles were in the Siberian banks, not as a regular commercial deposit, but as a step necessary for the agent of the War Trade Board to have taken to complete the transaction between the Sales Co. and that agent. The reports also show that the Sales Co. is the only American concern that actually furnished any goods to the Siberian population under President Wilson's plan of economic aid. This was due to the fact that its shoes were in storage at Vladivostok at the time by accident.

Three successive Secretaries of State have recognized the equity of this claim. The veto message of the President intimates that one of his reasons for vetoing the bill was that he thought the direct cause of the loss was the subsequent action of the Soviet Government in taking over the assets of the banks in Siberia. It is true that in 1921 or 1922 the Soviet Government assumed control of Siberia as well as European Russia, and took over all assets, but the facts before the committees show that long before this happened the regulation of the Federal Reserve Board had absolutely destroyed the ruble as a medium of exchange, and that this action prevented the Sales Co. from transferring the money deposited by the agent of the War Trade Board in the Siberian banks into American dollars. The American dollar was the only medium of exchange in Siberia at the time. Therefore it is not accurate to say that the direct cause of this loss was due to the subsequent action taken by the Soviet Government.

The President's veto message also states that the Sales Co. was engaged in business in Siberia and had by its own voluntary act shipped a large stock of shoes from the United States to Vladivostok, and his message implies that the agents of the War Trade Board merely assisted the Sales Co. in disposing of the shoes in Siberia. The President's message ignores entirely the important fact that Postnikoff came to Siberia not with the intention of selling the shoes there but to return them to the United States, and also ignores the fact that the Sales Co. had not done business in Siberia and that the shoes were in Vladivostok in the fall of 1918 by accident.

Both Houses of Congress approved the claim and recognized its equity. In *United States* v. *Realty Co.* (163 U. S. 427), the Supreme Court said that the term "debts" as used in the Constitution "includes those debts or claims which rest upon a merely equitable or honorary obligation and which would not be recoverable in a court of law if existing against an individual" and that the Nation "owes a 'debt' to an individual when his claim grows out of general principles of right and justice—when, in other words, it is based upon considerations of a moral or merely honorary nature, such as are binding on the conscience or the honor of an

individual, although the debt could obtain no recognition in a court of law."

The debt recognized by Congress in this instance is precisely of that nature. An agent of the War Trade Board induced a citizen of the United States and an officer of the Sales Co. to deliver shoes which were greatly needed by the population of Siberia to give practical effect to President Wilson's plan of economic aid to a friendly ally. Another agency of the United States Government made it impossible for the Sales Co. to obtain the money which was received by the agent of the War Trade Board from the sale of the shoes. Justice and equity certainly justify the recognition by this Government of such a claim.

The SPEAKER. Under the special order, the Chair recognizes the gentleman from Pennsylvania [Mr. BOLAND] for 10 minutes.

Mr. BOLAND. Mr. Speaker, ladies and gentlemen of the House, I listened very, very attentively to the remarks of my colleague from New York [Mr. O'CONNOR], who has been frequently castigated during the past 4 weeks and particularly last Sunday. I admire his courage. I admire the way he defended himself.

It is true that a representative of the gentleman to whom he referred is at present occupying a seat in the gallery, and I hope he will take these remarks of mine in the spirit I intend them and will take back to his boss the assurance that I defy the reverend gentleman, too. I have been informed by some of my friends in the city of Scranton, which I represent, that Father Coughlin intends to come to my district to see that I am driven out of Congress. Well, I shall welcome Father Coughlin to the metropolis of the anthracite coal fields and shall watch with considerable amusement his attempt to drive me out of Congress. He will find in that city and in the county of Lackawanna not illiteracy but intelligence. He will find a people who are learned in the system of government; a people who fully appreciate my actions in Congress. Particularly do they appreciate my action on the legislation provoking the present debate. [Applause.]

Ever since democracy was conceived and adopted by a people as the most ideal form of self-attainment in government, its primary task has been to safeguard that ideal against the unscrupulous and demagogic appeal of the self-seeking, ambitious impostor. With the phenomenal mechanical achievement of the radio, the opportunity for the impostor demagogue has multiplied until it has now become the chief threat to the existence of our form of government.

Evidence of this inherent threat in its latest form was manifested quite clearly the day before yesterday—to be specific, Sunday, which day is held sacred by most religions as a day of devotion and prayer. It is unfortunate that this day should be desecrated by one of the most vile and poisonous attacks ever made upon Members of the House of Representatives. This attack was made by a certain clergyman, who has the supreme audacity to dictate to the Members of this body how they should act and to threaten their further continuance in this body by stating that he would drive them out of Congress. He inferred in his stump speech—the only way you can designate it properly—that the Members he referred to were members of the money changers' class. He offered no proof of any description for such an assertion, but stated it with a brazen effrontery that must shock the sense of decency common to all believers in fair play.

I ask the Members of this body here now if there is one of you who will rise in his seat and accuse this gentleman who occupies the Speaker's chair of belonging to the money changers' class. That is the assertion that was made. Now, judge for yourself how preposterous this and his other assertions are.

To my mind a statement so false necessitates immediate repudiation by this body, and I cannot too strenuously plead to take the necessary action to protect the membership from similar experiences in the future.

The gospel, which is my guide as well as his, tells us to "Render unto Caesar the things that are Caesar's and unto God the things that are God's." This is one of the fundamental precepts of my enduring faith. [Applause.]

Is it surprising, then, that some of us believe this silver-brick artist who prates about the money changers in the temple has not the intellectual capacity to understand the inconsistency of his own position as he stands on the very altar of the God to whom his life is dedicated, with one hand on the gospel and the other engaged in counting the speculative silver he has hoarded? [Applause.]

It is my conscientious duty to vote for what I believe are the best interests of my people. I have tried to do that for 6 years. If ever I fail, I earnestly pray that the right to represent my people be denied me. And as long as my mind functions sanely I absolutely refuse to be influenced by coercion, threats, or poisonous remarks by any group or individual whether it is under the garb of religion or the scepter of civil power. [Applause.]

This gentleman may be a learned gentleman in the subject of theology and pose as a master on the subject of money, but his exhibition of ignorance of the rules of the House of Representatives and the power of appointments by the President of members of the committee is, to say the least, amusing. His vitriolic attack in personalities is the beginning of his end as a news item of importance. [Applause.] If my humble advice is worth anything, it is that he return to the gospel and extend his efforts to save souls instead of desecrating the Sabbath with poisonous attacks upon American citizens. I refuse to make any apology to him for any act of mine relative to his unwarranted abuse. His accusations are preposterous and ridiculous, and his presumption of dictating to the Members of this body is to me nonsensical and ordinarily would be unworthy of notice.

His advantage over my feeble effort to reach the people of this country is easily discernible. The vast sum of money at his disposal enables him to broadcast his vilifications. I am not in a position financially to combat such an evil. However, when I return to the district I represent, I shall let them know in no uncertain terms why I became the object of this man's abusive attacks, so unbecoming to one of his calling.

[Here the gavel fell.]

Mr. HAINES. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania may proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BOLAND. I have a fixed opinion in opposition to financing by inflationary methods and have so stated publicly. If in carrying out these beliefs I am to be condemned by this gentleman, then I must suffer his abuse; and if I am to be sacrificed on his altar of public opinion, such as it is, I again submit and welcome the sacrifice; but, in the meantime, let me notify him now that his raving and ranting will not scare me one iota, and his threat of driving me out of Congress will not change my opinion either of him or his inflationary ideas.

If doing my duty in the position I hold in this body is the object of his attack, again let me inform him that the people in my district will give him the answer later on.

I submit that inflation such as he advocates in the Frazier-Lemke bill has without exception brought chaos, misery, and despair upon every people throughout the history of all time who have been lured to the rocks by its siren call. This is my belief, on which I will stand or fall as a Representative. This man in his egotism evidences every characteristic of the cruel, selfish, and prejudicial dictator. America is great today in comparison with those nations that must suffer rule by men of such character. God, keep America safe and make easy the way of Members of our Legislature who have the moral courage to resist the demands of such unprincipled, self-seeking demagogues who would betray America, as Judas betrayed the Redeemer, for a handful of silver. [Applause.]

Mr. Speaker, in conclusion, let me inform this body today that I, too, belong to the faith this gentleman represents, and have children, seven in number. Five of these children and myself were educated in the convent schools in the city

of Scranton. I have a reputation at stake, and I do not propose to allow an attack of this character to go unchallenged. [Applause, the Members rising.]

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. SWEENEY].

Mr. SWEENEY. Mr. Speaker, I thank God that the Constitution is not suspended and that we still have the right of free speech. I am not here to answer the defense interposed by the gentleman from New York [Mr. O'CONNOR] or the gentleman from Pennsylvania [Mr. BOLAND], but I am here to answer some of the statements made by the gentleman from New York in his rebuttal to the radio speaker of last Sunday. I hope there is no intolerance in this House. I know there is intolerance in this country. I can take you to places where the blacks hate the whites and the whites hate the blacks, where the Protestants hate the Catholics and the Catholics hate the Protestants, where Jews quarrel with Christians and Christians quarrel with Jews. I wish to God that were not so in this land, but it is here, and the gentleman would like to inflame it still further by his reference to a priest being in politics. I ask you, Rev. Chaplain James Shera Montgomery, distinguished minister that you are, and you, Congressman EATON, who graced the pulpit of a church in my city for many years with dignity: Is it politics for a man of Christ to rise on Sunday in a pulpit or by use of a microphone and appeal for a change in an economic system that forces children to go to garbage cans for food; that causes millions to be unemployed and creates bread lines and soup kitchens? Is it politics to raise your voice before a microphone or in the pulpit to condemn a system that destroyed the savings of people when banks by the thousands in this country closed through the manipulation of crooked bankers in Wall Street and elsewhere in the Nation? Is it politics to raise your voice to insure orderly procedure in a democracy so that a Member of Congress, representing his people, may be heard and may get the opportunity for debate in this Congress? I have reference to the Frazier-Lemke petition and the denial of consideration. Is that politics? Then I say, thank God for Father Coughlin. Thank God for men like him who have courage to stand up on Sunday and speak to unseen millions, thirty, forty, or fifty million people, perhaps more, about this situation. You may applaud all you want today. You may jeer all you want today, but back in your districts—and they are not composed wholly or in major part of Catholic people; emphasis has been laid upon that today—there may be a different situation. Two Members of the House say they are being attacked because they are Catholics, or almost make that statement. They tell you about their family relationships, about their children being in convents and their boys on the altar. We are not concerned with that. We are concerned with whether this democracy is going to go on as a free institution, so that men will not sneak in that door [pointing], and come upon this pedestal and say to you: "Get your name off that petition; the President does not want it", thereby denying the right of 30,000,000 farmers to a hearing.

Mr. Speaker, that is what I am going to condemn as long as I am here, and that is what Father Coughlin is going to condemn. [Applause.] Oh, it is all right to say that this man is an itinerant preacher. May I correct the gentleman from New York? The man he has reference to is an accredited pastor of a church in Royal Oak, Mich. Mr. DONDERO represents that district, and I will ask him to speak and say whether he is an accredited minister of the Gospel or not. Better yet; let the gentleman ask his bishop.

Mr. O'CONNOR. Will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from New York.

Mr. O'CONNOR. I will take the gentleman's word for it if I have been misinformed.

Mr. SWEENEY. I did not like the inference all through your remarks to that effect.

Mr. Speaker, it was not so much Father Coughlin's attack on the methods used to impede the progress of the Frazier-Lemke petition that excited these gentlemen, or one of them, as it was his attack with reference to a private bill, that a good many Members of this House have their suspicions that something was wrong. I put in the RECORD this morning, and I want you to read it, a reference by my good friend from New York, who said he inherited this bill from his predecessor. His predecessor is dead. His lips are sealed forever. His predecessor was the greatest orator in this House—Hon. Bourke Cockran. His predecessor did not touch that legislation. In the Sixty-seventh Congress—the only time he could have handled it—the RECORD is silent on that subject. I rise to defend the good name of Bourke Cockran. I knew him in life, and I know that he would not touch any legislation which a President of the United States, which an Attorney General, the Treasurer, the Budget Director, and which a Comptroller General would join in recommending a veto.

What is wrong with Father Coughlin when he dares to attack the official records of public officials? That is his right. This is not Russia. Many may get offended because he calls them names and he says he is going to take the lash and drive the money changers out of Congress. There are many servants of big interests in this House. There are many who would like to sit in this temple under the old order and encourage the private monopoly of money. It will take the lash of the American people to restore to themselves the right ordained by the Constitution to control their own Congress—the right to coin money and regulate its value. That is what Father Coughlin is doing. He coined the phrase "Roosevelt or Ruin." I was at the Chicago convention as a delegate. I know the part he played for Roosevelt in 1932. He has a respect, a love, and a confidence for Franklin D. Roosevelt, but he wants to save him from his enemies. So do you on the majority side. You cannot speak of the forgotten man in lip service unless you do something for the forgotten man in fact. You cannot say "drive the money changers from the temple" and then shift to the right to appease the coupon clippers. We are living in a different day and a different generation, believe it or not. I think we have an intellectual ferment now in this country we never had before. The people know who runs the Government, thanks to men like Father Coughlin, thanks to the economists and the students who study these public questions, and who have, through the medium of the radio and the platform, given us a chance to understand.

They have given the man on the farm back in the isolated region, the factory hands, the servant girls that Mr. O'CONNOR talks about, the chance to understand. The gentleman referred to these servant girls donating to Father Coughlin's cause. His is the voice of the servants, the laborers, and the farmers. Oh, I have heard those arguments before. Does it become us to criticize the defender of the meek and lowly? It is the 10 cents, the thin dimes of the poor that build the lasting institutions of civilization. They criticize people who are supporting Dr. Townsend's philosophy because they pay 10 cents a month dues and demand an investigation. Why do not the Members in this House investigate the American Liberty League and the Liberty Bond League? What became of the investigation of the public-utilities lobby on the Wheeler-Rayburn bill, for which an appropriation of $50,000 was made? There has not been a hearing since last session of Congress. It may involve somebody, I do not know. Give us light, not heat.

The worst crime of the last Congress, in my opinion, was when the Wheeler-Rayburn bill came up here, in the frustrating of a death sentence in which the action of this Congress stinks to the high heaven. This was a bill backed by the administration. In many States the power lobby took the majority of the Congressmen away from the people's interest. The public must know and will know these facts. They do not get the CONGRESSIONAL RECORD, and the subsidized press does not give the facts to them except in speeches here and there; but we know that with respect to you men who are here that there is a day of reckoning coming. I can appreciate the state of mind that my friend from New York and my friend from Pennsylvania experience hearing from the people back home. I can appreciate that as a Representative in Congress, but I also know that even

though the heat is on, down in your hearts you know, and this Congress knows now, and the Nation knows now, there is only one issue—honest public service. Public office is a trust. The right of debate belongs to the Congress, not to be blocked by men at this door or at that door or in some office or even from this rostrum.

This is a democracy, and as long as I am here, if I have the time—and time is not given to many of us who would like to speak on these questions—I shall register my protest against the obstruction to free speech and honest debate.

Mr. DUNN of Pennsylvania. Mr. Speaker, will the gentleman yield? I have something that is important, but it will take me a minute or two.

Mr. SWEENEY. I yield.

Mr. DUNN of Pennsylvania. I want to say to the gentleman now speaking that I have great respect for my good friend, JOHN O'CONNOR, and also for PAT BOLAND, and for the President of the United States—in fact, for everybody—but what the gentleman has said today and what Father Coughlin has said over the radio pertaining to certain men coaching Congressmen and threatening them if they do not take their names off that petition is absolutely correct.

[Here the gavel fell.]

QUESTION OF PERSONAL PRIVILEGE

Mr. BLANTON. Mr. Speaker, I have refrained from interfering with the special orders today, but I clearly have a question of personal privilege, but unless it is necessary I do not care to assert it. I ask unanimous consent to proceed for 30 minutes.

Mr. MARCANTONIO. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of privilege.

Mr. BLANTON. Mr. Speaker, in this morning's Washington Post, in a front page long attack upon me, I read the following excerpts to show privilege.

In referring to a mass meeting in Washington Sunday, I read:

> It was virtually assured, however, that the meeting gained at least partially the ends it sought when the writer learned yesterday that the Blanton appropriation subcommittee would approve restoration of many health items which were eliminated by the Budget Bureau.

It was the President's Budget they were attacking.

In a continuation of the article, which covers much of another page, I read——

Mr. ZIONCHECK. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. ZIONCHECK. It is very evident that this is not a matter of privilege. The question was not raised in the House, but is in a newspaper article, according to the gentleman's own statement.

The SPEAKER. The Chair will hear the gentleman. The point of order is overruled.

Mr. BLANTON. I read further:

> Dr. Prentiss Willson, who served as chairman of the mass-meeting committee on program and resolutions, last night issued a statement in which he asks concerted action to have BLANTON transferred from his present powerful post on District affairs.

And under a headline "Called Unfit for Post" it continues:

> This is so obvious that his further retention on committees dealing with the District ceases to be a personal matter and makes the whole House of Representatives a party to his blind prejudice and responsible for a continuation of his activities.
>
> Any civic group that now fails to exercise its right to petition the House of Representatives to effect his removal from committees dealing with the District is not only derelict in its duty but guilty of forgetting the truth that opportunity is prone to knock but once on any door.
>
> In other words, the psychological moment has arrived.

Mr. Eugene Meyer's Washington Post says "the psychological moment has arrived" for the Washington newspapers to get me out of their way, so they may rob the Treasury.

And in a long editorial, covering almost an entire column of the Post, in a long attack, I read only the concluding paragraph, which clearly shows privilege:

> The case of the people of Washington against THOMAS L. BLANTON is clearly posed. It is one of ignorant and prejudiced domination over local appropriations by a Congressman whose chief reliance in an argument seems to be epithets and fists. It is an important case for Congress as well as for the voteless Capital City.

Note this, Mr. Speaker—

> Indeed, the disgrace that such tactics bring upon the National Legislature—aside from their deplorable effects upon Washington—should result in a speedy transfer of Mr. BLANTON—

And so forth.

Mr. Speaker, I submit, without reading further, that under our rules this clearly shows privilege.

The SPEAKER. The rules of the House provide that questions of privilege shall be first those affecting the rights of the House collectively, its safety, dignity, and integrity of its proceedings; second, the rights, reputation, and conduct of Members individually and in their representative capacity only.

Without entering into a discussion of the language which has been read by the gentleman from Texas, the Chair clearly thinks that the publication which charges that his conduct has been so disgraceful as to reflect upon the Members of the House entitles the gentleman to be heard on the question of privilege, and the Chair therefore recognizes the gentleman from Texas for 1 hour. [Applause.]

Mr. BLANTON. Mr. Speaker, because I want to cooperate with the majority leader in taking as little time as is absolutely necessary, I shall have to refuse to be interrupted, and cannot yield, at least until I present some important matters to the House. I ask unanimous consent to revise and extend my remarks, and include a few excerpts.

Mr. MARCANTONIO. What excerpts?

Mr. BLANTON. Various excerpts which I shall refer to without going into them in extenso.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLANTON. Mr. Speaker, the Continental Congress in our country in its early days, because of obstruction and interference from the people outside, was forced to meet and assemble on 10 occasions in 8 different places in succession. The Congress met at Philadelphia; at Baltimore; back to Philadelphia; at Lancaster, Pa.; at York, Pa.; then back to Philadelphia again; at Princeton, N. J.; at Annapolis, Md.; at Trenton, N. J.; and in New York.

Because of interference and obstructions from local people from time to time, the Congress of the United States had its seat of government both at New York and in Philadelphia. In order to have a seat of government where Congress might attend to the business of the people without interference, back in 1790 there was arranged for the Government to acquire a site of its own that should belong to the Government; that should be controlled by no other power than Congress itself; and that was provided in the Constitution of the United States fixing a seat of government 10 miles square, which is now known as the District of Columbia.

Mr. Speaker, at the outset of my remarks I deem it advisable to show constitutional authority for the Congress of the United States to control at all times not only all legislation pertaining to and affecting the District of Columbia, but also all of its expenses.

I call attention to the Constitution of the United States with respect to the duty that the Congress owes and the authority that it exercises over the District of Columbia. Clause 17 of section 8 of article I of the Constitution of the United States provides that the Congress shall have power—

> To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States.

I quote now from Watson on the Constitution, page 698:

> This clause confers upon Congress absolute control and authority over the District of Columbia. It probably grew out of an unpleasant episode in the history of the Continental Congress while it was sitting in Philadelphia.

Toward the close of the War of the Revolution Congress was surrounded and greatly mistreated by a body of mutineers of the Continental Army. This led to the removal of the seat of government from Philadelphia to Princeton, N. J., and later, for the sake of greater convenience, to Annapolis.

In construing the above clause of the Constitution in the cases I shall thereunder cite, the Supreme Court of the United States held:

By this clause Congress is given exclusive jurisdiction over the District of Columbia for every purpose of Government, national or local, in all cases whatsoever, including taxation. The terms of the clause are not limited by the principle that representation is necessary to taxation (*Loughborough* v. *Blake*, 5 Wheat. 321; *Kendall* v. *U. S.*, 12 Pet. 619; *Shoemaker* v. *U. S.*, 147 U. S. 300; *Parsons* v. *District of Columbia*, 170 U. S. 52; *Capital Traction Co.* v. *Hof.*, 174 U. S. 5; *Gibbons* v. *District of Columbia*, 116 U. S. 404).

In the First Congress of the United States, in an act approved July 16, 1790, entitled "An act for establishing the temporary and permanent seat of Government of the United States", it provided:

That a district of territory, not exceeding 10 miles square, to be located as heretofore directed on the River Potomac, at some place between the mouths of the Eastern Branch and Connogochegue, be, and the same is hereby accepted for the permanent seat of government of the United States.

The above act provided for the erection of suitable buildings for the accommodation of Congress, and of the President, and for the public offices of the Government by the first Monday in December 1800, until which time the temporary seat of government should remain in Philadelphia, Pa., but that on the first Monday in December 1800, the seat of government and all offices of the United States should be transferred and removed to said district, and thereafter cease to be exercised elsewhere.

EXPLANATION BY WILLIAM HOWARD TAFT

On May 8, 1909, leading citizens of Washington gave a banquet to President Taft, who in later years was Chief Justice of the Supreme Court of the United States. In explaining the necessity under the Constitution for preventing the people of Washington from having self-government, President Taft, in addressing said banquet, said:

This was taken out of the application of the principle of self-government in the very Constitution that was intended to put that in force in every other part of the country, and it was done because it was intended to have the representatives of all the people of the country control this one city, and to prevent its being controlled by the parochial spirit that would necessarily govern men who did not look beyond the city to the grandeur of the Nation and this as the representative of that Nation.

In an article prepared by George W. Hodgkin, which was published as Senate Document No. 653, second session, Sixty-first Congress, on June 25, 1910, he quoted the above statement from President Taft and admitted the following:

Congress exercises over the District of Columbia, in addition to its national powers, all the powers of a State, including the power to control local government. Local officials are either directly or indirectly appointed by and are responsible to the National Government.

Madison argued:

The indisputable necessity of complete authority at the seat of government carries its own evidence with it. Without it, not only the public authority might be insulted and its proceedings interrupted with impunity but a dependence of the members of the General Government on the State comprehending the seat of government for protection in the exercise of their duty might bring on the national councils an imputation of awe or influence equally dishonorable to the Government and dissatisfactory to the members of the confederacy.

There is no room for doubt that the Constitution, without amendment, does not permit the participation of the District in national affairs.

Several attempts have been made so to amend the Constitution as to give the inhabitants elective representation in Congress and participation in presidential elections.

ORIGINAL CESSION OF DISTRICT BY MARYLAND AND VIRGINIA

The State of Maryland, by an act approved December 23, 1788, directed that—

The Representatives of this State in the House of Representatives of the Congress of the United States, appointed to assemble at New York on the first Wednesday of March next, be, and they are hereby, authorized and required on behalf of this State to cede to the Congress of the United States any district in this State, not exceeding 10 miles square, which the Congress may fix upon and accept for the seat of Government of the United States.

The State of Virginia, by an act approved December 3, 1789, provided:

That a tract of country not exceeding 10 miles square, or any lesser quantity, to be located within the limits of this State, and in any part thereof as Congress may by law direct, shall be, and the same is, forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right and exclusive jurisdiction, as well of the soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of the Government of the United States.

It should be remembered that Mr. Hodgkins was discussing the matter from the standpoint of the citizens of the District of Columbia, and he made the following pertinent admission:

Congress exercises over the District of Columbia, in addition to its national powers, all the powers of a State, including the power to control local government. Local officials are either directly or indirectly appointed by and are responsible to the National Government.

In 1846 Congress ceded back to Virginia the city and county of Alexandria.

In 1871, after continual hammering of Congress by the papers of Washington, it passed an act giving the District a government of its own and provided that the tax rate in Washington should be $3 on the $100 and provided for the District to elect and send a Delegate to Congress.

It took only 3 years for Congress to recognize the unwisdom and folly of such an affront to the Constitution, and in 1874 Congress repealed that foolish act and abolished the position of Delegate.

PHILADELPHIA HOUSED BOTH HOUSES OF CONGRESS FREE

It is interesting to remember that during the 10 years the seat of our Government was located in Philadelphia the commissioners of the city and county of Philadelphia furnished to our Government without any charge whatever the building at Sixth and Chestnut Streets for the use of both Houses of Congress.

The removal to Washington of the seat of our Government from Philadelphia was completed by June 15, 1800. A building was rented in Washington near the corner of Ninth and E Streets NW., about where the south wing of the present old Post Office Department Building is situated, at a rental of only $600 per year, and the owner permitted the Government to spend half of that sum for renovations and improvements, and this building housed the Post Office Department of the United States and the local post office for Washington and quarters for the family of Hon. Abraham Bradley, Jr., the Assistant Postmaster General, all provided for an annual rental of only $600.

The main objective of our Government in acquiring territory owned and controlled by it for its seat of government was to have complete authority over it, which Madison said was "an indisputable necessity." Without complete authority, Madison said, Congress might be insulted. It was Madison who said that without complete authority over its seat of government there might be an awe or influence exerted over Congress that would be dishonorable to the Government, and that the proceedings of Congress might be interrupted with impunity.

Subsequent developments have demonstrated the great wisdom of our forefathers when they acquired a territory of 10 miles square for a seat of government, to remain under the absolute control and authority of Congress.

Even such a loyal, able advocate of the District of Columbia as George W. Hodgkin was forced to admit that Congress exercises absolute control over the District of Columbia and that local officials are responsible to the National Government, and that "there is no room for doubt that the Constitution, without amendment, does not permit the participation of the District in national affairs."

People who see fit to reside in the District of Columbia do so with knowledge of the above situation and constitutional limitations. They cannot justly complain that they cannot run the affairs of the seat of government, when

their Constitution provides that such affairs shall be run by Congress. If they do not like the provisions of the Constitution and the exercise of those provisions by Congress, they can move away from Washington and go elsewhere. They are not tied here. They can move at will. And they had better move, because Congress is going to stay here.

This Government moved here to occupy its own site in 1800, and history has been repeating itself ever since.

Why, during the last 100 years there has been interference after interference with the orderly proceedings of Congress by local people of Washington. It was this interference and constant bullragging that finally persuaded Congress in 1871, against the provisions of the Constitution, which Constitution provided that Congress shall retain absolute control over all legislation and tax matters in the District of Columbia; in the face of that provision of the Constitution they persuaded Congress to establish a District government with a governor and a representative in the Congress.

It then took 3 years for them to repeal such law, when they realized they had exceeded the constitutional authority.

Ever since then there has been a determined effort on the part of the people to override Congress and take from it its control over legislation and tax matters in the District.

Every man who has had the temerity on committees, either as chairman or otherwise, to stand up and oppose unreasonable demands of Washington people and maintain the constitutional rights of the United States Government against Washington people's attempted control of Congress, has been attacked, ridiculed, bemeaned, belittled, libeled, and slandered, and most of them have been ruined and put out because of the attacks made upon them by Washington newspapers.

My old friend Ben Johnson, of Kentucky, than whom there was never a braver man or one better posted on the affairs of the District of Columbia, was attacked, unjustly criticized, grossly slandered, and bemeaned by the Washington newspapers which belittled and hounded him until they made his life miserable.

I was very close to him as we officed near each other on the same floor, and he gave me much valuable help and assistance in my check-up here of District affairs. During the years he was chairman of the District Committee, every time he took a decided stand against their unjust demands, the newspapers here would attack him unmercifully and sought in every way to remove him.

His committee, under his able guidance as chairman, once conducted a careful, painstaking investigation of the many huge sums of money this Government had spent for the people of Washington and the many things the United States had done for and given to the people of Washington, and he claimed at one time that the Washington people owed the Government of the United States about $60,000,000.

Yet, at all times, Mr. Speaker, the distinguished gentleman from Kentucky, Ben Johnson, was most generous to Washington and to the people of Washington. He did much to help develop and beautify this wonderful city. But, because he would not obey the mandates of the Washington newspapers, they persecuted him with abuse, with ridicule, with false accusations and slander until he got tired of it all and said, "It isn't worth while." He said, "I have done my part in carrying on the fight; now let somebody else do some of it." They broke his spirit. They murdered him. They have tried to ruin every Member of Congress who stood up and opposed them.

Mr. ROBSION of Kentucky. May I correct the gentleman? Ben Johnson is alive today.

Mr. BLANTON. I was talking about his political life.

Mr. ROBSION of Kentucky. But Ben Johnson is very much alive today.

Mr. BLANTON. I was talking about his political life here in Congress, when he was the able, efficient chairman of the District Committee.

Mr. ROBSION of Kentucky. He is running Kentucky now.

Mr. BLANTON. But when he was here the newspapers made his life miserable. I was determined that those who took up his work where he left off should have help and should not have to bear the burden alone. Because the newspapers could not control them, I have seen such brave, fighting men as Louie Cramton, of Michigan, and Bob Simmons, of Nebraska, defeated and put out of Congress, partly because of newspaper attacks against them.

When I was placed on the District of Columbia Committee about 20 years ago, my friend Ben Johnson gave me a lot of most valuable information, and many of his records, reports, and data which he collected on District matters. That has been helpful to me in my work on the District finances and legislation.

DOCTORS' ATTACK ON PRESIDENT

Mr. Speaker, before our committee met or ever held a hearing on the District appropriation bill the Washington newspapers began vicious attacks upon committee members, especially upon me, because they knew I was to be the chairman in charge of that appropriation bill. In a big headline on the front page they said, "Dr. Bocock defies BLANTON about health matters in Gallinger." I have here a letter received from Dr. Herbert P. Ramsey, a splendid gentleman and a highly respectable citizen, who is chairman of the committee on public information for the Medical Society of the District of Columbia. He wrote to me as follows:

THE MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA,
Washington, D. C., February 13, 1936.

DEAR MR. BLANTON: May I call your attention to certain inaccuracies in a report carried in the Washington Herald yesterday (February 12), specifically a subheadline as follows: "Dr. Bocock defies BLANTON."

Nothing could be further from the truth. A reporter from the Herald visited this office on the afternoon of the 11th and interviewed the undersigned concerning conditions at Gallinger Hospital. Dr. Bocock was not present and knew nothing of the interview. Factual data was given the interviewer, and no reference at all was made to you.

On account of the uncertainty of accurate news reporting by this paper, as evidenced by this article, we have notified the city editor of the Washington Herald that he can expect no further news from the committee on public information of the medical society during the present publicity campaign unless and until he finds some way to make amends for the injustice done to you and to Dr. Bocock.

Very sincerely yours,

HERBERT P. RAMSEY, M. D.,
Chairman, Committee on Public Information.

The newspapers have never yet corrected that untrue statement. They have never yet said that Dr. Bocock did not have anything to do with that erroneous publication and made no reference to me whatever.

Dr. Bocock appeared before our committee and testified at length in behalf of his institution with reference to the conditions and the needs there. He said that the above publication was absolutely untrue; that he had never asked me for a thing that I did not give him; that he had never asked our committee for a thing that the committee did not give him; that he has not even called on me since last year.

That is the way this misinformation gets out.

The Washington papers incited a big mass meeting that was held by the physicians of the District on last Sunday. They worked it all up. They managed it. When I first heard of that I said to one of the physicians connected with it: "You allow these newspapers to create a sentiment that does not exist. You will let them make Washington people think we are antagonistic when we are not. We are alive to the medical needs of Washington. We are alive to the situation. You let them poison the minds of the Washington people against Congress." The minds of Washington people are poisoned against Congress. Newspapers here have caused it. Just go down here and get into a traffic accident with some Washington person and you will see how quickly they all will take sides against you. They will take sides against any Congressman every time. Their minds have been poisoned against Congress.

Some of the very best friends I have in my district are physicians. Some of my best friends in Washington are physicians. I visit in their homes. I have fraternized with

them. In this big Medical Society of the District of Columbia there are several hundred of the finest men in Washington. I respect them. I have for them only the friendliest of feeling. But that does not keep me from denouncing the improper practices of some of them.

And when some physicians in their organization make an unjust, improper attack upon the President of the United States, and call a mass meeting as an indignation meeting against the President, for that is what it was, pure and simple, because they met to attack the President's Budget and to make people believe that the President was wholly unsympathetic toward proper funds for public health in Washington; and they invite me to come to their meeting and then hiss their guest, because I defend the President, I had the right to defend against such improper discourtesy.

Here is our colleague from New York, Mr. SIROVICH, an eminent physician, who has served with us for years. Are we not good friends and have we not always been?

Mr. SIROVICH. Yes; except on prohibition.

Mr. BLANTON. Except on prohibition; but, in spite of prohibition, we are close personal friends.

Mr. SIROVICH. We were friendly enemies then.

Mr. BLANTON. We were friendly enemies even then, when we fought almost daily on prohibition. Every day in the week these newspapers advertised this mass meeting that was held last Sunday. I talked with several Members of Congress, and we finally agreed not to attend the meeting. We felt that there would be an effort there to involve us in controversies that might be hurtful to the Congress, so we decided not to go. I made arrangements to spend that afternoon with a reporter of the Washington Post, visiting hospitals in Washington. I had an engagement with him to begin at 3 o'clock. When I went home I found a personal invitation from this committee of physicians, inviting me to be present, and I found another letter from a doctor urging me to be present. I felt that as your representative and as chairman of your committee holding hearings, I did not have a right to refuse to go there. Being especially invited, I went there.

That was the biggest flop I ever saw of a public mass meeting. I am used to counting a quorum in this House, and I can tell when there is a quorum here. In that big auditorium in the Central High School at this meeting that had been advertised daily for a week, after they advertised all the big organizations that were sponsoring it, there were people on both sides along the middle aisle and some people in front. But all that big space on the right part of the auditorium was empty. And the left part of the auditorium was empty.

Up in that big gallery, they had five ushers and only three people up there during the entire meeting—five nurse ushers and three in the gallery audience. There were not over 300 people there at the outside, and any unbiased person will tell you so. They had to wait until 12 minutes past 3 to get enough people to start the meeting, notwithstanding they had a spendid orchestra there giving music all the time to draw the people.

I walked in and sat down. Here is the big printed program they had. Here was an indignation mass meeting. Were the people of Washington perturbed about the way Congress was treating them? No. The people were not alarmed. They stayed at home. They did not attend. In a big city of 500,000 population only 300 people were there. Most of them were doctors, doctors' wives, and nurses, and people connected with the hospitals. I was the only Congressman present, because the chairman asked if any Congressmen were there to stand up, and nobody responded. Here is their big printed program:

THE PUBLIC HEALTH EMERGENCY IN WASHINGTON—MASS MEETING OF CITIZENS OF THE DISTRICT OF COLUMBIA, SUNDAY, FEBRUARY 16, 1936, AUDITORIUM OF THE CENTRAL HIGH SCHOOL, WASHINGTON, D. C., SPONSORED BY THE MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA

COOPERATING ORGANIZATIONS

District of Columbia Federation of Women's Clubs.
The Parent-Teacher Association of the District of Columbia.
The Merchants' and Manufacturers' Association.
The Washington Federation of Churches.
The Tuberculosis Association of the District of Columbia.
District of Columbia Dental Society.
The Washington Central Labor Union.
The Federation of Citizens' Associations.
Catholic Charities of the District of Columbia.
The Washington Board of Trade.
Graduate Nurses' Association of the District of Columbia.
The Federation of Architects, Engineers, Chemists, and Technicians, Washington Chapter.

"Public health is purchasable. Within certain natural limitations any community can determine its own death rate." (Dr. Herman Biggs, former health officer of the State of New York.)

Then on the next page was:

The Right Reverend James E. Freeman, Bishop of Washington, honorary chairman.

Rev. Dr. Abram Simon, rabbi, of the Washington Hebrew Congregation, chairman.

PROGRAM

Music by Leon Brusiloff and his string ensemble.

Musical selections: Processional march, March of the War Priests (from Athalia), Mendelssohn; Trees, Rasbach.

Introductory remarks, Rabbi Simon.

The Facts of the Health Situation in Washington, Dr. Sterling Ruffin, president, the Medical Society of the District of Columbia.

The Increased Problem of Charities Due to Inadequate Funds for Public Health, Rev. Dr. Lawrence J. Shehan, assistant director of Catholic Charities of the District of Columbia.

Serenade, Tosselli.

Public Health from the Woman's Point of View, Mrs. Harvey W. Wiley.

Public Health a Purchasable Commodity, Dr. Harry Stoll Mustard, associate professor of public health administration, School of Hygiene, Johns Hopkins University, Baltimore, Md.

Report of the committee on resolutions, Dr. Prentiss Wilson, chairman.

Exit march, For Your Land and My Land, Romberg.

On the outside page was—

COMMITTEE ON ARRANGEMENTS

Dr. Arthur C. Christie, chairman; chairman, public health committee of the Washington Board of Trade.

Dr. C. B. Conklin, secretary, Medical Society of the District of Columbia.

Mr. Robert J. Cottrell, executive secretary, the Washington Board of Trade.

Dr. Herbert P. Ramsey, chairman, committee on public information, Medical Society of the District of Columbia.

COMMITTEE ON PROGRAM AND RESOLUTIONS

Dr. Prentiss Wilson, chairman; chairman, committee on medical economics, Medical Society of the District of Columbia.

Mrs. Lloyd Biddle, president, District of Columbia Federation of Women's Clubs.

Miss Inez Cadel, president, Graduate Nurses' Association of the District of Columbia.

Mrs. L. B. Castell, president, the Parent-Teacher Association of the District of Columbia.

Mr. James E. Colliflower, president, the Merchants' and Manufacturers' Association.

Rev. Dr. W. L. Darby, executive secretary, the Washington Federation of Churches.

Mrs. Ernest R. Grant, executive secretary, the Tuberculosis Association of the District of Columbia.

Dr. Stephen Hopkins, president, District of Columbia Dental Society.

Dr. William H. Hough, chairman, Committee on Public Health, Medical Society of the District of Columbia.

Mr. John Locher, president, the Washington Central Labor Union.

Mr. Thomas Ellis Lodge, president, the Federation of Citizens' Associations.

Rt. Rev. John O'Grady, director of Catholic Charities of the District of Columbia.

Mr. Alexander Richter, president, Federation of Architects, Engineers, Chemists, and Technicians, Washington Chapter.

Mr. John Saul, president, the Washington Board of Trade.

Eight local hospitals and the Instructive Visiting Nurse Society have cooperated in providing nurses to usher at this meeting.

REGRETS ANNOUNCED

The Right Reverend James E. Freeman, honorary chairman, Bishop of Washington, did not come. He sent his regrets. He could not come.

The Increased Problem of Charities, Due to Inadequate Funds for Public Health was not forthcoming, as the Reverend Dr. Lawrence J. Sheehan, assistant director of Catholic Charities of the District of Columbia, sent his regrets. He could not come. He had to be somewhere else.

THE PEOPLE'S PETITION

They had a large number of nurses circulating the following petition, presenting it to every person in the audience, and asking them to sign it. I signed the first paragraph only of it. I now quote it:

THE PEOPLE'S PETITION TO FIGHT TUBERCULOSIS

To the District Committees of the Senate and House of Representatives:

We, the undersigned citizens of the Nation's Capital City, being determined to reduce the shamefully high tuberculosis death rate—second highest in the United States—to combat with all available means this communicable but preventable disease, and to make our city a safer place in which to live and to rear our children, do urge your favorable action:

1. That the adult Tuberculosis Hospital at Fourteenth and Upshur Streets shall not be closed on December 31, 1936.

2. That a comparable number of hospital beds shall be provided in this city for critical and surgical tuberculosis cases before the Upshur Street hospital shall be closed.

3. That the Glenn Dale Sanatorium, when in operation with 700 beds, will still be insufficient so long as more than 600 persons die each year from this communicable disease.

4. That 32 nurses should be the minimum staff to care for 300 children at Glenn Dale on the basis of the recommendation of the National Hospitalization Committee appointed during President Harding's administration.

5. That the Nation's Capital City of the world's richest country, at present spending only 98 cents per capita for public-health services, can well afford to spend from $2 to $2.50 per capita, which is the accepted standard for other cities.

We sign this petition in the hope that the United States Congress will appropriate funds sufficient to secure for their own legislators the same degree of health protection, while they are in Washington, D. C., that they are afforded in their respective home communities.

I saw them present the petition to lots of people in the audience. Some of them would look at it a moment, glance at the signatures, and without reading it would sign it; yet it would take anyone of you gentlemen 5 minutes to read and digest the resolution. They would see that some other people had signed it and then they would sign it, although I noticed that some men and women who did read it did not sign it, but handed it back. I do not know how many signatures they may have gotten all over town, but that was the way it was signed there in that meeting.

That whole mass meeting was a reflection upon the President of the United States; it was an attack upon his Budget. It intimated that he was not alive to the necessity of public health in his Capital, where he presides in the White House as the Chief Executive of this Nation, notwithstanding all he has done for the afflicted, notwithstanding all his efforts at Warm Springs. It was a reflection upon him. It was a reflection upon the Congress of the United States.

Let me read you what Colonel Yaden, of the United States Civil Service, who has been president of the Federated Citizens' Association of Washington for several years—Colonel Yaden, one of the finest men I ever knew, and those of you who know him will agree with me—let me show you what he wrote this outfit when they tried to get him to sponsor this meeting. I quote his letter:

WASHINGTON, D. C., *February 14, 1936.*

Dr. C. B. CONKLIN,
Secretary, the Medical Society of the District of Columbia,
1718 M Street, Washington, D. C.

MY DEAR DR. CONKLIN: I have your special-delivery letter of the 12th instant, which was received by me this morning, February 14, at 7:30, advising me of the deep interest of gaining funds sufficient to meet the health needs of the District of Columbia and inviting my organization to join with the Medical Society and other organizations in a mass meeting at the Central High School at 3 p. m. on Sunday, February 16, 1936.

I appreciate the high purposes and the aims of the Medical Society of the District of Columbia. I feel, however, that your society is taking a very foolish step and one that is calculated to injure the cause which you espouse. I have dealt with Senators and Congressmen for 18 years, and I found very few whom I could drive, although I have found most of them reasonable and willing to go along when I was in the right. I have always tried to prevail upon the organizations of which I was president and of those to which I belong to "let's try logic on Congress rather than 'mob' them, scold them, abuse them, or try to drive them."

I am very much interested, and have been for years, in the public health of the District of Columbia; but believing that you are attacking the problem in the wrong way, I regret to have to advise you that I shall be unable to ask my organization to participate in the mass meeting referred to.

With highest personal regards, I am,

Very sincerely yours,

J. C. YADEN, *President.*

Remember, I was an invited guest at this meeting—I was representing you—I was invited there because I was chairman of one of your committees framing an appropriation bill. Any disrespect shown me was disrespect shown to you. Disrespect that was shown me was because of what I was doing in your committee. Now, let me show you what happened. When in my speech I said—"My friends, Congress has always been generous with the people of Washington, and you can depend on Congress being generous now"—some of those doctors and those doctors' wives and their friends in that audience, whose minds the Washington newspapers have poisoned, booed me and hissed me because I made that statement. [Applause.]

Oh, well, that applause from only one Member comes from the leading Communist of the country—the man who leads the Communists of his in New York. When the authorities say it is against the law to have a parade, when they do not let him and they order him not to have one, he says: "I came here to hold a parade, and I am going to hold it. Come on!" And about that time a policeman took charge of him and took him to the police station.

Mr. MARCANTONIO. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MARCANTONIO. I was going to ask that those words be taken down and stricken from the RECORD, but inasmuch as they come from the gentleman from Texas, anything he says against anybody is only a boost and I am not going to ask to have them taken down and stricken from the RECORD.

Mr. BLANTON. Because the gentleman knows I have made a true statement.

I am glad that the House granted me permission to revise and extend my remarks and to incorporate excerpts, because it gives me an opportunity to show that I have in no way been unfair to my colleague from New York. He was the only Member of this Congress who applauded when I said that some people at that doctors' mass meeting "hissed me" when I told them that Congress would be fair to the people of Washington. Communists believe in "hissing" at public gatherings. The New York Times is a substantial newspaper, well recognized for its accuracy. Here is what it said this morning regarding last Saturday's demonstration in New York:

Police Commissioner Lewis J. Valentine replied yesterday to Representative VITO MARCANTONIO's challenge for a gymnasium bout by offering to meet the challenger "with a flit gun" in Madison Square Garden.

At the same time Victor F. Ridder, W. P. A. Administrator, denounced as Communist agitators Mr. MARCANTONIO and others who took part in the Madison Square Park demonstration last Saturday. The demonstration ended when Mr. MARCANTONIO and 12 others were taken to the East Twenty-second Street Station in a police patrol wagon for "protective custody."

As a sequel to police action that stopped the parade, which was to have proceeded from Madison Square Park to W. P. A. headquarters, in the Port Authority Building, Fifteenth Street and Eighth Avenue, Mr. MARCANTONIO announced that he would like to meet Mr. Valentine "alone in a gymnasium."

SEES "BOY" IN MAN'S JOB

Mr. Valentine laughed off the challenge when he left his weekly conference with Mayor La Guardia at City Hall. Then he observed:

"This is just another evidence of what happens when you elect a boy to a man's job."

RIDDER ASSAILS AGITATORS

Mr. Ridder, in discussing the disturbance, challenged the right of Mr. MARCANTONIO to call himself a Republican. He added:

"This was a Communistic demonstration. MARCANTONIO can call himself what he wants. He can call himself a Republican until he is blue in the face, but actually the other day showed that he wasn't a member of any party.

"Instead of using the W. P. A. as a smoke screen for communistic demonstrations, the Communists should be allowed to continue their meetings in Union Square as heretofore. The list of the people arrested on Saturday shows again that there were practically no W. P. A. workers involved in either the demonstration or in the altercations."

Mr. Ridder declared he "bitterly resented the efforts of agitators to attempt to fasten on the W. P. A. in New York City the onus of this disgraceful demonstration, which was nothing but a political activity and in no sense a demonstration or protest by the workers of W. P. A."

Inasmuch as the gentleman from New York, and he alone, saw fit to applaud, it would be manifestly unfair for me to allow the matter to go unexplained, when readers all over the United States, seeing in the RECORD "applause", might

otherwise assume that more than one Member here caused such applause.

When the newspapers of Washington misrepresent the facts about me they may expect me to correct their misstatements. I am not going to let them get away with it. I am going to call their hand.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. BLANTON. No; I will not yield now.

Mr. ZIONCHECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ZIONCHECK. If this is privileged, any time a newspaper tells a lie about me I am going to take an hour to talk about it.

The regular order was demanded.

Mr. BLANTON. Mr. Speaker, I refuse to be interrupted by obstreperous conduct like that.

Now, I will tell you what caused a threatened physical attack to be made on me. I was appealing to the doctors there to stop certain abuses. I told their medical society officers there that a doctor appeared before our committee and testified that he received a salary of $3,200 from the District of Columbia for full time, and yet he admitted that he did private practice, and maintained a private office, and that any hour of the day if any of his private patients called him he would leave his public job and go to that patient. I told them that there were too many doctors on the pay roll being paid by the District government taxpayers and who give too much time to private practice in their offices uptown. When the meeting was over and I went to the back stage to get my overcoat and hat, because I made that statement, there were 8 or 10 doctors surrounded me in a circle and they tried to abuse me, until they found out that I would not take it.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. BLANTON. I do not yield to the gentleman.

Mr. ZIONCHECK. That is the very crux of it right there.

Mr. BLANTON. I will not allow the gentleman to interject any remarks in my speech.

When they began to be abusive, I acted just like you would. I was there to defend not only myself, but also to defend the integrity of the House. These statements were being directed against the House in a mass meeting, because I was chairman of a committee acting for the House. The whole mass meeting, in effect, was an attack upon the President and Congress. When they surrounded me and began their abuse, I said: "Just wait a minute, if you insist on a scrap, you cannot gang up on me. I am here by myself. You are ganging up on me, but you cannot do that. If you will get back, however, and come at me one at a time I will take you on one at a time." Now is that not just what you would have done? I was there defending the integrity of this House, because I attended that meeting in my representative capacity as chairman of one of your committees.

DOCTORS ON THE PAY ROLL

Now let me mention some of the doctors who are on the pay roll of the District of Columbia. This is official data furnished me this morning by the District auditor, Major Donovan. Let me read some of the doctors' names and salaries. Many of them are in private practice and have offices uptown. They get big salaries from the District government and the United States contributes $5,700,000 annually on the District expenses. There are some of them who do not maintain a private practice, but most of them do.

First, there is Dr. A. Magruder MacDonald, the one I referred to previously, who gets $3,200 a year salary for full time. I said, "Doctor, you have an office uptown, have you not?" He said, "Yes." I said, "If one of your patients phoned you at 9 o'clock in the morning, would you go?" He said, "Yes." I asked him, "Suppose they would phone you at 10 o'clock in the morning, would you go?" He said, "Yes." I said, "Suppose they communicated with you at 11 o'clock in the morning, would you go?" He said, "Yes." I said, "Suppose they telephoned you at 12 o'clock, would you go?" The answer was "yes." I then asked him, "Suppose they phoned you at 1 o'clock, would you still go?" He said, "Yes." Then I asked him, "How about 2 o'clock?" He answered, "Yes"; he would go. I asked him, "Suppose one of your private patients phoned you at 3 o'clock, would you go?" He said, "Yes"; he would go. This shows that his private practice is more important to him than the duty and obligation he owes the taxpayers of Washington, and this doctor receives a salary of $3,200 a year for full time.

Let me read you some more. There is Dr. C. J. Murphy, who gets $1,600 a year for half time. Dr. Richard M. Rosenberg, who gets $1,600 for half time. Dr. Daniel L. Borden gets $3,040 for 80 percent of full time. Dr. Virginius Dabney, $3,040 for 80 percent of full time. Dr. John A. Reed gets $3,040 for 80 percent of full time. Dr. Wilbur H. Brandenburg gets $3,040 for 80 percent full time. Dr. F. Y. Williamson gets $3,040 for 80 percent full time. Dr. W. Warren Sager gets $3,040 for 80 percent full time. Dr. George C. Ruhland, health officer for the District, gets $6,500 for full time. Yet, I frequently ring him up during office hours and cannot find him. He was out when I rang him today, and so was his assistant. Dr. Daniel L. Seckinger gets $5,600 a year for full time. Dr. James G. Cumming gets $4,600 for full time. Dr. A. B. Coulter gets $2,800 for half time.

Half time means half of 7 hours a day. Full time means 7 hours a day.

Dr. J. D. Bradfield gets $3,400 salary for full time. Dr. S. M. Grayson gets $3,400 for full time. Drs. G. W. Creswell, E. M. Ellison, G. R. Gable, W. M. Glover, A. T. Morgan, Bernard Notes, J. F. Rogers, J. F. Rogers—there are two J. F. Rogers—S. R. Taggart, E. A. Taylor get small salaries for attending free clinics, involving about 2 hours a day each.

Then there is Dr. T. C. Thompson, who gets $1,720 for three-sevenths of full time.

Dr. J. A. Murphy, as chief medical inspector of schools, gets $4,800 for full time.

Dr. E. S. Coale, as an inspector, gets $1,920 for 3 hours a day, and so does Dr. C. B. Conkin, and so does Dr. R. H. Ford and Dr. J. A. Heitmuller, and so does Dr. H. E. Ong. These men all get $1,920 for 3 hours a day.

Dr. H. W. Freeman, Dr. W. F. Greaney, and Dr. C. A. Tignor all get $1,860 each for 3 hours a day.

Dr. H. A. Colvin, Dr. R. L. DeSaussure, Dr. W. E. Lewis, Dr. Thomas Lindville, Dr. Albert Ridgley, Dr. R. A. Thornley all get $1,800 a year for 3 hours a day.

Dr. H. J. Davis gets $2,800 for three-sevenths of his time, or 3 hours a day.

Dr. W. T. Anderson, Dr. R. A. Bier, Dr. W. F. Burdick, Dr. E. E. Chickering, Dr. P. L. Cornish, Dr. Herman Eisenberg, Dr. Perry W. Gard, Dr. Clayton H. Hixson, Dr. William G. Meiman, and Dr. Margaret M. Nicholson all get a small salary for 4 hours' work each week.

Mr. ZIONCHECK. A point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. COLE of Maryland). The gentleman will state it.

Mr. ZIONCHECK. Mr. Speaker, none of these things were referred to in the newspaper article. Why does the gentleman repeat them when they do not come within the question of privilege?

Mr. BLANTON. Mr. Speaker, I am within the rules.

The SPEAKER pro tempore. The Chair thinks the gentleman from Texas is proceeding in order.

Mr. ZIONCHECK. These things were not referred to in the newspaper.

A further point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ZIONCHECK. Why does not the gentleman yield and tell what doctor it was who referred to his remarks as asinine and that the gentleman from Texas wanted to fight right then?

Mr. BLANTON. I am not going to refer to any doctor who plagiarized by using my characterization of the remarks of the gentleman from Washington [Mr. ZIONCHECK]. I will continue naming doctors who are on the District pay roll:

Dr. Aaron Nimetz, Dr. S. P. Porter, Dr. M. T. Rosser, Dr. Mario Scandiffio, Dr. Gerald A. Scully, Dr. Harry A.

Spigel, Dr. Alfred J. Steinberg, Dr. J. E. Trigg, Dr. W. L. Wells all get a small salary for 4 hours weekly.

Dr. W. H. Merrill gets $3,400 for three-fourths of full time.

Dr. J. A. Rolls gets paid whenever he is called upon for service when required.

The following are on the District pay roll and all get a small salary:

Dr. Daniel T. Birtwell, Dr. Charles M. Bealls, Dr. Robert U. Cooper, Dr. J. Keith Cromer, Dr. John L. DeMayo, Dr. Ira W. Dennison, Dr. John R. Dull, Dr. George J. Ellis, Dr. C. E. Ferguson, Dr. J. F. Finnegan, Dr. Harry A. Spigel, Dr. W. Given Suter all get $760 each for one-fifth of full time.

Dr. Franklin B. Pedrick, Dr. J. E. Bowman, Dr. M. R. Edmonston, Dr. W. H. Clements, Dr. James M. Loftus, and Dr. C. R. Naples are substitutes and are paid when they are called on for service.

Mr. SIROVICH. Mr. Speaker, will the gentleman yield for a question?

Mr. BLANTON. I will, to a very distinguished doctor, because he is a friend of mine.

Mr. SIROVICH. Does the distinguished gentleman, in reading these names, challenge the efficiency, the competency, and the ability of these men in doing the work that has been assigned to them?

Mr. BLANTON. No; but I am showing why some of them are so interested in having a large sum of public-health money appropriated, and having a mass meeting to force, as they say, Congress to do something that Congress has not even denied yet. They held this mass meeting before we even held a hearing, or began to write the bill. They called this mass meeting before we ever reached that item in the President's Budget, and they say, in this morning's Post, that they have accomplished what they set out to accomplish. Listen, Doctor, you do not believe in this kind of bulldozing. I quote from this morning's Post:

> It was virtually assured, however, that the meeting gained at least partially the ends it sought when the writer learned yesterday that the Blanton appropriation subcommittee would approve restoration of many health items which were eliminated by the Budget Bureau.

That is the President's Budget, and they say they have accomplished partially, at least, what they sought to accomplish and forced us to do their bidding.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield for one question?

Mr. BLANTON. I yield.

Mr. HAMLIN. Do I understand that these men and others are paid by the Health Department of the District?

Mr. BLANTON. These men are paid by the District government, and the United States contributes $5,700,000 annually to District expense. In every department of government here in Washington, almost, we have some doctors employed on whole and part time who are practicing on the outside with big offices and large nursing force and drawing public salaries and practicing privately at the same time.

Mr. HAMLIN. And this only refers to one department?

Mr. BLANTON. This refers only to one department, the District government. We have such doctors in other departments both here in Washington and all over the country. We have several hundred of them connected with the Veterans' Administration. I could practice law if I wanted to, but I have not tried a case or been connected with one for about 2 years, for my official duties now take all of my time.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I yield.

Mr. RICH. Does not the gentleman think that if the doctors want to get on the pay roll of the Government they should look after their own interests, as everybody else is doing?.

Mr. BLANTON. Surely, the gentleman is looking after his own interests, I know, because last year his firm, which has been in business in Woolrich 105 years, broadcast the fact that they had the best business last year they have had in the 105 years of their existence.

Now I do not yield any further. I want to finish giving you the names of the other doctors on the pay roll of the District government, whom I had in mind when I spoke last Sunday at the doctors' mass meeting.

Dr. E. B. B. Broocks, chief physician, $1,200, for 50 visits per month to wards of the District, and Dr. John F. O'Brien, first assistant, $600, and Dr. Elizabeth K. Whittemore, second assistant, $600; Dr. Charles R. L. Halley, visiting physician, $600, one-seventh time; Dr. E. A. K. Whittemore, visiting physician, $420, one-seventh time; Dr. Walter K. Angevine, $3,200, full time; Dr. F. W. Hornbaker, $3,200, full time; Dr. Frank R. Klune, $2,600, full time.

Mr. MARCANTONIO. Mr. Speaker, a point of order. The gentleman is reading. It is bad enough to listen to him when he is talking. Under the rules, he cannot read, and I insist on the point of order.

Mr. BLANTON. Mr. Speaker, these are my remarks, and I am referring to my own notes. I can refer to my notes, under the rules. This is just another interruption to obstruct.

Mr. MARCANTONIO. Were those notes prepared by the gentleman himself?

Mr. BLANTON. They were prepared for me, and I am using them as my own notes. I know the rules of the House.

Mr. ZIONCHECK. A point of order, Mr. Speaker. I submit to the Speaker that the gentleman is not speaking on the point of order. These doctors were not referred to in the newspaper article. His question of personal privilege is contained in the newspaper article. What has this to do with the newspaper? He is reading a list of the doctors.

The SPEAKER pro tempore (Mr. COLE of Maryland). The gentleman from Texas has risen to a question of personal privilege, and all this is in justification. The point of order is overruled.

Mr. BLANTON. Oh, they make a lot of noise, but it amounts to little.

Mr. MARCANTONIO. I should consider that remark as a personal reflection, but whether we make a lot of noise or not is nothing compared to the big noise emanating from the gentleman from Texas. [Cries of "Regular order!"]

Mr. BLANTON. My noise amounts to something, and theirs amounts to nothing.

Mr. ZIONCHECK. Mr. Speaker, a point of order. I ask that the words be taken down.

The SPEAKER pro tempore (Mr. COLE of Maryland). The gentleman from Washington [Mr. ZIONCHECK] has requested that the gentleman's words be taken down. The Clerk will report the words.

The Clerk read as follows:

> Mr. BLANTON. My noise amounts to something and theirs amounts to nothing.

Mr. ZIONCHECK. Where is the "hooey" he used? It is all "hooey", we know that, but he had the word "hooey" in there. We do not know what that means.

The SPEAKER pro tempore. The Chair does not find any objectionable language in the words reported by the Clerk, and therefore overrules the point of order.

The gentleman from Texas may resume.

Mr. BLANTON. Mr. Speaker, I ask that the Chair protect me from this obstreperousness.

The SPEAKER pro tempore. The Chair is doing his best.

Mr. ZIONCHECK. A point of order, Mr. Speaker.

Mr. BLANTON. These interruptions really help me, because they give me a chance not to proceed too hurriedly.

Mr. ZIONCHECK. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ZIONCHECK. The remarks of the gentleman from Texas about ability to talk loud and say something is like the steamboat on the Mississippi, a 12-inch boiler and a 6-inch whistle, and every time he whistles the boat stops.

The SPEAKER pro tempore. That is not a point of order.

Mr. BLANTON. I want those words left in, Mr. Speaker. I am going to object to them being taken out. I want the country to know something about this obstreperousness and

where it is coming from. So I object to these two gentlemen taking them out.

Mr. ZIONCHECK. Oh, they will stay in there, all right.

Mr. BLANTON. May I ask again that the rules be observed, and that the Members shall not interrupt me when I am speaking, without first getting my permission, Mr. Speaker?

The SPEAKER pro tempore. The Chair will protect the gentleman.

Mr. DIRKSEN. Mr. Speaker, I suggest the absence of a quorum, and in doing so I protest against the wasting of the time of the House when we have business to attend to.

Mr. BLANTON. Now, that is another obstructor, no. 3, who gave aid and encouragement to the newspapers in getting up the doctors' Sunday mass meeting. And he is wasting the time, for he will waste 30 minutes in taking a roll call.

Mr. HUDDLESTON. Mr. Speaker, the regular order.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. DIRKSEN] makes the point of order that there is not a quorum present. The Chair will count. [After counting.] One hundred and forty-eight Members are present, not a quorum.

Mr. COOPER of Tennessee. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 20]

Andrew, Mass.	Delaney	Keller	Perkins
Andrews, N. Y.	DeRouen	Kennedy, Md.	Pfeifer
Ayers	Dingell	Kerr	Powers
Bacharach	Disney	Kopplemann	Rayburn
Barden	Doughton	Kvale	Reed, N. Y.
Binderup	Doutrich	Lewis, Md.	Romjue
Bolton	Duncan	McClellan	Russell
Brennan	Dunn, Miss.	McGehee	Sabath
Brooks	Eckert	McGroarty	Sadowski
Buchanan	Englebright	McLean	Sandlin
Buckbee	Fish	McLeod	Schneider, Wis.
Buckley, N. Y.	Flannagan	McSwain	Snell
Bulwinkle	Fulmer	Maloney	Steagall
Burch	Gasque	Marshall	Sullivan
Cannon, Wis.	Gassaway	Mason	Sumners, Tex.
Chapman	Gearhart	Mead	Taber
Clark, Idaho	Gray, Ind.	Meeks	Taylor, Colo.
Collins	Harlan	Merritt, Conn.	Thomas
Connery	Harter	Merritt, N. Y.	Treadway
Cooley	Hill, Ala.	Montague	Underwood
Corning	Hoeppel	Montet	Wadsworth
Cravens	Hollister	O'Day	White
Crawford	Hook	Oliver	Wilson, La.
Cummings	Kee	O'Malley	Woodruff

The SPEAKER. Three hundred and thirty-four Members have answered to their names; a quorum is present.

Mr. COOPER of Tennessee. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, I would have concluded long ago if I had not been interrupted. The RECORD will show that under the guise of points of order, which in each instance the Speaker held were not points of order at all, both the gentleman from New York and the gentleman from Washington have sought to obstruct my speech, and then the gentleman from Illinois joined them as a third obstructor and wasted 30 minutes on a useless roll call. I will try to finish in a short time, without interruption. I will continue naming the doctors here who are on the pay roll of the District of Columbia on salary, either full time or part time, most of whom are doing private practice, and which are additional to the numerous doctors I named preceding the useless roll call.

Dr. J. W. Peabody, $4,600, full time.

Dr. Alexander C. Leonardo and Dr. Enoch R. Fenton, $2,600 each, full time.

Dr. Howard Katzman, assistant, at $2,000, full time.

Dr. Lester Neuman, $1,260, part time.

Dr. Daniel L. Finucane, $3,800, full time.

Dr. Leo V. Schneider, $2,600, full time.

Dr. William Landon Brent, assistant, $2,000, full time.

Dr. Charles Dugan, $1 per visit to poor people.

Dr. C. O. Harris, for two-sevenths of full time, $900.

Dr. Edgar A. Bocock, $7,500, full time.

Dr. Joseph L. Gilbert, $5,600, full time.

Dr. H. H. Leffler, $4,600, full time.

Dr. Isaac Silverman, $3,200, full time.

Dr. Philip A. E. Stebbing, associate, $3,200, full time.

Dr. Harold R. Reed, $3,200, full time.

Dr. Lillian Malone, $3,200, full time. Dr. William H. McCullagh, $2,600, full time. Dr. Francis McDonald, $2,600, full time.

Dr. Edwin McNamara, assistant medical officer, $2,600, full time. Dr. Edith S. Bloedorn, $650, one-fourth time. Dr. William Lambert, admitting physician, $2,000, full time. Then there are 8 senior internes who get $900 each for full time, and 10 internes who get $660 for full time, and 24 internes who get $480 for full time. Then there is Dr. Arthur N. Meloy, who gets $1,860 for two-sevenths of his time. Dr. James Lewald gets $5,600 for full time, and Dr. Eugene J. Alexander gets $3,200 for full time.

When this speech is printed in the RECORD I want every reader of it to add up the numerous doctors I name before the useless, wasteful roll call was had, and the ones I have named since the roll call, and then watch what the papers say about the number. The Washington Star will say that I named about 20. It said there were 1,000 people at Sunday's mass meeting when there were not over 300.

These numerous physicians I have named are on the pay roll of the District of Columbia only, and you will remember that your taxpayers and mine back home contribute $5,700,000 every year toward the expenses of the District of Columbia.

I have the greatest respect and regard for the medical profession of my country. There is not a doctor in my district, who knows me, who is not my strong personal friend. I have confidence in them and respect for them, and they have confidence in and respect me. I have great respect and high regard for the many splendid, fine physicians in Washington, but there is a system here that I am inveighing against whereby too many doctors get on the pay roll at too big salaries, not giving all their time for the salary, but continuing their private practice; and they are using Government laboratories and paraphernalia and Government facilities sometimes in their private practice.

In addition to these District of Columbia hospitals, I want to tell you that some Washington people also have access to many big Government hospitals, one being St. Elizabeths, accommodating 6,400 patients, and 3,400 of the inmates are from the District of Columbia. Every dollar of the overhead and expense of that great institution is paid for by the Government of the United States.

Mr. ZIONCHECK. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Mr. Speaker, I make a point of order that under the guise of points of order there are obstructionists here who are deliberately obstructing my speech.

Mr. ZIONCHECK. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. ZIONCHECK. The point of order is, why TOM BLANTON did not find all this out 18 years ago. It has been going on right along.

The SPEAKER. The gentleman has not stated a point of order.

Mr. BLANTON. I have stopped many, many abuses in St. Elizabeths and many other Government institutions. The reason I have not stopped them all is because every time I have tried to do it there have been obstructionists get in my way.

Mr. ZIONCHECK. I was not here.

Mr. BLANTON. There have been others here like you, I am sorry to say, in years back.

Mr. ZIONCHECK. But they did pass a good law or two.

Mr. BLANTON. No; they never pass anything worth mentioning. Mr. Speaker, will the Chair have the gentleman from Washington obey the rule laid down by the Chair recently?

The SPEAKER. The gentleman while sitting in his seat will please not interrupt the gentleman from Texas.

Mr. ZIONCHECK. I stood up every time, Mr. Speaker.

The SPEAKER. The gentleman is now violating the rules of the House in not properly addressing the Chair.

Mr. BLANTON. The reason I cannot conclude faster is because I am deliberately obstructed.

Gentlemen, this newspaper fight on me is because I am representing you in keeping these doctors and these newspapers from getting what they want out of your Public Treasury. The American Government was moved all over the country until the United States was forced to acquire the District of Columbia as our seat of government. We acquired it in 1790. We moved here in 1800. We have moved the last time. The next time there is a move it is going to be a move away by the people of Washington who do not like the way Congress runs the District government. If they do not like it they will have to move, because we are not going to move anymore. The Congress is going to control this District of Columbia under the Constitution. Washington newspapers cannot stop it.

IMPORTANT HEARINGS ON DISTRICT APPROPRIATION BILL

I want every Member of Congress, just as soon as our hearings on the District supply bill are printed, to get a copy of the hearings and read them. You are going to find some astonishing evidence in there given by District officials here representing the District government. If you will read those hearings you will see exactly why these newspapers have made a determined fight on me ever since I have been connected with this Committee on Appropriations to get me off of it. I am in their way. I stop their raids. I expose their schemes. I uncover things honest taxpayers want to know. I stop them from chiseling.

Read what Eugene Meyer pays in taxes here on his Washington Post. A short time ago, before he bought it, there was a contract to pay $3,000,000 for this newspaper.

The Associated Press feature of the paper alone is worth $50,000 to a morning paper in Washington. When he got it away from the McLeans he had an equity proceeding filed by a paper company before judgment, something unheard of, and against holdings by the Supreme Court. He used a dummy to get the paper away from the McLean heirs for $825,000 cash, and immediately he incorporated it for $1,250,000, and he now renders it for tax purposes at about $300,000. There is the secret of it. I will not let him get away with it. Read the list of the number of automobiles he has there personally that he renders at a mere song; a mere bagatelle is the tax he pays on them.

Read the property list, real and personal, and the great list of automobiles that Theodore Noyes and his Evening Star renders for taxes and see what he pays here in Washington. I have the official figures furnished by the tax assessor. Then you will see why they do not want me on this Appropriation Committee. I am in their way.

Mr. ZIONCHECK. Mr. Speaker, a parliamentary inquiry.

Mr. BLANTON. Another deliberate obstruction, Mr. Speaker.

Mr. ZIONCHECK. Mr. Speaker, I wish to propound a parliamentary inquiry.

Mr. BLANTON. I do not yield for any such inquiry.

Mr. ZIONCHECK. Then I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. ZIONCHECK. The gentleman from Texas has been referred to as the mayor of the District. Why does he let these things go on?

The SPEAKER. That is not a point of order, the Chair may say to the gentleman.

Mr. ZIONCHECK. Then I withdraw the point of order.

Mr. BLANTON. Mr. Speaker, I wish there were some way to protect a Member on the floor, who is speaking, from these silly statements that deliberately are made in the guise of points of order. They delay proceedings.

I would have been able to have concluded my speech long ago if these interruptions had not delayed me in speaking. Returning to my subject, there are many other hospitals here, Mr. Speaker, besides St. Elizabeths maintained by the United States Government. We have here in Washington the Mount Alto Hospital, one of the finest institutions of its kind, paid for entirely by the United States Government. We have the Naval Hospital, one of the finest equipped institutions in the United States, containing every facility for the maintenance of health and paid for entirely by the people of the United States. We have that splendid Walter Reed Hospital, than which there is no finer anywhere, here in Washington. Remember that Washington has grown from a small town to one of the most glorious, beautiful, fine cities in the world, because of the Government being here, because of this big Government pay roll, because the Government has 100,000 employees here, because it has thousands of officers and officials here, because it has numerous naval officers and employees here, because it has numerous Army officers and employees here, because it has numerous Marine Corps officers and employees here, because it has numerous Coast Guard officers and employees here. It has grown to a magnificent city. And thousands of Washington people are treated in these Government hospitals.

You have no idea of the load that these Government hospitals take off the city of Washington in connection with hospital service. There are thousands of people, I repeat, living here who are treated in these various hospitals which I have mentioned, which are controlled by the United States Government and paid for by the United States Government.

Take the tuberculosis situation. These Washington newspapers have deliberately poisoned the minds of the people of Washington and have made the people believe that Congress is not alive to the tuberculosis situation and that your President is not sympathetic to the tuberculosis situation. The statement is made in the press that there are not enough beds here, but here is the actual count, taken from the evidence of such men as Elwood Street, head of the welfare here, and the representative of the people of Washington. The heads of these hospitals also testified to these facts last Saturday. And Dr. A. B. Coulter, Director of the Tubercular Bureau of the Health Department, told me today that these figures are correct.

At the Children's Hospital there are 117 hospitalized and three vacancies. Elwood Street said these three vacancies are waiting for some children to come in. At the Upshur Street Hospital there are 227 hospitalized. At Gallinger there are 146 hospitalized. Elwood Street also testified there were but 30 on the waiting list. Elwood Street assured our committee there were only 30 on the waiting list. This makes a total hospitalized and on the waiting list of 520. When this splendid new Glendale Tuberculosis Hospital opens on January 1 there will be available 946 beds for tuberculosis patients, not counting Upshur Street. Including Upshur Street, if we continue it, there will be 1,171 beds, or over twice as many as are being hospitalized and on the waiting list right now.

Why do not the newspapers be fair enough and tell the people the truth? Here is the trouble: A new doctor comes here and takes charge of the Health Department, and as soon as he comes here he immediately becomes a disturbing factor. Instead of attending to the public-health work, he runs to the newspapers and has them play up on the front page his demands for cash and has the newspapers take a picture of the laboratories, paraphernalia, and other facilities. Just look at the papers of a week ago. You will find a picture of his laboratory. He has been demanding money from the Congress through the newspapers ever since he arrived, but has not come to us. He is trying to force us to give him great, big sums, which the President in his Budget states are not needed. If he would have cooperated with us, he would have received twice as much as he did. He can get anything that is needed for health service if he comes to Congress.

Do you know why the doctors are raising this hullabaloo? One reason is they want a great big sum of money for a great big laboratory and for large facilities so that they can draw salaries from the people of Washington and at the

same time use these laboratory facilities in connection with their private practice. The President of the United States is not going to allow it, and your committee is not going to allow or permit it.

They are asking the people of Washington to petition you to take me off the Appropriations Committee. They cannot take me off this committee. The only power that can take me off of that committee is this Congress. This Congress does not take orders from them. Whenever the Congress gets ready for me to get off the Appropriations Committee, I will get off. But Washington newspapers cannot put me off. I am doing hard work for you that you would not want to do for yourselves. The Members of my committee are doing hard, laborious work.

I am going to insert a letter in the RECORD in connection with my speech this afternoon which will show the number of people we heard last Saturday. We held a session last Saturday afternoon from 2 o'clock to 6:45. We worked the whole of Saturday afternoon and heard many people, representatives of citizens' associations and others, yet the Washington newspapers on Sunday said we devoted the whole afternoon session to hearing two people on the "red" issue. Here is my letter to the Post:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 16, 1936.

WASHINGTON POST.

DEAR EDITOR: In justice to our committee, won't you please be fair enough to correct the erroneous impression given to Washingtonians Sunday morning by such headlines "Budget appeals delayed again by 'red' rider" and "Civic leaders summoned by committee wait on law's discussion", intimating that our committee allowed Judge George Sullivan and Gen. Amos Fries to consume the time of the afternoon session. Such was not the case.

Although pressed for time and urgent demands from our districts congesting our offices, our committee have canceled many of their own engagements, have made many personal sacrifices, and have held a night session in order to patiently hear all District officials and interests of Washington.

On Friday and in Saturday morning sessions we heard all officials who are connected with public health in Washington, hearing Director Elwood Street and his many officials of public welfare for more than 2 hours Saturday, and in a letter just received Elwood Street says: "I appreciated the courteous and sympathetic consideration which was given to the budgets of our institutions and agencies."

We invited no one to the afternoon session. To give all organizations in Washington a chance to be heard and to meet their convenience, our committee inconvenienced itself by holding an afternoon session Saturday, which lasted from 2 to 6:45 p. m., a general press notice of same being given.

At Saturday's afternoon session we heard Mrs. Ernest Howard, of the District Federation of Women's Clubs; Mrs. Chapin, of the Federation of University Women; Evan H. Tucker, who for 30 years has been president of Southeast Citizens Association; Harry S. Wender, of the Southwest Citizens Association; John Proctor and John Herrity, of the Elevator Constructors' Union; Charles I. Stengle and an associate, of the American Federation of Government Employees; Judge Crandall Mackey, accompanied by Maj. George Oakley Totten, Jr., Dr. Lewellyn Jordan, and George Shinn, bridge committee of the board of trade; Harry N. Stull, vice president of the Federation of Citizens' Associations; and numerous others, before we heard George E. Sullivan as chairman of a special committee of the Federation of Citizens' Associations; and Gen. Amos Fries, of the American Legion of the District of Columbia. We also heard Representative HOWARD W. SMITH, of Virginia, and Roy Braden on bridge matters. Wasn't that a pretty good Saturday afternoon's work? We advised all other interested persons that we would patiently hear them Monday.

Relative to tuberculosis the evidence disclosed that at Gallinger we now have 146 patients; in the Children's Sanatorium, 117 patients with three beds now vacant awaiting patients; and in the Upshur Street hospital 227 patients, with only 30 now on waiting lists, making a total list of patients already hospitalized and now qualified to be admitted, 520. While next January 1, with new beds provided at Gallinger, the new children's wing and Glen Dale, we will have available beds for tuberculosis: Gallinger 250, Children's Sanatorium 300, Glen Dale 396, totaling 946 available beds, exclusive of Upshur Street which is continued with its 227 beds, would be a grand total of 1,171 available beds for tuberculosis, more than twice the number now hospitalized and on waiting lists. The Washington people have the right to know these facts.

THOMAS L. BLANTON.

At our hearing Monday morning representatives of citizens' associations, the presidents of these associations, and others said they had not attended this Sunday mass meeting. They were not enough interested to go to the mass meeting. They were like Colonel Yaden. They did not believe in thus trying to bulldoze Congress.

Mr. Speaker, the best people of Washington do not want to hamstring Congress. The best people of Washington do not want to bulldoze Congress. The best people of Washington do not want to run over Congress. This is all brought about because of a bunch of greedy newspapers.

It will be remembered that last year these same Washington newspapers through a similar fight influenced a committee to file charges against your splendid United States attorney here, Leslie Garnett, and your superintendent of pclice, Major Brown, and against Inspector Albert J. Headley, trying to keep the latter from being promoted. But neither the newspapers nor the committee had any effect. They accomplished nothing but chagrin and disappointment. Inspector Headley was promoted to assistant superintendent of the Metropolitan Police Department. Major Brown is still the honored and efficient superintendent of police here, and your United States attorney has his dockets cleared and the law enforced in the District of Columbia. He has cleaned up your docket, and is one of the finest officials you have in the United States Government.

You will remember that last year the Washington newspapers tried to incite the Washington people to march on the Capitol, in an attempt to get me off of the Appropriations Committee. They named Arthur Clarendon Smith as their leader. It ended in a complete fizzle. And when I spoke here over the radio last August one of the first congratulatory telegrams I received was signed "Arthur Clarendon Smith."

You newspapers, I want you to know that you cannot run me out of Congress, and you cannot run me off of this Appropriations Committee. I am going to be here attending to business when Eugene Meyer is gone and forgotten.

Mr. MARCANTONIO. Mr. Speaker, I rise to a point of order. The gentleman is addressing people in the gallery, and I submit that is not in order.

The SPEAKER. The gentleman will address his remarks to the House.

Mr. BLANTON. I want my wild friend from New York [Mr. MARCANTONIO] to know that no newspaper in Washington can run me out of Congress. I want him to get this. I believe my loyal constituents will see to it that I will be here a long time after Eugene Meyer and his Post have quit doing business, because people are withdrawing their support from the Post, and Eugene Meyer's Post is losing business. I am not going to give up the ship but will carry on. He can leave whenever he gets ready. I thank you. [Applause.]

AGRICULTURAL RELIEF

Mr. O'CONNOR, from the Committee on Rules, submitted the following resolution (H. Res. 419, Rept. No. 2020) for printing in the RECORD:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3780, an act to promote the conservation and profitable use of agricultural land resources by temporary Federal aid to farmers and by providing for a permanent policy of Federal aid to States for such purposes. That after general debate, which shall be confined to the bill and continue not to exceed 5 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider as a substitute amendment for the Senate bill S. 3780 without the intervention of any point of order the provisions of H. R. 10835. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed, without amendment, a joint resolution of the House of the following title:

H. J. Res. 491. Joint resolution extending and amending the joint resolution (Public Res. No. 67, 74th Cong.), approved August 31, 1935.

ORDER OF BUSINESS

The SPEAKER. Under the special order of the House, the Chair recognizes the gentleman from Texas [Mr. McFARLANE] for 15 minutes.

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ZIONCHECK. Mr. Speaker, will the gentleman from Texas yield for a unanimous-consent request?

Mr. McFARLANE. I yield for a unanimous-consent request.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that on tomorrow, after the reading of the Journal, I may be allowed to have 10 minutes, and if I am granted permission, I want to take up at that time a question that is known as the privileges of the House.

Mr. EAGLE. Mr. Speaker, I object.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. The gentleman from Washington asks unanimous consent——

Mr. ZIONCHECK. Mr. Speaker, let me state my request before the objection comes. I want to state the request and then let them object.

Mr. MARTIN of Massachusetts. Regular order, Mr. Speaker.

The SPEAKER. The Chair will put the request.

Mr. ZIONCHECK. The Chair has not my complete request, so it cannot be put.

The SPEAKER. The gentleman will state his request.

Mr. ZIONCHECK. The gentleman from New York [Mr. TABER] is away today. He will be here tomorrow, and in the event I have this time I want to talk about a matter——

Mr. MARTIN of Massachusetts. Mr. Speaker, I make the point of order the gentleman is making a speech without stating any request.

The SPEAKER. The gentleman from Washington will state his request.

Mr. ZIONCHECK. Then, Mr. Speaker, I ask unanimous consent that tomorrow, after the reading of the Journal, I be allowed to proceed for 10 minutes.

The SPEAKER. The gentleman from Washington asks unanimous consent that on tomorrow, after the reading of the Journal and the disposition of matters on the Speaker's table, and at the conclusion of the pending special order, he may be permitted to address the House for 10 minutes. Is there objection?

Mr. EAGLE. Mr. Speaker, I object.

Mr. ZIONCHECK. Then, Mr. Speaker, I announce at this time that I am going to ask that this matter be brought up as a question of privilege, and I will have the proper resolution prepared.

The SPEAKER. Under the special order of the House, the gentleman from Texas is recognized for 15 minutes.

WHY WE SHOULD LIMIT THE PROFITS OF THE WAR-MATERIAL MANUFACTURERS

Mr. McFARLANE. Mr. Speaker, I hope the House will give me its attention for just a little while. I want to speak to you at this time in regard to a couple of newspaper articles appearing in the Post and Herald of Sunday. It seems like we are not only cleaning the Irish linen today but some of the newspaper linen as well. Before proceeding, however, let me say that I was the first Member from Texas last Congress as well as this Congress to sign the discharge petition for the Frazier-Lemke farm refinance petition to bring this bill before Congress. I favor this legislation, believing that land is the best collateral and that the farmer is entitled to the same fair consideration as the banker. Whether you are for or against this legislation you should allow us to vote upon it.

In Sunday's papers, both the Herald and the Post, there is a United Press article in the Post entitled "Bill Joker Hits United States Air Defense", and the other in the Herald is headed "Army Bill May Kill Plans for 565 Planes for the Government", with subheading leaders to seek removal of House proviso limiting profits to 10 percent.

THE 10-PERCENT PROFITS AMENDMENT

These articles are written in regard to an amendment I offered that was adopted on Friday to the War Department appropriation bill. This amendment you will find on page 2108 of the RECORD and reads as follows:

SEC. 4. That as to contracts or subcontracts in excess of $10,000 no appropriation contained in this act shall be available for the payment of a profit in excess of 10 percent to any contractor or subcontractor for the construction and/or manufacture of any complete aircraft or ordnance material, or any portion thereof.

In my remarks you will find the statement I made at the time, and you gentlemen will recall that this amendment was read twice and thoroughly understood, with most of the membership of the House being present.

Both of these newspaper articles contain this statement:

The amendment was offered by Representative McFARLANE, who briefly informed the House that a similar provision was carried in last year's naval supply bill. This was erroneous, it was later found.

In answer to these statements, Mr. Speaker, I want to read you the statement I made at the time, and you gentlemen will recall that it was made:

Mr. Chairman, I do not care to detain the Committee, but I just want to make the statement that the substance of this amendment is the same as the provision that now applies to the Navy in legislation enacted by the last Congress, and I see no reason why it should not be adopted unanimously, and I hope the Committee will approve the amendment—

And so forth.

THESE NEWSPAPERS WRONG, AS USUAL

This is the statement I made at the time. Both of these newspapers have always advocated reckless expenditure of money for certain industries, as is well known to themselves, and with this kind of article, for reasons best known to themselves, they are trying to lead the Members of the House to believe that some kind of fraud or joker amendment was put over on the membership in the adoption of this amendment.

CHAIRMAN PROTESTS NEWSPAPER STATEMENTS

The chairman of the subcommittee on War Department appropriations, Mr. PARKS, was thoroughly acquainted with the amendment before it was offered because I talked with him about it. He favored it. I understand Mr. PARKS, upon reading the article in the Post, gave them a statement in writing contradicting this article and stating clearly his position in favor of this amendment. The Post so far has failed to publish his reply.

The membership of the House thoroughly understood it. It is not a new question. Let me give you the history of this kind of legislation. It is not new legislation before Congress.

HISTORY OF EXCESS-PROFITS TAXES

Back in the war period of 1918 and 1919 there was a much more stringent provision written into the law at that time. You will find it in section 301 of the income-tax law, the excess-profits tax amendment, which was put into the law at that time. It was a much more stringent amendment than the amendment in the Vinson Act offered in 1934 by the gentleman from New Hampshire, Mr. TOBEY.

The war-profits and excess-profits tax amendment under section 301 of the revenue law provides:

(c) For the taxable year 1919 and each taxable year thereafter there shall be levied, collected, and paid upon the net income of every corporation which derives in such year a net income of more than $10,000 from any Government contract or contracts made between April 6, 1917, and November 11, 1918, both dates inclusive, a tax equal to the sum of the following:

(1) Such a portion of a tax computed at the rates specified in subdivision (a) as the part of the net income attributable to such Government contract or contracts bears to the entire net income. In computing such tax, the excess-profits credit and the war-profits credit applicable to the taxable year shall be used;

And section A provides:

PART II. IMPOSITION OF TAX

SEC. 301. (a) That in lieu of the tax imposed by title II of the Revenue Act of 1917, but in addition to the other taxes imposed by this act, there shall be levied, collected, and paid for the taxable year 1918 upon the net income of every corporation a tax equal to the sum of the following:

FIRST BRACKET

Thirty percent of the amount of the net income in excess of the excess-profits credit (determined under sec. 312) and not in excess of 20 percent of the invested capital.

SECOND BRACKET

Sixty-five percent of the amount of the net income in excess of 20 percent of the invested capital.

THIRD BRACKET

The sum, if any, by which 80 percent of the amount of the net income in excess of the war-profits credit (determined under sec. 311) exceeds the amount of the tax computed under the first and second brackets.

The above-quoted war-profits and excess-profits tax amendment was taken out in the 1921 Revenue Act. The next effort Congress made to tax the excess profits being made from Government contracts by the promoters of war was the amendment offered by Mr. TOBEY, of New Hampshire, which amendment reads as follows:

Provided, however, That no such appropriation shall be used for any contract with steel or aircraft or shipbuilding firms or corporations unless the said firm or corporation shall agree to limit its net profit on such Government contract to 10 percent of the gross of the contract.

The chairman of the House Naval Affairs Committee [Mr. VINSON of Georgia] raised the point of order that the amendment was not germane to the bill (H. R. 6604). The point of order was overruled and after general debate on the amendment the chairman of the Naval Affairs Committee stated on the floor, "I will accept the amendment" (p. 1630, 73d Cong., 2d sess.).

The bill authorizing ship and aircraft construction to bring the Navy to treaty strength passed the Senate and became a law March 27, 1934. The chairman of the House Naval Affairs Committee on February 14, 1935, introduced H. R. 5730 which, as amended, changed section 3 (b) of H. R. 6604 enacted the previous year to read as follows:

SEC. 3. (b) To pay into the Treasury profit, as hereinafter provided shall be determined by the Treasury Department, in excess of 10 percent of the total contract prices of such contracts within the scope of this section as are completed by the particular contracting party within the income taxable year, such amount to become the property of the United States, but the surety under such contracts shall not be liable for the payment of such excess profit: *Provided,* That if there is a net loss on all such contracts or subcontracts completed by the particular contractor or subcontractor within any income taxable year, *such net loss shall be allowed as a credit in determining the excess profit, if any, for the next succeeding income taxable year: Provided further,* That if such amount is not voluntarily paid the Secretary of the Treasury shall collect the same under the usual methods employed under the internal-revenue laws to collect Federal income taxes: *Provided further,* That all provisions of law (including penalties) applicable with respect to the taxes imposed by title I of the Revenue Act of 1934, and not inconsistent with this section, shall be applicable with respect to the assessment, collection, or payment of excess profits to the Treasury as provided by this section, and to refunds by the Treasury of overpayments of excess profits into the Treasury: *And provided further, That this section shall not apply to contractors or subcontractors for scientific equipment used for communication, target detection, navigation, and fire control as may be so designated by the Secretary of the Navy,* and the Secretary of the Navy shall report annually to the Congress the names of such contractors and subcontractors affected by this provision, together with the applicable contracts and the amounts thereof.

You will note from reading the above amendment that it had for its purpose to seriously amend or change the 10-percent excess-profits tax limitation before it had been in effect a year, and before we had any definite information as to what effect it would have on those affected or what revenues would be derived therefrom.

The House Naval Affairs Committee after hearing representatives from the Navy and Treasury Departments and a few of the representatives of the interests affected by the 10-percent-profits limitation, reported the bill favorably to the House on June 11 and it was taken up and considered on June 12, the time on both sides of the isle being controlled by those favoring the bill, and a large part of the time being allotted to those favoring the bill. In spite of these handicaps the record shows that on a motion to strike out the enacting clause of this bill the vote was 56 to 71 or a change of 8 votes would have defeated the bill. We gave them such a battle on this measure that for some reason the measure has not been called up and considered in the Senate. You will note from reading the above amendment to the 10-percent profits limitation, some of the jokers therein contained, for example the following provision:

Provided, That if there is a net loss on all such contracts or subcontracts completed by the particular contractor or subcontractor within any income-taxable year, such net loss shall be allowed as a credit in determining the excess profit, if any, for the next succeeding income-taxable year.

You will note that the taxpayer is allowed to deduct any net losses suffered during the taxable year on any profits made the following year which is not allowed any other taxpayer under existing law. And further, this loosely drawn provision provides:

And provided further, That this section shall not apply to contracts or subcontracts for scientific equipment used for communication, target detection, navigation, and fire control as may be so designated by the Secretary of the Navy.

This, you will note, allows the Secretary of the Navy to define and determine what constitutes scientific equipment for the above-mentioned equipment which you will note may include almost everything the Navy will purchase under the ship or aircraft construction program.

THE ADMINISTRATION OF THE LAW

This raises a very interesting question of the kind and character of administration our different departments of Government, particularly the War, Navy, and Treasury Departments, have followed in the administration of laws enacted by the Congress.

You will remember that in the last Congress the House Military and Naval Affairs Subcommittees were appointed to investigate the method the Army and Navy had used in the purchase of aircraft equipment since the enactment of the Aircraft Act of 1926. The majority of the Naval Affairs Subcommittee completed their hearings March 8, 1934, and filed their report soon thereafter completely approving and exonerating the system of aircraft procurement. You will recall that I filed a minority report contrary to the other 10 members of this committee and pointed out specifically why I could not agree with the majority report under the evidence submitted and known. In my minority report I pointed out and clearly showed by charts the interlocking hook-up clearly comprising the known existing Air Trust controlling the aviation industry of the Nation. The exorbitant prices they have charged the Government for aircraft equipment—I included in the report the records from the Comptroller's Department showing that 92 percent of all aircraft equipment from the Army and 91.3 percent of the aircraft equipment purchased by the Navy since the Aircraft Act of 1926 up to that time had been purchased in violation of the Aircraft Act of 1926, and that the Judge Advocate General's Department of both the Army and Navy had continuously held that such act required open competition in aircraft procurement.

I included comparative tables with my report, comparing every war-plane engine in the world and giving its latest known performance, which chart clearly showed the inferiority of our planes and their performance with that of several of the European nations. These charts were carefully checked by Dr. A. F. Zahm, Chief of the Division of Aeronautics of the Congressional Library. He has at his disposal more than 20,000 volumes on aeronautics, which is the largest library of its kind in the world. His report shows my comparative tables substantially correct. No one in Congress has attempted to refute these tables to date. On information I have, I am convinced that we have not kept pace with the other great powers in our aircraft development since the comparative tables were published in April 1934. Practically all aircraft competitive records are held by foreigners.

Mr. ZIONCHECK. Will the gentleman yield?

Mr. McFARLANE. I am sorry, I cannot yield.

The House Military Affairs Subcommittee investigating aircraft procurement of the Army, several months after our Naval Affairs Subcommittee filed their report, brought forward and filed their report, unanimously agreeing that the procurement methods of the Army had not been administered in keeping with the law—that there had been little competition in the procurement of their aircraft and they rather severely criticized and condemned the War Department procurement methods.

Mr. ROGERS of New Hampshire, chairman of this investigating committee, as well as his entire subcommittee are to be congratulated upon the splendid work accomplished. Since our exposures have been made of the lack of the Army and Navy Procurement Divisions in following the provisions of the law, they have agreed that they will require competition in the future as provided in the law.

I offered the above amendment limiting War Department profits on aircraft and ordnance to 10 percent, and Mr. McSWAIN, chairman of the House Military Affairs Committee, states:

It will be necessary to change the amendment, at least so far as small orders are concerned, for aircraft. Otherwise no company would care to bid, in my opinion. On large orders, of course, a company could figure costs definitely enough to come within such a restriction.

Regarding my amendment, Mr. VINSON, chairman of the Naval Affairs Committee, declared:

Especially on such things as scientific instruments there would be no profits limitation. Moreover, we revised the amendment in my bill to provide for a spread, so that a contractor would be limited to 10-percent profit over a 2-year period.

The Army and Navy experts are quoted in the press as denying that my amendment would save the Government from 10 to 15 percent on their purchases.

WE NEED LAW ENFORCEMENT

Since carefully investigating the methods of administration in these departments, I am about convinced that, unless we can get a reasonable enforcement of the law as it is written, we cannot expect any material savings to the Government from this amendment.

Hardly had we placed the 10-percent limitation on all naval ship and aircraft procurement, until these groups selling the Navy this equipment, we find they began holding meetings together to decide what would be the best methods of getting this 10-percent-profit limitation. We find the New York Shipbuilding Co., the Newport News Shipbuilding Co., and Bethlehem Shipbuilding Corporation, Ltd., and United Dry Docks, together with the scientific-instrument group composed of Mr. Gillmor, their president, of Sperry Gyroscope, Babcock & Wilcox, Worthington Pump & Machinery, Westinghouse Electric, General Electric, Electric Boat Co., and many other such concerns too numerous to mention, all meeting at 11 Broadway, New York, to devise ways and means of defeating this 10-percent-profit limitation.

In the words of Mr. Bordo:

If the shipbuilders, boiler manufacturers, electric manufacturers, act in accordance with uniform rules, it will be so strong that I think the income tax bureau would have a hard time resisting it; that they could not break it down. You have two established recognized systems of accounting in the two principal groups with which we do all of our business. We should get our accounting offices together * * * I think we should get the shipbuilders together first on a uniform plan.

Mr. Gillmor, president of Sperry Gyroscope Co., said:

I think the only thing to do is to act in unison.

Evidently they did and they have so acted since the 10-percent excess-profits limitation was placed in the ship and aircraft construction act on March 27, 1934, for I find according to the Internal Revenue Report of 1935, page 46, that there has been collected under this Vinson Act for the fiscal year ending June 30, 1935, the total sum of $10,484.58. I find under the P. W. A. allocations to the War and Navy Departments, 1933 to 1936, the following allocations made:

Public Works Administration—Allocations to the War and Navy Departments, 1933–36

[Accounts and deposits, Feb. 18, 1936]

	Fiscal year 1933	Fiscal year 1934	Fiscal year 1935	Fiscal year 1936	Total
War:					
Air Corps (airplanes)		$7,500,000			$7,500,000.00
Seacoast defenses		6,994,000			6,994,000.00
Ordnance:					
Watertown Arsenal			$89,000		89,000.00
Rock Island Arsenal			370,000		370,000.00
Ammunition		6,000,000			6,000,000.00
Equipment			2,309,491		2,309,491.00
Motorization		10,000,000			10,000,000.00
Subtotal		30,494,000	2,768,491		33,262,491.00
Navy:					
Aeronautics		7,500,000			7,500,000.00
Ordnance		330,225		−3,046.50	327,178.50
Yards and docks:					
Physical improvements		25,150,537	331,535	275,000.00	25,757,072.00
Vessels [1]	$238,000,000				238,000,000.00
Subtotal	238,000,000	32,980,762	331,535	271,953.50	271,584,250.50
Grand total	238,000,000	63,474,762	3,100,026	271,953.50	304,846,741.50

[1] Statutory allotment.

I find that the War Department appropriations bill to which I offered the 10-percent amendment makes the following appropriations for aircraft, ordnance, and so forth, available for the next 2 years:

	1936 availability	1937 estimates
Air Corps:		
Direct appropriation	$16,138,000	$31,269,772
Contract authorization	7,686,753	8,000,000
Signal Corps: Radio equipment	2,226,000	2,237,780
Ordnance Department: Armament	1,723,730	680,850
National Guard	883,344	2,568,250
Organized Reserves	843,695	783,525
Total	29,501,522	45,540,177
		29,501,522
Increase		16,038,655

Larger expenditures were made for the 2 preceding years for each the Army and the Navy.

Thus we find that under this administration there has been appropriated and allocated over $500,000,000 for ship, aircraft, and ordnance supplies and accessories, with 10-percent excess-profits limitation applying to all ship and aircraft construction in the Navy since March 1934, with practically no excess-profits returns filed.

Now, what is the position involved? It is for these companies to see how they can get from under this 10-percent limitation that I have offered and the House has unanimously approved to place the War Department on the same basis as the Navy on their profits limitations.

Since all of these concerns have had their meetings at no. 11 Broadway, New York, and have gotten together and had their uniform agreements as to how they will keep their books and figure their overhead expenses they apparently have been very successful in getting by the Navy Procurement Department.

For example, we find last February 21, before the Senate Munitions Investigation Committee, the following colloquy:

Senator VANDENBERG. Captain, how can you administer the 10-percent profit limitation which is now in the law, unless you have accurate information respecting the cost items, for proving anything before the 10-percent profit is attached?

Captain DUBOSE. The Navy Department will make no attempt whatsoever to ascertain or determine anything in connection with this 10-percent profit. It is incorporated in the contracts, but it is a matter between the shipbuilder, the contractor, and the Bureau of Internal Revenue of the Treasury Department.

Further, we find:

Mr. BLEWETT. We at this time charge more overhead to our naval work than we do to our merchant work.

Mr. RAUSHENBUSH. Yes; I notice that.

Mr. BLEWETT. We charge as overhead on that about 15 percent more to our Navy work than we do to our merchant work.

In other words, what seems to have happened is this: After the ship contractors, the scientific instrument contractors, and the aircraft concerns felt that they could not get H. R. 5730 through the Senate, nullifying the 10-percent-profits clause, they organized and it seems have been able to get a sufficient amount of deductions approved by the Navy Department to get by the Treasury Department without paying any excess-profits tax.

Mr. KENNEY. Will the gentleman yield?

Mr. McFARLANE. I am sorry; I do not have time.

RICH GET RICHER, POOR GET POORER

Mr. Speaker, I have repeatedly called to the attention of the Congress, as shown by every recent recognized economic survey that the rich are continuing to get richer and the poor are becoming poorer all the while. The latest information we now have on this subject shows that about 4 percent of the people own about 90 percent of the wealth. Included in this group are the ship, aircraft, and scientific-instrument people that we have tried to cover under these 10-percent excess-profits tax limitations. It seems that every time we try to enact legislation to do justice to the rich as well as the poor and eventually are able to enact such a law that the rich escape through weak administration of the law.

It may interest you to know that while the rich have been able to escape their just portion of the tax payment, as we have found through reading our daily newspapers, our system of taxation the past few years has suffered a great change in the amounts that have been collected from those who have and those who have not.

I insert at this point a table of the revenues received by the Federal Government the past 6 years:

Year	Income estate, gift, inheritance, and capital-stock taxes	All other taxes	Total taxes collected
1930	$2,475,028,855.32	$565,116,877.55	$3,040,145,133.17
1931	1,908,118,824.28	520,109,929.94	2,428,228,754.22
1932	1,104,179,010.54	453,550,032.10	1,557,729,042.64
1933	781,101,127.96	838,738,096.34	1,619,839,224.30
1934	1,054,191,786.48	1,618,047,408.04	2,672,239,194.52
1935	1,410,373,425.59	1,889,062,146.79	3,299,435,572.18

The first section are those taxes received, based on ability to pay; the next section includes excise, sales, and miscellaneous taxes.

You will notice from the above table that in 1930 over 80 percent of our revenues were received from taxes based on ability to pay, while 18 percent were based upon consumption taxes. This table has gradually changed until last year we collected 42.8 of our taxes from incomes while we collected 57.2 percent from consumption or excise taxes. While the rich are able to escape their just tax burden all the while we find the "tax gatherer" is placing a heavier hand upon those less able to pay.

Does anyone believe that these large ship, aircraft, and other contractors have manufactured their products the past 3 years without any profit to themselves? We find upon glancing through the market reports daily that practically each and every one of the concerns selling the Government equipment—their stocks have hit new highs daily and their stock continues to rise. Each time the Government makes an appropriation for additional ship, aircraft, or ordnance constructions we find these concerns' stocks rising, based on the known profits that they will make with the Government through their crooked system of bookkeeping, realizing no additional taxes from them under these tax limitations. Before the 10-percent Naval Limitations Act was passed, we find these ship contractors making the following profit:

		Percent
Cruiser *Augusta* (Newport)	$2,800,945	35
Cruiser *Houston* (Newport)	2,800,945	35
Cruiser *Chester* (New York Ship)	2,946,706	36.9
Cruiser *Northampton* (Bethlehem)	2,200,000	25.4
Cruiser *Indianapolis* (New York Ship)	3,007,049	33.4
Cruiser *Portland* (Bethlehem)	2,058,796	21.8
Aircraft carrier *Ranger* (Newport News)	3,050,000	23.1

Certainly these profits were not discontinued when the 10-percent limitation profits tax was enacted.

What is wrong? It is in the administration of the law. Whose fault is it? Are we going to admit that the bureaucrats in these two departments are so powerful that they can disregard the laws which this Congress enacts? Do we not have enough intelligence in this Congress to enact a law that cannot be evaded? Can our tax committees not write regulations that will keep these shipbuilding, aircraft, and other concerns who are making millions of dollars in profits from evading the law entirely?

The testimony before the Munitions Committee gives a rather serious indictment to our ability along that line. What does it show? Page after page of the testimony in that hearing goes into the matter and thoroughly demonstrates how they have evaded the law; what systems of bookkeeping they have set up to intentionally evade the law, yet these newspaper articles come in here, representing these merchants who have everlastingly and eternally sold the country short. They are more interested in merchandising, in selling the Government equipment, than they are in seeing to it that the Government collects its just part of the tax from them for the business they do.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. KENNEY. Mr. Speaker, will the gentleman yield?

Mr. McFARLANE. For a question.

Mr. KENNEY. Will the gentleman tell us what companies make airplanes for the Government?

Mr. McFARLANE. I do not have all that information with me but I shall be glad to insert it in the RECORD. The companies are the Glen L. Martin Co., Curtiss-Wright Airplane Co., Douglas Aircraft Co., Grumman Aircraft Co., Consolidated Aircraft Co., Chance-Vought Co., Curtiss Airplane & Motor Co., and Boeing Airplane Co. are the principal ones; less than half a dozen make over 90 percent of the aircraft. There are only two engine concerns in the United States which sell practically all the engines to the War Department and Navy Department.

Mr. KENNEY. A very limited number.

Mr. McFARLANE. A very limited number. You can count them on one hand. One of those concerns, the Pratt-Whitney, is nothing more than an assembly plant.

Mr. KENNEY. Yet there are aircraft manufacturing companies starving but cannot get a contract from the Government.

Mr. McFARLANE. It is very interesting. We have Navy men parading around, as we had recently on the coast, guarding an experimental model of an engine in existence out there while stock is being sold by this concern. We have Navy men guarding the engine, I am told, and this concern out selling stock based upon future business they expect to get from the Navy. Now, it is very interesting to me to note what is going on, and I think this Congress ought carefully to investigate it and go to the bottom of it and find out why it is they cannot pass a law and get it administered down here in these departments and stop what I consider these unconscionable, unfair, and unjust profits that are going to these big manufacturing concerns.

National defense! I believe I am as much interested in national defense as any man on this floor. I would like to

see our boys when they go up in the air fly the best ship that goes in the air; but, Mr. Speaker, until we can get honest competition, until we can step up progressively our procurement system and force honest competition, we are going to continue to buy the old commercial engines, commercial ships, in effect, practically the same equipment these big bankers who own the aircraft industry sell to the commercial lines of this country.

These ships do not have the performance of those ships of comparable size of other countries. I put charts showing the facts in the RECORD, pages 100034–100064. The record of 1934, I think, will bear out the statement on a comparative basis that today in the air our position is relatively weaker, when compared to that of other nations, than it was when those charts were inserted in the RECORD. In other words, some of the other nations have made more progress in the air the past 2 years than have we.

I wish I had time to go into this situation and to point out to you the information I have available here showing just how far our procurement system has lagged behind those of other countries, instead of being as indicated in the propaganda which appeared from time to time in these newspaper articles. It is not the fault of the 10-percent limitation placed upon these profiteers. I have shown you from the records where this 10-percent limitation has been evaded almost entirely.

Every veterans' organization of this country since the World War has gone on record almost unanimously without exception year after year passing resolutions urging us to take the profits out of war. We are now in the midst of the greatest economic war ever confronting us. We must fight out of it. Most of the Members of this Congress are familiar with these resolutions presented to us yearly urging us to stop this racketeering that puts property rights above human rights and human lives. Yet we go on year after year, and what do we do about it? We eventually passed the 10-percent limitation in 1934, which limits their excess profits to 10 percent on naval procurement, and the law is evaded. Then an amendment was placed on the War Department appropriation bill limiting the War Department to the same limitation that has been practiced in the Navy Department for 2 years, and the war profiteers' lobby open their attack to nullify or defeat same in any way possible.

[Here the gavel fell.]

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. McFARLANE. We put the same limitation on the War Department bill, in substance, that was in effect in the Navy Department. The chairmen of the House Military and Naval Affairs Committees say the limitation must be materially amended. Yes; the chairman of my committee—good man, I like him, but just do not agree with his policies on naval affairs in certain instances—says that limitation must be materially amended. The bill, H. R. 5730, got through this House by the skin of its teeth, but has not even been called up in the Senate. No doubt the corporations affected under the 10-percent naval limitation long ago decided further prosecution of this measure was unnecessary.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. McFARLANE. Yes; I yield.

Mr. VINSON of Georgia. The gentleman knows the 10-percent limitation merely applied to scientific instruments.

Mr. McFARLANE. The gentleman's bill?

Mr. VINSON of Georgia. The one the House passed during the last session of Congress by a vote of 250 to 120.

Mr. McFARLANE. The gentleman is in error. The vote to strike out the enacting clause was 56 to 71, and on the motion to recommit was 130 to 208. No; it goes further than that. The provisions of your bill, as above shown, give the Secretary of the Navy and the taxpayer, if any, very wide powers.

Mr. VINSON of Georgia. Let me make this statement. The gentleman said a moment ago that aviation in this country in the Navy was not up to what it had been.

Mr. McFARLANE. No; I say we have not made the progress other countries have made since 1934, when those charts were placed in the RECORD.

Mr. VINSON of Georgia. And that was the very reason Congress modified the Tobey amendment, because in the case of scientific instruments necessary to the development of aviation they must be excluded from the 10-percent provision.

Mr. McFARLANE. May I say, in answer to the gentleman, that Congress has not amended or changed the Tobey amendment. The effort was made, but it was not amended.

Mr. VINSON of Georgia. As far as the House is concerned, that is true.

Mr. McFARLANE. The Senate has not taken it up and considered the matter, and I predict they will never pass this bill, practically nullifying the 10-percent excess-profits tax limitation.

I have pointed out above how the tax burden has been shifted largely from the rich to the poor.

The Democratic platform of 1932 on the question of taxation states the following:

> We favor maintenance of the national credit by a Federal Budget annually balanced on the basis of accurate executive estimates, within revenues raised by a system of taxation levied on the principle of ability to pay.

Note the words of this promise—"revenues raised by a system of taxation levied on the principle of ability to pay."

The taxes levied by the Federal Government based upon ability to pay are income, estate, and gift taxes. All other taxes levied by the Federal Government are excise or sales taxes or commodity taxes and tariffs. These may be referred to as regressive taxes; that is, taxes which bear more heavily in proportion to the amount of income upon persons with comparatively small incomes. In 1930, a year of Republican rule, approximately one-third of the total Federal taxes was raised from personal income and estate taxes, another third from corporation-income taxes, and the remainder from other taxes (regressive taxes). In 1935, a year of Democratic rule, with a platform embodying the promise to balance a budget by "revenues, raised by a system of taxation levied on the principle of ability to pay" we find that about one-fifth of the total revenue is derived from personal income, estates, and gift taxes levied according to ability to pay. On the other hand, about two-thirds of the total Federal revenue is from taxes regressive in effect. In other words the platform pledge has been overlooked and the tax burden of this administration shifted away from those who are able to pay to the backs of those who have small or no incomes. I call this to the attention of the American Liberty League. They seemed to have overlooked this very important fact which I believe might influence many of them to support the President in the coming election.

During the last session of Congress, I offered amendments to the revenue acts which in my opinion would have placed a fair share of the tax burden upon those with ability to pay. I, also, in a speech on the floor, pointed out needed revision in the structure of the income tax.

I now offer a series of amendments to the present income tax which, as I shall point out, will remove cushions in the guise of exemptions and deductions placed in the law largely for the benefit of the wealthy. Practically all of them, as I shall point out, originated with lobbyists for special interests. A number of them, this House on more than one occasion has tried to eliminate.

These amendments do not raise the rates of taxation one cent on any taxpayer. For the most part their effect upon low incomes is negligible. If adopted, they will, however, produce additional revenue of at least $200,000,000, which is a step at least toward balancing the Budget.

The first of these amendments proposes to strike from the present revenue act, section 117, the so-called capital-gain provision. This provision has been in our revenue laws since 1921, the first year of Republican rule following the close of the Wilson administration. It was an amendment cleverly designed by the wealthy to defeat the high surtax rates on individuals which in the 1921 act reached a maximum of 65 percent.

The original provision for capital gains differed from the present law in that it taxed the entire capital gain less all capital losses, but provided that in no event should the tax on capital gains be greater than 12½ percent. This provision benefited no one who had an income below $30,000. In the case of the million-dollar a year class the relief from tax was 61½ percent on every dollar of capital gains. The provision originated in the House where it was sponsored by Ogden L. Mills, of New York. It had the endorsement of clever lobbyists who vouched for its potent powers in stimulating the sale of capital assets, said to be frozen as a result of the high surtax brackets of the War Revenue Acts. The clever language used by the authors of the committee reports indicate added precaution was taken to prevent any suspicion on the part of unsuspecting Members of this House that this provision was intended to benefit the wealthy. This is clearly shown by the following language taken from the House report:

> • • • The sale of farms, mineral properties, and other capital assets is now seriously retarded by the fact that gains and profits earned over a series of years are under the present law taxed as a lump sum (and the amount of surtax greatly enhanced thereby) in the year in which the profit is realized. Many such sales, with their possible profit taking and consequent increase of the tax revenue, have been blocked by this feature of the present law. In order to permit such transactions to go forward without fear of a prohibitive tax, the proposed bill, in section 206, adds a new section (207) to the income tax, providing that where the net gain derived from the sale or other disposition of capital assets would, under the ordinary procedure, be subjected to an income tax in excess of 15 percent, the tax upon capital net gain shall be limited to that rate. It is believed that the passage of this provision would materially increase the revenue, not only because it would stimulate profit-taking transactions but because the limitation of 15 percent is also applied to capital losses. Under present conditions there are likely to be more losses than gains. (H. Rept. No. 350, 67th Cong., 1st sess., p. 10.)

Note the language "farms, mineral properties, and other capital assets." Could it be that the authors of this language did not know that 80 percent of all capital-gain transactions were stock transactions? It does not seem reasonable to believe that they were not cognizant of this fact. Whoever heard of farmers making profits on the sale of farms to the extent of $30,000 or above in such numbers as to require relief from the burdens of surtax?

The present provision is a new provision and is entirely different from the "Mills provision." The present low taxes of the entire capital gain if sold within 1 year, 80 percent if sold after 1 year and before the expiration of 2 years. Lower brackets are provided for longer periods. In cases where the asset is held for 10 years or more, the taxable gain is only 30 percent of the entire profit. One of the principal arguments for this provision is that it will encourage the sale of capital assets and thereby increase Federal revenue. It requires no knowledge of the tax laws for anyone to see that this provision has the reverse effect claimed by its authors. Since the tax upon capital gain grows less in proportion to the increase in length of time held, it is obvious that it has the effect of encouraging prolonged retention of capital assets rather than promoting an immediate sale. The framework of this provision not only does not rest upon any social or economic base, but its provisions furnish a wide range of activity on the part of shrewd tax practitioners who are constantly looking for schemes to reduce taxes.

Within the past few years it has been urged upon Congress that capital gains should be exempted from the income tax. These proponents have constantly cited the British law which they assert exempts capital gains. They fail, however, to tell you that the words "capital gain" are purely a statutory concept. Its concept in our law is a far different thing from the British concept of these words. In our law it includes all property—real and personal—not subject to inventory in the taxpayer's trade or business. In Great Britain "capital gains" as defined in its tax system includes only isolated transactions not connected with a trade or business.

Great Britain, therefore, taxes about 90 percent of all capital gains at full surtax rates. What I propose, therefore, is the extension of the British principle to all capital gain instead of approximately 90 percent of these transactions.

The second amendment by which I propose to reach the wealthy class is the elimination of the exemption of so-called tax-free distribution by corporations. This House on three occasions in the past—1928, 1932, and 1934—has attempted to make such distributions subject to tax. In each case wealthy lumber and mining interests have succeeded in having the Senate reverse the action of the House. In the last instance a subcommittee of the Ways and Means Committee, composed of the ablest Members of this House, recommended the change (Prevention of Tax Avoidance, Preliminary Report of a Subcommittee of the Ways and Means Committee, 1933, p. 9).

Corporations have had a period of 23 years to distribute these earnings free of tax. I see no reason why such a subsidy should be continued.

The third amendment, which not only reaches wealthy individuals but large corporations which they control, is the elimination of the so-called tax-free exchanges. This amendment also owes its existence to the influence and suggestions of the Mellon regime of the Treasury. It, too, has been the vehicle by which the wealthy and the large corporations which they control have escaped hundreds of millions of taxes which they ought, in good conscience, have turned over to the Government. The tax-evasion schemes concocted by clever and designing tax attorneys under the guise of business reorganizations became a national disgrace known to almost every taxpayer in this country. Congress, to meet the rising tide of criticisms, attempted in the 1932 act and again in the 1934 act to revise the language of this section, so as to eliminate some of the worst abuses. The very able subcommittee of the Ways and Means Committee of the House apparently came to the same conclusion as I upon this subject, for on page 8 of their report, supra, the subcommittee said:

> First, it will close the door to one of the most prevalent methods of tax avoidance. Second, it will greatly simplify the income-tax law by eliminating some of its most complicated provisions.

The fourth amendment proposes to reach the bankers who constantly pile up investments in tax-free securities instead of making loans to industry. Under the present law, interest paid by banks to depositors is deductible from their taxable income, whereas the banks take the deposits and invest them largely in tax-exempt bonds. The net effect of such a law is to exempt banks from the income tax. In view of the many other laws favorable to this class of taxpayers, there is not a single economic or social reason for the continuation of such a subsidy. The very able subcommittee of the Ways and Means Committee, to which I have previously referred, came to this same conclusion prior to the preparation of the Revenue Act of 1934. Page 13 of the subcommittee's report states:

> Your subcommittee believes that interest paid on deposits invested in tax-exempt securities should be disallowed as a deduction for income-tax purposes.

In this connection I note internal-revenue statistics for 1932 show national banks of this country in 1932 paid income taxes of only $552,000. The income of the 6,804 banks reporting net income was only $5,353,000. This is an average of less than $1,000 net income for each bank and an average income tax of only $80 per bank. On the other hand, 5,461 national banks showed an aggregate loss of $216,109,000.

Contrast these figures with an actual net income of national banks for the fiscal year 1933 of $216,000,000 and it is obvious that the deductions provided by income-tax laws have absorbed their taxable income.

The next amendment which I offer deals with life-insurance companies and represents a change which the junior Senator from Texas, Senator CONNALLY, offered on the floor of the Senate during the passage of the Revenue Act of 1932. The history of life-insurance taxation in our income-tax laws is an interesting one and parallels certain other measures designed to grant unwarranted immunity or substantial subsidies to certain classes of taxpayers.

Under the 1917 and 1918 acts, life-insurance companies were taxed in the same manner as other corporations. Upon the coming into office of the Republican administration in 1921, the large insurance companies urged a change in the method of taxing life-insurance companies. The result of this pressure was the enactment of a special provision for life-insurance companies. The scheme was elaborately worked out by the large companies themselves and was presented to Congress by the late Dr. T. S. Adams, of Yale University, who, during that period, acted as an advisor to Congress on taxation matters. The scheme in substance required mutual life-insurance companies to include in taxable gross income only their taxable receipts and gains from investments and permitted deductions for investment expenses and also 4 percent of the mean of the reserve funds required by law and held at the beginning and end of the year. The arbitrary 4-percent deduction in the case of the large companies is much in excess of the actual rate required by the various States in which they do business.

Some States require as low as 3 percent and very few reach a maximum of 4 percent. Dr. Adams, apparently realizing the arbitrary 4 percent while probably not too great for the small companies operating in the States where the highest rate prevailed was excessive for the large companies most of whose business was in States where much less than 4 percent was required, inserted a provision to the effect that the 4-percent deduction should be reduced by any tax-free interest received. After several years of administration under this provision the insurance companies contested the right of the Government to reduce the 4-percent deduction by tax-free interest, with the result that the provision was held unconstitutional (*National Life Insurance Co.*, 277 U. S. 508). On this account the Government refunded approximately $3,000,000 in interest and back taxes.

When the 1932 revenue bill was pending in the Senate the junior Senator from Texas, Senator CONNALLY, attempted to have the 4-percent deduction reduced to the actual interest paid by each company as approved by the insurance commissioners of the respective States. It was brought out during the discussion of this amendment that it was represented to the Congress during the passage of the 4-percent provision that the actual amount of interest required by law to be added to the reserve fund each year was a figure which would involve unreasonable checking by the Bureau to determine, and was not verified by any other authoritative administrative body.

While I have not sought to ascertain the accuracy of these statements made by Dr. Adams and others, I have been reliably informed that additions to reserve funds in the nature of interest as required by State law is carefully verified by the insurance commissioners of the respective States. Therefore, I see no reason why the amendment suggested by the junior Senator from Texas should not be enacted into law. It was defeated through the influence of the large insurance companies, which for the most part are saved from a half million dollars to in excess of a million dollars each. The excessive deduction of interest constitutes a mere subsidy and should not be continued. It may be urged that to tax life insurance companies is the taxation of widows and orphans. It is safe to say that the change suggested in my amendment will not make 10 cents difference in any matured policy of the companies affected.

The last amendment deals with the elimination of credit for foreign taxes. It proposes elimination entirely of section 131 of the Revenue Act of 1934. A brief history of this provision is also necessary as a further demonstration of the effective manner in which special interests have dominated the writing of our income-tax laws. Revenue acts prior to 1918 treated income taxes paid to foreign governments in the same manner as income taxes paid to the respective States. Both were considered as deductions from income. During the preparation of the 1918 act the lobbyists got in their work.

A credit for foreign taxes was inserted in the 1918 bill and became a law. The loopholes which it contained were so obvious to the average practitioner that it cannot be fairly said that these loopholes as well as the obvious loss to the Government in revenue was not recognized by its able and experienced sponsors. The sloppy and careless manner in which it was drafted added to its bad features. This would have been enough favoritism, but the "Mellon regime" went further and gave some of its features such a liberal interpretation in favor of the taxpayer that even shrewd and able attorneys and large corporations did not realize the tremendous possibilities of tax avoidance by this scheme until several years afterward. The result was that millions of dollars in unwarranted refunds were made before any effort was made to have judicial review made of these apparently too liberal rulings. After some 14 years of administration and after the perpetuation of this favoritism in several revenue acts the notorious tax avoidance by means of this section reached the ears of Congress, and in 1932 these abuses were stopped. I see no reason why we should continue to grant reduction in tax due this country for taxes paid to other sovereignties, when practically every country in the world has consistently refused to grant their subjects similar treatment. Many of these governments, such as Great Britain, France, and Germany, have had a much longer experience with the income tax. These are countries engaged in foreign trade on a very large scale. If it had been advisable either from a social or economic standpoint the privilege would have been a part of their laws long ago.

In this connection, I might point out that the Supreme Court of the United States has construed this provision to include income taxes levied by principalities, cities, and states of foreign governments as well as taxes levied by the National Government (*David Burnett* v. *Chicago Portrait Co.*, 285 U. S. 1).

The second reason for eliminating this provision is the discrimination which it makes in favor of taxpayers operating in foreign countries as contrasted to treatment of income taxes paid to the several States. Items of the latter class are mere deductions from gross income. Those who believe in tariffs and the protection of home markets should enthusiastically support my amendment to eliminate this credit. It can readily be seen that granting the credit is merely offering industry another inducement to locate in foreign countries, where cheap labor prevails, and flood our markets with goods that might well be produced at home.

The last amendment restricts the allowable depreciation to machinery and equipment used in a trade or business. This change is, in effect, the same as the present provision for depreciation found in British income-tax laws. The notorious abuse of the depreciation provision in our income-tax laws in the past is known far and wide. There is scarcely any provision so widely employed for tax avoidance as this provision. A subcommittee of the Ways and Means Committee took notice of this in the preparation of the 1934 revenue bill and threatened to arbitrarily limit the deductions, but upon assurance from the present Secretary of the Treasury that efforts would be put forth to correct administrative abuses, no change was made.

There seems to be no good reason why depreciation on buildings should be granted. Repairs to them are allowable in full and upon their destruction the cost is allowed as a loss. Throughout the country there are millions of dollars invested in buildings which the income-tax unit upon the

basis of the rates ordinarily allowed have long since allowed to be written off in full, yet these buildings are being used and have oftentimes a value far in excess of their original cost. The estimate of the life of a building is too speculative to form the basis for deductions from income. Not even experts agree as to the amount of the yearly loss sustained, if any. It is common knowledge that unless they become obsolete or are abandoned, their useful life is prolonged indefinitely through repairs all of which constitute an annual expense for income taxes.

These amendments are but the beginning of complete overhauling of our revenue laws if we expect a satisfactory statute. No less an authority than Robert H. Montgomery in his most recent revision of Federal Tax Handbook pointed out his own view of the present law as follows:

With us, in a little more than 20 years, we have a continuous retrograde record, with just a few notable exceptions.

The criticism from one of the foremost authorities on taxation aptly sums up my estimate of tax administration.

The necessity for reform as to subject matter is but one of several subjects that must be dealt with if we are ever to expect to have a satisfactory and workable law. The language of the statute is in serious need of revision. Mr. Hubbard, in his Preface to Federal Income Tax Laws, pages 3 and 4, says:

* * * The other defects of the present statute are chiefly due to the failure of its draftsmen to keep pace with the times and to modify the form according to the evolution of the substance. With a commendable affection for ancient tradition but with a distressing lack of courage to discard machinery long since obsolete they have sought laboriously to fashion the canal boat into a zeppelin.

This is in my opinion a fair appraisement of the cumbersome language of the present act. Nothing would tend to so reduce the tremendous volume of tax litigation as a complete rewrite of the revenue laws. It might profitably be undertaken by the able subcommittee of the Ways and Means Committee.

As a final suggestion for clearing up the present mess of the income administration I suggest that the Board of Tax Appeals be abolished, and that proper legislation be enacted for the creation of a body independent of the Treasury Department to review cases before assessment after hearing in an informal manner—both the taxpayer and the Government. The Board of Tax Appeals has long ceased to perform a useful function; it is a luxury that should have been dispensed with long ago. It only serves to clutter up the courts with conflicting opinions which makes it necessary to prolong the files awaiting a number of decisions until final decision can be rendered by the highest court. Mr. Robert Jackson, formerly of the Internal Revenue Department, gave many additional good and sufficient reasons in his testimony before the Senate Finance Committee last session as to why the Board of Tax Appeals should be eliminated.

COMMITTEE ON IMMIGRATION

Mr. KRAMER. Mr. Speaker, I ask unanimous consent that the Committee on Immigration may sit during the session of the House tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 11046) to facilitate the conservation of public lands and other natural resources by coordinating the executive agencies of the Government exercising functions in connection therewith, and for other purposes, be referred to the Committee on Expenditures. I have discussed this matter with the Parliamentarian, the chairman of the Public Lands Committee, as well as the author of the bill, the gentleman from Utah [Mr. ROBINSON], and it is agreeable that this be done. All parties interested feel that the proper committee to consider this matter is the Committee on Expenditures.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. ROBINSON of Utah. Mr. Speaker, reserving the right to object, may I say that after the introduction of this particular bill I found there was another bill very similar to this one that had previously been introduced and referred to the gentleman's committee. I checked the matter up with the Parliamentarian, and I agree with the gentleman from Missouri that this bill should have been referred in the first place to the Committee on Expenditures.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TAXATION OF PREFERRED STOCK, CAPITAL NOTES, AND DEBENTURES OF BANKS

Mr. GOLDSBOROUGH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 11047) relating to taxation of shares of preferred stock, capital notes, and debentures of banks while owned by Reconstruction Finance Corporation and reaffirming their immunity.

May I say in this connection that I am told by the Reconstruction Finance Corporation and by the Federal Deposit Insurance Corporation this legislation is very necessary in order to enable the banks which need this preferred stock to keep their doors open. I may say also that this bill has the unanimous report of the Committee on Banking and Currency.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland for the immediate consideration of H. R. 11047?

Mr. CELLER, Mr. PATMAN, Mr. BIERMANN, and Mr. MARTIN of Massachusetts rose.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object.

Mr. GOLDSBOROUGH. Will the gentleman withhold his objection?

Mr. CELLER. Mr. Speaker, I want to reserve the right to object. I think the gentleman wants to ask some questions.

Mr. MARTIN of Massachusetts. I withhold my reservation.

Mr. BANKHEAD. Is it the gentleman's purpose to object eventually?

Mr. MARTIN of Massachusetts. Yes. I do not think the bill ought to be called up in this manner without further discussion.

Mr. BANKHEAD. Mr. Speaker, I demand the regular order.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object.

SANISH SCHOOL DISTRICT NO. 1, MOUNTRAIL COUNTY, N. DAK.

The SPEAKER laid before the House the following order from the Senate of the United States:

JANUARY 16 (calendar day, FEB. 4), 1936.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3093) to provide funds for cooperation with Sanish School District No. 1, Mountrail County, N. Dak., for extension of public-school buildings to be available for Indian children.

The SPEAKER. Without objection, the request of the Senate will be granted.

There was no objection.

NEUTRALITY RESOLUTION

Mr. WOOD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. WOOD. Mr. Speaker, on yesterday, during the consideration of House Joint Resolution No. 491, known as the neutrality resolution, I was unable to be present on account of illness. I had a pair with the gentleman from Massachusetts, Mr. RUSSELL, who was also absent at that time. May I announce that if I had been here I would have voted

"yea" upon the resolution, although I do not think it went quite far enough.

THE BONUS AND TAXPAYERS

Mr. YOUNG. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to insert therein a radio address which I delivered.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. YOUNG. Mr. Speaker, under leave granted to extend my remarks in the RECORD I include the following radio address delivered by me over WJAY broadcasting station, Cleveland, Sunday evening, February 16, 1936:

Good evening: It benefits a Congressman to receive advice and suggestions from his constituents. I am glad to have this opportunity to report to you upon the work of the present session of your Congress. Shortly before or after adjournment I hope to again report to you. In the meantime I shall be glad to receive suggestions and have the benefit of your views and advice.

We in the Congress seek to preserve the fundamental concept of America and to improve upon the structure of government. Congress is a true cross section of the American people. Its aspiration and ideals, its yearnings for steady employment, for a better economic and social order, are the yearnings and aspirations and the ideals of the American people. We desire to preserve the security of the Nation, the prosperity of our citizens, the honor of our country, and to maintain the United States as the first country of the world.

The most important measure and, in fact, the only measure of any importance in addition to necessary appropriation bills enacted into law thus far during the present session is the Soldiers' Bonus Act.

The Constitution provides that when two-thirds of the Members of both Houses support a measure it becomes a law notwithstanding the veto of the Chief Executive. Cash payment of adjusted-compensation certificates became a law by an overwhelming vote. This is the second time that President Roosevelt's veto has been overridden by the Congress. The President has vetoed a large number of minor or private bills, and these vetoes have all been sustained. May I express my hope that all comrades who are not in need and who, like myself, have salaried positions withhold cashing their adjusted-compensation bonds this year. Thousands of our comrades who are unemployed or in need deserve first consideration. Furthermore, no new taxes will be necessary provided income-tax returns come in as anticipated.

Payment of the soldiers' bonus has been since 1925 an existing governmental obligation—a recognized indebtedness. Therefore, it is not accurate to state that $2,000,000,000 has now been added to the public debt. Had this adjusted compensation been paid in cash in 1925 our taxpayers would have saved huge interest charges. The soldiers' bonus reminds Congressmen of the story of a widow who had a lot of trouble over her husband's estate. She was asked, "Can't you find a law firm that is satisfactory?" She replied, "Don't talk to me about lawyers. I have had so much trouble over this property I almost wish my poor husband had not died."

Friends of inflation call it currency expansion. Opponents call it inflation and speak of the bankruptcy and hardships in Germany and in fact of the financial collapse of every government that has ever tried printing-press money. The Frazier-Lemke farm-debt pay-off bill provides for $3,000,000,000 in new currency fresh from the printing presses. It provides for Government refinancing at low interest rate—Federal Reserve notes to be issued by the Government. The security will be first mortgages against the farms. This bill answers the farmers' prayers. Restricting production has not solved the farmers' problem. I do not believe in plowing under every third row, as was advocated by President Hoover. It is more blessed to distribute than to destroy. The facts are there is an underconsumption in this country, not overproduction.

According to rules of the House of Representatives, if a majority of the Members sign a petition to discharge a committee from further consideration of any bill, that bill must be brought before the House of Representatives for debate and vote. Two hundred and nine Representatives, only nine less than the required number, have already signed the discharge petition relative to the Frazier-Lemke bill. It may be that this measure will be voted on in the House of Representatives. It is likely to be sidetracked in the Senate.

Congress will very shortly strengthen the Mandatory Neutrality Act we enacted late last session. President Roosevelt's foreign policy deserves the support of all our people, regardless of politics. We provided last August for an embargo on arms and munitions to warring nations. This expires on February 29th, and a mandatory neutrality measure similar to this but providing for an absolute embargo as to export of munitions and war materials to warring nations, denial of loans and credit to such nations, and that Americans must keep off merchant vessels of belligerents, not joy-ride on vessels of warring nations, and remain away from war zones will be enacted into law. American manufacturers and dealers should not be so greedy for profits to sell arms and munitions to any nation actually at war. Congress should strengthen this mandatory-neutrality law so that we cannot be dragged into a foreign war. Small profits for American manufacturers today may mean terrific costs for the American people tomorrow. Congress should play safe. In view of the Italian-Ethiopian conflict, neutrality legislation is receiving a lot of consideration. You can term me a pacifist if you like. You may depend upon it, I will, as your Congressman, support neutrality legislation and do my utmost to keep our country from being involved in any Old World conflicts. Congressional sentiment preponderates overwhelmingly in favor of America first and that our country should not become entangled in any foreign squabbles. In fact, all Senators and Congressmen who vote for war should be compelled to go overseas with the first soldiers.

Frequently constituents ask whether there is likelihood of war with Japan. Serving on the Naval Affairs Committee, I find that war talk bobs up now and then. The facts are that Japan, of all countries of the world, is Uncle Sam's second-best customer. In 1935 the Japs bought $115,000,000 worth of cotton produced in the United States. They purchased many millions of dollars' worth of additional products of American farms and factories. In 1935 they sold us less than $1,000,000 worth of merchandise. In other words, for each 89 cents in American money paid to Japan, Americans received more than $115. A man should not fight one of his best customers, nor should a nation. I disagree with Senator PITTMAN and do not share his fears of Japan. We are facing an era of peace and prosperity.

The Civilian Conservation Corps terminates in 1937 unless legislation is enacted extending the operation of these camps. The C. C. C. should be a permanent agency of the Federal Government. One million six hundred thousand boys and young men, jobless and hopeless, have been given employment in these C. C. C. camps. This is the greatest peaceful mobilization in the world. In other countries young men are goose-stepping in armed camps. This is a mobilization to conserve trees in our forest, to conserve soil from erosion, and to preserve the beauties of our national parks. It is the greatest national experiment in constructive social welfare work ever undertaken.

In fact, it is proposed to liberalize this C. C. C. legislation so that all unemployed young men would be eligible for enrollment and the maximum age should be increased to 25 years.

The Supreme Court declared the Triple A unconstitutional, and Congress will provide remedial legislation in an endeavor to make this legislation conform to the majority opinion of the Supreme Court. In event the Supreme Court declares unconstitutional the Guffey coal control and other important laws recently enacted, Congress will remain in session some weeks longer to reenact remedial legislation in conformity to these decisions.

Let me remind you that at the time I first became your Congressman in the darkest hours of the depression in March of 1933 wheat was selling at 34 cents, corn at 12 cents, and hogs at 3 cents. This was less than the cost of production. Farmers were not earning enough to pay interest on their mortgages and their taxes. We in the Congress will never permit agriculture to be pushed back to the pitiful conditions of 1932 and early 1933. Prosperous farmers mean busy factories in cities, more purchasing power everywhere, increased automobile production, and steady employment.

One United States district judge declared the Tennessee Valley Act unconstitutional. Another United States district judge declared this same act constitutional. This has been highly confusing. Tomorrow noon the Supreme Court of the United States may render its long-awaited T. V. A. decision. A United States district court holds the Guffey Coal Control Act constitutional. This decision will be appealed to the United States Supreme Court. No one can definitely assert whether any law is constitutional until the Supreme Court has handed down its decision. Congress should abrogate the right exercised by inferior Federal courts to declare laws unconstitutional.

Furthermore, when the question is so close that a bare majority, five of nine Supreme Court judges, declares a law unconstitutional, as was done in the Railway Pension case and in the Income Tax case (before one of the Supreme Court justices changed his mind), it appears dead wrong to permit a law enacted by 435 elected Representatives and 96 elected Senators to be thus set aside and declared invalid. I favor requirement by act of Congress that three-fourths (seven of nine) Supreme Court justices must agree in order to declare laws unconstitutional. Last year I introduced a bill to provide for this, and I hope for its enactment into law.

Back in the time of John Marshall, Congress silently acquiesced in the case of Madison against Marbury, wherein the Supreme Court for the first time held an act of Congress unconstitutional. The Constitution nowhere specifically gives the Supreme Court the power to declare an act of Congress void.

In Ohio our State constitution, as amended in 1912, provides that five of seven of the State supreme court judges must agree in order to declare a legislative act unconstitutional. This provision has given universal satisfaction in Ohio.

No constitutional amendments are necessary to meet present conditions, nor are increased taxes needed; and your President and the majority in Congress oppose inflation.

Reactionaries in Congress propose a Federal sales tax. We in Ohio know that a retail sales tax is obnoxious and should be repealed. A sales tax, particularly when imposed upon food and clothing, bears down hardest upon the poor. It destroys the consuming power of people. A Republican Congressman displayed sales-tax tokens in use in Missouri. These are cardboard disks about the size of a silver dollar. He said, "When we have paid the bonus, pensioned off war veterans, and then commence paying every man and woman over 60 $200 per month each, we'll be frying the sales-tax tokens and eating them for our Sunday dinners." The average annual per-capita tax of every individual in our country is $122. I personally feel that courageous economy, without denying essential relief, is essential in Government. If the majority of your Congressmen accept my views, no increased taxes will be necessary and governmental expenditures can be greatly curtailed as private industry picks up.

People are greatly concerned over governmental expenditures. It is proper that they should be, even under the do-nothing policy of Herbert Hoover the national debt increased $6,236,000,000. The increase under President Roosevelt is $7,400,000,000. Mr. Hoover failed to balance the Budget by more than $6,000,000,000.

Under President Roosevelt $7,000,000,000 has been put aside to spend on relief. If relief expenditures are not considered, the Budget is balanced. Relief expenditures must be considered. This is a most necessary expenditure. People will riot before they will starve. Mr. Hoover said relief was a "local problem", to be "handled by States and municipalities", themselves bankrupt. That was rugged individualism. That was ruthless. It meant ragged individuals. The national income has increased more than $20,000,000,000 since Franklin D. Roosevelt became President. Conditions differ greatly now from the situation on that black Saturday in 1933 when Mr. Hoover turned the wreck over to President Roosevelt. Our national debt is now but three and a half billion dollars more than it was in 1919. Our national income is greater and our population is 20,000,000 greater. I feel that we can all look forward with hope for steady employment and economic security.

The Social Security Act of 1935 may be amended during the present session. It certainly will be if the Supreme Court declares it unconstitutional. I personally have considerable doubt as to the constitutionality of the pay roll tax feature of this act. Furthermore, that part of Social Security Act relating to old-age pensions should be liberalized. Old-age security payments should commence at the age of 60. More liberal payments should be made.

Congress will remain in session, in all probability, until June, and I shall report to you again.

TAXATION OF PREFERRED STOCK, CAPITAL NOTES, AND DEBENTURES OF BANKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the bill that was called up here a few minutes ago will take taxable property away from local communities and make such property tax exempt and involves between $75,000,000 and $1,000,000,000. I think it contains a very bad principle. I do not think we should take taxable property away from local communities. Therefore, I hope the Members of the House will carefully investigate this bill before permitting it to come up for consideration and ultimate passage.

Mr. MARTIN of Massachusetts. Does the gentleman think we should have liberal time to debate this matter?

Mr. PATMAN. Yes; and we should also be furnished with printed hearings. There are no printed hearings in connection with this bill.

[Here the gavel fell.]

SHALL CONGRESS DECLARE PRIVATE PROPERTY IN LOCAL COMMUNITIES TO BE NONTAXABLE AND CAUSE IT TO BE TAKEN FROM THE TAX ROLLS?

Mr. PATMAN. The bill, H. R. 11047, is intended to declare nontaxable certain stocks held by the Reconstruction Finance Corporation that the Supreme Court, in a recent decision in the *Maryland Case,* decided are taxable. The bill provides:

Notwithstanding any other provision of law or any privilege or consent of tax expressly or impliedly granted thereby, the shares of preferred stock of national banking associations, and the shares of preferred stock, capital notes, and debentures of State banks and trust companies, heretofore or hereafter acquired by Reconstruction Finance Corporation, and the dividends or interest derived therefrom by the Reconstruction Finance Corporation, shall not, so long as Reconstruction Finance Corporation shall continue to own the same, be subject to any taxation by the United States, by any Territory, dependency, or possession thereof, or the District of Columbia, or by any States, county, municipality, or local taxing authority, whether now, heretofore, or hereafter imposed, levied, or assessed, and whether for a past, present, or future taxing period.

You will notice that this is rather far-reaching language used in this bill. It not only includes preferred stock, capital notes, and debentures of State banks, but includes shares of preferred stocks of national banking institutions. Not only does it include the future, but it even attempts to cancel the assessments and levies of States heretofore made. You will notice the language "past, present, or future taxing period." As to how far this bill will go we do not know, but I am certain of one thing, that it will take at least $229,000,000 of property off of tax rolls in the States, counties, and cities that are now on the tax rolls or entitled to be on the tax rolls according to a decision of the United States Supreme Court.

THE AMOUNT INVOLVED

According to a report from the Reconstruction Finance Corporation as printed in the CONGRESSIONAL RECORD for February 5, 1936, in a speech by the Honorable ARTHUR P. LAMNECK, the amount of money received by the bankers in the purchase of preferred stock, capital notes, and debentures in banks and trust companies, including loans on preferred stock, by States is as follows:

Alabama	$14,278,575.00
Alaska	37,500.00
Arizona	$2,430,000.00
Arkansas	4,404,000.00
California	48,502,425.00
Colorado	4,893,500.00
Connecticut	7,192,126.00
Delaware	567,300.00
District of Columbia	15,400,000.00
Florida	2,046,000.00
Georgia	4,835,500.00
Idaho	1,690,000.00
Illinois	90,131,114.17
Indiana	16,387,000.00
Iowa	10,213,000.00
Kansas	5,176,500.00
Kentucky	8,874,850.00
Louisiana	15,272,000.00
Maine	9,125,500.00
Maryland	9,063,170.00
Massachusetts	16,174,200.00
Michigan	39,614,661.00
Minnesota	17,301,025.00
Mississippi	14,048,150.00
Missouri	20,612,125.00
Montana	3,990,500.00
Nebraska	7,897,950.00
Nevada	205,000.00
New Hampshire	751,635.00
New Jersey	69,617,016.07
New Mexico	690,000.00
New York	301,201,605.83
North Carolina	7,463,500.00
North Dakota	4,004,500.00
Ohio	79,977,973.00
Oklahoma	10,934,000.00
Oregon	1,950,000.00
Pennsylvania	45,332,496.50
Puerto Rico	1,250,000.00
Rhode Island	898,500.00
South Carolina	2,746,800.00
South Dakota	4,438,100.00
Tennessee	11,634,100.00
Texas	30,481,125.00
Utah	3,995,000.00
Vermont	15,795,000.00
Virginia	10,694,650.00
Virgin Islands	125,000.00
Washington	6,039,500.00
West Virginia	6,161,066.66
Wisconsin	33,065,600.00
Wyoming	1,362,500.00

You will notice these loans total to the enormous amount of $1,040,973,339.23.

It is my opinion that the proposed law does not cover the entire billion dollars of capital notes, debentures, and preferred stock listed for each State, but, as I have heretofore stated, I am positive it covers $229,000,000 of it, possibly

more; but I cannot be positive about it. The bill contains a bad principle, and it should be defeated.

HOW TAXABLE VALUES IN TEXAS ALREADY AFFECTED

In many States, including Texas, in order to determine the taxable value of banks, the assessing authorities add the capital stock, surplus, and undivided profits of the bank together and then deduct the value of the real estate. In Texas the value of all bank stock shown on the 1934 tax roll was $9,643,135 less than the value for bank stock shown on the 1933 roll. Evidently a large part of this was brought about by the Reconstruction Finance Corporation buying the shares. This does not include what has been taken from the tax rolls by the cities.

The question is, Are the banks to be favored over other taxpaying citizens, and will Congress decide local taxable values and property?

This bill contains a bad principle.

BANKERS' BONUS BILL

If the bill H. R. 11047 becomes a law, it will have the effect of depriving States, counties, cities, and political subdivisions of taxing hundreds of millions of dollars' worth of property that is now taxable. It will be taking this property off the tax rolls of the different governments having taxing power and causing other property to bear its share of the taxes. It is in fact a bankers' bonus bill or an additional dole to the bankers. If we are going to pick out certain classes or groups to contribute Government funds to, there are other classes and groups that are more deserving than this particular class. Banks are necessary and desirable. If it is necessary to use the Government's funds to help the banks, let us do it directly, open and aboveboard, just like we are helping people on relief rolls. It is unnecessary to establish the policy that will be established here, to wit, making taxable property nontaxable in order to help the banks.

MAKING LOCAL PROPERTY NONTAXABLE

Let us take the case of an individual bank in Texas as an illustration. The bank has a capital stock of $500,000. It has sold half of its stock, $250,000, to the R. F. C. Heretofore this stock has paid 10 percent annually, the banks having paid the holders of the stock about $25,000 a year.

With the R. F. C., however, the interest rate is 3½ percent and the bank is only compelled to pay the R. F. C. $8,750 annually on the $250,000 stock issued; that is a net saving to the bank of $16,250 a year. The R. F. C. cannot continue, however, to give the bank this low rate of 3½ percent if it is required to meet taxes on this stock, so the question is: Will we make this stock nontaxable in order to save the banks their just and fair share of the burden of taxation? In Texas banks pay taxes on their capital stock after deducting the value of the real estate rendered for taxation. Many banks in Texas pay taxes on half of their capital stock; the other half not being paid on because the real estate represents about half of their capital stock. If the half of their capital stock that is owned by the R. F. C. is made tax exempt, these banks will not pay any taxes at all. In every town in Texas the city will be prohibited from taxing this heretofore taxable property. Every county will be prohibited from taxing it. Every school district and road district will be prohibited from taxing it. The State will be prohibited from taxing it. I cannot see any good reason why we should give the banks such a preferred status. As I said, if they need financial help from the Government, let us pay them on direct relief as other people are put on direct relief.

PRESENT BENEFITS OF BANKS

Let us see what has already been done by the Government for banking institutions. We have certainly not neglected them. I think they have been well taken care of in the last 3 years. In fact, the Government credit has not been used to bail out any particular industry or business so successfully as in the case of banking institutions. It is true that while we were helping the banks, we were helping the people—the depositors. At the same time, the banks have a duty to perform. I am inserting herewith a statement that has been furnished to me by the Comptroller of the Currency, Mr. J. F. T. O'Connor. It is as follows:

Ratio of loans and discounts to total deposits of national banks on or about June 30, each 5-year period, 1900–25, and yearly, beginning 1926

[Amounts in thousands of dollars]

Date	Number of banks	Total deposits	Total loans and discounts	Ratio of loans and discounts to deposits
June 30—		*Dollars*	*Dollars*	*Percent*
1900	3,732	3,621,542	2,623,512	72.44
1905	5,668	5,407,454	3,899,170	72.11
1910	7,145	7,257,038	5,430,159	74.83
1915	7,605	8,821,242	6,659,971	75.50
1920	8,030	17,166,570	12,396,900	72.22
1925	8,072	19,921,796	12,674,067	63.62
1926	7,978	20,655,044	13,417,674	64.96
1927	7,796	21,790,572	13,955,696	64.04
1928	7,691	22,657,271	15,144,995	66.84
1929	7,536	21,598,088	14,801,130	68.53
1930	7,252	23,268,884	14,887,752	63.98
1931	6,805	22,198,240	13,177,485	59.36
1932	6,150	17,460,913	10,281,676	58.88
1933	4,902	16,774,115	8,116,972	48.39
1934	5,422	19,932,660	7,694,749	38.60
1935	5,431	22,518,246	7,365,226	32.71
Nov. 1, 1935	5,409	24,033,236	7,301,371	30.38
Dec. 31, 1935	5,392	24,847,733	7,505,321	30.21

GOVERNMENT NOW PAYING BANKS $400,000,000 A YEAR

It will be noticed that from 1900 to 1920 from 72 to 75 percent of the deposits of national banks were invested in commercial loans. From 1920 to 1930 from 63 to 68 percent were invested in commercial loans. Since 1930, however, the ratio has reduced until now approximately 30 percent of deposits are invested in commercial loans. Anyone familiar with present conditions of banks knows that the tendency has been for the banks to get out of strictly commercial-loan business and invest their funds in Government bonds. They are now becoming large bondholders. In fact, on June 30, 1935, all the 16,053 banks held $12,201,560,000 in United States Government securities—direct obligations. I do not know what the average rate of interest is that they received, but if the rate is 3 percent, the Government is now paying the bankers $366,000,000 a year interest on the Government obligations I have mentioned. This does not include over $2,000,000,000 of securities guaranteed by the Government as to interest and principal held by these banks. In other words, the Government is now guaranteeing over $400,000,000 a year to banking institutions in the form of interest. We should not encourage banks to invest in Government securities instead of commercial loans.

GOVERNMENT SHOULD NOT PURCHASE CREDIT INFERIOR TO OWN

If an individual borrows or hires the bank's credit, it is right that the individual should pay the bank interest because the bank's credit can be used in the markets of the country the same as currency and the individual's credit cannot be so used. In other words, the bank's credit is better than the individual's credit. In the case of the Government, however, this is not true, the Government's credit is better than the credit of all the banks in the Nation. Therefore, the Government should not pay private banks for the use of their credit because it is inferior to the Government's credit and does not help the Government credit at all. Any amount paid by the Government for credit that is worth less than its own credit is either a bounty, subsidy, or dole, whichever you prefer to call it. The Government is paying almost a billion dollars a year interest on Government obligations. This amount should not be paid.

SOME BENEFITS ENJOYED BY BANKS

Let me enumerate some of the major benefits now received by national banking institutions.

First. National banks hold charters from the United States Government. A bank charter is a valuable franchise.

It guarantees to the owners of this franchise that they will not be molested by competitors in the national banking business unless it can first be shown by those seeking to be a bank's competitor that additional banking facilities are needed in that locality and there is sufficient business that cannot be taken care of by the existing banking institution to justify the additional one. That is a great privilege to be protected against competition unless that competition is needed and will not seriously affect or jeopardize the profits of the existing institution. One receiving such a valuable franchise from the people—a special privilege it may be called—should render some service to the people in return for it.

Second. The Government permits these banks to lend on an average of $10 to every one that the bank possesses. If the bank lends a million dollars and does not have but a hundred thousand in its possession, and it should be called upon for the full million dollars, facilities are available under existing laws that will permit this bank to have $900,000 of new money run off by the Government printing presses for its benefit for the purpose of paying the million dollars to its depositors when it only has one hundred thousand. Of course, it is seldom that banks are called on in this way, but the Government's credit is standing by to assist the banks if needed. The Bureau of Engraving and Printing is standing by ready to print the additional money that is needed. In other words, the bank's operations depend largely upon the backing of the Government's credit For this privilege the banks should render some service to the people.

Third. The Federal Deposit Insurance Corporation was organized for the purpose of guaranteeing deposits in banks. The Government caused $300,000,000 of the funds necessary for this purpose to be deposited and the banks furnished $39,000,000 of the original fund of $339,000,000. Therefore, the Government has been rather generous in furnishing about nine-tenths of the money necessary to guarantee the deposits in the banks. For this privilege, the banks should render some service to the people.

Fourth. The banks claim that new capital is needed in order to keep their credit structure sound. The R. F. C. has invested about a billion dollars in stocks, notes, and debentures of banks in every State of the Union. Heretofore the banks paid around 10 percent annually to the holders of their stock. They are now required to pay only 3½ percent to the R. F. C. That is saving the banks a considerable sum of money.

Fifth. During the past 3 years banks, by an act of Congress, have been relieved of the responsibility of paying interest on demand deposits. This is saving the banks over $250,000,000 a year.

Sixth. Congress has passed laws which have caused interest on time deposits to be reduced. I do not know how much has been saved in this way, but I believe that a fair estimate would be $200,000,000 a year.

Seventh. In addition to all these benefits, the banks are furnished Government bonds which are interest bearing and tax exempt in return for credit that is inferior to the Government's own credit. Congressional laws have made facilities available to banks for the deposit of these Government bonds and the issuance of new money dollar for dollar in return to them if the new money is needed. Again the Government printing presses at the Bureau of Engraving and Printing represent a stand-by that may be used any time to print money by the tons for the bankers if it is needed.

SERVICE CHARGES

For a hundred years banks recognized the great benefits guaranteed to them by the Government and rendered free of charge a certain amount of service for the accommodation of the people, the public generally, whether they had deposits in banks or not. Now, however, many of the banks have adopted a policy of charging for every little service they render. Even if you have a deposit of $500 in a bank, if you issue many checks, you have to pay a service charge on that average balance. Five hundred dollars is sufficient for the banks to issue $5,000 in credit with the Government backing, and the people back the Government. These service charges are deflationary as many people cannot do business with banks. This has restricted credit and velocity of credit and currency, which is deflationary, and detrimental to the interest of the country.

BAD PRECEDENT

With all these rights, benefits, and privileges, it occurs to me that a bank's property should be taxed just like the property of any other citizen or corporation. I think it is a very bad precedent for the Government to attempt to render nontaxable private property in the different States.

PERMISSION TO ADDRESS THE HOUSE

Mr. KNUTE HILL. Mr. Speaker, I ask unanimous consent that on Thursday next, after the reading of the Journal and disposition of business on the Speaker's desk, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, I did not know that requests of this sort were going to be made. May I say that the gentleman from Texas [Mr. JONES], chairman of the Committee on Agriculture, has stated to me that at that time he expects to have the agricultural bill up for consideration. It is the hope and purpose of that committee to get through with the bill sometime Friday. He informs me that if he was present and any requests of this nature were made to speak out of order after he called up that bill he would object. I hope the Members may get an opportunity under general debate to speak. I feel I ought to make this statement, because the chairman of the Agricultural Committee asked me to make it, and if present he would himself object to unanimous-consent requests to speak on that day. I hope the gentleman will withdraw his request for the present. Maybe we can arrange to get time for him, and I assure him I will do my best.

The SPEAKER. Does the gentleman from Washington withdraw his request?

Mr. KNUTE HILL. Mr. Speaker, I withdraw the request.

CAPITAL PUNISHMENT

Mr. HILDEBRANDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILDEBRANDT. Mr. Speaker, the American League to Abolish Capital Punishment is seeking support for a movement to end the execution of minors.

This is certainly a step in the right direction. The movement should not end there, for the death penalty itself is a relic of barbarism and should not be in force in any civilized country, least of all in our own. It is particularly cruel and indefensible to take the life of a minor, for in later years he may become a good and honorable citizen.

"An eye for an eye, a tooth for a tooth, and a life for a life" is no longer looked upon with favor by conscientious people. This code is now recognized as out of keeping with the dictates of humanity, patriotism, and true religion. Society cannot, of course, forgive violations of law, and punishment must be imposed, but it should be punishment that affords the offender an opportunity to reform. Few men and women are really bad; it might be true to say that none are bad, for violations of law are generally due to economic reasons or to abnormal psychology. If the former, allowance should be made for the poverty of the lawbreaker or the temptation. If the latter, physical and mental treatment are needed.

The Man of Galilee—the world's greatest democrat and humanitarian—taught a kinder and more merciful code. He

laid down principles that were quite the contrary of the harsh dogmas of the Mosaic law.

Modern government should be based on such teachings rather than the severe practices of the earlier time.

ORDER OF BUSINESS

Mr. PITTENGER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PITTENGER. Mr. Speaker, what is the plan of the House leaders with respect to omnibus bills? Today is the day for their consideration, and the Claims Committee expected them to be reached.

The SPEAKER. That is entirely subject to the will of the House. The House is still in session.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I reserved the right to object when the gentleman from Maryland [Mr. GOLDSBOROUGH] asked unanimous consent for the consideration of a bill with reference to the R. F. C. a few moments ago. I did not reserve this right in order to object to the bill but I wanted to get some information about it and help pass it. I state this so the RECORD may show that I am in favor of the bill and want to see it passed. The bill is a most salutary one. It is absolutely necessary if the R. F. C. is to continue its support of banks in distress. It has the recommendation of Mr. Jones, Chairman of the R. F. C. His recommendation should satisfy all of us. He and Mr. Merriam and their colleagues and their legal department under James Alley have done a splendid job in their relief of distressed banks. They have rendered yeoman service to the country also in the excellent, efficient manner they have handled industrial loans, and through their R. F. C. mortgage company they have rescued many communities with their building loans and mortgages. I am more than happy to express this word of praise for Mr. Jones and his department.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 27. Concurrent resolution providing for a compilation of Federal laws administered by the Veterans' Administration.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 3227. An act to amend section 3 of the act approved May 10, 1928, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes", as amended February 14, 1931;

S. 3277. An act authorizing a preliminary examination of the Nehalem River and tributaries, in Clatsop, Columbia, and Washington Counties, Oreg., with a view to the controlling of floods; and

S. J. Res. 118. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

Mr. COCHRAN. Mr. Speaker, I think these omnibus bills are of such importance that the Members of the House ought to be present, and I therefore make the point of order there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, under all the circumstances, it being so late in the day, and for other reasons, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 57 minutes p. m.) the House adjourned until tomorrow, Wednesday, February 19, 1936, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

668. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 14, 1936, submitting a report, together with accompanying papers, on a preliminary examination of Sandy River, near Troutdale, Oreg., authorized by the River and Harbor Act, approved August 30, 1935; to the Committee on Rivers and Harbors.

669. A letter from the Secretary of War, transmitting, pursuant to section 1 of the River and Harbor Act approved January 21, 1927, a letter from the Chief of Engineers, United States Army, dated February 11, 1936, submitting a report, together with accompanying papers and illustrations, containing a general plan for the improvement of Connecticut River, Conn., Mass., N. H., and Vt., for the purposes of navigation and efficient development of its water power, the control of floods, and the needs of irrigation (H. Doc. No. 412); to the Committee on Rivers and Harbors and ordered to be printed, with six illustrations.

670. A letter from the Secretary of War, transmitting a draft of a bill to authorize an appropriation for construction at military posts, and for other purposes; to the Committee on Military Affairs.

671. A letter from the assistant secretary-treasurer of the National Institute of Arts and Letters, transmitting the official report of the National Institute of Arts and Letters for the year 1935; to the Committee on the Library.

672. A letter from the assistant to the president of the American Academy of Arts and Letters, transmitting the official report of the American Academy of Arts and Letters for the year 1935; to the Committee on the Library.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MANSFIELD: Committee on Rivers and Harbors. S. 3071. An act providing for the placing of improvements on the areas between the shore and bulkhead lines in rivers and harbors; with amendment (Rept. No. 2018). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'CONNOR: Committee on Rules. House Resolution 419. Resolution providing for the consideration of S. 3780; without amendment (Rept. No. 2020). Referred to the House Calendar.

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of useless papers in the War Department. (Rept. No. 2021). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. TURNER: Committee on Military Affairs. H. R. 11164. A bill for the relief of Arthur Van Gestel, alias Arthur Goodsell; without amendment (Rept. No. 2019). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10468) granting a pension to William S. Morrison, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAAS: A bill (H. R. 11280) to provide that pilots employed by companies carrying mail by aircraft shall be

organized as an aviation reserve, and for other purposes; to the Committee on Military Affairs.

By Mr. PETERSON of Florida: A bill (H. R. 11281) to authorize a preliminary examination and survey of Weekiwachee River, Fla.; to the Committee on Rivers and Harbors.

By Mr. WITHROW: A bill (H. R. 11282) to provide for surplus reduction in the dairy industry, and for other purposes; to the Committee on Agriculture.

By Mr. SCOTT: A bill (H. R. 11283) to provide for the refunding of pay forfeited under the Legislative Appropriation Acts of 1933 and 1935 to certain enlisted members of the armed services; to the Committee on Military Affairs.

Also, a bill (H. R. 11284) to authorize a family allowance for enlisted members of the Navy; to the Committee on Naval Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Mississippi regarding the extension of cotton loans; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 11285) for the relief of Joseph Wells; to the Committee on Claims.

By Mr. DARDEN: A bill (H. R. 11286) for the relief of Raleigh Alfred Barrett, Jr.,; to the Committee on Claims.

By Mr. DIETRICH: A bill (H. R. 11287) granting a pension to Sarah C. Cary; to the Committee on Invalid Pensions.

By Mr. DOUTRICH: A bill (H. R. 11288) granting an increase of pension to Elizabeth Klepper; to the Committee on Invalid Pensions.

By Mr. LAMNECK: A bill (H. R. 11289) granting a pension to Pearl E. Cox; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11290) granting an increase of pension to Louisiana Cabe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11291) for the relief of Samuel H. Kesterson; to the Committee on Claims.

Also, a bill (H. R. 11292) for the relief of Isabella Thomas Hooper; to the Committee on Claims.

By Mr. TOBEY: A bill (H. R. 11293) for the relief of Gennette H. Unwin; to the Committee on Claims.

By Mr. WELCH: A bill (H. R. 11294) providing for the advancement on the retired list of the Army of A. W. Barry; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10157. By Mr. BOEHNE: Petition of Kenneth Grant, Leavenworth, Ind., and others, requesting Congress to enact legislation at this session that will indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10158. Also, petition of James Summers, of Alton, Ind., and others, requesting Congress to enact legislation at this session that will indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10159. Also, petition of Eliza Hancock, of Poseyville, Ind., and others, requesting Congress to enact legislation at this session that will indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10160. Also, petition of Pollie Jones, of Winslow, Ind., and others, requesting Congress to enact legislation at this session that will indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10161. Also, petition of Truman Corn, of Huntingburg, Ind., and others, requesting Congress to enact legislation at this session that will indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10162. Also, petition of star-route carrier 33242, of Beechwood, Ind., and others, requesting Congress to enact legislation at this session that will indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10163. Also, petition of William H. Wehr, of Schnellville, Ind., and others, requesting Congress to enact legislation at this session that will indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10164. By Mr. CUMMINGS: Petition of patrons of star route no. 65181, Washington County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase compensation thereon; to the Committee on the Post Office and Post Roads.

10165. Also, petition of patrons of star route no. 65175, Washington County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase compensation thereon; to the Committee on the Post Office and Post Roads.

10166. Also, petition of patrons of star route no. 65171. Yuma County, Second Congressional District of Colorado, urging enactment of legislation to extend existing star-route contracts and increase the compensation thereon; to the Committee on the Post Office and Post Roads.

10167. By Mr. GUYER: Petition of citizens of Washington, D. C., urging early hearings on legislation to control motion-picture production; to the Committee on Interstate and Foreign Commerce.

10168. Also, petition of citizens of Wathena, Kans., petitioning the restoration of prohibition to the District of Columbia through the enactment of House bill 8739; to the Committee on the District of Columbia.

10169. Also, petition of citizens of Gaylord, Kans., petitioning the restoration of prohibition to the District of Columbia through the enactment of House bill 8739; to the Committee on the District of Columbia.

10170. By Mr. HALLECK: Two petitions of citizens of the Second Congressional District, State of Indiana, urging compensation for star-route carriers equal to that paid in connection with other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10171. By Mr. HOUSTON: Petitions supporting House bill 8739, containing 339 signatures of residents of Fifth District of Kansas; to the Committee on the District of Columbia.

10172. By Mr. RICH: Petitions of citizens of McKean County, Pa., favoring House bill 10756; to the Committee on the Post Office and Post Roads.

10173. Also, petitions of citizens of McKean County, Pa., favoring legislation to pay a monthly pension of $200 to persons 60 years of age; also bill to raise taxes to meet this expenditure; to the Committee on Ways and Means.

10174. By Mr. SMITH of Washington: Petition of residents of Skamania County, State of Washington, regarding star-route mail contracts; to the Committee on the Post Office and Post Roads.

10175. By Mr. THOMASON: Petition of the commissioners' court of El Paso County, and the commissioners' court

of Terrell County, Tex., urging that unemployed people who have attempted to remain self-supporting be employed on Works Progress Administration projects; to the Committee on Ways and Means.

10176. By Mr. TOBEY: Petition of Howard T. Woodward and 133 other patrons of Milan and Berlin, N. H., and users of star route no. 2102 in New Hampshire, asking Congress to enact legislation to extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10177. By Mr. WHITE: Petition of patrons of star route 70162 from Salmon to Gibbonsville, Idaho, urging the enactment of legislation at this session which will indefinitely extend all existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10178. By the SPEAKER: Petition of the United Mine Workers of America; to the Committee on Labor.

10179. Also, petition of Juan Sabares; to the Committee on Insular Affairs.